

RESOLUTION NO. 2005-206

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM (i) CERTIFYING SUBSEQUENT FINAL ENVIRONMENTAL IMPACT REPORT NO. 332, (ii) ADOPTING A STATEMENT OF FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION THEREWITH, AND (iii) ADOPTING THE UPDATED AND MODIFIED MITIGATION MONITORING PROGRAM NO. 106A

WHEREAS, the Anaheim City Planning Commission has duly initiated General Plan Amendment No. 2004-00420, Zoning Code Amendment No. 2004-00036, Amendment to The Platinum Triangle Master Land Use Plan (Misc. Case No. 2004-00089), Amendment to The Platinum Triangle Standardized Development Agreement (Misc. Case No. 2005-00114), and Miscellaneous Case No. 2005-00115 to rescind in-part Resolution No. 2004-180 and Reclassification No. 2004-00134 (collectively, the "project"), pertaining to The Platinum Triangle; and

WHEREAS, the City of Anaheim is the lead agency for the preparation and consideration of environmental documents for said project, as defined in the California Environmental Quality Act of 1970, as amended, (hereinafter "CEQA") and the State of California Guidelines for the Implementation of the California Environmental Quality Act (hereinafter "State Guidelines"); and

WHEREAS, said project is subject to compliance with the provisions of the California Environmental Quality Act of 1970, as amended, ("CEQA") and the State of California Guidelines for the Implementation of the California Environmental Quality Act (the "State Guidelines") since said project requires approval of the following proposed discretionary actions by the City of Anaheim: (i) General Plan Amendment No. 2004-00420; (ii) Zoning Code Amendment No. 2004-00036; (iii) Amendment to The Platinum Triangle Master Land Use Plan (Misc. Case No. 2004-00089); (iv) Amendment to The Platinum Triangle Standardized Development Agreement (Misc. Case No. 2005-00114); and (v) Miscellaneous Case No. 2005-00115 to rescind in-part Resolution No. 2004-180 and Reclassification No. 2004-00134, which actions shall hereafter be collectively referred to herein as the "discretionary actions"; and

WHEREAS, the City of Anaheim has prepared, or caused to be prepared, the Draft Subsequent Environmental Impact Report No. 332 (hereinafter referred to as "DSEIR") and has consulted with other public agencies, and the general public and given them an opportunity to comment on said DSEIR as required by the provisions of CEQA and the State Guidelines; and

WHEREAS, the City of Anaheim has evaluated the comments received from public agencies and persons who reviewed said DSEIR and has prepared responses to the comments received during the public review period; and

WHEREAS, said comments and recommendations received on said DSEIR, either verbatim or in summary; a list of persons, organizations and public agencies commenting on the DSEIR; and the responses of the City of Anaheim to significant environmental points raised in the review and consultation process have been attached to and made a part of said DSEIR in a Response to Comments document; and

WHEREAS, said DSEIR, the Response to Comments, the Updated and Modified Mitigation Monitoring Program No. 106A and all documents submitted as part of the public record on said DSEIR form the Final Subsequent Environmental Impact Report for said project as required by Section 15132 of the State Guidelines ("FSEIR No. 332"); and

WHEREAS, the City of Anaheim has prepared a draft Statement of Findings of Fact and Statement of Overriding Considerations and Updated and Modified Mitigation Monitoring Program No. 106A relating to FSEIR No. 332 in conformance with the requirements of CEQA and the State Guidelines; and

WHEREAS, the City of Anaheim desires and intends to use FSEIR No. 332 as the environmental documentation required by CEQA and the State Guidelines for each of the above-referenced discretionary actions to the extent authorized by law; and

WHEREAS, said FSEIR No. 332 and discretionary actions have been presented to and independently considered by the Planning Commission of the City of Anaheim for review and consideration prior to the final approval of, and commitment to, said project, which included an errata to DSEIR, Volume I, Page 5-182, second paragraph, as follows:

“The threshold of significance for traffic impacts is a peak hour LOS worse than "D" with an increase in the Intersection Capacity Utilization ratio of greater than 0.01. When the Proposed MLUP conditions is compared with the current MLUP, mitigation will be required for any intersection which increases the peak hour ICU by at least 0.01 and is projected to operate at LOS E or F.”

WHEREAS, on August 22, 2005, the Anaheim City Planning Commission did hold a public hearing, notice of said public hearing having been duly given as required by law and in accordance with the provisions of the Anaheim Municipal Code, Chapter 18.60, to hear and consider evidence for and against said FSEIR No. 332 and discretionary actions and to investigate and make findings and recommendations in connection therewith; and

WHEREAS, at the public hearing, the Anaheim City Planning Commission added the following mitigation measure MM 5.10-7 to the Statement of Findings and Facts and Statement of Overriding Considerations and Updated and Modified Mitigation Monitoring Program No. 106A, to address comments received from the California Department of Transportation:

“The DSEIR analyzes all I-5 and SR-57 ramps using the Intersection Capacity Utilization (ICU) methodology in accordance with City of Anaheim and County of Orange traffic study requirements. However, consistent with responses to comments set forth in FEIR No. 330 and in response to comments submitted by the Department of Transportation on FSEIR No. 332, the City of Anaheim shall prepare a traffic study analyzing state transportation facilities (I-5 and SR-57 freeway intersections, including an analysis of ramp storage) for The Platinum Triangle prior to the issuance of the first building permit following certification of FSEIR No. 332 for those projects that are not vested at the time the FSEIR is certified. The traffic study shall be prepared using Highway Capacity Manual (HCM) methodology and shall be prepared to the satisfaction of the City of Anaheim Public Works Department and the Department of Transportation (Caltrans). The study shall identify required improvements (intersection and/or ramp improvements) to maintain adequate levels of service for Caltrans facilities (Level of Service "D") required by the City and Caltrans (the Orange County Congestion Management Program requires a Level of Service "E") and shall identify fair share

participation for those improvements. Prior to the issuance of each building permit, property owner/developers shall pay fair share fees for the required improvements identified by the traffic study unless another financial mechanism is adopted by the City of Anaheim to pay for said improvements.”

WHEREAS, said FSEIR No. 332 has been presented to the City Council of the City of Anaheim for review and consideration prior to the final approval of, and commitment to, said project; and

WHEREAS, at the public hearing, the City Council amended mitigation measure MM 5.10-7 to the Statement of Findings and Facts and Statement of Overriding Considerations and Updated and Modified Mitigation Monitoring Program No. 106A, to read as follows:

““The DSEIR analyzes all I-5 and SR-57 ramps using the Intersection Capacity Utilization (ICU) methodology in accordance with City of Anaheim and County of Orange traffic study requirements. However, consistent with responses to comments set forth in FEIR No. 330 and in response to comments submitted by the Department of Transportation on FSEIR No. 332, the City of Anaheim shall prepare a traffic study analyzing state transportation facilities (I-5 and SR-57 freeway intersections, including an analysis of ramp storage) for The Platinum Triangle prior to the issuance of the first building permit following certification of FSEIR No. 332 for those projects that are not vested at the time the FSEIR is certified. The traffic study shall be prepared using Highway Capacity Manual (HCM) methodology and shall be prepared to the satisfaction of the City of Anaheim Public Works Department and the Department of Transportation (Caltrans). The study shall identify required improvements (intersection and/or ramp improvements) to maintain adequate levels of service for Caltrans facilities (Level of Service "D") required by Caltrans (the City and Orange County Congestion Management Program requires a Level of Service "E") and shall identify fair share participation for those improvements. Prior to the issuance of each building permit, property owner/developers shall pay fair share fees for the required improvements identified by the traffic study unless another financial mechanism is adopted by the City of Anaheim to pay for said improvements.”

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anaheim that the City of Anaheim does hereby certify Final Subsequent Environmental Impact Report No. 332, adopting the Statement of Findings of Fact and Statement of Overriding Considerations for the Project, as revised to amend mitigation measure MM 5.10-7, a copy of each of which is on file with the Planning Department and which are incorporated herein by this reference as if set forth in full, and determines that said Final Subsequent Environmental Impact Report No. 332 fully complies with CEQA, reflects the independent judgment of the City Council, and is adequate to serve as the environmental documentation for the discretionary actions.

BE IT FURTHER RESOLVED that pursuant to Section 21081.6 of the Public Resources Code, the City Council hereby adopts that certain monitoring program described as the "Updated and Modified Mitigation Monitoring Program No. 106A", as revised to amend mitigation

measure MM 5.10-7, to mitigate or avoid significant effects on the environment and to ensure compliance during project implementation, a copy of which is on file with the Planning Department and which is incorporated herein by this reference as if set forth in full.

THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this 25th day of October, 2005, by the following roll call vote:

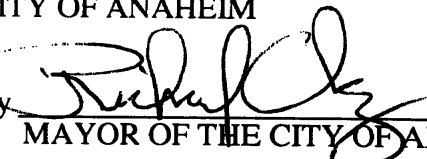
AYES: Council Members Sidhu, Hernandez, Galloway, Chavez

NOES: None

ABSENT: None

ABSTAIN: Mayor Pringle

CITY OF ANAHEIM

By 
MAYOR OF THE CITY OF ANAHEIM
Mayor Pro Tem

ATTEST:


CITY CLERK OF THE CITY OF ANAHEIM

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