



## CHAPTER 5 FINDINGS AND STATEMENTS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

### 5.1. Introduction

The City of Fountain Valley (“City”) has prepared a Final Environmental Impact Report (the “FEIR”) for the Electronic Message Center (EMC) Sign Project and other related approvals described below (collectively, the “Project”). The City is the lead agency for the FEIR.

To support its certification of the FEIR and approval of the Project, the City Council of the City of Fountain Valley (the “City Council”) makes the following findings of fact and statements of overriding considerations (collectively, the “Findings”). These Findings contain the City Council’s written analysis and conclusions regarding the Project’s environmental effects, mitigation measures, alternatives to the proposed Project, and the overriding considerations which, in the City Council’s view, justify the approval of the Project despite its potential environmental effects. These Findings are based upon the entire record of proceedings for the FEIR, as described below.

The project proposes to remove an existing static billboard located at 12191 Edinger Avenue in Fountain Valley, and construct a new digital Electronic Message Center (EMC) billboard sign at 10955 Ellis Avenue also in Fountain Valley. The proposed project site is located on the existing site of the City’s Reservoir No. 1.

The proposed sign would consist of two back to back display panels to provide commercial advertisements to motorists traveling in both northbound and southbound directions on the adjacent Interstate 405 freeway. Each of the display panels would have dimensions of 14 feet high and 48 feet wide for a total display area of 672 square feet per panel. The display panels would be mounted on a steel sign column approximately four feet in diameter. The top of the sign would be a maximum height of 79 feet above the ground surface.

The sign would be supported by an approximately six-foot diameter caisson as the foundation footing. The caisson would be between 35 to 50 feet below the ground surface depending on soil conditions. Electrical power for the sign is anticipated to come from existing sources at the adjacent reservoir. Trenching for electrical and communications connections to the sign would be between 18 to 24 inches deep. The sign would be located in the northeast corner of the site; adjacent to Euclid Street.

The approvals necessary for implementation of the EMC Sign Project include a development and relocation agreement, a sign permit, and a lease agreement of City property for an EMC sign. Other ministerial approvals and actions include a building permit and an encroachment permit from the City, and an Outdoor Advertising Permit from Caltrans.

### 5.2 General Findings and Overview

#### A. Record of Proceedings and Custodian of Record

The record of proceedings for the City’s findings and determinations is available for review by responsible agencies and interested members of the public during normal business



hours at 10200 Slater Avenue, Fountain Valley, California 92708. The custodian of these documents is the Fountain Valley Planning Department.

**B. Preparation and Consideration of the FEIR and Independent Judgment Findings**

The City Council finds, with respect to the City's preparation, review and consideration of the FEIR, that:

- The City retained the independent firm of Kimley-Horn and Associates ("Kimley-Horn") to prepare the FEIR, and Kimley Horn prepared the FEIR under the supervision and at the direction of the City of Fountain Valley Planning and Building Department.
- The City circulated the DEIR for review by responsible agencies and the public and submitted it to the State Clearinghouse for review and comment by State agencies.
- The FEIR has been completed in compliance with CEQA.
- The project will have significant, unavoidable impacts as described and discussed in the FEIR.
- The FEIR is adequate under CEQA to address the potential environmental impacts of the Project.
- The FEIR has been presented to the City Council, and the City Council has independently reviewed and considered information contained in the FEIR.
- The FEIR reflects the independent judgment of the City Council.

By these Findings, the City Council ratifies, adopts and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the FEIR, except as specifically described in these Findings.

**C. Findings Regarding Less-Than-Significant Impacts.**

By these Findings, the City Council ratifies and adopts the FEIR's conclusions for the following potential environmental impacts which, based on the analyses in the FEIR, the City Council determines to be less than significant:

**1. Aesthetics**

Impact 5.1.4.1: The proposed project would have a substantial adverse effect on a scenic vista.

Impact 5.1.4.2: The proposed project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Impact 5.1.4.3: Project construction activities could result in significant impacts related to temporary degradation of the visual character/quality of the site and its surroundings.



### **5.3 Findings and Recommendations Regarding Significant Environmental Impacts and Mitigation Measures**

A detailed analysis of the potential environmental impacts and the proposed mitigation measures for the EMC Sign Project is set forth in Chapter 5.0 of the DEIR, as incorporated into the FEIR. The City Council concurs with the conclusions in the DEIR, as incorporated into the FEIR, that: (i) changes or alterations have been required, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects identified in the DEIR; and (ii) specific economic, legal, social, technological, or other considerations make it infeasible to substantially lessen or avoid the remaining significant impacts, as further described in the Statement of Overriding Considerations below.



**THIS PAGE INTENTIONALLY LEFT BLANK**



**ELECTRONIC MESSAGE CENTER SIGN EIR CEQA FINDINGS**  
**Table of Impacts, Mitigation Measures, and CEQA Findings**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<b>Aesthetics/Light &amp; Glare</b>				
<p><b>Impact 5.1.4.4</b> Project implementation could result in significant impacts related to the long-term degradation of the visual character/quality of the site and its surroundings.</p>	S	No feasible mitigation has been identified.	SU	<p><b>Finding</b> The sign is intended to be seen by motorists on the freeway and, as such, has been designed to be highly visible. Measures to make the sign less visible would be counter to the goals and objectives of constructing the proposed sign. Some screening measures from within the City of Costa Mesa have been considered such as landscaping in the park or on the levee, however, it is unlikely that vegetative screening would screen the views from all potential view points in the neighborhood. Further, any trees or bushes planted would take time to mature and the impact would remain in the interim. Any planting within the park would be within the jurisdiction of the City of Costa Mesa and any planting on the levee would be within the jurisdiction of the Orange County Flood Control District. As such, the implementation or maintenance of the</p>

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact



			<p>any screening plants would be outside the jurisdiction or control of the City of Fountain Valley. For these reasons, no feasible mitigation has been identified and potential impacts remain significant and unavoidable.</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the potential environmental effects. Additional mitigation will not reduce the effects to less than significant. The effects therefore remain significant and unavoidable.</p> <p>The City Council concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b><u>Explanation</u></b></p> <p>No feasible mitigation measures have been identified to reduce project impacts with regard to visual character. The EMC sign would be visible from public areas within the City of Costa Mesa. The EMC sign is designed to maximize visibility to users on the freeway. Changes in the design on the sign to make it less visible would be counter</p>
--	--	--	--

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact



				to the intent and objectives of the sign which is to make the sign visible to motorists on Interstate 405. Impacts will therefore be significant and unavoidable, and no additional mitigation has been identified to further reduce project impacts (DEIR page 5-15).
<p><b>Impact 5.1.4.5</b> Project implementation could introduce new sources of light and glare to the project area.</p>	PS	<p>AES-1 Prior to the issuance of a building permit for the EMC sign, the applicant shall submit to the satisfaction of the Director of Planning and Building, the following information:  Plans or specifications that demonstrate the sign is located in a location that substantially conforms to the location shown in the Photometric Analysis included in Figure 5-11 of the EIR.  Plans or specifications that demonstrate the EMC sign is provided with a form of lighting control that will reduce the digital billboard lighting output not to exceed 3 percent of the maximum daytime brightness beginning one hour before dusk and one hour after dawn.</p> <p>AES-2 Within 14 days of the sign being operational, the applicant shall submit to the satisfaction of the Direction of Planning and Building the following information:</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measures AES-1 and AES-2 which have been required or incorporated into the project will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation:</b> Implementation of Mitigation Measures AES-1 and AES-2 are required to ensure that project impacts resulting from light and glare remain less than significant. The proposed mitigation measures would ensure that the brightness of the sign was within the limits deemed acceptable by Caltrans and generally accepted industry standards. With the</p>

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact



		A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the EMC sign in accordance with Exhibit C of the Technical Memorandum. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.3 foot-candle requirement is satisfied.		implementation of these mitigation measures, potential impacts are considered less than significant (DEIR, page 5-35).
<b>Impact 5.1.4.6:</b> Project development, together with cumulative projects, could result in the degradation of character/quality or substantial increase in light and glare on a cumulative basis.	S	No feasible mitigation has been identified.	SU	<b>Finding</b> The sign is intended to be seen by motorists on the freeway and, as such, has been designed to be highly visible. Measures to make the sign less visible would be counter to the goals and objectives of constructing the proposed sign. Additionally, the I-405 Widening/Improvement Project would construct a new southbound on-ramp from Ellis Street to the I-405 that crosses the Santa Ana River adjacent to the project site. The environmental analysis prepared by Caltrans for the project identified potential visual impacts associated with these improvements as Moderately High based on changes to the visual landscape and viewer sensitivity. The project included 21 visual minimization and avoidance measures that would be applied throughout the I-405 Widening/Improvement Project

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact



				<p>area based on site-specific conditions. The I-405 Widening/Improvement Project Area could result in cumulatively considerable impacts in combination with the proposed project due to the amount of change proposed near this one intersection. Cumulative visual impacts from the proposed project and the I-405 Widening/Improvement Project would be most noticeable to users of the Santa Ana River Trail. Potential visual impacts for users on the Santa Ana River Trail are considered cumulatively considerable. Because of the height of the sign and the scale of the freeway on-ramp, no feasible mitigation measures that would avoid or minimize impacts along the Santa Ana River trail have been identified. Therefore, potential impacts are considered significant and unavoidable.</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the potential environmental effects. Additional mitigation will not reduce the effects to less than significant. The effects therefore remain significant and unavoidable.</p>
--	--	--	--	---

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact



				<p>The City Council concludes that the project’s benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b><u>Explanation</u></b></p> <p>No feasible mitigation measures have been identified to reduce project impacts with regard to visual character. The EMC sign would be visible from public areas within the City of Costa Mesa and the Santa Ana River Trail. The EMC sign is designed to maximize visibility to users on the freeway. Changes in the design on the sign to make it less visible would be counter to the intent and objectives of the sign which is to make the sign visible to motorists on Interstate 405. In combination with visual impacts from the Interstate 405 widening project, visual impacts along the Santa Ana River Trail will therefore be significant and unavoidable, and no additional mitigation has been identified to further reduce project impacts (DEIR page 5-36).</p>
--	--	--	--	--

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact



#### **5.4. Findings Regarding Project Alternatives.**

##### **A. Basis for Alternatives Feasibility Analysis**

The project will result in the following significant and unavoidable impacts, for which no feasible mitigation measures have been identified that would substantially lessen, or avoid the significant impact in connection with the project. Those impacts are:

##### **Impact 5.1.4.4**

Project implementation could result in significant impacts related to the long-term degradation of the visual character/quality of the site and its surroundings.

##### **Impact 5.1.4.6:**

Project development, together with cumulative projects, could result in the degradation of character/quality or substantial increase in light and glare on a cumulative basis.

Under CEQA, where a significant impact can be substantially lessened (i.e. mitigated to an acceptable level) by adoption of mitigation measures, the agency has no obligation to consider the feasibility of project alternatives with respect to those impacts, even if an alternative would mitigate the impact to a greater degree than the proposed project. Basically, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant impacts that would otherwise occur. Project modifications or alternatives are not required where such changes are considered infeasible or where the responsibility of modifying the project lies with some other agency (CEQA Guidelines 15091).

As is evident from the text of the EIR, all but the two impacts identified above have been mitigated to a level of less than significant. Some mitigation measures were considered such as such as landscaping in Moon Park within Costa Mesa or along the levee of the Santa Ana River, however, it is unlikely that vegetative screening would screen the views from all potential view points in the neighborhood. Further, any trees or bushes planted would take time to mature and the impact would remain in the interim. Any planting within the park would be within the jurisdiction of the City of Costa Mesa and any planting on the levee would be within the jurisdiction of the Orange County Flood Control District. As such, the implementation or maintenance of the any screening plants would be outside the jurisdiction or control of the City of Fountain Valley. For these reasons, no feasible mitigation has been identified and potential impacts remain significant and unavoidable.

Therefore, the City Council, in considering the four alternatives identified in the DEIR and these findings, needs to determine whether any alternatives are environmentally superior with respect to those impacts which cannot be mitigated to less than significant. If any of the alternatives are superior with respect to those impacts, the City Council is then required to determine whether the alternatives are feasible. If the City Council determines that no alternative is both feasible and environmentally superior



with respect to the unavoidable significant impacts identified above, then the City Council may approve the project as mitigated after adopting a Statement of Overriding Considerations.

Under CEQA, “feasible” means *capable of being accomplished in a successful manner within the reasonable period of time, taking into account economic, environmental, legal, social, and technological factors* (CEQA Guidelines 15364). The concept of feasibility permits an agency’s decision-makers to consider whether an alternative is able to meet some or all of the projects objectives. In addition, the definition of “feasibility” encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by evidence.

## **B. Alternatives Considered**

CEQA does not specify the methodology for comparing alternatives. However, the issues and impacts that are most germane to a particular project must be evaluated when comparing an alternative to a proposed project. As such, the issues and impacts analyzed in project alternatives vary depending on the project type and the environmental setting. Long-term impacts (e.g., visual impacts and permanent loss of habitat or land use conflicts) are those that are generally given more weight in comparing alternatives. Impacts associated with construction (i.e., temporary or short-term) or those that are easily mitigated to less than significant levels are considered to be less important.

The alternatives analysis below compares each alternative to the proposed project according to whether it would have a mitigating or adverse effect for each of the environmental resource areas analyzed in this EIR. The Final EIR identified and compared the significant environmental impacts of the project alternatives listed below in accordance with the provisions of the CEQA Guidelines Section 15126.6. The following project alternatives were evaluated:

**Alternative 1 - No Project Alternative:** Pursuant to CEQA Guidelines Section 15126.6(e)(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” Alternative assumes that no new development would take place on-site and that the site would remain in its existing condition. Additionally, no lease agreement or development and relocation agreement would be implemented. The existing static billboard located at 12191 Edinger Avenue would remain in place.

**Alternative 2 – “Alternative Location” Alternative:** The Alternative Location Alternative would involve changing the location of the proposed project. The size and all other factors of the proposed project would remain the same. The alternative location would be across the I-405 Freeway from the proposed project’s site on a City-



owned strip of land between Euclid Street and the Santa Ana River Trail adjacent to the freeway. The alternative location would still be visible to residents in the City of

Costa Mesa located on the south side of the Santa Ana River, but would likely be incrementally less visible due to the increased distance of the EMC sign from residential uses compared to the proposed project. One of the major constraints for this site is the existing sewer lines located in this area, approximately 30 feet from the Santa Ana River bank. Because the sign caisson would have to be placed 35 to 50 feet below the ground surface, potential conflicts would occur with the sign support structure and the existing sewer lines. Realignment of the sewer lines would require approval from the Orange County Sanitation District.

**Alternative 3 – “Lower Height” Alternative:** The Lower Height Alternative would involve lowering the maximum height of the EMC sign of the proposed project. This alternative considers the sign at the same location and at the same size as the proposed project, but at a lower maximum height of 60 feet compared to 79 feet with the proposed project. A maximum height of 60 feet was chosen because it is the same height as the existing pylon sign across the freeway from the proposed project location. A height of 60 feet would incrementally reduce the visibility of the sign from residents and visitors to Moon Park, which is located within the City of Costa Mesa on the south side of the Santa Ana River.

**Alternative 4 – “V Formation” Alternative:** The “V Formation” Alternative would involve changing the orientation of the EMC sign of the proposed project. This alternative considers the sign at the same location, same size, and same height as the proposed project, but would change the sign orientation from a back-to-back formation to a “V Formation”. The sign would be angled so as to maximize views towards the freeway. The sign panels would be separated by 15 to 20 feet at the south end of the panel sides. The proposed separation of the panel would cause eastern facing panel to extend over Euclid Street. As such, a City encroachment permit would be required under this alternative. The V-formation would incrementally reduce the visibility of the advertising content of the sign to residents and park visitors in the City of Costa Mesa neighborhood across the river from the project site. This alternative would also orient views of the sign more directly at freeway traffic and would incrementally reduce nighttime visibility of the sign from the Costa Mesa neighborhood.

These four alternatives were determined to be an adequate range of reasonable alternatives as required under CEQA Guidelines Section 15126.6 (DEIR, p. 7-1). The environmental impacts of each of these alternatives are identified and compared with the “significant” and “potentially significant” impacts resulting from the proposed project. That comparison is shown on Table 7-1 at the end of DEIR Section 7.0, Alternatives. Further, the “environmentally superior” alternative is identified in Section 7.8 of the DEIR (DEIR, p. 7-35).

In addition, the project identified the following Project Objectives (DEIR, p. 3-2):

1. Locate the electronic message center billboard sign along a major freeway segment within the City to generate maximum exposure.



2. Construct an outdoor electronic message center billboard sign on City property to generate income for the City through a lease agreement.
3. Minimize environmental impacts by locating the project in an area with minimal impacts on natural resources.

### C. Alternatives Analysis

The City Council finds that the range of alternatives studied in the EIR along with recognition of the Project Objectives reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project environmental impacts, while accomplishing most of the Project Objectives

The City Council is required to determine whether any alternative identified in the EIR is environmentally superior with respect to the project impacts that cannot be reduced to less than significant through mitigation measures. As described above, there are sixteen significant and unavoidable impacts that cannot be mitigated to less than significant. However, the City Council finds that the significant and unavoidable impacts would still occur under the alternatives evaluated.

The following summarizes each of the project alternatives and Project Objectives that were evaluated to determine feasibility:

#### Alternative 1 - No Project Alternative

Pursuant to CEQA Guidelines Section 15126.6(e)(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” Alternative assumes that no new development would take place on-site and that the site would remain in its existing condition. Under this alternative no lease agreement or development agreement would be implemented.

The No Project Alternative is considered environmentally superior to the proposed project in regards to aesthetics, air quality, geology and soils, GHGs, hazards and hazardous materials, hydrology and water quality, noise and utilities and services. Like the proposed project, the No Project Alternative would result in no impacts to agriculture and forest resources, biological resources, cultural resources, mineral resources, population and housing, public services, recreation, and transportation and traffic. This Alternative would eliminate the significant and unavoidable impacts related to aesthetics that were identified under the proposed project. However, the No Project Alternative would not accomplish any of the project objectives; in particular, it would not produce additional revenue for the City through a lease agreement.

The City Council is not required to consider the feasibility of the No Project Alternative. However, the City Council does consider this alternative undesirable and inconsistent with the Project Objectives.



### **Alternative 2 – “Alternative Location” Alternative**

The Alternative Location Alternative would involve changing the location of the proposed project. The size and all other factors of the proposed project would remain the same. The alternative location would be across the I-405 Freeway from the proposed project’s site on a City-owned strip of land between Euclid Street and the Santa Ana River Trail adjacent to the freeway. The alternative location would still be visible to residents in the City of Costa Mesa located on the south side of the Santa Ana River, but would likely be incrementally less visible due to the increased distance of the EMC sign from residential uses compared to the proposed project. One of the major constraints for this site is the existing sewer lines located in this area, approximately 30 feet from the Santa Ana River bank. Because the sign caisson would have to be placed 35 to 50 feet below the ground surface, potential conflicts would occur with the sign support structure and the existing sewer lines. Realignment of the sewer lines would require approval from the Orange County Sanitation District (OCSD).

The Alternative Location Alternative would accomplish the project objectives. The Alternative Location Alternative would increase impacts related to air quality and GHGs compared to the proposed project. Like the proposed project, the Alternative Location Alternative would result in no impacts to agriculture and forest resources, biological resources, cultural resources, mineral resources, population and housing, public services, recreation, and transportation and traffic. The Alternative Location Alternative would have similar impacts as the proposed project in regards to hazards and hazardous materials, hydrology and water quality, land use planning, noise, and utilities and services. This Alternative would incrementally reduce impacts on aesthetics and light and glare, however the significant and unavoidable impacts would remain. This alternative is considered undesirable because it is within the jurisdiction of another public agency, OCSD, and any construction within the OCSD easement would require approval from the agency. Further the realignment of sewer lines would substantially increase the construction cost associated with the sign and could affect the financial feasibility of the sign with regard to the City’s lease with the applicant.

### **Alternative 3 – “Lower Height” Alternative**

The Lower Height Alternative would involve lowering the maximum height of the EMC sign of the proposed project. This alternative considers the sign at the same location and at the same size as the proposed project, but at a lower maximum height of 60 feet compared to 79 feet with the proposed project. A maximum height of 60 feet was chosen because it is the same height as the existing pylon sign across the freeway from the proposed project location. A height of 60 feet would incrementally reduce the visibility of the sign from residents and visitors to Moon Park, which is located within the City of Costa Mesa on the south side of the Santa Ana River. Constraints at a 60-foot maximum height include:

- Reduced visibility at greater distances on the freeway so drivers would have to be closer to read the EMC sign and would have less time to read it;



- The sign is more easily screened from drivers by high profile vehicles on the freeway such as large sport utility vehicles, motorhomes, and semi-trucks; and
- Existing trees on the proposed project site would screen the sign from view for drivers on the southbound I-405.

This alternative would generally meet the project objectives but would conflict with elements of the objectives relating to maximizing exposure, and minimizing impacts on natural resources. At a height of 60-feet, motorists would have to be closer to the sign before having an optimum view of the sign, which would conflict with the objective a constructing a sign with maximum exposure. At 60-feet, existing trees on the site would have to be trimmed or topped off to prevent the tree canopies from screening all or portions of the sign from motorists traveling on the freeway. This would conflict with the objective of minimizing impacts on natural resources.

The Lower Height Alternative is considered to have incrementally reduced impacts compared to the proposed project in regards to aesthetics. Like the proposed project, the Lower Height Alternative would result in no impacts to agriculture and forest resources, biological resources, cultural resources, mineral resources, population and housing, public services, recreation, and transportation and traffic, and similar less than significant impacts to air quality, geology and soils, GHGs, hazards and hazardous materials, hydrology and water quality, land use planning, noise, and utilities and services. This Alternative would incrementally reduce the significant and unavoidable impacts related to aesthetics that were identified under the proposed project, but not completely mitigate the impacts. However, the Lower Height Alternative would not accomplish the second project objective – to maximize exposure along the freeway segment – compared to the proposed project, which would provide better exposure for the EMC sign. Removing or altering existing trees would conflict with the goal of minimizing impacts to natural resources.

#### **Alternative 4 – “V Formation” Alternative**

The “V Formation” Alternative would involve changing the orientation of the EMC sign of the proposed project. This alternative considers the sign at the same location, same size, and same height as the proposed project, but would change the sign orientation from a back-to-back formation to a “V Formation”. The sign would be angled so as to maximize views towards the freeway. The sign panels would be separated by 15 to 20 feet at the south end of the panel sides. The proposed separation of the panel would cause eastern facing panel to extend over Euclid Street. As such, a City encroachment permit would be required under this alternative.

The “V Formation” Alternative would accomplish the project objectives, as listed above. The “V Formation” Alternative is considered environmentally superior to the proposed project in regards to aesthetics. Like the proposed project, the “V Formation” Alternative would result in no impacts to agriculture and forest resources, biological resources, cultural resources, mineral resources, population and housing, public services, recreation, and transportation and traffic and has similar less than significant impacts to air quality, geology and soils, hazards and hazardous materials, hydrology and water



quality, land use planning, noise, and utilities and services. This Alternative would incrementally reduce the significant and unavoidable impacts related to aesthetics that were identified under the proposed project, but still have significant and unavoidable impacts related to aesthetics.

### 5.5 Statement of Overriding Considerations.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this Board of Supervisors adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the Project, as discussed above, and the anticipated economic, legal, social, and other benefits of the Project.

Approval by the City of Fountain Valley City Council of the Electric Message Center Sign project will result in significant adverse environmental effects which cannot be mitigated or avoided, notwithstanding the City Council has adopted all feasible mitigation measures. Despite the ultimate occurrence of these expected effects, the City Council, in accordance with *Public Resources Code* Section 21081(b) and *CEQA Guidelines* Section 15093, has balanced the benefits of the proposed Project Final EIR against the following unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures. The City Council has also (i) independently reviewed the information in the DEIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Project to the extent feasible by adopting the mitigation measures as identified in the EIR; and, (iii) balanced the project's benefits against the project's significant unavoidable impacts. The City Council has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed project is the most desirable, feasible, and appropriate action. The City Council has chosen to approve the Project EIR because in its judgment, it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the project's significant effects on the environment. Substantial evidence supports the various benefits and can be found at a minimum in the preceding CEQA findings, which are incorporated by reference into this Statement, the DEIR, and the documents which make up the record of proceedings.

#### A. Significant and Unavoidable Impacts

Based on the information and analysis set forth in the Draft Environmental Impact Report ("DEIR") and the record of proceedings, construction of the proposed project would result in the following significant unavoidable impacts even with the implementation of all feasible mitigation measures:

1. **Impact 5.1.4.4** Project implementation could result in significant impacts related to the long-term degradation of the visual character/quality of the site and its surroundings.
2. **Impact 5.1.4.6:** Project development, together with cumulative projects, could result in the degradation of character/quality or substantial increase in light and glare on a cumulative basis.



## **B. Overriding Considerations**

The following statement of considerations identifies why, in the City Council's judgment, the project and its benefits to City of Fountain Valley outweigh its unavoidable significant environmental impacts. The City Council has determined that any one of these considerations override, on balance, the cumulative significant negative environmental impacts of the project. The substantial evidence supporting these various considerations is found in the following findings based on the EIR and/or the contents of the record of proceedings for the project:

### **1. The project generates income for the City of Fountain Valley.**

Through a lease agreement with the project applicant the City of Fountain Valley would receive regular income as a result of the project. The City would lease City-owned land located in an industrial area where few other uses would be feasible. The proposed project has a small development footprint and the use is compatible with the existing water reservoir located on the site. The compatible use makes the project an economic benefit by using the City's existing real property assets to generate income that can be applied to other City programs or services.

### **2. The project provides an additional communication tool for the City.**

Through the lease agreement the City will have opportunities to provide messages to travelers on the I-405 freeway. This form of communication would have social benefits in the form of providing communication in the event of an emergency, and providing residents with information regarding City business or programs. The proposed sign would provide the City with another medium for communicating with residents and visitors to the City.

### **3. The project would remove and relocate an existing static billboard adjacent to a residential area and place it in an industrial area.**

The existing static billboard located at 12191 Edinger Avenue is located adjacent to properties that are zoned residential with existing residential uses. The proposed relocation to 10955 Ellis Avenue would place the sign in an industrial area where there are no adjacent residential uses. The nearest residential area is approximately 700 feet to the east across the Santa Ana River within the City of Costa Mesa. There are no other City-owned properties along I-405 that have a distance of 700 feet from any other residence. Other City-owned properties adjacent to I-405 include Los Amigos Park which is an open space area with existing residential uses on both side of the park. Potential impacts would be greater at that location. The relocation of the existing sign has a social benefit by relocating a commercial billboard sign out of a residential area and into an industrial area.



**4. The City can restrict the content of the advertising through its lease with the project applicant.**

Because the City is leasing the property the City can restrict the content advertised on the sign. Through the lease agreement the City can restrict the advertisement of items or images that the City deems to be inappropriate. This is a social benefit because the City could not restrict advertising content on billboards not located on public property and would not be able to respond to complaints from City residents.



**THIS PAGE INTENTIONALLY LEFT BLANK**