FACTS, FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL EFFECTS FOR THE MATER DEI HIGH SCHOOL PARKING STRUCTURE AND SCHOOL EXPANSION PROJECT

SCH # 2012111043

Lead Agency:

CITY OF CITY SANTA ANA
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June 2015
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1.0 STATEMENT OF FACTS AND FINDINGS

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three findings for each impact, and explains the reasoning behind the agency’s findings.

The following statement of facts and findings has been prepared in accordance with the California Environmental Quality Act (CEQA) and Public Resources Code Section 21081. CEQA Guidelines Section 15091 (a) provides that:

No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

There are three possible finding categories available for the Statement of Facts and Findings pursuant to Section 15091 (a) of the CEQA Guidelines.

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant impacts, the Lead Agency may still approve a project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

The City of Santa Ana, the CEQA Lead Agency, finds and declares that the proposed Mater Dei High School Parking Structure and School Expansion Project Environmental Impact Report (EIR) has been completed in compliance with CEQA and the CEQA Guidelines. The City of Santa Ana (the “City”) finds and certifies that the EIR was reviewed and information contained in the EIR was considered prior to approving the proposed Mater Dei High School Parking Structure and School Expansion Project, herein referred to as the “project”.

Mater Dei High School
Parking Structure and School Expansion Project
Environmental Impact Report

Statement of Facts and Findings 1

June 2015
Based upon its review of the EIR, the Lead Agency finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed project, represents the independent judgment of the City, and sets forth an adequate range of alternatives to this project.

The Final EIR is composed of the following elements:

- Responses to Comments; and
- Mitigation Monitoring and Reporting Program.

The remainder of this document is organized as follows:

1.2 Description of Project Proposed for Approval;

1.3 Effects Determined to be Less Than Significant in the Initial Study/Notice of Preparation;

1.4 Effects Determined to be Less Than Significant in the EIR;

1.5 Effects Determined to be Mitigated to Less Than Significant Levels;

1.6 Environmental Effects Which Remain Significant and Unavoidable After Mitigation and Findings; and

1.7 Alternatives to the Proposed Project.

1.2 DESCRIPTION OF PROPOSED PROJECT

The proposed project involves the construction of a three-level parking structure east of the school’s existing campus (east of the existing football and soccer fields) and a two-story classroom building within the boundaries of the existing campus (west and south of classroom buildings 100 and 600). No change to the school’s existing operations would occur; however, maximum student enrollment is proposed to be increased from 2,200 students to 2,500 students. The addition of the proposed parking structure would increase the size of the campus from approximately 21 acres to 25 acres.

PARKING STRUCTURE

The project proposes to acquire an additional 4.0 acres of land to the east of the existing school in order to construct a new parking structure. This land is currently occupied by existing residential uses. Implementation of the proposed project would require the demolition of these structures, site grading, and construction of the new parking structure. The proposed parking structure would provide 990 parking spaces in three levels. The parking structure would have a maximum height of 30 feet. No subterranean levels are proposed. The structure would be open on three sides.
Construction of the parking structure would involve the voluntary acquisition of 19 existing single-family residential units by the Project Applicant. These 19 residential units are located east of Baker Street and north of St. Andrew Place. Baker Street, between St. Andrew Place and Berkeley Street, would be vacated, providing access from St. Andrew Place to the parking structure and surface parking lot to the north along a new Monarch Way extension. Additionally, a portion of Occidental Street and Berkeley Street (approximately 250 feet), between Baker Street and the proposed property line, would also be vacated. Occidental Street and Berkeley Street are proposed to terminate at the eastern boundary of the parking structure at a new public alley that would allow for adequate fire access and connectivity between the two roadways. The public alley, to the east of the parking structure would include Mater Dei-controlled gates at both the north end and south end. The proposed gates would have a Knox Box installed in order to provide for City of Santa Ana Public Works and Orange County Fire Authority (OCFA) access to the site. The gates would also be set back in order to allow a hammerhead arrangement for vehicles to pull in without blocking the alley. In addition, the proposed gate locations would provide total public access between Occidental Street and Berkeley Street for the City Public Works and Fire Department staff as well as the general public. In order to accommodate the public access portion of the proposed alley, the existing west property line would be modified to shift toward the west between Occidental Street and Berkeley Street. The alley would become City property with the landscape maintained by Mater Dei High School. This public alley would also provide trash trucks access to Berkeley Street and Occidental Street on a weekly basis, and would eliminate the need for trash trucks to back up.

Fire lanes would be provided along the western, eastern, and northern boundaries of the parking structure with access from St. Andrew Place and extending to the west and to the north to the existing fire lanes within the campus. As part of the fire lane, a 30-foot drainage and utility easement/public alley would be provided along the eastern property line. Six-inch sewer and water mains would be located within the easement/public alley. Existing utilities within Baker Street and the portions of Occidental and Berkeley Streets proposed to be vacated would be relocated.

An eight-foot high masonry wall with greenscreening would be constructed along the northern and eastern property lines of the parking structure, adjacent to the existing residential uses. A six-foot wide walkway would be constructed along the northern and western sides of the parking structure. Fencing and landscaping would be provided on Mater Dei High School property to the west of the parking structure driveway at St. Andrew Place, and landscaping would be provided around the perimeter of the parking structure.

Travel patterns for students and parents would be altered with the addition of the parking structure. Parents/guardians dropping-off and picking-up students would have a one-way circulation system, similar to existing operations, entering from the north on Edinger Avenue and continuing south to exit onto the new Monarch Way extension at St. Andrew Place. Students parking in the main surface parking lot would have access from Edinger Avenue during the morning arrival only.

Students parking in the proposed parking structure would have access only from St. Andrew Place for entering and exiting. Students traveling eastbound on St. Andrew Place and northbound on Baker toward the school would access the parking structure through the main entrance on the new Monarch Way extension. Students traveling westbound on St. Andrew Place toward the school would have access to the structure via a right-turn only entrance located at the new utility, drainage,
and fire lane easement/public alley on the east side of the proposed structure. During the afternoon dismissal, all students exiting the parking structure would be required to exit via the main driveway at the new Monarch Way extension at St. Andrew Place.

With implementation of the parking structure, the project also includes the following circulation improvements, which would be the responsibility of the Project Applicant:

- A new traffic signal and crosswalk at the intersection of St. Andrew Place and Bristol Street;
- A dedicated right-turn lane along westbound St. Andrew Place at Bristol Street; and
- Optimized left turn signal timing and splits at the Edinger Street/Monarch Way intersection to maximize efficiency for entry onto the campus.

**INTERIM SURFACE PARKING SCENARIO**

The Project Applicant may utilize a portion of the parking structure site as surface parking as an interim use until construction of the parking structure begins. This would allow for the provision of additional parking to meet the needs of the campus as completion of the property acquisition and funding process occurs. Potential surface parking areas would be fenced, paved, and illuminated and would likely occur as an extension of the existing on-campus surface parking lot along the eastern boundary of the campus. Given the uncertain timing and sequencing associated with the property acquisition process, this analysis conservatively assumes that the interim surface parking would occur over all 19 residential lots associated with the parking structure site, unless otherwise specified in the analysis. Under this scenario, all of the project’s proposed circulation system improvements would be constructed prior to opening of the surface parking lot. The Interim Surface Parking Scenario would not result in an increased student enrollment capacity, as it would not include facilities that would directly generate student growth. Rather, this interim parking would accommodate existing and planned needs under the 1999 Master Plan for Mater Dei High School for daily operations and special events.

**CLASSROOM BUILDING**

The two-story classroom building would be located within the interior of the existing campus, to the west and south of classroom buildings 100 and 600 and to the north of the swimming pool. The proposed classroom building would replace Buildings 300 and 500, resulting in the replacement of 21,240 square feet of existing classroom space with 30,820 square feet of new classroom space; refer to Table 1, Proposed Campus. The new building would include 32 classrooms with a maximum height of 44 feet. This architecture and design of the new classroom building would emulate the existing two-story Academic Services Complex located at the corner of Edinger Avenue and Bristol Street, which features stucco and concrete block construction.

As noted above, the proposed improvements associated with the project would increase the size of the campus from 21 acres to 25 acres, and would also increase maximum student enrollment from 2,200 students to 2,500 students.
Table 1
Proposed Campus

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<tr>
<th>Building Identification</th>
<th>Existing Building (square feet)</th>
<th>Proposed to be Removed (square feet)</th>
<th>Proposed Building (square feet)</th>
<th>Total Building (square feet)</th>
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Note: The environmental effects of the proposed parking structure and 32-classroom building are considered within this EIR. The proposed Performing Arts Building has previously obtained CEQA clearance through the City. Thus, environmental effects associated with the Performing Arts Building is not considered within this document.

CONSTRUCTION PHASING

Implementation of the proposed parking structure would occur in a single phase over the course of approximately 12 months. The start of construction of the parking structure would be contingent upon completion of the voluntary property acquisition process. As noted above, the Project Applicant may utilize a portion of the parking structure site as surface parking as an interim use until construction of the parking structure begins.

The timing of construction of the 32-classroom building would be dependent on the availability of funding. However, construction of the new classroom building would not occur until after completion of the parking structure (i.e., after June 2017).

GOALS AND OBJECTIVES

Pursuant to Section 15124(b) of the CEQA Guidelines, the EIR project description must include “[a] statement of objectives sought by the proposed project….The statement of objectives should include the underlying purpose of the project.”
The proposed project goals and objectives are as follows:

1. Provide an on-campus parking structure to accommodate existing and projected parking demand under the Master Plan for Mater Dei High School.

2. Provide a new parking structure and two-story classroom building to accommodate projected growth and increase maximum student enrollment from 2,200 students to 2,500 students.

3. Provide improvements that minimize impacts of the proposed project on the surrounding community both on-site (screening walls, landscaping improvements, enhanced architectural treatments), and off-site (transportation improvements).

1.3 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE INITIAL STUDY/NOTICE OF PREPARATION

The City of Santa Ana prepared an Initial Study/Notice of Preparation for the proposed project to determine potentially significant effects of the proposed project. The Initial Study/Notice of Preparation was circulated for public review from November 13, 2012 through December 17, 2012. In the course of this evaluation, certain impacts of the proposed project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following effects were determined not to be significant, and were not analyzed in the Draft EIR; refer to Appendix 13.1 of the Draft EIR.

AESTHETICS/LIGHT AND GLARE (Note: Impacts related to shade and shadow, light/glare, and visual character are summarized in Sections 1.4, 1.5, and 1.6 below).

Have a substantial adverse effect on a scenic resource.

Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

AGRICULTURE AND FOREST RESOURCES

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.

Conflict with existing zoning for agricultural use, or a Williamson Act contract.

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)).

Result in the loss of forest land or conversion of forest land to non-forest use.
Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

**AIR QUALITY** (Note: Impacts related to short-term and long-term operational air quality impacts are summarized in Sections 1.4 and 1.5 below).

Create objectionable odors affecting a substantial number of people.

**BIOLOGICAL RESOURCES**

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

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

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.

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.

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

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

**CULTURAL RESOURCES**

Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5.

Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.

Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Disturb any human remains, including those interred outside of formal cemeteries.

**GEOLOGY AND SOILS**

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.

2) Strong seismic ground shaking.

3) Seismic-related ground failure, including liquefaction.

4) Landslides.

Result in substantial soil erosion or the loss of topsoil.

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.

Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2004), creating substantial risks to life or property.

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.

HAZARDS AND HAZARDOUS MATERIALS

Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

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.

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

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.

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.

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.

Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. 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.
HYDROLOGY AND WATER QUALITY

Violate any water quality standards or waste discharge requirements.

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).

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

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.

Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Otherwise substantially degrade water quality.

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.

Place within a 100-year flood hazard area structures which would impede or redirect flood flows.

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?

Inundation by seiche, tsunami, or mudflow.

LAND USE AND RELEVANT PLANNING (Note: Impacts related to consistency with regional and local land use planning documents (e.g., the City’s General Plan and Zoning Code) are summarized in Section 1.4, below).

Physically divide an established community.

Conflict with any applicable habitat conservation plan or natural community conservation plan.

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1 Note that Orange County Public Works submitted a comment letter dated November 13, 2014 as part of the Draft EIR public review process. This letter contained information related to the project’s water quality impacts; the City of Santa Ana responded in detail to this letter as part of the Final EIR (refer to Response #2 of the Responses to Comments, Final EIR, June 2015.)
MINERAL RESOURCES

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.

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.

NOISE

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 expose people residing or working in the project area to excessive noise levels.

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.

POPULATION AND HOUSING

Induce substantial population growth in an area, either directly or indirectly.

PUBLIC SERVICES

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:

1) Fire protection.
2) Police protection.
3) Schools.
4) Parks.
5) Other public facilities.

RECREATION

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.

Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
TRANSPORTATION/TRAFFIC  (Note: Impacts related to long-term operational traffic impacts are summarized in Section 1.4, below)

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.

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

Result in inadequate emergency access.

UTILITIES AND SERVICE SYSTEMS

Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

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.

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

Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

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.

Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs.

Comply with federal, state, and local statutes and regulations related to solid waste.

MANDATORY FINDINGS OF SIGNIFICANCE

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, 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.
1.4 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE EIR

The Mater Dei High School Parking Structure and School Expansion Project Draft EIR found that the proposed project would result in less than significant impacts on a number of environmental topic areas. Therefore, a less than significant environmental impact determination was made for each of the topical impact areas listed below.

LAND USE AND PLANNING

- **Southern California Association of Governments (SCAG).** The proposed project would not conflict with SCAG’s regional plans and policies.

- **City of Santa Ana General Plan.** The proposed project would not conflict with goals, objectives, and policies within the *City of Santa Ana General Plan*.

- **City of Santa Ana Municipal Code Chapter 41, Zoning.** The proposed project would not conflict with the *City of Santa Ana Municipal Code* Chapter 41 Zoning standards or regulations upon implementation of the zone change required as an entitlement for the project.

- **Cumulative Land Use and Planning Impacts.** The proposed project, combined with other related cumulative projects, would not conflict with applicable land use plans, policies, or regulations.

AESTHETICS/LIGHT AND GLARE (Note: Impacts related to short-term and long-term visual character are summarized in Sections 1.5 and 1.6, below).

- **Shade/Shadow Patterns.** Project implementation would not result in shade and shadow impacts onto adjacent sensitive uses within the project area.

- **Light/Glare.** Project implementation would not introduce substantial new sources of light and glare to the project area.

- **Cumulative Aesthetic/Light and Glare Impacts.** The proposed project, combined with other related cumulative projects, would not result in the degradation of character/quality, substantial increase in light and glare, or shade/shadow on a cumulatively considerable basis.

AIR QUALITY

- **Long-Term (Operational) Impacts.** Long-term operation of the proposed project would not result in significant air pollutant emissions impacts.

- **Long-Term Cumulative Impacts.** Long-term operation associated with the proposed project and related cumulative projects would not result in significant long-term air quality impacts.
GREENHOUSE GAS EMISSIONS

Greenhouse Gas Emissions. Greenhouse gas emissions generated by the project would not have a significant direct or indirect impact on the environment.

Consistency With Applicable Greenhouse Gas Plans, Policies or Regulations. Implementation of the proposed project would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

Cumulative Impacts. Greenhouse gas emissions generated by the project would not have a significant impact on global climate change or conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

NOISE

Long-Term (Mobile) Noise Impacts. Traffic generated by the proposed project would not significantly contribute to existing traffic noise in the area.

Long-Term (Stationary) Noise Impacts. The proposed project would not result in a significant increase in ambient noise levels.

Airport Noise Impacts. The proposed project would not expose people residing or working in the project area to excessive noise levels associated with an airport.

Cumulative Long-Term Noise Impacts. Development associated with the proposed project and other related cumulative projects would not result in cumulatively considerable long-term noise impacts.

HOUSING

Displacement of Housing. Implementation of the proposed project would replace housing with parking facilities, but would not necessitate the construction of replacement housing elsewhere.

Cumulative Housing Impacts. Implementation of the proposed project and other related cumulative projects would displace housing and persons, but would not necessitate the construction of replacement housing elsewhere.

TRAFFIC AND CIRCULATION

Forecast Existing Plus Project Conditions. Project implementation would not cause a significant increase in traffic on local roadways for existing conditions when compared to the traffic capacity on the street system.

Forecast Year 2018 With Project Conditions. Project implementation would not cause a significant increase in traffic on local roadways under forecast year 2018 conditions when compared to the traffic capacity of the street system.
Forecast Year 2035 With Project Conditions. Project implementation would not cause a significant increase in traffic on local roadways under forecast year 2035 conditions when compared to the traffic capacity of the street system.

Hazardous Traffic Conditions. Development of the proposed project would not result in a hazardous traffic condition either on-site or in the surrounding area.

Conflicts with Policies, Plans, or Programs. Implementation of the project would not result in a decrease of the performance or safety of public transit, bicycle, or pedestrian facilities as a result of a conflict with adopted policies, plans, or programs.

Cumulative Traffic and Circulation Impacts. The proposed project along with other related cumulative projects would not result in cumulatively considerable impacts related to traffic and circulation.

1.5 EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

The City of Santa Ana, having reviewed and considered the information contained in the Final EIR, the Technical Appendices, and the administrative record, finds, pursuant to California Public Resources Code 21081 (a)(1) and CEQA Guidelines 15061 (a)(1) that changes or alterations have been required in, or incorporated into, the proposed project, which would avoid or substantially lessen to below a level of significance the following potentially significant environmental effects identified in the Final EIR in the following categories:

- Aesthetics/Light and Glare (short-term visual character/quality);
- Air Quality (short-term [construction] air emissions, localized air quality impacts, consistency with regional plans, and short-term cumulative impacts); and

The potentially significant adverse environmental impacts that can be mitigated are listed below. The City of Santa Ana finds that these potentially significant adverse impacts can be mitigated to a level that is considered less than significant after implementation of mitigation measures identified in the Final EIR.

AESTHETICS/LIGHT AND GLARE

The project’s potential impacts in regards to aesthetics/light and glare that can be mitigated or are otherwise less than significant are discussed in Section 5.2, Aesthetics/Light and Glare, of the Draft EIR. Identified impacts include short-term degradation of visual character/quality.

Short-Term Visual Character/Quality. Project construction activities would not result in significant impacts related to the temporary degradation of the visual character/quality of the site and its surroundings.
Findings

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

2. The effects identified in the Draft EIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts to the short-term visual character/quality of the project area have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the Draft EIR.

Mitigation Measure:

AES-1 Prior to the issuance of a building permit, the Project Applicant shall submit a Construction Management Plan for review and approval by the City of Santa Ana Planning Division. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and construction haul route(s).

AIR QUALITY

The project’s potential impacts in regards to air quality that can be mitigated or are otherwise less than significant are discussed in Section 5.3, Air Quality, of the Draft EIR. Identified impacts include short-term (construction) air emissions, localized air quality impacts, consistency with regional plans, and short-term cumulative impacts.

Short-Term (Construction) Air Emissions. Short-term construction activities associated with the proposed project would not result in significant air pollutant emission impacts.

Findings

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

2. The effects identified in the Draft EIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts from short-term (construction) air emissions have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Draft EIR.
Mitigation Measures:

AQ-1 Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD’s Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust.

- Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance.

- Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied.

- All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.

- Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.

- Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes.

- On-site vehicle speed shall be limited to 15 miles per hour.

- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.

- Reroute construction trucks away from congested streets or sensitive receptor areas.

AQ-2 All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (c)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the
Applicant shall demonstrate to the City Engineer how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F), (e)(4).

AQ-3 Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, O₃ precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City by the construction contractor on a monthly basis. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

Localized Air Quality Impacts. Development associated with the project would not result in significant localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.

Findings

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

2. The effects identified in the Draft EIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts from localized air quality emissions have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Draft EIR.

Mitigation Measures:

AQ-1 Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust.
• Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance.

• Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied.

• All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.

• Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.

• Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes.

• On-site vehicle speed shall be limited to 15 miles per hour.

• All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.

• Reroute construction trucks away from congested streets or sensitive receptor areas.

AQ-2 All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall demonstrate to the City Engineer how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F), (e)(4).

AQ-3 Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, O₃ precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City by the construction contractor on a monthly basis. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.
Consistency with Regional Plans. Development associated with the proposed project would not result in a conflict with regional plans.

Findings

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

2. The effects identified in the Draft EIR have been determined not to be significant.

Facts in Support of Findings

The project’s consistency impacts with regional plans have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Draft EIR.

Mitigation Measures:

AQ-1 Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD’s Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust.

- Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance.

- Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied.

- All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.

- Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.

- Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be
installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes.

- On-site vehicle speed shall be limited to 15 miles per hour.
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.
- Reroute construction trucks away from congested streets or sensitive receptor areas.

AQ-2 All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall demonstrate to the City Engineer how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F), (e)(4).

AQ-3 Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, O₃ precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City by the construction contractor on a monthly basis. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

Short-Term Cumulative Impacts. Short-term construction activities associated with the proposed project and related cumulative projects would not result in significant short-term air quality impacts.

Findings

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

2. The effects identified in the Draft EIR have been determined not to be significant.

Facts in Support of Findings

The short-term cumulative impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Draft EIR.
Mitigation Measures:

AQ-1 Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD’s Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust.

- Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance.

- Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied.

- All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.

- Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.

- Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes.

- On-site vehicle speed shall be limited to 15 miles per hour.

- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.

- Reroute construction trucks away from congested streets or sensitive receptor areas.

AQ-2 All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the
Applicant shall demonstrate to the City Engineer how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F), (e)(4).

AQ-3 Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, $\text{O}_3$ precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City by the construction contractor on a monthly basis. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

NOISE

The project’s potential impacts in regards to noise that can be mitigated or are otherwise less than significant are discussed in Section 5.5, Noise, of the Draft EIR. Identified impacts include short-term construction noise, construction-related vibration, and short-term cumulative impacts.

Short-Term Construction Noise Impacts. Grading and construction within the project site would not result in significant temporary noise impacts to nearby noise sensitive receivers.

Findings

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

2. The effects identified in the Draft EIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts from short-term construction noise have been mitigated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the Draft EIR.

Mitigation Measure:

N-1 Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the City of Santa Ana Planning Division that the project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
• Property owners and occupants located within 500 feet of the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Santa Ana Planning Division, 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.

• Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Public Works Executive Director. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.

• Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate to the satisfaction of the City’s Building Safety Manager that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools.

• Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.

• Noise attenuation barriers (temporary barriers or noise curtains) with a sound transmission coefficient (STC) of at least 20 shall be used along the northern, eastern, and western boundaries of the parking structure site adjacent to nearby residential uses during construction activities associated with the parking structure (all phases except for architectural coating), as well as surrounding the proposed classroom building site during construction activities associated with the proposed classroom building (all phases except for architectural coating). Noise attenuation barriers constructed at the property lines to a height of 10 feet with an STC rating of at least 20 are capable of reducing noise levels by 7.7 dBA.

• During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
Construction activities shall not take place outside of the allowable hours specified by the City’s Municipal Code Section 18-314, Special Provisions (7:00 a.m. and 8:00 p.m. on weekdays and Saturdays; construction activities are not permitted on Sundays or legal holidays).

Construction-Related Vibration Impacts. Grading and construction associated with the proposed project would not result in significant temporary vibration impacts to nearby sensitive receptors.

**Findings**

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings**

The potential impacts from construction-related vibration have been mitigated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the Draft EIR.

**Mitigation Measure:**

N-1 Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the City of Santa Ana Planning Division that the project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.

- Property owners and occupants located within 500 feet of the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Santa Ana Planning Division, 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.

- Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint
is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Public Works Executive Director. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.

- Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate to the satisfaction of the City’s Building Safety Manager that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools.

- Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.

- Noise attenuation barriers (temporary barriers or noise curtains) with a sound transmission coefficient (STC) of at least 20 shall be used along the northern, eastern, and western boundaries of the parking structure site adjacent to nearby residential uses during construction activities associated with the parking structure (all phases except for architectural coating), as well as surrounding the proposed classroom building site during construction activities associated with the proposed classroom building (all phases except for architectural coating). Noise attenuation barriers constructed at the property lines to a height of 10 feet with an STC rating of at least 20 are capable of reducing noise levels by 7.7 dBA.

- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.

- Construction activities shall not take place outside of the allowable hours specified by the City’s Municipal Code Section 18-314, Special Provisions (7:00 a.m. and 8:00 p.m. on weekdays and Saturdays; construction activities are not permitted on Sundays or legal holidays).

Cumulative Short-Term Construction Noise Impacts. Development associated with the proposed project and other related cumulative projects would not result in cumulatively considerable short-term construction noise impacts.

Findings

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings**

The potential cumulative impacts from short-term construction noise have been mitigated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the Draft EIR.

**Mitigation Measure:**

N-1 Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the City of Santa Ana Planning Division that the project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.

- Property owners and occupants located within 500 feet of the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Santa Ana Planning Division, 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.

- Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Public Works Executive Director. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.

- Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate to the satisfaction of the City’s Building Safety Manager that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the...
distance between construction equipment staging areas and occupied residential
areas, and electric air compressors and similar power tools.

- Construction haul routes shall be designed to avoid noise sensitive uses (e.g.,
  residences, convalescent homes, etc.), to the extent feasible.

- Noise attenuation barriers (temporary barriers or noise curtains) with a sound
  transmission coefficient (STC) of at least 20 shall be used along the northern,
  eastern, and western boundaries of the parking structure site adjacent to nearby
  residential uses during construction activities associated with the parking
  structure (all phases except for architectural coating), as well as surrounding the
  proposed classroom building site during construction activities associated with
  the proposed classroom building (all phases except for architectural coating).

Noise attenuation barriers constructed at the property lines to a height of 10 feet
with an STC rating of at least 20 are capable of reducing noise levels by 7.7 dBA.

- During construction, stationary construction equipment shall be placed such that
  emitted noise is directed away from sensitive noise receivers.

- Construction activities shall not take place outside of the allowable hours
  specified by the City’s Municipal Code Section 18-314, Special Provisions (7:00
  a.m. and 8:00 p.m. on weekdays and Saturdays; construction activities are not
  permitted on Sundays or legal holidays).

1.6 ENVIRONMENTAL EFFECTS WHICH REMAIN SIGNIFICANT
AND UNAVOIDABLE AFTER MITIGATION AND FINDINGS

The City of Santa Ana, having reviewed and considered the information contained in the Final EIR,
Technical Appendices, and the administrative record, finds, pursuant to California Public Resources
Code 21081 (a)(3) and CEQA Guidelines 15091 (a)(3), that specific economic, legal, social,
technological, or other considerations, make infeasible the mitigation measures identified in the Final
EIR and, therefore, the project would cause significant unavoidable impact in relation to
Aesthetics/Light and Glare (long-term degradation of visual character/quality).

AESTHETICS/LIGHT AND GLARE

Long-Term Visual Character/Quality. Project implementation would result in significant
impacts related to the long-term degradation of the visual character/quality of the site and its
surroundings.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially
lesser the significant environmental effect as identified in the EIR.
2. Impacts associated with the long-term visual character/quality of the project area from implementation of the project have been reduced to the extent feasible. However, there are no feasible mitigation measures contained in the EIR regarding the long-term visual character/quality of the project area, and impacts would constitute a significant and unavoidable impact.

**Facts in Support of Findings**

Implementation of the proposed project would result in significant and unavoidable impacts related to the change in character from residential use to increased hardscape compared to the surrounding residential community through the introduction of a new 30-foot high parking structure adjacent to their property line. With implementation of the proposed architectural treatments and Landscape Plan, the resultant visible hardscape would be reduced. However, the resultant visual impacts from this change in character/quality would remain significant and unavoidable. No feasible mitigation measures are available to reduce these impacts to less than significant levels.

*Mitigation Measures:

No mitigation measures are feasible.

The overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations and the Findings regarding Alternatives provide additional facts in support of these findings. This unavoidable significant effect is acceptable when balanced against the facts set forth therein.

### 1.7 ALTERNATIVES TO THE PROPOSED PROJECT

The Draft EIR addresses the environmental effects of alternatives to the proposed project. A description of these alternatives, a comparison of their environmental impacts to the proposed project, and the City’s findings are listed below. These alternatives are compared against the project relative to the identified project impacts (summarized in Section 1.4, Section 1.5, and Section 1.6, above) to the project objectives (as stated in Section 1.2, above).

In making the following alternatives findings, the City of Santa Ana certifies that it has independently reviewed and considered the information on alternatives provided in the Draft EIR, including the information provided in the comments on the Draft EIR and the responses thereto.

**“NO PROJECT/NO DEVELOPMENT” ALTERNATIVE**

Pursuant to CEQA Guidelines Section 15126.6(c)(2), the No Project Alternative must be analyzed within the EIR. The No Project Alternative should discuss what would reasonably be expected to occur in the foreseeable future if the proposed project were not approved. In certain instances, the No Project Alternative means “no build” wherein the existing environmental setting is maintained. Thus, the “No Project/No Development” Alternative assumes that no new development would take place on-site and that the site would remain in its existing condition.
Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings

The No Project/No Development Alternative is considered environmentally superior to the proposed project in regards to land use, aesthetics, air quality, GHGs, noise, housing, and traffic and circulation. This Alternative would eliminate the significant and unavoidable impact related to aesthetics that was identified under the proposed project. However, the No Project/No Development Alternative would not accomplish any of the project objectives as listed above in Section 1.2. This Alternative would not provide any on-campus parking in order to accommodate the projected parking demand under the Master Plan for Mater Dei High School (Objective 1). Objective 2 would not be accomplished as the No Project/No Development Alternative would not serve the projected growth and potential increase maximum student enrollment from 2,200 students to 2,500 students. Lastly, this Alternative would not provide improvements both on-site (screening walls, landscaping improvements, enhanced architectural treatments) and off-site (transportation improvements) (Objective 3).

“REDUCED HEIGHT” ALTERNATIVE

The Reduced Height Alternative would involve a reduction in the height of the proposed parking structure from three-levels to two-levels. This Alternative would develop an approximately 22-foot parking structure, which would result in a reduction of 316 parking spaces compared to the proposed project (assuming that 686 spaces would be provided, based on the Ground Floor and Building Section and Area Summary, prepared by The Austin Company [March 21, 2012]). The parking structure footprint would remain similar to that proposed by the project. New landscaping and architectural treatments would be required per the City’s regulations. This Alternative would also construct a new classroom building and roadway/intersection infrastructure improvements similar to the proposed project.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings

The Reduced Height Alternative would accomplish the intent of the project’s objectives, but not to the extent of the project, as listed within Section 1.2, above. The Reduced Height Alternative would achieve Objectives 1 and 3. However, Objective 2 would not be accomplished as the reduction of 316 parking spaces would not serve the potential increase of the student enrollment from 2,200 students to 2,500 students as a result of buildout of the Master Plan of Mater Dei High School.
In comparison to the proposed project, the Reduced Height Alternative would result in reduced impacts in regards to aesthetics, air quality, greenhouse gas emissions, and noise. However, the significant impact identified under the proposed project for aesthetics would remain under the Reduced Height Alternative, although the aesthetic impacts would be incrementally reduced due to the decrease in parking structure height that would occur with this Alternative.

“PERMANENT SURFACE PARKING LOT” ALTERNATIVE

The Permanent Surface Parking Lot Alternative would involve maintaining the interim parking lot condition as a permanent condition at the proposed parking structure site. For the purposes of this analysis, it is assumed that 347 spaces would be provided, based on the Ground Floor and Building Section and Area Summary, prepared by The Austin Company (March 21, 2012). As this Alternative would not construct enough parking to support future growth at the campus (of up to 300 additional students), the new classroom building would not be constructed as part of the Permanent Surface Parking Lot Alternative. This Alternative would be required to comply with existing City regulations, including landscaping requirements. However, it is assumed that this alternative would not implement infrastructure improvements (including public roadway improvements and a new signal at St. Andrew Place and Bristol Street), as this Alternative would not construct a new classroom building or support buildout of the Master Plan of Mater Dei High School.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings

The Permanent Surface Parking Lot Alternative would not accomplish the project’s objectives, as listed within Section 1.2, above. Although this Alternative would provide additional on-campus parking, this would not be accomplished via an on-site parking structure, nor would a surface parking lot accommodate the projected parking demand under the Master Plan for Mater Dei High School (Objective 1). Objective 2 would not be accomplished as the reduction of parking spaces to sustain a surface lot would not serve the potential increase of the student enrollment from 2,200 students to 2,500 students. Lastly, this Alternative would not provide improvements both on-site (screening walls, landscaping improvements, enhanced architectural treatments) and off-site (transportation improvements) (Objective 3).

In comparison to the proposed project, the Permanent Surface Parking Lot Alternative would result in reduced impacts in regards to aesthetics, air quality, GHG emissions, noise, and traffic and circulation. The significant impact identified under the proposed project for aesthetics would be eliminated under the Permanent Surface Parking Lot Alternative. However, none of the project’s objectives would be met.
2.0 CERTIFICATION OF THE FINAL EIR

The City of Santa Ana City Council declares that no new significant information as defined by the State CEQA Guidelines, Section 15088.5, has been received by the City Council after circulation of the Draft EIR that would require recirculation.

The City Council certifies the Environmental Impact Report based on the following findings and conclusions:

2.1 FINDINGS

The proposed project would have the potential for creating significant adverse environmental impacts. Significant adverse impacts which cannot be mitigated to a level of insignificance relate to the long-term degradation of the visual character/quality of the project area, as discussed in the Findings. It was determined that there are no feasible mitigation measures applicable to this impact that would avoid or substantially lessen the impact.

2.2 CONCLUSIONS

- Except the impact stated above relating to the long-term degradation of the visual character/quality of the project area, all other significant environmental impacts from the implementation of the proposed project have been identified in the EIR and, with implementation of the mitigation measures identified, would be mitigated to a level of insignificance.

- Alternatives to the proposed project, which could potentially achieve the basic objectives of the proposed project, have been considered and rejected in favor of the proposed project.

- Environmental, economic, social, and other considerations and benefits derived from the development of the proposed project override and make infeasible any alternatives or further mitigation measures beyond those incorporated into the EIR. These considerations include project benefits such as providing on-campus parking to accommodate existing and project parking demand; providing a new parking structure and two-story classroom building to accommodate project student growth; provide improvements that minimize impacts on the surrounding community; and contribute to the long range goals identified by the City of Santa Ana that are consistent with the goals and policies in the City’s General Plan, among others.

3.0 STATEMENT OF OVERRIDING CONSIDERATIONS

3.1 INTRODUCTION

CEQA and the CEQA Guidelines provide in part the following:
• CEQA requires that the decision maker balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

• Where the decision of the public agency allows the occurrence of significant effects that are identified in the EIR but are not mitigated, the agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091 (a)(2) or (a)(3) of the CEQA Guidelines.

• If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination (Section 15093 of the CEQA Guidelines).

The City of Santa Ana, having reviewed and considered the information contained in the EIR for the Mater Dei High School Parking Structure and School Expansion Project, Responses to Comments, and the public record, adopts the following Statement of Overriding Considerations that have been balanced against the unavoidable adverse impacts in reaching a decision on this project.

3.2 SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

Although all potential project impacts have been substantially avoided or mitigated as described in the preceding findings, there is no complete mitigation for the following project impact:

• Aesthetics/Light and Glare – long-term visual character and quality

Details of this significant unavoidable adverse impact were discussed in the Mater Dei High School Parking Structure and School Expansion Project EIR and are summarized, or were otherwise provided in Section 1.6, Environmental Effects Which Remain Significant and Unavoidable After Mitigation.

3.3 OVERRIDING CONSIDERATIONS

The proposed action consists of the certification of the Mater Dei High School Parking Structure and School Expansion Project EIR. Analysis in the EIR for this project has concluded that the proposed project would result in aesthetic impacts that cannot be mitigated to a less than significant level. All other potentially significant adverse project impacts have been mitigated to a less than significant level based on mitigation measures in the Final EIR.

CEQA requires that a lead agency balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

The City of Santa Ana has determined that the significant unavoidable adverse project impacts, which would remain significant after mitigation, are acceptable and are outweighed by social, economic, and other benefits of the project. Further, the alternatives that were identified in the
Final EIR would not provide the project benefits, as summarized below, to the same extent as the proposed project:

- The City of Santa Ana finds that all feasible mitigation measures have been imposed to lessen project impacts to less than significant levels; and furthermore, that alternatives to the project are infeasible because while they have similar or less environmental impacts, they do not provide the benefits of the project, or are otherwise socially or economically infeasible when compared to the project, as described in the Statement of Facts and Findings.

- The project would provide an on-campus parking structure to accommodate existing and projected parking demand under the Master Plan for Mater Dei High School.

- The project would provide a new parking structure and two-story classroom building to accommodate projected growth and increase maximum student enrollment from 2,200 students to 2,500 students.

- The project would provide improvements that minimize impacts of the proposed project on the surrounding community both on-site (screening walls, landscaping improvements, enhanced architectural treatments), and off-site (transportation improvements).

- The project would result in the improvement of an existing educational/institutional facility with a long-standing history in Santa Ana, providing benefits to the surrounding community and City.

Although significant impacts would remain, the City of Santa Ana would mitigate any significant adverse impacts to aesthetics/light and glare to the maximum extent practicable. In its decision to approve the project, the City has considered the project benefits to outweigh the environmental impacts.