

CEQA Findings of Fact and Statement of Overriding Considerations

for the

2045 General Plan

Pursuant to CEQA Guidelines Sections 15091 and 15093 and Public Resources Code Section 21081

The Final Environmental Impact Report (Final EIR) prepared by the City of Solvang (City) for the 2045 General Plan consists of the Draft EIR and Response to Comments on the Draft EIR. The Final EIR identifies significant environmental impacts that will result from implementation of the project. The City finds that the inclusion of certain mitigation measures as part of project approval will reduce all but the following significant impacts to levels that are less than significant: air quality, cultural resources, noise, and transportation. No feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level or mitigation measures have been identified but would not reduce impacts to a level of less than significant; thus, these impacts will remain significant unavoidable impacts of the project. Based on substantial evidence in the FEIR and the record and consistent with CEQA Guidelines Section 15093, the City Council finds specific economic, legal, social, technological or other benefits described in this document outweigh these unavoidable adverse environmental impacts.

As required by the California Environmental Quality Act (CEQA), the City, in adopting these CEQA Findings of Fact and Statement of Overriding Considerations, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The City finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the CEQA Guidelines, the City adopts these Findings of Fact and Statement of Overriding Considerations as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the project.

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1 Introduction

Statutory Requirements for Findings

California Environmental Quality Act (CEQA) Guidelines Section 15091 states that:

- (a) No public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required; however, where they are infeasible or where the responsibility for modifying the project lies with another agency.¹

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.² The CEQA Guidelines state in Section 15093 that:

“If the specific economic, legal, social, technological, or other benefits . . . of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

Procedural Findings

The City Council of the City of Solvang finds as follows:

Based on the nature and scope of the 2045 General Plan, State Clearinghouse No. 2023060448, the City Council of Solvang determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an EIR. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the CEQA Public Resources

¹ CEQA Guidelines Section 15091 (a), (b).

² Public Resources Code Section 21081(b).

Code Sections 21000 et seq. CEQA and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et. Seq.), as follows:

- **Notice of Preparation and Initial Study.** The City prepared and filed an NOP of the Draft EIR for a 30-day agency and public review period that began on June 15, 2023, and ended on July 14, 2023. The NOP was also sent to parties requesting notice. (CEQA Guidelines Section 15082; Public Resources Code [PRC] Section 21092.2).
- **Draft EIR Prepared.** The City prepared a Draft EIR and circulated the Draft EIR for a 46-day public review period that began on February 29, 2024 and ended on April 15, 2024. A corresponding Notice of Availability (NOA) was published to provide notification when the Draft EIR became available for public review. (PRC Section 21091).
- **Notice of Completion (NOC).** The City prepared and submitted a notice of completion to the State Clearinghouse with the Draft EIR on February 26, 2024. The NOC was also placed in the County Clerk’s office for 30 days, sent to parties requesting it. Public notice of the draft EIR availability was given and the City solicited input from other agencies and the public and respond in writing to all comments received. (PRC Section 21092, CEQA Guidelines Section 15087, PRC Section 21104).
- **Final EIR.** The City prepared a Final EIR, which was published and submitted to the State Clearinghouse on May 29, 2024.
- **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (CEQA Guidelines Section 15090).
- **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines sections 15042 and 15043).
- **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency’s jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency’s decision.
- **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures adopted or made conditions of project approval to mitigate significant effects.
- **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (CEQA Guidelines Section 15094). A local agency must file the NOD with the county clerk. The NOD must be posted for 30 days and sent to anyone requesting notice previously. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (PRC Section 21167[c]).

Findings Required Under CEQA

The City Council (the final decision-making body) of the City of Solvang (the CEQA Lead Agency) will determine whether to certify the EIR for the project. Because the Draft EIR identified a potentially significant environmental impact, the City Council must also make certain “findings” as part of its action to certify that the EIR has been completed in compliance with CEQA and to approve the 2045 General Plan. Pursuant to CEQA Guidelines Section 15091 and CEQA Section 21081, no public agency shall approve or carry out a project for which an environmental impact report has been certified, which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, 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.
- 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.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. Further pursuant to CEQA Guidelines Section 15093, if the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable provided the lead agency makes a statement of overriding considerations stating the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened.

Record of Proceedings

For purposes of CEQA and these findings, the record before the City Council includes the following:

- The Draft EIR and all appendices to the Draft EIR
- The Final EIR including an errata, comments on the Draft EIR and responses to comments, and all appendices to the Final EIR
- Public notices required by CEQA
- Studies conducted for the 2045 General Plan and contained in, or referenced by, the Draft EIR or the Final EIR
- For documentary and informational purposes, the Findings and Statement of Overriding Conditions, Mitigation Monitoring and Reporting Program, and other documentation relevant to planned growth in the area
- Additional items not listed above if otherwise required by law

All records and materials constituting the record of the proceedings upon which these Findings are based are available at the offices of the City of Solvang, located at City Hall, City Clerk's Office 1644 Oak Street Solvang, CA 93463 (Public Resources Code Section 21081.6(a)(2)).

Findings

The Final EIR is incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the 2045 General Plan in spite of the potential for associated significant and unavoidable adverse impacts.

For the purposes of these findings, the impact discussions include the relevant policies and actions, as well as the separate mitigation measures imposed to reduce the impacts where the policies did not result in a less than significant impact. In the findings that follow, impact numbers are provided. The impact numbers correspond to sections of the Draft EIR that contain an expanded discussion of impacts. Please refer to the referenced impact sections of the EIR for more detail.

2 2045 General Plan

Project Objectives

Pursuant to CEQA Guidelines Section 15124(b), the EIR project description must include “[a] statement of objectives sought by the proposed project. The statement of objectives should include the underlying purpose of the project.” The 2045 General Plan is intended to achieve the following project objectives:

1. **Support strategic land uses.** Strategically accommodate future growth and change while preserving and enhancing the qualities that make Solvang a desirable place to live and work through strategic land use designations and zoning.
2. **Foster a distinct community character.** Maintain Solvang’s urban form and architectural style in order to maintain the city’s distinct community character.
3. **Promote economic diversity and sustainability.** Promote a vibrant business mix, supportive workforce development, 21st century communications infrastructure, and regional collaboration to connect Solvang to the broader economy and enhance the fiscal health of the community.
4. **Improve mobility.** Improve the mobility of people and goods within and through Solvang while emphasizing improving accessibility for visitors to park and move around Solvang.
5. **Provide adequate facilities.** Ensure the provision of adequate public facilities, including water, wastewater, stormwater, solid waste and recycling, emergency response, community health, parks and recreation, education, and medical services.
6. **Conserve open space.** Conserve and protect open space to preserve the scenic beauty of Solvang’s natural surroundings.
7. **Ensure public safety.** Provide a safe community through public safety services, resilient infrastructure, public awareness, preparedness, and action plans for both human-caused and natural disasters.
8. **Support diverse housing options.** Conserve and improve the quality of existing housing while facilitating the development of a range of housing types, densities, and affordability levels to meet the diverse needs of the community.

Project Description

The 2045 General Plan (“the project”) is a comprehensive update to the City of Solvang’s existing General Plan. The 2045 General Plan establishes the community’s vision for future development in the city through the planning horizon year of 2045. As part of the general plan update process, the City’s existing General Plan has been rewritten with updated goals, policies, and implementation actions that reflect the community’s current vision for Solvang. Upon adoption of the 2045 General Plan, the City would review its Municipal Code, including its Zoning Map, to ensure consistency with the 2045 General Plan.

The project involves updates to all of the City's existing General Plan Elements, except for the Housing Element which was updated as part of a separate project and adopted in 2023. The 2045 General Plan elements include: Land Use; Community Design; Economic Development; Mobility; Public Facilities, Services, and Infrastructure; Environment and Sustainability; and Safety.

The 2045 General Plan emphasizes infill development within underutilized land or on parcels built with existing uses. A focus is placed on increasing opportunities for new development on sites with existing on-site uses such as the Old Lumberyard Site Project, the village core, and the Alamo Pintado sites. The 2045 General Plan emphasizes maintenance of existing residential neighborhoods while revitalizing underutilized land with mixed-use development with primary implementation through amendments to the existing zoning ordinance. This emphasis is intended to establish more complete neighborhoods that meet the daily needs of residents by providing housing, jobs, shopping, and recreational opportunities in close proximity to one another. New development would occur primarily where existing roads, water, and sewer are in place and in a manner that would minimize the impact of development on existing infrastructure and services, as well as the need to expand infrastructure and services. The 2045 General Plan also provides the policy framework to guide future development toward land uses and zoning amendments that support walking, biking, and transit networks.

Alternatives

Based on the project objectives and anticipated environmental consequences, and pursuant to CEQA Guidelines Section 15126.6, the following project alternatives were selected for analysis:

- **Alternative 1: No Project.** The No Project Alternative would involve continued implementation of the City's current General Plan. The No Project Alternative assumes the 2045 General Plan would not be adopted and therefore future development would be carried out in accordance with the City's existing General Plan policies and land use designations through the horizon year of 2045. Thus, while growth in the region and in the Planning Area would still occur, any new development in Solvang would occur consistent with the existing land use designations and the allowed uses in each designation. Similarly, any new infrastructure would occur as envisioned in the existing General Plan.
- **Alternative 2: No Old Lumberyard Project.** The 2045 General Plan includes the Old Lumberyard site as an area of potential growth. Alternative 2 would involve implementation of the 2045 General Plan and exclusion of the Old Lumberyard site as an area of potential growth. Although the Old Lumberyard Project would not be included under Alternative 2, this would not preclude development from occurring on the site in the future. Under Alternative 2, the proposed Old Lumberyard Project would not be implemented, and the zoning and General Plan designations would not change from the existing designations, therefore defaulting to its existing General Plan Land Use designation and zoning as a primarily housing site.
- **Alternative 3: No Alamo Pintado Project.** The 2045 General Plan would include the Alamo Pintado site as an area of potential growth. The No Alamo Pintado Alternative assumes no proposed high density residential would develop on the site. Although the Alamo Pintado Project would not be included under Alternative 3, this would not preclude development from occurring on the site in the future. Under Alternative 3, the proposed Alamo Pintado Project would not be implemented, and the zoning and General Plan designations would not change from the existing designations.

- **Alternative 4: Neither Project Implemented.** The 2045 General Plan would include the Old Lumberyard and Alamo Pintado sites as areas of potential growth. The Neither Project Implemented Alternative would exclude both sites as areas of potential growth. Under Alternative 4, both the proposed Old Lumberyard Project and the Alamo Pintado Project would not be implemented, and the zoning and General Plan designations would not change from the existing designations. Although the Old Lumberyard Project and the Alamo Pintado Project would not be included under Alternative 4, this would not preclude development from occurring on these sites in the future.

Refer to Chapter 6, *Alternatives*, of the Draft EIR for the complete alternatives analysis.

3 Topical Areas Determined to Have Less than Significant or No Impacts

The City finds that, based upon substantial evidence in the record, as discussed below, the 2045 General Plan's impacts associated with the following topical areas would be less than significant.

Aesthetics

Impact AES-1. The 2045 General Plan would not facilitate development that would substantially obstruct scenic vistas, and this impact would be less than significant.

Impact AES-2. There are no designated state scenic highways in Solvang. Therefore, there would be no impact.

Impact AES-3. While development under the proposed project could change the visual character and quality of portions of the Planning Area, the proposed project contains goals and policies specifically designed to protect areas of high visual character and quality and improve areas of low visual character and quality. Impacts would be less than significant.

Impact AES-4. New development carried out under the proposed project would add new sources of light and glare to the Planning Area, but development would be required to comply with the City's lighting regulations. Impact would be less than significant.

Air Quality

Impact AQ-2 (Operations). Operation of development facilitated by the 2045 General Plan would generate criteria air pollutant emissions with areas sources, energy sources and mobile sources. Operational emissions generated from the 2045 General Plan would not exceed SBCAPCD operational emissions thresholds and impacts related to cumulatively considerable net increase in criteria pollutants during operation would be less than significant.

Impact AQ-4. The project would not create objectionable odors that could adversely affect a substantial number of people. Impacts related to odors would be less than significant.

Biological Resources

Impact BIO-2. Development facilitated by the proposed project would be subject to adopted federal, State, and local policies, including those the proposed project would implement, which would ensure that riparian habitat, wetlands, and other sensitive natural communities would not be substantially degraded or removed. Therefore, these impacts would be less than significant.

Impact BIO-3. Implementation of the proposed project would not substantially impede the movement of native resident or migratory fish or wildlife species, or conflict with established native resident or migratory wildlife corridors due to existing City policies within the Municipal Code and implementation of policies proposed by the project. Therefore, this impact would be less than significant.

Impact BIO-4. Development facilitated by the 2045 General Plan would be required to conform with applicable local policies and ordinances protecting biological resources. Therefore, this impact would be less than significant.

Impact BIO-5. Implementation of the proposed project would not conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact would occur.

Cultural Resources

Impact CUL-3. Ground disturbance associated with development facilitated by proposed project could potentially disturb or damage known or unknown human remains. This impact would be less than significant with adherence to existing regulations.

Energy

Impact E-1. The proposed project would facilitate the development of buildings that would adhere to existing California energy standards and 2045 General Plan policies. Implementation of the 2045 General Plan would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. The proposed project would support transportation systems that rely less heavily on internal combustion vehicles and more on active transportation. The development facilitated by the proposed project would not result in a wasteful, inefficient, or unnecessary consumption of energy and would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy. Impacts would be less than significant.

Geology and Soils

Impact GEO-1. Construction of new development facilitated by the 2045 General Plan may exacerbate seismic hazards risk, such as liquefaction or landslides. Adherence to requirements of the California Building Code and implementation of 2045 General Plan goals and policies would minimize the potential for loss, injury, or death following a seismic event, landslide, liquefaction, or other geologic hazards. This impact would be less than significant.

Impact GEO-2. Construction of development facilitated by the 2045 General Plan would include ground disturbance that would result in loose or exposed soil that could result in the loss of topsoil. Compliance with the Construction General Permit, the California Building Code, and City Municipal Code would minimize the potential for erosion and loss of topsoil and would ensure this impact would be less than significant.

Impact GEO-3. Development facilitated by the 2045 General Plan would occur where existing sewer systems are present. Therefore, implementation of the 2045 General Plan would not result in a significant impact to soils that are incapable of supporting septic tanks or alternative wastewater disposal systems. No impact would occur.

Greenhouse Gas Emissions

Impact GHG-1. Although construction and operation of projects carried out under the 2045 General Plan would generate greenhouse gas (GHG) emissions, the 2045 General Plan includes policies and

actions that reduce GHG emissions and align with the goals of applicable plans, policies, and regulations related to GHG emissions. The 2045 General Plan would therefore not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Impacts would be less than significant.

Hazards and Hazardous Materials

Impact HAZ-1. Mandatory compliance with all applicable State, and federal laws and the proposed policies from the 2045 General Plan relating to the transport, use, and disposal of hazardous materials during construction and operation of future development facilitated by the proposed project would minimize the potential to create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.

Impact HAZ-2. Compliance with existing regulations would reduce the potential for a school and its occupants to be exposed to hazardous materials. Future development facilitated by the proposed project would be required to identify and clean-up hazardous materials sites in accordance with proposed policies and remove such hazardous materials in accordance with applicable State and local regulations. This impact would be less than significant.

Impact HAZ-3. The City of Solvang is not located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. The 2045 General Plan includes a policy requiring testing and remediation of contaminated sites before development. The proposed project would also follow existing applicable regulations. Impacts would be less than significant.

Impact HAZ-4. Development facilitated by the 2045 General Plan could occur within the City's current Sphere of Influence which partially overlaps contours established by the Santa Ynez Airport Land Use Plan. Adherence to regulatory requirements and implementation of 2045 General Plan policies would reduce potential impacts related to airport hazards to a less than significant level.

Impact HAZ-5. Development facilitated by the proposed project must comply with road standards and would be reviewed by the Solvang Emergency Services Coordinator and Fire Marshal to ensure development would not interfere with evacuation routes or impede the effectiveness of evacuation plans. Therefore, the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This impact would be less than significant.

Impact HAZ-6. The 2045 General Plan includes policies to minimize wildland fire risk. Development facilitated by the proposed project would adhere to the California Fire Code and be reviewed by the Santa Barbara County Fire District to ensure people or structures would not be exposed to significant risk of loss, injury, or death involving wildland fires. Therefore, this impact would be less than significant.

Hydrology and Water Quality

Impact HYD-1. Compliance with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, NPDES Industrial General Permit, SWPPPs, City regulations, and the 2045 General Plan's proposed policies would ensure BMPs are implemented during new

construction and operations to minimize potential impacts to water quality. Therefore, this impact would be less than significant.

Impact HYD-2. Development associated with the proposed project would be required to comply with the Central Coast RWQCB, Solvang Municipal Code and the 2045 General Plan's proposed policies, which would ensure a reduced impact on groundwater supplies. Therefore, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed project may impede sustainable groundwater management of the basin. This impact would be less than significant.

Impact HYD-3. Compliance with existing regulations and the 2045 General Plan's proposed policies would ensure development facilitated by the proposed project would not substantially alter the existing drainage pattern of a site or area such that substantial erosion or siltation on- or off-site, flooding on- or off-site, exceedance of the capacity of existing or planned stormwater drainage systems or provision of additional sources of polluted runoff, or impediment or redirection of flood flows would occur. Therefore, impacts would be less than significant.

Impact HYD-4. Future development facilitated by the proposed project within flood hazard zones would adhere to the requirements of the Solvang Municipal Code and the policies proposed by the project's Safety Element. With adherence to applicable regulations and the 2045 General Plan policies, the proposed project would not risk release of pollutants due to inundation. Therefore, this impact would be less than significant.

Impact HYD-5. Future development facilitated by the proposed project would implement State and local regulatory requirements, including the provisions of the Construction General Permit, the Industrial General Permit, and the City's Municipal Code. Furthermore, the proposed project would also be required to comply with the Eastern Management Groundwater Sustainability Agency management practices which would minimize potential impacts to water quality in accordance with the programs in the Basin Plan. Therefore, the proposed project would not conflict with or obstruct the implementation of a water quality control plan. This impact would be less than significant.

Land Use and Planning

Impact LU-1. Implementation of the 2045 General Plan would provide for orderly development in the Planning Area and would not physically divide an established community. Impacts would be less than significant.

Impact LU-2. Implementation of the 2045 General Plan would be consistent with applicable regional land use plans, policies, or regulations such as SBCAG's *Connected 2050*. Impacts would be less than significant.

Noise

Impact NOI-2 (Operation). New residential, commercial, industrial, and retail development facilitated by the 2045 General Plan would not involve substantial operational vibration sources such as railroads and subways. Therefore, operation of development facilitated by the 2045 General Plan would not result in substantial ground borne vibration and the 2045 General Plan's operational groundborne vibration and noise impacts would be less than significant.

Impact NOI-3. The project would not expose people residing or working in the Planning Area to excessive noise levels related to airstrip/airport operation. No impact would occur.

Population and Housing

Impact POP-1. Implementation of the proposed project could accommodate more growth than envisioned in SBCAG’s latest Regional Growth Forecast. However, growth resulting from the 2045 General Plan is anticipated and would not constitute substantial unplanned population growth. Further, the Santa Barbara County Association of Governments would update their growth projections to be consistent with the 2045 General Plan during the next planning cycle. Thus, the proposed project is designed for planned and orderly growth that improves the balance of jobs and housing. This impact would be less than significant.

Impact POP-2. Implementation of the 2045 General Plan would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. Impacts would be less than significant.

Public Services and Recreation

Impact PS-1, PS-2, and PS-4. Future development facilitated by the project could increase the population in the Planning Area, which would result in an increase in demand for fire, police, and library services, which would potentially create the need for new fire, police, and library facilities. Compliance with proposed policies in the 2045 General Plan and continued environmental review would minimize adverse environmental effects associated with the provision of new or physically altered fire, police, or library facilities. These impacts would be less than significant.

Impact PS-3. Development associated with the 2045 General Plan would add school-aged children to Solvang. However, facilities have adequate capacity and new development would be required to pay impact fees, which would result in less than significant impacts with regards to the provision of school facilities.

Impact REC-1. Future development facilitated by the project could increase the population in the Planning Area, which could increase the use of parks and recreational facilities. Adherence to the proposed 2045 General Plan policies and payment of mandatory parkland dedication fees would ensure impacts related to parks and recreational facilities would be less than significant.

Transportation

Impact TRA-1. The proposed project would not conflict with the Connected 2050 Regional Transportation/Sustainable Communities Strategy, Santa Ynez Valley Bicycle Master Plan, the Santa Ynez River Trail Alignment Study, or any other applicable program, plan, ordinance, or policy relevant to the transportation system. This impact would be less than significant.

Impact TRA-3. Development facilitated by the 2045 General Plan would comply with State, Santa Barbara County Fire Department, and City requirements related to transportation design safety and emergency access. With adherence to these requirements, the 2045 General Plan would not substantially increase hazards due to a geometric design feature or result in inadequate emergency access, and this impact would be less than significant.

Utilities and Service Systems

Impact UTIL-1. Development facilitated by the proposed project would increase demand for additional utility infrastructure; however, no substantial relocation or construction of utility services would be required to service the proposed project beyond existing conditions and the waste water treatment plant would have enough capacity to serve the 2045 General Plan buildout. Impacts would be less than significant.

Impact UTIL-2. The overall growth anticipated by the 2045 General Plan would generate additional water demand in Solvang, but adequate water supplies are available to serve additional development, and this impact would be less than significant.

Impact UTIL-3. The proposed project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure. Growth and development facilitated by the 2045 General Plan would be developed in accordance with solid waste reduction statutes and regulations. These impacts would be less than significant.

Wildfire

Impact W-1. The 2045 General Plan includes policies to address emergency access, response, and preparedness. Therefore, the 2045 General Plan would not substantially impair an adopted emergency response plan or emergency evacuation plan. This impact would be less than significant.

Impact W-2. The 2045 General Plan includes policies to ensure development would not exacerbate wildfire risk due to slope, prevailing winds, or other factors. Furthermore, development facilitated by the 2045 General Plan would adhere to the CFC and be reviewed by Santa Barbara County Fire District to ensure wildfire risk would not be exacerbated. Therefore, this impact would be less than significant.

Impact W-3. The 2045 General Plan would not require the installation or maintenance of substantial infrastructure that may exacerbate fire risk or result in temporary or ongoing impacts to the environment associated with fire risk. Therefore, this impact would be less than significant.

Impact W-4. The 2045 General Plan includes policies to ensure development would not exacerbate risks from flooding or landslides due to wildfire. Therefore, this impact would be less than significant.

4 Topical Areas Determined to have Potentially Significant Impacts Mitigated to a Less Than Significant Level

These topical areas contain impacts of the 2045 General Plan that are reduced to a less-than-significant level through the implementation of mitigation measures. Pursuant to California Public Resources Code Section 21081(a)(1) and CEQA Section 15091(a)(1), as to each impact, the City, based on the evidence in the record before it, finds that changes or alterations incorporated into the 2045 General Plan mitigate, avoid, or substantially lessen to a level of insignificance these environmental impacts of the Project. The basis for the finding for each impact is set forth below.

Air Quality

Impact AQ-1

FACTS IN SUPPORT OF FINDING

Growth resulting from the 2045 General Plan is anticipated and would not constitute substantial unplanned population growth. The Santa Barbara County Association of Governments would update their growth projections to be consistent with the 2045 General Plan during the next planning cycle. Through Mitigation Measure AQ-1, the project would incorporate Santa Barbara Air Pollution Control District (SBAPCD) standard fugitive dust control measures that are required by the SBCAPCD Guidelines to be consistent with the Clean Air Plan. Therefore, impacts would be less than significant with mitigation.

Mitigation Measure AQ-1 SBCAPCD's Construction Impact Mitigation

The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by SBCAPCD to reduce fugitive dust emissions. These measures should be required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345). Emission reduction measures will include, at a minimum, the following measures:

- During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding SBCAPCD's limit of 20 percent opacity for greater than three minutes in any 30-minute period. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 miles per hour (mph). Reclaimed water shall be used whenever possible. However, reclaimed water shall not be used in or around crops for human consumption.
- The amount of disturbed area shall be minimized.
- On-site vehicle speeds shall be no greater than 15 mph when traveling on unpaved surfaces.

- A track-out prevention device shall be installed and operated where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel washing systems.
- After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering, or using roll-compaction, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All driveways and sidewalks to be paved/surfaced shall be completed as soon as possible.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SBCAPCD prior to grading/building permit issuance and/or map clearance.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.

FINDING

The City finds that implementation of Mitigation Measure AQ-1, which is hereby adopted and incorporated into the Project and which would require the implementation of best management practices recommended by SBCAPCD to reduce fugitive dust emissions, would reduce impacts related to the implementation of applicable air quality plans to a less than significant level. The City finds implementation of Mitigation Measure AQ-1 to be feasible and that the mitigation measure would reduce fugitive dust emissions during construction activities. The City hereby determines that any impacts related to conflicts with or obstruction of implementation of applicable air quality plans would be less than significant after implementation of Mitigation Measure AQ-1. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Biological Resources

Impact BIO-1

FACTS IN SUPPORT OF FINDING

The 2045 General Plan could have a substantial adverse effect, either directly or through habitat modifications, on special-status species. Potentially significant effects on candidate, sensitive, or special-status species would occur if temporary disturbance associated with construction projects or permanent impacts due to development facilitated by the 2045 General Plan would result in incremental direct loss of habitat, fragmentation of larger open areas and wildlife corridors, or

disturbance to protected species or loss of suitable habitat that support protected species. The 2045 General Plan's Environment and Sustainability Element includes Policy ENV-1.1: Open Space Management, Policy ENV-3.1: Natural Resource Protection, Policy ENV-3.3: Minimize Impacts of Development, Policy ENV-3.4: Support Local and Regional Efforts, and Policy ENV-3.5 to minimize impacts to protected biological resources and provide open spaces to support species.

Removal of vegetation, particularly trees and landscaping shrubs that may serve as perching or nesting sites for migratory birds could result in direct adverse effects on listed or special-status bird species would represent a potentially significant impact. However, implementation of Mitigation Measure BIO-1 (conduct pre-construction bird surveys and implement avoidance measures) would be required for future projects where mature trees and other habitat is present and construction activities are scheduled within early spring to late summer, and would be applied to future projects when applicable based on site conditions at the City's discretion.

Although the Planning Area does consist largely of developed urban areas, large trees, abandoned structures, and buildings occurring throughout the city provide suitable roosting habitat for special-status bat species. Disturbance of maternity roosts by construction activities resulting in roost destruction or abandonment would be a potentially significant impact to bat species. However, implementation of Mitigation Measure BIO-2 (conduct pre-construction roosting bat surveys and implement avoidance measures) would be required for future projects where trees, abandoned structures, or other habitat for roosting bats is present and construction activities may occur during seasonal periods of bat activity, and would be applied to future projects when applicable based on site conditions at the City's discretion.

Disturbance of underground nesting locations of the Crotch's bumblebee by construction activities resulting in nest destruction or abandonment would be a potentially significant impact to the species and would potentially constitute violations of CESA. Such adverse effects on the species would be a potentially significant impact. However, implementation of Mitigation Measure BIO-3 (conduct pre-construction surveys and implement avoidance measures) would be required for future projects where direct ground disturbance is necessary, where suitable habitat for nesting Crotch's bumble bee may be present, and direct ground disturbing construction activities may occur during seasonal periods of nesting bee activity, and would be applied to future projects when applicable based on site conditions at the City's discretion.

Implementation of federal, State, and local regulations and policies, as well as Mitigation Measures BIO-1 through BIO-3 would ensure development facilitated by the 2045 General Plan would not have a substantial adverse effect on candidate, sensitive, or special-status species. Impacts related to a substantial adverse effect on candidate, sensitive, or special-status species would be less than significant with Mitigation Measures BIO-1, BIO-2 and BIO-3 incorporated.

Mitigation Measure BIO-1 Conduct Pre-construction Bird Surveys and Implement Avoidance and Minimization Measures

For construction activities initiated during the bird nesting season (February 1 through September 15, and as early as January 1 for raptors), involving removal of vegetation, abandoned structures, man-made features, or other nesting bird habitat, a pre-construction nesting bird survey shall be conducted no more than 5 days prior to initiation of ground disturbance and vegetation removal. The nesting bird pre-construction survey shall be conducted on foot and shall include an area on and around the construction site at a distance determined by a qualified biologist, including staging and storage areas. The minimum survey radii surrounding the work area shall be 500 feet. The survey shall be conducted by a qualified biologist familiar with the identification of avian species

known to occur in the Solvang region. If construction lapses for 5 days or longer, the qualified biologist shall conduct another focused survey before project activities are reinitiated. If nests are found, an avoidance buffer shall be determined by the biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside the site. The qualified biologist shall observe the active nest to establish a behavioral baseline of the adults and nestlings, if present. The qualified biologist shall monitor the active nests, while construction activities are happening to detect signs of disturbance and behavioral change as a result of construction impacts, such as noise, vibration, odors, or worker/equipment motion. If signs of disturbance and behavioral changes are observed, the qualified biologist shall stop all construction work causing those changes and until a larger avoidance buffer is established or until it is determined that the nesting period is completed. The buffer shall be demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified of the buffer zone as a "Nesting Bird Area" and to avoid entering the buffer zone until a biologist determines that the nest is no longer active. No ground-disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist and shall be included on project site plans and submitted to the City prior to the commencement of construction activities.

Mitigation Measure BIO-2 Special Status Bat Species Habitat Assessment Survey and Emergence Survey(s)

For future projects where trees, abandoned structures, or other habitat for roosting bats is present and construction activities may occur during seasonal periods of bat activity, construction activities shall occur outside the maternity season, as feasible. Should construction timing not allow for it, a special-status bat habitat assessment survey shall be conducted by a qualified biologist prior to any construction activities during the bat maternity season from April 1 through August 31. The survey will document any evidence of special-status bat species that may occur in proposed work areas through direct observation (e.g., roosting bats) and/or sign (e.g., bat guano). If no observance and/or sign of special-status bats are detected during these surveys, then construction-related activities may proceed. If observance or sign of special status bat species are detected during the survey, special-status bat species emergence survey(s) will need to be conducted.

If observance and/or sign of special-status bat species use is documented within the project site during implementation of BIO-2, and construction activities occur during the bat maternity season (April 1 through August 31), special-status bat species emergence survey(s) will be conducted. As part of BIO-3, a habitat assessment survey generally outlined in BIO-2 will be conducted on the first night of the emergence survey(s) to document the areas of suitable bat habitat within the Project site. Emergence surveys will be conducted in areas of suitable bat habitat (e.g., near buildings or trees) during the bat maternity season to document any special-status bat species emerging from features identified during the habitat assessment survey. Multiple emergence surveys may be required depending on the size and number of suitable habitat locations. The emergence survey(s) will be conducted one hour prior to sunset and last up to a minimum of two hours after sunset. Depending on potential species that may occur, surveys may need to be conducted until midnight. Passive acoustic monitoring equipment will be utilized during the emergence surveys to identify bats to the species level. Any special-status bat species observed maternity roosting within or adjacent to the Project site should be avoided and provided a minimum buffer as determined by the qualified biologist (a 100-foot to 300-foot buffer is recommended) or in consultation with USFWS and/or CDFW prior to the commencement of construction. Should special-status bat species only be

day roosting and not maternity roosting, a bat mitigation and/or management plan should be developed for roost relocation. Mitigation and management plans would also require consultation with USFWS and/or CDFW prior to the commencement of construction.

Mitigation Measure BIO-3 Conduct Pre-construction Crotch's Bumblebee Surveys and Implement Avoidance Measures

For construction activities located in vacant or undeveloped areas containing open grasslands, shrublands, or chaparral, a habitat assessment for Crotch's bumblebee shall be performed. If it is determined that suitable habitat for Crotch's bumblebee is present, a focused survey shall be performed during the species active flight period for Crotch's bumblebee and peak blooming period of nectar and pollen sources (May 1 through July 31). The survey shall be conducted by a qualified biologist to determine presence of Crotch's bumblebee no more than 5 days prior to initiation of construction activities. The Crotch's bumblebee survey shall be conducted on foot and shall encompass the entirety of a project site and focus on areas that allow for the highest probability of detection, such as high abundance nectar or pollen sources and rodent burrows that may be used for breeding and nesting, subject to the discretion of the qualified biologist. Prior to the start of construction, the qualified biologist shall map areas with abundant nectar or pollen sources that have potential use by Crotch's bumblebee and active nesting sites. A report summarizing the habitat assessment and pre-construction survey (if required) shall be prepared by the qualified biologist and shall be submitted to the City prior to the commencement of construction activities.

If Crotch's bumblebee is determined to be present, the project proponent shall consult with CDFW and obtain an Incidental Take Permit in accordance with the CESA prior to initiating any ground disturbance on the site.

FINDING

The City finds that implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3, which are hereby adopted and incorporated into the proposed project and which would require pre-construction surveys for birds, bats and crotch's bumblebee, and implementation of subsequent avoidance and minimization measures, would reduce impacts related to substantial adverse effect on candidate, sensitive, or special-status species to a to a less than significant level. The City finds implementation of Mitigation Measures BIO-1, BIO-2 and BIO-3 to be feasible. The City hereby determines that any impacts related to substantial adverse effect on candidate, sensitive, or special-status species remaining after implementation of Mitigation Measures BIO-1, BIO-2, and BIO-2 would not be significant. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Cultural Resources

Impact CUL-2

FACTS IN SUPPORT OF FINDING

Ground disturbing activities associated with development facilitated by the 2045 General Plan could result in disturbance or damage to archaeological resources. The 2045 General Plan Environment and Sustainability Element includes Policy ENV-4.1: Protect Archaeological Resources to preserve and protect site-specific archaeological resources. Additionally, existing regulations require project-

specific avoidance of archaeological resources, or if an archaeological resource cannot be avoided, mitigation would be implemented in accordance with applicable federal and State law regarding data collection and preservation of archaeological resources. However, there is potential for unknown historic-aged and prehistoric archaeological resources to exist throughout the Planning Area which could be damaged or destroyed during ground-disturbing activities. Mitigation Measures CUL-2, CUL-3, and CUL-4, which would require an archeological resources assessment, archaeological monitoring, and the evaluation of unanticipated discoveries. Implementation of applicable 2045 General Plan policies, State and federal regulations, and the Solvang Municipal Code would minimize or avoid potential adverse impacts to archaeological resources less-than-significant level by requiring the identification and evaluation of any archaeological resources that may be present prior to construction and by providing steps for the evaluation and protection of unanticipated finds encountered during construction.

Mitigation Measure CUL-2 Archaeological Resources Assessment

Prior to approval of a project carried out under the 2045 General Plan that will involve ground disturbance activities in native or previously undisturbed soils that may include, but are not limited to, pavement removal, potholing, grubbing, tree removal, excavation or grading, an archaeological resources assessment shall be prepared under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in either prehistoric or historic archaeology. Assessments shall include a California Historical Resources Information System (CHRIS) records search at the Central Coast Information Center (CCIC) and of the Sacred Lands File Search maintained by the Native American Heritage Commission (NAHC). The records searches shall characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around the project site. A Phase I pedestrian survey shall be undertaken in proposed project areas that are on previously undeveloped land to locate any surface cultural materials. By performing a records search, consultation with the NAHC, and a Phase I survey, a qualified archaeologist shall be able to classify the project area as having high, medium, or low sensitivity for archaeological resources.

If the Phase I archaeological survey identifies resources that may be affected by the project, the archaeological resources assessment shall also include Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures shall include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less-than-significant levels by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist.

Mitigation Measure CUL-3 Archaeological Monitoring

For projects whose Phase I archaeological survey identifies archaeological resources that may be affected, the applicant shall retain a qualified cultural resource specialist to monitor construction activities that involve ground-disturbing activities greater than 12 inches in depth and occur within 60 feet of a potentially significant cultural resource.

Mitigation Measure CUL-4 Unanticipated Discoveries

In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be prehistoric, then a Chumash representative shall also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Chumash representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided via project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of the CEQA Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Chumash representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource’s significance. The City shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the CHRIS at the CCIC, per CEQA Guidelines Section 15126.4(b)(3)(C).

FINDING

The City finds that implementation of Mitigation Measures CUL-2, CUL-3, and CUL-4, which are hereby adopted and incorporated into the proposed project, would reduce impacts related to archaeological resources to a less than significant level. The City finds that implementation of Mitigation Measures CUL-2, CUL-3, and CUL-4 is feasible. The City hereby determines that any impacts related to archaeological resources remaining after implementation of Mitigation Measures CUL-2, CUL-3, and CUL-4 would not be significant. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Geology and Soils

Impact GEO-4

FACTS IN SUPPORT OF FINDING

Ground-disturbing activities associated with construction of development facilitated by the 2045 General Plan has the potential to impact paleontological resources, particularly in areas that have not previously been developed with urban uses, have the potential to encounter and damage or destroy paleontological resources that may be present on or below the ground surface in areas of high paleontological sensitivity. Sites B and C and the Old Lumberyard site are partially or entirely underlain by geologic units with high paleontological sensitivity. Development of these sites has the potential to significantly impact paleontological resources. The 2045 General Plan Goal ENV-4, and Policy ENV-4.1: Protect Archaeological Resources would help protect paleontological resources. Mitigation Measure GEO-1 would require retention of a qualified professional paleontological for certain projects, development of a Paleontological Resources Mitigation Program if potential impacts to paleontological resources are found to be significant, and suspension of all construction

activity if paleontological resources are encountered. Impacts to paleontological resources would be less than significant with Mitigation Measure GEO-1 incorporated.

Mitigation Measure GEO-1 Protection of Paleontological Resources

For projects that would involve excavation below 12 inches in depth in undisturbed soils underlain by sedimentary geologic units with high paleontological sensitivity, City of Solvang shall require projects to adhere to the following stipulations:

- A Qualified Professional Paleontologist, as defined by the Society of Vertebrate Paleontology (SVP), must be retained to conduct a paleontological resources analysis prior to the initiation of projects that may impact sediments with high paleontological sensitivity to determine whether there is a potential for the project to significantly impact paleontological resources.
- If potential impacts to paleontological resources are found to be significant, then a Qualified Professional Paleontologist shall be retained to develop and implement a Paleontological Resources Mitigation Program (PRMP) to ensure that impacts to paleontological resources are mitigated. This PRMP may include:
 - Worker Environmental Awareness Program (WEAP) training;
 - Pre-construction surveys;
 - Paleontological construction monitoring;
 - Retention of an on-call Qualified Professional Paleontologist;
 - Salvage, laboratory preparation, and curation of paleontological resources; and/or
 - Reporting to regulatory agencies.
- Should paleontological resources be encountered during any construction activity, all activity that could damage or destroy the resources shall be suspended until a Qualified Professional Paleontologist has examined the site. Construction shall not resume until the resource is properly evaluated and, if necessary, mitigation actions are carried out to address the impacts of the project on these resources.

FINDING

The City finds that implementation of Mitigation Measure GEO-1, which is hereby adopted and incorporated into the proposed project, would reduce impacts to paleontological resources to a less than significant level. The City finds Mitigation Measure GEO-1 to be feasible. The City hereby determines that any impacts to paleontological resources remaining after implementation of Mitigation Measure GEO-1 would be less than significant. The City hereby determines that any impacts to paleontological resources remaining after implementation of Mitigation Measure GEO-1 would be less than significant. to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Noise

Impact NOI-2 (Construction)

FACTS IN SUPPORT OF FINDING

Construction of development facilitated by the 2045 General Plan would temporarily generate ground borne vibration, potentially affecting nearby land uses. Vibration levels from typical equipment such as bulldozers and jackhammers would not exceed FTA thresholds for historic structures and residential buildings at a distance of 25 feet or greater. However, vibration levels from pile driving equipment and vibratory rollers may exceed FTA thresholds. The Goal SAF-11 and Policy SAF-11.4 in the 2045 General Plan would reduce construction vibration noise. However, because project level details are not currently available construction vibrations may be potentially significant. Implementation of Mitigation Measure NOI-2, which requires construction vibration control measures and screening distances for applicable projects, would reduce potential impacts from groundborne vibration by to less than significant levels by providing screening distances, within which vibration analysis and vibration reductions measures may be required to reduce project vibration impacts to less than significant levels. Construction impact related to groundborne vibration would be less than significant with implementation of Mitigation Measure NOI-2.

Mitigation Measure NOI-2 Adopt and Implement Vibration Control Measures and Screening Distances

To reduce potential construction vibration impacts, the City shall require the following measures for applicable projects:

- Prior to issuance of a building permit for a project requiring pile driving during construction a) within 135 feet of fragile structures (historical resources, 100 feet of non-engineered timber and masonry buildings [e.g., most residential buildings], b) within 75 feet of engineered concrete and masonry (no plaster); c) a vibratory roller within 40 feet of fragile historical resources or 25 feet of any other structure; and/or d) a dozer or other large earthmoving equipment within 20 feet for a fragile historical structure or 15 feet of any other structure, the project applicant shall prepare a ground borne vibration analysis to assess and mitigate potential vibration impacts related to these construction activities. This vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed FTA architectural damage thresholds (e.g., 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed these thresholds, alternative uses such as drilling piles as opposed to pile driving, static rollers as opposed to vibratory rollers, and lower horsepower earthmoving equipment shall be used. If necessary, construction vibration monitoring shall be conducted to ensure FTA vibration thresholds are not exceeded.

FINDING

The City finds that implementation of Mitigation Measure NOI-2, which is hereby adopted and incorporated into the proposed project, would reduce construction impacts related to ground borne vibration to a less than significant level. The City finds implementation of Mitigation Measure NOI-2 to be feasible. The City hereby determines that any construction impacts related to groundborne vibration remaining after implementation of Mitigation Measure NOI-2 would be less than significant. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Tribal Cultural Resources

Impact TCR-1

FACTS IN SUPPORT OF FINDING

No specific tribal cultural resources were identified during consultation and no tribal cultural resources eligible for the California Register of Historical Resources or local register were identified as being impacted by the 2045 General Plan; however, potential tribal cultural resources are likely to exist throughout the Planning Area. Development facilitated by the 2045 General Plan may impact previously unidentified tribal cultural resources. Development facilitated by 2045 General Plan would undergo project-specific tribal cultural resource consultation pursuant to the requirements of PRC Section 21084 and 2045 General Plan Policy ENV-4.2: Collaboration with the Chumash. There is always potential for unknown tribal cultural resources to exist throughout the Planning Area which could be damaged or destroyed during ground-disturbing activities. Therefore, the 2045 General Plan's impact on tribal cultural resources is potentially significant. Mitigation Measures TCR-1, TCR-2, TCR-3, TCR-4, and TCR-5 which require a Workers Environmental Awareness Program, retaining Chumash Tribal monitors and a Project Osteologist, a Cultural Resources Monitoring and Discovery Plan, and consulting of tribal soil remediation experts, would mitigate potential impacts to a less than significant level by requiring the identification and evaluation of any tribal cultural resources that may be present prior to construction and by providing steps for the evaluation and protection of unanticipated finds encountered during construction. Adherence to State and 2045 General Plan regulations and implementation of Mitigation Measures TCR-1, TCR-2, TCR-3, TCR-4, and TCR-5 would ensure impacts to tribal cultural resources would be less than significant with mitigation incorporated.

Mitigation Measure TCR-1 Workers Environmental Awareness Program

The Applicant will invite a City-approved archaeologist to provide a cultural resources awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The City will invite consulting Chumash Tribe(s) to provide a tribal cultural resources awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP training shall be conducted prior to any project-related ground disturbing activities in the project area. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Chumash tribal values.

Mitigation Measure TCR-2 Retain Chumash Tribal Monitors

For any project with the potential to encounter tribal cultural resources as determined through consultation, prior to issuance of any City Grading or Construction Permit, the Applicant or its designee shall work with consulting Chumash Tribe(s) to retain Tribal Monitor(s) to assist in the monitoring, mitigation, and curation activities for the specific project.

Where multiple areas of work are concurrently permitted for grading or disturbance, or where multiple pieces of equipment are operating within the same work area, there shall be multiple monitors, at least one for each area, and a sufficient number of Tribal Monitors shall be onsite to ensure all concurrent activities are monitored. The tribal monitors may be rotated to ensure that consulting Chumash Tribe(s) can observe the work areas. The City shall be responsible for creating monitoring schedules for the Chumash Tribal Monitors, and specifying the locations where they will monitor in consultation with the consulting Chumash Tribe(s).

Any interference with monitoring activities, removal of a monitor from duties, or direction to a monitor to relocate or cease monitoring activities by anyone other than the City shall be considered a non-compliance event. In the event a Chumash Tribal Monitor is dismissed from monitoring and the City determines this to be in error, the Chumash Tribal Monitor will be compensated for time lost by the Applicant. Any disagreements between the Project Archaeologist and Chumash Tribal Monitors shall be brought to the City's attention for resolution.

The Project Archaeologist or consulting Chumash Tribe(s) shall notify the Applicant and the City by telephone or email, of any incidents of non-compliance with any cultural resource mitigation measure or condition within 24 hours of becoming aware of the situation. The Project Archaeologist and consulting Chumash Tribe(s) shall also recommend corrective action(s) to resolve the problem or achieve compliance with the mitigation measure or project condition.

In the event of a non-compliance issue, the Project Archaeologist shall write a report within two weeks after resolution of the issue that describes the issue, resolution of the issue, and the effectiveness of resolution measures. The report shall be provided in the next Monthly Compliance Report, which is submitted to the City. The Applicant or its designee shall also provide a copy of the non-compliance report to the consulting Chumash Tribe(s) when issued to the City.

Mitigation Measure TCR-3 Retain a Project Osteologist

For any project with the potential to encounter human remains as determined through consultation and/or during the preparation of archaeological assessments carried out under CUL-2, prior to issuance of any City Grading or Construction Permit, a Project Osteologist shall be retained by the Applicant or its designee to assist in the identification of any human remains. The Project Osteologist shall have the following minimum qualifications:

- A graduate degree in archaeology, forensic anthropology, or related discipline, with four years' experience working with archaeological and Tribal Cultural resources in California. If an Osteologist with four years' experience is not available, a candidate with no less than two years' experience may be considered.
- A copy of the Project Osteologist's qualifications shall be provided to the City for review and approval. The Project Osteologist's qualifications shall be provided by the City to consulting Chumash Tribe(s) for review and comment prior to approval by the City.

Mitigation Measure TCR-4 Develop a Cultural Resources Monitoring and Discovery

For any project with the potential to encounter cultural and/or tribal cultural resources as determined through consultation and/or the preparation of archaeological assessments carried out under CUL-2, prior to issuance of any City Grading or Construction Permit, the Project Archaeologist shall develop and submit a Cultural Resources Monitoring and Discovery Plan (CRMDP) to the City for review and approval. No ground disturbing activities can occur until the CRMDP is approved by

the City. A draft of the CRMDP shall be provided by the City to consulting Chumash Tribe(s) and an independent third-party City-qualified archaeologist for a 45-day review and comment period. No ground disturbance can occur before approval of any construction-related permits by the City.

At a minimum, the CRMDP shall include the following:

- An introduction outlining the project description, purpose for monitoring, summary of resources studies or description of known resources, anticipated construction schedule, anticipated impacts to cultural resources, curation and treatment options. Permanent curation of Tribal Cultural Resources will not take place unless approved in writing by consulting Chumash Tribe(s) in compliance with CalNAGPRA (if applicable) along with any other applicable state and federal laws.
- A description of the monitoring personnel involved with the Project (Project Archaeologist, Archaeological Monitors, and Chumash Tribal Monitors as appointed by consulting Chumash Tribe(s)) and their responsibilities, which shall include but are not limited to:
 - A list of personnel involved in the monitoring activities and their availability;
 - A description of how the monitoring shall occur;
 - A description of how the monitoring schedule will be developed and implemented given that different areas of ground disturbance may occur simultaneously;
 - A description of what resources are expected to be encountered and where they are expected to be encountered; and
 - A description of monitoring reporting procedures.
- A description of the Cultural Resources Worker Environmental Awareness Program training and Tribal Cultural Resources Worked Environmental Awareness Program Training as provided by consulting Chumash Tribe(s) (see MM CUL-5) and when and how that will take place.
- Identification of the areas on the site, plus a buffer, where earthwork and site disturbance will be avoided. This should include the following:
 - A description of the exclusion zone which shall be placed around each avoidance area and labeled as “Environmentally Sensitive Area” in all relevant project documents and engineering drawings, as needed. Environmentally Sensitive Areas shall exclude all construction equipment and personnel. Exclusion zone fencing shall be installed prior to any site disturbance (and later removed) under the direction of the Project Archaeologist in consultation with the City and consulting Chumash Tribe(s). The construction contractor will be responsible for maintaining the exclusion zone fencing throughout the duration of decommissioning.
- Definition and description of authorities, protocols, and procedures for halting and/or pausing work in order to record, evaluate, and identify any necessary treatment for any cultural resources encountered. This shall include protocols for ensuring all treatment or recovery of cultural resources is completed prior to work resuming in the area of the find.
- Information that the Project Archaeologist, Archaeological Monitor(s), and the Chumash Tribal Monitor(s) shall have the authority to halt ground disturbing activities in the event previously unknown cultural resources or tribal cultural resources are encountered or if known resources may be impacted in a previously unanticipated manner as a result of that ground disturbing activity.
- Details regarding the immediate cessation of ground disturbing activities within a minimum of 100 feet of the discovery of any cultural resources/tribal cultural resources or human remains

and measures to delineate the area with clearly visible lath, flagging tape, or other marking. The City and the consulting Chumash Tribe(s) shall be consulted on a determination of significance. If potential human remains are identified, the project archaeologist, the project osteologist, City designee(s), and the consulting Chumash Tribe(s) shall be invited to be present during determination and development of protective measures of find until the Most Likely Descendant (MLD) is notified as appropriate.

- Notification procedures of unanticipated discoveries of cultural resources/tribal cultural resources including human remains. The City and consulting Chumash Tribe(s) shall be notified of a discovery as soon as possible but no later than 24 hours of the find. If the discovery occurs on a Friday, the City can be notified the following Monday morning.
- Specific in-field procedures for collecting, handling, and categorizing cultural resources, including human remains, encountered and a detailed process for evaluating unanticipated discoveries.
- Development of a preliminary treatment plan which shall, at a minimum, include:
 - A description of the treatment options for each type of resource which include, in order of priority: 1) preservation in place, where feasible; 2) the development of a treatment plan, archaeological testing, or data recovery; 3) reburial as close as possible to the location where all artifacts, remains, and/or funerary objects were found; and 4) reburial in a predetermined area. Any Chumash cultural materials disinterred as a result of specific projects shall be curated or reinterred upon determination by the City and consulting Chumash Tribe(s).
 - The location of a secured, on-site storage area for recovered cultural/tribal resources shall be identified before any ground disturbing activities occur by the City and consulting Chumash Tribe(s).
 - In the event of a human remains discovery, the City and consulting Chumash Tribe(s), and Coroner's office shall be notified no later than 24 hours of the find by the Applicant or their designee. The Coroner will contact the NAHC to identify the MLD of the human remains. The Applicant or their designee must follow HSC § 7050.5 and proceed under PRC § 5097.98 within 48 hours. Once a MLD has been assigned, they and the applicant shall be given 48 hours from the time of notification to provide a proposed treatment option to the City. No photographs, removal of remains (unless already disinterred), nor further disturbance may take place without written approval of the MLD.
 - For the predetermined area for reburial of human remains and cultural resources, the location must be surveyed in advance of its inclusion in the CRMDP, to determine if the location may be used (i.e., there are no biological and/or cultural/tribal resources sensitivities). The location must be under a deed restriction, protecting any reburials of human remains and artifacts in perpetuity.
 - A commitment from the Applicant to pay all treatment costs for artifacts, funerary objects, and remains discovered, from discovery to reinternment, and for related documentation produced, if any, during cultural resources investigations conducted for the Project.
- Procedures for the Project Archaeologist, the Applicant, or its contractors to provide immediate notification to the City and consulting Chumash Tribe(s) and immediately cease any earthwork conducted outside the limits of the approved grading plan or land use permit as these activities require prior approval by the City.
- Outline of reporting procedures, including monthly summary reports and an annual archaeological monitoring report to be submitted by the Project Archaeologist to the City and

consulting Chumash Tribe(s) for review throughout the duration of Project disturbance activities. The City shall provide copies of the plan to the consulting Chumash Tribe(s) for review. Formal technical reports are required for any archaeological testing or data recovery conducted. Annual archaeological monitoring reports and any technical testing or data recovery reports shall be submitted to the City and Central Coast Information Center. Upon completion of all monitoring or treatment activities at Project completion, the Project Archaeologist shall submit a final report under confidentiality to the City summarizing all monitoring/treatment activities. The City shall provide copies of the confidential final report to the consulting Chumash Tribe(s).

- The Applicant or its designee(s) will consult with consulting Chumash Tribe(s) to develop measures for long term management of the resources including any routine operation and maintenance that may need to occur within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties, and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties).

Mitigation Measure TCR-5 Soil Remediation Activities Affecting Previously Known Cultural and/or Tribal Resources

The Applicant or its designee shall consult with the City prior to conducting any soil remediation activities which could affect native soils and provide the City with adequate information to determine compliance with CEQA Guidelines Sections 15162-15164 and PRC §21074. The City shall consult with locally affiliated Chumash Tribe(s) prior to approving any soil remediation activities affecting previously known cultural and/or tribal resources.

FINDING

The City finds that implementation of Mitigation Measures TCR-1 through TCR-5, which are hereby adopted and incorporated into the Project, would reduce impacts related to tribal cultural resources to a less than significant level. The City finds implementation of Mitigation Measures TCR-1, TCR-2, TCR-3, TCR-4, and TCR-5 to be feasible. The City hereby determines that any impacts related to tribal cultural resources remaining after implementation of Mitigation Measures TCR-1, TCR-2, TCR-3, TCR-4, and TCR-5 would be less than significant. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

5 Topical Areas Determined to have Significant and Unavoidable Impacts

Air Quality

Impact AQ-2 - Construction

FACTS IN SUPPORT OF FINDINGS

Individual development projects carried out under the 2045 General Plan would generate construction and operational-related emissions. Construction activities such as demolition, grading, construction worker travel, delivery and hauling, and fuel combustion by construction equipment would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants. Such emissions may result in adverse impacts to regional air quality. Implementation of policies in the proposed 2045 General Plan Update, including Policy ENV 8.2: Particulate Emissions Reduction, Policy ENV-8.3: Air Quality Mitigation Measures, and Policy ENV-8.4 Mitigation Measures, and compliance with existing regulations would reduce construction emissions. Implementation of Mitigation Measure AQ-1 to reduce fugitive dust emissions would further reduce construction impacts related to cumulative considerable net increase in criteria pollutants. However, specific project-level details for construction are unknown at this level of planning and individual projects may exceed SBCAPCD thresholds. Therefore, construction impacts related to cumulative considerable net increase in criteria pollutants would be significant and unavoidable.

Mitigation Measure AQ-1 (refer to Impact AQ-1 above)

FINDING

The City finds that development facilitated by the proposed project would result in a cumulatively considerable net increase in criteria pollutants during construction. Implementation of Mitigation Measure AQ-1 would be reduce impacts related to cumulatively considerable net increase in criteria pollutants during construction, but not to a less than significant level . The General Plan and related EIR are planning level documents that look at overall potential impacts that might occur on a regional level. As future development is proposed, consideration will be given on a project-by-project basis addressing potential air quality impacts and identify specific mitigation to address those impacts, if necessary. At this point, however, future project-level details are unknown and individual projects may exceed Santa Barbara County Air Pollution Control District thresholds after mitigation. Although the City finds Mitigation Measure AQ-1 to be feasible, without project-level details, there are no known additional feasible mitigation measures that would be applicable to the 2045 General Plan that will reduce impacts related to cumulatively considerable net increase in criteria pollutants during construction to a less than significant level. Therefore, the City hereby determines that construction impacts related to a cumulatively considerable net increase in criteria pollutants would be significant and unavoidable.

OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guidelines 15093 and as stated more fully in Section 7 Statement of Overriding Considerations, the City Council finds based on substantial evidence in the FEIR and the record that

specific economic, legal, social, technological or other benefits described in this document outweigh these unavoidable adverse environmental impacts to a cumulatively considerable net increase in criteria pollutants.

Impact AQ-3

FACTS IN SUPPORT OF FINDING

Development facilitated by the 2045 General Plan could result in construction activity that could produce toxic air contaminant (TAC) emissions in proximity to residential receptors. Development facilitated by the 2045 General Plan in accordance with land use and zoning regulations would not site land uses that typically generate TAC near sensitive receptors. Additionally, if the proposed commercial and retail uses site a new stationary TAC source, like an emergency generator, then said stationary source would be required to receive a permit, which would ensure that the stationary source does not present a health risk to existing nearby sensitive receptors. Therefore, operations under the 2045 General Plan would not result in exposure of existing sensitive receptors to significant carcinogenic or toxic air contaminants and would be consistent with CARB and SBCAPCD guidelines. The 2045 General Plan also includes Policy MOB-1.12: Air Quality Impact Reduction and Policy ENV-9.6: City Fleet Equipment that aim to improve air quality and minimize exposure to TAC. Construction-related activities facilitated by the 2045 General Plan would result in DPM exhaust emissions from off-road, heavy-duty diesel equipment associated with site preparation (e.g., excavation, grading, clearing), building construction, and other construction activities. Mitigation Measure AQ-2 would require large construction projects to use equipment meeting U.S. EPA Tier 4 or higher for off-road heavy-duty diesel engines, which would reduce toxic air contaminant emissions. However, Tier 4 or higher emission standard equipment cannot be guaranteed to be commercially available. As a result, the construction of certain individual housing development projects – those with three or more units and a construction duration longer than two months that take place within 1,000 feet of sensitive receptors – could result in potentially significant health risk impacts if construction equipment does not meet U.S. EPA Tier 4 or higher for off-road heavy-duty diesel engines. Therefore, impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be significant and unavoidable.

Mitigation Measure AQ-2 Construction Equipment Exhaust Control Measures

For individual residential projects facilitated by the 2045 General Plan that would develop three or more units, would involve demolition, mass grading, or excavation and trenching phases longer than two months and would be located within 1,000 feet of existing sensitive receptors, the City shall enforce a project specific Condition of Approval requiring the following:

Off-road heavy-duty diesel equipment with engines certified to meet U.S. EPA Tier 4 emission standards should be used to the maximum extent feasible.

- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or renewable diesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

FINDING

The City finds that development facilitated by the proposed project would result in increased toxic air contaminant emissions in proximity to residential receptors. Implementation of Mitigation Measure AQ-2, which is hereby adopted and incorporated into the Project, would reduce impacts related to exposure of sensitive receptors to substantial pollutant concentrations, but not to a less than significant level. The General Plan and related EIR are planning level documents that look at overall potential impacts that might occur on a regional level. As future development is proposed, consideration will be given on a project-by-project basis addressing potential air quality impacts and identify specific mitigation to address those impacts, if necessary. At this point, however, future project-level details are unknown and individual projects may exceed Santa Barbara County Air Pollution Control District thresholds after mitigation. Although the City finds Mitigation Measure AQ-2 to be feasible, without project-level details, there are no known additional feasible mitigation measures that would be applicable to the 2045 General Plan that will reduce impacts related to exposure of sensitive receptors to substantial pollutant concentrations to a less than significant level. Therefore, the City hereby determines that impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be significant and unavoidable.

OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guidelines 15093 and as stated more fully in Section 7 Statement of Overriding Considerations, the City Council finds based on substantial evidence in the FEIR and the record that specific economic, legal, social, technological or other benefits described in this document outweigh these unavoidable adverse environmental impacts related to related to exposure of sensitive receptors to substantial pollutant concentrations.

Cultural Resources

Impact CUL-1

FACTS IN SUPPORT OF FINDING

Development facilitated by the 2045 General Plan has the potential to cause substantial adverse changes to the significance of historical resources. Currently, there are no development plans included in the 2045 General Plan which would substantially alter the historical resource; however, the 2045 General Plan could facilitate development on parcels containing buildings that meet the age threshold (45 years or older) for potential historical resources, pursuant to CEQA. Implementation of Policies ENV-5.1 and ENV-5.2 and compliance with applicable federal and state law would reduce impacts to historical resources. Implementation of Mitigation Measure CUL-1, would reduce impacts to historical resources by identifying and evaluating significant historical resources and managing relocation, rehabilitation, or alteration in compliance with the Standards as applicable. Nonetheless, even with implementation of Mitigation Measure CUL-1, existing and eligible historical resources could still be materially impaired by future development that would be carried out under the 2045 General Plan. Impacts to historical resources would be significant and unavoidable.

Mitigation Measure CUL-1 Historical Resources

Prior to project approval of a development project carried out under the 2045 General Plan, City staff shall determine the age of the structure(s) present. If a structure is determined to be 45 years of age or older, the project applicant shall submit preliminary information (i.e., photographs) identifying any historical age features (i.e., structures 45 years of age or older) proposed to be substantially altered, relocated, or demolished. If a building, structure, object, or other built environment feature that is 45 years of age or older is proposed to be substantially altered, relocated, or demolished, and after reviewing this documentation, the Planning Manager or their designee, supported by an architectural historian as needed, shall make a preliminary determination as to whether the building qualifies as a historical resource. "Historical resource" shall mean a property listed or found eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or identified as historically and/or architecturally significant by the City pursuant to Section 15064.5(a) of the CEQA Guidelines. A property that is eligible for listing in the National Register of Historic Places or the California Register of Historical Resources must retain its historic integrity and meet one of the following eligibility criteria:

- Is associated with events that have made a significant contribution to the broad patterns of our history.
- Is associated with the lives of persons significant in our past.
- Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
- Has yielded, or may be likely to yield, information important in history or prehistory.

If the Planning Manager or their designee determines the built environment resource may have the potential to qualify as a historical resource, then a historical resources evaluation shall be required. The evaluation shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level evaluation

in accordance with the guidelines and best practices promulgated by the State Office of Historic Preservation to identify potential historical resources within the proposed development site. All properties 45 years of age or older shall be evaluated within their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report will be submitted to the City for review and concurrence. If the property is already listed in the NRHP or CRHR, the historical resources evaluation described above shall not be required.

If historical resources are identified through the survey and evaluation within the development site of a proposed development, efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with a development application that may affect the historical resource, the historical resources evaluation report shall also identify and specify the treatment of character-defining features and construction activities.

Efforts shall be made to the greatest extent feasible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and concurrence. As applicable, the report shall demonstrate how the project complies with the Standards and be submitted to the City for review and approval prior to the issuance of permits.

If significant historical resources are identified on a development site and compliance with the Secretary of the Interior's Standards for the Treatments of Historic Properties and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey report. The report shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the Historic American Building Survey Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the Professional Qualifications Standards as defined by 36 CFR Part 61 and submitted to the City prior to issuance of any permits for demolition or alteration of the historical resource.

FINDING

The City finds that development facilitated by the proposed project could have an adverse effect on historical resources. Implementation of Mitigation Measure CUL-1, which is hereby adopted and incorporated into the Project, would reduce and, in some cases, avoid potential adverse impacts on historic resources. However, even with implementation of mitigation, the demolition of historic resources could still be possible. Although the City finds Mitigation Measure CUL-1 to be feasible, there are no additional feasible mitigation measures that will reduce this impact to a less than significant level. Accordingly, the City hereby determines that impacts related to historical resources would be significant and unavoidable.

Overriding Considerations

Pursuant to CEQA Guidelines 15093 and as stated more fully in Section 7 Statement of Overriding Considerations, the City Council finds based on substantial evidence in the FEIR and the record that specific economic, legal, social, technological or other benefits described in this document outweigh these unavoidable adverse environmental impacts to cultural resources, and specifically historical resources.

Noise

Impact NOI-1

FACTS IN SUPPORT OF FINDING

Development facilitated by the 2045 General Plan would introduce new noise sources, such as air conditioning units, loading dock activities, outdoor restaurant dining and music activities, and parking lot vehicle movements, and contribute to increases in operational noise. The 2045 General Plan includes Updated Goal SAF-11, Updated SAF-11.2, New Policy SAF-11.3, Goal 1, Policy 1.1, Action Item B, Action Item C, Goal 3, Policy 3.1, and Action Item A to ensure noise from new development stationary sources is analyzed and mitigated to acceptable levels prior to individual project approval. Implementation of the 2045 General Plan would allow additional development to occur in the Planning Area, which would generate new vehicle trips that could incrementally increase the exposure of land uses along roadways to operational roadway vehicle noise. The 2045 General Plan includes Goal SAF-11, SAF 11.1 - Roadway Project Noise Mitigation, Policy SAF-11.3, Goal 2, Policy 2.1, Action Item A, and Policy 2.2 to reduce roadway vehicle noise Policy MOB-1.11: Regional Coordination for Roadway Management, Policy MOB-2.7: New Facilities in Existing Neighborhoods, Policy MOB-4.1: Complete Streets, Policy MOB-5.1: VMT Management, and Policy MOB-5.2: TDM to encourage alternative travel, equitable access, and a reduction in vehicle trips. Stationary operational and mobile noise would not exceed standards and operational impacts related to a substantial temporary or permanent increase in ambient noise levels would be less than significant.

Construction of individual projects facilitated by the 2045 General Plan would temporarily increase noise levels, potentially affecting nearby noise-sensitive land uses due to noise from demolition, site preparation, grading, building construction, and paving activities. Implementation of Mitigation Measure NOI-1 and the continued regulation of noise, consistent with the City Code and implementation of policies from the 2045 General Plan, including Goal SAF-11, Goal 3, Policy 3.2, and Action Item A would minimize disturbance to adjacent land uses. However, as exact details of future project-specific construction activities are unknown at this time, Mitigation Measure NOI-1 would not ensure that short-term construction noise impacts would be reduced below the significance threshold of 80 dBA Leq during the daytime at residential uses and other sensitive receptors in all cases. The 2045 General Plan's short-term construction noise impacts related to a substantial temporary or permanent increase in ambient noise levels would be significant and unavoidable even with mitigation.

Mitigation Measure NOI-1 Adopt and Implement Construction Noise Reduction Measures

To minimize noise during construction, construction contractors shall implement the following measures for construction activities conducted within the City. Construction plans submitted to the

City shall identify the following minimum measures on demolition, grading, and construction plans submitted to the City. The City Building Department shall verify that grading, demolition, and/or construction plans submitted to the City include these notations prior to issuance of demolition, grading and/or building permits.

- Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.
- Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.
- Equipment Staging Areas. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receivers.
- Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction in compliance with applicable safety laws and regulations.
- Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities, where feasible.
- Noise Disturbance Coordinator. The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator and the City shall be posted at the construction site.
- Temporary Noise Barriers. Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the acceptable standards (e.g., 80 dBA Leq at residential receivers, schools or other sensitive receptors during the daytime) or when the anticipated construction duration is greater than is typical (e.g., two years or greater) and there are sensitive receptors within 500 feet of the construction site. Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class (STC) 32 or higher.

FINDING

Noise impacts from operational use of residential-scale HVAC units, industrial equipment, and other stationary noise sources would be reduced by policies and actions in the 2045 General Plan. Therefore, the 2045 General Plan's stationary operational noise impact would be less than significant. The City finds that potential construction of development projects facilitated by the proposed project could temporarily increase noise levels which could affect noise-sensitive land uses. Implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the Project, would reduce impacts to related to a substantial temporary or permanent increase in ambient noise levels, but not to a less than significant level. Considering that specific project-level details are unknown at this level of planning, individual projects may exceed noise thresholds after

mitigation. Proposed future development will be looked at on a project-by-project case to determine whether potential construction related noise impacts will occur and mitigation incorporated that is site specific, if needed. Although the City finds Mitigation Measure NOI-1 to be feasible, without project-level details, there are no additional feasible mitigation measures that would be applicable to the 2045 General Plan that will reduce impacts related to a substantial temporary or permanent increase in ambient noise levels to a less than significant level. Therefore, the City hereby determines that impacts related to a substantial temporary or permanent increase in ambient noise levels from construction would be significant and unavoidable.

OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guidelines 15093 and as stated more fully in Section 7 Statement of Overriding Considerations, the City Council finds based on substantial evidence in the FEIR and the record that specific economic, legal, social, technological or other benefits described in this document outweigh these unavoidable adverse environmental impacts related to a substantial temporary or permanent increase in ambient noise levels.

Transportation

Impact TRA-2

FACTS IN SUPPORT OF FINDING

The future year citywide vehicle miles traveled (VMT) per Capita and VMT per Employee with implementation of the 2045 General Plan would not achieve at least a 15 percent reduction below the existing regional average and therefore would exceed the threshold of significance. Mitigation Measure TRA-1 would require applicants of individual projects to with potentially significant VMT impacts to implement VMT reduction strategies. However, there is uncertainty in the feasibility and timing of implementing VMT reduction strategies for individual projects and the effectiveness of reducing an individual project’s VMT impact is speculative at this programmatic stage. Individual developments facilitated by the 2045 General Plan may exceed VMT thresholds. As a result, the 2045 General Plan would be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Even with implementation of Mitigation Measure TRA-1, this impact would be significant and unavoidable.

Mitigation Measure TRA-1 Achieve VMT Reductions for Development Projects

In the interim, prior to the City establishing VMT thresholds for determining transportation impacts for CEQA, per Policy MOB-1.4 of the 2045 General Plan, for individual projects that exceed the City’s recommended threshold below the VMT average based on project-specific VMT analysis, the City shall require the project applicant to implement project-level VMT reduction strategies. The City shall design strategies for the proposed project to reduce VMT from existing land uses, where feasible, and from new discretionary residential or employment land use projects. The design of programs and project-specific mitigation shall focus on VMT reduction strategies that increase travel choices and improve the comfort and convenience of sharing rides in private vehicles, using public transit, biking, or walking. VMT reduction strategies may include, but are not limited to, the following:

- 1) Provision of bus stop improvements

- 2) Pedestrian improvements, on-site or off-site, to connect to nearby transit stops, services, schools, shops, etc. by paying in lieu fees.
- 3) Bicycle programs, including bike rentals, storage, maintenance programs, and on-site education programs
- 4) Enhancements to the citywide bicycle network by paying in lieu fees
- 5) Parking reductions and/or fees set at levels sufficient to incentivize transit, active transportation, or shared modes
- 6) Cash allowances, passes, or other public transit subsidies
- 7) Employee-based housing options

Following the City's establishment of VMT thresholds, individual projects shall be evaluated and mitigated in accordance with the procedures outlined in the City's VMT Program.

FINDING

The City finds that the proposed project would be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Adoption and implementation of the City's VMT Analysis Guidelines in accordance with Policy MOB-1.4 would ensure that development facilitated by the programmatic project would generally be consistent with SB 743. However, individual projects may exceed the thresholds in the adopted VMT Analysis Guidelines and there may not be feasible mitigation to reduce VMT below thresholds. Implementation of Mitigation Measure TRA-1, which is hereby adopted and incorporated into the Project, would reduce VMT impacts, but not to a less than significant level because the effectiveness of VMT reduction measures is uncertain and speculative at this stage. Any future proposed projects will be looked at on a case-by-case basis, such as any development of the old lumber yards and the Alamo Pintado apartment project, and these projects would contain project specific mitigation, if required. Considering that specific project-level details are unknown at this level of planning, individual projects may exceed VMT thresholds after mitigation. Therefore, although the City finds Mitigation Measure TRA-1 to be feasible, without project-level details, there are no additional feasible mitigation measures that would be applicable to the 2045 General Plan that would reduce this impact to a less than significant level. Therefore, the City hereby determines that the project's impacts related to VMT would be significant and unavoidable.

Overriding Considerations

Pursuant to CEQA Guidelines 15093 and as stated more fully in Section 7 Statement of Overriding Considerations, the City Council finds based on substantial evidence in the FEIR and the record that specific economic, legal, social, technological or other benefits described in this document outweigh these unavoidable adverse environmental impacts related to transportation.

Cumulative Impacts

With the exception of the unavoidable impacts to air quality, cultural resources, noise, and transportation, the 2045 General Plan would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues.

Because the project is a general plan, including related long-range planning components, cumulative impacts are treated somewhat differently than would be the case for a project-specific development. *CEQA Guidelines* Section 15130 provides the following direction relative to cumulative impact analysis and states that the following elements are necessary for an adequate discussion of environmental impacts:

A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

By its nature, a general plan considers cumulative impacts insofar as it considers cumulative development that could occur within the City limits. For example, the transportation analysis considers the overall change in VMT due to implementing several development projects under the 2045 General Plan that would add to the City buildout. As such, the analysis in this EIR considers the cumulative impacts in the City from implementation of the 2045 General Plan. These cumulative VMT calculations are accounted for in the air quality, energy, greenhouse gas emissions, and noise analyses; therefore, these analyses would also be considered cumulative. Additionally, cultural resources impacts associated with historical resources would be cumulatively significant. Therefore, the analysis of project impacts in the Draft EIR also constitutes the cumulative analysis and the findings related to each of those impacts would apply.

6 Feasibility of Project Alternatives

CEQA requires that an EIR include an analysis of a reasonable range of feasible alternatives to a project capable of avoiding or substantially lessening any significant adverse environmental impact associated with the Project. The discussion of alternatives is required to include the “No Project” alternative. CEQA requires further that the City identify an environmentally superior alternative. If the “No Project” alternative is the environmentally superior alternative, an environmentally superior alternative must be identified from among the other alternatives (CEQA Guidelines, Section 15126.6). However, “CEQA did not require the City to choose the environmentally superior alternative. It simply required the City to consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible, weigh those considerations against the environmental harm that the Plan would cause, and make findings that the benefits of those considerations outweighed the harm.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1005–1006).

Whether to reject or approve any of the alternatives is a decision only for the decisionmakers. “They may reject alternatives that are undesirable from a policy standpoint as well as alternatives that fail to meet project objectives.” (*Ocean Street Extension Neighborhood Assn. v. City of Santa Cruz* (2021) 73 Cal.App.5th 985, 1016 (citations omitted).) “While it is up to the EIR preparer to identify alternatives as potentially feasible, the decision-making body “may or may not reject those alternatives as being infeasible” when it comes to project approval. Rejection by the decision-makers does not undermine the validity of the EIR’s alternatives analysis.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999 [99 Cal.Rptr.3d 572, 602 (citations omitted)].)

Alternatives Considered and Rejected

Alternatives to increase the density of the High-Density Residential land use designation and the Tourist Commercial land use designation and increase the maximum allowable height of buildings in the Tourist Commercial land use designation were considered but ultimately rejected due to public opposition.

Alternatives Studied in the EIR

Alternative 1: No Project Alternative

The No Project Alternative involves continued implementation of the City’s current General Plan, originally adopted in 1989, with various amendments completed including the land use element which was last amended in 2008. The No Project Alternative assumes the proposed project would not be adopted and therefore future development would be carried out in accordance with the City’s existing General Plan policies and land use designations through the horizon year of 2045, as adopted in the 2008 land use element. Thus, while growth in the region and in the Planning Area would still occur, any new development in Solvang would occur consistent with the existing land use designations and the allowed uses in each designation. Similarly, any new infrastructure would occur as envisioned in the existing General Plan. SBCAG has projected Solvang would have a population of approximately 6,300, and a housing stock of approximately 2,700. The No Project

Alternative’s build out would occur in accordance with SBCAG’s population and housing. In comparison to the proposed project’s anticipated 2045 population of 7,253 and housing stock of 3,019 residential units, the No Project Alternative would result in 953 fewer additional residents and 319 fewer housing units in Solvang in 2045, consistent with SCAG projections. As a result, the anticipated growth in Solvang under the No Project Alternative would be less than the proposed project.

FINDING

The No Project Alternative would generally result in reduced environmental impacts compared to the proposed project. While this alternative would reduce the number of development sites, it also would not include updated policies to reduce environmental impacts, nor would the alternative allow for compact, mixed-use development that is to be implemented with the 2045 General Plan and its zoning ordinance amendments. Therefore, this alternative would result in greater impacts to greenhouse gas emissions, land use and planning in the continuation of separation of uses, transportation, and wildfire. This alternative would result in fewer impacts to aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services and recreation, tribal cultural resources, and utilities and service systems. However, this alternative would not meet the project objectives since the purpose of the project is to update the existing General Plan and under this alternative, no changes to the existing General Plan would occur.

The City rejects Alternative 1 because it would not achieve the objectives of the proposed project. Furthermore, Alternative 1 would result in greater impacts to greenhouse gas emissions, land use and planning, transportation, and wildfire compared to the proposed project.

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

Alternative 2: No Old Lumberyard Project

The 2045 General Plan includes the Old Lumberyard site as an area of potential growth in Solvang. The “No Old Lumberyard Project” Alternative (Alternative 2) would exclude the Old Lumberyard site as an area of potential growth. Although the Old Lumberyard Project would not be included under Alternative 2, this would not preclude development from occurring on the site in the future. Under Alternative 2, the proposed Old Lumberyard Project would not be implemented, and the zoning and General Plan designations would not change from the existing designations being primarily residential. However, housing could still be built on the Old Lumberyard Project site, for a total of 50 units and 120 new residents. Alternative 2 would fulfill Project Objectives of fostering a distinct community character, promoting economic diversity and sustainability, providing adequate facilities, conserving open space, and ensuring public safety. As Alternative 2 would not involve the development of the proposed new hotel buildings and micro-apartments on the Old Lumberyard site, it would fulfill Project Objectives of supporting strategic land uses, improving mobility, and supporting diverse housing options, to a lesser extent than the 2045 General Plan. Alternative 2 would fulfill these Project Objectives to a lesser extent as the exclusion of the Old Lumberyard site would result in an increase in VMT per capita, and less strategic land use decision-making, when compared to the 2045 General Plan.

FINDING

Alternative 2 would generally result in reduced environmental impacts to all impact measures except for land use and planning and transportation compared to the proposed project. Impacts to land use and planning would be similar to the proposed project and impacts to transportation would be greater than the proposed project.

As Alternative 2 would not involve development of the proposed new hotel buildings and micro-apartments on the Old Lumberyard site, Alternative 2 would lessen some impacts compared to the proposed project, while still achieving some of the objectives of the proposed project. The City rejects Alternative 2 as it would fulfill Project Objectives of supporting strategic land uses, and improving mobility to a lesser extent than the 2045 General Plan. Alternative 2 would fulfill these Project Objectives to a lesser extent as the exclusion of the Old Lumberyard site would result in a decreased emphasis on the provision of housing units, an increase in VMT per capita, and less strategic land use decision-making, when compared to the 2045 General Plan.

Alternative 3: No Alamo Pintado Project

The 2045 General Plan would include Alamo Pintado site as an area of potential growth. The “No Alamo Pintado Project” Alternative would exclude the Alamo Pintado site as an area of potential growth. Although the Alamo Pintado Project would not be included under Alternative 3, this would not preclude development from occurring on the site in the future. Under Alternative 3, the proposed Alamo Pintado Project would not be implemented, and the zoning and General Plan designations would not change from the existing designations. However, housing could still be built on the Alamo Pintado Project site, for a total of 2 to 11 units and 5 to 27 new residents. Alternative 3 would fulfill Project Objectives of fostering a distinct community character, promoting economic diversity and sustainability, providing adequate facilities, conserving open space, and ensuring public safety. As Alternative 3 would not involve high-density development on the Alamo Pintado site, it would fulfill Project Objectives of supporting strategic land uses, improving mobility, and supporting diverse housing options, to a lesser extent than the 2045 General Plan. Alternative 3 would fulfill these Project Objectives to a lesser extent as the exclusion of the Alamo Pintado site would result in a decreased emphasis on the provision of housing units, an increase in VMT per capita, and less strategic land use decision-making, when compared to the 2045 General Plan.

FINDING

Alternative 3 would result in fewer impacts to all impact measures except for land use and planning and transportation when compared to the proposed project. Impacts to land use and planning would be similar to the proposed project and impacts to transportation would be greater than the proposed project, due to the high VMT that would be likely generated.

While Alternative 3 would not involve high-density development on the Alamo Pintado site, the City rejects Alternative 3 as it would fulfill Project Objectives of supporting strategic land uses, improving mobility, and supporting diverse housing options, to a lesser extent than the 2045 General Plan. Alternative 3 would fulfill these Project Objectives to a lesser extent as the exclusion of the Alamo Pintado site would result in a decreased emphasis on the provision of housing units, an increase in VMT per capita, and less strategic land use decision making, when compared to the 2045 General Plan.

Alternative 4: Neither Project Implemented

The 2045 General Plan would include the Old Lumberyard site and Alamo Pintado site as areas of potential growth. The Neither Project Implemented Alternative would exclude both sites as areas of potential growth. Alternative 4 would fulfill Project Objectives of fostering a distinct community character, promoting economic diversity and sustainability, providing adequate facilities, conserving open space, and ensuring public safety. As Alternative 4 would not involve development of the proposed projects on the Old Lumberyard and Alamo Pintado sites, it would fulfill Project Objectives of supporting strategic land uses, improving mobility, and supporting diverse housing options, to a lesser extent than the 2045 General Plan. Alternative 4 would fulfill these Project Objectives to a lesser extent as the exclusion of the Old Lumberyard and Alamo Pintado sites would result in a decreased emphasis on the provision of housing units, an increase in VMT per capita, and less strategic land use decision-making, when compared to the 2045 General Plan.

FINDING

Alternative 4 would generally result in fewer environmental impacts to all impact measures except for land use and planning and transportation compared to the proposed project. Impacts to land use and planning would be similar to the proposed project and impacts to transportation would be greater than the proposed project. The City rejects Alternative 4 because it would fulfill Project Objectives to a lesser extent than the 2045 General Plan.

Environmentally Superior Alternative

The CEQA Guidelines state an EIR shall identify an environmentally superior alternative. If the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)).

Alternative 4 would not involve development to the same extent on the Old Lumberyard site and Alamo Pintado site, and thus would involve a reduced buildout when compared to the proposed project, Alternative 2, and Alternative 3. This reduced buildout would result in lesser impacts to all environmental issue areas except land use and planning (where impacts would be similar) and transportation (where impacts would be greater). The decreased buildout associated with Alternative 4, when paired with general furtherance of Project Objectives, would result in Alternative 4 being the environmentally superior alternative. However, Alternative 4 would not fulfill Project Objectives to the same extent as the 2045 General Plan.

As Alternative 4 would not involve high-density development on the Old Lumberyard and Alamo Pintado sites, it would fulfill Project Objectives of supporting strategic land uses, improving mobility, and supporting diverse housing options, to a lesser extent than the 2045 General Plan. Alternative 4 would fulfill these Project Objectives to a lesser extent as the exclusion of the Old Lumberyard and Alamo Pintado sites would result in a decreased emphasis on the provision of housing units, an increase in VMT per capita, and less strategic land use decision-making, when compared to the 2045 General Plan.

Finding

While Alternative 4 was determined to be the environmentally superior alternative, the City rejects Alternative 4 because it would fulfill Project Objectives to a lesser extent than the 2045 General Plan, specifically in areas such as housing which have been mandated by the State as key objectives, and has a greater impact on VMT per capita, an already significant impact.

7 Significant Irreversible Effects and Growth Inducement

Significant Irreversible Effects

CEQA Guidelines Section 15126(c) requires a discussion of significant irreversible environmental changes that could result from a project, should a project be implemented. This section addresses non-renewable resources, the commitment of future generations to the proposed uses, environmental accidents, and irreversible impacts associated with the 2045 General Plan.

Finding

Implementation of the 2045 General Plan could irreversibly increase local demand for nonrenewable energy resources such as petroleum products and natural gas. However, increasingly efficient building design would offset this demand to some degree by reducing energy demands of future development. As described in Section 4.5, Energy, development facilitated by the 2045 General Plan would be subject to the energy conservation requirements of the California Energy Code (Title 24, Part 6 of the California Code of Regulations, California's Energy Efficiency Standards for Residential and Nonresidential Buildings) and Green Building Standards Code (CALGreen; California Code of Regulations, Title 24, Part 11). The California Energy Code provides energy conservation standards for all new and renovated buildings, and CALGreen requires solar access, natural ventilation, and stormwater capture. New and existing development in Solvang is provided electricity procured by Central Coast Community Energy (3CE), which emphasizes the use of renewable energy resources. In accordance with Senate Bill 100, new and existing development will eventually be powered entirely by renewable energy procured by 3CE. Furthermore, the 2045 General Plan would implement several policies which would require efficient energy use and promote renewable energy programs. Consequently, development facilitated by the 2045 General Plan would not use unusual amounts of energy or construction materials. Consumption of these resources would occur with any development in the region and is not unique to the 2045 General Plan. Therefore, implementation of the 2045 General Plan would not result in significant irreversible environmental changes related to energy use.

Growth facilitated by the 2045 General Plan could require an irreversible commitment of fire protection, law enforcement, water supply, wastewater treatment, and solid waste disposal services. As discussed in Section 4.13, Public Services and Recreation, and Section 4.16, Utilities and Service Systems, potential impacts to public services and utilities and service systems would be less than significant following implementation of policies included in the 2045 General Plan, as well as future project-specific environmental review that would be required for any future public service or utility facility constructed in accordance with the 2045 General Plan.

The anticipated increase in buildout associated with the 2045 General Plan could contribute to air quality. As described in Section 4.2, Air Quality, the 2045 General Plan has the potential to result in the irreversible emission of cumulatively considerable criteria pollutant emissions and exposure of sensitive receptors to substantial pollutant concentrations. Even with implementation of Mitigation Measures AQ-1 and AQ-2, which require use of emission reduction measures, Tier 4 or higher emission standard equipment during construction of future

development projects, construction of those projects could result in an irreversible environmental effect in the Planning Area with regards to air quality emissions.

Demolition and ground-disturbing activities facilitated by the 2045 General Plan could cause a substantial adverse change in the significance of a historical resource. Even with implementation of applicable 2045 General Plan policies and Mitigation Measure CUL-1, damage to or destruction of a known or previously unknown historical resource could occur because of the proposed project. Therefore, the 2045 General Plan could irreversibly impact historical resources in the Planning Area.

Growth Inducement

Section 15126(d) of the CEQA Guidelines requires a discussion of a proposed project's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The proposed project's growth inducing potential is therefore considered significant if project-induced growth could result in significant physical effects in one or more environmental issue areas.

The 2045 General Plan buildout is anticipated to enable an additional 497 residential units and 211 employees. As described in Section 4.12, Population and Housing, based on Solvang's average household size of 2.39 persons per household, implementation of the 2045 General Plan could lead to an increase of approximately 1,187 residents in the city, increasing Solvang's total population to 7,042, which is above the Santa Barbara County Association of Governments' (SBCAG) 2045 population forecast of 6,300 residents in Solvang (a difference of 747 people or approximately 11.1 percent) (SBCAG 2019). Therefore, the 2045 General Plan could facilitate population growth in the area. However, implementation of the policies and associated programs included in the 2045 General Plan would assist in managing growth and infill development such that development and redevelopment would occur in an orderly manner.

Finding

Growth in Solvang would occur regardless of implementation of the 2045 General Plan. While growth is anticipated by the 2045 General Plan that would exceed current projections by SBCAG, the growth would not be unplanned since it is contemplated by the 2045 General Plan. As described in the 2045 General Plan, the proposed project's vision for Solvang was developed with extensive community input and in recognition of the State's planning and housing priorities. The 2045 General Plan identifies major strategies and physical improvements for Solvang through 2045, including, but not limited to, use of mixed-use areas, strengthening locally owned business and community supported tourism, enhancing existing neighborhoods, and maintaining adequate public facilities and services for anticipated growth. Because the 2045 General Plan is designed for orderly growth, as mandated by the state, the 2045 General Plan would not result in substantial impacts related to population and economic growth.

8 Statement of Overriding Considerations

CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)). CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)). The General Plan Update, as proposed, could result in significant unavoidable impacts related to air quality, cultural resources, noise, and transportation. These significant unavoidable impacts are identified and discussed in Section 5 of these Findings.

The City identified Alternative 4 as the environmentally superior alternative because it fulfills project objectives similar to other alternatives but has fewer overall impacts. Alternative 4 would not involve development to the same extent on the Old Lumberyard site and Alamo Pintado site, and thus would involve a reduced buildout when compared to the proposed project, Alternative 2, and Alternative 3. This reduced buildout would result in lesser impacts to all environmental issue areas except land use and planning (where impacts would be similar) and transportation (where impacts would be greater). Most notably, although some of the significant and unavoidable impacts of the Project would be slightly less under Alternative 4, none of these impacts would be reduced to less than significant and the significant and unavoidable impact to transportation (VMT) would be greater under Alternative 4.

The City certifies that it has considered the information on alternatives provided in the EIR and in the record and finds that, as described in the EIR, and for the reasons identified in Section 6, above, there are no feasible alternatives that would avoid all of the above-listed significant and unavoidable impacts.

The City adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the 2045 General Plan and the anticipated benefits of the 2045 General Plan. The City finds that each of the benefits set forth below in this Statement constitutes a separate and independent ground for finding that the benefits of the 2045 General Plan outweigh the risks of their potential significant adverse environmental impacts. The benefits of the 2045 General Plan, which constitute the specific economic, legal, social, technological and other considerations that justify the approval of the 2045 General Plan are as follows:

- The proposed project would support strategic land uses by accommodating future growth and development through compact, infill development while preserving and enhancing the qualities that make Solvang a desirable place to live, work, and visit through land use designations and zoning ordinance amendments that strike a balance between accommodating infill development and maintaining and creating neighborhood character through policies. The proposed project's policies would foster a distinct community character by maintaining Solvang's urban form and architectural style to preserve its unique identity and charm through implementation.
- The proposed project would promote economic diversity and sustainability by encouraging a vibrant mix of businesses, workforce development, modern infrastructure, and regional

collaboration to enhance Solvang's economic vitality for the existing residents and visitors to the city.

- The proposed project would improve mobility by adopting policies that enhance multi-modal transportation options for residents and visitors to ensure easy access within and around Solvang.
- The proposed project would provide adequate facilities by ensuring the provision of essential public services and facilities, including water, wastewater, emergency response, healthcare, and recreational amenities.
- The proposed project would conserve open space by protecting Solvang's natural settings beauty and open spaces within the city and to support maintaining the scenic surroundings in the county.
- The proposed project would ensure public safety by prioritizing public safety through effective emergency response measures and resilient infrastructure.
- The proposed project would support diverse housing options through implementation policies that facilitate the development of a range of housing types and affordability levels to meet the needs of Solvang's diverse population and the state RHNA numbers.

As the CEQA lead agency for the proposed action, the City has reviewed the Project description and the EIR and fully understands the Project. Based on the entire record before the City, and having considered the unavoidable adverse impacts of the Project, the City hereby determines that all feasible mitigation has been adopted to reduce the potentially significant impacts identified in the EIR and that no additional feasible mitigation is available to further reduce significant impacts. On balance, the City finds that there are specific beneficial considerations associated with the 2045 General Plan that serve to override and outweigh the proposed project's significant unavoidable effects. Therefore, pursuant to CEQA Guidelines Section 15093, the significant unavoidable environmental impacts associated with the proposed project are considered acceptable.

9 Findings Regarding Recirculation of the Draft EIR

Under Section 15088.5 of the State CEQA Guidelines, recirculation of an EIR is required “when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review” but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting as well as additional data or other information. (State Guidelines Section 15088.5.) New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (State CEQA Guidelines § 15088.5(a).) “‘Significant new information’ requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from a project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (State CEQA Guidelines, Section 15088.5).

“Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” State CEQA Guidelines § 15088.5(b).

The City Council recognizes that the FEIR contains additions, clarifications, modifications, and other changes to the Draft EIR. Some comments on the Draft EIR either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EIR as well as additional mitigation measures. As explained in the Responses to Comments some suggestions were not appropriate or feasible. Where changes have been made to mitigation measures, these changes do not change the significance of any conclusions presented in the Draft EIR.

The City Council finds that none of the revisions to the Draft EIR made by, or the discussion included in, the FEIR involves “significant new information” that would trigger recirculation because the changes would not result in any new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or feasible project alternatives that would clearly lessen the environmental effects of the Project. Similarly, no documentation produced by, or submitted to, the City and relied on by the City after publication of the FEIR, including, but not limited to, public comments, identifies any new significant effect, substantial increase in the severity of any environmental effect, or feasible project alternatives that would clearly lessen the environmental effects of the Project. All Project modifications or amendments to the FEIR were either environmentally benign or environmentally neutral, and all additional documentation relied

on by the City merely clarifies or amplifies conclusions in the Draft EIR and thus represents the kinds of common changes that occur and supplemental information that is received during the environmental review process as it works toward its conclusion. Under such circumstances, the City Council hereby finds that recirculation of the Draft EIR is not required.

10 Conclusion

In summary, after balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the City Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above, which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The City Council has considered information contained in the EIR prepared for the proposed project as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable air quality, cultural resources, noise, and transportation impacts may result from implementation of the proposed project, the Council finds that the benefits of the proposed project and overriding considerations outweigh the adverse effects of the proposed project. Having included all feasible mitigation measures and recognized all unavoidable significant impacts, the City Council hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed project and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed project.

In reaching this conclusion and approving the proposed project:

1. The City Council has considered the information contained in the Final EIR and fully reviewed and considered all of the public testimony, documentation, exhibits, reports, and presentations included in the record of these proceedings. The City Council specifically finds and determines that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.
2. The City Council has carefully weighed the benefits of the proposed project against any adverse impacts identified in the Final EIR that could not be feasibly mitigated to a level of insignificance. While the Council have required all feasible mitigation measures, some impacts remain potentially significant.
3. This Statement of Overriding Considerations applies specifically to those impacts found to be potentially significant and unavoidable as set forth in the Final EIR and the record of these proceedings.