

4.0 OTHER CEQA CONSIDERATIONS

This section presents the evaluation of additional environmental impacts analyses required by the California Environmental Quality Act (CEQA) that are not covered within the other sections of this Environmental Impact Report (EIR). CEQA Guidelines Section 15126 requires that all aspects of a project must be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. In addition to the analysis provided in Section 3.0, *Environmental Impact Analysis and Mitigation Measures*, this EIR must identify impacts including: significant unavoidable environmental effects, irreversible environmental changes, growth-inducing impacts (including removal of obstacles to growth), and resource areas that are found not to be significant in relation to implementation of the Fountain Valley Crossings Specific Plan (Project).

Revisions provided in this section of the Partial Recirculated Draft EIR include revisions to the text to address public comments received on the Draft and pre-recirculation Final EIR, including those related to the San Diego fairy shrimp (*Branchinecta sandiegonensis*) and Coastal California gnatcatcher (*Polioptila californica californica*), as well as modifications based on preparation and circulation of a new Section 3.14, *Tribal Cultural Resources*.

4.1 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL IMPACTS

CEQA Guidelines, Section 15126.2(c) requires a discussion of “significant irreversible environmental changes which would be caused by the Project should it be implemented. Uses of nonrenewable resources during the initial and continued phases of the Project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements that provide access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the Project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.”

Analysis of environmental impacts of the proposed Project considers effects on the environment that may result from future land use changes anticipated under the proposed Project, through 2035. Construction and operation of new land use activities in the Project area would entail the commitment of non-renewable energy resources, human resources, and natural resources, such as lumber and other forest products, sand and gravel, asphalt, steel, copper, lead, other metals, and water resources, most of which are non-renewable or locally limited natural resources. Resources that would be permanently and continually consumed during the life of the Project include water, electricity, natural gas, and fossil fuels, as well as landfill space. In addition, as discussed in Section 3.2, *Air Quality*, use of each of these forms of non-renewable energy would contribute to the generation of greenhouse gases (GHGs) with an incremental contribution to global climate change. However, compliance with all applicable building codes, as well as General Plan and proposed Project policies, standard conservation features, and

current City programs would ensure that natural resources are conserved to the maximum extent feasible. Therefore, the amount and rate of consumption of these resources would not be inefficient or wasteful, and would not result in significant impacts to such resources. Additionally, it is possible that new technologies or systems will emerge in the future, or will become more cost-effective or user-friendly, to further reduce the reliance on nonrenewable natural resources. While future construction activities and operational activities anticipated to occur under the proposed Project would result in the irretrievable commitment of nonrenewable energy resources (primarily in the form of fossil fuels, including fuel oil, natural gas, and gasoline for automobiles and construction equipment, as well as commitment of limited landfill space), consumption of such resources is associated with any development in the region, and are not unique or unusual to this Project.

Implementation of the Project would not be expected to result in environmental accidents that have the potential to cause irreversible damage to the natural or human environment. While land use changes anticipated to occur under the Project would result in the limited use, transport, storage, and disposal of hazardous materials, all activities would comply with applicable state and federal laws related to hazardous materials transport, use, and storage, which would significantly reduce the likelihood and severity of accidents that could result in irreversible environmental damage (see Section 3.5, *Hazards and Hazardous Materials*).

4.2 GROWTH-INDUCING IMPACTS

As required by the CEQA Guidelines (Section 15126.2[d]), this EIR must include a discussion of the ways in which the proposed Project could induce physical, economic, or population growth. A project may be growth inducing if it directly proposes the construction of additional housing or if it indirectly fosters economic or population growth by removing obstacles to population growth. Increases in population growth may increase the demand for community service facilities, requiring the construction of new facilities that could cause significant environmental effects. Additionally, a project may encourage or facilitate other activities that could cause significant environmental effects. In accordance with CEQA, this growth is not to be considered necessarily detrimental, beneficial, or of significant consequence.

In general, a project may foster physical, economic, or population growth in a geographic area if it meets any one of the criteria identified below:

- The project proposes the construction of new housing.
- The project results in the urbanization of land in a remote location (leapfrog development).
- The project removes an impediment to growth (e.g., the provision of new roads to a remote area that would otherwise be unreachable).

- The project establishes a precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment (e.g., a change in zoning or general plan amendment approval for conversion of undeveloped land).
- Significant economic expansion or growth occurs in an area in response to the project (e.g., establishment of employment centers, etc.).

If a project meets any one of these criteria, it may be considered growth inducing. Generally, growth-inducing projects are either located in isolated, undeveloped, or underdeveloped areas, necessitating the extension of major infrastructure, such as sewer and water facilities or roadways, or encourage premature or unplanned growth. The following discussion addresses the applicable criteria. The Project is located within a highly urbanized region; therefore, the criteria involving remote locations is not included in the discussion below.

4.2.1 Population and Housing Growth

Growth projections for the County of Orange are based on trends in the economy, in- and out-migration, births, and employment. Growth in the City of Fountain Valley (City) is based on those same factors in partnership with the Southern California Association of Governments (SCAG), Orange County Council of Governments (OCCOG). Planning documents such as the proposed Project, General Plan, Housing Element, SCAG's 2016-2040 Regional Transportation Plan/ Sustainable Communities Strategy (2016 RTP/SCS), *Towards a Sustainable Future*, which includes SCAG's most recent regional Integrated Growth Forecast (Growth Forecast) based on the 2010 U.S. Census, and the Regional Housing Needs Allocation (RHNA) Plan. (SCAG 2016; City of Fountain Valley 2014, U.S. Census Bureau 2010).

Section 3.9 of this EIR, *Population and Housing*, provides a summary of population and housing growth projected to occur under the Project through 2035. As discussed in Section 3.9, *Population and Housing*, the Project would construct approximately 491 housing units, which would result in an estimated residential population growth of 1,444 persons, based on the average household size of 2.95. However, construction of the 491 housing units would alleviate the City's increased housing demand. The Project would manage and guide where anticipated growth may occur. Furthermore, the Project would provide policies to manage the design of industrial and commercial buildings, as well as transportation and infrastructure improvements and would incorporate smart-growth concepts and green technology. Potential impacts associated with population, housing, and economic growth anticipated to occur under the Project have been fully addressed and analyzed in Chapter 3.0 of this EIR.

4.2.2 Removal of Obstacles to Population Growth

The Fountain Valley Crossings Specific Plan (Project) would be implemented within a 162-acre Project area, an established urbanized area with an existing infrastructure system (e.g., roads, water distribution, wastewater and drainage collection, and energy distribution). The Project's proposed upgrades and infrastructure improvements would serve anticipated land use changes in the Project area, and would not induce substantial new growth.

The Project area has an established transportation network that offers local and regional access in and around the area. The Project proposes network improvements to create a complete and coordinated multi-modal transportation system, including enhanced sidewalk connections and new transportation network connections, such as the expansion of bicycle and pedestrian routes and bus service to the Project area (see Section 3.11, *Transportation and Circulation*). These network improvements are intended to fill gaps in the existing network and would not extend beyond the Project area into undeveloped and remote areas (e.g., Greenfield sites). Therefore, transportation improvements outlined in the Project would not remove any major barriers to growth.

Modification and/or replacement of existing utilities infrastructure (e.g., water and sewer mains) may be required to support land use changes that would result from implementation of the proposed Project (see Section 3.11, *Utilities and Service Systems*). These infrastructure upgrades would primarily serve new land uses or densities projected to occur under the Project, and are not anticipated to spur development outside of the Project area. It is anticipated that any necessary upgrading/upsizing of existing energy utilities would be sized only to support anticipated growth in the Project area and would not remove a major physical limitation or obstacle to population growth. As a result, infrastructure improvements would occur in a manner that adequately meet the needs of future local residents and employees and would not induce population/housing growth in undeveloped and remote areas.

4.2.3 Precedent-Setting Policies

The Project will require amendments to Title 21, the City of Fountain Valley Zoning Code, (Zoning) of the Fountain Valley Municipal Code (FVMC), which are necessary to implement the vision, goals, and policies for the Project area. These amendments are not considered precedent-setting actions that would have the potential to induce growth in an undeveloped area. Rather, the Project is fully aligned with state and local goals, policies, and actions that state that growth should occur in a sustainable manner, including Senate Bill (SB) 375, SB 743, SCAG's 2016 *RTP/SCS*, and the Fountain Valley General Plan. The Project emphasizes land use changes and improvements to transportation networks that would reduce vehicle miles traveled and associated GHG emissions, air pollution, and traffic congestion. This approach of integrating land use and transportation would also reduce pressure for more growth in portions of the region that are located further from the urban core. Additionally, the proposed Project would provide a transitional change of use between the existing, surrounding residential neighborhoods and the Plan area by incorporating height limits, landscape buffers, and land use transitions to help preserve neighborhood character. Given the consistency of the Project's policies with the Fountain Valley General Plan and SCAG's vision and policies to emphasize sustainable growth, the plan would not result in precedent-setting actions that would induce growth in an undeveloped area.

4.2.4 Significant Economic Expansion

As described in Section 3.0, *Population and Housing*, the Project would result in the addition of approximately 258,011 sf of transit-oriented light industrial, office, retail, and warehouse

commercial uses which would contribute to employment growth in the Project Area. The City currently supports approximately 28,869 jobs. Projected employment growth for the Project is approximately 2,063 jobs. When combined with the existing 28,869 jobs in the City, the Project would result in a total of 30,932 jobs City-wide. Such employment growth would be consistent with the Project's goals to create a sustainable economy through development of a broad mix of retail, entertainment, office, and light industrial uses in the Project area. In terms of regional population growth, cumulative growth in population, housing, and employment, the Project represents a small portion of the growth anticipated in Orange County by the year 2040. Projected population, housing, and employment growth under the Project through 2035 would be in proportion to rates of growth projected within the City for 2040 by the SCAG RTP/SCS.

4.3 EFFECTS FOUND NOT TO BE SIGNIFICANT

CEQA Guidelines Section 15128 states that the EIR shall contain a statement briefly indicating the reasons that various potentially significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. After standard regulatory conditions and/or mitigation measures are applied, several resource areas were found to be below a level of significance, as identified in the Initial Study Checklist (Appendix B). Some of these issues have been reassessed in this EIR, and further analysis resulted in mitigation measures provided as appropriate. Results of the environmental analyses are either presented in Section 3.0, *Environmental Impact Analysis and Mitigation Measures*, or discussed below.

4.3.1 Agricultural and Forestry Resources

The City of Fountain Valley is generally developed and the entire Project area can be described as urban and/or built out land. There are no designated or viable agricultural lands within the fully developed Project area; therefore, no impacts to farmland or agricultural soils would occur. Additionally, given the ongoing urban uses (including manufacturing, industrial, professional offices, and commercial uses) no loss of agricultural or forest land would occur with implementation of the Project. Therefore, the Project is expected to have *no impact* on agricultural and forestry resources.

4.3.2 Biological Resources

There are no native habitats, open space areas, or sensitive biological resources within the Project area. The Project area is fully urbanized and does not contain potential natural habitats for any species identified as sensitive or of special status. Similarly, the Project area does not include any riparian habitat or wetlands, however, potential impacts to water quality and resulting impacts to biological species of the nearby Santa Ana River and cumulatively to coastal waters of the Pacific Ocean would be addressed with compliance to existing federal, state, and local water quality regulations. As discussed in Section 3.6, *Hydrology and Water Quality*, runoff from the Project site has the potential to be conveyed via the Santa Ana River or Fountain Valley Channel to the downstream Santa Ana River Salt Marsh. This wetland is designated as critical habitat for the federally threatened Coastal California gnatcatcher

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(Poliophtila californica californica) and the federally endangered San Diego fairy shrimp (Branchinecta sndiegonensis). Although surface flows from future land uses would be conveyed to the same treatment facilities and storm drains as under existing conditions, the Project would not have a significant impact on habitat for these species. With regard to water quality or surface runoff, the Project and all individual projects would be subject to compliance with existing policies and regulations, including the FVMC, requirements for preparation of pollutant discharge permits, and management of stormwater runoff consistent with the Orange County Municipal National Pollutant Elimination Discharge System (NPDES) Stormwater Permit. These policies, regulations, and adopted stormwater permits are implemented and designed to ensure development does not result in adverse impacts to water quality, biological habitats, and other beneficial uses of downstream waters. Additionally, FVCSP development standards are proposed to require best management practices (i.e., increased permeable surfaces), which would lessen the extent of impermeable surfaces used in existing development within the Project area. Therefore, impacts to any sensitive species or communities would be less than significant.

Implementation of the Project would not interfere with migratory fish or wildlife corridors. Additionally, street trees and trees in public places would be protected, maintained, and enhanced where possible, in compliance with existing local regulations, as part of the Project. Therefore, there would be no impact on trees or migratory fish or wildlife corridors. The Project would not conflict with any local policies or ordinances protecting biological resources. The Project would incorporate and be consistent with existing policies regarding the protection of biological resources. Therefore, impacts from the Project on biological resources would be less than significant.

4.3.3 Cultural Resources

Geology in the City of Fountain Valley does not contain abundant paleontological resources and development activities associated with the Project would occur in previously disturbed areas. Given the urban, built environmental of the Project area, it is unlikely that cultural or significant paleontological resources would be encountered within the Project area. Should previously undiscovered cultural resources be exposed during construction activities, inclusion of standard conditions including compliance with CEQA Guidelines relating to protocols for discovery of important historic and pre-historic resources would ensure that potential impacts to such resources be mitigated. Further, consistent with Assembly Bill (AB) 52 and Senate Bill (SB) 18, the City submitted formal invitations to known Native American Tribes to participate in a 90 day consultation period with the City on the Fountain Valley Crossings Specific Plan Project (Appendix F). In compliance with AB 52, the City submitted consultation letters to three Tribal agencies on October 8, 2015, based on the list of tribes that had requested notification by the City on all CEQA projects. In compliance with SB18, the City submitted invitations for consultation to five Tribal agencies on October 19, 2015, based on the list of contacts provided by the NAHC on October 14, 2015. No additional concerns regarding historic, pre-historic, or cultural resources requiring further environmental review were identified. Therefore, based on limited potential for undiscovered cultural resources to exist within the Project area and existing procedure requirements regulating the discovery of buried resources, impacts from the Project

on cultural resources are considered be *less than significant*. For analysis of Native American and tribal resources, including information on compliance with Assembly Bill (AB) 52 and Senate Bill (SB) 18, refer to Section 3.14, Tribal Cultural Resources.

4.3.4 Mineral Resources

There are no known mineral resources or associated operational mineral resource recovery sites within the Project area or in the vicinity. Therefore, the Project is expected to have *no impact* on mineral resources.

4.4 SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS

CEQA Guidelines Section 15126.2(b) requires a description of any significant impacts resulting from implementation of a project, including impacts that cannot be mitigated to below a level of significance. The Project was evaluated with respect to specific resource areas to determine whether implementation would result in significant adverse impacts. A detailed discussion of each of the impacts can be found in Section 3.0, *Environmental Impact Analysis and Mitigation Measures*.

Specific significance thresholds were defined for each potential impact associated with each resource area. Based on the environmental impact assessment presented in the relative sections of this EIR, the resource areas of aesthetics and visual resources, air quality, geology and soils, greenhouse gas (GHG) emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation and traffic, utilities, and energy conservation would result in significant and unavoidable impacts; less than significant impacts; or less than significant impacts with mitigation upon implementation of the Project. Mitigation measures were developed that would reduce many impacts to below a level of significance. However, the following impacts cannot be mitigated below a level of significance:

- Increased traffic generated by buildout of the proposed FVCSP would increase congestion at 11 freeway facilities, resulting in significant and unavoidable impacts.
- Under Future Year Project conditions, the intersection of Euclid Street & Newhope Street/I-405 Northbound Ramps would experience greater delays and conditions would deteriorate to LOS D and E during AM and PM peak hours; therefore, resulting in a significant and unavoidable impact.
- Under Future Year cumulative conditions, buildout of the FVCSP would cumulatively contribute to increased traffic generated by approved projects and background traffic growth through year 2035. The intersection of MacArthur Boulevard & Harbor Boulevard would experience increases in V/C ratio that would exceed thresholds in the PM peak hours, therefore, resulting in a significant and unavoidable impact.
- Under cumulative conditions, Project-related traffic from buildout of the FVCSP would cumulatively contribute to congestions at 44 7 freeway facilities. Operational conditions

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at freeway facilities in the Project area and surrounding vicinity would be depleted beyond thresholds. Therefore, impacts to freeway facilities would be a significant and unavoidable impact.

Under CEQA Guidelines Section 15065, when an EIR demonstrates that implementation of a proposed project will cause significant unmitigable impacts, the agency must issue a Statement of Overriding Considerations before approving the project. A Statement of Overriding Considerations is a report of the lead agency's findings regarding the merits of approving a proposed project despite its environmental impacts, and reflects the balancing of competing public objectives.

The City of Fountain Valley will be required to adopt a Statement of Overriding Considerations to address the unmitigable impacts listed above. In this instance, the City may weigh the long-term benefits of the Project, such as improvements to pedestrian, bike, and transit systems; provision of additional housing to help meet demand; and development of visitor-serving commercial uses that could contribute sales tax revenue, in light of the significant and unavoidable transportation, circulation, and traffic impacts created by the Project.

To facilitate consideration of these issues, this EIR discloses potential impacts and also provides a range of Project alternatives which could more fully alleviate environmental concerns. In addition, Section 3.7, *Land Use and Planning Policies*, provides an overview of the City's policy context, which provides information on how the Project meets a number of important City policy objectives and where it may raise concerns over consistency with other City policies. All of this information should be reviewed when considering the Project.