
Final Program Environmental Impact Report

Fullerton Housing Incentive Overlay Zone Program

SCH NO. 2023090133

SEPTEMBER 2024

Prepared for:

CITY OF FULLERTON

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1 Introduction

1.1 Purpose

In accordance with the California Environmental Quality Act (CEQA) as amended (California Public Resources Code [PRC] Sections 21000, et seq.) and CEQA Guidelines (California Code of Regulations [CCR] Title 14, Chapter 3, Sections 15000, et seq.), the City of Fullerton (City) has prepared this Final Program Environmental Impact Report (Final PEIR) for the proposed Housing Incentive Overlay Zone Program and associated discretionary actions (collectively referred to as the “Program”). As required by Section 15132 of the CEQA Guidelines, this Final PEIR consists of the following: the Draft PEIR and Appendices (incorporated herein by reference); copies of comment letters received on the Draft PEIR; a list of commenters on the Draft PEIR; responses to all comments received on the Draft PEIR; and other information added for clarification by the City. Additionally, the Mitigation Monitoring and Reporting Program (MMRP) is included in this Final PEIR.

1.2 Environmental Review Process

As defined in CEQA Guidelines Section 15050, the City is the Lead Agency responsible for preparing the PEIR for the Program.

1.2.1 Notice of Preparation and Scoping Meeting

In accordance with Section 15082(a) of the CEQA Guidelines, the County circulated a Notice of Preparation (NOP) for a 30-day public review period. As such, the public review period began on September 8, 2023, and ended on October 9, 2023. The NOP was distributed to the State Clearinghouse, public agencies, special districts, responsible and trustee agencies, and other interested parties; filed with the Orange County Clerk; and published in *The Fullerton Observer* newspaper. Printed copies of the NOP were available for public review at the Fullerton Public Library. In addition, electronic copies of the NOP were made available for download on the City’s website at: <https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/2021-2029-housing-element-updates>. The NOP and comment letters are provided in Appendix A of the Draft PEIR. Additionally, a virtual Scoping Meeting was held on September 28, 2023 at 6:00 PM that was made available through the County’s website at: <https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/2021-2029-housing-element-updates>. Scoping Meeting comments discussed in Section 2.2.4, NOP Comments and Scoping Meeting of the Draft PEIR.

1.2.2 Draft Program Environmental Impact Report

The Draft PEIR was circulated for public review from May 31, 2024, through July 15, 2024, which met the 45-day minimum required by CEQA. A Notice of Completion (NOC) and Notice of Availability (NOA) of the Draft PEIR were submitted to the State Clearinghouse; posted at the County Clerk’s office; and published in *Fullerton Observer* newspaper. Hardcopies of the Draft PEIR, with electronic copies of all appendices, were available for public review at Community and Economic Development Department counter (2nd Floor, City Hall, 303 W. Commonwealth Avenue) as well as the Fullerton Public Library (353 W. Commonwealth Avenue). The Draft PEIR was also posted on City’s website for public review at: <https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/2021-2029-housing-element-updates>.

1.2.3 Final Program Environmental Impact Report

The Final PEIR addresses the comments received during the public review period and includes minor changes to the text of the Draft PEIR in accordance with comments that necessitated revisions. This Final PEIR is made available to City decision-makers for potential certification as the environmental document for the proposed Program. All agencies who commented on the Draft PEIR will be provided with a copy of the Final PEIR, pursuant to CEQA Guidelines Section 15088(b). The Final PEIR is posted on the County's website at: <https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/2021-2029-housing-element-updates>.

The minor clarifications, modifications, and editorial corrections that were made to the Draft PEIR are shown in Chapter 3, Revisions to the Draft PEIR, of this Final PEIR. None of the revisions that have been made to the Draft PEIR resulted in new significant impacts; none of the revisions resulted in a substantial increase in the severity of an environmental impact identified in the Draft PEIR; and none of the revisions brought forth a feasible project alternative or mitigation measure that is considerably different from those set forth in the Draft PEIR. Furthermore, the revisions do not cause the Draft PEIR to be flawed such that it precludes meaningful public review. As none of the CEQA criteria for recirculation have been met, recirculation of the Draft PEIR is not warranted.

1.3 Organization of Final PEIR

This Final PEIR is organized in the following sections:

- **Section 1, Introduction.** This section describes CEQA requirements, the environmental review process, and organization of this Final PEIR.
- **Section 2, Responses to Comments.** This section provides a list of agencies and interested persons commenting on the Draft PEIR, copies of comment letters received during the public review period, and individual responses to written comments.
- **Section 3, Revisions to the Draft PEIR.** This section contains revisions to the Draft PEIR text as a result of comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the Draft PEIR for public review.
- **Section 4, Mitigation Monitoring and Reporting Program.** This section provides the full Mitigation Monitoring and Reporting Program (MMRP) for the Project and reflects any revisions provided in Section 3, Revisions to the Draft PEIR. The MMRP lists all of the proposed mitigation measures (MM) by environmental issue and identifies the action required, mitigation timing, responsible party for implementing the MM, and monitoring agency responsible for ensuring each MM is implemented.

2 Responses to Comments

2.1 Introduction

State CEQA Guidelines Section 15088 states that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.”

The City circulated the Fullerton Housing Incentive Overlay Zone Draft PEIR for public review from May 31, 2024, through July 15, 2024. This chapter of the Final PEIR includes a copy of each comment letter provided during the 45-day public review period for the Draft PEIR.

2.2 List of Commenters

As shown in Table 2-1, the City received ten (10) comment letters, including from five (5) agency letters and five (5) individual letters. Comment letters are organized into three categories: Category A (written comments from public agencies) and Category I (written comments from individuals). In accordance with the requirements of CEQA Guidelines Section 15088(b), the City will provide a written response on comments submitted by public agencies to each respective public agency at least 10 days prior to certifying the Final PEIR.

Table 2.1. List of Commenters

Comment Letter	Name	Type	Date
Agencies			
A1	Department of Toxic Substances Control	State Agency	July 5, 2024
A2	California Department of Transportation, District 12	State Agency	July 15, 2024
A3	Orange County Sanitation District	Regional Agency	July 9, 2024
A4	Orange County Transportation Authority	Regional Agency	July 15, 2024
A5	City of Placentia	Local Agency	July 15, 2024
Individuals			
I1	Judith A. Kaluzny	Individual	June 30, 2024
I2	Jane Reifer	Individual	July 11, 2024
I3	Jane Reifer	Individual	July 12, 2024
I4	Wayne Carvalho	Individual	July 15, 2024
I5	Jane Reifer	Individual	July 15, 2024

Note: Category A (written comments from public agencies) and Category I (written comments from individuals).

2.3 Lead Agency Responses

All responses to comments on the Draft PEIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Responses focus on comments that raise important environmental issues or

pertain to the adequacy of the analysis in the Draft PEIR or to other aspects pertinent to the potential effects of the Project on the environment pursuant to CEQA. Comments that address policy issues, opinions, or other topics beyond the purview of the Draft PEIR or CEQA are noted as such for the public record. Where comments are on the proposed Program rather than on the Draft PEIR, these are also noted in the responses. Where appropriate, the information and/or revisions suggested in the comment letters have been incorporated into the Final PEIR. These revisions are included in Chapter 3, Revisions to the Draft PEIR, of this Final PEIR. In accordance with State CEQA Guidelines Section 15088(b), copies of the written responses to public agencies have been provided to those agencies at least 10 days prior to certifying the Final PEIR.

All comments received on the Draft PEIR have been carefully reviewed and evaluated on environmental issues received from public agencies, individuals, and organizations. After careful review, it was determined that none of the comments or responses would require significant new information to be added such that a recirculation of the Draft PEIR would be required either in its entirety or in part. State CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification, describes the thresholds for recirculation of an Environmental Impact Report (EIR). Pursuant to Section 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information can include a disclosure showing that a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented, a substantial increase in the severity of an environmental impact, a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project (but the project's proponents decline to adopt it), or the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The Draft PEIR revisions and information presented in this document do not constitute significant new information, as defined in State CEQA Guidelines Section 15088.5; this information merely clarifies, amplifies and makes insignificant modifications to an adequate PEIR. Information presented in the Draft PEIR and this document support this determination. As such, the Draft PEIR is not required to be recirculated.

2.4 Responses to Comment Letters

This section presents all responses to all comments received.

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Response to Comment Letter A1

Department of Toxic Substances Control
HWMP-Permitting Division – CEQA Unit
Dave Kereazis, Associate Environmental Planner
July 5, 2024

A1-1 This introductory comment correctly summarizes the intent of the Draft PEIR. R Therefore, a response is not required pursuant to CEQA.

A1-2 The comment notes the Planning Area includes active and nonactive mitigation and clean-up sites under the oversight of the Department of Toxic Substances Control (DTSC). The comment states these sites may be restricted for future development in order to avoid impacts to human health and the environment.

The Draft PEIR conducted a search of Cortese List databases and other applicable databases for the Planning Area. Given that hazardous material releases can impact both the release sites and nearby sites, the Draft PEIR also includes sites within 500 feet of the Planning Area parcels. As a result, multiple LUST sites and state cleanup sites were identified and disclosed in the PEIR, as shown in Figures 4.3-1 through 4.3-3 and listed in Table 4.3-1 and Table 4.3-3 through 4.3-4. The lists include active and completed cleanups, all of which are under oversight by an environmental regulatory agency. While some cleanups have been completed, the Draft PEIR acknowledges there are different cleanup standards and screening levels for commercial, industrial, and residential development, and cleanup requirements may have changed since closure. As such, cleanup requirements met during remediation of these sites may not be adequate for future residential development. Potential future development of these sites and the closed sites with residual contamination could cause an upset or accident condition where hazardous materials are released to the environment (Draft PEIR, p. 4.3-40).

Implementation of the Program could result in future development projects on sites listed. With regard to sites that have received regulatory closure, investigation and remediation requirements outlined in COA-HAZ-1, COA-HAZ-2, MM-HAZ-3, and MM-HAZ-4 would identify potential contamination, investigate and evaluate the type and level of contamination, and determine if levels of contamination would result in exposure to construction workers or future occupants above applicable human health screening levels. Prior to future development, MM-HAZ-5 requires review of and adherence to requirements and recommendations set forth in closure documents associated with past cleanups on the applicable parcel(s) (Draft PEIR, p. 4.3-40).

With regard to open Cortese List sites, open investigations and cleanups, including sites listed on the Cortese List databases, would be identified during the Phase I ESA required by COA-HAZ-1. MM-HAZ-4 requires the site to meet applicable standards for residential development and be reviewed and approved by the overseeing regulatory agency prior to approval for development by the City. The overseeing regulatory agency may require additional remediation or protective measures or may not allow residential development due to risk to construction workers or future occupants (Draft PEIR, p. 4.3-40).

Overall, the Draft PEIR concludes with strict adherence to federal, state, and local regulations, restrictions placed by environmental regulatory agencies, and mitigation as outlined in COA-HAZ-1, COA-

HAZ-2, MM-HAZ-3, and MM-HAZ-4, impacts would be less than significant with mitigation (Draft PEIR, p. 4.3-41).

A1-3 The comment states concern for the Autonetics/Raytheon site and the CBS Fender site and these sites' relationship with the Orange County North Basin Superfund Site. Table 4.3-1, Cortese List Sites, identifies the Autonetics/Raytheon site and the CBS Fender site as active sites within 500 feet of the Planning Area. This comment is similar to Comment A1-2. As such, see Response to Comment A1-2 for more discussion on the implementation of the Program within the vicinity of Cortese List sites.

A1-4 The comment states the need for mechanism(s) to initiate required investigation and/or remediation with appropriate regulatory oversight. Additionally, the comment recommends Phase I ESAs and Phase II ESAs for each site with DTSC consultation.

The Draft PEIR includes conditions of approval (COAs) and mitigation measures, which outlines procedures for investigation and remediation, as applicable. However, these measures are not required for every site within the Planning Area. Instead, as required by COA-HAZ-1, the City would require a Phase I ESA for properties with the potential for site contamination prior to the issuance of a grading permit.

Furthermore, with regard to sites that have received regulatory closure, investigation and remediation requirements outlined in COA-HAZ-1, COA-HAZ-2, MM-HAZ-3, and MM-HAZ-4 would identify potential contamination, investigate and evaluate the type and level of contamination, and determine if levels of contamination would result in exposure to construction workers or future occupants above applicable human health screening levels (Draft PEIR, p. 4.3-40). With regard to open Cortese List sites, open investigations and cleanups, including sites listed on the Cortese List databases, would be identified during the Phase I ESA required by COA-HAZ-1. MM-HAZ-4 requires the site to meet applicable standards for residential development and be reviewed and approved by the overseeing regulatory agency prior to approval for development by the City. The overseeing regulatory agency may require additional remediation or protective measures or may not allow residential development due to risk to construction workers or future occupants (Draft PEIR, p. 4.3-40).

A1-5 The comment states surveys should be conducted for the presence of lead-based paints, mercury, asbestos containing materials, among others, if buildings or structures are to be demolished. As described further in Section 4.3, Hazards and Hazardous Materials, of the Draft PEIR, structures that were constructed prior to 1980 typically contain hazardous building materials. As such, COA-HAZ-3 requires a survey by a certified environmental professional prior to demolition. In addition, COA-HAZ-3 outlines procedures related to the removal, demolition, and disposal of these materials. Moreover, MM-HAZ-1 requires all survey and abatement work to be done in accordance with federal, state, and local regulations.

A1-6 The comment recommends imported soil and fill material to be tested to ensure contaminants of concern are within applicable screening levels for future development. As such, a revision has been made to COA-HAZ-1 of the Draft PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies process already presented in COA-WW-2. Therefore, this revision does not warrant recirculation of the Draft PEIR.

A1-7 This comment provides a conclusory statement related to the concerns presented in the comment letter. No response is required pursuant to CEQA.

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Response to Comment Letter A2

California Department of Transportation, District 12
Local Development Review / Climate Change Planning
Scott Shelley, Branch Chief
July 15, 2024

- A2-1** This introductory comment correctly summarizes the intent of the Draft PEIR. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.
- A2-2** The comment identifies the facilities owned by Caltrans surrounding the City. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.
- A2-3** The comment requests identification of potential conflicts with environmental justice communities. According to the CEQA Guidelines Section 15064(e) “economic and social changes resulting from a project shall not be treated as significant effects on the environment.” Thus, economic and social implications of the Program are not within the scope of required environmental analysis and a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-4** The comment states there are no bicycle lanes along Euclid Street corridor. The request for the installation of bicycle lanes is outside of the scope of the proposed Program. Moreover, the comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA. However, for informational purposes, see Figure 4.11-4, Existing and Proposed Bikeway Facilities, as identified in the City’s General Plan for bicycle lanes within the vicinity of the Euclid Street corridor. This comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-5** The comment notes the Program proposes zoning changes nearby schools. The comment further requests street calming measures. Impacts related to potential increases in transportation hazards and compatibility with the City’s circulation system were determined to be less than significant. See Draft PEIR Section 4.11, Transportation, and Chapter 5, Other CEQA Considerations, for more discussion.
- A2-6** The comment raises concern for truck parking, ingress and egress, and staging. Implementation of the Program would facilitate future development projects. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. For individual projects with the potential to result in truck parking, these future projects would be subject to the City’s permitting review and plan check process, which would ensure compliance with State and local regulations.
- A2-7** The comment suggests construction workers and employees of future development projects use transit. The Program does not include incentives to encourage the use of transit. However, Section 4.11

of the Draft PEIR determined impacts related to vehicle miles traveled would be less than significant. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

- A2-8** This comment raises concern for warehouse/distribution center workers vehicle trips. The Program would not facilitate the development of future industrial land uses. As such, this comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. No further response is required.
- A2-9** The comment requests to identify all existing local and regional transit services. The Draft PEIR lists transit services for the City within Section 4.11, Transportation. See Section 4.11.1, Existing Conditions, starting on page 4.11-3 and ending on page 4.11-5. No change to the content or analysis in the Draft PEIR are required as a result of this comment.
- A2-10** The comment requests discussion on multimodal transportation mobility options. This comment is similar to Comment A2-9. As such, see Section 4.11.1, Existing Conditions, starting on page 4.11-3 and ending on page 4.11-5. In addition, the Draft PEIR analyzes the Program's consistency with programs, plans, and ordinances addressing the circulation system (Draft PEIR, pp. 4.11-15 and 4.11-16). No change to the content or analysis in the Draft PEIR are required as a result of this comment.
- A2-11** The comment suggests construction workers and employees of future development projects use transit. This comment is the same as Comment A2-7. As such, see Response to Comment A2-7.
- A2-12** The comment requests the installation of wayfinding signage to transit stops. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Implementation of the Program would result in the development of future projects, which would be subject to the City's permitting review and plan check process to ensure compliance with State and local regulations regarding wayfinding and signage. However, the comment's request is outside of the scope of the required environmental analysis. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-13** The comment raises concern for individual package delivery to future residential uses. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Implementation of the Program would result in the development of future projects, which would be subject to the City's permitting review and plan check process to ensure compliance with State and local regulations regarding mail and delivery. However, the comment's request is outside of the scope of the required environmental analysis. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-14** The comment raises concern for off-street truck parking. Implementation of the Program would result in future residential and mixed-use buildings. Truck parking associated with industrial land uses would not occur. Moreover, the analysis contained in the Draft PEIR does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Future

development projects would be subject to the City's permitting review and plan check process to ensure compliance with State and local regulations regarding off-street truck parking. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

- A2-15** The comment raises concern for on-street parking for home deliveries. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. For individual projects with the potential to result in truck parking, these future projects would be subject to the City's permitting review and plan check process, which would ensure compliance with State and local regulations.
- A2-16** The comment raises concern for on-street freight-only parking and deliveries. This comment is similar to Comment A2-14 and Comment A2-15. As such, see Responses to Comments A2-14 and A2-15 above.
- A2-17** The comment raises concern for posted speed signs within the vicinity of future development projects. The installation of speed signs is outside of the scope of the proposed Program. As such, this comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. The comment will be provided to the decision makers for review and consideration as part of this Final PEIR.
- A2-18** The comment suggests urban greening mitigation and incident response plans. The comment does not identify a new significant impact in which the inclusion of the proposed mitigation is necessary or required. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Future projects would be subject to the City's permitting review and plan check process, which would ensure compliance with regulations regarding design review and emergency response planning. Furthermore, potential impacts related to emergency planning was determined to be less than significant. See Section 5.5.8 of the Draft PEIR for more discussion. No change to the content or analysis in the Draft PEIR are required as a result of this comment.
- A2-19** The comment requests a traffic impact analysis focusing on the potential impacts to the local State Highway System, including impacts related to ingress/egress ramps. The Program would facilitate the future development of residential and mixed-use projects within the City. The Program does not include improvements to State facilities. For individual projects with the potential to utilize Caltrans rights-of-way, these projects would be subject to the City's permitting review and plan check process in coordination with Caltrans, which would ensure compliance with State and local regulations. Moreover, CEQA Guidelines Section 15064.3 states that traffic delay using level of service (LOS) metric is no longer considered a significant environmental impact under CEQA. No changes to the content or analysis in the Draft PEIR are required as a result of this comment.
- A2-20** This comment raises concern for impacts related to LOS and vehicle miles traveled (VMT). This comment is similar to Comment A2-19. As such, see Response to Comment A2-19 above. Moreover,

Section 4.11 of the Draft PEIR determined impacts related to VMT would be less than significant (Draft PEIR, pp. 4.11-16 and 4.11-17).

- A2-21** The comment notes future development projects adjacent to Caltrans right-of-way would require an encroachment permit. Additionally, any modifications to State facilities would be subject to additional review. The Program does not include improvements to State facilities. For individual projects with the potential to utilize Caltrans rights-of-way, these projects would be subject to the City's permitting review and plan check process, which would ensure compliance with State and local regulations. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-22** The comment provides resources regarding encroachment permits. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. However, the comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-23** The comment requests coordination with Caltrans for any future development project that could potentially impact State transportation facilities. This comment is similar to Comment A2-21. As such, see Response to Comment A2-21.

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Response to Comment Letter A3

**Orange County Sanitation District
Planning Division
Andrew Brown, Engineering Supervisor
July 9, 2024**

- A3-1** The comment recommends modifications to COA-WW-2. Currently COA-WW-2 states, “prior to issuance of a building permit for any future development project, the Project Applicant shall provide evidence that the OCSD (Orange County Sanitation District) has sufficient transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested” (Draft PEIR, p. 1-26). The comment requests an additional process to submit a sewer capacity analysis of existing wastewater utility in the area for review and to obtain sewer capacity verification from OCSD prior to issuance of a building permit. As such, a revision has been made to the PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies process already presented in COA-WW-2. Therefore, this revision does not warrant recirculation of the Draft PEIR.

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Response to Comment Letter A4

**Orange County Transportation Authority
Environmental Programs
Dan Phu, Manager
July 15, 2024**

- A4-1** This introductory comment identifies the commenter and notes bus service changes (included as Comment A4-3. The comment does not express any environmental concerns related to the environmental analysis contained in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.
- A4-2** This comment provides a conclusory statement related to the concerns presented in the comment letter. No response is required pursuant to CEQA.
- A4-3** The comment identifies bus service changes within the City. As such, a revision has been made to the PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the existing condition discussion already presented in Section 4.11, Transportation, of the Draft PEIR. Therefore, this revision does not warrant recirculation of the Draft PEIR.

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Response to Comment Letter A5

City of Placentia
Joseph M. Lambert, Director of Development Services
July 15, 2024

A5-1 The comment raises concern for the Draft PEIR for the proposed Program. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.

A5-2 The comment correctly summarizes the significant and unavoidable impacts identified in the Draft PEIR. The comment further raises concern for sustainability and long-term implications of the proposed Program. As noted by the comment, the Program is proposed to meet the City's Regional Housing Needs Allocation (RHNA) goals. The Draft PEIR states the City does not contain sufficient sites with appropriate zoning to accommodate the required housing goals. The Program would create an overlay zone that allows a property owner to develop multi-family housing on a parcel with a non-residential underlying zoning classification in exchange for providing a specified percentage of deed-restricted affordable housing units. The Program would not directly result in the construction of the total buildout potential. Rather, the Program would facilitate the construction of housing units with the adoption of this overlay zone. Moreover, impacts were identified based in part to the constraints of the State's 6th RHNA cycle, which ends in 2029. As such, in summary, significant and unavoidable impacts related to unplanned population growth were identified and analyzed within Section 4.8 (Population and Housing) and Section 4.1 (Air Quality). Further, even though the unplanned growth would be a short-term exceedance, the associated impacts would be remedied at the time that the regional plans (e.g., Connect SoCal, Urban Water Management Plan, and Air Quality Management Plan) would undergo mandatory updates/revisions. Thus, the unplanned growth would still be considered substantial in the short-term.

Significant and unavoidable impacts related to tribal cultural resources, as described further in Section 4.12, Tribal Cultural Resources, of the Draft PEIR were determined due to the lack of assurance that mitigation measures would reduce impacts to a level of less than significant for those tribal cultural resources not yet identified.

Implementation of the Program would still require future development projects to undergo the City's permitting review and plan check process, which would ensure compliance with State and local regulations. This includes regulations related to sustainability identified in Section 4.2 (Greenhouse Gas Emissions) and Section 4.2.2, Relevant Plans, Policies, and Ordinances.

Overall, the comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

A5-3 The comment raises concern for air quality impacts. This comment is similar to Comment A5-3. As such, see Response to Comment A5-3 for discussion related to the Program's implementation and buildout. The Draft PEIR includes further discussion of air quality impacts associated with future development projects within Section 4.1, Air Quality. Implementation of future projects would be required to comply with existing State and local regulations as well as mitigation measures MM-AQ-1 through MM-AQ-3, which were included to reduce short-term impacts. However, these measures do not ensure that impacts would be mitigated to a less than significant level (Draft PEIR, p. 4.1-24). As such, the Draft

PEIR as presented adequately analyzed the potential impacts and identified all feasible mitigation measures to reduce impacts. Given this, the Draft PEIR included alternatives, including Alternative 3 (Reduced Density Alternative), which would reduce overall impacts; however, significant and unavoidable impacts would not be eliminated. No change to the content or analyses in the Draft PEIR are required as a result of this comment.

- A5-4** The comment raises concerns for indirect impacts associated with unplanned population growth. This comment is similar to Comment A5-3. As such, see Response to Comment A5-3 for discussion related to the Program’s implementation and buildout. Regarding impacts to public services, Draft PEIR Section 4.9 (Public Services) determined impacts would be less than significant.
- A5-5** The comment raises concern for impacts to tribal cultural resources. This comment is similar to Comment A5-3. As such, see Response to Comment A5-3 for more discussion. Furthermore, as detailed in Section 4.12, the City complied with the provisions of AB 52 and SB 18, which lead to a consultation process with a California Native American Tribe. As a result of this process, MM-TCR-1 was incorporated to facilitate a process for the development of future projects. No change to the content or analyses in the Draft PEIR are required as a result of this comment.
- A5-6** The comment raises concern for impacts to infrastructure and public safety. Impacts to infrastructure (i.e., water supply and sewage systems) were analyzed in Section 4.13, Utilities and Service Systems, of the Draft PEIR, in which impacts were determined to be less than significant. Regarding public safety, see Response to Comment A5-4. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A5-7** The comment raises concern for impacts related to future development project adjacent to the City of Placentia. The comment suggests early engagement in the development process of future projects. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A5-8** The comment provides a conclusory statement summarizing the concerns presented in the comment letter. No further response is required pursuant to CEQA.

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Response to Comment Letter I1

Judith A. Kaluzny
June 30, 2024

- I1-1** The comment generally raises concern for parkland access. The Draft PEIR analyzes the Program's impacts related to parkland in Section 4.9, Public Services, and Section 4.10, Recreation. As detailed in the PEIR, the City contains approximately 53 parks, trails, and recreational facilities for a total of 683 acres of land (Draft PEIR, p. 4.9-4). In addition, the City has a desired parkland per resident ratio of 4 acres per 1,000 people identified within the General Plan (Draft PEIR, p. 4.9-15). Implementation of the Program could generate up to 103,628 new residents across the Planning Area, which would increase the City's population and exacerbate the parkland per resident ratio. To maintain performance standards under the proposed Program, the City's Parks and Recreation Department indicated that there would be a need for additional amenities implemented at existing parks in the City, such as expanding playgrounds, trails, or adding more sport courts. This would be supported by General Plan policies and code requirements ensuring the payment of a park dwelling fee that provides for the creation and enhancement of park facilities. Therefore, the development of future projects would be required to comply with these measures, and impacts would be less than significant. No changes to the content or analysis contained in the Draft PEIR are required as a result of this comment.

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Response to Comment Letter I2

Jane Reifer
July 11, 2024

- I2-1** The comment is a response to an email communication by the commenter (included as Comment I2-3) regarding the Draft PEIR's methodology for the vehicle miles traveled (VMT). The comment also requests to speak to the consultant. As represented throughout this Final PEIR, these responses to comments provide formal communication for the purposes of the Draft PEIR's comment period. The Draft PEIR has been prepared by Dudek in consultation with and subject to the review and approval by the City of Fullerton, and the document represents the City's independent judgement, as required by the California Environmental Quality Act (CEQA) Statute (California Public Resources Code [PRC] Section 21000, et seq.). Specifically, PRC Section 21082.1 states that a lead agency must independently review and analyze all reports and circulate draft documents that reflect their independent judgement.
- I2-2** The comment requests a summary of findings in a worksheet. A summary of the VMT findings is presented in Appendix E, VMT Analysis, of the Draft PEIR. As shown, the Program's VMT was assessed using the Orange County Transportation Analysis Model (OCTAM) Version 5.0 with a base year of 2016 and a horizon year of 2045. The City's NOCC+ spreadsheet tool is used for project-level VMT analysis and is not a suitable tool for analyzing multiple sites simultaneously. The attachments of Appendix E, i.e., Appendix A, Model Socio-economic Data, and Appendix B, OCTAM Output Summary, are the inputs and outputs of the modeled VMT analysis conducted for the Program. The applicable program-level VMT results are also summarized in the Section 4.11, Transportation, of the Draft PEIR. See Table 4.11-2 and Table 4.11-3 of the Draft PEIR for the Program's VMT impact compared to the City's guidelines. The comment will be provided to the City for their review and consideration as part of this Final PEIR.
- I2-3** The comment represents a response to an email communication by the City (included as Comment I2-4). The comment describes the VMT methodology utilized in the Draft PEIR. No response is required.
- I2-4** The comment raises questions regarding the VMT methodology. This comment is similar to Comment I2-2. As such, see Response to Comment I2-2 for more discussion.

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Response to Comment Letter I3

Jane Reifer
July 12, 2024

- I3-1** The comment requests clarification on the Program’s buildout methodology with State Density Bonus law. As detailed in Chapter 3, Project Description, the Draft PEIR analyzed the Program’s maximum potential environmental effects with an assumed maximum density of 60 dwelling units per acre (du/ac). As a result, the Program would result in a maximum growth potential of 35,611 units. This buildout potential does not explicitly account for density bonus; however, it may accommodate it implicitly.
- The proposed HIOZ development standards for future development projects would be consistent with the City’s existing R-5 zone and High-Density Residential land use designation, both of which do not establish a maximum allowable density, neither in the Zoning Code or the General Plan. Therefore, there is no density cap on which to apply the density bonus formula. The State identifies a methodology via Assembly Bill 682 that provides guidance on how to apply the formula if there is no identified base density. However, its application is on a per parcel basis looking at setback, site coverage, stepbacks, floor area ratio, height, and standards for individual parcels, thus, arriving at a realistic development capacity. Given the programmatic nature of the Program and scale of the Planning Area, site-specific and project-specific level analysis is not addressed in the PEIR, as it would be too speculative to assess potential environmental impacts. Instead, the environmental analysis presented in the Draft PEIR includes assumptions to align the buildout methodology with the City’s General Plan. See Section 3.4.1, Methodology, of the Draft PEIR for more discussion. The 60 du/ac maximum density is applied across the Planning Area given the consistency with the majority of the General Plan’s Focus Areas. In addition to Section 3.4.1, see Appendix B to the Draft PEIR, for more discussion.
- I3-2** This comment requests clarification on the Program’s buildout methodology regarding density bonus. This comment is similar to Comment I3-1. As such, see Response to Comment I3-1 for more discussion.
- I3-3** The comment represents a response to an email communication by the City regarding vehicle miles traveled (VMT). This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR.
- I3-4** The comment requests clarification regarding the Draft PEIR’s VMT methodology. This comment is similar to the comments provided in Comment Letter I2. As such, see Response to Comment Letter I2 for more discussion.
- I3-5** This comment requests clarification on the Program’s buildout methodology regarding density bonus. This comment is similar to Comment I3-1. As such, see Response to Comment I3-1 for more discussion.
- I3-6** The comment represents an email exchange between the City and the commenter regarding City Hall’s hours of operations. This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR.
- I3-7** The comment states the commenter submitted comments on the City’s Draft Housing Element Update.

This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. However, the comment provides a comment on density bonus related to the proposed Program. This comment is similar to Comment I3-1. As such, see Response to Comment I3-1 for more discussion.

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Response to Comment Letter I4

Wayne Carvalho
July 15, 2024

I4-1 The comment requests a limit to the buildout potential within the proposed HIOZ ordinance to reduce the buildout potential to the City's Regional Housing Needs Allocation (RHNA) goals. The Draft PEIR analyzes a reasonable range of alternatives to the proposed Program. Consistent with Section 15126.6(a) of the CEQA Guidelines, the Draft PEIR need not consider every conceivable alternative to a project. Instead, CEQA requires alternatives which would feasibly attain most of the basic objectives of the project but would avoid or substantially less any of the significant effects of the project.

The proposed Program would facilitate ministerial review for future development projects. As described in Section 3.4.4, Municipal Code Amendments, of the Draft PEIR, the future development projects proposed on sites with a HIOZ designation would be subject to a site plan review. Additionally, future development projects would be required to meet the site assumptions on residential density (within 60 du/ac). With these parameters, future development projects would be exempt from further CEQA review and would be approved by-right by the City's Community and Economic Development Director. Although further CEQA review would not be required for these future development projects, these projects would be required to comply with the conditions of approval (as detailed in Section 3.6 of the Draft PEIR) and applicable mitigation measures (as identified throughout the PEIR) for implementation.

The comment would limit the buildout potential of sites with a HIOZ designation. State Housing Element Law (Government Code Section 65863) requires cities that reduce the density of residential land to make up for the lost housing units elsewhere in the community. The law also prohibits certain zoning-related actions, including downzoning. As such, the suggestion for the Program's buildout potential to be limited to the City's 6th Cycle RHNA goals would be legally infeasible. Thus, the suggestion would be rejected as an alternative due to its infeasibility, in accordance with CEQA Guidelines Section 15126.6(c). See Draft PEIR Chapter 6, Alternatives, including Alternative 2 (Reduced Sites Alternative) and Alternative 3 (Reduced Density Alternative) for discussion on a reduced buildout potential.

I4-2 The comment states school sites should be included in the Planning Area. The Draft PEIR includes discussion on alternative locations as discussed below.

The City attempted to identify feasible alternative locations within the city that could be available for the implementation of the proposed Program, in accordance with CEQA Guidelines, Section 15126.6(f)(2). However, pursuant to CEQA Guidelines, Section 15126.6(f)(2)(A), the key question and first step in analysis of alternate site locations are whether any of the significant effects of the Program would be avoided or substantially lessened by moving the Program to another location. The Program would result in significant and unavoidable impacts related to Air Quality and Population and Housing, for example. Alternative sites would not reduce the significant and unavoidable impacts identified in the PEIR. Moreover, some sites identified for the Program were previously identified by the Housing Element's adequate sites analysis. As the City is required to implement the Housing Element pursuant to state law, including the adequate sites program, consideration of alternative locations for the implementation of the Program is not feasible (Draft PEIR, p. 6.0-4). Therefore, alternate locations capable of accommodating the Program, including school sites, are considered infeasible.

I4-3 The comment requests implementation of the Program be limited to public streets, or directly adjacent to residential, and not permitted on parcels surrounded by industrial or commercial uses. The comment states future development projects adjacent to industrial or commercial uses would not be appropriate.

Regarding public streets, the Program’s Planning Area is based on a methodology (see Section 3.4.1 of the Draft PEIR), including economic viability, location within opportunity areas, location outside local hazard zones, and adjacency to local amenities (Draft PEIR, p. 3.0-6). The Planning Area, as illustrated in Draft PEIR Figure 3-2, HIOZ Map, is a result of this site screening process. This comment is similar to the discussion in Comment I4-2 regarding alternative locations. See Response to Comment I4-2 for more discussion.

Regarding adjacency to industrial or commercial uses, implementation of the proposed Program would require a General Plan Amendment in order to allow residential land uses within and adjacent to Industrial- and Commercial-designated areas. Moreover, regarding design compatibility, future development projects proposed on sites with a HIOZ designation would be subject to a site plan review or minor site plan review (as applicable), which would be subject to approval by the City’s Community and Economic Development Director. Furthermore, the future projects would be required to comply with the conditions of approval (as detailed in Section 3.6 of the Draft PEIR) and applicable mitigation measures (as identified throughout the PEIR) for implementation. The comment will be provided to the decision makers for review and consideration as part of this Final PEIR.

I4-4 The comment states the City should limit the HIOZ amendment process. As detailed further in Section 3.4.4 of the Draft PEIR, the amendment process for properties not currently included in the HIOZ would be outlined in the City’s Municipal Code, which includes approval by the City’s Planning Commission and City Council. The comment regarding removal of sites is similar to Comment I4-1. As such, see Comment I4-1 for more discussion on Housing Element Law.

I4-5 The comment raises concern for building height and compatibility with surrounding uses and requests a 4-stories or 50-foot limit to minimize impacts to existing uses. Future development projects implemented under the proposed Program would be in compliance with applicable development standards of their respective permitted uses (R-5 or C-3 zones), as shown in Chapter 15.17, Residential Zone Classifications, or Chapter 15.30, Commercial Zone Classifications, of the City’s Municipal Code (Draft PEIR, p. 3.0-11). This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. However, for informational purposes, see Table 3 of Appendix B-1 of the Draft PEIR for a breakdown of development standards for the City’s existing R-5 zone.

I4-6 The comment provides recommended parking standards for the proposed HIOZ Ordinance. The comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. The comment will be provided to the decision makers for review and consideration as part of this Final PEIR.

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Response to Comment Letter I5

Jane Reifer
July 15, 2024

- I5-1** This introductory comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.
- I5-2** The comment states support for affordable housing. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-3** The comment correctly identifies the City’s existing conditions and compares the buildout projections of Alternative 2 to the City’s General Plan buildout projections. Generally, as described in Chapter 6 of the Draft PEIR, Alternative 2 would exceed General Plan projections. However, Alternative 2 would be slightly less than the proposed Program (Draft PEIR, p. 6.0-16). The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-4** The comment raises general concerns regarding affordable housing and gentrification. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. According to State CEQA Guidelines Section 15064(e) “economic and social changes resulting from a project shall not be treated as significant effects on the environment.” Thus, economic and social implications (i.e., gentrification) of the Program are not within the scope of required environmental analysis. Because socio-economic implications are not considered impacts on the environment under CEQA, no mitigation measures would be appropriate.
- I5-5** The comment request clarification on density bonus. Chapter 3, Project Description, the Draft PEIR analyzed the Program’s maximum potential environmental effects with an assumed maximum density of 60 dwelling units per acre (du/ac). As a result, the Program would result in a maximum growth potential of 35,611 units. This buildout potential does not explicitly account for density bonus; however, it may accommodate it implicitly.

The proposed HIOZ development standards for future development projects would be consistent with the City’s existing R-5 zone and High-Density Residential land use designation, both of which do not establish a maximum allowable density, neither in the Zoning Code or the General Plan. Therefore, there is no density cap on which to apply the density bonus formula. The State identifies a methodology via Assembly Bill 682 that provides guidance on how to apply the formula if there is no identified base density. However, its application is on a per parcel basis looking at setback, site coverage, setbacks, floor area ratio, height, and standards for individual parcels, thus, arriving at a realistic development capacity. Given the programmatic nature of the Program and scale of the Planning Area, site-specific and project-specific level analysis is not addressed in the PEIR, as it would be too speculative to assess potential environmental impacts. Instead, the environmental analysis presented in the Draft PEIR includes assumptions to align the buildout methodology with the City’s General Plan. See Section 3.4.1, Methodology, of the Draft PEIR for more discussion. The 60 du/ac maximum density is applied across the Planning Area given the consistency with the majority of the General Plan’s Focus Areas. In addition to Section 3.4.1, see Appendix B to the Draft PEIR, for more discussion.

Regarding the percentage of affordable housing, this comment is similar to Comment I5-4. As such, see Response to Comment I5-4 for more discussion.

- I5-6** The comment requests analysis of additional properties included in the Program. Section 3.4.4 states upon adoption of the proposed HIOZ, procedures for inclusion would be outlined in the City’s Municipal Code. For properties not currently included in the HIOZ, a request for a HIOZ designation may be initiated by an application by a property owner made in accordance with Chapter 15.72 (Amendments) of the Municipal Code. As such, amendments to the proposed HIOZ would require approval by the City’s Planning Commission and City Council. Furthermore, the application shall be consistent with the objectives of the Zoning Ordinance and General Plan and be reasonably compatible with surrounding land uses to promote the general health, safety, and welfare (Draft PEIR, p. 3.0-11). However, the inclusion of new sites within the Planning Area are too speculative to assess potential environmental impacts. As discussed, subsequent approvals by the City’s Planning Commission and City Council would be subject to future CEQA.
- I5-7** The comment notes the percentage of affordable housing was not identified in Chapter 3 of the Draft PEIR. This comment is similar to Comment I5-4. As such, see Response to Comment I5-4 for more discussion regarding economic impacts.
- I5-8** The comment request additional environmental analysis based on levels of affordability. This comment is similar to Comment I5-4. As such, see Response to Comment I5-4 for more discussion regarding economic impacts. Moreover, the Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts.
- I5-9** The comment raises concern for affordable housing. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- I5-10** The comment states concern for the impact analysis contained in the Draft PEIR. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Section 3.6, Discretionary Actions, outlines the approvals required for implementation of the proposed Program, including the certification of the PEIR, adoption of the Program (e.g., establishing the Housing Incentive Overlay Zone within the Municipal Code), and the approvals of a General Plan amendment and Zoning Code amendment. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts.
- I5-11** The comment states the conditions of approval related to cultural resources are inadequate to reduce impacts to a less-than-significant level. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. COA-CR-1 through COA-CR-4 are existing mitigation measures listed in the City’s General Plan PEIR. As such, these measures were included as conditions of approval for the proposed Program. For more discussion on the impact analysis related to cultural resources, see the Initial Study (Appendix A to the Draft PEIR) and Section 5.5, Effects Found Not to be Significant, of the Draft PEIR.

I5-12 The comment states concern for the impact analysis related to cultural resource and riparian habitat. Regarding cultural resources, see Response to Comment I5-11. Regarding impacts to biological resources (i.e., riparian habitat), a condition of approval (COA-BIO-1) adapted from the City's General Plan PEIR were included to reduce impacts to a less-than-significant level. See the Initial Study (Appendix A to the Draft PEIR) and Section 5.5, Effects Found Not to be Significant, of the Draft PEIR, for more discussion.

I5-13 The comment incorrectly states the Draft PEIR concludes cumulative impacts would be less than significant. Cumulative impacts related to air quality, noise, population and housing, and tribal cultural resources would be significant and unavoidable. See Table 1-1, Summary of Program Impacts, of the Draft PEIR for impact conclusions disclosed throughout the PEIR.

I5-14 The comment requests clarification on the proposed Program. Chapter 3, Project Description, of the Draft PEIR details how the Housing Incentive Overlay Zone is a policy action within the City's Housing Element Update identified to help facilitate housing production in order to meet the City's RHNA goals (Draft PEIR, p. 3.0-5). Furthermore, Section 3.6 outlines the approvals required for implementation of the proposed Program, including the certification of the PEIR, adoption of the Program (e.g., establishing the Housing Incentive Overlay Zone within the Municipal Code), and the approvals of a General Plan amendment and Zoning Code amendment. The proposed Program is an overlay zone on parcels with a non-residential underlying zoning classification. The Program would not change the underlying zone and is not a Specific Plan. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.

I5-15 The comment requests clarification of impacts related to cultural resources, levels of service, biological resources (e.g., riparian habitat), hazards and hazardous materials, geology and soils (e.g., paleontological resources), and hydrology and water quality. These environmental topic areas are adequately analyzed throughout the Draft PEIR, including Appendix A-2, Initial Study.

Impacts related to cultural resources were determined to be less than significant with the incorporation of COA-CR-1 through COA-CR-4. Similarly, impacts to biological resources (e.g., riparian habitat) were determined to be less than significant with the incorporation of COA-BIO-1. Geology and soils, including paleontological resources, were determined to be less than significant with the incorporation of COA-CR-1 through COA-CR-3. See Appendix A-2 and Draft PEIR Section 5.5, Effects Found Not to be Significant, for more discussion.

The Draft PEIR analyzed impacts related to hazards and hazardous materials and hydrology and water quality within Sections 4.3 and 4.4. Impacts related to hazards and hazardous materials were determined to be less than significant with mitigation incorporated (MM-HAZ-1 through MM-HAZ-5). Impacts related to hydrology and water quality were determined to be less than significant.

Regarding impacts related to levels of service (LOS), CEQA Guidelines Section 15064.3 states that using LOS as a traffic delay metric is no longer considered a significant environmental impact under CEQA. Pursuant to Senate Bill (SB) 743, the City adopted Transportation Assessment Policies and Procedures to include vehicle miles traveled (VMT) as the new metric to evaluate the significance of transportation impacts. These guidelines and thresholds apply to land use and transportation projects in the City that are subject to CEQA and non-CEQA analyses. Therefore, the PEIR uses the metric of VMT for analyzing transportation impacts under CEQA. However, per COA-TRA-1, the City would ensure

preparation of a detailed multi-modal analysis to ensure consistency of individual projects with the City's current and applicable General Plan Mobility policies.

I5-16 The comment states impact conclusions conflict. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Regarding cumulative impacts, see Response to Comment I5-13 above.

I5-17 The comment requests oversight by residents during the permitting process of future development projects. As detailed in Section 3.4.4 of the Draft PEIR, in the event future development projects meet the parameters set forth in the Municipal Code and the PEIR, future development projects would be exempt from further CEQA review and would be approved by-right by the City's Community and Economic Development Director. In the event future development projects require approval for a lot line adjustment, consolidation of lots, or subdivision, then subsequent discretionary approvals pursuant to Title 16, Subdivisions, of the Municipal Code would be required.

I5-18 The comment suggests an additional alternative focusing on affordable housing and alternate locations. The Draft PEIR considers alternatives to the proposed Program in accordance with Section 15126.6(f) of the State CEQA Guidelines, which states, "[t]he alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project." Given this, the suggested alternative is infeasible for the reasons described below.

The alternatives under consideration within the Draft PEIR were identified due to their ability meet the project objectives, as summarized in Table 6-11 of the Draft PEIR. The suggested alternative's focus on affordable housing is not consistent with the underlying purpose of the project. As described in Chapter 3, Project Description, of the Draft PEIR, the City does not contain sufficient sites with appropriate zoning to accommodate the City's RHNA allocation. As such, the City identified the proposed Program as a policy action under the Housing Element Update to help facilitate housing production and meet the City's RHNA goals. The City's RHNA goals include "market rate" (i.e., above moderate income) and "affordable housing" (i.e., very-low, low, and moderate income). Moreover, the CEQA cannot consider the economic and social implications of an affordable-housing only alternative. State CEQA Guidelines Section 15064(e) states "economic and social changes resulting from a project shall not be treated as significant effects on the environment." Thus, economic and social implications are not within the scope of required environmental analysis.

The Program's Planning Area is based on a methodology including economic viability, location within opportunity areas, location outside local hazard zones, and adjacency to local amenities (see Section 3.4.1 of the Draft PEIR). Similar to the comment's suggestion, the City attempted to identify feasible alternative locations within the city that could be available for the implementation of the proposed Program. However, alternative sites would not reduce the significant and unavoidable impacts related to Air Quality and Population and Housing, for example. Moreover, some sites identified for the Program were previously identified by the Housing Element's adequate sites analysis. As the City is required to implement the Housing Element pursuant to state law, including the adequate sites program, consideration of alternative locations for the implementation of the Program is not feasible (Draft PEIR, p. 6.0-4). Therefore, alternate locations capable of accommodating the Program, including those described in the comment, are considered infeasible. Additionally, the comment's concerns regarding

cultural resources (e.g., informal cemeteries), is addressed in the Draft PEIR through the implementation of COA-CR-4.

15-19 The comment states significant impacts would occur to historical resources within the Chapman Corridor Focus Area. Section 5.5, Effects Found Not to be Significant, states the Program would require the implementation of COA-CR-1, which would require a Phase I Cultural Resources Study for future development sites located on properties considered by the City to be sensitive for cultural resources, including historical resources. As such, impacts to historical resources were determined to be less than significant.

Regarding consistency with the Chapman Corridor Focus Area, the environmental analysis presented in the Draft PEIR aligned buildout assumptions with the City's General Plan. For example, the 60 du/ac maximum density is applied across the Planning Area as a majority of the General Plan's Focus Areas meet this maximum, including the Chapman Corridor Focus Area. See Section 3.4.1 and Appendix B to the Draft PEIR for more discussion.

15-20 The comment raises concern for other housing developments proposed or developed within the City. This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR.

15-21 The comment expresses support for a reduced buildout potential compared to the proposed Program. See Draft PEIR Chapter 6, Alternatives, including Alternative 2 (Reduced Sites Alternative) and Alternative 3 (Reduced Density Alternative) for discussion on a reduced buildout potential.

15-22 The comment expresses support for non-profit developers to build affordable housing. This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR.

15-23 The comment notes a policy action within the Housing Element Update regarding affordable housing acquisition and rehabilitation. The Draft PEIR analyzes the potential environmental impacts associated with Policy Action 1.1, Provision of Adequate Sites for Housing Development, within the City's Housing Element Update. Regarding alternative sites, see Response to Comment 15-18 for more discussion.

15-24 The comment states the City should adopt a policy/program regarding mobile home ownership and renters. This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. Regarding displacement, the Draft PEIR determined the Program would not permanently displace a substantial number of people and any temporary impacts would be offset by the anticipated increase in housing production. Therefore, impacts would be less than significant.

15-25 The comment identified an error in Table 6-2 of the Draft PEIR. As such, a revision has been made to the PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the buildout projections presented Table 6-2. Therefore, this revision does not warrant recirculation of the Draft PEIR.

15-26 The comment states the proposed Program is inconsistent with the General Plan given the projections of unplanned population growth. As demonstrated in Table 4.5-2, the Program would generally not conflict with applicable goals and policies for the purposes of avoiding or mitigating environmental

effects. Moreover, Section 4.5, Land Use and Planning, states the Program would require the approval of a General Plan amendment for implementation to ensure consistency with the Planning Area parcels with restrictive land use designations. Upon approval, the Program would be consistent with the General Plan.

Regarding unplanned population growth, Section 4.8, Population and Housing, concludes the Program would exceed the General Plan growth projections for specified parcels. However, given the statutory requirements under State Housing Element law, implementation of the Program is anticipated to occur through the 6th RHNA Cycle ending in October 2029; therefore, the impacts associated with the unplanned growth would be short-term. Regional planning efforts such as SCAG's Connect SoCal are required by law to be updated every four years. As such, it is anticipated that SCAG's projections would be corrected with more accurate and up-to-date information on future conditions, such as State-mandated housing goals. The Air Quality Management Plan and Urban Water Management Plan are examples of other planning documents that are revised periodically and are anticipated to be updated after the Program's 2029 buildout year. As such, impacts related to the Program's unplanned population growth would be moderated as updated projections are systematically incorporated into regional planning documents applicable to the Planning Area (Draft PEIR, p. 4.8-17).

15-27 The comment requests discussion on exceeding General Plan buildout projections and to reduce significant and unavoidable effects. This comment is similar to Comment 15-26. As such, see Response to Comment 15-26 above.

15-28 The comment requests discussion on the Program's consistency with the Housing Element. The Program is identified by the City as one of two policy actions to help facilitate housing production. Given this, the Program implements the Housing Element and is consistent.

Regarding the General Plan amendment, the Program requires an amendment in order to allow residential land uses within and adjacent to Industrial- and Commercial-designated areas. In addition to consistency for allowable land uses, the proposed Program would require consistency with development standards that specify a maximum residential density on site. See Section 3.4.3, General Plan Consistency, of the Draft PEIR for more discussion.

15-29 The comment states the Program would conflict with the General Plan because the Program incorporates a General Plan amendment. Under CEQA, a project is defined as "the whole of an action." The term "project," as further stated in the CEQA Guidelines Section 15378, "refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval."

As set forth in Section 3.6 of the Draft PEIR, one of the City's required approvals is a General Plan amendment. As such, per the definition of "project" under CEQA, the General Plan amendment is considered part of the project and therefore must be evaluated in the PEIR. An EIR analyzes environmental impacts on a conditional level, under the assumption that a project were to be approved. Additionally, adoption of the Housing Incentive Overlay Zone requires the establishment of the overlay zone in the City's Zoning Code (i.e., Municipal Code) as a new Chapter 15.23, which would outline the provisions for review and inclusion, approval processes, affordable housing requirements, permitted uses, and development standards. Therefore, upon approval of the proposed Program (which must be

inclusive of the General Plan and Zoning Code amendments per the definition of “project” under CEQA), the project would be consistent with the General Plan.

Regarding buildout projections per General Plan Focus Area, the Draft PEIR disclosed the General Plan’s growth projections per Focus Area within Table 4.8-7. However, the impact analysis did not compare to growth projections solely for Focus Areas given the citywide nature of the Program including parcels not within Focus Areas. As such, Table 4.8-11, General Plan Buildout and Growth Comparisons, compares the Program-related growth to the entire City.

15-30 The comment states the Draft PEIR should analyze displacement of existing nonconforming residential housing. As noted by the comment, less than significant impacts would occur given that the Program would not permanently displace a substantial number of people and any temporary impacts would be offset by the anticipated increase in housing production. The threshold identified within Appendix G of the CEQA Guidelines is whether or not a project would result in the displacement of existing people or housing necessitating in the construction of replacement housing elsewhere. Although existing non-conforming residential uses may be impacted by the Program’s implementation, the impacts would be temporary and offset by the anticipated increase of the Program’s buildout potential. Moreover, the affordability of housing impacted or developed shall not be considered a significant impact on the environment, in accordance with CEQA Guidelines Section 15382.

15-31 The comment states a Cultural Resources Report should have been prepared for the Draft PEIR. The comment states this is an area of controversy. As such, a revision has been made to the list of areas of controversy in the Draft PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the public’s concerns and the Draft PEIR’s ability to address the issues raised. Therefore, this revision does not warrant recirculation of the Draft PEIR.

As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. For individual projects located on properties considered by the City to be sensitive for cultural resources, including historical resources, implementation of COA-CR-1 would require a Phase I Cultural Resources Study. Similarly, regarding biological resources (e.g., riparian areas), implementation of future development projects would be required to comply with COA-BIO-1 which would require a Biological Resource Assessment for development projects within or adjacent to an environmentally sensitive habitat areas. Regarding disadvantaged populations, economic and social changes shall not be considered a significant impact on the environment, in accordance with CEQA Guidelines Section 15382.

15-32 The comment expresses opposition to the proposed Program within the Chapman Avenue and Commonwealth Avenue corridors. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. The commenter’s opposition will be provided to the decision makers for their review and consideration as part of this Final PEIR.

15-33 The comment expresses opposition to the proposed Program within the Chapman Avenue and Commonwealth Avenue corridors. The comment does not raise specific concerns regarding the

adequacy of the analysis in the Draft PEIR. The commenter's opposition will be provided to the decision makers for their review and consideration as part of this Final PEIR.

- I5-34** The comment raises concern for historic-age or eligible structures and districts. COA-CR-1 would require a qualified professional to determine potential substantial adverse changes to historical resources. Subsequently, COA-CR-3 would require the immediate cease of all earth-disturbing activities within a 100-feet of an area of discovery. As such, the conditions imposed on future development projects would be comprehensive for assessing potential effects to historical resources. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts.
- I5-35** The comment raises concern for views of historic properties. This comment is similar to Comment I5-34. As such, see Response to Comment I5-34 for more discussion on historical resources. Additionally, the comment expresses opposition to Program implementation on Chapman Avenue and Commonwealth Avenue. The commenter's opposition will be provided to the decision makers for their review and consideration as part of this Final PEIR.
- I5-36** The comment raises concern for cultural resources. This comment is similar to Comments I5-31 and I5-34. As such, see Responses to Comments I5-31 and I5-34.
- I5-37** The comment raises concern for cultural resources. This comment is similar to Comments I5-31 and I5-34. As such, see Responses to Comments I5-31 and I5-34.
- I5-38** The comment raises concern for cultural resources. This comment is similar to Comments I5-31 and I5-34. As such, see Responses to Comments I5-31 and I5-34.
- I5-39** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- I5-40** The comment notes the impact analysis for paleontological resources is discussed under Section 3.7, Geology and Soils, instead of Section 3.5, Cultural Resources, of the Initial Study (Appendix A-2 of the Draft PEIR). The State CEQA Guidelines threshold question, "Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?" was moved from Cultural Resources to Geology and Soils by the Governor's Office of Planning and Research in January 2018 along with comprehensive updates to the CEQA Guidelines. The threshold's location does not change the analysis contained within the Draft PEIR (or Initial Study). As demonstrated in Section 5.5, Effects Found Not to be Significant, states the Program would require the implementation of COA-CR-1 through COA-CR-3, which would reduce potentially significant impacts to paleontological resources.
- I5-41** The comment states informal cemeteries should be evaluated. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. In the event that human remains are unearthed during excavation and grading activities of any future

development project, COA-CR-4 would require all activity shall cease immediately. See Section 3.5, Conditions of Approval, of the Draft PEIR for more information.

I5-42 The comment appears to restate the analysis contained within Section 5.5.1, Aesthetics, as well as the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment states this is an area of controversy. As such, a revision has been made to the list of areas of controversy in the Draft PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the public's concerns and the Draft PEIR's ability to address the issues raised. Therefore, this revision does not warrant recirculation of the Draft PEIR.

Regarding scenic corridors, the City has adopted Scenic Corridor Design Guidelines in order to ensure and maintain scenic quality. However, impacts to scenic corridors are not within the scope of the required environmental analysis. The CEQA Guidelines requires analysis of a project's potential to substantially damage scenic resources within a State scenic highway. The Planning Area parcels are not within the viewshed of designated scenic highways. See Appendix A-2 for more discussion.

I5-43 The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.

I5-44 The comment states impacts related to hazardous and hazardous materials should be evaluated. Section 4.3, Hazardous and Hazardous Materials, of the Draft PEIR determined impacts would be less than significant with the incorporation of MM-HAZ-1 through MM-HAZ-5 and implementation of COA-HAZ-1 through COA-HAZ-4. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.

I5-45 The comment states impacts related to land use and population could be avoided with a new alternative. The comment does not provide a suggested alternative. As such, the comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. No further response is required.

I5-46 The comment states impacts related to density bonus and cumulative impacts should be evaluated in the Draft PEIR. This comment is similar to Comment I5-5. As such, see Response to Comment I5-5.

I5-47 The comment request clarification on the Program's proposed buildout potential. The Program applied a 60 du/ac density maximum across the Planning Area (see Section 3.4.1, Methodology, and Appendix B of the Draft PEIR, for more discussion). As detailed in Section 3.4.4 of the Draft PEIR, in the event future development projects meet the parameters set forth in the Municipal Code and the PEIR, future development projects would be exempt from further CEQA review and would be approved by-right by the City's Community and Economic Development Director. As such, the Draft PEIR evaluates the potential impacts of the Program's total buildout.

I5-48 The comment states the Program is inconsistent with the General Plan and results in unplanned population growth. This comment is similar to Comment I5-26. As such, see Response to Comment I5-26.

- 15-49** The comment requests clarification for General Plan land use designations. Section 3.4.1, Methodology, further details the Program’s maximum density for implementation. As discussed, the proposed Program would be an appropriate equivalent to the City’s existing High Density Residential designation. As such, the proposed General Plan amendment required for Program implementation would not change the Low and Medium Density Residential land use designation maximum densities allowed.
- 15-50** The comment states the Program conflicts with Goals 1 through 8 of the General Plan and SCAG’s Connect SoCal. As demonstrated in detail in Section 4.5, Land Use and Planning, the Program would not conflict with Connect SoCal, as shown in Table 4.5-1. Similarly, Table 4.5-2 demonstrates the Program’s ability to not conflict with goals of the General Plan.
- 15-51** The comment states impacts to emergency access at higher elevations should be evaluated in the Draft PEIR. Section 5.5.8 includes impact analysis on emergency access as a result of future development projects. As described, future development would need to comply with all applicable building code requirements related to access and design requirements to allow for emergency services to access all structures. The City’s plan check and permitting process would review individual projects for code compliance. Furthermore, COA-HAZ-5 would require the preparation of a Traffic Control Plan during construction, as applicable. Given this, less than significant impacts would occur.
- 15-52** The comment states there is no Route 53 in Fullerton. The Draft PEIR includes Orange County Transportation Authority Route 53 within the environmental setting of Section 4.11, Transportation, to provide local and regional context. The comment expresses opposition to the Program’s proposed density with the existing transit services. The commenter’s opposition will be provided to the decision makers for their review and consideration as part of this Final PEIR. Additionally, as a result of these responses to comments, Comment Letter A4 identified changes to the transit service. See Response to Comment A4-3 and Chapter 3, Revisions to the Draft PEIR, of this Final PEIR for more information.
- 15-53** The comment requests a new development fee imposed by the City on future development projects to support transit services. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. However, the comment will be provided to the decision makers for their review and consideration.
- 15-54** The comment requests clarification on the VMT methodology used to analyze the proposed Program. As shown, the Program’s VMT was assessed using the Orange County Transportation Analysis Model (OCTAM) Version 5.0 with a base year of 2016 and a horizon year of 2045. The City’s NOCC+ spreadsheet tool is used for project-level VMT analysis and is not a suitable tool for analyzing multiple sites simultaneously. A summary of the VMT findings is presented in Appendix E, VMT Analysis, of the Draft PEIR. The attachments of Appendix E, i.e., Appendix A, Model Socio-economic Data, and Appendix B, OCTAM Output Summary, are the inputs and outputs of the modeled VMT analysis conducted for the Program. The applicable program-level VMT results are also summarized in the Section 4.11, Transportation, of the Draft PEIR. See Table 4.11-2 and Table 4.11-3 of the Draft PEIR for the Program’s VMT impact compared to the City’s guidelines.
- 15-55** The comment requests analysis of VMT on a local traffic analysis zone (TAZ) level. Figure 4.11-1 depicts the TAZs from the Orange County Transportation Analysis Model (OCTAM) for the City that have been

used in the VMT analysis of the Program, as discussed under Section 4.11.3, Methodology. Regarding baseline, see Response to Comment I5-54 above.

I5-56 The comment states the Program would conflict with the existing transportation network. The Program would not result in physical changes to the environment as it would not directly result in the construction of additional housing. Instead, the Program would facilitate the construction of housing within the City. Implementation of future development projects would need to comply with all applicable building code requirements related to access (e.g., driveways). The City's plan check and permitting process would review individual projects for code compliance. Given this, less than significant impacts would occur. Regarding COA-TR-1, the comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.

I5-57 The comment raises concern for impacts to transit, bicycle, and pedestrian modes of transportation as a result of construction activities. Regarding COA-AQ-6, the traffic control plans required under this measure would be designed to reduce impacts to sensitive receptors. COA-HAZ-5 would require the preparation of a Traffic Control Plan during construction, as deemed necessary by the City Traffic Engineer. The measure is focused on roadway lanes and not exclusive to the impacts of other modes of transportation.

I5-58 The comment requests additional analysis to support multiple modes of transportation related to geometric design conflicts and incompatible uses. The Draft PEIR adequately addressed this threshold. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. As described in Section 5.5.14 of the Draft PEIR, individual projects facilitated as a result of the Program's implementation would be subject to the City's plan check and permitting process. At that time, any specific traffic hazards due to the geometric design around the future project sites would be identified. No geometric design issues are reasonably foreseeable at the time of drafting this PEIR. Moreover, implementation of the Program would result in infill development and/or redevelopment of parcels within a built out, urban area which would not involve permanent changes to linear infrastructure, including roadways.

Future development projects proposed in the Planning Area would be subject to, and designed in accordance with City standards and specifications which address potential design hazards including sight distance, driveway placement and access, and signage and striping. At intersections or roadways where traffic safety issues are identified, the City would work to correct any deficiencies in a timely manner to the degree that is practical and feasible, including all modes of transportation (Draft PEIR, p. 5.0-22).

I5-59 The comment raises concern for hazards throughout the City under existing conditions. This comment is similar to Comment I5-58. Additionally, the Draft PEIR concluded that implementation of Program would not exacerbate existing conditions. Future development projects would be subject to the City's plan check and permitting process. See Response to Comment I5-58 for more discussion.

I5-60 The comment requests a new development fee to support transit. The comment is similar to Comment I5-53. As such, see Response to Comment I5-53.

- 15-61** The comment appears to be repeat the comments presented in Comments 15-56 through 15-60. See Responses to Comments 15-56 through 15-60.
- 15-62** The comment states impacts to biological resources were not addressed in the Draft PEIR. The Draft PEIR adequately addressed impacts to biological resources. As described in Section 5.5.4, Biological Resources, future development projects within the Planning Area would occur primarily through redevelopment of existing development sites or infill development and it is not anticipated that implementation of the proposed Program would result in significant impacts to candidate, sensitive, or special status species and their habitats. The Planning Area does not include parcels within the West Coyote Hills Focus Area, which has been identified as an area where special status wildlife and plant species and their habitats are known to occur or include parcels within the Coyote Hills East Habitat Conservation Plan. The implementation of future development projects would also be required to comply with COA-BIO-1 which would require a Biological Resource Assessment for development projects within or adjacent to an environmentally sensitive habitat areas. Given this, impacts were determined to be less than significant. Moreover, as demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Implementation of COA-BIO-1 would address the comment's concerns.
- 15-63** The comment states impacts to biological resources (riparian areas) were not addressed in the Draft PEIR. As described in Section 5.5.4, the Draft PEIR determined future development projects would be located in areas that are primarily developed and do not contain riparian habitat or other sensitive natural community. Thus, it is not anticipated that implementation of the proposed Program would result in significant impacts to riparian habitat or other sensitive natural community. However, some parcels within the Planning Area are located within the vicinity of mapped riparian habitats (Draft PEIR, p. 5.0-13). In the event future development projects associated with the proposed Program are adjacent to existing rivers, streams, or channels, such projects would be required to comply with COA-BIO-1.
- 15-64** The comment states impacts were not adequately analyzed. Impacts were analyzed on a programmatic level throughout the Draft PEIR. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts.
- 15-65** The comment raises concern for tree preservation policies. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. However, implementation of future development projects would be required to comply with existing goals, policies, and regulations governing protected trees, as applicable. As such, the Program would not conflict with existing policies and regulations. Future development projects would be subject to the City's permitting review and plan check process, which would ensure compliance local regulations.
- 15-66** The comment states a Planning Area parcel is located across the street from the Coyote Hills East Habitat Conservation Plan. Implementation of the Program would not facilitate future development within this conservation area. In the event additional parcels are considered as part of a future development, subsequent discretionary approvals (including future CEQA review) would be required, as

detailed in Section 3.4.4 of the Draft PEIR. No impact would occur to the Coyote Hills East Habitat Conservation Plan (Draft PEIR, Appendix A-2, p. 29).

- 15-67** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- 15-68** The comment appears to be repeat the comments presented in Comments 15-63 through 15-65. As such, see Responses to Comments 15-63 through 15-65.
- 15-69** The comment states impacts to biological resources (riparian areas) were not addressed in the Draft PEIR. As described in Section 5.5.4, the Draft PEIR determined future development projects would be located in areas that are primarily developed and do not contain riparian habitat or other sensitive natural community. This comment is similar to Comment 15-63. As such, see Response to Comment 15-63 for more discussion.
- 15-70** The comment states the impact analysis related to air quality is inadequate. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- 15-71** The comment notes the environmental setting under Section 4.1, Air Quality, states the City is not considered a disadvantaged community. The Draft PEIR states with a maximum CalEnviroScreen score is 100, a score of 50 or greater reflects a higher pollution burden compared to other census tracts. As a result of this comment, the CalEnviroScreen discussion has been updated to reflect the correct ZIP codes within City and their CalEnviroScreen score. Overall, this discussion provides context to the air quality conditions within the Planning Area. Implementation of the proposed Program is not assessed on environmental justice issues. According to State CEQA Guidelines Section 15064(e) “economic and social changes resulting from a project shall not be treated as significant effects on the environment.” Thus, economic and social implications (i.e., disadvantaged communities) of the Planning Area are not within the scope of required environmental analysis. Because socio-economic implications are not considered impacts on the environment under CEQA, no mitigation measures would be appropriate.
- 15-72** The comment identified a ZIP code (92801) erroneously included in the Draft PEIR. As such, a revision has been made to the PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the ZIP code should be 92833. Therefore, this revision does not warrant recirculation of the Draft PEIR.
- 15-73** The comment states the impact analysis related to mobile emissions is inadequate. The comment states the Program would facilitate less than 100 delivery truck trips per day. Instead, the impact analysis states operation of future development projects would not result in a substantial increase in diesel vehicles (i.e., delivery trucks greater than 100 per day) (Draft PEIR, p. 4.1-34). In this context, the analysis adequately describes assumptions during operations, in which diesel delivery trucks would not serve individual future development projects at this scale. Residential or mixed-use land uses such as those facilitated through the proposed Program typically do not include diesel-powered vehicle trips (i.e., semi-trucks). Moreover, home delivery trucks trips (i.e., box trucks or cube vans) are not typically diesel powered.

- 15-74** The comment states the Program would result in impacts related to toxic air contaminants (TAC). The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. For informational purposes, the Draft PEIR determined impacts related to TACs during construction and operation would be significant and unavoidable even with the incorporation of mitigation (Draft PEIR, p. 4.1-34).
- 15-75** The comment requests additional mitigation to require the use of electric landscaping equipment. As summarized in Table 4.1-7, Estimated Combined Construction and Operational Criteria Air Pollutant Emissions, maximum daily operational emissions would exceed thresholds of significance for VOC, NO_x, CO, PM₁₀, and PM_{2.5}. Landscaping equipment, such as lawn mowers and blowers, would result in fuel combustion emissions and contribute to area source emissions. However, landscaping equipment typically consists of a small portion of area source emissions, and incorporating mitigation limiting the use of such equipment would be difficult to regulate within the scope of the proposed Program. Instead, the use of electrical landscaping equipment could be facilitated through existing regulations, including the National Electrical Code (NEC) 210.52(E)(1), which require residential properties to have outdoor outlets. Moreover, the Draft PEIR included MM-AQ-2 as a feasible mitigation measure to reduce emissions related to building design operations. However, even with the implementation of MM-AQ-2, air quality impacts would remain significant and unavoidable.
- 15-76** The comment states the air quality impact analysis related to sensitive receptors is inadequate. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. For more information on the assumptions and methodology used in the Draft PEIR, see Section 4.1.4, Methodology.
- 15-77** The comment states air quality impacts to sensitive receptors adjacent to industrial uses were not addressed in the Draft PEIR. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Given this, the Draft PEIR disclosed impacts related to TAC emissions would be significant and unavoidable during operations even with the incorporation of MERV 13 filters and the implementation of MM-AQ-2 (Draft PEIR, p. 4.1-34).
- 15-78** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- 15-79** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. This comment is similar to Comment 15-29. As such, see Response to Comment 15-29. Additionally, the comment restates the Draft PEIR's cumulative impact determination. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- 15-80** The comment requests additional mitigation related to odors. A significant impact was not identified in the Draft PEIR's environmental analysis regarding odors. As such, CEQA does not require the incorporation of mitigation. See Section 5.5.3, Air Quality (Odors), for more discussion.

- 15-81** The comment states the Draft PEIR does not include analysis on mandatory findings of significance. As noted by the comment, the Initial Study (included as Appendix A-2) determined potentially significant impacts could occur as a result of the Program. Therefore, the Draft PEIR included impact analysis throughout Chapter 4. Additionally, Section 5.5.5, Cultural Resources, analyzes the potential impacts to cultural resources (e.g., historical resources). Impacts were determined to be less than significant.
- 15-82** The comment states cultural resources could be present within the vicinity of the Bastanchury Creek. As discussed in Section 5.5.5, COA-CR-3 would halt construction activities within 100 feet in the event that cultural resources are inadvertently unearthed during excavation and grading activities and a qualified professional would evaluate the significance of the finding and appropriate course of action.
- 15-83** The comment appears to thresholds of significance related to air quality. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. See Section 4.1, Air Quality, of the Draft PEIR for more information.
- 15-84** The comment states the City is undergoing updates to existing noise regulations. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. For informational purposes, each EIR section, including Section 4.7 (Noise), includes an existing setting discussion that describes the physical environmental conditions within the Planning Area as they existed at the time the Notice of Preparation was prepared, in September 2023; these conditions are considered the baseline physical conditions from which the City determines whether an impact is considered to be significant (CEQA Guidelines Section 15125[a]).
- 15-85** The comment raises concern for water quality within the City. Section 4.4, Hydrology and Water Quality, determines impacts would less than significant with the compliance of existing regulations. However, regarding hazards, Section 4.3, Hazards and Hazardous Materials, identifies existing sites identified by regulatory agencies. As a result, the impact analysis concluded impacts would be less than significant with mitigation incorporated. See Section 4.3 for more discussion.
- 15-86** The comment states impacts to scenic vistas were not addressed in the Draft PEIR. Section 5.5.1, Aesthetics, includes impact analysis on scenic vistas (e.g., East and West Coyote Hills, as identified by the City), in which less than significant impacts are anticipated. The Program would facilitate future development of housing throughout the City which would primarily consist of infill and redevelopment. Under existing conditions, future development projects would have public views likely obscured by existing topography, intervening development, and landscaping that would reduce long-range views of East and West Coyote Hills. Moreover, implementation of the Program would be consistent with the development review process set forth in the City's Municipal Code.
- 15-87** The comment states impacts to eligible state scenic highways should be considered. However, as detailed in 3.1(b) of the Initial Study, a significant impact would occur in the event future development associated with the proposed Program would substantially damage scenic resources within an officially designated State scenic highway. Future development associated with the proposed Program would not substantially damage scenic resources within the viewshed of an officially designated state scenic highway.
- 15-88** The comment states impacts to scenic corridors should be considered. However, similar to Comment 15-87, the State CEQA Guidelines states the potential for a significant impact to occur is limited to

officially designated state scenic highways. As such, the comment's request is not within the scope of the required environmental analysis.

- 15-89** The comment is related to scenic quality and compatibility. Implementation of future development within the Planning Area would be required to comply with either the regulations governing the underlying zoning designation or the Program's development standards in the event residential or mixed-use developments are proposed. As such, the proposed Program would not conflict with applicable regulations related to scenic quality.
- 15-90** This comment is related to scenic corridors. The comment is similar to Comment 15-87. As such, see Response to Comment 15-87.
- 15-91** The comment states impacts to paleontological resources were not addressed in the Draft PEIR. Section 5.5.7, Geology and Soils, includes impact analysis related to paleontological resources, in which impacts would be less than significant. COA-CR-1 through COA-CR-3 would reduce potentially significant impacts to paleontological resources.
- 15-92** This comment is related to public services and parks. Section 4.9 (Public Services) and Section 4.10 (Recreation) determined less than significant impacts would occur. Implementation of the Program would exceed the City's performance standard upon buildout. As such, the construction of new facilities have been captured as a part of the impact analysis contained within the Draft PEIR, including the incorporation of COAs and MMs. Moreover, as described in the Draft PEIR, future development projects would be required to provide on-site recreational space, which would reduce impacts to service ratios.
- 15-93** The comment states the Orange County Transportation Authority (OCTA) should be added to the list of public services. The Draft PEIR analyzes the Program's potential impacts to transit services within Section 4.11, Transportation. Moreover, OCTA commented on the Draft PEIR (included as Comment Letter A4). Regarding fees, future development projects would be required to pay applicable fees as outlined within the City's Municipal Code. Overall, impacts were determined to be less than significant.
- 15-94** The comment suggests a new conditional use permit for group homes. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- 15-95** The comment is related to physical divisions to an established community. The physical division of an established community typically refers to the construction of a linear feature (e.g., a major highway or railroad tracks) or removal of a means of access (e.g., a local road or bridge) that would impair mobility within an existing community or between a community and outlying area. The parcels within the Planning Area are bound by existing, major roadways or within the vicinity of existing roadways. Implementation of the proposed Program would result in future redevelopment of these parcels and would not result in a physical division within an established community. Furthermore, the proposed Program does not include features such as a new highway, new aboveground infrastructure, or an easement through an established neighborhood that may result in physical divisions within a community (Draft PEIR, Appendix A-2, p. 55).
- 15-96** The comment raises concerns for community input. The City conducted outreach as part of the Housing Element Update. In accordance with CEQA, the City circulated a Notice of Preparation on September 8, 2023, and received comments on the scope of the environmental analysis for interested parties,

agencies, and the public. The City hosted a Scoping Meeting on September 28, 2023, in which input regarding the scope and proposed content of the PEIR was solicited. Table 2-1 includes a list of comments received during the scoping period process conducted by the City. Additionally, a Notice of Availability along with the Draft PEIR was circulated for public review from May 31, 2024, through July 15, 2024. These responses to comments are included as part of the Final PEIR for the City's review and consideration before the Planning Commission and City Council.

- I5-97** The comment is related to an existing lawsuit involving the City. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-98** The comment raises concerns for community input. This comment is similar to Comment I5-96. As such, see Response to Comment I5-96.
- I5-99** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- I5-100** The comment is in regard to the Housing Element Update. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-101** The comment provides a conclusory statement summarizing the concerns presented in the comment letter. No further response is required pursuant to CEQA.

2.5 Comment Letters Received

This section presents all comments received on the Draft PEIR.

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Secretary for
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Gavin Newsom
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SENT VIA ELECTRONIC MAIL

July 5, 2024

Chris Schaefer
Planning Manager
City of Fullerton Attn: Planning Department
303 W. Commonwealth Avenue,
Fullerton, CA 92832
chris.schaefer@cityoffullerton.com

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FULLERTON HOUSING INCENTIVE OVERLAY ZONE PROGRAM PROJECT, DATED MAY 30, 2024, STATE CLEARINGHOUSE NUMBER [2023090133](#)

Dear Chris Schaefer,

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Fullerton Housing Incentive Overlay Zone Program project (project). The proposed project would create an overlay zone that allows a property owner to develop multi-family housing on a parcel with a non-residential underlying zoning classification in exchange for providing a specified percentage of deed-restricted affordable housing units. The proposed project would apply to 759 parcels across the City totaling 593 acres. Implementation of the project could result in a buildout potential of 35,611 units. The project would not directly result in the construction of the total buildout potential of 35,611 units. Instead, the project would facilitate the construction of housing units with the adoption of this zoning program.

A1-1

After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. The proposed project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this project. This may restrict what construction activities are permissible in the proposed project areas in order to avoid any impacts to human health and the environment.
2. The DEIR should acknowledge the potential for historic or future activities on or near the [Autonetics/Raytheon site](#), and the [CBS Fender site](#) due to the release of hazardous wastes/substances on or near the site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. Autonetics/Raytheon and CBS Fender sites are currently under review by EPA to determine whether they are partially responsible parties for the [Orange County North Basin Superfund Site](#). Despite the sites being evaluated under the EPA Superfund Program, any surface redevelopment would not be affected.
3. The DEIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight and possibly soil testing. It is recommended that a Phase I and Phase II Environmental Site Assessment of each site be conducted with DTSC consultation.
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in

A1-2

A1-3

A1-4

A1-5

accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

↑
A1-5
Cont.

5. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the [PEA Guidance Manual](#) for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

↑
A1-6

DTSC appreciates the opportunity to comment on the DEIR for the Fullerton Housing Incentive Overlay Zone Program project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

↑
A1-7

Sincerely,



Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Chris Schaefer
July 5, 2024
Page 4

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Ali Hobballah
Hazardous Substance Engineer
SMRP – Cleanup Program
Department of Toxic Substances Control
Ali.Hobballah@dtsc.ca.gov

Scarlett Zhai
Supervising Hazardous Substance Engineer
SMRP – Cleanup Program
Department of Toxic Substances Control
Scarlett.Zhai@dtsc.ca.gov

Christopher Ioan
Hazardous Substance Engineer
SMRP – Cleanup Program
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Christopher.ioan@dtsc.ca.gov

Nicholas Ta
Senior Environmental Scientist (Supervisor)
SMRP – Cleanup Program
Department of Toxic Substances Control
Nicholas.Ta@dtsc.ca.gov

Chris Schaefer
July 5, 2024
Page 5

Folashade Simpson
Environmental Scientist
SMRP – Cleanup Program
Department of Toxic Substances Control
Folashade.Simpson@dtsc.ca.gov

Gregory Shaffer
Senior Environmental Scientist (Supervisor)
SMRP – Cleanup Program
Department of Toxic Substances Control
Gregory.Shaffer@dtsc.ca.gov

Karen Mclaughlin
Senior Environmental Scientist (Specialist)
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Tamara Purvis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
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Tamara.Purvis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

California Department of Transportation

DISTRICT 12
1750 East 4th Street, Suite 100 | SANTA ANA, CA 92705
(657) 328-6000 | FAX (657) 328-6522 TTY 711
<https://dot.ca.gov/caltrans-near-me/district-12>



July 15, 2024

Mr. Chris Schaefer
Planning Manager
City of Fullerton
303 W. Commonwealth Ave.
Fullerton, CA. 92832

File: LDR/CEQA
SCH:2023090133
12-ORA-2023-02600
SR-91, SR 90
SR-57, I-5

Dear Mr. Schaefer,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report (DEIR) for the Fullerton Housing Incentive Overlay Zone (HIOZ) Program. The Program is designed to facilitate housing unit production by allowing housing development on properties with non-residential underlying zoning classifications in exchange for providing a specified percentage of affordable housing units. The Program would apply an overlay zone to 759 parcels across the City totaling 593 acres. Implementation of the Program could result in a buildout potential of 35,611 units. The Program would not directly result in the construction of the total buildout potential. Instead, the Program would facilitate the construction of housing units with the adoption of this zoning program.

A2-1

The HIOZ Program is proposed within the City of Fullerton, located in north Orange County, California. State Routes 57, 90, and 91, as well as Interstate 5 reside within the project area and are owned and operated by Caltrans. Therefore, Caltrans is a responsible agency on this project, and has the following comments:

A2-2

1. Please identify potential conflict areas with environmental justice communities.
2. There is a high concentration of rezoning along the north-south corridor of Euclid St., but no bike lanes. Please consider bike lanes along Euclid St and other streets to allow alternative modes of transportation for city residents.
3. The Housing Overlay is also located around schools such as Raymond Elementary School and Sunny Hills High School. Please consider street calming measures due to the potential increase in traffic in the school vicinity.

A2-3

A2-4

A2-5

- 4. Ensure that truck parking, ingress and egress, and staging will not interfere with vehicle parking, pedestrian paths, or bicycle lanes/bicycle parking. Work with community representatives to mitigate any truck traffic routing onto residential streets or conflicting with other road users, including and especially bicyclists and pedestrians. A2-6
- 5. Consider encouraging or incentivizing the use of transit among both construction workers of the proposed development and future employees. Increasing multimodal transportation will lead to a reduction to congestion, Vehicle Miles Traveled, and improve air quality. A2-7
- 6. Please coordinate with local/regional Travel Demand Manager to ensure workers can travel to warehouse/distribution center without needing personal vehicles, this potentially can reduce air pollution and roadway congestion thru a reduction in VMT. A2-8
- 7. Please identify all the existing transit services for local and regional bus services including the connectivity to rail services from the nearest train stations provided by Metrolink and/or Amtrak Pacific Surfliner. A2-9
- 8. Please provide discussion of multimodal transportation mobility options of the current transit services and regional rail services and look for opportunities and connectivity to safe and convenient access. A2-10
- 9. Consider encouraging or incentivizing the use of transit among both construction workers of the proposed development and future employees. Increasing multimodal transportation will lead to a reduction to congestion, Vehicle Miles Traveled, and improve air quality. A2-11
- 10. Provide adequate wayfinding signage to transit stops within all the project vicinity and local roadways. A2-12
- 11. Consider how many individual packages will be delivered daily to individual residences within the areas identified for increased housing production. Shared drop-off locations can help reduce the amount of driving done by delivery trucks and can increase the efficiency of deliveries in densely developed areas. Similarly, high-density residential developments should consider automated parcel systems (i.e., Amazon Lockers) so that deliveries can be made with one truck stop instead of multiple stops to individual residences. A2-13
- 12. Consider accounting for off-street truck parking to help free up on- A2-14

"Provide a safe and reliable transportation network that serves all people and respects the environment"

street space for other modes, such as city traffic, walking, and bicycling. Similarly, utilize alley space or similar areas, if available, to reduce the need for on-street parking which may conflict with highway/street flows.

↑
A2-14
Cont.

13. If truck parking (i.e., for home deliveries) is to be on-street, ensure the width of the parking lane is wide enough for freight trucks without encroaching on bicycle lanes or street lanes.

↑
A2-15

14. Please consider designated on-street freight-only parking and delivery time windows to reduce the need for double parking. This strategy also helps prevent street traffic congestion.

↑
A2-16

15. Please ensure that, throughout the identified areas for increased housing opportunities, the City provides posted speed signs for truckers to follow.

↑
A2-17

16. Consider having urban greening mitigations, such as green walls. Incident Response Plans can keep critical entrances open for emergency personnel. Plans should also include alternative local roads and highways, so roadways do not become congested during an emergency.

↑
A2-18

17. Please note that General Plans and Specific Development Plans should not present adverse impacts to the overall transportation system including: traffic circulation and the local State Highway Systems (SHS). Caltrans is requesting a Traffic Impact Analysis (TIA) that focuses on the impacts to Fullerton's local SHS; (State Route 91 (SR 91), State Route 57 (SR 57), State Route 90 (SR 90) and Interstate 5 (I-5)). Caltrans is also requesting that the TIA includes the impacts to the ingress and egress ramps for SR 91, SR 57, and I-5, as well as the City's proposed mitigation measures for these impacts.

↑
A2-19

18. A Vehicle Miles Traveled Analysis (VMT) vs. Level of Service Analysis (LOS) could lead to inconsistencies in identifying impacts and determining appropriate mitigations. How does the City plan to address impacts that are not significant under VMT but are significant under LOS?

↑
A2-20

19. Any project work proposed in the vicinity of the State Right-of-Way (ROW) would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for

↑
A2-21
↓

any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

↑
A2-21

20. Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (657) 328-6553 or D12.permits@doct.ca.gov. Early coordination with Caltrans is strongly advised for all encroachment Permits. For specific details on Caltrans Encroachment Permits procedure and any future updates regarding the application process and permit rates, please visit the Caltrans Encroachment Permits homepage at <https://dot.ca.gov/programs/traffic-operations/ep>.

↑
A2-22

Caltrans' mission is to provide a safe, sustainable, equitable, integrated, and efficient transportation system to enhance California's economy and livability. Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Julie Lugaro at Julie.lugaro@dot.ca.gov.

↑
A2-23

Sincerely,



Scott Shelley
Branch Chief,
Local Development Review/Climate Change Planning
Caltrans, District 12



10844 Ellis Avenue
Fountain Valley, CA 92708
714.962.2411
www.ocsan.gov

July 9, 2024

Chris Schaefer, AICP, Planning Manager
City of Fullerton, Community and Economic Development Department
303 W. Commonwealth Avenue
Fullerton, CA 92832-1775

SUBJECT: Fullerton Housing Incentive Overlay Program - Notice of Availability of a Draft Environmental Impact Report

Thank you for providing the Notice of Availability of a Draft Environmental Impact Report for Fullerton Housing Incentive Overlay Program located in north Orange County, California, Regional Location. Orange County Sanitation District (OC San) has reviewed the document and would like to recommend the Mitigation Method COA-WW-2 be modified for any future developments to submit sewer capacity analysis of existing wastewater utility in the area for OC San review and to obtain sewer capacity verification from OC San prior to issuance of a building permit.

If you have any questions regarding this letter, please contact Kevin Hadden, Planning Division, at (714) 593-7462 or khadden@ocsan.gov.

Brown, Andrew

Digitally signed by Brown, Andrew
DN: cn=Andrew Brown, o=Orange County Sanitation District, ou=Engineering
OU=OCSDUsers, OU=All Users
Reason: I have reviewed this document
Date: 2024.07.10 10:33:15-07'00

Andrew Brown, Engineering Supervisor
Planning Division
(714) 593-7052

AB/KH:op

<https://ocsdg.sharepoint.com/sites/Planning/CEQA> Externally Generated/2024 Comment Letters/City of Fullerton Response Ltr 20240709.docx

- Serving:
- Anaheim
- Brea
- Buena Park
- Cypress
- Fountain Valley
- Fullerton
- Garden Grove
- Huntington Beach
- Irvine
- La Habra
- La Palma
- Los Alamitos
- Newport Beach
- Orange
- Placentia
- Santa Ana
- Seal Beach
- Stanton
- Tustin
- Villa Park
- County of Orange
- Costa Mesa Sanitary District
- Midway City Sanitary District
- Irvine Ranch Water District
- Yorba Linda Water District

A3-1

Our Mission: To protect public health and the environment by providing effective wastewater collection, treatment, and recycling.





AFFILIATED AGENCIES

Orange County
Transit District

Local Transportation
Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

July 15, 2024

Mr. Chris Schaefer
AICP, Planning Manager
City of Fullerton
Community and Economic Development Department

Via email: chris.schaefer@cityoffullerton.com

Subject: Notice of Availability of a Draft Program Environmental Impact Report (EIR) for the Fullerton Housing Incentive Overlay Zone (HIOZ) Program

Dear Mr. Schaefer:

The Orange County Transportation Authority (OCTA) appreciates the opportunity to review and comment on the City of Fullerton's (City) HIOZ Program. Please note OCTA implements four OC Bus Service Changes throughout the calendar year. Accordingly, we recommend the City synchronize the current OC Bus route information in the Final Environmental Impact Report. Please see Attachment A regarding specific to OCTA's comments.

A4-1

We encourage open communication with OCTA on any matters discussed herein. Should you have any comments or questions, please contact me at (714) 560-5907 or at dphu@octa.net.

A4-2

Sincerely,

Dan Phu
Manager, Environmental Programs

DP:tc

Attachment A: Route Updates

In Section 4.11.1 Existing Conditions, under Public Transportation Services on pages 4.11-3 to 4.11-4 of the Draft Program EIR:

OCTA Local Routes

- Route 25: Change weekday headways to 55 minutes, weekend headways to 65 minutes. Note that service runs from 4:06 a.m. to 10:27 p.m. on weekdays.
- Route 26: Change weekend headways to 45 minutes. Note that service runs from 5:13 a.m. to 11:06 p.m. on weekdays, 5:09 a.m. to 10:09 p.m. on weekends.
- Route 30: Note that service runs from 5:29 a.m. to 10:03 p.m. on weekdays, 6:19 a.m. to 9:06 p.m. on weekends.
- Route 33: Change weekend headways to 75 minutes. Note that service runs from 7:17 a.m. to 7:34 p.m. on weekends.
- Route 35: Change Saturday headways to 45 minutes. Note that service runs from 4:36 a.m. to 9:58 p.m. on weekends, 4:43 a.m. to 8:39 a.m. on Saturdays.
- Route 37: Change weekday headways to 30 minutes for all times. Note that service runs from 4:26 a.m. to 10:42 p.m. on weekdays, 5:10 a.m. to 9:36 p.m. on Saturdays, and 6:50 a.m. to 8:48 p.m. on Sundays.
- Route 43: Change weekday headways to 24 minutes for all times, weekend headways to 26 minutes. Note that service runs from 3:47 a.m. to 1:46 a.m. on weekdays, 3:59 a.m. to 1:45 a.m. on weekends.
- Route 47: Change weekday headways to 20 minutes (short trips) and 60 minutes (long trips) for all times, and weekday headways to 30 minutes (short trips) and 60 minutes (long trips) for all times. Change weekend headways to 30 minutes (short trips) and 60 minutes (long trips). Note that service runs from 3:57 a.m. to 11:56 p.m. on weekdays, 4:55 a.m. to 10:54 p.m. on weekends.
- Route 53: Change weekday headways to 12 minutes (short trips) and 24 minutes (long trips) during peak hours and 15 minutes (short trips) and 30 minutes (long trips) during midday off-peak hours. Change weekend headways to 15 minutes (short trips) on Saturday and Sunday, 45 minutes (long trips) on Saturdays, and 60 minutes (long trips) on Sundays. Note that service runs from 4:01 a.m. to 1:09 a.m. on weekdays and 5:38 a.m. to 12:54 a.m. on weekends.
- Route 57: Change weekday headways to 16 minutes (short trips) and 32 minutes (long trips) for all times. Change weekend headways to 18

A4-3

minutes (short trips) and 36 minutes (long trips). Note that service runs from 3:58 a.m. to 1:45 a.m. on weekdays, 3:57 a.m. to 2:00a.m. on Saturdays, and 3:57 a.m. to 2:14 a.m. on Sundays.

OCTA Community Routes

- Route 123: Note that service runs from 4:39 a.m. to 10:12 p.m. on weekdays.
- Route 143: Change weekend headways to 65 minutes. Note that service runs from 4:49 a.m. to 11:12 p.m. on weekdays, 6:11 a.m. to 9:25 p.m. on Saturdays, and 6:18 a.m. and 8:14 p.m. on Sundays.

OCTA Rapid Routes

- Route 529: Change weekday headways to 24 minutes. Note that service runs from 6:06 a.m. to 7:06 p.m. on weekdays.
- Route 543: Change weekday headways to 24 minutes. Note that service runs from 5:04 a.m. to 8:00 p.m. on weekdays.



A4-3
Cont.

The People are the City



401 East Chapman Avenue – Placentia, California 92870

Mayor
JEREMY B. YAMAGUCHI

Mayor Pro Tem
KEVIN KIRWIN

Councilmembers:
RHONDA SHADER
WARD L. SMITH
CHAD P. WANKE

City Clerk:
ROBERT S. MCKINNEL

City Treasurer
KEVIN A. LARSON

City Administrator
DAMIEN R. ARRULA

July 15, 2024

Chris Schaefer, AICP
Planning Manager
City of Fullerton Community and Economic Development Department
303 W. Commonwealth Avenue
Fullerton, CA 92832-1775

Dear Mr. Schaefer,

I am writing to express my concerns regarding the Draft Program Environmental Impact Report (PEIR) for the Fullerton Housing Incentive Overlay Zone (HIOZ) Program, as detailed in the Notice of Availability.

A5-1

While I understand the necessity of addressing the City’s Regional Housing Needs Allocation (RHNA) goals, I have significant concerns about the potential environmental impacts identified in the PEIR. Specifically, the report highlights significant and unavoidable impacts in the areas of Air Quality, Population and Housing, and Tribal Cultural Resources. These impacts raise serious questions about the sustainability and long-term implications of the HIOZ Program.

A5-2

Air Quality:

The report indicates that the program could lead to substantial increases in air pollutants. Given the current concerns around climate change and public health, it is imperative that any new development minimizes its impact on air quality. I urge the City to consider additional mitigation measures or alternative approaches that could lessen this impact.

A5-3

Population and Housing:

While the program aims to address housing shortages, the influx of new residents could strain existing infrastructure and services. It is crucial to ensure that the city’s infrastructure can support the increased population without compromising the quality of life for current and future residents. Moreover, there should be a detailed analysis of the potential impact on public safety services, including fire, police, and emergency medical services. The capacity of these services to address life safety matters must be carefully evaluated and enhanced if necessary.

A5-4

Tribal Cultural Resources:

The report acknowledges potential adverse effects on tribal cultural resources. It is

A5-5

essential to engage with local tribal communities to safeguard their cultural heritage and ensure that any development respects and preserves these invaluable resources.

↑ A5-5
Cont.

Infrastructure and Public Safety:

The development facilitated by the HIOZ Program could significantly impact the city's infrastructure and public safety services. The increased demand on roads, water supply, sewage systems, and public safety services such as fire and police departments must be thoroughly assessed. Ensuring that infrastructure and public safety services can accommodate the growth without degradation of service quality is paramount. Any gaps identified should be addressed through strategic planning and investment before proceeding with the program.

↑ A5-6

Impact on the City of Placentia:

Several projects under the HIOZ Program will be located near the border of the City of Placentia, leading to potential collateral impacts on their services and infrastructure. It is crucial for the City of Fullerton to engage with the City of Placentia early in the development process to ensure that no adverse impacts occur. Collaborative planning and communication between both cities will be necessary to address and mitigate any potential issues related to city services and infrastructure.

↑ A5-7

I appreciate the City's efforts to address housing needs and am eager to see sustainable and community-friendly solutions. I urge the City to take these concerns into account and explore all possible measures to mitigate the identified environmental impacts.

↑ A5-8

Thank you for considering my input. I look forward to your response and am willing to participate in any further discussions or public meetings regarding this matter.

Please let me know if you have any questions. I may be reached at (714) 993-8234 or JLambert@placentia.org

Sincerely,



Joseph M. Lambert
Director of Development Services

cc: Andrew Gonzales, Planning Manager

From: Judith A.Kaluzny <jakaluzny@sbcglobal.net>
Sent: Sunday, June 30, 2024 5:30 PM
To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>
Subject: [EXTERNAL MAIL]comment on revised draft housing element

You don't often get email from jakaluzny@sbcglobal.net. [Learn why this is important](#)

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The key thing is recreational space in a city that has high density. As Daniel Burnham said, father of the Chicago plan, every person should live within walking distance of a park. I've spent time in Chicago and in Berlin, a high density city, and in Berlin there are many small parks, small playgrounds.

If a crowded city does not have the relief of some nature, people will not be mentally healthy. Like rats crowded in a cage go crazy. We'll have higher crime and violence rates.

We do want healthy citizens, yes?

jak

Judith A. Kaluzny
149 West Whiting Avenue
Fullerton, California 92832
714 441 2355

I
11-1
I

Disclaimer: This electronic transmission, and any documents attached hereto, may contain confidential and/or legally privileged information. The information is intended only for use by the recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited.

From: cluttercontrol@earthlink.net <cluttercontrol@earthlink.net>
Sent: Thursday, July 11, 2024 10:44 AM
To: Dave Roseman <roseman@llgengineers.com>
Cc: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>; Stephen Bise <Stephen.Bise@cityoffullerton.com>; Juan Zavala <juan.zavala@cityoffullerton.com>
Subject: [EXTERNAL MAIL]RE: HIOZ VMT

CAUTION: BE CAREFUL WITH THIS MESSAGE

This email came from outside City of Fullerton. Do not open attachments, click on links, or respond unless you expected this message and recognize the email address.

Hello,

I appreciate knowing why the VMT assessment was done differently this time. Is there a way to speak with the consultant?

I 12-1

And it would be great if there could possibly be a "ball park" summary of the findings in the format of the standard worksheet, etc., just so there's something familiar to compare it to.

I 12-2

All best,

Jane

-----Original Message-----

From: Dave Roseman <roseman@llgengineers.com>
Sent: Jun 17, 2024 4:39 PM
To: cluttercontrol@earthlink.net <cluttercontrol@earthlink.net>
Cc: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>, Stephen Bise <Stephen.Bise@cityoffullerton.com>, Juan Zavala <juan.zavala@cityoffullerton.com>
Subject: RE: HIOZ VMT

Hello Jane,

In the case of the HIOZ VMT Assessment, we didn't use the NOCC+ tool to assess the VMT outcomes because the project is too large and admittedly beyond the scope of the tool. Therefore, a consultant was retained to perform a modeling assessment using the OCTAM model directly. I have reviewed the summary of the outcome of that effort and the results appear reasonable to me. However, since I was not directly involved in the modeling effort it would probably be best that you have a discussion with the consultant directly.

I 12-3

By copy of this email I am hereby requesting that Chris Schaefer consider having the consultant reach out to you to discuss the methodology and outcome of the HIOZ VMT modeling effort.

Thanks,

David Roseman
City Traffic Engineer
City of Fullerton

-----Original Message-----

From: cluttercontrol@earthlink.net
Sent: Monday, June 17, 2024 4:29 PM
To: Dave Roseman
Subject: HIOZ VMT

Hi Dave!

I wonder if you could help me make heads or tails of the new HIOZ VMT. They're not using the standard city worksheet so I can't really understand it.

Best,

Jane

PS, Sorry but I'm limited to email for a bit with some schedule issues ----

I2-4

Disclaimer: This electronic transmission, and any documents attached hereto, may contain confidential and/or legally privileged information. The information is intended only for use by the recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited.

From: cluttercontrol@earthlink.net <cluttercontrol@earthlink.net>
Sent: Friday, July 12, 2024 4:46 PM
To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>
Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>
Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Hello,

I see the sentence on p. 3.0-11 to 12 that says,

"As such, the Program would incorporate a provision in the Municipal Code to require a minimum percentage of the total number of residential units within a development project for affordable housing for a minimum of 55 years. This provision would be exclusive of the added units facilitated under State Density Bonus law."

I3-1

That seems like a start to my question, which is regarding if the added Density Bonus units are analyzed in this DPEIR?

All best,

Jane

-----Original Message-----

From: <cluttercontrol@earthlink.net>

Sent: Jul 12, 2024 4:29 PM

To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>

Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Chris,

Thank you. Also, does the EIR evaluate the densities allowed when a developer qualifies for density bonuses? I see where it says it evaluated maximum densities but I don't quite see about the bonuses.

I
13-2
I

Please advise,

Jane

-----Original Message-----

From: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Sent: Jul 12, 2024 10:19 AM

To: cluttercontrol@earthlink.net <cluttercontrol@earthlink.net>

Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>

Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Good Morning,

I forwarded your questions about the VMT to the EIR consultant yesterday. I'll follow up with them and see what they say.

I 13-3

Thanks



Chris Schaefer, AICP

Planning Manager

City of Fullerton

p: 714.738.6884

e: chris.schaefer@cityoffullerton.com

From: cluttercontrol@earthlink.net <cluttercontrol@earthlink.net>

Sent: Thursday, July 11, 2024 7:12 PM

To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>

Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Oh good! Thank you!! I may have a few questions, and I'd be interested in hearing about the VMT assessment.

I 13-4

I'd like to start with whether or how the HIOZ contemplates developers opting for density bonus units?

I 13-5

I really appreciate your time with this!

Best,

Jane

-----Original Message-----

From: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Sent: Jul 11, 2024 5:31 PM

To: cluttercontrol@earthlink.net <cluttercontrol@earthlink.net>

Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>

Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

The City is open tomorrow – Friday the 12th.

↓ I3-6



Chris Schaefer, AICP

Planning Manager

City of Fullerton

p: 714.738.6884

e: chris.schaefer@cityoffullerton.com

From: cluttercontrol@earthlink.net <cluttercontrol@earthlink.net>

Sent: Thursday, July 11, 2024 5:08 PM

To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>

Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

By the way, is it a city closure date tomorrow, the 12th?

↑ I3-6
Cont.

Thank you,

Jane

-----Original Message-----

From: <cluttercontrol@earthlink.net>

Sent: Jul 11, 2024 10:37 AM

To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>

Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Hi Chris,

I'm hoping that my HE comments were accepted (I forwarded them to David Lopez). Also, can you tell me whether or how the HIOZ contemplates developers opting for density bonus units? 13-7

Thank you,

Jane

From: Wayne Carvalho <wayne.carvalho@gmail.com>
Sent: Monday, July 15, 2024 4:30 PM
To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>
Subject: [EXTERNAL MAIL]City of Fullerton HIOZ DEIR Comments

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To Fullerton Dept. of Community Development

Comments/questions on the proposed HIOZ and DPEIR.

1. Is it possible that there be a sunset clause in the Ordinance/Resolution requiring the City rescind the HIOZ (Overlay) once the City meets the RHNA requirement. The HIOZ housing figure is almost three times greater than the housing obligation specified by the State. What stops every developer from coming to Fullerton to "build out" what would be considered "by right"?

I
14-1
I

2. Shouldn't we allow school sites to be included? There are school districts that will often determine a surplus school site that could be sold and developed with residential units. A lot of these sites are already within residential areas and could be developed with compatible densities.

I
14-2
I

3. Could we impose locational criteria that housing projects be located on public streets, or directly adjacent to other housing developments, and not be permitted on parcels surrounded entirely by industrial or commercial uses. I think driving through an industrial or commercial complex to get to a residential project isn't necessarily the best design, nor appropriate.

I4-3

4. Would the City consider that if the HIOZ is adopted, any revisions to the HIOZ be brought before the Planning Commission and City Council as amendments (Zone Changes) as with any other request to amend the Zoning Map. City could adopt a policy that they would process 1-2 amendments per year as a "cleanup" to add/remove parcels. Private applicants could request to have their parcels included in the City's application OR they could pay for their own application if they didn't want to wait.

I4-4

5. Although density is always a concern with many, it's a number. I'm more concerned with the overall size, bulk, height and design of potential residential developments. Building height should definitely be limited to be compatible with surrounding uses (especially if lower density residential). This should require a height limit (e.g. 4 stories/50 ft.) to minimize impacts to existing uses.

I4-5

6. Parking requirements. If we're able to avoid utilizing the State's Affordable Housing/Density Bonus parking criteria, I would like to suggest these parking requirements for projects in the HIOZ:

Studio or 1 bedroom unit - 1 space

2 bedroom unit - 2 spaces

3+ bedroom unit - 2.5 spaces

PLUS 0.5 space per unit designated for guests/overflow.

**Also require all spaces be open, in a parking structure, or carport to avoid utilizing enclosed garages for storage.

I4-6

Respectfully submitted,
Wayne Carvalho

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From: cluttercontrol@earthlink.net <cluttercontrol@earthlink.net>

Sent: Monday, July 15, 2024 5:01 PM

To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Subject: [EXTERNAL MAIL]Comments on the Fullerton Housing Incentive Overlay Zone (HIOZ) Program Draft PEIR

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JANE REIFER

149 W. WHITING • FULLERTON, CA • 92832

CLUTTERCONTROL@EARTHLINK.NET

PHONE: (714) 525-3678

July 15, 2024

Chris Schaefer, AICP, Planning Manager
City of Fullerton Community and Economic Development
303 W. Commonwealth Ave.
Fullerton, CA 92832-1775

Re: Comments on the Fullerton Housing Incentive Overlay Zone (HIOZ) Program Draft PEIR

Dear Mr. Schaefer,

Thank you for the opportunity to comment on the Fullerton HIOZ Program Draft PEIR. I'm terribly sorry about the choppy nature of these comments, but I had both health issues and computer crashes that reverted some of my sections back to draft status this week.

I-5-1

The goals of a large segment of the Fullerton community are to provide the RHNA requirements of affordable housing without causing real estate speculation that undermines the availability of affordable housing, and without causing the extensive impacts on the small-town built-environment character that Fullerton still retains and is an important part of its appeal to residents and visitors.

I-5-2

The current Alternative 2, which I understand is the City's "working" preferred alternative, increases our existing:

142,873 residents; 50,620 housing units; 67,800 employees by:

96,711 residents; 32,234 housing units; (-5,577) employees, exceeding our planned General Plan (GP) 2030 buildout of:

165,303 residents; 56,130 housing units; 83,883 employees by:

74,281 residents (33% higher); 26,724 housing units; (-21,660) employees.

I-5-3

It is astounding that this Program proposes to add almost 100,000 residents and far exceeds any level of development previously envisioned for the city yet has so little advance documentation.

Throughout you'll see an emphasis on providing truly affordable housing but not impacting Fullerton's uniqueness and livability by almost doubling Fullerton's housing stock. Fullerton has its own history of racism and housing discrimination that contributed to the current situation where local families were not able to get good quality housing and build generational wealth. The city has squandered several significant opportunities. At the same time, care must be taken not to create prices go up and price people out of the area due to gentrification and speculative markets.

I-5-4

DENSITY BONUS CLARIFICATION

I was not able to understand if allowed Fullerton Municipal Code density bonus factors of 5 to 35% were contemplated in the DPEIR, so the numbers exceeding planned GP buildout could actually be substantially higher than stated. Do the potential housing unit numbers account for units added by density bonus? If so, what percentage of total units will be at affordable levels?

I-5-5

There should also be a discussion that analyzes impacts of the potential of new properties being added to the HIOZ after potential adoption.

I-5-6

SPECIFIED PERCENTAGE OF AFFORDABILITY

Document does not mention what the specified percentage of deed-restricted affordable housing units would be. Significant and unavoidable impacts should not be approved did the program does not even meet RHNA numbers.

I-5-7

Without seeing the specified percentage of affordability, maximum densities, and buildouts per focus area, it is hard to understand the various environmental impacts. Perhaps impacts in the PEIR should be analyzed at the different levels of affordability (10%, 15%, 20%), densities, etc.

I-5-8

This is important because a Statement of Overriding Considerations should not be granted for a Program that does not meet the stated goal of reaching RHNA numbers. I realize that PEIRs don't typically discuss this topic but there should be a discussion somewhere of when affordability deed restrictions or covenants expire. I also understand that PEIRs don't usually address economic issues, but the intensity of streamlining will open the city up for speculative housing investors which will accelerate housing unaffordability, and this should be discussed, perhaps in the program documents.

I-5-9

CEQA SHOULD EVALUATE IN ADVANCE OF APPROVAL

The HIOZ Program appears to actually be a Zoning change, requiring higher levels of impact analysis before the Program is adopted. Many aspects are being approved with this inadequate DPEIR without evaluating potential impacts.

I-5-10

It's not appropriate to have the Cultural Resources, Cultural and other impacts brought back on a case-by-case basis after approval. In addition, because several of that standards, proposed mitigations and Coniditions of Approval are not sufficient to mitigate the significant adverse impacts, this DPEIR is inadequate and fundamentally violates CEQA. I-5-11

The impacts to Cultural Resources, Cultural, Riparian are acknowledged but the analysis hasn't been done. The impacts need to be known in advance, not after adoption when the public will be essentially excluded from the process, and especially when stated mitigations are not sufficient. When impact decisions are punted to a later date, even if the public is included, the fact that the zoning has already been approved often results in a determination that any mitigation is infeasible, so mitigations that would otherwise be required go unrealized. I-5-12

Again and again the DPEIR says that Impacts (and related cumulative impacts) associated with the proposed Program would be less than significant, and no mitigation would be required. This simply isn't true. I-5-13

This document is a zoning change or maybe a type of Specific PPlan, yet is being treated as a program. I-5-14

Discuss adverse effects in advance of any approval decisions. (CR, (LOS), Riparian, Haz, bio, geology and soil, paleo, hydrology,etc) I-5-15

In most cases, not just the impacts of the section but also cumulative impacts conflict. I-5-16

If the impacts aren't evaluated in advance, there should be an oversight option so residents can follow these decisions through the permitting process. I-5-17

ALTERNATIVE 4 – EMPHASIS ON AFFORDABILITY I-5-18

Provide Affordability AND Preserve Unique Environments, Prevent Significant Changes to City's Ambience, Significant Impacts on the Environment and Speculation & Displacement by Focusing on Truly Affordable Housing, Not Incentivizing Market Rate

Market rate homes don't need subsidy as they will be built regardless, independently meeting the City's RHNA requirements. Decouple streamlining from projects that are above-moderate. End parking concessions, variances, and zoning or land use changes without affordable units (HUB, Pines at Sunrise, etc). /Incentivize Lower Levels of Housing Affordability. The intensity of streamlining will open the city up for speculative housing investors which will accelerate housing costs, so there should be more proposals preserving existing affordable housing and prioritizing incentivizing the lower levels of affordability rather than then the above-moderate levels which continue to pressure prices upward.

Alternative 4 Uses a base of Alternative 2 or 3, but removing most parcels on Commonwealth and Chapman Avenues, particularly Kory Plaza and historic-age buildings, removal of parcels likely to impact areas of pre-history and tribal cultural resources, and informal cemeteries, and returning development intensities to major intersections on Orangethorpe and previously considered housing intensive areas such as Harbor Gateway at Harbor and Orangethorpe and the Raymond and Chapman area.

This should include a focus on non-profit partnered housing on city land such as Amerige Court (excluding the historic parcels on the 100 block of North Malden and She-She Hair Design building on Amerige.) Fullerton Transportation Center and the parking lot north of City Hall as well as an analysis of the alternatives but with an assumption of 15% affordable units and of 20%.

Fullerton has a unique feel and characteristics that should be preserved WHILE addressing affordable housing needs. Many older European, African and Central and South American cities restrict new construction to new districts, preventing insensitive structures in the historic and semi-rural areas.

Chapman Corridor Focus Area recognized that: "An eclectic mix of independent businesses and historic houses contribute to the area's atmosphere." This Program as stated would impact that.

When the City has an opportunity to require inclusionary housing or build nonprofit-led higher volumes of majority affordable housing on municipally-owned land, it has often chosen to ignore the option. The Amerige Court project should focus on 100% affordability – not 10% (while retaining historic buildings on Malden and Amerige: Monzon garage/rare cast stone; Mission Press/ historic freezer-locker; corner former auto dealer; She-She Hair Design/Fullerton notable Shim Masukawa. These are not currently designated but are eligible, as documented in previous comments on that project.)

I-5-18
Cont.

I-5-19

I-5-20

No mandate to build 35,000 – only 13209, of which only the lower levels need incentivizing. The buffer can be reduced. I-5-21

The City should focus on non-profit assisted affordable housing and/or institutional programs that build, convert or provide financial aid and Contemplate 20% affordability apart from tihat. I-5-22

Land the city owns can be re-assessed for this purpose: Amerige Court, FTC, northern City hall parking lot
“Affordable Housing Acquisition and Rehabilitation: The City shall pursue the acquisition, rehabilitation, conversion, and accessibility of existing market-rate units to affordable units. The City shall also consider the feasibility of acquisition, rehabilitation, and conversion of existing underperforming hotels and motels” I-5-23

We should have programs to allow mobile home park residents to buy out their park, resources devoted to new car / camping facilities, SROs and rehabbing older buildings rather than only building new. There don’t seem to be any policies for assisting renters being displaced as there were with former Redevelopment Agency projects. A new policy to reverse the loss of at-risk housing should be created. I-5-24

GP CONSISTENCY I-5-25

(Note: Table 6-2. Alternative 1 Buildout Projections has the housing and population lines reversed.)

Because these numbers so wildly exceed our planned GP buildout with significant unplanned growth and with its associated adverse impacts, the HIOZ Program, with any but the No-Build alternative, is inconsodtent with our General Plan. The Program need sto be consistent iw h all GP elements and it is not with: I-5-26

Land Use, Population, Housing, Traffic, Air Quality, Noise, Geology, Hydrology, Hazards, Cultural Resources, Biological Resources, Public services, GHG, Growth Inducing Impacts, Cumulative Ipacts and and Mandatory Findings of Significance. I-5-26

Address Exceeding GP Buildout and Reduce Significant and Unavoidable Effects I-5-27

Where can the review that determined that the Housing Element is internally consistent be accessed? Also, what are the anticipated proposed General Plan amendments? I-5-28

The discretionary actions of GP Amendments and Zoning Code amendments imply lack of consistency: “First, the lead agency must determine whether the subsequent activity meets both of the following criteria:

1. It is consistent with the plan or element for which the program EIR was certified. (A general plan amendment obviously would not qualify (See Sierra Club v. County of Sonoma (1992) 6 Cal.App.4th 1307”

If it requires an amendment, it’s not consistent.

Not Consistent with GP

Exceeds buildout (map by section)

No chart of exceeding buildout per focus area? It would be useful to Compare focus area buildout in chart form

I-5-29

POPULATION AND HOUSING (DISPLACEMENT)

Population 3.14 (b) Displace substantial numbers of people. This should be analyzed since the project acknowledges the removal of significant amounts of existing nonconforming residential housing with no guarantee that residents will be assisted or able to find replacement housing at their current rents. The fact that new affordable housing will be built does not guarantee that anyone displaced will have access to units in the new development, or even at rates they can afford. Despite stating, “the Program is not anticipated to permanently displace a substantial number of people.” This is a significant adverse impact that has not been acknowledged, and conflicts with the General Plan. people kicked out of residential non-confirming right of first return. Fullerton has removed people from affordable housing situations for years without proper replacement housing. It would be the height of irony to do it again with this Project.

I-5-30

CULTURAL RESOURCES

Given Fullerton’s character as a uniquely historic among its nearby neighbors, it was surprising to see no Cultural Resources Report. There should be a list of historic age buildings both within the HIOZ parcels but also *adjacent* to existing Historic Districts, Historic preservation Overlay Zones,

I-5-31

Fullerton has a unique feel and characteristics that I believe should be preserved WHILE addressing affordable housing needs. Some of the unique attributes are: historic landmarks and districts, historic-age or -eligible resources, Preserve America status, the original townsite, semi-rural areas, vernal as well as year-round creeks and riparian areas, and areas of vulnerable and disadvantaged populations. The City has been known for years as an alternative to Brea and Anaheim that destroyed much of their iconic historic areas. Historic areas are a valuable asset, that draw people and retail dollars.

This is an area of controversy.

The city needs a new procedure to recognize building of Historic age as current methods continually miss these designation-eligible buildings.

Much of tis Program intends to build directly adjacent to low-massing historic buildings, some of which are not designated.

On-site Evaluation not just documents, documents should include loal hstry room

Remove chapamnd and cmmnwealth corridors. A previous Fullerton Planning Director started to implement this and it should be continued

Fullerton is a Preserve America city, and prides itself on its historic homes, businesses, and neighborhoods, but it's shocking to learn how few protections these historic resources have. The vast majority of historic-age and designation-eligible properties in the city could be torn down at any time with a simple demolition permit; this has happened over and over again.

The scope should include cultural resources for the reasons below:

The proposed COAs apply to designated historic buildings, but not historic-age or designation-eligible structures and districts. Trenching and shoring precautions, for example, would not be taken on nearby eligible properties and could have significant impacts on the historic environment.

Also missing is a discussion about viewsheds and adjacent historic properties and districts within an APE, such as houses on Chapman and on Commonwealth. Maps should note historic-age structures so policies can be explored. A former planning director agreed that certain areas of Chapman and of Commonwealth, for example, should be removed from potential development. This would also preserve a type of non-acknowledged "scenic" corridor / historic vistas that currently exist by default because they are zoned for other purposes but have not yet been converted to those uses. For example, along Commonwealth and Chapman near the historic downtown neighborhoods, and Harbor Blvd between the downtown and Valencia Mesa Dr.

I-5-31

I-5-32

I-5-33

I-5-34

I-5-35

One of the reasons cultural resources should be part of the scope is that there is not an accurate method of recognizing which parcels have cultural / historic impact: Often the City's database does not acknowledge historic structures, and Fullerton has missed several of these, even in the past few years:

I-5-36

Bastanchury Creek Greenbelt, which was a designated future city park and a part of pre-history, 142 and 144 N. Yale Ave (did not acknowledge preservation zone status), ironwork attached and a mural painted on the historic Amerige Block with absolutely no acknowledgment of the building as a historic resource, Pathways of Hope project at 508-514 W. Amerige resulting in demolition of historic-age structures adjacent to designated cultural resources (recently saved), inadequate CEQA analysis of Fox Block cultural resources impact in the Infill exemption), approval of plastic window replacements in historic Mariola Apartments. The City does not have accurate recognition and analysis of the cultural, historic, local impacts on cultural resources. If cultural resources aren't included in the PEIR, a public noticing process should be initiated so resources won't be lost or compromised as they come before staff.

The Phase 1 standard is not strong enough to mitigate adverse impacts. Whenever there are historic age buildings on the property, an on-site evaluation should be done, and research should include the Fullerton Public Library History Room. Examples: Arcasida Metals / Bastanchury Creek, Euclid Creek, Union Bank on Chapman. Further, since this is a Zoning Change "Program" these impacts need to be done before property owner purchase and invest significant money.

I-5-37

Chapter 3: Historic Preservation Goal 4 Value and preserve historic resources. No Conflict. Implementation of the proposed Program would facilitate development of additional housing. Future development projects could impact historic-age structures and historical resources. However, these

future projects would be required to comply with General Plan EIR mitigation measures, which have been incorporated as conditions of approval for the proposed Program. For example, COA-CR-1 would require the preparation of a Phase I Cultural Resources Study in the event a property is considered to be sensitive for cultural resources. Upon review and approval of the study, a qualified professional shall identify feasible measures to mitigate potential effects. Compliance with measures like COA-CR-1 would result in less than significant impacts.

I-5-38

These are not strong enough

Policy 2.2 Distinctive and Memorable Places. Support projects, programs, policies and regulations to promote distinctive, high-quality built environments whose form and character respect Fullerton's historic, environmental and architectural identity and create modern places that enrich community life and are adaptable over time.

No Conflict. Similar to the discussion provided in Goal 2, the Program includes proposed development standards for implementation of future residential and mixed-use development. Moreover, as demonstrated in this Draft PEIR, impacts to cultural resources (including historical resources) were found to be less than significant. See Chapter 5, Other CEQA Considerations, for more discussion. Given this, the Program would not conflict with this policy.

Policy

2.4

Sense of Place. Support projects, programs, policies and regulations to reinforce the character and sense of place of established neighborhoods and districts by preserving and enhancing the attributes which contribute to neighborhood and district identity, vitality and livability.

No Conflict. See discussion for General Plan Goal 2 and Policy 2.2.

Policy

2.8

Responsiveness to Context. Support projects, programs, policies and regulations to respect the local context, including

I-5-39

consideration of cultural and historic resources, existing scale and character and development patterns of the surrounding neighborhood or district.

No Conflict. See discussion for General Plan Policy 2.2. In addition, impacts related to aesthetics were determined to be less than significant. For discussion related to visual compatibility, see Chapter 5, Other CEQA Considerations, of this Draft PEIR. As such, no conflict with this policy.

Policy

4.4

Historic Character and Sense of Place. Support projects, programs, policies and regulations to reinforce the character and sense of place of established neighborhoods and districts by protecting and preserving those elements in both the private and public realms which contribute to the historic character through the use of tools including, but not limited to, preservation overlay zones and landmark districts



I-5-39
Cont.

If paleontological resources are being discussed in impact Geology and Soils 3.7(f), this should likely apply also to paleontological resources in the Cultural Resources factor.



I-5-40

Informal Cemetery areas should be evaluated in advance.



I-5-41

AESTHETICS

This is an area of controversy.



I-5-42

p. 460: Overall, the construction of new residential land uses would change the current character of the City. However, consistent with the compatible development intensities identified in the General Plan's Focus Areas, the proposed Program would introduce a maximum density of 60 du/ac. Implementation of future development within the Planning Area would be required to comply with either the regulations governing the underlying zoning designation

or the Program's development standards in the event residential or mixed-use developments are proposed. As such, the proposed Program would not conflict with applicable regulations related to scenic quality.

The City has designated scenic corridors, as shown in Exhibit 5.3-1 of the General Plan PEIR, as well as rural streets, shown in Exhibit 5.3-2, within the City with the intent to be designed and improved in ways to preserve their aesthetic

value (City of Fullerton 2012b). Various HIOZ parcels are within the vicinity of, or abut, the right-of-way of locally designated scenic corridors, such as Bastanchury Road, State College Boulevard, Harbor Boulevard, Brea Boulevard, Euclid Street, and Rosecrans Avenue. However, the proposed Program would not result in future development along designated rural streets

Goal 2

A positive identity and distinctive image No Conflict. Development standards, including design, are proposed as part of this Program. Moreover, potential impacts related to aesthetics

are analyzed in Chapter 5, Other CEQA Consideration, of this Draft PEIR.

Less than significant impacts would occur. As such, the Program would

not conflict with this goal.

"The Fullerton Plan does not propose any changes to the City's currently designate scenic corridors and rural streets."

The parcel at Bastanhury and State College is surrounded by 2 scenic corrdors and across te street from an HCP

CEQA EVALUATIONS ARE NEEDED IN ADVANCE

The HIOZ Program is the largest ever change to the city, on par with a new GP – but the encironmental docuemtions is surprisingy sparse

Policy 1.8

Consideration of Neighborhood Impacts. Support projects,

programs, policies and regulations to evaluate and consider short-

I-5-42
Cont.

I-5-43

and long-term impacts of significant planning efforts or developments on nearby neighborhoods.

No Conflict. As demonstrated throughout this Draft PEIR, the potential impacts to the environment, including nearby neighborhoods, is analyzed in compliance with CEQA. Moreover, the City, as the lead agency, hosted a CEQA Scoping Meeting, required under Public Resources Code Section 21083.9, which solicited comment from stakeholders, including the general public. As a result, City residents, for example, commented on the NOP for the proposed Program. See Table 2-1. Notice of Preparation and Comment Letters Summary for details on the comment letters and how this Draft PEIR addresses environmental topic issues raised. Given this, the Program would not conflict with this policy.

I-5-43
Cont.

HAZ in advance

I-5-44

LAND USE, POPULATION

The significant impacts can be avoided wht a new alternative

I-5-45

CUMULATIVE IMPACTS

There should be discussion of the environmental impacts of the density bonuses most HIOZ projects will subsequently be eligible for.

I-5-46

Does evaluation of impacts for CEQA art a certain level of density increase by-right density in an area? If so, this may also exceed expected general Pln buildout.

I-5-47

Essential inconsistency with GP = unplanned growth – significant and unavoidable (fair share mitigation)

I-5-48

It looks like the proposed GP amendment for Low and Medium Density residential is increasing density to be consistent with HIOZ. Does this raise density

I-5-49

Most of the following are not being met:

A list of the overarching goals are as follows:

- Goal 1: Resilient and vital neighborhoods and districts.
- Goal 2: A positive identity and distinctive image.
- Goal 3: A supply of safe housing ranging in cost and type to meet the needs of all segments of the community.
- Goal 4: Valued and preserved historic resources.
- Goal 5: A balanced system promoting transportation alternatives that enable mobility and an enhanced quality of life.
- Goal 6: A bicycle-friendly city where bicycling is a safe and convenient alternative to motorized transportation and a recreational opportunity for people of all ages and abilities.
- Goal 7: Growth and development aligned with infrastructure capabilities.
- Goal 8: Protection from the adverse effects of noise.

I-5-50

Table 4.5-1. Connect SoCal Conflict Evaluation

TRANSPORTATION

Discuss Impact of higher elevations on emergency access

I-5-51

Some of the transit routes listed have “short turns” in Fullerton, so don’t have nearly the frequency stated.

I-5-52

There is no route 53 in Fullerton. CEQA documents almost always have substantially incorrect transit information. The frequency for Fullerton bus routes is abysmal and not suitable for this level of density. Only 2 routes have even 20 minute service, a few have 30 minutes and many are 40 or 60 minutes or more.

Fullerton Needs More Focus on Integrating Public and Active Transportation

Bus, rail, biking, and walking should be considered an essential part of general civic infrastructure. Asking new developments to pay impact fees to cover the cost of the new demand they induce is an accepted, routine practice for roads, schools, libraries, parks, and parking structures. Transit needs to be a part of the impacts we consider when planning, both for long-term service implementation and short-term construction detours. As part of this standard inclusion, construction projects should discuss their potential impacts on the above transportation modes, both during construction and at the completed project. The fees should include the extra money it costs to provide and to communicate detours to the users of the above modes. The Fair Share Policy is a good start.

I-5-53

Fairshare – at least bus benches, shelters and stop maintenance, but more could be done.

Chapman ped promenade

Using Citywide VMT could average out focus area numbers that actually exceed standards.

I-5-54

The addition of the project in the horizon year causes an increase in the citywide average

total daily VMT per service population calculated with Boundary Method VMT. Did not see an analysis of project effect on VMT in horizon year as the TAPP recommends.

Although the City has chosen citywide VMT as the basis for this threshold because of its comprehensive geography and appropriateness for a City-wide analysis and While only included for informational purposes, it would be valuable to see the TAZ level comparisons in chart form rather than data lists

I-5-55

The tables suggested in the TAPP were not used in this Program analysis (see TABLE 6- 1 PROJECT GENERATED VMT per TAZ and TABLE 6- 2 PROJECT EFFECT ON VMT) Is the baseline 2016 or 2021? Etc?

TRA-1 would the program conflict? Yes, many driveways

“Moreover, the Program would not result in physical changes to the City’s existing transportation network.” Actually, the pedestrian network could be impacted by building with less setbacks and increasingly busy driveways. An inventory of sidewalk should be included in the PDEIR as pedestrian use is a keypart of multi-modal evaluation.

I-5-56

City Mitigation TR-1 states: Prior to approval of any General Plan Amendment and/or Zone Change associated with the focused planning efforts for The Fullerton Plan Focus Areas, the City and/or project proponent shall prepare a detailed multi-modal analysis in order to determine specific impacts associated with the proposed General Plan Amendment and/or Zone Change, and where applicable, identify mitigation measures to reduce impacts to less than significant levels based on City adopted multi-modal thresholds.

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

I-5-57

Construction detours must be handled so as not to decrease these modes’ performance. Current Traffic Control Plans do not include mitigations for impacts to bus, bike and ped construction impacts so the construction impacts conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. COA-AQ-6 is not adequate mitigation.

Fullerton is not meeting its Complete Streets obligations. The availability of Bus stops, benches, shelters and other amenities, has never been methodically analyzed. For example, City Roadway Characteristics maps should note bus, ped, and bike facilities. Development maps, and maps to City facilities should note bus stops, bike facilities, and significant lack of pedestrian facilities, if applicable. Analysis should include mention of High Speed Rail, Measure M “Go Local” bus or rail service, Measure M Community-Based Circulators, College Connector, Measure M Senior Mobility Programs, increased rail service, increased shared ride and taxi service, etc.

I-5-578

City design standards for driveway safety and parking lot pedestrian access are not sufficient so ther are geometric design conflicts and incompatible uses between transportation modes

Impacts on the city’s Bicycle Master Plan must be included.

Increased Hazards Due to a Design Feature or Incompatible Uses:

I-5-59

Since documentation has not been a standard part of city policies for pedestrian gap closure needs and conflict areas with other modes at driveways, parking lots and structures, freeway ramps, intersections, etc., many recent projects have produced increased hazards due to lack of coordination with this mode. ↑ I-5-59 Cont.

P514- Fair Share of Improvements -see also Public Services 3.15 below

This is an important concept. Bus, rail, biking, and walking should be considered part of general civic infrastructure. Asking new developments to pay impact fees to cover the cost of the new demand they induce is an accepted practice and is routine for roads, schools, libraries, parks, and parking structures. Transit needs to be a part of the impacts we consider when planning, both for long-term service implementation and short-term construction detours. As part of this standard inclusion, construction projects should discuss their potential impacts on the above transportation modes, both during construction and at the completed project. The fees should include the extra money it costs to provide bus detours and communicate detours to the users of the above modes.

I-5-60

New projects should have transit funding built into the project mitigations instead of depending solely on unreliable transit district, state and federal funds. In outlying areas without bus service, it is fair to have these areas help pay for the new service they induce. While helping to pay for new schools, roads, and parks, neighborhoods that have developed further from existing transit resources have never paid for the new transit service they've induced. OCTA is not able to fund new transit service alone. Anaheim is an example of a city that works with OCTA to provide better bus service, runs its own additional service, and even provides a unique funding source. Other models are Riverside's TUMF fees, and homeowners associations throughout the United States.

Transportation 3.17

City Mitigation TR-1 states: Prior to approval of any General Plan Amendment and/or Zone Change associated with the focused planning efforts for The Fullerton Plan Focus Areas, the City and/or project proponent shall prepare a detailed multi-modal analysis in order to determine specific impacts associated with the proposed General Plan Amendment and/or Zone Change, and where applicable, identify mitigation measures to reduce impacts to less than significant levels based on City adopted multi-modal thresholds.

I-5-61

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Construction detours must be handled so as not to decrease these modes' performance. Current Traffic Control Plans do not include mitigations for impacts to bus, bike and ped construction impacts so the construction impacts conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. COA-AQ-6 is not adequate mitigation. ↓

Fullerton is not meeting its Complete Streets obligations. The availability of Bus stops, benches, shelters and other amenities, has never been methodically analyzed. For example, City Roadway Characteristics maps should note bus, ped, and bike facilities. Development maps, and maps to City facilities should note bus stops, bike facilities, and significant lack of pedestrian facilities, if applicable. Analysis should include mention of High Speed Rail, Measure M “Go Local” bus or rail service, Measure M Community-Based Circulators, College Connector, Measure M Senior Mobility Programs, increased rail service, increased shared ride and taxi service, etc.

City design standards for driveway safety and parking lot pedestrian access are not sufficient so there are geometric design conflicts and incompatible uses between transportation modes

Increased Hazards Due to a Design Feature or Incompatible Uses:

Since documentation has not been a standard part of city policies for pedestrian gap closure needs and conflict areas with other modes at driveways, parking lots and structures, freeway ramps, intersections, etc., many recent projects have produced increased hazards due to lack of coordination with this mode.

New projects should have transit funding built into the project mitigations instead of depending solely on unreliable transit district, state and federal funds. In outlying areas without bus service, it is fair to have these areas help pay for the new service they induce. While helping to pay for new schools, roads, and parks, neighborhoods that have developed further from existing transit resources have never paid for the new transit service they’ve induced. OCTA is not able to fund new transit service alone. Anaheim is an example of a city that works with OCTA to provide better bus service, runs its own additional service, and even provides a unique funding source. Other models are Riverside’s TUMF fees, and homeowners associations throughout the United States.

BIOLOGICAL RESOURCES

The scope should include biological resources for the reasons below:

Please remedy the common exclusion of bats from Fullerton CEQA documents, including in the downtown, which was a known habitat for them. Also, pollinators, and a more thorough discussion of migratory and non-migratory birds.

I-5-61
Cont.

I-5-62

b) Impacts should be analyzed in advance, since current policies continually miss the existence of the mapped riparian areas, including vernal streams. Recent examples: Bastanchury Creek Greenbelt (Bastanchury Creek), Pines at Sunrise (Euclid Creek), Hillcrest Park (Brea Creek and a tributary at the north end), Goodman Logistics (10 acres of historic trees and wildlife habitat). A public noticing process should be initiated so resources won't be lost or compromised

I-5-63

c) Impacts should be analyzed in advance since current mitigations aren't sufficient.

I-5-64

e) Several city tree policies are not included in the Community Forestry ordinance. Also, even though many city trees are landmark-eligible according to the ordinance, not a single one has ever been even nominated as a landmark, so these protections are only theoretical. Trees in scenic corridors are routinely removed.

I-5-65

At the time that The Community Forestry ordinance was adopted the public was promised that trees would be listed in future development proposals so appropriate decisions could be made. Please list potentially landmark-eligible or otherwise noteworthy trees on current HIOZ parcels for evaluation.

The parcel at Bastanchury and State College is across street from "Coyote Hills East Habitat conservation plan" This should be included and evaluated in advance of Program approval. Besides violating the CEQA process, both property owners and the general public, are not able to give meaningful input without this information.

I-5-66

Policy

25.3

Comprehensive Tree Management. Support projects, programs, policies and regulations to comprehensively plan for, manage and promote trees throughout the City.

No Conflict. The Program would not result in significant impacts to natural

resources (i.e., biological resources), as detailed in Chapter 5, Other

CEQA Considerations, of this Draft PEIR. As such, the Program would not

conflict with this policy

I-5-67

b) Impacts should be analyzed in advance, since current policies continually miss the existence of the mapped riparian areas, including vernal streams. Recent examples: Bastanchury Creek Greenbelt (Bastanchury Creek), Pines at Sunrise (Euclid Creek), Hillcrest Park (Brea Creek and a tributary at the north end), Goodman Logistics (10 acres of historic trees and wildlife habitat). A public noticing process should be initiated so resources won't be lost or compromised

I-5-68

c) Impacts should be analyzed in advance since current mitigations aren't sufficient.

e) Several city tree policies are not included in the Community Forestry ordinance. Also, even though many city trees are landmark-eligible according to the ordinance, not a single one has ever been even nominated as a landmark, so these protections are only theoretical. Trees in scenic corridors are routinely removed.

I-5-68
Cont.

At the time that The Community Forestry ordinance was adopted the public was promised that trees would be listed in future development proposals so appropriate decisions could be made. Please list potentially landmark-eligible or otherwise noteworthy trees on current HIOZ parcels for evaluation.

There are no landmark trees under the Tree Landmark policy in the Community Forestry Ordinance, so the mitigations are inadequate.

RIPARIAN AREAS

It is a little known fact that Fullerton is very rich in year-round and vernal creeks. They are so much a part of our local history, that they are still commonly referred to by their name from The Spanish and Mexican eras of California history – Barrancas

A list of parcels both including riparian areas but also *adjacent* to them should be included and evaluated in advance of Program approval and any associated Code or GP changes. Besides violating the CEQA process, both property owners and the general public, are not able to give meaningful input without this information, and the following 3 GP and/or DPEIR statements are incorrect and the DPEIR is inadequate:

I-5-69

P. 461 of DPEIR Future development projects would be located in areas that are primarily developed and do not contain riparian habitat or other sensitive natural community. Thus, it is not anticipated that implementation of the proposed Program would result in significant impacts to riparian habitat or other sensitive natural community. However, some parcels within the Planning Area are located within the vicinity of mapped riparian habitats (USFWS 2023). In the event future development projects associated with the proposed Program are adjacent to existing rivers, streams, or channels, such projects would be required to comply with applicable General Plan PEIR mitigation measures.

Policy 5.2 Waterways Preservation. Support projects, programs, policies and regulations to preserve the City's public creeks and lakes such as Tri City Lake, Bastanchury Greenbelt Creek, and Laguna Lake; pursue collaborative efforts to restore channelized portions of Brea Creek and Fullerton Creek.

No Conflict. The Program would not result in significant impacts to natural resources (i.e., biological resources), as detailed in Chapter 5, Other CEQA Considerations, of this Draft PEIR. Future development projects would not result in the redevelopment of the City's public creeks and lakes. As such, the Program would not conflict with this policy

Policy 25.8

Mitigation of Impacts on Waterways. Support projects, programs, policies and regulations to consider and mitigate project level impacts to public waterways at the site and building design stages.

No Conflict. See the discussion provided under General Plan Policy 25.2 Inadequate

I-5-69
Cont.

AIR QUALITY

The impacts of the AQ issues are understated and there aren't sufficient mitigations.

I-5-70

"The Program Area zip codes (92835, 92831, 92832, and 92801) achieve scores of 10, 10, 23, and 43 on CalEnviroScreen." The CE maps show large areas within the Program have CalEnviroScreen pollution burdens and levels in the 77th to 92nd percentile rather than the lower amounts indicated in the DPEIR text.

I-5-71

The text states that the Program Area is not in a Disadvantaged Community, but California Climate Investments Priority Populations 2024 indicates that there are large swaths of it that are Disadvantaged Communities.

Note: 92801 is a typo that appears several times, and should read 92831

I-5-72

Mobile source emissions may be understated, as substantially increased population will bring more diesel and TRU truck traffic by sensitive receptors such as schools, churches and senior communities. The text indicates this would be less than 100 delivery trucks per day but this cannot be accurate.

I-5-73

The expected reduction in TAC emissions that are expected decades out will not be realized until long after that horizon of this program.

I-5-74

A mitigation to use electric landscaping and blowing or vacuum equipment could be implemented.

I-5-75

No health risk assessment (HRA) and no lists or maps of sensitive receptors has been included in this DPEIR despite thresholds being exceeded. No separate chart of operational emissions was included; only a combined chart of construction and operational emissions. Each type exceeds the thresholds for all contaminants except Sox. It is

I-5-76

stated that Merv -13 filters will result in a substantial reduction of fine particulate matter site sensitive receptors but this is not documented properly.

I-5-76
Cont.

COA-AQ-14 New sensitive land uses such as residential, a hospital, medical offices, day care facilities, and fire stations shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week, pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook. If new sensitive land uses cannot meet this setback, they shall be designed and conditioned to include mechanical ventilation systems with fresh air filtration. For operable windows or other sources of ambient air filtration, installation of a central heating, ventilation, and air conditioning (HVAC) system that includes high efficiency filters for particulates (Minimum Efficiency Reporting Value [MERV] 13 or higher) or other similarly effective systems shall be required.

I-5-77

Residential land uses adjacent to industrial uses not including buffers so appears to not have been evaluated for environmental impacts. These should be mapped, listed, and evaluated in advance.

Air Quality and Climate Change Goal 21

Protection and improvement of air quality. No Conflict. The proposed Program would facilitate future development of housing and mixed-use development, the construction and operation of which would result in effects to local and regional air quality. See Section 4.1, Air Quality, of this Draft PEIR for more discussion. As such, the Program would not conflict with this goal. Inadequate.

I-5-78

Table 4.5-2. General Plan Conflict Evaluation

“As such, implementation of the proposed Program would require a General Plan Amendment to allow residential land uses within and adjacent to Industrial-designated areas.

I-5-79

Given this, the Program would partially conflict with this policy”

The Fullerton Housing Incentive Overlay Zone’s incremental contribution to impacts related to exposure of sensitive receptors to substantial pollutant concentrations from TACs would be cumulatively considerable

I-5-79
Cont.

ODOR AND/OR AIR QUALITY IMPACT

Many new developments in Fullerton have laundry facilities that have exposed air ducts leading to the public right of way, subjecting pedestrians to laundry chemical fumes. Could a previous City Mitigation measure N-6 be adapted to say something like: The City shall require mechanical equipment from future development to be placed as far as practicable from pedestrian right of way and bus stops.

I-5-80

MANDATORY FINDINGS OF SIGNIFICANCE

are not discussed. The California Environmental Quality Act (CEQA) provides that an EIR shall focus on the significant effects on the environment, discussing the effects with emphasis in proportion to their severity and probability of occurrence. Pursuant to CEQA Guidelines Section 15065, an EIR must be prepared if a project may have a significant effect on the environment where any of the following conditions occur.

I-5-81

“a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, . . . or eliminate important examples of **major periods of California history or prehistory**.

The Program could have significant impacts since 3.21 b) predicates its some of its potential analysis on it.

Also, there is potential that the Raytheon parcel near the Bastanchury Creek Greenbelt could contain resources of California history and pre-history based on its very close proximity to resources recovered in a WPA archeological dig and local Rancho Los Coyotes-era adobes. It should be evaluated in advance.

I-5-82

Result in a cumulatively considerable net increase of **any criteria pollutant for which the project region is in nonattainment** under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors);

I-5-83

• **Expose sensitive receptors to substantial pollutant concentrations; or significant adverse affects on human beings**

NOISE

A new City noise ordinance is in process, but is increasing acceptable noise levels – including in commercial zoning that was once C- Neighborhood use zoning. The entire process as completely ignored the existence of the General Plan’s noise element.

I-5-84

WATER

Much of Fullerton in is the toxic plume area. CalEnviroscreen indicates high groundwater threats and drinking water contaminants:

I-5-85

AESTHETICS

The EIR should include Aesthetics impacts:

I-5-86

a) Scenic vistas should be analyzed since City development standards often have not preserved public views and scenic vistas from unreasonable encroachment.

b) Should be included as a potential impact since neither the DPEIR has not recognized the existence of the eligible scenic highway portion that starts on the 57 freeway on the on the City’s northern border.

I-5-87

c) Should be included since the City historically ignores its designated Scenic corridors and rural streets in most project analyses. Recent examples are the Harbor Complete Streets Project whose grant funding application was just approved., Hillcrest Park renovations, the Bastanchury Creek Greenbelt development, and the Pines at Sunrise Village. Trees that are part of scenic corridors are routinely removed without assessment. If handled as it has been historically, this project will conflict with applicable zoning and other regulations governing scenic quality. The included COAs are only for construction impacts.

I-5-88

d) In addition, a way to acknowledge the transition of formerly unique low-massed older neighborhoods abruptly being replaced by higher-rise cookie cutter architecture should be addressed.

I-5-89

A list of parcels both within the scenic corridors (and semi-rural streets) but also *adjacent* to them should be included and evaluated in advance of Program approval and any associated Code or GP changes. Besides violating the CEQA process, both property owners and the general public are not able to give meaningful input without this information.

I-5-90

Fullerton Needs to Do a Better Job of Preserving Scenic Corridors

The city historically ignores its designated scenic corridors and rural streets in most project analyses. Recent examples are the Harbor Complete Streets Project, Hillcrest Park renovations, the Bastanchury Creek Greenbelt development, and the Pines at Sunrise Village. Trees that are part of scenic corridors are routinely removed without assessment.

I-5-90
Cont.

GEOLOGY AND SOILS

The Initial Study Checklist says this factor won't be included in the scope, but has f) marked as potentially significant. Please reinstate. Also add c) regarding liquefaction, landslide, collapse and lateral spreading due to the many slope and subsidence issues Fullerton has had over the years such as Verona, Hillcrest senior condos, Union Avenue., and many others. This might also affect Wildfire 3.20 d) since not all infill lots have been fully disturbed / developed.

I-5-91

RECREATION

The evaluation contradicts what is said in the Public Services letter which says that park space would be less than needed to maintain the City's parks to people ratio and will be accommodated by requiring new developments to allow public access to their recreation facilities.

DPEIR: "it is unknown whether future facilities would be adequate to serve the demands generated by new and existing residents. The HIOZ Program would result in an increased population across the Planning Area which would increase the use of existing recreational parks and facilities such that there would be a need for additional recreational amenities." "As such, upon implementation of City requirements, including the payment of park mitigation fees or the dedication of land for future parks, as well as Fullerton HIOZ-specific goals, policies, and implementation programs, the Program would have a less than significant impact to recreational facilities." This, and several other public services are contradicted by the Public Service Letter.

I-5-92

PUBLIC SERVICES

OCTA should be added to this list as the program induces the need for more bus service but does not evaluate its sufficiency. At the least, OCTA should be consulted as to the likelihood of added new service as need increases. Also see General Plan Fair Share Policy P514. OC SAN's ability to provide should be detailed. The letters from fire, police and library do not indicate funds needed to increase services. Taller buildings increase police and fire response time and so add to cost. Additions to police and library facilities could also affect historic resources but are not evaluated.

I-5-93

GROUP HOMES

The City could devise a new, lower CUP fee structure for large group homes rather than removing the CUP requirement.

I-5-94

PHYSICALLY DIVIDING AN ESTABLISHED COMMUNITY

Large buildings without pedestrian pass-throughs, where small building and surface parking lots once were, divide communities from a pedestrian, disabled person, and sometimes bicycle, perspective. Perhaps the historic concept of pedestrian “arcades” can be revived. At any rate, it’s important to document which means of traversing concerned properties will no longer be as accessible compared with existing. Besides serving as a springboard to develop potential mitigations, it will help in creating the best pedestrian, special needs, and bicycle circulation.

I-5-95

TRANSPARENCY / PUBLIC PARTICIPATION

The GP envisioned: “Community- based planning processes would determine the nature of Change”

Transparency in this process is essential as residents are legitimately concerned about the opaqueness of documents that don’t summarize the substantial impacts, while the HIOZ went from 15 to 759 properties

Themes in Community Input

I’d like to see acknowledgement of the widely held concern about retaining Fullerton’s unique features rather than converting so much of the built environment to architecture that’s indistinguishable from other cities. Not all cities need to shift to citywide high-density; some built areas should be a retreat from that, while still addressing housing affordability

I-5-96

Areas of controversy – CR, Parking, transportation Infrastructure, Public Process, lawsuit precluding public participation, no noticing to property owners, even though not required.

When asking about the Lawsuit, residents were asked to go online to find information and the public was told that HIOZ would be required to meet lawsuit requirements. Study sessions had action items embedded in them that the public was not aware of.

I-5-97

CEQA should be integrated into planning processes and guide development of the plan itself. (Pub.

Resources Code § 21003(a)). Information developed as part of the CEQA process should influence the development of general

plan policies. CEQA should not just be a post hoc rationalization of decisions that have already been made. (Laurel Heights

Improvement Assn. v. Regents of University of California (1988) 47 Cal. 3d 376, 395 (“the later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong

incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project”))

I-5-97
Cont.

The public was never noticed about Housing Champion meetings in their initial phase so that group did not get the benefit of public comment at the initial stages. Even if not legally required, it is important to mail notices to residents throughout the city who live in or own property next to new proposed HIOZ zoning. Also, there should be notification of even proposed by-right development activities so the public can provide relevant information. (See paragraph below that lists missed designated historic resources.)

I-5-98

Policy 18.5 Transparent Government. Support policies, programs and regulations that maintain transparency in municipal operations and

No Conflict. See the discussion provided under General Plan Goal 18.

Table 4.5-2. General Plan Conflict Evaluation

Goals and Policies Conflict Evaluation

decision-making by being clear about City objectives and providing

access to information, City staff and decision makers.

I-5-99

18.6 Accessible Participation. Support policies, projects, programs and regulations that take all feasible steps to ensure that everyone interested in participating in community forums has the materials necessary to contribute to informed decisions

Policy 18.5 Transparent Government. Support policies, programs and regulations that maintain transparency in municipal operations and No Conflict. See the discussion provided under General Plan Goal 18.

I-5-99
Cont.

Table 4.5-2. General Plan Conflict Evaluation Goals and Policies Conflict Evaluation decision-making by being clear about City objectives and providing access to information, City staff and decision makers

Can there be a small discussion of why there is no Environmental document for the Housing Element?

I-5-100

Again, many people feel strongly that everyone should be able to live in a home that is affordably priced, and, at the same time, that Fullerton's low-massed historic neighborhoods, trees, creeks and open areas that contribute to its unique character, don't have to be overwhelmed by building new developments in sensitive areas in order to achieve this. We can have both.

I-5-101

Thank you for your time and attention to these issues,

Sincerely,

Jane Reifer

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3 Revisions to the Draft PEIR

3.1 Introduction

This chapter contains minor revisions and clarifications to the Draft PEIR as a result of responses to comments on the Draft PEIR and others that are necessary to provide clarifications to the Project description or to correct non-substantive errors.

Pursuant to CEQA Guidelines Section 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. Significant new information can include a disclosure showing that a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented, a substantial increase in the severity of an environmental impact, a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project (but the project's proponents decline to adopt it), or the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The revisions provided in this chapter do not constitute significant new information requiring recirculation of the PEIR as defined in CEQA Guidelines Section 15088.5. No new significant environmental impacts or a substantial increase in the severity of environmental impacts would occur from these revisions. Instead, the information merely clarifies, amplifies, and makes insignificant modifications to an adequate PEIR.

3.2 Revisions to the Draft PEIR

The revisions shown below are categorized by chapter, section number, and page number. Text from the Draft PEIR that has been removed is shown in strikethrough (i.e., ~~strikethrough~~), and text that has been added as part of the Final PEIR is shown as double underlined (i.e., underline). Revisions may be shown with surrounding sentences for context.

Chapter 1, Executive Summary

Section 1.3, Summary of Environmental Impacts and Mitigation Measures,
Pages 1.0-26

Table 1-1. Summary of Program Impacts

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
4.3 Hazards and Hazardous Materials			

HAZ-1. Would the Program 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?

Potentially Significant

COA-HAZ-1. Prior to issuance of a Grading Permit, a Soil Management Plan (SMP) shall be developed by a qualified environmental professional. The SMP shall outline procedures for both soil import and export. For soil import, the SMP shall outline the proper screening and characterization procedures following the DTSC's October 2001 Information Advisory Clean Imported Fill Material Fact Sheet. Import soils shall meet regulatory screening levels for residential use (SWRCB Environmental Screening Levels). For soil export, based on the findings of any and all site investigations (as outlined below), the SMP shall outline the proper screening, characterization, transportation, and disposal procedures for contaminated soils to be removed from the site for future development. ~~for~~ For properties considered by the City to involve the potential for site contamination, a Phase I Environmental Site Assessment shall be prepared in accordance with ASTM Standards and Standards and Practices for AAI, in order to investigate the potential existence of site contamination. Any site specific uses shall be analyzed according to the Phase I Environmental Site Assessment (i.e., auto service stations, agricultural lands, etc.). The Phase I Environmental Site Assessment shall identify Specific Recognized Environmental Conditions (RECs) (i.e., asbestos containing materials, lead-based paints, polychlorinated biphenyls, etc.), which may require remedial activities prior to construction. The Phase I ESA and SMP shall be provided to the City of Fullerton Community and Economic Department for review prior to any site grading.

The Project's contractor shall ensure implementation of the SMP through the contract specifications for all proposed soil import and management of contaminated soils onsite, as applicable. The SMP shall include health and safety and training procedures, air monitoring procedures, and permitting requirements. The SMP shall also include instructions for the identification of

Less Than Significant Impact

Table 1-1. Summary of Program Impacts

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		<p><u>potentially-impacted soils, procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or other subsurface anomalies are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-up procedures such as confirmation sampling, disposal, and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Imported soils shall meet all requirements for residential land use. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City of Fullerton Community and Economic Department.</u></p> <p>COA-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:</p> <ul style="list-style-type: none"> ▪ Excavation and disposal at a permitted, off-site facility; 	

Table 1-1. Summary of Program Impacts

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		<ul style="list-style-type: none"> ▪ On-site remediation, if necessary; or ▪ Other measures as deemed appropriate by the City of Fullerton Fire Department. <p>COA-HAZ-3. Prior to structural demolition/renovation activities, should these activities occur, a Certified Environmental Professional shall confirm the presence or absence of ACM’s and LBPs. Should ACMs or LBPs be present, demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriate permitted facility.</p> <p>COA-HAZ-4. Areas of exposed soils within Caltrans right-of-way that would be disturbed during excavation/grading activities shall be sampled and tested for lead prior to ground disturbance activities on a project-by-project basis, so that any special handling, treatment, or disposal provisions associated with aerially deposited lead may be included in construction documents (if aerially deposited lead is present).</p> <p>MM-HAZ-1. Hazardous Materials Survey. Demolition plans and contract specifications submitted to the City for approval shall incorporate survey and abatement procedures for the identification and removal of materials containing asbestos, lead, polychlorinated biphenyls, hazardous material, hazardous wastes, and universal waste items, including decommissioning and removal of aboveground and underground storage tanks and drums. All survey and abatement work shall be done in accordance with federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health</p>	

Table 1-1. Summary of Program Impacts

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>Administration (which regulates employee exposure), and the South Coast Air Quality Management District. Surveys will be conducted by an environmental professional certified by California Department of Public Health [lead-based paint] and/or Contractors State License Board [asbestos], and abatement shall be completed by a California-Certified or Licensed Contractor prior to demolition or renovation activities. Transportation of hazardous wastes must also be completed by a licensed transportation company in accordance with federal, state, and local regulations, and disposal will be completed at a permitted facility.</p> <p>MM-HAZ-2. Survey for Oil and Gas Features. Prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits), a survey will be completed to confirm the presence or absence of oil and gas wells, pipelines, or oil/gas field administrative boundaries on the proposed development site. The survey will also evaluate the proposed development site's proximity to methane zones as outlined in the OCFA Combustible Soil Gas Hazard Mitigation Guideline C-03. The survey will include review of publicly available documents and databases, aboveground visual inspections, and subsurface surveys (such as ground-penetrating radar or other means of subsurface locates). The survey(s) will be completed by a professional company with experience in these types of surveys. Proof of survey completion will be submitted to City of Fullerton as part of the application package.</p> <p>MM-HAZ-3. Investigation of RECs, CRECs, and VECs. Following completion of a Phase I ESA and prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits),</p>	

Table 1-1. Summary of Program Impacts

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>any RECs, CRECs, or VECs identified in the Phase I ESA will be investigated by completion of a Phase II ESA under the requirements of ASTM E1903-19 (or the current applicable standard). The Phase II ESA will evaluate the presence of contaminants of concern related to RECs, CRECs, and/or VECs found in the Phase I ESA and will include a screening level risk evaluation to determine human health risks are present (i.e. if concentrations exceed current regulatory screening levels applicable at the time of the project (DTSC Screening Levels or RWQCB ESLs)). The investigation shall include consideration of aerially deposited lead (ADL) adjoining state highways and overpasses. The findings of the Phase II ESA and recommendations will be provided to the City for review prior to approval of residential development.</p> <p>MM-HAZ-4. Actions for Contaminated Sites. If human health risks are identified (e.g. concentrations of contaminants of concern are above applicable regulatory screening levels) during a Phase I ESA or Phase II ESA that would indicate a risk to residential occupancy or would expose construction workers to contaminants of concern above applicable screening levels, the impacts must be remediated or protections must be in place such that future risk to construction workers, adjacent sensitive receptors, future occupants, or future land uses on site are below current risk-based criteria (e.g. applicable regulatory screening levels). Written proof of remediation and/or protective measures would be submitted to the City prior to approval for residential redevelopment (e.g. issuance of permits).</p>	

Table 1-1. Summary of Program Impacts

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>MM-HAZ-5. Conditions of Closure. Prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits), if the proposed development site is located on a site that has received regulatory environmental cleanup, review, or assessment and has received regulatory closure by the overseeing environmental agency (federal, state, or local), the closure documents shall be reviewed and conditions or limitations, if any, shall be met. If conditions indicate a risk or limitations to future residential development, requirements from the regulatory agency will be implemented and proof of implementation will be provided to the City prior to approval for redevelopment (e.g. issuance of permits).</p>	
<p>4.13 Utilities and Service Systems</p>			
<p>UTL-1. Would the Program require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</p>	<p>Less Than Significant</p>	<p>COA-WW-1. Prior to issuance of a building permit for any future development project, the Project Applicant shall prepare an engineering study to support the adequacy of the sewer systems and submit the engineering study to the City of Fullerton for review and approval. Any improvements recommended in the engineering study shall be installed prior to the certificate of occupancy for the development project. For any sewer projects/studies that have the potential to impact adjacent jurisdictions’ sewer systems, the developer shall submit said studies to the applicable jurisdiction for review and approval.</p> <p>COA-WW-2. Prior to issuance of a building permit for any future development project, the Project Applicant shall <u>submit a sewer capacity analysis of existing wastewater utility in the project site’s vicinity for OCSD review and obtain sewer capacity verification from OCSD prior to issuance of a building permit-provide evidence</u></p>	<p>N/A</p>

Table 1-1. Summary of Program Impacts

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>that the OCSD has sufficient transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested.</p> <p>COA-HYD-3. See Section 3.10 Hydrology and Water Quality.</p>	

Section 1.4, Areas of Known Controversy, Page 1.0-27

The primary areas of controversy identified by the public and agencies included the following potential issues (the Draft PEIR section[s] that address the issue[s] raised are provided in parentheses):¹

- Potential for air quality, odor, and/or pollution impacts (Section 4.1, Air Quality)
- Potential for hazards and hazardous materials impacts (Section 4.3, Hazards and Hazardous Materials)
- Potential changes to community character and City development standards (Section 4.5, Land Use and Planning)
- Potential for impacts related to population and housing growth (Section 4.8, Population and Housing)
- Potential for impacts related to public services, including emergency response, fire, parks, schools, and police protection services (Section 4.9, Public Services)
- Potential impacts related to the transportation system, including traffic, roadway hazards, pedestrian safety and equitable access for all, and consistency with adopted plans (Section 4.11, Transportation)
- Potential for impacts to tribal cultural resources (Section 4.12, Tribal Cultural Resources)
- Potential impacts related to public infrastructure and service systems (Section 4.13, Utilities and Service Systems)
- Potential impacts to scenic resources (Section 5.5.1, Aesthetics)
- Potential impacts to historical resources (Section 5.5.5, Cultural Resources)
- Potential impacts to historical resources (Section 5.5.5, Cultural Resources)
- Public participation in the decision-making process (Chapter 1, Introduction)
- Potential impacts resulting from proposed land use density changes (Sections 4.1 through 4.13 of Chapter 4)

Chapter 3, Project Description

Section 3.5, Conditions of Approval, Page 3.0-15

COA-HAZ-1 Prior to issuance of a Grading Permit, a Soil Management Plan (SMP) shall be developed by a qualified environmental professional. The SMP shall outline procedures for both soil import and export. For soil import, the SMP shall outline the proper screening and characterization procedures following the DTSC's October 2001 Information Advisory Clean Imported Fill Material Fact Sheet. Import soils shall meet regulatory screening levels for residential use (SWRCB Environmental Screening Levels). For soil export, based on the findings of any and all site investigations (as outlined below), the SMP shall outline the proper screening, characterization, transportation, and disposal procedures for contaminated soils to be removed from the site for future development. ~~for~~ For properties considered by the City to involve the potential for site contamination, a Phase I Environmental Site Assessment shall be prepared in accordance with ASTM Standards and Standards and Practices for AAI, in order to investigate the potential existence of site contamination. Any site specific uses shall be analyzed according to the Phase I Environmental Site Assessment (i.e., auto service stations, agricultural lands, etc.). The Phase I Environmental Site Assessment shall identify Specific Recognized Environmental Conditions (RECs) (i.e., asbestos containing materials, lead-based paints, polychlorinated biphenyls, etc.), which may

¹ Comments received in response to the Project's Notice of Preparation are provided as Appendix A-2 and are summarized in Table 1-1, Notice of Preparation and Comment Letters Summary, in Chapter 1, Introduction of this Draft PEIR.

require remedial activities prior to construction. The Phase I ESA and SMP shall be provided to the City of Fullerton Community and Economic Department for review prior to any site grading.

The Project's contractor shall ensure implementation of the SMP through the contract specifications for all proposed soil import and management of contaminated soils onsite, as applicable. The SMP shall include health and safety and training procedures, air monitoring procedures, and permitting requirements. The SMP shall also include instructions for the identification of potentially-impacted soils, procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or other subsurface anomalies are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-up procedures such as confirmation sampling, disposal, and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Imported soils shall meet all requirements for residential land use. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City of Fullerton Community and Economic Department.

Section 3.5, Conditions of Approval, Page 3.0-19

COA-WW-2 Prior to issuance of a building permit for any future development project, the Project Applicant shall submit a sewer capacity analysis of existing wastewater utility in the project site's vicinity for OCSD review and obtain sewer capacity verification from OCSD prior to issuance of a building permit provide evidence that the OCSD has sufficient transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested.

Chapter 4, Environmental Impact Analysis

Section 4.1, Air Quality

Section 4.1.1, MATES V, Pages 4.1-10

In the four zip codes containing the Program Area (92835, 92831, 92832, and ~~92801~~ 92833), the MATES V monitoring shows a cancer risk of 421, 474, 479, and ~~474~~ 462 chances in one million, respectively. Air toxics cancer risk in these zip codes are higher than 39%, 56%, 58%, and ~~57~~ 50% of the SCAQMD population, respectively (SCAQMD 2023a).

Section 4.1.1, CalEnviroScreen, Pages 4.1-11

The Program Area zip codes (92835, 92831, 92832, and ~~92801~~ 92833) achieve scores of ~~10, 10, 23, and 43~~ ranges from 10 to 94 on CalEnviroScreen. The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state (see Appendix C SCAQMD 2023a).

Section 4.3, Hazards and Hazardous Materials

Section 4.3.4, Impact Analysis, Pages 4.3-37 and 4.3-38

COA-HAZ-1 requires a Soil Management Plan (SMP) and Phase I Environmental Site Assessment (ESA) to be prepared prior to issuance of a grading permit for “properties considered by the City to involve the potential for site contamination.” The SMP shall outline procedures for both soil import and export. When prepared in accordance with ASTM E1527-21 (or the standard applicable at the time of the assessment), the Phase I ESA would likely identify documented contamination, or would identify the potential for contamination based on commercial or industrial impacts. COA-HAZ-2 requires removal of all materials from a proposed project site prior to grading and excavation activities and a visual inspection of the ground surface for evidence of stained soils. COA-HAZ-2 requires sampling of visually impacted soils, and remediation or removal of soils found to contain contamination above applicable regulatory screening levels. COA-HAZ-2 also allows “other measures as deemed appropriate by the City of Fullerton or Fullerton Fire Department.” In addition to COA-HAZ-1 and COA-HAZ-2, MM-HAZ-3 requires investigatory actions, such as a Phase II ESA, to be taken in the event the Phase I ESA (required by COA-HAZ-1) identifies a Recognized Environmental Condition (REC), Controlled REC (CREC), or Vapor Encroachment Condition (VEC). MM-HAZ-4 provides details for required response procedures if contamination is found above regulatory screening levels, or if the proposed development site is found to be on or impacted by a nearby listed contaminated site. If soil, groundwater, or soil vapor impacts are found above applicable regulatory screening levels, or if the site is under regulatory oversight for investigation and/or cleanup, they would be held to the requirements listed in COA-HAZ-2 and MM-HAZ-4.

Section 4.3.5, Conditions of Approval and Mitigation Measures, Page 4.3-42

COA-HAZ-1 Prior to issuance of a Grading Permit, a Soil Management Plan (SMP) shall be developed by a qualified environmental professional. The SMP shall outline procedures for both soil import and export. For soil import, the SMP shall outline the proper screening and characterization procedures following the DTSC’s October 2001 Information Advisory Clean Imported Fill Material Fact Sheet. Import soils shall meet regulatory screening levels for residential use (SWRCB Environmental Screening Levels). For soil export, based on the findings of any and all site investigations (as outlined below), the SMP shall outline the proper screening, characterization, transportation, and disposal procedures for contaminated soils to be removed from the site for future development. ~~for~~ For properties considered by the City to involve the potential for site contamination, a Phase I Environmental Site Assessment shall be prepared in accordance with ASTM Standards and Standards and Practices for AAI, in order to investigate the potential existence of site contamination. Any site specific uses shall be analyzed according to the Phase I Environmental Site Assessment (i.e., auto service stations, agricultural lands, etc.). The Phase I Environmental Site Assessment shall identify Specific Recognized Environmental Conditions (RECs) (i.e., asbestos containing materials, lead-based paints, polychlorinated biphenyls, etc.), which may require remedial activities prior to construction. The Phase I ESA and SMP shall be provided to the City of Fullerton Community and Economic Department for review prior to any site grading.

The Project’s contractor shall ensure implementation of the SMP through the contract specifications for all proposed soil import and management of contaminated soils onsite, as applicable. The SMP shall include health and safety and training procedures, air monitoring procedures, and permitting requirements. The SMP shall also include instructions for the identification of potentially-impacted soils.

procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or other subsurface anomalies are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-up procedures such as confirmation sampling, disposal, and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Imported soils shall meet all requirements for residential land use. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City of Fullerton Community and Economic Department.

Section 4.11, Transportation

Section 4.11.1, Existing Conditions, OCTA Local Routes, Pages 4.11-3 and 4.11-4

- **Route 25** provides service between the cities of Fullerton and Huntington Beach, and operates daily. Service is provided on weekdays from 4:09 a.m. to 10:27 p.m. with ~~50~~55-minute headways, and on weekends and holidays from 5:54 a.m. to 10:27 p.m. with ~~60~~65-minute headways.
- **Route 26** provides service between the cities of Fullerton and Yorba Linda, and operates daily. Service is provided on weekdays from ~~5:15~~5:13 a.m. to 11:06 p.m. with ~~30~~45-minute headways, and on weekends and holidays from ~~5:10~~5:09 a.m. to ~~10:10~~10:09 p.m. with 60-minute headways.
- **Route 30** provides service between the cities of Cerritos and Anaheim with stops in Fullerton, such as at the Park-and-Ride. The route operates daily, with service provided on weekdays from ~~5:30~~5:29 a.m. to ~~10:10~~10:03 p.m. with 45-minute headways, and on weekends from ~~6:20~~6:19 a.m. to ~~9:00~~9:06 p.m. with 60-minute headways.
- **Route 33** provides service between the cities of Fullerton and Huntington Beach, primarily via Magnolia Street. The route operates daily, with service provided on weekdays from 4:56 a.m. 9:37 p.m. with 40-minute headways, and on weekends from ~~7:20~~7:17 a.m. to ~~7:30~~7:34 p.m. with ~~70~~75-minute headways.
- **Route 35** provides service between Fullerton and Costa Mesa, primarily via Brookhurst Street. The route operates daily, with service provided on weekdays from 4:30 a.m. to 10:00 p.m. with 40-minute headways, on Saturdays from ~~4:45~~4:43 a.m. to ~~8:40~~8:39 p.m. with ~~60~~45-minute headways, and on Sundays and Holidays from 5:37 a.m. to 8:11 p.m. with 50-minute headways.
- **Route 37** provides service between the cities of Fullerton and Fountain Valley, primarily via Euclid Street. The route operates daily, with service provided on weekdays from ~~4:25~~4:26 a.m. to ~~11:45~~10:42 a.m. with ~~60~~30-minute headways and 11:45 a.m. to 10:45 p.m. with 30-minute headways, on Saturdays from 5:10 a.m. to 9:~~40~~36 p.m. with 45-minute headways, and on Sundays and holidays from ~~7:00~~6:50 a.m. to ~~8:45~~8:48 p.m. with 45-minute headways.
- **Route 43** provides service between the cities of Fullerton and Costa Mesa, primarily via Harbor Boulevard. The route operates daily, with service provided on weekdays from ~~4:00~~3:47 a.m. to ~~8:30 p.m.~~1:46 a.m. with ~~20~~24-minute headways and ~~8:30 p.m. to 1:45 a.m.~~ with 60-minute headways, and on weekends and holidays from ~~4:30~~3:59 a.m. to ~~9:40 p.m.~~1:46 a.m. with ~~15 to 20~~26-minute headways and from ~~9:40 p.m. to 1:45 a.m.~~ with 60-minute headways.
- **Route 47** provides service between the cities of Fullerton and Costa Mesa, primarily via Harbor Boulevard. The route operates daily, with service provided on weekdays from ~~4:10~~3:57 a.m. to 7:45 p.m. with 20-minute headways and 7:45 p.m. to ~~10:30~~11:56 p.m. with ~~30~~60-minute headways, and on weekends and holidays from ~~5:05~~4:55 a.m. to ~~10:55~~54 p.m. with 30-minute headways.

- **Route 53** provides service between the cities of Anaheim and Irvine, primarily via Main Street. The route operates daily, with service provided on weekdays from ~~4:10~~4:01 a.m. to ~~12:30~~1:09 a.m. with ~~30~~12-minute headways (short trips) and 24 minutes (long trips) during peak hours and 15 minutes (short trips) and 30 minutes (long trips) during midday off-peak hours, and on weekends and holidays from ~~5:35~~5:38 a.m. to ~~12:30~~54 a.m. with ~~60~~15-minute headways (short trips) on Saturday and Sunday, 45 minutes (long trips) on Saturdays, and 60 minutes (long trips) on Sunday.
- **Route 57** provides service between the cities of Brea and Newport Beach, primarily via State College Boulevard and Bristol Street. The route operates daily, with service provided on weekdays from ~~4:00~~3:58 a.m. to 9:30 p.m. with ~~30~~16-minute (short trips) headways and 9:30 p.m. to 1:45 a.m. with ~~60~~-minute headways with 32 minutes (long trips) headways, on Saturdays from ~~4:00~~3:57 a.m. to 9:40 a.m. with ~~15~~18-minute headways, 9:40 a.m. to 6:55 p.m. with ~~40~~36-minute headways and 6:55 p.m. to 2:00 a.m. with 30-minute headways, and on Sundays and holidays from ~~4:00~~3:57 a.m. to 2:14 a.m. with 30-minute headways.

OCTA Community Routes

- **Route 123** provides service between the cities of Anaheim and Huntington Beach with stops in Fullerton such as at the Fullerton Transportation Center. The route operates only on weekdays, with service provided from ~~4:40~~39 a.m. to 10:12 p.m. with 60-minute headways.
- **Route 143** provides service between the cities of La Habra and Brea with stops in Fullerton such as at the Fullerton Transportation Center. The route operates daily, with service provided on weekdays from 4:49 a.m. to 11:12 p.m. with 50-minute headways, on Saturdays from 6:11 a.m. to ~~8:14~~9:25 p.m. with 60-minute headways, and on Sundays and holidays from ~~7:19~~6:18 a.m. to ~~7:03~~8:14 p.m. with 60-minute headways.

OCTA BRAVO Rapid Routes

- **Route 529** provides service between the cities of Fullerton and Huntington Beach, primarily along Beach Boulevard. The route operates only on weekdays, with service provided from ~~6:10~~6 a.m. to ~~7:50~~6 p.m. with ~~30~~24-minute headways.
- **Route 543** provides service between the cities of Fullerton and Santa Ana, primarily along Harbor Boulevard. The route operates only on weekdays, with service provided from ~~5:12~~20 a.m. to 8:00 p.m. with ~~30~~24-minute headway.

Section 4.13, Utilities and Service Systems

Section 4.13.4, Impact Analysis, Pages 4.13-10 and 4.13-11

COA-WW-2

Prior to issuance of a building permit for any future development project, the Project Applicant shall submit a sewer capacity analysis of existing wastewater utility in the project site's vicinity for OCSD review and obtain sewer capacity verification from OCSD prior to issuance of a building permit ~~provide evidence that the OCSD has sufficient transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested.~~

Chapter 5, Other CEQA Considerations

Section 5.2.3, Irreversible Damage from Environmental Actions, Pages 5.0-5 and 5.0-6

The land uses that would be developed under the Program include new/expanded residences through the implementation of the Housing Element Update ~~and new commercial uses within corner lots in existing residentially zoned parcels~~. As discussed in Section 4.3, Hazards and Hazardous Materials, short-term construction activities associated with implementation of these land uses would temporarily increase the regional transport, use, storage, and disposal of hazardous materials and petroleum products commonly used in construction (e.g. diesel fuel, paints, lubricants, solvents, and cement products containing strong basic or acidic chemicals). Demolition and construction activities associated with future development facilitated by the Program could result in the disturbance of hazardous materials. Numerous federal, State, and local regulations exist that require strict adherence to specific guidelines regarding the use, transportation, and disposal of hazardous materials. Regulations that would be required of those transporting, using or disposing of hazardous materials include the Resource Conservation and Recovery Act (RCRA), which provides the ‘cradle to grave’ regulation of hazardous wastes; Comprehensive Environmental Response, Compensation, and Liability Act, which regulates closed and abandoned hazardous waste sites; the Hazardous Materials Transportation Act, which governs hazardous materials transportation on U.S. roadways; International Fire Code, which creates procedures and mechanisms to ensure the safe handling and storage of hazardous materials; California Code of Regulations Title 22, which regulates the generation, transportation, treatment, storage and disposal of hazardous waste; and California Code of Regulations Title 27, which regulates the treatment, storage and disposal of solid wastes. For development within the State of California, Government Code Section 65850.2 requires that no final certificate of occupancy or its substantial equivalent be issued unless there is verification that the owner or authorized agent has met, or is meeting, the applicable requirements of the Health and Safety Code, Division 20, Chapter 6.95, Article 2, Sections 25500 through 25520.

...

However, unknown contamination may be present within soils and/or groundwater beneath currently developed properties. Given the age of some developed properties within the Program area, information about the details of historic property uses, potential leaks from historic underground storage tanks, soil contamination from spills or leaking pipelines, improper disposal of hazardous materials, and/or accidental spills, may not be able to be known for certain. The potential to encounter unknown soil contamination from petroleum hydrocarbons (e.g. oil and gas), agricultural chemicals (e.g. pesticides, herbicides, insecticides), solvents, heavy metals (e.g. lead, arsenic, cadmium, chromium, mercury) and/or soil vapor from volatile organic compounds (VOCs) or other unknown contaminants, could pose a hazard to construction workers or other nearby sensitive uses if construction activities were to expose contaminated conditions. Because the implementation of the HIOZ Program would almost exclusively result in redevelopment of existing previously developed properties, including properties that contain industrial land uses, the potential for encountering unknown soil contamination and/or soil vapor conditions during construction activities may occur and could result in significant hazards to the public or the environment through reasonably foreseeable upset conditions involving the release of hazardous materials or waste into the environment through future site development under the HIOZ Program. Therefore, site investigations to identify potential areas of contamination are critical to ensuring that the City’s permitting process is effective in avoiding hazards associated with upset or accident conditions. In order to reduce potential hazards associated with construction activities on properties with known or unknown contamination, COA-HAZ-1, ~~Environmental Site Assessment (ESA)~~, is required.

COA-HAZ-1 requires that the City consider all potential impacts related to hazardous conditions at a future project site and if necessary, require preparation of a Phase I ESA and potentially additional site investigations a Soil Management Plan to the City for review and approval prior to the issuance of a grading permit. Any required site investigations and remediation shall be conducted to the satisfaction of the overseeing environmental agency(ies) in compliance with all applicable state and local regulations. Prior to the issuance of a grading or building permit, the Applicant shall provide the City Department of Public Works, Building and Facilities with written documentation from the overseeing environmental agency that states the proposed site development is safe.

Section 5.4.2, 5.4, Potential Secondary Effects of Mitigation Measures, Hazards and Hazardous Materials, Page 5.0-9

COA-HAZ-1 requires that prior to issuance of a Grading Permit for properties considered by the City to involve the potential for site contamination, a Soil Management Plan and a Phase I Environmental Site Assessment shall be prepared in accordance with ASTM Standards and Standards and Practices for AAI, in order to investigate the potential existence of site contamination. The Phase I Environmental Site Assessment shall identify Specific Recognized Environmental Conditions (RECs), which may require remedial activities prior to construction. This measure would not result in environmental impacts or in physical changes in the environment because it would require identification of hazards and addressing any recognized environmental conditions in accordance with all applicable agency requirements and oversight. Additional investigations or restrictions to site development may be required to ensure the site is appropriate for redevelopment. As such, implementation of this mitigation measure would not result in adverse long-term secondary impacts.

Chapter 6, Alternatives

Section 6.5.1, Alternative 1 - No Project/Buildout According to Adopted Plans, Pages 6.0-6

Table 6-2. Alternative 1 Buildout Projections

Category	Existing Conditions (2023)	Buildout (2030)	Alternative 1 Growth
<u>Housing (DU)</u> <u>Population</u>	142,873	165,303	+22,430
<u>Population</u> <u>Housing (DU)</u>	50,620	56,130	+5,510
Employment	67,800	83,883	+16,083

Source: See Table 3-6 and Tables 4.8-3 through 4.8-6 of this Draft PEIR.

Note: DU = dwelling unit.

4 Mitigation Monitoring and Reporting Program

Public Resources Code Section 21081.6(a)(1) requires a Lead Agency that approves or carries out a project, where an environmental impact report has identified significant environmental effects, to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the Fullerton Housing Incentive Overlay Zone Program (HIOZ or Program), as set forth in the Final Program Environmental Impact Report (Final PEIR). The City of Fullerton (City) is the Lead Agency that must adopt the MMRP for future development under the Project. The MMRP will be kept on file with the City of Fullerton Community and Economic Development Department, 303 West Commonwealth Avenue, Fullerton, California 92832.

The MMRP table presented below, which constitutes the monitoring and reporting program, lists all mitigation measures (and conditions of approval) that are contained in the Final PEIR. For each listed mitigation measure (and condition of approval), the table identifies the following:

- PEIR section title (Environmental Factor) where the mitigation measure is contained.
- Mitigation measure number and content
- Actions required to comply with the mitigation measure
- Timing of implementation/monitoring for the mitigation measure
- Responsible agency or party responsible for implementing/reporting
- Monitoring agency or party responsible for verifying compliance

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance		
		Responsibility	Timing	Responsibility	Timing	Initials	Date	Remarks
MM-AQ-1.	<p><i>Construction Emissions.</i> If during subsequent project-level environmental review, construction-related criteria air pollutants are determined to have the potential to exceed SCAQMD’s construction mass daily thresholds, the City shall require applicants for new projects that exceed those thresholds to incorporate appropriate measures to reduce or minimize air pollutant emissions during construction activities. New projects are required to comply with all applicable SCAQMD rules and regulations, including but not limited to Rule 403 (Fugitive Dust), Rule 1113 (Architectural Coatings), and Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). Additional measures for projects that exceed SCAQMD’s construction mass daily thresholds may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Off-Road construction equipment with engines that are 50 horsepower or greater shall be rated by the USEPA as having Tier 4 emission limits or better (whichever is the cleanest technology available at time of project development). If it can be demonstrated to the City that such equipment is not commercially available or feasible, alternate emissions control devices and/or techniques used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board’s regulations. ▪ Use electric or alternative-fueled (i.e., non-diesel) construction equipment, if available and feasible, including but not limited to, concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors. ▪ Maintain records of all trucks associated with project construction activities to document that each truck used meets the required emission standards. The Applicant shall provide records for inspection within five business days of request by CARB, SCAQMD, or the City. ▪ Provide electric vehicle (EV) charging stations or appropriately sized electrical infrastructure and electrical panels. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment. ▪ Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, where necessary. ▪ Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, where applicable. ▪ Ensure vehicle traffic inside the project site is as far away as feasible from sensitive receptors. 	Project Applicant(s); Construction Contractor(s)	Prior to the issuance of a grading permit; During Construction	City of Fullerton Community and Economic Development Department	Prior to the issuance of a grading permit; During Construction			

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance		
		Responsibility	Timing	Responsibility	Timing	Initials	Date	Remarks
	<ul style="list-style-type: none"> ▪ Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less. ▪ Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. ▪ Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts. ▪ Configure construction parking to minimize traffic interference. ▪ Cover all trucks hauling dirt, sand, soil, or other loose materials. ▪ Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip. ▪ Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more). ▪ Replace ground cover in disturbed areas as quickly as possible to minimize dust. ▪ Pave roads and road shoulders, where applicable. ▪ Sweep streets at the end of the day with SCAQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads (recommend water sweepers that utilize reclaimed water). ▪ Utilize only super-compliant volatile organic compound (VOC) paints for architectural coatings (0 grams per liter to less than 10 grams per liter VOC) during construction activities. If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the application of architectural coatings shall be prohibited during the peak smog season: July, August, and September. <p>Prior to the issuance of a grading permit, the applicant shall provide the City with the construction contractor's inclusion of all required measures on applicable construction plans, including grading and/or building plans.</p>							
MM-AQ-2	<p><i>Operational Emissions.</i> If, during subsequent project-level environmental review, operation-related criteria air pollutants are determined to have the potential to exceed SCAQMD's operation mass daily thresholds, the City shall require applicants for new projects that exceed those thresholds to incorporate appropriate measures to reduce or minimize air pollutant emissions during operational activities. New projects facilitated by the Fullerton Housing Incentive Overlay Zone are required to comply with all applicable SCAQMD rules and regulations, including but not limited to Rule 445 (Wood Burning Devices), Rule 1401 (New Source of Toxic Air Contaminants), and Rule 1110.2 (Emissions from Gaseous- and Liquid-Fueled Engines).</p>	Project Applicant(s)	Prior to the issuance of a Certificate of Occupancy	City of Fullerton Community and Economic Development Department	Prior to the issuance of a Certificate of Occupancy; Review of Project plans and specifications			

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance		
		Responsibility	Timing	Responsibility	Timing	Initials	Date	Remarks
	<p>Additional measures for projects that exceed SCAQMD's operation mass daily thresholds may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ All the Program's buildings shall be powered fully by electricity, with no natural gas infrastructure or appliances, including no fireplaces. Prior to the issuance of building permits, the Program Applicant or its designee shall provide evidence to the City that the building design plans include no natural gas infrastructure. ▪ Install Energy Star rated heating, cooling, lighting, and appliances. ▪ Require the use of Heating, Ventilation and Air Conditioning (HVAC) equipment with a Seasonal Energy Efficiency Ratio (SEER) of 12 or higher. ▪ Install of water heaters with an energy factor of 0.92 or higher. ▪ Install solar water heaters or tank-less water heaters. ▪ Use passive solar cooling/heating. ▪ Designate 10% of parking spaces to be for electric and alternative fuel vehicles. ▪ Install Level 2 electric vehicle charging stations in 6% of all parking spaces. ▪ Super-Compliant volatile organic compound (VOC)-content architectural coatings (0 grams per liter to less than 10 grams per liter VOC) shall be used during operational application of paints and other architectural coatings to reduce ozone precursors for future development projects. If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the developer shall avoid application of architectural coatings during the peak smog season: July, August, and September. ▪ The City shall develop and implement a Low-VOC/Green Cleaning Product and Paint education program, including materials educating how to identify low-VOC cleaners and products, that can be provided to applicants, developers, tenants, and residents of development projects associated with the Program. ▪ At the time of discretionary approval of new sources of TAC emissions in close proximity to existing sensitive land uses, the City shall require development projects to implement applicable best management practices, as necessary and feasible, that will reduce exposure to TACs. Specific reduction measures will be evaluated and determined depending on proposed land use TAC sources and feasibility. 							

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	Prior to the issuance of a Certificate of Occupancy, the applicant shall provide the City with appropriate documentation verifying compliance with the required measures.							
MM-AQ-3	<i>Revised Forecast.</i> Prior to SCAG’s next update to the Regional Housing Needs Assessment, the City shall prepare a revised population, employment and housing forecast for SCAG that reflects anticipated growth generated from the proposed Program. The updated forecast provided to SCAG shall be used to inform the SCAQMD’s update to the Regional Air Quality Strategy and State Implementation Plan. The City shall prepare and submit a letter notifying the SCAQMD of this revised forecast for use in the future update to the RAQS and SIP as required.	City of Fullerton Community and Economic Development Department	Prior to SCAG’s next update to the Regional Housing Needs Assessment	City of Fullerton Community and Economic Development Department	Prior to SCAG’s next update to the Regional Housing Needs Assessment			
MM-HAZ-1	<i>Hazardous Materials Survey.</i> Demolition plans and contract specifications submitted to the City for approval shall incorporate survey and abatement procedures for the identification and removal of materials containing asbestos, lead, polychlorinated biphenyls, hazardous material, hazardous wastes, and universal waste items, including decommissioning and removal of aboveground and underground storage tanks and drums. All survey and abatement work shall be done in accordance with federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health Administration (which regulates employee exposure), and the South Coast Air Quality Management District. Surveys will be conducted by an environmental professional certified by California Department of Public Health [lead-based paint] and/or Contractors State License Board [asbestos], and abatement shall be completed by a California-Certified or Licensed Contractor prior to demolition or renovation activities. Transportation of hazardous wastes must also be completed by a licensed transportation company in accordance with federal, state, and local regulations, and disposal will be completed at a permitted facility.	Project Applicant(s); Construction Contractor(s)	Prior to submittal of demolition plans and contract specifications	City of Fullerton Community and Economic Development Department	Review of demolition plans and specifications			
MM-HAZ-2	<i>Survey for Oil and Gas Features.</i> Prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits), a survey will be completed to confirm the presence or absence of oil and gas wells, pipelines, or oil/gas field administrative boundaries on the proposed development site. The survey will also evaluate the proposed development site’s proximity to methane zones as outlined in the OCFA Combustible Soil Gas Hazard Mitigation Guideline C-03. The survey will include review of publicly available documents and	Project Applicant(s); Construction Contractor(s)	Prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits)	City of Fullerton Community and Economic Development Department	Prior to the issuance of permits			

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	databases, aboveground visual inspections, and subsurface surveys (such as ground-penetrating radar or other means of subsurface locates). The survey(s) will be completed by a professional company with experience in these types of surveys. Proof of survey completion will be submitted to City of Fullerton as part of the application package.							
MM-HAZ-3	<i>Investigation of RECs, CRECs, and VECs.</i> Following completion of a Phase I ESA and prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits), any RECs, CRECs, or VECs identified in the Phase I ESA will be investigated by completion of a Phase II ESA under the requirements of ASTM E1903-19 (or the current applicable standard). The Phase II ESA will evaluate the presence of contaminants of concern related to RECs, CRECs, and/or VECs found in the Phase I ESA and will include a screening level risk evaluation to determine human health risks are present (i.e. if concentrations exceed current regulatory screening levels applicable at the time of the project (DTSC Screening Levels or RWQCB ESLs)). The investigation shall include consideration of aerially deposited lead (ADL) adjoining state highways and overpasses. The findings of the Phase II ESA and recommendations will be provided to the City for review prior to approval of residential development.	Project Applicant(s); Construction Contractor(s)	Following completion of a Phase I ESA and prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits)	City of Fullerton Community and Economic Development Department	Review of Phase II ESA; prior to issuance of permits			
MM-HAZ-4	<i>Actions for Contaminated Sites.</i> If human health risks are identified (e.g. concentrations of contaminants of concern are above applicable regulatory screening levels) during a Phase I ESA or Phase II ESA that would indicate a risk to residential occupancy or would expose construction workers to contaminants of concern above applicable screening levels, the impacts must be remediated or protections must be in place such that future risk to construction workers, adjacent sensitive receptors, future occupants, or future land uses on site are below current risk-based criteria (e.g. applicable regulatory screening levels). Written proof of remediation and/or protective measures would be submitted to the City prior to approval for residential redevelopment (e.g. issuance of permits).	Project Applicant(s); Construction Contractor(s)	If human health risks are identified (e.g. concentrations of contaminants of concern are above applicable regulatory screening levels) during a Phase I ESA or Phase II ESA that would indicate a risk to residential occupancy or would expose construction workers to contaminants of concern above applicable screening levels	City of Fullerton Community and Economic Development Department	Review of remediation and/or protective measures; Prior to issuance of permits			
MM-HAZ-5	<i>Conditions of Closure.</i> Prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits), if the proposed development site is located on a site that has received regulatory environmental cleanup, review, or assessment and has received regulatory closure by the overseeing environmental agency (federal, state, or local), the closure documents shall be reviewed and conditions or limitations, if any, shall be met. If conditions indicate a risk or limitations to future residential development, requirements from the regulatory agency will be implemented and proof of	Project Applicant(s); Construction Contractor(s)	If the proposed development site is located on a site that has received regulatory environmental cleanup, review, or assessment and has received regulatory closure by the overseeing environmental agency (federal, state, or local)	City of Fullerton Community and Economic Development Department	Review of closure documents; Prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits)			

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	implementation will be provided to the City prior to approval for redevelopment (e.g. issuance of permits).							
MM-TCR-1	<p><i>Tribal Cultural Resources.</i> During subsequent project-level environmental review, the City shall obtain a State of California Native American Heritage Commission (NAHC) Sacred Land Files Search, as appropriate, and comply with all applicable requirements of AB 52. Pursuant to AB 52, the City shall provide formal notification of the project to designated contact of each traditionally and culturally affiliated California Native American Tribe that has requested notice. The City shall begin the consultation process within 30 days after receiving a Tribe’s request for consultation. The City shall consider all relevant information available for the property to identify potential tribal cultural resources in the project area, evaluate the project’s potential impacts to tribal cultural resources, and mitigate those potential impacts.</p> <p>If project impacts to tribal cultural resources are determined to be potentially significant, the City shall require the project to incorporate appropriate measures to avoid or minimize impacts to tribal cultural resources, including but not limited to, the measures recommended in Public Resources Code Section 21084.3, tribal monitoring, or other alternative measures identified in consultation with the California Native American Tribe.</p> <p>If any cultural resources (archaeological, historical, paleontological) are identified in the preparation of a Phase I Cultural Resources Study (see COA-CR-1) or are inadvertently unearthed during excavation and grading activities (see COA-CR-3), the City shall consult and coordinate with a Native American Tribal monitor who is traditionally or culturally affiliated with the geographic area of the development project that will help analyze the Native American artifacts for identification and to evaluate and mitigate impacts in accordance with the requirements set forth in COA-CR-1 through COA-CR-4.</p>	City of Fullerton Community and Economic Development Department	During subsequent project-level environmental review, the City shall obtain a State of California Native American Heritage Commission (NAHC) Sacred Land Files Search	City of Fullerton Community and Economic Development Department	Comply with all applicable requirements of AB 52			
Conditions of Approval								
COA-AES-1	For future development located in or immediately adjacent to residentially zoned properties, construction documents shall include language that requires all construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area. Construction equipment shall be parked and staged within the project site, as distant from the residential use, as reasonably possible. Staging areas shall be screened from view from residential properties.	Project Applicant(s)	During pre-construction and construction	City of Fullerton Community and Economic Development Department	Review and approval of construction documents; periodic site inspections during construction			

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COA-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.	Project Applicant(s)	During pre-construction and construction	City of Fullerton Community and Economic Development Department	Review and approval of construction documents; periodic site inspections during construction			
COA-AES-3	Construction worker parking may be located off-site with prior approval by the City. On-street parking of construction worker vehicles on residential streets shall be prohibited.	Project Applicant(s)	During pre-construction and construction	City of Fullerton Community and Economic Development Department	Review and approval of construction documents; periodic site inspections during construction			
COA-AQ-1	<p>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:</p> <ol style="list-style-type: none"> 1. All active portions of the construction site shall be watered twice daily to prevent excessive amounts of dust; 2. 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; 3. All excavating and grading operations shall be suspended when wind gusts (as instantaneous gust) exceed 25 miles per hour; 4. On-site vehicle speed shall be limited to 15 miles per hour; 5. All on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized; 6. Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible; 7. 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; 8. Track-out devices shall be used at all construction site access points; 9. All delivery truck tires shall be watered down and/or scraped down prior to departing the job site; 	Project Applicant(s)	Prior to issuance of a Grading Permit / ongoing inspections during construction	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Verification of grading plan, building plans, and specifications are in compliance with SCAQMD Rule 403 / Verification during construction			

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	10. 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; 11. 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 12. Replace ground cover in disturbed areas as quickly as possible.							
COA-AQ-3	The following measures shall be implemented to reduce VOC emissions resulting from application of architectural coatings: <ul style="list-style-type: none"> 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. 	Project Applicant(s)	Ongoing inspections during construction	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Ongoing during construction			
COA-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.	Project Applicant(s)	Prior to issuance of a Grading Permit	City of Fullerton Engineering Department	Submittal and approval of a Traffic Control Plan			
COA-AQ-9	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: <ul style="list-style-type: none"> All residential and commercial structures shall be required to incorporate high efficiency/low polluting heating, air conditioning, appliances, and water heaters. 	Project Applicant(s)	Prior to issuance of building permits	City of Fullerton Community and Economic Development Department	Verification by City that measures are included in construction and building contracts/ issuance of building permits			

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	<ul style="list-style-type: none"> 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. 							
COA-AQ-14	New sensitive land uses such as residential, a hospital, medical offices, day care facilities, and fire stations shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week, pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook. If new sensitive land uses cannot meet this setback, they shall be designed and conditioned to include mechanical ventilation systems with fresh air filtration. For operable windows or other sources of ambient air filtration, installation of a central heating, ventilation, and air conditioning (HVAC) system that includes high efficiency filters for particulates (Minimum Efficiency Reporting Value [MERV] 13 or higher) or other similarly effective systems shall be required.	Project Applicant(s); City of Fullerton Community and Economic Development Department	Prior to issuance of a building permit	City of Fullerton Community and Economic Development Department	Issuance of building permits			
COA-BIO-1	A land use permit application for a project on a site located within or adjacent to an environmentally sensitive habitat area, as determined by the City of Fullerton Community Development Department, shall provide a Biological Resource Assessment prepared by a qualified biologist for review and approval by the Community Development Department. The Biological Resource Assessment shall evaluate the impact the proposed development may have on the habitat, and whether the development would be consistent with the biological continuance of the habitat. For those environmentally sensitive habitat areas which are only seasonally occupied, or where the presence of the species can best be determined during a certain season (e.g., annual wildflower species), the field investigation(s) must be conducted during the appropriate time to maximize detection of the subject species. The report shall identify possible impacts, their significance, measures to avoid possible impacts, mitigation measures required to reduce impacts to less than significant levels when impacts cannot be avoided, measures for the restoration of damaged habitats and long-term protection of the habitats, and a program for monitoring and evaluating the effectiveness of such measures.	Project Applicant(s)	Prior to approval of a land use permit	City of Fullerton Community and Economic Development Department	Submittal and approval of a biological resource assessment/ implementation of identified mitigation measures, as applicable			
COA-CR-1	Future development projects for properties considered to be sensitive for cultural resources by the City of Fullerton shall conduct a Phase I Cultural Resources Study of the subject property in accordance with the City of Fullerton's protocol by a qualified professional, which shall be submitted to the City of	Project Applicant(s)	Prior to issuance of grading permit	City of Fullerton Community and Economic Development Department	Submittal and approval of a Phase I Cultural Resources Study/ Contact with Native American Tribes			

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	<p>Fullerton for review and approval. The Phase I Cultural Resources Study shall determine where the subject development project would potentially cause a substantial adverse change to any significant archaeological, paleontological, or historic resources. The Phase I Cultural Resources Study shall be prepared to meet the standards established by the City and shall, at a minimum, including the results of the following:</p> <ol style="list-style-type: none"> 1. Records searches at the South Central Coastal Information Center (SCCIC), the National or State Registry of Historic Places, and any appropriate public, private, and tribal archives. 2. Sacred Lands File records search with the Native American Heritage Commission (NAHC), followed by project scoping with the tribes recommended by the NAHC. 3. Field survey of the subject development site. <p>The proponent of the subject development project and the qualified professional(s) are also encouraged to contact the local Native American tribe (as identified by the NAHC and the City of Fullerton) to obtain input regarding the potential for Native American resources to occur on the subject site.</p> <p>Feasible measures shall be identified in order to mitigate the known and potential significant effects of the subject development project, if any.</p>							
COA-CR-2	<p>If the Phase I Cultural Resources Study required under COA-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 unearthened 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</p>	Project Applicant(s); a professional archaeologist and/or paleontologist	Prior to issuance of a grading permit/ during ground-altering activities	City of Fullerton Community and Economic Development Department	Retention of a professional archaeologist and/or paleontologist/ ongoing during initial ground-altering activities/ submittal of report of findings			

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	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.							
COA-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.	Project Applicant(s); Construction Contractor	During ground-altering activities	City of Fullerton Community and Economic Development Department	Retention of a professional archaeologist, paleontologist, and/or Native American monitor/ completion of salvage operations, as appropriate			
COA-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.	Project Applicant(s)	During ground-altering activities	City of Fullerton Community and Economic Development Department	On-site monitor report to Orange County Coroner's Office, if human remains are discovered			
COA-HAZ-1	Prior to issuance of a Grading Permit, <u>a Soil Management Plan (SMP) shall be developed by a qualified environmental professional. The SMP shall outline procedures for both soil import and export. For soil import, the SMP shall outline the proper screening and characterization procedures following the DTSC's October 2001 Information Advisory Clean Imported Fill Material Fact Sheet. Import soils shall meet regulatory screening levels for residential use (SWRCB Environmental Screening Levels). For soil export, based on the findings of any and all site</u>	Project Applicant(s)	Prior to issuance of a Grading Permit	City of Fullerton Community and Economic Development Department	Review and approval of Phase I ESA/ Completion of Further Sampling/ Remediation Activities, if necessary/ Issuance of Grading Permits			

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	<p><u>investigations (as outlined below), the SMP shall outline the proper screening, characterization, transportation, and disposal procedures for contaminated soils to be removed from the site for future development. For properties considered by the City to involve the potential for site contamination, a Phase I Environmental Site Assessment shall be prepared in accordance with ASTM Standards and Standards and Practices for AAI, in order to investigate the potential existence of site contamination. Any site specific uses shall be analyzed according to the Phase I Environmental Site Assessment (i.e., auto service stations, agricultural lands, etc.). The Phase I Environmental Site Assessment shall identify Specific Recognized Environmental Conditions (RECs) (i.e., asbestos containing materials, lead-based paints, polychlorinated biphenyls, etc.), which may require remedial activities prior to construction. The Phase I ESA and SMP shall be provided to the City of Fullerton Community and Economic Department for review prior to any site grading.</u></p> <p><u>The Project's contractor shall ensure implementation of the SMP through the contract specifications for all proposed soil import and management of contaminated soils onsite, as applicable. The SMP shall include health and safety and training procedures, air monitoring procedures, and permitting requirements. The SMP shall also include instructions for the identification of potentially-impacted soils, procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or other subsurface anomalies are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-up procedures such as confirmation sampling, disposal, and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Imported soils shall meet all requirements for residential land use. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City of Fullerton Community and Economic Department.</u></p>							
COA-HAZ-2	<p>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</p>	Project Applicant(s)	Prior to Remedial Excavation, if necessary and/or Issuance of Grading Permits	City of Fullerton Community and Economic Development Department; City of Fullerton Fire Department	Completion of Further Sampling/ Remediation Activities, if necessary/ Issuance of Grading Permits			

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	<p>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:</p> <ul style="list-style-type: none"> ▪ 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. 							
COA-HAZ-3	<p>Prior to structural demolition/renovation activities, should these activities occur, a Certified Environmental Professional shall confirm the presence or absence of ACM's and LBPs. Should ACMs or LBPs be present, demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriate permitted facility.</p>	Project Applicant(s); Certified Environmental Professional(s)	Prior to Issuance of Demolition or Construction Permits/ Evaluation of ACM's and LBPs/ Removal of ACMs and LBPs, if necessary	City of Fullerton Community and Economic Development Department	Verification of Evaluation and Removal of ACM's and LBPs/ Issuance of Building Permits			
COA-HAZ-4	<p>Areas of exposed soils within Caltrans right-of-way that would be disturbed during excavation/grading activities shall be sampled and tested for lead prior to ground disturbance activities on a project-by-project basis, so that any special handling, treatment, or disposal provisions associated with aerially deposited lead may be included in construction documents (if aerially deposited lead is present).</p>	Project Applicant(s); Construction Contractor	Prior to excavation and grading activities/ during construction activities/ soil sampling, if necessary/ remediation efforts, if necessary	City of Fullerton Community and Economic Development Department	Completion of Sampling/ Remediation activities, if necessary/ Issuance of Grading Permits			
COA-HAZ-5	<p>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:</p> <ul style="list-style-type: none"> • 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. 	Project Applicant(s); Construction Contractor	Prior to issuance of demolition or construction permits	City of Fullerton Engineering Department	Submittal and approval of a Traffic Control Plan			
COA-HAZ-6	<p>The City Community Development Department shall consult with the Fullerton Police Department to disclose temporary closures and alternative travel routes, in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary lane or roadway closures.</p>	City of Fullerton Community and Economic Development Department	Prior to issuance of demolition or construction permits	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Coordination with Fullerton Police Department			

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		Responsibility	Timing	Responsibility	Timing	Initials	Date	Remarks
COA-HYD-1	Prior to issuance of any Grading or Building Permit, and as part of the future development's compliance with the NPDES requirements, a Notice of Intent shall be prepared and submitted to the Santa Ana 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 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 and/or treatment control 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.	Project Applicant(s); Construction Contractor	Prior to Issuance of Grading or Building Permits	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Proof of NOI Submittal/ Submittal and Approval of SWPPP/ Issuance of Grading or Building Permit			
COA-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 Best Management Practices (BMPs), in accordance with the Orange County DAMP. All recommendations in the Plan shall be implemented during 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.	Project Applicant(s); Construction Contractor	Prior to Issuance of Grading Permits	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Submittal and Approval of a Water Quality Management Plan or Stormwater Mitigation Plan/ Issuance of Grading Permit			
COA-HYD-3	Prior to site plan approval, the project owner/developer(s) shall be required to coordinate with the City of Fullerton Engineering Department to determine requirements necessary to mitigate impacts to drainage improvements in order to accommodate storage volumes and flood protection for existing and future runoff. Proposed projects shall implement mitigation measures, if required, to the satisfaction of the City of Fullerton Public Works Director. For any new storm drainage projects/studies that have the potential to impact adjacent jurisdictions' storm drainage systems, the developer shall submit said studies to the applicable jurisdiction for review and approval.	Project Applicant(s); Construction Contractor	Prior to Site Plan Approval	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Submittal and Review of Storm Drainage Studies/ Site Plan Approval			

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance		
		Responsibility	Timing	Responsibility	Timing	Initials	Date	Remarks
COA-N-1	<p>Project applicants shall ensure through contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:</p> <ul style="list-style-type: none"> ▪ 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 30 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. ▪ 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). 	Project Applicant(s); Construction Contractor	Prior to Issuance of Grading Permit/ Periodic Site Inspections Prior to- and During Construction	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Issuance of Grading Permit/Periodic Site Inspections			
COA-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.	Project Applicant(s); Construction Contractor	Prior to Issuance of a Grading Permit/ Site Inspections During Construction	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Review and Approval of Contract Specifications/ Issuance of Grading Permits/ Site Inspections			
COA-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	Project Applicant(s); Construction Contractor	Prior to Issuance of a Prior to Issuance of a Grading Permit/ Site Inspections During Construction	City of Fullerton Community and Economic Development Department; City of	Review and Approval of Contract Specifications/ Issuance of Grading Permits/ Site Inspections			

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance		
		Responsibility	Timing	Responsibility	Timing	Initials	Date	Remarks
	occupied structure, a project specific vibration impact analysis shall be conducted. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.			Fullerton Engineering Department				
COA-N-4	<p>The City shall require future developments to implement the following measures to reduce the potential for human annoyance and architectural/structural damage resulting from elevated groundborne noise and vibration levels:</p> <ul style="list-style-type: none"> ▪ Pile driving within a 50-foot radius of historic structures shall utilize alternative installation methods where possible (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers). ▪ The preexisting condition of all designated historic buildings within a 50-foot radius of proposed construction activities shall be evaluated during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) prior to construction. All damage shall be repaired back to its preexisting condition. <p>Vibration monitoring shall be conducted prior to and during pile driving operations occurring within 100 feet of the historic structures. Every attempt shall be made to limit construction-generated vibration levels in accordance with Caltrans recommendations during pile driving and impact activities in the vicinity of the historic structures.</p>	Project Applicant(s); Construction Contractor	Prior to Issuance of a Grading Permit/ Inspections During Pile Driving Operations	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Submittal and Approval of Pre-Construction Surveys/ Ongoing During Construction			
COA-N-5	Residential projects located within the 65 dB CNEL noise contour for the Fullerton Municipal Airport shall be subject to review by the Orange County Airport Land Use Commission and shall be required to ensure interior noise levels from aircraft operations are at or below 45 dB CNEL.	Project Applicant(s)	Prior to Issuance of Building Permits	City of Fullerton Community and Economic Development Department	Submittal and Approval of Acoustical Noise Analysis / Finding of Consistency/ Compatibility from the Orange County Airport Land Use Commission			
COA-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.	Project Applicant(s)	Prior to Issuance of Building Permits	City of Fullerton Community and Economic Development Department	Issuance of Building Permits			
COA-PUB-1	Prior to the issuance of building permits, individual development project applicants shall submit evidence to the City of Fullerton that legally required school impact mitigation fees have been	Project Applicant(s)	Prior to Issuance of Building Permits	City of Fullerton Community and Economic Development Department	Proof of Payment of School Impact Mitigation Fees			

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance		
		Responsibility	Timing	Responsibility	Timing	Initials	Date	Remarks
	paid per the mitigation established by the applicable school district.							
COA-TR-1	Prior to approval of any General Plan Amendment and/or Zone Change associated with the focused planning efforts for The Fullerton Plan Focus Areas, the City and/or project proponent shall prepare a detailed multi-modal analysis in order to determine specific impacts associated with the proposed General Plan Amendment and/or Zone Change, and where applicable, identify mitigation measures to reduce impacts to less than significant levels based on City adopted multi-modal thresholds. The multi-modal analysis shall specify the timing, funding, construction, and fair share responsibilities for all traffic improvements necessary to maintain satisfactory levels of service within the City of Fullerton and surrounding jurisdictions, in accordance with the significant impact criteria established by the jurisdiction that controls the affected area.	Project Applicant(s)	Prior to any GPA and/or Zone Change within The Fullerton Plan Focus Areas	City of Fullerton Community and Economic Development Department	Preparation and Approval of a Multi-Modal Analysis			
COA-WW-1	Prior to issuance of a building permit for any future development project, the Project Applicant shall prepare an engineering study to support the adequacy of the sewer systems and submit the engineering study to the City of Fullerton for review and approval. Any improvements recommended in the engineering study shall be installed prior to the certificate of occupancy for the development project. For any sewer projects/studies that have the potential to impact adjacent jurisdictions' sewer systems, the developer shall submit said studies to the applicable jurisdiction for review and approval.	Project Applicant(s)	Prior to Issuance of Building Permits and Certificates of Occupancy	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Submittal and Approval of an Engineering Study/ Installation of Improvements / Issuance of Building Permit			
COA-WW-2	Prior to issuance of a building permit for any future development project, the Project Applicant shall provide evidence that the OCSD has sufficient transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested <u>submit a sewer capacity analysis of existing wastewater utility in the project site's vicinity for OCSD review and obtain sewer capacity verification from OCSD prior to issuance of a building permit.</u>	Project Applicant(s)	Prior to Issuance of Building Permits	City of Fullerton Community and Economic Development Department; City of Fullerton Engineering Department	Proof of Sufficient Transmission and Treatment Capacity from OCSD / Issuance of Building Permit			

4.1 List of Acronyms

Acronym/Abbreviation	Definition
AAI	All Appropriate Inquiries
AB	Assembly Bill
ACM	Asbestos-Containing Materials
ADL	Aerially Deposited Lead
ASTM	American Society for Testing Materials
BMP	Best Management Practices
CARB	California Air Resources Board
CNEL	Community Noise Equivalent Level
CREC	Controlled Recognized Environmental Condition
DAMP	Drainage Area Management Plan
dB	Drainage Area Management Plan
DTSC	Department of Toxic Substances Control
ESA	Environmental Site Assessment
ESLs	Environmental Screening Levels
EV	Electric vehicle
HIOZ	Housing Incentive Overlay Zone
HPLV	high-pressure-low-volume
HVAC	Heating and ventilation system
LBP	Lead-based paint
MERV	Minimum Efficiency Reporting Value
MMRP	Mitigation Monitoring and Reporting Program
mph	Miles per hour
NAHC	Native American Heritage Commission
NPDES	National Pollutant Discharge Elimination System
NOI	Notice of Intent
OCFA	Orange County Fire Authority
OCSD	Orange County Sanitation District
PEIR	Program Environmental Impact Report
RAQS	Regional Air Quality Strategy
RECs	Recognized environmental conditions
RWQCB	Regional Water Quality Control Board
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SEER	Seasonal Energy Efficiency Ratio
SIP	State Implementation Plan
SMP	Soil Management Plan
SWRCB	State Water Resources Control Board
SWPPP	Stormwater Pollution Prevention Plan
TAC	Toxic Air Contaminants
TRUs	transport refrigeration units

Acronym/Abbreviation	Definition
USEPA	U.S. Environmental Protection Agency
VECs	Vapor Encroachment Condition
VOC	Volatile organic compound

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