In an effort to protect public health and prevent the spread of COVID-19, we encourage you to watch on FVTV on the city’s website or via Spectrum Channel 3, Verizon FiOS Channel 21 and AT&T U-Verse Channel 99. Those watching remotely but desiring to testify on an item have two options: (1) in advance until 5:00 PM on October 28, 2020 by letter, email, or by telephone; and (2) until the close of public hearing on the item in question via email at PC.PublicComments@fountainvalley.org. In the subject line, please indicate the item number and include your name and address. If further information is desired, you may contact the Planning Department at (714) 593-4425.

Applicants and stakeholders may also attend the meeting to address the Planning Commission in person. However, to prevent the spread of COVID-19, all attendees are required to wear a face mask and adhere to physical distancing requirements. To limit crowds, please wait outside until your item is being considered. Each item will be announced and the Chair will allow time to clear and for applicants to enter the chambers between items.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in Planning Commission meetings, please contact the Planning Department at 714-593-4425. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

REGULAR MEETING

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL: Farrell, Gaston, Saad, Vice-Chair Osborn, Chair Spear

APPROVAL OF MINUTES

- September 23, 2020

Anyone wishing to speak during Public Comments must fill out and submit a blue speaker card. The Planning Commission can take no action on this date, unless the item is agendized. Anyone wishing to speak on items not on tonight’s agenda may do so during Public Comments. Speakers on items scheduled for Public Hearing or non-public hearing items will be invited to speak when those items are heard. (Three minutes per speaker)

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

It is customary for Commissioners to visit applicant sites. Unless any Commissioner has further disclosure statements at this time, it may be stated that no contact was made during the visit with the applicant, his/her agent or neighbors of the proposed project.
PUBLIC HEARINGS

1. VARIANCE 332, CODE AMENDMENT 20-09, DEVELOPMENT AGREEMENT, AND VACATION OF EASEMENT, AND AN ADDENDUM TO THE FVCSP EIR

The Orange County Sanitation District (OCSD) submitted a request to develop a 109,914 square foot, three story administration and headquarters building with a pedestrian bridge spanning Ellis Avenue on a 5.2 acre property located east of Bandelier Circle, north of Ellis Avenue, and west of Pacific Street. While the physical structure has been acted upon, its approval is contingent upon subsequent actions by the Planning Commission and City Council. At this hearing, the Planning Commission will consider a variance request to the following FVCSP requirements: Frontage coverage on Pacific Street and Bandelier Street per FVCSP 2.4.6.B.1; Build-to-corner on Ellis Avenue/Bandelier Circle per FVCSP 2.4.8.B; Curb cuts & driveways on Pacific Street per FVCSP 2.7.3.A.2.a; Street façade base on Pacific Street, Ellis Avenue, and Bandelier Circle per FVCSP 2.8.1.B.2.a.ii; Street façade top on Pacific Street, Bandelier Circle and Ellis Avenue per FVCSP 2.8.1.B.3.a; and street façade wall composition on Bandelier Circle per FVCSP 2.8.1.B.4.a. The Planning Commission will also consider and provide a recommendation on Code Amendment 20-09 that includes an amendment to eliminate the Special Public Open Space requirement, amend parking requirements for Workplace-Professional uses, and add a skyway pedestrian bridge section to the FVCSP, a Development Agreement and Pedestrian Bridge, and a Vacation of Easement. The Planning Director approved Development Plan Review 20-01 and Deviations to the FVCSP for the project on October 14, 2020.

The Planning Commission will consider an Addendum to the FVCSP Environmental Impact Report for the proposed project and provide a recommendation to the City Council. The Addendum concludes that the proposed revisions will not result in any new significant impacts beyond those that were identified in the previously certified FVCSP Environmental Impact Report (CEQA Guidelines Section 15162). The Planning Commission’s recommendations are tentatively scheduled to be heard by the City Council on November 17, 2020.

Recommended Action: Staff recommends that the Planning Commission adopt Alternative #1 approving Variance 332 contingent upon City Council action and recommending that the City Council approve the addendum, Code Amendment 20-09, Development Agreement/Bridge, and Vacation of Easement.

2. CODE AMENDMENT 20-08 - AN AMENDMENT TO THE OPEN SPACE PROVISIONS OF THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN

Petition to re-craft the Open Space Provisions contained in Chapter 2.6 of the Fountain Valley Crossings Specific Plan (FVCSP) to focus on publically accessible plazas and courtyards, loosen restrictions to foster creative design, and set a minimum project size to which the open space provisions would apply. This would allow for incremental changes in the area, acknowledge smaller parcel sizes, and focus open spaces to those locations where parks would benefit the public the most. For those projects meeting the proposed size threshold, the proposed refinements would not alter the amounts of open space that are currently required to be provided. An Addendum will be considered that concludes that the proposed revisions will not result in any new significant impacts beyond those that were identified in the previously certified FVCSP Environmental Impact Report (CEQA Guidelines Section 15162).
Recommended Action: Staff recommends the Planning Commission adopt Alternative #1: Adopt Resolution No. 20-19 (Attachment #1) recommending that the City Council approve an Addendum to the FVCSP EIR in accordance with CEQA and approve Code Amendment No. 20-08, an amendment to the open space provisions of the FVCSP.

NEW BUSINESS
None.

UNFINISHED BUSINESS
None.

PUBLIC COMMENTS
Anyone wishing to speak on non-agendized items may do so at this time.

COMMENTS FROM STAFF

COMMENTS FROM COMMISSIONERS

ADJOURNMENT
Adjournment to the next regular Planning Commission meeting scheduled for November 18, 2020.

ALL ITEMS WHICH HAVE FINAL APPROVAL BY THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL WITHIN 20 CALENDAR DAYS OF THE COMMISSION'S ACTION BY ANY APPLICANT OR PROPERTY OWNER WITHIN 500 FT. OF THE SUBJECT PROPOSAL. PERSONS WISHING FURTHER INFORMATION SHOULD CONTACT THE PLANNING DEPARTMENT (CHAPTER 21. 60 FVMC)

MATERIAL(S) RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE PLANNING COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKET IS/ARE AVAILABLE FOR PUBLIC INSPECTION IN THE PLANNING DEPARTMENT AT 10200 SLATER AVENUE, FOUNTAIN VALLEY DURING NORMAL BUSINESS HOURS.

Planning Commission meetings can be viewed on FVTB via Spectrum Cable Channel 3, Frontier FiOS Channel 21, and AT&T U-Verse Channel 99. Commission Meetings are also posted on the City’s website at www.fountainvalley.org.
STUDY SESSION

CALL TO ORDER: Chair Spear called the session to order at 5:30 p.m.

1. CONDITIONS OF APPROVAL STUDY SESSION
   Planning Director Brian James presented a PowerPoint presentation on the best practices for crafting conditions of approval. Mr. James answered questions from the commissioners. With no one in the audience wishing to speak on this item, the study session ended.

REGULAR MEETING

CALL TO ORDER: Chair Spear called the meeting to order at 6:00 p.m.

Chair Spear announced the city's COVID-19 health and safety instructions for anyone wishing to attend a commission meeting in person and instructions on how to submit comments by email up until the close of the public hearing item.

SALUTE TO THE FLAG: Chair Spear led the flag salute.

ROLL CALL:
PRESENT: Farrell, Gaston, Saad, Chair Spear
ABSENT: Osborn

APPROVAL OF MINUTES

- September 23, 2020

Action: Approve the Planning Commission meeting minutes of September 23, 2020, as submitted.

Motion: Saad Second: Farrell
AYES: Farrell, Gaston, Saad, Spear
NAYS: None.
ABSTAIN: None.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

None.
PUBLIC HEARING

Chair Spear announced the city’s COVID-19 health and safety instructions for anyone wishing to attend a commission meeting in person and instructions on how to submit comments by email up until the close of the public hearing item.

1. **CONDITIONAL USE PERMIT NO. 1886 – NEWHOPE MEDICAL OFFICE**
   Petition submitted by Julie Mai on behalf of Synergistic Collaboration LLC to establish and operate a medical office located at 17220 Newhope Street, #127. This request is exempt from environmental review pursuant to CEQA Guidelines Section 15301.

Chair Spear opened the public hearing. Principal Planner Steven Ayers presented the staff report. With no public comments received in person or by email, Chair Spear closed the public hearing.

   Action: Adopt Alternative #1 and approve the request as submitted.
   Motion: Saad  Second: Farrell
   AYES: Farrell, Gaston, Saad, Spear
   NAYS: None.
   ABSTAIN: None.

NEW BUSINESS

None.

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

None.

COMMENTS FROM STAFF

None.

COMMENTS FROM COMMISSIONERS

None.

ADJOURNMENT

Chair Spear adjourned the meeting at 6:35 p.m. to the next scheduled Planning Commission meeting of October 14, 2020.

APPROVED
Request for Planning Commission Action

To: Planning Commission
DATE: October 28, 2020

From: Principal Planner, Steven Ayers

Subject: ORANGE COUNTY SANITATION DISTRICT (OCSD) HEADQUARTERS BUILDING – VARIANCE 332, VACATION OF EASEMENT, CODE AMENDMENT 20-09, DEVELOPMENT AGREEMENT AND PEDESTRIAN BRIDGE

Location

The Project site is an approximate 5.2-acre property located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street that includes the following existing properties:

- 18484 Bandilier Circle – APN 156-163-06
- 18475 Pacific Street – APN 156-163-08
- 18410 Bandilier Circle – APN 156-163-10
- 18368 Bandilier Circle – APN 156-163-11
- 18429 Pacific Street – APN 156-163-09

Zoning

SP – Specific Plan. Fountain Valley Crossings Specific Plan (FVCSP), Mixed Industry District

Project Proposal (“Project”)

OCSD has submitted a request for the development of a three story, 109,914 square foot headquarters building, site improvements, and pedestrian bridge spanning Ellis Avenue (Project).

The Project necessitates several entitlement actions involving hearings by the Subdivision Review Committee, Planning Director, Planning Commission, and the City Council. The Subdivision Committed review was the first of four hearings and merged five parcels into a single parcel. Development Plan Review 20-01 was the second hearing and addressed the physical structure, site improvements and three deviations to requirements of the FVCSP for the maximum building length (a 2% deviation - 203’11 ¼” proposed instead of the maximum 200’), street façade composition (a 5.5% deviation – 18.9% window openings proposed instead of the minimum 20%), and parking requirements (a 5% deviation – 261 spaces proposed instead of the 275 required). Development Plan Review 20-01 and Deviations were approved contingent upon the subsequent actions on the project by the Planning Commission and City Council.
This hearing before the Planning Commission will the third of four required hearings and will consider Variance request (Variance 332) to deviate from the following requirements of the Fountain Valley Crossings Specific Plan (FVCSP). Each Variance request is detailed later in this report:

- Frontage Coverage Requirements of the Fountain Valley Crossings Specific Plan (FVCSP) Section 2.4.6.B.1 along Pacific Street and Bandilier Circle.
- Build-to-Corner requirement of FVCSP Section 2.4.8.B for the corner of Ellis Avenue and Bandilier Circle.
- Curb Cuts and Driveways requirement of the FVCSP Section 2.7.3.A.2.a along Pacific Street.
- Street Façade Base requirement of the FVCSP Section 2.8.1.B.2.a.ii along Pacific Street, Ellis Avenue, and Bandilier Circle.
- Street Façade Top requirement of the FVCSP Section 2.8.1.B.3.a along Ellis Avenue and Bandilier Circle.
- Street Façade Wall Composition requirement of the FVCSP Section 2.8.1.B.4 along Bandilier Circle.

OCSD has also submitted a request for a Vacation of Easement, Code Amendment 20-09, and a Development Agreement and Pedestrian Bridge. These entitlement requests will be reviewed by the Planning Commission for a recommendation to the City Council and will ultimately be decided upon by the City Council at a tentative date of November 17, 2020. An Addendum to the FVCSP Final Environmental Impact Report stating that no new or substantially more severe significant impacts would occur as a result of the proposed headquarters building will also be considered for recommendation by the Planning Commission to the City Council.

**Code Requirement**

Pursuant to FVCSP Section 2.0.5.F.3.a, requests for deviations greater than twenty percent (20%) to the development standards outlined in the FVCSP shall require a variance in accordance with Fountain Valley Municipal Code (FVMC) 21.50. Pursuant to FVMC 21.34, the Planning Commission shall forward a written recommendation to the City Council whether to approve, approve in modified form, or disapprove a proposed Code Amendment, based on the findings contained in Section 21.34.050. Pursuant to FVMC 21.38, the Planning Commission shall forward a written recommendation to the City Council that it approve, conditionally approve, or disapprove the Development Agreement application. Lastly, in accordance with the procedures contained in the proposed code amendment to allow a bridge to span the public right-of-way, the Planning Commission shall forward a recommendation to approve, conditionally approve, or disapprove the proposed bridge, which is contained in the Development Agreement.

**Background**

The proposed Project necessitates several entitlement actions involving review by the City of Fountain Valley Subdivision Review Committee and public hearings by the Planning Director, Planning Commission, and the City Council. The following table, Table 1:
Entitlement Summary, provides a list of entitlements required to process the Project and the review authority. The review authority varies depending on the entitlement.

**Table 1: Entitlement Summary**

<table>
<thead>
<tr>
<th>Entitlement</th>
<th>Review Authority</th>
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<tbody>
<tr>
<td>Lot Line Adjustment 19-01</td>
<td>Subdivision Review Committee – Approved by Subdivision Committee 9/12/19</td>
</tr>
<tr>
<td>Lot Line Adjustment 19-02</td>
<td>Subdivision Review Committee – Approved by Subdivision Committee 11/21/19</td>
</tr>
<tr>
<td>Development Plan Review 20-01</td>
<td>Development Plan Review Meeting – Approved by Planning Director 10/14/2020. Contingent upon PC/CC actions</td>
</tr>
<tr>
<td>Deviations to FVCSP for Development Plan Review 20-01</td>
<td>Development Plan Review Meeting – Approved by Planning Director 10/14/2020. Contingent upon PC/CC actions</td>
</tr>
<tr>
<td>Variance 332</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>Vacation of Easement</td>
<td>City Council (PC Recommendation)</td>
</tr>
<tr>
<td>Code Amendment 20-09</td>
<td>City Council (PC Recommendation)</td>
</tr>
<tr>
<td>Development Agreement and Pedestrian Bridge</td>
<td>City Council (PC Recommendation)</td>
</tr>
</tbody>
</table>

In 2019, OCSD submitted requests for two Lot Line Adjustment’s (LLA) for the proposed Project. The requested LLA’s were processed last year and reviewed by the City’s Subdivision Review Committee pursuant to FVMC 21.76. LLA No. 19-01 was initiated to complete a LLA that was initiated, but never completed, by the previous owner of the properties located at 18484 Bandilier Circle and 18475 Pacific Street. OCSD submitted a request under LLA 19-01 to complete this request so the two properties could be merged into one. OCSD then initiated LLA 19-02 to complete the merger of the rest of the parcels in the Project (156-163-06, 156-163-08, 156-163-10, 156-163-11, and 156-163-09) so the proposed Project would be completely under one property when complete.

LLA 19-01 was reviewed by the Subdivision Committee on September 12, 2019 and approved. LLA 19-02 was reviewed by the Subdivision Committee on November 21, 2019 and approved. Both LLA’s were approved subject to the conditions that the existing buildings be demolished under an approved demolition permit and that the LLA’s were contingent upon approval of the Projects Development Plan Review.

**Development Plan Review**

On October 14, 2020, the Planning Director approved Development Plan Review (DPR) 20-01 and Deviations to the FVCSP. The DPR approved OCSD’s request for the construction of a 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street (Attachment #1) contingent upon actions of the Planning Commission and City Council on the Project. The new Headquarters Building will replace five existing buildings located within the FVCSP. The Project complies with all development standards of the FVCSP, except as noted in the Deviations and Variance 332 Sections below.
The use of the new building will be an administrative office including boardroom facilities for civic events and exhibit/touring facilities for educational functions. This use is classified as a Workplace – Professional Services use in the Mixed Industry District of the FVCSP and is permitted by right. The new building will accommodate a civic-scaled lobby housing the Board Room/Multipurpose Room, a public exhibit displaying the history and values of OCSD as a kick-off for public tours and events, and the administrative offices for the sanitation district. Approximately 228 employees would be relocated from OCSD’s Plant No. 1, which is located south of Ellis Avenue, to the new Administrative Headquarters Building. The grounds of the Administrative Headquarters Building will include parking, a public entrance plaza, an exhibit plaza, and a private landscaped employee courtyard.

A proposed private pedestrian bridge will be a painted steel, open-air structure spanning Ellis Avenue from the new building to inside the secure perimeter of OCSD’s Plant 1. The bridge will provide a secure and safe pathway for employees, guided tour visitors, and select utilities to cross Ellis Avenue and directly access OCSD’s Plant 1. The plant side of the bridge landing (south end) will include stairs and an elevator.

The proposed Headquarters Building will be three stories and 65 feet tall (48 feet tall with an additional 17 feet parapet for rooftop screening). The building will provide 43,166 square feet on the first level, 33,915 square feet on the second level, and 32,833 square feet on the third level.

The Project includes 261 onsite parking spaces for employees and visitors, a building footprint of 43,100 square feet (19.1% of the property), hardscape comprising of an on-site parking lot and sidewalks totaling 126,600 square feet (55.8% of the property), and landscaping totaling 57,100 square feet (25.1% of the property). The parking lot landscaping, drive-aisles, and parking dimensions were designed to meet the minimum dimensions required by the FVCSP. Both unsheltered and sheltered (under a photovoltaic canopy) parking will be available in the on-site parking lot. Parking will be accessed from one driveway on Bandilier Circle and two driveways on Pacific Street.

Architecturally, the building will provide an innovative modern design that meets the requirements of the FVCSP and the architectural desires of OCSD. The exterior facade includes glass unitized curtain walls, a louvered aluminum blade baguette solar shading system with architectural exposed structural steel on the south side of the building, a terra cotta dark panel construction with a louvered aluminum blade baguette shading on the boardroom elevations, a metal panel at the entry portal to the building, corrugated/perforated metal screening material at the rooftop mechanical areas, a metal cable roof guardrail along the parapet of the building, and a single ply welded membrane roofing system. A stainless steel wire mesh system will be utilized on the pedestrian bridge. A complete list of all exterior materials can be found in the Project description letter (Attachment #2) to this report and shown on the plans (Attachment #1). Minimal signage will be provided in two locations: at the entrance canopy on the north plaza and with pin-mounted letters on the south façade of the boardroom.

Exterior lighting will be provided at the building predicated on dark-sky design principles to minimize glare, reduce light trespass, and minimize light intrusion in the night sky. Lighting will be provided on the pedestrian bridge at an average illuminance of 6.3 footcandles (fc)
when the lights are on a full output. The lighting design of the pedestrian bridge will provide
the necessary light levels for safe egress to and from the bridge while also minimizing glare
to the oncoming traffic. The luminaries on the pedestrian bridge will provide precise optics,
which reduce glare to a glare rating of “0” according to the Illuminating Engineering Society
(IES) of North America. Additionally, the luminaires are dimmable so the light level can be
adjusted to respond to the specific conditions in the immediate surroundings throughout the
year. Lastly, the luminaires will be placed in the center of the bridge ceiling to provide light
to the pedestrian bridge pathway, Because of this, and because the luminaire’s light source
is recessed up in the luminaire housing, there will be very limited view of the luminaire lens
by passing cars and very little light will transmit from the bridge down onto the road surface.

On-site parking will be provided for employees and visitors in the surface parking lot located
on the north side of the building. Groups touring the facility will arrive by bus or van and be
dropped off at the designated bus boarding area to the north of the building. The bus or
vans will then leave the Headquarters site and drive to OCSD’s Plant 1 to park and await
the completion of the tour. The guided tour groups will gather in the Headquarters building
for the tour and walk to OCSD’s Plant 1 via the pedestrian bridge. Once the tour has
commenced, the touring groups will be picked up by their bus on OCSD’s Plant 1.

Deviations

In addition to the DPR, the applicant received approval for deviations to the FVCSP at the
Development Plan Review public hearing on October 14, 2020, contingent upon actions by
the Planning Commission and City Council on the Project. The deviations to the FVCSP,
which are deviations in the amount less than 20% of a standard requirement of the FVCSP,
included the following:

- Deviation #1 – A deviation to the building length along Ellis Avenue. Per FVCSP Section
  2.3.3.B.1, new buildings shall not exceed the specified maximum length as specified for
each District in Section 2.1 – Development Standard. The maximum building length in
the Mixed Industry District of the FVCSP is 200 feet. The proposed OCSD Headquarters
Building has provided a building length along Ellis Avenue of 203’ 11¼ ”, which equals a
deviation of 2%.

- Deviation #2 – A deviation to the street façade composition along Pacific Street. Per
  FVCSP Section 2.8.1.B.4.a, at street-facing facades, the proportion of window openings
shall be a minimum of 20% of the vertical wall area between the ground (finish grade)
and the top of the uppermost floor (the percentage does not include parapet height).
This standard is required in the Mixed Industry District of the FVCSP. As designed, the
street façade composition is proposed at 18.9%, which equals a deviation of 5.5%.

- Deviation #3 – A deviation to the parking requirement. Per FVCSP Section 2.7.1 the
parking requirement for a Workplace Professional (office) use is 3.5 minimum spaces
per 1,000 gross square feet. OCSD has requested to amend this requirement to 2.5
minimum spaces per 1,000 gross square feet as a part of Code Amendment 20-09 (CA),
which is a part of OCSD’s requested entitlements for this Project. This requested
deviation would be a request to deviate from the proposed CA of a minimum 2.5 spaces
per 1,000 square feet and would be contingent upon approval of the requested CA.
Without the CA, the parking requirement would be 385 parking spaces. With the CA, the parking requirement would be 275 parking spaces. This deviation would be a request of 14 parking spaces (275 spaces – 14 spaces = 261 spaces) which is a deviation from the CA of 5%.

Variance 332

Requests that deviate more than 20% to the development standards listed in the FVCSP require approval of a Variance by the Planning Commission per FVCSP Section 2.0.5.F.3.a and FVMC 21.50. OCSD has submitted a request for ten different variance requests. An analysis of each variance request is provided below.

Variance Requests

- **Variance #1** – Frontage Coverage (Pacific Street) seeks variance for a reduction in the minimum amount of required building frontage coverage (FVCSP Section 2.4.6.B.1) along the Pacific Street property line. This development standard requires that the minimum building width that is located between the minimum front setback of 15 feet and the maximum front setback of 25 feet must equal at least 50% of the width of the street frontage. In other words, if the street frontage is 100 feet wide, then the building width that is located between the minimum and maximum front setback area must be at least 50 feet wide. The proposed design of the building along Pacific Street will provide for 32.2% coverage in lieu of the required 50% coverage. Although the proposed building is split along the Pacific Street frontage by an interior employee courtyard, the proposed transformer and bicycle enclosure is located within the front minimum and maximum setback and fills most of that void.

- **Variance #2** – Frontage Coverage (Bandilier Circle) seeks variance for a reduction in the minimum amount of required building frontage coverage (FVCSP Section 2.4.6.B.1) along the Bandilier Circle property line. This development standard requires that the minimum building width that is located between the minimum front setback of 15 feet and the maximum front setback of 25 feet must equal at least 50% of the width of the street frontage. In other words, if the street frontage is 100 feet wide, then the building width that is located between the minimum and maximum front setback area must be at least 50 feet wide. The proposed design of the building along Bandilier Circle will provide for 22.8% coverage in lieu of the required 50% coverage. As the property is split by a SCE Easement, the proposed building area was allocated to the south of the easement and the parking lot to the north. In addition to the Boardroom, the south side of the SCE Easement along Bandilier Circle also contains public open spaces making it difficult to meet the Frontage Coverage requirement.

- **Variance #3** – Build-To-Corner (Ellis Avenue/Bandilier Circle) seeks a variance to allow the building to be placed within only one of the two Build-to-Corner conditions (FVCSP Section 2.4.8.B) present on the Project site. This development standard requires that a Project developed on a corner parcel must be built to the corner between the minimum front setback of 15 feet and the maximum front setback of 25 feet. This is a variance request to provide a Project with the build-to-corner at only one of the front corners of the property (at Ellis Avenue and Pacific Street) and not the other front corner (Ellis Avenue and Bandilier Circle).
• **Variance #4** – Parking Count (NOT USED- WITHDRAWN)

• **Variance #5** – Curb Cuts & Driveways (Pacific Street) seeks a variance to permit a second two-lane curb cut along the Pacific Street frontage (FVCSP Section 2.7.3.A.2.a). Per the FVCSP, the maximum number of driveways/curb cuts associated with a single building are one two-lane curb cut or two one-lane curb cuts per street frontage. The Project will provide two two-lane curb cuts on Pacific Street.

• **Variance #6** – Street Façade Base (Pacific Street) seeks a variance for noncompliance for the Pacific Street base façade requirement (FVCSP Section 2.8.1.B.2.a.ii). The FVCSP requires that a substantial horizontal articulation at the base of the street, and public space facades, shall be applied to form a base treatment on buildings between the finish grade the top of the first floor for buildings that are four floors or less. The horizontal articulation can be in the form of an exterior wainscot, an architectural cornice or other physical border at the top of the first floor. The Project will not comply with this development standard. The Pacific Street façade is the most utilitarian providing access to mechanical rooms and exits for the office’s main egress path and does not allow for a substantial horizontal articulation at the base of the building.

• **Variance #7** – Street Façade Base (Ellis Avenue) seeks a variance for a non-compliance for the Ellis Avenue street base façade requirement (FVCSP Section 2.8.1.B.2.a.ii). The FVCSP requires that a substantial horizontal articulation at the base of the street, and public space facades, shall be applied to form a base treatment on buildings between the finish grade the top of the first floor for buildings that are four floors or less. The horizontal articulation can be in the form of an exterior wainscot, an architectural cornice or other physical border at the top of the first floor. The Project will not comply with this development standard. The south elevation of the building will utilize a unitized curtain wall system to provide a high performance building façade that offers both thermal comfort and ample glazing to bring daylight into the building interiors as per FVCSP 2.10.1.A.1.c. Interruption of the unitized curtain wall to provide a horizontal articulation reduces the curtain wall’s structural integrity and causes thermal and waterproofing issues within the façade.

• **Variance #8** – Street Façade Base (Bandilier Circle) seeks a variance for a non-compliance for the Bandilier Circle street base façade requirement (FVCSP Section 2.8.1.B.2.a.ii). The FVCSP requires that a substantial horizontal articulation at the base of the street, and public space facades, shall be applied to form a base treatment on buildings between the finish grade the top of the first floor for buildings that are four floors or less. The horizontal articulation can be in the form of an exterior wainscot, an architectural cornice or other physical border at the top of the first floor. The Project will not comply with this development standard. The building’s west façade of the Board Room faces Bandilier Circle. The Board Room volume façades are designed as a high performance building skin utilizing a terra cotta rain screen panel system chosen for its sustainable, durable, and thermal properties as well as its aesthetic appeal. Interruption of the rain screen to provide a horizontal articulation would reduce the rain screen panel system’s thermal integrity. Implementing a horizontal articulation would cause thermal
and waterproofing issues within the façade and reduce the building envelope’s energy efficiency.

- **Variance #9** – Street Façade Top (Bandilier Circle and Ellis Avenue – Board Room Volume) seeks a variance for noncompliance for the proposed Board Room façade top facing Bandilier Circle and Ellis Avenue (FVCSP Section 2.8.1.B.3.a.). The FVCSP requires a substantial horizontal articulation of street and public space facades shall be applied at the top of the uppermost floor of a building’s façade to form a façade top treatment on buildings. The façade top can be in the form of a cantilevered ledge cap, a bracket supported cantilevered ledge cap, a stepback cap, a cornice cap, or other physical distinction at the top of the building. The Project’s Board Room, which is designed without any kind of cap or horizontal articulation, will not comply with this development standard along both Ellis Avenue and Bandilier Circle frontages.

- **Variance #10** – Street Façade Wall Composition on Bandilier Circle (FVCSP Section 2.8.1.B.4) seeks a variance for a reduction in the minimum percentage of window openings within the Bandilier Circle street-facing façade of the proposed Board Room (FVCSP Section 2.8.1.B.4.a). The FVCSP requires that the proportion of window openings at street-facing facades to be a minimum of twenty percent of the vertical wall area between the ground (finished grade) and the top of the uppermost floor (the percentage does not include parapet height). The Project will provide 11.7% window openings along Bandilier Circle. The security, audiovisual, and acoustical requirements for proper Board Room function limits the ability to incorporate larger expanses of window openings within the west façade. In addition, glazing should be limited on the Bandilier Circle west façade to avoid solar heat gain in order to create the most high performing energy efficient building envelop as per FVCSP Section 2.10.1, Green Buildings.

In order to support the proposed variance request, the applicant has submitted findings for Planning Commission review. FVMC 21.50.050 states that the Planning Commission may approve a variance request if the applicant demonstrates that special circumstances such as location, shape, size, or topography create a hardship or a situation where the property owner is deprived of property rights enjoyed by others in the vicinity. Further, the Planning Commission must determine that the following mandatory findings apply to the request. The following below is a summary of the required findings and the applicant’s justification. The findings are broken out between each variance request.

**Variance #1 and #2** – Frontage Coverage along Pacific Street and Bandilier Circle. A variance for a reduction in the minimum amount of required building frontage coverage (FVCSP Section 2.4.6.B.1) along the Pacific Street property line. This is a variance for the reduction in the minimum amount of required building frontage coverage along the Pacific Street property line. The minimum required per the FVCSP is 50% coverage and the proposed design is for 32.2% coverage along Pacific Street and 22.8% coverage along Bandilier Circle.

**Requirement 1**
There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The property has a special circumstance in having three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle) a condition for which no provisions were provided for within the FVCSP and likely a singular condition within the Specific Plan area. The building has been designed to meet the minimum 50% frontage coverage requirement for the primary of the three street frontages – Ellis Avenue.

A second special circumstance applying to the property is that the developable building footprint is limited by the presence of a Southern California Edison electrical easement that transverses the site from west to east. In accordance with the intent of the FVCSP, the building has been placed south of the easement to maximize its relationship with the three street frontages. As the easement is not permitted to be built upon, the building footprint has been concentrated to the south portion of the site. The north portion of the site has been dedicated to landscape and parking; incorporating aesthetically appealing bio-retention landscaping within the remainder of the Pacific Street frontage and preserving in place three existing large trees within the remainder of the Bandilier Circle frontage.

Requirement 2

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

Finding

Typical properties within the area only have one or two street frontages. Due to the site constraints of having three street frontages, as well as the SCE easement bounding the north side of the building footprint, the design respects the requirements of the FVCSP within the most code compliant developable area.

Requirement 3

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain
and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The Project’s design with a reduction in frontage coverage along Pacific Street and Bandilier Circle is a result of constraints on the site, including the SCE easement that cannot be built upon. The Project will improve existing conditions on the site by helping to transition the area from primarily older industrial and manufacturing uses to a high-value development. Additionally, the Project will increase the on-site landscaping from the existing 8.3% to 27.6% of the total site area and will reduce the impact on community services with the inclusion of on-site storm water management. Architecturally, the building will provide an innovative modern design that meets most of the requirements of the FVCSP and the architectural desires of OCSD. The Project will allow a signature building in the City and one befitting one of Orange County’s critical infrastructure operations and the future direction of the FVCSP. The Project will improve the public access with an eight-foot wide sidewalk around the street perimeter of the Project complete with pedestrian lighting. The end result will be a distinctive campus that will be designed to achieve LEED Gold Certification that meets Green building requirements for energy, construction materials, and mechanical equipment and screening. Also, the Project will meet Green site treatments including water conservation and quality, storm water management, and energy conservation requirements.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the variance would not constitute a grant of special privileges as typical properties within the FVCSP only have one or two street frontages and do not have an easement that cannot be built upon bisecting the project site. The variance request is due to the special circumstances and constraints of the site.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

Granting the variance does not detrimentally impact the public’s convenience, health, or interest. The granting of the variance is not materially detrimental to the safety or
welfare of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district. The design intent of the FVCSP is being respected and adhered to with the presented building design. The variance request is due to the special circumstances and constraints of the site. The project will meet the majority of development standards, the California Building Code, and exceed sustainable practices by being Platinum Gold certified. The design features incorporated as a result of the additional open space provided by the frontage help to enhance the overall experience and connectivity within the neighborhood.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

Finding

The proposed Project has been reviewed in compliance with CEQA. An Addendum to the FVCSP EIR has been prepared to identify whether the proposed revisions would result in any new significant impacts (CEQA Guidelines Section 15162). Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the Project revisions, as identified in CEQA Guidelines Section 15164.

Variance #3 – Build-to-corner of Ellis Avenue and Bandilier Circle. A variance to only be sited within one (1) of the two (2) Build-to-Corner conditions (FVCSP Section 2.4.8.B) present on the Project site. This is a variance request to provide a Project with the build-to-corner at only one of the front corners of the property (at Ellis Avenue and Pacific Street) and not the other front corner (Ellis Avenue and Bandilier Circle).

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The property has a special circumstance in being fronted by three streets along its boundaries, which results in two separate Build-to-Corner zones along a single street frontage. The building is sited within the primary Build-to-Corner 1 at the more prominent corner of Ellis Avenue and Pacific Street. A frontage length of 350'-2" along
Ellis Avenue limits the building’s ability to comply with the secondary Build-to-Corner 2 as it conflicts with the maximum allowable building length requirement of 200 feet (FVCSP 2.3.3.B.1).

**Requirement 2**

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

**Finding**

Typical properties within the area only have a single build-to-corner zone existing on site, if any. The special circumstance of the site having three frontages creates a condition that is not identified or addressed in the FVCSP. The current design adheres to the intent of the typical condition by engaging the primary corner condition.

**Requirement 3**

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

**Finding**

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The Project’s design intent is to comply with the FVCSP to the fullest extent possible. The building directly engages the primary corner of Ellis Avenue and Pacific Street in compliance with FVCSP Section 2.4.8.B. The Project engages the secondary corner with the strong design presence. The building massing and program elements activate the secondary corner with a landscaping design that includes a refined bio-retention feature with the intent of enriching the corner condition. The Project design enhances public welfare by developing wider sidewalks and new landscaping ultimately improving the pedestrian experience along Ellis Avenue, Bandilier Circle, and Pacific Street.

**Requirement 4**

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.
Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district. Typical properties within the area only have a single build-to-corner zone existing on site, if any. The variance is a result of the unique circumstances of the site.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

The granting of the Variance does not detrimentally impact the public’s convenience, health or interest. The granting of the Variance is not materially detrimental to the safety or welfare of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

Finding

An Addendum to the FVCSP EIR was prepared and found that no new or substantially more severe significant impacts would occur as a result of the Project as indicated in Finding Requirement 6 of Variance #1 on page 11 of this Staff Report.

Variance #4 – Parking Count (Not Used – Withdrawn)

Variance #5 – Curb Cuts & Driveways on Pacific Street. A variance to permit a second two-lane curb cut along the Pacific Street frontage (FVCSP Section 2.7.3.A.2.a). Per the FVCSP, the maximum number of driveways/curb cuts associated with a single building are one (1) two-lane curb cut or two (2) one-lane curb cuts per street frontage. The Project will provide two (2) two-lane curb cuts on Pacific Street.

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or
unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

**Finding**

The property has a special circumstance in that its size is significantly larger than typical properties in the surrounding neighborhood. The Project will merge four existing parcels into one parcel through the approval of Lot Line Adjustment 19-01 and Lot Line Adjustment 19-02. The current property condition includes six two-lane curb cuts on Bandilier Circle and five two-lane curb cuts on Pacific Street. The proposed design reduces the number of curb cuts along Bandilier Circle by 83.3% from an original count of six to a proposed count of one. The proposed design reduces the number of curb cuts along Pacific Street by 60% from an original count of five to a proposed count of two.

If the land was being developed with the smaller original parcel sizes, Pacific Street would be permitted to have two two-lane curb cuts due to the fact that there are currently two properties on the Pacific Street site of the Project.

Traffic access to and from the site will be better served with the proposed addition of a second permitted two-lane curb cut on Pacific Street due to the size of the property. Lastly, the proposed design will provide for more street parking than currently exists by eliminating three curb cuts along Pacific Street and five curb cuts along Bandilier Circle.

**Requirement 2**

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

**Finding**

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district. Most properties within the neighborhood have a smaller parcel size combined with a smaller parking load. Several existing properties, including the original smaller parcels of the Project property, have multiple two-lane curb cuts along a single street frontage. Comparatively, the Pacific Street frontage is 470’-7 ¾” where some properties within the neighborhood have a street frontage of less than 50’-0” (examples of 18385 and 18401 Bandilier Circle). The percentage of interrupted curb edge or sidewalk between the two property conditions are 11.5% (proposed) versus 54% (aforementioned examples).

**Requirement 3**

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.
Finding

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and the FVCSP. Implementation of the Project will help satisfy two General Plan Goals – General Plan Goal 2.6 and 2.10. General Plan Goal 2.6 aims to improve architectural quality of development within Fountain Valley by encouraging planning and design which is people oriented, sensitive to the needs of visitors and residents, and functionally efficient for its purpose (Goal/Policy 2.6.2). General Plan Goal 2.10 aims to provide for safe and attractive pedestrian facilities by providing for transit user safety and convenience (Goal/Policy 2.10.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The Project will allow for the construction of the Project that will provide safe and attractive pedestrian facilities and a use that is sensitive to visitors with a new eight-foot wide sidewalk around the perimeter of the Project, a bridge access to the building and OCSD Plant 1 for employees and tour guests, a public open space element near the front entrance of the building, and pedestrian access located along the unbuildable SCE easement to the Project.

If the property remained in its current division of smaller parcels, any new development would still result in a total of two two-lane curb cuts, thus matching the proposed Project. Introducing a second two-lane curb cut onto Pacific Street from the permitted one two-lane curb cut as per the FVCSP will create a second pedestrian crossing point. Since there is currently no existing sidewalk and no posted stop signs, the reduction of curb cuts to only two combined with new contiguous sidewalks with crossings and stop signs will be a significant improvement to the safety for the neighborhood. The proposed design will increase the uninterrupted curb edge along Pacific Street improving the pedestrian experience and safety and adding additional street parking to the neighborhood.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district. The variance is a result of the unique circumstances of the site and the merger of five properties into one through Lot Line Adjustment 19-01 and Lot Line Adjustment 19-02 to produce a larger property that warrants a second two-lane curb cut and driveway.

Requirement 5
Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

The granting of the Variance does not detrimentally impact the public’s convenience, health or interest but rather enhances the public’s convenience and health by providing adequate circulation for traffic and code compliant pedestrian crosswalks. The granting of the Variance is not materially detrimental to the safety or welfare of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district. The design intent of the FVCSP to increase the safety and functionality of the circulation systems within the district is being respected and adhered to with the design of the proposed Project.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

Finding

An Addendum to the FVCSP EIR was prepared and found that no new or substantially more severe significant impacts would occur as a result of the Project as indicated in Finding Requirement 6 of Variance #1 on page 11 of this Staff Report.

Variance #6, #7, and #8 – Street Façade Base on Pacific Street, Ellis Avenue, and Bandilier Circle. A variance for a noncompliance for the Pacific Street, Ellis Avenue, and Bandilier Circle base façade requirement (FVCSP Section 2.8.1.B.2.a.ii). The FVCSP requires a substantial horizontal articulation at the base of the street and public space facades shall be applied to form a base treatment on buildings between the finish grade the top of the first floor. The Project will not comply with this development standard.

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

This property is unique in that it has three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle) and thus three facades that must meet the FVCSP 2.8.1.B.2.a requirement. Due to the high traffic conditions along Ellis Avenue, the building’s main entrance is accessed directly off the parking lot between Bandilier
Circle and Pacific Street for a safer entry to the complex for both pedestrians and vehicles. This building orientation creates yet another façade to be designed for pedestrian scale. The Pacific Street façade is the most utilitarian providing access to mechanical rooms and exits for the office’s main egress path and does not allow for a substantial horizontal articulation at the base of the building.

The Headquarters Building north and south elevations utilize a unitized curtain wall system to provide a high performance building façade that offers both thermal comfort and ample glazing to bring daylight into the building interiors as per FVCSP 2.10.1.A.1.c. Interruption of the unitized curtain wall to provide a horizontal articulation reduces the curtain wall’s structural integrity and causes thermal and waterproofing issues within the façade. A hardship is placed on the Project to incorporate a horizontal articulation that would be only decorative and provide no functional use. An aluminum baguette sun shading system is applied to the south façade along Ellis Avenue to reduce solar heat gain and glare. The aluminum baguette sunshades are not installed at the ground floor on the Ellis Avenue façade with the intent that the lack of sunshades would distinguish the ground floor to meet the intent of the code to provide a street façade base.

The building’s west façade of the Board Room faces Bandilier Circle. The Board Room volume façades are designed as a high performance building skin utilizing a terra cotta rain screen panel system. The terra cotta rain screen panel system has been chosen for its sustainable, durable and thermal properties as well as its aesthetic appeal. Interruption of the rain screen to provide a horizontal articulation reduces the rain screen panel system’s thermal integrity. A hardship is placed on the Project to incorporate a horizontal articulation that would be only decorative. Implementing the recommended articulation elements per FVCSP 2.8.1.B.7 would cause thermal and waterproofing issues within the façade and reduce the building envelope’s energy efficiency.

Requirement 2

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

Finding

Typical properties within the area only have one or two street frontages with ample façades to accommodate the more utilitarian aspects of a building such as utility access, loading docks and exit doors along the Pacific Street façade. The proposed Project, with three street frontages is limited in area to provide utility access, loading areas, and exit doors while still complying with the street façade base requirement. Additionally, this variance is necessary to allow the high performance curtain wall façade to be installed along Ellis Avenue, as per industry standards, to maximize its structural and thermal efficiencies in an effort to reduce energy consumption and reduce building maintenance and heating/cooling costs. Lastly, this variance is necessary to allow the high performance terra cotta rain screen panel façade to be
installed along the Bandilier Circle facade as per industry standards to maximize its thermal efficiencies in an effort to reduce energy consumption and reduce building maintenance and heating/cooling costs.

Requirement 3

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The design intent of the FVCSP is being respected to the fullest extent possible. This new development will enhance the neighborhood by providing a new eight-foot wide sidewalk around the perimeter of the Project, landscaping exceeding the requirements of the FVCSP, a new public open space element along Ellis Avenue and Bandilier Circle, new site and sidewalk lighting, and a modern architectural building and bridge design with the use of quality high performance building materials. Additionally, the Headquarters Building has been designed as a high performance sustainable building in compliance with FVCSP Section 2.10.1, Green Buildings.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district. The variance is a result of the unique circumstances of the site and to allow for an energy efficient façade system.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding
Granting the variance does not detrimentally impact the public's convenience, health, or interest. The granting of the variance is not materially detrimental to the safety or welfare of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

Finding

An Addendum to the FVCSP EIR was prepared and found that no new or substantially more severe significant impacts would occur as a result of the Project as indicated in Finding Requirement 6 of Variance #1 on page 11 of this Staff Report.

Variance #9 – Street Façade Top along Bandilier Circle and Ellis Avenue – Board Room Volume. A variance for noncompliance for the Board Room Volume street façade top requirement (FVCSP Section 2.8.1.B.3.a.). The FVCSP requires a substantial horizontal articulation of street and public space facades shall be applied at the top of the uppermost floor of the façade to form a façade top treatment on buildings. The Project's Board Room will not comply with this development standard.

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The Board Room Volume façades facing Bandilier Circle and Ellis Avenue are designed as a high performance building skin utilizing a terra cotta rain screen panel system. The design proposes an industry standard parapet per the terra cotta rain screen panel manufacturer’s recommendation. Setback caps and compound cornice caps are not practical to implement with the rain screen panel façade system. A hardship is placed on the Project to incorporate a horizontal articulation that would be only decorative and provides no functional use. Implementing the recommended articulation elements per FVCSP 2.8.1.B would causes thermal and waterproofing issues within the façade and reduce the building envelope’s energy efficiency. The location of the Project’s Board Room, facing south and west, will make it susceptible to sun exposure for a majority of the day. This variance request will help the Project meet its Green Building requirements outlined in FVCSP Section 2.10.1, Green Buildings.
Additionally, the property has a special circumstance in having three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle) in which no provisions were provided for within the FVCSP, as it is a unique condition within the Specific Plan area.

Requirement 2

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

Finding

This variance is necessary to allow the high performance rain screen panel façade to be installed as per industry standards to maximize its thermal efficiencies in an effort to reduce energy consumption, reduce building maintenance and heating/cooling costs, and comply with FVCSP Section 2.10.1, Green Buildings.

Requirement 3

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The design intent of the FVCSP is being respected to the fullest extent possible. This new development will provide for a new modern architectural building and bridge design with the use of quality high performance building materials. Additionally, the Headquarters Building has been designed as a high performance sustainable building in compliance with FVCSP Section 2.10.1, Green Buildings. The end result will be a distinctive campus that will be designed to achieve LEED Gold Certification that meets Green building requirements for energy, construction materials, and mechanical equipment and screening. Also, the Project will meet Green site treatments including water conservation and quality, storm water management, and energy conservation requirements. The Project will help the area transition from primarily older industrial and manufacturing uses to high-value developments.

Requirement 4
Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district as typical properties within the FVCSP only have one or two street frontages that have to meet this requirement. The proposed Project must meet this requirement along three street frontages. The variance is a request to allow for the best implementation of the terra cotta rain screen panel façade system.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

The granting of this Variance does not detrimentally impact the public's convenience, health, interest, safety or welfare of the city and does not restrict neighboring property development, or any future improvements, within the vicinity and zoning district. This variance request is merely a request to deviate from a design feature to the top of a building. The proposed Project's site is unique in the fact that it has three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle), and a north constraint with the presence of a Southern California Edison electrical easement that limits the most code compliant developable area of the site.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

Finding

An Addendum to the FVCSP EIR was prepared and found that no new or substantially more severe significant impacts would occur as a result of the Project as indicated in Finding Requirement 6 of Variance #1 on page 11 of this Staff Report.

Variance #10 – Street Façade Wall Composition on Bandilier Circle. A variance for a reduction in the minimum percentage of window openings within the Bandilier Circle street-facing façade (FVCSP Section 2.8.1.B.4.a). The FVCSP requires that the proportion of window openings at street-facing facades to be a minimum of twenty (20) percent of the vertical wall area between the ground (finished grade) and the top of the uppermost floor (the percentage does not include parapet height). The Project will provide 11.7% window openings along Bandilier Circle.
Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The property has a special circumstance of having three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle), and a north constraint with the presence of a Southern California Edison electrical easement that limits the most code compliant developable area of the site. As a result, the Board Room which is a significant program component that requires direct public access and proximity to the entrance plaza for civic purposes must be placed adjacent to a street frontage (Bandilier Circle). The security, audiovisual, and acoustical requirements for proper Board Room function limits the ability to incorporate larger expanses of window openings within the west façade. In addition, glazing should be limited on the Bandilier Circle west façade to avoid solar heat gain in order to create the most high performing energy efficient building envelop as per FVCSP Section 2.10.1, Green Buildings. The proposed Project’s site is unique due to the fact that this requirement must be met along three street frontages, rather than one or two as with typical properties in the vicinity and zoning district.

Requirement 2

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

Finding

Typical properties within the area only have one or two street frontages. Due to the site constraints of having three street frontages, as well as the electrical easement bounding the north side of the building footprint, the design respects the requirements of the FVCSP within the most code compliant developable area. This limits the ability of the development to be able to site a large assembly space with appropriate controls limiting exterior noise and unrestricted daylighting that would be available to other sites that are not bound on three sides by streets and also by an easement. Typical developments would be able to locate similar space types alongside or rear yard conditions which are not required to meet a minimum percentage of window openings as per FVCSP 2.8.1.B.4.

Requirement 3
Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The design intent of the FVCSP is being respected to the fullest extent possible. This new development will provide for a new modern architectural building and bridge design with the use of quality high performance building materials. Additionally, the Headquarters Building has been designed as a high performance sustainable building in compliance with FVCSP Section 2.10.1, Green Buildings. The end result will be a distinctive campus that will be designed to achieve LEED Gold Certification that meets Green building requirements for energy, construction materials, and mechanical equipment and screening. Also, the Project will meet Green site treatments including water conservation and quality, storm water management, and energy conservation requirements. The Project will help the area transition from primarily older industrial and manufacturing uses to high-value developments.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district. The variance request is a result of unique site conditions and the desire to provide a highly sustainable energy efficient building in compliance with FVCSP Section 2.10.1, Green Buildings.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding
The granting of the Variance does not detrimentally impact the public's convenience, health or interest. The granting of the Variance is not materially detrimental to the safety or welfare of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district. The proposed Project’s site is unique due to the fact that this requirement must be met along three street frontages, rather than one or two as with typical properties in the vicinity and zoning district.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

Finding

An Addendum to the FVCSP EIR was prepared and found that no new or substantially more severe significant impacts would occur as a result of the Project as indicated in Finding Requirement 6 of Variance #1 on page 11 of this Staff Report.

Conclusion to Variance 332 Request

Based upon the evidence as noted above for Variance 332, the site has a land related unique situation to justify the variance request. The property has a special circumstance of having three front yard street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle), and a northern constraint with the presence of a Southern California Edison electrical easement that transverses the site from west to east that limits the code compliant developable area of the site. The unique condition of the Project property provides constraints that make it difficult for the developer to meet some development standards as they would apply to more frontages than would other properties in the FVCSP. As the easement is not permitted to be built upon, the building footprint will be concentrated to the south portion of the site to maximize its relationship with the three street frontages. The north portion of the site will be dedicated to landscape and parking. Additionally, the Project property has a special circumstance in that its size will be significantly larger than typical properties in the surrounding area through the approval of LLA 19-01 and LLA 19-02 that will merge the existing five properties into one 5.2-acre property. Lastly, the Project will be designed as a high performance sustainable building in compliance with FVCSP Section 2.10.1, Green Buildings. The Project’s intention of meeting Green Building Code requirements and achieving LEED Gold Certification, for the benefit of the environment, help merit the proposed variances to the FVCSP. With conditions of approval outlined in Exhibit 1 of Attachment #4 to the Staff Report, staff supports the requested variance as submitted.

Subsequent Entitlement Applications

The Planning Commission will make a recommendation to the City Council on the following entitlement applications:

Vacation of Easement
The proposed Vacation of Easement is for a remnant street easement located between Parcel 5 (APN 156-163-11), Parcel 6 (APN 156-163-10), and Parcel 9 (APN 156-163-09) located near the end of the cul-de-sac of Bandilier Circle. The easement is a 20-foot wide 142.50-foot long street easement transecting between the subject properties from east to west. Removal of the easement will in no way prejudice the public health, safety and welfare of the public. The easement is unnecessary for present or prospective public use and serves no purpose for future use as it is landlocked between three different properties with no access to the nearby existing streets of Bandilier Circle or Pacific Street and because of new development in the area not requiring this right-of-way for street purposes.

Code Amendment 20-09

The applicant has applied for a code amendment to the FVCSP to amend three sections of the code. The first amendment will eliminate the special public open space requirement and all related references from the FVCSP. The second amendment will reduce parking regulations for workplace-professional uses from 3.5 spaces/1,000 gross square feet to 2.5 spaces/1,000 gross square feet. The third amendment will add a section to the FVCSP to allow for skyway pedestrian bridges in certain circumstances.

Special Open Space

In addition to the landscape and open space requirements in FVCSP Section 2.6, Section 2.6.2 provides requirements for one ½-acre Special Public Open Space in each of the six planning areas outlined in Figure 2.6.2 Special Public Open Space Area Map (below).

FVCSP 2.6.2.A.4 states that the exact location of this open space may be coordinated and determined by developers/property owners but must be determined before any development which could accommodate a ½ acre open space occurs. This requirement places an undue burden on the first development in a Special Public Open Space Area and potentially stops development within the Crossings Specific Plan.
Elimination of this requirement will have no effect on the ratio of parks to residents as outlined in the General Plan. The existing Fountain Valley General Plan, adopted in 1995, identified the ratio of park acreage per 1,000 persons at the time as 13.2 acres per 1,000 residents, based on the 1990 census of 53,691 and parks totaling 708.75 acres within the City of Fountain Valley. The General Plan noted this in comparison with a typical range of three to five acres of parkland per thousand residents of most cities in California. The 2010 census population figure of 57,010 represents a relatively modest 6% increase over the 15-year period. Assuming no additions to park acreage, today the resulting ratio of park acreage per 1,000 persons would be 12.4 acres per 1,000 residents. The projected potential residential buildout within the FVCSP is estimated to result in a maximum of 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents. This ratio on a citywide basis remains well above averages for California cities.

With the proposed CA, landscaping requirements will still be required for each development per FVCSP Section 2.6 Open Space Regulations. This section will require a substantial amount of landscaping for each development in the form of publicly accessible and functional open space as well as front yard setback, side yard setback, rear yard setback, and parking lot landscaping requirements.

**Parking for Workplace-Professional Uses**

Table 2.7 Parking Regulations in FVCSP Section 2.7.1.9 provides parking requirements for Workplace-Professional uses at a rate of 3.5 spaces per 1,000 (3.5/1,000) square feet minimum and 4.5 spaces per 1,000 (4.5/1,000) square feet maximum. CA 20-09 proposes to amend these parking requirements to a rate of 2.5 spaces per 1,000 (2.5/1,000) square feet minimum and 3.5 spaces per 1,000 (3.5/1,000) square feet maximum. The parking rate of 2.5/1,000 is consistent with FVMC 21.22.040, Table 3-3, which states that offices not providing on-premises customer service shall be parked at 1 space per 400 square feet (2.5/1,000). This change would make the parking requirement in the FVCSP for Workplace-Professional uses (offices) consistent with the parking requirement for offices in the FVMC.

This amendment will help the Project meet the parking requirement of the FVCSP. Currently, at a rate of 3.5/1,000, the Project would require 385 parking spaces. CA 20-09 would change the parking requirement to 2.5/1,000, thus requiring 275 parking spaces. Contingent upon Planning Commission and City Council action on this proposed Code Amendment, Deviation #3 was approved by the Planning Director on October 14, 2020, at the Development Plan Review public hearing to allow for a 5% deviation from the proposed CA. The deviation will allow a 14 parking space deviation from the proposed 275 parking spaces equaling 261 parking spaces.

**Skyway Pedestrian Bridges**

Currently, the FVCSP does not address, and thus does not allow, pedestrian bridges across the public right-of-way. CA 20-09 proposes to amend the FVCSP to add a new Section, 2.5.5 Skyways, to allow for pedestrian bridges across the public right-of-way to connect government uses that are bisected by a public right-of-way. This change will allow efficiencies in pedestrian travel and minimize pedestrian crossings of public streets.
Skyways would be subject to review and approval by the City Council in conjunction with a Development Agreement (see Development Agreement and Pedestrian Bridge section below).

The proposed 128-foot long pedestrian bridge would be constructed across Ellis Avenue to connect Plant No. 1 with the proposed OCSD Headquarters Building on the Project site. The bridge will connect the second floor of the proposed OCSD Headquarters Building with a new structure on the south side of the street that will be equipped with a stairway and elevator. The bridge will provide a secure and safe pathway for employees, guided tour visitors, and select utilities to cross Ellis Avenue and directly access OCSD’s Plant 1.

The pedestrian bridge will be designed to reflect the character of the new administration building with two painted exposed Warren steel trusses spanning Ellis Avenue with a concrete metal deck floor and a metal roof. A stainless steel cable mesh will enclose the bridge for protection from any potential falls. The tallest point of the bridge structure would be a maximum of 30 feet above grade and the lowest point of the bridge structure would be a minimum of 19 feet above grade. The proposed clearance above Ellis Avenue meets minimum standards of the American Association of State Highway and Transportation Officials’ (AASHTO) standards requiring a minimum of 18.5 feet between pedestrian bridges and the roadway and has been certified as adequate and safe by the City’s Transportation Engineer. The bridge would be supported by reinforced concrete columns located outside of the public right-of-way on each side of Ellis Avenue.

Lighting will be provided on the pedestrian bridge at an average illuminance of 6.3 footcandles (fc) when the lights are on a full output. The lighting design of the pedestrian bridge will provide the necessary light levels for safe egress to and from the bridge while also minimizing glare to the oncoming traffic. The luminaries on the pedestrian bridge will provide precise optics, which reduce glare to a glare rating of “0” according to the Illuminating Engineering Society (IES) of North America. Additionally, the luminaires are dimmable so the light level can be adjusted to respond to the specific conditions in the immediate surroundings throughout the year. Lastly, the luminaires will be placed in the center of the bridge ceiling to provide light to the pedestrian bridge pathway. Because of this, and because the luminaire’s light source is recessed up in the luminaire housing, there will be very limited view of the luminaire lens by passing cars and very little light will transmit from the bridge down onto the road surface.

Development Agreement and Pedestrian Bridge

Approval of the Project would be subject to the approval of a Development Agreement and the City of Fountain Valley. The Development Agreement outlines city approvals and payment for the loss of local property tax revenues that will be incurred with OCSD occupying property within the FVCSP. Additionally, the bridge will be acted upon by the City Council in conjunction with the Development Agreement.

The primary goal of the FVCSP is to enhance the overall economic performance, physical attractiveness, community value, and functionality of the Crossings District. More specifically, Community Objective No. 10 in Section 1.1 of the FVCSP is to ensure prosperity and sustainability by shaping each increment of new development to build toward
Planning Commission Action – VAR 332, Vacation of Easement, CA 20-09, Development Agreement and Pedestrian Bridge
October 28, 2020
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a more prosperous and environmentally sustainable city and region. Since OCSD is a government agency, and is therefore exempt from paying property tax, these exemptions would result in a loss of local property tax revenues, require the community to subsidize its public services, and create a burden upon the delivery of local municipal services to the Project.

Through the proposed Development Agreement, the OCSD will reimburse the City in the amount of $2.9 million for the loss of local property tax revenues that will create a burden upon the delivery of local municipal services to the Project and services required by the proposed development that are not otherwise being reimbursed.

Environmental Clearance:

The Environmental Impact Report (EIR) prepared for the Fountain Valley Crossings Specific Plan and was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at https://www.fountainvalley.org/1278/Fountain-Valley-Crossings.

An Addendum to the EIR has been prepared (Attachment #3) to identify whether the proposed revisions would result in any new significant impacts (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the Project revisions, as identified in CEQA Guidelines Section 15164.

Notice Furnished

Due notice of the public hearing on October 28, 2020, conducted in the City Council Chambers at City Hall, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code. Public hearing notices were mailed to all property owners and commercial tenants within 500 feet of the subject property. The item was published in the Fountain Valley View and notices were posted at City Hall and the Recreation Center.

Alternatives

1. Adopt Resolution No. 20-20 recommending the City Council approve an Addendum to the FVCSP EIR in accordance with CEQA; Adopt Resolution No. 20-21 approving Variance 332 to deviate from the Frontage Coverage Requirements of the Fountain Valley Crossings Specific Plan (FVCSP) Section 2.4.6.B.1 along Pacific Street and Bandilier Circle, to deviate from the Build-to-Corner requirement of FVCSP Section 2.4.8.B for the corner of Ellis Avenue and Bandilier Circle, to deviate from the Curb Cuts and Driveways requirement of the FVCSP Section 2.7.3.A.2.a along Pacific Street, to deviate from the Street Façade Base requirement of the FVCSP Section 2.8.1.B.2.a.i along Pacific Street, Ellis Avenue, and Bandilier Circle, to deviate from the Street Façade Top requirement of the FVCSP Section 2.8.1.B.3.a along Ellis...
Avenue and Bandilier Circle, and to deviate from the Street Façade Wall Composition requirement of the FVCSP Section 2.8.1.B.4 along Bandilier Circle for the construction of a new 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street per the Conditions of Approval outlined in Exhibit 1 of Attachment #4 of this Staff Report contingent upon City Council approval of the Addendum to the FVCSP EIR, the vacation of easement, Code Amendment 20-09, and a Development Agreement and Pedestrian Bridge; Adopt Resolution No. 20-22 recommending the City Council approve a Vacation of Easement; Adopt Resolution No. 20-23 recommending the City Council approve Code Amendment 20-09; and adopt Resolution No. 20-24 recommending the City Council approve a Development Agreement and Pedestrian Bridge.

2. Continue the request and direct staff to prepare resolutions for denial.

3. Continue this request for additional information.

**Recommended Action**

Staff recommends that the Planning Commission select Alternative #1 and in the following order:

1. Adopt Resolution No. 20-20 recommending the City Council approve an Addendum to the FVCSP EIR in accordance with CEQA (Attachment #3 to this Staff Report);
2. Adopt Resolution No. 20-21 approving Variance 332 to deviate from the Frontage Coverage Requirements of the Fountain Valley Crossings Specific Plan (FVCSP) Section 2.4.6.B.1 along Pacific Street and Bandilier Circle; to deviate from the Build-to-Corner requirement of FVCSP Section 2.4.8.B for the corner of Ellis Avenue and Bandilier circle; to deviate from the Curb Cuts and Driveways requirement of the FVCSP Section 2.7.3.A.2.a along Pacific Street; to deviate from the Street Façade Base requirement of the FVCSP Section 2.8.1.B.2.a.ii along Pacific Street, Ellis Avenue, and Bandilier Circle; to deviate from the Street Façade Top requirement of the FVCSP Section 2.8.1.B.3.a along Ellis Avenue and Bandilier Circle; and to deviate from the Street Façade Wall Composition requirement of the FVCSP Section 2.8.1.B.4 along Bandilier Circle for the construction of a new 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street per the Conditions of Approval outlined in Exhibit 1 of Attachment #4 of this Staff Report contingent upon City Council approval of the Addendum to the FVCSP EIR, the vacation of easement, Code Amendment 20-09, and a Development Agreement and Pedestrian Bridge (Attachment #4 to this Staff Report);
3. Adopt Resolution No. 20-22 recommending the City Council approve a Vacation of Easement (Attachment #5 of this Staff Report);
4. Adopt Resolution No. 20-23 recommending the City Council approve Code Amendment 20-09 (Attachment #6 to this Staff Report);
5. Adopt Resolution No. 20-24 recommending the City Council approve a Development Agreement and Pedestrian Bridge (Attachment #7 to this Staff Report).

Prepared By: Steven Ayers, Principal Planner
Planning Commission Action – VAR 332, Vacation of Easement, CA 20-09, Development Agreement and Pedestrian Bridge
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Approved By: Brian James, Planning and Building Director

Attachments
1. Site Plan, Landscape Plan, Floor Plan, Elevations, Variance Plans
2. Project Description Letter
3. Resolution and Addendum to the FVCSP EIR
4. Resolution approving Variance 332
5. Resolution recommending approval of Vacation of Easement
6. Resolution recommending approval of Code Amendment 20-09
7. Resolution recommending approval of Development Agreement
ORANGE COUNTY SANITATION DISTRICT

CONTRACT NO. P1-128A
HEADQUARTERS COMPLEX AT PLANT NO.1

PART OF:
PROJECT NO. P1-128 - HEADQUARTERS COMPLEX

DEVELOPMENT PLAN REVIEW RESUBMITTAL 4: DRAWINGS

HDR PROJECT NO. 10041946
PROJECT ADDRESS: BANDIER/ELLIS/PACIFIC
DATE: 09/04/2020

Submitted 9/4/2020
Variance #1 - Frontage Coverage on Pacific Street
Variance #2 - Frontage Coverage on Bandilier Circle
Variance #3 - Build-To-Corner on Ellis Avenue and Bandilier Circle
Variance #4 - Parking Count - Not Used (Withdrawn)
Variance #5 - Curb Cuts & Driveways on Pacific Street
Variance #6, #7, and #8 - Street Facade Base on Pacific Street, Ellis Avenue, and Bandilier Circle
Variance #9 - Street Facade Top to the Boardroom on Ellis Avenue and Bandilier Circle
Variance #10 - Street Facade Wall Composition on Bandilier Circle
Project Introduction
The Orange County Sanitation District (OCSD) will construct a new Headquarters Building to be located on the north side of Ellis Avenue between Pacific Street and Bandilier Circle. The new Headquarters Building will replace a combination of outdated non-compliant buildings and trailers located across the campus on Plant 1. By consolidating these functions there are opportunities for enhanced collaboration and productivity through the design and implementation of innovative workplace strategies for the new facility.

Project Scope
The new Headquarters Building will be approximately 109,900 gross square feet of workplace including a civic scaled lobby housing the Board Room/Multipurpose Room, a public exhibit displaying the history and values of OCSD as a kick-off for public tours and events, and the administrative offices for the sanitation district. The site is to be developed with 261 spaces of surface parking for employees and visitors. The site will include a public entrance plaza, an exhibit plaza, and a private landscaped employee courtyard. The pedestrian bridge is a painted steel open air non-conditioned structure spanning from the new building to inside the secure perimeter of Plant 1 as a secure safe pathway for employees, guided tour visitors, and select utilities to cross the high traffic Ellis Avenue to directly access Plant 1. The plant side bridge landing will include stairs and an elevator.

Use
Administrative offices including boardroom facilities for civic events and exhibit/touring facilities for educational functions.

Hours
Standard operational office hours of Monday through Friday from 8 am to 6 pm with limited monthly events in the evening.

Building Size
<table>
<thead>
<tr>
<th>Level</th>
<th>Size</th>
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<tbody>
<tr>
<td>Level 1</td>
<td>43,166 glsf</td>
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<tr>
<td>Level 2</td>
<td>33,915 glsf</td>
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<tr>
<td>Level 3</td>
<td>32,833 glsf</td>
</tr>
<tr>
<td>Total</td>
<td>109,914 glsf</td>
</tr>
</tbody>
</table>

Parking
The site is to be developed with 261 spaces of onsite surface parking for employees and visitors. The occasional visitor who is coming to conduct business with OCSD will park in the surface parking lot or street parking. Groups touring the facility will arrive by bus or van and be dropped off at the designated bus boarding area to the north of the building. The bus or vans will then leave the Headquarters site and drive to Plant 1 to park in the location indicated in the attached Bus Parking Exhibit. The guided tour groups will gather in the Headquarters building for the tour and walk to Plant 1 via the pedestrian bridge. Once the tour has commenced, the touring groups will be picked up by their vehicle on Plant 1. The parking lot has been design to meet the requirements set forth in the Fountain Valley Crossing Specific Plan.
Parking Count
Parking will be classified into two facility types, unsheltered and sheltered (via a photovoltaic canopy). The specific stall types and counts are as follows:

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<thead>
<tr>
<th>Facility Type - Unsheltered</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Standard</td>
<td>185</td>
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<tr>
<td>Accessible (ADA)</td>
<td>5</td>
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<tr>
<td>Van Accessible (VA)</td>
<td>1</td>
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<tr>
<td>Electric Charging</td>
<td>7</td>
</tr>
<tr>
<td>ADA Charging</td>
<td>1</td>
</tr>
<tr>
<td>VA Charging</td>
<td>1</td>
</tr>
<tr>
<td>Clean Air/Vanpool/EV (GV)</td>
<td>11</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>2</td>
</tr>
<tr>
<td>Bicycle</td>
<td>13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Facility Type – Sheltered</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>27</td>
</tr>
<tr>
<td>Accessible (ADA)</td>
<td>4</td>
</tr>
<tr>
<td>Van Accessible (VA)</td>
<td>1</td>
</tr>
<tr>
<td>Electric Charging</td>
<td>5</td>
</tr>
<tr>
<td>ADA Charging</td>
<td>1</td>
</tr>
<tr>
<td>VA Charging</td>
<td>1</td>
</tr>
<tr>
<td>Clean Air/Vanpool/EV (GV)</td>
<td>11</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>2</td>
</tr>
<tr>
<td>Bicycles</td>
<td>0</td>
</tr>
</tbody>
</table>

Landscape Values
- Building footprint: 19.1% (43.1 ksf)
- Hardscape: 55.8% (126.6 ksf)
- Landscape: 25.1% (57.1 ksf)

Exterior Materials
- Silicon glazed unitized curtain wall systems
  - CW-1 at Lobby and Boardroom
  - CW-2 at north and south facing facades on Office Wings (incl. fritting in select areas)
  - CW-3 at end walls in Office Wings (incl. fritting)

Window all system
- WW-1

Glass panel for guardrail
- GL-1 at South Plaza

Aluminum solar shading system
- SS-1 baguettes at Office Wings

Terracotta rainscreen
- TC-2 flat panels at Office Wings
- TC-3 strong extrusion panels at Boardroom and Courtyard
Architectural exposed structural steel
AESS-1 at select locations

Metal panel
MP-1 at fascia conditions
MP-2 at select applications
MP-3 at Entry Portal

Corrugated/perforated metal
RS-1 at rooftop mechanical areas as screening material

Architectural grade cast-in-place concrete
CN-1 at grade conditions

Stainless steel wire mesh
SSM-1 at Pedestrian Bridge and select guardrails

Metal cable roof guardrail
MG-1 at parapet extension conditions (to meet min. 42” height)

Single ply welded membrane
R-1 roofing system

Roof deck pavers
R-2 at Terraces

Galvanized structural steel
WSS-1 at select areas

Photovoltaic panels
PV at rooftop and parking canopies

**Signage**
Minimal identification signage showing agency’s full name “ORANGE COUNTY SANITATION DISTRICT” shall be embossed within the face of the entrance canopy at the north plaza and pin-mounted letters on the south façade of the two story tall boardroom block (adjacent to the south plaza).

**Exterior Lighting**
Lighting strategies will include dark-sky design principles.
RESOLUTION NO. 20-20

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ADDENDUM TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE ORANGE COUNTY SANITATION DISTRICT HEADQUARTERS PROJECT AND RELATED ENTITLEMENTS

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, the Environmental Impact Report (EIR) for the FVCSP was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at https://www.fountainvalley.org/1278/Fountain-Valley-Crossings.

WHEREAS, the Orange County Sanitation District (OCSD) has submitted an application for a 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street and for a pedestrian bridge to span Ellis Avenue (Project); and

WHEREAS, the Project necessitates the following entitlement applications and actions by various hearing bodies (Entitlements):

1. Lot Line Adjustment 19-01 – Per FVMC 21.76.040, Lot Line Adjustment No. 19-01 was approved by the City of Fountain Valley Subdivision Review Committee on September 12, 2019;
2. Lot Line Adjustment 19-02 – Per FVMC 21.76.040, Lot Line Adjustment NO. 19-02 was approved by the City of Fountain Valley Subdivision Review Committee on November 21, 2019;
3. Development Plan Review 20-01 for the headquarters building, parking lot, and landscaping and Deviations to standards of the FVCSP for the maximum building length (a 2% deviation - 203’11 ¼” proposed instead of the maximum 200’), street façade composition (a 5.5% deviation – 18.9% window openings proposed instead of the minimum 20%), and parking requirements (a 5% deviation – 261 spaces proposed instead of the 275 required). Per Section 2.0.3.F of the FVCSP, these actions are to be considered by the Planning Director; however, given the other Entitlements associated with the Project, the Planning Director’s actions are contingent upon Planning Commission and City Council actions on the Project;
4. Variance 332 for frontage coverage on Pacific Street, frontage coverage on Bandilier Circle, build-to-corner at Ellis Avenue and Bandilier Circle, curb cuts & driveways along Pacific Street, street façade base on Pacific Street, street façade base on Ellis Avenue, street façade base on Bandilier Circle, street façade top on Pacific Street, Bandilier Circle, and Ellis Avenue, and street façade wall composition on Bandilier Circle. Per Section 2.0.3.F of the FVCSP, the Planning Commission will act on Deviations greater than 20% through the Variance process outlined in FVMC 21.50 through Variance No. 332. The
Planning Commission will also provide recommendations to the City Council on four other Entitlement applications: Code Amendment No. 20-09, an Addendum to the FVCSP Environmental Impact Report (EIR), the vacation of an easement, and a Development Agreement and pedestrian bridge. The Planning Commission’s actions on Variance 332 are contingent upon City Council actions on Code Amendment No. 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and a pedestrian bridge;

5. Code Amendment 20-09 to amend the FVCSP to eliminate the Special Public Open Space requirement, allow pedestrian bridges to span the public right-of-way in certain circumstances, and adjust the parking ratio for the Workplace-Professional Category to be consistent with the parking ratio in the Fountain Valley Municipal Code (FVMC). The City Council will take final action on Code Amendment 20-09;

6. Vacation of Easement for a street easement that exists between three parcels on the Project site but serves no public purpose. The City Council will take final action on the Vacation of Easement;

7. Development Agreement to clarify fees, standards, project improvements and entitlements, offsite improvements, and the pedestrian bridge, and an associated action on a pedestrian bridge. Per Section 21.38 of the FVMC, the City Council will take final action on the Development Agreement and, per Code Amendment 20-09, will also take final action on the Pedestrian Bridge; and

WHEREAS, pursuant to CEQA Guidelines section 15164, an addendum is appropriate in order to explain why no changes or additions to the FVCSP EIR are necessary and why none of the conditions described in CEQA Guidelines section 15162 calling for preparation of a subsequent EIR have occurred; and

WHEREAS, the City prepared an addendum to the FVCSP EIR to address the potential environmental impacts of the Project and Entitlements, which found that there are no new significant impacts nor any increase in the severity of previously identified impacts, and that no change in circumstance has occurred with respect to the FVCSP EIR and the proposed Project and Entitlements or the environment affected by the circumstance has occurred with respect to the FVCSP EIR and the proposed Project that would alter prior environmental findings, conclusions, or mitigation measures; and

WHEREAS, on October 14, 2020, the Planning and Building Director conducted a duly noticed public hearing and approved Development Plan Review 20-01 and Deviations for the maximum building length, street façade composition, and parking requirements. These actions were contingent upon Planning Commission and City Council actions on the Project and Entitlements. The Planning Director also recommended approval of the Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing to consider Resolution No. 20-20 recommending
the City Council approve an Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing to consider Resolution No. 20-21 approving Variance 332 contingent upon City Council approval of the remaining entitlements; Resolution No. 20-22 recommending that the City Council approve the vacation of an easement; Resolution No. 20-23 recommending that the City Council approve Code Amendment No. 20-09, and; Resolution No. 20-24 recommending that the City Council approve a Development Agreement and pedestrian bridge.

NOW, THEREFORE, THE CITY OF FOUNTAIN VALLEY PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1

The Planning Commission finds that due notice of the public hearing on October 28, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 2

An Addendum to the FVCSP EIR (Exhibit 1) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

SECTION 3

The Planning Commission has reviewed and considered the Addendum, the Project, and Entitlements and other information in the entire record and has considered the information contained therein, including the written and oral comments received at the public hearing, prior to acting upon or approving the Project and Entitlements.

SECTION 4

It has been determined that no new or substantially more severe significant impacts would occur as a result of the proposed Project and Entitlements. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. The Addendum to the FVCSP EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

PASSED APPROVED AND ADOPTED THIS 28th DAY OF OCTOBER, 2020
Resolution No. 20-20
FVCSP EIR Addendum for OCSD Headquarters
Page 4

Chairperson

Secretary
ADDENDUM
To the
Fountain Valley Crossings Specific Plan
California Environmental Quality Act Guidelines
Section 15164
City Council Resolution No. ______

EXECUTIVE SUMMARY:

This document is an Addendum to the Final Environmental Impact Report (EIR), State Clearinghouse (SCH) No. 2015101042, prepared by the City of Fountain Valley (City) for the Fountain Valley Crossings Specific Plan (FVCSP), approved on January 23, 2018. The Final EIR can be accessed at https://www.fountainvalley.org/1279/Fountain-Valley-Crossings

PROJECT:

On January 23, 2018, the Fountain Valley City Council adopted the FVCSP that contains the development regulations for the FVCSP area generally located south of Talbert Avenue, north of Ellis Avenue, east of Ward Street, and west of the Santa Ana River. The FVCSP is divided into the Activity Core Target Area, the Workplace Neighborhood District, the Workplace Gateway District, and the Mixed Industry District.

The Orange County Sanitation District has submitted a request for the development of a three story, 109,914 square foot headquarters building, site improvements, and pedestrian bridge spanning Ellis Avenue. The project site is an approximate 5.2-acre property located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street that includes the following existing properties:

• 18484 Bandilier Circle – APN 156-163-06
• 18475 Pacific Street – APN 156-163-08
• 18410 Bandilier Circle – APN 156-163-10
• 18368 Bandilier Circle – APN 156-163-11
• 18429 Pacific Street – APN 156-163-09

The use of the new building will be an administrative office including boardroom facilities for civic events and exhibit/touring facilities for educational functions. This use is classified as a Workplace – Professional Services use in the Mixed Industry District of the FVCSP and is permitted by-right.

The project includes the following entitlement requests that encompass the “Project”:

1. Development Plan Review 20-01:

   • Demolition of 5 buildings to allow for the construction of a 109,914 square foot Headquarters Building for the Orange County Sanitation District (OCSD). The building will consist of a civic scaled lobby housing the Board Room/Multipurpose Room, a public exhibit displaying the history and values of OCSD as a kick-off for
public tours and events, and the administrative offices for the sanitation district. The site will include a public entrance plaza, an exhibit plaza, and a private landscaped employee courtyard.

The project includes 261 onsite parking spaces for employees and visitors, a building footprint of 43,100 square feet (19.1% of the property), hardscape totaling 126,600 square feet (55.8% of the property), and landscaping totaling 57,100 square feet (25.1% of the property).

2. Deviations to the FVCSP are permitted in the amount less than 20% of a standard requirement per FVCSP 2.0.5.F including:

- Deviation 1 – Building Length (Ellis Avenue). FVCSP 2.3.3.B.1 – New buildings shall not exceed the specified maximum length as specified for each District in Section 2.1 – Development Standards.
  - Maximum 200'-0" allowed for Mixed Industry District
  - Designed – 203'-11 ¼" (deviation of 2.0%)

- Deviation 2 – Street Façade Composition (Pacific Street). FVCSP 2.8.1.B.4.a – At street-facing facades, the proportion of window openings shall be a minimum of twenty (20) percent of the vertical wall area between the ground (finished grade) and the top of the uppermost floor (the percentage does not include parapet height).
  - Required for Mixed Industry District
  - Designed – 18.9% (deviation of 5.5%)

- Deviation 3 – Parking Count. FVCSP 2.7.1 Provision for Parking requirement of 3.5 min spaces per 1000 GSF to be amended per submitted code amendment request to 2.5 min spaces per 1000 GSF.
  - Deviation request of 14 parking spaces, which is a 5% deviation in required parking spaces.

3. Lot Line Adjustment (LLA) No. 19-01. LLA No. 19-01 was initiated to complete a LLA that was initiated, but never completed, by the previous owner of the properties located at 18484 Bandilier Circle and 18475 Pacific Street. OCSD submitted a request under LLA 19-01 to complete this request so the two properties could be merged into one.

4. Lot Line Adjustment No. 19-02. LLA 19-02 merges of the rest of the parcels in the project (APNs 156-163-06, 156-163-08, 156-163-10, 156-163-11, and 156-163-09) into a single property.

5. Code Amendment No. 20-09 (CA) contains the following changes to the Crossings Specific Plan:

- Eliminate Section 2.6.2 Special Public Open Space requirement along with all related references to Section 2.6.2 from the FVCSP.
Amend Table 2.7 Parking Regulations for Workplace – Professional from 3.5 min/4.5 max to 2.5 min/3.5 max.
Amend the FVCSP to add “Section 2.5.5. Skyways” that would allow for skyway pedestrian bridges to connect government and quasi-government buildings. In the case of this project, the skyway bridge would connect the project to the OCSD Campus south of Ellis Avenue and the bridge would span over Ellis Avenue.

6. Variance No. 332 (VAR) contains the following differences from the standards of the FVCSP:

- Variance #1 – Frontage Coverage (Pacific Street) seeks variance for a reduction in the minimum amount of required building frontage coverage (FVCSP Section 2.4.6.B.1) along the Pacific Street property line. This is a variance for the reduction in the minimum amount of required building frontage coverage along the Pacific Street property line. The minimum required per the FVCSP is 50% coverage and the proposed design is for 32.2% coverage.

- Variance #2 – Frontage Coverage (Bandilier Circle) seeks variance for a reduction in the minimum amount of required building frontage coverage (FVCSP Section 2.4.6.B.1) along the Bandilier Circle property line. This is a variance for the reduction in the minimum amount of required building frontage coverage along the Pacific Street property line. The minimum required per the FVCSP is 50% coverage and the proposed design is for 22.8% coverage.

- Variance #3 – Build-To-Corner (Ellis Avenue/Bandilier Circle) seeks a variance to only be sited within one (1) of the two (2) Build-to-Corner conditions (FVCSP Section 2.4.8.B) present on the project site. This is a variance request to provide a project with the build-to-corner at only one of the front corners of the property (at Ellis Avenue and Pacific Street) and not the other front corner (Ellis Avenue and Bandilier Circle).

- Variance #4 – Parking Count (NOT USED- WITHDRAWN)

- Variance #5 – Curb Cuts & Driveways (Pacific Street) seeks a variance to permit a second two-lane curb cut along the Pacific Street frontage (FVCSP Section 2.7.3.A.2.a). Per the FVCSP, the maximum number of driveways/curb cuts associated with a single building are one (1) two-lane curb cut or two (2) one-lane curb cuts per street frontage. The project will provide two two-lane curb cuts on Pacific Street.

- Variance #6 – Street Façade Base (Pacific Street) seeks a variance for a noncompliance for the Pacific Street base façade requirement (FVCSP Section 2.8.1.B.2.a.ii). The FVCSP requires a substantial horizontal articulation at the base of the street and public space facades shall be applied to form a base treatment on buildings between
the finish grade the top of the first floor. The project will not comply with this development standard.

- Variance #7 – Street Façade Base (Ellis Avenue) seeks a variance for a noncompliance for the Ellis Avenue street base façade requirement (FVCSP Section 2.8.1.B.2.a.ii). The FVCSP requires a substantial horizontal articulation at the base of the street and public space facades shall be applied to form a base treatment on buildings between the finish grade the top of the first floor. The project will not comply with this development standard.

- Variance #8 – Street Façade Base (Bandilier Circle) seeks a variance for a non-compliance for the Bandilier Circle street base façade requirement (FVCSP Section 2.8.1.B.2.a.ii). The FVCSP requires a substantial horizontal articulation at the base of the street and public space facades shall be applied to form a base treatment on buildings between the finish grade the top of the first floor. The project will not comply with this development standard.

- Variance #9 – Street Façade Top (Pacific Street, Bandilier Circle and Ellis Avenue – Board Room Volume, Ellis Avenue) seeks a variance for a noncompliance for the Pacific Street, Bandilier Circle and Ellis Avenue street façade top requirement (FVCSP Section 2.8.1.B.3.a.). The FVCSP requires a substantial horizontal articulation of street and public space facades shall be applied at the top of the uppermost floor of the façade to form a façade top treatment on buildings. The project’s Board Room will not comply with this development standard.

- Variance #10 – Street Façade Wall Composition on Bandilier Circle (FVCSP Section 2.8.1.B.4) seeks a variance for a reduction in the minimum percentage of window openings within the Bandilier Circle street-facing façade (FVCSP Section 2.8.1.B.4.a). The FVCSP requires that the proportion of window openings at street-facing facades to be a minimum of twenty (20) percent of the vertical wall area between the ground (finished grade) and the top of the uppermost floor (the percentage does not include parapet height). The project will provide 11.7% window openings along Bandilier Circle.

7. Development Agreement between the Orange County Sanitation District and the City of Fountain Valley:

- Development Agreement will reimburse the City for the loss of local property tax revenues that will create a burden upon the delivery of local municipal services to the project and services required by the proposed development that are not otherwise being reimbursed by the City.
• The Development Agreement also includes the pedestrian bridge, which is a painted steel open-air structure spanning Ellis Avenue from the new building to inside the secure perimeter of Plant 1 to provide a safe pathway for employees, guided tour visitors, and select utilities to cross Ellis Avenue. The plant side bridge landing will include stairs and an elevator.

8. Vacation of Easement:

• The proposed vacation of easement is for a remnant street easement located between Parcel 5 (APN 156-163-11), Parcel 6 (APN 156-163-10), and Parcel 9 (APN 156-163-09) located near the end of the cul-de-sac of Bandilier Circle.

PURPOSE OF ADDENDUM:

In accordance with the California Environmental Quality Act (CEQA) and Section 15164 of the CEQA Guidelines, an Addendum to a certified EIR may be prepared if only minor technical changes or additions are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred.

CEQA Section 16164. ADDENDUM TO AN EIR OR NEGATIVE DECLARATION

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

The City of Fountain Valley has evaluated the potential environmental impacts of the proposed modifications as set forth below. The City, acting as the Lead Agency, has determined that none of the CEQA conditions listed above apply and that this Addendum to the adopted Final EIR is the appropriate environmental documentation for the proposed modifications and fully complies with CEQA, as described in the CEQA Guidelines. An addendum does not need to be circulated for public review, but rather can be attached to
the Final EIR (CEQA Guidelines §15164(c)). Prior to initiating the modified Project, the City will consider this Addendum together with the adopted Final EIR and will make a decision regarding the modified Project [CEQA Guidelines §15164(d)]

ENVIRONMENTAL ANALYSIS:

The California Environmental Quality Act (CEQA) requires an EIR analysis to “identify and focus on the significant environmental effects of a proposed project” (CEQA Guidelines, §15126.2(a) and Public Resources Code Section 21000(a). The emphasis of the EIR should be placed on the potential “physical” adverse effects of a proposed project.

CEQA Guidelines §15360 defines “environment” as the physical conditions that exist within the area that will be affected by a proposed project including, but not limited to, land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The guidelines further define the area involved as the area in which significant effects would occur either directly or indirectly as a result of the project. The “environment” includes both natural and human-made conditions.

CEQA Guidelines §15382 further clarifies the definition of “significant effect on the environment” as a substantial, or potential substantial, adverse change in any of the physical conditions within the area affected by the project. An economic or social change by itself shall not be considered a significant effect on the environment. However, that economic or social change that may have a physical impact (such as urban decay) should be considered in an EIR (Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184).

For each impact section, thresholds for determining impact significance are identified along with descriptions of methodologies used to conduct the impact analysis. Determinations of impact significance levels in the EIR are made based on City impact significance guidelines and criteria for each impact topic, including Appendix G of the CEQA Guidelines. For some resource areas, such as air quality, transportation, and noise, the analysis of impacts are more quantitative in nature and involve the comparison of effects against a numerical threshold. For other resource areas, such as aesthetics and visual resources and land use, the analyses of impacts are inherently more qualitative, involving the consideration of a variety of factors, such as City policies.

The EIR impact discussions classify impact significance levels as:

1. **Significant and Unavoidable** - a significant impact to the environment that remains significant even after mitigation measures are applied;

2. **Less Than Significant with Mitigation** - a significant impact that can be avoided or reduced to a less than significant level with mitigation;

3. **Less Than Significant** - a potential impact that would not meet or exceed the identified thresholds of significance for the resource area;
4. **No Impact** – no impact would occur for the resource area; and

5. **Beneficial** – a potential impact that would improve the resource area.

The following environmental impact topics were originally analyzed in the Final EIR for the FVSP adopted by the City Council on January 23, 2018. As outlined below, as well as outlined in the attached Initial Study (Exhibit 1) to this Addendum to the FVCSP EIR, the proposed changes to the FVCSP will have **No Impact** on any identified environmental impacts.

**AESTHETICS:**

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Aesthetics, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

The proposed project includes the construction of a 109,914 square foot Headquarters building for the Orange County Sanitation District (OCSD) located within the Mixed Industry District of the FVCSP. The project will consist of a civic scaled lobby housing the Board Room/Multipurpose Room, a public exhibit displaying the history and values of OCSD as a kick-off for public tours and events, and the administrative offices for the sanitation district. The site will include a public entrance plaza, an exhibit plaza, and a private landscaped employee courtyard.

The FVCSP includes development standards and design guidelines to ensure that future projects develop structures that would maintain and enhance the area’s visual character. The design of the project, with approval of the requested entitlements listed above under Project, complies with the Development Standards of the Mixed Industry District and Section 2.8, Architectural Regulations, of the FVCSP. In addition, the Project would comply with many development standards outlined in Section 2.1.5 of the Specific Plan, which includes regulations pertaining to building scale, mass, placement, and architectural guidelines. At three stories in height, the Project would be consistent with development standards outlined in the Specific Plan, which allows up to four stories in height. The proposed Project would require variances, deviations, and code amendments to the Specific Plan as noted above under Project. The proposed Project would comply with all other development standards outlined in 2.1.5 of the Specific Plan. Therefore, with the approval of the above variances, deviations, and code amendments to the Specific Plan, the proposed Project would result in less than significant impacts related to the visual character of the site and views of the site.

The building would be designed to achieve United States Green Building Council Leadership in Energy and Environmental Design (LEED) Platinum Certification. In addition, similar to the Hyundai headquarters building on the north side of the 405 Freeway, the proposed project will allow a signature building in the City and one befitting one of Orange County’s critical infrastructure operations and the future direction of the FVCSP.
The Project site does not have views of any scenic vistas and would not result in adverse impacts on scenic resources such as historic structures or mature landscaping. The proposed bridge spanning over Ellis Avenue would connect to the second-floor level of the new administration building on the north side of Ellis Avenue and then connect to an elevator tower inside the secure perimeter of Plant No. 1. The proposed bridge will provide lighting at an average illuminance of 6.3 footcandles (fc) when the lights are on a full output. The lighting design of the pedestrian bridge will provide the necessary light levels for safe egress to and from the bridge while also minimizing glare to the oncoming traffic. The luminaries on the pedestrian bridge will provide precise optics which reduce glare to a glare rating of 0 according to the Illuminating Engineering Society (IES) of North America. Additionally, the luminaires are dimmable so the light level can be adjusted to respond to the specific conditions in the immediate surroundings throughout the year. Lastly, the luminaires will be placed in the center of the bridge ceiling to provide light to the pedestrian bridge pathway. Because of this, and because the luminaire’s light source is recessed up in the luminaire housing, there will be very limited view of the luminaire lens by passing cars and very little light will transmit from the bridge down onto the road surface. The pedestrian bridge would be designed architecturally similarly to the administration building. As such, the visual character of the site and views of the Project site from off-site areas would substantially change with implementation of the proposed Project. However, the Project would enhance the character and quality of the Project site and surrounding area by introducing updated buildings in place of the dated structures.

Mitigation Measures

The Specific Plan EIR does not include mitigation related to Aesthetics. No mitigation would be required for the proposed Project.

AGRICULTURE AND FORESTRY RESOURCES:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Agricultural and Forestry Resources, and there is no increase in the severity of impacts described in the Specific Plan EIR. The Project site does not contain agricultural or forestry resources and the developed nature of the Specific Plan area, including the Project site and Project vicinity, does not make the area suitable for future agricultural or forest land uses.

Mitigation Measures

The Specific Plan EIR does not include mitigation related to agricultural and forestry resources. No mitigation would be required for the proposed Project.

AIR QUALITY:
Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR.

Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measure that is applicable to the proposed Project is listed below. Potential Project impacts related to Air Quality would be reduced below a level of significance with implementation of the applicable mitigation measures.

The certified FVCSP Final EIR accounted for short-term construction impacts. When the EIR was evaluated against South Coast Air Quality Management District’s (SCAQMD’s) project-level thresholds, both the construction and operational emissions of land use changes anticipated to occur would not exceed SCAQMD’s project-specific thresholds. The impact was determined to be less than significant in the EIR. The proposed Project does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. Therefore, the Project would not create new or additional impacts to air or change the analysis and conclusions provided in the Final EIR.

**Mitigation Measures**

Based on the analysis contained in the Initial Study/Addendum, Mitigation Measure MM AQ-5c, included in the Specific Plan EIR, would be applicable to the proposed Project. No additional mitigation measures related to air quality beyond those identified in the Specific Plan EIR are required.

**MM AQ-5c Placement of Air System Intake.** When considering placement and direction of air intakes, the direction of prevailing winds shall be considered and the most logical decision shall be made. Design of the proposed development shall face air systems intakes appropriately, so as to reduce highly concentrated air pollution intake, considering placement on the opposite side of the building from the pollutant source. Development and heating, ventilation, and air conditioning (HVAC) system design shall be reviewed and approved by the City Planning and Building Department prior to issuance of a building permit. Monitoring and maintenance of HVAC systems and air intakes shall be conducted by the Applicant on a semiannual basis to ensure efficiency of the systems for development permits involving land uses that include or potentially affect sensitive populations.

**BIOLOGICAL RESOURCES:**

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Biological Resources, and there is no increase in the severity of impacts described in the Specific Plan EIR.
The Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. The Project does not contain nor will it impact sensitive species or habitats. No federally protected wetlands would be affected by the proposed Project. The proposed Project site is not located in a migratory wildlife corridor or native wildlife nursery site. The proposed Project would also incorporate and be consistent with existing policies regarding the protection of biological resources and would therefore not result in new significant impacts beyond those identified in the Specific Plan EIR. Chapter 12.04.040 of the Fountain Valley Municipal Code (FVMC) requires that no person or development shall engage in the planting, trimming, cutting, or removal of any vegetation along any streets, parkways, or public spaces without prior approval from the City’s Public Works Department. The proposed Project would comply with all City policies and regulations protecting biological resources.

Mitigation Measures

The Specific Plan EIR does not include mitigation related to Biological Resources. No mitigation would be required for the proposed Project.

CULTURAL RESOURCES:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Cultural Resources, and there is no increase in the severity of impacts described in the Specific Plan EIR.

The Specific Plan EIR determined that redevelopment activities associated with implementation of the Specific Plan would occur in previously disturbed areas, so it is unlikely that cultural resources would be encountered. No known human remains are interred on the Project site. Due to the level of past disturbance on the Project site, it is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during earth removal or disturbance activities. In the unlikely event that human remains are encountered during Project grading, the proper authorities would be notified and standard procedures for the respectful handling of human remains during the earthmoving activities would be adhered to in compliance with State Health and Safety Code Section 7050.5 and Public Resources Code (PRC) Section 5097.98.

Mitigation Measures

The Specific Plan EIR does not include mitigation related to cultural resources. No mitigation would be required for the proposed Project.

ENERGY CONSERVATION:
Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Energy Conservation, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

The proposed Project would not increase electricity or natural gas demand beyond the demand identified in the Specific Plan EIR. In fact, the electricity demand for the proposed Project would be less than the electricity demand evaluated in the Specific Plan EIR. The proposed Project would implement an energy-efficient design and sustainable development, and would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. The proposed Project would be required to comply with City-adopted codes and regulations governing energy-efficient design and sustainable development. In addition, the proposed Project would be designed to achieve LEED Platinum Certification, which would increase energy efficiency and conservation, and reduce wasteful use of energy resources. Therefore, the proposed Project would not conflict with existing energy standards and no impact would result from Project implementation.

Mitigation Measures

The Specific Plan EIR does not include mitigation related to energy conservation. No mitigation would be required for the proposed Project.

**GEOLOGY AND SOILS:**

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Geology and Soils, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

The proposed Project does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. No mitigation measures were required as indicated in the FVCSP EIR for geology and soils. Therefore, no new significant construction impacts affecting geology and soils would occur as a result of the proposed Project.

The proposed Project would comply with the California Building Code (CBC) requirements and recommendations of the geotechnical report and would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. There are no substantial hillsides or unstable slopes on the Project site; therefore, there is no potential for landslide hazards. The Project is located in the City of Fountain Valley and is therefore mapped as susceptible to subsidence and liquefaction. A site-specific geotechnical report will be prepared for the Project site to identify any geologic conditions that could affect the Project. The geotechnical
Mitigation Measures

The Specific Plan EIR does not include mitigation related to Geology and Soils. No mitigation would be required for the proposed Project.

GREENHOUSE GAS EMISSIONS:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Greenhouse Gas (GHG) Emissions, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

The FVCSP EIR concluded that buildout per the adopted FVCSP would not conflict with any applicable plan, policy, or regulation pertaining to GHGs, and the impact would be less than significant. The proposed Project does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. Therefore, the Project would not create new or additional impacts to GHGs or change the analysis and conclusions provided in the Final EIR.

The proposed Project involves the demolition of five existing buildings totaling 114,744 sf, and the development of an Administrative Headquarters Building totaling 109,914 sf. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels would create GHGs such as CO₂, CH₄, and N₂O. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change. Annual emissions amortized over the 30-year life of the proposed Project would be substantially below the estimates for the Specific Plan. Therefore, construction of the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant Impacts.

The proposed Project, which is designed to achieve LEED Platinum Certification and would not conflict with any applicable plan, policy, or regulation pertaining to GHGs, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts.
The proposed Project would not generate any additional VMT as compared to existing conditions because OCSD would not increase the number of employees or hire additional staff for the proposed Administrative Headquarters Building. The proposed Project would relocate 228 existing employees from Plant No. 1 to the new HQ building directly across Ellis Avenue. In addition, the proposed Project is in the same VMT zone as Plant No. 1. Therefore, vehicle trips would be redistributed from south of Ellis Avenue to north of Ellis Avenue. In addition, the Project site is an infill location. Therefore, the proposed Project would not conflict with any applicable plan, policy, or regulation pertaining to GHGs, and the impact would remain less than significant.

Mitigation Measures

The Specific Plan EIR does not include mitigation related to GHG emissions. No mitigation would be required for the proposed Project.

HAZARDS AND HAZARDOUS MATERIALS:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measure that is applicable to the proposed Project is listed below. Potential Project impacts related to Hazards and Hazardous Materials would be reduced below a level of significance with implementation of the applicable mitigation measures.

The Specific Plan EIR included Mitigation Measure MM HAZ-1, which requires each development and redevelopment Project to prepare a Phase I Environmental Site Assessment (Phase I ESA) and/or additional technical investigations prior to demolition activities. The Phase I ESA would disclose the presence of hazards and hazardous materials and would require all applicable procedures related to the treatment, handling, and disposal of all hazardous materials to ensure public safety to be followed. The Phase I Environmental Site Assessment (ESA) prepared for the Project site did not identify any recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), or historical recognized environmental conditions (HRECs) in connection with the Project site, and no further investigation or remediation was recommended. Compliance with existing regulations and MM HAZ-1 would ensure that potential impacts related to hazardous materials sites would be less than significant.

Construction activities associated with the proposed Project would use a limited amount of hazardous and flammable substances/oils during heavy equipment operation for site excavation, grading, and construction. The proposed Project would also comply with existing regulations governing the transport, use, and disposal of hazardous materials. The amount of hazardous chemicals present during construction is limited and would be used in compliance with existing government regulations. The potential for the release of hazardous materials during Project construction is low, and even if a release would occur, it would not
result in a significant hazard to the public, surrounding land uses, or environment due to the small quantities of these materials associated with construction vehicles. In addition, I-405 in the vicinity of the Project site is designated as a route upon which hazardous materials may be transported. However, the proposed Project would not involve the routine transportation of hazardous materials. The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Mitigation Measures

Based on the analysis and information above, Mitigation Measure MM HAZ-1 included in the Specific Plan EIR, would be applicable to the proposed Project. No additional mitigation measures related to hazards and hazardous materials beyond those identified in the Specific Plan EIR are required.

MM HAZ-1 Phase I ESA. Prior to demolition of a building or structure and/or excavation of subsurface improvements, Project applicants of site-specific development Projects in the Project area shall prepare a Phase I ESA. Consistent with local, state, and federal regulations, the Phase I ESA shall be subject to City review and address the following:

- **ACM, LBP, and PCBs.** Prior to the issuance of any demolition or excavation permit, the Applicant shall conduct a comprehensive survey of ACM, LBP, and PCBs. If such hazardous materials are found to be present, the Applicant shall follow all applicable local, state, and federal codes and regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of ACM, LBP, and PCBs to ensure public safety.

- **Potential On-Site Hazardous Materials or Conditions.** A visual survey and reconnaissance-level investigation of the existing site shall be conducted to determine if there are any structures or features within or near the buildings that are used to store, contain, or dispose of hazardous materials or waste. For any development within the Project area that has not been subject to a Phase I ESA or successful remediation efforts in the past, a Phase I ESA shall be performed to determine the likelihood of contaminants in areas beyond what has already been assessed in accordance with USEPA ASTM Practice E 1527-05 as may be amended. If the Phase I ESA finds that contaminated soil or other hazardous materials or waste are suspected to be present within the area, the Applicant shall follow all applicable local, state and federal codes and regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of each hazardous material or waste.

**HYDROLOGY AND WATER QUALITY:**
Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Hydrology and Water Quality and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

The proposed Project would comply with existing regulations and would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. With adherence to existing water quality regulations, including the Construction General Permit and County Municipal National Pollution Discharge Elimination System (NPDES) Stormwater Permit, which includes implementation of construction and operational BMP’s, impacts associated with water quality standards, waste discharge requirements during construction and operation, and degradation of water quality during construction and operation would be less than significant.

The proposed Project does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. No mitigation measures were required as indicated in the FVCSP EIR. Therefore, no new significant construction impacts affecting hydrology and water quality would occur as a result of the proposed Project.

**Mitigation Measures**

The Specific Plan EIR does not include mitigation related to Hydrology and Water Quality. No additional mitigation measures would be required for the proposed Project.

**LAND USE AND PLANNING:**

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Land Use and Planning, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measures that are applicable to the proposed Project are listed in in the Noise and Transportation/Traffic Sections of the attached Initial Study and this Addendum to the FVCSP EIR. Potential Project impacts related to Land Use and Planning would be reduced below a level of significance with implementation of the applicable mitigation measures.

The use of the new building will be an administrative office including boardroom facilities for civic events and exhibit/touring facilities for educational functions. This use is classified as a Workplace – Professional Services use in the Mixed Industry District of the FVCSP and is permitted by-right.
The Project site is currently developed with five existing industrial warehouse buildings. The proposed Project includes demolition of the five existing industrial warehouse buildings and construction and operation of a new three-story administration building, surface parking lot, and site landscaping, in a fully developed part of the City of Fountain Valley. In addition, a pedestrian bridge would extend from the Project site to OCSD’s Plant No. 1, directly south of Ellis Avenue. The pedestrian bridge would connect the proposed Project with the existing OCSD site and would not impact transportation facilities on Ellis Avenue. The proposed Project would include access to/from the Project site via driveways, as well as pedestrian and bicycle access to/from the Project site via sidewalks along the site’s eastern, western, and southern boundaries, which are already developed. As a result, the proposed Project would not result in physical divisions in any established community.

The proposed Project would be consistent with all locally adopted land use plans, policies, and regulations, including most development standards outlined in the Specific Plan. The proposed Project would require the following variances, deviations, and code amendments to the Specific Plan:

- Variance 1 – Frontage Coverage (Pacific Street)
- Variance 2 – Frontage Coverage (Bandilier Circle)
- Variance 3 – Build-to-Corner (Ellis Avenue/Bandilier Circle)
- Variance 4 – Parking Count (Not Used)
- Variance 5 – Curb Cuts & Driveways (Pacific Street)
- Variance 6 – Street Façade Base (Pacific Street)
- Variance 7 – Street Façade Base (Ellis Avenue)
- Variance 8 – Street Façade Base (Bandilier Circle)
- Variance 9 – Street Façade Top (Pacific Street, Bandilier Circle and Ellis Avenue – Board Room Volume, Ellis Avenue)
- Variance 10 – Street Façade Wall Composition on Bandilier Circle
- Deviation 1 – Building Length (Ellis Avenue)
- Deviation 2 – Street Façade Composition (Pacific Street)
- Deviation 3 – Parking Count
- Code Amendment 1 – Amendment to permit the use of skyways to connect government buildings
- Code Amendment 2 – Amendment to change the minimum parking standard for the Workplace-Professional use type from 3.5 spaces per 1,000 sf to 2.5 spaces per 1,000 sf
- Code Amendment 3 – Amendment to eliminate the requirement for Special Public Open Space
As listed above, the proposed Project would require a code amendment to the Specific Plan to permit the use of skyways to connect government buildings. With the approval of this code amendment, the proposed pedestrian bridge would be allowed by the Specific Plan.

The development standards outlined in the Specific Plan require 3.5 parking spaces per 1,000 sf of building area; however, per Section 21.22.040 of the FVMC, office uses require 2.5 parking spaces per 1,000 sf of building area. The proposed 261 parking spaces are non-compliant with the existing Specific Plan, which requires 365 parking spaces, but are compliant with the FVMC. The proposed Project would require approval of a deviation to address the reduced parking.

The proposed Project also includes an amendment to the Specific Plan to change the minimum parking standard for the Workplace-Professional use type from 3.5 spaces per 1,000 sf to 2.5 spaces per 1,000 sf. This amendment would make the Specific Plan consistent with the FVMC parking requirements for office uses. With approval of the code amendment and a 5% deviation to the amended parking requirement, the proposed Project would be consistent with the parking requirements of the FVCSP.

The proposed Project would also require a code amendment to the FVCSP to eliminate the requirement for Special Public Open Space. With the approval of this code amendment, the requirement for Public Open Space would be eliminated and the proposed Project would be consistent with the Specific Plan.

The proposed Project would comply with all other development standards outlined in 2.1.5 of the Specific Plan. Therefore, with the approval of the above variances, deviations, and code amendments to the Specific Plan, the proposed Project would be consistent with development standards outlined in the Specific Plan.

Mitigation Measures

Based on the analysis and information above, Mitigation Measures MM N-1, MM T-1, MM T-2a through b, and MM T-7 (refer to Noise and Transportation/Traffic Sections) shall apply, are included in the Specific Plan EIR, and would be applicable to the proposed Project.

MINERAL RESOURCES:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Mineral Resources, and there is no increase in the severity of impacts described in the Specific Plan EIR.

The proposed Project site does not contain any known commercially valuable mineral resource. No impacts to known mineral resources would occur as a result of the proposed Project.
Mitigation Measures

The Specific Plan EIR does not include mitigation related to mineral resources. No additional mitigation measures would be required for the proposed Project.

NOISE:

Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Noise, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measure that is applicable to the proposed Project is listed below. Potential Project impacts related to Noise would be reduced below a level of significance with implementation of the applicable mitigation measures.

Cumulative projects in the area would contribute to increased traffic and related noise levels, primarily on arterials and major roadways; however, future development would require City planning review to ensure compliance with City noise policies and regulations. The mitigation measure below requires a construction noise management plan as well as compliance with Section 6.28.070 of the FVMC. The proposed Project will not result in any new or additional impacts to noise, or change the analysis and conclusions in the Final EIR.

Mitigation Measures

Based on the analysis and information above, Mitigation Measure MM N-1 included in the Specific Plan EIR would be applicable to the proposed Project.

**MM N-1 Construction Noise Management Plan.** A Construction Noise Management Plan shall be prepared by the Applicant and approved by the City prior to Grading Permit issuance. The Plan would address noise and vibration impacts and outline measures that would be used to reduce impacts. Measures would include but not be limited to:

- To the extent that they exceed the applicable construction noise limits, excavation, foundation-laying, and conditioning activities shall be restricted to between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, and 9:00 a.m. and 8:00 p.m. Saturdays, in accordance with Section 6.28.070 of the FVMC.

- The Applicant’s construction contracts shall require implementation of the following construction best management practices (BMPs) by all construction contractors and subcontractors working in or around the Project area to reduce construction noise levels:
The Applicant and its contractors and subcontractors shall ensure that all construction equipment, fixed or mobile, is properly muffled according to manufacturer’s specifications or as required by the City’s Building and Safety Division, whichever is the more stringent.

The Applicant and its contractors and subcontractors shall place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible, to the satisfaction of the Building and Safety Division.

The Applicant and its contractors and subcontractors shall implement noise attenuation measures which may include, but are not limited to, noise barriers or noise blankets to the satisfaction of the City’s Building and Safety Division.

- The Applicant’s contracts with its construction contractors and subcontractors shall include the requirement that construction staging areas, construction worker parking, and the operation of earthmoving equipment within the Project area, are located as far away from vibration- and noise-sensitive sites as possible. Contract provisions incorporating the above requirements shall be included as part of the Project’s construction documents, which shall be reviewed and approved by the City.

- The Applicant shall require by contract specifications that heavily loaded trucks used during construction shall be routed away from residential streets to the extent possible. Contract specifications shall be included in the proposed Project’s construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

- Property owners and occupants located within 500 feet of the boundary of a construction Project occurring under the Specific Plan shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the Project. A sign, legible at a distance of 50 feet, shall be posted at the construction site. All notices and signs shall be reviewed and approved by the City prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.

POPULATION AND HOUSING:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Population and Housing, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.
The proposed Project would not displace any existing housing, and there are no existing or proposed residential uses on the Project site. Therefore, there would be no impacts related to the displacement of substantial numbers of housing.

Mitigation Measures

The Specific Plan EIR does not include mitigation related to population and housing. No additional mitigation measures would be required for the proposed Project.

PUBLIC SERVICES:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Public Services, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

The Specific Plan EIR concluded that an increase in the number of residents and employees generated by Specific Plan buildout would not be expected to significantly decrease adequate service levels or response times. Based on City growth Projections, the Fountain Valley Police Department (FVPD) does not currently anticipate the need for additional resources, and therefore, potential impacts to police services are considered less than significant.

The Project may result in limited effects on fire services during the construction period but these effects would be temporary in nature and would cease following completion. The new development proposed as part of the Project would not represent a net increase in businesses or jobs because the administrative use would provide work space for existing OCSD personnel currently located at OCSD’s Plant No. 1, which is directly across Ellis Avenue from the Project site. Consequently, operation of the administration building would not result in increased demand for fire services in the Project vicinity compared to existing conditions. Further, the Project would be required to comply with building code requirements related to fire protection and prevention (e.g., installation of fire sprinklers, fire hydrant spacing, and minimum water pressure requirements). Therefore, the proposed Project would result in less than significant impacts to fire protection services.

The FVPD is responsible for the prevention, detection, and investigation of crime in the City. Construction and operation of the proposed Project may result in increased demand for police protection services. Although the Project site would be fenced during construction, construction activities may result in temporary effects on police services, including any potential calls for service FVPD may receive regarding conditions at the Project site. The new development proposed as part of the Project would not represent a net increase in businesses or jobs because the administrative use would provide work space for existing OCSD personnel currently working on the OCSD Plant No. 1 site. In addition, the proposed Project would install security lighting consistent with City requirements. The proposed Project also includes the installation on on-site security cameras and emergency call-boxes in the parking
lot. Further, the Project site would be patrolled by OCSD’s security team. Consequently, operation of the administration building would not result in increased demand for police services in the Project vicinity compared to existing conditions. Therefore, the Project would not result in adverse impacts to police services.

The proposed Project does not include any residential uses and, as such, would not induce population growth that would generate an increased demand for schools. The proposed Project would not impact parks or libraries because it would not result in a substantial increase in population. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts.

The Project will also require the approval of a Development Agreement since OCSD is a government agency and is therefore exempt from paying property tax. Property tax exemptions result in a loss of local property tax revenues, require the community to subsidize its public services, and create a burden upon the delivery of local municipal services to the project. The Development Agreement will reimburse the City for the loss of local property tax revenues that will create a burden upon the delivery of municipal services to the project and services required by the proposed development that are not otherwise being reimbursed by the City.

**Mitigation Measures**

The Specific Plan EIR does not include mitigation related to public services. No additional mitigation measures would be required for the proposed Project.

**RECREATION:**

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Recreation, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

The proposed Project would not impact parks and recreational facilities because it would not result in an increase in population. Also, the proposed Project would not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts.

**Mitigation Measures**

The Specific Plan EIR does not include mitigation related to recreation. No additional mitigation measures would be required for the proposed Project.
TRANSPORTATION/TRAFFIC:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Transportation/Traffic, and there is not substantial increase in the severity of impacts described in the Specific Plan EIR.

Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measure that is applicable to the proposed Project is listed below. The potential Project impact related to Transportation/Traffic would be reduced below a level of significance with implementation of applicable the mitigation measure from the Specific Plan EIR. The proposed Project would not contribute to the significant unavoidable impacts identified in the Specific Plan EIR.

As indicated in the FVCSP EIR, build-out associated with the proposed Specific Plan would include up to 785,532 square feet of new office floor area, 134,010 square feet of new retail floor area, and up to 491 residential units projected to occur through 2035. The proposed project will demolish 114,744 square feet of existing industrial space and replace it with 109,914 square feet of new office space.

As OCSD staff are relocating across Ellis Avenue, the proposed Project would not add additional traffic trips to the circulation system, and would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required. The proposed Project will consolidate the six existing driveways on the project frontage of Bandilier Circle into one driveway (providing access to employee and public parking) and consolidate the five existing driveways on Pacific Street into two driveways (one for bus and large vehicle access and one for employee and public parking). Consolidation of the driveways along both streets will remove turning-movement conflicts as a result of driveways currently being spaced too closely.

Additionally, a traffic signal may be installed in the future at the intersection of Bandilier Circle and Ellis Avenue or at the intersection of Mt. Langley Street and Ellis Avenue but it is not part of the proposed Project. The Traffic Analysis prepared for the proposed Project assumed two different design concepts. The first design concept (referred to as Alternative 1) does not include a parking lot connection from the Project site to the adjacent property located at 18350 Mt. Langley Street, and a traffic signal is recommended at the intersection of Bandilier Circle and Ellis Avenue. The second design concept (referred to as Alternative 2) includes a parking lot connection from the Project site to the adjacent property located at 18350 Mt. Langley Street, and a traffic signal is recommended at the intersection of Mt. Langley Street and Ellis Avenue. The need for the installation of a traffic signal at any intersection would ultimately be determined by the City. Design of the Project, including the driveway consolidation and a potential new signal, would be subject to review by the City’s Department of Public Works for compliance with City regulations.
The Specific Plan EIR concluded that the implementation of the Specific Plan would have a less than significant impact on parking capacity. With approval of the proposed code amendment and parking deviation as outlined above under Project, the project will also be consistent with the FVCSP and would have a less than significant impact on parking capacity.

The Specific Plan EIR concluded that implementation of the Specific Plan would not substantially disrupt alternative transportation, and impacts would be less than significant. The proposed Project is consistent with existing and planned pedestrian, bicycle, and transit facilities, would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR.

Pedestrian access to the Project site will be possible by existing sidewalks on Ellis Avenue, Bandilier Circle, and Pacific Street that will be expanded to 8 feet wide. The proposed Project will provide direct pedestrian access between the existing OCSD Plant No. 1 and the Project site via the proposed pedestrian bridge.

There are no designated bicycle routes in the City’s Bicycle Master Plan adjacent to the Project site; however, bicyclists may share the roadway with vehicles on Ellis Avenue in order to reach the Class II Bike Path network via Ward Street and Ellis Avenue west of Ward Street. In addition, bicyclists may share the roadway with vehicles up to Talbert Avenue to reach the Class I Santa Ana River Trail. The proposed Project does not alter the existing roadways and would not conflict with this planned project.

OCTA operates Bus Line 37 with stops along Ellis Avenue in the Project vicinity. Employees are able to utilize the Bus Line 37 service to access the existing OCSD Plant No. 1 site and the proposed Project site. As the proposed Project would not increase the number of employees, no new transit trips are anticipated to be generated.

Since the Project is consistent with existing and planned pedestrian, bicycle, and transit facilities, implementation of the proposed Project would not conflict with any alternative transportation routes, including pedestrian, bicycle and transit facilities. Impacts would be less than significant.

Mitigation Measures

Based on the analysis and information above, the mitigation measures below from the Specific Plan EIR would be applicable to the proposed Project. No additional mitigation measures related to transportation/traffic beyond those identified in the Specific Plan EIR are required.

MM T-1 Construction Impact Mitigation Plan. Future development occurring under the proposed Fountain Valley Crossings Specific Plan shall be required to prepare a Construction Impact Mitigation Plan for review and approval prior to issuance of a grading or building permit to address and manage traffic during construction and shall be designed to:

- Prevent traffic impacts on the surrounding roadway network;
• Minimize parking impacts both to public parking and access to private parking to the greatest extent practicable;
• Ensure safety for both those constructing the Project and the surrounding community; and
• Prevent substantial truck traffic through residential neighborhoods.

The Construction Impact Mitigation Plan shall be subject to review and approval by the following City departments: Planning & Building, Public Works, and Police to ensure that the Construction Impact Mitigation Plan has been designed in accordance with this mitigation measure. Additionally, the plan shall be prepared and implemented in coordination with any affected agencies such as OCTA and Caltrans. The review of the plan shall occur prior to issuance of grading or building permits. It shall, at a minimum, include the following:

Ongoing Requirements throughout the Duration of Construction.

• A detailed Construction Impact Mitigation Plan for work zones shall be maintained. At a minimum, this shall include parking and travel lane configurations; warning, regulatory, guide, and directional signage; and area sidewalks, bicycle lanes, and parking lanes. The Construction Impact Mitigation Plan shall include specific information regarding the Project's construction activities that may disrupt normal pedestrian and traffic flow and the measures to address these disruptions. Such plans shall be reviewed and approved by the Planning & Building and Public Works Departments prior to commencement of construction and implemented in accordance with this approval.

• Work within the public right-of-way, deliveries, haul trips, and construction employee trips shall be performed during off-peak vehicular traffic hours. No construction work would be permitted on Sundays and national holidays that City offices are closed. Construction work includes, but is not limited to dirt and demolition material hauling and construction material delivery. Work within the public right-of-way outside of these hours shall only be allowed after the issuance of an after-hours construction permit. Exceptions may be made for time sensitive construction activities (e.g., pouring concrete).

• “Flagger” construction personnel shall be required at construction site entrances.

• The closure of major arterials shall be limited to non-peak vehicular traffic hours only.

• Streets and equipment shall be cleaned in accordance with established Public Works requirements.

• Trucks shall only travel on a City-approved truck routes. Limited queuing may occur on the construction site itself.
Materials and equipment shall be minimally visible to the public; the preferred location for materials is to be on-site, with a minimum amount of materials within a work area in the public right-of-way, subject to a current Use of Public Property Permit.

Any requests for work before or after normal construction hours within the public right-of-way shall be subject to review and approval through the After Hours Permit process administered by the Building and Safety Division.

Provision of off-street parking for construction workers, which may include the use of a remote location with shuttle transport to the site, if determined necessary by the City.

The Construction Impact Mitigation Plan shall ensure adequate emergency access is maintained throughout the duration of all construction activities. Consistent with the requirements and regulations of the MUTCD, adequate emergency access shall be ensured through measures such as coordination with local emergency services, training for flagmen for emergency vehicles traveling through the work zone, temporary lane separators that have sloping sides to facilitate crossover by emergency vehicles, and vehicle storage and staging areas for emergency vehicles.

Project Coordination Elements That Shall Be Implemented Prior to Commencement of Construction.

The traveling public shall be advised of impending construction activities which may substantially affect key roadways or other facilities (e.g., information signs, portable message signs, media listing/notification, Hotline number, and implementation of an approved Construction Impact Mitigation Plan) in a manner appropriate to the scale and type of Projects.

A Use of Public Property Permit, Excavation Permit, Sewer Permit, or Oversize Load Permit, as well as any Caltrans permits required for any construction work requiring encroachment into public rights-of-way, detours, or any other work within the public right-of-way shall be obtained.

Timely notification of construction schedules shall be provided to all affected agencies (e.g., Police Department, Fire Department, Public Works Department, and Community Development Department) and to all owners and residential and commercial tenants of property within a radius of 500 feet.

Construction work shall be coordinated with affected agencies in advance of start of work. Approvals may take up to two weeks per each submittal.

Planning & Building and Public Works Departments approval of any haul routes for earth, concrete, or construction materials and equipment hauling shall be obtained.

Amended Implementation and Funding/Financing Strategy for the Fountain Valley Crossings Specific Plan. The City shall amend Section 3.5 of the FVCSP
Implementation and Funding/Financing Strategy prior to adoption of the Specific Plan. The Specific Plan shall require to include a subsequent fee justification study, identify costs for transportation improvements, apportion costs for improvements, and include fair share Projected costs for each funded and unfunded improvement. Prior to approval of the first entitlements for a development within the Project area, the City must adopt the regular fee update schedule for identified intersection improvements. The City shall coordinate with neighboring jurisdictions to identify intersection improvements, apportion costs for improvements, and scheduling of proposed improvements.

The Amended Implementation and Funding/Financing Strategy shall:

- Identify the cost of improvements to all identified transportation improvements, within the Project area and surround vicinity, needed to serve the proposed Fountain Valley Crossings Specific Plan.
- Clearly apportion existing and Projected demand on these facilities and costs between existing users, the City, and proposed future development Projects.
- Identify development impact fees for all residential and non-residential Projects to ensure that each Project pays its fair share of public infrastructure costs.
- Include a regular fee update schedule, consistent with the City’s Capital Improvement Program.

**MM T-2b Intersection Improvements Impact Fee.** At the intersection of Talbert Avenue & Mt. Washington Street (Intersection #12), a traffic signal shall be installed. In addition, the six point stop-controlled intersection, within the Costco parking lot, shall be reconfigured into a standard four leg intersection by removing the northern eastbound and westbound approaches. To further reduce impacts, it is recommended that the westbound approach be restriped to convert the existing right-turn lane into a shared through/right turn lane. Additional geometric improvement options such as signal phasing and green times shall be considered and reviewed prior to final design of this intersection. In accordance with MM T-2a, approved improvements shall be included in Implementation and Funding/Financial Strategy and development Project applicants within the Project area shall pay a fair share contribution towards these improvements. The fair share fee shall be evaluated based on based on a metric approved by the City (e.g. dwelling units, acreage, square footage, ADT, etc.).

**MM T-7 Intersection Modifications.** At the intersection of Ellis Avenue & Ward Street, capacity improvements such as conversion to standard protected signal phasing, green times, and restriping of the northbound approach to include one left turn lane, one through lane, and two right turn lanes shall be considered and reviewed prior to final design on the intersection. In accordance with MM T-2a, the approved improvements shall be included in the Implementation and Funding/Financial Strategy and development Project applicants within the Project area shall pay a fair share contribution towards these improvements.
based on a metric approved by the City (e.g. dwelling units, acreage, square footage, ADT, etc.).

TRIBAL CULTURAL RESOURCES:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Tribal Cultural Resources, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measures that are applicable to the proposed Project are listed below. Potential Project impacts related to Tribal Cultural Resources would be reduced below a level of significance with implementation of the applicable mitigation measures.

With the implementation of Mitigation Measures MM TCR-1a, MM TCR-1b, and MM TCR-1c, which were included in the Specific Plan EIR, impacts to tribal cultural resources would be reduced to a less than significant level. Mitigation Measure MM TCR-1a would require pre-construction training prior to any grading or other development activities associated with Project implementation. In the event of inadvertent discovery of tribal cultural resources during Project construction, Mitigation Measure MM TCR-1b would require retention of a qualified registered professional archaeologist (RPA) and a qualified Native American Monitor to evaluate the significance of the discovery pursuant to the Cultural Resources Treatment Plan procedures, which are outlined in Mitigation Measure MM TCR-1c.

Mitigation Measures

Based on the analysis and information above, Mitigation Measures MM TCR-1a, MM TCR-1b, and MM TCR-1c, included in the Specific Plan EIR, would be applicable to the proposed Project.

MM TRC-1a Pre-Construction Training: For individual discretionary development Projects, pre-construction training for construction personnel shall be conducted prior to commencement of any grading or other development activities. A qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (2008) and approved by the City, shall conduct tribal cultural resources identification and protocol training prior to site disturbance activities. Construction personnel shall be informed of the types of archaeological or tribal cultural resources that may be encountered, and of the proper protocols for agency notification. Construction personnel shall attend the training and shall retain documentation demonstrating attendance.

MM TRC-1b Inadvertent Discovery: In the event of any inadvertent discovery of archaeological or tribal cultural resources during construction, ground-
disturbing activities shall be suspended until an evaluation is performed. The Applicant shall retain a qualified registered professional archaeologist (RPA) and a qualified Native American Monitor selected by the City. The City’s selection of a Native American Monitor will be based on cultural affiliation with the Project area, which may include consultation with the NAHC. In the event of discovery, construction personnel shall notify the City, the RPA, and Native American Monitor. The RPA and Native American Monitor shall evaluate the significance of the discovery pursuant to the Treatment Plan procedures outlined in MM TCR-1c, below. Work shall not resume until authorization is received from the City. If human remains are found, in compliance with California Health and Safety Code Section 7050.5, all ground disturbances must cease and the County Coroner must be contacted to determine the nature of the remains. In the event the remains are determined to be Native American in origin by the Coroner, the Coroner is required to contact the NAHC within 24 hours to relinquish jurisdiction.

MM TCR-1c Archaeological Data Recovery: If cultural resources are encountered during development activities, the City shall implement a Cultural Resources Treatment Plan to address resource identification, significance evaluation, and any necessary mitigation. The Treatment Plan shall be prepared by a City-approved RPA and a City-approved Native American Monitor, and at a minimum shall include:

- A review of historic maps, photographs, and other pertinent documents to predict the locations of former buildings, structures, and other historical features and sensitive locations within and adjacent to the specific development area;
- A context for evaluating resources that may be encountered during construction;
- A research design outlining important prehistoric and historic-period themes and research questions relevant to the known or anticipated sites in the study area;
- Specific and well-defined criteria for evaluating the significance of discovered remains; and
- Data requirements and the appropriate field and laboratory methods and procedures to be used to treat the effects of the Project on significant resources.

The City, in its discretion and supported by substantial evidence, may also determine that resource is significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. If the RPA determines that the find may qualify for listing in the California Register, the site shall be avoided or the resource preserved in place, or if avoidance or preservation in place is not determined feasible, a data recovery plan shall be developed. The preferred mitigation shall be to avoid the resource or preserve in place. Any required testing or data recovery shall be directed by a qualified RPA and Native American Monitor.
prior to construction being resumed in the affected area. The Treatment Plan shall also include submission of a final technical report, funded by the developer and approved by the City.

UTILITIES AND SERVICE SYSTEMS:

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Utilities and Service Systems, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measure that is applicable to the proposed Project is listed below. Potential Project impacts related to Utilities and Service Systems would be reduced below a level of significance with implementation of the applicable mitigation measures.

The FVCSP EIR included one (1) mitigation measure regarding projects that would potentially trigger the need for expansion or replacement of individual sewer lines. All new development projects shall be conditioned to be subject to payment of its fair share of any impact fees.

Planned and pending development in the City includes multiple mixed-use development, large-scale commercial development, and capital improvement projects. These projects are also expected to contribute to additional population increases in the City either through residential development or through generation of additional employment opportunities, thereby increasing demand for the City’s utility infrastructure services. New projects in the FVCSP have the potential to increase the demand on utility services; however, these projects would be required to comply with standards for the provision of adequate utility services set forth in the City’s General Plan and FVMC, and would be subject to City planning and review processes that would ensure that adequate utility infrastructure. Developers are required to pay development impact fees to offset any impacts to utility service infrastructure and capacities. As such, cumulatively the Project would not result in any significant or adverse effects on utilities and the provision of these services.

The proposed Project does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. In addition, the mitigation measures will still be applicable to new uses and projects. The proposed Project will not result in any new or additional impacts to transportation, circulation and traffic utilities, or change the analysis and conclusions in the Final EIR.

Mitigation Measures
Based on the analysis and information above, Mitigation Measure MM UT-3, included in the Specific Plan EIR, would be applicable to the proposed Project.

**MM UT-3 FVCSP Utility Infrastructure Financing Program:** The City shall ensure adequate financing for funding of infrastructure improvements to serve the FVCSP through implementation of the FVCSP Utility Infrastructure Financing Program, including preparation of an AB 1600 fee justification study, for the FVCSP area. The Financing Program shall be developed prior to the approval of the first entitlements for a development within the Project area, following adoption of the Project. All new development within the FVCSP shall be conditioned to be subject to payment of its fair share of any impact fees identified under this program. The City shall determine the costs of and establish a funding program for the following capital improvements to upgrade water and wastewater delivery as needed to serve the demands of new land uses anticipated to occur under the FVCSP.

The Program shall also:

a. Identify the cost of improvements to or replacement of undersized water and wastewater lines within the FVCSP area needed to serve the Project.

b. Clearly apportion existing and Projected demand on these facilities and costs between existing users, the City, and proposed future development.

c. Identify potential funding mechanisms for sewer and water line construction, including the equitable sharing of costs between new development, the City and existing users, including development impact fees, grants, assessments, etc.

d. Identify development impact fees for all residential and non-residential development to ensure that development pays its fair share of public infrastructure costs.

e. Include a regular fee update schedule, consistent with the City’s Capital Improvement Program.

**MANDATORY FINDINGS OF SIGNIFICANCE:**

Based on the analysis and information provided in the attached Initial Study to this Addendum to the FVCSP EIR, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Mandatory Findings of Significance, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.
Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measures that are applicable to the proposed Project are listed below. Potential Project impacts related to Mandatory Findings of Significance would be reduced below a level of significance with implementation of the applicable mitigation measures.

Both the Specific Plan and the proposed Project would require incorporation of Mitigation Measures TCR-1a through TCR-1c, which would reduce impacts to a less than significant level. As such, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts.

The Project site is currently developed and is located in an urban area. The proposed Project would redevelop the Project site to replace the five existing industrial warehouse buildings with an administration building, associated parking and additional landscaping. The design of the proposed Project would be consistent with the existing City zoning and General Plan designations for the site and the development standards of the Specific Plan. Development of the proposed Project would not cause substantial adverse effects on human beings related to air quality, greenhouse gas emissions, hazardous materials, and noise, because all potentially significant impacts of the proposed Project can be mitigated to a less than significant level. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts.

Mitigation Measures

No mitigation is required beyond those specified in the attached Initial Study/Addendum (Exhibit 1).

SUMMARY OF ENVIRONMENTAL EFFECTS:

As discussed in this Addendum, the proposed Project would not change the conclusions of the certified Final EIR. The proposed Project would not result in a new significant impact or substantially increase the severity of a previously identified significant impact. No mitigation is required beyond the existing commitments contained within the MMRP. All proposed development Projects will be analyzed against the findings of the FVCSP EIR and be required to comply with the mitigation measures listed in the Final EIR. The proposed Project does not meet any of the conditions that would require the preparation of a subsequent or supplemental EIR as set forth in Sections 15162 and 15163 of the CEQA Guidelines.

DETERMINATION:

Section 15164(a) of the CEQA Guidelines states the following:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of subsequent EIR have occurred. The proposed
modifications to the original Project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Furthermore, new information associated with the proposed modifications does not indicate that: the Project will have one or more significant effects not discussed in the adopted Final EIR; significant effects previously examined will be substantially more severe than shown in the adopted Final EIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible; or mitigation measures or alternatives which are considerably different from those analyzed in the adopted Final EIR would substantially reduce one or more significant effects on the environment. Accordingly, an addendum has been prepared as opposed to a supplemental or subsequent EIR. The City of Fountain Valley is adopting this Addendum in accordance with the CEQA Guidelines Section 16164.
INITIAL STUDY/ADDENDUM

ADMINISTRATIVE HEADQUARTERS BUILDING PROJECT
PROJECT NO. P1-128

Prepared for:

Orange County Sanitation District
Sanitation District Plant No. 1
10844 Ellis Avenue
Fountain Valley, California 92708

Prepared by:

LSA
20 Executive Park, Suite 200
Irvine, California 92614
(949) 553-0666

October 2020
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<th>Description</th>
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<tr>
<td>AASHTO</td>
<td>American Association of State Highway and Transportation Officials</td>
</tr>
<tr>
<td>AAQS</td>
<td>ambient air quality standard</td>
</tr>
<tr>
<td>AB</td>
<td>Assembly Bill</td>
</tr>
<tr>
<td>acre-ft/yr</td>
<td>acre-feet per year</td>
</tr>
<tr>
<td>ACM</td>
<td>asbestos-containing material</td>
</tr>
<tr>
<td>AELUP</td>
<td>Airport Environ Land Use Plan</td>
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<tr>
<td>AFIP</td>
<td>Administrative Facilities Implementation Plan</td>
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<tr>
<td>APN</td>
<td>Assessor’s Parcel Number</td>
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<tr>
<td>AQMP</td>
<td>air quality management plan</td>
</tr>
<tr>
<td>BMPs</td>
<td>Best Management Practices</td>
</tr>
<tr>
<td>Cal/OSHA</td>
<td>California Occupational Safety and Health Administration</td>
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<td>CalEEMod</td>
<td>California Emission Estimator Model</td>
</tr>
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<td>CalGreen</td>
<td>California Green Building Standards Code</td>
</tr>
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<td>ChReg</td>
<td>California Register of Historical Resources</td>
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<tr>
<td>CalRecycle</td>
<td>California Department of Resources Recycling and Recovery</td>
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<td>CalTrans</td>
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<td>CARB</td>
<td>California Air Resources Board</td>
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<td>CBC</td>
<td>California Building Code</td>
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<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
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<td>CDFW</td>
<td>California Department of Fish and Wildlife</td>
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<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>CH₄</td>
<td>methane</td>
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<tr>
<td>Channel</td>
<td>Fountain Valley Channel</td>
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<td>CHRIS</td>
<td>California Historical Resources Information System</td>
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<td>City</td>
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<td>CMA</td>
<td>Congestion Management Agency</td>
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<td>Congestion Management Program</td>
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<tr>
<td>CO</td>
<td>carbon monoxide</td>
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<td>CO₂</td>
<td>carbon dioxide</td>
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<tr>
<td>Abbreviation</td>
<td>Description</td>
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<tr>
<td>CO&lt;sub&gt;2&lt;/sub&gt;e</td>
<td>carbon dioxide equivalent</td>
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<tr>
<td>County</td>
<td>County of Orange</td>
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<tr>
<td>CREC</td>
<td>controlled recognized environmental condition</td>
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<tr>
<td>dB</td>
<td>decibel</td>
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<tr>
<td>dBA</td>
<td>A-weighted decibel</td>
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<td>DOC</td>
<td>Department of Conservation</td>
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<tr>
<td>EIR</td>
<td>Environmental Impact Report</td>
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<td>EPA</td>
<td>United States Environmental Protection Agency</td>
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<td>Environmental Site Assessment</td>
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<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
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<td>FIRM</td>
<td>Flood Insurance Rate Map</td>
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<tr>
<td>ft</td>
<td>foot/feet</td>
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<tr>
<td>FVCSP</td>
<td>Fountain Valley Crossings Specific Plan, or Specific Plan</td>
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<td>FVFD</td>
<td>Fountain Valley Fire Department</td>
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<td>Fountain Valley Police Department</td>
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<tr>
<td>GHG</td>
<td>greenhouse gas</td>
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<tr>
<td>gpd</td>
<td>gallons per day</td>
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<tr>
<td>GWh</td>
<td>gigawatt hour</td>
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<tr>
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<td>hazardous building materials</td>
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<td>HBUHSD</td>
<td>Huntington Beach Union High School District</td>
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<td>HCP</td>
<td>Habitat Conservation Plan</td>
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<td>HFCs</td>
<td>hydrofluorocarbons</td>
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<td>HREC</td>
<td>historical recognized environmental condition</td>
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<td>HRI</td>
<td>Historical Resources Inventory</td>
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<td>Interstate 405</td>
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<td>LBP</td>
<td>lead-based paint</td>
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<tr>
<td>lbs</td>
<td>pounds</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>LEED</td>
<td>(United States Green Building Council) Leadership in Energy and Environmental Design</td>
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<tr>
<td>( L_{eq} )</td>
<td>equivalent continuous sound level</td>
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<td>LID</td>
<td>Low Impact Development</td>
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<td>LOS</td>
<td>level of service</td>
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<td>Migratory Bird Treaty Act</td>
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<td>Mitigation Measure</td>
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<td>NCCP</td>
<td>Natural Community Conservation Plan</td>
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<td>NO(_x)</td>
<td>nitrogen oxides</td>
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<td>National Pollutant Discharge Elimination System</td>
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<td>O(_3)</td>
<td>ozone</td>
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<td>recognized environmental condition</td>
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<td>Southern California Association of Governments</td>
</tr>
<tr>
<td>SCAQMD</td>
<td>South Coast Air Quality Management District</td>
</tr>
<tr>
<td>SCCIC</td>
<td>South Central Coastal Information Center</td>
</tr>
<tr>
<td>SCE</td>
<td>Southern California Edison</td>
</tr>
<tr>
<td>SCG</td>
<td>Southern California Gas Company</td>
</tr>
<tr>
<td>sf</td>
<td>square foot/square feet</td>
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<tr>
<td>SF6</td>
<td>sulfur hexafluoride</td>
</tr>
<tr>
<td>SH</td>
<td>Seismic Hazard</td>
</tr>
<tr>
<td>SO₂</td>
<td>sulfur dioxide</td>
</tr>
<tr>
<td>SP</td>
<td>Specific Plan</td>
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<tr>
<td>Specific Plan</td>
<td>Fountain Valley Crossings Specific Plan, or FVCSP</td>
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<td>Specific Plan Environmental Impact Report</td>
</tr>
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<td>State Water Project</td>
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<td>Storm Water Pollution Prevention Plan</td>
</tr>
<tr>
<td>TAC</td>
<td>toxic air contaminant</td>
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<tr>
<td>TDM</td>
<td>Transportation Demand Management</td>
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<td>Transportation Impact Analysis</td>
</tr>
<tr>
<td>tpd</td>
<td>tons per day</td>
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<td>United States Fish and Wildlife Service</td>
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<td>GHG CEQA Significance Threshold Stakeholder Working Group</td>
</tr>
<tr>
<td>WQMP</td>
<td>Water Quality Management Plan</td>
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1.0 INTRODUCTION

1.1 BACKGROUND

The Orange County Sanitation District (OCSD) provides wastewater collection and treatment for 2.5 million residents in Orange County, California. The administrative, engineering, and laboratory functions for OCSD are located at OCSD’s Reclamation Plant No. 1 (Plant No. 1), located at 10844 Ellis Avenue, in the City of Fountain Valley (City). In addition, there is staff working out of aging office trailers throughout Plant No. 1.

In 2013, OCSD commissioned an Administrative Facilities Master Plan to provide management and the OCSD Board of Directors with the necessary information to make policy decisions regarding the administrative infrastructure facilities at Plant No. 1. OCSD later prepared an Administrative Facilities Implementation Plan (AFIP) to describe an organized program to replace the aging on-site buildings. Following preparation of the AFIP, OCSD prepared an Alternate Site Evaluation and developed four alternate site plan options showing building footprints, parking, and access, etc., for the administration building and laboratory. Around the time the CEQA evaluation was to begin, OCSD also began to evaluate the possibility of locating the administrative and laboratory facilities at an off-site location. Although several locations off of Plant No. 1 were evaluated in the AFIP, they were found to be infeasible, or OCSD was unable to acquire the property in question. Based on the evaluation, OCSD selected the Southwest Plant Alternative as the preferred alternative for evaluation under the California Environmental Quality Act (CEQA).

From 2017 to 2018, OCSD was able to acquire approximately 5.2 acres north of Plant No. 1 on Ellis Avenue between Pacific Street and Bandilier Circle. Following acquisition of the off-site property north of Plant No. 1, OCSD abandoned the siting recommendations in the Administrative Facilities Master Plan and the AFIP, in favor of the Project as currently proposed. The approximately 5.2-acre site north of Plant No. 1 on Ellis Avenue is herein referred to as the Project site. Following acquisition of the Project site, the proposed Administrative Headquarters Building Project, (Project) (OCSD Project No. P1-128), was redesigned and the CEQA process commenced. Due to the size of the Project site, the proposed Project only includes construction and operation of an administration building and surface parking lot. No laboratory building is proposed.

On January 23, 2018, the City of Fountain Valley adopted a Specific Plan for the Fountain Valley Crossings, a 162-acre office and industrial center located within the City. The purpose of the Specific Plan is to provide a policy and zoning framework to allow for additional land uses in the Specific Plan area. The Project site is located within the Fountain Valley Crossings Specific Plan (Specific Plan) area. This Initial Study/Addendum has been prepared to analyze the environmental effects, if any, of implementing the proposed Project within the Specific Plan area.

In accordance with State CEQA Guidelines Section 15051(a), OCSD is the appropriate Lead Agency for this Project as it is the public agency that will be directly implementing the Project (developing plans, paying construction, and acquiring property, etc.), even though the Project will be located within the jurisdiction of another agency (the City of Fountain Valley).
1.2 PREVIOUS ENVIRONMENTAL DOCUMENTATION

The City circulated an Initial Study/Notice of Preparation for preparation of a Program Environmental Impact Report (EIR) for the Specific Plan on October 15, 2015, for a 30-day public comment period. The City held a public Scoping Hearing on October 28, 2015, and public comments were received until November 16, 2015.

The Draft EIR for the Fountain Valley Crossings Specific Plan (State Clearinghouse No. 2015101042) was circulated for an extended 47-day public review period from January 6, 2017, to February 22, 2017. The City held a Public Hearing for the Draft EIR on January 25, 2017, to provide the public with an opportunity to provide comments on the Specific Plan and the Draft EIR.

Following release of the Draft EIR and closure of the public review period in February 2017, the City prepared and released for public review the pre-recirculation Final EIR on April 27, 2017. The City Planning Commission held a public hearing on May 10, 2017, to provide Specific Plan adoption recommendations to the City Council. The City scheduled a City Council public hearing for the Specific Plan and the Draft EIR on June 20, 2017; however, following receipt of public comments and staff’s recommendations, the City directed staff to recirculate the Draft EIR to address public comments and make other clarifying revisions. The Partial Recirculated Draft EIR consisted of only the portions of the EIR that were modified. Specifically, Partial Recirculated Draft EIR sections that were revised include the cumulative impact analysis, the revised Transportation Impact Analysis, and a new section to address Tribal Cultural Resources, as well as sections that were revised to provide clarity.

The Partial Recirculated Draft EIR was circulated to the public for a 45-day public review and comment period pursuant to State CEQA Guidelines Section 15088.5(c) from October 6, 2017, to November 20, 2017. The Specific Plan and Revised Final EIR were adopted by the City Council on January 23, 2018.

For purposes of this Initial Study/Addendum, the Initial Study, Draft EIR, Final EIR, Recirculated Draft EIR, and Revised Final EIR for the Specific Plan are referred to as the Specific Plan EIR. The Specific Plan EIR (January 2018) is herein incorporated by reference.

1.3 PURPOSE OF THE ADDENDUM TO THE SPECIFIC PLAN EIR

This Initial Study/Addendum provides the basis for preparing an Addendum to the Fountain Valley Crossings Final EIR and serves as the CEQA documentation for the following:

- Demolition of the five existing industrial warehouse buildings;
- Construction and operation of an approximately 109,914 square-foot (sf) three-story administration building;
- Construction and operation of a surface parking lot with 261 spaces;
- Construction and operation of an approximately 128-foot (ft) -long pedestrian bridge connecting the Project site to the existing Plant No. 1 site; and
• Installation of landscaping, signage, and security lighting.

This Initial Study/Addendum has been prepared pursuant to the provisions of CEQA (Public Resources Code Sections 21000 et seq.) and the State CEQA Guidelines.

1.4 ENVIRONMENTAL PROCEDURES

A Program EIR is prepared for a project consisting of a series of actions that can be characterized as one large project and that are related either geographically; as logical parts in the chain of contemplated actions; in connection with the general criteria to govern the conduct of a continuing program; or as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways (State CEQA Guidelines Section 15168). Once a Program EIR has been prepared, subsequent activities within the program are evaluated to determine whether additional CEQA analysis is needed. These subsequent activities could be found to be within the Program EIR scope, and additional environmental documents may not be required if the Program EIR adequately addressed impacts of the subsequent activity (State CEQA Guidelines Section 15168[c]). When a Program EIR is relied upon for a subsequent activity, the Lead Agency incorporates applicable mitigation measures and alternatives developed in the Program EIR into the subsequent activities (State CEQA Guidelines Section 15168 [c] [3]). If a subsequent activity would have effects that are not identified in the Program EIR, the Lead Agency would prepare additional environmental review documentation, as applicable.

The Specific Plan EIR is a Program EIR that addresses the total build out of the Specific Plan area with a goal of revitalizing the existing light industrial uses. The environmental analysis provided in the Specific Plan EIR provides sufficient analysis in compliance with the requirements of CEQA to enable decision-makers to approve subsequent projects proposed in the Specific Plan area, that are consistent with the Specific Plan, without subsequent environmental review. However, if any substantial changes to the development parameters (e.g., building envelope, height, or use, etc.) analyzed in the Specific Plan EIR are later revised, subsequent environmental review would be required prior to approval.

Pursuant to CEQA, the State CEQA Guidelines, and the local CEQA guidelines, this Initial Study/Addendum focuses on demolition of the five existing industrial warehouse buildings and the construction and operation of the new Administrative Headquarters Building on the Project site, and whether the proposed Project would result in new significant impacts or a substantial increase in previously identified significant impacts.

Pursuant to Sections 15162 and 15168(c) of the State CEQA Guidelines, when an EIR has been certified for a project, no subsequent EIR shall be prepared for the Project unless the lead agency determines, on the basis of substantial evidence, that one or more of the following conditions are met:

1. Substantial changes are proposed in the Project that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the Project is undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, suggests any of the following:
   a. The Project would have one or more significant effects not discussed in the previous EIR.
   b. Significant effects previously examined would be substantially more severe than identified in the previous EIR.
   c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measures or alternatives.
   d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

Section 15164(a) of the State CEQA Guidelines provides that an Addendum to an EIR shall be prepared “if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” This Initial Study/Addendum reviews the proposed Project and any changes to the existing conditions that have occurred since the Specific Plan EIR was certified by the City of Fountain Valley. It also reviews any new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time that the Specific Plan EIR was certified. It further examines whether, as a result of any changes or any new information, a subsequent or supplemental EIR may be required. This examination includes an analysis of the provisions of Section 21166 of the Public Resources Code and Section 15162 of the State CEQA Guidelines and their applicability to the proposed Project. This Initial Study/Addendum relies on the Analysis of Environmental Impacts (Section 4), which addresses environmental checklist issues on a section-by-section basis.

The Environmental Checklist Form has been prepared pursuant to Section 15168(c)(4) of CEQA, which states that “where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.”

The proposed Project is within the scope of the Specific Plan EIR. The Project site is designated Industrial (Commercial Manufacturing) in the City’s General Plan and is zoned as Specific Plan (SP) – Fountain Valley Crossings Specific Plan (FVCSP) Mixed Industry District. The proposed administrative
uses are consistent with the commercial manufacturing designation, which allows for office (administrative, business, and professional) uses. (State CEQA Guidelines Sections 15168(c)(2).) The Specific Plan anticipated, and the Specific Plan EIR evaluated, the potential net increase of 811,408 sf for the office uses within the Specific Plan area. The proposed Project, at 109,914 sf, is thus consistent with the build out of new office uses projected in the Specific Plan. Build out of the Specific Plan would result in an increase in population associated with approximately 2,063 new employees, 1,444 new residents, and customers of commercial and retail businesses. Build out of the Specific Plan would increase the density of commercial uses and introduce new residential uses, thereby increasing the total population of the Specific Plan area. Implementation of the proposed Project would not add any new population to the Planning Area as this is a relocation of administrative operations from the existing administrative building and temporary trailers on Plant No. 1 to a new fixed headquarters building. Thus, the Project would be consistent with population growth projected in the Specific Plan. (Id.) In addition, the proposed Project site is within the geographic area analyzed in the Specific Plan EIR. (Id.) As a result, the proposed Project is within the scope of the Specific Plan EIR. As evidenced in this document, the Orange County Sanitation District (OCSD), the Lead Agency, determined that an Addendum to the previously approved Specific Plan EIR is appropriate.

1.5 CONCLUSIONS

This Initial Study/Addendum addresses the environmental effects associated with the demolition of the existing industrial warehouse buildings and construction and operation of the new Administrative Headquarters Building that has been proposed within the Specific Plan area. The proposed Project would not create new significant impacts related to any of the environmental topics discussed below or a substantial increase in the severity of significant effects previously studied and disclosed in the Specific Plan EIR. The conclusions of the analysis in this Initial Study/Addendum are not substantially different from those identified in the Specific Plan EIR. In addition, no new mitigation measures that would reduce impacts have been found to be feasible, and mitigation measures or alternatives previously found not to be feasible would remain infeasible. Appendix B provides a summary of mitigation measures from the Specific Plan EIR that are applicable and included in this Initial Study/Addendum.
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2.0 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

Orange County Sanitation District (OCSD) Reclamation Plant No. 1 (Plant No. 1) is a 114-acre facility, located at 10844 Ellis Avenue, in the City of Fountain Valley (City), that treats approximately 130 million gallons of wastewater per day. Refer to Figure 1 for the location of OCSD’s Plant No. 1. OCSD’s administrative, engineering, and laboratory facilities are located primarily at Plant No. 1. In addition to the existing aging administrative and laboratory buildings on Plant No. 1, there is also staff located in aging office trailers. OCSD has decided the most cost-effective solution is to construct a new Administrative Headquarters Building on a Project site north of Plant No. 1 to serve administrative and engineering functions; the new building is intended to replace the existing administrative building and the office trailers. As such, the proposed Administrative Headquarters Building Project (OCSD Project number P1-128), includes the construction and operation of an Administrative Headquarters Building on an approximately 5.2-acre site north of Ellis Avenue (Project site). Approximately 228 employees would be relocated from Plant No. 1 to the new Administrative Headquarters Building. Refer to Figure 1 for the location of the Project site.

2.2 PROJECT LOCATION

2.2.1 Regional Setting

The Project site is located in the City of Fountain Valley (Fountain Valley; City). The City encompasses approximately 9 square miles is located in the northwestern portion of Orange County (refer to Figure 1, Regional Location), along the Santa Ana River. The City is in close proximity to major Orange County attractions including the Pacific Ocean (4 miles) and Orange County’s John Wayne Airport (6 miles). Fountain Valley is located southwest and northeast of the San Diego Freeway (Interstate 405 [I-405]), which diagonally bisects the City. Fountain Valley is bounded by the cities of Westminster and Garden Grove to the north, Santa Ana to the northeast, Costa Mesa to the southeast, and Huntington Beach to the southwest.

The City is an urban community which has been almost fully developed with a broad mix of land uses including housing, commercial, industrial, public, recreation and open space uses. According to the City’s General Plan, the City is largely built-out.

2.2.2 Local Setting

The 5.2-acre Project site is located north of Ellis Avenue (and north of OCSD’s Plant No. 1) in the Fountain Valley Crossing Specific Plan (FVCSP) area. The FVCSP area is roughly bounded by Ward Street to the west, Talbert Avenue to the north, the Santa Ana River to the east, Ellis Avenue to the south, and is bisected by the I-405 freeway, which runs diagonally northwest to southeast through the Specific Plan area. The FVCSP area covers approximately 0.24 square miles within the City.
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Orange County Sanitation District
Headquarters Complex Project
Project Location

FIGURE 1

LEGEND
- Project Site
- Existing Orange County Sanitation District Plant No. 1

I:\ORC1601\GIS\MXD\ProjectLocation.mxd (5/11/2018)
As shown on Figure 2, the Project site\(^1\) (Assessor’s Parcel Numbers [APNs] 156-163-06, 08, 09, 10 and 11) is bordered by industrial uses to the north, Pacific Street to the east, industrial uses and Bandilier Circle to the west, and Ellis Avenue with OCSD’s Plant No. 1 beyond to the south. I-405 is 414 ft north of the Project site. The Santa Ana River Trail and Channel are located approximately 0.2 mile east of the Project site.

### 2.2.3 Existing Site Conditions

The Project site and the adjacent properties are characterized by 1970s concrete tilt-up buildings that are occupied by a variety of light industrial (e.g., warehousing), retail, and office uses. Many of these buildings were constructed pursuant to Fountain Valley’s former Industrial Redevelopment Plan Area.

The Project site is flat and is currently developed with five industrial warehouse buildings (totaling approximately 114,744 square feet [sf]) and associated surface parking lots (refer to Figure 2, Project Site). Landscaping on the Project site is comprised of several mature trees, shrubs, and small grassy areas around the perimeter of the site. The Project site is accessible from Bandilier Circle and Pacific Street.

### 2.2.4 Existing Project Site Land Use Designation

As stated above, the Project site is located in the FVCSP area. The FVCSP was adopted by the City of Fountain Valley on January 23, 2018. The Project site is designated Industrial (Commercial Manufacturing) in the City’s General Plan and is zoned as Specific Plan (SP) – FVCSP Mixed Industry District. The proposed administrative uses are consistent with the commercial manufacturing designation, which allows for office (administrative, business, and professional) uses. Additionally, the proposed Project would be consistent with the zoning because it would be consistent with development standards required by the FVCSP.

### 2.3 PROPOSED PROJECT

#### 2.3.1 Project Characteristics

The proposed Project is a plan to construct a new administration building on the Project site north of Ellis Avenue, and to relocate the existing administrative uses from Plant No. 1 to the Project site.

The Project includes demolition of five industrial warehouse buildings on the Project site. As shown on Figure 3, Conceptual Site Plan, the following facilities would be constructed on the Project site:

- An approximately 109,914 sf three-story administration building;
- A surface parking lot with 261 spaces;
- An approximately 128 ft long pedestrian bridge constructed across Ellis Avenue to connect Plant No. 1 with the new Administrative Headquarters Building on the Project site; and
- Landscaping, signage, and security lighting.

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\(^1\) The Project site includes 18368 Bandilier Circle, 18410 Bandilier Circle, 18484 Bandilier Circle, 18429 Pacific Street, and 18475 Pacific Street.
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FIGURE 2

Orange County Sanitation District
Headquarters Complex Project

Project Site

LEGEND

Project Site
Implementation of the proposed Project would not result in an increase in OCSD employees because the Project is characterized as a relocation, rather than an expansion, of existing operations. In addition, other than the relocation of staff/uses from the existing administration building, no changes to operations are proposed at Plant No. 1.

2.3.2 Administrative Headquarters Building

The proposed Project includes the demolition of five existing industrial buildings on the Project site and the construction of one new Administrative Headquarters Building. Refer to Figures 4(a) through 4(c) for Project renderings. The proposed three-story Administrative Headquarters Building would be approximately 109,914 sf in size, and would include a lobby, a boardroom/multipurpose room, a public exhibit displaying the history and values of OCSD for use during public tours and events, and administrative offices for OCSD staff. The Administrative Headquarters Building would operate during OCSD’s normal business hours, which are Monday through Friday from 8:00 a.m. to 6:00 p.m. Limited monthly events would occur on some evenings, including meetings of OCSD’s Board of Directors. While the current COVID-19 pandemic has temporarily altered OCSD’s normal operations, OCSD has no plans to make these changes permanent. As a result, any permanent changes to OCSD’s normal operations are not reasonably foreseeable.

The new Administrative Headquarters Building would provide modern, state-of-the-art office space that would consolidate OCSD business operations, providing a collaborative, sustainable, and flexible work environment. The new building would replace a combination of outdated, non-compliant buildings and trailers located at Plant No. 1. Approximately 228 employees would be relocated from Plant No. 1 to the new Administrative Headquarters Building. The building would be designed to achieve United States Green Building Council Leadership in Energy and Environmental Design (LEED) Platinum Certification.

The proposed Project would also include a public entrance plaza, an exhibit plaza, and a private landscaped employee courtyard on the Project site.

2.3.3 Pedestrian Bridge

An approximately 128 ft long pedestrian bridge would be constructed across Ellis Avenue to connect Plant No. 1 with the new Administrative Headquarters Building on the Project site. Refer to Figure 4(c) for a rendering of the pedestrian bridge. The pedestrian bridge is designed to reflect the character of the new administration building. The bridge would consist of two painted exposed Warren steel trusses spanning Ellis Avenue with a concrete metal deck floor and a metal roof. Although the bridge would be enclosed with stainless steel cable mesh for protection from any potential falls, it would not be climate controlled.

The tallest point of the bridge structure would be a maximum of 30 ft above grade. The lowest point of the bridge structure would be a minimum of 19 ft above grade in accordance with the American Association of State Highway and Transportation Officials’ (AASHTO) standards requiring a minimum of 18.5 ft between pedestrian bridges and the roadway. The bridge would be supported by reinforced concrete columns located outside of the public right-of-way on each side of Ellis Avenue.
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The bridge would connect to the second-floor level of the new administration building on the north side of Ellis Avenue and then connect to an elevator tower inside the secure perimeter of Plant No. 1. Security lighting would be included within the bridge enclosure.

The proposed Project would require a code amendment to the Specific Plan to permit the use of skyways (i.e., pedestrian bridges) to connect government buildings.

### 2.3.4 Parking

As shown on Figure 3, Conceptual Site Plan, the proposed Project would include 261 parking spaces within the surface parking lot. While a majority of parking spaces would be uncovered, some would be covered with overhead canopies featuring photovoltaic panels. Table 2.A shows the type and number of parking spaces proposed by the Project.

<table>
<thead>
<tr>
<th>Type of Parking Space</th>
<th>Number of Spaces</th>
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</thead>
<tbody>
<tr>
<td><strong>Uncovered Parking</strong></td>
<td></td>
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<tr>
<td>Standard</td>
<td>185</td>
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<tr>
<td>ADA-Accessible</td>
<td>5</td>
</tr>
<tr>
<td>Van-Accessible ADA</td>
<td>1</td>
</tr>
<tr>
<td>Electric Charging</td>
<td>7</td>
</tr>
<tr>
<td>ADA-Accessible Charging</td>
<td>1</td>
</tr>
<tr>
<td>Van-Accessible Charging</td>
<td>1</td>
</tr>
<tr>
<td>Clean Air/Van Pool/Electric Vehicle</td>
<td>11</td>
</tr>
<tr>
<td><strong>Covered Parking</strong></td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>27</td>
</tr>
<tr>
<td>ADA-Accessible</td>
<td>4</td>
</tr>
<tr>
<td>Van-Accessible ADA</td>
<td>1</td>
</tr>
<tr>
<td>Electric Charging</td>
<td>5</td>
</tr>
<tr>
<td>ADA-Accessible Charging</td>
<td>1</td>
</tr>
<tr>
<td>Van-Accessible Charging</td>
<td>1</td>
</tr>
<tr>
<td>Clean Air/Van Pool/Electric Vehicle</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total Parking</strong></td>
<td><strong>261</strong></td>
</tr>
</tbody>
</table>

ADA = Americans with Disabilities Act of 1990

The development standards outlined in the Specific Plan require 3.5 parking spaces per 1,000 sf of building area; however, per Section 21.22.040 of the City’s Municipal Code, office uses require 2.5 parking spaces per 1,000 sf of building area. The proposed 261 parking spaces are non-compliant with the existing Specific Plan, which requires 365 parking spaces, but are compliant with the City’s Municipal Code. The proposed Project would require approval of a deviation to address the reduced parking. The proposed Project also includes an amendment to the Specific Plan to change the minimum parking standard for the Workplace-Professional use type from 3.5 spaces per 1,000 square feet (sf) to 2.5 spaces per 1,000 sf. The amendment would make the Specific Plan consistent with the City’s Municipal Code parking requirements for office uses.

With approval of the deviation and the code amendment, the proposed Project would be consistent with the parking requirements in both the Specific Plan and the City’s Municipal Code.
In addition to the parking space details shown in Table 2.A, the Project would provide 4 motorcycle spaces (2 uncovered and 2 covered) and 13 bicycle parking spaces (all uncovered).

### 2.3.5 Site Access

The proposed Project would consolidate the six existing driveways on the Project frontage of Bandilier Circle into one driveway (providing access to employee and public parking) and consolidate the five existing driveways on Pacific Street into two driveways (one for bus and large vehicle access and one for employee and public parking). Consolidation of the driveways along both streets would remove turning-movement conflicts as a result of driveways currently being spaced too closely.

The *Unsignalized Intersection Level of Service and Signal Warrant Analysis* (Traffic Analysis) (LSA, September 2020) was prepared for the proposed Project and assumed two different design concepts. The first design concept (referred to as Alternative 1) does not include a parking lot connection from the Project site to the adjacent property located at 18350 Mt. Langley Street, and a traffic signal is recommended at the intersection of Bandilier Circle and Ellis Avenue. The second design concept (referred to as Alternative 2) includes a parking lot connection from the Project site to the adjacent property located at 18350 Mt. Langley Street, and a traffic signal is recommended at the intersection of Mt. Langley Street and Ellis Avenue. Table 2.B provides a summary of the two alternatives. The installation of a traffic signal at either the intersection of Bandilier Circle and Ellis Avenue or the intersection of Mt. Langley Street and Ellis Avenue would ultimately be determined by the City.

**Table 2.B: Project Alternatives Summary**

<table>
<thead>
<tr>
<th>Description</th>
<th>Alternative 1</th>
<th>Alternative 2</th>
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<tr>
<td>Proposed Headquarters Building Square Footage</td>
<td>109,914</td>
<td>109,914</td>
</tr>
<tr>
<td>Proposed No. of Employees¹</td>
<td>228</td>
<td>228</td>
</tr>
<tr>
<td>Proposed Pedestrian Bridge²</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Site Access Driveways</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mt. Langley Street (1 proposed via new parking lot connection)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Bandilier Circle (1 existing)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Pacific Street (2 existing)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Unsignalized Access Intersections</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mt. Langley Street/Ellis Avenue</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Bandilier Circle/Ellis Avenue</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Pacific Street/Ellis Avenue</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Recommendations</td>
<td></td>
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<tr>
<td>Signalize Mt. Langley Street/Ellis Avenue</td>
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<td>Yes</td>
</tr>
<tr>
<td>Signalize Bandilier Circle/Ellis Avenue</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Signalize Pacific Street/Ellis Avenue</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

¹ Employees to be relocated from the existing Plant No. 1 to the new building.

² Pedestrian bridge to be constructed over Ellis Avenue to connect the new building and Plant No. 1.

### 2.3.6 Landscaping, Fencing, and Security

In total, 57,094 sf of landscaping is proposed throughout the Project site. Approximately 187 trees would be planted as part of Project implementation. Trees would be comprised of a variety of 25 to 70-inch box sizes and would include sweet bay (*Laurus nobilis*), Canary Island Pine (*Pinus*).
As shown in Figure 5, Conceptual Landscaping Plan, a variety of shrubs, vines, and groundcover would also be planted throughout the Project site. Proposed landscaping would comply with the City’s Water Efficient Landscape Ordinance (refer to Section 21.20.050 of the City’s Municipal Code).

As part of the Project, fencing is proposed along the northern diagonal property line. Proposed fencing would incorporate a flush top rail, which produces a contemporary appearance. This fence style would highlight the landscape by blending with the surrounding architectural design.

Other than the proposed fence, the Project site would be open. Security cameras would be installed within the Project site, and there will be emergency call-boxes located in the parking lot. Additionally, the Project site will be patrolled by OCSD’s security team.

2.3.7 Lighting

As shown in Figure 6, Conceptual Lighting Plan, the Project would include the installation of new lighting, including lighting associated with way finding, building identification signage, and security lighting on the Project site. Parking lot lighting will be provided by 14-ft light poles or by surface-mounted area lights mounted to the underside of the photovoltaic canopies. Accent lighting will be used to highlight select landscape features, such as trees. The new pedestrian bridge would be illuminated on the inside for pedestrian safety. It would also include minimal lighting on the exterior façade of the bridge. The proposed Project would comply with requirements outlined in the FVCSP Specific Plan, as well as Section 21.18.060 of the City’s Municipal Code, which include regulations pertaining to exterior lighting and glare.

2.3.8 Water Quality

The proposed Project would include bioretention basins to retain and treat stormwater runoff prior to discharge to the City’s stormdrain system located within Ellis Avenue. As shown in Figure 7, Bioretention Basin Locations, four locations for bioretention basins have been identified: (1) on the southeast corner of the site, (2) at the east limit of the parking lot, (3) at the west limit of the parking lot, and (4) a smaller area within the employee courtyard.

2.3.9 Construction Schedule

Construction is anticipated to begin in January 2021 and be completed in May 2023.

2.4 PERMITS AND APPROVALS

Public agencies may use this Initial Study/Addendum as the basis for their decisions to issue discretionary approvals and/or permits for the proposed Project. Table 2.C, Discretionary Permits and Approvals, below, provides a list of entitlements and permits that may be required for the proposed Project.
## Table 2.C: Discretionary Permits and Approvals

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Permit or Approval</th>
</tr>
</thead>
</table>
| Orange County Sanitation District (OCSD) | Approval of the Initial Study/Addendum  
                                      Approval of the Site Plan  
                                      Issuance of Construction Bid Package  |
| City of Fountain Valley               | Approval of Traffic Control Plan  
                                      Approval of Entitlement Applications, including Development Agreement, Development Plan Review No. 1, Variance No. 332, and Lot Line Adjustments Nos. 19-01 and 19-02  |

Variance No. 332 would include the following:
- Variance 1 – Frontage Coverage (Pacific Street)
- Variance 2 – Frontage Coverage (Bandilier Circle)
- Variance 3 – Build-to-Corner (Ellis Avenue/Bandilier Circle)
- Variance 4 – Parking Count (Not Used)
- Variance 5 – Curb Cuts & Driveways (Pacific Street)
- Variance 6 – Street Façade Base (Pacific Street)
- Variance 7 – Street Façade Base (Ellis Avenue)
- Variance 8 – Street Façade Base (Bandilier Circle)
- Variance 9 – Street Façade Top (Pacific Street, Bandilier Circle and Ellis Avenue – Board Room Volume, Ellis Avenue)
- Variance 10 – Street Façade Wall Composition on Bandilier Circle

The proposed Project would also request the following deviations:
- Deviation 1 – Building Length (Ellis Avenue)
- Deviation 2 – Street Façade Composition (Pacific Street)
- Deviation 3 – Parking Count

The proposed Project would also request the following amendments to the Fountain Valley Crossings Specific Plan (FVCSP):
- FVCSP Amendment 1 – Amendment to permit the construction and use of skyways to connect government buildings
- FVCSP Amendment 2 – Amendment to change the minimum parking standard for the Workplace-Professional use type from 3.5 spaces per 1,000 square feet (sf) to 2.5 spaces per 1,000 sf
- FVCSP Amendment 3 – Amendment to eliminate the requirement for Special Public Open Space
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Figure 7

Bioretention Basin Locations

Orange County Sanitation District
Headquarters Complex Project
Bioretention Basin Locations
Variances and deviations are both forms of discretionary entitlements that may waive or relax the development standards of the Municipal Code and the FVCSP. As defined by FVCSP Section 2.0.5.F.3, deviations may request a nonconformity of up to 20 percent of any single standard; requests for deviations greater than 20 percent require a variance in accordance with Section 21.50 of the City’s Municipal Code. For example, FVCSP Section 2.4.6.B.1 requires two Build-to-Corner conditions. Variance 3 is requesting that the City waive one of the two Build-to-Corner conditions for the Project, which represents a reduction of 50 percent of the development standard requirement. Additionally, FVCSP Section 2.3.3.B.1 allows a maximum building length of 200 ft. Deviation 1 is requesting an overage in the allowable maximum building length, which would be no greater than 20 percent, for the frontage on Ellis Avenue.

2.4.1 Ministerial Actions and Other Permits

Ministerial permits/approvals would be issued by the City or other appropriate agency to allow demolition, site preparation, curb cuts, connections to the utility infrastructure, paving, landscaping, and other Project features subject to ministerial permits.

In addition, the following Santa Ana Regional Water Quality Control Board (RWQCB) permits would also be required for approval of the Project; however, they are not considered discretionary approvals.

- National Pollutant Discharge Elimination System (NPDES) Construction General Permit
- NPDES Dewatering Permit (if groundwater dewatering during construction is required)

2.5 AGENCY CONSULTATION AND COORDINATION

The proposed Project will require approvals, permits, or authorization from other agencies, classified as “Responsible Agencies” under CEQA. According to Section 15381 of the State CEQA Guidelines, a Responsible Agency is defined as a public agency other than the Lead Agency that will have discretionary approval power over the Project or some component of the Project, including mitigation.

In accordance with State CEQA Guidelines Section 15051(a), OCSD is the appropriate Lead Agency for this Project as it is the public agency that will be directly implementing the Project (developing plans, paying construction, and acquiring property, etc.) and the City of Fountain Valley, is considered a “Responsible Agency” under State CEQA Guidelines Section 15381. Only agencies with discretionary approval power over the project are considered responsible agencies.

During the development of the Project plans, OCSD formally consulted with the City to obtain its input as a Responsible Agency, and to determine that an Addendum is the appropriate documentation required for this Project (Public Resources Code Section 21080.3[a]). In addition, it was determined that this Initial Study/Addendum would provide the City with information to inform the discretionary approvals process.
3.0 ENVIRONMENTAL CHECKLIST

3.1 PROJECT DESCRIPTION AND BACKGROUND

3.1.1 Project Title
Administrative Headquarters Building Project, Project No. P1-128

3.1.2 Lead Agency Name and Address
Orange County Sanitation District (OCSD)
Sanitation District Plant No. 1
10844 Ellis Avenue
Fountain Valley, CA 92708

3.1.3 Contact Person and Phone Number
Kevin Hadden, (714) 593-7462

3.1.4 Project Location
The Project site (Assessor’s Parcel Numbers [APNs] 156-163-06, 08, 09, 10 and 11), is located in the City of Fountain Valley. The Project site includes 18368 Bandilier Circle, 18410 Bandilier Circle, 18484 Bandilier Circle, 18429 Pacific Street, and 18475 Pacific Street. The Project site is bordered by industrial uses to the north, Pacific Street to the east, industrial uses and Bandilier Circle to the west, and Ellis Avenue with OCSD’s Plant No. 1 beyond to the south. I-405 is 414 ft north of the Project site. The Santa Ana River Trail and Channel are located approximately 0.2 mile east of the Project site.

3.1.5 Project Sponsor’s Name and Address
Orange County Sanitation District (OCSD)
10844 Ellis Avenue
Fountain Valley, CA 92708

3.1.6 General Plan Designation
The Project site is designated “Industrial – Commercial Manufacturing.”

3.1.7 Zoning
The Project site is zoned “Specific Plan (SP) – FVCSP Mixed Industry District.”

3.1.8 Specific Plan District
The Project site is located within a mixed industry district within the Fountain Valley Crossings Specific Plan area.
3.1.9 Description of Project

The proposed Project includes demolition of the five existing industrial warehouse buildings and construction and operation of a new Administrative Headquarters Building on the Project site. The proposed Project would include the construction and operation of a three-story, 109,914 sf administration building, and a surface parking lot with 261 parking spaces on the Project site. Landscaping and security lighting would be installed along the perimeter of the building. An approximately 128 ft long pedestrian overcrossing would also be constructed across Ellis Avenue to connect OCSD Plant No. 1 with the new Administrative Headquarters Building on the Project site.

3.1.10 Surrounding Land Uses and Setting

A mix of light industrial (e.g., warehousing), retail, and office uses make up the general character of the area around the Project site.

3.1.11 Other Public Agencies Whose Approval is Required

OCSD may be required to obtain approval or permits from the Santa Ana Regional Water Quality Control Board (RWQCB) and the City. Refer to Table B and Section 2.4.1.

3.1.12 Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

In accordance with Assembly Bill 52 (AB 52), letters were distributed on September 28, 2017, to the Gabrieleño Band of Mission Indians – Kizh Nation, the Juaneño Band of Mission Indians/Acjachemen Nation, and the San Gabriel Band of Mission Indians, notifying each of the tribes of the opportunity to consult with OCSD regarding the proposed Project. No responses or requests for consultation have been received from the Juaneño Band of Mission Indians/Acjachemen Nation or the San Gabriel Band of Mission Indians. On October 5, 2017, Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians – Kizh Nation, requested to be consulted on the Project. OCSD responded to the request via emails on October 5, 2017, and October 24, 2017, to arrange a meeting with the tribe, to which Mr. Salas has not responded. OCSD will continue the consultation process with the Gabrieleño Band of Mission Indians – Kizh Nation during the California Environmental Quality Act (CEQA) process.
3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would result in a substantial change from the previous analysis in the Specific Plan EIR as indicated by the checklist on the following pages. Please see the Analysis of Environmental Impacts in Section 4.0 for additional information. No environmental factors listed below would result in a substantial change from the previous analysis contained in the Specific Plan EIR.

<table>
<thead>
<tr>
<th>Aesthetics</th>
<th>Agriculture and Forestry</th>
<th>Air Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological Resources</td>
<td>Cultural Resources</td>
<td>Energy</td>
</tr>
<tr>
<td>Geology and Soils</td>
<td>Greenhouse Gas Emissions</td>
<td>Hazards and Hazardous Materials</td>
</tr>
<tr>
<td>Hydrology and Water Quality</td>
<td>Land Use/Planning</td>
<td>Mineral Resources</td>
</tr>
<tr>
<td>Noise</td>
<td>Population/Housing</td>
<td>Public Services</td>
</tr>
<tr>
<td>Recreation</td>
<td>Transportation/Traffic</td>
<td>Tribal Cultural Resources</td>
</tr>
<tr>
<td>Utilities and Service Systems</td>
<td>Findings of Mandatory Significance</td>
<td></td>
</tr>
</tbody>
</table>

3.3 DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☒ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.
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4.0 ANALYSIS OF ENVIRONMENTAL IMPACTS

This following environmental analysis evaluates the proposed Administrative Headquarters Building Project, Project No. P1-128 (Project) as compared to the analysis of environmental impacts in the certified Fountain Valley Crossings Specific Plan EIR (Specific Plan EIR). The Checklist takes into consideration the preparation of the previous environmental document and the changes in circumstances that have occurred subsequent to adoption of the Specific Plan EIR, pursuant to Public Resources Code Section 21166, and Sections 15162 and 15164 of the State CEQA Guidelines. The comparative analysis for each of the environmental issues listed in the Checklist provides OCSD decision-makers with a factual basis for determining whether the proposed Project, changes in circumstances, or new information since the adoption of the Specific Plan EIR require the preparation of a subsequent or supplemental EIR, or other additional environmental review. The basis for each finding, and the supporting substantial evidence, is explained in the analysis in this section.
4.1 AESTHETICS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>

4.1.1 Existing Setting

The City of Fountain Valley (City) is an urbanized community located within north-central Orange County. There are no General Plan-designated scenic views or vistas within the City. According to the Specific Plan EIR, there are no unique or unusual features in the Fountain Valley Crossings Specific Plan (FVCSP) area that comprise a dominant portion of a viewshed. The Santa Ana and San Gabriel Mountains lie approximately 17 miles and 35 miles north of the FVCSP area, respectively. However, views to these scenic resources are substantially limited due to intervening structures and vegetation.

According to the Specific Plan EIR, the visual character of the FVCSP area is dominated by light industrial uses, with one- to two-story structures setback from wide surface streets and surface parking lots. The FVCSP area is relatively flat and gently slopes to the southwest. Individual parcels typically support established landscaping including shade trees, hedges, grassy lawns, and other small landscaped areas along the perimeter of properties and throughout surface parking lots. Some public roadways in the Specific Plan area are developed with sidewalks and street trees. Mature trees in the Specific Plan area are comprised of street trees in public rights-of-way and those on private property. Shade and shadow effects are minimal due to the low profile of most structures. However, even with larger structures, shade and shadow effects are negligible due to the distance of separation between taller structures from adjacent buildings. Street lighting and vehicular traffic lights are the predominant source of nighttime light and glare.

Public views within the Specific Plan area are characterized by existing structures, surface parking lots, and street trees. There are no State-designated scenic highways or eligible scenic highways within the City or in its immediate vicinity.2

4.1.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Aesthetics impacts on pages 3.1-1 through 3.1-22.

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The Specific Plan EIR determined that there are no roadways or areas designated as scenic routes or vistas within the Specific Plan area. Additionally, there are no designated historic structures within the Specific Plan area. Views within the Specific Plan area are typical of urbanized light industrial areas, and there are no unobstructed distant views of scenic natural features. The topography of the area is relatively flat and does not contain any unique topographic features that would offer a scenic view. Therefore, the Specific Plan EIR concluded that the FVCSP Project would not block or diminish views from scenic vistas or block scenic views. In addition, the Specific Plan EIR concluded that the FVCSP Project would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic highway.

The Specific Plan EIR concluded that development of the Specific Plan area could result in the removal of mature trees due to redevelopment. Typically, redevelopment of parking lots and buildings would primarily result in removal of trees within each property. As such, street trees are expected to be minimally impacted. The Specific Plan encourages the preservation of mature trees and encourages new development to incorporate trees within landscape areas. In addition, Chapter 12.04.040 in the City’s Municipal Code contains regulations regarding cutting, trimming, planting, pruning, removing, injuring, or interfering with trees, shrubs, or plants on streets, parkways, or public places. Adherence to the City’s Municipal Code would assist in limiting the impacts of tree removal over the long term. Therefore, these impacts would be reduced to a less than significant level.

The Specific Plan EIR determined that implementation of the Specific Plan would change the existing visual character of the area because it could facilitate a new three-story development, as allowed under the Specific Plan (SP) – FVCSP Mixed Industry District zone. Future development within the Specific Plan area is subject to a formal development review process, which requires adherence to development standards provided in the Specific Plan and operating under the City’s General Plan. These requirements would include maintaining and enhancing high-quality mixed-use development, retaining interesting architectural design elements, and installing new sidewalks and natural landscaping features. These regulations would ensure that the design of proposed buildings would enhance the character and quality of the Specific Plan area and contribute to a high quality urban environment. Thus, with implementation of existing and proposed design standards from the Specific Plan, the Specific Plan’s impacts to visual character would be less than significant.

The Specific Plan EIR determined that implementation of the Specific Plan could increase the amount of light and glare in the area because it proposes to increase land use intensity and building heights and may result in the use of reflective building materials. Development projects under the Specific Plan would adhere to the Municipal Code Chapter 21.18.060, which implements restrictions on exterior lighting. In addition, the Specific Plan outlines development standards and design requirements to reduce potential glare and light spillover from future development projects. As such, lighting as a result of Specific Plan implementation is anticipated to be compatible with other uses in the vicinity of the area and would not introduce a substantial new source of nighttime light pollution. Therefore, impacts related to light and glare from development of the Specific Plan area were determined to be less than significant.
4.1.3 Analysis of Project Impacts

a. Would the Project have a substantial adverse effect on a scenic vista?

The Project site is located in a fully developed area in the southeastern portion of Fountain Valley in Orange County. The Project site is approximately 0.2 mile west of the Santa Ana River and 5 miles north of the Pacific Ocean, although neither the river nor ocean can be seen from the Project site due to intervening land uses. In addition, the City’s General Plan (adopted March 1995, revised November 2017) does not designate any scenic vistas or resources in Fountain Valley. As a result, the Project site does not have views of any scenic vistas. Therefore, the proposed Project would not result in adverse impacts on scenic vistas. No mitigation is required.

The Specific Plan EIR also concluded that no impacts to scenic vistas would occur. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

b. Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic highway?

The Project site is currently occupied by five industrial warehouse buildings and does not contain any scenic resources or historic structures. In addition, the Project site does not provide scenic views from adjacent land uses or public roads or sidewalks. According to the California Scenic Highway Mapping System, there are no State-designated scenic highways or eligible scenic highways within the City or in the immediate vicinity. Although the Project may require removal of trees located on the property, the Project would adhere to Chapter 12.04.040 in the City’s Municipal Code and intends to comply with design standards in the Specific Plan. Therefore, the proposed Project would not result in adverse impacts on scenic resources and no mitigation would be required.

The Specific Plan EIR also concluded that impacts to scenic resources would be less than significant. Specifically, the removal of mature trees that would occur as a result of implementation of the Specific Plan would be less than significant with compliance with design standards in the Specific Plan and adherence to Chapter 12.04.040 in the City’s Municipal Code. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

c. Would the Project substantially degrade the existing visual character or quality of the site and its surroundings? (This may include loss of major onsite landscape features, or degradation by change of character when placed in the context of the existing surroundings.)

The vicinity of the Project site is characterized by a mix of industrial and residential land uses. The Project site is currently developed with one- and two-story industrial warehouse buildings and surface parking lots. The Project would include demolition of the five existing on-site
industrial warehouse buildings and construction and operation of a new three-story administration building and surface parking lot on the Project site. In addition, a pedestrian bridge would extend from the Project site to OCSD’s Plant No. 1, directly south of the Project site. The bridge would consist of two painted exposed Warren steel trusses spanning Ellis Avenue with a concrete metal deck floor and a metal roof. Although the bridge would be enclosed with stainless steel cable mesh for protection from any potential falls, it would not be climate controlled. The tallest point of the bridge structure would be a maximum of 30 ft above grade, and the lowest point of the structure would be a minimum of 19 ft above grade. The bridge would be supported by reinforced concrete columns located outside of the public right-of-way on each side of Ellis Avenue. The bridge would connect to the second-floor level of the new administration building on the north side of Ellis Avenue and then connect to an elevator tower inside the secure perimeter of Plant No. 1. Security lighting would be included within the bridge enclosure. The pedestrian bridge would be designed architecturally similarly to the administration building. As such, the visual character of the site and views of the Project site from off-site areas would substantially change with implementation of the proposed Project. However, the Project would enhance the character and quality of the Project site and surrounding area by introducing updated buildings in place of the dated structures. In addition, the Project would comply with many development standards outlined in Section 2.1.5 of the Specific Plan, which includes regulations pertaining to building scale, mass, placement, and architectural guidelines. At three stories in height, the Project would be consistent with development standards outlined in the Specific Plan, which allows up to four stories in height. The proposed Project would require the following variances, deviations, and code amendments to the Specific Plan:

- Variance 1 – Frontage Coverage (Pacific Street)
- Variance 2 – Frontage Coverage (Bandilier Circle)
- Variance 3 – Build-to-Corner (Ellis Avenue/Bandilier Circle)
- Variance 4 – Parking Count (Not Used)
- Variance 5 – Curb Cuts & Driveways (Pacific Street)
- Variance 6 – Street Façade Base (Pacific Street)
- Variance 7 – Street Façade Base (Ellis Avenue)
- Variance 8 – Street Façade Base (Bandilier Circle)
- Variance 9 – Street Façade Top (Pacific Street, Bandilier Circle and Ellis Avenue – Board Room Volume, Ellis Avenue)
- Variance 10 – Street Façade Wall Composition on Bandilier Circle
- Deviation 1 – Building Length (Ellis Avenue)
- Deviation 2 – Street Façade Composition (Pacific Street)
- Deviation 3 – Parking Count
• Code Amendment 1 – Amendment to permit the use of skyways to connect government buildings
• Code Amendment 2 – Amendment to change the minimum parking standard for the Workplace-Professional use type from 3.5 spaces per 1,000 sf to 2.5 spaces per 1,000 sf
• Code Amendment 3 – Amendment to eliminate the requirement for Special Public Open Space

The proposed Project would comply with all other development standards outlined in 2.1.5 of the Specific Plan. Therefore, with the approval of the above variances, deviations, and code amendments to the Specific Plan, the proposed Project would result in less than significant impacts related to the visual character of the site and views of the site. No mitigation is required.

The Specific Plan EIR also concluded that impacts to visual character would be less than significant because development standards outlined in the Specific Plan would enhance the character and quality of the Specific Plan area. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

d. Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Light and glare levels surrounding the Project site are typical for industrial park and residential uses. As described in Section 2.3.7 of this document, the proposed Project would include the installation of new lighting, including lighting associated with signage, wayfinding, and security lighting on the Project site. In addition, security lighting would be included within the bridge enclosure. The Project intends to comply with requirements outlined in the Specific Plan, as well as Section 21.18.060 of the City’s Municipal Code, which include regulations pertaining to exterior lighting and glare. Therefore, new sources of light and glare associated with the proposed Project would have less than significant impacts to views in the Project area and no mitigation would be required.

The Specific Plan EIR also concluded that impacts as a result of light and glare would be less than significant because future development would be in compliance with design standards in the Specific Plan and adherence to Chapter 12.18.060 in the City’s Municipal Code. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.1.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to Aesthetics. No mitigation would be required for the proposed Project.
4.1.4 Findings Related to Aesthetics

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Aesthetics, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Aesthetics that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Aesthetics requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. The proposed Project would not result in any potentially significant impacts related to Aesthetics. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.2 AGRICULTURE AND FORESTRY RESOURCES

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

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d. Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

4.2.1 Existing Setting

The City of Fountain Valley (City) is an urbanized community located within northwestern Orange County. There are no General Plan-designated agricultural land uses within the City, but the City does have agriculturally zoned land. The Specific Plan EIR does not identify any agricultural land uses within the Specific Plan area, including the Project site and the Project vicinity. The Specific Plan area does not contain land zoned or designated for agriculture use or as forest or timberland. The California Department of Conservation (DOC 2016) designates the entire Specific Plan area, including the Project site, as Urban and Built-Up Land.³

4.2.2 Impacts Identified in the Specific Plan EIR

Agriculture and Forestry are included within Section 4.3, Effects Found Not to be Significant, on page 4-5 of the Specific Plan EIR; this topic was also discussed on pages 17–18 of the Initial Study and was scoped out.

The Specific Plan EIR concluded that implementation of the Specific Plan would not result in impacts to agricultural and forestry resources because these uses do not currently exist within Specific Plan area. The developed nature of the Specific Plan area, including the Project site and Project vicinity, does not make the area suitable for existing or future agricultural or forest land uses.

### 4.2.3 Analysis of Project Impacts

**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?**

The Project site, like most of Orange County, is in an area that has been designated as Urban and Built-Up Land by the DOC (2016). The Project site is not currently designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. **Therefore, the proposed Project would not 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, and no mitigation would be required.**

The Specific Plan EIR also concluded that no impacts to designated farmlands would occur. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

**b. Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Within the Specific Plan area, the Project site is designated Mixed Industry District. The Project site is designated Industrial (Commercial Manufacturing) in the City’s General Plan and is zoned as Specific Plan (SP) – FVCSP Mixed Industry District. The Project site is not zoned or currently used for agricultural purposes, and no Williamson Act contracts are in effect for the Project site. **Therefore, the proposed Project would not conflict with existing zoning or Williamson Act contracts, and no mitigation would be required.**

The Specific Plan EIR also concluded that no conflicts with existing zoning or Williamson Act contracts would occur. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.
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))? 

Within the Specific Plan area, the Project site is designated Mixed Industry District. The Project site is designated Industrial (Commercial Manufacturing) in the City’s General Plan and is zoned as Specific Plan (SP) – FVCSP Mixed Industry District. The Project site and the surrounding area are not zoned as forest land, timberland, or timberland production, and consequently, no significant impacts would occur, and no mitigation would be required. 

The Specific Plan EIR also concluded that no conflicts with existing zoning of forestland, timberland, or timberland production would occur. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

d. Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

The Project site is located in a high-density urban setting. No forest or timberland exists at the Project site or in the surrounding area. The Project would not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no impact related to the loss of forest land or the conversion of forest land to non-forest land use would occur and no mitigation would be required.

The Specific Plan EIR also concluded that no loss of forest land or conversion of forest land to non-forest use would occur. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

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 forestland to non-forest use?

The Project site is developed with five industrial warehouse buildings. The Project site is not currently used for agricultural purposes and is adjacent to non-agricultural, manufacturing uses. The Project would not result in the conversion of farmland to non-agricultural use because there are no agricultural uses on or in the immediate vicinity of the Project site. As a result, the Project would not result in impacts related to the conversion of agricultural land to non-agricultural uses, and no mitigation would be required.

The Specific Plan EIR also concluded that conversion of farmland to non-agricultural use would not occur because there are no agricultural uses on or in the immediate vicinity of the Specific Plan area. The proposed Project, which is located within the Specific Plan area, would not result
in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.2.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to agricultural and forestry resources. No mitigation would be required for the proposed Project.

4.2.4 Findings Related to Agricultural and Forestry Resources

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Agricultural and Forestry Resources, and there is no increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Agricultural and Forestry Resources that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Agricultural and Forestry Resources requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. The proposed Project would not result in any potentially significant impacts related to Agriculture and Forestry. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>b. Result in a cumulatively considerable net increase to any criteria pollutant for which the Project region is in nonattainment under an applicable federal or state ambient air quality standard? (including releasing emissions which exceed quantitative standards for ozone precursors).</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>c. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>d. Create objectionable odors affecting a substantial number of people?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
</tbody>
</table>

4.3.1 Existing Setting

The proposed Project is located within the South Coast Air Basin (Basin). The South Coast Air Quality Management District (SCAQMD) is the regional government agency that monitors and regulates air pollution within the Basin. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants produced during the construction and operation of a project. Under these Acts, the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for specific "criteria" pollutants (both primary and secondary), designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NOx), particulate matter (PM10), sulfur dioxide (SO2), and lead (Pb). Secondary criteria pollutants include ozone (O3), and fine particulate matter (PM2.5). Therefore ambient air quality standards are levels of contaminants that avoid specific adverse health effects associated with each criteria pollutant.

Based on the SCAQMD attainment status and ambient air quality monitoring data, ambient air quality in the vicinity of the Project site has basically remained unchanged since approval of the Specific Plan EIR in 2018. The SCAQMD is in nonattainment for the federal and State standards for O3 and PM2.5. In addition, the Basin is in nonattainment for the PM10 standard and in attainment/maintenance for the federal PM10, CO, and NO2 standards.

To meet these standards, the SCAQMD has established project-level thresholds for volatile organic compounds (VOC), NOx, and PM2.5. The SCAQMD has established thresholds of significance for criteria pollutant emissions generated during both construction and operation of projects as shown in Table 4.3.A below.
Table 4.3.A: SCAQMD Construction and Operation Thresholds of Significance (lbs/day)

<table>
<thead>
<tr>
<th></th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Thresholds</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Operation Thresholds</td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
</tbody>
</table>

Source: South Coast Air Quality Management District (1993).

CO = carbon monoxide
NOx = nitrogen oxides
PM10 = particulate matter less than 10 microns in size
PM2.5 = particulate matter less than 2.5 microns in size
SCAQMD = South Coast Air Quality Management District
SO2 = sulfur dioxide
VOC = volatile organic compounds

Projects in the Basin with construction-related emissions that exceed any of the emission thresholds in Table 4.3.A are considered potentially significant by the SCAQMD.

4.3.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Air Quality impacts on pages 3.2-1 through 3.2-31.

The Specific Plan EIR evaluated the potential impacts of the Specific Plan on air quality in the Specific Plan area and the Basin. The Specific Plan EIR determined that all construction occurring under the Specific Plan would occur in accordance with applicable regulations and plans to reduce emissions from construction activities, including SCAQMD Rule 403, SCAQMD Rule 1113, and SCAQMD Rule 1186. The Specific Plan EIR also quantified construction emissions associated with the Specific Plan using the California Emissions Estimator Model (CalEEMod) and determined that overall construction emissions would not exceed SCAQMD thresholds for VOC, NOx, CO, SO2, PM10, or PM2.5.

The Specific Plan EIR also evaluated daily operational emissions associated with the Specific Plan using CalEEMod. The CalEEMod analysis included the existing development as part of the baseline, and evaluated the potential operational impacts of proposed land use changes within the Specific Plan area. The Specific Plan’s net emissions were compared to the SCAQMD thresholds (refer to Table 4.3.A), and impacts were determined to be below the thresholds. Therefore, the Specific Plan EIR determined operational air quality impacts would be less than significant.

In addition, the Specific Plan EIR determined that implementation of the Specific Plan would not conflict with or obstruct implementation of the SCAQMD’s adopted 2016 Air Quality Management Plan (AQMP). The Specific Plan EIR also determined that construction and operation of the Specific Plan would result in a less than significant cumulative impact.

The Specific Plan EIR found that the Specific Plan has the potential to expose sensitive land uses (e.g., residential units) to substantial pollutant concentrations. Therefore, the Specific Plan EIR identified Mitigation Measures MM AQ-5a, MM AQ-5b, and MM AQ-5d through MM AQ-5f to reduce adverse effects for sensitive receptors within 500 ft of the I-405 freeway and/or for sensitive receptors near the potential development of a distribution center, rail yard, refinery, chrome plater, dry cleaning operation, or gas station. The Specific Plan EIR determined that these mitigation measures would ensure the potential for exposure of hazardous air emissions to sensitive receptors.
would be reviewed and project designs revised if necessary to address air quality issues. Further, MM AQ-5c, which is applicable to all projects in the Specific Plan area, would reduce air quality impacts resulting from the placement of the air system intake. Therefore, after implementation of mitigation, it was determined that impacts related to the exposure of sensitive land uses to substantial pollution concentrations would be less than significant.

In addition, the Specific Plan EIR determined that impacts associated with construction- and operation-generated odors would be less than significant.

4.3.3 Analysis of Project Impacts

a. Would the Project conflict or obstruct implementation of the applicable air quality plan?

An Air Quality Management Plan (AQMP) describes air pollution control strategies to be undertaken by a city, county, or air quality management district in a region classified as a nonattainment area to meet the requirements of the Federal Clean Air Act. The main purpose of an AQMP is to bring an area into compliance with the requirements of federal and State ambient air quality standards (AAQSs). The applicable air quality plan is the SCAQMD’s adopted 2016 AQMP. For a project to be consistent with the 2016 AQMP, the pollutants emitted from project operation should not exceed the SCAQMD daily threshold or cause a significant impact on air quality, or the project must already have been included in the AQMP projection. Since the AQMP is based on local General Plans, projects that are deemed consistent with a specific General Plan are usually found to be consistent with the AQMP.

The proposed Project would construct a new administration building and associated parking. The Project site is in the Specific Plan area and is designated Commercial Manufacturing in the City’s General Plan and is zoned as Specific Plan (SP) – FVCSP Mixed Industry District. As discussed in Section 3.11, Land Use and Planning, the proposed Project land use is consistent with the City’s General Plan designation for the Project site. In addition, as shown in Table 4.3.B, construction of the proposed Project would not result in the generation of criteria air pollutants that would exceed SCAQMD thresholds of significance. As shown in Table 4.3.C, operational emissions associated with the proposed Project would not exceed SCAQMD established significance thresholds for VOC, NOX, CO, SO2, PM10, or PM2.5 emissions. Existing development on the site includes 113,749 sf of warehouse uses. The proposed Project would develop 109,914 sf of administrative office uses designed to achieve United States Green Building Council Leadership in Energy and Environmental Design (LEED) Platinum Certification. The proposed Project may have a similar or reduced air quality impact on employees in the vicinity of the Project site. It should be noted that employees in vicinity of the Project site are not considered to be sensitive receptors. Refer to the discussion under 4.3.d for a discussion of potential impacts to sensitive receptors. Therefore, the proposed Project would have no impact related to conflicts with or obstruction of implementation of the 2016 AQMP and no mitigation would be required.

The Specific Plan EIR also concluded that no impacts would occur related to conflicts with or obstruction to implementation of the 2016 AQMP. Similarly, the proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those
identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

b. Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The following sections describe the proposed Project’s construction- and operation-related air quality impacts.

**Construction Emissions.** Construction activities such as earthmoving and construction vehicle traffic would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials could evaporate into the atmosphere and could participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application. Construction dust could affect local air quality at various times during construction of the Project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying materials are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

The Specific Plan EIR determined that construction emissions associated with implementation of the Specific Plan would not exceed SCAQMD thresholds for VOC, NO\textsubscript{X}, CO, SO\textsubscript{2}, PM\textsubscript{10}, or PM\textsubscript{2.5}. In addition, the Specific Plan EIR determined that all construction occurring under the Specific Plan would occur in accordance with applicable regulations and plans to reduce emissions from construction activities, including SCAQMD Rule 403, SCAQMD Rule 1113, and SCAQMD Rule 1186.

As previously stated, based on the SCAQMD attainment status and ambient air quality monitoring data, ambient air quality in the vicinity of the Project site has basically remained unchanged since approval of the Specific Plan EIR. Construction emissions were estimated for the proposed Project using CalEEMod. Specific construction details are not yet known; therefore, default assumptions (e.g., construction fleet activities) from CalEEMod were used. Construction of the proposed Project is anticipated to begin in January 2021 and be completed in May 2023. In addition, construction of the proposed Project would include the demolition of five industrial warehouse buildings on site, totaling approximately 114,744 sf, which was included in CalEEMod. Construction of the proposed Project would be required to comply with SCAQMD Rule 403, Fugitive Dust; therefore, fugitive dust control measures were also included in CalEEMod. Peak daily construction-related emissions are presented in 4.3.B, below. CalEEMod output sheets are provided in Appendix A.

As shown in Table 4.3.B, construction emissions associated with the proposed Project would be less than significant for VOC, NO\textsubscript{X}, CO, SO\textsubscript{2}, PM\textsubscript{2.5}, and PM\textsubscript{10} emissions. No mitigation would be required. In addition, the proposed Project would also be required to comply with the applicable regulations and plans to reduce emissions from construction activities, including SCAQMD Rule 403, SCAQMD Rule 1113, and SCAQMD Rule 1186.
The Specific Plan EIR determined that construction emissions associated with construction of the Specific Plan would not exceed SCAQMD thresholds for VOC, NO\textsubscript{X}, CO, SO\textsubscript{2}, PM\textsubscript{10} (total), or PM\textsubscript{2.5} (total). In addition, the Specific Plan EIR determined that all construction occurring under the Specific Plan would occur in accordance with applicable regulations and plans to reduce emissions from construction activities, including SCAQMD Rule 403, SCAQMD Rule 1113, and SCAQMD Rule 1186. Development of the proposed Project would result in similar, but fewer, construction-related, short-term air quality impacts to those identified in the Specific Plan EIR.

Therefore, the proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

**Operational Emissions.** The proposed Project would include construction and operation of a new administration building and surface parking lot and would relocate the existing administrative uses from Plant No. 1, to the Project site north of Ellis Avenue. Implementation of the proposed Project would not result in an increase in OCSD employees because the Project is characterized as a relocation, rather than an expansion, of existing operations. As a result, the Project would not increase existing vehicle trips. The new land uses would result in area source air quality impacts such as emissions generated from the use of landscaping equipment and water heating.

Emission estimates for operation of the proposed Project were calculated using CalEEMod, consistent with SCAQMD recommendations. The proposed Project would be designed to achieve United States Green Building Council Leadership in Energy and Environmental Design (LEED) Platinum Certification, which was reflected in CalEEMod inputs. Model results are shown in Table 4.3.C. CalEEMod output sheets are provided in Appendix A.
Table 4.3.C: Operational Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Sources</td>
<td>2.5</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Energy Sources</td>
<td>0.0</td>
<td>0.2</td>
<td>0.2</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Mobile Sources</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Total Emissions</td>
<td>2.5</td>
<td>0.2</td>
<td>0.2</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>SCAQMD Thresholds</td>
<td>55.0</td>
<td>55.0</td>
<td>550.0</td>
<td>150.0</td>
<td>150.0</td>
<td>55.0</td>
</tr>
</tbody>
</table>

Significant? No No No No No No

Source: LSA (November 2019).
CO = carbon monoxide
lbs/day = pounds per day
NOx = nitrogen oxides
PM10 = particulate matter less than 10 microns in size
SCAQMD = South Coast Air Quality Management District
SO2 = sulfur dioxide
PM2.5 = particulate matter less than 2.5 microns in size
VOC = volatile organic compounds

The primary emissions associated with the Project are regional in nature, meaning that air pollutants are rapidly dispersed on release. The daily emissions associated with Project operational trip generation, energy, and area sources are identified in Table 4.3.C for VOC, NOx, CO, SO2, PM10, and PM2.5. As shown in Table 4.3.C, the proposed Project would not exceed SCAQMD thresholds for operational emissions, and no mitigation would be required. However, MM AQ-5c, is applicable to all projects in the Specific Plan area, and would further reduce operational air quality emissions resulting from the placement of the air system intake.

The Specific Plan EIR determined that operational emissions associated with the Specific Plan would not exceed the SCAQMD significance thresholds and, therefore, would result in a less than significant impact. In addition, the Specific Plan EIR analysis assumed that the Specific Plan area was emitting operational air pollutant emissions from its existing land uses and evaluated existing development as part of the baseline. The Specific Plan EIR therefore focused operational impacts to proposed land use changes that alter build out, and thus determined that implementation of the Specific Plan would result in a net decrease in VOC, NOx, CO, and SO2 emissions. For a worst-case analysis, existing on-site industrial warehouse buildings were evaluated as vacant as part of the baseline for the SP. However, as shown in Table 4.3.C above, the proposed Project would not exceed the significance criteria for daily VOC, NOx, CO, SO2, PM10, or PM2.5 emissions; therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

c. Would the Project result in a cumulatively considerable net increase to any criteria pollutant for which the Project region is in nonattainment under an applicable federal or state ambient air quality standard? This includes releasing emissions which exceed quantitative standards for ozone precursors.

As indicated in Table 4.3.C above, the proposed Project individually would not result in significant regional emissions for criteria pollutants. A project that would result in less than significant emissions at the individual project level would also result in less than significant cumulative emissions. No mitigation would be required. As noted above, the proposed Project would also be consistent with the region’s 2016 AQMP.
The Specific Plan EIR determined that implementation of the Specific Plan would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). Similarly, the proposed Project would not result in emissions that are cumulatively significant and, therefore, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

d. Would the Project expose sensitive receptors to substantial pollutant concentrations?

As discussed in the Specific Plan EIR, the CARB guidebook, *Air Quality and Land Use Handbook: A Community Health Perspective,*\(^4\) recommends avoiding siting sensitive uses (e.g., residences, schools, day care centers, playgrounds, and hospitals) within 500 ft of a freeway or urban roads carrying 100,000 vehicles per day, or within 1,000 ft of a distribution center (warehouse) that accommodates more than 100 trucks or more than 90 refrigerator trucks per day. In addition, the Specific Plan EIR identified Mitigation Measures MM AQ-5a, MM AQ-5b, and MM AQ-5d through MM AQ-5f to reduce adverse effects for sensitive receptors within 500 ft of the I-405 freeway and/or for sensitive receptors near the potential development of a distribution center, rail yard, refinery, chrome plater, dry cleaning operation, or gas station. The Specific Plan EIR determined that after mitigation, residual impacts related to the exposure of sensitive land uses to substantial pollution concentrations would be less than significant.

The closest sensitive receptors to the Project site include the single-family residences located approximately 1,350 ft southeast of the Project site along Alabama Circle. Construction activities associated with the Project would generate airborne particles and fugitive dust, as well as a small quantity of pollutants associated with the use of construction equipment (e.g., diesel-fueled vehicles and equipment) on a short-term basis. As shown in Table 4.3.B, construction would generate emissions that are well below the SCAQMD significance criteria. In addition, due to the distance of the nearest receptors from the Project construction area, Project construction emissions would not impact sensitive receptors.

The proposed Project would include a new administration building and associated parking, and, therefore, the proposed Project would not include new sensitive receptors. Once the proposed Project is constructed, the Project would not be a source of substantial toxic air contaminant (TAC) emissions. In addition, the nearest sensitive receptors are located approximately 1,350 ft from the Project site, and, therefore, sensitive receptors would not be exposed to substantial pollutant concentrations from Project construction/operations, that would cause harmful effects. **Neither construction nor operation of the proposed Project would result in the exposure of sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant and no mitigation would be required.**

The Specific Plan EIR determined that after mitigation, residual impacts related to the exposure of sensitive land uses to substantial pollution concentrations would be less than significant. However, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations that would cause harmful effects. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

e. Would the Project create objectionable odors affecting a substantial number of people?

During construction, the various diesel-powered vehicles and equipment in use on site would create localized odors. These odors would be temporary and are not likely to be noticeable for extended periods of time beyond the Project site. The potential for diesel odor impacts is, therefore, considered less than significant. Additionally, the proposed uses that would be developed within the Project site are not expected to produce any offensive odors that would result in frequent odor complaints. The proposed Project would not include sensitive receptors; therefore, odor impacts on the Project would not occur and do not require further evaluation. Therefore, this impact would be less than significant, and no further mitigation would be required.

The Specific Plan EIR also determined that impacts associated with construction- and operation-generated odors would be less than significant. The proposed Project, which is located within the Specific Plan area and does not propose uses that would produce offensive odors, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.3.3.1 Mitigation Measures

Based on the analysis contained in the Initial Study/Addendum, Mitigation Measure MM AQ-5c, included in the Specific Plan EIR, would be applicable to the proposed Project. No additional mitigation measures related to air quality beyond those identified in the Specific Plan EIR are required.

**MM AQ-5a Health Risk Assessment (HRA).** Development of a proposed sensitive land use within 500 feet of I-405 or the development of a distribution center, rail yard, refinery, chrome plater, dry cleaning operation, or large gas station near a sensitive land use shall prepare a site-specific HRA prior to developing such land uses as a way to more accurately evaluate the risk. The HRA for air quality and “hot spots” of air pollutants shall be prepared consistent with Cal EPA’s Office of Environmental Health Hazard Assessment’s A Guide to Health Risk Assessment and The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (HRAs) to aid California projects’ compliance with the 1987 “Hot Spots” Act. The HRA shall identify the hazard or hazardous material, assess the amount, duration, and pattern of exposure to the hazard or hazardous material, assess the amount it would take to cause negative health effects, and characterize the risk to general
population and sensitive receptors from the hazard or hazardous material. The HRA shall be reviewed and approved by the City Planning and Building Department prior to approval of development permits for land uses that include or potentially affect sensitive populations.

**MM AQ-5b Interior Air Quality Protection.** Development of a proposed sensitive land use within 500 feet of I-405 and/or within 100 feet of an intersection operating or projected to operate at Level of Service (LOS) E or F shall include heating, ventilation, and air conditioning (HVAC) infrastructure within the building to circulate and purify outdoor air sources sufficiently to reduce Toxic Air Contaminants (TACs), such as diesel particulate matter and vehicle emissions. HVAC control systems shall include particulate filters that have a minimum efficiency reporting value (MERV) of 15 as indicated by the American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. The proposed HVAC system shall be reviewed and approved by the City Planning and Building Department prior to approval of a development permit. Monitoring and maintenance of HVAC systems and particulate filters shall be conducted by the Applicant on a semiannual basis to ensure efficiency of the system for development permits involving land uses that include or potentially affect sensitive populations.

**MM AQ-5c Placement of Air System Intake.** When considering placement and direction of air intakes, the direction of prevailing winds shall be considered and the most logical decision shall be made. Design of the proposed development shall face air systems intakes appropriately, so as to reduce highly concentrated air pollution intake, considering placement on the opposite side of the building from the pollutant source. Development and HVAC system design shall be reviewed and approved by the City Planning and Building Department prior to issuance of a building permit. Monitoring and maintenance of HVAC systems and air intakes shall be conducted by the Applicant on a semiannual basis to ensure efficiency of the systems for development permits involving land uses that include or potentially affect sensitive populations.

**MM AQ-5d Vegetation Barriers.** The Applicant of development permits involving land uses that include or potentially affect sensitive populations shall consider the installation of vegetation barriers that disrupt pollutant dispersal, absorb carbon-based particulates, or reduce air pollutant concentrations during design of the proposed development. Vegetation barriers shall be chosen and installed where most appropriate to provide additional reduction of onsite air pollutant concentrations, while providing an aesthetically pleasing natural barrier. The vegetation types chosen should be appropriate for the location, including water requirements, non-invasive species, and aesthetic quality. Development designs and vegetative screening shall be reviewed and approved by the City Planning and Building Department prior to approval of a development permit. Plans for the maintenance of landscaping and vegetation barriers shall be made by the Applicant to ensure
efficiency of vegetation barriers and maintain the visual quality of onsite landscape design.

**MM AQ-5e Reduced Number of Openable Windows Facing I-405.** During the preliminary design process, the Applicant of development permits involving land uses that include sensitive populations shall reduce the number of openable windows facing the I-405. The reduction in number of openable windows facing the pollutant source will reduce potential exposure of harmful vehicle pollutants, as well as reduce potential contamination of interior air quality. Careful consideration of the location of openable and un-openable windows, prevailing wind direction and daylighting shall be made during design of the development so as not to substantially diminish comfortability and livability of the residential development or other sensitive receptor. Development and building design shall be reviewed and approved by the City Planning and Building Department prior to approval of a development permit.

**MM AQ-5f Development Design, Siting, and Setbacks.** Where appropriate, the Applicant of land uses that include sensitive populations shall develop the site such that open spaces (i.e., walkways, alley ways, streetways, and other non-sensitive open space land uses) are placed closest to the I-405, increasing the distance of sensitive receptors from the pollutant source. The setback of sensitive receptors remains the most certain method for reducing health risk from traffic pollution exposure. Development and site design shall be reviewed by the City Planning and Building Department prior to approval of a development permit.

### 4.3.4 Findings Related to Air Quality

**No New Significant Effects Requiring Major Revisions to the Specific Plan EIR.** Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Air Quality, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR.** There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Air Quality that would require major changes to the Specific Plan EIR.

**No New Information Showing Greater Significant Effects than the Specific Plan EIR.** This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Air Quality requiring major revisions to the Specific Plan EIR.

**No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR.** This Addendum has analyzed all available relevant information and has determined that there is no new information of substantial importance that was unknown and could not have been known with the
exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that:
(1) mitigation measures or alternatives previously found not to be feasible would in fact be feasible,
and would substantially reduce one or more significant effects of the Project, but the Project
proponent declines to adopt the mitigation measures or alternatives; or (2) mitigation measures or
alternatives that are considerably different from those analyzed in the previous EIR would
substantially reduce one or more significant effects on the environment, but the Project proponent
delies to adopt the mitigation measures or alternatives.

As discussed above, the proposed Project would result in a potentially significant impact related to
Air Quality. Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was
certified. The mitigation measure that is applicable to the proposed Project is listed in Section
4.3.3.1. Potential Project impacts related to Air Quality would be reduced below a level of
significance with implementation of the applicable mitigation measures, none of which the Project
proponent is declining to adopt.
4.4 BIOLOGICAL RESOURCES

New Significant Impact  More Severe Impact  No Substantial Change from Previous Analysis

Would the Project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

4.4.1 Existing Setting

The City is urban and developed with few areas of natural open space or habitat occurring in the City and immediate vicinity. No native habitats or open space areas occur within the Specific Plan area. Although the Santa Ana River’s west bank is adjacent to the Specific Plan and Project areas, this portion of the river is extensively channelized with concrete embankments, and it functions for both flood control and waste drainage purposes. The Santa Ana River drains to the Pacific Ocean in the City of Newport Beach. Similarly, the Fountain Valley Channel (Channel), which runs through the west portion of the Specific Plan area, contains concrete embankments and is not associated with any riparian habitat areas.

According to the Specific Plan EIR, the Specific Plan area supports a number of healthy, mature trees, which provide some habitat for both resident and migratory native and non-native bird species as well as small mammals. Chapter 12.04.040 of the City’s Municipal Code contains regulations regarding cutting, trimming, planting, pruning, removing, injuring, or interfering with trees, shrubs, or plants on streets, parkways, or public places. Established landscapes in this urban setting consist predominantly of non-native plant and tree species, which provide habitat for some...
species, primarily birds. However, the Specific Plan area does not support any designated or recognized sensitive habitats or mapped critical habitat for 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 (CDFW) or the United States Fish and Wildlife Service (USFWS). The Specific Plan area, including the Project site, is not known to support endangered species, nor does it contain sensitive habitat area that would support those species.

The 5.2-acre Project site is in an urbanized area surrounded by existing urban and suburban land uses. The Santa Ana River Trail and Channel are located approximately 0.2 mile east of the Project site. The Project site is flat and is currently developed with five industrial warehouse buildings (totaling approximately 114,744 square feet [sf]) and associated surface parking lots (refer to Figure 2, Project Site). Landscaping on the Project site is comprised of several mature trees, shrubs, and small grassy areas around the perimeter of the site.

4.4.2 Impacts Identified in the Specific Plan EIR

Biological Resources are included within Section 4.3, Effects Found Not to be Significant, on pages 4-5 through 4-6 of the Specific Plan EIR; this topic was also discussed on pages 24 through 27 of the Initial Study and was scoped out.

The Specific Plan EIR concluded that implementation of the Specific Plan would result in less than significant impacts to biological resources because the Specific Plan area is fully urbanized and does not contain potential natural habitats for sensitive species and other natural communities. Further, implementation of the Specific Plan would incorporate and be consistent with existing policies regarding the protection of biological resources, and therefore, would not significantly impact biological resources.

4.4.3 Analysis of Project Impacts

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?

The Project site is in an urbanized area surrounded by existing urban and suburban land uses. The Santa Ana River is located approximately 1,000 ft east of the Project site. In addition, the improvements associated with the Project would not have the capacity to significantly affect sensitive biological resources given the amount of previous development that has occurred in the vicinity and on the Project site. Project construction and operation would have no impacts either directly or through habitat modification to any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS. No impacts to these resources are anticipated as a result of the Project, and no mitigation would be required.

The Specific Plan EIR also concluded that no impacts to any species identified as a candidate, sensitive, or special-status species would occur because the Specific Plan area is fully urbanized and does not contain potential natural habitats for sensitive species. The Project site is located
within the Specific Plan area and would likewise not impact sensitive species or habitats. The proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

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, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The Project site does not support any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations, or by the CDFW or the USFWS. No impacts to these resources are anticipated as a result of the Project, and no mitigation would be required.

The Specific Plan EIR concluded that the Specific Plan area is fully urbanized and does not include any riparian habitat or other sensitive natural communities. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

c. Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No federally protected wetlands would be affected by the proposed Project. Therefore, no impacts to these resources are anticipated as a result of the Project. No mitigation is required.

The Specific Plan EIR concluded that the Specific Plan area is fully urbanized and does not contain any federally protected wetlands. Intensification of use as a result of implementation of the Specific Plan could potentially increase the amount of pollutants, such as leaked oil, that could enter stormwater runoff, impacting the quality of water that flows from the Specific Plan area and ultimately to the Pacific Ocean. However, implementation of the Specific Plan would result in less than significant impacts to biological resources as a result of impacts to water quality because the Specific Plan would comply with existing federal, state, and local water quality regulations. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

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?

The proposed Project site is not located in a migratory wildlife corridor or native wildlife nursery site. The existing trees on the Project site may, however, provide suitable habitat for nesting migratory birds. The removal of trees on the Project site has the potential to impact active bird
nests if vegetation and trees are removed during the nesting season. Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA) (Title 33, United States Code [USC], Section 703 et seq.; see also Title 50, Code of Federal Regulations [CFR], Part 10) and Section 3503 of the California Fish and Game Code. Therefore, implementation of the proposed Project would be subject to the provisions of the MBTA, which prohibits disturbing or destroying active nests. In order to comply with the MBTA, Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season. If Project construction occurs between February 1 and September 15, a qualified biologist would conduct a nesting bird survey prior to ground- and/or vegetation-disturbing activities to confirm the absence of nesting birds. Compliance with the MBTA is required for Project implementation, and therefore, does not constitute mitigation. **With compliance with the MBTA, impacts to nesting birds would be less than significant, and no further mitigation would be required.**

The Specific Plan EIR also concluded that implementation of the Specific Plan would not interfere with migratory fish or birds. No fish species are known to occur in the portion of the Channel that is located in Specific Plan area. Although street trees may serve as wildlife corridors, the distance between major open space areas limit the use of the area as a wildlife corridor for most species other than birds. In addition, the Specific Plan would protect and maintain street trees where possible. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

e. **Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Chapter 12.04.040 of the City’s Municipal Code requires that no person or development shall engage in the planting, trimming, cutting, or removal of any vegetation along any streets, parkways, or public spaces without prior approval from the City’s Public Works Department. The proposed Project would comply with all City policies and regulations protecting biological resources. Therefore, the proposed Project would not conflict with any plan, policy, or ordinance relating to the protection of biological resources, and the impact would be less than significant and no mitigation is required.

The Specific Plan EIR also concluded that implementation of the Specific Plan would not conflict with any plan, policy, or ordinance relating to the protection of biological resources. Further, the Specific Plan would incorporate and be consistent with existing policies regarding the protection of biological resources. The proposed Project, which is located within the Specific Plan area, would also incorporate and be consistent with existing policies regarding the protection of biological resources and would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR. No new mitigation measures are required.
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?

The County of Orange has approved a Habitat Conservation Plan (HCP) and a Natural Community Conservation Plan (NCCP), but the City has not enrolled in such plans and is not included in the planning area covered by these plans. Consequently, the Project will not conflict with any such plans. While no designated HCP or NCCP exists in the Project area, the Project would comply with all City policies and regulations protecting biological resources. Therefore, the proposed Project would not conflict with any HCP or NCCP or other local, regional, or State HCPs. There would be no impact and therefore mitigation measures are not required.

The Specific Plan EIR also concluded that the Specific plan area does not include any habitat areas that are protected by an approved local, regional, or state HCP or NCCP. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required.

4.4.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to Biological Resources. No mitigation would be required for the proposed Project.

4.4.4 Findings Related to Biological Resources

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Biological Resources, and there is no increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Biological Resources that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Biological Resources requiring major revisions to the Specific Plan EIR.
No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. The proposed Project would not result in any potentially significant impacts related to Biological Resources. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.5  CULTURAL RESOURCES

Would the Project:

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
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<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
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<tr>
<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
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<tr>
<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
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</tbody>
</table>

4.5.1  Existing Setting

According to the Specific Plan EIR, the Project area and the City are located in the Santa Ana Valley-Capistrano Valley Province, which is a lowland strip separating the coastal hills from the Santa Ana Mountains. This province includes the flood plain of the northern segment of the Santa Ana River where it flows through the City. The geology in this area does not contain abundant paleontological resources. Fossils primarily consist of non-marine species from the Pleistocene and Holocene ages, including mammoth, bison, horse, camel, sloth, and a variety of birds.

The Specific Plan area was largely developed in the 1970s and primarily consists of industrial uses. The City’s General Plan does not contain a Historic Preservation Element, and no historic or older structures are known to be located within the Specific Plan area. Although the area has been heavily developed, subsurface archaeological or paleontological resources that have not been previously evaluated could potentially exist within the Specific Plan area, including the Project site.

4.5.2  Impacts Identified in the Specific Plan EIR

Cultural Resources are included within Section 4.3, Effects Found Not to be Significant, on pages 4-6 through 4-7 of the Specific Plan EIR; this topic was also discussed on pages 27 through 29 of the Initial Study and was scoped out.

The Specific Plan EIR determined that redevelopment activities associated with implementation of the Specific Plan would occur in previously disturbed areas, so it is unlikely that cultural resources would be encountered. However, the potential remains that previously undiscovered resources could be exposed during construction activities. The Specific Plan EIR concluded that inclusion of standard conditions during discretionary project review and approval, including compliance with the State CEQA Guidelines relating to protocols for discovery of important historic and pre-historic resources, would ensure that potential impacts to such resources would be reduced to a less than significant level. Therefore, based on the limited potential for undiscovered cultural resources to exist within the Specific Plan area and existing procedure requirements regulating the discovery of buried resources, the Specific Plan EIR concluded that impacts to cultural resources would be less than significant, and no further mitigation would be required.
4.5.3 Analysis of Project Impacts

a. Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

CEQA defines a "historical resource" as a resource that meets one or more of the following criteria: (1) listed in, or determined eligible for listing in, the California Register of Historical Resources; (2) listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k); (3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) determined to be a historical resource by a project’s Lead Agency (PRC Section 21084.1 and State CEQA Guidelines Section 15064.5[a]).

In its existing condition, the Project site includes five one- and two-story industrial warehouse buildings that were constructed in 1971. The Project would include the demolition of the five existing industrial warehouse buildings on the Project site. A Historic Resources Assessment (ESA 2018) was prepared for OCSD’s Plant No. 1 and included a records search at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC), conducted on August 23, 2017. According to the Historic Resources Assessment, Plant No. 1 and adjacent properties, which include the Project site, are not eligible for inclusion in the National Register of Historic Places (National Register), the California Register of Historical Resources (California Register), or the Statewide Historical Resources Inventory (HRI) database maintained by the California Office of Historic Preservation (OHP). As a result, the Project will not cause a substantial change in the significance of a historical resource as defined in Section 15064.5; no impacts to a historical resource would result from Project implementation and no mitigation would be required.

The City’s General Plan does not contain a Historic Preservation Element and does not provide criteria for identification of potential historic resources. Based on the analysis contained in the Specific Plan EIR, there are no historic structures located within the Specific Plan area. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

b. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

According to the Specific Plan EIR, soils within the Specific Plan area consist of approximately 80 percent Hueneme fine sandy loam, drained, and 20 percent Metz loamy sand, moderately fine substratum. In its existing state, the Project site is developed with industrial uses and associated paved surface parking lots. The Project site has been previously disturbed and significantly altered as a result of past construction activities on the site.

The proposed Project would include the demolition of five existing industrial warehouse buildings on the Project site. Soils on the Project site have been disturbed previously from development of the existing warehouse buildings, and any unknown archaeological resources
would have likely been unearthed at the time of previous activities on the Project site. New ground-disturbing activities associated with Project construction activities are unlikely to disturb any previously unknown archaeological resources. In the unlikely event that previously undiscovered archaeological resources are found, implementation of standard conditions required by the City of Fountain Valley, including compliance with State CEQA Guidelines Section 15064.5(f) relating to provisions for the accidental discovery of important historic or unique archaeological resources, would ensure that potential impacts to previously undiscovered archaeological resources would be less than significant and no mitigation would be required.

The Specific Plan EIR concluded that the presence of cultural resources in the Specific Plan area is unlikely due to the developed nature of the area. Additionally, the Specific Plan EIR determined that adherence to City of Fountain Valley standard conditions related to the unanticipated discovery of archaeological resources would ensure that impacts to cultural resources would be less than significant should any be recovered within the Specific Plan area. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

c. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Similar to Response 4.5.3 (b), the Project site has been previously disturbed and significantly altered as a result of past construction activities on the site. Due to the developed nature of the site and surrounding area, it is likely that any unknown paleontological resources would have been unearthed at the time of previous activities on the Project site.

The Project would include the demolition of five existing industrial warehouse buildings on the Project site. Soils on the Project site have been disturbed previously from development of the existing industrial warehouse buildings, and any unknown paleontological resources would have likely been unearthed at the time of previous activities on the site. New ground-disturbing activities associated with Project construction activities are unlikely to disturb any previously unknown paleontological resources. In the unlikely event paleontological resources are encountered during project excavation, compliance with standard conditions required by the City of Fountain Valley for protection of such resources would ensure that impacts to unknown paleontological resources would be less than significant, and no further mitigation would be required.

The Specific Plan EIR concluded that the Specific Plan area does not contain abundant paleontological resources. Additionally, the Specific Plan EIR determined that adherence to City of Fountain Valley standard conditions related to the unanticipated discovery of paleontological resources would ensure that impacts to paleontological resources would be less than significant should any be recovered within the Specific Plan area. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified
in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

d. Would the Project disturb any human remains, including those interred outside of formal cemeteries?

No known human remains are interred on the Project site. Due to the level of past disturbance on the Project site, it is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during earth removal or disturbance activities. In the unlikely event that human remains are encountered during Project grading, the proper authorities would be notified and standard procedures for the respectful handling of human remains during the earthmoving activities would be adhered to in compliance with State Health and Safety Code Section 7050.5 and PRC Section 5097.98. **Following compliance with existing State regulations, impacts related to the disturbance of human remains would be considered less than significant, and no further mitigation would be required.**

The Specific Plan EIR concluded that the Specific Plan area does not likely contain any undiscovered human remains. Additionally, the Specific Plan EIR determined that compliance with State Health and Safety Code Section 7050.5 and PRC Section 5097.98 would ensure that impacts to human remains would be less than significant should any be recovered within the Specific Plan area. The proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.5.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to cultural resources. No mitigation would be required for the proposed Project.

4.5.4 Findings Related to Cultural Resources

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Cultural Resources, and there is no increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Cultural Resources that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would
be a new significant impact related to Cultural Resources requiring major revisions to the Specific Plan EIR.

**No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR.** The proposed Project would not result in any potentially significant impacts related to Cultural Resources. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.6 ENERGY CONSERVATION

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
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</thead>
<tbody>
<tr>
<td>a. Use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner.</td>
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<tr>
<td>b. Constrain local or regional energy supplies, affect peak and base periods of electrical demand, require or result in the construction of new electrical generation and/or transmission facilities, or necessitate the expansion of existing facilities, the construction of which could cause significant environmental effects.</td>
<td>☐</td>
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<tr>
<td>c. Conflict with existing energy standards, including standards for energy conservation.</td>
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4.6.1 Existing Setting

Energy service providers to the FVCSP area, which includes the Project site, are Southern California Edison (SCE) for electrical service and Southern California Gas Company (SCG) for natural gas. Based on consumption factors provided by the CEC in the 2006 California Commercial End-use Survey, electrical energy demand within the FVCSP area was estimated to be approximately 36.16 million kilowatt-hours (kWh), or 36.16 GWh per year, contributing to approximately 0.17 percent of the total County energy consumption, with Office/Industrial land uses consuming the largest amount. Within the FVCSP area, natural gas demand was estimated to be approximately 312,554.88 therms (thms) per year, approximately 0.06 percent of the County’s total consumption, with Office/Industrial land uses consuming the largest amount.

4.6.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Energy Conservation impacts on pages 3.13-1 through 3.13-12.

The Specific Plan EIR evaluated issues related to energy conservation associated with implementation of the Specific Plan. The Specific Plan EIR found that the Specific Plan would increase energy demand, but would not result in wasteful, inefficient, or unnecessary consumption of energy. The Specific Plan EIR also determined that implementation of standard regulations, as well as conformance with the City-adopted 2013 California Energy Code, the California Green Building Standards Code, and policies of the City General Plan would reduce potential impacts. This impact was considered to be less than significant.

The Specific Plan EIR also determined that implementation of the Specific Plan would not constrain local or regional energy supplies, necessitating the construction of new or expansion of existing electrical generation of transmission facilities, resulting in a less than significant impact.

In addition, the Specific Plan EIR found that implementation of the Specific Plan would require new development within the Specific Plan area to comply with federal, State, and local regulations governing the use and conservation of energy resources. It was also determined that much of the
redevelopment associated with the Specific Plan would increase energy efficiency and conservation throughout the Specific Plan area, resulting in a beneficial impact.

4.6.3 Analysis of Project Impacts

a. Would the Project use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner.

Similar to build out of the Specific Plan, the proposed Project would increase the demand for electricity and natural gas within the FVCSP area, due to the construction and operation of an approximately 109,914 sf administration building. Table 4.6.A, below, shows the estimated potential increased electricity demand associated with the proposed Project, and Table 4.6.B, below, shows the estimated potential increase in natural gas demand associated with the proposed Project.

**Table 4.6.A: Electricity Demand from Proposed Project**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Consumption Factor1</th>
<th>Projected Change in Land Use</th>
<th>Estimated Electricity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration/Office</td>
<td>16.08 kWh/sf/yr</td>
<td>109,914 sf</td>
<td>1.8 GWh/yr</td>
</tr>
</tbody>
</table>

Source: California Energy Commission (2006); compiled by LSA (November 2019).

1 Estimated electricity demand for office uses were calculated using statewide average energy consumption factors by land use as documented in the California Energy Commission’s California Commercial End-use Survey.

GWh = gigawatt hour
kWh = kilowatt hour
sf = square foot/feet
yr = year

**Table 4.6.B: Natural Gas Demand from Proposed Project**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Consumption Factor1</th>
<th>Projected Change in Land Use</th>
<th>Estimated Natural Gas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration/Office</td>
<td>0.18 thm/sf/yr</td>
<td>109,914 sf</td>
<td>19,785 thm/yr</td>
</tr>
</tbody>
</table>

Source: California Energy Commission (2006); compiled by LSA (November 2019).

1 Estimated natural gas demand for office uses were calculated using statewide average energy consumption factors by land use as documented in the California Energy Commission’s California Commercial End-use Survey.

sf = square foot/feet
thm = therms
yr = year

As shown in Table 4.6.A, the estimated potential increased electricity demand associated with the proposed Project is 1.8 gigawatt hour (GWh) per year, while the Specific Plan EIR determined that build out of the Specific Plan would increase electricity demand by 10.9 GWh per year. Therefore, the proposed Project would not increase electricity demand beyond the demand identified in the Specific Plan EIR. In addition, as shown in Table 4.6.B, the estimated potential natural gas demand associated with the proposed Project is 19,785 thm per year, while the Specific Plan EIR determined that build out of the Specific Plan would increase natural
gas demand by 333,871.9 thm per year. Therefore, the proposed Project would also not increase natural gas demand beyond demand identified in the Specific Plan EIR.

In addition, as discussed in the Specific Plan EIR, this estimated energy demand is highly conservative as the demand factors do not account for the most current efficiency standards of the Title 24 of the California Code of Regulations (California Green Building Standards Code [CALGreen]) in effect at the time of Project implementation (i.e., energy efficiency standards usually increase with time). Implementation of the proposed Project would be required to comply with applicable federal, State, and local rules and regulations governing the use and conservation of California’s energy resources. Development under the proposed Project would be required to comply with the regulations of the California Energy Code in effect at the time of Project implementation. In addition, the new building would be designed to achieve LEED Platinum Certification. Therefore, the proposed Project would be consistent with adopted codes and regulations, and would not contribute to the wasteful or inefficient consumption of energy resources.

While the Project would result in an increase in electricity and natural gas consumption as compared to existing uses on the Project site, the proposed Project would be consistent with federal, State, and locally established goals, policies, and regulation governing energy conservation and fostering sustainable development, the proposed Project is not expected to result in the substantially wasteful or inefficient use of California’s energy resources. **Therefore, implementation of the proposed Project is considered to have a less than significant impact on the consumption and use of energy resources, and no further mitigation would be required.**

The Specific Plan EIR determined that the Specific Plan would not result in the wasteful or inefficient use of California’s energy resources. The proposed Project would not increase electricity or natural gas demand beyond the demand identified in the Specific Plan EIR. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

b. **Would the Project constrain local or regional energy supplies, affect peak and base periods of electrical demand, require or result in the construction of new electrical generation and/or transmission facilities, or necessitate the expansion of existing facilities, the construction of which could cause significant environmental effects.**

The proposed Project is located in the City of Fountain Valley, which is within the County of Orange (County). The Specific Plan EIR determined that at the time the Specific Plan EIR was prepared, the Specific Plan area contributed to approximately 36.16 GWh per year of energy demand, which is approximately 0.17 percent of the County’s total energy demand. As discussed above, the Specific Plan EIR also determined that build out of the Specific Plan would result in an increase in electricity demand of approximately 10.9 GWh per year, which would result in an incremental increase in County energy demand for SCE services by approximately 0.0005 percent. As discussed above, the proposed Project would increase energy demand by approximately 1.8 GWh per year, which would be less than the electricity demand evaluated in the Specific Plan EIR. Therefore, implementation of the proposed Project would negligibly affect
local or regional energy supplies. The proposed Project would not constrain local or regional energy supplies or require or result in the construction of new electrical generation and/or transmission facilities or necessitate the expansion of existing facilities and Project impacts would be less than significant and no mitigation would be required.

The Specific Plan EIR determined that the Specific Plan would result in an incremental increase in County energy demand for SCE services that would be less than significant. The electricity demand for the proposed Project would be less than the electricity demand evaluated in the Specific Plan EIR. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

c. Would the Project conflict with existing energy standards, including standards for energy conservation.

The proposed Project would be required to comply with City-adopted codes and regulations governing energy-efficient design and sustainable development. In addition, the proposed Project would be designed to achieve LEED Platinum Certification, which would increase energy efficiency and conservation, and reduce wasteful use of energy resources. Therefore, similar to implementation of the Specific Plan, it is anticipated that the proposed Project would increase energy efficiency and conservation. Therefore, the proposed Project would not conflict with existing energy standards; no impact would result from Project implementation and no mitigation would be required.

The Specific Plan EIR determined that the Project would increase energy efficiency and conservation throughout the Specific Plan area, resulting in a beneficial impact. Similarly, the proposed Project would implement an energy-efficient design and sustainable development, and would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

4.6.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to energy conservation. No mitigation would be required for the proposed Project.

4.6.4 Findings Related to Energy Conservation

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Energy Conservation, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in
circumstances pertaining to Energy Conservation that would require major changes to the Specific Plan EIR.

**No New Information Showing Greater Significant Effects than the Specific Plan EIR.** This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Energy Conservation requiring major revisions to the Specific Plan EIR.

**No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR.** The proposed Project would not result in any potentially significant impacts related to Energy Conservation. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.7 GEOLOGY AND SOILS

Would the Project:

<table>
<thead>
<tr>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>ii. Strong seismic ground shaking?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>iii. Seismic-related ground failure, including liquefaction?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>iv. Landslides?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e. 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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

4.7.1 Existing Setting

The Project area is located within the seismically active region of southern California. However, according to the State of California Department of Conservation Earthquake Zones of Required Investigation for the Newport Beach Quadrangle, the Project site is not in an identified Alquist-Priolo Earthquake Fault Zone. The nearest identified Alquist-Priolo Earthquake Fault Zone is approximately 4 miles southwest of the Project site.

According to the United States Department of Agriculture Natural Resources Conservation Service’s Web Soil Survey, the soils on the Project site are comprised entirely of Hueneme fine sandy loam, drained. The shrink-swell potential for Hueneme fine sandy loam, drained, is slight. Therefore, soils within the FVCSP area do not have a high expansion potential.

According to the City’s Public Safety Element of the General Plan, the area along the Santa Ana River and south of the I-405, which includes the Project area, has a high potential for liquefaction. In addition, the City of Fountain Valley, including the Project site, is located within an area of known subsidence.

Neither the FVCSP nor the proposed Project involve use or development of septic tanks or alternative wastewater disposal systems as sewers are available for the disposal of wastewater.
4.7.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Geology and Soils impacts on pages 3.3 through 3.3-12.

As detailed in the Specific Plan EIR, new land uses anticipated to occur under within the Specific Plan area would potentially be exposed to moderate to strong seismic ground shaking in the event of an earthquake on a nearby fault. The five active and potentially active faults within and near the City that pose the most serious threat to the FVCSP area include the Newport-Inglewood, San Andreas, Palos Verdes, San Clemente, and San Joaquin Hills Faults. The closest active fault to the FVCSP area is the Newport-Inglewood Fault, which is capable of producing earthquakes ranging in magnitude from 6.3 to 7.5. All new structures constructed in the Specific Plan area would be required to adhere to the most current building standards of the Fountain Valley Municipal Code and the Fountain Valley Building Code, which adopt California Building Code (CBC) standards by reference, with local amendments. Compliance with the CBC includes seismic design and construction parameters to ensure the protection of structures and occupants from seismic hazards during an earthquake. In addition, applicants of new projects would be required to prepare and submit a site-specific geotechnical report for review and approval by the City’s Building and Safety Division prior to the issuance of a grading or a building permit. Design of future projects would be required to incorporate the design requirements for structures and foundations to maintain structural integrity during an earthquake that are identified in the geotechnical report. In addition, no known faults traverse the Specific Plan area, and the Specific Plan area is not located in an Alquist-Priolo Fault Zone. Therefore, the Specific Plan EIR concluded that there is no reasonably foreseeable hazard of fault rupture in the Specific Plan area, and impacts would be less than significant.

According to the Specific Plan EIR, the City has a very high potential for liquefaction, due to the high groundwater level (within 10 ft of the surface) throughout the City. The entire City is mapped within an area potentially susceptible to liquefaction according to the Newport Beach Quadrangle Seismic Hazard Zone map. Further, the City of Fountain Valley is located within an area of known subsidence associated with drainage of organic and peat soils. All new structures constructed in the Specific Plan area would be required to adhere to the most current building standards of the Fountain Valley Municipal Code, the Fountain Valley Building Code, and the CBC. Adherence to the applicable building codes, specifically to the soil stability construction parameters, would ensure the maximum practicable protection available for all structures constructed within the Specific Plan area and their occupants and visitors. Compliance with the CBC includes procedures to ensure the protection of structures and occupants from liquefaction and subsidence hazards. As a result, impacts related to soil instability would be less than significant.

The Specific Plan EIR concluded that, because there are no soils in the Specific Plan area that have a high expansion potential, the potential for expansive soils to create substantial risks to life or property would be less than significant.

According to the Specific Plan EIR, the Specific Plan area is developed with most of the land surface covered by impervious materials such as buildings and paved parking areas. Due to the very small quantity of soil currently exposed at the surface, and the relatively level topography of the Specific Plan area, the Specific Plan EIR concluded that the potential for erosion hazards is low.
The Specific Plan EIR concluded that no impacts related to alternative wastewater disposal systems would occur because the Specific Plan area does not involve use or development of septic tanks or alternative wastewater disposal systems as sewers are available for the disposal of wastewater.

4.7.3 Analysis of Project Impacts

a. **Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

   i. **Would the Project expose people or structures to a 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?**

   The Project site is located in southern California, which is a seismically active region. However, the Project site is not in an identified Alquist-Priolo Earthquake Fault Zone; the nearest Alquist-Priolo Special Studies Zone is located approximately 3.2 miles southwest of the Project Site. Therefore, the proposed Project would not expose people or structures to substantial adverse effects involving the rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. Potential impacts related to the rupture of a known earthquake fault would be less than significant and no mitigation is required.

   The Specific Plan EIR concluded that there is no reasonably foreseeable hazard or fault rupture in the Specific Plan area and that such impacts would be less than significant. The proposed Project, which is located in the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

   ii. **Would the Project expose people or structures to a strong seismic ground shaking?**

   The Project site is located in southern California, a known seismically active region. Active and potentially active faults in southern California are capable of producing seismic shaking on the Project site. Several active faults are located in close proximity to the Project site, with the most active being the Newport-Inglewood Rose Canyon Fault Zone (Los Angeles Basin), Palos Verdes Fault Zone, and Elsinore Fault Zone (Whittier Fault), located at distances of approximately 3.3 miles, 13.9 miles, and 17.5 miles from the site, respectively. In addition, the San Joaquin Hills Blind Thrust Fault is located at a distance of approximately 0.3 mile from the Project site. Thus, it is likely the proposed Project site would periodically experience ground acceleration as a result of exposure to moderate-to-large magnitude earthquakes, and seismic ground shaking on one of the nearby regional faults may cause damage to development. Therefore, the Project has the potential to expose people and structures to substantial adverse effects related to the site and regional geology, including those associated with strong seismic ground shaking.
Project design would comply with the seismic design standards and construction parameters of the CBC, the Fountain Valley Municipal Code, and the Fountain Valley Building Code. In addition, as part of the discretionary project review process, a Project-specific geotechnical report would be prepared for the Project, which would identify design requirements for structures and foundations to maintain structural integrity during an earthquake. As required by Section 18.04.070 of the City’s Municipal Code, a site specific geotechnical report would be prepared for the proposed project and the geotechnical report recommendations would be incorporated into the design of the proposed Project. Compliance with the design requirements of the CBC and implementation of the recommendations of the geotechnical report would ensure that impacts related to strong seismic ground shaking would be less than significant. No mitigation is required.

The Specific Plan EIR concluded that impacts related to strong seismic shaking would be less than significant with compliance with the CBC and Project-specific geotechnical report recommendations. The proposed Project would also comply with the CBC and the Project-specific geotechnical report recommendations and would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

iii. Would the Project expose people or structures to a seismic-related ground failure, including liquefaction?

The Project has the potential to expose people and structures to substantial adverse effects related to the site and regional geology, including those associated with liquefaction. As stated above, the Project site is mapped within an area with a high potential for liquefaction. According to the City’s Municipal Code, Section 21.14.050, the Project site is in the Seismic Hazard (SH) overlay zoning district. This section states that development in the SH overlay zone may be subject to specific design requirements and preparation of a site-specific soils report due to the high potential for liquefaction to take place. As required by Section 18.04.070 of the City’s Municipal Code, a site-specific geotechnical report would be prepared for the Project and would include recommendations to address effects related to or resulting from geologic conditions. In addition, the Project design would comply with the design requirements of the CBC to address any potential for seismic-related ground failure that is identified in the geotechnical report. Compliance with the design requirements of the CBC and implementation of the recommendations of the geotechnical report would ensure that impacts related to seismic-related ground failure would be less than significant. No mitigation is required.

The Specific Plan EIR concluded that impacts related to seismic-related ground failure would be less than significant with compliance with the CBC and Project-specific geotechnical report recommendations. The proposed Project would also comply with the CBC and Project-specific geotechnical report recommendations and would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.
iv. Would the Project expose people or structures to landslides?

The Project site is relatively flat, and no substantial hillsides or unstable slopes are immediately adjacent to the site boundary. As a result, there is no potential for landslide hazards. **There would be no impact related to the potential exposure of people or structures to landslides, and no mitigation is required.**

The Specific Plan EIR concluded that the risk of landslide and slope instability is minimal as a result of the relatively level topography of the City. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

b. Would the Project result in substantial soil erosion or the loss of topsoil?

As discussed in Section 4.10, Hydrology and Water Quality, construction activities would disturb and expose topsoil and increase the potential for erosion. However, Project construction would comply with the requirements of the Construction General Permit, including preparation of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of Construction Best Management Practices (BMPs). Construction BMPs would include, but not be limited to: Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site. Compliance with the Construction General Permit would ensure that impacts related to erosion would be low.

In the proposed condition, a portion of the Project site would be impervious surface area and not prone to on-site erosion because no soil would be included in these areas. The remaining portion of the site would consist of pervious area, which would contain landscaping that would minimize on-site erosion by stabilizing the soil and allowing for infiltration. **Therefore, impacts related to erosion would be low and less than significant. No mitigation is required.**

The Specific Plan EIR concluded that, due to the very small quantity of soil currently exposed at the surface, and the relatively level topography of the Specific Plan area, the potential for erosion hazards is low. Similarly, the proposed Project is located within the Specific Plan area and proposes development of a majority of the site with impervious structures with little soil exposed at the surface. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

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?

Refer to Responses 4.6 (a) (iii) and (iv), above, for discussion on the potential impacts associated with liquefaction and landslides, respectively. There are no substantial hillsides or unstable slopes on the Project site; therefore, there is no potential for landslide hazards. However, the Project is located in the City of Fountain Valley, which is mapped as susceptible to subsidence.
and liquefaction. A site-specific geotechnical report will be prepared for the Project site to identify any geologic conditions that could affect the Project. The geotechnical report will include recommendations to address effects related to or resulting from any identified geologic conditions. In addition, the Project design will comply with the design requirements of the CBC to address any potential for unstable geologic units or unstable soils that are identified in the geotechnical report. **Compliance with the design requirements of the CBC and implementation of the recommendations of the geotechnical report would ensure that impacts related to unstable geologic units or soils would be less than significant. No mitigation is required.**

The Specific Plan EIR concluded that impacts related to unstable geologic units or soils would be less than significant with compliance with the CBC and Project-specific geotechnical report recommendations. The proposed Project would comply with the CBC requirements and recommendations of the geotechnical report and would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

d. **Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

As discussed previously, the soils on the Project site are comprised entirely of Hueneme fine sandy loam, drained, which has a slight shrink-swell potential. Therefore, the on-site soils do not have a high expansion potential. **The potential of the Project being located on expansive soils thereby creating substantial risks to life or property would be less than significant. No mitigation is required.**

The Specific Plan EIR concluded that, because there are no soils in the Project site that have a high expansion potential, the potential for expansive soils to create substantial risks to life or property would be less than significant. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

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?**

The proposed Project would not include the use of septic tanks or alternative methods for disposal of wastewater into subsurface soils. No on-site sewage disposal systems (e.g., septic tanks) are planned. The proposed Project would connect to existing public wastewater infrastructure. **Therefore, the proposed Project would not result in any impacts related to septic tanks or alternative wastewater disposal methods. No mitigation is required.**

The Specific Plan EIR concluded that no impacts related to alternative wastewater disposal systems would occur because sewers are available for the disposal of wastewater. The proposed Project, which would also connect to sewers for wastewater, would not result in new significant
impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.7.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to Geology and Soils. No additional mitigation measures would be required for the proposed Project.

4.7.4 Findings Related to Geology and Soils

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Geology and Soils, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Geology and Soils that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Geology and Soils requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. The proposed Project would not result in any potentially significant impacts related to Geology and Soils. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.8 GREENHOUSE GAS EMISSIONS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

4.8.1 Existing Setting

Greenhouse gases (GHGs) are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. However, over the last 200 years, human activities have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere, and enhancing the natural greenhouse effect, which is believed to be causing global climate change. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide (CO₂)
- Methane (CH₄)
- Nitrous oxide (N₂O)
- Hydrofluorocarbons (HFCs)
- Perfluorocarbons (PFCs)
- Sulfur Hexafluoride (SF₆)

While GHGs produced by human activities include naturally-occurring GHGs such as CO₂, CH₄, and N₂O, some gases like HFCs, PFCs, and SF₆ are completely new to the atmosphere. Certain other gases, such as water vapor, are short-lived in the atmosphere compared to those GHGs that remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is generally excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation. For the purposes of this analysis, the term “GHGs” will refer collectively to the six gases identified in the bulleted list provided above.

Section 15064.4 of the State CEQA Guidelines states that: “A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project.” In performing that analysis, the lead agency has discretion to determine whether to use a model or methodology to quantify GHG emissions, or to rely on a qualitative analysis or performance-based standards. In making a determination as to the significance of potential impacts, the lead agency then considers the extent to which the Project may increase or reduce GHG emissions as compared to the existing environmental setting, whether the Project emissions exceed a threshold of significance that the lead agency determines applies to the Project, and the extent to which the Project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions.
Currently, there is no Statewide GHG emissions threshold that has been used to determine the potential GHG emissions impacts of a project. Thresholds and threshold methodology are still being developed and revised by air quality districts in the State. Therefore, this environmental issue remains unsettled and must be evaluated on a case-by-case basis until such time as the South Coast Air Quality Management District (SCAQMD) adopts significance thresholds and GHG emissions impact methodology. In addition, the City of Fountain Valley currently has no polices, plans, regulations, and thresholds of significance, or other municipal laws that directly address climate change. Therefore, in the absence of a climate action plan for the City, SCAQMD thresholds, when adopted, would apply to future development in the City, including the Project site.

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, SCAQMD convened a GHG CEQA Significance Threshold Stakeholder Working Group (Working Group).\(^5\) Based on the September 2010 Working Group meeting (Meeting No. 15), SCAQMD suggested a “bright-line” screening-level threshold of 3,000 metric tons of carbon dioxide equivalent (CO\(_2\)e) annually for office land use types, which is applicable to the proposed Project and is used in this analysis.

### 4.8.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential GHG impacts on pages 3.4-1 through 3.4-20.

The Specific Plan EIR analyzed the Specific Plan impacts related to GHGs based on the SCAQMD’s “bright-line” screening-level threshold of 3,000 metric tons of CO\(_2\)e. The Specific Plan EIR determined that implementation of the Specific Plan would generate GHG emissions both from mobile and operational sources, as well as short-term GHG emissions from construction. GHG emissions associated with construction and operation of the Specific Plan were quantified using California Emissions Estimator Model (CalEEMod). As identified in the Specific Plan EIR, short-term construction GHG emissions were considered to be approximately 2,415.2 metric tons per year for build out of the Specific Plan. When amortized over the 30-year life of the Specific Plan, annual emissions would be 1,027.4 metric tons of CO\(_2\)e. In addition, the Specific Plan EIR determined that build out of the Specific Plan would result in approximately 2,472.4 metric tons of CO\(_2\)e per year. As such, the results of CalEEMod analysis determined that impacts related to GHG emissions would be less than significant.

In addition, the Specific Plan EIR determined that the Specific Plan would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs as Specific Plan-related GHG emissions would be below adopted regional 2035 GHG reduction goals. In addition, consistent with Southern California Association of Governments’ (SCAG) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) alignment of transportation, land use, and housing strategies, the Specific Plan EIR determined that the Specific Plan area is an infill location and would provide residential and commercial uses in

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walking distance to proposed recreational uses, entertainment, and commercial retail, which would result in reduced vehicle miles traveled (VMT), as compared to a project of similar size and land uses at a more suburban location.

4.8.3 Analysis of Project Impacts

a. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The following section describes the proposed Project’s construction-and operational-related GHG emissions and contribution to global climate change.

Construction Emissions. Construction activities associated with the proposed Project would produce combustion emissions from various sources. The proposed Project involves the demolition of five existing buildings totaling 114,744 sf, and the development of an Administrative Headquarters Building totaling 109,914 sf. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels would create GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

The SCAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are required to quantify and disclose GHG emissions. The SCAQMD requires the construction GHG emissions to be amortized over the life of the Project, defined as 30 years, added to the operational emissions, and compared to the applicable interim GHG threshold tier. Using CalEEMod, it is estimated that the proposed Project would generate approximately 1,083.7 metric tons of CO₂e during construction of the Project (compared to 2,415.2 metric tons per year identified for build out of the Specific Plan). When amortized over the 30-year life of the proposed Project, annual emissions would be 36.1 metric tons of CO₂e (compared to 1,027.4 metric tons per year identified for build out of the Specific Plan). Project impacts would be less than significant and no mitigation is required.

The Specific Plan EIR analysis determined that impacts related to GHG emissions would be less than significant. Annual emissions amortized over the 30-year life of the proposed Project would be substantially below the estimates for the Specific Plan. Therefore, construction of the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

Operational Emissions. Development of the proposed Project would contribute to the significant GHG impacts identified in the Specific Plan EIR. As with the Specific Plan, long-term operation of the proposed Project would generate GHG emissions from area sources and indirect emissions from sources associated with energy consumption. Area-source emissions would be associated with activities such as landscaping and maintenance on the Project site, and other sources. This analysis assumes that the proposed Project would not increase vehicle
trips as the proposed Project would construct new administration buildings and relocate these uses from Plant No. 1 to the Project site north of Ellis Avenue.

Following guidance from the SCAQMD, GHG emissions were estimated for the proposed Project using CalEEMod. Table 4.8.A shows the calculated GHG emissions for the proposed Project. CalEEMod output sheets are provided in Appendix A.

**Table 4.8.A: Operational Greenhouse Gas Emissions (MT/yr)**

<table>
<thead>
<tr>
<th>Source</th>
<th>Bio-CO₂</th>
<th>NBio-CO₂</th>
<th>Total CO₂</th>
<th>CH₄</th>
<th>N₂O</th>
<th>CO₂e</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Sources</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
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<td>0.0</td>
</tr>
<tr>
<td>Energy Sources</td>
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<td>515.3</td>
<td>515.3</td>
<td>0.0</td>
<td>0.0</td>
<td>517.3</td>
</tr>
<tr>
<td>Mobile Sources</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Waste Sources</td>
<td>15.6</td>
<td>0.0</td>
<td>15.6</td>
<td>0.9</td>
<td>0.0</td>
<td>38.6</td>
</tr>
<tr>
<td>Water Usage</td>
<td>5.2</td>
<td>110.8</td>
<td>116.0</td>
<td>0.5</td>
<td>0.0</td>
<td>133.6</td>
</tr>
<tr>
<td><strong>Total Operational Emissions</strong></td>
<td><strong>20.8</strong></td>
<td><strong>626.1</strong></td>
<td><strong>646.9</strong></td>
<td><strong>1.5</strong></td>
<td><strong>0.0</strong></td>
<td><strong>689.5</strong></td>
</tr>
<tr>
<td>Amortized Construction Emissions</td>
<td>36.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Emissions</strong></td>
<td>725.6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SCAQMD Threshold</strong></td>
<td>3,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant?</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: LSA (November 2019).
Note: While the CH₄ and N₂O emissions are shown as zero, some are actually just less than 1. However, they do contribute to the CO₂e total.

Bio-CO₂ = biologically generated CO₂  MT/yr = metric tons per year
CH₄ = methane                      N₂O = nitrous oxide
CO₂ = carbon dioxide              NBio-CO₂ = Non-biologically generated CO₂
CO₂e = carbon dioxide equivalent  SCAQMD = South Coast Air Quality Management District

As discussed above, according to SCAQMD, a project would have less than significant GHG emissions if it would result in operational-related GHG emissions of less than 3,000 metric tons of CO₂e per year. Based on the analysis results, the proposed Project would result in approximately 725.6 metric tons of CO₂e per year and, therefore, would not exceed the SCAQMD’s numeric threshold of 3,000 metric tons of CO₂e per year. Project impacts related to GHG emissions would be less than significant and no mitigation is required.

The Specific Plan EIR determined that build out of the Specific Plan would result in approximately 2,472.4 metric tons of CO₂e per year, with an overall net decrease of 997.8 metric tons of CO₂e per year compared to the existing land uses, and would not exceed the SCAQMD threshold of 3,000 metric tons of CO₂e per year. Therefore, the proposed Project emissions, which are also below the SCAQMD threshold of 3,000 metric tons of CO₂e per year, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.
b. Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As indicated above, the City does not currently have an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. In addition, the proposed Project would be designed to achieve LEED Platinum Certification, which would reduce energy and water consumption and reduce area emissions. As with implementation of the Specific Plan, the Project would not hinder the State’s GHG reduction goals established by Assembly Bill (AB) 32 and Senate Bill (SB) 375 because it would not exceed SCAQMD’s screening level threshold.

The SCAG RTP/SCS focuses on an integrated land use and transportation strategy to reduce GHG emissions. The purpose of the SCAG RTP/SCS is to achieve the regional per capita GHG reduction targets for the passenger vehicle and light-duty truck sector established by CARB pursuant to SB 375. An update to the 2016-2040 RTP/SCS (the 2020-2045 RTP/SCS - Connect SoCal) updated the growth forecast, land use assumptions, and transportation investments that served as the foundation of the 2016-2040 RTP/SCS and was approved by SCAG on September 3, 2020; however, CARB has not yet made a determination regarding whether the update will meet SB 375’s 2035 emissions reduction target.

The proposed Project would involve construction and operation of a new administration building and a surface parking lot and would relocate the existing administrative uses from Plant No. 1 to the Project site north of Ellis Avenue. Implementation of the proposed Project would not result in an increase in OCSD employees because the Project is characterized as a relocation, rather than an expansion, of existing operations. As a result, the Project would not increase existing vehicle trips. Similarly, the proposed Project would not generate any additional VMT as compared to existing conditions because OCSD would not increase the number of employees or hire additional staff for the proposed Administrative Headquarters Building. The proposed Project would relocate 228 existing employees from Plant No. 1 to the new HQ building. In addition, the proposed Project is in the same VMT zone as Plant No. 1. Therefore, vehicle trips would be redistributed from south of Ellis Avenue to north of Ellis Avenue. In addition, the Project site is an infill location. As such, the proposed Project would not conflict with the goals of the 2016-2040 RTP/SCS or the 2020-2045 SCAG RTP/SCS. Therefore, the proposed Project would not conflict with any applicable plan, policy, or regulation pertaining to GHGs, and the impact would remain less than significant. No mitigation is required.

The Specific Plan EIR determined that build out of the Specific Plan would not conflict with any applicable plan, policy, or regulation pertaining to GHGs. Similarly, the proposed Project, which is designed to achieve LEED Platinum Certification and would not conflict with any applicable plan, policy, or regulation pertaining to GHGs, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

4.8.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to GHG emissions. No mitigation would be required for the proposed Project.
4.8.4 Findings Related to Greenhouse Gas Emissions

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Greenhouse Gas Emissions, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Greenhouse Gas Emissions that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Greenhouse Gas Emissions requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. The proposed Project would not result in any potentially significant impacts related to Greenhouse Gas Emissions. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.9 HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>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 for people residing or working in the Plan area?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>f. For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Plan area?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
</tbody>
</table>

4.9.1 Existing Setting

The five existing industrial warehouse buildings on the Project site were constructed in 1971 and would be demolished upon Project implementation. Based on the ages of these buildings, there is a potential for building materials to contain asbestos or lead-based paint (LBP). A potential release of hazardous materials could occur when asbestos-containing materials (ACM) or LBP are disturbed during demolition activities. This disturbance could be harmful to human health. As part of the Property Conditions Summary (Jacobs 2016) prepared for the Project, a hazardous building materials (HBM) survey was conducted, which confirmed that materials containing ACMs and LBP are present in the existing industrial warehouse buildings on the Project site.

Standard equipment suspected of potentially containing polychlorinated biphenyls (PCBs) includes industrial-capacity transformers, fluorescent light ballasts, and oil-cooled machinery. The visual inspection of the Project site conducted as part of the Property Conditions Summary identified 461
fluorescent light bulbs on the Project site; however, the labeling on the ballasts did not indicate the presence of PCBs.

Other hazardous materials such as refrigerant (in heating, ventilation, and air conditioning [HVAC] units), transformers, batteries, and numerous chemicals (e.g., spray paints, solvents, and cleaning chemicals) were observed on the Project site during the visual inspection.

No existing or proposed schools are located within a 0.25-mile-radius of the Project site. The nearest schools are Gisler Elementary School and Cox Elementary School, approximately 0.5 mile to the southwest and 0.8 mile to the northwest, respectively, of the Project site.

The Project site is approximately 6 miles west of John Wayne Airport in the City of Santa Ana. According to the Airport Land Use Commission, the Project site does not fall within the John Wayne Airport Planning Area. There are no private airstrips in the vicinity of the Project site.

The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

I-405 in the vicinity of the Project site is designated as a route upon which hazardous materials may be transported.

The Fountain Valley Fire Department (FVFD) is responsible for providing emergency response, fire prevention, education, and emergency medical services to citizens and visitors to Fountain Valley. Roads used as response corridors/evacuation routes usually follow the most direct path to or from various parts of a community. For the Project site, and the surrounding areas, the main corridors anticipated to be used by emergency services providers are Brookhurst Street, Ellis Avenue, I-405, and other arterials and freeways in this part of Fountain Valley. In addition, the City of Huntington Beach has designated Brookhurst Street as a tsunami evacuation path.

The Project site and the surrounding areas are developed with urban and suburban uses and do not include brush- and grass-covered areas typically found in areas susceptible to wildfires.

### 4.9.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Hazards and Hazardous Materials impacts on pages 3.5-1 through 3.5-18.

According to the Specific Plan EIR, the majority of existing buildings in the Specific Plan area were constructed in the 1960s and 1970s. Based on their age, these structures may have been constructed with hazardous building materials such as LBP s and ACMs. In addition, fluorescent light tubes containing mercury vapors, fluorescent light ballasts containing PCBs, and PCB-containing electrical equipment may be present in the buildings. Demolition and excavation activities could

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result in the accidental release and expose of construction workers and the public to hazardous materials.

Any renovation or demolition would be required by law to follow South Coast Air Quality Management District (SCAQMD) and California Occupational Safety and Health Administration (Cal/OSHA) regulations regarding abatement of ACMs and the Cal/OSHA Lead in Construction Standard for the abatement of LBPs. Together, these regulations require sampling, safe work practices, and appropriate disposal that would protect workers from harmful exposures to these substances during construction activities and prevent contamination of surrounding soil or water. The Specific Plan EIR concluded that impacts related to the release of hazardous building materials would be less than significant with compliance with existing laws and regulations.

According to the Specific Plan EIR, existing businesses within the Specific Plan area may use and store hazardous materials such as solvents, chemicals, or other hazardous materials to support normal business operations that could expose workers and occupants to hazardous materials or waste or result in the event of an accidental release. The Specific Plan concluded that this would be a significant impact prior to mitigation. As such, the Specific Plan EIR included Mitigation Measure MM HAZ-1, which requires each development and redevelopment project to prepare a Phase I Environmental Site Assessment (Phase I ESA) and/or additional technical investigations prior to demolition activities. Prior to demolition, hazardous materials or waste stored at these locations would be removed and the hazardous materials and waste facilities in these buildings would be closed in accordance with applicable laws and regulations designed to address hazardous materials or waste and protect human health and the environment. Compliance with these regulatory requirements, including preparation of a Phase I ESA and/or additional technical investigations would ensure that impacts related to exposure to hazardous materials or waste stored or used in the existing buildings would be less than significant with implementation of Mitigation Measure MM HAZ-1.

A database search of regulatory records was conducted for the Specific Plan EIR. All sites identified within the Specific Plan area are either cleanup sites under a tiered permit, non-operating permitted sites, or underground fuel tanks with cleanup completed. Nonetheless, the Specific Plan EIR concluded that land use changes could potentially occur on hazardous materials sites and could result in potential hazards risk to the environment and public health, resulting in a potentially significant impact. Individual development projects engaging in activities involving the handling of hazardous substances or waste would be required to receive all necessary permits and authorization by the appropriate governing agencies. The Specific Plan EIR concluded that, with compliance with the regulatory codes, the potential for projects to result in substantial adverse impacts related to redevelopment of an existing known hazardous waste site would be low. The Specific Plan EIR also included MM HAZ-1, which requires individual development projects within the Specific Plan area to prepare a Phase 1 ESA prior to commencement of demolition or excavation. The Specific Plan EIR concluded that implementation of MM HAZ-1 would ensure that impacts from hazardous waste sites compiled pursuant to Government Code Section 65962.5 would be less than significant with mitigation.
There are no existing or proposed schools within 0.25 mile of the Specific Plan area. Therefore, the Specific Plan EIR concluded that impacts from emissions or handling of hazardous materials within the vicinity of a school would be less than significant.

The Specific Plan area lies 3.7 miles northwest of John Wayne Airport, and is located just outside of the Airport’s Influence Area. Therefore, the Specific Plan EIR determined that it is not subject to any development restrictions from the Airport Environments Land Use Plan (AELUP). Therefore, the Specific Plan EIR concluded that impacts related to airport land use plans would be less than significant.

The Specific Plan area does not contain and is not proximate to a private airstrip; therefore, the Specific Plan EIR concluded that no impacts related to hazards from a private airstrip would occur.

Growth anticipated from development within the Specific Plan area would increase demand for emergency response capabilities in the immediate vicinity. However, the Specific Plan EIR found that this intensification of land uses would be consistent with general development in the region and would not result in a substantial increase in emergency response requirements beyond the capacity of existing services. Further, projects within the Specific Plan area would be built in compliance with the City of Fountain Valley General Plan Public Safety Element and the 2004 Huntington Beach/Fountain Valley Hazard Mitigation Plan including all applicable building, fire, and emergency response plans. Individual development projects would require approval of the City and payment of fees to support any required increases and services that would potentially occur. Therefore, impacts related to impairment of implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan would be less than significant.

The Specific Plan area is fully urbanized and is not directly adjacent to hillside areas or other wildland areas. Therefore, the Specific Plan EIR concluded that no risk of loss, injury, or death involving wildland fires would occur from build out of the Specific Plan.

4.9.3 Analysis of Project Impacts

a. Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction activities associated with the proposed Project would use a limited amount of hazardous and flammable substances/oils during heavy equipment operation for site excavation, grading, and construction. The amount of hazardous chemicals present during construction is limited and would be used in compliance with existing government regulations. The potential for the release of hazardous materials during Project construction is low, and even if a release would occur, it would not result in a significant hazard to the public, surrounding land uses, or environment due to the small quantities of these materials associated with construction vehicles.

The Project proposes to construct a new administration building. The proposed use typically does not present a hazard associated with the accidental release of hazardous substances into the environment because employees are not anticipated to use, store, dispose, or transport large volumes of hazardous materials. Although Project operation would involve the use of
potentially hazardous materials (e.g., solvents, cleaning agents, paints, fertilizers, and pesticides) typical of office uses used correctly and in compliance with existing laws and regulations. As such, use of such products would not result in a significant hazard to residents or workers in the vicinity of the proposed Project.

In addition, I-405 in the vicinity of the Project site is designated as a route upon which hazardous materials may be transported. However, the proposed Project would not involve the routine transportation of hazardous materials.

The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Operational impacts are considered less than significant, and no mitigation is required.

The Specific Plan EIR concluded that impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant with compliance with existing government regulations. The proposed Project would also comply with existing regulations governing the transport, use, and disposal of hazardous materials. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts because the proposed Project would not require the transport, use, or disposal of substantial amounts of hazardous materials. No mitigation measures are required.

b. Would the Project 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?

The following Phase I ESAs were prepared for the Project site (not the entire Specific Plan area): Hazardous Building Materials Survey for 18475 Pacific Street & 18484 Bandilier Circle (Arcadis 2016), Phase I ESA for 18429 Pacific Street (Arcadis 2018a), Phase I ESA for 18368 – 18384 Bandilier Circle (Arcadis 2018b), and Phase I ESA for 18410 – 18436 Bandilier Circle (Arcadis 2018c). The Phase I ESAs did not identify any recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), or historical recognized environmental conditions (HRECs) in connection with the Project site, and no further investigation was recommended. However, out of an abundance of caution due to the Project site’s previous use for agricultural activities, a Phase II Soil Sampling Report (Arcadis 2018d) was prepared for four of the existing properties on the Project site. The Phase II Report evaluated the potential for residual pesticides to be present in near surface soil to determine if soil contains concentrated amounts of organochlorine pesticides (OCPs). In in the soil samples analyzed, the Phase II did not detect OCPs at concentrations exceeding the EPA’s regulatory screening criteria. The Phase II determined that no additional assessment, remediation, or removal is necessary.

The proposed Project would include demolition of the existing on-site industrial warehouse buildings, which as discussed previously, contain ACMs and LBPs. Any renovation or demolition would be required by law to follow SCAQMD and Cal/OSHA regulations regarding abatement of ACMs and the Cal/OSHA Lead in Construction Standard for the abatement of LBPs. Together, these regulations require sampling, safe work practices, and appropriate disposal that would
protect workers from harmful exposures to these substances during construction activities and prevent contamination of surrounding soil or water. Demolition activities would also comply with the recommendations of the Property Conditions Summary, and the Phase I ESAs, which include recommendations to ensure compliance with existing regulations. In addition, MM HAZ-1, which requires individual development projects within the Specific Plan area to prepare a Phase 1 ESA prior to commencement of demolition or excavation, states that project Applicants shall follow all applicable local, State, and federal codes and regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of ACMs, LBP, and PCBs to ensure public safety.

As stated previously, hazardous materials such as solvents, chemicals, or other hazardous materials are currently stored and used on the Project site. The public could be exposed to hazardous materials or waste in the event of an accidental release. Mitigation measure MM HAZ-1 from the Specific Plan EIR would be applicable to the proposed Project, which requires each development and redevelopment project to prepare a Phase I ESA and/or additional technical investigations prior to demolition activities. Prior to demolition, hazardous materials or waste stored at these locations would be removed and the hazardous materials and waste facilities in the existing industrial warehouse buildings would be closed in accordance with applicable laws and regulations designed to address hazardous materials or waste and protect human health and the environment. Compliance with these regulatory requirements, including preparation of a Phase I ESA and/or additional technical investigations would ensure that impacts related to exposure to hazardous materials or waste stored or used in the existing industrial warehouse buildings would be less than significant with implementation of Mitigation Measure MM HAZ-1. Compliance with existing regulations and MM HAZ-1 would ensure that impacts related to the upset of hazardous materials would be less than significant. No additional mitigation would be required.

Hazardous substances associated with the proposed office uses would be limited in both amount and use such that they can be contained without impacting the environment. Project operation would involve the use of potentially hazardous materials (e.g., solvents, cleaning agents, paints, fertilizers, and pesticides) typical of office uses that, when used correctly and in compliance with existing laws and regulations, would not result in a significant hazard to residents or workers in the vicinity of the Project site. Operation of the proposed Project would not create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Project impacts would be less than significant and no mitigation would be required.

The Specific Plan EIR concluded that impacts related to the accidental release of hazardous materials would be less than significant with implementation of MM HAZ-1, which requires preparation of a Phase 1 ESA. MM HAZ-1 is also applicable to the proposed Project, and Phase I ESAs have been prepared and any recommendations related to hazardous materials present in the existing industrial warehouse buildings will be implemented. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan.
EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

c. **Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

As discussed above, no existing or proposed schools are located within a 0.25-mile-radius of the Project site. **Therefore, the proposed Project would have no impacts related to hazardous materials and proximity to schools, and no mitigation is required.**

The Specific Plan EIR concluded that impacts related to emissions or handling of hazardous materials within the vicinity of a school would be less than significant because no schools are located within 0.25 mile of the Specific Plan area. Therefore, the proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts because no schools are located in the vicinity of the Project site. No new mitigation measures are required.

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 create a significant hazard to the public or the environment?**

Refer to Response 4.8 (a), above. A records search, that included the Project area, was conducted as part of the Specific Plan EIR. The Project site was not identified as a Permitted or Cleanup Site. In addition, of the 10 listed Permitted or Cleanup Sites, none were listed as open cases and none indicated that further action is required. All sites shown within the FVCSP area are either cleanup sites under a tiered permit, non-operating permitted sites, or underground fuel tanks undergoing cleanup. Regardless, MM HAZ-1 in the Specific Plan EIR, which is applicable to the proposed Project site, requires preparation of an updated site-specific Phase I ESA, which would include a government record search. The government records search would determine if the Project site could pose a potential environmental concern to the surrounding area, identify any environmental violations associated with activities conducted at the Project site, and identify if there are any nearby hazardous waste sites that could pose a hazard to the Project site. The Phase I ESAs prepared for the Project site did not identify any RECs, CRECs, or HRECs in connection with the Project site, and no further investigation or remediation was recommended. **Compliance with existing regulations and MM HAZ-1 would ensure that potential impacts related to hazardous materials sites would be less than significant. No additional mitigation is required.**

The Specific Plan EIR concluded that impacts related to hazardous material sites would be less than significant with implementation of MM HAZ-1, which requires preparation of a Phase 1 ESA. MM HAZ-1 is also applicable to the proposed Project, and Phase I ESAs have been prepared and any recommendations related to hazardous waste sites will be implemented. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.
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 for people residing or working in the Project area?

As discussed above, the Project site does not fall within the John Wayne Airport Planning Area. Further, the proposed Project would not result in safety hazards for people living or working in the area different than would occur under existing conditions. In total, 327 OCSD employees would move to a new site across Ellis Avenue from Plant No. 1. As a result, the Project would not increase the number of OCSD employees in the area. Consequently, the risk of safety hazards associated with John Wayne Airport would not be substantively different in this area of Fountain Valley with or without the Project. Therefore, no impacts would result, and no mitigation is required.

The Specific Plan EIR concluded that impacts related to airport land use plans would be less than significant because the Specific Plan area is not located within an airport land use plan area. Therefore, the proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

f. For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?

No private airports or airstrips are located in the vicinity of the Project site. As a result, the proposed Project will not affect or be affected by aviation activities associated with private airports or airstrips. There would be no impacts and no mitigation is required.

The Specific Plan EIR concluded that no impacts related to hazards from a private airstrip would occur because no private airstrips are located within or in the vicinity of the Specific Plan area. Therefore, the proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

g. Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City of Fountain Valley General Plan Public Safety Element and the 2004 Huntington Beach/Fountain Valley Hazard Mitigation Plan are applicable to the Project site. The proposed Project would involve construction and operation of a new administration building across the street from Plant No. 1, where the current administrative uses are presently housed. Existing employees would be relocated across Ellis Avenue from Plant No. 1 to the new administration building. As stated in Section 4.14, Population and Housing, the proposed Project would not represent a net increase in employees, require substantial roadwork on Ellis, or require other activities that could impair or interfere with emergency responses or evacuations. Further, the Project would be built in compliance with the City of Fountain Valley General Plan Public Safety
Element, the City’s Municipal Code, and applicable portions of the 2004 Huntington Beach/Fountain Valley Hazard Mitigation Plan including all applicable building, fire, and emergency response plans. Therefore, impacts related to impairing the implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan would be less than significant. No mitigation is required.

The Specific Plan EIR also concluded that impacts related to an emergency plan would be less than significant because projects would not result in a substantial increase in emergency response requirements beyond the capacity of existing services and the Project would be built in compliance with existing City regulations. Similarly, the proposed Project would not increase demand for emergency services and would also be built in compliance with City requirements. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

h. Would the Project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Wildland fires occur in geographic areas that contain the types and conditions of vegetation, topography, weather, and structure density susceptible to risks associated with uncontrolled fires that can be started by lightning, improperly managed camp fires, cigarettes, sparks from automobiles, and other ignition sources. The Project site and the surrounding areas are developed with urban and suburban uses and do not include brush- and grass-covered areas typically found in areas susceptible to wildfires. As a result, the proposed Project would not expose people or structures to a significant risk of loss, injury, or death associated with wildland fires. Here would be no impacts and no mitigation is required.

The Specific Plan EIR also concluded that no risk of loss, injury, or death involving wildland fires would occur because the Specific Plan area is urban and not susceptible to wildfires. Therefore, the proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.9.3.1 Mitigation Measure

Based on the analysis and information above, Mitigation Measure MM HAZ-1 included in the Specific Plan EIR, would be applicable to the proposed Project. No additional mitigation measures related to hazards and hazardous materials beyond those identified in the Specific Plan EIR are required.

MM HAZ-1 Phase I ESA. Prior to demolition of a building or structure and/or excavation of subsurface improvements, project applicants of site-specific development projects in the Project area shall prepare a Phase I ESA. Consistent with local, state, and
federal regulations, the Phase I ESA shall be subject to City review and address the following:

- **ACM, LBP, and PCBs.** Prior to the issuance of any demolition or excavation permit, the Applicant shall conduct a comprehensive survey of ACM, LBP, and PCBs. If such hazardous materials are found to be present, the Applicant shall follow all applicable local, state, and federal codes and regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of ACM, LBP, and PCBs to ensure public safety.

- **Potential On-Site Hazardous Materials or Conditions.** A visual survey and reconnaissance-level investigation of the existing site shall be conducted to determine if there are any structures or features within or near the buildings that are used to store, contain, or dispose of hazardous materials or waste. For any development within the Project area that has not been subject to a Phase I ESA or successful remediation efforts in the past, a Phase I ESA shall be performed to determine the likelihood of contaminants in areas beyond what has already been assessed in accordance with USEPA ASTM Practice E 1527-05 as may be amended. If the Phase I ESA finds that contaminated soil or other hazardous materials or waste are suspected to be present within the area, the Applicant shall follow all applicable local, state and federal codes and regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of each hazardous material or waste.

4.9.4 **Findings Related to Hazards and Hazardous Materials**

**No New Significant Effects Requiring Major Revisions to the Specific Plan EIR.** Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Hazards and Hazardous Materials, and there is substantial increase in the severity of impacts described in the Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR.** There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Hazards and Hazardous Materials that would require major changes to the Specific Plan EIR.

**No New Information Showing Greater Significant Effects than the Specific Plan EIR.** This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Hazards and Hazardous Materials requiring major revisions to the Specific Plan EIR.
No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. This Addendum has analyzed all available relevant information and has determined that there is no new information of substantial importance that was unknown and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that:

(1) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measures or alternatives; or

(2) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

As discussed above, the proposed Project would result in a potentially significant impact related to Hazards and Hazardous Materials. Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measure that is applicable to the proposed Project is listed in Section 4.9.3.1. Potential Project impacts related to Hazards and Hazardous Materials would be reduced below a level of significance with implementation of the applicable mitigation measures, none of which the Project proponent is declining to adopt.
4.10 HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
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</thead>
<tbody>
<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
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<td>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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<tr>
<td>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
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<tr>
<td>i) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
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<td>ii) 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?</td>
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<td>iii) Otherwise substantially degrade water quality?</td>
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<td>iv) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<tr>
<td>d. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<td>e. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<td>f. Inundation by seiche, tsunami, or mudflow?</td>
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4.10.1 Existing Setting

According to the Specific Plan EIR, the Project site is located within the approximately 210-square-mile Santa Ana River watershed. The Santa Ana River originates approximately 75 miles northeast of the Project site in the San Bernardino Mountains, crosses through San Bernardino County and central Orange County, where it is channelized at the Prado Dam before it flows through Orange County and empties into the Pacific Ocean. The Santa Ana River is located approximately 0.2 mile to the east of the Project site.
The Project site is underlain by the approximately 350-square-mile Coastal Plain of the Orange County Groundwater Basin, which is managed by the OCWD. The Orange County Groundwater Basin is bound by the Puente and Chino Hills on the north, the Santa Ana Mountains on the east, and the San Joaquin Hills on the south. The Orange County Groundwater Basin is bound by the Pacific Ocean on the southwest and by a low topographic divide approximated by the Orange County - Los Angeles County line on the northwest (DWR 2004).

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map No. 06059C0254J (December 2, 2009), the Project site is in an area designated as Zone X: Other Flood Areas. Zone X: Other Flood Areas identifies areas of 0.2 percent annual chance flood (500-year flood), areas of 1 percent annual chance flood (100-year flood) with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from a 1 percent annual chance flood. Specifically, according to the FIRM Map, the Project site is in an area protected by a levee and the 100-year flood is contained in the Santa Ana Channel. In addition, according to the Safety Element of the County of Orange General Plan (2005, amended in 2012), the Project site is in the Prado Dam Inundation Area.

The Pacific Ocean is approximately 5.5 miles from Plant No. 1 and the Project site. According to the Tsunami Inundation Map for the Newport Beach Quadrangle (California Emergency Management Agency, California Geological Survey, and University of Southern California, 2009), Plant No. 1 and the Project site do not fall within the tsunami inundation zone.

4.10.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Hydrology and Water Quality impacts on pages 3.6-1 through 3.6-14.

The Specific Plan EIR determined that construction of projects within the Specific Plan area would increase soil erosion and sediment transport that would have the potential to impact downstream receiving waters. However, each individual project would be required to comply with the requirements of the General Construction Permit, prepare and implement a Stormwater Pollution Prevention Plan, and implement and inspect stormwater pollution prevention measures and control practices. The Specific Plan EIR also determined that additional development and redevelopment within the Specific Plan area would not substantially increase the amount of impermeable surfaces and associated runoff because, in the existing condition, most of the Specific Plan area is fully developed with impermeable surfaces. Rather, redevelopment would have a slightly beneficial impact on urban runoff and water quality because each project would require more open space, landscaping, and permeable areas compared to existing conditions. Additionally, future projects would be required to comply with the County Municipal National Pollutant Discharge Elimination System (NPDES) Stormwater Permit, which requires that new development and redevelopment projects incorporate Low Impact Development (LID) measures to reduce pollutants washing off site and to maintain pre-development runoff rates. Stormwater runoff from new impervious surface areas would be infiltrated through bioretention areas where possible. With adherence to existing water quality regulations governing development and redevelopment, the Specific Plan EIR concluded that impacts associated with water quality standards and waste discharge requirements
and degraded water quality during construction and operation would be less than significant, and no mitigation was required.

The Specific Plan EIR determined that, given the relatively shallow depth of groundwater at the Project area, it is possible that subsurface excavation during construction could intercept shallow groundwater tables and that groundwater dewatering may be required. However, groundwater dewatering activities would be temporary and unlikely to be extensive and would, therefore, not substantially affect groundwater levels. Build out of the Specific Plan area would result in redevelopment and a net increase in approximately 258,011 sf of developed areas and impervious surfaces. The Specific Plan area is primarily built out and impervious, a condition that does not support groundwater recharge. The Specific Plan EIR estimated that a minimum of 3 acres of public space would be added to the Specific Plan area as a result of implementation of the Specific Plan, which would increase the overall permeable surfaces within the Specific Plan area. In addition, the Specific Plan requires the installation of landscaped areas or other pervious surfaces to minimize runoff and provide additional opportunities for groundwater recharge. Furthermore, the Specific Plan would require development and redevelopment projects to implement LID and stormwater Best Management Practices (BMPs) to improve water quality and reduce runoff. Overall, build out of the Specific Plan would reduce runoff and increase opportunities for permeable area and groundwater recharge. Therefore, the Specific Plan EIR concluded that impacts to groundwater supply and aquifer levels would be less than significant, and no mitigation was required.

The Specific Plan EIR determined that build out of the Specific Plan would not alter natural streams, creeks, lakes, or other water bodies because none are present within the Specific Plan area. The Specific Plan area is served by an existing municipal stormwater drainage system. Construction activities could slightly alter on-site drainage patterns; however, any alteration in flows would be temporary and would continue to be directed into the existing storm drain system. Given that impermeable surfaces currently cover almost all of the Specific Plan area, implementation of the Specific Plan would not substantially increase the amount of impermeable surfaces and associated urban runoff.

The Specific Plan would provide for increased permeable area through development standards that require new landscaping and planted areas. As a result, the amount of urban runoff would decrease as compared to existing conditions. In addition, each development and redevelopment project would be subject to City review to ensure inclusion of design features that would continue to convey stormwater runoff to the existing municipal storm drain system. Therefore, the Specific Plan EIR concluded that impacts related to alteration of existing drainage patterns of the area such that substantial erosion, siltation, or flooding would occur would be less than significant.

The Specific Plan EIR determined that while minor flooding may be experienced within the Specific Plan area, because the Specific Plan area is not subject to the 100-year flooding, people or structures would not be exposed to a significant risk of loss, injury, or death involving flooding.

In addition, the Specific Plan area is located adjacent to the Santa Ana River and is likely subject to inundation in the event of failure or collapse the Prado Dam. However, due to the distance from Prado Dam and current emergency procedures that address dam failure or flooding, the likelihood of dam failure is low, and impacts related to flooding would be less than significant.
The Specific Plan EIR concluded that no impacts related to inundation by tsunami would occur because the Specific Plan area is not located within a tsunami inundation zone.

**4.10.3 Analysis of Project Impacts**

a. **Would the Project violate any water quality standards or waste discharge requirements?**

The proposed Project would result in changes to existing conditions, including the demolition of the five existing industrial warehouse buildings and construction and operation of a new administration building and surface parking lot on the Project site.

Construction and operation of the proposed Project has the potential to introduce additional pollutants into the storm drain system. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked and have the potential to be transported via storm runoff into receiving waters.

During construction, the total disturbed soil area would be approximately 5.2 acres. Projects that disturb greater than 1 acre of soil are required to obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit. Project construction would comply with the requirements of the Construction General Permit, including preparation of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of Construction BMPs. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site; and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters.

During operation, the proposed Project would change the operational pollutants, such as suspended solids/sediments, nutrients, heavy metals, pathogens (bacteria/viruses), pesticides, oil and grease, and trash and debris, that are introduced into stormwater runoff. However, the proposed Project would reduce impervious surface area and would include BMPs, which combined would reduce the volume of and pollutants in stormwater runoff from the Project site compared to existing conditions. In its existing condition, the Project site has an impervious surface area of approximately 205,920 sf, or 91 percent. In the proposed condition, approximately 166,684 sf, or 73.5 percent, of the Project site would be comprised of impervious surface area. As such, implementation of the proposed Project would result in a decrease of impervious surface area on the Project site (from 91 percent to 73.5 percent).

The proposed Project would comply with the requirements of the County Municipal NPDES Stormwater Permit. In accordance with the County of Orange Model Water Quality Management Plan (WQMP) template and the Technical Guidance Document for the County of Orange and the City, a Water Quality Management Plan (WQMP) is required to be prepared for the Project, which details the Low Impact Development features and treatment control BMPs to be included in the proposed Project to reduce pollutants of concern in stormwater runoff. According to the *Conceptual Water Quality Management Plan* (Sepher 2019) prepared for the Project, the proposed BMPs are bioretention basins. Four locations for bioretention basins have
been identified: (1) on the southeast corner of the site, (2) at the east limit of the parking lot, (3) at the west limit of the parking lot, and (4) a smaller area within the employee courtyard (refer to Figure 7, Bioretention Basin Locations, in Section 2.0, Project Description). After being treated within the bioretention basins, stormwater runoff would discharge to the City of Fountain Valley stormdrain system located within Ellis Avenue. Because stormwater runoff from the Project site is not currently treated, implementation of BMPs would reduce pollutants of concern in stormwater runoff and improve water quality of stormwater discharge from the Project site compared to existing conditions.

With adherence to existing water quality regulations, including the Construction General Permit and County Municipal NPDES Stormwater Permit, impacts associated with water quality standards and waste discharge requirements during construction and operation would be less than significant, and no mitigation is required.

The Specific Plan EIR concluded that impacts related to water quality standards and waste discharge requirements would be less than significant with compliance with existing regulations. Similarly, the proposed Project would comply with existing regulations and would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

b. Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The potential for groundwater dewatering during construction cannot be ruled out at this time. As such, it is possible that that subsurface excavation during construction could intercept shallow groundwater tables and that groundwater dewatering may be required. However, groundwater-dewatering activities would be temporary and unlikely to be extensive and would, therefore, not substantially affect groundwater levels.

In its existing condition, the Project site consists of primarily impervious surface areas, which do not promote infiltration. By decreasing the sizes and amounts of building areas, the proposed Project would reduce the impervious surface area of the site, which can provide more opportunities for infiltration. However, because the infiltration potential of on-site soils is low, any increase in infiltration would be minimal. As such, the proposed Project would not substantially change on-site infiltration or alter groundwater infiltration or recharge. Therefore, Project impacts to groundwater supply and aquifer levels would be less than significant, and no mitigation is required.

The Specific Plan EIR concluded that build out of the Specific Plan would reduce runoff and increase opportunities for permeable area and groundwater recharge; therefore, impacts to groundwater supply and aquifer levels would be less than significant, and no mitigation was required. Any change in infiltration resulting from the proposed Project would be anticipated to
be minimal. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

c. **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, in a manner which would result in substantial erosion or siltation on- or off-site?**

The proposed Project would not alter the course of a stream or river because there are no rivers or streams on the Project site and the closest river is located 0.2 mile east of the Project site. Construction activities would slightly alter on-site drainage patterns and increase the potential for erosion and siltation due to ground-disturbing activities that would expose the top soil. However, Project construction would comply with the requirements of the Construction General Permit, including preparation of a SWPPP and implementation of Construction BMPs. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site.

The proposed Project would not permanently alter drainage patterns of the Project site, which is already developed. In the proposed condition, a portion of the Project site would consist of impervious surface area and not prone to on-site erosion or siltation because no soil would be included in these areas. The remaining portion of the site would consist of pervious area, which would contain landscaping that would minimize on-site erosion and siltation by stabilizing the soil. The proposed Project would decrease on-site impervious surface areas, which would decrease stormwater runoff and decrease the potential for downstream erosion and siltation. In addition, the County MS4 Permit requires implementation of LID and stormwater BMPs to minimize runoff. The proposed Project includes bioretention basins in compliance with this requirement. **As the Project would decrease stormwater runoff from the Project site by reducing impervious surface area and including BMPs, impacts related to alteration of existing drainage patterns in a manner that could result in on- or off-site erosion or siltation would be less than significant, and no mitigation is required.**

The Specific Plan EIR concluded that impacts related to alteration of existing drainage patterns of the area such that substantial erosion or siltation would occur and impacts would be less than significant. The proposed Project would reduce impervious surface area and would comply with the County MS4 Permit, which requires implementation of LID and stormwater BMPs to minimize runoff. Because the Project would decrease stormwater runoff from the project site by reducing impervious surface area and including BMPs, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.
d. 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Construction activities have the potential to alter on-site drainage patterns; however, any alteration in flows would be temporary and would continue to be directed into the existing storm drain system. The proposed Project would include on-site drainage features that would accommodate and convey on-site stormwater runoff such that on-site flooding would not occur. These drainage features would convey stormwater runoff to the existing municipal storm drain system. The proposed Project would reduce impervious surface area and would include implementation of LID and stormwater BMPs to reduce stormwater runoff discharged from the Project site. Since the proposed Project would decrease stormwater runoff from the Project site, the Project would not increase the potential downstream flooding. Implementation of drainage features and BMPs would ensure that Project impacts related to alteration of existing drainage patterns of the area such that substantial flooding would occur would be less than significant, and no mitigation is required.

The Specific Plan EIR concluded that, because each project would include design features that would convey stormwater runoff to the existing municipal storm drain system, impacts related to the alteration of existing drainage patterns of the area such that flooding would occur and impacts would be less than significant. The proposed Project requires implementation of drainage features and BMPs to minimize runoff and flooding and would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

e. Would the Project 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 Responses 4.9 (a) and 4.9 (d). The proposed Project would decrease impervious surface area on the Project site, which would decrease runoff and pollutant loading from the Project site. Additionally, the Project would include drainage features that would continue to convey stormwater runoff to the existing municipal storm drain system. In addition, the County MS4 Permit requires the installation of landscaped areas or other pervious surfaces and implementation of LID and stormwater BMPs to minimize and treat stormwater runoff. The proposed Project would include bioretention basins in compliance with this requirement to reduce both volume of and pollutants in stormwater runoff compared to existing conditions. Therefore, impacts related to exceedance of the capacity of stormwater drainage systems or provision of polluted runoff would be less than significant. No further mitigation is required.

The Specific Plan concluded that impacts related to the exceedance of the capacity of stormwater drainage systems or the provision of polluted runoff would be less than significant. The proposed Project requires implementation of drainage features and BMPs to minimize runoff and flooding and would, therefore, not result in new significant impacts beyond those
identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

f. Would the Project otherwise substantially degrade water quality?

Refer to Response 4.9 (a), above. With adherence to existing water quality regulations, including the Construction General Permit and County Municipal NPDES Stormwater Permit, which includes implementation of construction and operational BMPs, impacts associated with degradation of water quality during construction and operation would be less than significant, and no mitigation is required.

The Specific Plan EIR concluded that impacts related to degradation of water quality would be less than significant with compliance with existing regulations. Similarly, the proposed Project would comply with existing water quality regulations and would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

g. Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The proposed Project does not include a housing component. Therefore, the Project would not place housing in a 100-year flood hazard area. No impacts would occur related to placement of housing in a 100-year flood hazard area, and no mitigation is required.

The Specific Plan EIR concluded that impacts related to flooding would be less than significant. Similarly, the proposed Project would not place housing in a 100-year flood hazard area and would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

h. Would the Project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

As discussed above, the Project site is not located in a 100-year flood hazard area. Since the Project site is not located in a 100-year flood hazard area, the proposed Project would not place structures in a 100-year flood hazard area or impede or redirect flood flows. Therefore there would be no impact and no mitigation is required.

The Specific Plan EIR concluded that impacts related to flooding would be less than significant. The proposed Project is not located in a 100-year flood hazard area and would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.
i. Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The Project site is located in an area protected from inundation by levees (the Santa Ana River levee system) and within in the Prado Dam Inundation Area.

Prado Dam was designed in the 1930s, but increased its functioning capability due to Seven Oaks Dam, which was completed in November 1999, and is approximately 40 miles upstream on the Santa Ana River. During a flood, Seven Oaks Dam stores water destined for Prado Dam for as long as the reservoir pool at Prado Dam is rising. When the flood threat at Prado Dam has passed, Seven Oaks Dam begins to release its stored floodwater at a rate that does not exceed the downstream channel capacity. Working in tandem, the Prado and Seven Oaks Dams provide increased flood protection to Orange County.

Prado Dam is maintained and inspected to ensure its integrity and to ensure that risks are minimized. In addition, construction of the Santa Ana River Mainstem Project was initiated in 1989, and is scheduled for completion in 2021. The Santa Ana River Mainstem Project will increase levels of flood protection to more than 3.35 million people in Orange, San Bernardino, and Riverside Counties. Improvements to 23 miles of the Lower Santa Ana River channel, from Prado Dam to the Pacific Ocean, are 95 percent complete, with the remaining bank protection improvements in Yorba Linda currently under construction. Improvements to the Santa Ana River channel include construction of new levees and dikes. In addition, the Santa Ana River Mainstem Project includes improvements to Prado Dam that are currently underway and are estimated to be completed in 2021. The Prado Dam embankment has been raised and the outlet works have been reconstructed to convey additional discharges. Remaining improvements to Prado Dam include acquisition of additional land for the expansion of the Prado Reservoir, construction of protective dikes, and raising of the spillway (Orange County Flood Division 2018).

Although the Project would construct a new structure in an inundation zone, the proposed Project would not increase the chance of inundation from failure of Prado Dam. In addition, due to the distance from Prado Dam and current emergency procedures that address dam failure or flooding, the likelihood of dam failure is low, and impacts related to flooding as a result of dam or levee failure would be less than significant. No mitigation is required.

The Specific Plan EIR also concluded that impacts related to flooding as a result of failure of a dam or levee would be less than significant. Similarly, the proposed Project would not increase the chance of inundation from failure of Prado Dam and would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

j. Would the Project have inundation by seiche, tsunami, or mudflow?

No large standing bodies of water are located in the immediate vicinity of the Project site that could cause flooding due to seiches. The Pacific Ocean is approximately 5.5 miles from the
Project site and is not located within the tsunami inundation zone. The Project site is essentially flat and there are no substantial slopes on or in the vicinity of the Project site. As a result, there is no risk of mudflow at the Project site. **No impacts associated with possible seiche, tsunami, and mudflow would occur, and no mitigation is necessary.**

The Specific Plan EIR also concluded that no impacts related to inundation by seiche, tsunami, or mudflow would occur. The proposed Project is located within the Specific Plan area and would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

### 4.10.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to Hydrology and Water Quality. No additional mitigation measures would be required for the proposed Project.

### 4.10.4 Findings Related to Hydrology and Water Quality

**No New Significant Effects Requiring Major Revisions to the Specific Plan EIR.** Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Hydrology and Water Quality and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR.** There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Hydrology and Water Quality that would require major changes to the Specific Plan EIR.

**No New Information Showing Greater Significant Effects than the Specific Plan EIR.** This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Hydrology and Water Quality requiring major revisions to the Specific Plan EIR.

**No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR.** The proposed Project would not result in any potentially significant impacts related to Hydrology and Water Quality. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.11 LAND USE AND PLANNING

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

4.11.1 Existing Setting

The Project site is designated Industrial (Commercial Manufacturing) in the City’s General Plan and is zoned as Specific Plan (SP) – FVCSP Mixed Industry District. The zoning is consistent with the General Plan land use designations. Permitted uses in the SP zone are detailed in the Specific Plan.

The Project site and the adjacent properties are characterized by 1970s concrete tilt-up buildings that are occupied by a variety of light industrial (e.g., warehousing), retail, and office uses. Many of these buildings were constructed pursuant to Fountain Valley’s former Industrial Redevelopment Plan Area.

The Project site is flat and is currently developed with five industrial warehouse buildings (totaling approximately 114,744 square feet [sf]) and associated surface parking lots (refer to Figure 2, Project Site). Landscaping on the Project site is comprised of several mature trees, shrubs, and small grassy areas around the perimeter of the site. The Project site is accessible from Bandilier Circle and Pacific Street.

While the Project site lies approximately 4 miles from John Wayne Airport, it remains just outside of the Airport’s Influence Area. Therefore, the Project site is not subject to any development restrictions from the Airport Environ’s Land Use Plan (AELUP).

4.11.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Land Use and Planning impacts on pages 3.7-1 through 3.7-34.

According to the Specific Plan EIR, the Specific Plan area includes approximately 35 acres in the eastern portion of the City of Fountain Valley along I-405 and the Santa Ana River, which serves as the eastern border for the City. The FVCSP area is fully developed with no notable vacant areas, and there are no residential uses within the FVCSP area. Access between the northern and southern portions of the FVCSP area is currently inhibited by the I-405, and connectivity between land uses is limited to Euclid Street and Ward Street. The Specific Plan EIR concluded that implementation of the Specific Plan would not result in new development that would affect travel to and from Districts within the area. Further, streetscape improvements, district design, and land use plans proposed...
under the Specific Plan are intended to enhance connectivity within each of these areas, as well as improve pedestrian access to and from the commercial and employment centers of the FVCSP area from outlying uses and adjacent communities, such as residential uses located to the north and northwest. Development under the Specific Plan would conform to existing infrastructure configuration; no road closures or other physical barriers would be installed, and no new large-scale infrastructure improvements would take place. On the contrary, the current street system, including pedestrian and bike facilities, would be improved over time with implementation of the Specific Plan. Therefore, the implementation of the Specific Plan would not physically divide existing communities, but instead is expected to improve land use connectivity north and south of the I-405. Impacts are considered to be less than significant.

The Specific Plan was developed by the City and is designed to be consistent with City’s goals to encourage the development of a place of gathering and activity center within the City and the Southern California Association of Governments (SCAG) planning region. The primary components of the Specific Plan that would guide future development include updated zoning standards for form-based development and design standards for new development to address site design, building façade, size, bulk, and scale, as well as open space and walkability, and to promote and improve compatibility with existing residential, commercial, manufacturing, and industrial development surrounding the Specific Plan area. The Specific Plan is designed to comply with City’s General Plan policies and SCAG planning goals and principles. Therefore, the Specific Plan would be consistent with applicable plans and policies.

According to the Specific Plan EIR, the Specific Plan is required to comply with the planning principles and goals established by SCAG and relating to the provision of residential opportunities near transit corridors, encouragement of active multi-modal uses, creation of workplace-oriented spaces, and encouragement of profitable business uses, and balanced industry and housing opportunities. The primary components of the Specific Plan that would guide future development include updated zoning standards for form-based development, and design standards for new development to address site design, building façade, size, bulk, and scale, as well as open space and walkability, and to promote and improve compatibility with existing residential, commercial, manufacturing, and industrial development surrounding the Specific Plan area. The Specific Plan is designed to comply with City General Plan policies and SCAG planning goals and principles, and overall, the Specific Plan would be consistent with applicable plans and policies. In addition to land use planning policies and regulations, the City and SCAG establish goals and policies oriented towards reducing impacts to the human and natural environment that may result from increases in development, increases in transportation-related emissions, and effects to local and regional transportation systems. Implementation of the Specific Plan would result in the emissions of additional air quality and greenhouse gas (GHG) pollutants, noise impacts, and transportation impacts. Mitigation measures designed to reduce potential impacts to air quality, noise, and transportation would ensure that impacts associated with the Specific Plan build out are mitigated to a less than significant level. Therefore, with implementation of mitigation measures, the Specific Plan is consistent with goals and policies established by SCAG.

The Specific Plan EIR concluded that there are no adopted Habitat Conservation Plans (HCPs) or Natural Community Conservation Plans (NCCPs) in the Specific Plan area vicinity. The Specific Plan
area does not include any habitat areas that are protected through an approved local, regional, or State HCP or NCCP. The County has approved an NCCP and an HCP, but the City has not enrolled in such plans, and is not included in the associated planning area.

4.11.3 Analysis of Project Impacts

a. Would the Project physically divide an established community?

The Project site is currently developed with five existing industrial warehouse buildings. The proposed Project includes demolition of the five existing industrial warehouse buildings and construction and operation of a new three-story administration building, surface parking lot, and site landscaping, in a fully developed part of the City of Fountain Valley. In addition, a pedestrian bridge would extend from the Project site to OCSD’s Plant No. 1, directly south of Ellis Avenue. The pedestrian bridge would connect the proposed Project with the existing OCSD site and would not impact transportation facilities on Ellis Avenue. Land uses in the vicinity of the Project site include I-405 to the north, industrial uses to the north and west, residential uses and the OCWD to the west, the Santa Ana River and associated trail to the east, and OCSD to the south. The proposed Project would include access to/from the Project site via driveways, as well as pedestrian and bicycle access to/from the Project site via sidewalks along the site’s eastern, western, and southern boundaries, which are already developed. As a result, the proposed Project would not result in physical divisions in any established community. **There would be no impact related to the division of an established community and no mitigation is required.**

The Specific Plan EIR also concluded that implementation of the Specific Plan would not divide an established community because it would conform to the existing infrastructure configuration. In addition, land use plans proposed under the Specific Plan are intended to enhance connectivity through pedestrian improvements, provision of public gathering places, and creation of pedestrian and bike friendly streetscapes. The proposed Project, which is located within the Specific Plan area and would not divide an established community, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

b. Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Locally adopted land use plans, policies, or regulations that would be applicable to the proposed Project include the City of Fountain Valley’s Crossing Specific Plan, the City of Fountain Valley General Plan, and the City’s Zoning Code. The Specific Plan designates the Project site as Mixed Industry District. The Project site is designated Industrial (Commercial Manufacturing) in the City’s General Plan and is zoned as Specific Plan (SP) – FVCSP Mixed Industry District. The proposed administrative uses are consistent with the commercial manufacturing designation, which allows for office (administrative, business, and professional) uses. The Specific Plan anticipated, and the Specific Plan EIR evaluated, a potential net increase of 811,408 sf for the
office uses within the Specific Plan area. The proposed Project, at 109,914 sf, is thus consistent with the build out of new office uses projected in the Specific Plan EIR. Build out of the Specific Plan would result in an increase in population associated with approximately 2,063 new employees, 1,444 new residents, and customers of commercial and retail businesses. Build out of the Specific Plan would increase the density of commercial uses and introduce new residential uses, thereby increasing the total population of the Specific Plan area. Implementation of the proposed Project would not result in an increase in OCSD employees because the Project is characterized as a relocation, rather than an expansion, of existing operations. Thus, the Project would be consistent with population growth projected in the Specific Plan.

The proposed Project would be consistent with all locally adopted land use plans, policies, and regulations, including most development standards outlined in the Specific Plan. The proposed Project would require the following variances, deviations, and code amendments to the Specific Plan:

- Variance 1 – Frontage Coverage (Pacific Street)
- Variance 2 – Frontage Coverage (Bandilier Circle)
- Variance 3 – Build-to-Corner (Ellis Avenue/Bandilier Circle)
- Variance 4 – Parking Count (Not Used)
- Variance 5 – Curb Cuts & Driveways (Pacific Street)
- Variance 6 – Street Façade Base (Pacific Street)
- Variance 7 – Street Façade Base (Ellis Avenue)
- Variance 8 – Street Façade Base (Bandilier Circle)
- Variance 9 – Street Façade Top (Pacific Street, Bandilier Circle and Ellis Avenue – Board Room Volume, Ellis Avenue)
- Variance 10 – Street Façade Wall Composition on Bandilier Circle
- Deviation 1 – Building Length (Ellis Avenue)
- Deviation 2 – Street Façade Composition (Pacific Street)
- Deviation 3 – Parking Count
- Code Amendment 1 – Amendment to permit the use of skyways to connect government buildings
- Code Amendment 2 – Amendment to change the minimum parking standard for the Workplace-Professional use type from 3.5 spaces per 1,000 sf to 2.5 spaces per 1,000 sf
- Code Amendment 3 – Amendment to eliminate the requirement for Special Public Open Space
As listed above, the proposed Project would require a code amendment to the Specific Plan to permit the use of skyways to connect government buildings. With the approval of this code amendment, the proposed pedestrian bridge would be allowed by the Specific Plan.

The development standards outlined in the Specific Plan require 3.5 parking spaces per 1,000 sf of building area; however, per Section 21.22.040 of the City’s Municipal Code, office uses require 2.5 parking spaces per 1,000 sf of building area. The proposed 261 parking spaces are non-compliant with the existing Specific Plan, which requires 365 parking spaces, but are compliant with the City’s Municipal Code. The proposed Project would require approval of a deviation to address the reduced parking. The proposed Project also includes an amendment to the Specific Plan to change the minimum parking standard for the Workplace-Professional use type from 3.5 spaces per 1,000 sf to 2.5 spaces per 1,000 sf. This amendment would make the Specific Plan consistent with the City’s Municipal Code parking requirements for office uses. With approval of the deviation and the code amendment, the proposed Project would be consistent with the parking requirements in both the Specific Plan and the City’s Municipal Code.

The proposed Project would require a code amendment to the Specific Plan to eliminate the requirement for Special Public Open Space. With the approval of this code amendment, the requirement for Public Open Space would be eliminated and the proposed Project would be consistent with the Specific Plan.

The proposed Project would comply with all other development standards outlined in 2.1.5 of the Specific Plan. Therefore, with the approval of the above variances, deviations, and code amendments to the Specific Plan, the proposed Project would be consistent with development standards outlined in the Specific Plan.

The Project would be subject to existing local and regional land use plans and policies established by the City and SCAG. The Project would be designed to comply with applicable City General Plan policies, Specific Plan policies, and SCAG planning goals and principles. In addition to land use planning policies and regulations, the City and SCAG establish goals and policies oriented towards reducing impacts related to noise and transportation. The Project would be in compliance with SCAG policies following the incorporation of mitigation measures related to noise and transportation, which would reduce impacts to a less than significant level. With implementation of the mitigation measures, the Project would be consistent with the applicable goals and policies of SCAG and the City’s General Plan, and impacts would, therefore, be less than significant. No further mitigation is required.

The Specific Plan EIR concluded the Specific Plan was created by the City, and therefore, would be consistent with applicable land use plans, policies, and regulations. The proposed Project, which is located within the Specific Plan area, would be consistent with the Specific Plan as amended, the General Plan, and the Zoning Code. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.
c. Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?

As discussed in Response 4.4.3 (f), the Project site and the surrounding areas are not subject to any HCP or NCCP. Therefore, the proposed Project would not conflict with any HCP or NCCP relating to the protection of biological resources; there would be no impact and no mitigation would be required.

The Specific Plan EIR also concluded that the Specific Plan area and vicinity are not subject to any HCP or NCCP. Similarly, the proposed Project is located within the Specific Plan area and would not conflict with any HCP or NCCP. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.11.3.1 Mitigation Measures

Based on the analysis and information above, Mitigation Measures MM N-1, MM T-1, MM T-2a through b, and MM T-7 (refer to Sections 3.13, Noise, and 3.17, Transportation/Traffic) shall apply, are included in the Specific Plan EIR, and would be applicable to the proposed Project.

4.11.4 Findings Related to Land Use and Planning

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Land Use and Planning, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Land Use and Planning that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Land Use and Planning requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. This Addendum has analyzed all available relevant information and has determined that there is no new information of substantial importance that was unknown and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that: (1) mitigation measures or alternatives previously found not to be feasible would in fact be feasible,
and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measures or alternatives; or (2) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

As discussed above, the proposed Project would result in a potentially significant impact related to Land Use and Planning. Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measures that are applicable to the proposed Project are listed in Sections 4.13.3.1 and 3.17.3.1. Potential Project impacts related to Land Use and Planning would be reduced below a level of significance with implementation of the applicable mitigation measures, none of which the Project proponent is declining to adopt.
4.12 MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</td>
<td>☐</td>
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</tbody>
</table>

4.12.1 Existing Setting

There are no known mineral resources within the Specific Plan area, including the Project site, and there are no operational mineral recovery sites within the Specific Plan area or in the nearby Project vicinity.\(^7\)

4.12.2 Impacts Identified in the Specific Plan EIR

Mineral Resources are included within Section 4.3, Effects Found Not to be Significant, on pages 4-5 through 4-6 of the Specific Plan EIR; this topic was also discussed in page 44 of the Initial Study and was scoped out. The Specific Plan EIR concluded that implementation of the Specific Plan would not result in impacts to mineral resources because there are no known mineral resources within the Specific Plan area.

4.12.3 Analysis of Project Impacts

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?

In 1975, the California Legislature enacted the Surface Mining and Reclamation Act, which, among other things, provided guidelines for the classification and designation of mineral lands. Areas are classified on the basis of geologic factors without regard to existing land use and land ownership. The areas are categorized into four Mineral Resource Zones (MRZs):

- **MRZ-1**: An area where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- **MRZ-2**: An area where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence.
- **MRZ-3**: An area containing mineral deposits, the significance of which cannot be evaluated.
- **MRZ-4**: An area where available information is inadequate for assignment to any other MRZ zone.

Of the four categories, lands classified as MRZ-2 are of the greatest importance. Such areas are underlain by demonstrated mineral resources or are located where geologic data indicate that significant measured or indicated resources are present. MRZ-2 areas are designated by the State of California Mining and Geology Board as being “regionally significant.” Such designations require that a Lead Agency’s land use decisions involving designated areas are to be made in accordance with its mineral resource management policies, and that it consider the importance of the mineral resource to the region or the State as a whole, not just to the Lead Agency’s jurisdiction.

The Project site has been classified by the California Department of Mines and Geology as MRZ-3, indicating it is located in an area containing mineral deposits for which the significance cannot be determined using available data. The Project site is developed with urban uses. In addition, the Project site is designated Industrial (Commercial Manufacturing) in the City’s General Plan and is zoned as Specific Plan (SP) – FVCSP Mixed Industry District. Though the Project site is in MRZ-3, no known mineral resources are located on the Project site, and the Project site is not designated or zoned for the extraction of mineral deposits.

**The proposed Project would not result in the loss of a known commercially valuable mineral resource. No impacts to known mineral resources would occur as a result of the proposed Project and no mitigation is required.**

The Specific Plan EIR also concluded that no impacts to known mineral resources would occur. Similarly, the proposed Project is located within the Specific Plan area and would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

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?**

Refer to Response 4.11.3 (a), above. The proposed Project would not result in the loss of a known locally important mineral resource. No impacts to known mineral resources would occur as a result of the proposed Project.

The Specific Plan EIR also concluded that no impacts to locally important mineral resource recovery sites would occur. Similarly, the proposed Project is located within the Specific Plan area and would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

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4.12.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to mineral resources. No additional mitigation measures would be required for the proposed Project.

4.12.4 Findings Related to Mineral Resources

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Mineral Resources, and there is no increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Mineral Resources that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Mineral Resources requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. The proposed Project would not result in any potentially significant impacts related to Mineral Resources. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.13 **NOISE**

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?</td>
<td>☐</td>
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</tr>
<tr>
<td>c. Result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d. Result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 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?</td>
<td>☐</td>
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</tr>
<tr>
<td>f. For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Plan area to excessive noise levels?</td>
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</tbody>
</table>

4.13.1 **Existing Setting**

The Project site is located in an urban area amid industrial and commercial development. The primary source of ambient noise in the vicinity of the Project site is associated with roadway traffic noise. Motor vehicle noise generated by automobiles, buses, motorcycles, and trucks on streets is the most common source of sustained noise levels. The main source of traffic noise comes from the Interstate 405 (I-405) freeway, which receives approximately 320,000 vehicle trips per day (based on 2017 count data) and is located approximately 500 feet northeast of the Project site. Traffic noise is also generated on major streets within the Project area vicinity, particularly along Ellis Avenue, which receive around 30,500 vehicle trips per day (based on 2016 count data). Noise in the vicinity of the Project site also occurs from various stationary sources, especially urban-related activities (e.g., mechanical equipment, parking areas, conversations, etc.) that may represent a single event or a continuous occurrence.

While the Project site lies approximately 4 miles from John Wayne Airport, it remains just outside of the Airport’s Influence Area. Therefore, the Project site is not subject to any development restrictions from the Airport Environ Land Use Plan (AELUP). There are no private airstrips in the vicinity of the Project site.

Regulatory requirements and standards that govern the generation of and exposure to noise within the community have not changed since the preparation of the Specific Plan EIR. Potential impacts of the proposed Project as compared to the Specific Plan with respect to noise are discussed below.
4.13.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Noise impacts on pages 3.8-1 through 3.8-26. The Specific Plan EIR evaluated the potential noise and vibration impacts that could result from implementation of the Specific Plan.

According to the Specific Plan EIR, noise data was gathered from the Hyundai Motor America North American Corporate Campus (Hyundai Project) and used in the analysis as noise data representative of the FVCSP area. Monitoring was conducted at four unique locations around the Hyundai Project, which coincides with the northwesternmost corner of the FVCSP area. The noise monitoring results indicate that existing daytime ambient noise levels in the area range from 53.9 A-weighted decibels (dBA) to 70.8 dBA equivalent continuous sound level (Leq). The predominant source of noise affecting the Hyundai Project was traffic along I-405.

The Specific Plan EIR determined that construction of the Specific Plan could result in significant temporary noise impacts to nearby noise-sensitive receptors. Therefore, the Specific Plan EIR identified Mitigation Measure MM N-1 to reduce the noise levels resulting from construction of the Specific Plan for off-site noise-sensitive uses to a less than significant level.

The Specific Plan EIR also evaluated ground-borne vibration and ground-borne noise levels associated with construction of the Specific Plan. The Specific Plan EIR determined that ground-borne vibration from construction activities would not exceed thresholds, and impacts would be less than significant.

In addition, the Specific Plan EIR evaluated the potential increase in ambient noise levels due to increased traffic and associated noise. The Specific Plan EIR determined that the maximum noise level increase would be less than 1 decibel (dB) in any location, and were considered to be less than significant.

The Specific Plan EIR also evaluated potential impacts from the exposure of persons to excessive ground-borne vibration or noise levels, including truck deliveries and trash hauling, mechanical equipment, and parking areas. The Specific Plan EIR determined that implementation of the Specific Plan would result in less than significant impacts associated with these noise sources.

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9 The Hyundai Project is approximately 1,000 ft northwest of the Project site.
10 Table 3.8-4 of the Specific Plan EIR provides the results of the noise measurements taken at the Hyundai Project site which are summarized in this section.
11 Table 3.8-11 of the Specific Plan EIR indicates the anticipated noise levels of construction equipment noise levels, which are summarized in this section.
4.13.3 Analysis of Project Impacts

a. Would the Project increase exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction- and operation-period noise impacts of the proposed Project as compared to the impacts identified in the Specific Plan EIR are discussed below.

**Construction Impacts.** Noise generated by the construction period for the proposed Project would temporarily increase noise levels in the vicinity of the Project site. Each stage of construction would involve a different mix of operating equipment, and noise levels would vary based on the amount and types of equipment in operation as well as the location of the activity. These activities would be similar for the proposed Project as compared to the Specific Plan.

The Specific Plan EIR identified that the closest sensitive receptors to construction associated with the Specific Plan would be located approximately 75 ft from construction activities and would be subject to a maximum noise level reaching approximately 94.5 dBA $L_{eq}$. The closest sensitive receptors to the proposed Project would be located approximately 1,350 ft from the Project site. Therefore, attenuated for distance, these receptors would be subject to a noise level of approximately 69.4 dBA $L_{eq}$.

As identified in the Specific Plan EIR, the City’s Municipal Code Section 6.28.050 states that exterior noise standards for residential zones can reach up to 75 dBA from 7:00 a.m. to 10:00 p.m. and up to 70 dBA from 10:00 p.m. to 7:00 a.m. for any period of time. In addition, pursuant to the City’s Municipal Code Section 6.28.070 (Special Provisions), noise due to construction activities would be exempt from the Noise Ordinance between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on Saturdays, with no construction activities permitted on Sundays or legal holidays. In addition, although construction noise levels at the nearest sensitive receptors would be below the City’s threshold of 75 dBA from 7:00 a.m. to 10:00 p.m. and up to 70 dBA from 10:00 p.m. to 7:00 a.m. for any period of time and therefore less than significant, Mitigation Measure MN-N-1 is applicable to the proposed Project. The Specific Plan EIR requires the implementation of Mitigation Measure MM N-1 to further reduce noise levels by requiring mobile equipment to be muffled and requiring best management practices for hauling activities. Project impacts related to exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance would be less than significant.

The Specific Plan EIR determined that construction of the Specific Plan could result in significant temporary noise impacts to nearby noise-sensitive receptors. However, the proposed Project site is located further from sensitive receptors than those identified in the Specific Plan EIR, and would not be subject to construction noise exceeding exterior noise standards for residential zones. Therefore, construction of the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.
Operation-Period Impacts. The proposed Project would involve the construction and operation of a new administration building and surface parking lot and would relocate the existing administrative uses from Plant No. 1 to the Project site north of Ellis Avenue. The proposed Project would result in an increase in the number of employees on the Project site; there are approximately 20 employees on the Project site in the existing condition and there would be approximately 230 employees on the Project site after Project implementation. Implementation of the proposed Project would not result in an increase in OCSD employees because the proposed Project is characterized as a relocation, rather than an expansion, of existing operations. As a result, the proposed Project would not increase existing vehicle trips. However, the proposed Project would redistribute traffic from Plant No.1 to the Project site north of Ellis Avenue, which would result in an increase of traffic noise in the vicinity of the proposed Project. The proposed Project would also generate stationary noise during operation that could result in a permanent increase in the ambient noise environment. Potential impacts associated with these noise sources are discussed below.

Traffic Noise. As identified in the Specific Plan EIR, traffic is a major source of noise in the Project vicinity. The amount of noise varies according to many factors, such as volume of traffic, vehicle mix (percentage of cars and trucks), average traffic speed, and distance from the receiver. A characteristic of sound is that a doubling of a noise source is required in order to result in a perceptible (3 dBA or greater) increase in the resulting noise level.

As identified in the Specific Plan EIR, the I-405 southbound ramps/Ellis Avenue/Euclid Street intersection (the closest intersection to the Project site) carries approximately 3,492 AM peak hour trips or approximately 34,920 average daily trips. The proposed Project would only result in a redistribution of vehicular traffic and would not add any new trips to the surrounding circulation system. Therefore, the proposed Project daily trips would not result in a doubling of traffic volumes on nearby roadways and would not result in a perceptible increase in traffic noise levels at sensitive receptors in the Project vicinity, which are located approximately 1,350 ft southeast of the site. While traffic noise may increase on other roadway segments within the immediate vicinity of the site, land uses in this area consist of a variety of light industrial (e.g., warehousing), retail, and office uses, which would not be sensitive to increased traffic noise levels. Therefore, Project-related vehicle noise would be considered less than significant and no further mitigation is required.

The Specific Plan EIR determined that the maximum noise level increase would be less than 1 dB in any location, and impacts were considered to be less than significant. Similar to the Specific Plan, the proposed Project would not result in a doubling of traffic volumes on nearby roadways and would not result in a perceptible increase in traffic noise levels at sensitive receptors in the Project vicinity. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

Stationary Source Noise. Operation of the proposed Project would contribute new noise sources that would incrementally increase noise levels. The noise sources that may be present during operation of the Project include delivery and trash trucks, mechanical equipment, and typical parking lot activities.
The closest sensitive receptors to the proposed Project include the single-family residences located approximately 1,350 ft southeast of the Project site along Alabama Circle. These sensitive receptors are located further than those identified in the Specific Plan EIR (nearest residences include the Adobe River Avenue Neighborhood, located approximately 75 ft west of the Specific Plan area). As such, due to noise attenuation based on the increased distance from the nearest sensitive receptors, noise levels from Project-related stationary noise sources would remain a less than significant impact on off-site sensitive receptors and no mitigation would be required.

The Specific Plan EIR determined that implementation of the Specific Plan would result in less than significant impacts associated with stationary noise sources. Similarly, noise levels from the proposed Project stationary noise sources would be a less than significant impact on off-site sensitive receptors, due to their greater distance from the proposed Project site. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

b. Would the Project increase exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

Construction of the proposed Project would occur in phases that would include demolition, site preparation, grading, building construction, and architectural coating. During construction, ground-borne vibration would be generated from various types of construction equipment such as loaded trucks, jack hammers, and bulldozers.

The Specific Plan EIR determined that there are no fragile historic structures in the Specific Plan area that could be affected by construction vibration. In addition, the Specific Plan EIR identified that ground-borne vibration from construction activities could potentially be felt by surrounding sensitive uses; however, vibration levels at the closest sensitive receptors would not exceed the threshold of 0.1 inches per second. The closest sensitive receptors to the proposed Project are located further than those identified in the Specific Plan EIR (nearest residences include the Adobe River Avenue Neighborhood, located approximately 75 ft west of the Specific Plan area). As such, due to noise attenuation based on the increased distance from the nearest sensitive receptors, ground-borne vibration impacts would remain less than significant for the proposed Project. No mitigation is required.

The Specific Plan EIR determined that vibration levels at the closest sensitive receptors would not exceed the threshold of 0.1 inches per second. The proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR as the closest sensitive receptors to the proposed Project are located further than those identified in the Specific Plan EIR. No new mitigation measures are required.
c. Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Please refer to Response 4.13 (a), above. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Implementation of the proposed Project would not result in substantial increases in traffic noise levels on local roadways in the Project vicinity or operational noise at sensitive receptor locations. Therefore, Project-related noise increases and impacts associated with permanent increases in noise levels would be a less than significant impact and no mitigation is required.

The Specific Plan EIR determined that impacts associated with permanent increases in noise levels would be less than significant. Similarly, the proposed Project, which would not result in substantial increases in traffic noise levels or operational noise, would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required.

d. Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Refer to Response 4.13 (a), above. Project-related construction activities could result in high intermittent noise levels but would be reduced to a less than significant level with implementation of Mitigation Measure MM N-1, which requires mobile equipment to be muffled and the use of BMPs for hauling activities. No further mitigation is required.

The Specific Plan EIR determined that construction of the Specific Plan could result in a temporary increase in noise levels during construction. Similarly, construction of the proposed Project could result in a temporary increase in noise levels during construction. However, the proposed Project would not subject sensitive receptors to construction noise exceeding exterior noise standards for residential zones. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 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?

The Project site is approximately 6 miles west of John Wayne Airport in Santa Ana. According to the Airport Land Use Commission, the Project site does not fall within the John Wayne Airport Planning Area. The proposed Project would not expose employees or visitors of the proposed office uses to aviation-related noise levels different than that which would occur under existing conditions. Further, the Project site is not in the 2016 Annual 60 to 75 Community Noise Equivalent Level Noise Contours area for John Wayne Airport. Therefore, there would be no impacts from aviation-related noise. No mitigation is required.
The Specific Plan project area is not located within an airport land use plan or within 2 miles of a public airport and would not expose residents or employees to excessive aviation-related noise levels. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required.

f. For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?

No private airfields are located in the vicinity of the Project site. Therefore, the proposed Project would have no impacts associated with excessive noise levels from a private airfield. No mitigation is required.

The Specific Plan project area is not located within the vicinity of a private airstrip and would not expose residents or employees to excessive aviation-related noise levels. The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required.

4.13.3.1 Mitigation Measures

Based on the analysis and information above, Mitigation Measure MM N-1 included in the Specific Plan EIR would be applicable to the proposed Project.

**MM N-1 Construction Noise Management Plan.** A Construction Noise Management Plan shall be prepared by the Applicant and approved by the City prior to Grading Permit issuance. The Plan would address noise and vibration impacts and outline measures that would be used to reduce impacts. Measures would include but not be limited to:

- To the extent that they exceed the applicable construction noise limits, excavation, foundation-laying, and conditioning activities shall be restricted to between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, and 9:00 a.m. and 8:00 p.m. Saturdays, in accordance with Section 6.28.070 of the Fountain Valley Municipal Code.

- The Applicant’s construction contracts shall require implementation of the following construction best management practices (BMPs) by all construction contractors and subcontractors working in or around the Project area to reduce construction noise levels:

  - The Applicant and its contractors and subcontractors shall ensure that all construction equipment, fixed or mobile, is properly muffled according to manufacturer’s specifications or as required by the City’s Building and Safety Division, whichever is the more stringent.

  - The Applicant and its contractors and subcontractors shall place noise-generating construction equipment and locate construction staging areas...
away from sensitive uses, where feasible, to the satisfaction of the Building and Safety Division.

○ The Applicant and its contractors and subcontractors shall implement noise attenuation measures which may include, but are not limited to, noise barriers or noise blankets to the satisfaction of the City’s Building and Safety Division.

- The Applicant’s contracts with its construction contractors and subcontractors shall include the requirement that construction staging areas, construction worker parking, and the operation of earthmoving equipment within the Project area, are located as far away from vibration- and noise-sensitive sites as possible. Contract provisions incorporating the above requirements shall be included as part of the Project’s construction documents, which shall be reviewed and approved by the City.

- The Applicant shall require by contract specifications that heavily loaded trucks used during construction shall be routed away from residential streets to the extent possible. Contract specifications shall be included in the proposed Project’s construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

- Property owners and occupants located within 500 feet of the boundary of a construction project occurring under the Specific Plan shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the Project. A sign, legible at a distance of 50 feet, shall be posted at the construction site. All notices and signs shall be reviewed and approved by the City prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.

4.13.4 Findings Related to Noise

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Noise, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Noise that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new
information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Noise requiring major revisions to the Specific Plan EIR.

**No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR.** This Addendum has analyzed all available relevant information and has determined that there is no new information of substantial importance that was unknown and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that: (1) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measures or alternatives; or (2) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

As discussed above, the proposed Project would result in a potentially significant impact related to Noise. Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measure that is applicable to the proposed Project is listed in Section 4.13.3.1. Potential Project impacts related to Noise would be reduced below a level of significance with implementation of the applicable mitigation measures, none of which the Project proponent is declining to adopt.
4.14 POPULATION AND HOUSING

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<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
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<tbody>
<tr>
<td>a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
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<tr>
<td>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
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4.14.1 Existing Setting

According to the State of California Department of Finance, the City’s 2020 population is 55,878 people, while Orange County had a population of 3,194,332.\(^{12}\) In January 2020, the County’s unemployment rate was 2.9 percent, however, due to the COVID-19 Pandemic, the County’s unemployment rate was 9.9 percent by August 2020.\(^{13,14}\) In August 2020, the unemployment rates in the City was 10.5 percent compared to an average unemployment rate of 2.8 percent in 2019.\(^{15,16}\)

There are no residential uses on the Project site or immediately adjacent to the Project site. There were approximately 20 employees on the Project site prior to OCSD acquisition of the Project site. There are approximately 230 employees in the existing administrative offices on OCSD’s Plant No. 1.

4.14.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Population and Housing impacts on pages 3.9-1 through 3.9-18.

The Specific Plan is intended to guide future land use changes occurring within the Specific Plan area through adoption of development standards and policies, including provisions for new housing and employment opportunities. The Specific Plan EIR determined that implementation of the Specific Plan would facilitate approximately 258,010 sf of net new development and 491 new housing units within the Specific Plan area.


Consistent with the goals and policies of the City’s General Plan and the adopted Housing Element, projected housing development within the Specific Plan area would involve creating more housing opportunities and minimizing impacts to existing neighborhoods. In addition, the Specific Plan contains objectives to support the City’s commitment to providing adequate housing for families and individuals of all economic levels. Although the estimated increase in housing would be insignificant relative to the existing number of housing units in the City, the Specific Plan would adhere to City policies to provide adequate housing. Therefore, housing impacts are considered less than significant.

The Specific Plan EIR determined that the addition of 491 housing units would result in a net population increase of approximately 1,444 residents. However, population growth associated with implementation of the Specific Plan is considered incremental relative to the existing population in the Specific Plan area. In addition, implementation of the Specific Plan would result in the creation of approximately 2,063 jobs. Similar to population growth, employment growth associated with implementation of the Specific Plan is considered incremental relative to the existing jobs in the Specific Plan area. Employment growth would be consistent with the Specific Plan’s goals to create a sustainable economy through development of a broad mix of retail, entertainment, office, and light industrial uses in the Specific Plan area. Therefore, potential impacts related to population and employment growth are considered less than significant.

The Specific Plan EIR concluded that land use changes occurring in the Specific Plan area would have no impact on existing housing or people. The Specific Plan area is fully developed and the proposed land use changes would be integrated within the existing industrial uses. The Specific Plan area does not currently support residential uses, and no demolition of residential uses is anticipated upon implementation of the Specific Plan. Conversely, the overall housing stock of the City would increase with implementation of the Specific Plan. The Specific Plan does not identify land uses changes in residential areas or the conversion of residential neighborhoods to non-residential uses, and therefore, it is not anticipated that housing or people would be displaced. Impacts related to the displacement of housing or people would be less than significant.

4.14.3 Analysis of Project Impacts

a. Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed Project would not provide new housing opportunities or extend roads or other infrastructure to areas not previously served. The Project would include demolition of the five existing industrial warehouse buildings, and the construction and operation of a new three-story administration building and surface parking lot on the Project site. OCSD’s existing administrative functions and personnel will be shifted from Plant No. 1 to the new headquarters facility. In addition, a pedestrian bridge would connect the Project site to OCSD’s Plant No. 1 site south of Ellis Avenue. Thus, the Project would not represent a net increase in businesses or jobs because the administrative use would provide work space for existing OCSD personnel. Therefore, the proposed Project would not result in impacts related to population growth and no mitigation is required.
The Specific Plan EIR also concluded that implementation of the Specific Plan would not induce substantial population growth in the area because increases in the number of housing units, population, and jobs in the Specific Plan area would be considered incremental relative to existing levels. The proposed Project would similarly not increase population or job growth as it will serve the existing employees from the established Plant No. 1 facility. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

b. Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The proposed Project would not displace any existing housing, and there are no existing or proposed residential uses on the Project site. Therefore, there would be no impacts related to the displacement of substantial numbers of housing and no mitigation is required.

The Specific Plan EIR also concluded that implementation of the Specific Plan would not displace substantial numbers of existing housing because the Specific Plan area does not currently contain and is not planned for residential uses. Similarly, the proposed Project would not displace any existing housing and would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

c. Would the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

There are no existing or proposed residential uses on the Project site. The proposed Project would not displace housing and would not, therefore, displace a substantial number of people, necessitating the construction of replacement housing elsewhere. Therefore, there would be no impacts related to the displacement of substantial numbers of people and no mitigation is required.

The Specific Plan EIR also concluded that implementation of the Specific Plan would not displace a substantial number of people because the Specific Plan area does not support residential populations and is not planned for residential uses. Similarly, the proposed Project, which is located within the Specific Plan area, would not displace housing or result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

4.14.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to population and housing. No additional mitigation measures would be required for the proposed Project.
4.14.4 Findings Related to Population and Housing

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Population and Housing, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Population and Housing that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Population and Housing requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. The proposed Project would not result in any potentially significant impacts related to Population and Housing. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.15 PUBLIC SERVICES

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<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
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Would the Project:

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:

i. Fire protection? ☐ ☐ ☒

ii. Police protection? ☐ ☐ ☒

iii. Schools? ☐ ☐ ☒

iv. Parks ☐ ☐ ☒

v. Other public facilities? ☐ ☐ ☒

4.15.1 Existing Setting

The City provides public services that serve the Specific Plan area including the Project site. The City has two fire stations; Fire Station No. 1 located at 17737 Bushard Street, is approximately 2.1 miles from the Project site, and Fire Station No. 2 located at 16767 Newhope Street, is approximately 2.4 miles from the Project site. Response times to the Project site are approximately 6 minutes from Fire Station No. 1 and 8 minutes from Fire Station No. 2. Neither of these stations is located within the FVCSP area. The current response time for fire events in the City as calculated from dispatch to on-scene arrival is within 5 minutes, 90 percent of the time. Fire and emergency service response times in the Project area may be shorter than for the City as a whole, due to the proximity of both fire stations to the Project site. The Fire Department responded to 4,598 incidents in 2012, including 96 fire events and 3,870 medical emergencies.

The Fountain Valley Police Department (FVPD) operates out of a central location at City Hall and provides police protection to the community. FVPD response time for police events is calculated from dispatch to on-scene arrival and on average took 5 minutes and 32 seconds for emergency events in 2015. With implementation of a new computer-aided dispatch and records management system, the FVPD has been collecting and analyzing crime data and traffic collision data to direct enforcement efforts. In 2015, the FVPD responded to 46,607 calls for service, addressed 3,046 crime reports, and responded to 731 traffic collisions. FVPD does not have established response time goals. Current response time to the FVCSP area as calculated from dispatch to on-scene arrival is approximately 3 minutes 28 seconds for Priority 1 calls and approximately 4 minutes 51 seconds for Priority 2 calls.

The Fountain Valley School District (FVSD) includes seven elementary schools, and three middle schools. Fountain Valley High School, located within the City, is part of the Huntington Beach Union High School District (HBUHSD).
The City’s Recreation and Community Services Division operates a total of 20 parks within the City. Ellis Park is the closest Fountain Valley Park to the Project site; it is approximately 0.50-miles from the Project site. The City includes additional public services, such as the library and recreational facilities.

The closest library to the Project site is the Fountain Valley Library at 17635 Los Alamos Street. The library is approximately 1.8 miles from the Project site and is located outside the FVCSP area.

4.15.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Public Services impacts on pages 3.10-1 through 3.10-16.

Implementation of the Specific Plan would result in a net increase of approximately 258,010 sf of new development and construction of approximately 491 new residential units. As described in Section 4.14, Population and Housing, build out of the Specific Plan would result in an increase in service demands from an estimated 2,063 new employees, 1,444 new residents, and customers of commercial and retail businesses. In addition, the Specific Plan EIR determined the associated increase in demand for fire protection and emergency services within the Specific Plan area could potentially impact operational services of fire protection and emergency medical providers. Although the Specific Plan does not contain any specific development standards that address fire protection services, the City’s General Plan (1995) contains fire protection goals and associated policies (Goal PS-6.4, Policy PS-6.4.1, and Policy PS-6.4.2) to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and efficiency. Pursuant to the City’s Fire Code, all new structures built within the Specific Plan area would be required to meet standard fire code requirements and be subject to review by the City Fire Marshal, ensuring that the Project would provide adequate infrastructure for firefighting services. Therefore, compliance with the City’s General Plan and Fire Code would ensure less than significant impacts to fire and emergency medical services.

Similar to fire services, the increase in population from new employees, residents, and customers in the Specific Plan area could generate an increased need for police services and additional patrol. Although the Specific Plan does not contain specific development standards addressing police protection, Section 2.0.3.E states that all developments shall comply with applicable regulations, including the City’s Municipal Code and development review procedures. As part of the City’s development review and approval process, the City of Fountain Valley Planning and Building Department would review proposed developments in the Specific Plan area and provide specific recommendations related to security features and opportunities to reduce crime. Further, the City’s General Plan contains police service and law enforcement goals and associated policies (Goal PS-6.6, Policy PS-6.6.1, and Policy PS-6.6.3) to ensure that the City provides effective and rapid response to all emergencies. The Specific Plan EIR concluded that an increase in the number of residents and employees generated by Specific Plan build out would not be expected to significantly decrease adequate service levels or response times. Based on City growth projections, the FVPD does not currently anticipate the need for additional resources, and therefore, potential impacts to police services are considered less than significant.
Similar to fire and police services, the increase in population from new employees and residents in the Specific Plan area could generate increased enrollment at schools in the FVSD and HBUHSD. To account for these increases in demand for public school services, FVSD and HBUHSD require the payment of development fees for both residential, and non-residential development within the City. These fees are calculated on a per-square-foot basis on new development and would be collected for the 491 housing units and commercial development projects based on their square footage. As a result of payment of these required fees, potential impacts to schools resulting from development under the Specific Plan are considered less than significant and no mitigation is required.

Similarly to other public services discussed above, the increase in population from new employees and residents in the Specific Plan area could incrementally increase the demand for other public facilities, including libraries. Although there are no library facilities located within the Specific Plan area, increased demand would not exceed existing service capabilities of the nearby Fountain Valley Library or other nearby libraries. The Orange County Public Libraries (OCPL) System allows access to materials from all branches. Therefore, the incremental increase in demand for library services would not result in the need for new or physically altered facilities or additional staff, and potential impacts to library services are considered less than significant.

4.15.3 Analysis of Project Impacts

a. i. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?

The proposed Project would result in the demolition of the five existing industrial warehouse buildings on the Project site, and construction and operation of a new three-story administration building and surface parking lot on the Project site. In addition, a pedestrian bridge would connect the Project site to Orange County Sanitation District (OCSD)’s Plant No. 1 south of Ellis Avenue. The proposed Project would relocate the existing administrative uses from Plant No. 1 to the Project site north of Ellis Avenue. Implementation of the proposed Project would not result in an increase in OCSD employees because the Project is characterized as a relocation, rather than an expansion, of existing operations. As such, the Project would not result in an increase in jobs or employment beyond what currently exists at Plant No. 1.

The FVFD is responsible for providing emergency response, fire prevention, education, and emergency medical services to citizens and visitors to the City of Fountain Valley. The City is served by two fire stations: Fire Station No. 1 located at 17737 Bushard Street, is approximately 2.1 miles from the Project site, and Fire Station No. 2 located at 16767 Newhope Street, is approximately 2.4 miles from the Project site.

The Project may result in limited effects on fire services during the construction period (such as any potential calls for service FVFD may receive regarding conditions at the Project site), but these effects would be temporary in nature and would cease following completion. As stated in Section 4.14, Population and Housing, new development proposed as part of the Project would
not represent a net increase in businesses or jobs because the administrative use would provide work space for existing OCSD personnel currently located at OCSD’s Plant No. 1, which is directly across Ellis Avenue (approximately 150 ft) from the Project site. Consequently, operation of the administration building would not result in increased demand for fire services in the Project vicinity compared to existing conditions. Further, the Project intends to comply with policies related to fire and emergency medical services in the City’s General Plan and Fire Code, ensuring minimal impacts to public services. In addition, the Project would be required to comply with building code requirements related to fire protection and prevention (e.g., installation of fire sprinklers, fire hydrant spacing, and minimum water pressure requirements). Therefore, the proposed Project would result in less than significant impacts to fire protection services and no mitigation is required.

The Specific Plan EIR also concluded that implementation of the Specific Plan would not result in adverse impacts related to provision of fire services because development under the Specific Plan would comply with the General Plan and the Fire Code. Similarly, the proposed Project intends to comply with the General Plan and the Fire Code, thereby reducing impacts to fire services. Therefore, the proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

a. ii. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?

As stated previously, the proposed Project would relocate the existing administrative uses from Plant No. 1 to the Project site north of Ellis Avenue (approximately 150 ft). Implementation of the proposed Project would not result in an increase in OCSD employees because the Project is characterized as a relocation, rather than an expansion, of existing operations. As such, the Project would not result in an increase in jobs or employment beyond what currently exists at Plant No. 1.

The FVPD is responsible for the prevention, detection, and investigation of crime in the City. Similar to Response 4.14 (a), construction and operation of the proposed Project may result in increased demand for police protection services. Although the Project site would be fenced during construction, construction activities may result in temporary effects on police services, including any potential calls for service FVPD may receive regarding conditions at the Project site. As stated in Section 4.14, Population and Housing, new development proposed as part of the Project would not represent a net increase in businesses or jobs because the administrative use would provide work space for existing OCSD personnel currently working on the OCSD Plant No. 1 site. In addition, the proposed Project would install security lighting consistent with City requirements (refer to Section XXX of the Project Description). The proposed Project also includes the installation on-site security cameras and emergency call-boxes in the parking lot. Further, the Project site would be patrolled by OCSD’s security team. Consequently, operation
of the administration building would not result in increased demand for police services in the Project vicinity compared to existing conditions. **Further, the Project intends to comply with policies related to police services in the City’s General Plan and Municipal Code, ensuring minimal impacts to public services. Therefore, the Project would not result in adverse impacts to police services and no mitigation is required.**

The Specific Plan EIR also concluded that implementation of the Specific Plan would not result in adverse impacts related to provision of police services because development under the Specific Plan would comply with the General Plan and the Fire Code. Similarly, the proposed Project intends to comply with the General Plan and Municipal Code, thereby reducing impacts to police services. Therefore, the proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

**a. iii. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?**

The proposed Project does not include any residential uses and, as such, would not induce population growth that would generate an increased demand for schools. The relocation of OCSD employees and functions from the existing Plant No. 1 to the Project site is not expected to result in substantial population growth because the Project would not increase the number of staff employed by the OCSD. **Therefore, the proposed Project would have no impact on school services and facilities and no mitigation is required.**

The Specific Plan EIR also concluded that implementation of the Specific Plan would not result in adverse impacts related to schools because residential and commercial development would be required to pay development fees to FVSD and HBUHSD. The proposed Project does not involve residential or commercial development and, therefore, would not be subject to such development fees. Further, the Project would not impact school enrollment because it would not result in a substantial increase in population. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

**a. iv. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?**

As stated previously, the proposed Project would relocate the existing administrative uses from Plant No. 1 to the Project site north of Ellis Avenue (approximately 150 ft). Implementation of...
the proposed Project would not result in an increase in OCSD employees because the Project is characterized as a relocation, rather than an expansion, of existing operations. As such, the Project would not require an increase in jobs or employment beyond what currently exists at Plant No. 1. Refer to Section 4.16, Recreation, for the discussion on Project impacts related to parks.

Ellis Park is the closest Fountain Valley Park to the Project site; it is approximately 0.50-miles from the Project site. The proposed Project does not include any residential uses and, as such, would not induce substantial population growth that would generate an increased demand for park facilities. In addition, the Project would not increase the number of OCSD employees. While it is possible employees may use parks in Fountain Valley during lunch breaks or after-work hours, the Project would not increase the number of employees and would not, therefore, increase the existing use of parks or contribute to substantial physical deterioration of those facilities. Therefore, the proposed Project would not impact park facilities in Fountain Valley and no mitigation is required.

The Specific Plan EIR also concluded that implementation of the Specific Plan would not result in adverse impacts related to parks because the incremental increase in demand for parks would not result in the need for new or physically altered facilities or additional staff. Similarly, the proposed Project would not impact parks because it would not result in a substantial increase in population. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

a. v. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?

As stated previously, the proposed Project would relocate the existing administrative uses from Plant No. 1 to the Project site north of Ellis Avenue (approximately 150 ft). Implementation of the proposed Project would not result in an increase in OCSD employees because the Project is characterized as a relocation, rather than an expansion, of existing operations. As such, the Project would not require an increase in jobs or employment beyond what currently exists at Plant No. 1.

The proposed Project does not include any residential uses and, as such, would not induce substantial population growth that would generate an increased demand for public facilities (e.g., libraries). In addition, the Project would not increase the number of OCSD employees. While it is possible employees may use libraries or other public facilities in Fountain Valley during lunch breaks or after-work hours, the Project would not increase the number of employees and would not, therefore, increase the existing use of libraries or other public facilities or contribute to substantial physical deterioration of those facilities. Therefore, the proposed Project would not impact other public facilities in Fountain Valley and no mitigation is required.
The Specific Plan EIR also concluded that implementation of the Specific Plan would not result in adverse impacts related to libraries or other public facilities because the incremental increase in demand for library services would not result in the need for new or physically altered facilities or additional staff. Similarly, the proposed Project would not impact libraries because it would not result in a substantial increase in population. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.15.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to public services. No additional mitigation measures would be required for the proposed Project.

4.15.4 Findings Related to Public Services

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Public Services, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Public Services that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Public Services requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. The proposed Project would not result in any potentially significant impacts related to Public Services. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.16 RECREATION

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>New Significant Impact</th>
<th>More Severe Impact</th>
<th>No Substantial Change from Previous Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td></td>
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<td>☒</td>
</tr>
<tr>
<td>b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td></td>
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</tbody>
</table>

4.16.1 Existing Setting

The City’s Recreation and Community Services Division operates a total of 20 parks within the City. There are no parks or recreational facilities within the Specific Plan area, which includes the Project site. The nearest parks are Los Alamos Park, located at 17901 Los Alamos Street (approximately 0.25 mile northwest of the Specific Plan area) and Ellis Park, located at 10301 Ellis Avenue (approximately 0.25 mile west of the Specific Plan area). Both parks are in the jurisdiction of the City of Fountain Valley. Ellis Park is the closest Fountain Valley Park to the Project site; it is approximately 0.50 miles from the Project site. Ellis Park is 3.0 acres and offers a range of active and passive recreational facilities, including tennis courts, a basketball court, a volleyball court, playground areas, picnic tables, and barbeque pits. Moon Park in the City of Costa Mesa is also near the Project site, but because of its location south of the Santa Ana River it is not easily accessible from the Project site.

4.16.2 Impacts Identified in the Specific Plan EIR

Recreation impacts were discussed on pages 50 through 51 of the Initial Study for the Specific Plan EIR and the topic was scoped out. However, the Specific Plan EIR analyzed the Specific Plan’s potential Public Services impacts, including impacts to Recreation, on pages 3.10-1 through 3.10-16.

The Specific Plan does not include recreational facilities or require the construction or expansion of recreational facilities. Implementation of the Specific Plan would result in a net increase of approximately 258,010 sf of new development and construction of approximately 491 new residential units. As described in Section 4.14, Population and Housing, build out of the Specific Plan would result in an increase in population associated with approximately 2,063 new employees, 1,444 new residents, and customers of commercial and retail businesses. Build out of the Specific Plan would increase the density of commercial uses and introduce new residential uses, thereby increasing the total population of the Specific Plan area. The Specific Plan EIR determined that the addition of new employees and residents in the Specific Plan area could increase demands on area parks and recreational facilities; however, while there are no parks within the Specific Plan area, there are multiple parks and recreational opportunities within the City that could accommodate the increase in population. Therefore, impacts to recreational opportunities would be less than significant.

The Specific Plan EIR found that the City currently surpasses the National Recreation and Park Association’s recommended parkland-to-resident ratio of 4 to 6 acres of parkland per 1,000 residents. In addition, the Specific Plan includes open space requirements and bicycle network...
improvements to satisfy increased demand and to allow better connectivity to recreational facilities and adjacent land uses. Pursuant to the Quimby Act and the City’s Municipal Code Chapter 21.78.070, development of the 491 residential units proposed under the Specific Plan would contribute to the park dedication fee of 5 acres of park for every 1,000 new residents. This fee would contribute to development of park areas within the City, thereby further reducing potential impacts from the Specific Plan on parks and recreation facilities in the City. Although build out of the Specific Plan would incrementally increase demand for parks and recreational facilities, new or physically altered facilities would not be necessary because the Specific Plan includes open space requirements. In addition, the payment of a park dedication fee would address impacts on existing parkland. As a result, potential impacts from the Specific Plan on local and regional parks would be less than significant.

4.16.3 Analysis of Project Impacts

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?

No existing parks or other recreation uses are located adjacent to the Project site. The nearest parks are Moon Park (a Costa Mesa park), approximately 0.2 mile east of the Project site on the opposite side of the Santa Ana River, and Ellis Park, approximately 0.5 mile west of the Project site. The Project does not propose any residential uses and, therefore, would not increase the population near those parks. As discussed in Section 4.14, Population and Housing, the Project is not anticipated to result in the creation of new jobs and employees in the area. Although it is possible employees might use Moon Park, Ellis Park, or other parks in Fountain Valley during lunch breaks or after-work hours, the proposed Project would not increase the number of employees in the immediate area and would not, therefore, increase the use of those parks or contribute to substantial physical deterioration of those facilities. Therefore, the Project would not impact existing neighborhood and regional parks and recreational facilities and no mitigation is required.

The Specific Plan EIR also concluded that implementation of the Specific Plan would not result in adverse impacts related to parks and recreational facilities because the incremental increase in demand for parks can be accommodated by existing City facilities. Similarly, the proposed Project would not impact parks and recreational facilities because it would not result in an increase in population. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

b. Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Refer to Response 4.16.3 (a), above. The proposed Project would not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, the proposed project would not result in impacts related to the construction or expansion of recreational facilities and no mitigation is required.
The Specific Plan does not include recreational facilities or require the construction or expansion of recreational facilities. The Specific Plan EIR concluded that implementation of the Specific Plan would not result in adverse impacts related to recreational facilities because the incremental increase in demand for parks can be accommodated by existing City facilities. Similarly, the proposed Project would not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.16.3.1 Mitigation Measures

The Specific Plan EIR does not include mitigation related to recreation. No additional mitigation measures would be required for the proposed Project.

4.16.4 Findings Related to Recreation

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Recreation, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Recreation that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Recreation requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. The proposed Project would not result in any potentially significant impacts related to Recreation. CEQA does not require consideration of alternatives to the Project or consideration of additional mitigation measures because there would not be any significant impacts to avoid or reduce related to this topic, and no mitigation is required.
4.17 TRANSPORTATION/TRAFFIC

Would the Project:

| a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☒ |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location which results in substantial safety risks? | ☐ | ☐ | ☒ |
| d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☒ |
| e. Result in inadequate emergency access? | ☐ | ☐ | ☒ |
| f. Result in inadequate parking capacity? | ☐ | ☐ | ☒ |
| g. Substantially disrupt alternative transportation, including pedestrian, bicycle, and transit facilities? | ☐ | ☐ | ☒ |

4.17.1 Existing Setting

The Project site for the new Administrative Headquarters Building is located in Fountain Valley, California. The proposed Project site is bordered by industrial uses to the north, Pacific Street to the east, industrial uses and Bandilier Circle to the west, and Ellis Avenue and OCSD’s Plant No. 1 site to the south. As mentioned in the Project Description, the Project site is in the Fountain Valley Crossings Specific Plan area, which the City of Fountain Valley adopted on January 23, 2018. The Project site is designated Industrial (Commercial Manufacturing) in the City’s General Plan and is zoned as Specific Plan (SP) – FVCSP Mixed Industry District.

4.17.1.1 Existing Roadways

Access to OCSD Plant No. 1 is currently provided as the south leg of the I-405/Ellis Avenue-Euclid Avenue intersection. Access to the Project site is currently available from either Bandilier Circle or Pacific Street. Regional access to the site is primarily provided via I-405 and local traffic uses Ellis Avenue to reach the Project site.

- **Ellis Avenue:** Ellis Avenue is a four-lane arterial divided by a striped median with dedicated left-turn lanes for local streets. Ellis Avenue is located directly adjacent to the Project site. According to the City’s Circulation Plan, Ellis Avenue is designated as a Secondary Arterial. The posted speed limit is 45 miles per hour. On-street parking is prohibited, and no bicycle facilities are
provided. Sidewalks are provided on both sides of the roadway. Ellis Avenue is serviced by Orange County Transportation Authority Bus Route 37, which provides service between La Habra and Fountain Valley via Euclid Avenue.

- **Bandilier Circle**: Bandilier Circle is a two-lane undivided local street that provides access to warehouse, office, and retail uses, including direct access to the Project site. On-street parking is permitted. No bicycle or pedestrian facilities are provided on this roadway.

- **Pacific Street**: Similar to Bandilier Circle, Pacific Street is a two-lane undivided local street that provides access to warehouse, office, and retail uses, including direct access to the Project site. On-street parking is permitted. No bicycle or pedestrian facilities are provided on this roadway.

### 4.17.1.2 Existing Intersections

The *Unsignalized Intersection Level of Service and Signal Warrant Analysis* (Traffic Analysis) (LSA, September 2020) was prepared for the Project in order to evaluate the three unsignalized intersections of Mt. Langley Street/Ellis Avenue, Bandilier Circle/Ellis Avenue, and Pacific Street/Ellis Avenue for each Project design concepts. The first design concept (referred to as Alternative 1) does not include a parking lot connection from the Project site to the adjacent property located at 18350 Mt. Langley Street, and a traffic signal is recommended at the intersection of Bandilier Circle and Ellis Avenue. The second design concept (referred to as Alternative 2) includes a parking lot connection from the Project site to the adjacent property located at 18350 Mt. Langley Street, and a traffic signal is recommended at the intersection of Mt. Langley Street and Ellis Avenue. The installation of a traffic signal at either the intersection of Bandilier Circle and Ellis Avenue or the intersection of Mt. Langley Street and Ellis Avenue would ultimately be determined by the City.

### 4.17.1.3 Traffic Volumes

In order to establish the existing condition, traffic volumes were collected for the unsignalized intersections of Mt. Langley Street/Ellis Avenue, Bandilier Circle/Ellis Avenue, and Pacific Street/Ellis Avenue by an independent data collection firm, Counts Unlimited, on October 3, 2019.

For the purposes of the Traffic Analysis, the City noted that the October 2019 side street (Mt. Langley, Bandelier, and Pacific) volumes are acceptable. However, the City stated that the October 2019 volumes for Ellis Avenue may not be representative of normal traffic conditions. The Traffic Analysis included a review of the existing (2015) counts from the *Fountain Valley Crossings Specific Plan Traffic Impact Analysis* (TIA) (Fehr & Peers, December 2017), as well as 2016 counts provided by the City, and compared that data with the October 2019 counts. More specifically, the Traffic Analysis identified the eastbound, westbound, and total (eastbound and westbound) volumes for Ellis Avenue based on 2015 volumes for the adjacent signalized intersections of Ward Street/Ellis Avenue and the I-405 southbound ramps/Ellis Avenue–Euclid Street. In addition, the Traffic Analysis determined the eastbound, westbound, and total (eastbound and westbound) volumes for Ellis Avenue between Ward Street and Euclid Avenue based on the 2016 counts from the City. A comparison was then made with the eastbound, westbound, and total (eastbound and westbound)
Ellis Avenue volumes from the 2019 unsignalized intersection volumes. The 2015, 2016, 2019, and Δ Ellis Avenue volumes (rounded to the nearest hundred) are shown below:

- **2015 Ellis Avenue Volumes**
  - AM Peak Hour: 1,800 Eastbound, 800 Westbound, and 2,600 Total
  - PM Peak Hour: 1,000 Eastbound, 1,400 Westbound, and 2,400 Total

- **2016 Ellis Avenue Volumes**
  - AM Peak Hour: 1,300 Eastbound, 600 Westbound, and 1,900 Total
  - PM Peak Hour: 900 Eastbound, 1,400 Westbound, and 2,300 Total

- **2019 Ellis Avenue Volumes**
  - AM Peak Hour: 1,800 Eastbound, 700 Westbound, and 2,500 Total
  - PM Peak Hour: 1,100 Eastbound, 1,400 Westbound, and 2,500 Total

- **Δ Ellis Volumes (2019 – 2015)**
  - AM Peak Hour: 0 Eastbound, -100 Westbound, and -100 Total
  - PM Peak Hour: +100 Eastbound, 0 Westbound, and +100 Total

- **Δ Ellis Volumes (2019 – 2016)**
  - AM Peak Hour: +500 Eastbound, +100 Westbound, and +600 Total
  - PM Peak Hour: +200 Eastbound, 0 Westbound, and +200 Total

The Traffic Analysis noted that the Project site was generating more traffic in 2015 and 2016 than in 2019, as several buildings/uses on the Project site that were occupied in 2015 and 2016 are now vacant (as of the October 3, 2019, count date). Based on comparison of the 2015 Ellis Avenue volumes from the Fountain Valley Crossings Specific Plan TIA and the October 2019 Ellis Avenue volumes, the 100-trip differential (for eastbound, westbound, and total volumes) in the a.m. peak hour (-100) and p.m. peak hour (+100) is nominal. In addition, the 100-trip differential in 2015 and 2019 directional data could be the variation in the days counted. Lastly, the October 2019 Ellis Avenue volumes are higher (+600 in the a.m. peak hour and +200 in the p.m. peak hour) than the 2016 Ellis Avenue volumes from the City. As such, the October 2019 traffic counts are representative of typical conditions and are appropriate for this analysis.

### 4.17.1.4 Project Site Access

Access to the Project site is provided via Bandilier Circle and Pacific Street along Ellis Avenue. The proposed Project also includes the potential for Project site access at Mt. Langley Street through a connection from the proposed parking lot to an existing parking lot serving the adjacent parcels to the west. As such, the following two project design concepts (each including the proposed 109,914 sf Administrative Headquarters Building, pedestrian bridge over Ellis Avenue, and access at Bandilier Circle and Pacific Street) are under consideration:

- **Project Alternative 1**: No access via Mt. Langley Street
• Project Alternative 2: Access via Mt. Langley Street

4.17.2 Impacts Identified in the Specific Plan EIR

Level of Service Analysis. The Fountain Valley Crossings Specific Plan TIA evaluated the effects of the proposed land use plan on the surrounding circulation system, including intersections and freeway segments, in accordance with the Orange County Congestion Management Plan guidelines and the Fountain Valley General Plan. According to the Specific Plan EIR, the following impacts from implementation of the Specific Plan related to Transportation/Traffic were identified in Table 3.11-8 and in Table 3.11-10.

Construction activities anticipated to occur under the proposed Fountain Valley Crossings Specific Plan would potentially create short-term traffic impacts due to congestion from construction vehicles (e.g., construction trucks, construction worker vehicles, and equipment, etc.), traffic lane and sidewalk closures, and loss of on-street parking. With implementation of a Construction Impact Mitigation Plan (identified as Mitigation Measure MM T-1 in the Specific Plan EIR), construction impacts would be less than significant with mitigation.

Under existing with Project conditions, increased traffic generated by build out of the Specific Plan would increase congestion at 3 of the 20 study intersections. While implementation of the Specific Plan would include transit, pedestrian, and bike improvements and a Transportation Demand Management (TDM) Program to minimize new vehicle trips, potential peak-period congestion would still exceed existing City and California Department of Transportation (Caltrans) LOS thresholds. Intersection impacts to Euclid Street and Newhope Street/Northbound I-405 Ramps (Intersection No. 15) and Ellis Avenue/Euclid Street and Southbound I-405 Ramps (Intersection No. 19) would be temporarily significant and unavoidable. With implementation of intersection improvements, intersection impacts to all other impacted intersections would be less than significant with implementation of mitigation.

Increased traffic generated by build out of the proposed Fountain Valley Specific Plan under existing conditions would increase congestion at 11 freeway facilities, resulting in significant and unavoidable impacts.

Increases in traffic would incrementally increase delays at the intersections of residential roads with local arterials in the Specific Plan area, degrading the effectiveness and performance of the circulation system. However, such increases in delays at residential side streets would be incremental and would not exceed established thresholds under existing conditions. Therefore, impacts would be adverse but less than significant.

Implementation of the Specific Plan would not substantially disrupt alternative transportation, and impacts would be less than significant without mitigation.

Buildout of the Specific Plan area would contribute towards potential cumulative short-term traffic impacts due to congestion from construction vehicles (e.g., construction trucks, construction worker vehicles, and equipment, etc.), traffic lane and sidewalk closures, and loss of on-street parking. With
implementation of a Construction Impact Mitigation Plan, construction impacts would be less then significant with mitigation.

Under Future Year (2035) cumulative conditions, increased traffic would contribute considerably to increased congestion at 4 of the 20 study intersections. While multiple improvements to transportation facilities, including transit, pedestrian, and bike facilities are assumed to be completed by 2035, potential peak-period congestion would still exceed City and Caltrans LOS thresholds. Intersection impacts to MacArthur Boulevard and Harbor Boulevard (Intersection No. 13) would be significant and unavoidable. Impacts at Euclid Street and Newhope Street/Northbound I-405 Ramps (Intersection No. 15) would be temporarily significant and unavoidable before implementation of planned roadway improvements. Impacts at Intersection No. 15 would be reduced to less than significant once planned improvements by other agencies have been implemented. With implementation of additional intersection improvements, all other impacted intersections would be improved to less than significant with mitigation.

Under cumulative conditions, traffic from build out of the Specific Plan would cumulatively contribute to congestion at seven freeway facilities. Operational conditions at freeway facilities in the Specific Plan area and surrounding vicinity would be depleted beyond thresholds. Therefore, impacts to freeway facilities would be a significant and unavoidable impact.

Vehicle Miles Traveled. The Specific Plan EIR included an assessment to quantify VMT. The VMT assessment included the use of the SCAG forecasting model and the Mixed-use development trip generation model (MXD Model) methodology to estimate trip internalization based on land use mix and accessibility within the Specific Plan area. With trip generation and trip lengths, the Specific Plan TIA calculated that existing VMT in the Specific Plan area is 279,638 VMT per day and Future Year with Project VMT would be 341,008 VMT per day. Using service population and employment numbers, the Specific Plan TIA also calculated that existing VMT per service population is 55.86 VMT per day per service population and in Future Year with Project VMT would be 34.61 VMT per day per service population. With TDM reductions project VMT per day per service population under implementation of the Specific Plan would be reduced substantially from the existing average VMT. The Specific Plan TIA calculated that TDM-adjusted VMT in Future Year with Project would be 332,483 VMT per day and TDM-adjusted VMT per service population would be 33.75 VMT per day per service population. This represents that even with TDM reductions, buildout of the Specific Plan would increase overall VMT per day relative to existing VMT; however, future year VMT per service population would be decreased.

4.17.3 Analysis of Project Impacts

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

The proposed Project includes the construction and operation of an Administrative Headquarters Building. The proposed Project would relocate 228 existing employees and the
associated vehicle trips from Plant No. 1 on the south side of Ellis Avenue to the proposed Administrative Headquarters Building on the north side of Ellis Avenue. As a result, the proposed Project would reduce vehicle trips from Plant No. 1 and the signalized intersection of the I-405 southbound ramps—OCSD driveway/Ellis Avenue and add (redistribute) these vehicle trips to the proposed Administrative Headquarters Building and the unsignalized intersections of Mt. Langley Street/Ellis Avenue, Bandilier Circle/Ellis Avenue, and Pacific Street/Ellis Avenue.

**Level of Service Analysis.** For CEQA purposes, automobile delay is no longer considered a significant effect on the environment. (Public Resources Code section 21099(b)(2).) As a result, the following analysis is provided for informational purposes only.

Table 4.17.A provides a Project trip generation summary of the proposed 109,914 sf Administrative Headquarters Building and the existing 53,590 sf of occupied uses. The Project trip generation is the same for both design concepts. As shown on Table 4.17.A, the proposed Project would generate approximately 1,071 daily trips, including 128 trips (110 inbound and 18 outbound) in the a.m. peak hour and 127 trips (20 inbound and 107 outbound) in the p.m. peak hour. The existing uses on the Project site generate approximately 314 daily trips, including 31 trips (26 inbound and 5 outbound) in the a.m. peak hour and 31 trips (7 inbound and 24 outbound) in the p.m. peak hour. Because the existing uses on the Project site would be demolished as part of Project implementation, the net trip generation of the Project (both alternatives) is 757 daily trips, including 97 trips (84 inbound and 13 outbound) in the a.m. peak hour and 96 trips (13 inbound and 83 outbound) in the p.m. peak hour.

![Table 4.17.A: Project Trip Generation (Alternatives 1 and 2)](https://example.com/table417a.png)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>Unit</th>
<th>ADT</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>General Office Building (710)</td>
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<td>TSF</td>
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<td>1.00</td>
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<td>Manufacturing (140)</td>
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<td>TSF</td>
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<td>Research and Development Center (760)</td>
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<td>11.26</td>
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<tr>
<td>Warehouse (150)</td>
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<tr>
<td>New OCSD Office Building</td>
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<td>TSF</td>
<td>1,071</td>
<td>110</td>
<td>18</td>
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<tr>
<td>Existing Site (Occupied Uses) Trip Generation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18368 Bandilier Cir (General Office)</td>
<td>5.942</td>
<td>TSF</td>
<td>58</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>18375 Bandilier Cir (Manufacturing)</td>
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<td>TSF</td>
<td>23</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>18381 Bandilier Cir (Manufacturing)</td>
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<td>TSF</td>
<td>23</td>
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<tr>
<td>18384 Bandilier Cir (General Office)</td>
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<td>TSF</td>
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<tr>
<td>18436 Bandilier Cir (Warehousing)</td>
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</tbody>
</table>

**Net Trip Generation (Project - Existing)**

- 757 trips (97 inbound and 83 outbound) in the a.m. peak hour
- 96 trips (13 inbound and 83 outbound) in the p.m. peak hour


ADT = average daily traffic
OCSD = Orange County Sanitation District
TSF = thousand square feet
The City has established LOS D as the upper limit of satisfactory operation. If a project causes an intersection to deteriorate from satisfactory to unsatisfactory LOS, improvements are required to return the LOS to the acceptable level. Improvements are not required for intersections operating at LOS D or better with implementation of a project.

A project would require improvements for any of the following conditions:

- An intersection degrades from satisfactory LOS D to unsatisfactory LOS E or F.
- The ICU increases by 0.01 or more at a signalized intersection operating at unsatisfactory LOS E or F.
- The delay is increased at an unsignalized intersection operating at unsatisfactory LOS E or F.

An existing and existing plus project LOS analysis (for both design concepts) was conducted for Mt. Langley Street/Ellis Avenue, Bandilier Circle/Ellis Avenue, and Pacific Street/Ellis Avenue. These intersections were not evaluated as part of the Specific Plan EIR.

Based on the results of the existing and existing plus project LOS analysis for the proposed Project, it was determined that these unsignalized intersections operate at unsatisfactory LOS E or F during one or both peak hours in the existing condition. Although both design concepts of the proposed Project would increase the deficient delays at Bandilier Circle/Ellis Avenue and Pacific Street/Ellis Avenue, the deficient delay at the intersection of Mt. Langley Street/Ellis Avenue would only increase with Alternatives 2 (access via Mt. Langley Street).

The Peak-Hour Warrant (Warrant 3) from the California MUTCD was evaluated for the unsignalized intersections of Mt. Langley Street/Ellis Avenue, Bandilier Circle/Ellis Avenue, and Pacific Street/Ellis Avenue for existing and existing plus project conditions (for both design concepts). Given the traffic volume thresholds established for a rural setting, Warrant 3 is satisfied for Mt. Langley Street/Ellis Avenue (2 vph over the traffic volume threshold) during the existing condition, but not for Bandilier Circle/Ellis Avenue or Pacific Street/Ellis Avenue.

With implementation of Project Alternative 1, Warrant 3 would be satisfied for Mt. Langley Street/Ellis Avenue (2 vph over the traffic volume threshold, but Project Alternative 1 would not add any inbound or outbound trips to Mt. Langley Street), Bandilier Circle/Ellis Avenue (20 vph over the traffic volume threshold), and Pacific Street/Ellis Avenue (15 vph over the traffic volume threshold).

Project Alternative 1 would offset its volume and delay contributions and improve the existing conditions of the unsignalized intersection of Bandilier Circle/Ellis Avenue with the following improvement:

- Installation of a traffic signal at Bandilier Circle/Ellis Avenue

Although the recommended improvement would improve upon existing conditions at Bandilier Circle/Ellis Avenue, the installation of a traffic signal at Bandilier Circle/Ellis Avenue will ultimately be determined by the City.
With implementation of Project Alternative 2, Warrant 3 would be satisfied for Mt. Langley Street/Ellis Avenue (23 vph over the traffic volume threshold), Bandilier Circle/Ellis Avenue (3 vph over the traffic volume threshold), and Pacific Street/Ellis Avenue (11 vph over the traffic volume threshold).

Project Alternative 2 would offset its volume and delay contributions and improve the existing conditions of the unsignalized intersection of Mt. Langley Street/Ellis Avenue, while providing regional access for the surrounding land uses, with the following improvements:

- Installation of a traffic signal at Mt. Langley Street/Ellis Avenue

The recommended improvement would improve upon existing conditions at Mt. Langley Street/Ellis Avenue while providing better access for the surrounding land uses. However, the installation of a traffic signal at this intersection will ultimately be determined by the City.

**Vehicle Miles Traveled.** For purposes of Senate Bill 743 compliance, a VMT analysis should be conducted for land use projects. The approach to a VMT analysis includes project screening as a first step to see if a full VMT assessment would be required. Some projects can be assumed to result in a less-than-significant transportation impact based on project type and trip generation. According to the City’s *Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency* (June 2020), a project that would generate less than 110 net new daily vehicle trips may be screened from a full VMT assessment and may be presumed to have a less-than-significant transportation impact.

The proposed Project would not generate any additional VMT, as OCSD would not increase the number of employees or hire additional staff for the proposed Administrative Headquarters Building. The proposed Project would relocate 228 existing employees from Plant No. 1 to the new Administrative Headquarters Building, and the Project would demolish the buildings currently occupied by these 228 employees. In addition, the proposed Project is in the same VMT zone as Plant No. 1. Therefore, vehicle trips would be redistributed from south of Ellis Avenue to north of Ellis Avenue (i.e., reduced from the Plant No. 1 driveway and added to Mt. Langley Street, Bandilier Circle, and Pacific Street along Ellis Avenue). As such, the proposed Project (two design concepts) would not increase VMT. There would be no impact related to the conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, and no mitigation is required.

The Specific Plan EIR concluded that impacts to any applicable plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system as a result of traffic would be significant and unavoidable. The proposed Project, which is located within the Specific Plan TIA study area, would not add additional traffic trips to the circulation system, and would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required. Mitigation Measure T-1, from the Specific Plan EIR is applicable to the proposed Project and is described in greater detail in 4.17.d. Mitigation Measures T-2a, T-2b, and T-7, from the Specific Plan EIR are not applicable to the proposed Project, as no new additional trips are generated. Mitigation measures T-2a, T-2b, and T-7 identified in the Specific Plan EIR are not applicable to the proposed Project. As previously
mentioned, the proposed Project would not add additional traffic trips to the circulation system, and would not result in any new significant impacts beyond those identified in the Specific Plan EIR. As such, the proposed Project would not be subject to mitigation measures associated with fair-share payments of improvements located within the Specific Plan study area.

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

As the Congestion Management Agency (CMA) for Orange County, the OCTA is responsible for establishing, implementing, and monitoring the County’s Congestion Management Program (CMP). Through its implementation of the CMP, the OCTA works to ensure that roadways operate at acceptable LOS and reviews development proposals to ensure that transportation impacts are minimized. OCTA has established a threshold of 2,400 or more daily trips for projects adjacent to the CMP Highway System. The Project is not located near a CMP monitoring facility.

As described in Response 4.17 (a), the proposed Project will not add any new trips to the surrounding circulation system. Therefore, the proposed Project is not expected to conflict with the applicable CMP; Project impacts would be less than significant and no mitigation is required.

The Specific Plan EIR concluded that conflict with an applicable CMP established by the County CMA for the I-405 freeway segments as a result of traffic would be significant and unavoidable. The proposed Project, which is located within the Specific Plan TIA study area and would not add additional traffic trips to the circulation system, would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required. No feasible mitigation was identified in the Specific Plan EIR.

c. Would the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location which results in substantial safety risks?

The Specific Plan area lies 3.7 miles northwest of John Wayne Airport, and is located just outside of the Airport’s Influence Area. Therefore, the Specific Plan EIR determined that it is not subject to any development restrictions from the Airport Environments Land Use Plan (AELUP). The proposed three-story building would not be of sufficient height to potentially interfere with air traffic patterns and the proposed Project is not an air traffic generating use. Therefore, the proposed Project would not interfere with air traffic patterns, nor would it increase traffic levels. There would be no impacts related to air traffic. No mitigation measures are required.

The Specific Plan EIR concluded that the build out of the Specific Plan would have no impact on air traffic patterns because there are no airport facilities in the Specific Plan area and implementation of the proposed Specific Plan would not substantially impacts surrounding airports (e.g., John Wayne Airport). The proposed Project, which is located within the Specific Plan area, would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required.
d. Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed Project will consolidate the six existing driveways on the project frontage of Bandilier Circle into one driveway (providing access to employee and public parking) and consolidate the five existing driveways on Pacific Street into two driveways (one for bus and large vehicle access and one for employee and public parking). Consolidation of the driveways along both streets will remove turning-movement conflicts as a result of driveways currently being spaced too closely. Additionally, a traffic signal may be installed at the intersection of Bandilier Circle and Ellis Avenue or at the intersection of Mt. Langley Street and Ellis Avenue. The Traffic Analysis prepared for the proposed Project assumed two different design concepts. The first design concept (referred to as Alternative 1) does not include a parking lot connection from the Project site to the adjacent property located at 18350 Mt. Langley Street, and a traffic signal is recommended at the intersection of Bandilier Circle and Ellis Avenue. The second design concept (referred to as Alternative 2) includes a parking lot connection from the Project site to the adjacent property located at 18350 Mt. Langley Street, and a traffic signal is recommended at the intersection of Mt. Langley Street and Ellis Avenue. The installation of a traffic signal at any intersection would ultimately be determined by the City. Design of the Project, including the driveway consolidation and a potential new signal, would be subject to review by the City’s Department of Public Works for compliance with City regulations. There would be no Project impacts related to hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The Specific Plan EIR concluded that the implementation of the Specific Plan would have a less than significant impact on the increase of hazards due to design features or incompatible uses. The proposed Project would remove the existing turning-movement conflicts and would not include design features that would increase hazards. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required.

e. Would the Project result in inadequate emergency access?

The Construction Impact Mitigation Plan (Mitigation Measure MM T-1 of the EIR) shall ensure adequate emergency access is maintained throughout the duration of all construction activities. Direct access for emergency vehicles would be provided via all three project driveways on Pacific Street and Bandilier Circle. The proposed Project would not alter the existing roadway network and would provide one vehicular access driveway on Bandilier Circle and two vehicular access driveways on Pacific Street. While the proposed Project may include the installation of a new traffic signal, this Project feature would not adversely affect emergency access with implementation of Mitigation Measure MM T-1. The Construction Impact Mitigation Plan required by Mitigation Measure MM T-1 would manage traffic during construction and would be designed to prevent traffic impacts on the surrounding roadway network, including impacts to emergency access. With implementation of MM T-1, Project impacts would be less than significant. The proposed Project would also comply with all applicable codes and ordinances for emergency vehicle access.
The Specific Plan EIR concluded that implementation of the Specific Plan would have a less than significant impact on emergency access. Since the proposed Project would comply with applicable codes and ordinances for emergency vehicle access, it would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required.

f. **Would the Project result in inadequate parking capacity?**

The proposed Project would include 261 parking spaces within the surface parking lot. While a majority of parking spaces would be uncovered, some would be covered with overhead canopies featuring photovoltaic panels. Table 2.A in Section 2.0, Project Description, shows the type and number of parking spaces proposed by the Project.

The development standards outlined in the Specific Plan require 3.5 parking spaces per 1,000 sf of building area; however, per Section 21.22.040 of the City’s Municipal Code, office uses require 2.5 parking spaces per 1,000 sf of building area. The proposed 261 parking spaces are non-compliant with the existing Specific Plan, which requires 365 parking spaces, but are compliant with the City’s Municipal Code. The proposed Project would require approval of a deviation to address the reduced parking. The proposed Project also includes an amendment to the Specific Plan to change the minimum parking standard for the Workplace-Professional use type from 3.5 spaces per 1,000 square feet (sf) to 2.5 spaces per 1,000 sf. The amendment would make the Specific Plan consistent with the City’s Municipal Code parking requirements for office uses.

With approval of the deviation and the code amendment, the proposed Project would be consistent with the parking requirements in both the Specific Plan and the City’s Municipal Code. Therefore, the proposed Project would result in no impact related to inadequate parking. No mitigation is required.

The Specific Plan EIR concluded that the implementation of the Specific Plan would have a less than significant impact on parking capacity. Implementation of the Specific Plan would increase the number of vehicles in the Specific Plan area, and therefore, would increase the need for parking. However, the increased parking demand would be addressed through parking requirements applicable to development within the Specific Plan area, such that additional parking demand would be satisfied. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation measures are required.

g. **Would the Project substantially disrupt alternative transportation, including pedestrian, bicycle, and transit facilities?**

Pedestrian access to the Project site will be possible by existing sidewalks on Ellis Avenue. The proposed Project will provide direct pedestrian access between the existing OCSD Plant No. 1 and the Project site by constructing an approximately 128 ft long pedestrian bridge over Ellis Avenue, between Plant No. 1 and the proposed Administrative Headquarters Building.
There are no designated bicycle routes in the City's Bicycle Master Plan adjacent to the Project site; however, bicyclists may share the roadway with vehicles on Ellis Avenue in order to reach the Class II Bike Path network via Ward Street and Ellis Avenue west of Ward Street. In addition, bicyclists may share the roadway with vehicles up to MacArthur Boulevard to reach the Class I Santa Ana River Trail. The proposed Project does not alter the existing roadways and would not conflict with this planned project.

OCTA operates Bus Line 37 with stops along Ellis Avenue in the Project vicinity. Employees are able to utilize the Bus Line 37 service to access the existing OCSD Plant No. 1 site and the proposed Project site. As the proposed Project would not increase the number of employees, no new transit trips are anticipated to be generated.

Since the Project is consistent with existing and planned pedestrian, bicycle, and transit facilities, implementation of the proposed Project would not conflict with any alternative transportation routes, including pedestrian, bicycle and transit facilities. Impacts would be less than significant and no mitigation is required.

The Specific Plan EIR concluded that implementation of the Specific Plan would not substantially disrupt alternative transportation, and impacts would be less than significant. The proposed Project, which is located within the Specific Plan area and is consistent with existing and planned pedestrian, bicycle, and transit facilities, would, therefore, not result in new significant impacts beyond those identified in the Specific Plan EIR. No new mitigation measures are required.

4.17.3.1 Mitigation Measures

The TIA outlined improvement measures for all impacted intersections to bring project operations back to acceptable or pre-project conditions. All intersections were able to be mitigated back to a less than significant level with the exception of Harbor Boulevard/MacArthur Boulevard at which the impact is considered significant and unavoidable due to the fact that the intersection is shared with the Cities of Costa Mesa and Santa Ana and the City of Fountain Valley cannot guarantee the implementation of mitigation measures. The TIA explains in detail why improvements to freeway segments are not considered feasible at this time; therefore, all identified impacts to the freeway system are considered significant and unavoidable.

Based on the analysis and information above, the one mitigation measure (MM T-1) listed below from the Specific Plan EIR would be applicable to the proposed Project. No additional mitigation measures related to transportation/traffic beyond those identified in the Specific Plan EIR are required.

**MM T-1 Construction Impact Mitigation Plan.** Future development occurring under the proposed Fountain Valley Crossings Specific Plan shall be required to prepare a Construction Impact Mitigation Plan for review and approval prior to issuance of a grading or building permit to address and manage traffic during construction and shall be designed to:

- Prevent traffic impacts on the surrounding roadway network;
• Minimize parking impacts both to public parking and access to private parking to the greatest extent practicable;

• Ensure safety for both those constructing the project and the surrounding community; and

• Prevent substantial truck traffic through residential neighborhoods.

The Construction Impact Mitigation Plan shall be subject to review and approval by the following City departments: Planning & Building, Public Works, and Police to ensure that the Construction Impact Mitigation Plan has been designed in accordance with this mitigation measure. Additionally, the plan shall be prepared and implemented in coordination with any affected agencies such as OCTA and Caltrans. The review of the plan shall occur prior to issuance of grading or building permits. It shall, at a minimum, include the following:

**Ongoing Requirements throughout the Duration of Construction.**

• A detailed Construction Impact Mitigation Plan for work zones shall be maintained. At a minimum, this shall include parking and travel lane configurations; warning, regulatory, guide, and directional signage; and area sidewalks, bicycle lanes, and parking lanes. The Construction Impact Mitigation Plan shall include specific information regarding the project’s construction activities that may disrupt normal pedestrian and traffic flow and the measures to address these disruptions. Such plans shall be reviewed and approved by the Planning & Building and Public Works Departments prior to commencement of construction and implemented in accordance with this approval.

• Work within the public right-of-way, deliveries, haul trips, and construction employee trips shall be performed during off-peak vehicular traffic hours. No construction work would be permitted on Sundays and national holidays that City offices are closed. Construction work includes, but is not limited to, dirt and demolition material hauling and construction material delivery. Work within the public right-of-way outside of these hours shall only be allowed after the issuance of an after-hours construction permit. Exceptions may be made for time sensitive construction activities (e.g., pouring concrete).

• “Flagger” construction personnel shall be required at construction site entrances.

• The closure of major arterials shall be limited to non-peak vehicular traffic hours only.

• Streets and equipment shall be cleaned in accordance with established Public Works requirements.
• Trucks shall only travel on a City-approved truck routes. Limited queuing may occur on the construction site itself.

• Materials and equipment shall be minimally visible to the public; the preferred location for materials is to be on-site, with a minimum amount of materials within a work area in the public right-of-way, subject to a current Use of Public Property Permit.

• Any requests for work before or after normal construction hours within the public right-of-way shall be subject to review and approval through the After Hours Permit process administered by the Building and Safety Division.

• Provision of off-street parking for construction workers, which may include the use of a remote location with shuttle transport to the site, if determined necessary by the City.

• The Construction Impact Mitigation Plan shall ensure adequate emergency access is maintained throughout the duration of all construction activities. Consistent with the requirements and regulations of the MUTCD, adequate emergency access shall be ensured through measures such as coordination with local emergency services, training for flagmen for emergency vehicles traveling through the work zone, temporary lane separators that have sloping sides to facilitate crossover by emergency vehicles, and vehicle storage and staging areas for emergency vehicles.

Project Coordination Elements That Shall Be Implemented Prior to Commencement of Construction.

• The traveling public shall be advised of impending construction activities which may substantially affect key roadways or other facilities (e.g., information signs, portable message signs, media listing/notification, Hotline number, and implementation of an approved Construction Impact Mitigation Plan) in a manner appropriate to the scale and type of projects.

• A Use of Public Property Permit, Excavation Permit, Sewer Permit, or Oversize Load Permit, as well as any Caltrans permits required for any construction work requiring encroachment into public rights-of-way, detours, or any other work within the public right-of-way shall be obtained.

• Timely notification of construction schedules shall be provided to all affected agencies (e.g., Police Department, Fire Department, Public Works Department, and Community Development Department) and to all owners and residential and commercial tenants of property within a radius of 500 feet.

• Construction work shall be coordinated with affected agencies in advance of start of work. Approvals may take up to two weeks per each submittal.
• Planning & Building and Public Works Departments approval of any haul routes for earth, concrete, or construction materials and equipment hauling shall be obtained.

**MM T-2a Amended Implementation and Funding/Financing Strategy for the Fountain Valley Crossings Specific Plan.** The City shall amend Section 3.5 of the FVCSP Implementation and Funding/Financing Strategy prior to adoption of the Specific Plan. The Specific Plan shall require to include a subsequent fee justification study, identify costs for transportation improvements, apportion costs for improvements, and include fair share projected costs for each funded and unfunded improvement. Prior to approval of the first entitlements for a development within the Project area, the City must adopt the regular fee update schedule for identified intersection improvements. The City shall coordinate with neighboring jurisdictions to identify intersection improvements, apportion costs for improvements, and scheduling of proposed improvements.

The Amended Implementation and Funding/Financing Strategy shall:

• Identify the cost of improvements to all identified transportation improvements, within the Project area and surround vicinity, needed to serve the proposed Fountain Valley Crossings Specific Plan.

• Clearly apportion existing and projected demand on these facilities and costs between existing users, the City, and proposed future development projects.

• Identify development impact fees for all residential and non-residential projects to ensure that each project pays its fair share of public infrastructure costs.

• Include a regular fee update schedule, consistent with the City’s Capital Improvement Program.

**MM T-2b Intersection Improvements Impact Fee.** At the intersection of Talbert Avenue & Mt. Washington Street (Intersection #12), a traffic signal shall be installed. In addition, the six point stop-controlled intersection, within the Costco parking lot, shall be reconfigured into a standard four leg intersection by removing the northern eastbound and westbound approaches. To further reduce impacts, it is recommended that the westbound approach be restriped to convert the existing right-turn lane into a shared through/right turn lane. Additional geometric improvement options such as signal phasing and green times shall be considered and reviewed prior to final design of this intersection. In accordance with MM T-2a, approved improvements shall be included in Implementation and Funding/Financial Strategy and development project applicants within the Project area shall pay a fair share contribution towards these improvements. The fair share fee shall be evaluated based on a metric approved by the City (e.g. dwelling units, acreage, square footage, ADT, etc.).
Intersection Modifications. At the intersection of Ellis Avenue & Ward Street, capacity improvements such as conversion to standard protected signal phasing, green times, and restriping of the northbound approach to include one left turn lane, one through lane, and two right turn lanes shall be considered and reviewed prior to final design on the intersection. In accordance with MM T-2a, the approved improvements shall be included in the Implementation and Funding/Financial Strategy and development project applicants within the Project area shall pay a fair share contribution towards these improvements based on a metric approved by the City (e.g. dwelling units, acreage, square footage, ADT, etc.).

4.17.4 Findings Related to Transportation/Traffic

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Transportation/Traffic, and there is not substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Transportation/Traffic that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant impact not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Transportation/Traffic requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. This Addendum has analyzed all available relevant information and has determined that there is no new information of substantial importance that was unknown and could not have been known with the exercise of reasonable diligence at the time the Fountain Valley Crossings Specific Plan EIR was certified indicating that: (1) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project but the Project proponent declines to adopt the mitigation measures or alternatives; or (2) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

As discussed above, the proposed Project would result in a potentially significant impact related to Transportation/Traffic. Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measure that is applicable to the proposed Project is listed in Section 4.17.3.1. The potential Project impact related to Transportation/Traffic would be reduced...
below a level of significance with implementation of applicable the mitigation measure from the Specific Plan EIR. The proposed Project would not contribute to the significant unavoidable impacts identified in the Specific Plan EIR.
4.18 TRIBAL CULTURAL RESOURCES

Would the Project:

a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

   i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

   ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

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4.18.1 Existing Setting

The City is located in the Santa Ana Valley-Capistrano Valley Province, which is a lowland strip separating the coastal hills from the Santa Ana Mountains. This province dominates the inner portion of Orange County and includes the flood plain in the Santa Ana River in the northern segment near the City. The moderate climate, fertile soils, and abundant natural resources made southern California, including Orange County and the Fountain Valley area, ideal for human habitation, which may have begun in the area as much as 11,000 years ago. During the late prehistoric period, the Gabrieleño and the Juaneño groups occupied Orange County. The Gabrieleño inhabited a large area of the Los Angeles Basin including the watersheds of Los Angeles, San Gabriel, and Santa Ana Rivers, several streams in the Santa Monica and Santa Ana Mountains, the coast from Aliso Creek to Topanga Creek, and the islands of San Clemente, San Nicholas, and Santa Catalina. The Juaneño territory extended from Northern San Diego County to the San Joaquin Hills along Orange County’s central coast, and inland from the Pacific Ocean into the Santa Ana Mountains. Both groups lived in residential villages along the County’s rivers and traveled to seasonal camps for hunting, fishing, shellfish collecting, and hard seed processing. Initial Spanish settlement in the Orange County region came in the late 1500s, and the Mission San Juan Capistrano was established in Orange County in 1775. Prior to Spanish migration, the native population had been decimated by diseases, likely spread via coastal stopovers by early Spanish maritime explorers. Additionally, multiple epidemics took a great toll on Native American populations between approximately 1800 and the early 1860s, along with the cultural and political upheavals that came with European, Mexican, and American settlement. The mission period was followed by the Mexican period as colonists moved into California and occupied land granted to them by the Mexican government. By
the end of the Mexican period and as California moved towards statehood in 1850, the populations of Native Americans in California as a whole declined.

The Fountain Valley area was inundated by large areas of wetlands from the 1880s to the early 1900s. Early settlers constructed drainage canals to drain the land and make it usable for agriculture and other development. Agriculture dominated the area in the early 1900s. The City was incorporated in 1957. The large population growth that the City experienced in the 1960s took place within the framework of a Master Plan adopted before any developments had begun. The Project area was developed primarily in the 1970s with a range of public and private structures and industrial areas.

No known archaeological resources are within the boundaries of the Specific Plan area. However, the Specific Plan area has some potential for undiscovered Native American archaeological resources, as well as other known regional resources, to occur. There are four recorded archaeological sites within the vicinity of the Specific Plan area. The potential for such subsurface resources, which may not have been evaluated during original development of the Specific Plan area, may exist.

4.18.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Tribal Cultural Resources impacts on pages 3.14-1 through 3.14-8.

The Specific Plan EIR explained that seven unique groups and/or individuals were contacted under Senate Bill (SB) 18 and Assembly Bill (AB) 52 (including one tribe that was included on both AB 52 and SB 18 notification lists), and only one response was received. Mr. Andrew Salas of the Gabrieleño Band of Mission Indians-Kizh Nation responded via email on October 25, 2015. Mr. Salas did not request consultation with the City, or identify any tribal cultural resources in the Specific Plan area, but did request that a tribal monitor from the Gabrieleño Band of Mission Indians-Kizh Nation be present during ground-disturbing construction work. This request was considered, and protocols for inadvertent discovery, including the retention of a qualified Native American Monitor, were incorporated into Mitigation Measure MM TRC-1b. In addition to Native American consultation, the City submitted a request for review of the Native American Heritage Commission (NAHC) Sacred Lands Inventory File on November 12, 2015. The NAHC responded to the City’s request on December 8, 2015, and identified four recorded archaeological sites within the United States Geological Survey (USGS) quadrangle in which the Specific Plan area is located. Review of these sites was conducted, and it was concluded that all known sites are located outside the City and, thus, are also outside of the Specific Plan area.

The Specific Plan EIR determined that there have been no previously identified tribal cultural resources within the boundaries of the Specific Plan area or in the immediate vicinity. Additionally, given the developed nature of the site and that development activities associated with the Specific Plan would occur in previously disturbed areas, it is unlikely that tribal cultural resources would be encountered within the Specific Plan area. Additionally, none of the Native American tribes contacted through the SB 18 and AB 52 processes described above identified any tribal cultural resources in the Specific Plan area. However, the Specific Plan area vicinity was a favorable
environment for Native American settlement. The Gabrieleño Band of Mission Indians-Kizh Nation noted in a response to the City’s consultation process that the area is considered sensitive. Therefore, it is possible that the Specific Plan area contains buried tribal cultural resources, which could be preserved beneath the existing industrial warehouse buildings and paved surfaces. Effects on tribal cultural resources are highly dependent on the individual project site conditions and the characteristics of future projects that may be proposed with the Specific Plan area. If such resources were discovered, any activity that would cause a substantial adverse change in the significance of a tribal cultural resource would be a significant impact. However, with the implementation of Mitigation Measures MM TCR-1a, MM TCR-1b, and MM TCR-1c, which require procedures to be taken in the event unknown cultural resources are discovered during construction, impacts to tribal cultural resources would be less than significant. The mitigation measures are outlined in further detail at the end of Section 4.18.3, below.

4.18.3 Analysis of Project Impacts

a. i. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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).

Chapter 532, Statutes of 2014 (i.e., AB 52), requires that lead agencies evaluate a project’s potential to impact “tribal cultural resources.” Such resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources (PRC, Section 21074). AB 52 also gives lead agencies the discretion to determine, supported by substantial evidence, whether a resource falling outside of the definition stated above nonetheless qualifies as a “tribal cultural resource.”

Also per AB 52 (specifically PRC Section 21080.3.1), OCSD must consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed Project and have previously requested that OCSD provide the tribe with notice of such projects.

In compliance with AB 52, letters were distributed on September 28, 2017, to local Native American tribes who have previously requested to be notified of future projects proposed by OCSD. The letters notified each tribe of the opportunity to consult with OCSD regarding the proposed Project, which included the Gabrieleño Band of Mission Indians – Kizh Nation, the Juaneño Band of Mission Indians/Acjachemen Nation, and the San Gabriel Band of Mission Indians. In compliance with AB 52, tribes have 30 days from the date of receipt of notification to request consultation on the proposed Project. No responses or requests for consultation were received from the Juaneño Band of Mission Indians/Acjachemen Nation or the San Gabriel Band of Mission Indians during the 30-day period. On October 5, 2017, Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians – Kizh Nation, sent a letter to OCSD stating that the proposed Project lies within a sensitive area for tribal cultural resources. He requested to be
consulted on the Project. OCSD responded to the request via email on October 5, 2017, and October 24, 2017, to arrange a meeting with the Gabrieleño Band of Mission Indians – Kizh Nation, to which Mr. Salas has not responded. Due to the length of time since receiving any additional response from the Gabrieleño Band of Mission Indians – Kizh Nation, the AB 52 consultation process is considered closed.

The Project site is fully developed with five one- to two-story industrial warehouse buildings and surface parking lots. It is possible that the Project site contains unknown buried tribal cultural resources, which could be preserved beneath the existing buildings and paved surfaces. The proposed Project would involve the demolition of five existing on-site industrial warehouse buildings and the construction and operation of a new three-story administration building, surface parking lot, and pedestrian bridge connecting the Project site to the OCSD Plant No. 1 site south of Ellis Avenue. If any cultural resources were discovered during construction activities, any activity that would cause a substantial adverse change in the significance of a tribal cultural resource would be considered a significant impact.

However, with the implementation of Mitigation Measures MM TCR-1a, MM TCR-1b, and MM TCR-1c, which were included in the Specific Plan EIR, impacts to tribal cultural resources would be reduced to a less than significant level. Mitigation Measure MM TCR-1a would require pre-construction training prior to any grading or other development activities associated with Project implementation. In the event of inadvertent discovery of tribal cultural resources during Project construction, Mitigation Measure MM TCR-1b would require retention of a qualified registered professional archaeologist (RPA) and a qualified Native American Monitor to evaluate the significance of the discovery pursuant to the Cultural Resources Treatment Plan procedures, which are outlined in Mitigation Measure MM TCR-1c. Therefore, implementation of Mitigation Measures MM TCR-1a, MM TCR-1b, and MM TCR-1c would require procedures to be taken in the event unknown tribal cultural resources are discovered during Project construction, and impacts to tribal cultural resources would be reduced to a less than significant level.

The Specific Plan concluded that impacts related to tribal cultural resources would be less than significant with mitigation. Since the Project is located within the Specific Plan area and would incorporate the same mitigation to reduce impacts to tribal cultural resources. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no additional mitigation measures are required. Applicable mitigation measures are outlined at the end of Section 4.18.3, below.
a. ii. Would the Project cause a substantial adverse change in the significance of a tribal
cultural resource, defined in Public Resources Code section 21074 as either a site, feature,
place, cultural landscape that is geographically defined in terms of the size and scope of the
landscape, sacred place, or object with cultural value to a California Native American tribe,
and that is 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
Resource Code Section 5024.1, the lead agency shall consider the significance of the resource
to a California Native American tribe.

See Response 4.18.3 (a) (i), above. With the implementation of Mitigation Measures MM TCR-
1a, MM TCR-1b, and MM TCR-1c, included in the Specific Plan EIR, impacts to tribal cultural
resources would be reduced to a less than significant level.

The Specific Plan concluded that impacts related to tribal cultural resources would be less than
significant with mitigation. Similarly, the Project is located within the Specific Plan area and
would incorporate mitigation to reduce impacts to tribal cultural resources. Therefore, the
proposed Project would not result in new significant impacts beyond those identified in the
Specific Plan EIR or a substantial increase in the severity of previously identified significant
impacts, and no additional mitigation measures are required. Applicable mitigation measures
are outlined below.

4.18.3.1 Mitigation Measures

Based on the analysis and information above, Mitigation Measures MM TCR-1a, MM TCR-1b, and
MM TCR-1c, included in the Specific Plan EIR, would be applicable to the proposed Project.

MM TCR-1a Pre-Construction Training. For individual discretionary development projects, pre-
construction training for construction personnel shall be conducted prior to
commencement of any grading or other development activities. A qualified
archaeologist, meeting the Secretary of the Interior’s Professional Qualifications
Standards for archaeology (2008) and approved by the City, shall conduct tribal
cultural resources identification and protocol training prior to site disturbance
activities. Construction personnel shall be informed of the types of archaeological or
tribal cultural resources that may be encountered, and of the proper protocols for
agency notification. Construction personnel shall attend the training and shall retain
documentation demonstrating attendance.

MM TCR-1b Inadvertent Discovery. In the event of any inadvertent discovery of archaeological
or tribal cultural resources during construction, ground-disturbing activities shall be
suspended until an evaluation is performed. The Applicant shall retain a qualified
registered professional archaeologist (RPA) and a qualified Native American Monitor
selected by the City. The City’s selection of a Native American Monitor will be based
on cultural affiliation with the Project area, which may include consultation with the
NAHC. In the event of discovery, construction personnel shall notify the City, the
RPA, and Native American Monitor. The RPA and Native American Monitor shall
evaluate the significance of the discovery pursuant to the Treatment Plan procedures outlined in MM TCR-1c, below. Work shall not resume until authorization is received from the City. If human remains are found, in compliance with California Health and Safety Code Section 7050.5, all ground disturbances must cease and the County Coroner must be contacted to determine the nature of the remains. In the event the remains are determined to be Native American in origin by the Coroner, the Coroner is required to contact the NAHC within 24 hours to relinquish jurisdiction.

**MM TCR-1c Archaeological Data Recovery.** If cultural resources are encountered during development activities, the City shall implement a Cultural Resources Treatment Plan to address resource identification, significance evaluation, and any necessary mitigation. The Treatment Plan shall be prepared by a City-approved RPA and a City-approved Native American Monitor, and at a minimum shall include:

- A review of historic maps, photographs, and other pertinent documents to predict the locations of former buildings, structures, and other historical features and sensitive locations within and adjacent to the specific development area;

- A context for evaluating resources that may be encountered during construction;

- A research design outlining important prehistoric and historic-period themes and research questions relevant to the known or anticipated sites in the study area;

- Specific and well-defined criteria for evaluating the significance of discovered remains; and

- Data requirements and the appropriate field and laboratory methods and procedures to be used to treat the effects of the Project on significant resources.

The City, in its discretion and supported by substantial evidence, may also determine that resource is significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. If the RPA determines that the find may qualify for listing in the California Register, the site shall be avoided or the resource preserved in place, or if avoidance or preservation in place is not determined feasible, a data recovery plan shall be developed. The preferred mitigation shall be to avoid the resource or preserve in place. Any required testing or data recovery shall be directed by a qualified RPA and Native American Monitor prior to construction being resumed in the affected area. The Treatment Plan shall also include submission of a final technical report, funded by the developer and approved by the City.
4.18.4 Findings Related to Tribal Cultural Resources

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Tribal Cultural Resources, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Tribal Cultural Resources that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Tribal Cultural Resources requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. This Addendum has analyzed all available relevant information and has determined that there is no new information of substantial importance that was unknown and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that: (1) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measures or alternatives; or (2) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

As discussed above, the proposed Project would result in a potentially significant impact related to Tribal Cultural Resources. Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measures that are applicable to the proposed Project are listed in Section 4.18.3.1. Potential Project impacts related to Tribal Cultural Resources would be reduced below a level of significance with implementation of the applicable mitigation measures, none of which the Project proponent is declining to adopt.
4.19 UTILITIES AND SERVICE SYSTEMS

Would the Project:

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4.19.1 Existing Setting

The Project site served by a network of utility lines, including sewer lines, water mains, and storm drains that were generally constructed during the 1970s and 1980s; this infrastructure was sized and installed to accommodate development anticipated at that time.

The City receives its water from three main sources: (1) the Lower Santa Ana River Groundwater Basin (Orange County Groundwater Basin), which is managed by the Orange County Water District (OCWD); (2) imported Colorado River and State Water Project (SWP) water delivered by the Metropolitan Water District of Southern California (MWD) through the Municipal Water District of Orange County (MWDOC); and (3) recycled water from the OCWD’s Green Acres Project (GAP). MWDOC is Orange County’s wholesale supplier and is a member agency of the MWD. The City’s water supply is comprised of 60 percent groundwater, 24 percent imported water, and 14 percent recycled water. Water distribution service within the Project area is provided by the Fountain Valley Water Utility, which operates as a division of the City Public Works Department.

Wastewater collection and treatment service on the Project site is provided by the OCSD. OCSD currently operates two wastewater treatment facilities that accommodate wastewater from residential, commercial, and industrial sources. The City owns, operates, and maintains the sewer collection system within the City limits and its sphere of influence. The sewer system comprises approximately 133 miles of collection and transmission pipe that sends City effluent to the OCSD for treatment and disposal. Wastewater generated within the Specific Plan area is conveyed to Plant...
No. 1, located directly south of the Specific Plan area south of Ellis Avenue. Existing wastewater facilities servicing the Specific Plan area were constructed in the late 1960s and early 1970s. No known deficiencies exist with the system, and the existing wastewater collection system adequately services the Specific Plan area.

The City contracts Rainbow Environmental Services to collect solid waste generated throughout the City, including the Project site. Rainbow Environmental Services provides waste collection, recycling, and disposal services for residential customers with trash can service. Rainbow Environmental Services provides a Materials Recovery Facility (MRF) to ensure compliance with State laws regarding waste stream diversion and ensuring that a minimum of 75 percent of solid waste is diverted from landfills into reuse and recycling under AB 341. Solid waste generated from the City is transported to a MRF within the City of Huntington Beach, where solid waste is manually and mechanically separated into recyclable and non-recyclable materials. Non-recyclable materials and solid waste are then transported to Frank R. Bowerman Landfill, a 725-acre, non-hazardous, municipal solid waste landfill located within the City of Irvine, approximately 13.25 miles east of the Project site. The Frank R. Bowerman Landfill is permitted to receive 11,500 tons per day (tpd) of solid waste and receives a daily average of approximately 6,800 tpd; this landfill is scheduled to close in the year 2053. It is subject to regular inspection by State regulatory agencies such as the California Department of Resource Recycling and Recovery (CalRecycle), the California Regional Water Quality Control Board (RWQCB), and the South Coast Air Quality Management District (SCAQMD) to ensure compliance with applicable plans, policies, and regulations.

4.19.2 Impacts Identified in the Specific Plan EIR

The Specific Plan EIR analyzed the Specific Plan’s potential Utilities impacts on pages 3.12-1 through 3.12-29.

According to the Specific Plan EIR, the RWQCB, in connection with the implementation of the National Pollutant Discharge Elimination System (NPDES) program, has imposed requirements on the treatment of wastewater and its discharge into local water bodies, including the Santa Ana River. Wastewater produced by new land uses and development in the Specific Plan area would meet these requirements through treatment at the OCSD Plant No. 1. In addition, the implementation of wastewater low impact development (LID) designs and best management practices (BMPs) required by the Specific Plan would also help meet wastewater quality treatment standards. Therefore, RWQCB wastewater treatment requirements would not be exceeded, and potential impacts are considered less than significant.

The Specific Plan area is currently fully developed and existing wastewater flows are treated within the capacity of OCSD. The Specific Plan EIR determined that implementation of the Specific Plan would result in an increase in current wastewater flows by approximately 0.13 percent, and increases in wastewater flows would be fully treatable by existing facilities. The OCSD Reclamation Plant No. 1 would have sufficient capacity to serve the Specific Plan area demand in addition to the provider’s existing commitments. Therefore, impacts in regard to wastewater generation are considered less than significant.
The Specific Plan EIR concluded that wastewater collection and conveyance systems within the Specific Plan area are currently sufficient in terms of size and age to service existing Specific Plan area development. Due to existing available capacity to treat wastewater existing and future wastewater in the City, construction or expansion of wastewater treatment facilities would not be required. However, it is possible that new development within the Specific Plan area would require on-site upgrades to serve the proposed new uses. For future development, individual development projects occurring under the Specific Plan would be reviewed to determine whether site-specific infrastructure improvements would be required as part of Specific Plan approval. Further, implementation of the Specific Plan would generate increased sewage flows within the existing sewer system. Development of land uses under the Specific Plan would incrementally trigger the need for expansion or replacement of individual sewer line segments, resulting in potentially significant impacts. Implementation of MM UT-3 and compliance with existing local regulations would ensure the funding of necessary improvements to the wastewater system to serve future land uses anticipated to occur under the Specific Plan. With assurance of adequate funds to finance the capital improvements necessary as provided for in MM UT-3, impacts would be reduced to less than significant levels with mitigation. Therefore, potential impacts to wastewater infrastructure would be reduced to less than significant with mitigation.

According to the Specific Plan EIR, additional commercial, industrial, office, retail, and residential uses to be developed under the Specific Plan would increase water demand. Based on water demand factors for the City and other service areas within the County, water demand resulting from implementation of the Specific Plan is expected to increase by approximately 499,855 gallons per day (gpd) (560.3 acre-feet per year [acre-ft/yr]). The increased demand for water would have the potential to result in the need for additional water supply infrastructure. Currently, the Specific Plan area is largely developed and is served by an existing water supply system which provides sufficient service. Development under the Specific Plan would occur within the existing developed spaces of the Specific Plan area and is not expected to require substantial alterations to the existing water system given the incremental and limited increase in water demand from the Specific Plan. However, new land uses anticipated to occur under the Specific Plan could nonetheless result in the need for construction of new water facilities or expansion of existing infrastructure such as upsizing of certain pipeline segments. However, the individual development projects would be reviewed to determine any necessary alterations to existing infrastructure to serve the development site. As part of development review of individual projects, additional CEQA review may be required that would analyze potential effects including the alteration of existing systems or construction of additional infrastructure. The construction or implementation of necessary on-site infrastructure improvements would occur in conformance with applicable State and City development codes and regulations. Due to the limited increase in water demand associated with the Specific Plan, as well as conformance to mandated water supply infrastructure regulations and standards, and with assurance of adequate funds to finance the capital improvements necessary for the Specific Plan as described in MM UT-3, impacts to the environment due to potential construction or expansion of water supply facilities are considered less than significant with mitigation.

Implementation of the Specific Plan would result in partial redevelopment of the Specific Plan area for increased retail, commercial, industrial, warehouse, office, and residential uses. As the Specific Plan area is largely developed with impermeable surfaces, redevelopment under the Specific Plan
would primarily involve replacement rather than expansion of impermeable surfaces. Any potential increased development of impermeable surfaces and building square footage may result in increased stormwater and urban runoff that enters the City’s storm drainage system. Storm drain infrastructure within the Specific Plan area presently accommodates and conveys stormwater flows adequately, and additional development under the Specific Plan is not expected to impede stormwater conveyance. However, it is possible that new development within the Specific Plan area would require on-site upgrades to serve the proposed new uses. Necessary improvements to site hydrology may be required to accommodate redevelopment and would be identified as part of review of proposed projects. While the location and extent of stormwater system improvements necessary to service individual development projects is presently undetermined, specific information regarding the improvement or construction of these facilities would be determined prior to approval of a proposed project. Any construction of necessary facilities would be subject to applicable State and City development codes and regulations. As part of the development review of individual projects, additional CEQA review may be required, which would analyze potential effects including the potential alteration of the existing system. The Specific Plan EIR concluded that build out of the Specific Plan would not have significant adverse effects to the environment resulting from the construction of additional storm drain infrastructure, and impacts are considered less than significant.

Commercial, industrial, and residential uses anticipated to occur under Specific Plan implementation would incrementally increase water demand throughout the development of the Specific Plan area. The Specific Plan EIR determined that the increased demand for water in the Specific Plan area would have the potential to result in the need for new or expanded water infrastructure and/or water supplies. While redevelopment of the Specific Plan area would result in a projected net increase in water demand by approximately 560.3 acre-ft/yr, the MWDOC and the City currently project an estimated 11,800 acre-ft/yr of potable water will be available at the time of build out of the Specific Plan, approximately 1,025 acre-feet more than current demands. Individual developments within the Specific Plan area would be required to obtain a Will Serve letter from the district prior to planning approval. As such, the MWD, MWDOC, and the City anticipate their ability to meet full-service demands through 2040 during both normal, dry, and multiple dry years. Further, increasing reliance on recycled water, City-mandated water efficiency requirements, water conservation measures, and implementation of higher efficiency systems would contribute to decreased water demands within the Specific Plan area. Therefore, while implementation of the Specific Plan would result in an increase in water demand, impacts to existing and projected City water supply are considered less than significant.

Under implementation of the Specific Plan, redevelopment of the Specific Plan area is expected to result in a net increase of approximately 258,010 sf of retail, industrial, commercial, warehouse, and office development and 491 residential units. This would result in an increase in solid waste generation and a subsequent need for waste disposal. According to the Specific Plan, the estimated potential net increase in solid waste generation in the Specific Plan area is 4,828.76 pounds (lbs) of solid waste per day, equating to 2.41 tpd. Assuming the required diversion rate of 75 percent is applied, this would result in up to an additional 1.81 tpd of non-recyclable waste that would need to be disposed in a landfill. It is not anticipated that an additional net 258,010 sf of development would substantially strain Rainbow Environmental Services’ ability to service the Specific Plan area. In
addition, the MRF has available capacity to receive and process an additional 1,000 tpd of solid waste under their existing permit. As such, the MRF possesses adequate capacity to receive an estimated 2.41 tpd of additional waste, or approximately 0.006 percent of the facility’s permitted daily capacity. Furthermore, disposal of approximately 1.81 tpd of non-recyclable solid waste at the Frank R. Bowerman Landfill would incrementally contribute to the facility’s typical daily intake and would not result in exceedance of the facility’s total daily capacity. Therefore, impacts resulting from additional solid waste generation under the Specific Plan are considered less than significant.

California State law AB 341 requires that at least 75 percent of solid waste be diverted from landfills. As previously discussed, solid waste generated by the Specific Plan area would be transported to an MRF that separates and sorts solid waste to ensure a minimum of 75 percent is diverted for recycling and reuse before being transported to the Frank R. Bowerman Landfill. In addition, development under the Specific Plan would be required to comply with all applicable City solid waste regulations, permitting processes, and policies in effect at the time of operation, including the policies and regulations described under the City’s Municipal Code Chapter 6.08, Solid Waste. According to the Specific Plan EIR, as the City is in compliance with applicable State, federal, and local regulations and implementation of the Specific Plan would not conflict with regulations related to solid waste, no impact would occur.

4.19.3 Analysis of Project Impacts

a. Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

OCSD would be the wastewater treatment provider for the proposed Project. The proposed Project would involve the operation of a new administration building, and as such, would result in the generation of wastewater. However, as discussed in Section 4.14.3, the Project would not represent a net increase in population or employees within the Specific Plan area. Since the number of employees would not increase, there would be no net difference in wastewater generation within the Specific Plan area compared to existing conditions. Wastewater produced by the Project would meet NPDES requirements through treatment at the OCSD Plant No. 1 site. In addition, the implementation of wastewater LID designs and BMPs required by the Specific Plan would help meet wastewater quality treatment standards. Therefore, RWQCB wastewater treatment requirements would not be exceeded, and potential impacts related to the proposed Project are considered less than significant and no mitigation is required.

The Specific Plan concluded that impacts related to exceedance of RWQCB wastewater treatment requirements would be less than significant. Similarly, the Project is located within the Specific Plan area and would not exceed RWQCB wastewater treatment requirements. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.
b. Would the Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The proposed Project would involve the operation of a new administration building, and as such, would result in the generation of wastewater. However, as discussed in Section 4.14.3, the Project would not represent a net increase in population or employees within the Specific Plan area because the administrative use would relocate existing OCSD personnel from OCSD Plant No. 1 to the Project site. Since the number of employees would not increase, there would be no net difference in wastewater generation within the Specific Plan area compared to existing conditions. The Specific Plan EIR determined that build out of the Specific Plan, including the Project site, would result in an increase in current wastewater flows by approximately 0.13 percent, and increases in wastewater flows would be fully treatable by existing facilities. Since the Project would not increase regional wastewater flows and OCSD Reclamation Plant No. 1 would have sufficient capacity to serve the Specific Plan area and Project demand in addition to the provider’s existing commitments, the Project would not require expansion of existing wastewater treatment facilities or construction of new facilities.

Although the project would not increase the total wastewater anticipated to be generated by implementation of the Specific Plan, the relocation of existing OCSD personnel from Plant No. 1 to the Project site would have a potential to increase sewage flows within the existing sewer system on and adjacent to the Project site. Further, development of land uses under the Specific Plan could incrementally trigger the need for expansion or replacement of individual sewer line segments, resulting in potentially significant impacts. Implementation of MM UT-3 and compliance with existing local regulations would ensure the funding of necessary improvements to the wastewater system to serve future land uses anticipated to occur under the Specific Plan. With assurance of adequate funds to finance the capital improvements necessary as provided for in MM U-3, impacts would be reduced to less than significant with mitigation. Therefore, while implementation of the Project would result in an increase in wastewater generation, the Project would not necessitate new wastewater treatment facilities or expansion of existing facilities, and impacts are considered less than significant with mitigation.

The proposed Project would involve the operation of a new administration building, and as such, would require water use. However, as discussed in Section 4.14.3, the Project would not represent a net increase in population or employees within the Specific Plan area because the administrative use would relocate existing OCSD personnel from OCSD Plant No. 1 to the Project site. Because the number of employees would not increase, there would be no net difference in water use within the Specific Plan area compared to existing conditions.

Although the Project would not increase the total water demand anticipated by build out of the Specific Plan, the relocation of existing OCSD personnel from Plant No. 1 to the Project site would have a potential to increase water demand on the Project site as compared to the existing on-site uses. The new administration building proposed as part of the Project would have the potential to increase water demand as compared to warehouse uses due to the
greater number of people working at the Project site, as well as the general increase in land use intensity that would occur. The increased demand for water would have the potential to result in the need for additional water supply infrastructure on and adjacent to the Project site. The Project could result in the need for construction of new water facilities or the expansion of existing infrastructure such as up sizing of certain pipeline segments. Due to the limited increase in water demand associated with the Project, as well as conformance to mandated water supply infrastructure regulations and standards, and with assurance of adequate funds to finance the capital improvements necessary for the Project as described in MM UT-3, impacts to the environment due to potential construction or expansion of water supply facilities are considered less than significant with mitigation. Therefore, while implementation of the Project would result in an increase in water demand, the Project would not necessitate new water treatment facilities or expansion of existing facilities, and impacts are considered less than significant with mitigation.

The Specific Plan concluded that impacts related to construction of new water or wastewater treatment facilities or expansion of existing facilities would be less than significant with mitigation. Similarly, the Project would incorporate the same Specific Plan mitigation to reduce potential impacts related to the construction or expansion of water supply infrastructure. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no additional mitigation measures are required. Applicable mitigation measures are outlined at the end of Section 4.19.3, below.

c. Would the Project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The proposed Project would decrease impervious surface area on the Project site, which can provide more opportunities for infiltration on the Project site. However, because the infiltration potential of on-site soils is low, any increase in infiltration would be minimal. Additionally, the Project would include drainage features that would continue to convey stormwater runoff to the existing municipal storm drain system. In addition, the County MS4 Permit requires the installation of landscaped areas or other pervious surfaces and implementation of LID and stormwater BMPs to minimize and treat stormwater runoff. The proposed Project includes bioretention basins in compliance with this requirement. Therefore, because the Project would decrease stormwater runoff from the project site by reducing impervious surface area and including BMPs, the Project would not necessitate new stormwater drainage facilities or expansion of existing facilities, and impacts are considered less than significant and no mitigation is required.

The Specific Plan concluded that impacts related to exceedance of the capacity of stormwater drainage facilities would be less than significant. Similarly, the Project is located within the Specific Plan area and would not exceed the capacity of stormwater drainage facilities. The proposed Project requires implementation of drainage features and BMPs to minimize runoff and flooding and would, therefore, not result in new significant impacts beyond those identified.
in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation measures are required.

d. Would the Project have sufficient water supplies available to serve the Project from existing entitlements and resources, or require new or expanded entitlements?

Refer to Response 4.19.3 (b), above. The proposed Project would require water use related to the operation of a new administration building. As discussed previously, new development proposed as part of the Project would not represent a net increase in population because the administrative use would provide work space for existing OCSD personnel. Consequently, the Project would not increase water demand in the Specific Plan area compared to existing conditions. Therefore, the Project would not result in the need for expanded or new water supplies. As discussed in the Specific Plan EIR, the MWD, the MWDOC, and the City anticipate their abilities to meet full-service demands through 2040 during both normal, dry, and multiple dry years. Further, increasing reliance on recycled water, City-mandated water efficiency requirements, water conservation measures, and implementation of higher efficiency systems would contribute to decreased water demands within the Specific Plan area. In addition, the Project would be required to obtain a Will Serve letter from OCWD prior to planning approval. Therefore, while the Project would result in an increase in water demand, impacts to existing and projected City water supply are considered less than significant and no mitigation is required.

The Specific Plan concluded that impacts related to water supply would be less than significant. Similarly, the Project is located within the Specific Plan area and sufficient water supplies are available to serve the Project from existing entitlements and resources. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

e. Would the Project 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 Response 4.19.3 (b), above. OCSD Reclamation Plant No. 1 would have sufficient capacity to serve the Specific Plan area and Project demand in addition to the provider’s existing commitments. As discussed previously, new development proposed as part of the Project would not represent a net increase in population because the administrative use would provide work space for existing OCSD personnel. Since the number of employees would not increase, there would be no net difference in wastewater generation within the Specific Plan area compared to existing conditions. Therefore, because implementation of the Project would not result in an increase in wastewater generation, the Project would not exceed the capacity of wastewater treatment facilities, and impacts are considered less than significant and no mitigation is required.

The Specific Plan concluded that impacts related to wastewater treatment providers would be less than significant with mitigation. The Project is located within the Specific Plan area, and
wastewater flows from the Project site can be accommodated by the existing wastewater plant. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no additional mitigation measures are required. Applicable mitigation measures are outlined in at the end of Section 4.19.3, below.

f. Would the Project be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?

Refer to Response 4.19.3 (a), above. The operation of a new administration building as part of the proposed Project would result in the generation of solid waste. During construction, waste generation would increase as a result of the Project. As discussed previously, new development proposed as part of the Project would not represent a net increase in population because the administrative use would provide work space for existing OCSD personnel. Consequently, during operation, waste generation would not be anticipated to increase compared to existing conditions. Although construction of the Project would result in an increase in solid waste generation and a subsequent need for waste disposal, the Specific Plan EIR concluded that Rainbow Environmental Services would be able to adequately serve the Specific Plan area’s waste disposal needs. Thus, it is not anticipated that waste disposal required for the administration building, one development within the Specific Plan area, would substantially strain Rainbow Environmental Services’ ability to service the Project. Therefore, impacts resulting from additional solid waste generation under the Project are considered less than significant and no mitigation is required.

The Specific Plan concluded that impacts related to landfills would be less than significant. Similarly, the Project is located within the Specific Plan area and would be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

g. Would the Project comply with federal, state, and local statutes and regulations related to solid waste?

Refer to Response 4.19.3 (a), above. The operation of a new administration building as part of the proposed Project would result in the generation of solid waste. The Project would comply with all applicable City solid waste regulations, permitting processes, and policies in effect at the time of operation, including the policies and regulations described under the City’s Municipal Code Chapter 6.08, Solid Waste. According to the Specific Plan EIR, as the City is in compliance with applicable State, federal, and local regulations. Therefore, the Project would not conflict with regulations related to solid waste, and no impact would occur. No mitigation is required.

The Specific Plan concluded that impacts related to solid waste would be less than significant. Similarly, the Project is located within the Specific Plan area and would not conflict with federal, State, and local statutes and regulations related to solid waste. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a
substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are required.

4.19.3.1 Mitigation Measures

Based on the analysis and information above, Mitigation Measure MM UT-3, included in the Specific Plan EIR, would be applicable to the proposed Project.

MM UT-3  **FVCSP Utility Infrastructure Financing Program:** The City shall ensure adequate financing for funding of infrastructure improvements to serve the FVCSP through implementation of the FVCSP Utility Infrastructure Financing Program, including preparation of an AB 1600 fee justification study, for the FVCSP area. The Financing Program shall be developed prior to the approval of the first entitlements for a development within the Project area, following adoption of the Project. All new development within the FVCSP shall be conditioned to be subject to payment of its fair share of any impact fees identified under this program. The City shall determine the costs of and establish a funding program for the following capital improvements to upgrade water and wastewater delivery as needed to serve the demands of new land uses anticipated to occur under the FVCSP.

The Program shall also:

a. Identify the cost of improvements to or replacement of undersized water and wastewater lines within the FVCSP area needed to serve the Project.

b. Clearly apportion existing and projected demand on these facilities and costs between existing users, the City, and proposed future development.

c. Identify potential funding mechanisms for sewer and water line construction, including the equitable sharing of costs between new development, the City and existing users, including development impact fees, grants, assessments, etc.

d. Identify development impact fees for all residential and non-residential development to ensure that development pays its fair share of public infrastructure costs.

e. Include a regular fee update schedule, consistent with the City’s Capital Improvement Program.

4.19.4 Findings Related to Utilities and Service Systems

**No New Significant Effects Requiring Major Revisions to the Specific Plan EIR.** Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Utilities and Service Systems, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.
**No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR.** There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Utilities and Service Systems that would require major changes to the Specific Plan EIR.

**No New Information Showing Greater Significant Effects than the Specific Plan EIR.** This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Utilities and Service Systems requiring major revisions to the Specific Plan EIR.

**No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR.** This Addendum has analyzed all available relevant information and has determined that there is no new information of substantial importance that was unknown and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that: (1) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measures or alternatives; or (2) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

As discussed above, the proposed Project would result in a potentially significant impact related to Utilities and Service Systems. Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measure that is applicable to the proposed Project is listed in Section 4.19.3.1. Potential Project impacts related to Utilities and Service Systems would be reduced below a level of significance with implementation of the applicable mitigation measures, none of which the Project proponent is declining to adopt.
4.20 MANDATORY FINDINGS OF SIGNIFICANCE

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a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b. Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

| ☐ | ☐ | ☒ |

b. Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

| ☒ | ☒ | ☒ |

4.20.1 Analysis of Project Impacts

a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As discussed in Section 4.4 Biological Resources, of this Initial Study/Addendum, the Project site is fully developed and is located in an urban area. The proposed Project would redevelop the Project site by replacing the five existing industrial warehouse buildings with an administration building, associated parking, and landscaping.

The Project site does not contain an open body of water that could serve as natural habitat in which fish could exist. The Project site does not support any special-status wildlife or plant species or their habitats because the site is currently developed and lacks natural habitat. The existing landscaping trees on the Project site may, however, provide suitable habitat for nesting migratory birds. The removal of trees on the Project site has the potential to impact active bird nests if vegetation and trees are removed during the nesting season. However, Project construction would comply with the requirements of the Migratory Bird Treaty Act (MBTA) to avoid impacts to active nests during the breeding season. With compliance with the MBTA, impacts to nesting birds would be less than significant. For these reasons, the Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal.
The Specific Plan EIR concluded that implementation of the Specific Plan would result in less than significant impacts to biological resources because the Specific Plan area is fully urbanized and does not contain potential natural habitats for sensitive species and other natural communities. Similarly, the proposed Project would result in less than significant impacts to biological resources because the Project site is located within the Specific Plan area and is fully urbanized and developed. Neither the Specific Plan nor the proposed Project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. As such, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR, and no new mitigation is required.

As discussed in Section 4.5, Cultural Resources, of this Initial Study/Addendum, the Project site has been previously disturbed and significantly altered as a result of past construction activities on the site. Due to the developed nature of the site and surrounding area, it is likely that any unknown archaeological or paleontological resources would have been unearthed at the time of previous activities on the Project site. However, in the event that previously unknown cultural resources are encountered, Project construction would comply with standard conditions required by the City of Fountain Valley, detailed in Section 4.5, to ensure proper handling and recovery of these resources. With compliance with standard conditions regulating the handling and treatment of cultural resources, the proposed Project would not have the potential to eliminate important examples of the major periods of California history or prehistory.

The Specific Plan EIR concluded that, based on the limited potential for undiscovered cultural resources to exist within the Specific Plan area and existing procedures and requirements regulating the discovery of buried resources, impacts on cultural resources would be less than significant. The Project site is located within the Specific Plan area and has limited potential for cultural resources to exist on-site. In the event that unknown resources are discovered, Project construction would comply with standard conditions required by the City of Fountain Valley regulating the discovery of buried resources that would ensure impacts would be less than significant. Neither the Specific Plan nor the proposed Project has the potential to eliminate important examples of the major periods of California history or prehistory. As such, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation is required.

As discussed in Section 4.18, Tribal Cultural Resources, of this Initial Study/Addendum, the Project site has been previously disturbed and significantly altered as a result of past construction activities on the site. Due to the developed nature of the site and surrounding area, it is likely that any unknown tribal cultural resources would have been unearthed at the time of previous activities on the Project site. However, implementation of the proposed Project would require incorporation of Mitigation Measures TCR-1a through TCR-1c as identified in the Specific Plan EIR. With the incorporation of mitigation measures requiring pre-construction training for construction personnel, as well as the suspension of ground-disturbing activities in the event of an
inadvertent discovery, the proposed Project would not result in impacts to tribal cultural resources.

The Specific Plan EIR determined that there have been no previously identified tribal cultural resources within the boundaries of the Specific Plan area or in the immediate vicinity. Additionally, given the developed nature of the site and that development activities associated with the Specific Plan would occur in previously disturbed areas, it is unlikely that tribal cultural resources would be encountered within the Specific Plan area. Additionally, none of the Native American tribes contacted through the SB 18 and AB 52 processes identified any tribal cultural resources in the Specific Plan area. Both the Specific Plan and the proposed Project would require incorporation of Mitigation Measures TCR-1a through TCR-1c, which would reduce impacts to a less than significant level. As such, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts, and no new mitigation is required.

b. Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

The proposed Project would redevelop the Project site to replace the five existing industrial warehouse buildings with an administration building, associated parking and landscaping. Based on the Project Description and the preceding responses, impacts related to the proposed Project are less than significant or can be reduced to less than significant levels with incorporation of mitigation measures. The proposed Project’s contribution to any significant cumulative impacts would be less than cumulatively considerable.

Cumulative impacts for Agricultural and Forestry Resources, Biological Resources, Cultural Resources, or Mineral Resources were not specifically discussed in the Specific Plan EIR because implementation of the Specific Plan would have no impact or a less than significant impact on these resources. However, because there would be no impact or impacts would be less than significant for these resources, the Specific Plan would not result in significant cumulative impacts related to these environmental topics.

The Specific Plan EIR concluded that Cumulative Impacts would be less than significant for Aesthetics, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Waste, Hydrology and Water Quality, Land Use, Operational Noise, Population and Housing, Public Services, Utilities and Service Systems, Energy Conservation, and Tribal Cultural Resources.

The Specific Plan EIR concluded that cumulative construction noise impacts and cumulative construction traffic impacts would be less than significant with implementation of Mitigation Measures MM N-1 and MM T-1, respectively.

Implementation of the Specific Plan EIR would result in significant and unavoidable impacts at MacArthur Boulevard and Harbor Boulevard because the required improvements to mitigate
this impact would be infeasible due to the location within another jurisdiction. Cumulatively considerable impacts to the intersection of Euclid Street and Newhope Street/Northbound I-405 Ramps could be addressed through implementation of standard Caltrans’ intersection monitoring and periodic signal timing updates and would reduce impacts to this intersection to less than significant levels once implemented. However, because the City has no control over the timing and implementation of such improvements, the Specific Plan EIR concluded that impacts to this intersection would be cumulatively considered temporarily significant and unavoidable. Traffic impacts at all other intersections were concluded to be less than significant or would be reduced to less than significant with mitigation.

As stated above, impacts related to the proposed Project are less than significant or can be reduced to less than significant levels with incorporation of mitigation measures, and the Project contribution to any significant cumulative impacts would be less than cumulatively considerable. As detailed in the preceding sections, the proposed Project would not increase the severity of impacts or result in new impacts beyond those analyzed in the Specific Plan EIR. Therefore, the proposed Project would not result in new significant cumulative impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation is required.

c. Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

The Project site is currently developed and is located in an urban area. The proposed Project would redevelop the Project site to replace the five existing industrial warehouse buildings with an administration building, associated parking and additional landscaping. The design of the proposed Project would be consistent with the existing City zoning and General Plan designations for the site and the development standards of the Specific Plan. Based on the Project Description and the preceding responses, development of the proposed Project would not cause substantial adverse effects on human beings related to air quality, greenhouse gas emissions, hazardous materials, and noise, because all potentially significant impacts of the proposed Project can be mitigated to a less than significant level. Therefore, the proposed Project would not result in new significant impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of previously identified significant impacts. No new mitigation is required.

4.20.1.1 Mitigation Measures

No mitigation is required beyond those specified in Sections 4.1 through 4.19.

4.20.2 Findings Related to Mandatory Findings of Significance

No New Significant Effects Requiring Major Revisions to the Specific Plan EIR. Based on the foregoing analysis and information, there is no evidence that the proposed Project requires a major change to the Specific Plan EIR. The Project will not result in new significant environmental impacts related to Mandatory Findings of Significance, and there is no substantial increase in the severity of impacts described in the Specific Plan EIR.
No Substantial Change in Circumstances Requiring Revisions to the Specific Plan EIR. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Mandatory Findings of Significance that would require major changes to the Specific Plan EIR.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Initial Study/Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was adopted, which would indicate that a new significant effect not reported in that document might occur. Based on the information and analyses above, there is no substantial new information indicating that there would be a new significant impact related to Mandatory Findings of Significance requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in the Specific Plan EIR. This Addendum has analyzed all available relevant information and has determined that there is no new information of substantial importance that was unknown and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that: (1) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measures or alternatives; or (2) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

As discussed above, the proposed Project would result in a potentially significant impact related to Mandatory Findings of Significance. Mitigation was included in the Specific Plan EIR and adopted at the time the EIR was certified. The mitigation measures that are applicable to the proposed Project are listed in Sections 4.13.3.1 and 4.17.3.1. Potential Project impacts related to Mandatory Findings of Significance would be reduced below a level of significance with implementation of the applicable mitigation measures, none of which the Project proponent is declining to adopt.
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5.0 REFERENCES

The following references were used in the preparation of this Initial Study/Addendum:


ESA. 2018. Draft Orange County Sanitation District Plant No. 1 Historic Resources Assessment. February.


South Coast Air Quality Management District (SCAQMD), 1993. *CEQA Air Quality Handbook*. 


Earthquake Zones of Required Investigation, Newport Beach Quadrangle. Website: http://gmw.consrv.ca.gov/SHP/EZRIM/Maps/NEWPORT_BEACH_EZRIM.pdf (accessed May 18, 2018).


APPENDIX A

CALEEMOD OUTPUT SHEETS
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1.0 Project Characteristics

1.1 Land Usage

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1.2 Other Project Characteristics

- Urbanization: Urban
- Wind Speed (m/s): 2.2
- Precipitation Freq (Days): 31
- Climate Zone: 8
- Operational Year: 2023
- Utility Company: Southern California Edison

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1.3 User Entered Comments & Non-Default Data
Project Characteristics - Construction is anticipated to begin in January 2021 and be completed in May 2023.

Land Use - Project site is approximately 5.0 acres

Construction Phase - Construction is anticipated to begin in January 2021 and be completed in May 2023.

Demolition - The project includes demolition of five industrial warehouse buildings on site.

Vehicle Trips - Project would not increase vehicle trips

Energy Use -

Construction Off-road Equipment Mitigation - Compliance with SCAQMD Rule 403

Mobile Land Use Mitigation -

Energy Mitigation - The building will be designed to achieve United States Green Building Council Leadership in Energy and Environmental Design (LEED) Platinum Certification.

Water Mitigation -

Waste Mitigation - The CalRecycle Waste Diversion and Recycling Mandate will reduce solid waste production by 25 percent.
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### 3.0 Construction Detail

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Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 4

Acres of Paving: 2.5

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 164,871; Non-Residential Outdoor: 54,957; Striped Parking Area: 6,288 (Architectural Coating – sqft)

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**Trips and VMT**
3.1 Mitigation Measures Construction

Water Exposed Area
Reduce Vehicle Speed on Unpaved Roads

3.2 Demolition - 2021

Unmitigated Construction On-Site
### 3.2 Demolition - 2021

#### Unmitigated Construction Off-Site

<table>
<thead>
<tr>
<th>Category</th>
<th>ROG</th>
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<th>CO</th>
<th>SO2</th>
<th>Fugitive PM10</th>
<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio-CO2</th>
<th>NBio-CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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#### Mitigated Construction On-Site

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<th>SO2</th>
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### 3.2 Demolition - 2021

#### Mitigated Construction Off-Site

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### 3.3 Site Preparation - 2021

#### Unmitigated Construction On-Site

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<th>Bio-CO2</th>
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### 3.3 Site Preparation - 2021

#### Unmitigated Construction Off-Site

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<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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#### Mitigated Construction On-Site

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### 3.3 Site Preparation - 2021

**Mitigated Construction Off-Site**

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### 3.4 Grading - 2021

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### 3.4 Grading - 2021

#### Unmitigated Construction Off-Site

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#### Mitigated Construction On-Site

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### 3.4 Grading - 2021

#### Mitigated Construction Off-Site

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### 3.5 Building Construction - 2021

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### 3.5 Building Construction - 2021

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### 3.5 Building Construction - 2022

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### 3.5 Building Construction - 2022

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### 3.5 Building Construction - 2023

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### 3.5 Building Construction - 2023

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### 3.5 Building Construction - 2023

#### Mitigated Construction Off-Site

| Category     | ROG  | NOx  | CO   | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|--------------|------|------|------|-----|----------------|--------------|------------|----------------|--------------|------------|----------|----------|-----------|---------|-----|-----|------|
| Hauling      | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor       | 3.5000e-004 | 0.0121 | 3.5500e-003 | 4.0000e-005 | 1.1000e-003 | 1.0000e-005 | 1.1200e-003 | 3.2000e-004 | 1.0000e-005 | 3.3000e-004 | 0.0000 | 4.1073 | 4.1073 | 2.3000e-004 | 0.0000 | 4.1130 |
| Worker       | 1.4600e-003 | 0.0117 | 4.0000e-005 | 3.0000e-005 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Total        | 1.8100e-003 | 0.0131 | 0.0153 | 8.0000e-005 | 5.4300e-003 | 4.0000e-005 | 5.4800e-003 | 1.4700e-003 | 4.0000e-005 | 1.5100e-003 | 0.0000 | 7.6111 | 7.6111 | 3.1000e-004 | 0.0000 | 7.6188 |

### 3.6 Paving - 2023

#### Unmitigated Construction On-Site

| Category     | ROG  | NOx  | CO   | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|--------------|------|------|------|-----|----------------|--------------|------------|----------------|--------------|------------|----------|----------|-----------|---------|-----|-----|------|
| Off-Road     | 0.0186 | 0.1835 | 0.2625 | 4.1000e-004 | 9.1800e-003 | 9.1800e-003 | 8.4500e-003 | 9.1800e-003 | 8.4500e-003 | 0.0000 | 36.0484 | 36.0484 | 0.0117 | 0.0000 | 36.3398 |
| Paving       | 3.2800e-003 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Total        | 0.0219 | 0.1835 | 0.2625 | 4.1000e-004 | 9.1800e-003 | 9.1800e-003 | 8.4500e-003 | 8.4500e-003 | 0.0000 | 36.0484 | 36.0484 | 0.0117 | 0.0000 | 36.3398 |
### 3.6 Paving - 2023

#### Unmitigated Construction Off-Site

| Category    | ROG   | NOx    | CO     | SO2    | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4    | N2O    | CO2e    |
|-------------|-------|--------|--------|--------|--------------|--------------|------------|----------------|----------------|------------|----------|--------|----------|----------|--------|--------|---------|--------|
| Hauling     | 0.0000| 0.0000 | 0.0000 | 0.0000 | 0.0000       | 0.0000       | 0.0000     | 0.0000         | 0.0000         | 0.0000     | 0.0000   | 0.0000 | 0.0000   | 0.0000   | 0.0000 | 0.0000 | 0.0000 |
| Vendor      | 0.0000| 0.0000 | 0.0000 | 0.0000 | 0.0000       | 0.0000       | 0.0000     | 0.0000         | 0.0000         | 0.0000     | 0.0000   | 0.0000 | 0.0000   | 0.0000   | 0.0000 | 0.0000 | 0.0000 |
| Worker      | 9.9000e-004 | 6.8000e-004 | 8.0100e-003 | 3.0000e-005 | 2.9600e-003 | 2.0000e-005 | 2.9800e-003 | 7.9000e-004 | 2.0000e-005 | 8.1000e-004 | 0.0000     | 2.3950   | 2.3950   | 6.0000e-005 | 0.0000   | 2.3964 |
| **Total**   | 9.9000e-004 | 6.8000e-004 | 8.0100e-003 | 3.0000e-005 | 2.9600e-003 | 2.0000e-005 | 2.9800e-003 | 7.9000e-004 | 2.0000e-005 | 8.1000e-004 | 0.0000     | 2.3950   | 2.3950   | 6.0000e-005 | 0.0000   | 2.3964 |

#### Mitigated Construction On-Site

| Category    | ROG   | NOx    | CO     | SO2    | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4    | N2O    | CO2e    |
|-------------|-------|--------|--------|--------|--------------|--------------|------------|----------------|----------------|------------|----------|--------|----------|----------|--------|--------|---------|--------|
| Off-Road    | 0.0186| 0.1835 | 0.2625 | 4.1000e-004 | 9.1800e-003 | 9.1800e-003 | 8.4500e-003 | 8.4500e-003     | 0.0000         | 36.0483   | 36.0483 | 0.0117 | 0.0000   | 36.3398 |
| Paving      | 3.2800e-005 | 0.0000 | 0.0000 | 0.0000       | 0.0000       | 0.0000       | 0.0000       | 0.0000         | 0.0000         | 0.0000     | 0.0000   | 0.0000 | 0.0000   | 0.0000   | 0.0000 | 0.0000 | 0.0000 |
| **Total**   | 0.0219| 0.1835 | 0.2625 | 4.1000e-004 | 9.1800e-003 | 9.1800e-003 | 8.4500e-003 | 8.4500e-003     | 0.0000         | 36.0483   | 36.0483 | 0.0117 | 0.0000   | 36.3398 |
### 3.6 Paving - 2023

**Mitigated Construction Off-Site**

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<th>SO2</th>
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<th>Exhaust PM10</th>
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<th>PM2.5 Total</th>
<th>Bio-CO2</th>
<th>NBio-CO2</th>
<th>Total CO2</th>
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<th>CO2e</th>
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### 3.7 Architectural Coating - 2023

**Unmitigated Construction On-Site**

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### 3.7 Architectural Coating - 2023

#### Unmitigated Construction Off-Site

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#### Mitigated Construction On-Site

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3.7 Architectural Coating - 2023

Mitigated Construction Off-Site

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4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Improve Pedestrian Network
### 4.2 Trip Summary Information

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### 4.3 Trip Type Information

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### 4.4 Fleet Mix

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5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24
Install High Efficiency Lighting
Install Energy Efficient Appliances
### 5.2 Energy by Land Use - Natural Gas

#### Unmitigated

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<td>0.0414</td>
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<td>3.7400e-003</td>
<td>3.7400e-003</td>
<td>3.7400e-003</td>
<td>3.7400e-003</td>
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<td>53.6100</td>
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<td>0.0000</td>
<td>0.0000</td>
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</tr>
<tr>
<td>Total</td>
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<td>0.0414</td>
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<td>3.7400e-003</td>
<td>3.7400e-003</td>
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<td>9.8000e-004</td>
<td>53.9286</td>
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#### Mitigated

<table>
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<tr>
<th>Land Use</th>
<th>NaturalGas Use</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>Fugitive PM10</th>
<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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<td>0.0375</td>
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<td>3.3900e-003</td>
<td>3.3900e-003</td>
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<td>48.5716</td>
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<tr>
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<td>0.0000</td>
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<tr>
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<td>3.3900e-003</td>
<td>3.3900e-003</td>
<td>3.3900e-003</td>
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<td>48.5716</td>
<td>9.3000e-004</td>
<td>8.9000e-004</td>
<td>48.8603</td>
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### 5.3 Energy by Land Use - Electricity

#### Unmitigated

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<tr>
<th>Land Use</th>
<th>Electricity Use kWh/yr</th>
<th>Total CO2 MT/yr</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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</thead>
<tbody>
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<td>General Office Building</td>
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#### Mitigated

<table>
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<th>Electricity Use kWh/yr</th>
<th>Total CO2 MT/yr</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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</table>

### 6.0 Area Detail

#### 6.1 Mitigation Measures Area
### 6.2 Area by SubCategory

#### Unmitigated

| SubCategory       | ROG    | NOx   | CO    | SO2   | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2   | NBio- CO2 | Total CO2 | CH4    | N2O    | CO2e   |
|-------------------|--------|-------|-------|-------|---------------|--------------|------------|----------------|---------------|------------|------------|-----------|-----------|-----------|--------|--------|--------|
| Architectural Coating | 0.0524 |       |       |       |               |              |            |                 |               |            |            |           |           |           |        |        |        |
| Consumer Products  | 0.4040 |       |       |       |               |              |            |                 |               |            |            |           |           |           |        |        |        |
| Landscaping        | 4.4000e-004 | 4.0000e-005 | 4.7500e-003 | 0.0000 | 2.0000e-005 | 2.0000e-005 | 2.0000e-005 | 2.0000e-005 | 2.0000e-005 | 2.0000e-005 | 0.0000 | 9.2300e-003 | 9.2300e-003 | 2.0000e-005 | 0.0000 | 9.8400e-003 |
| Total              | 0.4568 | 4.0000e-005 | 4.7500e-003 | 0.0000 | 2.0000e-005 | 2.0000e-005 | 2.0000e-005 | 2.0000e-005 | 2.0000e-005 | 2.0000e-005 | 0.0000 | 9.2300e-003 | 9.2300e-003 | 2.0000e-005 | 0.0000 | 9.8400e-003 |
6.2 Area by SubCategory

Mitigated

<table>
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<tr>
<th>SubCategory</th>
<th>CO</th>
<th>NOx</th>
<th>SO2</th>
<th>Fugitive PM10</th>
<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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7.0 Water Detail

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet
Install Low Flow Kitchen Faucet
Install Low Flow Toilet
<table>
<thead>
<tr>
<th>Category</th>
<th>Total CO2</th>
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<th>CO2e</th>
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</thead>
<tbody>
<tr>
<td>Mitigated</td>
<td>116.0153</td>
<td>0.5418</td>
<td>0.0136</td>
<td>133.6229</td>
</tr>
<tr>
<td>Unmitigated</td>
<td>129.6251</td>
<td>0.6416</td>
<td>0.0161</td>
<td>150.4592</td>
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</tbody>
</table>

### 7.2 Water by Land Use

**Unmitigated**

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<th>CO2e</th>
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<td>129.6251</td>
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<td>0.0161</td>
<td>150.4592</td>
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<tr>
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<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>129.6251</td>
<td>0.6416</td>
<td>0.0161</td>
<td>150.4592</td>
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</table>
7.2 Water by Land Use

Mitigated

<table>
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<th>Land Use</th>
<th>Indoor/Outdoor Use</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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</thead>
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<td>0.0136</td>
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</tr>
<tr>
<td>Parking Lot</td>
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<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
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<tr>
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<td>0.0136</td>
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8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services
### Category/Year

<table>
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<tr>
<th></th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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</thead>
<tbody>
<tr>
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<td>0.0000</td>
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<tr>
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### 8.2 Waste by Land Use

#### Unmitigated

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<th>Land Use</th>
<th>Waste Disposed</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
</tr>
<tr>
<td>Total</td>
<td>20.7497</td>
<td>1.2263</td>
<td>0.0000</td>
<td>51.4066</td>
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</table>
8.2 Waste by Land Use

Mitigated

<table>
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<th>Land Use</th>
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<th>CO2e</th>
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<tr>
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<td>0.9197</td>
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9.0 Operational Offroad

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

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<tr>
<th>Equipment Type</th>
<th>Number</th>
<th>Hours/Day</th>
<th>Hours/Year</th>
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<th>Load Factor</th>
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Boilers

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<th>Heat Input/Year</th>
<th>Boiler Rating</th>
<th>Fuel Type</th>
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User Defined Equipment

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<th>Number</th>
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11.0 Vegetation
1.0 Project Characteristics

1.1 Land Usage

<table>
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<tr>
<th>Land Uses</th>
<th>Size</th>
<th>Metric</th>
<th>Lot Acreage</th>
<th>Floor Surface Area</th>
<th>Population</th>
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<tr>
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1.2 Other Project Characteristics

<table>
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<tr>
<th>Urbanization</th>
<th>Wind Speed (m/s)</th>
<th>Precipitation Freq (Days)</th>
<th>Climate Zone</th>
<th>Operational Year</th>
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<td>2023</td>
<td>Southern California Edison</td>
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<table>
<thead>
<tr>
<th>CO2 Intensity (lb/MWhr)</th>
<th>CH4 Intensity (lb/MWhr)</th>
<th>N2O Intensity (lb/MWhr)</th>
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<td>702.44</td>
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</table>

1.3 User Entered Comments & Non-Default Data
Project Characteristics - Construction is anticipated to begin in January 2021 and be completed in May 2023.

Land Use - Project site is approximately 5.0 acres

Construction Phase - Construction is anticipated to begin in January 2021 and be completed in May 2023.

Demolition - The project includes demolition of five industrial warehouse buildings on site.

Vehicle Trips - Project would not increase vehicle trips

Energy Use -

Construction Off-road Equipment Mitigation - Compliance with SCAQMD Rule 403

Mobile Land Use Mitigation -

Energy Mitigation - The building will be designed to achieve United States Green Building Council Leadership in Energy and Environmental Design (LEED) Platinum Certification.

Water Mitigation -

Waste Mitigation - The CalRecycle Waste Diversion and Recycling Mandate will reduce solid waste production by 25 percent.
<table>
<thead>
<tr>
<th>Table Name</th>
<th>Column Name</th>
<th>Default Value</th>
<th>New Value</th>
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2.0 Emissions Summary
### 2.1 Overall Construction (Maximum Daily Emission)

#### Unmitigated Construction

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<th>ROG lb/day</th>
<th>NOx lb/day</th>
<th>CO  lb/day</th>
<th>SO2 lb/day</th>
<th>Fugitive PM10 lb/day</th>
<th>Exhaust PM10 lb/day</th>
<th>PM10 Total lb/day</th>
<th>Fugitive PM2.5 lb/day</th>
<th>Exhaust PM2.5 lb/day</th>
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<th>Bio- CO2 lb/day</th>
<th>NBio-CO2 lb/day</th>
<th>Total CO2 lb/day</th>
<th>CH4 lb/day</th>
<th>N2O lb/day</th>
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#### Mitigated Construction

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<th>NBio-CO2 lb/day</th>
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## 2.2 Overall Operational

### Unmitigated Operational

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### Mitigated Operational

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3.0 Construction Detail

### Construction Phase

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<th>Num Days</th>
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**Acres of Grading (Site Preparation Phase): 0**

**Acres of Grading (Grading Phase): 4**

**Acres of Paving: 2.5**

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 164,871; Non-Residential Outdoor: 54,957; Striped Parking Area: 6,288

(Architectural Coating – sqft)

**OffRoad Equipment**
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Trips and VMT
### 3.1 Mitigation Measures Construction

**Water Exposed Area**
- Reduce Vehicle Speed on Unpaved Roads

### 3.2 Demolition - 2021

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#### 3.2.1 Fugitive Dust

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<td>1.5513</td>
<td>1.4411</td>
<td>1.4411</td>
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</tr>
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| Total               | 3.1651 | 31.4407 | 21.5650 | 0.0388 | 1.5513 | 4.3506 | 1.4411 | 1.8649 | 3,747.944 | 9 |
|                     |        |        |        |        |        |        |        |        | 3,774.944 | 9 |
|                     |        |        |        |        |        |        |        |        | 1.0549    | 4 |
|                     |        |        |        |        |        |        |        |        | 3,774.317 | 4 |
### 3.2 Demolition - 2021

#### Unmitigated Construction Off-Site

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<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
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<th>NBio- CO2</th>
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#### Mitigated Construction On-Site

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<th>Exhaust PM10</th>
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<th>PM2.5 Total</th>
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<th>CH4</th>
<th>N2O</th>
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<td>Off-Road</td>
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<td>1.4411</td>
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### 3.2 Demolition - 2021

**Mitigated Construction Off-Site**

| Category       | ROG  | NOx  | CO   | SO2  | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4    | N2O   | CO2e   |
|----------------|------|------|------|------|----------------|--------------|------------|----------------|--------------|------------|----------|----------|----------|----------|--------|-------|--------|
| **Hauling**    | 0.0938 | 3.2699 | 0.6922 | 9.9100e-03 | 0.2259 | 0.0101 | 0.2360 | 0.0619 | 9.7000e-03 | 0.0716 | 1,072.179 | 9.0715 | 1,073.968 |
| **Vendor**     | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Worker**     | 0.0633 | 0.0411 | 0.5651 | 1.6700e-03 | 0.1677 | 1.2300e-03 | 0.1689 | 0.0445 | 1.1400e-03 | 0.0456 | 166.1105 | 166.1105 | 4.4700e-03 | 166.2222 |
| **Total**      | 0.1571 | 3.3110 | 1.2573 | 0.0116 | 0.3935 | 0.0114 | 0.4049 | 0.1064 | 0.0108 | 0.1172 | 1,238.290 | 4.1238.290 | 0.0760 | 1,240.190 |

### 3.3 Site Preparation - 2021

**Unmitigated Construction On-Site**

| Category       | ROG  | NOx  | CO   | SO2  | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4    | N2O   | CO2e   |
|----------------|------|------|------|------|----------------|--------------|------------|----------------|--------------|------------|----------|----------|----------|----------|--------|-------|--------|
| **Fugitive Dust** | 18.0663 | 0.0000 | 18.0663 | 9.9307 | 0.0000 | 9.9307 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Off-Road**    | 3.8882 | 40.4971 | 21.1543 | 0.0380 | 2.0445 | 2.0445 | 1.8809 | 1.8809 | 3.685.656 | 9 | 3.685.656 | 9 | 1.1920 | 3,715.457 |
### 3.3 Site Preparation - 2021

#### Unmitigated Construction Off-Site

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<th>CO2e</th>
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#### Mitigated Construction On-Site

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CalEEMod Version: CalEEMod.2016.3.2
Page 13 of 32
Date: 11/21/2019 2:20 PM

OCSD Headquarters Complex, Site and Security, and Entrance Realignment Program - South Coast AQMD Air District, Summer
### 3.3 Site Preparation - 2021
**Mitigated Construction Off-Site**

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<th>Exhaust PM10</th>
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### 3.4 Grading - 2021
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### Unmitigated Construction Off-Site

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### 3.5 Building Construction - 2021

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### 3.5 Building Construction - 2021

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### 3.5 Building Construction - 2022

#### Unmitigated Construction Off-Site

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### 3.5 Building Construction - 2022

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### 3.5 Building Construction - 2023

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#### Mitigated Construction On-Site

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| Total      | 1.5728 | 14.3849 | 16.2440 | 0.0269 | 0.6997        | 0.6997       | 0.6584     | 0.6584         | 0.6584      | 2,555.209 | 2,555.209 | 0.6079    | 2,570.406 |     |     |
### 3.5 Building Construction - 2023

#### Mitigated Construction Off-Site

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### 3.6 Paving - 2023

#### Unmitigated Construction On-Site

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### 3.6 Paving - 2023

#### Unmitigated Construction Off-Site

| Category   | ROG  | NOx   | CO    | SO2   | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2  | NBio- CO2 | Total CO2 | CH4    | N2O | CO2e |
|------------|------|-------|-------|-------|---------------|--------------|------------|----------------|--------------|------------|------------|-----------|----------|----------|-------|------|------|
| Hauling    | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000       | 0.0000       | 0.0000     | 0.0000         | 0.0000       | 0.0000     | 0.0000    | 0.0000    | 0.0000    |        |      |      |
| Vendor     | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000       | 0.0000       | 0.0000     | 0.0000         | 0.0000       | 0.0000     | 0.0000    | 0.0000    | 0.0000    |        |      |      |
| Worker     | 0.0558 | 0.0336 | 0.4825 | 0.1677 | 1.1700e-003 | 1.1700e-003 | 0.1688     | 0.0445         | 1.0800e-003 | 0.0455     | 154.1895 | 154.1895 | 3.6400e-003 | 154.2806 |        |      |      |
| Total      | 0.0558 | 0.0336 | 0.4825 | 1.5500e-003 | 0.1677 | 1.1700e-003 | 0.1688     | 0.0445         | 1.0800e-003 | 0.0455     | 154.1895 | 154.1895 | 3.6400e-003 | 154.2806 |        |      |      |

#### Mitigated Construction On-Site

| Category | ROG  | NOx   | CO    | SO2   | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2  | NBio- CO2 | Total CO2 | CH4    | N2O | CO2e |
|----------|------|-------|-------|-------|---------------|--------------|------------|----------------|--------------|------------|------------|-----------|----------|----------|-------|------|------|
| Off-Road | 1.0327 | 10.1917 | 14.5842 | 0.0228 | 0.5102       | 0.5102       | 0.4694     | 0.4694         | 0.0000       | 2,207.584  | 2,207.584  | 0.7140    | 2,225.433 |        |      |      |
| Paving   | 0.1819 |       |       |       | 0.0000       | 0.0000       | 0.0000     | 0.0000         | 0.0000       | 0.0000     | 0.0000    | 0.0000    | 0.0000    |        |      |      |
| Total    | 1.2147 | 10.1917 | 14.5842 | 0.0228 | 0.5102       | 0.5102       | 0.4694     | 0.4694         | 0.0000       | 2,207.584  | 2,207.584  | 0.7140    | 2,225.433 |        |      |      |
### 3.6 Paving - 2023

**Mitigated Construction Off-Site**

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### 3.7 Architectural Coating - 2023

**Unmitigated Construction On-Site**

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</table>
3.7 Architectural Coating - 2023
Mitigated Construction Off-Site

| Category      | ROG  | NOx  | CO   | SO2  | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4  | N2O | CO2e |
|---------------|------|------|------|------|---------------|--------------|------------|---------------|--------------|------------|----------|----------|----------|----------|------|-----|------|
| Hauling       | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000         | 0.0000       | 0.0000     | 0.0000         | 0.0000       | 0.0000     | 0.0000   | 0.0000   | 0.0000   | 0.0000 |     |      |
| Vendor        | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000         | 0.0000       | 0.0000     | 0.0000         | 0.0000       | 0.0000     | 0.0000   | 0.0000   | 0.0000   | 0.0000 |     |      |
| Worker        | 0.0596 | 0.0358 | 0.5147 | 1.6500e-003 | 0.1788         | 1.2500e-003  | 0.1801     | 0.0474         | 1.1500e-003  | 0.0486     | 164.4688 | 164.4688 | 3.8800e-003 | 164.5659 |
| Total         | 0.0596 | 0.0358 | 0.5147 | 1.6500e-003 | 0.1788         | 1.2500e-003  | 0.1801     | 0.0474         | 1.1500e-003  | 0.0486     | 164.4688 | 164.4688 | 3.8800e-003 | 164.5659 |

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Improve Pedestrian Network
### 4.2 Trip Summary Information

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<thead>
<tr>
<th>Land Use</th>
<th>Average Daily Trip Rate</th>
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<td>Sunday</td>
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### 4.3 Trip Type Information

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<td>H-S or C-C</td>
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### 4.4 Fleet Mix

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<th>LDT2</th>
<th>MDV</th>
<th>LHD1</th>
<th>LHD2</th>
<th>MHD</th>
<th>HHD</th>
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<th>UBUS</th>
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<td>0.000868</td>
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</table>
### 5.0 Energy Detail

Historical Energy Use: N

#### 5.1 Mitigation Measures Energy

**Exceed Title 24**

- Install High Efficiency Lighting
- Install Energy Efficient Appliances

| Category                  | ROG | NOx    | CO     | SO2      | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2    | NBio- CO2   | Total CO2 | CH4 | N2O | CO2e |
|---------------------------|-----|--------|--------|----------|---------------|--------------|------------|----------------|---------------|------------|------------|------------|------------|-----------|-----|-----|------|
| NaturalGas Mitigated      | 0.0269 | 0.2445 | 0.2054 | 1.4700e-003 | 0.0186 | 0.0186 | 0.0186 | 0.0186 | 293.3756 | 293.3756 | 5.6200e-003 | 5.3800e-003 | 295.1190 |
| NaturalGas Unmitigated    | 0.0297 | 0.2698 | 0.2267 | 1.6200e-003 | 0.0205 | 0.0205 | 0.0205 | 0.0205 | 323.8079 | 323.8079 | 6.2100e-003 | 5.9400e-003 | 325.7321 |
### 5.2 Energy by Land Use - Natural Gas

#### Unmitigated

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<th>ROG</th>
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<th>CO</th>
<th>SO2</th>
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<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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#### Mitigated

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<th>CO</th>
<th>SO2</th>
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<th>Exhaust PM10</th>
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<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
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<th>CH4</th>
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### 6.0 Area Detail

#### 6.1 Mitigation Measures Area
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<th>PM2.5 Total</th>
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6.2 Area by SubCategory

Unmitigated

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<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
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<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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6.2 Area by SubCategory

Mitigated

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7.0 Water Detail

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet
Install Low Flow Kitchen Faucet
Install Low Flow Toilet

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

9.0 Operational Offroad
### 10.0 Stationary Equipment

#### Fire Pumps and Emergency Generators

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Number</th>
<th>Hours/Day</th>
<th>Days/Year</th>
<th>Horse Power</th>
<th>Load Factor</th>
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#### Boilers

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<th>Heat Input/Year</th>
<th>Boiler Rating</th>
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#### User Defined Equipment

<table>
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<th>Number</th>
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### 11.0 Vegetation
1.0 Project Characteristics

1.1 Land Usage

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<th>Metric</th>
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<th>Floor Surface Area</th>
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1.2 Other Project Characteristics

Urbanization: Urban  
Wind Speed (m/s): 2.2  
Precipitation Freq (Days): 31  
Climate Zone: 8  
Operational Year: 2023  
Utility Company: Southern California Edison

CO2 Intensity (lb/MWhr): 702.44  
CH4 Intensity (lb/MWhr): 0.029  
N2O Intensity (lb/MWhr): 0.006

1.3 User Entered Comments & Non-Default Data
Project Characteristics - Construction is anticipated to begin in January 2021 and be completed in May 2023.

Land Use - Project site is approximately 5.0 acres

Construction Phase - Construction is anticipated to begin in January 2021 and be completed in May 2023.

Demolition - The project includes demolition of five industrial warehouse buildings on site.

Vehicle Trips - Project would not increase vehicle trips

Energy Use -

Construction Off-road Equipment Mitigation - Compliance with SCAQMD Rule 403

Mobile Land Use Mitigation -

Energy Mitigation - The building will be designed to achieve United States Green Building Council Leadership in Energy and Environmental Design (LEED) Platinum Certification.

Water Mitigation -

Waste Mitigation - The CalRecycle Waste Diversion and Recycling Mandate will reduce solid waste production by 25 percent.
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<th>Column Name</th>
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2.0 Emissions Summary
### 2.1 Overall Construction (Maximum Daily Emission)

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### 2.2 Overall Operational

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3.0 Construction Detail

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**Acres of Grading (Site Preparation Phase):** 0

**Acres of Grading (Grading Phase):** 4

**Acres of Paving:** 2.5

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 164,871; Non-Residential Outdoor: 54,957; Striped Parking Area: 6,288 (Architectural Coating – sqft)

**OffRoad Equipment**
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**Trips and VMT**
3.1 Mitigation Measures Construction

Water Exposed Area
Reduce Vehicle Speed on Unpaved Roads

3.2 Demolition - 2021

Unmitigated Construction On-Site
### 3.2 Demolition - 2021

#### Unmitigated Construction Off-Site

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#### Mitigated Construction On-Site

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### Mitigated Construction On-Site

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### 3.3 Site Preparation - 2021

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**Mitigated Construction On-Site**

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### 3.4 Grading - 2021

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### 3.5 Building Construction - 2021

#### Unmitigated Construction On-Site

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<td>0.9586</td>
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<td>0.9013</td>
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### 3.5 Building Construction - 2021

#### Unmitigated Construction Off-Site

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#### Mitigated Construction On-Site

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<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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<tbody>
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### 3.5 Building Construction - 2021
#### Mitigated Construction Off-Site

| Category    | ROG | NOx | CO  | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio-CO2 | NBio-CO2 | Total CO2 | CH4 | N2O | CO2e |
|-------------|-----|-----|-----|-----|---------------|--------------|------------|---------------|--------------|------------|---------|--------|----------|--------|-----|-----|------|
| Hauling     | 0.00 | 0.00 | 0.00 | 0.00 | 0.00          | 0.00         | 0.00      | 0.00          | 0.00         | 0.00      | 0.00   | 0.00   | 0.00   | 0.00 | 0.00 | 0.00 |
| Vendor      | 0.10 | 3.33 | 0.33 | 0.00 | 0.22         | 0.94         | 0.23      | 0.06         | 0.63         | 0.07      | 2.95   | 0.06   | 3.01   | 0.08 | 0.02 | 0.31 |
| Worker      | 0.04 | 0.24 | 0.23 | 0.10 | 0.88        | 0.89        | 0.31      | 0.03         | 0.18        | 0.03      | 0.81   | 0.02   | 0.83   | 0.02 | 0.18 | 0.18 |
| Total       | 0.47 | 3.56 | 3.56 | 0.01 | 1.11        | 0.91        | 1.29      | 0.02          | 0.76        | 0.12      | 1.74   | 0.03   | 1.77   | 0.08 | 0.18 | 1.75 |

### 3.5 Building Construction - 2022
#### Unmitigated Construction On-Site

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### Unmitigated Construction Off-Site

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### Mitigated Construction On-Site

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<th>CH4</th>
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### 3.5 Building Construction - 2022

#### Mitigated Construction Off-Site

| Category  | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|-----------|-----|-----|----|-----|---------------|--------------|------------|---------------|--------------|------------|----------|--------|---------|----------|-----|-----|-----|
| Hauling   | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor    | 0.0962 | 3.1560 | 0.8382 | 8.5900e-003 | 0.2240 | 6.0200e-003 | 0.2300 | 0.0645 | 5.7500e-003 | 0.0702 | 917.6798 | 917.6798 | 0.0596 | 919.1697 |
| Worker    | 0.3427 | 0.2138 | 2.4685 | 7.9100e-003 | 0.8894 | 6.3100e-003 | 0.2342 | 0.6584 | 5.8100e-003 | 0.2400 | 788.8439 | 788.8439 | 0.0198 | 789.3389 |
| Total     | 0.4388 | 3.3698 | 3.3068 | 0.0165 | 1.1070 | 0.0123 | 1.1194 | 0.2987 | 0.0116 | 0.3102 | 1,706.523 | 1,706.523 | 0.0794 | 1,708.508 |

### 3.5 Building Construction - 2023

#### Unmitigated Construction On-Site

| Category  | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|-----------|-----|-----|----|-----|---------------|--------------|------------|---------------|--------------|------------|----------|--------|---------|----------|-----|-----|-----|
| Off-Road  | 1.5728 | 14.3849 | 16.2440 | 0.0269 | 0.6997 | 0.6997 | 0.6584 | 0.6584 | 2,555.209 | 2,555.209 | 0.6079 | 2,570.406 |
| Total     | 1.5728 | 14.3849 | 16.2440 | 0.0269 | 0.6997 | 0.6997 | 0.6584 | 0.6584 | 2,555.209 | 2,555.209 | 0.6079 | 2,570.406 |
### 3.5 Building Construction - 2023

#### Unmitigated Construction Off-Site

| Category | ROG  | NOx  | CO   | SO2  | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio-CO2 | NBio-CO2 | Total CO2 | CH4  | N2O | CO2e |
|----------|------|------|------|------|---------------|--------------|------------|---------------|--------------|------------|----------|---------|----------|----------|------|-----|------|
| Hauling  | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000        | 0.0000       | 0.0000    | 0.0000        | 0.0000       | 0.0000    | 0.0000  | 0.0000  | 0.0000  | 0.0000 |     |      |
| Vendor   | 0.0718 | 2.3802 | 0.7412 | 8.3200e-003 | 0.2240        | 2.8200e-003 | 0.2288     | 0.0645        | 2.7000e-003 | 0.0672    | 890.2658 | 890.2658 | 0.0516  | 891.5558 |     |      |
| Worker   | 0.3232 | 0.1934 | 2.2752 | 7.6200e-003 | 0.8830        | 6.1500e-003 | 0.8892     | 0.2342        | 5.6600e-003 | 0.2399    | 759.4242 | 759.4242 | 0.0178  | 759.8702 |     |      |
| Total    | 0.3949 | 2.5735 | 3.0164 | 9.9700e-003 | 1.1100        | 8.3600e-003 | 1.1160     | 0.2987        | 8.9700e-003 | 0.3070    | 1,649.690 | 1,649.690 | 0.0694  | 1,651.426 |     |      |

#### Mitigated Construction On-Site

| Category | ROG  | NOx  | CO   | SO2  | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio-CO2 | NBio-CO2 | Total CO2 | CH4  | N2O | CO2e |
|----------|------|------|------|------|---------------|--------------|------------|---------------|--------------|------------|----------|---------|----------|----------|------|-----|------|
| Off-Road | 1.5728 | 14.3849 | 16.2440 | 0.0269 | 0.6997        | 0.6997       | 0.6584    | 0.6584        | 0.6584       | 0.0000    | 2,555.209 | 2,555.209 | 0.6079  | 2,570.406 |     |      |
| Total    | 1.5728 | 14.3849 | 16.2440 | 0.0269 | 0.6997        | 0.6997       | 0.6584    | 0.6584        | 0.6584       | 0.0000    | 2,555.209 | 2,555.209 | 0.6079  | 2,570.406 |     |      |
### 3.5 Building Construction - 2023

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### 3.6 Paving - 2023

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### 3.6 Paving - 2023

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#### Mitigated Construction On-Site

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## 3.6 Paving - 2023

### Mitigated Construction Off-Site

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## 3.7 Architectural Coating - 2023

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### 3.7 Architectural Coating - 2023

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#### Mitigated Construction On-Site

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### 3.7 Architectural Coating - 2023

**Mitigated Construction Off-Site**

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<td>153.8074</td>
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### 4.0 Operational Detail - Mobile

#### 4.1 Mitigation Measures Mobile

Improve Pedestrian Network
### 4.2 Trip Summary Information

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Average Daily Trip Rate</th>
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<th>Mitigated</th>
</tr>
</thead>
<tbody>
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<td></td>
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<td>Sunday</td>
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<tr>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
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### 4.3 Trip Type Information

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<th>Trip Purpose %</th>
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<tbody>
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<td></td>
<td>H-W or C-W</td>
<td>H-S or C-C</td>
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### 4.4 Fleet Mix

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<th>LDT2</th>
<th>MDV</th>
<th>LHD1</th>
<th>LHD2</th>
<th>MHD</th>
<th>HHD</th>
<th>OBUS</th>
<th>UBUS</th>
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<tbody>
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<td>0.202457</td>
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<td>0.005825</td>
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<td>0.001780</td>
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<td>0.000868</td>
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<tr>
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<td>0.042593</td>
<td>0.202457</td>
<td>0.116946</td>
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<td>0.005825</td>
<td>0.021699</td>
<td>0.034933</td>
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<td>0.001780</td>
<td>0.004876</td>
<td>0.000710</td>
<td>0.000868</td>
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</table>
### 5.0 Energy Detail

Historical Energy Use: N

#### 5.1 Mitigation Measures Energy

Exceed Title 24  
Install High Efficiency Lighting  
Install Energy Efficient Appliances

---

<table>
<thead>
<tr>
<th>Category</th>
<th>ROG (lb/day)</th>
<th>NOx (lb/day)</th>
<th>CO (lb/day)</th>
<th>SO2 (lb/day)</th>
<th>Fugitive PM10</th>
<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2 (lb/day)</th>
<th>NBio- CO2 (lb/day)</th>
<th>Total CO2 (lb/day)</th>
<th>CH4 (lb/day)</th>
<th>N2O (lb/day)</th>
<th>CO2e (lb/day)</th>
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</thead>
<tbody>
<tr>
<td>Natural Gas Mitigated</td>
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</tr>
<tr>
<td>Natural Gas Unmitigated</td>
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<td>0.2698</td>
<td>0.2267</td>
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</table>
## 5.2 Energy by Land Use - Natural Gas

### Unmitigated

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<tr>
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<th>NaturalGas Use</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
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<th>PM2.5 Total</th>
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<th>Total CO2</th>
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<tbody>
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<tr>
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### Mitigated

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<th>SO2</th>
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<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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## 6.0 Area Detail

### 6.1 Mitigation Measures Area
### 6.2 Area by SubCategory

**Unmitigated**

<table>
<thead>
<tr>
<th>SubCategory</th>
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<th>SO2</th>
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<th>Exhaust PM10</th>
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<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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<tbody>
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### 6.2 Area by SubCategory

**Mitigated**

<table>
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<th>SO2</th>
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<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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<tr>
<td>Consumer Products</td>
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</table>

### 7.0 Water Detail

#### 7.1 Mitigation Measures Water

- Install Low Flow Bathroom Faucet
- Install Low Flow Kitchen Faucet
- Install Low Flow Toilet

### 8.0 Waste Detail

#### 8.1 Mitigation Measures Waste

- Institute Recycling and Composting Services

### 9.0 Operational Offroad
### 10.0 Stationary Equipment

#### Fire Pumps and Emergency Generators

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Number</th>
<th>Hours/Day</th>
<th>Hours/Year</th>
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<th>Load Factor</th>
<th>Fuel Type</th>
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</thead>
</table>

#### Boilers

<table>
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<th>Heat Input/Year</th>
<th>Boiler Rating</th>
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</table>

#### User Defined Equipment

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Number</th>
</tr>
</thead>
</table>

### 11.0 Vegetation
APPENDIX B

SUMMARY OF MITIGATION MEASURES
B.1 AESTHETICS

The Specific Plan EIR does not include mitigation related to aesthetics. No mitigation would be required for the proposed Project.

B.2 AGRICULTURE AND FORESTRY RESOURCES

The Specific Plan EIR does not include mitigation related to agricultural and forestry resources. No mitigation would be required for the proposed Project.

B.3 AIR QUALITY

Based on the analysis and information contained in the Initial Study/Addendum, Mitigation Measures MM AQ-5a, MM AQ-5b, and MM AQ-5d through MM AQ-5f included in the Specific Plan EIR would not be applicable to the proposed Project because the proposed Project would not include new sensitive receptors within 500 ft of the I-405 freeway, would not include any distribution center, rail yard, refinery, chrome plater, dry cleaning operation, or gas station uses, and would not impact any existing off-site sensitive receptors to TACs associated with the proposed Project.

Based on the analysis contained in the Initial Study/Addendum, Mitigation Measure MM AQ-5c, included in the Specific Plan EIR, would be applicable to the proposed Project. No additional mitigation measures related to air quality beyond those identified in the Specific Plan EIR are required.

**MM AQ-5c Placement of Air System Intake.** When considering placement and direction of air intakes, the direction of prevailing winds shall be considered and the most logical decision shall be made. Design of the proposed development shall face air systems intakes appropriately, so as to reduce highly concentrated air pollution intake, considering placement on the opposite side of the building from the pollutant source. Development and HVAC system design shall be reviewed and approved by the City Planning and Building Department prior to issuance of a building permit. Monitoring and maintenance of HVAC systems and air intakes shall be conducted by the Applicant on a semiannual basis to ensure efficiency of the systems for development permits involving land uses that include or potentially affect sensitive populations.

B.4 BIOLOGICAL RESOURCES

The Specific Plan EIR does not include mitigation related to biological resources. No mitigation would be required for the proposed Project.

B.5 CULTURAL RESOURCES

The Specific Plan EIR does not include mitigation related to cultural resources. No mitigation would be required for the proposed Project.
B.6 ENERGY CONSERVATION

The Specific Plan EIR does not include mitigation related to energy conservation. No mitigation would be required for the proposed Project.

B.7 GEOLOGY AND SOILS

The Specific Plan EIR does not include mitigation related to geology and soils. No mitigation would be required for the proposed Project.

B.8 GREENHOUSE GAS EMISSIONS

The Specific Plan EIR does not include mitigation related to GHG emissions. No mitigation would be required for the proposed Project.

B.9 HAZARDS AND HAZARDOUS MATERIALS

Based on the analysis contained in the Initial Study/Addendum, Mitigation Measure MM HAZ-1 included in the Specific Plan EIR, would be applicable to the proposed Project. No additional mitigation measures related to hazards and hazardous materials beyond those identified in the Specific Plan EIR are required.

MM HAZ-1 Phase I ESA. Prior to demolition of a building or structure and/or excavation of subsurface improvements, project applicants of site specific development projects in the Project area shall prepare a Phase I ESA. Consistent with local, state and federal regulations, the Phase I ESA shall be subject to City review and address the following:

- **ACM, LBP, and PCBs.** Prior to the issuance of any demolition or excavation permit, the Applicant shall conduct a comprehensive survey of ACM, LBP, and PCBs. If such hazardous materials are found to be present, the Applicant shall follow all applicable local, state, and federal codes and regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of ACM, LBP, and PCBs to ensure public safety.

- **Potential On-Site Hazardous Materials or Conditions.** A visual survey and reconnaissance-level investigation of the existing site shall be conducted to determine if there are any structures or features within or near the buildings that are used to store, contain, or dispose of hazardous materials or waste. For any development within the Project area that has not been subject to a Phase I ESA or successful remediation efforts in the past, a Phase I ESA shall be performed to determine the likelihood of contaminants in areas beyond what has already been assessed in accordance with USEPA ASTM Practice E 1527-05 as may be amended. If the Phase I ESA finds that contaminated soil or other hazardous materials or waste are suspected to be present within the area, the Applicant shall follow all applicable local, state and federal codes and...
regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of each hazardous material or waste.

**B.10 HYDROLOGY AND WATER QUALITY**

The Specific Plan EIR does not include mitigation related to hydrology and water quality. No mitigation would be required for the proposed Project.

**B.11 LAND USE AND PLANNING**

Based on the analysis and information contained in the Initial Study/Addendum, Specific Plan EIR Mitigation Measures MM N-1, MM T-1, MM T-2a through b, and MM T-7a (refer to Noise and Transportation/Traffic, below) would be applicable to the proposed Project.

**B.12 MINERAL RESOURCES**

The Specific Plan EIR does not include mitigation related to mineral resources. No mitigation would be required for the proposed Project.

**B.13 NOISE**

Based on the analysis and information contained in the Initial Study/Addendum, Mitigation Measure MM N-1 included in the Specific Plan EIR would be applicable to the proposed Project.

**MM N-1 Construction Noise Management Plan.** A Construction Noise Management Plan shall be prepared by the Applicant and approved by the City prior to Grading Permit issuance. The Plan would address noise and vibration impacts and outline measures that would be used to reduce impacts. Measures would include but not be limited to:

- To the extent that they exceed the applicable construction noise limits, excavation, foundation-laying, and conditioning activities shall be restricted to between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, and 9:00 a.m. and 8:00 p.m. Saturdays, in accordance with Section 6.28.070 of the Fountain Valley Municipal Code.

- The Applicant’s construction contracts shall require implementation of the following construction best management practices (BMPs) by all construction contractors and subcontractors working in or around the Project area to reduce construction noise levels:
  - The Applicant and its contractors and subcontractors shall ensure that all construction equipment, fixed or mobile, is properly muffled according to manufacturer’s specifications or as required by the City’s Building and Safety Division, whichever is the more stringent.
  - The Applicant and its contractors and subcontractors shall place noise-generating construction equipment and locate construction staging areas
away from sensitive uses, where feasible, to the satisfaction of the Building and Safety Division.

- The Applicant and its contractors and subcontractors shall implement noise attenuation measures which may include, but are not limited to, noise barriers or noise blankets to the satisfaction of the City’s Building and Safety Division.

- The Applicant’s contracts with its construction contractors and subcontractors shall include the requirement that construction staging areas, construction worker parking, and the operation of earthmoving equipment within the Project area, are located as far away from vibration- and noise-sensitive sites as possible. Contract provisions incorporating the above requirements shall be included as part of the Project’s construction documents, which shall be reviewed and approved by the City.

- The Applicant shall require by contract specifications that heavily loaded trucks used during construction shall be routed away from residential streets to the extent possible. Contract specifications shall be included in the proposed Project’s construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

- Property owners and occupants located within 500 feet of the boundary of a construction project occurring under the Specific Plan shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the Project. A sign, legible at a distance of 50 feet, shall be posted at the construction site. All notices and signs shall be reviewed and approved by the City prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.

**B.14 POPULATION AND HOUSING**

The Specific Plan EIR does not include mitigation related to population and housing. No mitigation would be required for the proposed Project.

**B.15 PUBLIC SERVICES**

The Specific Plan EIR does not include mitigation related to public services. No mitigation would be required for the proposed Project.

**B.16 RECREATION**

The Specific Plan EIR does not include mitigation related to recreation. No mitigation would be required for the proposed Project.
B.17 TRANSPORTATION/TRAFFIC

Based on the analysis and information contained in the Initial Study/Addendum, Mitigation Measure MM T-1 would be applicable to the proposed Project. No additional mitigation measures related to transportation/traffic beyond those identified in the Specific Plan EIR are required.

MM T-1  Construction Impact Mitigation Plan. Future development occurring under the proposed Fountain Valley Crossings Specific Plan shall be required to prepare a Construction Impact Mitigation Plan for review and approval prior to issuance of a grading or building permit to address and manage traffic during construction and shall be designed to:

- Prevent traffic impacts on the surrounding roadway network;
- Minimize parking impacts both to public parking and access to private parking to the greatest extent practicable;
- Ensure safety for both those constructing the project and the surrounding community; and
- Prevent substantial truck traffic through residential neighborhoods.

The Construction Impact Mitigation Plan shall be subject to review and approval by the following City departments: Planning & Building, Public Works, and Police to ensure that the Construction Impact Mitigation Plan has been designed in accordance with this mitigation measure. Additionally, the plan shall be prepared and implemented in coordination with any affected agencies such as OCTA and Caltrans. The review of the plan shall occur prior to issuance of grading or building permits. It shall, at a minimum, include the following:

Ongoing Requirements throughout the Duration of Construction

- A detailed Construction Impact Mitigation Plan for work zones shall be maintained. At a minimum, this shall include parking and travel lane configurations; warning, regulatory, guide, and directional signage; and area sidewalks, bicycle lanes, and parking lanes. The Construction Impact Mitigation Plan shall include specific information regarding the project’s construction activities that may disrupt normal pedestrian and traffic flow and the measures to address these disruptions. Such plans shall be reviewed and approved by the Planning & Building and Public Works Departments prior to commencement of construction and implemented in accordance with this approval.

- Work within the public right-of-way, deliveries, haul trips, and construction employee trips shall be performed during off-peak vehicular traffic hours. No construction work would be permitted on Sundays and national holidays that City offices are closed. Construction work includes, but is not limited to dirt and
demolition material hauling and construction material delivery. Work within the public right-of-way outside of these hours shall only be allowed after the issuance of an after-hours construction permit. Exceptions may be made for time sensitive construction activities (e.g., pouring concrete).

- “Flagger” construction personnel shall be required at construction site entrances.
- The closure of major arterials shall be limited to non-peak vehicular traffic hours only.
- Streets and equipment shall be cleaned in accordance with established Public Works requirements.
- Trucks shall only travel on a City-approved truck routes. Limited queuing may occur on the construction site itself.
- Materials and equipment shall be minimally visible to the public; the preferred location for materials is to be on-site, with a minimum amount of materials within a work area in the public right-of-way, subject to a current Use of Public Property Permit.
- Any requests for work before or after normal construction hours within the public right-of-way shall be subject to review and approval through the After Hours Permit process administered by the Building and Safety Division.
- Provision of off-street parking for construction workers, which may include the use of a remote location with shuttle transport to the site, if determined necessary by the City.
- The Construction Impact Mitigation Plan shall ensure adequate emergency access is maintained throughout the duration of all construction activities. Consistent with the requirements and regulations of the MUTCD, adequate emergency access shall be ensured through measures such as coordination with local emergency services, training for flagmen for emergency vehicles traveling through the work zone, temporary lane separators that have sloping sides to facilitate crossover by emergency vehicles, and vehicle storage and staging areas for emergency vehicles.

Project Coordination Elements That Shall Be Implemented Prior to Commencement of Construction

- The traveling public shall be advised of impending construction activities which may substantially affect key roadways or other facilities (e.g., information signs, portable message signs, media listing/notification, Hotline number, and
implementation of an approved Construction Impact Mitigation Plan) in a manner appropriate to the scale and type of projects.

- A Use of Public Property Permit, Excavation Permit, Sewer Permit, or Oversize Load Permit, as well as any Caltrans permits required for any construction work requiring encroachment into public rights-of-way, detours, or any other work within the public right-of-way shall be obtained.

- Timely notification of construction schedules shall be provided to all affected agencies (e.g., Police Department, Fire Department, Public Works Department, and Community Development Department) and to all owners and residential and commercial tenants of property within a radius of 500 feet.

- Construction work shall be coordinated with affected agencies in advance of start of work. Approvals may take up to two weeks per each submittal.

- Planning & Building and Public Works Departments approval of any haul routes for earth, concrete, or construction materials and equipment hauling shall be obtained.

**B.18 TRIBAL CULTURAL RESOURCES**

Based on the analysis and information contained in the Initial Study/Addendum, Mitigation Measures MM TCR-1a, MM TCR-1b, and MM TCR-1c, included in the Specific Plan EIR, would be applicable to the proposed Project.

**MM TRC-1a  Pre-Construction Training.** For individual discretionary development projects, pre-construction training for construction personnel shall be conducted prior to commencement of any grading or other development activities. A qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (2008) and approved by the City, shall conduct tribal cultural resources identification and protocol training prior to site disturbance activities. Construction personnel shall be informed of the types of archaeological or tribal cultural resources that may be encountered, and of the proper protocols for agency notification. Construction personnel shall attend the training and shall retain documentation demonstrating attendance.

**MM TRC-1b  Inadvertent Discovery.** In the event of any inadvertent discovery of archaeological or tribal cultural resources during construction, ground-disturbing activities shall be suspended until an evaluation is performed. The Applicant shall retain a qualified registered professional archaeologist (RPA) and a qualified Native American Monitor selected by the City. The City’s selection of a Native American Monitor will be based on cultural affiliation with the Project area, which may include consultation with the NAHC. In the event of discovery, construction personnel shall notify the City, the RPA, and Native American Monitor. The RPA and Native American Monitor shall evaluate the significance of the discovery pursuant to the Treatment Plan.
procedures outlined in MM TCR-1c, below. Work shall not resume until authorization is received from the City. If human remains are found, in compliance with California Health and Safety Code Section 7050.5, all ground disturbances must cease and the County Coroner must be contacted to determine the nature of the remains. In the event the remains are determined to be Native American in origin by the Coroner, the Coroner is required to contact the NAHC within 24 hours to relinquish jurisdiction.

**MM TCR-1c Archaeological Data Recovery.** If cultural resources are encountered during development activities, the City shall implement a Cultural Resources Treatment Plan to address resource identification, significance evaluation, and any necessary mitigation. The Treatment Plan shall be prepared by a City-approved RPA and a City-approved Native American Monitor, and at a minimum shall include:

- A review of historic maps, photographs, and other pertinent documents to predict the locations of former buildings, structures, and other historical features and sensitive locations within and adjacent to the specific development area;

- A context for evaluating resources that may be encountered during construction;

- A research design outlining important prehistoric and historic-period themes and research questions relevant to the known or anticipated sites in the study area;

- Specific and well-defined criteria for evaluating the significance of discovered remains; and

- Data requirements and the appropriate field and laboratory methods and procedures to be used to treat the effects of the Project on significant resources.

The City, in its discretion and supported by substantial evidence, may also determine that resource is significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. If the RPA determines that the find may qualify for listing in the California Register, the site shall be avoided or the resource preserved in place, or if avoidance or preservation in place is not determined feasible, a data recovery plan shall be developed. The preferred mitigation shall be to avoid the resource or preserve in place. Any required testing or data recovery shall be directed by a qualified RPA and Native American Monitor prior to construction being resumed in the affected area. The Treatment Plan shall also include submission of a final technical report, funded by the developer and approved by the City.
B.19 UTILITIES AND SERVICE SYSTEMS

Based on the analysis and information contained in the Initial Study/Addendum, Mitigation Measure MM UT-3, included in the Specific Plan EIR, would be applicable to the proposed Project.

**MM UT-3  FVCSP Utility Infrastructure Financing Program.** The City shall ensure adequate financing for funding of infrastructure improvements to serve the FVCSP through implementation of the FVCSP Utility Infrastructure Financing Program, including preparation of an AB 1600 fee justification study, for the FVCSP area. The Financing Program shall be developed prior to the approval of the first entitlements for a development within the Project area, following adoption of the Project. All new development within the FVCSP shall be conditioned to be subject to payment of its fair share of any impact fees identified under this program. The City shall determine the costs of and establish a funding program for the following capital improvements to upgrade water and wastewater delivery as needed to serve the demands of new land uses anticipated to occur under the FVCSP.

The Program shall also:

a. Identify the cost of improvements to or replacement of undersized water and wastewater lines within the FVCSP area needed to serve the Project.

b. Clearly apportion existing and projected demand on these facilities and costs between existing users, the City, and proposed future development.

c. Identify potential funding mechanisms for sewer and water line construction, including the equitable sharing of costs between new development, the City and existing users, including development impact fees, grants, assessments, etc.

d. Identify development impact fees for all residential and non-residential development to ensure that development pays its fair share of public infrastructure costs.

e. Include a regular fee update schedule, consistent with the City’s Capital Improvement Program.

B.20 MANDATORY FINDINGS OF SIGNIFICANCE

No mitigation is required beyond measures specified above.
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RESOLUTION NO. 20-21

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION APPROVING VARIANCE NO. 332 FILED BY THE ORANGE COUNTY SANITATION DISTRICT (OCSD) TO DEViate FROM THE FRONitage COVERAGE REQUIREMENTS OF THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN (FVCSP) SECTION 2.4.6.B.1 ALONG PACIFIC STREET AND BANDILIER CIRCLE; TO DEViate FROM THE BUILD-TO-CORNER REQUIREMENT OF FVCSP SECTION 2.4.8.B FOR THE CORNER OF ELLIS AVENUE AND BANDILIER CIRCLE; TO DEViate FROM THE CURB Cuts AND DRIVEWAYS REQUIREMENT OF THE FVCSP SECTION 2.7.3.A.2.a ALONG PACIFIC STREET; TO DEViate FROM THE STREET FAÇADE BASE REQUIREMENT OF THE FVCSP SECTION 2.8.1.B.2.a.ii ALONG PACIFIC STREET, ELLIS AVENUE, AND BANDILIER CIRCLE; TO DEViate FROM THE STREET FAÇADE TOP REQUIREMENT OF THE FVCSP SECTION 2.8.1.B.3.a ALONG ELLIS AVENUE AND BANDILIER CIRCLE; AND TO DEViate FROM THE STREET FAÇADE WALL COMPOSITION REQUIREMENT OF THE FVCSP SECTION 2.8.1.B.4 ALONG BANDILIER CIRCLE FOR THE CONSTRUCTION OF A NEW 109,914 SQUARE FOOT HEADQUARTERS BUILDING LOCATED EAST OF BANDILIER CIRCLE, NORTH OF ELLIS AVENUE, AND WEST OF PACIFIC STREET.

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, the Environmental Impact Report (EIR) for the FVCSP was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at https://www.fountainvalley.org/1278/Fountain-Valley-Crossings.

WHEREAS, the Orange County Sanitation District (OCSD) has submitted an application for a 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street and for a pedestrian bridge to span Ellis Avenue (Project); and

WHEREAS, the Project necessitates the following entitlement applications and actions by various hearing bodies (Entitlements):

1. Lot Line Adjustment 19-01 – Per FVMC 21.76.040, Lot Line Adjustment 19-01 was approved by the City of Fountain Valley Subdivision Review Committee on September 12, 2019;
2. Lot Line Adjustment 19-02 – Per FVMC 21.76.040, Lot Line Adjustment 19-02 was approved by the City of Fountain Valley Subdivision Review Committee on November 21, 2019;
3. Development Plan Review 20-01 for the headquarters building, parking lot, and landscaping and Deviations to standards of the FVCSP for the maximum building length (a 2% deviation - 203’11 ¼” proposed instead of the maximum 200’), street façade composition (a 5.5% deviation – 18.9% window openings proposed instead of the minimum 20%), and parking requirements (a 5% deviation – 261 spaces proposed instead of the 275 required). Per Section 2.0.3.F of the FVCSP, these actions are to be considered by the Planning Director; however, given the
other Entitlements associated with the Project, the Planning Director’s actions are contingent upon Planning Commission and City Council actions on the Project;

4. Variance 332 for frontage coverage on Pacific Street, frontage coverage on Bandilier Circle, build-to-corner at Ellis Avenue and Bandilier Circle, curb cuts & driveways along Pacific Street, street façade base on Pacific Street, street façade base on Ellis Avenue, street façade base on Bandilier Circle, street façade top on Pacific Street, Bandilier Circle, and Ellis Avenue, and street façade wall composition on Bandilier Circle. Per Section 2.0.3.F of the FVCSP, the Planning Commission will act on Deviations greater than 20% through the Variance process outlined in FVMC 21.50 through Variance 332. The Planning Commission will also provide recommendations to the City Council on four other Entitlement applications: Code Amendment 20-09, an Addendum to the FVCSP Environmental Impact Report (EIR), the vacation of an easement, and a Development Agreement and pedestrian bridge. The Planning Commission’s actions on Variance 332 are contingent upon City Council actions on Code Amendment 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and a pedestrian bridge;

5. Code Amendment 20-09 to amend the FVCSP to eliminate the Special Public Open Space requirement, allow pedestrian bridges to span the public right-of-way in certain circumstances, and adjust the parking ratio for the Workplace-Professional Category to be consistent with the parking ratio in the Fountain Valley Municipal Code (FVMC). The City Council will take final action on Code Amendment 20-09;

6. Vacation of Easement for a street easement that exists between three parcels on the Project site but serves no public purpose. The City Council will take final action on the Vacation of Easement;

7. Development Agreement to clarify fees, standards, project improvements and entitlements, offsite improvements, and the pedestrian bridge, and an associated action on a pedestrian bridge. Per Section 21.38 of the FVMC, the City Council will take final action on the Development Agreement and, per Code Amendment 20-09, will also take final action on the Pedestrian Bridge; and

WHEREAS, pursuant to CEQA Guidelines section 15164, an addendum is appropriate in order to explain why no changes or additions to the FVCSP EIR are necessary and why none of the conditions described in CEQA Guidelines section 15162 calling for preparation of a subsequent EIR have occurred; and

WHEREAS, the City prepared an addendum to the FVCSP EIR to address the potential environmental impacts of the Project and Entitlements, which found that there are no new significant impacts nor any increase in the severity of previously identified impacts, and that no change in circumstance has occurred with respect to the FVCSP EIR and the proposed Project and Entitlements or the environment affected by the circumstance has occurred with respect to the FVCSP EIR and the proposed Project that would alter prior environmental findings, conclusions, or mitigation measures; and

WHEREAS, on October 14, 2020, the Planning and Building Director conducted a duly noticed public hearing and approved Development Plan Review 20-01 and Deviations for the maximum building length, street façade composition, and parking requirements. These actions were contingent upon Planning Commission and City Council actions on the Project and Entitlements. The Planning Director also recommended approval of the Addendum to the
FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing to consider Resolution No. 20-20 recommending the City Council approve an Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing to consider Resolution No. 20-21 approving Variance 332 contingent upon City Council approval of the remaining entitlements; Resolution No. 20-22 recommending that the City Council approve the vacation of an easement; Resolution No. 20-23 recommending that the City Council approve Code Amendment 20-09, and; Resolution No. 20-24 recommending that the City Council approve a Development Agreement and pedestrian bridge.

WHEREAS, an application for Variance 332 was submitted by OCSD in accordance with Municipal Code, Title 21; and

WHEREAS, such petition was processed in a time and manner prescribed by state and local law; and

WHEREAS, the Fountain Valley Planning Commission considered said application at its noticed public hearing on October 28, 2020, at which time interested persons had an opportunity to testify; and

WHEREAS, the Planning Commission has imposed conditions, pursuant to the Variance process, which mitigate potential negative effects of the proposed project; and

WHEREAS, the Planning Commission has determined that the proposed Variance is consistent with the Fountain Valley General Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1

The Planning Commission finds that due notice of the public hearings in the Council Chambers, City Hall, 10200 Slater Avenue, was given as required by the Fountain Valley Municipal Code (FVMC), Title 21, and the Statutes of the State of California.

SECTION 2

Findings and Supporting Facts: - The Planning Commission finds that the subject application meets the criteria for a Variance found in Chapter 21.50 of the Fountain Valley Municipal Code as follows:

**Variance #1 and #2** – Frontage Coverage along Pacific Street and Bandiler Circle. A variance for a reduction in the minimum amount of required building frontage coverage (FVCSP Section 2.4.6.B.1) along the Pacific Street property line. This is a variance for the reduction in the minimum amount of required building frontage coverage along the Pacific Street property line. The minimum required per the FVCSP is 50% coverage and the proposed design is for 32.2% coverage along Pacific Street and 22.8% coverage along Bandiler Circle.
Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The property has a special circumstance in having three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle) a condition for which no provisions were provided for within the FVCSP and likely a singular condition within the Specific Plan area. The building has been designed to meet the minimum 50% frontage coverage requirement for the primary of the three street frontages – Ellis Avenue.

A second special circumstance applying to the property is that the developable building footprint is limited by the presence of a Southern California Edison electrical easement that transverses the site from west to east. In accordance with the intent of the FVCSP, the building has been placed south of the easement to maximize its relationship with the three street frontages. As the easement is not permitted to be built upon, the building footprint has been concentrated to the south portion of the site. The north portion of the site has been dedicated to landscape and parking; incorporating aesthetically appealing bio-retention landscaping within the remainder of the Pacific Street frontage and preserving in place three existing large trees within the remainder of the Bandilier Circle frontage.

Requirement 2

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

Finding

Typical properties within the area only have one or two street frontages. Due to the site constraints of having three street frontages, as well as the SCE easement bounding the north side of the building footprint, the design respects the requirements of the FVCSP within the most code compliant developable area.

Requirement 3

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain and enhance
high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The Project's design with a reduction in frontage coverage along Pacific Street and Bandilier Circle is a result of constraints on the site, including the SCE easement that cannot be built upon. The Project will improve existing conditions on the site by helping to transition the area from primarily older industrial and manufacturing uses to a high-value development. Additionally, the Project will increase the on-site landscaping from the existing 8.3% to 27.6% of the total site area and will reduce the impact on community services with the inclusion of on-site storm water management. Architecturally, the building will provide an innovative modern design that meets most of the requirements of the FVCSP and the architectural desires of OCSD. The Project will allow a signature building in the City and one befitting one of Orange County's critical infrastructure operations and the future direction of the FVCSP. The Project will improve the public access with an eight-foot wide sidewalk around the street perimeter of the Project complete with pedestrian lighting. The end result will be a distinctive campus that will be designed to achieve LEED Gold Certification that meets Green building requirements for energy, construction materials, and mechanical equipment and screening. Also, the Project will meet Green site treatments including water conservation and quality, storm water management, and energy conservation requirements.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the variance would not constitute a grant of special privileges as typical properties within the FVCSP only have one or two street frontages and do not have an easement that cannot be built upon bisecting the project site. The variance request is due to the special circumstances and constraints of the site.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

Granting the variance does not detrimentally impact the public's convenience, health, or interest. The granting of the variance is not materially detrimental to the safety or welfare of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district. The design intent of the FVCSP is being respected and adhered to with the presented building design. The variance request
is due to the special circumstances and constraints of the site. The project will meet the majority of development standards, the California Building Code, and exceed sustainable practices by being Platinum Gold certified. The design features incorporated as a result of the additional open space provided by the frontage help to enhance the overall experience and connectivity within the neighborhood.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

Finding

The proposed project has been reviewed in compliance with CEQA per Section 3 below.

Variance #3 – Build-to-corner of Ellis Avenue and Bandilier Circle. A variance to only be sited within one (1) of the two (2) Build-to-Corner conditions (FVCSP Section 2.4.8.B) present on the Project site. This is a variance request to provide a Project with the build-to-corner at only one of the front corners of the property (at Ellis Avenue and Pacific Street) and not the other front corner (Ellis Avenue and Bandilier Circle).

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The property has a special circumstance in being fronted by three streets along its boundaries, which results in two separate Build-to-Corner zones along a single street frontage. The building is sited within the primary Build-to-Corner 1 at the more prominent corner of Ellis Avenue and Pacific Street. A frontage length of 350'-2" along Ellis Avenue limits the building’s ability to comply with the secondary Build-to-Corner 2 as it conflicts with the maximum allowable building length requirement of 200 feet (FVCSP 2.3.3.B.1).

Requirement 2

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

Finding

Typical properties within the area only have a single build-to-corner zone existing on site, if any. The special circumstance of the site having three frontages creates a condition that
is not identified or addressed in the FVCSP. The current design adheres to the intent of the typical condition by engaging the primary corner condition.

Requirement 3

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The Project's design intent is to comply with the FVCSP to the fullest extent possible. The building directly engages the primary corner of Ellis Avenue and Pacific Street in compliance with FVCSP Section 2.4.8.B. The Project engages the secondary corner with the strong design presence. The building massing and program elements activate the secondary corner with a landscaping design that includes a refined bio-retention feature with the intent of enriching the corner condition. The Project design enhances public welfare by developing wider sidewalks and new landscaping ultimately improving the pedestrian experience along Ellis Avenue, Bandilier Circle, and Pacific Street.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district. Typical properties within the area only have a single build-to-corner zone existing on site, if any. The variance is a result of the unique circumstances of the site.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

The granting of the Variance does not detrimentally impact the public’s convenience, health or interest. The granting of the Variance is not materially detrimental to the safety or welfare
of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures.

Finding

The proposed project has been reviewed in compliance with CEQA per Section 3 below.

Variance #4 – Parking Count (Not Used – Withdrawn)

Variance #5 – Curb Cuts & Driveways on Pacific Street. A variance to permit a second two-lane curb cut along the Pacific Street frontage (FVCSP Section 2.7.3.A.2.a). Per the FVCSP, the maximum number of driveways/curb cuts associated with a single building are one (1) two-lane curb cut or two (2) one-lane curb cuts per street frontage. The Project will provide two (2) two-lane curb cuts on Pacific Street.

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The property has a special circumstance in that its size is significantly larger than typical properties in the surrounding neighborhood. The Project will merge four existing parcels into one parcel through the approval of Lot Line Adjustment 19-01 and Lot Line Adjustment 19-02. The current property condition includes six two-lane curb cuts on Bandilier Circle and five two-lane curb cuts on Pacific Street. The proposed design reduces the number of curb cuts along Bandilier Circle by 83.3% from an original count of six to a proposed count of one. The proposed design reduces the number of curb cuts along Pacific Street by 60% from an original count of five to a proposed count of two.

If the land was being developed with the smaller original parcel sizes, Pacific Street would be permitted to have two two-lane curb cuts due to the fact that there are currently two properties on the Pacific Street site of the Project.

Traffic access to and from the site will be better served with the proposed addition of a second permitted two-lane curb cut on Pacific Street due to the size of the property. Lastly, the proposed design will provide for more street parking than currently exists by eliminating three curb cuts along Pacific Street and five curb cuts along Bandilier Circle.

Requirement 2
Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

**Finding**

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district. Most properties within the neighborhood have a smaller parcel size combined with a smaller parking load. Several existing properties, including the original smaller parcels of the Project property, have multiple two-lane curb cuts along a single street frontage. Comparatively, the Pacific Street frontage is 470'-7 ¾" where some properties within the neighborhood have a street frontage of less than 50'-0" (examples of 18385 and 18401 Bandilier Circle). The percentage of interrupted curb edge or sidewalk between the two property conditions are 11.5% (proposed) versus 54% (aforementioned examples).

**Requirement 3**

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

**Finding**

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and the FVCSP. Implementation of the Project will help satisfy two General Plan Goals – General Plan Goal 2.6 and 2.10. General Plan Goal 2.6 aims to improve architectural quality of development within Fountain Valley by encouraging planning and design which is people oriented, sensitive to the needs of visitors and residents, and functionally efficient for its purpose (Goal/Policy 2.6.2). General Plan Goal 2.10 aims to provide for safe and attractive pedestrian facilities by providing for transit user safety and convenience (Goal/Policy 2.10.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The Project will allow for the construction of the Project that will provide safe and attractive pedestrian facilities and a use that is sensitive to visitors with a new eight-foot wide sidewalk around the perimeter of the Project, a bridge access to the building and OCSD Plant 1 for employees and tour guests, a public open space element near the front entrance of the building, and pedestrian access located along the unbuildable SCE easement to the Project.

If the property remained in its current division of smaller parcels, any new development would still result in a total of two two-lane curb cuts, thus matching the proposed Project. Introducing a second two-lane curb cut onto Pacific Street from the permitted one two-lane curb cut as per the FVCSP will create a second pedestrian crossing point. Since there is currently no existing sidewalk and no posted stop signs, the reduction of curb cuts to only two combined with new contiguous sidewalks with crossings and stop signs will be a significant improvement to the safety for the neighborhood. The proposed design will
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increase the uninterrupted curb edge along Pacific Street improving the pedestrian experience and safety and adding additional street parking to the neighborhood.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district. The variance is a result of the unique circumstances of the site and the merger of five properties into one through Lot Line Adjustment 19-01 and Lot Line Adjustment 19-02 to produce a larger property that warrants a second two-lane curb cut and driveway.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

The granting of the Variance does not detrimentally impact the public’s convenience, health or interest but rather enhances the public’s convenience and health by providing adequate circulation for traffic and code compliant pedestrian crosswalks. The granting of the Variance is not materially detrimental to the safety or welfare of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district. The design intent of the FVCSP to increase the safety and functionality of the circulation systems within the district is being respected and adhered to with the design of the proposed Project.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures.

Finding

The proposed project has been reviewed in compliance with CEQA per Section 3 below.

Variance #6, #7, and #8 – Street Façade Base on Pacific Street, Ellis Avenue, and Bandilier Circle. A variance for a noncompliance for the Pacific Street, Ellis Avenue, and Bandilier Circle base façade requirement (FVCSP Section 2.8.1.B.2.a.ii). The FVCSP requires a substantial horizontal articulation at the base of the street and public space facades shall be applied to form a base treatment on buildings between the finish grade the top of the first floor. The Project will not comply with this development standard.

Requirement 1
There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

**Finding**

This property is unique in that it has three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle) and thus three facades that must meet the FVCSP 2.8.1.B.2.a requirement. Due to the high traffic conditions along Ellis Avenue, the building’s main entrance is accessed directly off the parking lot between Bandilier Circle and Pacific Street for a safer entry to the complex for both pedestrians and vehicles. This building orientation creates yet another façade to be designed for pedestrian scale. The Pacific Street façade is the most utilitarian providing access to mechanical rooms and exits for the office’s main egress path and does not allow for a substantial horizontal articulation at the base of the building.

The Headquarters Building north and south elevations utilize a unitized curtain wall system to provide a high performance building façade that offers both thermal comfort and ample glazing to bring daylight into the building interiors as per FVCSP 2.10.1.A.1.c. Interruption of the unitized curtain wall to provide a horizontal articulation reduces the curtain wall’s structural integrity and causes thermal and waterproofing issues within the façade. A hardship is placed on the Project to incorporate a horizontal articulation that would be only decorative and provide no functional use. An aluminum baguette sun shading system is applied to the south façade along Ellis Avenue to reduce solar heat gain and glare. The aluminum baguette sunshades are not installed at the ground floor on the Ellis Avenue façade with the intent that the lack of sunshades would distinguish the ground floor to meet the intent of the code to provide a street façade base.

The building’s west façade of the Board Room faces Bandilier Circle. The Board Room volume façades are designed as a high performance building skin utilizing a terra cotta rain screen panel system. The terra cotta rain screen panel system has been chosen for its sustainable, durable and thermal properties as well as its aesthetic appeal. Interruption of the rain screen to provide a horizontal articulation reduces the rain screen panel system’s thermal integrity. A hardship is placed on the Project to incorporate a horizontal articulation that would be only decorative. Implementing the recommended articulation elements per FVCSP 2.8.1.B.7 would cause thermal and waterproofing issues within the façade and reduce the building envelope’s energy efficiency.

**Requirement 2**

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

**Finding**
Typical properties within the area only have one or two street frontages with ample façades to accommodate the more utilitarian aspects of a building such as utility access, loading docks and exit doors along the Pacific Street facade. The proposed Project, with three street frontages is limited in area to provide utility access, loading areas, and exit doors while still complying with the street façade base requirement. Additionally, this variance is necessary to allow the high performance curtain wall façade to be installed along Ellis Avenue, as per industry standards, to maximize its structural and thermal efficiencies in an effort to reduce energy consumption and reduce building maintenance and heating/cooling costs. Lastly, this variance is necessary to allow the high performance terra cotta rain screen panel façade to be installed along the Bandilier Circle facade as per industry standards to maximize its thermal efficiencies in an effort to reduce energy consumption and reduce building maintenance and heating/cooling costs.

Requirement 3

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The design intent of the FVCSP is being respected to the fullest extent possible. This new development will enhance the neighborhood by providing a new eight-foot wide sidewalk around the perimeter of the Project, landscaping exceeding the requirements of the FVCSP, a new public open space element along Ellis Avenue and Bandilier Circle, new site and sidewalk lighting, and a modern architectural building and bridge design with the use of quality high performance building materials. Additionally, the Headquarters Building has been designed as a high performance sustainable building in compliance with FVCSP Section 2.10.1, Green Buildings.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district. The variance is a result of the unique circumstances of the site and to allow for an energy efficient façade system.
Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

Granting the variance does not detrimentally impact the public’s convenience, health, or interest. The granting of the variance is not materially detrimental to the safety or welfare of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures.

Finding

The proposed project has been reviewed in compliance with CEQA per Section 3 below.

Variance #9 – Street Façade Top along Bandilier Circle and Ellis Avenue – Board Room Volume. A variance for noncompliance for the Board Room Volume street façade top requirement (FVCSP Section 2.8.1.B.3.a.). The FVCSP requires a substantial horizontal articulation of street and public space facades shall be applied at the top of the uppermost floor of the façade to form a façade top treatment on buildings. The Project’s Board Room will not comply with this development standard.

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The Board Room Volume façades facing Bandilier Circle and Ellis Avenue are designed as a high performance building skin utilizing a terra cotta rain screen panel system. The design proposes an industry standard parapet per the terra cotta rain screen panel manufacturer’s recommendation. Setback caps and compound cornice caps are not practical to implement with the rain screen panel façade system. A hardship is placed on the Project to incorporate a horizontal articulation that would be only decorative and provides no functional use. Implementing the recommended articulation elements per FVCSP 2.8.1.B would causes thermal and waterproofing issues within the façade and reduce the building envelope’s energy efficiency. The location of the Project’s Board Room,
facing south and west, will make it susceptible to sun exposure for a majority of the day. This variance request will help the Project meet its Green Building requirements outlined in FVCSP Section 2.10.1, Green Buildings.

Additionally, the property has a special circumstance in having three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle) in which no provisions were provided for within the FVCSP, as it is a unique condition within the Specific Plan area.

**Requirement 2**

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

**Finding**

This variance is necessary to allow the high performance rain screen panel façade to be installed as per industry standards to maximize its thermal efficiencies in an effort to reduce energy consumption, reduce building maintenance and heating/cooling costs, and comply with FVCSP Section 2.10.1, Green Buildings.

**Requirement 3**

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

**Finding**

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The design intent of the FVCSP is being respected to the fullest extent possible. This new development will provide for a new modern architectural building and bridge design with the use of quality high performance building materials. Additionally, the Headquarters Building has been designed as a high performance sustainable building in compliance with FVCSP Section 2.10.1, Green Buildings. The end result will be a distinctive campus that will be designed to achieve LEED Gold Certification that meets Green building requirements for energy, construction materials, and mechanical equipment and screening. Also, the Project will meet Green site treatments including water conservation and quality, storm water management, and energy conservation requirements. The Project will help the area transition from primarily older industrial and manufacturing uses to high-value developments.

**Requirement 4**
Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district as typical properties within the FVCSP only have one or two street frontages that have to meet this requirement. The proposed Project must meet this requirement along three street frontages. The variance is a request to allow for the best implementation of the terra cotta rain screen panel façade system.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

The granting of this Variance does not detrimentally impact the public's convenience, health, interest, safety or welfare of the city and does not restrict neighboring property development, or any future improvements, within the vicinity and zoning district. This variance request is merely a request to deviate from a design feature to the top of a building. The proposed Project's site is unique in the fact that it has three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle), and a north constraint with the presence of a Southern California Edison electrical easement that limits the most code compliant developable area of the site.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures.

Finding

The proposed project has been reviewed in compliance with CEQA per Section 3 below.

Variance #10 – Street Façade Wall Composition on Bandilier Circle. A variance for a reduction in the minimum percentage of window openings within the Bandilier Circle street-facing façade (FVCSP Section 2.8.1.B.4.a). The FVCSP requires that the proportion of window openings at street-facing facades to be a minimum of twenty (20) percent of the vertical wall area between the ground (finished grade) and the top of the uppermost floor (the percentage does not include parapet height). The Project will provide 11.7% window openings along Bandilier Circle.

Requirement 1

There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical
zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

Finding

The property has a special circumstance of having three street frontages (Pacific Street, Ellis Avenue, and Bandilier Circle), and a north constraint with the presence of a Southern California Edison electrical easement that limits the most code compliant developable area of the site. As a result, the Board Room which is a significant program component that requires direct public access and proximity to the entrance plaza for civic purposes must be placed adjacent to a street frontage (Bandilier Circle). The security, audiovisual, and acoustical requirements for proper Board Room function limits the ability to incorporate larger expanses of window openings within the west façade. In addition, glazing should be limited on the Bandilier Circle west façade to avoid solar heat gain in order to create the most high performing energy efficient building envelop as per FVCSP Section 2.10.1, Green Buildings. The proposed Project's site is unique due to the fact that this requirement must be met along three street frontages, rather than one or two as with typical properties in the vicinity and zoning district.

Requirement 2

Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the property owner for which the variance is sought.

Finding

Typical properties within the area only have one or two street frontages. Due to the site constraints of having three street frontages, as well as the electrical easement bounding the north side of the building footprint, the design respects the requirements of the FVCSP within the most code compliant developable area. This limits the ability of the development to be able to site a large assembly space with appropriate controls limiting exterior noise and unrestricted daylighting that would be available to other sites that are not bound on three sides by streets and also by an easement. Typical developments would be able to locate similar space types alongside or rear yard conditions which are not required to meet a minimum percentage of window openings as per FVCSP 2.8.1.B.4.

Requirement 3

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan.

Finding

Granting the variance would not adversely affect the actions, goals, objective and policies of the general plan and any applicable specific plan. The Project will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). Additionally, the Project will meet the primary
goal of the FVCS to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. The design intent of the FVCS is being respected to the fullest extent possible. This new development will provide for a new modern architectural building and bridge design with the use of quality high performance building materials. Additionally, the Headquarters Building has been designed as a high performance sustainable building in compliance with FVCS Section 2.10.1, Green Buildings. The end result will be a distinctive campus that will be designed to achieve LEED Gold Certification that meets Green building requirements for energy, construction materials, and mechanical equipment and screening. Also, the Project will meet Green site treatments including water conservation and quality, storm water management, and energy conservation requirements. The Project will help the area transition from primarily older industrial and manufacturing uses to high-value developments.

Requirement 4

Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Finding

The granting of the Variance does not grant special privileges that are inconsistent with the limitations on other properties in the vicinity or within the same zoning district. The variance request is a result of unique site conditions and the desire to provide a highly sustainable energy efficient building in compliance with FVCS Section 2.10.1, Green Buildings.

Requirement 5

Granting the variance would not be materially detrimental to the public convenience, health, interest, safety or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Finding

The granting of the Variance does not detrimentally impact the public’s convenience, health or interest. The granting of the Variance is not materially detrimental to the safety or welfare of the city. The Variance does not restrict neighboring property development or any future improvements within the vicinity and zoning district. The proposed Project’s site is unique due to the fact that this requirement must be met along three street frontages, rather than one or two as with typical properties in the vicinity and zoning district.

Requirement 6

The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures.

Finding

The proposed project has been reviewed in compliance with CEQA per Section 3 below.
SECTION 3

The EIR for the FVCSP was certified by the City Council on January 23, 2018. An Addendum to the EIR (Exhibit 1 of Resolution No. 20-20) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

SECTION 4

By signing this Resolution, the applicant has demonstrated his/her understanding of the conditions imposed in the Variance (attached as Exhibit 1 herein) granted to him/her and has agreed on the record to abide by those conditions.

SECTION 5

The Planning Commission hereby approves Variance 332 to deviate from the frontage coverage requirements of the Fountain Valley Crossings Specific Plan (FVCSP) Section 2.4.6.B.1 along Pacific Street and Bandilier Circle; to deviate from the build-to-corner requirement of FVCSP Section 2.4.8.B for the corner of Ellis avenue and Bandilier circle; to deviate from the curb cuts and driveways requirement of the FVCSP Section 2.7.3.A.2.a along Pacific Street; to deviate from the street façade base requirement of the FVCSP Section 2.8.1.B.2.a.ii along Pacific Street, Ellis Avenue, and Bandilier Circle; to deviate from the street façade top requirement of the FVCSP Section 2.8.1.B.3.a along Ellis Avenue and Bandilier Circle; and to deviate from the street façade wall composition requirement of the FVCSP Section 2.8.1.B.4 along Bandilier Circle for the construction of a new 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street.


______________________________  ______________________________
Chairman  Secretary

BY SIGNING THIS PERMIT, THE PERMITTEE ACKNOWLEDGES ALL OF THE CONDITIONS IMPOSED AND ACCEPTS THIS PERMIT SUBJECT TO THOSE CONDITIONS AND WITH THE FULL AWARENESS OF THE PROVISIONS OF CHAPTER 21.50 OF THE FOUNTAIN VALLEY MUNICIPAL CODE.

BY SIGNING THIS RESOLUTION, THE APPLICANT ACKNOWLEDGES ACCEPTANCE OF THE BENEFITS OF THE VARIANCE AND AGREES TO WAIVE ANY RIGHT TO LATER CHALLENGE ANY CONDITION(S) IMPOSED AS UNFAIR, UNNECESSARY, OR UNREASONABLE.
EXHIBIT 1

CONDITIONS OF APPROVAL

Orange County Sanitation District Headquarters Building
An approximate 5.2 acre property located East of Bandilier Circle, North of Ellis Avenue, and West of Pacific Street in the City of Fountain Valley, CA comprised of the following current properties:
18484 Bandilier Circle – APN 156-163-06
18475 Pacific Street – APN 156-163-08
18410 Bandilier Circle – APN 156-163-10
18368 Bandilier Circle – APN 156-163-11
18429 Pacific Street – APN 156-163-09

The following Conditions of Approval [COA] apply to this project. The COA’s are specific conditions applicable to the proposed project. The property owner is responsible for the fulfillment of all conditions and standard development requirements, unless specifically stated otherwise.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, permittee expressly accepts and agrees to comply with the following Conditions of Approval of this Permit:

PLANNING DEPARTMENT CONDITIONS UNIQUE TO THIS PROJECT

1. The site plans and elevation plans dated submitted 9/4/2020 (attached as Attachment #1 to the staff report for this project) have been approved by the Planning Commission on October 28, 2020.

2. The approval of Variance 332 shall be contingent upon approval of the following entitlements:
   a. Development Plan Review 20-01 and Deviations to the FVCSP – Approval authority from Planning Director
   b. Vacation of Easement – Approval authority from City Council
   c. Code Amendment 20-09 – Approval authority from City Council
   d. Development Agreement and Pedestrian Bridge – Approval authority from City Council

PLANNING DEPARTMENT STANDARD CONDITIONS

3. Variance 332 shall be approved and in effect for a period of 12 months from the original date of approval by the City Council, and/or Planning Commission. If no development has commenced at the end of this 12-month time period, project approval shall expire and be determined void. A one-year extension may be granted at the discretion of the Planning Director. A request for an extension of time should be made in writing by the applicant thirty (30) days prior to the expiration date.

   Date of Project Approval:   October 28, 2020
Date of Project Expiration:  October 28, 2021

4. The resolution is not effective unless it is signed by the applicant indicating and acknowledging his/her understanding of the conditions imposed herein. The failure of the applicant to sign this permit in no way shall be deemed to confer any greater rights than are contained in this permit.

5. By signing and accepting the resolution, the applicant accepts the benefits conferred by the permit subject to the conditions imposed therein. By accepting the right to operate pursuant to the permit, the applicant waives all rights to challenge any condition imposed as unfair or unreasonable.

6. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this permit, save and except that caused by City's active negligence. The applicant shall provide a copy of conditions of approval to each manager and to all employees.

7. The applicant shall comply with all federal, state, and local laws. Violations of any of those laws in connection with the use will be cause for revocation of this permit.

8. Violation of any condition of approval shall be a misdemeanor.

9. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of the Fountain Valley Municipal Code.

10. The conditions herein contained shall run with the property and shall be binding on the applicant, and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.

Building Department

11. All plans must be submitted as “read only” tiff file on a CD prior to final. CD must be accompanied by a statement from each design professional stating that this is true and accurate depiction of the as-built conditions for the project. Statements must be in hard copy form with a dated wet stamp from each architect, engineer or consultant of record.

12. Prior to the approval of grading plans, complete landscaping plans must be submitted and approved by the Planning Director and the Public Works Director. Landscaping plans must be signed by a California licensed Landscape Architect and be consistent with grading plans.

13. All projects as identified in the Public Resources Code Section 2693, Section 2621.6 and California Code of Regulations, Section 3601 are required to submit soils review
for approval. All submittals require third party review for which fees the applicant is responsible.

14. Install, maintain and provide for all California Disabled Access compliance per the California Building Code and the Division of State Architect. No encroachment into the disabled path of travel is allowed under any condition with the exception of emergency vehicles and personnel.

15. Projects must comply with the California Code of Regulations, Title 24; Fountain Valley Ordinances, and California law in effect at the time of plan submittal.

Public Works Department

16. All public improvements, including but not limited to, streets, sewer, water, storm drain, traffic systems, traffic control, and street repairs shall be constructed in accordance with the most recent edition of the City of Fountain Valley Public Works Standard plans.

17. Provide improvement plans as prepared by a Registered Civil Engineer for all improvements. The plans shall be 24 in. by 36 in. mylar with an appropriate engineering scale (1"=10', 1"=20', 1"=40'). The plans shall include, but not be limited to, paving, sidewalk, curb, gutter, street lighting and all underground utilities. Underground utilities shall include, but not be limited to: electrical, communications, street lighting, gas, sewer, water and appropriate storm drain facilities. The design, layout and location of the gas, electrical, communications and street lighting shall be in accordance with the requirements of the respective utility company.

18. The developer shall provide complete "as-built" plans on 24”x36” of the appropriate scale mylar and electronic format AutoCad, latest version, in accordance with City standards prior to Public Works approval to release utilities and certificate of occupancy.

19. Prior to securing permits, complete landscaping plans prepared and signed by a California licensed landscape architect shall be approved by the Public Works and Planning Directors. The plans shall be on 24”x36” mylar with a scale to be consistent with the site plans.

   a. Prior to the issuance of the Certificate of Occupancy, developer shall provide a certificate of substantial completion signed and sealed by the licensed landscape architect of record confirming the landscaping and irrigation system have been installed per approved plans.

20. Without credit, provide for street improvements including, but not limited to, curbs, gutters, street paving, traffic control devices, ADA accessible driveway approaches, ADA curb ramps, and sidewalks within the public right-of-way.

21. Provide street lighting facilities as recommended by the City Engineer and in accordance with City standards.

22. Furnish a comprehensive run-off study based upon a storm of a 10-year frequency. This study is to show existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any on-site or off-site
facilities. The study shall show peak run-off flows that will occur from the existing undeveloped and proposed developed property. Hydraulic calculations must be approved by the City staff and/or the Orange County Flood Control District. Storm drain facilities shall be constructed as required by the City Engineer in accordance with the City’s Orange County Master Plan and NPDES requirements.

23. Furnish a comprehensive sewer study to determine the capacity of the existing sewer line in Bandilier, Pacific, and Ellis and the required line sizing for this site development.

24. Provide sanitary sewer facilities as required with the City's Sewer Master Plan and to the satisfaction of the City Engineer.

25. Dedicate a 15 ft. waterline easement to the City of Fountain Valley for the full length of all public waterline facilities located within private property.

26. Install a reduced pressure principle device on the domestic water supply line to the buildings as required by the City Engineer.

27. Install approved backflow devices for irrigation systems as required by the City Engineer.

28. When building is required to be fire sprinklered, the developer shall install a double check detector check valve assembly as required by the Fire Marshal and City Engineer.

29. All vehicular access shall conform to the City of Fountain Valley standard plans and specifications and shall be subject to final approval of the City Engineer.

30. Design and install modifications of the traffic delineation on the adjacent arterial highways.

31. Developer shall prepare for City a preliminary Water Quality Management Plan for new development and significant redevelopment projects that meet one or more of the following criteria:

   a. All significant redevelopment projects, where significant redevelopment is defined as projects that include the addition or replacement of 5,000 square feet or more of impervious surface on a developed site. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of the facility, or emergency redevelopment activity required to protect public health and safety. Where redevelopment results in the addition or replacement of less than fifty percent of the impervious surfaces of a previously existing developed site, and the existing development was not subject to WQMP requirements, the numeric sizing criteria discussed below applies only to the addition or replacement, and not to the entire developed site. Where redevelopment results in the addition or replacement of more than fifty percent of the impervious surfaces of a previously existing developed site, the numeric sizing criteria applies to the entire development.

   b. New development projects that create 10,000 square feet or more of impervious surface (collectively over the entire project site) including commercial, industrial, residential housing subdivisions (i.e., detached single family home subdivisions,
multi-family attached subdivisions (town homes), condominiums, apartments, etc.), mixed-use, and public projects. This category includes development projects on public or private land, which fall under the planning and building authority of the permittees.

c. Automotive repair shops (with SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539).
d. Restaurants where the land area of development is 5,000 square feet or more.
e. All hillside developments on 5,000 square feet or more, which are located on areas with known erosive soil conditions or where the natural slope is twenty-five percent or more.
f. Developments of 2,500 square feet of impervious surface or more, adjacent to (within 200 feet) or discharging directly into environmentally sensitive areas, such as areas designated in the Ocean Plan as Areas of Special Biological Significance or waterbodies listed on the CWA Section 303(d) list of impaired waters.
g. Parking lots of 5,000 square feet or more of impervious surface exposed to storm water.
   Parking lot is defined as a land area or facility for the temporary storage of motor vehicles.
h. Streets, roads, highways and freeways of 5,000 square feet or more of paved surface shall incorporate USEPA guidance, “Managing Wet Weather with Green Infrastructure: Green Streets” in a manner consistent with the maximum extent practicable standard. This category includes any paved surface used for the transportation of automobiles, trucks, motorcycles and other vehicles and excludes any routine road maintenance activities where the footprint is not changed.
i. Retail gasoline outlets of 5,000 or more square feet with a projected average daily traffic of 100 or more vehicles per day.
j. Emergency and public safety projects in any of the above-listed categories may be excluded if the delay caused due the requirement for a WQMP compromises public safety, public health and/or environmental protection.

32. An approved WQMP is required prior to the City issuing a grading or building permit. Each successor of the business or property is responsible for compliance with the WQMP.

33. Pay a Traffic Impact Fee in the amount of $59 per net increase in vehicle trips ends generated by subject development as determined by City Engineer. The developer may, at its cost, contract the services of a Registered Traffic Engineer to prepare a trip generation analysis study for purposes of identifying the net increase in vehicle trip ends. The results of such study shall be subject to the approval of the City Engineer. No reduction for linked trips is allowed.

34. Pay a Drainage Annexation Fee in the amount of $3,195.86 per gross acre of new development in accordance with Title 13 of the FVMC. In the event that this fee has not been paid with previous development activity, the developer shall be responsible for payment of the fee applied to the gross acreage of the entire property.

35. Pay a Sewer Connection Fee in accordance with the City’s Sewer Master Plan and Title 14 the FVMC. In the event that this fee has not been paid with previous development activity, the developer shall be responsible for payment of the fee applied to the gross acreage of the entire property.
36. Pay $4.65 per front foot for the existing sewer line in Bandilier, Pacific, Ellis in accordance with Title 14 of the Fountain Valley Municipal Code.

37. Pay $4.65 per front foot for the existing waterline in Bandilier, Pacific, Ellis in accordance with Title 14 of the FVMC.

**Fire Department**


39. Automatic Fire Sprinkler Systems. An automatic fire sprinkler system shall be provided in accordance with the 2016 California Building Code and for the following:

   (a) Notwithstanding any provision in Section 903.2 of the CFC and Section 903.2 of the CBC, approved automatic fire sprinklers shall be installed and maintained in accordance with N.F.P.A., Standard 13, when total square footage equals three thousand five hundred (3,500) square feet or more throughout all buildings as set forth.

   (b) Any existing building shall retrofit with automatic fire sprinklers when one of the following occurs:

       1. When a structure exceeds three thousand five hundred square feet or additions or tenant improvements are made which exceed thirty percent of the original building square footage.

40. Premise Identification. Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. CFC 505.1

41. Portable Fire Extinguishers. Provide one 2A10BC State Fire Marshal tagged fire extinguisher for every 3000 square feet of floor area. Travel distance not to exceed 75 feet. CFC 906.3

42. Knox Box. Where access to or within a structure or area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. CFC 506.1

43. Permits. Secure a permit to operate a Public Assembly from the Fire Department. CFC 105

44. Exits or exit access doorways. Where two exits or exit access doorways are required from any portion of the exit access, the exit doors or exit access doorways shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measuring a straight line between exit doors or exit access doorways. CFC [B] 1015.2.1
45. Panic and fire exit hardware. Doors serving rooms or spaces with an occupant load of 50 or more in a Group A occupancy, shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware listed in accordance with UL 305. CFC [B] 1008.1.

46. Hazardous Materials. All businesses storing or handling hazardous materials in quantities exceeding 55 gallons, 200 cu. Ft. or 500 lbs. shall file a hazardous materials Business Emergency plan with the Fire Department. Health and Safety Code, Chapter 6.95, Sections 25500 through 25545, and Title 19, Division 2, Chapter 4.

47. General. Fire Safety during construction shall comply with Chapter 33 of the 2016 California Fire Code as well as the following:

48. Access for Fire Fighting. Provide Fire Department access roads prior to the start of combustible construction. Roads shall be installed to Fire Department and Public Works standards. CFC 3310

49. Fire Hydrants. Hydrants shall be installed in accordance with The Fire Code official approval and City Engineer prior to start of any combustible construction. CFC 3310

50. Portable Fire Extinguishers. Structures under construction, alteration or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with Section 906 and sized for not less than ordinary hazard as follows:

1. At each stairway on all floor levels where combustible materials have accumulated.
2. In every storage and construction shed.
3. Additional portable fire extinguishers shall be provided where special hazards exist including, but not limited to, the storage and use of flammable and combustible liquids. CFC 3315.1

51. Hazardous Materials. There shall be no hazardous storage where the aggregate quantity exceeds the exempt amounts set forth in the California Fire Code. All storage, dispensing, use and handling of hazardous materials shall be in accordance with Chapter 50 of the 2016 California Fire Code.
RESOLUTION NO. 20-22

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION
RECOMMENDING THE VACATION OF A STREET EASEMENT
SITUATED BETWEEN PARCEL 5 (APN 156-163-11), PARCEL 6 (APN
156-163-10), AND PARCEL 9 (APN 156-163-09 LOCATED NEAR THE
END OF THE CUL-DE-SAC OF BANDILIER CIRCLE

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing
Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, the Environmental Impact Report (EIR) for the FVCSP was certified by the
City Council on January 23, 2018. For reference, the Final EIR can be accessed at
https://www.fountainvalley.org/1278/Fountain-Valley-Crossings.

WHEREAS, the Orange County Sanitation District (OCSD) has submitted an
application for a 109,914 square foot Headquarters Building located east of Bandilier Circle,
north of Ellis Avenue, and west of Pacific Street and for a pedestrian bridge to span Ellis Avenue
(Project); and

WHEREAS, the Project necessitates the following entitlement applications and actions
by various hearing bodies (Entitlements):

1. Lot Line Adjustment 19-01 – Per FVMC 21.76.040, Lot Line Adjustment 19-01
   was approved by the City of Fountain Valley Subdivision Review Committee on
   September 12, 2019;

2. Lot Line Adjustment 19-02 – Per FVMC 21.76.040, Lot Line Adjustment 19-02
   was approved by the City of Fountain Valley Subdivision Review Committee on
   November 21, 2019;

3. Development Plan Review 20-01 for the headquarters building, parking lot, and
   landscaping and Deviations to standards of the FVCSP for the maximum building
   length (a 2% deviation - 203’11 ¼” proposed instead of the maximum 200’), street
   façade composition (a 5.5% deviation – 18.9% window openings proposed
   instead of the minimum 20%), and parking requirements (a 5% deviation – 261
   spaces proposed instead of the 275 required). Per Section 2.0.3.F of the FVCSP,
   these actions are to be considered by the Planning Director; however, given the
   other Entitlements associated with the Project, the Planning Director’s actions are
   contingent upon Planning Commission and City Council actions on the Project;

4. Variance 332 for frontage coverage on Pacific Street, frontage coverage on
   Bandilier Circle, build-to-corner at Ellis Avenue and Bandilier Circle, curb cuts &
   driveways along Pacific Street, street façade base on Pacific Street, street façade
   base on Ellis Avenue, street façade base on Bandilier Circle, street façade top on
   Pacific Street, Bandilier Circle, and Ellis Avenue, and street façade wall
   composition on Bandilier Circle. Per Section 2.0.3.F of the FVCSP, the Planning
   Commission will act on Deviations greater than 20% through the Variance process
   outlined in FVMC 21.50 through Variance 332. The Planning Commission will also
   provide recommendations to the City Council on four other Entitlement
   applications: Code Amendment 20-09, an Addendum to the FVCSP
   Environmental Impact Report (EIR), the vacation of an easement, and a
   Development Agreement and pedestrian bridge. The Planning Commission’s
   actions on Variance 332 are contingent upon City Council actions on Code
Amendment 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and a pedestrian bridge;

5. Code Amendment 20-09 to amend the FVCSP to eliminate the Special Public Open Space requirement, allow pedestrian bridges to span the public right-of-way in certain circumstances, and adjust the parking ratio for the Workplace-Professional Category to be consistent with the parking ratio in the Fountain Valley Municipal Code (FVMC). The City Council will take final action on Code Amendment 20-09;

6. Vacation of Easement for a street easement that exists between three parcels on the Project site but serves no public purpose. The City Council will take final action on the Vacation of Easement;

7. Development Agreement to clarify fees, standards, project improvements and entitlements, offsite improvements, and the pedestrian bridge, and an associated action on a pedestrian bridge. Per Section 21.38 of the FVMC, the City Council will take final action on the Development Agreement and, per Code Amendment 20-09, will also take final action on the Pedestrian Bridge; and

WHEREAS, pursuant to CEQA Guidelines section 15164, an addendum is appropriate in order to explain why no changes or additions to the FVCSP EIR are necessary and why none of the conditions described in CEQA Guidelines section 15162 calling for preparation of a subsequent EIR have occurred; and

WHEREAS, the City prepared an addendum to the FVCSP EIR to address the potential environmental impacts of the Project and Entitlements, which found that there are no new significant impacts nor any increase in the severity of previously identified impacts, and that no change in circumstance has occurred with respect to the FVCSP EIR and the proposed Project and Entitlements or the environment affected by the circumstance has occurred with respect to the FVCSP EIR and the proposed Project that would alter prior environmental findings, conclusions, or mitigation measures; and

WHEREAS, on October 14, 2020, the Planning and Building Director conducted a duly noticed public hearing and approved Development Plan Review 20-01 and Deviations for the maximum building length, street façade composition, and parking requirements. These actions were contingent upon Planning Commission and City Council actions on the Project and Entitlements. The Planning Director also recommended approval of the Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing to consider Resolution No. 20-20 recommending the City Council approve an Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing to consider Resolution No. 20-21 approving Variance 332 contingent upon City Council approval of the remaining entitlements; Resolution No. 20-22 recommending that the City Council approve the vacation of an easement; Resolution No. 20-23 recommending that the City Council approve Code Amendment 20-09, and; Resolution No. 20-24 recommending that the City Council approve a Development Agreement and pedestrian bridge.
WHEREAS, the Orange County Sanitation District (OCSD) has requested that the City of Fountain Valley vacate and abandon a remnant street easement that is located in the middle of their project between Parcel 5 (APN 156-163-11), Parcel 6 (APN 156-163-10), and Parcel 9 (APN 156-163-09) located near the end of the cul-de-sac of Bandilier Circle; and

WHEREAS, the Planning Commission has considered the Circulation Element prior to considering the vacation and quitclaim of said property; and

WHEREAS, the location of the street easement between three parcels serves no purpose for future use and is unnecessary for present or prospective use because of new development in the area not requiring this right-of-way for street purposes; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing and approved Resolution No. 20-20 recommending that the City Council approve an Addendum to the FVCSP Environmental Impact Report (EIR), stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, the Fountain Valley Planning Commission considered said application at its noticed public hearing on October 28, 2020; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF FOUNTAIN VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1

The Planning Commission finds that due notice of the public hearings in the Council Chambers, City Hall, 10200 Slater Avenue, was given as required by the Fountain Valley Municipal Code (FVMC), Title 21, and the Statutes of the State of California.

SECTION 2

The EIR for the FVCSP was certified by the City Council on January 23, 2018. An Addendum to the EIR (Exhibit 1 of Resolution No. 20-20) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

SECTION 3

The Planning Commission of the City of Fountain Valley finds that the vacation and quitclaim of
surplus street easement located between Parcel 5 (APN 156-163-11), Parcel 6 (APN 156-163-10), and Parcel 9 (APN 156-163-09) located near the end of the cul-de-sac of Bandilier Circle, a 20 foot wide 142.50 foot long street easement transecting between the subject properties from east to west, will in no way prejudice the public health, safety and welfare. Said excess land is unnecessary for present or prospective public use and serves no purpose for future use as it is landlocked between three different properties with no access to the nearby existing streets of Bandilier Circle or Pacific Street and because of new development in the area not requiring this right-of-way for street purposes.

SECTION 4

Based upon evidence considered by the Planning Commission, the surplus public property, a 20 foot wide 142.50 foot long street easement transecting between Parcel 5 (APN 156-163-11), Parcel 6 (APN 156-163-10), and Parcel 9 (APN 156-163-09) located near the end of the cul-de-sac of Bandilier Circle, shown as “Exhibit A” and attached to this resolution, should be vacated and quit claimed to the Orange County Sanitation District as it is not required any longer for street purposes. Moreover, the exact location of said easement is described as follows:

A strip of land 25.00 feet in those portions of the northeast quarter of Section 32, Township 5 South, Range 10 West in the Rancho Las Bolsas, City of Fountain Valley, County of Orange, State of California, as shown as Parcels 5 and 6 on the map filed in the Book 36, Page 28 of Parcel Maps in the Office of the County Recorder of said Orange County, the Centerline of said strip being described as follows: Beginning at the Northeast Corner of said Parcel 6, thence along the North line of said Parcel S89°31'34"W 142.50 feet.

The Planning Commission finds that the vacation of the subject street easement is consistent with the Fountain Valley General Plan and recommends that the City Council vacate the subject property in accordance with the provision of Public Streets, Highways and Service Easement Vacation Law.

PASSED, APPROVED AND ADOPTED THIS 28TH DAY OF OCTOBER, 2020

________________________________________  __________________________
Chairman                                                Secretary
RESOLUTION NO. 20-23

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE CODE AMENDMENT (CA) NO. 20-09, AN AMENDMENT TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN (FVCSP) PERTAINING TO THE FOLLOWING: ELIMINATION OF SECTION 2.6.2, SPECIAL PUBLIC OPEN SPACE REQUIREMENT AND ALL RELATED REFERENCES; AMENDMENT OF SECTION 2.7.1.9, TABLE 2.7 PARKING REGULATIONS FOR WORKPLACE-PROFESSIONAL, FROM 3.5 SPACES PER 1,000 SQUARE FEET MINIMUM AND 4.5 PER 1,000 SQUARE FEET MAXIMUM TO 2.5 SPACES PER 1,000 SQUARE FEET MINIMUM AND 3.5 PER 1,000 SQUARE FEET MAXIMUM; AND ADDITION OF “SECTION 2.5.5 SKYWAYS” TO ALLOW FOR PEDESTRIAN BRIDGES IN CERTAIN CIRCUMSTANCES

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, the Orange County Sanitation District (OCSD) has submitted an application for a 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street and for a pedestrian bridge to span Ellis Avenue (Project); and

WHEREAS, the Project necessitates the following entitlement applications and actions by various hearing bodies (Entitlements):

1. Lot Line Adjustment No. 19-01 – Per FVMC 21.76.040, Lot Line Adjustment No. 19-01 was approved by the City of Fountain Valley Subdivision Review Committee on September 12, 2019;
2. Lot Line Adjustment No. 19-02 – Per FVMC 21.76.040, Lot Line Adjustment NO. 19-02 was approved by the City of Fountain Valley Subdivision Review Committee on November 21, 2019;
3. Development Plan Review No. 20-1 for the headquarters building, parking lot, and landscaping and Deviations to standards of the FVCSP for the maximum building length (a 2% deviation - 203’11”¼” proposed instead of the maximum 200’), street façade composition (a 5.5% deviation – 18.9% window openings proposed instead of the minimum 20%), and parking requirements (a 5% deviation – 261 spaces proposed instead of the 275 required). Per Section 2.0.3.F of the FVCSP, these actions are to be considered by the Planning Director; however, given the other Entitlements associated with the Project, the Planning Director’s actions are contingent upon Planning Commission and City Council actions on the Project;
4. Variance 332 for frontage coverage on Pacific Street, frontage coverage on Bandilier Circle, build-to-corner at Ellis Avenue and Bandilier Circle, curb cuts & driveways along Pacific Street, street façade base on Pacific Street, street façade base on Ellis Avenue, street façade base on Bandilier Circle, street façade top on Pacific Street, Bandilier Circle, and Ellis Avenue, and street façade wall composition on Bandilier Circle. Per Section 2.0.3.F of the FVCSP, the Planning Commission will act on Deviations greater than 20% through the Variance process outlined in FVMC 21.50 through Variance No. 332. The
Planning Commission will also provide recommendations to the City Council on four other Entitlement applications: Code Amendment No. 20-09, an Addendum to the FVCSP Environmental Impact Report (EIR), the vacation of an easement, and a Development Agreement and pedestrian bridge. The Planning Commission’s actions on Variance 332 are contingent upon City Council actions on Code Amendment No. 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and a pedestrian bridge;

5. Code Amendment No. 20-09 to amend the FVCSP to eliminate the Special Public Open Space requirement, allow pedestrian bridges to span the public right-of-way in certain circumstances, and adjust the parking ratio for the Workplace-Professional Category to be consistent with the parking ratio in the Fountain Valley Municipal Code (FVMC). The City Council will take final action on Code Amendment 20-09;

6. Vacation of Easement for a street easement that exists between three parcels on the Project site but serves no public purpose. The City Council will take final action on the Vacation of Easement;

7. Development Agreement to clarify fees, standards, project improvements and entitlements, offsite improvements, and the pedestrian bridge, and an associated action on a pedestrian bridge. Per Section 21.38 of the FVMC, the City Council will take final action on the Development Agreement and, per Code Amendment 20-09, will also take final action on the Pedestrian Bridge; and

8. Addendum to the FVCSP Final EIR, which considers the consistency of the Project and Entitlements with the impacts and mitigation identified in the certified EIR. The City Council will take final action on the proposed Addendum to the FVCSP Final EIR for the Project and Entitlements.

WHEREAS, Section 2.6.2 of the FVCSP contains requirements for at least one special public open space of at least ½ acre to be provided in each of the six designated planning areas as noted in Figure 2.6.2 of the FVCSP; and

WHEREAS, this requirement places an undue burden on the first development in a Special Public Open Space Area and potentially stops development within the Crossings Specific Plan; and

WHEREAS, the Fountain Valley General Plan (1995) and Section 3.3 of the FVCSP identified the ratio of park acreage per 1,000 persons at the time as 13.2 acres per 1,000 residents, based on the 1990 census of 53,691 and parks totaling 708.75 acres within the City. The General Plan noted this in comparison with typical range of three (3) to five (5) acres of parkland per thousand residents of most cities in California. The 2010 census population figure of 57,010 represents a relatively modest 6% increase over the 15-year period. Assuming no additions to park acreage, today the resulting ratio of park acreage per 1,000 persons would be 12.4 acres per 1,000 residents. The projected potential residential buildout within the FVCSP is estimated to result in a maximum of 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents. This ratio on a city-wide basis remains well above averages for California cities; and
WHEREAS, Code Amendment No. 20-09 proposes to eliminate Section 2.6.2, Special Public Open Space Requirement, along with all related references to Section 2.6.2 from the FVCSP; and

WHEREAS, Table 2.7 Parking Regulations of the FVCSP contains parking requirements for permitted uses in the FVCSP; and

WHEREAS, Section 2.7.1.9, Table 2.7 Parking Regulations, provides parking requirements for Workplace – Professional uses at a rate of 3.5 spaces per 1,000 square feet minimum and 4.5 spaces per 1,000 square feet maximum; and

WHEREAS, Code Amendment No. 20-09 proposes to amend Section 2.7.1.9, Table 2.7 Parking Regulations, for Workplace – Professional uses from a rate of 3.5 spaces per 1,000 square feet minimum and 4.5 spaces per 1,000 square feet maximum to a rate of 2.5 spaces per 1,000 square feet minimum and 3.5 spaces per 1,000 square feet maximum; and

WHEREAS, this amendment to the FVCSP would make the FVCSP consistent with the office parking requirement found in FVMC Section 21.22.040, Table 3-3; and

WHEREAS, the FVCSP does not allow pedestrian bridges across the public right-of-way; and

WHEREAS, Code Amendment No. 20-09 proposes to amend the FVCSP to add new Section 2.5.5 Skyways to allow for pedestrian bridges across the public right-of-way to connect government uses that are bisected by public streets to allow efficiencies and minimize pedestrian crossings of public streets; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, on October 14, 2020, the Planning Director conducted a duly noticed public hearing and approved Development Plan Review No. 20-1 and Deviations for the maximum building length, street façade composition, and parking requirements. These actions are contingent upon Planning Commission and City Council actions on the Project and Entitlements. The Planning Director also recommended approval of the Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and
WHEREAS, the Addendum to the FVCSP Final EIR has been provided for the Planning Commission’s review and is attached to the Planning Commission staff report dated October 28, 2020; and

WHEREAS, the proposed CA No. 20-09 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

WHEREAS, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 20-09 at a duly noticed public hearing on October 28, 2020.

NOW, THEREFORE, THE CITY OF FOUNTAIN VALLEY PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1

The EIR for the FVCSP was certified by the City Council on January 23, 2018. An Addendum to the EIR (Exhibit 1 of Resolution No. 20-20) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

SECTION 2

The Planning Commission finds that due notice of the public hearing on October 28, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California.

SECTION 3

Pursuant to Fountain Valley Municipal Code 21.34.050, the Planning Commission finds as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the FVCSP and/or Title 21 Development Code.

CA 20-09 will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). CA 20-09 will help spur redevelopment in the FVCSP, transitioning from primarily industrial and manufacturing uses to high-value mixed-use developments.
that combine commercial and residential uses to create a cohesive workplace-residential oriented community.

Specifically, the elimination of the Special Public Open Space requirement of at least ½ acre to be provided in each of the six designated planning areas, as noted in Figure 2.6.2 of the FVCSP, will eliminate a roadblock to development within each planning area of the FVCSP. Open Space will still be required for each qualifying project as noted in Section 2.6.B.1 and Table 2.6. Additionally, landscaping requirements are required for each development in the FVCSP in Section 2.6 Open Space Regulations that require a substantial amount of landscaping for each development in the form of publicly accessible and functional open space as well as front yard setback, side yard setback, rear yard setback, and parking lot landscaping requirements. Additionally, the projected potential residential buildout within the FVCSP is estimated to result in a maximum of 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents. This ratio on a citywide basis remains well above averages for California cities. Additionally, this amendment will meet Section 1.1 Community Objectives of the FVCSP by ensuring prosperity and sustainability in the FVCSP by helping to shape each increment of new development to build toward a more prosperous and environmentally sustainable city and region.

The parking requirement reduction to 2.5 min / 3.5 max per 1,000 square feet for Workplace – Professional uses will align with FVMC 21.22.040 Table 3-3 and provide a consistent parking requirement for office uses citywide. This amendment will meet Section 1.1 Community Objectives of the FVCSP by integrating mobility with land use by balancing mobility, livability, equity, and economic development objectives by maintaining minimum community mobility standards by providing consistent parking standards between the FVMC and FVCSP for office uses.

Lastly, the amendment to add Section 2.5.5 Skyways to allow for pedestrian bridges across the public right-of-way to connect public uses that are bisected by public right-of-way will maintain and enhance high quality development in the FVCSP by encouraging variety and innovation in land use practice. The addition of the skyway section will promote efficiencies in the use of government uses that are bisected by public right-of-way and minimize pedestrian crossings of public streets. This amendment will meet Section 1.1 Community Objectives of the FVCSP by integrating mobility with land use by balancing mobility, livability, equity, and economic development objectives by furthering patterns of land use and development that maximize return on investment in transit and contribute at the regional scale.

The Planning Commission staff report dated October 28, 2020, contains a detailed analysis for the proposed changes to the FVCSP that is determined to be consistent with the General Plan and the Development Code, Title 21.

2. The proposed amendment will not be detrimental to the public convenience, health, interest, safety or welfare of the City. The proposed amendments would eliminate the Special Public Open Space requirement, reduce the parking
requirement for Workplace - Professional uses, and allow for pedestrian bridges in the FVCSP. These amendments would not be detrimental to the public convenience, interest, or welfare of the city as they would help further development of projects in the FVCSP without the roadblock of a special public open space requirement while still providing other open space and landscaping requirements; they would help office uses develop with a consistent parking requirement citywide; and they would allow for pedestrian bridges between government uses that are bisected by public right-of-way to promote efficiencies in their use and minimize pedestrian crossings of public streets.

3. The proposed amendments have been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures as indicated in Section 1;

4. The proposed amendment is internally consistent with other applicable provisions of the FVCSP and Title 21 Development Code. The FVCSP has been developed to provide flexibility and encourage land uses to further the objectives of the Specific Plan in compliance with the Development Code, Title 21. The proposed amendments will eliminate a special public open space requirement in the FVCSP that is not required in the FVMC. Although the special public open space requirement would be eliminated, the FVCSP requires other open space and landscaping requirements as noted in Section 2.6 of the FVCSP including landscaping in the form of publicly accessible and functional open space as well as front yard setback, side yard setback, rear yard setback, and parking lot landscaping requirements. The proposed amendment will also reduce the parking requirement for Workplace – Professional uses in the FVCSP consistent citywide. Lastly, the CA will allow for skyway bridges between specific types of uses (government buildings). The CA is therefore internally consistent with other provisions of the FVCSP and the FVMC.

SECTION 4

The Planning Commission finds that the amendments noted in Code Amendment No. 20-09 are consistent with the Fountain Valley General Plan, as noted in Section 3.

SECTION 5

The Planning Commission finds that Code Amendment No. 20-09 is consistent with the Fountain Valley Municipal Code, as well as the Fountain Valley General Plan, and recommends the City Council approve Code Amendment No. 20-09 as set forth in “Exhibit A” attached hereto and incorporated herein.

PASSED APPROVED AND ADOPTED THIS 28TH DAY OF OCTOBER, 2020

_____________________________  ______________________________
Chairperson  Secretary
EXHIBIT A OF ATTACHMENT 6

ORDINANCE NO.________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING CODE AMENDMENT (CA) NO. 20-09, AN AMENDMENT TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN (FVCSP) PERTAINING TO THE FOLLOWING: ELIMINATION OF SECTION 2.6.2, SPECIAL PUBLIC OPEN SPACE REQUIREMENT AND ALL RELATED REFERENCES; AMENDMENT OF SECTION 2.7.1.9, TABLE 2.7 PARKING REGULATIONS FOR, WORKPLACE-PROFESSIONAL, FROM 3.5 SPACES PER 1,000 SQUARE FEET MINIMUM AND 4.5 PER 1,000 SQUARE FEET MAXIMUM TO 2.5 SPACES PER 1,000 SQUARE FEET MINIMUM AND 3.5 PER 1,000 SQUARE FEET MAXIMUM; AND ADDITION OF “SECTION 2.5.5 SKYWAYS” TO ALLOW FOR PEDESTRIAN BRIDGES IN CERTAIN CIRCUMSTANCES

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, the Orange County Sanitation District (OCSD) has submitted an application for a 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street and for a pedestrian bridge to span Ellis Avenue (Project); and

WHEREAS, the Project necessitates the following entitlement applications and actions by various hearing bodies (Entitlements):

1. Lot Line Adjustment No. 19-01 – Per FVMC 21.76.040, Lot Line Adjustment No. 19-01 was approved by the City of Fountain Valley Subdivision Review Committee on September 12, 2019;
2. Lot Line Adjustment No. 19-02 – Per FVMC 21.76.040, Lot Line Adjustment NO. 19-02 was approved by the City of Fountain Valley Subdivision Review Committee on November 21, 2019;
3. Development Plan Review No. 20-1 for the headquarters building, parking lot, and landscaping and Deviations to standards of the FVCSP for the maximum building length (a 2% deviation - 203’11 ¼” proposed instead of the maximum 200’), street façade composition (a 5.5% deviation – 18.9% window openings proposed instead of the minimum 20%), and parking requirements (a 5% deviation – 261 spaces proposed instead of the 275 required). Per Section 2.0.3.F of the FVCSP, these actions are to be considered by the Planning Director; however, given the other Entitlements associated with the Project, the Planning Director’s actions are contingent upon Planning Commission and City Council actions on the Project;
4. Variance 332 for frontage coverage on Pacific Street, frontage coverage on Bandilier Circle, build-to-corner at Ellis Avenue and Bandilier Circle, curb cuts & driveways along Pacific Street, street façade base on Pacific Street, street façade base on Ellis Avenue, street façade base on Bandilier Circle, street façade top on Pacific Street, Bandilier Circle, and Ellis Avenue, and street façade wall composition on Bandilier Circle. Per Section 2.0.3.F of the FVCSP,
the Planning Commission will act on Deviations greater than 20% through the Variance process outlined in FVMC 21.50 through Variance No. 332. The Planning Commission will also provide recommendations to the City Council on four other Entitlement applications: Code Amendment No. 20-09, an Addendum to the FVCSP Environmental Impact Report (EIR), the vacation of an easement, and a Development Agreement and pedestrian bridge. The Planning Commission’s actions on Variance 332 are contingent upon City Council actions on Code Amendment No. 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and a pedestrian bridge;

5. Code Amendment No. 20-09 to amend the FVCSP to eliminate the Special Public Open Space requirement, allow pedestrian bridges to span the public right-of-way in certain circumstances, and adjust the parking ratio for the Workplace-Professional Category to be consistent with the parking ratio in the Fountain Valley Municipal Code (FVMC). The City Council will take final action on Code Amendment 20-09;

6. Vacation of Easement for a street easement that exists between three parcels on the Project site but serves no public purpose. The City Council will take final action on the Vacation of Easement;

7. Development Agreement to clarify fees, standards, project improvements and entitlements, offsite improvements, and the pedestrian bridge, and an associated action on a pedestrian bridge. Per Section 21.38 of the FVMC, the City Council will take final action on the Development Agreement and, per Code Amendment 20-09, will also take final action on the Pedestrian Bridge; and

8. Addendum to the FVCSP Final EIR, which considers the consistency of the Project and Entitlements with the impacts and mitigation identified in the certified EIR. The City Council will take final action on the proposed Addendum to the FVCSP Final EIR for the Project and Entitlements.

WHEREAS, Section 2.6.2 of the FVCSP contains requirements for at least one special public open space of at least ½ acre to be provided in each of the six designated planning areas as noted in Figure 2.6.2 of the FVCSP; and

WHEREAS, this requirement places an undue burden on the first development in a Special Public Open Space Area and potentially stops development within the Crossings Specific Plan; and

WHEREAS, the Fountain Valley General Plan (1995) and Section 3.3 of the FVCSP identified the ratio of park acreage per 1,000 persons at the time as 13.2 acres per 1,000 residents, based on the 1990 census of 53,691 and parks totaling 708.75 acres within the City. The General Plan noted this in comparison with typical range of three (3) to five (5) acres of parkland per thousand residents of most cities in California. The 2010 census population figure of 57,010 represents a relatively modest 6% increase over the 15-year period. Assuming no additions to park acreage, today the resulting ratio of park acreage per 1,000 persons would be 12.4 acres per 1,000 residents. The projected potential residential buildout within the FVCSP is estimated to result in a maximum of 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents. This ratio on a city-wide basis remains well above averages for California cities; and
WHEREAS, Code Amendment No. 20-09 proposes to eliminate Section 2.6.2, Special Public Open Space Requirement, along with all related references to Section 2.6.2 from the FVCSP; and

WHEREAS, Table 2.7 Parking Regulations of the FVCSP contains parking requirements for permitted uses in the FVCSP; and

WHEREAS, Section 2.7.1.9, Table 2.7 Parking Regulations, provides parking requirements for Workplace – Professional uses at a rate of 3.5 spaces per 1,000 square feet minimum and 4.5 spaces per 1,000 square feet maximum; and

WHEREAS, Code Amendment No. 20-09 proposes to amend Section 2.7.1.9, Table 2.7 Parking Regulations, for Workplace – Professional uses from a rate of 3.5 spaces per 1,000 square feet minimum and 4.5 spaces per 1,000 square feet maximum to a rate of 2.5 spaces per 1,000 square feet minimum and 3.5 spaces per 1,000 square feet maximum; and

WHEREAS, this amendment to the FVCSP would make the FVCSP consistent with the office parking requirement found in FVMC Section 21.22.040, Table 3-3; and

WHEREAS, the FVCSP does not allow pedestrian bridges across the public right-of-way; and

WHEREAS, Code Amendment No. 20-09 proposes to amend the FVCSP to add new Section 2.5.5 Skyways to allow for pedestrian bridges across the public right-of-way to connect government uses that are bisected by public streets to allow efficiencies and minimize pedestrian crossings of public streets; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, on October 14, 2020, the Planning Director conducted a duly noticed public hearing and approved Development Plan Review No. 20-1 and Deviations for the maximum building length, street façade composition, and parking requirements. These actions are contingent upon Planning Commission and City Council actions on the Project and Entitlements. The Planning Director also recommended approval of the Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing and approved Resolution No. 20-21 approving Variance 332 and recommending that the City Council approve Code Amendment No. 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and pedestrian bridge. The Planning Commission also approved Resolution No. 20-20 recommending the City Council approve an Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements. Both of these actions are contingent upon City Council
EXHIBIT A OF ATTACHMENT 6

actions on Code Amendment No. 20-09, an Addendum to the EIR, the vacation of an easement, and a Development Agreement and pedestrian bridge; and

WHEREAS, the Fountain Valley Planning Commission held a duly noticed public hearing on October 28, 2020, and by a vote of ___, recommended that the City Council approve Code Amendment No. 20-09; and

WHEREAS, on November 17, 2020, the Fountain Valley City Council conducted a duly noticed public hearing and approved Resolution No. 20-20 approving an Addendum to the FVCSP EIR, stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, the proposed CA No. 20-09 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

NOW, THEREFORE, the City Council of the City of Fountain Valley does ordain as follows:

SECTION 1

The EIR for the FVCSP was certified by the City Council on January 23, 2018. An Addendum to the EIR (Exhibit 1 of Resolution No. 20-20) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164 and was adopted by the City Council on November 17, 2020.

SECTION 2

The City Council finds that due notice of the public hearing on November 17, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center, and the Fountain Valley Library.

SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050 the City Council does hereby find as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the FVCSP and/or Title 21 Development Code.
CA 20-09 will maintain and enhance high quality development throughout the city by encouraging variety, quality, consistency, and innovation in land use practice and by promoting quality commercial development (General Plan Goal/Policy 2.1.2 and 2.1.3). CA 20-09 will help spur redevelopment in the FVCSP, transitioning from primarily industrial and manufacturing uses to high-value mixed-use developments that combine commercial and residential uses to create a cohesive workplace-residential oriented community.

Specifically, the elimination of the Special Public Open Space requirement of at least ½ acre to be provided in each of the six designated planning areas, as noted in Figure 2.6.2 of the FVCSP, will eliminate a roadblock to development within each planning area of the FVCSP. Open Space will still be required for each qualifying project as noted in Section 2.6.B.1 and Table 2.6. Additionally, landscaping requirements are required for each development in the FVCSP in Section 2.6 Open Space Regulations that require a substantial amount of landscaping for each development in the form of publicly accessible and functional open space as well as front yard setback, side yard setback, rear yard setback, and parking lot landscaping requirements. Additionally, the projected potential residential buildout within the FVCSP is estimated to result in a maximum of 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents. This ratio on a citywide basis remains well above averages for California cities. Additionally, this amendment will meet Section 1.1 Community Objectives of the FVCSP by ensuring prosperity and sustainability in the FVCSP by helping to shape each increment of new development to build toward a more prosperous and environmentally sustainable city and region.

The parking requirement reduction to 2.5 min / 3.5 max per 1,000 square feet for Workplace – Professional uses will align with FVMC 21.22.040 Table 3-3 and provide a consistent parking requirement for office uses citywide. This amendment will meet Section 1.1 Community Objectives of the FVCSP by integrating mobility with land use by balancing mobility, livability, equity, and economic development objectives by maintaining minimum community mobility standards by providing consistent parking standards between the FVMC and FVCSP for office uses.

Lastly, the amendment to add Section 2.5.5 Skyways to allow for pedestrian bridges across the public right-of-way to connect public uses that are bisected by public right-of-way will maintain and enhance high quality development in the FVCSP by encouraging variety and innovation in land use practice. The addition of the skyway section will promote efficiencies in the use of government uses that are bisected by public right-of-way and minimize pedestrian crossings of public streets. This amendment will meet Section 1.1 Community Objectives of the FVCSP by integrating mobility with land use by balancing mobility, livability, equity, and economic development objectives by furthering patterns of land use and development that maximize return on investment in transit and contribute at the regional scale.

The City Council staff report dated November 17, 2020, contains a detailed analysis for the proposed changes to the FVCSP that is determined to be consistent with the General Plan and the Development Code, Title 21.
EXHIBIT A OF ATTACHMENT 6

2. The proposed amendment will not be detrimental to the public convenience, health, interest, safety or welfare of the City. The proposed amendments would eliminate the Special Public Open Space requirement, reduce the parking requirement for Workplace - Professional uses, and allow for pedestrian bridges in the FVCSP. These amendments would not be detrimental to the public convenience, interest, or welfare of the city as they would help further development of projects in the FVCSP without the roadblock of a special public open space requirement while still providing other open space and landscaping requirements; they would help office uses develop with a consistent parking requirement citywide; and they would allow for pedestrian bridges between government uses that are bisected by public right-of-way to promote efficiencies in their use and minimize pedestrian crossings of public streets.

3. The proposed amendments have been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures as indicated in Section 1;

4. The proposed amendment is internally consistent with other applicable provisions of the FVCSP and Title 21 Development Code. The FVCSP has been developed to provide flexibility and encourage land uses to further the objectives of the Specific Plan in compliance with the Development Code, Title 21. The proposed amendments will eliminate a special public open space requirement in the FVCSP that is not required in the FVMC. Although the special public open space requirement would be eliminated, the FVCSP requires other open space and landscaping requirements as noted in Section 2.6 of the FVCSP including landscaping in the form of publicly accessible and functional open space as well as front yard setback, side yard setback, rear yard setback, and parking lot landscaping requirements. The proposed amendment will also reduce the parking requirement for Workplace – Professional uses in the FVCSP consistent citywide. Lastly, the CA will allow for skyway bridges between specific types of uses (government buildings). The CA is therefore internally consistent with other provisions of the FVCSP and the FVMC.

SECTION 4

Section 2.6.2 Special Public Open Space Requirement of Chapter 2.6 Open Space Regulations of the FVCSP is hereby amended as follows:

2.6 Open Space Regulations

This section contains regulations and guidelines for the provision and design of open spaces and landscaping elements other than new streets which are covered in Section 2.5. They are designed to ensure that publicly accessible open spaces are provided and built with the quality and care necessary to ensure the development of a varied network of well used, interconnected public spaces that enhance the livability of the Plan Area.

2.6.1 Provision of Public Open Space

A. Definition

1. Public open spaces are public or semi-public outdoor spaces designed to facilitate community formation, interaction, relaxation, and contemplation through public gathering, activity, recreation, and/or leisure.
2. Public open spaces may or may not have areas which are sheltered from the elements.

3. Public open spaces can be publicly or privately owned and maintained. Maintenance responsibility shall be determined on a case-by-case basis. However, in all cases, control over the use and activities permitted within open space that is privately owned shall be held by private property owner, and the private property owner shall assume all responsibility of maintaining such open space.

B. Regulation

1. The amount of public open space required for new development shall be as specified for each District in Figure 2.6. – Open Space Requirements.

2. Public open spaces shall be designed as one of the public open space types defined in Section 2.6.4.

3. Public open spaces shall include amenities such as seating, lighting and landscaping.

4. Public open spaces shall be built within the development area by developers as development occurs.

5. In instances where small or awkwardly shaped properties make the provision of on-site public open space impractical, the Planning Director may permit the in-lieu payment of the cost to construct the required amount of usable open space off site.

6. At the discretion of the Planning Director, required open space may be constructed off site and/or as part of a larger public open space that will be provided by the City or other private developments.

7. Except properties with a Special public open space requirement pursuant to Section 2.6.2, on-site public open space shall not be used to satisfy compliance with the City’s park land dedication or in-lieu fee requirements.

C. General Requirements

1. All public open spaces shall abut public rights-of-way or be otherwise connected to public sidewalks and shall be open to the public twenty-four (24) hours a day. At the discretion of the Public Works Director/Designee, public access to a public open space may be restricted after dark.

2. Unless otherwise specified in 2.6.4. Public Open Space Types, the minimum width of a public open space shall be twenty (20) feet.

3. All public open spaces shall be visible from surrounding streets and shall avoid placement of masses of shrubs around their edges.

2.6.2 Special Public Open Space Requirement

The following special requirement applies to development within each of the six areas shown in Fig.2.6.2 Special Public Open Space Areas Map.

A. Primary Open Space

1. At least one primary public open space larger than a ½ acre shall be provided within each area.

2. The primary open space shall count toward all affected developments’ provision of public open space requirements proportional to property size.
3. All affected properties shall contribute to the construction cost of the primary open space.

4. The primary open space shall be centrally located within each area (The exact location of the primary open space may be coordinated and determined by developers/property owners but must be determined before any development which could accommodate a ½ acre open space occurs).

5. The primary open space shall be a linear green, square, or plaza (see Section 2.6.4 —Public Open Space Types).

6. The primary open space shall abut public streets, alleys or passages or abut a public easement for vehicular/pedestrian access on at least three sides.

7. The primary open space may be used to meet the City’s park land dedication or in-lieu fee requirements.

Delete Figure 2.6.2 Special Open Space Areas Map

SECTION 5

Section 3.3 Public Open Space Network of the FVCSP is hereby amended as follows:

3.3 Public Open Space Network

The General Plan (1995) identified the ratio of park acreage per 1,000 persons at the time as 13.2 acres per 1,000 residents, based on the 1990 census of 53,691 and parks totaling 708.75 acres within the City. It noted this in comparison with typical range of three (3) to five (5) acres of parkland per thousand residents it cited as a goal of most cities in California. The regional park lands of Mile Square Park at 640 acres provides the bulk of the identified park acreage. As noted in Appendix A, the 2010 census population figure of 57,010 represents a relatively modest 6% increase over the 15-year period. Assuming no additions to park acreage, the resulting ratio of park acreage per 1,000 persons is 12.4 acres per 1,000 residents.

Currently, there are no existing City parks within the Crossings Plan boundaries. The nearest existing publicly accessible parks to the edges of the Crossings District are:

Ellis Park (10301 Ellis Avenue, 3 acres, about a 1,035 foot, 5-minute walk along Ellis Avenue from the southwest corner of the Crossings District at the Ward Street/Ellis Avenue intersection)

Los Alamos Park (17901 Los Alamos Street, 4.02 acres, about a 0.4 mile, 8-minute walk from the northwest corner of the Crossings District at the Ward Street/Talbert Avenue intersection via residential streets)

Moon Park (a City of Costa Mesa Park - 3377 California Street, Costa Mesa, 1.7 acres, about a 0.7 mile, 15-minute walk from the northeast corner of the Crossing District across the Talbert Avenue bridge over the Santa Ana River and then southward on the paved Santa Ana River Trail on its east bank)

The paved Santa Ana River Trail (east bank) provides a 12-foot-wide path for biking, running and walking with multiple connections to bike and pedestrian routes east of the river.
and grade separations from intersecting east-west highways and streets. The west bank trail is mostly unpaved and unimproved in the project vicinity. The preceding Book 3 sections 3.1.5 (Recommended Pedestrian Network Improvements) and 3.1.6 (Recommended Bicycle Network Improvements) include recommendations for increased access and connectivity between the Crossings District and both the west and east bank Santa Ana River Trails.

The projected potential residential buildout within the Specific Plan Area is estimated to result in a maximum of 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents. While this ratio on a citywide basis remains well above averages for California cities, everyday accessibility and usability of parks and open space for future Crossings District residents will depend on proximity to open space facilities and the connectivity of street and path networks.

Book 2, Section 2.6.2 of the Specific Plan contains a requirement for the six subareas within the Crossings District to each ultimately provide a public open space of a minimum of one-half acre size, applicable to General Plan requirements (See Fig. 2.6.2, Special Public Open Space Areas Map). A full buildout of these six subareas would result in three (3) additional acres of public open space, which would increase the citywide ratio of park acreage per 1,000 residents by about .05 acres per 1,000 residents, i.e. not a significant increase on a citywide basis, but more usably located in proximity to new Crossings District residents. Individual developments are also required to provide on-site public and private open space, though these areas are not applicable to General Plan requirements.

The City’s regulations (Section 21.78.070, Park land dedications and fees) provide that residential subdivisions shall dedicate land and/or pay a park-in-lieu fee. Subdivisions of fifty parcels or less may pay an in-lieu fee only. For the Crossings Specific Plan, Park land dedications and fees shall be as described in Book 2, Sections 2.6.1 and 2.6.2. Except properties with a Special Public Open Space Requirement pursuant to Book 2, Section 2.6.2, on-site public open space shall not be used to satisfy compliance with park dedication or park in-lieu fee requirements pursuant to the Fountain Valley Municipal Code, Title 21 Zoning.

SECTION 6

Table 2.7 Parking Regulations of the FVCSP is hereby amended as follows:

<table>
<thead>
<tr>
<th>2.7 Parking Regulations</th>
<th>Standards</th>
<th>Peak Parking Period</th>
<th>Minimum Parking When Shared</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.7.1 Provision of Parking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Retail Anchors</td>
<td>4 min / 6 max Day, Weekend No relaxation</td>
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<td></td>
</tr>
<tr>
<td>2. Eating &amp; Drinking Establishments</td>
<td>5 min / 10 max Evening, Late Night, Weekend 3 min</td>
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<td></td>
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<tr>
<td>3. Specialty Foods / Goods</td>
<td>4 min / 6 max Day 2.5 min</td>
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<td></td>
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<tr>
<td>spaces per 1000 s.f.</td>
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<tr>
<td>4. Entertainment &amp; Recreation</td>
<td>4 min / 10 max Evening, Late Night, Weekend 5 min</td>
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<td></td>
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<tr>
<td>spaces per 1000 s.f.</td>
<td></td>
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<tr>
<td>5. Convenience Uses</td>
<td>3 min / 4 max Evening, Late Night, Weekend No relaxation</td>
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<tr>
<td>spaces per 1000 s.f.</td>
<td></td>
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<tr>
<td>6. Business &amp; Personal Services</td>
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</table>
### Section 2.5.5 Skyways

**A. Definition**

A skyway is a pedestrian walkway, in an elevated structure, used exclusively for pedestrian traffic that passes over a public right-of-way.

**B. Regulation**

1. Skyways may be used only to connect government uses that are bisected by public right-of-way.

2. Only one skyway shall be allowed across a public right-of-way per project.

3. A skyway shall be approved by the City Council in conjunction with a Development Agreement. Appropriate fees or other appropriate community contribution shall be determined for the use of the public right-of-way and negotiated as part of the Development Agreement. If determined necessary by the City, the applicant shall pay for the cost of an appraisal for the portion of affected public right-of-way. Upon

---

**Peak Parking Period Definitions:**
- **Day** - conventional business hours on a non-holiday weekday
- **Evening** - generally between 5 pm and 10 pm on any night of the week
- **Late Night** - or any time between 10 pm and 4 am on any night of the week
- **Weekend** - the day time during which businesses are open on Saturdays and Sundays.

*note: parking maximums apply to unstructured parking types only*
EXHIBIT A OF ATTACHMENT 6

City Council approval, an encroachment permit shall be required to be completed and submitted by the applicant to the Public Works Department for review and issuance.

4. In reviewing an application for a skyway, the City Council shall consider the following:

   a. Need and merit of a skyway to connect the two sides of the government use that are bisected by the public right-of-way;
   b. Adequacy of horizontal and vertical clearance;
   c. Interruption or interference with existing streetscape or other street amenities;
   d. Reduction of and effect on pedestrian activity at street level;
   e. Potential impacts related to light and glare;
   f. Appropriate fees or community contribution for use of the public right-of-way;
   g. Effect on traffic and pedestrian safety and access.

SECTION 8

The FVCSP is hereby amended per the minor edits and cross-references as noted in Exhibit #1, attached hereto, to incorporate the proposed changes and ensure internal consistency.

SECTION 9

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

SECTION 10

The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF ______, 2020.

ATTEST:

____________________________
Cheryl Brother, Mayor

Rick Miller, City Clerk
EXHIBIT A OF ATTACHMENT 6

APPROVED AS TO FORM
HARPER & BURNS LLP

Colin Burns, Attorney for the City
Exhibit #1 to Ordinance No ____ Code Amendment No. 20-09

Minor edits, cross reference updates, and re-numberings resulting from Code Amendment 20-09, adopted by Ordinance No. ________.

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Development Standards Charts Legend:

<table>
<thead>
<tr>
<th>General Symbols</th>
<th>Description</th>
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<tr>
<td>Permitted</td>
<td>These elements are allowed, by right, unless otherwise specified in Section 2.2.1 Use Types</td>
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<td>---</td>
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</tr>
<tr>
<td>n/a</td>
<td>Not applicable</td>
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<tr>
<td>required</td>
<td>These are required elements of all new development as indicated</td>
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<tr>
<td>not required</td>
<td>These elements are not required as indicated</td>
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<tr>
<td>conditional</td>
<td>Requires a conditional use permit</td>
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<tr>
<td>limited</td>
<td>Limitations apply to location of illuminated/interactive elements as specified in section 2.9.4</td>
</tr>
<tr>
<td>CC</td>
<td>Permitted in a Convenience Cluster configuration (see section 2.2.2, Special Retail Configurations)</td>
</tr>
<tr>
<td>AC</td>
<td>Permitted in an Activity Core configuration (see section 2.2.2, Special Retail Configurations)</td>
</tr>
<tr>
<td>(M)</td>
<td>See Fig 2.6.2 Special Public Open Space Areas</td>
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Exhibit #1 to Ordinance No ____ Code Amendment No. 20-09

2.1.2.A, 2.1.3.A, 2.1.4.A, & 2.1.5.A, Development Standards Chart

<table>
<thead>
<tr>
<th>2.6 Open Space Regulations</th>
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<tr>
<td>2.6.1 Provision of Public Open Space</td>
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</tr>
<tr>
<td>2.6.2 Special Public Open Space</td>
<td>required</td>
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<tr>
<td>2.6.3 Provision of Private Open Space</td>
<td>see section 2.6.2</td>
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<td>2.6.4 Public Open Space Types</td>
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<td>2.6.5 Private Open Space Types</td>
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<td>2.6.6 Setback Area Landscaping</td>
<td>see section 2.6.5</td>
</tr>
<tr>
<td>2.6.7 General Open Space &amp; Setback Area Guidelines</td>
<td>see section 2.6.6</td>
</tr>
</tbody>
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2.3.3 Building Length

C. Exceptions

1. Where specified in Section 2.1 – Development Standards, building volumes shall be measured as separate buildings as shown in Fig.2.3.3. Building Length if they are separated by:

a. A paseo (see Section 2.6.3 – Open Space Types for the definition of a paseo). For this purpose, the paseo shall be open to the sky.

2.4 Frontage & Building Placement Regulations

2.4.1 Building Orientation to Streets and Public Open Spaces

B. Regulation

1. General

a. Where building orientation to streets and public open spaces is required, all buildings shall have primary entrances that face and open directly on to publicly accessible streets or public open spaces (see section 2.6.3 for a list of public open space types).

2.4.2 Private Frontage Types

2.4.2. C Private Frontage Specifications

1. Shopfront
e. Setback Area Treatment

ii. Setback areas shall be treated as a sidewalk extension per Section 2.6.5.

2. Corner Entry

c. Setback Area Treatment

i. Setback areas shall be treated as a sidewalk extension per Section 2.6.5.

3. Arcade

d. Setback Area Treatment

i. Setback areas for arcades built to the back of sidewalk shall be treated as a sidewalk extension per Section 2.6.5.

ii. Setback areas for arcades that are not built to the back of sidewalk shall be landscaped per Section 2.6.5.

4. Grand Portico

d. Setback Area Treatment

ii. Setback areas shall be landscaped per Section 2.6.5.

iii. Only setback areas for commercial buildings may be treated as a sidewalk extension per Section 2.6.5.

6. Common Lobby Entry

d. Setback Area Treatment

i. Setback areas shall be landscaped per Section 2.6.5.

ii. Where specified in Section 2.1 – Development Standards as “limited,” the setback areas shall be treated as a sidewalk extension per Section 2.6.5.

7. Stoop

d. Setback Area Treatment

i. Setback areas shall be landscaped per Section 2.6.5.

8. Porch

d. Setback Area Treatment

i. When expressed as a separate mass appended to the primary front building plane, the porch may encroach into the front setback zone.

ii. Setback areas shall be landscaped per Section 2.6.5.

9. Front Door
d. Setback Area Treatment

i. Setback areas shall be landscaped per Section 2.6.5.

2.4.3 Front Yard Setback

B. Regulation

2. Additional Requirements

d. The front yard setback area must be landscaped per Section 2.6.5 – Setback Area Landscaping Types.

2.4.4 Side Yard Setback

B. Regulation

1. General

c. The side yard setback area must be landscaped per Section 2.6.5 – Setback Area Landscaping Types.

2.4.5 Rear Yard Setback

B. Regulation

1. General

b. The rear yard setback area must be landscaped per Section 2.6.5 – Setback Area Landscaping Types.

2.5.3 Block Size

B. Regulation

6. Passages / paseos (see Section 2.6.3.G Passage/Paseo) may only be used to determine pedestrian block size and shall not qualify as defining the edges of a vehicular block.

2.7 Parking Regulations

2.7.3 General Parking AND Loading Requirements

D. Parking Lots

2. Landscaping

c. In addition, parking lots shall be buffered from adjacent development with moderate screening (see Section 2.6.6.B and 2.6.6.C.2).
2.9.4 Interactivity & Animation

A. Regulation

1. LED screen signs, electronic readerboard signs, or other signs that display animation and/or include interactive media such as social network information or interactive art shall be permitted as specified in the Section 2.1 Development Standards Charts and are specifically encouraged as part of Plazas, Courtyard Plazas, and Passages/Paseos (see section 2.6.3 Public Open Space Types), and with a conditional use permit at Entertainment Anchors, Civic/Cultural uses, and Schools.

2.9.5 Sign Type Regulations

B. Regulation

2. Messages

b. Signs which display civic or cultural messages are permitted and specifically encouraged as part of Plazas, Courtyard Plazas, and Passages/Paseos (see section 2.6.3 Public Open Space Types).

WHEREAS, Government Code Section 65865 eq. seq., authorizes cities to enter into development agreements with applicants pursuant to which those applicants will be entitled to develop their property in a specified manner; and

WHEREAS, The Orange County Sanitation District (OCSD) is desirous of entering into the proposed agreement which is shown as Attachment A of Exhibit 1 and incorporated herein by this reference; and

WHEREAS, the Project necessitates the following entitlement applications and actions by various hearing bodies (Entitlements):

1. Lot Line Adjustment No. 19-01 – Per FVMC 21.76.040, Lot Line Adjustment No. 19-01 was approved by the City of Fountain Valley Subdivision Review Committee on September 12, 2019;
2. Lot Line Adjustment No. 19-02 – Per FVMC 21.76.040, Lot Line Adjustment NO. 19-02 was approved by the City of Fountain Valley Subdivision Review Committee on November 21, 2019;
3. Development Plan Review No. 20-1 for the headquarters building, parking lot, and landscaping and Deviations to standards of the FVCSP for the maximum building length (a 2% deviation - 203’11½” proposed instead of the maximum 200’), street façade composition (a 5.5% deviation – 18.9% window openings proposed instead of the minimum 20%), and parking requirements (a 5% deviation – 261 spaces proposed instead of the 275 required). Per Section 2.0.3.F of the FVCSP, these actions are to be considered by the Planning Director; however, given the other Entitlements associated with the Project, the Planning Director’s actions are contingent upon Planning Commission and City Council actions on the Project;
4. Variance 332 for frontage coverage on Pacific Street, frontage coverage on Bandilier Circle, build-to-corner at Ellis Avenue and Bandilier Circle, curb cuts & driveways along Pacific Street, street façade base on Pacific Street, street façade base on Ellis Avenue, street façade base on Bandilier Circle, street façade top on Pacific Street, Bandilier Circle, and Ellis Avenue, and street façade wall composition on Bandilier Circle. Per Section 2.0.3.F of the FVCSP, the Planning Commission will act on Deviations greater than 20% through the Variance process outlined in FVMC 21.50 through Variance No. 332. The Planning Commission will also provide recommendations to the City Council on four other Entitlement applications: Code Amendment No. 20-09, an Addendum to the FVCSP Environmental Impact Report (EIR), the vacation of an easement, and a Development Agreement and pedestrian bridge. The Planning Commission’s actions on Variance 332 are contingent upon City Council actions on Code Amendment No. 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and a pedestrian bridge;

5. Code Amendment No. 20-09 to amend the FVCSP to eliminate the Special Public Open Space requirement, allow pedestrian bridges to span the public right-of-way in certain circumstances, and adjust the parking ratio for the Workplace-Professional Category to be consistent with the parking ratio in the Fountain Valley Municipal Code (FVMC). The City Council will take final action on Code Amendment 20-09;

6. Vacation of Easement for a street easement that exists between three parcels on the Project site but serves no public purpose. The City Council will take final action on the Vacation of Easement;

7. Development Agreement to clarify fees, standards, project improvements and entitlements, offsite improvements, and the pedestrian bridge, and an associated action on a pedestrian bridge. Per Section 21.38 of the FVMC, the City Council will take final action on the Development Agreement and, per Code Amendment 20-09, will also take final action on the Pedestrian Bridge; and

8. Addendum to the FVCSP Final EIR, which considers the consistency of the Project and Entitlements with the impacts and mitigation identified in the certified EIR. The City Council will take final action on the proposed Addendum to the FVCSP Final EIR for the Project and Entitlements.

WHEREAS, a Development Agreement has been prepared between the City of Fountain Valley and OCSD for the development of a 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street (project) in accordance with Fountain Valley Municipal Code, Chapter 21.38; and

WHEREAS, the project is located within the Fountain Valley Crossings Specific Plan (FVCSP) that was approved by the City of Fountain Valley City Council on January 23, 2018; and
WHEREAS, the primary goal of the FVCSP is to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District. More specifically, Community Objective No. 10 in Section 1.1 of the FVCSP is to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region; and

WHEREAS, the developer, OCSD, is a government agency and is therefore exempt from paying property tax. Property tax exemptions result in a loss of local property tax revenues, require the community to subsidize its public services, and create a burden upon the delivery of local municipal services to the project; and

WHEREAS, the proposed Development Agreement will reimburse the City for the loss of local property tax revenues that will create a burden upon the delivery of local municipal services to the project and services required by the proposed development that are not otherwise being reimbursed by the City; and

WHEREAS, the proposed Development Agreement will provide OCSD with assurance that the Project can proceed; and

WHEREAS, the Development Agreement will meet all of the criteria of Fountain Valley Municipal Code 21.38.040(e)(7); and

WHEREAS, this Development Agreement has been duly processed in accordance with City’s rules and regulations governing the approval of development agreements; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, the Addendum to the FVCSP Final EIR has been provided for the Planning Commission’s review and is attached to Resolution No. 20-20; and

WHEREAS, on October 14, 2020, the Planning Director conducted a duly noticed public hearing and approved Development Plan Review No. 20-1 and Deviations for the maximum building length, street façade composition, and parking requirements. These actions are contingent upon Planning Commission and City Council actions on the Project and Entitlements. The Planning Director also recommended approval of the Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and
WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing and approved Resolution No. 20-20 recommending the City Council approve an Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements. The Planning Commission also approved Resolution No. 20-21 approving Variance 332; Resolution 20-23 recommending that the City Council approve Code Amendment No. 20-09; Resolution 20-22 recommending that the City Council approve the vacation of an easement. The Planning Commission’s actions are contingent upon City Council actions on Code Amendment No. 20-09, an Addendum to the EIR, the vacation of an easement, and a Development Agreement and pedestrian bridge; and

WHEREAS, the Planning Commission considered said Development Agreement and pedestrian bridge at its public hearing on October 28, 2020.

NOW THEREFORE, the Planning Commission of the City of Fountain Valley does hereby resolve as follows:

SECTION 1:

The EIR for the FVCSP was certified by the City Council on January 23, 2018. An Addendum to the EIR (Exhibit 1 of Resolution No. 20-20) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

SECTION 2:

The Planning Commission finds that the due notice of public hearing on October 21, 2020, in the Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the statutes of the State of California.

The Planning Commission has considered the evidence to support the findings set forth in Sections 3 and 4 below.

SECTION 3:
Resolution No. 20-24
Page 5 of 7

Having considered the evidence, the Planning Commission finds that the proposed agreement meets all criteria established for a Development Agreement as provided for in the Fountain Valley Municipal Code, Section 21.38.040(e)(7) and recommends approval of the Development Agreement to the City Council. Specifically, the Planning Commission finds that:

1. The development agreement would be in the best interest of the City. The development agreement will reimburse the City of Fountain Valley in the amount of $2.9 million for the loss of local property tax revenues that will create a burden upon the delivery of local municipal services to the project and services required by the proposed development that are not otherwise being reimbursed by the City in exchange for a Development Agreement outlining approvals of Development Plan Review No. 1, Code Amendment No. 20-09, Variance No. 332, and minor deviations to the FVCSP.

2. The development agreement is consistent with the actions, goals, objectives, and policies of the General Plan and Development Code. The development agreement will help meet General Plan Goal 2.1 and Policy 2.1.2 and 2.1.3 by enhancing high quality development throughout the City by encouraging variety, quality, consistency, and innovation in land use practice and promoting quality commercial development. Additionally, the project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. Lastly, the development agreement, along with the code amendments, variances, and deviations, will help the project substantially meet the development requirements of the Development Code and the FVCSP.

3. The development agreement would promote the public convenience, health, interest, safety, or welfare of the City. Approval of the development agreement will reimburse the City of Fountain Valley in the amount of $2.9 million in exchange for a Development Agreement outlining approvals of Development Plan Review No. 1, Code Amendment No. 20-09, Variance No. 332, and minor deviations to the FVCSP. The project will promote public convenience, health, interest, safety, and welfare by providing upgrades to the public right-of-way around the project by providing an eight foot wide sidewalk and new street lighting, a pedestrian bridge connecting the project to the OCSD Campus south of Ellis Avenue, and will provide an public open space design that invites the public into the project off of Bandilier Circle.

SECTION 4:

Having considered the evidence, the Planning Commission recommends approval of the pedestrian bridge spanning Ellis Avenue. Specifically, the Planning Commission finds that:
a. The Planning Commission recommends that the City Council approve Code Amendment 20-09 amending the FVCSP to add Section 2.5.5 Skyways to the FVCSP, which allowed for a pedestrian bridge to span a public right-of-way and connect the Project to the existing OCSD campus;

b. Need and merit of a skyway to connect the two sides of the government use that are bisected by the public right-of-way. The OCSD skyway will connect the new headquarters building with the existing OCSD campus on the south side of Ellis Avenue and allow for uninterrupted and safe pedestrian access between the two halves of the campus;

c. Adequacy of horizontal and vertical clearance. The OCSD skyway is proposed to provide 19 feet of vertical clearance and has been certified as adequate and safe by the City’s transportation engineer;

d. Interruption or interference with existing streetscape or other street amenities. The OCSD skyway will completely span the Ellis Avenue right-of-way and will not interfere or alter existing landscaping or streetscape amenities;

e. Reduction of and effect on pedestrian activity at street level. The OCSD skyway will completely span the Ellis Avenue right-of-way and will not interfere or alter pedestrian activity on the sidewalks;

f. Potential impacts related to light and glare. The OCSD skyway will provide lighting at an average illuminance of 6.3 footcandles (fc) when the lights are on a full output. The lighting design of the pedestrian bridge will provide the necessary light levels for safe egress to and from the bridge while also minimizing glare to the oncoming traffic. The luminaries on the pedestrian bridge will provide precise optics that reduce glare to a glare rating of 0 according to the Illuminating Engineering Society (IES) of North America. Additionally, the luminaires are dimmable so the light level can be adjusted to respond to the specific conditions in the immediate surroundings throughout the year. Lastly, the luminaires will be placed in the center of the bridge ceiling to provide light to the pedestrian bridge pathway. Because of this, and because the luminaire's light source is recessed up in the luminaire housing, there will be very limited view of the luminaire lens by passing cars and very little light will transmit from the bridge down onto the road surface;

g. Appropriate fees or community contribution for use of the public right-of-way. A Development Agreement has been negotiated between the City and OCSD to provide an appropriate contribution both for the Project and the OCSD skyway;

h. Effect on traffic and pedestrian safety and access. The OCSD skyway will eliminate the need for OCSD staff to cross Ellis Avenue at street level, provide
uninterrupted and direct access between the two halves of the campus, and enhance pedestrian safety.

PASSED, APROVED AND ADOPTED THIS 28\textsuperscript{TH} DAY OF OCTOBER, 2020.

Chairperson

Secretary
ATTACHMENT A

ORDINANCE NO.________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FOUNTAIN VALLEY AND THE ORANGE COUNTY SANITATION DISTRICT (OCSD) FOR THE DEVELOPMENT OF DEVELOPMENT PLAN REVIEW NO. 20-01, SPECIFIC PLAN CODE AMENDMENT NO. 20-09, VARIANCE NO. 332, MINOR DEVIATIONS TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN, AND A PEDESTRIAN BRIDGE SPANNING ELLIS AVENUE FOR THE PROPERTY LOCATED EAST OF BANDILIER CIRCLE, NORTH OF ELLIS AVENUE, AND WEST OF PACIFIC STREET

WHEREAS, Government Code Section 65865 eq. seq., authorizes cities to enter into development agreements with applicants pursuant to which those applicants will be entitled to develop their property in a specified manner; and

WHEREAS, The Orange County Sanitation District (OCSD) is desirous of entering into the proposed agreement which is shown as Exhibit “A” to this Ordinance and incorporated herein by this reference; and

WHEREAS, the Project necessitates the following entitlement applications and actions by various hearing bodies (Entitlements):

1. Lot Line Adjustment No. 19-01 – Per FVMC 21.76.040, Lot Line Adjustment No. 19-01 was approved by the City of Fountain Valley Subdivision Review Committee on September 12, 2019;
2. Lot Line Adjustment No. 19-02 – Per FVMC 21.76.040, Lot Line Adjustment NO. 19-02 was approved by the City of Fountain Valley Subdivision Review Committee on November 21, 2019;
3. Development Plan Review No. 20-1 for the headquarters building, parking lot, and landscaping and Deviations to standards of the FVCSP for the maximum building length (a 2% deviation - 203’11 ¼” proposed instead of the maximum 200’), street façade composition (a 5.5% deviation – 18.9% window openings proposed instead of the minimum 20%), and parking requirements (a 5% deviation – 261 spaces proposed instead of the 275 required). Per Section 2.0.3.F of the FVCSP, these actions are to be considered by the Planning Director; however, given the other Entitlements associated with the Project, the Planning Director’s actions are contingent upon Planning Commission and City Council actions on the Project;
4. Variance 332 for frontage coverage on Pacific Street, frontage coverage on Bandilier Circle, build-to-corner at Ellis Avenue and Bandilier Circle, curb cuts & driveways along Pacific Street, street façade base on Pacific Street, street façade base on Ellis Avenue, street façade base on Bandilier Circle,
street façade top on Pacific Street, Bandilier Circle, and Ellis Avenue, and street façade wall composition on Bandilier Circle. Per Section 2.0.3.F of the FVCSP, the Planning Commission will act on Deviations greater than 20% through the Variance process outlined in FVMC 21.50 through Variance No. 332. The Planning Commission will also provide recommendations to the City Council on four other Entitlement applications: Code Amendment No. 20-09, an Addendum to the FVCSP Environmental Impact Report (EIR), the vacation of an easement, and a Development Agreement and pedestrian bridge. The Planning Commission’s actions on Variance 332 are contingent upon City Council actions on Code Amendment No. 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and a pedestrian bridge;

5. Code Amendment No. 20-09 to amend the FVCSP to eliminate the Special Public Open Space requirement, allow pedestrian bridges to span the public right-of-way in certain circumstances, and adjust the parking ratio for the Workplace-Professional Category to be consistent with the parking ratio in the Fountain Valley Municipal Code (FVMC). The City Council will take final action on Code Amendment 20-09;

6. Vacation of Easement for a street easement that exists between three parcels on the Project site but serves no public purpose. The City Council will take final action on the Vacation of Easement;

7. Development Agreement to clarify fees, standards, project improvements and entitlements, offsite improvements, and the pedestrian bridge, and an associated action on a pedestrian bridge. Per Section 21.38 of the FVMC, the City Council will take final action on the Development Agreement and, per Code Amendment 20-09, will also take final action on the Pedestrian Bridge; and

8. Addendum to the FVCSP Final EIR, which considers the consistency of the Project and Entitlements with the impacts and mitigation identified in the certified EIR. The City Council will take final action on the proposed Addendum to the FVCSP Final EIR for the Project and Entitlements.

WHEREAS, a Development Agreement has been prepared between the City of Fountain Valley and OCSD for the development of a 109,914 square foot Headquarters Building located east of Bandilier Circle, north of Ellis Avenue, and west of Pacific Street (project) in accordance with Fountain Valley Municipal Code, Chapter 21.38; and

WHEREAS, the project is located within the Fountain Valley Crossings Specific Plan (FVCSP) that was approved by the City of Fountain Valley City Council on January 23, 2018; and

WHEREAS, the primary goal of the FVCSP is to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District. More specifically, Community Objective No. 10 in Section 1.1 of the FVCSP is to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region; and
WHEREAS, the developer, OCSD, is a government agency and is therefore exempt from paying property tax. Property tax exemptions result in a loss of local property tax revenues, require the community to subsidize its public services, and create a burden upon the delivery of local municipal services to the project; and

WHEREAS, the proposed Development Agreement will reimburse the City for the loss of local property tax revenues that will create a burden upon the delivery of local municipal services to the project and services required by the proposed development that are not otherwise being reimbursed by the City; and

WHEREAS, the proposed Development Agreement will provide OCSD with assurance that the Project can proceed; and

WHEREAS, the Development Agreement will meet all of the criteria of Fountain Valley Municipal Code 21.38.040(e)(7); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, the Addendum to the FVCSP Final EIR has been provided for the City Council’s review and is attached to City Council Resolution No. ___; and

WHEREAS, on October 14, 2020, the Planning Director conducted a duly noticed public hearing and approved Development Plan Review No. 20-1 and Deviations for the maximum building length, street façade composition, and parking requirements. These actions are contingent upon Planning Commission and City Council actions on the Project and Entitlements. The Planning Director also recommended approval of the Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing and approved Resolution No. 20-21 approving Variance 332 and recommending that the City Council approve Code Amendment No. 20-09, an Addendum to the FVCSP EIR, the vacation of an easement, and a Development Agreement and pedestrian bridge. The Planning Commission also approved Resolution No. 20-20 recommending the City Council approve an Addendum to the FVCSP Final EIR stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements. Both of these actions are contingent upon City Council actions on Code Amendment No. 20-09, an Addendum to the EIR, the vacation of an easement, and a Development Agreement and pedestrian bridge; and
WHEREAS, the Planning Commission considered said Development Agreement and the pedestrian bridge at its public hearing on October 28, 2020, and by a vote of ___ the Planning Commission approved Resolution No. 20-24 recommending the City Council approve the Development Agreement and pedestrian bridge; and

WHEREAS, on November 17, 2020, the Fountain Valley City Council conducted a duly noticed public hearing and approved Resolution No. 20-___ approving an Addendum to the FVCSP EIR, stating that no new or substantially more severe significant impacts would occur as a result of the Project and Entitlements; and

WHEREAS, this Development Agreement has been duly processed in accordance with City’s rules and regulations governing the approval of development agreements; and

WHEREAS, the City Council considered the recommendation of the Planning Commission and on November 17, 2020, held a public hearing pertaining to this Development Agreement and pedestrian bridge in accordance with Government Code Section 65856; and

WHEREAS, the City Council does hereby find that the provisions of the agreement and pedestrian bridge are consistent with the General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

The EIR for the FVCSP was certified by the City Council on January 23, 2018. An Addendum to the EIR (Exhibit 1 of Resolution No. 20-20) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164 and was adopted by the City Council on November 17, 2020.

SECTION 2:

Having considered the evidence, the City Council finds that the proposed agreement meets all criteria established for a Development Agreement as provided for in the Fountain Valley Municipal Code, Section 21.38.040(e)(7) and hereby approves the Development Agreement. Specifically, the City Council finds that:
1. The development agreement would be in the best interest of the City. The development agreement will reimburse the City of Fountain Valley in the amount of $2.9 million for the loss of local property tax revenues that will create a burden upon the delivery of local municipal services to the project and services required by the proposed development that are not otherwise being reimbursed by the City in exchange for a Development Agreement outlining approvals of Development Plan Review No. 1, Code Amendment No. 20-09, Variance No. 332, and minor deviations to the FVCSP.

2. The development agreement is consistent with the actions, goals, objectives, and policies of the General Plan and Development Code. The development agreement will help meet General Plan Goal 2.1 and Policy 2.1.2 and 2.1.3 by enhancing high quality development throughout the City by encouraging variety, quality, consistency, and innovation in land use practice and promoting quality commercial development. Additionally, the project will meet the primary goal of the FVCSP to enhance the overall economic performance, physical attractiveness, community value and functionality of the Crossings District to ensure prosperity and sustainability by shaping each increment of new development to build toward a more prosperous and environmentally sustainable city and region. Lastly, the development agreement, along with the code amendments, variances, and deviations, will help the project substantially meet the development requirements of the Development Code and the FVCSP.

3. The development agreement would promote the public convenience, health, interest, safety, or welfare of the City. Approval of the development agreement will reimburse the City of Fountain Valley in the amount of $2.9 million in exchange for a Development Agreement outlining approvals of Development Plan Review No. 1, Code Amendment No. 20-09, Variance No. 332, and minor deviations to the FVCSP. The project will promote public convenience, health, interest, safety, and welfare by providing upgrades to the public right-of-way around the project by providing an eight foot wide sidewalk and new street lighting, a pedestrian bridge connecting the project to the OCSD Campus south of Ellis Avenue, and will provide an public open space design that invites the public into the project off of Bandilier Circle.

4. The attached Development Agreement, Exhibit A, between the City and OCSD is approved.

5. The Mayor is authorized to execute the agreement after the referendum period has expired.

6. The City Clerk shall, not later that ten (10) days after the Mayor signs the agreement, cause the agreement to be recorded with the County Recorder.

SECTION 3:
Having considered the evidence, the City Council approves the pedestrian bridge spanning Ellis Avenue. Specifically, the City Council finds that:

a. The City Council approved Code Amendment 20-09 amending the FVCSP to add Section 2.5.5 Skyways to the FVCSP, which allowed for a pedestrian bridge to span a public right-of-way and connect the Project to the existing OCSD campus;

b. Need and merit of a skyway to connect the two sides of the government use that are bisected by the public right-of-way. The OCSD skyway will connect the new headquarters building with the existing OCSD campus on the south side of Ellis Avenue and allow for uninterrupted and safe pedestrian access between the two halves of the campus;

c. Adequacy of horizontal and vertical clearance. The OCSD skyway is proposed to provide 19 feet of vertical clearance and has been certified as adequate and safe by the City’s transportation engineer;

d. Interruption or interference with existing streetscape or other street amenities. The OCSD skyway will completely span the Ellis Avenue right-of-way and will not interfere or alter existing landscaping or streetscape amenities;

e. Reduction of and effect on pedestrian activity at street level. The OCSD skyway will completely span the Ellis Avenue right-of-way and will not interfere or alter pedestrian activity on the sidewalks;

f. Potential impacts related to light and glare. The OCSD skyway will provide lighting at an average illuminance of 6.3 footcandles (fc) when the lights are on a full output. The lighting design of the pedestrian bridge will provide the necessary light levels for safe egress to and from the bridge while also minimizing glare to the oncoming traffic. The luminaries on the pedestrian bridge will provide precise optics which reduce glare to a glare rating of 0 according to the Illuminating Engineering Society (IES) of North America. Additionally, the luminaires are dimmable so the light level can be adjusted to respond to the specific conditions in the immediate surroundings throughout the year. Lastly, the luminaires will be placed in the center of the bridge ceiling to provide light to the pedestrian bridge pathway. Because of this, and because the luminaire’s light source is recessed up in the luminaire housing, there will be very limited view of the luminaire lens by passing cars and very little light will transmit from the bridge down onto the road surface;

g. Appropriate fees or community contribution for use of the public right-of-way. A Development Agreement has been negotiated between the City
and OCSD to provide an appropriate contribution both for the Project and the OCSD skyway;

h. Effect on traffic and pedestrian safety and access. The OCSD skyway will eliminate the need for OCSD staff to cross Ellis Avenue at street level, provide uninterrupted and direct access between the two halves of the campus, and enhance pedestrian safety.

PASSED, APPROVED AND ADOPTED THIS 1ST DAY OF DECEMBER, 2020.

ATTEST:

_____________________________   ________________________________
City Clerk                        Cheryl Brothers, Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP

______________________________
Attorneys for the City
EXHIBIT A DRAFT DEVELOPMENT AGREEMENT

Recording Requested by and When Recorded Return to:

City Clerk  
City of Fountain Valley  
10200 Slater Avenue  
Fountain Valley, CA 92653  
Attn: City Clerk

With Copy to:  
Clerk of the Board  
Orange County Sanitation OCSD  
10844 Ellis Ave.  
Fountain Valley, CA 92708

[Exempt from Recording Fee Per Gov. Code § 27383])

DEVELOPMENT AGREEMENT

This Development Agreement (“Agreement”) is entered into by and between the ORANGE COUNTY SANITATION DISTRICT, a county sanitation district (OCSD), and the CITY OF FOUNTAIN VALLEY, a California general law city and municipal corporation (CITY). OCSD and the CITY are sometimes collectively referred to herein as the “Parties” and individually referred to as each “Party.”

RECITALS AND INTENT OF PARTIES

This Agreement is made with respect to the following facts:

A. OCSD owns the following parcels of real property in the CITY:

<table>
<thead>
<tr>
<th>Street Address(es)</th>
<th>Parcel Number(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>18475 Pacific Street &amp; 18484 Bandilier Circle</td>
<td>156-163-06; 156-163-08</td>
</tr>
<tr>
<td>18410, 18430 &amp; 18436 Bandilier Circle</td>
<td>156-163-10</td>
</tr>
<tr>
<td>18429 Pacific Street</td>
<td>156-163-09</td>
</tr>
<tr>
<td>18368, 18375, 18381 &amp; 18384 Bandilier Circle</td>
<td>156-163-11</td>
</tr>
<tr>
<td>18350 Mt. Langley</td>
<td>156-163-17; 156-154-08</td>
</tr>
</tbody>
</table>

Collectively, these properties are referred to herein as the “OCSD Properties.” The OCSD Properties are described more specifically in the legal descriptions attached hereto as Exhibit “A.”

Notwithstanding the defined term of OCSD Properties, or any other term of this Agreement, the Mt. Langley property will, at the time of development or redevelopment, be required to pay, in full, all then applicable City or third party fees for development, including but not limited to permit processing fees, plan check fees, business license fees, traffic impact and/or mitigation fees, park fees, subdivision fees, water/sewer connection fees, WQMP fees or inspection fees.
B. OCSD applied to the CITY for permits to develop (i) an administration headquarters building and surface parking lot on the OCSD Properties, and (ii) a pedestrian bridge across Ellis Avenue connecting the new administration headquarters building with the OCSD’s Reclamation Plant No. 1. In addition, the OCSD may in the future redevelop the property located at 18350 Mt. Langley for office and/or laboratory uses. Collectively, these improvements are referred to herein as the “Project.”

C. The OCSD Properties are within the Fountain Valley Crossings Specific Plan (FVCSP) area. On January 23, 2018, the CITY adopted the FVCSP and certified the Revised Final Environmental Impact Report, SCH No. 2015101042 for the FVCSP (FVCSP EIR). OCSD later prepared an Addendum to evaluate any Project impacts not analyzed in the FVCSP EIR. OCSD’s governing board considered the Addendum when it approved the Project. This FVCSP area is intended to maximize the economic benefit from land use to the CITY and the Parties hereto desire to mutually ensure and protect the economic benefit of the FVCSP area.

D. Government Code Section 65865 and Chapter 21.38 of the Fountain Valley Municipal Code authorize the CITY to enter into development agreements with property owners. By providing certainty to property owners, development agreements strengthen the public planning process, encourage private participation in comprehensive planning, provide needed public facilities, ensure community economic health, make maximum efficient utilization of resources at the least economic cost to the public, and reduce the economic costs of development.

E. Without this Agreement, the CITY could change the policies, ordinances, rules, and regulations applicable to the Project after the Project is approved but before OCSD obtains a common law vested right to construct the Project as approved. Any such change could increase OCSD’s costs of development and/or delay construction of the Project. OCSD desires to eliminate this risk. To that end, this Agreement includes the CITY’s binding assurance that the OCSD may develop the Project in accordance with the CITY policies, ordinances, rules, and regulations in effect as of the date the City Council adopts an ordinance approving this Agreement, all as subject to the specific terms and conditions in this Agreement.

F. The CITY provides a variety of services to existing land uses within the CITY, including but not limited to police, fire protection, water, and sewer collection services. New development in the CITY often increases the need for, and the cost of, these services. Without this Agreement, the Project would not contribute to any costs associated with the services provided to the OCSD Properties, including police, fire protection, water, and sewer collection services.

G. This Agreement will further the comprehensive planning objectives in the CITY’s General Plan and the FVCSP and result in substantial public benefits including, among others, the following: (i) as the first site in the Specific Plan area to redevelop under the FVCSCP, the Project will help stimulate the revitalization envisioned in the Specific Plan and thereby further all of the Community Objectives identified in Section 1.1 of the Specific Plan; (ii) by relocating OCSD’s administrative offices from Reclamation Plant No. 1 to the Project site, the Project will allow the OCSD to use additional acreage at the Plant 1 site for development of wastewater treatment facilities;
and (iii) OCSD’s payment of the monetary contribution pursuant to Section 5 below will help the CITY maintain and enhance existing levels of service for police, fire protection, water, and collection of sewage throughout the CITY that might otherwise be lost as a result of the public agency ownership of the Project, the land and the improvements, thereon, whether current or in the future. The Parties agree that the payment to the CITY of Two Million Nine Hundred Thousand Dollars ($2.9 million) makes the CITY whole for all community impacts arising from the Project.

H. The City Council concurrently approved the Project and this Agreement in accordance with all applicable legal requirements including, but not limited to, requirements for notice, public hearings, findings, votes, and other procedural matters. The CITY took the following actions on the specified dates:

i. On September 12, 2019, the City of Fountain Valley Subdivision Review Committee approved Lot Line Adjustment No. 19-01 pursuant to FVMC 21.76.040.

ii. On November 21, 2019, the City of Fountain Valley Subdivision Review Committee approved Lot Line Adjustment No. 19-02 – Per FVMC 21.76.040.

iii. On October 14, 2020, the Planning Director conducted a duly noticed public hearing and approved Development Plan Review No. 20-1 and Deviations for the maximum building length, street façade composition, parking requirements, and an Addendum to the FVCSP EIR covering the Project. These actions were contingent upon Planning Commission and City Council approval of the Project and Entitlements.

iv. On October 28, 2020, the Fountain Valley Planning Commission conducted a duly noticed public hearing and approved Resolution No. 20-___ approving Variance 332 and recommending that the City Council approve Code Amendment No. 20-09, the vacation of an easement, a Development Agreement, a pedestrian bridge, and the Addendum to the FVCSP EIR covering the Project. The Planning Commission actions are contingent upon City Council actions on Code Amendment No. 20-09, the vacation of an easement, and a Development Agreement and pedestrian bridge.

v. On October 28, 2020, the Planning Commission considered this Agreement and the pedestrian bridge at its public hearing, and approved Resolution No. ___ recommending the City Council approve the Development Agreement, pedestrian bridge, and the Addendum.

vi. On November 17, 2020, after a duly noticed public hearing, the City Council introduced Ordinance No. _________ approving and authorizing the execution of this Agreement.

vii. On December 1, 2020, after a duly noticed public hearing, the City Council determined that the provisions of this Agreement are consistent with the General Plan of the CITY, adopted Ordinance No. ______ and made findings of fact set forth therein, and approving the Addendum to the FVCSP EIR; and
viii. On December 1, 2020, the City Council adopted Ordinance No. ___, a copy of which is on file with the City Clerk of the CITY, and the findings and conditions pertaining thereto.

I. The CITY hereby gives OCSD the assurance that OCSD can proceed with the development of the Project for the term of this Agreement pursuant to the terms and conditions of this Agreement and in accordance with the Existing Regulations. The CITY’s assurance is made in consideration of the economic payment to pay in full the impacts to the CITY and substantial public improvements and benefits that will arise from the Project, the reduced costs of development, and the benefits to the CITY planning process. In reliance on the CITY’s covenants set forth in this Agreement, OCSD (i) has made the covenants set forth herein and (ii) will continue to incur costs in planning, designing, and constructing the Project.

K. Upon execution, this Agreement shall bind future City Councils to the obligations set forth herein and thereby limit the CITY’s ability to exercise certain governmental powers to the extent specified herein. Likewise, OCSD shall be bound by the terms of this Agreement as to the use and improvement of the OCSD properties.

M. The Parties agree that the consideration to be exchanged in this Agreement is fair, just, and reasonable.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, and the intent of the Parties as set forth above, the Parties hereto agree as follows:

Section 1 Definitions.

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have the meaning given to it by this Agreement. Certain terms and phrases are referenced below; others are defined where they appear in the text of this Agreement, including the Exhibits.

(a) “Agreement” means this Development Agreement, including the exhibits hereto, as the same may be amended from time to time.

(b) “City Council” means the CITY’s city council.

(c) “Development,” “development,” and “develop” mean the improvement, maintenance, and use of the OCSD Properties for the purposes of completing and occupying the structures, improvements, and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction, demolition, reconstruction, and redevelopment of buildings and structures; the installation of landscaping, and the use and maintenance of such buildings, structures, and landscaping.
EXHIBIT A DRAFT DEVELOPMENT AGREEMENT

(d) “Development Approvals” means all land use and building permits and entitlements subject to approval or issuance by CITY in connection with development of the Project including, but not limited to:

   i. Parcel maps and/or lot line adjustments.
   
   ii. Development review permits and variances.
   
   iii. Specific Plan approvals or amendments.
   
   iv. Grading and building permits; and 
   
   v. Occupancy permits.

(e) “Development Exaction” means any requirement of CITY in connection with or pursuant to any land use regulation or Development Approval for the dedication of land, the construction of public improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

(f) “Effective Date” means the date the CITY Ordinance approving this Agreement becomes effective, or the date upon which this Agreement is executed by OCSD and the CITY, whichever is later.

(g) “Existing Regulations” means:

   i. The CITY’s General Plan and the Specific Plan as they exist on the Vesting Date.
   
   ii. The CITY’s Municipal Code, including those sections of the Zoning Code which are applicable to the development of the Property, as the Municipal Code exists on the Vesting Date; and
   
   iii. Such other laws, ordinances, rules, regulations, and official policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the development of the Property in force at the time of the Vesting Date.

(h) “OCSD” means the Orange County Sanitation District, a county sanitation district organized and existing under the laws of the State of California.

(i) “OCSD Properties or Property” means the real property described above in Recital A and more particularly described in Exhibit A attached hereto.
EXHIBIT A DRAFT DEVELOPMENT AGREEMENT

(j) “Project Approvals” means all CITY approvals that OCSD has obtained, and must obtain in the future, in order to construct the Project, including approval required for plans, permits, and other entitlements for use of every kind and nature, whether discretionary or ministerial.

(k) “Subsequent Land Use Regulations” means any land use regulations adopted and effective after the Effective Date of this Agreement

(l) “Vesting Date” means the date that the City Council approves the ordinance enacting this Agreement.

Section 2 Duration.

The term of this Agreement (Term) shall commence upon the Effective Date and continue for a period of thirty (30) years unless terminated earlier pursuant to the terms of this Agreement.

Section 3 Vesting - General.

(a) Project. CITY covenants that OCSD has, and OCSD shall have, the right to implement the Development pursuant to the Development Plan Approvals and the Existing Regulations, including, without limitation, specific uses, the intensities identified in Attachment _____, building heights, building sizes, lot sizes, infrastructure standards and specifications, densities and types of development provided for in the Specific Plan, and the CITY shall have the right to control the Development in accordance with the Existing Regulations and the Development Plan Approval(s) (“vested right”). By way of enumeration, and not limitation, the vested rights afforded by this Agreement include those identified in this Agreement. Except as otherwise expressly specified in this Agreement, the Development Approval(s) shall control the development and review and approval of all Future Development Approvals and all Off-Site Improvements and appurtenances in connection therewith. Except to the extent it has been amended, canceled, modified, or suspended in accordance with the terms of this Agreement, this Agreement shall be enforceable by OCSD or its assignees notwithstanding any change in any Existing Regulation.

(b) Development Exactions. The CITY shall impose no Development Exactions on the Project or the OCSD Properties other than those established by the Existing Regulations, the Project Approvals, and this Agreement.

(c) Conditions. The conditions set forth in Exhibit D shall apply to Development of the Project. No other conditions shall apply to Development of the Project.

(d) Limits on Development. The California Supreme Court held in Pardee Construction Company v. City of Camarillo, 37 Cal.3d 465 (1984), that the failure of the Parties to address certain limits on a CITY’s ability to condition, restrict or regulate a development allowed a later adopted initiative to restrict the development. This Agreement cures that deficiency by expressly addressing the timing for the Development, the vested rights afforded by this Agreement and the scope of the CITY’s Reserved Authority. Except as expressly set forth in the Development Plan Approval(s), regardless of any future enactment, by initiative, or otherwise, OCSD shall have
the discretion to develop the Development in such order, and at such rate, in one phase or in multiple phases, at such times as OCSD deems appropriate within the exercise of its subjective business judgment. Specifically, the CITY agrees that OCSD shall be entitled to apply for and receive necessary entitlements and to develop and use the Property at any time, provided that such application is made and such development occurs in accordance with this Agreement, the other Development Plan Approval(s) and the Existing Regulations. The CITY covenants that no Existing Regulation purports to limit the scope, rate or timing of Development or alter the sequencing of Development in a manner inconsistent with the Development Plan Approval(s). No future amendment of any CITY law, or future adoption of any CITY law or other action, that purports to limit the scope, rate or timing of Development on the Property or alter the sequencing of the Development, in a manner inconsistent with the Development Plan Approval(s), whether adopted or imposed by the City Council or through the initiative or referendum process, shall apply to tie Property. In particular, but without limiting any of the foregoing, no numerical restriction shall be placed by CITY on the amount of compliant development that may be built in any particular year on any portion of the Property other than as expressly permitted by this Agreement.

Section 4  Reserved Authority.

(a) Uniform Codes. This Agreement and especially Section 3 shall not prevent the CITY from applying new uniform construction standards adopted by the State of California as State Codes, such as the Uniform Building Code, National Electrical Code, Uniform Mechanical Code or Uniform Fire Code, as modified by CITY, to the Development, provided those same standards are applied to all other development within the CITY.

(b) State and Federal Laws and Regulations. Subject to compliance with the requirements of this Section 4, the Property may be subject to subsequently enacted state or federal laws or regulations which preempt local regulations, or mandate the adoption of local regulations and are in conflict with the Development Plan Approval(s). Upon discovery of a subsequently enacted federal or state law meeting the requirements of this Section, CITY or OCSD shall provide the other Parties with written notice of the state or federal law or regulation, provide a copy of the law or regulation, and a written statement of conflicts with the provisions of this Agreement. Promptly thereafter CITY and OCSD shall meet and confer in good faith in a reasonable attempt to determine whether a modification or suspension of this Agreement, in whole or in part, is necessary to comply with such federal or state law or regulation. In such negotiations, CITY and OCSD agree to preserve the terms of this Agreement and the rights of OCSD as derived from this Agreement to the maximum feasible extent while resolving the conflict. CITY agrees to cooperate with OCSD in resolving the conflict in a manner which minimizes any financial impact of the conflict upon OCSD without materially increasing the financial obligations of CITY (from staff, consultants, or any reason) under this Agreement. CITY also agrees to process in a prompt manner OCSD’s proposed changes to the Project as may be necessary to comply with such Federal or State law; provided, however, that the approval of such changes by CITY shall be subject to the discretion of CITY, consistent with this Agreement.

Section 5.  Consistent and Inconsistent Enactments.

5.1 Assurances to OCSD. The Parties further acknowledge that the public benefits to be
provided by OCSD to the CITY pursuant to this Agreement are in consideration for and reliance upon assurances that the Property can be developed in accordance with the Development Plan Approval(s) and the Existing Regulations. Accordingly, while recognizing that the Development of the Property may be affected by the exercise of the authority and rights reserved and excepted as provided in Sections 3 (“Vesting”) and 4 (“Reserved Authority”), OCSD is concerned that normally the judiciary extends to local agencies significant deference in the adoption of rules, regulations and policies which might otherwise permit the CITY, in violation of the Reserved Authority, to attempt to apply rules, regulations and policies that are inconsistent with the Development Plan Approval(s). Accordingly, OCSD desires assurances that the CITY shall not, and the CITY agrees that it shall not, further restrict or limit the development of the Property in violation of this Agreement except in strict accordance with the Reserved Authority, which exercising of the Reserved Authority as defined herein shall not be considered to be a violation of this Agreement. CITY agrees that CITY will issue grading, building and occupancy permits if the Development contemplated in the requested permit substantially conforms to the Developing Plan Approval(s), including all relevant conditions of approval, and the Existing Regulations.

5.2 Inconsistent Enactment. By way of enumeration and not limitation, the following types of enactments shall be considered inconsistent with this Agreement and Existing Regulations and in conflict:

a. Restricts the vested rights described in the Agreement or in any way limits or reduces the rate, timing, scope, intensity, use, density, manner, or sequencing of the Development or otherwise requires any reduction or increase in the number, size, height or square footage of lot(s), structures, buildings or other improvements, modifies the standards and specifications applicable to the infrastructure required for the Development or requires additional dedications, exactions, fees or mitigation other than that provided for in the Agreement;

b. Is consistent with Section 3.2 hereof, but is not uniformly applied by the CITY to all substantially similar development within the CITY; or

c. Imposes a new permit requirement or procedure not already part of the Existing Regulations.

5.3 Consistent Enactments. By way of enumeration and not limitation, the following types of enactments shall be considered consistent with this Agreement and Existing Regulations and not in conflict:

a. Transfers of permitted uses within the Property;

b. Changes in the phasing of the Development pursuant to an application from OCSD and as approved by the CITY; and

c. Any enactment authorized by this Agreement.
EXHIBIT A DRAFT DEVELOPMENT AGREEMENT

Section 6. **Consistency Between This Agreement, the Development Approval(s), and Existing Regulations.** To the extent a conflict exists or develops between the Existing Regulations and the Development Approval(s), the Development Approval(s) shall be controlling. To the extent a conflict exists or develops between the combination of this Agreement and the Existing Regulations and any other Development Approval(s), this Agreement shall be controlling. Notwithstanding anything to the contrary in this Agreement, current health, safety, and welfare provisions of the Fire safety laws shall be required for all activity under this Agreement.

Section 7. **Procedure.** Except as set forth in Section 8 below, the procedure for proposing and adopting an amendment to this Agreement shall be the same as the procedure required for entering into this Agreement in the first instance.

Section 8. **OCSD’s Written Consent.** It is contemplated by the Parties that mutually agreed upon amendments to the Development Plan Approval(s) may be necessary. Any amendments to the Development Plan Approval(s) to which OCSD does not agree in writing shall not apply to the Property or the Project while this Agreement is in effect.

Section 9. **Concurrent Development Agreement Amendment.** Any other Development Plan amendment requiring amendment of this Agreement, as provided for in Section 10 hereof, shall be processed concurrently with an amendment to this Agreement in the manner required by law.

Section 10. **Effect of Amendment.** Except as expressly set forth within this Agreement, an amendment of the other Development Plan Approval(s) will not alter, affect, impair, or otherwise impact the rights, duties, and obligations of the Parties under this Agreement. To the extent an amendment to the Development Plan Approval(s) is approved in accordance with Section 9, the amendment shall constitute for all purposes a Development Plan Approval and shall be treated as if it were in existence on the Agreement Date.

Section 11. **Future Development Approvals.**

a. **Exercise of CITY Discretion.** In connection with Future Development Approval or any other actions which the CITY is expressly permitted to make under this Agreement relating to the Project, the CITY shall exercise its discretion or take action in a manner which complies and is consistent with the Development Plan Approval(s) and the Existing Regulations.

b. **Concurrent Development Agreement Amendment.** Any Future Development Approval requiring amendment of this Agreement, as provided for in Section 9 hereof, shall be processed concurrently with an amendment to this Agreement.

c. **Effect of Future Development Approvals.** Except as expressly set forth within this Section 11c, a Future Development Approval will not alter, affect, impair, or otherwise impact the rights, duties, and obligations of the Parties under this Agreement. To the extent a Future Development Approval is approved in accordance with Sections 9 and 11, the Future Development
Approval shall constitute for all purposes a Development Plan Approval and shall be treated as if it were in existence on the Agreement Date.

Section 12. **Failure to Conduct Annual Review.** The failure of the CITY to conduct the annual review shall not constitute or be asserted by OCSD or CITY as a breach of this Agreement.

Section 13. **Initiation of Review by City Council.** In addition to the annual review, the City Council may at any time initiate a review of this Agreement by giving written notice to OCSD. The Notice must describe in detail the specific issues which caused the CITY to question OCSD’S good faith compliance and the evidence the CITY believes is necessary for the review. Within thirty (30) days following receipt of such notice, OCSD shall submit evidence to the CITY Council of OCSD’s good faith compliance with this Agreement and such review and determination shall proceed in the same manner as provided for the annual review. The City Council shall initiate its review pursuant to this Section 13 only if it has probable cause to believe the CITY’s general health, safety or welfare is at risk as a result of specific acts or failures to act by OCSD in violation of this Agreement.

Section 14. **Administration of Agreement.** Any final decision by the CITY staff concerning the interpretation and administration of this Agreement and Development of the Property in accordance herewith may be appealed by OCSD first to the Planning Commission and thereafter to the City Council, provided that any such appeal shall be filed with the City Clerk within thirty (30) days after OCSD receives written notice that the staff decision is final all as pursuant to routine planning appeal procedures. The City Council shall render, at a noticed public hearing, its decision to affirm, reverse or modify the staff decision within thirty (30) days after the appeal was filed.

Section 15. **Availability of Documents.** If requested and reimbursed for all costs, by OCSD, the CITY agrees to provide to OCSD copies of any documents, reports or other items reviewed, accumulated or prepared by or for the CITY in connection with any periodic compliance review by the CITY, provided OCSD reimburses the CITY for all reasonable and direct costs and fees incurred by the CITY in copying the same. The CITY shall respond to OCSD’s request on or before ten (10) business days have elapsed from the CITY’s receipt of such request.

Section 16. **Effect of Noncompliance.** Notwithstanding the foregoing, to the extent the Development Approval(s) expressly provide(s) that Development of the Project or a portion thereof is directly dependent upon the performance of material obligations assumed by a and/or OCSD, which material obligations have not been performed, the CITY may, in its reasonable discretion, withhold any approvals, including, without limitation, certificates of occupancy, with respect to those directly dependent portions of the Project from OCSD until such obligations have been substantially performed. CITY agrees that CITY will not withhold approvals if the OCSD provides security for the OCSD request.

Section 17. **Estoppel Certificates.** A party may at any time deliver written notice to the other party requesting an estoppel certificate (the “Estoppel Certificate”). A party receiving a request for an Estoppel Certificate shall provide a signed certificate to the requesting party within thirty (30) days after receipt of the request. The City Manager or any person designated by the City Manager
may sign Estoppel Certificates on behalf of the CITY. Any officer or member of OCSD may sign on behalf of that Party. An Estoppel Certificate is intended to be relied on by assignees and mortgagees. If that one party requests an Estoppel Certificate from the other, the requesting party shall reimburse the other party for all reasonable and direct costs and fees incurred by such party with respect thereto.

**Section 18. Force Majeure.** A Party shall not be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by pandemics, floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond that Party’s control, action or inaction by the CITY, other governmental bodies or public utilities other than those related to the normal and customary processing of Future Development Approvals or any modifications to the Development Approval(s), judicial decisions, litigation regarding the Development Approval(s) or Future Development Approvals or other similar events. To the extent applicable to the Project and Property pursuant to Section 3 hereof, government regulations (including, without limitation, local, state and federal environmental and natural resource regulations), voter initiative or referenda or moratoria (including, without limitation, any “development moratorium” as that term is applied in Government Code Section 66452.6) constitute force majeure events.

**Section 19. Interpretation and Governing Law.** The language in all parts of this Agreement shall, in all cases, be construed as a whole and in accordance with its fair meaning. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. The Parties understand and agree that this Agreement is not intended to constitute, nor shall be construed to constitute, an impermissible attempt to contract away the legislative and governmental functions of the CITY, and in particular, the CITY’s police powers. In this regard, the Parties understand and agree that this Agreement shall not be deemed to constitute the impermissible surrender or abnegation of the CITY’s governmental powers over the Property or any decision arising from the Agreement, directly or indirectly.

**Section 20. Section Headings.** All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

**Section 21. Gender.** The singular includes the plural; the masculine gender includes the feminine; “shall” is mandatory, “may” is permissive.

**Section 22. No Joint and Several Liability.** No breach hereof by a Party shall constitute a breach by the non-breaching party. Any remedy, obligation, or liability, including but not limited to the obligations to defend and indemnify the CITY, arising by reason of such breach shall be applicable solely to the party that committed the breach. However, the CITY shall send a copy of any notice of violation to all OCSD, including those not in breach.

**Section 23. The intent of the Parties:** The intent of the Parties Section is incorporated in this Agreement as though fully set forth herein.
Section 24.  **Not for Benefit of Third Parties.** This Agreement and all provisions hereof are for the exclusive benefit of the CITY and OCSD and its assignees pursuant to this Section 24 and shall not be construed to benefit or be enforceable by any third party.

Section 25.  **Permitted Uses of the Property.**

a.  **Permitted Uses.** The Project’s permitted uses include an administrative headquarters building, surface parking, and a pedestrian bridge across Ellis Avenue connecting the headquarters building to the OCSD’s Reclamation Plant No. 1, as approved by the Planning Director (October 14, 2020), the Planning Commission (October 28, 2020), and the City Council (December 1, 2020).

b.  **Building Height and Size.** The maximum height of the administrative headquarters building is three (3) stories. The building will be approximately 110,000 square feet in size, as approved by the Planning Director (October 14, 2020), the Planning Commission (October 28, 2020), and the City Council (December 1, 2020).

Section 26.

Notwithstanding this Section 26 the Mt. Langley property is obligated to submit to all then applicable development processes and fees which are then applicable to all properties in CITY.

Section 27.  **Monetary Contribution to the City.**

**Payment.** Within ten (10) business days after the Effective Date, OCSD shall pay the CITY a monetary contribution of two million nine hundred thousand dollars ($2,900,000) as identified in this Agreement as the monies necessary to make the CITY whole as a result of this Agreement.

Section 28.  **Subsequent Discretionary Actions.**

a.  **Expedited Processing.** The CITY shall expedite the processing of all permits and approvals needed for the Project at OCSD's expense including, but not limited to, excavation, grading, building, encroachment and street improvement permits, certificates of occupancy, utility connection authorizations, plan check approval, and other permits or approvals necessary, convenient or appropriate for the grading, excavation, construction, development, improvement, use, and occupancy of the Project. Without limiting the foregoing, if requested by OCSD, the CITY agrees to utilize contract planners and plan checkers (at OCSD's sole cost to be paid to CITY prior to the commencement of the contract employees) and any other reasonably available means, to reasonably expedite the processing of Project applications and approvals, including concurrent processing applications by various CITY departments, all as subject to all legal requirements.
b. Plan Review. The CITY’s Planning and Building Director may review and approve plans binding for signage, trash enclosures, screening, and landscaping prior to issuance of a building permit; provided, however, that the sole purpose of such review shall be to verify consistency with the Existing Regulations and the Project Approvals.

c. Issuance of Ministerial Permits. The CITY shall not unreasonably withhold or condition any building permits or other ministerial permits provided the OCSD has satisfied all requirements for such permits.

Section 29. Termination.

This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

i. Expiration of the stated term of this Agreement.

ii. Entry of a final judgment after appeals are concluded setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

iii. The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement and the conclusion of any litigation, including appeal, upholding the measure overriding or repealing the ordinance that approved this Agreement.

iv. Acts by either Party that are in violation of the terms of this Agreement and which are a non-cured default.

Section 30. Default and Remedies.

a. Default. If either Party fails to perform any obligation under this Agreement, the aggrieved Party may send the defaulting Party a Notice of Default.

b. Right to Cure. A Party who receives a Notice of Default has thirty (30) days from the date of receipt to cure the default. If the default is not cured by expiration of the thirty (30) day period, the defaulting Party will be deemed in breach of the Agreement.

c. Specific Performance. The Parties acknowledge that this Agreement involves the development of the OCSD Properties, which are unique. If the CITY breaches this Agreement, the OCSD shall have the right, in addition to any other remedy available, to specific performance of the CITY’s obligations set forth herein.

Section 31. Indemnity.
EXHIBIT A DRAFT DEVELOPMENT AGREEMENT

OCSD agrees to defend the CITY from and against any claims or proceedings against the CITY to set aside, void, or annul the approval of this Agreement, except for claims or proceedings arising out of the negligence or willful misconduct of the CITY, its agents, officers, contractors, and/or employees.

Section 32 Miscellaneous.

a. **Timing of Development.** The OCSD shall have the right to develop the Property in such order and such rate and times as the OCSD deems appropriate solely within the exercise of its subjective business judgment. Without limiting the foregoing, but OCSD shall have no obligation to develop the Project or the OCSD Properties.

b. **Appeals.** OCSD may appeal any final decision by the CITY staff concerning the interpretation and administration of this Agreement and development of the Project first to the Planning Commission and thereafter to the City Council. Any such appeal shall be filed with the City Clerk within thirty (30) days after OCSD receives written notice that the staff decision is final. The City Council shall render, at a noticed public hearing, its decision to affirm, reverse or modify the staff decision within thirty (30) days after the appeal is filed.

c. **Covenants Run with the Land.** Except as otherwise provided for in this Agreement, the provisions of this Agreement, to the extent permitted by law, constitute covenants which shall run with the Property for the benefit thereof, and the benefits and burdens of this Agreement shall bind and inure to the benefit of the Parties, all successors in interest to the Parties hereto to the extent provided for in this Agreement.

d. **No Waiver.** Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, and failure by a Party to exercise its rights upon a default by the other Party hereto, shall not constitute a waiver of such Party’s right to demand strict compliance by such other Party in the future.

e. **Recording.** This Agreement shall be recorded, at no cost to the CITY, in the Official Records of Orange County by the City Clerk within the period required by Section 65868.5 of the Government Code.

f. **Severability of Terms.** If any term, provision, covenant, or condition of this Agreement shall be determined invalid, void, or unenforceable, the remainder of this Agreement shall not be affected thereby.

g. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof, and the Agreement supersedes all previous negotiations, discussion and agreements between the Parties, and no
parole evidence of any prior or other agreement shall be permitted to contradict or vary the terms hereof.

h. **Notices.** As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment, or other communication required or permitted hereunder. All notices shall be in writing and shall be given by personal delivery, by deposit in the U.S. mail first class with postage prepaid, or by sending the same by overnight delivery service, or, registered or certified mail with return receipt requested, with postage. and postal charges prepaid, or by facsimile, as follows:

If to the CITY:

City Clerk  
City of Fountain Valley  
10200 Slater Avenue  
Fountain Valley, California 92708

with a copy to the Attorney for the City:

Colin R. Burns, Esq.  
Harper & Burns  
453 S. Glassell Street  
Orange, California 92866

If to the OCSD:

Clerk of the Board  
Orange County Sanitation OCSD  
10844 Ellis Avenue  
Fountain Valley, California 92708

with a copy to the OCSD’s General Counsel:

Bradley R. Hogin, Esq.  
Woodruff, Spradlin & Smart  
555 Anton Blvd.  
Suite 1200  
Costa Mesa, CA 92626

**Section 33. Exhibits.**

The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” - Legal Description of the OCSD Properties
EXHIBIT A DRAFT DEVELOPMENT AGREEMENT

Exhibit “B” - Map showing Property and its location

Exhibit “C” - Existing Development Approvals

Exhibit “D” - Project Conditions

Exhibit “E” - Future Development Approvals

IN WITNESS WHEREOF, the Parties have executed this Development Agreement on this _____ day of ______________, ____.

ORANGE COUNTY SANITATION DISTRICT
a county sanitation district

By_________________________________
David Shawver
Chair, Board of Directors

CITY OF FOUNTAIN VALLEY
A municipal corporation

By ___________________________________
Cheryl Brothers
Mayor

APPROVED AS TO FORM:

_________________________________
Bradley R. Hogin
OCSD General Counsel

APPROVED AS TO FORM:

_________________________________
Colin R. Burns
Attorney for the City
Request for
Planning Commission Action

To: Planning Commission

From: Brian James, Planning and Building Director

Subject: CODE AMENDMENT NO. 20-08 – AN AMENDMENT TO THE OPEN SPACE PROVISIONS OF THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN

Summary Proposal:

The open space provisions of the adopted Fountain Valley Crossings Specific Plan (FVCSP) are overly restrictive and limit creativity. Most concerning, the current provisions apply to every project – no matter how small – which could stifle the incremental redevelopment of the area and be contrary to the vision of the FVCSP.

With the proposed elimination of the Special Open Space requirements that mandated a ½ acre park before development could proceed (Code Amendment 20-09 by the Orange County Sanitation District), the community is afforded an opportunity to reexamine the desired outcome for future open spaces in the FVCSP.

The vision of the FVCSP is for a new activity center that would provide gathering places for families and residents to socialize, shop and dine, support local businesses, and to improve the community’s economic prosperity and sustainability. As shown in Figure 1, the vision is of a “Fountain Valley” scale urban center with people hanging out in plazas and courtyards while they dine, wait for a show, or take a respite from shopping. The open space in the FVCSP was envisioned to both be an extension of the surrounding uses and an attraction in itself.

The proposed refinements would re-craft the provisions of the FVCSP to focus on publically accessible plazas and courtyards, loosen restrictions to foster creative design, and set a minimum project size to which the open space provisions would apply. This would allow for incremental changes in the area, acknowledge smaller parcel sizes, and focus open spaces to those locations where parks would benefit the public the most. For those projects meeting the proposed size threshold, the proposed refinements would not alter the amounts of open space that are currently required to be provided.
Figure 1 FVCSP Open Space Vision Examples

Figure 1.1.1 Aerial View of Industrial Buildings at The Lab, Costa Mesa, CA

Figure 1.1.2 Retail Walkway at The Lab, Costa Mesa, CA

Figure 1.1.4 Birdseye View of Plazas and Passos at SoCo, Costa Mesa, CA

Figure 1.1.5 Gathering Plaza at SoCo, Costa Mesa, CA

Figure 1.1.7 Birdseye View of Plaza and Passos at The Camp, Costa Mesa, CA

Figure 1.1.8 Retail Walkway at The Camp, Costa Mesa, CA
FVCSP Background:

On January 23, 2018, the Fountain Valley City Council adopted the FVCSP, which contains the development regulations for the 162-acre area generally located south of Talbert Avenue, north of Ellis Avenue, east of Ward Street, and west of the Santa Ana River (Figure 2). Also as shown in Figure 2, the FVCSP is divided into four districts: the Activity Core Target Area, the Workplace Neighborhood District, the Workplace Gateway District, and the Mixed Industry District. Each district has a different vision for the land use and future development.

The FVCSP provides land-use flexibility and standards to achieve a “Fountain Valley” scale main street experience – a gathering place for families and residents where they can shop, dine and socialize. The FVCSP guides future development through policies and development standards that enhance economic development with revenue-generating employment centers supported by compatible residential and commercial growth, while ensuring protection of the community’s quality of life and provision of community benefits.

Open Space Amendment Discussion:

Existing Open Space Provisions
Chapter 2.6 of the FVCSP contains the open space regulations for the plan area. The regulations focus on the following three forms of open space, which are intended to infuse the FVCSP with ample open areas:
1. Public open space (public parks, courtyards, plazas) – required for each project, regardless of size. Amount varies based upon the type of use and size of the project as shown in Figure 3 below.

2. Private open space (balconies, private but common pools and recreation areas) - required for each project, regardless of size. As shown in Figure 3 below, 60 square feet per multi-family unit.

3. Special Public Open Space – in addition to 1 and 2 above, a minimum ½-acre park in the district where the development is located is required before any development can proceed. This provisions is proposed to be eliminated through Code Amendment 20-09 proposed by the Orange County Sanitation District.

Figure 3 FVCSP Existing Open Space Requirements

<table>
<thead>
<tr>
<th>2.6 Open Space Regulations</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.6.1 Provision of Public Open Space</td>
<td></td>
</tr>
<tr>
<td>1. Retail</td>
<td>50 s.f. / 1000 s.f.</td>
</tr>
<tr>
<td>2. Civic &amp; Cultural</td>
<td>n/a</td>
</tr>
<tr>
<td>3. Workplace</td>
<td>100 sf / 1000 sf</td>
</tr>
<tr>
<td>4. Lodging</td>
<td>100 sf / room</td>
</tr>
<tr>
<td>5. Live Work</td>
<td>150 sf / unit</td>
</tr>
<tr>
<td>6. Residential</td>
<td>150 sf / unit</td>
</tr>
<tr>
<td>2.6.3 Provision of Private Open Space</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>a. Attached &amp; Multi-Family</td>
<td>60 s.f. / unit</td>
</tr>
<tr>
<td>b. Detached Single-Family Homes</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Proposed Open Space Provisions

The third form of open space noted above (½ acre minimum park before development can proceed) is addressed in detail in the staff report for Code Amendment 20-09. This application would eliminate the Special Public Open Space Requirement (Section 2.6.2) from the FVCSP because it precludes new development until a ½-acre park is developed in the district within which the development is located. This amendment provides an opportunity to reexamine the remaining open space provisions in the FVCSP to ensure they achieve the desired result.

It is helpful to start this discussion with an understanding of the vision for the open spaces in the FVCSP. As shown in Figure 1, the vision is of a “Fountain Valley” scale urban center with people hanging out in plazas and courtyards while they dine, wait for a show, or take a respite from shopping. The open space in the FVCSP was envisioned to both be an extension of the uses in the activity center and an attraction in itself.

Given that most properties in the FVCSP are smaller and owned by different individuals/entities, achieving this vision will likely occur incrementally over decades. In the meantime, most properties will undergo individual improvements to suit long-term occupants
and/or be occupied by interim uses until enough parcels can be assembled for larger scale developments. The FVCSP open space provisions must work for both the smaller parcels, interim uses, and the larger developments.

Accordingly, the proposed revisions to the remaining open space provisions are focused on achieving functional, urban plazas and courtyards that are provided in appropriate locations and scales to invite visitation, enhance the public experience and complement and be used by the adjacent businesses. The following provides detailed rationale for the proposed amendments:

**Minimum qualifying size and location**

The existing provisions require public open space with the redevelopment of every parcel in the FVCSP regardless of size, use, and location. However, the open space vision shown in Figure 1 points toward common open areas serving multiple uses in strategic locations instead of scattered, isolated open spaces on every parcel. Take the following examples to illustrate this point: (1) there is a clear connection to the vision in requiring a new two-acre, mixed-use retail/residential project in the Activity Core to provide public open areas; (2) this connection to the vision is not clear if FamVans redeveloped and were required to provide open space on their two-acre site. If open space were required in the FamVans example, how would the public find it and benefit from it?

It is staff opinion that not every parcel in the FVCSP is appropriate for or of a scale to accommodate functional public open space. Instead, open space should be provided on larger projects, mixed-use projects, and in the areas where it would benefit the public the most. Accordingly, Staff recommends that the FVCSP be amended to acknowledge the distinction between various locations, desired uses, and project sizes as noted below:

1. Publically accessible open space shall be provided in the amounts shown on Figure 2.6 in the following circumstances:

   a. **Within the Activity Core** in conjunction with: (1) all new mixed use development projects, and (2) all new non-residential development projects greater than one (1) acre.

   b. **Within the Workplace Neighborhood** in conjunction with: (1) all new mixed use and residential development projects, and (2) new non-residential development projects greater than three (3) acres.

   c. **In all other Districts** in conjunction with new development projects greater than four (4) acres.

<table>
<thead>
<tr>
<th>2.6 Publicly Accessible Open Space Regulations</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.6.1 Provision of Public Open Space</td>
<td></td>
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<tr>
<td>2. Civic &amp; Cultural</td>
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</tr>
</tbody>
</table>
### 2.6.2 Provision of Private Open Space

#### Residential

<p>| | |</p>
<table>
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<tr>
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<tbody>
<tr>
<td>a. Attached &amp; Multi-Family</td>
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<tr>
<td>b. Detached Single-Family Homes</td>
<td>n/a</td>
</tr>
</tbody>
</table>

**Design Flexibility**

Several of the open space provisions in the FVCSP dictate the dimensions, content, and design of open spaces. In order to help stimulate redevelopment, it is recommended that flexibility be provided in some of these provisions to allow open spaces to be tailored to best fit into the design and character of the proposed projects. Accordingly, it is recommended that clear guidance for what the open space should achieve be provided and some of the requirements be loosened as follows:

#### B. Regulation

2. Possibilities for the design of publically accessible open spaces are provided in Section 2.6.3. The exact configuration and design for publically accessible open space shall be considered on a case-by-case basis. Factors that shall be considered when reviewing the proposed publically accessible open space are: ease of public accessibility, provision of public amenities, comfort, the potential of the space to foster public use, and the fit of the space within the overall design of the project. The community desires useful, family gathering spaces that include amenities such as fixed/movable seating, shade, games, fountains, play areas, or stages, to name a few.

3. Public open spaces shall include amenities such as seating, lighting and landscaping.

#### 2.6.3 Publicly Accessible Open Space Design Options

The following are options for the configuration of open space that may be utilized when designing publically accessible open spaces. Guidelines for design are provided in Section 2.6.6. Factors that shall be considered when reviewing the proposed publically accessible open space are: ease of public accessibility, provision of public amenities, comfort, the potential of the space to foster public use, and the fit of the space within the overall design of the project. The community desires useful, family gathering spaces that include amenities such as fixed/movable seating, shade, games, fountains, play areas, or stages, to name a few.
A. Park
1. Definition: An open space available for community recreation and respite from the city.
2. A park may be independent of surrounding building frontages.
3. Landscaping shall consist of naturalistic / informal paths and trails, meadows, water-bodies, woodland and open shelters.
4. Parks shall be larger than the maximum block size. They typically separate districts; large parks are districts in their own right.
3. Parks shall be adjacent to a public street or an easement for vehicular/pedestrian access.

B. Linear Green
1. Definition: A long, narrow open space available for community recreation and civic purposes.
2. A linear green may be surrounded by streets on all sides or be located on one side of a street.
3. Landscaping may consist of lawns or ornamental grasses and shrubs, paths, and trees.
4. Linear greens shall not exceed the maximum block size.

C. Square
1. Definition: An open space available for community recreation and civic purposes.
2. A square is a freestanding city block; it shall be spatially defined by building frontages and streets on all sides.
3. Landscaping shall consist of paths, lawns or ornamental grasses and trees.
4. Squares shall be located at the intersection of important streets.
5. Squares shall not exceed the maximum block size.

D. Plaza
1. Definition: An open space available for community recreation, civic purposes, and commercial activities.
2. A plaza shall be open to a public street on at least one side.
3. Plazas should be located at the intersection of primary pedestrian routes, near transit stations, in commercial/workplace districts and other locations with high volumes of pedestrian traffic.
4. Landscaping shall primarily consist of enhanced/enriched hardscape.
5. Plazas shall not exceed one (1) acre.
6. The ground level frontage(s) not separated from the plaza by public streets shall be primarily lined with shopfronts.

E. Mid-Block Green
1. Definition: A square located in the “middle” of a project for community recreation.
2. A mid-block green may be spatially defined by building frontages on all sides.
3. Landscaping shall consist of paths, lawns or ornamental grasses, and trees.
4. Mid-block greens shall connect to a public right of way through a network of passages/paseos and/or stairways and shall be ADA accessible.
5. Mid-block greens shall be a minimum of thirty (30) feet along the east-west axis and twenty (20) feet along the north-south axis.
6. Mid-block greens shall not exceed the maximum block size.

F. Courtyard Plaza
1. Definition: A plaza located in the “middle” of a block for community recreation and commercial activities.
2. A courtyard plaza may be spatially defined by buildings on at least three (3) sides.
3. Landscaping shall primarily consist of enhanced/enriched hardscape.
4. Courtyard plazas shall connect to a public right of way through a network of passages/paseos and/or stairways and shall be ADA accessible.
5. Courtyard plazas shall be a minimum of thirty (30) feet along the East-West axis and twenty (20) feet along the North-South axis.
6. Courtyard plazas shall not exceed a size of one fifth (1/5) acre.

G. Passage/Paseo
1. Definition: A pedestrian-only connector passing between buildings to provide shortcuts through long blocks and access to rear parking areas or courtyards.
2. Passages/Paseos shall link two or more streets or public spaces.
3. Passages/Paseos shall be a minimum of ten (10) feet and a maximum of twenty (30) feet in width, and shall be open to the sky.
4. The walking surface shall consist primarily of enriched/enhanced hardscape.

H. Pocket Park/Playground
1. Definition: A pocket park is a small open space designed for recreation; a playground is a small open space equipped for children to play in while being supervised by adults.
2. A pocket park/playground shall be a minimum of thirty (30) feet along the east-west axis and twenty (20) feet along the north-south axis.
3. A pocket park/playground shall not be located on the corner of a block where build-to-corner is required (see Section 2.4.8)

4. A pocket park should be primarily paved with enriched/enhanced hardscape or landscaped; a playground should have the character of a small park.

**Provision of Open Space**

The existing FVCSP allows the developers of “small (undefined in the FVCS) or awkwardly shaped” parcels to make an in-lieu payment instead of actually providing open space. This would then put the burden on the City to administer the funds and, when there were adequate funds, find space within the FVCSP to purchase and develop open space. This would not mean that open space would be provided in ideal locations, but instead where a site could be found at a reasonable price – if at all. This is contrary to the vision of the FVCSP, which is to create an active core with gathering places. Staff recommends that open space be provided in conjunction with the development itself to ensure that the vision is achieved. Given the recommended minimum size requirements noted above, providing functional open areas would not be overly burdensome and stifle development. Accordingly, it is recommended that the in-lieu provision be deleted and replaced as follows:

3. Public open spaces shall be built within the development project area by developers as development occurs.

4. There shall be multiple options to satisfy the publically accessible open space requirement, including as a single open space area, as multiple open space areas each meeting the minimum dimension, and off-site but within the same district in conjunction with another concurrent and on-going project. In-lieu fees are not an option and publically accessible open space shall be provided in conjunction with applicable development projects.

5. In instances where small or awkwardly shaped properties make the provision of on-site public open space impractical, the Planning Director may permit the in-lieu payment of the cost to construct the required amount of usable open space off site.

**General Plan Consistency**

The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, specifically:

**General Plan Goal 2.1**

*Maintain and enhance high quality development throughout the City.*

**General Plan Goal 2.12**

*Manage growth and development to insure the maintenance or improvement of the existing quality of life in Fountain Valley.*

Instead of small and isolated open areas scattered on each parcel in the FVCSP, the
proposed amendment will clarify and loosen open space standards to focus on achieving publically accessible and functional open space in strategic locations. The intention of the proposed amendment is to help the FVCSP area incrementally transition from primarily industrial and manufacturing uses to high-value, mixed-use developments that combine commercial and residential uses to create a cohesive workplace-residential oriented community.

**Environmental Clearance:**

The Environmental Impact Report (EIR) for the FVCSP was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at https://www.fountainvalley.org/1278/Fountain-Valley-Crossings. An Addendum (Attachment 1) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those that were identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

**Public Notification:**

This item was published in the Orange County Register. Public notices were posted at City Hall, Recreation Center, and Fountain Valley Library.

**Alternatives:**

1. Adopt Resolution No. 20-19 (Attachment #1) recommending that the City Council approve an Addendum to the FVCSP EIR in accordance with CEQA and approve Code Amendment No. 20-08, an amendment to the open space provisions of the FVCSP.

2. Do not adopt Resolution No. 20-19 and provide appropriate direction to staff.

**Recommended Action:**

Staff recommends the Planning Commission adopt Alternative #1: Adopt Resolution No. 20-19 (Attachment #1) recommending that the City Council approve an Addendum to the FVCSP EIR in accordance with CEQA and approve Code Amendment No. 20-08, an amendment to the open space provisions of the FVCSP.

Prepared By: Brian James, Planning and Building Director
Attachments:
   1. Resolution No. 20-19 including the Draft City Council Ordinance and the Addendum to the FVCSP EIR
RESOLUTION NO. 20-19

A RESOLUTION OF THE FOUNTAIN VALLEY PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ADDENDUM TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN (FVCSP) ENVIRONMENTAL IMPACT REPORT (EIR) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND CODE AMENDMENT NO. 20-08, AN AMENDMENT TO THE OPEN SPACE PROVISIONS OF THE FVCSP

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, the vision of the FVCSP is for a new activity center that would provide gathering places for families and residents to socialize, shop and dine, support local businesses, and to improve the community’s economic prosperity and sustainability; and

WHEREAS, the vision for open spaces in the FVCSP is of urban plazas and courtyards that are an extension of its surrounding uses and an attraction in themselves; and

WHEREAS, Code Amendment 20-09 eliminated the Special Public Open Space requirements in the FVCSP that mandated a ½ acre park before development could proceed; and

WHEREAS, as indicated Draft City Council Ordinance attached hereto as Attachment A, Code Amendment 20-08 ("Project") would re-craft the provisions of the FVCSP to focus on publically accessible plazas and courtyards, loosen restrictions to foster creative design, and set a minimum project size to which the open space provisions would apply; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 20-08 at a duly noticed public hearing and recommended the City Council approve an Addendum to the FVCSP Final EIR and approve Code Amendment 20-08 to amend FVCSP; and

WHEREAS, the proposed Code Amendment No. 20-08 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

NOW, THEREFORE, THE CITY OF FOUNTAIN VALLEY PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:
SECTION 1

The Environmental Impact Report (EIR) for the FVCSP was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at https://www.fountainvalley.org/1278/Fountain-Valley-Crossings. An Addendum to the EIR (Exhibit 1 of Attachment A) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

SECTION 2

The Planning Commission finds that due notice of the public hearing on October 28, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050, the Planning Commission does hereby find as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, specifically:

   General Plan Goal 2.1
   Maintain and enhance high quality development throughout the City.

   General Plan Goal 2.12
   Manage growth and development to insure the maintenance or improvement of the existing quality of life in Fountain Valley.

Instead of small and isolated open areas scattered on each parcel in the FVCSP, the proposed amendment will clarify and loosen open space standards to focus on achieving publically accessible and functional open space in strategic locations. The intention of the proposed amendment is to help the FVCSP area incrementally transition from primarily industrial and manufacturing uses to high-value, mixed-use developments that combine
commercial and residential uses to create a cohesive workplace-residential oriented community.

2. The proposed amendment will not be detrimental to the public convenience, health, interest, safety or welfare of the City.

The design, location, shape, size, operating characteristics and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), will not be altered by the proposed amendments. The proposed amendments will address open spaces and will not cause development in the FVCSP to endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety or welfare, or injurious to the property or improvements.

3. The proposed amendments have been reviewed in compliance with the provisions of the CEQA and the City’s environmental review procedures as indicated in Section 1;

4. The proposed amendment is internally consistent with other applicable provisions of the Development Code. The FVCSP has been developed to provide flexibility and encourage land uses to further the objectives of the FVCSP in compliance with the Development Code, Title 21. The proposed amendments address the provision of open space and are designed to ensure internal consistency with the other provisions of the FVCSP.

SECTION 4

The Planning Commission finds that the amendments noted in Code Amendment No. 20-08 are consistent with the Fountain Valley General Plan, as noted in Section 3.

SECTION 5

The Planning Commission finds that Code Amendment No. 20-08 is consistent with the Fountain Valley Municipal Code, as well as the Fountain Valley General Plan, and recommends the City Council approve Code Amendment No. 20-08 as set forth in “Attachment A” attached hereto and incorporated herein.

PASSED APPROVED AND ADOPTED THIS 28th DAY OF OCTOBER, 2020

Chairperson  Secretary
ORDINANCE NO.__________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING AN ADDENDUM TO THE FOUNTAIN VALLEY CROSSINGS SPECIFIC PLAN (FVCSP) ENVIRONMENTAL IMPACT REPORT (EIR) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND CODE AMENDMENT NO. 20-08, AN AMENDMENT TO THE OPEN SPACE PROVISIONS OF THE FVCSP

WHEREAS, the Fountain Valley City Council adopted the Fountain Valley Crossing Specific Plan (FVCSP) on January 23, 2018; and

WHEREAS, the vision of the FVCSP is for a new activity center that would provide gathering places for families and residents to socialize, shop and dine, support local businesses, and to improve the community's economic prosperity and sustainability; and

WHEREAS, the vision for open spaces in the FVCSP is of urban plazas and courtyards that are an extension of its surrounding uses and an attraction in themselves; and

WHEREAS, Code Amendment 20-09 eliminated the Special Public Open Space requirements in the FVCSP that mandated a ½ acre park before development could proceed; and

WHEREAS, as indicated in the Planning Commission staff report dated October 28, 2020, Code Amendment 20-08 ("Project") would re-craft the provisions of the FVCSP to focus on publically accessible plazas and courtyards, loosen restrictions to foster creative design, and set a minimum project size to which the open space provisions would apply; and

WHEREAS, on October 28, 2020, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 20-08 at a duly noticed public hearing and recommended the City Council approve an Addendum to the FVCSP Final EIR and approve Code Amendment 20-08 to amend FVCSP; and

WHEREAS, the proposed Code Amendment No. 20-08 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

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

SECTION 1
ATTACHMENT “A”

The Environmental Impact Report (EIR) for the FVCSP was certified by the City Council on January 23, 2018. For reference, the Final EIR can be accessed at https://www.fountainvalley.org/1278/Fountain-Valley-Crossings. An Addendum to the EIR (Exhibit 1) has been prepared to identify whether the proposed revisions would result in any new significant impacts beyond those identified in the FVCSP EIR (CEQA Guidelines Section 15162).

Through the Addendum, it was determined that no new or substantially more severe significant impacts would occur as a result of the proposed changes. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

SECTION 2

The City Council finds that due notice of the public hearing on November 17, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050, the City Council does hereby find as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, specifically:

   General Plan Goal 2.1
   Maintain and enhance high quality development throughout the City.

   General Plan Goal 2.12
   Manage growth and development to insure the maintenance or improvement of the existing quality of life in Fountain Valley.

   Instead of small and isolated open areas scattered on each parcel in the FVCSP, the proposed amendment will clarify and loosen open space standards to focus on achieving publically accessible and functional open space in strategic locations. The intention of the proposed amendment is to help the FVCSP area incrementally transition from primarily industrial and manufacturing uses to high-value, mixed-use developments that combine commercial and residential uses to create a cohesive workplace-residential oriented community.
2. The proposed amendment will not be detrimental to the public convenience, health, interest, safety or welfare of the City.

The design, location, shape, size, operating characteristics and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), will not be altered by the proposed amendments. The proposed amendments will address open spaces and will not cause development in the FVCSP to endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety or welfare, or injurious to the property or improvements.

3. The proposed amendments have been reviewed in compliance with the provisions of the CEQA and the City’s environmental review procedures as indicated in Section 1;

4. The proposed amendment is internally consistent with other applicable provisions of the Development Code. The FVCSP has been developed to provide flexibility and encourage land uses to further the objectives of the FVCSP in compliance with the Development Code, Title 21. The proposed amendments address the provision of open space and are designed to ensure internal consistency with the other provisions of the FVCSP.

SECTION 4

Chapter 2.6, Open Space Regulations, of the FVCSP is hereby amended to read as follows:

2.6 Open Space Regulations

This section contains regulations and guidelines for the provision and design of open spaces and landscaping elements other than new streets, which are covered in Section 2.5. They are designed to ensure that publicly accessible open spaces are provided and built in appropriate locations and scales to invite visitation and enhance the pedestrian experience.

2.6.1 Provision of Publicly Accessible Open Space

A. Definition

1. **Publicly Accessible** open spaces are public or private outdoor spaces accessible to the public and designed to facilitate community gathering, activity, recreation, leisure, interaction, relaxation, and contemplation.

2. **Publicly Accessible** open spaces may or may not have areas that are sheltered from the elements but are designed to enhance comfort and invite use.

3. **Publicly Accessible** open spaces can be publicly or privately owned and maintained. Maintenance responsibility shall be determined on a case-by-case basis. However, in all cases, control over the use and activities permitted within open space that is privately
owned shall be held by private property owner, and the private property owner shall assume all responsibility of maintaining such open space.

B. Regulation

1. Publically accessible open space shall be provided in the amounts shown on Figure 2.6 in the following circumstances:

   a. Within the Activity Core in conjunction with: (1) all new mixed use development projects, and (2) all new non-residential development projects greater than one (1) acre.

   b. Within the Workplace Neighborhood in conjunction with: (1) all new mixed use and residential development projects, and (2) new non-residential development projects greater than three (3) acres.

   c. In all other Districts in conjunction with new development projects greater than four (4) acres.

2. Possibilities for the design of publically accessible open spaces are provided in Section 2.6.3. The exact configuration and design for publically accessible open space shall be considered on a case-by-case basis. Factors that shall be considered when reviewing the proposed publically accessible open space are: ease of public accessibility, provision of public amenities, comfort, the potential of the space to foster public use, and the fit of the space within the overall design of the project. The community desires useful, family gathering spaces that include amenities such as fixed/movable seating, shade, games, fountains, play areas, or stages, to name a few.

3. Public open spaces shall include amenities such as seating, lighting and landscaping.

4. There shall be multiple options to satisfy the publically accessible open space requirement, including as a single open space area, as multiple open space areas each meeting the minimum dimension, and off-site but within the same district in conjunction with another concurrent and on-going project. In-lieu fees are not an option and publically accessible open space shall be provided in conjunction with applicable development projects.

5. In instances where small or awkwardly shaped properties make the provision of on-site public open space impractical, the Planning Director may permit the in-lieu payment of the cost to construct the required amount of usable open space off-site.

7. Except properties with a Special public open space requirement pursuant to Section 2.6.2, on-site public open space shall not be used to satisfy compliance with the City's parkland dedication or in-lieu fee requirements.

C. General Requirements
1. All public open spaces shall abut public rights-of-way or be otherwise connected to public sidewalks and shall be open to the public, at a minimum, during the operating hours of the project. At the discretion of the Public Works Director/Designee, public access to a public open space may be restricted after dark.

2. Unless otherwise specified in 2.6.3. Public Open Space Types, the minimum average width of a publicly accessible open space shall be twenty (20) feet.

3. All public open spaces shall be visible from surrounding streets and shall avoid placement of masses of shrubs around their edges.

**2.6.2 Provision of Private Open Space**

A. Definition

1. Private open spaces are private or common outdoor spaces that are part of residential developments which are designed for contemplation and relaxation through private gathering, recreation, and/or leisure.

2. Private open spaces are privately or commonly controlled outdoor spaces that are extensions of private or semi-private indoor space.

3. Private open spaces are privately or commonly owned and maintained.

B. Regulation

1. The amount of private open space required for new development shall be as specified for each District in Section 2.1. – Development Standards.

2. Private open spaces shall be designed as one of the private open space types defined in Section 2.6.4 – Private Open Space Types.

3. Private open space shall be built by developers as development occurs.

4. Required maximum setback areas shall not be counted towards provision of private open space requirements.

5. Private open space shall not be exposed to utility, service, or loading areas.

<table>
<thead>
<tr>
<th>2.6 Publicly Accessible Open Space Regulations</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.6.1 Provision of Public Open Space</td>
<td></td>
</tr>
<tr>
<td>1. Retail</td>
<td>50 s.f. / 1000 s.f.</td>
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<tr>
<td>2. Civic &amp; Cultural</td>
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</tr>
<tr>
<td>3. Workplace</td>
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<tr>
<td>4. Lodging</td>
<td>100 sf / room</td>
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<tr>
<td>5. Live Work</td>
<td>150 sf / unit</td>
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<tr>
<td>6. Residential</td>
<td>150 sf / unit</td>
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<tr>
<td>2.6.2 Provision of Private Open Space</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>a. Attached &amp; Multi-Family</td>
<td>60 s.f. / unit</td>
</tr>
<tr>
<td>b. Detached Single-Family Homes</td>
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</tr>
</tbody>
</table>
2.6.3 Publicly Accessible Open Space Design Options

The following are options for the configuration of open space that may be utilized when designing publicly accessible open spaces. Guidelines for design are provided in Section 2.6.6. Factors that shall be considered when reviewing the proposed publically accessible open space are: ease of public accessibility, provision of public amenities, comfort, the potential of the space to foster public use, and the fit of the space within the overall design of the project. The community desires useful, family gathering spaces that include amenities such as fixed/movable seating, shade, games, fountains, play areas, or stages, to name a few.

A. Park

1. Definition: An open space available for community recreation and respite from the city.
2. A park may be independent of surrounding building frontages.
3. Landscaping shall consist of naturalistic / informal paths and trails, meadows, water bodies, woodland and open shelters.
4. Parks shall be larger than the maximum block size. They typically separate districts; large parks are districts in their own right.
3. Parks shall be adjacent to a public street or an easement for vehicular/pedestrian access.

B. Linear Green

1. Definition: A long, narrow open space available for community recreation and civic purposes.
2. A linear green may be surrounded by streets on all sides or be located on one side of a street.
3. Landscaping may consist of lawns or ornamental grasses and shrubs, paths, and trees.
4. Linear greens shall not exceed the maximum block size.

C. Square

1. Definition: An open space available for community recreation and civic purposes.
2. A square is a freestanding city block; it shall be spatially defined by building frontages and streets on all sides.
3. Landscaping shall consist of paths, lawns or ornamental grasses and trees.
4. Squares shall be located at the intersection of important streets.
5. Squares shall not exceed the maximum block size.

D. Plaza

1. Definition: An open space available for community recreation, civic purposes, and commercial activities.
2. A plaza shall be open to a public street on at least one side.
ATTACHMENT “A”

3. Plazas should be located at the intersection of primary pedestrian routes, near transit stations, in commercial/workplace districts and other locations with high volumes of pedestrian traffic.

4. Landscaping shall primarily consist of enhanced/enriched hardscape.

5. Plazas shall not exceed one (1) acre.

6. The ground level frontage(s) not separated from the plaza by public streets shall be primarily lined with shopfronts.

E. Mid-Block Green

1. Definition: A square located in the “middle” of a project for community recreation.

2. A mid-block green may be spatially defined by building frontages on all sides.

3. Landscaping shall consist of paths, lawns or ornamental grasses, and trees.

4. Mid-block greens shall connect to a public right of way through a network of passages/paseos and/or stairways and shall be ADA accessible.

5. Mid-block greens shall be a minimum of thirty (30) feet along the east-west axis and twenty (20) feet along the north-south axis.

6. Mid-block greens shall not exceed the maximum block size.

F. Courtyard Plaza

1. Definition: A plaza located in the “middle” of a block for community recreation and commercial activities.

2. A courtyard plaza may be spatially defined by buildings on at least three (3) sides.

3. Landscaping shall primarily consist of enhanced/enriched hardscape.

4. Courtyard plazas shall connect to a public right of way through a network of passages/paseos and/or stairways and shall be ADA accessible.

5. Courtyard plazas shall be a minimum of thirty (30) feet along the East-West axis and twenty (20) feet along the North-South axis.

6. Courtyard plazas shall not exceed a size of one fifth (1/5) acre.

G. Passage/Paseo

1. Definition: A pedestrian-only connector passing between buildings to provide shortcuts through long blocks and access to rear parking areas or courtyards.

2. Passages/Paseos shall link two or more streets or public spaces.

3. Passages/Paseos shall be a minimum of ten (10) feet and a maximum of twenty (30) feet in width, and shall be open to the sky.

4. The walking surface shall consist primarily of enriched/enhanced hardscape.

H. Pocket Park/Playground
1. Definition: A pocket park is a small open space designed for recreation; a playground is a small open space equipped for children to play in while being supervised by adults.

2. A pocket park/playground shall be a minimum of thirty (30) feet along the east-west axis and twenty (20) feet along the north-south axis.

3. A pocket park/playground shall not be located on the corner of a block where build-to-corner is required (see Section 2.4.8)

4. A pocket park should be primarily paved with enriched/enhanced hardscape or landscaped; a playground should have the character of a small park.

SECTION 5

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

SECTION 6

The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF DECEMBER, 2020.

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP

Attorneys for the City
EXHIBIT 1 TO ATTACHMENT “A”

ADDENDUM
To the
Fountain Valley Crossings Specific Plan

California Environmental Quality Act Guidelines
Section 15164
City Council Resolution No. ______

EXECUTIVE SUMMARY:

This document is an Addendum to the Final Environmental Impact Report (EIR), State Clearinghouse (SCH) No. 2015101042, prepared by the City of Fountain Valley (City) for the Fountain Valley Crossings Specific Plan (FVCSP), approved on January 23, 2018. The Final EIR can be accessed at https://www.fountainvalley.org/1279/Fountain-Valley-Crossings.

PROJECT:

On January 23, 2018, the Fountain Valley City Council adopted the FVCSP that contains the development regulations for the Crossing Specific Plan area generally located south of Talbert Avenue, north of Ellis Avenue, east of Ward Street, and west of the Santa Ana River. The FVCSP is divided into the Activity Core Target Area, the Workplace Neighborhood District, the Workplace Gateway District, and the Mixed Industry District.

Code Amendment No. 20-08 (CA) would re-craft the provisions of the FVCSP to focus on publically accessible plazas and courtyards, loosen restrictions to foster creative design, and set a minimum project size to which the open space provisions would apply. For those projects meeting the proposed size threshold, the proposed refinements would not alter the amounts of open space that are currently required to be provided.

PURPOSE OF ADDENDUM:

In accordance with the California Environmental Quality Act (CEQA) and Section 15164 of the CEQA Guidelines, an Addendum to a certified EIR may be prepared if only minor technical changes or additions are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred.

CEQA Section 16164. ADDENDUM TO AN EIR OR NEGATIVE DECLARATION

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

The City of Fountain Valley has evaluated the potential environmental impacts of the proposed modifications as set forth below. The City, acting as the Lead Agency, has determined that none of the CEQA conditions listed above apply and that this Addendum to the adopted Final EIR is the appropriate environmental documentation for the proposed modifications and fully complies with CEQA, as described in the CEQA Guidelines. An addendum does not need to be circulated for public review, but rather can be attached to the Final EIR (CEQA Guidelines §15164(c)). Prior to initiating the modified Project, the City will consider this Addendum together with the adopted Final EIR and will make a decision regarding the modified Project [CEQA Guidelines §15164(d)]

ENVIRONMENTAL ANALYSIS:

The California Environmental Quality Act (CEQA) requires an EIR analysis to “identify and focus on the significant environmental effects of a proposed project” (CEQA Guidelines, §15126.2(a) and Public Resources Code Section 21000(a). The emphasis of the EIR should be placed on the potential “physical” adverse effects of a proposed project.

CEQA Guidelines §15360 defines “environment” as the physical conditions that exist within the area that will be affected by a proposed project including, but not limited to, land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The guidelines further define the area involved as the area in which significant effects would occur either directly or indirectly as a result of the project. The “environment” includes both natural and human-made conditions.

CEQA Guidelines §15382 further clarifies the definition of “significant effect on the environment” as a substantial, or potential substantial, adverse change in any of the physical conditions within the area affected by the project. An economic or social change
by itself shall not be considered a significant effect on the environment. However, that economic or social change that may have a physical impact (such as urban decay) should be considered in an EIR (Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184).

For each impact section, thresholds for determining impact significance are identified along with descriptions of methodologies used to conduct the impact analysis. Determinations of impact significance levels in the EIR are made based on City impact significance guidelines and criteria for each impact topic, including Appendix G of the CEQA Guidelines. For some resource areas, such as air quality, transportation, and noise, the analysis of impacts are quantitative in nature and involve the comparison of effects against a numerical threshold. For other resource areas, such as aesthetics and visual resources and land use, the analyses of impacts are inherently qualitative, involving the consideration of a variety of factors, such as City policies.

The EIR impact discussions classify impact significance levels as:

1. **Significant and Unavoidable** - a significant impact to the environment that remains significant even after mitigation measures are applied;

2. **Less Than Significant with Mitigation** - a significant impact that can be avoided or reduced to a less than significant level with mitigation;

3. **Less Than Significant** - a potential impact that would not meet or exceed the identified thresholds of significance for the resource area;

4. **No Impact** – no impact would occur for the resource area; and

5. **Beneficial** – a potential impact that would improve the resource area.

The following environmental impact topics were originally analyzed in the Final EIR for the FVSP adopted by the City Council on January 23, 2018. As outlined below, the proposed changes to the FVCSP will have **No Impact** on any identified environmental impacts.

**Aesthetics:**

The FVCSP includes development standards and design guidelines to ensure that future projects develop structures that would maintain and enhance the area’s visual character. The proposed CA does not affect any sections of the FVCSP pertaining to design guidelines, specifically 2.8, Architectural Regulations. CA 20-08 would re-craft the provisions of the FVCSP to focus on publically accessible plazas and courtyards, loosen restrictions to foster creative design, and set a minimum project size to which the open space provisions would apply to meet the original vision and intent of the plan.
Air Quality:

The certified FVCSP Final EIR accounted for short-term construction impacts. When the EIR was evaluated against SCAQMD’s project-level thresholds, both the construction and operational emissions of land use changes anticipated to occur under the Project would not exceed SCAQMD’s project-specific thresholds. The impact was determined to be less than significant in the EIR. The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. Therefore, the CA would not create new or additional impacts to air or change the analysis and conclusions provided in the Final EIR.

Geology and Soils:

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. No mitigation measures were required as indicated in the FVCSP EIR for geology and soils. Therefore, no new significant construction impacts affecting geology and soils would occur as a result of the proposed CA.

Greenhouse Gas Emissions:

The FVCSP EIR concluded that the Project would not conflict with any applicable plan, policy, or regulation pertaining to GHGs, and the impact would be less than significant. The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. Therefore, the CA would not create new or additional impacts to GHGs or change the analysis and conclusions provided in the Final EIR.

Hazards and Hazardous Materials:

The FVCSP EIR included one (1) mitigation measure requiring that prior to any demolition of existing structures, applicants shall conduct a comprehensive survey on hazards and hazardous materials and follow all applicable procedures related to the treatment, handling, and disposal of all hazardous materials to ensure public safety. Projects proposed in the FVCSP area will be required to undergo individual environmental review, including review of potential impacts related to hazards and hazardous materials that are applicable to that particular development site and proposed use. Additionally, land use changes in the FVCSP area will facilitate the safe removal of potentially hazardous building materials and the cleanup of contaminated properties, thus reducing the level of risk on a particular site in the nearby vicinity and within the Project area as a whole, compared to existing conditions. The proposed CA is regulatory and no physical project is proposed at this time. The mitigation measure will still be applicable to new development. Therefore, the proposal would not result in any new or more intense significant impacts.
Hydrology and Water Quality:

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. No mitigation measures were required as indicated in the FVCSP EIR. Therefore, no new significant construction impacts affecting hydrology and water quality would occur as a result of the proposed CA.

Land Use and Planning Policies:

In addition to cumulatively considered projects, all pending and future projects allowed under the FVCSP are required to be consistent with the FVCSP and may be required to undergo Development Review and other discretionary land use actions to determine consistency with established land use policies and regulations.

As indicated in the Planning Commission staff report dated October 28, 2020, CA 20-08 would re-craft the provisions of the FVCSP to focus on publically accessible plazas and courtyards, loosen restrictions to foster creative design, and set a minimum project size to which the open space provisions would apply. The proposed CA will not implement any new land uses or building area that were not originally analyzed in the Final EIR. Any proposed new land use in the FVCSP area will be reviewed by the Planning Department in compliance with FVCSP and Title 21 of the Municipal Code.

Noise:

Cumulative projects in the area would contribute to increased traffic and related noise levels, primarily on arterials and major roadways; however, future development would require City planning review to ensure compliance with City noise policies and regulations. One (1) mitigation measure was required by the FVCSP EIR regarding projects that requires a construction noise management plan. The mitigation measure also requires that construction activities be compliant with Section 6.28.070 of the Municipal Code. This mitigation measure will still be applicable to new uses and development. The proposed CA will not result in any new or additional impacts to noise, or change the analysis and conclusions in the Final EIR.

Population and Housing:

The FVCSP EIR analyzed the potential impacts associated with the development of 491 residential units. The proposed CA will not increase the maximum number of residential units allowed. Therefore, the proposal will not result in any new or more intense significant impacts. The proposed CA will not result in any new or additional impacts to population, or change the analysis and conclusions in the Final EIR.
Public Services:

Individual development projects that occur in the FVCSP area would be subject to adopted City policies and regulations requiring the payment and contribution of development impact fees, which will adequately address the cumulative impacts on public facilities, infrastructure and parks to a cumulatively less than significant level. Further, with increased demand from development, the annual City budget allocation process would allow consideration of the hiring of additional public safety, library, or park personnel as needed. Fiscal impacts of such increases in staffing would also be addressed through standard budgetary review. The City Council will address police and fire departmental budget, staffing, and equipment needs as part of the annual budgetary process. The proposed CA does not propose any new development projects, increase in units or non-residential area, and there are no proposed land uses that were not originally analyzed in the Final EIR. The proposed CA will not result in any new or additional impacts to public services and facilities, or change the analysis and conclusions in the Final EIR.

The General Plan (1995) identifies the ratio of park acreage per 1,000 persons in the City as 13.2 acres per 1,000 residents, based on the 1990 census of 53,691 and parks totaling 708.75 acres within the City. The typical range of three to five acres of parkland per 1,000 residents is the goal of most cities in California. The 2010 census population figure of 57,010 represents a modest 6% increase since 1995. Assuming no additions to park acreage, the resulting ratio of park acreage per 1,000 persons is 12.4 acres per 1,000 residents. The projected potential residential buildout within the FVCSP is estimated to result in 1,341 additional residents, with a resulting ratio of park acreage of 12.1 acres per 1,000 residents, still far exceeding typical park standards.

Transportation, Circulation, and Traffic:

As indicated in the FVCSP EIR, build-out associated with the proposed Specific Plan would include up to 785,532 square feet of new office floor area, 134,010 square feet of new retail floor area, and up to 491 residential units projected to occur through 2035. The FVCSP EIR has implemented four (4) mitigation measures to mitigate construction and development fees for intersection improvements.

Mitigation Measures MM T-1. Construction Impact Mitigation Plan:

Future development occurring under the FVCSP shall be required to prepare a Construction Impact Mitigation Plan for review and approval prior to issuance of a grading or building permit to address and manage traffic during construction and shall be designed to:

- Prevent traffic impacts on the surrounding roadway network;
- Minimize parking impacts both to public parking and access to private parking to the greatest extent practicable;
• Ensure safety for both those constructing the project and the surrounding community; and
• Prevent substantial truck traffic through residential neighborhoods

The Construction Impact Mitigation Plan shall be subject to review and approval by the following City departments: Planning & Building, Public Works, and Police to ensure that the Construction Impact Mitigation Plan has been designed in accordance with this mitigation measure. Additionally, the plan shall be prepared and implemented in coordination with any affected agencies such as OCTA and Caltrans. The review of the plan shall occur prior to issuance of grading or building permits. With implementation of the mitigation measure for construction traffic, construction-traffic impacts would be reduced to less than significant with mitigation.

**MM T-2a Amended Implementation and Funding/Financing Strategy for the Fountain Valley Crossings Specific Plan:**

The FVCSP requires a subsequent fee justification study, identify costs for transportation improvements, apportion costs for improvements, and include fair share projected costs for each funded and unfunded improvement. Prior to approval of the first entitlements for a development within the Project area, the City must adopt the regular fee update schedule for identified intersection improvements. The City shall coordinate with neighboring jurisdictions to identify intersection improvements, apportion costs for improvements, and scheduling of proposed improvements.

**MM T-2b Intersection Improvements Impact Fee:**

The FVCSP requires a traffic signal to be installed at the intersection of Talbert Avenue & Mt. Washington Street. The traffic signal project was completed in February of 2020.

**MM T-7 Intersection Modifications:**

The FVCSP identified the need for capacity improvements at the intersection of Ellis Avenue and Ward Street. In accordance with MM T-2a, the approved improvements shall be included in the Implementation/Funding/Financing Strategy and any proposed development project applicants within the FVCSP area shall pay a fair share contribution towards these improvements.

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. In addition, the mitigation measures will still be applicable to new uses and projects. The proposed CA will not result in any new or additional impacts to transportation, circulation and traffic, or change the analysis and conclusions in the Final EIR. Any new project proposed in the FVCSP will be reviewed in compliance with the findings in the Final EIR. Should a significant impact to transportation, circulation and traffic be determined for a proposed project, the appropriate CEQA analysis shall be required.
Utilities:

The FVCSP EIR included one (1) mitigation measure regarding projects that would potentially trigger the need for expansion or replacement of individual sewer lines. All new development projects shall be conditioned to be subject to payment of its fair share of any impact fees.

Planned and pending development in the City includes multiple mixed-use development, large-scale commercial development, and capital improvement projects. These projects are also expected to contribute to additional population increases in the City either through residential development or through generation of additional employment opportunities, thereby increasing demand for the City’s utility infrastructure services. New projects in the FVCSP have the potential to increase the demand on utility services; however, these projects would be required to comply with standards for the provision of adequate utility services set forth in the City’s General Plan and Municipal Code, and would be subject to City planning and review processes that would ensure that adequate utility infrastructure. Developers are required to pay development impact fees to offset any impacts to utility service infrastructure and capacities. As such, cumulatively the Project would not result in any significant or adverse effects on utilities and the provision of these services.

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. In addition, the mitigation measures will still be applicable to new uses and projects. The proposed CA will not result in any new or additional impacts to transportation, circulation and traffic utilities, or change the analysis and conclusions in the Final EIR.

Energy Conservation:

No mitigation measures were required as indicated in the FVCSP EIR with regards to energy conservation. Potential future development in the FVCSP would incrementally contribute to the need for regional energy production and distribution facilities. These facilities are operated and maintained by private utility companies that plan for anticipated growth. Electric and natural gas services are provided upon demand from consumers and expanded as needed to meet demand, consistent with applicable local, state, and federal regulations. Additionally, all new buildings must be designed to conform to the California Green Building Standards Code and the 2019 California Energy Code adopted by the City under Title 12 of the FVMC.

The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. In addition, the mitigation measures will still be applicable to new uses and projects. The proposed CA will not result in any new or additional impacts to energy conservation, or change the analysis and conclusions in the Final EIR.
Tribal Cultural Resources:

Development of individual construction projects may result in excavation or grading that could potentially affect buried tribal cultural resources. The FVCSP EIR has implemented three (3) mitigation measures. Further, compliance with existing regulations prescribed in California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98, would effectively mitigate adverse impacts to human remains. The proposed CA does not propose to allow for any additional housing units nor will it allow for any larger non-residential projects previously analyzed in the EIR. In addition, the mitigation measures will still be applicable to new uses and projects. The proposed CA will not result in any new or additional impacts to tribal cultural resources, or change the analysis and conclusions in the original EIR. Therefore, the proposed Project would not have a substantial contribution to cumulatively significant impacts to tribal cultural resources.

SUMMARY OF ENVIRONMENTAL EFFECTS:

As discussed in this Addendum, the proposed modifications would not change the conclusions of the certified Final EIR. The proposed modifications would not result in a new significant impact or substantially increase the severity of a previously identified significant impact. No mitigation is required beyond the existing commitments contained within the MMRP. All proposed development projects will be analyzed against the findings of the FVCSP EIR and be required to comply with the mitigation measures listed in the Final EIR. The proposed CA to the FVCSP does not meet any of the conditions that would require the preparation of a subsequent or supplemental EIR as set forth in Sections 15162 and 15163 of the CEQA Guidelines.

DETERMINATION:

Section 15164(a) of the CEQA Guidelines states the following:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of subsequent EIR have occurred. The proposed modifications to the original Project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Furthermore, new information associated with the proposed modifications does not indicate that: the Project will have one or more significant effects not discussed in the adopted Final EIR; significant effects previously examined will be substantially more severe than shown in the adopted Final EIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible; or mitigation measures or alternatives which are considerably different from those analyzed in the adopted Final EIR would substantially reduce one or more significant effects on the environment. Accordingly, an addendum has been prepared as opposed to a supplemental or
subsequent EIR. The City of Fountain Valley is adopting this Addendum in accordance with the CEQA Guidelines Section 16164.