INTRODUCTION

Section 21081 of the California Public Resources Code and Section 15091 of the California Environmental Quality Act (CEQA) Guidelines require a public agency, prior to approving a project, to identify significant impacts of the project and make findings for each of the significant impacts. The possible findings are:

- 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. (State CEQA Guidelines, § 15091, subd. (a)(1))
- 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. (State CEQA Guidelines, § 15091, subd. (a)(2))
- 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. (State CEQA Guidelines, § 15091, subd. (a)(3))

The findings presented herein are based upon the information and evidence set forth in the Initial Study, Draft Environmental Impact Report (“DEIR”), Final Environmental Impact Report (“FEIR”), and upon other substantial evidence, both oral and written, which has been prepared for or provided to the environmental record of the River Park Residential Project (the Project; SCH No. 202120492).

SECTION 1. ENVIRONMENTAL DOCUMENTATION BACKGROUND

After receiving an application from the Project, the City of Long Beach (the City) caused an Initial Study to be prepared in accordance with Section 15063(a) of the State CEQA Guidelines. Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies and to members of the public for a 30-day period ending on April 12, 2021. The purpose of the NOP was to formally inform the public that the City was preparing a Draft Environmental Impact Report (DEIR) for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the DEIR.

The DEIR evaluated in detail the potential effects of the Project. The DEIR was circulated for a public review period from January 18, 2022, through March 21, 2022. Pursuant to Section 15088 of the CEQA Guidelines, the City reviewed all comments received during the review periods for the DEIR and prepared a Final Environmental Impact Report (FEIR).

The Draft and FEIR together are intended to serve as an informational document for public agency decision makers and the general public regarding objectives, components and effects of the Project. The
DEIR, FEIR, staff reports, testimony, technical studies, appendices, plans, specifications, figures, exhibits, and other materials that constitute the Project record are on file and available for public examination at https://www.longbeach.gov/lbds/planning/environmental/reports/ and during normal business hours at the Long Beach City Hall, 411 W. Ocean Boulevard, 2nd Floor, Long Beach, CA 90802.

SECTION 2. GENERAL FINDINGS

The City Council hereby finds that:

1. The EIR has been completed in compliance with the California Environmental Quality Act (“CEQA”), Public Resources Code §§21000 et seq. and the State CEQA Guidelines, California Code of Regulations, Title 14, §§15000 et seq. (“CEQA Guidelines”)

2. The EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the project and also finds that the DEIR and FEIR reflects the independent judgment of the City. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the DEIR.

3. Any textual refinements and errata that were identified subsequent to the public review of the DEIR do not represent substantial changes or new information that would result in changes in the environmental consequence of the project.

4. No evidence of new significant impacts as defined by the State CEQA Guidelines section 15088.5 have been received by the City Council and no substantial changes to the Project have occurred that would require further recirculation or a supplemental or subsequent EIR.

5. Substantial evidence for each finding made herein is contained in the EIR and the record of proceedings in the matter.

SECTION 3. ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The EIR concluded, based on substantial evidence in the record, that based on the general location, form and characteristics of the proposed project that the following impacts would not be significant: Aesthetics, Agricultural and Forestry Resources, Cultural Resources, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

Finding: The City finds that for these topics, changes or alterations to the Project are neither required nor incorporated, pursuant to Public Resources Code Section 21081, subdivision (a)(1), CEQA Guidelines Section 15091, subdivision (a)(1) and CEQA Guidelines Section 15126.4, subdivision (a)(3).

SECTION 4. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

Consistent with Public Resources Code §21001.2 and CEQA Guidelines §15128, the DEIR focused its analysis on potentially significant impacts. The City has determined that there was a potential of “significant” impacts in the following topic areas:
• Air Quality
• Biological Resources
• Geology
• Hazards & Hazardous Materials
• Noise
• Transportation
• Tribal Cultural Resources.

Pursuant to Public Resources Code Section 21081, subdivision (a)(1), changes or alterations have been incorporated into the Project to mitigate these impacts. Mitigation measures have been identified in the FEIR to lessen the effects of each significant impact. In addition, these mitigation measures have been listed in Mitigation Monitoring Program that shall be adopted by the City.

The City finds that, pursuant to CEQA Guidelines section 15091(a)(1), based upon substantial evidence in the record, adoption of the identified mitigation measures would reduce the identified significant impacts to less-than-significant levels.

The potentially significant Project impacts, and the mitigation measures which have been adopted to mitigate the impacts to a less than significant level, are as follows:

1. Air Quality

**Potential Significant Impacts.**

Emission modeling performed for the DEIR indicated that construction of the Project could result potentially significant short-term air quality impacts in localized construction emissions of particulate matter (PM$_{2.5}$).

In addition, SCAQMD requested that an analysis of the Project’s adjacency to the freeway be performed, and this analysis indicated a potential risk to future residents of exposure to diesel particulate from highway traffic.

The City has developed the mitigation measures listed below to be incorporated into the Project that would ensure potential impacts would be reduced to a less than significant level, pursuant to CEQA Guidelines section 15091(a)(1):

**Mitigation Measures.** The following mitigation measures were identified in the EIR to address the potential for Air Quality Impacts:

**MM AQ-1.** On-site construction equipment fleet must meet EPA Tier 4 Final standards for all off-road diesel-powered construction equipment greater than 50 hp and would require all construction equipment to be outfitted with Best Available Control Technology (BACT) devices certified by CARB.

**MM AQ-2** would incorporate the following design features to reduce potential cancer risk:
• Locate outdoor areas, such as balconies and courtyards, as far from the freeway and roadway segment as possible.
• Plant vegetation between residential receptors and the freeway.
• Install, operate, and maintain a heating, ventilation, and air condition (HVAC) system that uses high-efficiency filters of Minimum Efficiency Reporting Value (MERV) 14 or higher for the residential units (suggested use of MERV 16);
• Locate the air intakes for the uses as far from the freeway as possible; and
• Provide a disclosure letter to all new residents that discusses the potential risk from living within close proximity of the freeway and roadway segment and points out that opening windows reduces the effectiveness of implemented reduction measures and increases individuals’ exposure and hence risk.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation listed above would be specific to the construction process associated with the Project and involve standards for construction equipment used on the Project site. These requirements would not have environmental effects other than the intended mitigation beyond the Project site.

Findings: The City finds that this mitigation measures would reduce the potential effects of the Project to a less than significant level and would not have adverse effects not already considered in the analysis.

2. Biological Resources

Potential Significant Impacts.

While not identified during site surveys, the EIR concluded that there exists a potential for bird nests or burrows to be present on the site at the time of construction. The City has developed the mitigation measures listed below to be incorporated into the Project that would ensure potential impacts would be reduced to a less than significant level, pursuant to CEQA Guidelines section 15091(a)(1): Mitigation Measures. The following mitigation measures were identified in the EIR to address the potential of impacts on bird nests or burrows.

MM-BIO-1: Migratory Birds. To avoid impacts to birds nesting onsite, the following mitigation shall be implemented:

• Proposed ground clearing activities within 300 feet of potential nesting site should take place outside of the breeding bird season which generally runs from February 1–August 31.
• If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in
conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

**MM-BIO-2:** The City shall perform a protocol-level survey for burrowing owls adhering to survey methods described in CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation. Burrowing owl protocol surveys shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. If burrowing owls are identified, the applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project Applicant shall contact CDFW to develop appropriate mitigation and management procedures. The applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits.

**MM-BIO-3:** If the Project will impact habitat supporting burrowing owls, Project Applicant shall be required to offset impacts on habitat supporting a Species of Special Concern at no less than 2:1. There should be no net loss of burrowing owl habitat. The Project Applicant should set aside replacement habitat. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.

**MM-BIO-4:** To avoid direct mortality of ground inhabiting species, a qualified biological monitor shall be on-site prior to and during ground and habitat disturbing activities to move out of harm’s way special status species or other wildlife of low mobility that would be injured or killed by grading or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project
impacts associated with habitat loss. If the Project requires protected species to be removed, disturbed, or otherwise handled, the applicant shall obtain all required appropriate state and federal permits.

**MM-BIO-5:** The Project applicant shall report any special status species detected by completing and submitting CNDDB Online Field Survey Form to the extent any such species are detected. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant shall provide CDFW with confirmation of data submittal.

**MM-BIO 6:** Project Applicant shall avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.

**Potential Secondary Effects.** Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measures identified above would be conducted within the Project site and would not have effects beyond the Project site.

**Finding.** The City finds that construction of the Project could result in disturbance of bird nests or burrows. Therefore, pursuant to CEQA Guidelines section 15091(a)(1), the City has incorporated the mitigation measures listed above into the Project. The City finds that these mitigation measures would reduce the potential effects of the Project to a less than significant level and would not have any additional effects beyond the site nor would have adverse effects not already considered in the analysis.

3.  **Geology & Soils**

**Potential Significant Impacts.**

While not known to be present, the EIR concluded that there exists a potential for the site to contain subsurface paleontological resources. The City has developed the mitigation measures listed below to be incorporated into the Project that would ensure potential impacts would be reduced to a less than significant level, pursuant to CEQA Guidelines section 15091(a)(1):

**Mitigation Measures.** The following mitigation measures were identified in the EIR to address the potential of impacts on subsurface paleontological resources.

**MM GEO-1: Worker’s Environmental Awareness Program (WEAP)**

Prior to the start of the proposed Project activities, all field personnel will receive a worker’s environmental awareness training on paleontological resources. The training will provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, outline steps to follow in the event that a fossil discovery is made and provide contact information for the Project Paleontologist. The training will be developed by the Project Paleontologist and can be delivered concurrent with other training including cultural, biological, safety, etc.

**MM GEO-2: Paleontological Mitigation Monitoring**
Prior to the commencement of ground-disturbing activities, a professional paleontologist will be retained to prepare and implement a paleontological resource mitigation and monitoring plan (PRMMP) for the proposed Project. The PRMMP will describe the monitoring required during excavations that extend into older Quaternary (Pleistocene) age sediments, and the location of areas deemed to have a high paleontological resource potential. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he or she may recommend that monitoring be reduced or cease entirely.

In the event that a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

If fossils are discovered, all work in the immediate vicinity should be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

The PRMMP will identify the museum that has agreed to accept fossils that may be discovered during project-related excavations. Upon completion of fieldwork, all significant fossils collected will be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation will be assessed by the repository and will be the responsibility of the client.

**MM GEO-3: Final Paleontological Mitigation Report: Salvage of Fossils**

Upon completion of ground disturbing activity (and curation of fossils if necessary) the Project Paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

*Potential Secondary Effects.* Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.
The mitigation measures identified above would be conducted within the Project site and would not have effects beyond the Project site.

**Finding.** The City finds that construction of the Project could result in disturbance to subsurface paleontological resources. Therefore, pursuant to CEQA Guidelines section 15091(a)(1), the City has incorporated the mitigation measures listed above into the Project. The City finds that these mitigation measures would reduce the potential effects of the Project to a less than significant level and would not have any adverse effects not already considered in the analysis.

4. **Hazardous Materials**

**Potential Significant Impacts.** Due to former activities within the Project site, the project is undergoing remediation. Impacts were identified in the EIR as potentially significant.

**Mitigation Measures.** The following mitigation measures were identified in the EIR to address the potential hazards from existing site conditions.

- **MM HAZ-1:** Prior to earthwork activities, remnants of underground piping still present on the Project site shall be tested by a qualified asbestos consultant, and if asbestos is detected in amounts exceeding regulatory disposal criteria, the pipe will be transported for disposal to a facility licensed to accept asbestos-containing waste.

- **MM HAZ-2:** Prior to Project earthwork activities, the RAP shall be approved by LARWQCB. All remedial work described in the RAP shall be implemented under the supervision of a state-licensed geologist or engineer and the LARWQCB or the DTSC if so specified by LARWQCB.

**Potential Secondary Effects.** Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measures identified above would be conducted in accordance with existing regulations. Any soil removed and disposed of would be done in accordance with existing regulations and the requirements of the RAP and under the supervision of the LARWQCB. As such, these measures would not result in effects beyond the Project site.

**Finding.** The City finds that the Project could result in ground disturbance that could expose subsurface contamination which might pose risks to the public. Therefore, pursuant to CEQA Guidelines section 15091(a)(1), the City has incorporated the mitigation measures listed above into the Project. The City finds that these mitigation measures would reduce the potential effects of the Project to a less than significant level and would not have any additional effects beyond the site nor would have adverse effects not already considered in the analysis.

5. **Noise**

**Potential Significant Impacts.** The EIR concluded that the close proximity of existing residential uses is such that construction of the Project could generate noise that could expose those uses to excess noise levels.

**Mitigation Measures.** The following mitigation measure was identified in the EIR to address the potential for excess construction noise.
MM NOI-1: Construction Noise

The Applicant must utilize, without limitation, the following construction best management practices (BMPs):

- Shroud or shield all impact tools, and muffle or shield all intake and exhaust port on power equipment to reduce construction noise by 10 dB or more.
- If feasible, schedule grading activities so as to avoid operating numerous pieces of heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, or rollers) simultaneously in close proximity to the boundary of properties of off-site noise sensitive receptors surrounding the Project Site to reduce construction noise levels by approximately 14 dBA.
- Where feasible, temporary barriers including, without limitation, sound blankets on existing fences and walls, or freestanding portable sound walls, must be placed as close to the noise source or as close to the receptor as possible and break the line of sight between the source and receptor where modeled levels exceed applicable standards.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measure listed above is associated with construction management and equipment and as such would not have any additional effects beyond managing the noise generated by construction activities.

Finding. Pursuant to CEQA Guidelines section 15091(a)(1), the City finds that the mitigation measure identified in the EIR would reduce the potential effects of the Project to a less than significant level and would not have any adverse effects not already considered in the analysis.

6. Transportation

Potential Significant Impacts. The EIR concluded that based on line-of-sight analysis of vehicle movements at the proposed access driveway on Wardlow Road, the proposed vehicle movements in and out of the Project at Wardlow Road could result in potential traffic hazards.

Mitigation Measures. The following mitigation measure was identified in the EIR to address the potential traffic hazard at the access point of the Project on Wardlow Road.

TRA-1: Traffic Signal

The Project Applicant shall install traffic signal related equipment to current CA MUTCD and/or City of Long Beach Standards, at the intersection of Wardlow Road and the proposed entry to the project, generally in conformance with the “Conceptual Traffic Signal Design” prepared by Subdivider, dated August 25, 2020. Installation of the traffic signal related equipment may include, but not be limited to the following:

i. Traffic Signal indicators to the most current City standard.

ii. Vehicular detection shall be installed on all approaches to the signalized intersection. This may include presence, mid or advance detection per City direction. Options will include standard Type E loops or video detection.
iii. All pedestrian push buttons and indicators shall be to the most current City Standards.

iv. The Subdivider shall install Emergency Vehicle Pre-Emption (EVPE) equipment. The equipment and installation must be completed per the most current City Standard.

v. The Subdivider shall install a GPS Module at the traffic signal. The GPS Modules create accurate time-based communications between nearby traffic signals. vi. The Subdivider shall install a new traffic signal controller based on the most current City Standard [McCain 2070 Controllers].

vi. Subdivider shall install 96 count fiber interconnect cable to the satisfaction of the City’s Traffic Engineer, but at a minimum from the proposed traffic signal to Magnolia Avenue. viii. Subdivider shall install flashing beacons, on overhead mast arms attached to utility poles, on both approaches to the proposed traffic signal, 450 feet from the stop limit line.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measure listed above would improve traffic safety off site at the access point for the Project. This would improve traffic safety along Wardlow Road.

Finding. Pursuant to CEQA Guidelines section 15091(a)(1), the City finds that the mitigation measure identified in the EIR would reduce the potential effects of the Project to a less than significant level and would not have any adverse effects not already considered in the analysis.

7. Tribal Cultural Resources

Potential Significant Impacts. The EIR concluded that construction of the Project had the potential to unearth previously unknown subsurface Tribal Cultural Resources.

Mitigation Measures. The following mitigation measure was identified in the EIR to address the potential impact on tribal Cultural Resources.

**MM TCR-1: Retain a Native American Monitor/Consultant**

The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the Native American Heritage Commission’s (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the project shall provide the Native American monitor. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree
removals, boring, grading, excavation, drilling, and trenching, within the Project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project Site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the Site has a low potential for impacting Tribal Cultural Resources (TCRs).

**MM TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources**

Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

**MM TCR-3: PRC Section 21083.2(b)**

Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All TCRs shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

**MM TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects**

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone, within 24 hours, the NAHC and PRC 5097.98 shall be followed.
American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone, within 24 hours, the NAHC and PRC 5097.98 shall be followed.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measure listed above involve monitoring activities on site during Project construction. These activities would be conducted within the Project site and would not have effects beyond the Project site.

Finding. The City finds that construction of the Project could result in disturbance of subsurface Tribal Cultural Resources. Therefore, pursuant to CEQA Guidelines section 15091(a)(1), the City has incorporated the mitigation measures listed above into the Project. The City finds that these mitigation measures would reduce the potential effects of the Project to a less than significant level and would not have any additional effects beyond the site.

Finding. Pursuant to CEQA Guidelines section 15091(a)(1), the City finds that the mitigation measure identified in the EIR would reduce the potential effects of the Project to a less than significant level and would not have any adverse effects not already considered in the analysis.

SECTION 5. SIGNIFICANT IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT:

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures.

Finding: The City finds that no significant unavoidable impacts have been identified.

SECTION 6: SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2 (c) of the CEQA Guidelines requires that an EIR include discussion of irreversible environmental change. The Guidelines indicates that “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” and “irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.” Impacts could consist of reduction in availability of resources; commitment of future generations to specific land uses; or accidents that cause irreversible damage.

The Project would involve the commitment of resources necessary for construction. This could include non-renewable resources such as fossil fuels. However, the Project is not expected to significantly increase the amount or rate of consumption of these resources as compared to existing conditions throughout the City and the region. Furthermore, the Project would comply with current applicable codes that would improve the efficient use of natural resources.

Once established, land use patterns can be difficult to change. As such, the Project would likely commit future generations to the form of development envisioned by the Project. This commitment to a pattern of development is consistent with the vision of the City. As such, the commitment of resources for the Project is justified by the alignment of the Project with community goals.
The nature of the Project does not support any change in activities that could result in accidents that would likely cause irreversible damage.

Finding: The City finds that no significant irreversible environmental damage would result from the Project.

SECTION 7. CUMULATIVE ENVIRONMENTAL IMPACTS

Consistent with CEQA’s requirements, the EIR includes an analysis of cumulative impacts. CEQA defines “cumulative impacts” as two or more individual events that, when considered together, are considerable or will compound other environmental impacts. (State CEQA Guidelines, § 15355.)

The Project would develop the site with a land use consistent with the City’s land use goals and applicable regulatory measures. The Project would support development and growth that is consistent with the growth forecasts of the Southern California Association of Governments (SCAG), which is the basis for the projected cumulative growth used by City’s and providers of utility systems.

Finding: The City finds that the Project would not have a considerable contribution to cumulative impacts.

SECTION 8: GROWTH-INDUCING IMPACTS

Section 15126.2 (e) of the CEQA Guidelines, as amended, requires that a Draft EIR include discussion of the potential growth-inducing impacts of a project. Growth-inducing impacts are defined as the ways a project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Such a discussion should also include projects that would remove obstacles to population growth and the characteristics of a project, which may encourage and/or facilitate other activities that, either individually or cumulatively, could significantly affect the environment. The CEQA Guidelines state that growth in an area should not be considered beneficial, detrimental, or of little significance to the environment.

The Project would develop the site with a land use consistent with the City’s land use goals and the growth forecasts of the Southern California Association of Governments (SCAG).

Finding: The City finds that the Project would induce growth according to the goals of the City and in a way that minimizes effects on the environment.

SECTION 9. ALTERNATIVES

Where significant impacts are identified, Section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions as a way of avoiding the significant impacts. The range of alternatives required is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Alternatives are intended to be limited to those that would avoid or substantially lessen the significant effects of the Project and of those alternatives, the EIR need examine in detail only those that could feasibly attain most of the basic objectives of the Project.
Summary of Alternatives Considered: The City considered a No Project Alternative, which would continue the exiting condition of the site; a reduced density alternative and an only single-family residential alternative.

Finding: The City finds that no alternative has been identified that would be environmentally preferrable to the Project. These alternatives would create variations in impact levels but would not avoid any of the significant effects of the Project and would not achieve the City’s objectives as successfully as the Project. Furthermore, no significant and unavoidable impacts were identified for the proposed Project; all potentially significant impacts could be mitigated to a less than significant level. Therefore, the City Council finds that it has considered and rejected the alternatives identified in the EIR.

SECTION 10. MITIGATION MONITORING AND REPORTING PROGRAM.

Pursuant to Public Resources Code section 21081.6, the City adopts the Mitigation Monitoring And Reporting Program (MMRP) prepared for the Project. Implementation of the Mitigation Measures contained in the MMRP is hereby made a condition of approval of the Project.

SECTION 11. CERTIFICATION OF EIR:

Pursuant to CEQA Guidelines Section 15090, the City as lead agency shall make the following certifications prior to approving the Project:

1. The FEIR has been completed in compliance with CEQA;
2. The City Council finds that it has been presented with the FEIR, which it has reviewed and considered; and
3. The FEIR reflects the City’s independent judgment and analysis.

In finding the EIR as adequate under CEQA, the City Council hereby adopts these CEQA Findings. In doing so, the City Council certifies the EIR based on the entirety of the record of proceedings and concludes that:

1. All significant environmental impacts from the implementation of the Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance;
2. That a range of reasonable alternatives to the Project that could feasibly achieve most of the Project’s basic objectives but would avoid or substantially lessen the Project’s significant effects on the environment, have been considered and rejected in favor of the Project; and
3. Environmental, economic, social, and other considerations derived from the Project, as described herein and in the record of proceedings, make infeasible any alternatives to the Project or further mitigation measures beyond those incorporated into the Project.