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FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR THE GOODMAN LOGISTICS CENTER FULLERTON PROJECT (PRJ2019-00173) FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2020031172

October 2020

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SECTION 1.0 INTRODUCTION

1.1 FINDINGS OF FACT

The California Environmental Quality Act ("CEQA") (Pub. Resources Code, Sections 21000-21178) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, Sections 15000-15387) require that the lead agency analyze and provide findings on a project's environmental impacts before approving the project. If a project will generate significant environmental effects that cannot be avoided or substantially lessened, then before approving the project, the lead agency must provide a statement of overriding considerations documenting that the project's benefits outweigh its unavoidable significant environmental effects.

The City of Fullerton (the "City"), in its capacity as the CEQA Lead Agency, has prepared these Findings of Fact ("Findings") to comply with CEQA for the Goodman Logistics Center Fullerton Project (the "Project") (PRJ2019-00173). The Project is within the City's jurisdiction. Specifically, regarding Findings, State CEQA Guidelines Section 15091 establishes the following requirements:

(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 the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially

lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The purpose of a Statement of Overriding Considerations is for a decision-making body to state that it has balanced the benefits of a proposed project against its unavoidable significant environmental effects and has determined that the benefits of the proposed project outweigh the adverse effects and, therefore, the adverse effects are considered to be acceptable. However, because the Project would not result in any significant and unavoidable impacts, a Statement of Overriding Considerations is not required for the Project.

In addition, CEQA requires a public agency to make a finding that the EIR reflects the public agency's independent review and judgment. Having received, reviewed, and considered the Final EIR for the Goodman Logistics Center Fullerton Project, as well as all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (Findings) are hereby adopted by the City of Fullerton. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Project.

1.2 RECORD OF PROCEEDING

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents and other evidence:

a) The Notice of Preparation and all other public notices issued by the City in conjunction with the Project (as defined below);

b) The Draft EIR for the Project (State Clearinghouse [SCH] No. 2020031172);

c) The Final Certified EIR;

d) All documents, studies, EIRs or other materials incorporated by reference in the Draft EIR and Final EIR;

e) Comments and Responses to Comments on the Draft EIR received during the public review comment period, including a list of all persons, organizations, and public agencies commenting;

f) All written and verbal public testimony presented during noticed public hearings for the Project at which such testimony was taken;

g) Information provided in submissions of testimony from officials and Departments of the City, the public and other municipalities and agencies;

h) The Mitigation Monitoring and Reporting Program (MMRP);

i) Transmittal packages to the Fullerton Planning Commission for review and minutes of the Fullerton Planning Commission hearing(s);

j) Transmittal packages to the Fullerton City Council for review and minutes of the Fullerton City Council hearing(s); and

k) The Ordinances and Resolutions adopted by the City in connection with the Project, and all documents incorporated therein;

l) Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations;

m) Any documents expressly cited in these Findings; and

n) Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(c).

1.3 CUSTODIAN AND LOCATION OF RECORDS

Each section of the Draft EIR, incorporated as part of the Final EIR, contains a list of the references used in the preparation of the environmental analysis. The referenced materials and other materials, which constitute the administrative record for the City's actions related to the Goodman Logistics Center Fullerton Project are located at the City of Fullerton Community and Economic Development Department, which serves as the custodian of the administrative record for the Project. Copies of these documents, which constitute the record of proceedings, are and have been and will be available upon request at the offices of the City of Fullerton Community and Economic Development Department. The contact for this material is:

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City of Fullerton, Community and Economic Development Department
303 West Commonwealth Avenue
Fullerton, California 92832
(714) 773-5773
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This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and California Code of Regulations Section 15091(e).

SECTION 2.0 PROJECT SUMMARY

2.1 PROJECT LOCATION AND SETTING

The approximately 65.4-net-acre[1] Kimberly-Clark site is located at located at 2001 E. Orangethorpe Avenue in the City of Fullerton, Orange County, California, at the northeast corner of the E. Orangethorpe Avenue and Acacia Avenue intersection. The site is bounded by Acacia Avenue to the west, Kimberly Avenue and BNSF railroad tracks to the north, State College Boulevard to the east, and E. Orangethorpe Avenue to the south. The Kimberly-Clark site comprises Assessor Parcel Numbers (APNs) APNs 073-120-31 and -33. The potential expansion site at 2301 E. Orangethorpe Avenue that may be acquired by the Project Applicant encompasses approximately 0.7 acres (APN 073-120-09). Unless otherwise noted, references to the "Project site" collectively refer to the Kimberly-Clark site and proposed expansion site.

The Kimberly-Clark site is currently occupied by the Kimberly-Clark manufacturing facility, which includes 1,210,720 square feet (s.f.) of existing manufacturing (418,720 s.f.) and warehouse buildings (792,000 s.f.). Kimberly-Clark began manufacturing operations at its mill in Fullerton in 1955. Kimberly-Clark operations and the operations of uses at the site that were subject to lease agreements terminated in June 2020. The City of Fullerton Public Works Department maintains a water well facility (Kimberly Well No. 2) in the north-central portion of the site west of the Kimberly Avenue access driveway, and there is a Southern California Edison (SCE) substation generally in the center of the Project site. The potential expansion site is developed with two structures and associated facilities formerly occupied by Chapman Coast Roof Company, Inc., including a 2,904-square-foot, two-story office building and a 2,656-square-foot workshop/warehouse. The Project site is surrounded by urban development in the City of Fullerton (to the north, east, south, and west) and in the City of Anaheim (further south) including public facility uses, manufacturing uses, business park/commercial uses, office uses, and residential uses.

2.2 PROJECT DESCRIPTION

The Project involves redevelopment of the Project site with an industrial logistics center consisting of four buildings (up to 1,609,384 s.f.). This would include 1,504,384 s.f. of warehouse space and 105,000 s.f. of office space. In the event the Project Applicant is able to acquire the potential expansion site, the Project could be expanded to include 1,609,384 s.f. of total building floor area. Table 2-1, *Proposed Building Summary*. For purposes of analysis in the EIR, it is anticipated that up to 50 percent of the building square footage would consist of a high-cube fulfillment center warehouse, and 50 percent would consist of a high-cube cold storage warehouse.

Existing structures and improvements on the Project site would be demolished to accommodate the Project, with the exception of the existing City of Fullerton well facility; the easement for this facility would be expanded to the east.

[1] The Project site encompasses approximately 73.1 gross acres, which includes an easement for City of Fullerton Public Works Department facilities, areas to be dedicated for access improvements along the site-adjacent roadways, and public roadway right-of-way.

TABLE 2-1 PROPOSED BUILDING SUMMARY

	Building 1	Building 2	Building 3	Building 4	Total
Proposed Project					
Office Floor Space	30,000 s.f.	30,000 s.f.	30,000 s.f.	15,000 s.f.	105,000 s.f.
Warehouse Floor Space	312,695 s.f.	515,255 s.f.	465,290 s.f.	163,282 s.f.	1,456,522 s.f.
Proposed Building Floor Area	*342,695 s.f.*	*545,255 s.f.*	*495,290 s.f.*	*178,282 s.f.*	*1,561,522 s.f.*
Optional Site Plan					
Added Warehouse Floor Space	--	--	+47,862 s.f.	--	+47,862 s.f.
Maximum Project Building Area	**342,695 s.f.**	**545,255 s.f.**	**543,152 s.f.**	**178,282 s.f.**	**1,609,384 s.f.**

The new warehouse buildings would have a maximum building height of 55-feet at the top of the parapet, and would have a contemporary architectural style. The buildings would be constructed of concrete tilt-up panels and low-reflective, blue/green glass. Loading docks would be located within enclosed/screened truck courts, and passenger vehicle parking would be provided at each building.

Access to the proposed buildings would be provided from E. Orangethorpe Avenue (six driveways with the Project and seven driveways with the Optional Site Plan), Kimberly Avenue (seven driveways), and State College Boulevard (one driveway). Each driveway would accommodate full access except for the westernmost driveway on E. Orangethorpe Avenue, which would be restricted to right-in/right-out access only for passenger cars. As required by the City, the Project includes various improvements in the public roadway right-of-way along the Project site frontage, including, but not limited to, rehabilitation of pavement over the entire width of Kimberly Avenue and E. Orangethorpe Avenue; and, modified turning radii, as needed, and as feasible, to accommodate truck turning movements; and, improvements to substandard curb ramps, as needed. The Project would also involve sidewalk improvements along the Project site's frontage, and installation of Americans with Disabilities Act (ADA)-compliant curb ramps, as required by the City. Additionally, a new concrete bus pad would be installed at the bus stop on the north side of E. Orangethorpe Avenue adjacent to the Project.

Existing trees and other vegetation on the Project site would be removed and replaced with ornamental landscaping consisting of trees, shrubs, and drought-tolerant accent plants, and groundcovers. Approximately 4.5 acres of the Project site would be landscaped. The Project would include various exterior lighting elements to ensure safety and security of the facilities, and signage for Project identification, wayfinding, and tenant identifications. Walls and fences would be installed for screening and security.

Municipal and private utility services necessary to serve the Project are currently available within or adjacent to the Project site. On-site utility infrastructure necessary to serve the proposed logistics center — including water, sanitary sewer, drainage, water quality treatment, and dry utilities (e.g., electricity, natural gas, telecommunications) — would be installed with the Project and would connect to the existing utility lines. The existing SCE substation on-site would be removed, and existing wooden poles carrying overhead telecommunications lines along the

Project site frontage with E. Orangethorpe Avenue would be removed and the telecommunications lines would be placed underground.

Upon Project approval, it is anticipated that the construction of the proposed logistics center would begin in spring 2021 and be completed by summer 2022.

2.3 DISCRETIONARY ACTIONS

Project implementation, based on applications currently pending before the City, includes the following discretionary actions by the City:

1. Adoption of a Resolution certifying the Final EIR: A Resolution of the City Council of the City of Fullerton Certifying the Final Environmental Impact Report for the Goodman Logistics Center Fullerton Project (State Clearinghouse No. 2020031172) including adoption of the Water Supply Assessment, Mitigation Monitoring and Reporting Program, and Findings and Facts in Support of Findings;
2. Approval of Zoning Amendment (LRP-2019-0085) to change the zoning designation for approximately 3.7 acres comprising the southeast corner of the Project site from M-G-ES (Manufacturing General in an Emergency Shelter Overlay Zone) to M-P-200-ES (Manufacturing Park, minimum lot size 200,000 s.f., in an Emergency Shelter Overlay Zone) to provide for consistent zoning across the Project site;
3. Approval of Major Site Plan (ZON-2019-0152) for review of site, architectural, and landscape plans; and,
4. Approval of Variance (ZON-2019-0153) to allow the proposed buildings to exceed the maximum height permitted in the M-P-200-ES zone (building height of up to 55-feet compared to a maximum 45-foot height limit);
5. Approval of Tentative Parcel Map (TPM 2019-180) (SUB-2019-0025) to subdivide the Project site into four parcels to accommodate the proposed buildings (Buildings 1, 2, 3, and 4).
6. Adoption of a Development Agreement (LRP-2019-0084) to provide the Project Applicant and the City of Fullerton certain assurances with respect to obligations. .

The following subsequent nondiscretionary actions are anticipated to be taken by the City of Fullerton (which would require separate processing through the City), among potential other nondiscretionary actions: final maps, parcel mergers, lot line adjustments, or parcel consolidations, as may be appropriate; building permits and site plan review; landscape and signage permits; grading permits; street improvement plans; utility plans and permits; acceptance of public right-of-way dedications; and, approval of the final Water Quality Management Plan.

The Project would require coverage under the State Water Resources Control Board (SWRCB) statewide general National Pollutant Discharge Elimination System (NPDES) Permit for stormwater discharges from construction sites, and permits to construct and/or permits to operate new stationary sources of equipment from the South Coast Air Quality Management District (SCAQMD). Additionally, permits and associated approvals from utility agencies would be required for the installation of new utility infrastructure or connections to existing facilities.

2.4 STATEMENT OF OBJECTIVES

As described in Section 3.2 of the Draft EIR, the following Project-level objectives have been established for the Goodman Logistics Center Fullerton Project:

A. Ensure that redevelopment of the Project site is accomplished, consistent with applicable goals and policies of the City of Fullerton as set forth in *The Fullerton Plan*, the City's general plan.

B. Increase revenues for the City of Fullerton by maximizing opportunities for warehouse uses.

C. To develop Class A speculative industrial buildings in the City of Fullerton that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.

D. To create employment-generating businesses in the City of Fullerton to reduce the need for members of the local workforce to commute outside the area for employment, and to improve the jobs to housing balance.

E. To develop a project with an architectural design and operational characteristics that complement other existing buildings in the immediate vicinity and minimize conflicts with other nearby land uses.

F. To develop industrial warehouse buildings in close proximity to an already-established industrial area, designated truck routes and the State highway system in order to avoid or shorten truck-trip lengths on other roadways.

G. To develop a property that has access to available infrastructure, including roads and utilities to be used as part of the Southern California supply chain and goods movement network.

2.5 DOCUMENTS INCORPORATED BY REFERENCE

In accordance with Section 15150 of the State CEQA Guidelines, an EIR may incorporate by reference all or portions of another document that is a part of public record or is generally available to the public. The previously prepared EIRs and environmental analyses listed below were relied upon or consulted in the preparation of the Final EIR and were incorporated by reference:

- *The Fullerton Plan*, approved by the City of Fullerton on May 1, 2012, including amendments through May 2020.
- *The Fullerton Plan Final Environmental Impact Report (SCH No. 2011051019)*, certified by the City of Fullerton on May 1, 2012.

These documents are available for in person review, by appointment, at the City of Fullerton Community and Economic Development Department at 303 West Commonwealth Avenue, Fullerton, California 92832, and are available on the City's website at the web address below. The City can also provide a USB flash drive or CD, upon request.

https://www.cityoffullerton.com/gov/departments/dev_serv/general_plan_update/default.asp

SECTION 3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The environmental review process for the Goodman Logistics Center Fullerton Project is summarized as follows:

- In accordance with CEQA requirements, the City prepared and published a Notice of Preparation (NOP) of a Draft EIR. The NOP was distributed on March 30, 2020, to federal, state, regional, and local government agencies and interested parties for a 30-day public review period to solicit input on the scope of the Draft EIR, and to inform agencies and the public of the Project. Potential environmental effects associated with Project implementation were identified, and agencies and the public were invited to review and comment on the NOP. A copy of the NOP and responses received are included in Appendix A of the Draft EIR, and Table 1-1 of the EIR provides a summary of the comments received.
- A publicly-noticed EIR Scoping Meeting was held on April 20, 2020. Due to the State Emergency related to COVID-19 and as allowed pursuant to Executive Order N-25-20 and N-29-20, the City of Fullerton Community and Economic Development Department hosted the EIR Scoping Meeting via an internet-based video and phone conferencing service. The purpose of the scoping meeting was to receive input on the environmental issues that should be addressed in the Draft EIR. No comments were received at the scoping meeting.
- The NOP comments were used to establish the scope of the issues addressed in the Draft EIR. The City identified the following environmental issues as being potential project impacts to be addressed in the Draft EIR:
    - Aesthetics (Section 4.1)
    - Air Quality (Section 4.2)
    - Cultural Resources (Section 4.3)
    - Energy (Section 4.4)
    - Geology and Soils (Section 4.5)
    - Greenhouse Gas Emissions (Section 4.6)
    - Hazards and Hazardous Materials (Section 4.7)
    - Hydrology and Water Quality (Section 4.8)
    - Land Use and Planning (Section 4.9)
    - Noise (Section 4.10)
    - Transportation (Section 4.11)
    - Tribal Cultural Resources (Section 4.12)
    - Utilities and Service Systems (Section 4.13)
- In accordance with CEQA requirements, a Notice of Completion (NOC) of the Draft EIR, and associated technical appendices, was filed with the State Clearinghouse on August 4, 2020.

- The City of Fullerton used several methods to elicit comments on the Draft EIR. A Notice of Availability (NOA) with a link to the Draft EIR was emailed on August 4, 2020 to responsible and trustee agencies, other affected agencies, surrounding cities, interested parties and individuals who had previously requested the NOA or EIR, including individuals who provided NOP comments. The NOA was also mailed to property owners and occupants within 300 feet of the Project site; and posted at the County of Orange Clerk/Recorder office. Hard copies of the Draft EIR were available for review at City Hall, and the Draft EIR was also available on the City's website 24 hours/day, 7 days per week along with other Project-specific information: https://www.cityoffullerton.com/gov/departments/dev_serv/development_activity/goodman_logistics.asp
- The Draft EIR public review period extended for 45 days that began on August 4, 2020 and ended on September 17, 2020. Eleven comments letters were received and responses to these comments were provided to commenters prior to the Planning Commission hearing. The responses to comments are provided in the Final EIR, which was also made available by the City prior to the Planning Commission hearing, and posted on the City's website along with other Project-specific information.
- The City of Fullerton Planning Commission held a public hearing October 14, 2020, at which time the Planning Commission considered the Final EIR and Goodman Logistics Center Fullerton Project. On October 2, 2020 the City sent 292 Public Hearing Notices to owners and occupants of properties within a 300-foot radius of the Project site. The notice was published in the Orange County Register on October 4, 2020. The notice was posted with Public Notices on the City's website and at the Maintenance Services Department, Main Library, Museum Center and City Hall on the Public Notice Boards, and at the Project site on October 1, 2020. Additionally, the notice was posted on the City's website along with other Project-specific information.
- On October___, 2020, following a duly advertised public hearing, the Planning Commission approved a recommendation to the City Council to certify the Final EIR and approve the Goodman Logistics Center Fullerton Project, including the corresponding Zone Change, Major Site Plan, Tentative Parcel Map, Variance, and Development Agreement.
- The City of Fullerton City Council held a duly advertised public hearing on __, 2020, at which time interested persons had an opportunity to testify either in support of or opposition to the project, the City Council considered the Final EIR and Goodman Logistics Center Fullerton Project. On __, 2020 the City sent __ Public Hearing Notices to owners and occupants of properties within a 300-foot radius of the Project site. The notice was published in a newspaper on __, 2020. The notice was posted with Public Notices on the City's website and at the Maintenance Services Department, Main Library, Museum Center and City Hall on the Public Notice Boards, and at the Project site on __, 2020. Additionally, the notice was posted on the City's website along with other Project-specific information.
- At said public hearing, upon hearing and considering all testimony and arguments of all persons desiring to be heard, the City Council considered all factors relating to the proposed Project, including potential environmental impacts addressed in the Final EIR,

certified the Final EIR, and approved the Project, including the corresponding Zone Change, Major Site Plan, Tentative Parcel Map, Variance, and Development Agreement.

SECTION 4.0 GENERAL FINDINGS

The City hereby finds as follows:

1. The City is the "Lead Agency" for the Project evaluated in the Final EIR;
2. The Draft EIR and Final EIR were prepared in compliance with CEQA and the State CEQA Guidelines;
3. The City has independently reviewed and analyzed the Draft EIR and the Final EIR, and this document reflects the independent judgment of the City;
4. In determining whether the Goodman Logistics Center Fullerton Project would have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
5. The plans for the Project have been prepared and analyzed so as to provide for public involvement in the planning and CEQA processes;
6. The impacts of the Project have been analyzed to the extent feasible at the time of certification of the Final EIR;
7. Having reviewed the information contained in the Draft EIR, Final EIR, and record of proceedings, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, and having analyzed the changes in the Draft EIR, which have occurred since the close of the public review period, the City finds that there is no significant new information in the Final EIR and finds that recirculation is not required. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final EIR
8. The degree that any impacts described in the Final EIR are perceived to have a significant effect on the environment, or such impacts appear ambiguous as to their effect on the environment, any significant effect of such impacts has been substantially lessened or avoided by applicable mitigation measures (MMs) in the Program EIR for The Fullerton Plan, and/or Project-level MMs set forth in the Final EIR;
9. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, which the City has adopted or made a condition of approval of the Project. That MMRP is incorporated herein by this reference and is considered part of the record of proceedings for the Project;
10. The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the MMRP Coordinator;
11. The City has made no decisions that constitute an irreversible commitment of resources toward the Project prior to certifying the Final EIR, nor has the City previously committed to a definite course of action for the Project prior to certifying the Final EIR and approving the Project;
12. Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, the custodian of record for such documents or other materials; and

13. Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the Project and finds as stated in these Findings.

SECTION 5.0 FINDINGS REGARDING IMPACTS

Section 15126.2(b) of the State CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. Based on the evidence presented, including but not limited to the Draft and Final EIRs, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations, and other public agencies, environmental impacts associated with implementation of the Project are categorized as follows:

- Environmental issues determined to have no impact, or less than significant impact; and
- Environmental issues analyzed in the Final EIR and determined to have a less than significant impact with incorporation of The Fullerton Plan EIR MMs, and/or Project-level MMs.

The findings for these impacts are outlined below. No significant and unavoidable impacts would result from the Project.

5.1 ENVIRONMENTAL ISSUES DETERMINED TO HAVE NO IMPACT OR LESS THAN SIGNIFICANT IMPACT

Consistent with Public Resources Code Section 21002.1 and Section 15128 of the State CEQA Guidelines, the Draft EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact. Nonetheless, the City Council makes the following findings:

The City of Fullerton finds that, based on substantial evidence in the record, the following impacts, to the extent they result from the Project, will have no impact or a less than significant impact.

A. Topical Issues Addressed in the Notice of Preparation (NOP)

The following environmental topics were not further discussed in the Draft EIR or Final EIR because, based on the analysis presented in the NOP, the Project would result in no impacts or a less than significant impact without mitigation.

1. **Agriculture and Forestry Resources:** The Project site, including the area planted with citrus trees in the eastern portion of the Project site, is classified as "Urban and Built-Up Land" by the California Department of Conservation Farmland Mapping and Monitoring Program. The fruit from the existing citrus trees on the Project site is not harvested or sold and the area where the fruit trees are planted is not considered agricultural land. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively referred to as Farmland), forest land, or timberland on or near the Project site. Further, the Project site and surrounding areas are not zoned for agricultural land uses or forestland/timberland, nor is the Project site subject to a Williamson Act contract. Accordingly, implementation of the Project would not result in the loss of Farmland or

forest land; result in the conversion of Farmland to non-agricultural use; or result in the conversion of forest land resources to non-forest use.

2. **Biological Resources (Candidate, Sensitive, or Special Status Species; Riparian Habitat or Other Sensitive Natural Communities; Protected Wetlands; Wildlife Movement; Local Regulations Protecting Biological Resources; and, Approved Local, Regional, or State Habitat Conservation Plan; and Cumulative Impacts):** The Project site is within an urban area and is covered by manmade structures, impervious surfaces, and ornamental landscaping (including the remnant orange orchard). No natural biological habitats, riparian habitats, or other sensitive habitats are present on the Project site or adjacent to the site, and implementation of the Project would not impact any candidate, sensitive, or special status species. Further, the Project site does not include any state or federally protected wetlands. Accordingly, implementation of the Project would not adversely affect or result in the loss of sensitive or protected biological resources.

   The Project site does not provide habitat for wildlife movement, and is not near areas of the City that contain significant plant and animal populations (i.e., East Coyote Hills or West Coyote Hills). Therefore, implementation of the Project would not interfere with an established or reliable wildlife corridor.

   Existing trees on-site would be removed during construction; however, all vegetation removal would be conducted in accordance with applicable regulations to avoid impacts on nesting birds and avian species, and ensuring impacts are less than significant. Notably, construction activities would be completed in compliance with the Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5 and 3513 of the California Fish and Game Code, which protect active nests of avian species, including common raptor species, through the following Conditions of Approval for the project:

   - Removal of trees and vegetation shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31). If site-preparation activities are proposed during the nesting/breeding season (February 1 to August 31), a pre-construction nesting bird survey shall be conducted by a qualified Biologist within 72 hours prior to vegetation removal, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located, construction may be conducted during the nesting/breeding season.
   - If the biologist finds an active nest on the Project site and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist, and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no

inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the City.

The Project involves the planting of trees throughout the Project site, which would provide habitat for migratory and nesting birds. Additionally, implementation of the Project would be conducted in compliance with the City's Community Forestry Ordinance (Municipal Code, Chapter 9.06), specifically in accordance with requirements for the planting of trees identified in Section 9.06.090 of the Municipal Code. The Project would not conflict with local policies protecting biological resources.

One habitat conservation plan (HCP), the Coyote Hills East HCP, exists within the City of Fullerton. This HCP applies to the northeastern part of the City. The Project site is not located in the area addressed by the Coyote Hills East HCP and implementation of the Project would not conflict with the HCP.

The Project would have no impact or a less significant impact on biological resources and would not result in a cumulatively considerable contribution to significant cumulative biological resource impacts.

2. **Mineral Resources:** The Project site is not located within an area known to be underlain by regionally-important mineral resources. In addition, the Project site is not identified as a locally-important mineral resource recovery site in The Fullerton Plan. Accordingly, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region or to the residents of the State of California.

3. **Population and Housing:** Future Project occupants are currently unknown. Because no occupants have been identified, the precise number of jobs that would be created from implementation of the Project cannot be determined. However, based on the size and type of the proposed buildings, the Project Applicant conservatively expects future businesses on the Project site to employ between 1,500 and 2,000 people. This estimated employment generation is consistent with employment generation anticipated in The Fullerton Plan for light industrial uses (1 employee per 1,000 square feet), which would result in up to approximately 1,610 employees (based on the larger building area associated with the Optional Site Plan). Based on an average of the number of employees at the existing Kimberly-Clark facility over the five-year period between 2015 and 2019, there was an average of approximately 325 individuals (including on-site contractors) employed at the Project site. Accordingly, there would be a net increase of approximately 1,175 to 1,675 employment opportunities in the City with implementation of the Project. The Fullerton Plan anticipated employment growth within the Southeast Industrial Focus Area (approximately 2,546 jobs associated with light industrial uses), and the number of jobs that would result from the Project is within The Fullerton Plan's expectations for the rate of job growth within the Southeast Industrial Focus Area. Accordingly, implementation of the Project would not result in substantial unplanned growth in the City that could result in adverse environmental effects. Further, there are no existing residential uses at the Project site and development of the Project would not necessitate the construction of replacement housing elsewhere.

4. **Public Services:** Fire and police services are provided to the Project site by the Fullerton Fire Department (FFD) and Fullerton Police Department (FPD), respectively. The Project would not involve new residential uses and would not result in substantial unplanned growth in the City because the anticipated number of new jobs is within the amount of expected job growth within the Southeast Industrial Focus Area. In addition, there is an existing demand for public services at the Project site associated with the existing Kimberly-Clark facility. The nearest FFD fire station is Station No. 3, located approximately 350 feet north of the Project site at 700 S. Acacia Avenue. The FPD operates from one station located at 237 West Commonwealth Avenue, approximately 1.8 miles northwest of the Project site. Consistent with the existing condition, the Project would create a typical range of service calls for the FFD and FPD that would be expected for an industrial use. The Fullerton Plan includes policies and actions to ensure adequate resources are available to respond to health, fire, and police emergencies (Policy 13.2) and that the FFD is actively involved in the review of development projects to ensure the development would comply with fire management policies (Action 24.2). The City, FFD, and FPD regularly monitor resources to ensure that adequate facilities, staffing, and equipment are available to serve existing and future development and population increases. The Project does not include the construction of new or alteration of existing fire or police protection facilities to maintain an adequate level of service to the Project area, and no physical environmental impacts would result.

   The Project would not directly generate students, as it does not involve the development of residential land uses. Additionally, appropriate developer impact fees, as required by State law (Section 65995(b) of the California Government Code), will be assessed and paid by the Project Applicant to the Fullerton School District and Fullerton Joint Union High School District. The Project would not require the construction of new or expanded school facilities and no physical environmental impacts would result.

   The City's Parks and Recreation Department operates various City parks and provides a wide range of recreational programs to the community. Because the Project does not propose new residential uses and would not result in a direct increase in the population within the City, it would not create a demand for parks or recreational facilities. The Project would not require the construction of new or expanded park or recreational facilities and no physical environmental impacts would result.

5. **Recreation:** The Project does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. In addition, the Project does not propose to construct any new on- or off-site recreation facilities. Accordingly, implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, or substantial adverse environmental effects related to the construction or expansion of recreational facilities.

6. **Wildfire:** The Project site is in an urban area and is not located within a "Very High Fire Hazard Severity Zone." Accordingly, implementation of the Project would have no risks associated with wildfires.

B. Topical Issues Addressed in the Environmental Impact Report

Through the preparation of the Draft EIR and Final EIR, the City determined that the following impacts would result in no impact or a less than significant impact.

1. **Aesthetics (Scenic Vista, Scenic Highway, Light/Glare, and Cumulative Impacts):** According to The Fullerton Plan, scenic vistas in the City include views of the West and East Coyote hills from the southern portion of the city as well as distant views of the City and surrounding region from within the area. The Project site is relatively flat and no views to scenic vistas are available from the public viewsheds surrounding the Project site. No impact would occur.

   The Project site is not within a State scenic highway corridor; therefore, the implementation of the Project does not have the potential to degrade scenic resources within a State scenic highway. No impact would occur.

   The Project site and surrounding area are developed and have existing sources of artificial lighting and glare. Redevelopment of the Project site with the proposed warehouse buildings would result in similar sources of light and glare, and the Project would be implemented in accordance with the City's lighting regulations. The Project would be constructed of painted concrete tilt-up panels and feature low-reflective materials. The Project would not result in a new source of substantial light and glare. Therefore, impacts would be less than significant.

   Because the Project would result in less than significant aesthetic impacts, there are no cumulative projects in the same viewshed as the Project, and future development would also adhere to applicable lighting regulations, the project would not result in a cumulatively considerable contribution to a significant cumulative aesthetic impact.

2. **Air Quality (Conflict with Air Quality Plan, Sensitive Receptors, and Other Emissions, and Cumulative Impacts):** Project-related construction and operational-source emissions would not exceed the regional or localized significance thresholds. Additionally, the Project would not result in or cause National Ambient Air Quality Standards or California Ambient Air Quality Standards violations. Moreover, the Project is consistent with the growth assumptions in the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP). The Project would not conflict with the applicable air quality plan and no impacts would occur.

   The nearest sensitive receptor to the Project is an existing residential home located 391 meters (1,282 feet) north. The Project's localized construction and operational emissions would not exceed the applicable SCAQMD localized significance thresholds for emissions of any criteria pollutant. Project-related operational diesel particulate matter (DPM) emissions would not expose sensitive receptors to substantial pollutant concentrations. The Project would not cause a significant human health or cancer risk to nearby residences or workers during construction. Furthermore, the Project would not result in a carbon monoxide hot spot. Impacts to sensitive receptors would be less than significant.

   The Project does not include a land use that is typically associated with odor complaints, and the Project would be required to comply with SCAQMD Rule 402 and Fullerton

Municipal Code Section 1.540.080, which regulate odors. As such, odors associated with the Project's construction and operation would be less than significant.

The Project would have no impact or a less significant impact related to these air quality issues and therefore would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

3. **Cultural Resources (Historical Resources and Cumulative Impacts):** The on-site buildings and remnant orange orchards at the Kimberly-Clark site (2001 E. Orangethorpe Avenue), and the two buildings at the potential expansion site (2301 E. Orangethorpe Avenue) are not eligible for listing in the California Register of Historic Resources or as City of Fullerton Landmarks under any of the established criteria, and are therefore not historical resources in accordance with CEQA. Therefore, implementation of the Project would not result in a substantial adverse change to the significance of a historical resource and would not contribute to a significant cumulative impact to historical sites and/or resources. No impact would result.
4. **Energy (Wasteful or Inefficient Energy Use, Consistency with State and Local Energy Plans, and Cumulative Impacts):** The Project would not engage in wasteful of inefficient uses of energy and would be implemented in compliance with energy conservation requirements mandated by the State of California. As such, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during Project construction or operation. Impacts would be less than significant.

   The Project would be consistent with or otherwise would not conflict with State or local plans related to energy conservation. No impact would occur.

   As with the Project, cumulative development projects would be required to demonstrate that the wasteful, inefficient, or unnecessary consumption of energy would not occur, and would be subject to the same regulatory requirements as the Project. As such, the Project would not result in a potentially cumulatively considerable environmental impact due to wasteful, inefficient, or unnecessary consumption of energy. Additionally, impacts due to a conflict with or obstruction of a State or local plan for renewable energy or energy efficiency would not be cumulatively considerable.

5. **Geology and Soils (Seismic-Related Fault Rupture, Shaking, Ground Failure, and Landslides; Soil Erosion; Unstable Geologic Unit; Expansive Soil; and Septic Tanks; and Cumulative Impacts):** The Project site is not located within an Alquist-Priolo Earthquake Fault Zone, and the Project would not directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. No impact would occur.

   The Project site is in a seismically active area of Southern California and is expected to experience ground shaking during the lifetime of the Project. Compliance with the City's Building Code and California Building Code (CBC) and incorporation of recommendations from the Project-level Geotechnical Study regarding site-specific seismic and soil conditions would ensure that people and/or structures would not be exposed to substantial adverse effects from strong seismic ground shaking. This impact would be less than significant.

The Project site is not within a liquefaction hazard zone. The depth within which the occurrence of liquefaction may impact surface improvements is generally identified as the upper 50 feet below the existing ground surface, and the groundwater table in the vicinity of the Project site is in excess of 50 feet. Liquefaction is not a design concern for the Project. Therefore, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. No impact would occur.

The Project site and the surrounding area do not contain any hillsides or steep, natural, or man-made, slopes. The Project site is not in an area that is susceptible to landslides. No impact would occur.

Grading and construction activities that would occur on the Project site would result in the removal of stabilizing ornamental vegetation and building materials and would disturb and expose soils. Once the Project is operational, the potential for soil erosion via wind and water would be minimized. With adherence to City, regional, and State regulations related to management of erosion from stormwater and winds, there would be a less than significant impact related to soil erosion during construction and operation of the Project.

The Project site is underlain with unsuitable soils that consist of undocumented artificial fill. Some of these soils possess a moderate potential for consolidation settlement when loaded. There is also a potential for subsidence/shrinkage. Impacts related to instability of the site's geologic materials would be less than significant for the Project with adherence to the City's Building Code and CBC, which include grading standards, and implementation of the recommendations of the Geotechnical Study.

Expansion index testing of the near-surface soils was performed during the preparation of the Geotechnical Study, which indicated that on-site soils possess very low expansion potential. Impacts would be less than significant.

The Project would connect to the existing City of Fullerton sewer system. The Project does not include the use of septic tanks or alternative wastewater disposal systems. No impacts would occur.

Compliance of individual cumulative projects with the recommendations of site-specific geotechnical investigations, and adherence to applicable local and state regulations would ensure that impacts related to seismic-related hazards, erosion, unstable soils would be less than significant, consistent with the Project. Further, the Project would have no impact related to alternative wastewater disposal systems. Therefore, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact related to seismicity or soil conditions.

6. **Greenhouse Gas (GHG) Emissions (GHG Emissions; Conflict with Plan, Policy, or Regulation Adopted to Reduce GHG Emissions; and Cumulative Impacts):** When taking into considering existing GHG emissions generated by operations at the Kimberly-Clark manufacturing facility, the Project would not exceed the SCAQMD screening threshold for GHG emissions and would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant.

The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, including the City of Fullerton Climate Action Plan (CAP), and Senate Bill (SB) 32 (California Air Resources Board [CARB] 2017 Scoping Plan). Therefore, no impact would occur.

The assessment of GHG emissions is inherently cumulative because climate change is a global phenomenon. Because the Project's GHG emissions would be below the SCAQMD's recommended screening threshold, the cumulative impact of the Project on GHG emissions would be less than significant. Additionally, Project impacts due to a conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (i.e., SB 32) also would be less than significant on a cumulatively-considerable basis.

7. **Hazards and Hazardous Materials (Schools, Airport Land Use Plan, Wildland Fires, and Cumulative Impacts):** The Project site is not located within 0.25 mile of an existing or proposed school; the nearest school to the Project site is approximately 0.4 mile to the north. This school is not along a designated truck route that would be used by the Project. Further, the Project would be required to comply with federal, State, and local regulations related to the transport of any potential hazardous substances or materials to- and from-the Project site during construction and long-term operation. The Project would not emit hazardous emission or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. No impact would occur.

   The Project site is not located within an airport land use plan or within two miles of a public airport or public use airport. The nearest airport to the Project site is the Fullerton Municipal Airport located approximately 4.4 miles to the west-northwest. Implementation of the Project would not result in a safety hazard or excessive noise related to airport operations for people residing or working in the Project area. No impact would occur.

   The Project site is within an urbanized area of the City that is devoid of any wildlands, and is not within a very high fire hazard severity zone. No impact would occur.

   The Project would have no impact, less than significant impacts, or site-specific impacts related to hazards and hazards materials and would not result in a cumulatively considerable contribution to a significant cumulative impact.

8. **Hydrology and Water Quality (Groundwater Supplies, Flooding, Inundation, and Groundwater Management, and Cumulative Impacts):** The majority of the City's water demand is met through use of groundwater. The Project would result in a net reduction in water demand as compared to existing conditions. Additionally, the Project site is not in an Orange County Water District (OCWD) groundwater recharge area; therefore, implementation of the Project would not interfere with groundwater recharge. Impacts to groundwater would be less than significant.

   The Project site is not within a 100-year flood zone, is not within a tsunami zone, and is not within proximity to an enclosed or partially enclosed body of water that is capable of producing seiches. Therefore, there would be no impact related to risk of release of pollutants due to project inundation from a flood, tsunami or seiche. The Project site is

within a dam inundation; however, the potential for risk of release of pollutants due to inundation from dam failure would be less than significant.

The Project site is within the Coastal Plain of Orange County Basin (Basin 8-1), which is classified as a medium-priority basin. The Project would not involve the extraction of groundwater located beneath the site during Project operation, and would not impact groundwater quality, and the Project site is not within a groundwater recharge area. Further, due to the presence of the Project site within the North Basin Groundwater Protection Project plume protection boundary, no infiltration is allowed or proposed. Therefore, the Project would not obstruct or conflict with a sustainable groundwater management plan. No impacts would occur.

The Project and cumulative development projects would be implemented in accordance with applicable regulations addressing storm water management and water quality during construction and operation. Additionally, each project would be designed to ensure that flooding on- and off-site does not occur. The Project would not result in a cumulatively considerable contribution to significant hydrology and water quality impacts.

9. **Land Use and Planning (Rearrangement of an Established Community, Consistency with a Land Use Plan or Regulation, and Cumulative Impacts):** The Project involves the redevelopment of the Project site, which is developed and surrounded by non-residential development, with non-residential uses, and would not disrupt the physical arrangement of an established community. No impact would result.

   Implementation of the Project would not result in conflicts with any land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect, including the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS), Connect SoCal, The Fullerton Plan, and the Fullerton Municipal Code. No impact would result.

   The Project's contribution to cumulative land use impacts is less than significant and is thus not cumulatively considerable because (1) the proposed development would not change the type or amount of development anticipated by The Fullerton Plan; and, (2) the Project does not conflict with applicable goals and policies that avoid or mitigate environmental effects.

10. **Noise (Excessive Groundborne Vibration, Airport-Related Noise, and Cumulative Impacts):**

    Vibration levels from construction equipment, including concrete crushing, and from truck activity on- and off-site would not exceed established thresholds of significance. This impact would be less than significant.

    The closest airport is the Fullerton Municipal Airport, which is located 4.4 miles to the west-northwest of the Project site. As such, workers at the Project site would not be exposed to excessive noise levels from airport operations and no impact would occur.

Construction-related vibration would be site-specific and not cumulatively considerable, and the Project would not result in a cumulatively considerable contribution to significant operational vibration impacts.

11. **Transportation (Conflict with a Plan, Program, Ordinance or Policy Addressing the Circulation System; Vehicle Miles Traveled [VMT]; and Cumulative Impacts):** Implementation of the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, including the SCAG 2016-2040 RTP/SCS, Connect SoCal, The Fullerton Plan, and the 2019 Orange County Congestion Management Plan (CMP). No impact would result.

    Pursuant to the City of Fullerton Transportation Assessment Policies and Procedures relative to conducting a VMT assessment, the Project, which is within an established low-vehicle miles traveled (VMT) area, would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). This impact is less than significant.

    The Project would have no impact or a less significant impact related to these transportation issues and therefore would not result in a cumulatively considerable contribution to significant cumulative transportation impacts.

12. **Tribal Cultural Resources (Adverse Change to Tribal Cultural Resources Eligible for Listing and Cumulative Impacts):** Based on the records search conducted at the South Central Coastal Information Center, and review of existing literature related to cultural and historic resources within the Project site, no tribal cultural resources listed or eligible for listing in the CRHR or a local register of historical resources were identified. No impacts would occur and the Project would not contribute to cumulative impacts to such resources.

13. **Utilities and Service Systems (Environmental Effect from Utility Installation, Water Supplies, Wastewater Treatment, Solid Waste Generation and Management, and Cumulative Impacts):** Utility infrastructure installation and associated improvements would occur within the identified physical impact area for the Project (on-site and within the public right-of-way along adjacent streets) as addressed throughout the EIR, and in compliance with applicable requirements of the utility providers. No additional impacts would result and this impact would be less than significant.

    The Project would result in an estimated average annual net water demand decrease of approximately 1,754 acre-feet per year (AFY), and the City of Fullerton, the water provider, would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be less than significant.

    Implementation of the Project would result in a substantial decrease in the amount of wastewater generated from the Project site and treated at the Orange County Sanitation District (OCSD) facilities. No impact would result.

    Construction and operation of the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, including

landfills that would receive solid waste from the site, or otherwise impair the attainment of solid waste reduction goals, resulting in a less than significant.

The Project would be constructed and operated in compliance with the applicable statutes and regulations related to solid waste management and reduction, including AB 341 (Mandatory Commercial Recycling), and the California Solid Waste Reuse and Recycling Act of 1991. Additionally, the Project would be required to comply with applicable practices enacted by the City under the California Integrated Waste Management Act of 1989 (AB 939), diversion requirements for construction waste included in the CALGreen Code, and any other applicable local, State, and federal solid waste management regulations. No impact would occur.

The Project would have no impact or less than significant impacts related to utilities and service systems and would not result in a cumulatively considerable contribution to a significant cumulative impact.

5.2 ENVIRONMENTAL ISSUES ANALYZED IN THE DRAFT EIR AND THE FINAL EIR AND DETERMINED TO HAVE A LESS THAN SIGNIFICANT IMPACT WITH MITIGATION

The Goodman Logistics Center Fullerton Project Draft EIR and Final EIR found that the Project would result in less than significant impacts for certain impact categories with the incorporation of applicable mitigation measures from The Fullerton Plan EIR into the Project. The City of Fullerton previously adopted Findings for those impacts and MMs as part of the certification of The Fullerton Plan EIR and approval of the Fullerton Plan; however, the appropriate Findings are restated in this section. The Goodman Logistics Center Fullerton Project Draft EIR and Final EIR also determined that the Project would result in less than significant impacts for certain categories with incorporation of additional Project-level MMs identified to reduce potentially significant Project impacts to a less than significant level. In some cases, both The Fullerton Plan EIR MMs and Project-level MMs were incorporated to reduce impacts to a less than significant level, as identified below. Applicable MMs from The Fullerton Plan EIR and Project-level MMs will be implemented pursuant to the MMRP prepared for the Project.

The City of Fullerton, having reviewed and considered the information contained in the Final EIR and supporting Technical Appendices, and the administrative record, finds, pursuant to Section 21081(a)(1) of the California Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines that ***"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"*** for the following topical issues and identified thresholds of significance. This is referred to herein as "Finding 1."

1. Aesthetics

Threshold c: Would the Project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site (Public views are those that are experienced from publicly accessible vantage point). If the project is an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Findings: With regard to conflict with applicable zoning and other regulations governing scenic quality, the City hereby determines that there is no impact. Notwithstanding the fact that there is no impact without mitigation, the City requires that The Fullerton Plan EIR MM AES-2 be implemented as part of the Project. Therefore, the City makes Finding 1 as the potential aesthetic impact during construction is reduced with implementation of The Fullerton Plan EIR MM AES-2.

Facts in Support of Findings: Given the urban nature of the Project site and surrounding areas, the analysis for this threshold is appropriately based on review of the potential for the Project to conflict with applicable zoning and other regulations governing scenic quality. This issue is analyzed in Section 4.1, Aesthetics, of the Final EIR, and the analysis is incorporated by reference herein. Implementation of the Project would not conflict with applicable zoning or other regulations governing scenic quality, including, but not limited to, development standards outlined in the Municipal Code related to industrial zone classifications, and The Fullerton Plan goals and policies. No impact would occur.

During construction activities, there would be temporary views of construction activities, equipment, and stockpiles of building materials and debris on the Project site. This visual change is typical of construction sites in an urban environment and would not be considered a significant impact. Notwithstanding this conclusion, the Project would incorporate MM AES-2 from The Fullerton Plan EIR, which requires that construction vehicles be kept clean and free of mud and dust prior to leaving the development site, and that streets surrounding the development site be swept daily and maintained free of dirt and debris.

The Project would have no impact related to conflict with applicable zoning and other regulations governing scenic quality and would not result in a cumulatively considerable contribution to a significant cumulative impact.

Mitigation Measure:

MM AES-2 Construction documents shall include language requiring that construction vehicles be kept clean and free of mud and dust prior to leaving the development site. Streets surrounding the development site shall be swept daily and maintained free of dirt and debris.

2. Air Quality

Threshold b: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Findings: With regard to a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (during construction and operation), the City hereby determines that this impact is less than significant. Notwithstanding the fact that the Project's impact is less than significant without mitigation, the City requires that applicable The Fullerton Plan EIR mitigation measures to reduce air pollutant emissions be implemented as part of the Project. Therefore, the City makes Finding 1 as this less than significant impact is reduced with

implementation of The Fullerton Plan EIR MMs AQ-1 through AQ-7, MM AQ-9, MM AQ-10, and MM AQ-12.

Facts in Support of Findings: The Final EIR analyzed potential impacts related to criteria pollutant emissions in Section 4.2, Air Quality, and the analysis is incorporated by reference herein. The South Coast Air Basin (SoCAB) is in non-attainment for established state and federal standards for ozone (O_3), particulates 10 microns or less in diameter (PM10), and particulates 2.5 microns or less in diameter (PM2.5). Volatile organic compounds (VOCs) and oxides of nitrogen (NOx) are O_3 precursors. Construction activities associated with the Project would result in emissions of VOCs, NOx, sulfur dioxides (SOx), carbon monoxide (CO), PM_{10}, and $PM_{2.5}$.

Operations at the Kimberly-Clark Fullerton Mill, including the cogeneration facility, generated criteria air pollutants. Existing emissions were estimated in the air quality analysis to determine the Project's net increase in emissions. Although the cogeneration facility is being moved by Kimberly-Clark to another state, credit is being taken for the reduction in air quality emissions that would occur within the SoCAB once the cogeneration facility ceases operation because the Fullerton Mill is closing and the cogeneration facility would no longer be operating in the SoCAB. The Final EIR concludes that the net increase in emissions resulting from the Project construction would not exceed thresholds established by the SCAQMD for emissions of any criteria pollutant. Rather, there would be a net decrease in emissions of NOx, CO, Sox, and $PM_{2.5}$. Therefore, during construction, the Project would not result in a cumulative considerable net increase of a criteria pollutant for which the Project region is in nonattainment under an applicable federal of State ambient air quality standard, resulting in a less than significant impact. No mitigation is required; however, the Project Applicant would nonetheless be required to implement required construction-related mitigation measures from The Fullerton Plan EIR that include MM AQ-1 through MM AQ-7.

Operational emissions are calculated based on land use types, the number of units or building sizes associated with a project, vehicle trip characteristics, and/or mitigation measures to be implemented. The primary source of operational emissions generated by the Project would be from mobile sources, specifically, the trucks that would travel to and from the Project site and operate within the Project site. The Project is expected to generate a total of approximately 3,422 two-way vehicular trips per day (1,711 inbound and 1,711 outbound). When taking into consideration existing emission at the Project site, the Project's net daily regional emissions from on-going operations would not exceed any of SCAQMD's regional thresholds for operation. Rather, there would be a net decrease in emissions for each pollutant except PM_{10}. Therefore, during operation, the Project would not result in a cumulative considerable net increase of a criteria pollutant for which the Project region is in nonattainment under an applicable federal of State ambient air quality standard, resulting in a less than significant impact. No mitigation is required; however, the Project Applicant would nonetheless be required to implement required mitigation measures from The Fullerton Plan EIR related to operations, which include MM AQ-9, MM AQ-10, and MM AQ-12.

The SCAQMD does not have different thresholds of significant for overlapping activities, rather the SCAQMD has separate thresholds for construction activity and operational

activity. For the informational purposes, the Final EIR also evaluated the potential emissions from overlapping construction and operational activity. For each air pollutant, with the exception of PM_{10}, there would be a net reduction in emissions when taking into consideration the existing emissions associated with operations of the Kimberly-Clark manufacturing facility, and there would be a minimal increase (approximately 5.0 pounds per day) of PM_{10}.

Mitigation Measures:

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

- All active portions of the construction site shall be watered twice daily to prevent excessive amounts of dust;
- Non-toxic soil stabilizers shall be applied to all inactive construction areas (previously graded areas inactive for 20 days or more, assuming no rain), according to manufacturers' specifications;
- All excavating and grading operations shall be suspended when wind gusts (as instantaneous gust) exceed 25 miles per hour;
- On-site vehicle speed shall be limited to 15 miles per hour;
- All on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized;
- Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible;
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;
- Track-out devices shall be used at all construction site access points;
- All delivery truck tires shall be watered down and/or scraped down prior to departing the job site;
- A construction relations officer shall be appointed to act as a community liaison concerning on-site construction activity including resolution of issues related to fugitive dust generation;
- Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads and use of SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway; and

- Replace ground cover in disturbed areas as quickly as possible.

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

MM AQ-3 The following measures shall be implemented to reduce VOC emissions resulting from application of architectural coatings:

- Contractors shall use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent;
- Use required coatings and solvents with a VOC content lower than required under Rule 1113;
- Construct/build with materials that do not require painting; and
- Use pre-painted construction materials.

MM AQ-4 Prior to issuance of any Grading Permit, the Community Development Director and the Building Official shall confirm that the Grading Plan, Building Plans and specifications stipulate that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Equipment maintenance records and equipment design specifications data sheets shall be kept on site during construction. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

MM AQ-5 Electricity from power poles shall be used instead of temporary diesel or gasoline-powered generators to reduce the associated emissions. Approval shall be required by the City of Fullerton Building and Safety Division prior to issuance of grading permits.

MM AQ-6 Each individual implementing development project shall submit a traffic control plan prior to the issuance of a grading permit. The traffic control plan shall describe in detail safe detours and provide temporary traffic control during construction activities for that project. To reduce traffic congestion, the plan shall include, as necessary, appropriate, and practicable, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks

away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow.

MM AQ-7 Building and grading permits shall include a restriction that limits idling of construction equipment on site to no more than five minutes.

MM AQ-9[2] Proposed developments within the City of Fullerton shall include, to the extent feasible, as a part of construction and building management contracts, the following measures:

- All residential and commercial structures shall be required to incorporate high efficiency/low polluting heating, air conditioning, appliances, and water heaters.
- All residential and commercial structures shall be required to incorporate thermal pane windows and weather-stripping.
- All residential, commercial, and industrial structures shall be required to incorporate light colored roofing materials.

MM AQ-10 Future development projects within the City that include employers with 250 employees or more shall comply with SCAQMD Rule 2202, which requires the implementation of employee commute reduction programs.

MM AQ-12 Signage shall be posted at loading docks and all entrances to loading areas prohibiting all on-site truck idling in excess of five minutes.

3. Cultural Resources

Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Findings: With regard to impacts on non-tribal archaeological impacts, the City hereby determines that this impact is less than significant and no mitigation is required. Notwithstanding the fact that the Project's impact is less than significant without mitigation, the City requires that applicable The Fullerton Plan EIR mitigation measures to reduce potential impacts to cultural resources be implemented as part of the Project. Therefore, the City makes Finding 1 as implementation of the actions outlined in The Fullerton Plan EIR MM CR-3 to protect tribal cultural resources would also protect archaeological resources.

Facts in Support of Findings: The Final EIR analyzed potential impacts on archaeological resources in Section 4.3, Cultural Resources, and the analysis is incorporated by reference herein. The Project site is almost entirely developed and covered with buildings, pavements, and landscaping. Some open space remains within the remnant orange orchards but these areas have been significantly modified by the planting and maintenance of the orchard. Within the landscaped areas, any exposed

[2] With respect to these measures, the project shall conform to the State Building Code, including the CALGreen Code, or MM AQ-9, whichever is more restrictive.

ground surfaces were examined wherever ground visibility was available. No previously undocumented cultural resources have been identified on-site.

The anticipated depth of excavation would vary for the Project components, but would likely extend to maximum depths of 20-feet below the ground service (bgs) for removal of existing foundations or other related subterranean features, and 10- to 12-feet bgs for the installation of utility infrastructure, including the subsurface detention chambers. Due to the developed or otherwise disturbed nature of the Project site, there is a low potential for unidentified archaeological resources to be encountered during ground disturbing activities, resulting in a less than significant impact to archaeological resources. No mitigation is recommended for non-tribal cultural resources. In the unlikely event archaeological resources are discovered during construction activities, the actions outlined in The Fullerton Plan EIR MM CR-3 to protect tribal cultural resources would be implemented. Further, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact related to impacts to archaeological resources.

Mitigation Measure:

Refer to MM CR-3 under Tribal Cultural Resources.

Threshold c: Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?

Findings: With regard to impacts on human remains, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of The Fullerton Plan EIR MM CR-4.

Facts in Support of Findings: The Final EIR analyzed potential impacts on human remains in Section 4.3, Cultural Resources, and the analysis is incorporated by reference herein. Due to the level of past ground disturbance at the Project site, it is not anticipated that human remains, including those interred outside formal cemeteries, would be encountered during earthmoving or ground disturbing activities for the Project. If human remains are encountered during excavation, construction activities must stop in the vicinity of the find and in any area that is reasonably suspected to overlie adjacent remains until the County Coroner has been notified; the remains have been investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with State regulations (Sections 7050.5 of the *California Health and Safety Code* and Section 5097.98 of the *California Public Resources Code*), which detail the appropriate actions necessary in the event human remains are encountered (refer to The Fullerton Plan EIR MM CR-4), potential impacts would be less than significant.

Mitigation Measure:

MM CR-4 In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to State Health and Safety Code Section 7050.5, no

further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendant of the deceased Native American, who shall serve as consultant on how to proceed with the remains.

4. Geology and Soils

Threshold f: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Findings: With regard to impacts on paleontological resources or a unique geologic feature, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of Project-level MMs 5-1 through MM 5-7.

Facts in Support of Findings: The Final EIR analyzed potential impacts on paleontological resources in Section 4.5, Geology and Soils, and the analysis is incorporated by reference herein. Direct impacts to paleontological resources occur when earthwork operations cut into the geologic units within which fossils are buried and physically destroy the fossil remains. A low to high paleontological potential is assigned to the Quaternary young alluvial fan deposits underlying the entire Project site. The Holocene-age alluvial deposits have a low paleontological potential; however, the surficial Holocene-age sediments in the subsurface may transition into older Pleistocene-age deposits, which have a high paleontological potential, at depth as shallow as 8 feet bgs. Considering that the contact between Holocene-age deposits and older, Pleistocene-age deposits may occur as shallow as 8 feet bgs, all deposits underlying the Project site are specifically assigned a low paleontological potential from 0–8 feet bgs, where they are assumed to be Holocene in age, and a high paleontological potential at depths greater than 8 feet bgs, where they may be Pleistocene in age.

Earthwork associated with the installation of deep utilities and storm water drains will extend to or beyond the 8-foot depth threshold and have the potential to directly impact paleontological resources. Project-level mitigation measures MM 5-1 through MM 5-7 are required to be implemented during construction and require that the Project Applicant retain a qualified paleontologist to oversee a paleontological monitoring program and retain a paleontological monitor to oversee on-site earthwork activities to ensure that paleontological resources are identified, recovered, recorded, and curated into a professional repository. With the implementation of MM 5-1 through MM 5-7, the potential to destroy a paleontological resource or site is low because if any paleontological resources are identified during construction, they would be recovered, recorded, and curated. With mitigation, the Project's potentially significant impacts to paleontological resources would be reduced to a level considered less than significant. Further, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact related to paleontological resources.

Mitigation Measures:

MM 5-1 Prior to the start of earthwork, a qualified Project Paleontologist shall be retained to oversee the paleontological monitoring program and shall attend the pre-construction meeting to consult with Project contractors concerning excavation schedules, paleontological field techniques, and safety issues. In addition, the Project Paleontologist shall identify a professional repository to receive any discovered fossils.

A qualified Project Paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology that is experienced with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of Orange County, and who has worked as a paleontological mitigation project supervisor for at least one year.

A professional repository is defined as a recognized paleontological specimen repository (e.g., an American Alliance of Museums [AAM]-accredited museum or university) with a permanent curator capable of storing fossils in a facility with adequate security against theft, loss, damage, fire, pests, and adverse climate conditions.

MM 5-2 A paleontological monitor shall be on-site during all earthwork operations at or exceeding 8 feet below the ground surface (bgs) (i.e., trenching for deep utilities and storm water drains) that directly impact Quaternary young alluvial fan deposits. The paleontological monitor shall be equipped to salvage fossils as they are unearthed (including bulk matrix samples containing microvertebrate fossils). Paleontological monitoring may be reduced (e.g., part-time monitoring or spot-checking) or eliminated, at the discretion of the Project Paleontologist and with approval from the City of Fullerton if the Project Paleontologist determines there is a low risk of encountering paleontological resources. Changes to the paleontological monitoring schedule shall be based on the results of the mitigation program as it unfolds during site development, and current and anticipated conditions in the field.

A paleontological monitor is defined as an individual with a college degree in paleontology or geology who has experience in the recognition and salvage of fossil materials. The paleontological monitor shall work under the direction of the Project Paleontologist.

MM 5-3 If fossils are discovered, the Project Paleontologist (or paleontological monitor) shall make an initial assessment to determine their significance. All identifiable vertebrate fossils (large or small) and uncommon invertebrate, plant, and trace fossils are considered to be significant and shall be recovered. Representative samples of common invertebrate, plant, and trace fossils shall also be recovered. Although fossil salvage can often be completed in a relatively short period of time, the Project Paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt earthwork in his or her discretion during the initial assessment phase if additional time is required to salvage

fossils. If it is determined by the Project Paleontologist that the fossil(s) are to be recovered, the recovery shall be completed in a timely manner. Some fossil specimens (e.g., a large mammal skeleton) may require an extended salvage period. Because of the potential for the recovery of small fossil remains (e.g., isolated teeth of small vertebrates), it may be necessary to collect bulk-matrix samples for screen washing.

MM 5-4 In the event that fossils are discovered during a period when a paleontological monitor is not on site (i.e., an inadvertent discovery), earthwork within the vicinity of the discovery site shall temporarily halt, and the Project Paleontologist shall be contacted to evaluate the significance of the discovery. If the Project Paleontologist determines that the inadvertent discovery is significant, the fossils shall be recovered, as outlined in MM 5-3.

MM 5-5 Fossil remains that are collected shall be cleaned, repaired, sorted, taxonomically identified, and cataloged. Fossil preparation may also include screen-washing of bulk matrix samples for microfossils or other laboratory analyses (e.g., radiometric carbon dating), if warranted in the discretion of the Project Paleontologist. Fossil preparation and curation activities may be conducted at the laboratory of the contracted Project Paleontologist, at an appropriate outside agency, and/or at the designated repository, and shall follow the standards of the designated repository.

MM 5-6 Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be curated at a professional repository. The Project Paleontologist shall have a written repository agreement with the professional repository prior to start of earthwork operations at or exceeding 8 feet bgs.

MM 5-7 A final summary report shall be completed at the conclusion of ground disturbing activities that outlines the results of the mitigation program. The report and inventory, if applicable, shall be submitted to the City of Fullerton, along with confirmation of the curation of recovered specimens into a professional repository, if applicable.

5. Hazards and Hazardous Materials

Threshold a: Would the Project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? and,

Threshold b: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Finding: With regard to hazardous materials and emission impacts, the City hereby makes Finding 1 and determines that the potentially significant impacts are rendered less than significant with implementation of The Fullerton Plan EIR MM AQ-1, MM HAZ-2 and Project-level MM 7-1.

Facts in Support of Findings: The Final EIR analyzed potential impacts related to hazardous materials in Section 4.7, Hazards and Hazardous Materials, and the analysis is incorporated by reference herein. With mandatory compliance with applicable hazardous materials regulations, the Project would not create significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during construction and operation of the Project and a less than significant impact would occur. Similarly, compliance with federal and State health and safety laws and regulations would ensure a less than significant impact associated with the potential release of hazardous building materials (i.e., asbestos containing materials, lead based paint, and universal waste) during construction and demolition activities.

Underground storage tanks (USTs) were formerly present at the Project site; these USTs were removed in 1986 with regulatory agency oversight. Contaminated soils associated with releases from two USTs near Building 4 were removed to the extent feasible during multiple excavations that took place in 1986, 1992, and 2002. Soil borings were drilled to the north and south of Building 4 to evaluate the limits of residual impacts beneath the building. Therefore, there is a potential for construction workers to be exposed to soil contaminants remaining under Building 4, and in other areas within the Kimberly-Clark site where unknown contamination may be present. Additionally, there is a potential for contaminated soils to occur on the potential expansion site, and if developed as part of the Project, there is a potential for health hazards to construction workers from exposure to unknown contamination that may be present.

The Fullerton Plan EIR MM HAZ-2 includes measures to be implemented during construction if any stained or contaminated soils are observed. In addition, in light of the UST issues, and given the potential for unknown areas of impact associated with historical industrial site operations, the Phase II ESA recommends a Soil Management Plan (SMP) be developed. The Project would implement MM 7-1, which requires that a SMP be prepared to address the requirements for any soil disturbance activities on the site, including, but not limited to, preparation of a Health and Safety Plan for the construction crew, dust monitoring, vapor monitoring, and worker training. Thus, during demolition or construction activities, any discovered stained, discolored, and/or odorous soils would have to be sampled and, in the event concentrations of hazardous materials are detected above regulatory cleanup levels, the Project Applicant would be required to remove, handle, stockpile, and/or dispose of the impacted soils in accordance with applicable requirements, with oversight by the appropriate regulatory agency. Further, the Project would incorporate The Fullerton Plan EIR MM AQ-1, which requires the implementation of dust control measures in accordance with South Coast AQMD Rule 403 and 402, which would effectively reduce health hazards to construction workers from dust emissions. With implementation of The Fullerton Plan EIR MM HAZ-2 and MM AQ-1, and Project-level MM 7-1, the potential hazard to construction workers would be reduced to a less than significant level.

The Project would not result in a cumulatively considerable contribution to a significant cumulative impact related to impacts to hazards and hazardous materials.

Mitigation Measures:

Refer to MM AQ-1 under Air Quality.

MM HAZ-2 Prior to potential remedial excavation and grading activities, impacted areas shall be cleared of all maintenance equipment and materials (e.g., solvents, grease, waste oil), construction materials, miscellaneous stockpiled debris (e.g., scrap metal, pallets, storage bins, construction parts), above-ground storage tanks, surface trash, piping, excess vegetation, and other deleterious materials. These materials shall be removed off-site and properly disposed of at an approved disposal facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. In the event concentrations of materials are detected above regulatory cleanup levels during demolition or construction activities, the Project Applicant shall comply with the following measures in accordance with Federal, State, and local requirements:

- Excavation and disposal at a permitted, off-site facility;
- On-site remediation, if necessary; or
- Other measures as deemed appropriate by the City of Fullerton Fire Department.

MM 7-1 Prior to the issuance of a grading permit, a Soil Management Plan (SMP) shall be developed and submitted to the City of Fullerton. The SMP shall be implemented under applicable requirements of the regulatory oversight agency to ensure worker protection during construction activities that might encounter and disturb impacted soil (e.g., excavation, backfilling, and grading activities). The SMP shall include guidelines for managing soil suspected to be impacted and shall also set forth appropriate response actions in the event that previously unknown impacted soils are encountered, including at the potential expansion site (2301 E. Orangethorpe Avenue). The following items shall be addressed in the SMP:

- Site-Specific Health and Safety for Construction Personnel
- Working Training
- Field Screening
- Air Monitoring
- Impacted Soil Excavation and Segregation
- Confirmation Sampling
- Stockpile Management and Sampling
- Impacted Soil Disposal
- Backfill

- Import Soil Sampling and Tracking

In accordance with the SMP, if potentially contaminated soils are identified during soil-disturbing activities on site, the soil shall be analyzed for the presence of contamination. If the results of the testing show that chemical levels exceed potential risk criteria for commercial/industrial land use, the soil management procedures in the SMP shall be followed for the removal, handling, stockpiling, and disposal of the impacted soils in accordance with applicable requirements, with oversight by the regulatory oversight agency.

Threshold d: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Finding: With regard to hazardous materials site impacts, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of The Fullerton Plan EIR MM HAZ-2 and Project-level MM 7-1.

Facts in Support of Findings: The Final EIR analyzed potential impacts related to hazardous materials sites in Section 4.7, Hazards and Hazardous Materials, and the analysis is incorporated by reference herein. The Kimberly-Clark facility is included on the list of hazardous material sites due to the previous leaking underground storage tanks (LUST), discussed above. Although the case was closed in 1992, as identified under the discussion of Thresholds a and b, there is a potential for residual contaminated soil from the LUST to be present beneath the footprint of Building 4, resulting in a potentially significant impact. With incorporation of The Fullerton Plan EIR MM HAZ-2 and Project-level MM 7-1, potential hazards to the public and the environment would be reduced to a less than significant level. Further, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact related to hazardous materials sites.

Mitigation Measures:

Refer to MM HAZ-2 and MM 7-1, above.

Threshold f: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (Construction Impacts)?

Finding: With regard to impacts on an emergency response plan, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of The Fullerton Plan EIR MM HAZ-5, MM AQ-6 (in Section 4.1, Air Quality), and Project-level MM 11-1 (in Section 4.11, Transportation).

Facts in Support of Findings: The Final EIR analyzed potential impacts on an adopted emergency response plan or emergency evacuation plan in Section 4.7, Hazards and Hazardous Materials, and the analysis is incorporated by reference herein.

The Project site does not contain any emergency facilities; the nearest emergency facility to the Project site is Fullerton Fire Station 3 located approximately 400 feet to the north at 700 S. Acacia Avenue. The City of Fullerton Emergency Operations Plan (EOP) (2019) anticipates that major streets within the City would serve as evacuation routes, and City highways and arterial streets that connect to SR-91 and SR-57 would serve as potential evacuation routes in the event of an extraordinary emergency. With respect to the Project, this includes State College Boulevard, which intersects with SR-91 south of the Project site, and E. Orangethorpe Avenue, which intersects with SR-57 east of the Project site.

Access to the Project site during construction would primarily be provided via the existing driveways along Acacia Avenue and Kimberly Avenue. There would be temporary and limited partial lane closures to accommodate utility system connections, undergrounding of existing utilities along E. Orangethorpe Avenue, construction of driveways, and construction of site-adjacent roadway improvements. The lane closures would be temporary and would not block all travel lanes. Additionally, the Project would implement The Fullerton Plan EIR MM HAZ-5, which requires a Traffic Control Plan to be prepared and implemented during the Project's construction phase. The Traffic Control Plan requirement outlined in MM HAZ-5 is similar to the requirement for a Traffic Control Plan in MM AQ-6 in Section 4.2, Air Quality, of the Final EIR. Further, the requirements in MM HAZ-5 and MM AQ-6 have been consolidated in a comprehensive Project-level Traffic Control Plan measure (MM 11-1) included in Section 4.11, Transportation, of the Final EIR. The Project-level Traffic Control Plan(s) would ensure that at least one unobstructed lane is maintained in both directions and that temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls be implemented, if needed. Impacts would be less than significant.

During operation, access to the Project site would be provided via new driveways along Kimberly Avenue, State College Boulevard, and E. Orangethorpe Avenue. The internal roads and driveways would be required to meet the City of Fullerton's width and turnaround requirements to ensure adequate fire and emergency access. Additionally, the required right-of-way widths for site-adjacent roadways would be maintained. The Project does not include any features that would physically impair or otherwise conflict with an emergency response plan or emergency evacuation plan and impacts would be less than significant.

Implementation of the Traffic Control Plan would ensure that emergency access is maintained. Thus, the Project would not result in a cumulatively considerable impact related to conflict with adopted emergency response or evacuation plans.

Mitigation Measures:

Refer to MM AQ-6 under Air Quality, above and Project-level Traffic Control Plan measure (MM 11-1) under Transportation, below.

MM HAZ-5 Prior to construction, future developers shall prepare a Traffic Control Plan for implementation during the construction phase, as deemed necessary by the City Traffic Engineer. The Plan may include the following provisions, among others:

- At least one unobstructed lane shall be maintained in both directions on surrounding roadways.
- At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions.
- If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating detours/alternative routes.
- Identification of construction truck routes.

6. Hydrology and Water Quality

Threshold a: Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Finding: With regard to impacts on water quality, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of *The Fullerton Plan* EIR MM HYD-1 and MM HYD-2.

Facts in Support of Findings: The Final EIR analyzed potential impacts on water quality standards in Section 4.8, Hydrology and Water Quality, and the analysis is incorporated by reference herein. Construction of the Project would involve demolition, clearing, grading, paving, utility installation, building construction, and landscaping activities, which have the potential to generate sediment/silt, debris, organic waste, chemicals, paints, and other solvents. Without appropriate stormwater management, construction site runoff would enter adjacent storm drain lines and would contribute to pollutants in the stormwater. The Project would incorporate The Fullerton Plan EIR MM HYD-1, which requires compliance with requirements and water quality standards outlined in the statewide general NPDES Permit for stormwater discharges from construction sites (Construction General Permit). This permit requires the discharger to perform a risk assessment for the proposed development (with different requirements based upon the determined risk level for sediment transport and receiving water risk) and to prepare and implement a SWPPP, which must include erosion control and sediment control best management practices (BMPs), wind and water tracking controls, hazardous material management practices, and other site-management BMPs that would meet or exceed measures required by the determined risk level of the Construction General Permit. With the incorporation of The Fullerton Plan EIR MM HYD-1, impacts to receiving water from non-stormwater flows during construction would be less than significant.

Under existing conditions, the Project site consists of approximately 76 percent impervious surfaces associated with the existing manufacturing and industrial uses. With the Project, the amount of impervious surface would be increased to approximately 93 percent. The Project would include impervious surfaces associated with buildings, parking areas, trash collection areas, and loading docks, and would have outdoor activities associated with operations that may lead to pollutants (e.g., heavy metals, pesticides, oil and grease, toxic

organic compounds, and trash and debris and potentially pathogens [bacteria/viruses]) entering the storm water. In addition, landscaped areas may potentially contribute to suspended solids and sediments, pesticides (including fertilizers and herbicides), and nutrients that may enter the storm water. These pollutants may lead to the degradation of storm water quality in downstream water bodies. The Pollutants of Concern (POCs) for the Project include suspended-solid/sediment, nutrients, heavy metals, pathogens (bacteria/virus), pesticides, oil and grease, toxic organic compounds (TOCs), trash, and debris.

The Project qualifies as a Priority Project under a number of categories identified in Exhibit 7.II of the 2011 Model WQMP. The Project would incorporate The Fullerton Plan EIR MM HYD-2 to ensure impacts to water quality and waste discharge would be reduced to a less than significant level. The Fullerton Plan EIR MM HYD-2 requires that a Project-level WQMP or Stormwater Mitigation Plan be prepared. In compliance with MM HYD-2, a Preliminary WQMP has been prepared for the Project and is included in Appendix I1 of the EIR. This WQMP would be finalized based on the final design, before approval of future grading permits. With the implementation of The Fullerton Plan EIR MM HYD-2 pollutants in storm water runoff would be treated and removed prior to entering the City's storm drainage system. Therefore, potential impacts on water quality from storm water runoff would be less than significant.

Other development projects within the Santa Ana River Basin and Coastal Plain of Orange County Basin would similarly be required to comply with applicable water quality protection regulations to ensure that runoff does not substantially contribute to water quality violations. Accordingly, the operation of the Project would not contribute to cumulatively considerable water quality effects, and cumulative impacts would be less than significant.

Mitigation Measures:

MM HYD-1 Prior to issuance of any Grading or Building Permit, and as part of the future development's compliance with the National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent shall be prepared and submitted to the Santa Ana Regional Water Quality Control Board (RWQCB) providing notification and intent to comply with the State of California General Construction Permit. Also, a Stormwater Pollution Prevention Plan (SWPPP) shall be reviewed and approved by the Director of Engineering for water quality construction activities on site. A copy of the SWPPP shall be available and implemented at the construction site at all times. The SWPPP shall outline the source-control and/or treatment-control Best Management Practices (BMPs) to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." All recommendations in the Plan shall be implemented during area preparation, grading, and construction. The Project Applicant shall comply with each of the recommendations detailed in the study and other such measure(s) as the City deems necessary to mitigate potential stormwater runoff impacts.

MM HYD-2 Prior to issuance of any Grading Permit, future development projects shall prepare, to the satisfaction of the Director of Engineering, a Water Quality

Management Plan or Stormwater Mitigation Plan, which includes BMPs, in accordance with the Orange County Drainage Area Management Plan (DAMP). All recommendations in the Plan shall be implemented during the post-construction/operation phase. The Project Applicant shall comply with each of the recommendations detailed in the study and other such measure(s) as the City deems necessary to mitigate potential water quality impacts.

Threshold c: Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site?

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

Finding: With regard to impacts on erosion, flooding, runoff, and flood flows, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of The Fullerton Plan EIR MM HYD-1 and MM HYD-2.

Facts in Support of Findings: The Final EIR analyzed potential impacts related to erosion and water quality standards in Section 4.8, Hydrology and Water Quality, and the analysis is incorporated by reference herein. The implementation of the Project would not result in a substantial change to the site's existing drainage patterns. Implementation of the Project has the potential to result in erosion and siltation impacts during the construction phase. The site's existing structures would be demolished as part of the Project, except for the City's well facility, and the Project would expose soils to potential water- and wind-related erosion. The Project would incorporate The Fullerton Plan EIR MM HYD-1, which requires the Project to prepare and implement a SWPPP during construction activities to mitigate potential water quality impacts due to erosion and siltation. Impacts would be less than significant.

As with existing conditions, runoff from the Project site would enter the Kimberly Avenue storm drainage system. This storm drain system has adequate capacity to convey flows from the Project site under existing conditions, and because the peak rate of runoff would decrease with implementation of the Project, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, and impacts would therefore be less than significant.

The Project would provide biotreatment and source-control BMPs to reduce pollutants entering the stormwater during operation of the Project. With compliance with existing regulations and implementation of The Fullerton Plan EIR MM HYD-2, which ensures implementation of the Project's proposed BMPs, pollutants in storm water runoff would be treated and removed prior to entering the City's storm drainage system. Therefore, the Project would not substantially alter the existing drainage pattern of the site or area in a

manner that would produce substantial additional sources of polluted runoff, and potential impacts on water quality would be less than significant.

The Project would not contribute to cumulatively considerable hydrology or water quality impacts related to the capacity of storm drain system, erosion, and the generation of polluted runoff, and cumulative impacts would be less than significant.

Mitigation Measures:

MM HYD-1 and MM HYD-2 shall apply.

Threshold e: Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Santa Ana River Basin Plan)?

Finding: With regard to impacts on a water quality control plan, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of The Fullerton Plan EIR MM HYD-1 and MM HYD-2.

Facts in Support of Findings: The Final EIR analyzed potential impacts related to conflicts with a water quality control plan in Section 4.8, Hydrology and Water Quality, and the analysis is incorporated by reference herein. The Project site is within the Santa Ana River Basin; therefore, Project-related construction and operational activities would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan (Santa Ana Basin Plan). The RWQCB ensures compliance with the Santa Basin Plan through its issuance of NPDES Permits, issuance of Waste Discharge Requirements (WDR), and Water Quality Certifications pursuant to Section 401 of the Clean Water Act. With adherence to the Construction General Permit and Fullerton Municipal Code, and implementation of The Fullerton Plan EIR MM HYD-1 and MM HYD-2, which require preparation of a SWPPP during construction, and a WQMP for operation, the potential for the Project to generate pollutants and impact water quality during construction and operation would be less than significant. The Project would not degrade water quality, cause the receiving waters to exceed the water quality objectives, or impair the beneficial use of receiving waters. As such, the Project would not result in water quality impacts that would conflict with the Santa Ana Basin Plan. No impacts would result and the Project would not contribute to cumulative impacts.

Mitigation Measures:

MM HYD-1 and MM HYD-2 shall apply.

7. Noise

Threshold a: Would the Project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: With regard to increasing ambient noise in excess of established noise standards, the City hereby determines that this impact is less than significant and no mitigation is required. Notwithstanding the fact that the Project's impact is less than significant without mitigation, the City requires that applicable The Fullerton Plan EIR mitigation measures to reduce construction-related noise be implemented as part of the Project. Therefore, the City makes Finding 1 as the less than significant construction-related noise impact is reduced with implementation of The Fullerton Plan MMs N-1 through MM N-3, and MM N-6.

Facts in Support of Findings: The Final EIR analyzed potential impacts related to increases in ambient noise levels in Section 4.10, Noise, and the analysis is incorporated by reference herein. Noise generated by typical construction equipment and activities would include a combination of trucks, power tools, concrete mixers, and portable generators operating simultaneously that when combined can reach high levels. Noise levels generated by heavy construction equipment can range from approximately 68 dBA to more than 80 dBA when measured at 50 feet. However, these noise levels diminish with distance from the construction site at a rate of 6 dBA per doubling of distance. The construction noise levels are expected to range from 53.7 to 61.6 dBA Leq at the nearest receiver locations. The construction noise levels associated with the Project would not exceed the City of Fullerton noise level standards adjusted to reflect the ambient noise level, or the City of Anaheim 60 dBA Leq anytime exterior noise level standards at any sensitive receiver location.

In addition, nighttime concrete pouring activities would occur as a part of construction activities. Since the nighttime concrete pours would take place outside the permitted hours pursuant to Section 15.90.050 of the City of Fullerton Municipal Code, which exempts noise from construction activities from the Noise Ordinance standards during the hours of 7:00 a.m. to 8:00 p.m. on any day except Sunday or a City-recognized holiday, the Project Applicant would be required to obtain authorization for nighttime work from the City of Fullerton. Any nighttime construction noise activities are required to satisfy the noise limit categories outlined in Section 15.90.030 of the Municipal Code. The noise levels associated with the nighttime concrete pour activities (paving) are estimated to range from 49.6 to 57.5 dBA Leq and would satisfy the stationary-source exterior hourly average Leq noise levels adjusted to reflect the ambient noise level (per the City of Fullerton Municipal Code), and the City of Anaheim 60 dBA Leq anytime exterior noise level standards at all the receiver locations, with the exception of one receiver in the City of Fullerton. However, this receiver is not operational during the nighttime hours. Therefore, based on the results of this analysis, the nearest noise receiver locations would experience less than significant impacts due to the Project-related nighttime concrete pour activities. Additionally, the noise impacts due to the Project concrete crushing noise would be less than significant at all receiver locations.

Notwithstanding this conclusion, as required by the City, The Fullerton Plan EIR construction-related noise mitigation measures, which include MM N-1, MM N-2, and MM N-3, would be executed by the contractors during Project construction activities.

Consistent with similar warehouse uses, the Project business operations would primarily be conducted within the enclosed buildings, except for traffic movement, parking, as well as loading and unloading of trucks at designated loading bays. The on-site Project-related

noise sources are expected to include: loading dock activity, entry gate and truck movements, roof-top air conditioning units, and trash enclosure activity. The Project would incorporate *The Fullerton Plan* EIR MM N-6, which requires mechanical equipment to be placed as far as practicable from sensitive receptors and prior to HVAC installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design. The daytime hourly noise levels at the off-site receiver locations are expected to range from 30.1 to 41.7 dBA L_{eq}. The nighttime hourly noise levels at the off-site receiver locations are expected to range from 29.7 to 41.6 dBA L_{eq}. Therefore, the operational noise levels associated with the Project would satisfy the City of Fullerton operational noise level standards adjusted to reflect the ambient noise level and the City of Anaheim 60 dBA Leq anytime exterior noise level standards at all the nearest sensitive receiver locations. Therefore, the Project's operational noise impacts are considered less than significant at the nearest noise-sensitive receiver locations.

Project-related construction and operational noise would be below the identified thresholds of significance, and would not be cumulatively considerable.

Mitigation Measures:

MM N-1 Project applicants shall ensure through contract specifications that construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading or building permit (whichever is issued first). The construction BMPs shall include the following:

- Ensure that construction equipment is properly muffled according to industry standards and be in good working condition.
- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Schedule high noise-producing activities between the hours of 7:00 AM and 8:00 PM on any day except Sunday or a City-recognized holiday to minimize disruption on sensitive uses.
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job

superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

MM N-2 Project applicants shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

MM N-3 Project applicants shall ensure by contract specifications that construction staging areas along with the operation of earthmoving equipment within the City would be located as far away from vibration and noise sensitive sites as possible. Should construction activities take place within 25 feet of an occupied structure, a project specific vibration impact analysis shall be conducted to determine the specific vibration control mechanisms that would be incorporated into the project's construction bid documents, if necessary. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

MM N-6 The City shall require mechanical equipment from future development to be placed as far practicable from sensitive receptors. Additionally, the following shall be considered prior to HVAC installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design

8. Transportation

Threshold c: Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

Findings: With regard to impacts related to traffic hazards, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of Project-level MM 11-1.

Facts in Support of Findings: The Final EIR analyzed potential impacts related to traffic hazards due to a geometric design feature or incompatible uses in Section 4.11, Transportation, and the analysis is incorporated by reference herein. The Project Applicant proposes to redevelop the Project site with four warehouse buildings, which is a use consistent with the existing land use designations for the site and surrounding areas. As such, the implementation of the Project is not anticipated to result in significant impacts due to incompatible uses. Further, the proposed access improvements would ensure that the Project would not increase hazards due to Project design, and with adherence to the City's requirements for providing a clear view of traffic, the Project would not increase hazards associated with sight distance, resulting in less than significant impacts related to these issues.

Heavy trucks traveling to and from the Project site would travel on designated truck routes and would therefore not have the potential to increase traffic hazards. However, the Project's construction-related traffic has the potential to increase traffic hazards. Construction activities associated with the Project would result in the temporary closure of traffic lanes or roadway segments along the site adjacent roadways during various construction activities, including, but not limited, the construction of roadway improvements and access driveways, and installation of utility infrastructure. The reduction of roadway capacity, the narrowing of traffic lanes, and the occasional interruption of traffic flow on streets associated with Project-related construction activities could pose hazards to vehicular traffic due to localized traffic congestion, decreased turning radii, or the condition of roadway surfaces. The Project would incorporate The Fullerton Plan EIR MM HAZ-5 and MM AQ-6, which would require the Project Applicant to prepare and submit a Traffic Control Plan to the City prior to the initiation of construction activities. Additionally, obstruction to City streets during construction activities shall be minimized and abated in accordance with Chapter 16.11 of the City's Municipal Code. Further, the City requires construction on public rights-of-way to comply with the Standard Specifications for Public Works Construction (Green Book), which contains standards for maintenance of access, traffic control, and notification of emergency personnel. In addition, all lane closures and/or detours shall comply with the Work Area Traffic Control Handbook (WATCH) Manual, which provides guidelines for traffic control in construction work areas on local and county roads. Further, the Project Applicant will implement Project-level mitigation measure MM 11-1, which is a comprehensive measure addressing preparation of Traffic Control Plans for Project construction activities. With the implementation of The Fullerton Plan EIR MM HAZ-5 and MM AQ-6 and Project-level MM 11-1, the Project impacts related to traffic hazards would be less than significant and would not be cumulatively considerable.

Mitigation Measure:

MM HAZ-5 and MM AQ-6 shall apply.

MM 11-1 Prior to issuance of demolition and grading permits, the Property Owner/Developer shall prepare a Traffic Control Plan for review and approval by the City Engineer. The Traffic Control Plan shall include the following:

- Identify construction routes and Project site access driveway for construction vehicles.
- Route construction trucks away from congested streets or sensitive receptors.
- Signal synchronization to improve traffic flow, if necessary.
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
- Maintain at least one unobstructed lane in both directions on surrounding roadways, if feasible.

- Provide and maintain all necessary flag persons, barricades, delineators, signs, flashers, and any other safety equipment as set forth in the latest publication of the State of California, Manual of Traffic Control, or as required by the Public Works Department permit requirements to ensure safe passage of pedestrian and vehicular traffic.
- Identify and provide signage for safe detours for vehicles, bicyclists, and pedestrians, as necessary.
- Construction schedules that require construction activities that affect traffic flow on the arterial system to occur during off-peak hours.
- Consolidation of truck deliveries.

9. Tribal Cultural Resources

Threshold a.ii: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource…and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American tribe.

Finding: With regard to impacts on tribal cultural resources, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of The Fullerton Plan EIR MM CR-2 through MM CR-4.

Facts in Support of Findings: The Final EIR analyzed potential impacts on tribal cultural resources in Section 4.12, Tribal Cultural Resources, and the analysis is incorporated by reference herein. According to the Cultural Resources Study prepared for the Project, no cultural resources, including tribal cultural resources, were observed during the field survey. The Project site is almost entirely developed and covered with buildings, pavements, and landscaping. Some open space remains within the orange orchards but these areas have been significantly modified by the planting and maintenance of the existing orange and avocado trees over the past at least seven decades.

AB 52 and Public Resources Code Section 21080.3.1 require lead agencies to provide notice to Native American tribes that are traditionally and culturally affiliated with the geographic area of a Project if they have requested notice of projects proposed within that area. On March 19, 2020, the City of Fullerton sent notification letters to the following tribes that have requested such notification: Gabrieleño Band of Mission Indians – Kizh Nation, Gabrieliño – Tongva Tribe, Juaneño Band of Mission Indians – Acjachemen Nation, and Soboba Band of Luiseño Indians. The Gabrieleño Band of Mission Indians – Kizh Nation and Juaneño Band of Mission Indians – Acjachemen Nation, requested consultation with the City regarding the Project. In its NOP comment, the Juaneño Band of Mission Indians indicated it would provide comments following review of the EIR. No Draft EIR comments were received.

Pursuant to Public Resources Code Section 21080.3.1, the City engaged in consultation with the Kizh Nation, a summary of the consultation results is presented in the EIR. Information provided by the Kizh Nation does not present information indicating the known presence of tribal cultural resources in the Project Area. Rather, the Kizh Nation provides generic information without substantiation, which does not constitute substantial evidence that the Project site is likely to contain tribal cultural resources. There is no factual foundation to conclude that there are any known resources that meet the definition of tribal cultural resources that would be affected by the Project. Therefore, the Project would not impact any known tribal cultural resources. As a result, the mitigation measures suggested by the Kizh Nation are not required and no additional consultation is warranted. Pursuant to Public Resources Code Section 21082.3(d), the City determined that consultation concluded and on July 31, 2020, the City provided notification that consultation had concluded to the Kizh Nation. Therefore, the Project would not impact any known tribal cultural resources. As a result, Native American monitoring of construction activities is not required.

Notwithstanding this conclusion, there is a remote possibility that tribal cultural resources may be present beneath the site's subsurface, and if present, could be impacted by ground-disturbing activities associated with Project construction that extends below disturbed soils, resulting in a potentially significant impact. The Project Applicant would implement *The Fullerton Plan* EIR mitigation measures MM CR-2 through MM CR-4, which would require archaeological monitoring during ground disturbance activities, would require the Native American representatives be notified if any Native American artifacts are discovered, and would require adherence to applicable regulations addressing actions to be taken to identify origins of human remains and notification of Native American descendants. With the implementation of The Fullerton Plan EIR mitigation measures MM-CR 2 through MM CR-4 impacts on tribal cultural resources would be less than significant.

Neither the Project nor other cumulative developments are expected to result in significant impacts to tribal cultural resources provided site-specific review and required Native American consultation is conducted, if warranted, and required measures to protect the tribal cultural resources, should they be encountered, are implemented. As such, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact on tribal cultural resources.

Mitigation Measures:

Refer to MM CR-4 under Cultural Resources

MM CR-2 If the Phase I Cultural Resources Study required under Mitigation Measure CR-1 determines that monitoring during construction by a professional archaeologist and/or paleontologist is needed for the subject development project, the project proponent shall retain a professional archaeologist and/or paleontologist, subject to approval by the City of Fullerton, prior to the issuance of grading permits. The task of the professional archaeologist and/or paleontologist shall be to verify implementation of the mitigation measures identified in the City-approved Phase I Cultural Resources Study and to monitor the initial ground-altering activities, including but not limited

to, debris removal, vegetation removal, tree removal, grading, trenching, or other site preparation activities. The professional archaeologist and/or paleontologist shall be empowered to temporarily halt or divert construction equipment to allow recording and removal of the unearthed resources. All artifacts and/or fossils discovered at the subject development site shall be inventoried and analyzed by the professional archaeologist and/or paleontologist. If any artifacts of Native American origin are discovered, a Native American Tribal monitor shall be asked to help analyze the Native American artifacts for identification as everyday life and/or religious or sacred items, cultural affiliation, temporal placement, and function, as deemed possible.

A report of the findings, including an itemized inventory of recovered artifacts and/or fossils, shall be prepared and shall include a discussion of the significance and disposition of the recovered artifacts and/or fossils. The report and inventory shall be submitted to the City of Fullerton, signifying completion of the program to mitigate impacts to archaeological and/or paleontological resources.

MM CR-3 In the event that cultural resources (archaeological, historical, paleontological) resources are inadvertently unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth disturbing activities within a 100-foot radius of the area of discovery. If not already retained due to conditions present pursuant to CR-2, the project proponent shall retain a qualified professional (i.e., archaeologist, historian, architect, paleontologist, Native American Tribal monitor), subject to approval by the City of Fullerton, to evaluate the significance of the finding and appropriate course of action (refer to Mitigation Measures CR-1, CR-2 and CR-4). If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.

SECTION 6.0 DISCUSSION REGARDING ALTERNATIVES

Section 15126.6(a) of the State CEQA Guidelines states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives…"

As discussed in the preceding sections, the environmental analysis presented in Sections 4.1 through 4.13 of the Final EIR concludes that implementation of the Project would result in no impact; a less than significant impact; or a less than significant impact with incorporation of applicable mitigation measures from The Fullerton Plan EIR, and/or Project-level mitigation measures, for each of the thresholds of significance evaluated in the Final EIR. No significant and unavoidable impacts would result.

It should be noted that although the Project would not result in any significant and unavoidable impacts, Project-level mitigation measures are required to reduce potentially significant impacts to levels considered less than significant for the following topical issues: Hazards and Hazardous Materials (due to potential soil contamination) and Geology and Soils (due to the potential to encounter paleontological resources). These potentially significant impacts are associated with construction activities, not operation of the Project.

The following alternatives were considered but not selected for detailed analysis in the Final EIR. The main reason for rejecting these alternatives was that they would not avoid or substantially reduce the impacts associated with the Project and/or would not be consistent with the Project objectives.

- Alternative Site
- Alternative Development Project On-Site

When considering potential alternatives to the Project, the City focused on alternatives that would avoid of reduce the potentially significant impacts. Because the Project's potentially significant impacts, prior to mitigation, are related to construction, the only type of development that would avoid these impacts would involve retention and reuse of the existing buildings and facilities. The following alternative is considered in detail in the Final EIR; there is no need to further evaluate alternative development scenarios at the Project site.

- No Project Alternative – Reuse of Existing Buildings

6.1 ALTERNATIVES ELIMINATED FROM DETAILED CONSIDERATION

Section 15126.6(c) of the CEQA Guidelines specifies that an EIR should (1) identify any alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (1) failure to meet most of the basic project objectives; (2) infeasibility; or (3) inability to avoid significant environmental impacts.

A. Alternative Site

CEQA requires that the discussion of alternatives focus on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project. The key question and first step in the analysis is determining whether any of the significant effects of the project would be avoided or substantially lessened by developing the project at another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (State CEQA Guidelines, Section 15126.6[f][2][B]).

To meet the Project objectives and implement The Fullerton Plan, an Alternative Site for consideration could potentially include other parcels within the Southeast Industrial Focus Area or in other Focus Areas where the City of Fullerton anticipates future development. Any development within these Focus Areas would need to be consistent with the Project, the Project objectives, and development anticipated in the Focus Area, as presented in The Fullerton Plan, in order to be considered.

Under existing conditions, the entire Southeast Industrial Focus Area is developed, except for the remnant orange orchard in the eastern portion of the Project site. There is no large, undeveloped site in this Focus Area that can accommodate the same development proposed by the Project. Other parcels are developed with industrial or other non-residential uses. Consolidating an Alternative Site that is the same size as the Project site would require acquisition of contiguous property, demolition of existing operational structures, and discontinuing existing land uses, which is likely to disrupt existing businesses and operations, and would result in environmental impacts similar to those identified for the Project.

The development proposed by the Project could not be accommodated by The Fullerton Plan's anticipated development for the Airport Industrial, Commonwealth Corridor, Orangethorpe Corridor Nodes, Harbor Gateway, Downtown, Transportation Center, North Harbor Corridor, Chapman Corridor, and West Coyote Hills Focus Areas because future development to achieve buildout of these Focus Areas is estimated at less than the 1,609,384 s.f. of nonresidential development proposed by the Project. Besides the Southeast Industrial Focus area, the Education Focus Area is the only Focus Area anticipated to be able accommodate new nonresidential development greater than 1,609,384 s.f. Future development in the 608.24-acre Education Focus Area is estimated to include 1,234 new dwelling units and 1,880,572 square feet of nonresidential development. However, this Focus Area is planned for high-density residential developments, commercial retail, school-related, and neighborhood center mixed uses around existing universities and would not support the various light industrial warehouse uses proposed by the Project.

The impacts of the Project would be similar or greater at an Alternative Site because development of the Project at an Alternative Site would only move Project impacts to a different location, thus resulting in a similar construction impact area, types of land uses, and Project size and would be subject to the same regulatory requirements and mitigation measures. Plus, developing the Project on another site would not reduce impacts associated with the existing Kimberly-Clark Fullerton Mill. The Project's potentially significant impacts related to encountering unknown tribal cultural resources and paleontological resources during excavation, and potential exposure of construction workers to contaminated soil, would be reduced to levels considered less than

significant with implementation of Project-level mitigation measures. These potential impacts are also likely to occur at other sites in the Southeast Industrial Focus Area. Additionally, it is likely that the net increase in construction-related emissions of NOx, operational air quality NOx emissions, and GHG emissions would be greater with development at an Alternative Site, as other uses in the Southeast Industrial Focus Area would not involve the removal of a large manufacturing facility that obtains most of its power from a cogeneration facility, and uses a substantial amount of water as part of the manufacturing operations.

In summary, an alternative site in the South Industrial Focus Area or another Focus Area in the City would result in similar or greater Project impacts. Additionally, the Project Applicant does not own and is not involved in the acquisition of any property in the Southeast Industrial Focus Area or any other location in the City that could accommodate the Project, other than the Project site. It would not be feasible for the owner to control or otherwise have access to another site of a similar size to the Project site. Therefore, locating the Project at other parcels within the Southeast Industrial Focus Area would require lot consolidation, demolition, and displacement of existing land uses to provide a site similar to the size of the Project site (approximately 66.1 acres). CEQA does not require the consideration of infeasible sites that are not owned by the landowner or that could not be reasonably acquired by the landowner to be analyzed as alternatives to the Project (State CEQA Guidelines, Section 15126.6[f][1]). Therefore, further analysis of an alternatives site(s) was not required.

B. Alternative Development Project On-Site

It is typical to consider alternative development scenarios for a Project (reduced intensity, reduced development area, alternative site plan, alternative use, etc.) when identifying potential alternatives to avoid or reduce potential significant impacts resulting from construction or operation of a project to a less than significant level. The Project would not result in any significant and unavoidable impacts. The Project's potential impacts are less than significant with incorporation of applicable mitigation measures from The Fullerton Plan EIR and Project-level mitigation measures.

Implementation of an alternative development scenario at the Project site that could potentially meet the established Project objectives would require the removal of the existing Kimberly-Clark Fullerton Mill buildings and associated facilities, site preparation, grading/excavation, building construction and utility installation (including subsurface detention chambers). All project impacts that require Project-level mitigation are associated with construction activities, not operation, and would therefore also occur under a potential alternative development scenario onsite, as presented in Section 5.2.5 of the Final EIR. Alternately, although it would not fully meet the Project objectives, an alternative development scenario could also involve retention of the existing buildings and development of the underutilized eastern portion of the Project site. This area is currently occupied by the remnant orange orchard, trailer parking/storage, and a recreation vehicle storage area. However, this scenario would require construction on the underutilized eastern portion of the site, which would generate construction impacts similar to those identified for the Project. Further, it would not meet the basic Project objectives. Therefore, further analysis of an alternative development project on-site was not required.

6.2 ALTERNATIVE CARRIED FORWARD FOR DETAILED ANALYSIS

Following is a discussion of the alternative carried forward for detailed analysis in the Final EIR. The comparison of impacts between this alternative and the Project assumes that relevant MMs from The Fullerton Plan EIR are incorporated, and that relevant regulatory requirements and Project-level MMs would also be implemented and thus serve to reduce or avoid potential significant impacts similar to the Project.

A. No Project Alternative – Reuse of Existing Buildings

Section 15126.6(e) of the State CEQA Guidelines requires than an EIR evaluate a "no project" alternative to allow decision makers to compare the impacts of approving a Project with the impacts of not approving that project. Section 15126.6(e)(3) of the State CEQA Guidelines describes the two general types of no project alternative: (1) when the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the no project alternative would be the continuation of that plan; and (2) when the project is other than a land use/regulatory plan (such as a specific development on an identifiable property), the no project alternative is the circumstance under which the project does not proceed.

The Project is consistent with The Fullerton Plan community development type for the Project site and a General Plan revision is not needed. Similarly, the Project does not conflict with the land uses allowed by the existing zoning for the site. Although a zone change is proposed, it is only proposed to provide a single consistent zoning designation for the Project site. Thus, with the exception of the exceedance of the building height, which is allowed with an approved variance, the Project represents the development that would be allowed under current City regulations.

A No Project Alternative that would involve retention of the existing buildings but no associated operations is not being considered; such an alternative would not meet the Project objectives and also has potential for negative effects associated with urban blight and safety and security issues.

Description of the Alternative

Under the No Project Alternative – Reuse of Existing Building (No Project Alternative), the existing buildings and associated facilities on the Kimberly-Clark site and potential expansion site would be retained and reoccupied for use consistent with that allowed by right pursuant to Section 15.40, Industrial Zone Classifications, of the City's Zoning Code. This includes, but is not limited to, ongoing manufacturing uses. As described previously, the Kimberly-Clark site is currently occupied by the former Kimberly-Clark Fullerton Mill, a paper manufacturing facility, which terminated operations in June 2020. The Kimberly-Clark facility includes 1,210,720 s.f. of existing manufacturing (418,720 s.f.) and warehouse buildings (792,000 s.f.). The potential expansion site is developed with two structures (5,560 s.f. of building area) and associated facilities.

Due to removal of much of the manufacturing equipment and associated facilities that would be needed to initiate manufacturing operations at the site, any new use of the site would require the installation of necessary equipment and supporting facilities. It is also expected that improvements to the existing buildings would be needed to accommodate future use, depending on the type of use that occupies the site.

The City of Fullerton maintains a water well facility in the north-central portion of the site west of the Kimberly Avenue access driveway. This alternative would not preclude expansion and reconfiguration of the City's existing easement to accommodate additional water quality treatment facilities. The Project anticipates the City's easement would be expanded to the east; this area is currently occupied by a truck trailer storage area.

With respect to roadway and utility infrastructure, existing circulation patterns would be maintained, and existing utility infrastructure would continue to serve the site. This alternative would not involve implementation of the roadway and infrastructure improvements proposed as part of the Project.

Environmental Effects

As previously identified, the Project would not result in any significant and unavoidable impacts; therefore, the alternatives analysis presented in the Final EIR addresses significant effects that might occur if the identified Project-level mitigation measures are not applied. The No Project Alternative would not avoid or substantially lessen a significant and unavoidable impact. Impacts related to hydrology and water quality, tribal cultural resources, and construction traffic would be less than significant with incorporation of required mitigation measures included in The Fullerton Plan EIR. However, Project-level mitigation measures are required to reduce potentially significant impacts to levels considered less than significant for the following topical issues: hazards and hazardous Materials (due to potential soil contamination) and geology and soils (due to the potential to encounter paleontological resources). These impacts, which are less than significant with mitigation, are associated with construction activities, not operation of the Project.

The Project and No Project Alternative would have less than significant impacts for the following topics; however, the No Project Alternative would have potentially greater impacts: operational air quality (associated with manufacturing operations), energy, hydrology and water quality, and utility and service systems. Therefore, the No Project Alternative would not avoid or substantially lessen Project impact related to these issues.

The Project and No Project Alternative would also have less than significant impacts for the following topics; however, the No Project Alternative have less impacts: construction air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, and tribal cultural resources. Notably, the No Project Alternative would avoid potentially significant impacts related to hazards and hazardous materials and paleontological resources that require Project-level mitigation to reduce the impact to a less than significant level.

Attainment of Project Objectives

The No Project Alternative would involve reuse of existing building, and possibly improvement to the existing building to accommodate operations of new occupants. The No Project Alternative would not attain most of the Project objectives, or would not achieve them to the same extent as the Project.

SECTION 7.0 FINDINGS REGARDING GROWTH INDUCING IMPACTS

Pursuant to Sections 15126(d) and 15126.2(d) of the CEQA Guidelines, this section is provided to examine ways in which the Goodman Logistics Center Fullerton Project could foster economic or population growth, or the construction of additional development, either directly or indirectly, in the surrounding environment. To address this issue, potential growth-inducing effects were examined through analysis of the following questions:

1. Would this project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development)?
2. Would this project result in the need to expand one or more public services to maintain desired levels of service?
3. Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?
4. Would approval of this project involve some precedent setting action that could encourage and facilitate other activities that could significantly affect the environment?

A project could indirectly induce growth by reducing or removing barriers to growth or by creating a condition that attracts additional population or new economic activity. However, a project's potential to induce growth does not automatically result in growth. Growth can only happen through capital investment in new economic opportunities by the private or public sectors. Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. This issue is presented to provide additional information on ways in which the Project could contribute to significant changes in the environment, beyond the direct consequences of implementing the Project.

As identified in Section 6.3, Growth Inducing Impacts, of The Fullerton Plan EIR, none of the Focus Areas, including the Southeast Industrial Focus Area (which is where the Project is located), would involve development that would establish an essential public service or utility/service system. Urban development in the City of Fullerton and existing developments in the Focus Areas are already served by essential public services and an extensive network of utility/service systems and the other infrastructure necessary to accommodate or serve the existing conditions and planned growth. The existing public services and utility/service systems can be readily upgraded and/or extended onto the future development sites. Further, The Fullerton Plan identifies that future development would be reviewed on a project-by-project basis prior to the time of proposed construction to determine the public services and utility/service systems necessary to serve the proposed land uses. Buildout of The Fullerton Plan would not require substantial development of unplanned or unforeseen public services or utility/service systems. Therefore, The Fullerton Plan EIR concludes that implementation of The Fullerton Plan would not be growth-inducing with respect to removal of an impediment to growth through establishment of an essential public service or expansion to a new area. Consistent with the conclusions of The Fullerton Plan EIR, the Project would not involve the construction of any major roadways or infrastructure; existing and planned utility infrastructure and facilities are available adjacent to the Project site. New utility infrastructure would be required to serve the proposed development and would connect to existing utilities. The utility infrastructure installed as part of

the Project would be sized and located expressly to serve the Project and would not, therefore, induce growth in the Project vicinity.

The Project is consistent with The Fullerton Plan and does not require a General Plan amendment. Also, the project implements growth and development anticipated in the Southeast Industrial Focus Area, as identified in The Fullerton Plan. However, a Zone Change is requested for the southeastern portion of the site from M-G ES (Manufacturing General in an Emergency Shelter Overlay Zone) to M-P-200-ES (Manufacturing Park, 200,000 square-foot minimum lot size, in an Emergency Shelter Overlay Zone) for consistent zoning across the Project site and a uniform set of development standards to follow. The Project is not, therefore, considered to be growth-inducing with respect to the removal of obstacles to growth.

The Project would create the typical range of service calls for the FFD and FPD that would be expected for an industrial use. The Project would not necessitate the construction of new or the expansion of existing public service facilities in order to maintain desired levels of service. No demand for other public services (e.g., schools, parks, libraries) would occur with the Project and the facilities or associated resources of these services do not need to be expanded. In addition, the City has funding mechanisms in place through existing regulations and standard practices to accommodate future growth and the demand for public services. This Project would not, therefore, have significant growth inducing consequences with respect to public services.

During Project construction, a number of design, engineering, and construction-related jobs would be created and would last until Project construction is completed. This would be an indirect, growth-inducing effect of the Project. As the Project is built and occupied, Project employees would seek shopping, entertainment, employment, home improvement, auto maintenance, and other economic opportunities in the surrounding area. This would represent an increased demand for such economic goods and services and could, therefore, encourage the creation of new businesses and/or the expansion of existing businesses that address these economic needs. However, it is expected that any such development would occur consistent with planned growth identified in The Fullerton Plan and the General Plans of nearby cities, including Placentia and Anaheim. The Project is located near existing commercial and retail areas that would help serve the needs of Project employees. However, because the Project would not involve a residential component or cause population to be exceeded beyond projections, the Project would not increase the residential population in the City and would not directly induce or cause unexpected growth in the area.

The Project could result in a net increase of approximately 1,175 to 1,675 employment opportunities in the City. The Fullerton Plan anticipated employment growth within the Southeast Industrial Focus Area (approximately 2,546 jobs associated with light industrial uses), and the number of jobs that would result from the Project is within The Fullerton Plan's expectations for the rate of job growth within the Southeast Industrial Focus Area. The anticipated growth from implementation of The Fullerton Plan is also consistent with the growth assumptions in SCAG’s RTP/SCS. It is expected that the short-term construction jobs and new positions during project operation would be filled by workers who already reside in the local area or region. Operation of the Project is not anticipated to generate a substantial permanent increase in population in the City, and the increase in demand for additional goods and services would be limited to those associated with employee demands.

As previously identified, a Zone Change would be needed to provide a consistent zoning designation for the Project site. However, no changes to any of the City's building safety standards (i.e., building, grading, plumbing, mechanical, electrical, fire codes) are proposed or required to implement this Project. The Fullerton Plan EIR and additional Project-level MMs have been identified to ensure that implementation of the Project complies with all applicable City plans, policies, and ordinances. These MMs would also ensure that there are no conflicts with adopted land development regulations and that environmental impacts are minimized. The Project does not propose any precedent-setting actions that, if approved, would specifically allow, or encourage other projects and resultant growth to occur.