PUBLIC REVIEW DRAFT | JANUARY 2023

POINTE COMMON AFFORDABLE HOUSING PROJECT

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

SUBMITTED BY

Michael Baker INTERNATIONAL

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Pointe Common Affordable Housing Project

LEAD AGENCY:
City of Fullerton
303 West Commonwealth Avenue
Fullerton, California 92832
Contact: Vince Fregoso, Contract Planner
714.738.6561

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January 2023

JN 191855

This document is designed for double-sided printing to conserve natural resources.

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Note: Appendices are available for download at https://www.cityoffullerton.com/government/departments/community-and-economic-development.

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1.0 INTRODUCTION

The proposed Pointe Common Affordable Housing Project (herein referenced as the "project") proposes the construction of a 65-unit affordable housing development with ancillary facilities such as surface parking, utility infrastructure, and landscaping/open space amenities on a 2.5-acre project site located at 1600 West Commonwealth Avenue in the City of Fullerton (City), California. The proposed project would require an amendment to the Fullerton Plan to change the land use designation of the project site from Industrial to Medium Density Residential. The proposed project would also require a Zoning Amendment (ZA) to change the zoning of the project site from Manufacturing, General (M-G) to Limited Density Multiple Family Residential (R3).

Following a preliminary review of the proposed project, the City has determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). This Initial Study/Mitigated Negative Declaration (IS/MND) addresses the direct, indirect, and cumulative environmental effects of the project, as proposed.

1.1 STATUTORY AUTHORITY AND REQUIREMENTS

In accordance with CEQA (Public Resources Code Sections 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations (CCR), the City of Fullerton, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study to determine whether the proposed project would have a significant environmental impact. If the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency shall find that the proposed project would not have a significant effect on the environment. Such determination can be made only if "there is no substantial evidence in light of the whole record before the Lead Agency" that such impacts may occur (Section 21080, Public Resources Code).

The environmental documentation, which is ultimately approved and/or certified by the City in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not, however, a policy document and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits and other discretionary approvals would be required.

1.2 PURPOSE

Section 15063 of the CEQA Guidelines identifies specific disclosure requirements for inclusion in an Initial Study. Pursuant to those requirements, an Initial Study shall include:

- A description of the project, including the location of the project;
- Identification of the environmental setting;
- Identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries;
- Discussion of ways to mitigate significant effects identified, if any;
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls; and
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study.

1.3 CONSULTATION

As soon as the Lead Agency (in this case, the City of Fullerton) has determined that an Initial Study would be required for the project, the Lead Agency is directed to consult informally with all Responsible Agencies and Trustee Agencies that are responsible for resources affected by the project, in order to obtain the recommendations of those agencies on the environmental documentation to be prepared for the project. Following receipt of any written comments from those agencies, the City will consider their recommendations when formulating the preliminary findings. Following completion of this Initial Study, the City will initiate formal consultation with these and other governmental agencies as required under CEQA and its implementing guidelines.

1.4 INCORPORATION BY REFERENCE

The following documents were utilized during preparation of this Initial Study and are incorporated into this document by reference. These documents are available for review at the Fullerton City Hall located at 303 West Commonwealth Avenue, Fullerton, CA 92832.

- *The Fullerton Plan* (adopted May 1, 2012). The purpose of the Fullerton Plan, which serves as the City's General Plan, is to provide a general, comprehensive, and long-range guide for community decision-making. The Fullerton Plan consists of the following elements: Built Environment, Economy, Community, Natural Environment. The individual elements identify goals and policies for existing and future conditions within the City.

- *The Fullerton Municipal Code* (codified through Ordinance 3314, supplemented in August 2022). The Fullerton Municipal Code consists of regulatory, penal, and administrative ordinances of the City. It is the method the City uses to implement control of land uses, in accordance with the General Plan goals and policies. Title 15, *Zoning*, and Title 16, *Subdivisions*, of the Fullerton Municipal Code identifies land uses permitted and prohibited according to the zoning designation of particular parcels. The purpose of the zoning regulations within the Fullerton Municipal Code is to promote and preserve the public health, safety, comfort, convenience, prosperity, and general welfare of the people of Fullerton.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The City of Fullerton (City) is located in the northern portion of Orange County; refer to Exhibit 2-1, *Regional Vicinity*. The City is bordered by the cities of La Habra and Brea to the north, Placentia to the east, Anaheim to the south, and Buena Park and La Mirada to the west.

The proposed Pointe Common Affordable Housing Project (project) is located in the southwest portion of the City. Specifically, the project site is located at 1600 West Commonwealth Avenue (Assessor's Parcel Number [APN] 030-290-22) at the southwest corner of West Commonwealth Avenue and South Basque Avenue; refer to Exhibit 2-2, *Site Vicinity*. Regional access to the site is primarily provided via Interstate 5 (I-5) and State Route 91 (SR-91). Local access to the site is provided via West Commonwealth Avenue.

2.2 ENVIRONMENTAL SETTING

The 2.50-acre (108,710 square feet) project site is predominantly vacant and undeveloped. The majority of the site is unpaved, with the exception of the easterly portion of the site, which is paved with asphalt concrete. The site is void of structures aside from an open-air equipment storage structure situated within the southeastern corner of the site. As a City-owned property, the site is utilized for the storage of miscellaneous City vehicles, equipment, and supplies but is otherwise vacant.

The site is currently fenced along its perimeter, with opaque screening that precludes views of the site from West Commonwealth Avenue. Access to the project site is provided via a gated entrance along the site's easterly boundary, along South Basque Avenue. Another driveway is located along the southerly side of West Commonwealth Avenue but is unused and blocked by chain link fencing. Topographically, the site is generally flat and gently slopes to the west with nominal changes in elevation (approximately 170 feet above mean sea level). The site contains minimal vegetation; however, ornamental trees and shrubs are present in the northeastern portion of the site and dispersed intermittently along the southern perimeter.

GENERAL PLAN LAND USE DESIGNATION AND ZONING

Based on the City's General Plan (*Fullerton Plan*) Exhibit 2, *Community Development Plan*, the project site is designated Industrial. The Industrial designation is intended to protect and enhance the City's major employment areas by providing opportunities for manufacturing, product assembly, research and development, warehousing, and supporting uses and amenities. Potential land uses allowed within this designation include industrial or manufacturing, office, retail and service uses that provide support to employees; and compatible public, quasi-public and special uses.

Based on the *City of Fullerton Zoning Map*, the project site is zoned Manufacturing, General (M-G). The M-G zone is established to allow compatible industrial uses in proximity to each other while protecting the public health, safety and welfare through development standards and the site plan review process. The M-G zone is intended for intensive industrial uses, with a particular focus is on minimizing impacts on any nearby residential use.

SURROUNDING LAND USES

Surrounding land uses include a mixture of transportation, residential, light industrial, institutional, and park uses. Specifically, land uses surrounding the project site include:

- *North:* West Commonwealth Avenue bounds the project site to the north. Further north across West Commonwealth Avenue are single-family residential uses in areas designated Low Density Residential and zoned One-family Residential (R-1). Also located across West Commonwealth Avenue are commercial uses

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Regional Vicinity

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Exhibit 2-1

Source: Google Earth Pro, October 2022

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Site Vicinity

Exhibit 2-2

(i.e., Kimmie's Coffee Cup café, Imex Marketing Co, Village Liquor Market, etc.) in areas designated Commercial and zoned General, Commercial (G-C).

- *East:* Light industrial uses (i.e., a compressed natural gas station and miscellaneous storage uses) are located to the east of the site in areas designated Industrial and zoned M-G. South Basque Avenue is located further east of the project site, and the City of Fullerton Public Works Maintenance Yard is located east of South Basque Avenue, in an area designated Government and zoned Public Land (P-L).

- *South:* A railroad (Union Pacific Railroad/Metrolink) bounds the project site to the south and west and is designated Railroad. School bus parking and miscellaneous storage uses are present in areas designated Government and zoned Public Land (P-L) located further south.

- *West*: Fullerton Pooch Park and the Hunt Library (currently closed), designated Government and zoned P-L, are located west of the railroad and West Commonwealth Avenue intersection.

2.3 BACKGROUND AND HISTORY

The project site has historically been utilized for agricultural and a range of industrial uses. The subject property remained undeveloped from prior to 1896 through at least 1935; agricultural uses with orchard trees from at least 1938 through to 1942; and developed with industrial uses from 1947 through to 2007. Former industrial uses include Kohlenberger Engineering Corporation (a machine shop and refrigeration engineering facility), Rugs Union Service (industrial use), and Morehouse Industries/Morehouse-Cowles (laboratory equipment manufacturing).[1]

The site has been vacant since 2009 and has been utilized by the City of Fullerton Public Works Department for the storage of miscellaneous City vehicles, equipment, and supplies.

2.4 PROJECT CHARACTERISTICS

The project proposes to construct a 65-unit affordable housing development with surface parking, open space amenities and a family tot lot, with a total building area of 70,147 square feet; refer to Exhibit 2-3, *Conceptual Site Plan*. The residential development would consist of one structure, with two to three-story massing. The development would utilize four different unit plans that consist of one-, two-, and three-bedroom units, with sizes ranging from approximately 579 to 1,126 square feet, and a unit designated for property manager's use; refer to Table 2-1, *Proposed Development Summary*. All of the 65 units would be moderate for-sale affordable units.

Table 2-1
Proposed Development Summary

Plan Type	Description	Dwelling Unit Count	Floor Area	Subtotal Unit Footage
Plan B1	1 bedroom, 1 bathroom	29 DU	579 square feet	16,791 square feet
Plan C1	2 bedrooms, 1 bathroom	18 DU	839 square feet	15,102 square feet
Plan D1	3 bedrooms, 2 bathrooms	17 DU	1,126 square feet	19,142 square feet
Plan M1	For Property Manager's Use	1 DU	839 square feet	839 square feet
TOTAL UNIT COUNT AND AREA		**65 DU**	**-**	**51,874 square feet**
Notes: DU = dwelling units				
Source: Studio Eleven, January 2023.				

[1] EFI Global, *Phase I Environmental Site Assessment, 1600 West Commonwealth Avenue, Fullerton, CA 92832,* August 18, 2022.

NOTE:

- Designed to meet development standards identified in FMC Section 15.17.070.G.
- The landscape design intention on West Commonwealth Avenue within the existing median is adding evergreen trees with upright form, drought-tolerant shrubs and groundcover, decomposed granite groundcover with landscape boulders and high efficiency drip irrigation.

KEYNOTES

1. Street Trees along sidewalk
2. Flexible lawn activity
3. Outdoor amenity gathering area
4. Outdoor BBQ and recreation space
5. Tot-Lot/childrens play area
6. Picnic spaces
7. Parking area with planted landscape fingers and shade trees (area enclosed with low security fence)
8. Railroad sound wall with climbing vines and evergreen trees
9. Outdoor homework tables
10. Citrus tree grove
11. Linear entry plaza with tree bosque
12. Low entry screen wall with project signage
13. 6' high security fence and gate
14. 4' high fence at top of existing retaining wall (42" min required)
15. Drought tolerant landscape at median (Max. height 30")
16. Decomposed granite ground cover & landscape boulders at median (Max. height of boulders 2')

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Conceptual Site Plan

Exhibit 2-3

ARCHITECTURAL ELEMENTS

The proposed two- to three-story structure would have a maximum building height of 40 feet above natural/finished grade with architectural features; refer to Exhibit 2-4a and 2-4b, *Proposed Elevations*. Two-story massing is proposed along West Commonwealth Avenue frontage while three-story massing is proposed further south, closer to the railroad alignment.

AMENITIES AND OPEN SPACE

Approximately 39,570 square feet of common open space areas and 1,900 square feet of private open space (i.e., deck or balcony) are proposed throughout the project site. Amenities/common open space areas include an activity lawn area, an outdoor amenity gathering area, barbeque and recreation amenities, laundry room, community space, tot lot and active play area, picnic area, and other ancillary amenities. A 2,513-square foot community amenity deck is also proposed on the third floor of the residential building.

LANDSCAPING

Ornamental landscaping would be installed throughout the project site, including along the project perimeters, surface parking lot, building perimeters, entryways, and common open space areas; refer to Exhibit 2-3. Planting materials would include a variety of trees, shrubs, and groundcover. Off-site landscaping includes a street median tree buffer along West Commonwealth Avenue, between the project site and the existing single-family residences to the north.

SITE ACCESS AND PARKING

Vehicular site access would be provided via an ingress/egress driveway located within the northeastern corner of the project frontage along West Commonwealth Avenue. This driveway would provide direct access to the residential and guest surface parking lot.

Based on the City of Fullerton Municipal Code (*Municipal Code*) Section 15.17.120 (H)(1), the proposed affordable housing development is required to provide a minimum of 101 spaces. The project proposes a total of 108 spaces in the surface parking lot located in the eastern portion of the site, accommodating both standard and electric vehicles. Of these 108 spaces, 7 would be Americans with Disabilities Act (ADA) accessible.

UTILITIES

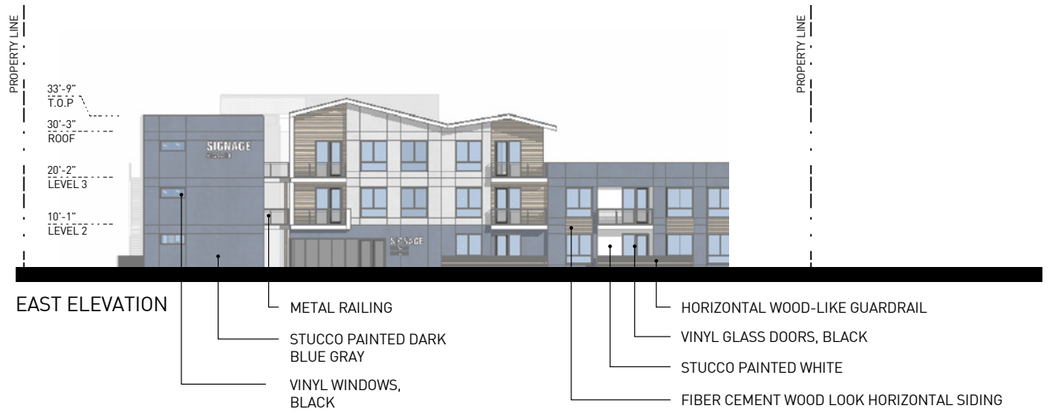
The following utilities and services would serve the project site:

- *Water*. The City of Fullerton Public Works Department Water Division provides water service to the project site. The project proposes a new water lateral, as well as a new fire line, in the northeast corner of the proposed residential structure to connect to the existing 12-inch water main along West Commonwealth Avenue.

- *Sewer*. The City of Fullerton Sewer Division provides sewer service to the project site. The project would construct a private sewer lateral on-site to connect to an existing 12-inch sewer main running along West Commonwealth Avenue.

- *Drainage*. The site currently drains from south to north to existing catch basins along West Commonwealth Ave. The project would include a new on-site storm drain system under the proposed surface parking lot, with several best management practice (BMP) features such as a pre-treatment filter unit, a runoff detention system, and a modular wetland system. On-site runoff would be directed to proposed catch basins in the surface parking lot and would drain towards either the modular wetland proposed in the northwest corner of

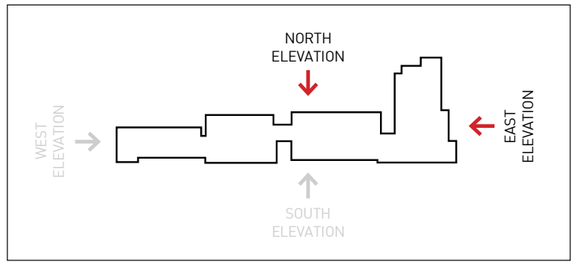
MASSING Elevations



EAST ELEVATION

NORTH ELEVATION

KEY PLAN



SCALE 1" = 30'

0 15 30 60

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Proposed East and North Elevations

Exhibit 2-4a

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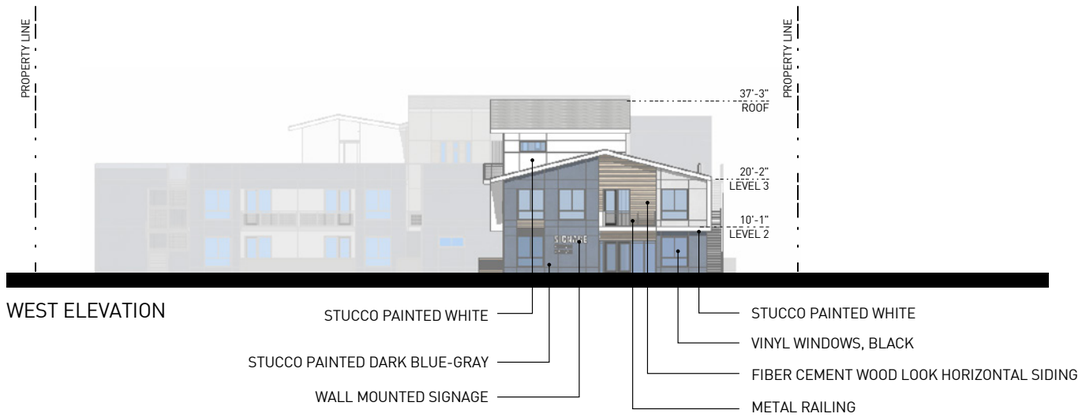
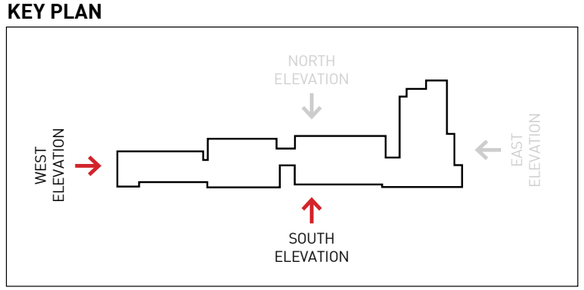
DESIGN Elevations



WEST ELEVATION

SOUTH ELEVATION

KEY PLAN



SCALE 1" = 30'

0 15 30 60

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Proposed West and South Elevations

Exhibit 2-4b

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the surface parking lot or the retention system through the pre-treatment filter unit, also proposed in the northwest corner. Excess runoff would flow through a new storm drain lateral extending east and then north to connect to the existing catch basin along West Commonwealth Avenue.

- *Dry Utilities*. Dry utilities such as electricity, telecommunications, and natural gas would be coordinated with affected utility providers to provide service to the project via existing utility infrastructure within and surrounding West Commonwealth Avenue.

AMENDMENT TO THE FULLERTON PLAN

Under the Fullerton Plan, residential development is not permitted at the project site, which is designated Industrial. Thus, the proposed project requires approval of an amendment to the Fullerton Plan land use designation from Industrial to Medium Density Residential.

ZONING AMENDMENT

Under Municipal Code Table 15.40.020.A, *Permitted Uses*, residential development is not permitted at the project site, which is zoned Manufacturing, General (M-G). Thus, the proposed project requires approval of an amendment to the Zone Classification, from M-G to Limited Density Multiple Family Residential (R-3).

2.5 PHASING/CONSTRUCTION

Construction activities are anticipated to occur in one phase for approximately 21 months. Demolition is anticipated to take place in winter 2023. Grading would begin shortly after demolition and building construction would continue for the subsequent 20 months. Paving and architectural painting activities would occur for the remaining time, ending in summer 2025.

2.6 AGREEMENTS, PERMITS, AND APPROVALS

The proposed project would require agreements, permits, and approvals from the City and other agencies prior to construction. These agreements, permits, and approvals are described below and may change as the project entitlement process proceeds.

City of Fullerton – Lead Agency

- California Environmental Quality Act Clearance;
- Development and Affordable Housing Agreement;
- Amendment to the Fullerton Plan;
- Zoning Amendment;
- Concessions/waivers for provisions under Fullerton Municipal Code Section 15.17.10, *Density bonus*; and
- Major Site Plan Review.

Santa Ana Regional Water Quality Control Board – Responsible Agency

- National Pollutant Discharge Elimination System (NPDES) Construction General Permit

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3.0 INITIAL STUDY CHECKLIST

3.1 BACKGROUND

1. Project Title:

Pointe Common Affordable Housing Project

2. Lead Agency Name and Address:

City of Fullerton
303 West Commonwealth Avenue
Fullerton, CA 92382

3. Contact Person and Phone Number:

Vince Fregoso
Contract Planner
714.738.6561

4. Project Location:

Regionally, the project site is located in the northern portion of Orange County and in the southwestern portion of the City of Fullerton. Locally, the project site is located at 1600 West Commonwealth Avenue (Assessor's Parcel Number [APN] 030-290-22). The project's development footprint also includes portions of the median along Commonwealth Avenue adjacent to the project frontage.

5. Project Sponsor's Name and Address:

Meta Housing Corporation
Allison Levy, Senior Project Manager
11150 West Olympic Blvd, Suite 620
Los Angeles, CA 90064

6. General Plan Designation:

Based on the City's General Plan (*Fullerton Plan*) Exhibit 2, *Community Development Plan*, the project site is designated Industrial.

7. Zoning:

Based on the *City of Fullerton Zoning Map*, the project site is zoned Manufacturing, General (M-G).

8. Description of the Project:

The project proposes the construction of a 65-unit affordable housing development with ancillary facilities such as surface parking, utility infrastructure, and landscaping/open space amenities on a 2.5-acre project site. Additional details regarding the project are provided in Section 2.0, *Project Description*.

9. Surrounding Land Uses and Setting:

Surrounding land uses include a mixture of transportation, residential, light industrial, institutional, and park uses. Specifically, land uses surrounding the project site include:

- *North:* West Commonwealth Avenue bounds the project site to the north. Further north across West Commonwealth Avenue are single-family residential uses in areas designated Low Density Residential and zoned One-family Residential (R-1). Also located across West Commonwealth Avenue are commercial uses (i.e., Kimmie's Coffee Cup café, Imex Marketing Co, Village Liquor Market, etc.) in areas designated Commercial and zoned General, Commercial (G-C);

- *East:* Light industrial uses (i.e., a compressed natural gas station and miscellaneous storage uses) are located to the east of the site in areas designated Industrial and zoned M-G. South Basque Avenue is located further east of the project site, and the City of Fullerton Public Works Maintenance Yard is located east of South Basque Avenue, in an area designated Government and zoned Public Land (P-L);

- *South:* A railroad (Union Pacific Railroad/Metrolink) bounds the project site to the south and west and is designated Railroad. School bus parking and miscellaneous storage uses are present in areas designated Government and zoned Public Land (P-L) located further south; and

- *West*: Fullerton Pooch Park and the Hunt Library (currently closed), designated Government and zoned P-L, are located west of the railroad and West Commonwealth Avenue intersection.

10. Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement).

Refer to Section 2.6, *Agreements, Permits, and Approvals*, for a description of the permits and approvals anticipated to be required for the project. Additional approvals may be required as the project entitlement process moves forward.

3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant Impact With Mitigation Incorporated," as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry	☐	Air Quality
☒	Biological Resources	☒	Cultural Resources	☐	Energy
☒	Geology and Soils	☐	Greenhouse Gas Emissions	☒	Hazards and Hazardous Materials
☐	Hydrology and Water Quality	☐	Land Use and Planning	☐	Mineral Resources
☐	Noise	☐	Population and Housing	☐	Public Services
☐	Recreation	☒	Transportation	☒	Tribal Cultural Resources
☐	Utilities and Service Systems	☐	Wildfire	☒	Mandatory Findings of Significance

3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts associated with the proposed project. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire
- Mandatory Findings of Significance

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the CEQA Guidelines and used by the City of Fullerton in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- *No Impact*. The development will not have any measurable environmental impact on the environment.

- *Less Than Significant Impact*. The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.

- *Less Than Significant Impact With Mitigation Incorporated*. The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.

- *Potentially Significant Impact*. The development will have impacts which are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to insignificant levels.

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4.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts as identified in the Initial Study/Environmental Checklist. Explanations are provided for each item.

4.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?				✓
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓	

a) Have a substantial adverse effect on a scenic vista?

No Impact. The project site and surrounding area are highly disturbed and urbanized, and no scenic resources or vistas exist. Based on The Fullerton Plan Final Program EIR, the northern portion of the City is dominated by gently rolling hills, which offer long range views and broad vistas. Scenic vistas within the City include views of the West and East Coyote Hills from the southern portion of the City, as well as distant views of the City and surrounding region from within these areas. The project site is located in the southwest portion of the City, and is situated approximately two to three miles from the West and East Coyote Hills, respectively. Due to distance and intervening structures and topography, views of the West and East Coyote Hills and other rolling hills to the north from the project site and surrounding area are limited.

In addition, according to the City's General Plan (*Fullerton Plan*) Exhibit 10, *Scenic Corridors*, scenic routes in Fullerton are primarily located in the northern portion of the City, with the closest designated scenic route in the project vicinity located at the intersection of Malvern Avenue and Bastanchury Road, approximately 0.49-mile north of the project site. As such, project implementation would have no impact on scenic vistas within the City.

Mitigation Measures: No mitigation is required.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no officially-designated State scenic highways in the City of Fullerton.[1] The nearest Officially Designated State Scenic Highway is a segment of State Route 91, located approximately 7.3 miles to the southeast. The nearest Eligible State Scenic Highway (not officially designated) is a segment of State Route 57, located approximately 4.8 miles to the northeast of the project site. Given the distance from the project site, the proposed project would not affect scenic resources (i.e., trees, rock outcroppings, or historic buildings) along these scenic highways. As such, no impact would occur in this regard.

Mitigation Measures: No mitigation is required.

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

Less Than Significant Impact. The project site is located in an urbanized area of Fullerton. As such, the following analysis evaluates the project's consistency with applicable regulations governing scenic quality.

MUNICIPAL CODE CONSISTENCY ANALYSIS

Fullerton Municipal Code (Municipal Code) Title 15, *Zoning*, includes site development standards that aid in governing scenic quality. According to the *City of Fullerton Zoning Map*, the project site is zoned Manufacturing, General (M-G). The project proposes an amendment to the Zone Classification, from M-G to Limited Density Multiple Family Residential (R-3). As such, Table 4.1-1, *Municipal Code Governing Scenic Quality Consistency Analysis*, provides a consistency analysis of the proposed project and relevant R-3 zoning district development standards related to scenic quality. Refer to Section 4.11, *Land Use and Planning*, for a discussion concerning the project's consistency with other applicable zoning requirements.

Table 4.1-1
Municipal Code Governing Scenic Quality Consistency Analysis

Relevant Municipal Code Sections	Consistency Analysis
Section 15.17.070.B. – Building setbacks: Building setbacks shall be prescribed in Table 15.17.070.C. *Per Table 15.17.070.C, R-3 zones are required to provide a 15-foot setback along a street; a five foot side yard setback from the first story to another property line; a nine foot side yard setback from the second story to another property line; and a 14.5 foot side yard setback from the third story to another property line.*	Consistent. The proposed project would provide a 15 foot front setback along West Commonwealth Avenue, a 10 foot side yard setback, and a 7 foot rear setback along the railroad. As such, the project would not meet the setback requirements under Municipal Code Section 15.17.070.B. Therefore, the Applicant would request a concession for the proposed project regarding building setback requirements pursuant to Municipal Code Section 15.17.120, *Density bonus*. Upon approval of the concession related to this building setback standard, the project would be consistent with Municipal Code Section 15.17.070.B.
Section 15.17.070.C. – Maximum height requirements:	Consistent. The project site is located greater than 100 feet from properties zoned R-1 (i.e., along the northerly side of West Commonwealth Avenue). Therefore, the project would

[1] California Department of Transportation, *California State Scenic Highway System Map*, https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa, accessed November 21, 2022.

Relevant Municipal Code Sections	Consistency Analysis
The height of all buildings shall be limited as indicated in Table 15.17.070.F. *Per Table 15.17.070.F, R-3 zones located greater than 100 feet from an R-1 zone classification have no maximum building height requirement.*	not be subject to a maximum building height requirement and the project would be consistent with Municipal Code Section 15.17.070.C.
Section 15.17.070.G. – Landscaping: 1. All street and alley setbacks shall be landscaped except for pedestrian and vehicular access ways, parking areas, or other non-irrigated areas designed for non-development (e.g. existing native vegetation). 2. All open parking areas (e.g., non-structured, non-garage) shall be landscaped such that: a. Planters with a total landscaped area equaling a minimum of 25 square feet per parking space, or 8% of the square footage of the open parking area, whichever is greater, shall be provided and distributed throughout the open parking area; and b. Trees with a total shaded area (e.g. the area under the tree canopy or dripline 15 years after installation) equaling a minimum of 50% of the square footage of the open parking area shall be provided and distributed throughout the open parking area. 3. Landscaping irrigation shall be provided for landscaped areas pursuant to Chapter 15.50 for the following: a. Installation of new landscaped areas; or b. Rehabilitation of existing landscaped areas where affected landscaped area is equal to or greater than 2,500 square feet. c. Installation of a new landscape area or areas less than 2,500 sq. ft. in aggregate may opt to comply instead with the prescriptive measures contained in Chapter 15.50 Appendix A. c. New or rehabilitated projects using treated or untreated graywater or rainwater captured on site, any lot or parcels within the project that has less than 2,500 square feet of landscape area and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with the treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix A Section (5). 4. The governing documents of a common interest development (e.g. community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351) shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group or restricting compliance with a local water-efficient landscape ordinance or water conservation measure.	Consistent. Irrigated ornamental landscaping is proposed throughout the project site, including along the project perimeters, surface parking lot, building perimeters, entryways, and common open space areas. The project would be consistent with Municipal Code Section 15.17.070.G.

Source: City of Fullerton, *Fullerton Municipal Code*, codified through Ord. 3314, supplemented in August 2022.

FULLERTON PLAN CONSISTENCY ANALYSIS

The General Plan (Fullerton Plan) Urban Design Element describes the goals of urban design in Fullerton and includes several strategies and policies governing scenic quality that are relevant to the proposed project. Table 4.1-2, *Fullerton Plan Policies Governing Scenic Quality Consistency Analysis*, evaluates the project's consistency with such policies.

Table 4.1-2
Fullerton Plan Policies Governing Scenic Quality Consistency Analysis

Relevant Fullerton Plan Community Development and Design Element Policies	Consistency Analysis
COMMUNITY DEVELOPMENT AND DESIGN ELEMENT	
Goal 2: A positive identity and distinctive image.	
P2.1: Perceived Image and Identity. Support regional and subregional efforts to improve the public image and perception of Southern California, Orange County, and North Orange County.	Consistent. The proposed infill development would redevelop an undeveloped lot into a 65-unit residential development. The project site fronts West Commonwealth Avenue and would aid with transforming the underutilized site into a high quality, visually attractive residential development. The project also proposes landscaping along the project frontage and median along West Commonwealth Avenue, including a variety of trees, shrubs, and groundcover.
P2.2: 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.	Consistent. The project would include high quality and distinctive contemporary architecture, consistent with City requirements. The proposed project would be constructed with high-quality materials consisting of fiber cement wood siding, painted wood fascia, painted stucco, mesh metal railing, vinyl glass doors, and aluminum store fronting. The project would be consistent with P2.2.
P2.6: Focus Area Planning. Support projects, programs, policies and regulations to create a positive identity and distinctive image as part of community-based planning of Focus Areas.	Consistent. According to the *Fullerton Plan*, the project site is located within the Focus Area B. Focus Area B is intended to provide a mix of retail and commercial uses connecting the City's major activity centers by offering neighborhood-serving retail business, while also providing new housing opportunities. Focus Area B envisions significant change in existing character via major development projects within the focus area. As indicated in Fullerton Plan *Table 2: Projected Focus Area Development*, Medium Density Residential is an appropriate land use change within Focus Area B. Further, the proposed development would support Focus Area B's objectives to promote sustainable development practices in the focus area.
P2.7: Relationship to Street. Support projects, programs, policies and regulations to site and design buildings to create a positive, accessible image along the street and reinforce a vibrant and comfortable public realm.	Consistent. Refer to the responses above for P1.5 and P2.2.

P2.8: Responsiveness to Context. Support projects, programs, policies and regulations to respect the local context, including consideration of cultural and historic resources, existing scale and character and development patterns of the surrounding neighborhood or district. (Also see Chapter 1: Community Development and Design, P1.11 Compatibility of Design and Uses.)	Consistent. Refer to the responses above for P1.5 and P2.2.
Source: City of Fullerton, *Fullerton Plan Built Environment Element*, May 1, 2012.	

As analyzed, the project would be consistent with Municipal Code standards and Fullerton Plan policies governing scenic quality. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation is required.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. There are two primary sources of light: light emanating from building interiors that pass through windows and light from exterior sources (i.e., street lighting, parking lot lighting, building illumination, security lighting, and landscape lighting). Depending upon the location of the light source and its proximity to adjacent light sensitive uses, light introduction can be a nuisance, affecting adjacent areas and diminishing the view of the clear night sky.

The proposed project is located within an urban and developed area of Fullerton. Existing light sources in the project vicinity include interior and exterior lighting associated with adjacent residential, light industrial, and institutional uses. Light and glare caused by vehicular headlights and street lighting along West Commonwealth Avenue and other local roadways further influence lighting in the project area.

CONSTRUCTION

Project implementation could involve temporary light and glare impacts as a result of construction equipment and materials. However, based on the project's limited construction duration and scope of activities, these sources of glare would not be substantial. In conformance with Municipal Code Section 15.90.050, *Activities with special provisions*, construction activities are limited to occur only between 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays; construction activities are prohibited on Sundays and City recognized holidays. Thus, construction-related light and glare impacts would be reduced to less than significant levels in this regard.

OPERATIONS

The proposed project would increase lighting at the project site compared to existing conditions. However, the light and glare intensity caused by the proposed development would be similar to that generated by existing residential, light industrial and commercial uses near the site. The project would also be required to comply with Municipal Code Sections 15.56.110, *Illumination of premises*, which requires all light and glare be arranged so as not to be directly visible from any adjacent properties.

The project's exterior building materials are anticipated to include fiber cement wood siding, painted wood fascia, painted stucco, mesh metal railing, vinyl glass doors, and aluminum store fronting. If not properly treated, these materials could result in increased daytime glare. However, the project would be subject to site plan and design review as required by the City's Major Site Plan Review process. Pursuant to Municipal Code Chapter 15.47, *Site Plan Review*, the City would review the proposed project's building materials to ensure the proposed architectural design and treatment of construction is designed to minimize adverse aesthetic and environmental impacts on the site and its surrounding, in addition to being compatible with the site's surroundings (i.e., neighboring uses are not exposed to substantial daytime glare). Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

4.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	**Potentially Significant Impact**	**Less Than Significant Impact With Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. According to the California Department of Conservation, the project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.[1] The project site is currently undeveloped and entirely disturbed. The project site does not contain any farmland and no farmland exists within the site vicinity. Thus, no impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

[1] California Department of Conservation, *California Important Farmland Finder*, https://maps.conservation.ca.gov/DLRP/CIFF/, accessed November 11, 2022.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is currently zoned Manufacturing, General (M-G). No zoning for agricultural use currently applies to the project site or surrounding areas. Additionally, the project site is not under a Williamson Act contract.[2] Therefore, project implementation would not conflict with existing zoning for agricultural use, or a Williamson Act contract. No impact would occur in this regard.

Mitigation Measures: No mitigation is required.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. Refer to Responses 4.2(a) and 4.2(b). No zoning for forest land or timberland exists within the project site, and no impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. Refer to Responses 4.2(b) and 4.2(c). No impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. As stated above in Responses 4.2(a) through 4.2(c), the project site is located within an urbanized area and is void of any agricultural or forest resources. Thus, there is no potential for the conversion of these resources and no impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

[2] California Department of Conservation, *State of California Williamson Act Contract Land*, 2017.

4.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	**Potentially Significant Impact**	**Less Than Significant Impact With Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a. Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			✓	
c. Expose sensitive receptors to substantial pollutant concentrations?			✓	
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✓	

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The project is located within the South Coast Air Basin (Basin), which is governed by the South Coast Air Quality Management District (SCAQMD). Consistency with the SCAQMD *2016 Air Quality Management Plan* (2016 AQMP) means that a project is consistent with the goals, objectives, and assumptions set forth in the 2016 AQMP. The 2016 AQMP utilized information and data from the Southern California Association of Government (SCAG) and its *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy* (2016-2040 RTP/SCS). While SCAG has adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (2020-2045 RTP/SCS), SCAQMD has not released an updated AQMP that utilizes information from the 2020-2045 RTP/SCS. SCAQMD is planning to release the updated AQMP in 2022. As such, this consistency analysis is based on the 2016 AQMP and the 2016-2040 RTP/SCS. According to the SCAQMD CEQA *Air Quality Handbook*, in order to determine consistency with 2016 AQMP, two main criteria must be addressed:

CRITERION 1:

With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

a) Would project result in an increase in the frequency or severity of existing air quality violations?

Since the consistency criteria identified under the first criterion pertains to pollutant concentrations, rather than to total regional emissions, an analysis of the project's pollutant emissions relative to localized pollutant concentrations is used as the basis for evaluating project consistency. As discussed in Response 4.3(c), localized concentrations of carbon monoxide (CO), nitrogen oxide (NO_X), particulate matter less than 10 microns in diameter (PM_{10}), and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) would be less than significant during project construction and operation. Therefore, the proposed project would not result in an increase in the frequency or severity of existing air quality violations.

b) Would the project cause or contribute to new air quality violations?

As discussed in Response 4.3(b), the proposed project would result in emissions that are below the SCAQMD threshold. Therefore, the project would not have the potential to cause or affect a violation of the ambient air quality standards.

c) *Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?*

The proposed project would result in less than significant impacts with regard to regional and localized concentrations during project construction and operation; refer to Reponses 4.3(b) and 4.3(c). As such, the project would not delay the timely attainment of air quality standards or 2016 AQMP emissions reductions.

CRITERION 2:

With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning with the Basin focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Thus, the SCAQMD's second criterion for determining project consistency focuses on whether or not the proposed project exceeds the assumptions utilized in preparing the forecasts presented in the 2016 AQMP. Determining whether or not a project exceeds the assumptions reflected in the 2016 AQMP involves the evaluation of the three criteria outlined below. The following discussion provides an analysis of each these criteria.

a) *Would the project be consistent with the population, housing, and employment growth projections utilized in the preparation of the AQMP?*

Growth projections included in the 2016 AQMP form the basis for the projections of air pollutant emissions and are based on general plan land use designation and SCAG's 2016-2040 RTP/SCS demographics forecasts. The population, housing, and employment forecasts within the 2016-2040 RTP/SCS are based on local general plans as well as input from local governments, such as the City of Fullerton. The SCAQMD has incorporated these same demographic growth forecasts for various socioeconomic categories (e.g., population, housing) into the 2016 AQMP.

Based on the City's General Plan (*Fullerton Plan*), the project site is designated Industrial. The Industrial designation is intended to protect and enhance the City's major employment areas by providing opportunities for manufacturing, product assembly, research and development, warehousing, and supporting uses and amenities. Potential land uses allowed within this designation include industrial or manufacturing, office, retail and service uses that provide support to employees; and compatible public, quasi-public and special uses. Based on the *City of Fullerton Zoning Map*, the project site is zoned Manufacturing, General (M-G). The M-G zone is established to allow compatible industrial uses in proximity to each other while protecting the public health, safety and welfare through development standards and the site plan review process. The M-G zone is intended for intensive industrial uses, with a particular focus is on minimizing impacts on any nearby residential use. The project requires approval of an amendment to the Fullerton Plan land use designation from Industrial to Medium Density Residential, and an amendment to the Zone Classification, from M-G to Limited Density Multiple Family Residential (R-3). With the approval of the amendments, the project would be consistent with the site's General Plan designation and zoning.

The City's population estimate as of January 1, 2022, is 142,732 persons.[1] The project would induce population growth directly through the construction of 65 residential units. As discussed in Section 4.14, *Population and Housing*, using an estimate of 2.91 persons per dwelling unit for residential development in the City (based on Draft 2021-2029 Housing Element), the proposed project (65 moderate for-sale affordable units) could generate approximately 190 residents. While it is likely that future residents already live in the City, this analysis conservatively assumes all 190 future residents would move into the City. Additionally, as a conservative analysis, the number of residents in the existing multi-family residences are not deducted from the forecast number. SCAG growth forecasts estimate the City's population to reach 160,500 persons by

[1] California Department of Finance, *Population and Housing Estimates for Cities, Counties, and the State, 2011-2022 with 2010 Census Benchmark*, http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/, accessed October 28, 2022.

2040, representing a total increase of 22,500 persons between 2012 and 2040.[2] The project's potential direct population growth (190 persons) represents 0.8 percent of the City's anticipated growth between 2012 and 2040, and only 0.1 percent of the City's total projected 2040 population. Therefore, the project is consistent with the types, intensity, and patterns of land use envisioned for the site vicinity and would be considered consistent with the General Plan upon the City's approvals on the required agreements, permits, and approvals. Further, the population and housing projections, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the City. As the SCAQMD has incorporated these same projections into the 2016 AQMP, it can be concluded that the proposed project would be consistent with the projections.

b) *Would the project implement all feasible air quality mitigation measures?*

The proposed project would result in less than significant air quality impacts. Compliance with all feasible emission reduction rules and measures identified by the SCAQMD would be required as identified in Responses 4.3(b) and 4.3(c). As such, the proposed project meets this 2016 AQMP consistency criterion.

c) *Would the project be consistent with the land use planning strategies set forth in the AQMP?*

Land use planning strategies set forth in the 2016 AQMP are primarily based on the 2016-2040 RTP/SCS. As discussed in Section 4.8, *Greenhouse Gas Emissions*, the project would implement various SCAG policies and is considered an infill development. Further, the project would be consistent with the goals of Senate Bill 375. Specifically, the project site is located within 0.1 mile of existing bus stops run by the Orange County Transportation Authority and proposes electric vehicle (EV) charging stations, which would incentivize residents, employees, and visitors to utilize alternative transportation modes and therefore lower criteria pollutant emissions. Additionally, the project would be consistent with the site's General Plan land use designation and zoning. As such, the proposed project meets this AQMP consistency criterion.

In conclusion, the determination of 2016 AQMP consistency is primarily concerned with long-term influence of a project on air quality in the Basin. The proposed project would not result in long-term impacts on the region's ability to meet State and Federal air quality standards. Additionally, the proposed project would be consistent with the goals and policies of the Fullerton Plan and 2016 AQMP. Further, the proposed project's long-term influence on air quality in the Basin would also be consistent with the SCAQMD and SCAG's goals and policies and is considered consistent with the 2016 AQMP.

Mitigation Measure: No mitigation is required.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?

Less Than Significant Impact.

CRITERIA POLLUTANTS

Carbon Monoxide (CO). CO is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions. CO replaces oxygen in the body's red blood cells. Individuals with a deficient blood supply to the heart, patients with diseases involving heart and blood vessels, fetuses (unborn babies), and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes are most susceptible to the adverse

[2] Southern California Association of Governments, *2016-2040 RTP/SCS Final Growth Forecast by Jurisdiction*, https://scag.ca.gov/sites/main/files/file-attachments/f2016rtpscs_demographicsgrowthforecast.pdf?1606073557, accessed October 28, 2022.

effects of CO exposure. People with heart disease are also more susceptible to developing chest pains when exposed to low levels of carbon monoxide.

Ozone (O_3). O_3 occurs in two layers of the atmosphere. The layer surrounding the Earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratosphere (the "good" ozone layer) extends upward from about 10 to 30 miles and protects life on Earth from the sun's harmful ultraviolet rays. "Bad" O_3 is a photochemical pollutant, and needs volatile organic compounds (VOCs), NO_x, and sunlight to form; therefore, VOCs and NO_x are O_3 precursors. To reduce O_3 concentrations, it is necessary to control the emissions of these O_3 precursors. Significant O_3 formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High O_3 concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While O_3 in the upper atmosphere (stratosphere) protects the Earth from harmful ultraviolet radiation, high concentrations of ground-level O_3 (in the troposphere) can adversely affect the human respiratory system and other tissues. O_3 is a strong irritant that can constrict the airways, forcing the respiratory system to work hard to deliver oxygen. Individuals exercising outdoors, children, and people with pre-existing lung disease such as asthma and chronic pulmonary lung disease are considered to be the most susceptible to the health effects of O_3. Short-term exposure (lasting for a few hours) to O_3 at elevated levels can result in aggravated respiratory diseases such as emphysema, bronchitis and asthma, shortness of breath, increased susceptibility to infections, inflammation of the lung tissue, increased fatigue, as well as chest pain, dry throat, headache, and nausea.

Nitrogen Dioxide (NO_2). NO_x are a family of highly reactive gases that are a primary precursor to the formation of ground-level ozone and react in the atmosphere to form acid rain. NO_2 (often used interchangeably with NO_x) is a reddish-brown gas that can cause breathing difficulties at elevated levels. Peak readings of NO_2 occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations). NO_2 can irritate and damage the lungs and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO_2 concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO_2 may aggravate eyes and mucus membranes and cause pulmonary dysfunction.

Coarse Particulate Matter (PM_{10}). PM_{10} refers to suspended particulate matter, which is smaller than 10 microns or ten one-millionths of a meter. PM_{10} arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM_{10} scatters light and significantly reduces visibility. In addition, these particulates penetrate into lungs and can potentially damage the respiratory tract. On June 19, 2003, the California Air Resources Board (CARB) adopted amendments to the Statewide 24-hour particulate matter standards based upon requirements set forth in the Children's Environmental Health Protection Act (Senate Bill 25).

Fine Particulate Matter ($PM_{2.5}$). Due to recent increased concerns over health impacts related to $PM_{2.5}$, both State and Federal $PM_{2.5}$ standards have been created. Particulate matter impacts primarily affect infants, children, the elderly, and those with pre-existing cardiopulmonary disease. In 1997, the U.S. Environmental Protection Agency (EPA) announced new $PM_{2.5}$ standards. Industry groups challenged the new standard in court and the implementation of the standard was blocked. However, upon appeal by the EPA, the United States Supreme Court reversed this decision and upheld the EPA's new standards. On January 5, 2005, the EPA published a final rule in the Federal Register that designates the basin as a nonattainment area for Federal $PM_{2.5}$ standards. On June 20, 2002, CARB adopted amendments for Statewide annual ambient particulate matter air quality standards. These standards were revised and established due to increasing concerns by CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current state standards during some parts of the year, and the Statewide potential for significant health impacts associated with particulate matter exposure was determined to be large and wide-ranging.

Sulfur Dioxide (SO_2). SO_2 is a colorless, irritating gas with a rotten egg smell; it is formed primarily by the combustion of sulfur-containing fossil fuels. SO_2 is often used interchangeably with SO_x. Exposure of a few minutes to low levels of SO_2 can result in airway constriction in some asthmatics.

Volatile Organic Compounds (VOC). VOCs are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form O_3 to the same extent when exposed to photochemical processes. VOCs often have an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include: CO, CO_2, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOCs are a criteria pollutant since they are a precursor to O_3, which is a criteria pollutant. The SCAQMD uses the terms VOC and ROG interchangeably (see below).

Reactive Organic Gases (ROG). Similar to VOC, ROG are also precursors in forming O_3 and consist of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and NO_x react in the presence of sunlight. ROGs are a criteria pollutant since they are a precursor to O_3, which is a criteria pollutant.

SHORT-TERM CONSTRUCTION EMISSIONS

The project involves construction activities associated with demolition, grading, building construction, paving, and architectural coating applications. The project would be constructed over approximately 21 months and would involve 200 cubic yards soil export. Exhaust emission factors for typical diesel-powered heavy equipment are based on the California Emissions Estimator Model version 2020.4.0 (CalEEMod) program defaults. Variables factored into estimating the total construction emissions include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on- or off-site. The analysis of daily construction emissions has been prepared utilizing CalEEMod. Refer to Appendix A, *Air Quality/Greenhouse Gas/Energy Data*, for the CalEEMod outputs and results. Table 4.3-1, *Project-Generated Construction Emissions*, presents the anticipated daily short-term construction emissions.

Table 4.3-1
Project-Generated Construction Emissions

Emissions Source	Pollutant (pounds/day)[1,2]					
	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Year 1	4.87	43.53	39.72	0.08	5.86	3.41
Year 2	2.19	27.71	25.60	0.06	4.93	2.64
Year 3	17.24	20.38	28.41	0.05	2.05	1.11
Maximum Daily Emissions	***17.24***	***43.53***	***39.72***	***0.08***	***5.86***	***3.41***
SCAQMD Thresholds	*75*	*100*	*550*	*150*	*150*	*55*
Threshold Exceeded?	***No***	***No***	***No***	***No***	***No***	***No***

Notes:
1. Emissions were calculated using CalEEMod version 2020.4.0. Winter emissions represent worst-case.
2. The reduction/credits for construction emissions are based on "mitigation" included in CalEEMod and are required by the SCAQMD Rules. The adjustments applied in CalEEMod includes the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; and limit speeds on unpaved roads to 15 miles per hour. The emissions results in this table represent the "mitigated" emissions shown in Appendix A.

Source: Refer to Appendix A for assumptions used in this analysis.

Fugitive Dust Emissions

Construction activities are a source of fugitive dust emission that may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project area. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill, and truck travel on unpaved roadways (including demolition as well as construction activities). Fugitive dust emissions vary substantially from day to day, depending on the level of activity, specific operations, and weather conditions. Fugitive dust from grading, excavation and construction is expected to be short-term and would cease upon project completion. Most of this material is inert silicates, rather than the complex organic particulates released from combustion sources, which are more harmful to health.

Dust (larger than 10 microns) generated by such activities usually becomes more of a local nuisance than a serious health problem. Of particulate health concerns is the amount of PM_{10} generated as part of fugitive dust emissions. PM_{10} poses a serious health hazard alone or in combination with other pollutants. $PM_{2.5}$ is mostly produced by mechanical processes. These include automobile tire wear, industrial processes such as cutting and grinding, and re-suspension of particles from the ground or road surfaces by wind and human activities such as construction or agriculture. $PM_{2.5}$ is mostly derived from combustion sources, such as automobiles, trucks, and other vehicle exhaust, as well as from stationary sources. These particles are either directly emitted or are formed in the atmosphere from the combustion of gases such as NO_X and SO_X combining with ammonia. $PM_{2.5}$ components from material in the Earth's crust, such as dust, are also present, with the amount varying in different locations.

The project would implement required SCAQMD dust control techniques (i.e., daily watering), limitations on construction hours, and adhere to SCAQMD Rules 402 and 403 (which require watering of inactive and perimeter areas, track out requirements, etc.), to reduce PM_{10} and $PM_{2.5}$ concentrations. As indicated in Table 4.3-1, total PM_{10} and $PM_{2.5}$ emissions would not exceed the SCAQMD thresholds during construction. Thus, PM_{10} and $PM_{2.5}$ emissions impacts associated with project construction would be less than significant.

Construction Equipment and Worker Vehicle Exhaust

Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, construction worker commutes to the project site, emissions produced on-site as the equipment is used, and emissions from trucks transporting materials to/from the site. As presented in Table 4.3-1, construction equipment and worker vehicle exhaust emissions (i.e., ROG, NO_X, CO, SO_2, PM_{10}, and $PM_{2.5}$) would not exceed the established SCAQMD thresholds for all criteria pollutants. Therefore, impacts in this regard would be less than significant.

ROG Emissions

In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O_3 precursors. In accordance with the methodology prescribed by the SCAQMD, ROG emissions associated with paving and architectural coating have been quantified with the CalEEMod model. As required by SCAQMD Regulation XI, Rule 1113 – *Architectural Coating*, all architectural coatings would comply with specifications on painting practices as well as regulation on the ROG content of paint.[3] ROG emissions associated with the proposed project would be less than significant; refer to Table 4.3-1.

Total Daily Construction Emissions

As indicated in Table 4.3-1, criteria pollutant emissions during construction of the proposed project would not exceed the SCAQMD significance thresholds. Thus, total construction related air emissions would be less than significant.

[3] South Coast Air Quality Management District, *Rule 1113 Architectural Coatings*, http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf, accessed November 1, 2022.

Naturally Occurring Asbestos

Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by State, Federal, and international agencies and was identified as a toxic air contaminant by CARB in 1986.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. All of these activities may have the effect of releasing potentially harmful asbestos into the air. Natural weathering and erosion processes can act on asbestos bearing rock and make it easier for asbestos fibers to become airborne if such rock is disturbed. According to the California Department of Conservation Division of Mines and Geology, serpentinite and ultramafic rocks are not known to occur within the project area.[4] Thus, no impacts would occur in this regard.

LONG-TERM OPERATIONAL EMISSIONS

Long-term operational air quality impacts consist of mobile source emissions generated from project-related traffic and emissions from area and energy sources. Emissions associated with each source area detailed in Table 4.3-2, *Project-Generated Operational Emissions*, are discussed below.

Table 4.3-2
Project-Generated Operational Emissions

Emissions Source	Pollutant (pounds/day)[1]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Project Summer Emissions						
Area	18.34	1.41	38.43	0.08	5.00	5.00
Energy	0.02	0.18	0.08	<0.01	0.01	0.01
Mobile	1.45	1.45	14.61	0.04	4.01	1.08
Total Summer Emissions[2]	***19.82***	***3.04***	***53.12***	***0.12***	***9.02***	***6.09***
SCAQMD Threshold	*55*	*55*	*550*	*150*	*150*	*55*
Threshold Exceeded?	***No***	***No***	***No***	***No***	***No***	***No***
Project Winter Emissions						
Area	18.34	1.41	38.43	0.08	5.00	5.00
Energy	0.02	0.18	0.08	<0.01	0.01	0.01
Mobile	1.44	1.55	14.46	0.03	4.01	1.08
Total Winter Emissions[2]	***19.81***	***3.15***	***52.96***	***0.12***	***9.02***	***6.09***
SCAQMD Threshold	*55*	*55*	*550*	*150*	*150*	*55*
Threshold Exceeded?	***No***	***No***	***No***	***No***	***No***	***No***

Notes:
1. Emissions were calculated using CalEEMod version 2020.4.0.
2. The numbers may be slightly off due to rounding.

Source: Refer to Appendix A for assumptions used in this analysis.

[4] California Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report*, August 2000.

Area Source Emissions

Area source emissions would be generated due to an increased demand for natural gas, consumer products, area architectural coatings, and landscaping equipment associated with the development of the proposed project. As shown in Table 4.3-2, area source emissions during both summer and winter would not exceed established SCAQMD thresholds. Impacts would be less than significant in this regard.

Energy Source Emissions

Energy source emissions would be generated as a result of electricity and natural gas (non-hearth) usage associated with the proposed project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Energy source emissions during both summer and winter would not exceed established SCAQMD thresholds; refer to Table 4.3-2. Impacts in this regard would be less than significant.

Mobile Source

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, SO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport SO_X, PM_{10}, and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

The mobile source emissions were calculated using the trip generation data. According to information provided by the City's traffic engineer, the proposed project would generate approximately 553 average daily trips. As shown in Table 4.3-2, emissions generated by vehicle traffic associated with the project would not exceed established SCAQMD thresholds. Impacts from mobile source emissions would be less than significant.

Total Operational Emissions

As shown in Table 4.3-2, the total operational emissions for both summer and winter would not exceed established SCAQMD thresholds. Therefore, impacts in this regard would be less than significant.

AIR QUALITY HEALTH IMPACTS

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individual [e.g., age, gender]). In particular, O_3 precursors, VOCs and NO_X, affect air quality on a regional scale. Health effects related to O_3 are therefore the product of emissions generated by numerous sources throughout a region. Existing models have limited sensitivity to small changes in criteria pollutant concentrations, and, as such, translating project-generated criteria pollutants to specific health effects or additional days of nonattainment would produce meaningless results. In other words, the project's less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.

As noted in the Brief of Amicus Curiae by the SCAQMD (dated April 6, 2015) for the *Sierra Club vs. County of Fresno*, the SCAQMD acknowledged it would be extremely difficult, if not impossible to quantify health impacts of criteria pollutants for various reasons including modeling limitations as well as where in the atmosphere air pollutants interact and form. Further, as noted in the Brief of Amicus Curiae by the San Joaquin Valley Air Pollution Control District (SJVAPCD) (dated April 13, 2015) for the *Sierra Club vs. County of Fresno*, SJVAPCD acknowledged that currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's air emissions and specific human health impacts.

The SCAQMD acknowledges that health effects quantification from O_3, as an example, is correlated with the increases in ambient level of O_3 in the air (concentration) that an individual person breathes. The SCAQMD's Brief of Amicus Curiae states that it would take a large amount of additional emissions to cause a modeled increase in ambient O_3 levels over the entire region. The SCAQMD states that based on their own modeling in the SCAQMD's *2012 Air Quality Management Plan*, a reduction of 432 tons (864,000 pounds) per day of NO_X and a reduction of 187 tons (374,000 pounds) per day of VOCs would reduce O_3 levels at highest monitored sites by only nine parts per billion. As such, the SCAQMD concludes that it is not currently possible to accurately quantify O_3-related health impacts caused by NO_X or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. Thus, as the project would not exceed SCAQMD thresholds for construction and operational air emissions, the project would have a less than significant impact for air quality health effects.

Mitigation Measure: No mitigation is required.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The CARB has identified the following groups of individuals as those most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis.

The nearest sensitive receptors are residences located approximately 75 feet north of the proposed project site and 35 feet north of the proposed landscaping improvements along the median of West Commonwealth Avenue. In order to identify impacts to sensitive receptors, the SCAQMD recommends addressing localized significance thresholds for construction and operational impacts (stationary source only).

LOCALIZED SIGNIFICANCE THRESHOLDS

Localized Significance Thresholds (LSTs) were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized air quality impacts. The SCAQMD provides the LST lookup tables for one-, two-, and five-acre projects emitting CO, NO_X, $PM_{2.5}$, and/or PM_{10}. The project is located within Source Receptor Area (SRA) 16, North Orange County.

Construction LST

The SCAQMD's guidance on applying CalEEMod to LSTs specifies the number of acres a particular piece of equipment would likely disturb per day. Based on default information provided by CalEEMod, the project is anticipated to disturb up to 22 acres during the grading phase. The grading phase would take approximately 22 days in total to complete. As such, the project would actively disturb an average of approximately one acre per day (22 acres divided by 22 days) and the LST thresholds for one-acre were utilized for the construction LST analysis. The closest sensitive receptors to the project site are residences located approximately 35 feet to the north of the project site. These sensitive land uses may be potentially affected by air pollutant emissions generated during on-site construction activities. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. According to SCAQMD LST Methodology, projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters. As the nearest sensitive receptor is located approximately 35 feet (11 meters) from the planned construction area, the LST values for 25 meters were used.

Table 4.3-3, *Localized Emissions Significance*, shows the localized construction-related emissions for NO_x, CO, $PM_{2.5}$, and PM_{10} compared to LSTs for SRA 16. It is noted that the localized emissions presented in Table 4.3-3 are less than those in Table 4.3-1 because localized emissions include only on-site emissions (e.g., from construction equipment and fugitive dust) and do not include off-site emissions (e.g., from hauling activities). As shown in Table 4.3-3, the

project's localized construction emissions would not exceed the LSTs for SRA 16. Therefore, the localized significance impacts from project-related construction activities would be less than significant.

Table 4.3-3
Localized Emissions Significance

Source[1]	Pollutant (pounds/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Year 1[2]	14.47	14.21	3.23	1.82
Year 2[2]	13.82	14.10	3.20	1.77
Year 3[3]	12.02	14.01	0.47	0.45
Maximum Daily Emissions	***14.47***	***14.21***	***3.23***	***1.82***
Localized Significance Threshold[4]	103	522	4	3
Thresholds Exceeded?	***No***	***No***	***No***	***No***

Notes:
1. The reduction/credits for construction emissions are based on "mitigation" included in CalEEMod and are required by the SCAQMD Rules. The "mitigation" applied in CalEEMod includes the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. The emissions results in this table represent the "mitigated" emissions shown in Appendix A.
2. Maximum on-site daily emissions occur during grading phase for NO_X, PM_{10}, and $PM_{2.5}$, and during building construction phase for CO in Year 1 and Year 2.
3. Maximum on-site daily emissions occur during building construction phase for NO_X, CO, PM_{10}, and $PM_{2.5}$ in Year 3.
4. The Localized Significance Threshold (LST) was determined using Appendix C of the SCAQMD's *Final Localized Significant Threshold Methodology* guidance document for pollutants NO_X, CO, PM_{10}, and $PM_{2.5}$. The LST was based on the anticipated daily acreage disturbance for construction (one acre) and distance to sensitive receptor (25 meters) for SRA 16, North Orange County.

Source: Refer to Appendix A for assumptions used in this analysis.

Operations LST

According to SCAQMD LST methodology, LSTs would apply to operational activities if the project includes stationary sources or attracts mobile sources that may spend extended periods queuing and idling at the site (e.g., warehouse or transfer facilities). The proposed project is a residential development would not attract mobile sources that may queue or idle on-site for extended periods of time. Thus, due to the lack of such emissions, no long-term LST analysis is needed. Operational LST impacts would be less than significant in this regard.

CARBON MONOXIDE HOTSPOTS

CO emissions are a function of vehicle idling time, meteorological, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (e.g., adversely affecting residents, school children, hospital patients, and the elderly).

The Basin is designated as an attainment/maintenance area for the Federal CO standards and an attainment area under State standards. There has been a decline in CO emissions even though vehicle miles traveled (VMT) on U.S. urban and rural roads have increased; estimated anthropogenic CO emissions have decreased 68 percent between 1990 and 2014. In 2014, mobile sources accounted for 82 percent of the nation's total anthropogenic CO emissions.[5] Three major control programs have contributed to the reduced per-vehicle CO emissions, including exhaust standards, cleaner burning fuels, and motor vehicle inspection/maintenance programs.

According to the SCAQMD *CEQA Air Quality Handbook*, a potential CO hotspot may occur at any location where the background CO concentration already exceeds 9.0 parts per million (ppm), which is the 8-hour California ambient air

[5] U.S. Environmental Protection Agency, *Carbon Monoxide Emissions*, https://cfpub.epa.gov/roe/indicator_pdf.cfm?i=10, accessed October 28, 2022.

quality standard, the closet monitoring station to the project site that monitors CO concentration is the Anaheim-Loara School Station (1630 Pampas Lane, Anaheim CA 92802), located approximately 2.8 miles southeast of the project site. The maximum CO concentration at the Anaheim-Loara School Station was measured at 2.058 ppm in 2021.[6] Given that the background CO concentration does not currently exceed 9.0 ppm, a CO hotspot would not occur at the project site. Therefore, CO hotspot impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. According to the SCAQMD *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project does not include any uses identified by the SCAQMD as being associated with odors.

Construction activities associated with the project may generate detectable odors from heavy-duty equipment exhaust and architectural coating. However, construction-related odors would be short-term in nature and cease upon project completion. In addition, the project would be required to comply with the California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by requiring equipment to be shut off when not in use or limiting idling time to no more than five minutes. Compliance with these existing regulations would further reduce the detectable odors from heavy-duty equipment exhaust. The project would also be required to comply with the SCAQMD Regulation XI, Rule 1113 – *Architectural Coating*, which would minimize odor impacts from ROG emissions during architectural coating. Any odor impacts to existing adjacent land uses would be short-term and negligible. As such, the project would not result in other emissions, such as those leading to odors adversely affecting a substantial number of people. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

[6] California Air Resources Board, *Air Quality Data*, https://www.arb.ca.gov/aqmis2/aqdselect.php?tab=specialrpt, accessed October 28, 2022.

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4.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c. Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓		
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. The project site is located in an urbanized area and is entirely disturbed. As a City-owned property, the site is utilized for the storage of miscellaneous City vehicles, equipment, and supplies but is otherwise vacant. The site is currently fenced along its perimeter and contains minimal vegetation aside from ornamental trees and shrubs in the northeastern portion of the site and dispersed intermittently along the southern perimeter. The project site does not contain habitat supportive of special status plant or wildlife species. Project implementation would not result in a substantial adverse effect, either directly or through habitat modifications, on any sensitive species. Thus, no impacts in this regard would occur.

Mitigation Measures: No mitigation measures are required.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. The project site is entirely disturbed and surrounded by developed uses. No known riparian habitats or sensitive natural communities are present on-site or in the surrounding area. No impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. No State or federally protected wetlands are present on the project site or in the surrounding area. As such, project implementation would not adversely impact protected wetlands through direct removal, filling, hydrological interruption, or other means. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact With Mitigation Incorporated. Based on the lack of suitable habitat within the project site, project implementation would not interfere with the movement of any native resident, migratory fish, or wildlife species. The project site is entirely fenced, bound by existing development on all sides, and is located in an urbanized area of the City. Thus, it does not function as a wildlife corridor or nursery site. However, ornamental trees and shrubs in the northeastern portion of the site and dispersed intermittently along the southern perimeter have the potential to provide suitable nesting habitat for birds. As the proposed project may result in the removal of ornamental vegetation on-site, the project could result in potential impacts to nesting birds protected by the Migratory Bird Treaty Act (MBTA). The MBTA prohibits activities that result in the direct take (defined as killing or possession) of a migratory bird. The proposed project has the potential to impact nesting birds if construction activities occur during the nesting season. As such, Mitigation Measure BIO-1 would ensure project-related ground disturbing activities occurring during the nesting season, if any, do not adversely impact potential nesting birds on-site. Implementation of Mitigation Measure BIO-1 would reduce such impacts to less than significant levels.

Mitigation Measures:

BIO-1 If ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat are scheduled within the avian nesting season (generally from January 1 through August 31), a qualified biologist retained by the Applicant shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities.

The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the project site during the clearance survey with a brief letter report indicating that no impacts to active bird nests would occur before construction can proceed. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be 500 feet. The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Results of the pre-construction survey and any subsequent monitoring shall be provided to the City of Fullerton Community and Economic Development Department, California Department of Fish and Wildlife, and other appropriate agency(ies).

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The site contains minimal vegetation; however, ornamental trees and shrubs are present in the northeastern portion of the site and dispersed intermittently along the southern perimeter. The project would install

ornamental landscaping throughout the project site, including along the project perimeters, surface parking lot, building perimeters, entryways, and common open space areas.

The *Fullerton Municipal Code* Chapters 9.06, *Community Forestry,* 15.17, *Residential Zone Classifications*, and 15.50, *Landscaping and Irrigation Requirements*, contain regulations regarding private and public landscaping installation, removal, and maintenance, including the protection of trees. Thus, with adherence to Chapters 9.06, 15.17, and 15.50 of the *Fullerton Municipal Code*, impacts would be reduced to less than significant levels.

Mitigation Measures: No mitigation is required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. According to the California Department of Fish and Wildlife's *California Natural Community Conservation Plans Map,* the project site is within the boundaries of the Orange County Transportation Authority (OCTA) Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).[1] However, the OCTA NCCP/HCP only applies to freeway improvement projects and does not apply to the affordable housing development proposed by the project. As such, project development would have no impact in this regard.

Mitigation Measures: No mitigation is required.

[1] California Department of Fish and Wildlife Service, *California Natural Community Conservation Plans*, April 2019.

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4.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?			✓	
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓		
c. Disturb any human remains, including those interred outside of dedicated cemeteries?			✓	

This section is primarily based upon the *Historical Property Identification Memorandum and Finding of No Historic Properties Affected for the Pointe Common Affordable Housing Project, City of Fullerton, California* (Cultural/Paleo Memorandum), prepared by Michael Baker International, dated December 16, 2022; refer to Appendix B, *Cultural and Paleontological Memorandum*.

a) *Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*

Less Than Significant Impact. As part of the Cultural/Paleo Memorandum, a South Central Information Center (SCCIC) records search, archival research, literature, historical map, and aerial photograph review, field survey, local interested party consultation, California Native American Heritage Commission (NAHC) Sacred Lands File search, Native American outreach, and archaeological site sensitivity analysis were conducted to determine whether the project could result in a significant adverse change to cultural resources in accordance with CEQA. The SCCIC records search, conducted on September 26, 2022, included review of the National Register of Historic Places (NRHP), the Archaeological Resources Directory for Orange County, California Historical Resources, and the Built Environment Resources Directory for Orange County, which includes resources reviewed for eligibility for the NRHP and the California Historical Landmarks programs through federal and State environmental compliance laws, and resources nominated under federal and state registration programs, including the NRHP, California Register of Historical Resources (CRHR), California Historical Landmarks, and California Points of Historical Interest. An archaeological field survey was conducted on October 12, 2022 to document existing conditions of the site and project area.

The literature, historical map, and aerial imagery review conducted as part of the Cultural/Paleo Memorandum indicated that in the late nineteenth and early twentieth centuries the Tustin branch of the Southern California Railroad passed just south of the project site, and an unlabeled road, today's Commonwealth Avenue, ran parallel to the Southern California Railroad line. In the early 1940's the project site was still undeveloped by occupied by an orchard; by 1949, the project site was developed with industrial buildings. Approximately 60 percent of the site was developed with one large building and multiple smaller buildings, and the remainder of the site is paved. These buildings survived until at least 2005, but all the buildings and structures on the property were demolished by 2009.

No cultural resources were identified within the project site. The record search revealed no previous cultural resources studies have been recorded on-site, but that five previous cultural resources studies have been conducted within the 0.5-mile search radius. Two previously recorded resources were documented within 0.5-mile of the project site. P-30-157263, an individual historic property, is listed in with the NRHP and CRHR. P-30-176663, a historic railroad, was found to be ineligible for the NRHP, CRHR, or local designation through survey evaluation. Additionally, the field survey did not identify any new cultural resources.

In conclusion, no historic properties or historical resources exist or previously existed on the project site. As such, project implementation would not cause a substantial adverse change in the significance of a historical resource and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less Than Significant Impact With Mitigation Incorporated. As discussed in Response 4.5(a) and detailed in the Cultural/Paleo Memorandum, no previously recorded cultural resources were identified within the project site during the records search or field survey. Geologic maps indicate that the project site is underlain by surficial deposits of Quaternary young fanglomerate (Qyf_a). These are young alluvial fan deposits consisting predominately of gravel, sand, and silt dating from the Holocene to the late Pleistocene. The soil series is Mocho loam with zero to two percent slopes. Excavations into undisturbed deposits would encounter sediment that may contain evidence of past human activity. However, due to the known history of the project site, which includes major ground disturbance including road building, mass grading, trenching for utilities installation, and building construction and demolition, it is anticipated that any archaeological resources would have been disturbed by past ground disturbance. The closest water, presently or shown on historical maps, is Fullerton Creek, located approximately 0.6-mile south of the project site. The next closest watercourse is Brea Creek, approximately 0.38-mile north of the project site. Both are shown as ephemeral creeks on historical maps, and neither would have been a reliable source of water in the prehistoric or early historic periods. The lack of reliable water, coupled with previous ground disturbance, suggests that the project sire has a low sensitivity for significant archaeological deposits.

Although the project site has a low sensitivity for potential archeological resources, project construction could uncover previously undiscovered archaeological resources during earth-moving activities. As such, Mitigation Measure CUL-1 requires the project Applicant retain a qualified professional archaeologist should archaeological material be uncovered during project-related ground-disturbing activities. Work is required to temporarily halt in the vicinity of the find while the qualified archaeologist evaluates the significance of the find and determines the appropriate treatment for the resource, including determination if the resource is Native American in origin. With implementation of Mitigation Measure CUL-1, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines, and impacts would be reduced to less than significant levels.

***Mitigation Measures*:**

CUL-1 In the event that any subsurface cultural resources are encountered during earth-moving activities, all work within 50 feet shall halt and the project Applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology to evaluate the findings and make appropriate recommendations. The archaeologist may evaluate the find in accordance with federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2, to assess the significance of the find and identify avoidance or other measures as appropriate. If the discovery proves to be significant under the California Environmental Quality Act (CEQA), additional work such as data recovery excavation shall be conducted to mitigate any significant impacts.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less Than Significant Impact. Due to the level of disturbance in the site vicinity, it is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during earth removal or ground-disturbing activities. Nonetheless, if human remains are found, those remains would require proper treatment in accordance with applicable laws. State of California Public Resources Health and Safety Code Section 7050.5 through 7055 describe the general provisions for human remains. Specifically, State Health and Safety Code Section 7050.5

requires if any human remains are accidentally discovered during excavation of a site, the County Coroner shall be notified of the find immediately, and no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. As required by State law, if the remains are determined to be Native American, the County Coroner shall notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). Following compliance with the aforementioned regulations, impacts related to the disturbance of human remains are less than significant.

Mitigation Measures: No mitigation measures are required.

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4.6 ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			✓	

REGULATORY FRAMEWORK

State

California Building Energy Efficiency Standards (Title 24)

The 2022 California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as "Title 24," will become effective on January 1, 2023. In general, Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2022 Title 24 standards encourage efficient electric heat pumps, establish electric-ready requirements for new homes, expand solar photovoltaic and battery storage standards, strengthen ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Title 24 standards.

California Green Building Standards

The 2022 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as CALGreen, will go into effect on January 1, 2023. CALGreen is the first-in-the-nation mandatory green buildings standards code. The California Building Standards Commission developed CALGreen in an effort to meet the State's landmark initiative Assembly Bill (AB) 32 goals, which established a comprehensive program of cost-effective reductions of greenhouse gas (GHG) emissions to 1990 levels by 2020. CALGreen was developed to (1) reduce GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, and healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to the environmental directives of the administration. CALGreen requires that new buildings employ water efficiency and conservation, increase building system efficiencies (e.g., lighting, heating/ventilation and air conditioning [HVAC], and plumbing fixtures), divert construction waste from landfills, and incorporate electric vehicles charging infrastructure. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive, and that there is a significant cost-savings potential in green building practices and materials.

Senate Bill 100

Senate Bill (SB) 100 (Chapter 312, Statutes of 2018) requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt-hours (kWh) of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024; 52 percent by December 31, 2027; 60 percent by December 31, 2030; and 100 percent by December 31, 2045. The bill requires the California Public Utilities Commission (CPUC), California Energy Commission (CEC), State board or the California Air Resources Board's (CARB), and all other State agencies to incorporate the policy into all

relevant planning. In addition, SB 100 requires the CPUC, CEC, and CARB to utilize programs authorized under existing statutes to achieve that policy and, as part of a public process, issue a joint report to the Legislature by January 1, 2021, and every four years thereafter, that includes specified information relating to the implementation of SB 100.

California Energy Commission Integrated Energy Policy Report

In 2002, the California State Legislature adopted Senate Bill (SB) 1389, which requires the California Energy Commission (CEC) to develop an Integrated Energy Policy Report (IEPR) every two years. SB 1389 requires the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices, and use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety.

The CEC adopted the 2021 integrated energy policy report (2021 IEPR) Volume I, Volume II, and Volume IV on February 1, 2022 and Volume III on February 24, 2022.[1] The 2021 IEPR provides information and policy recommendations on advancing a clean, reliable, and affordable energy system for all Californian.[2] Volume I of the 2021 IEPR addresses actions needed to reduce the greenhouse gas emissions related to the buildings in which California live and work, with an emphasis on energy efficiency; Volume II examines actions needed to increase the reliability and resiliency of California's energy system; Volume III looks at the evolving role of gas in California' energy system; and Volume IV reports on California's energy demand outlook, including a forecast to 2035 and long-term energy demand scenarios of 2050. The 2021 IEPR builds on the goals and work in response to AB 758 (Energy: energy audit), SB 350 (Clean Energy and Pollution Reduction Act), AB 3232 (Zero-emissions buildings and sources of heat energy), and the 2019 IEPR to further a comprehensive approach toward decarbonizing buildings in a cost-effective and equitable manner. For the 2021 IEPR, the CEC extends the forecast timeframe to 15 years to coincide with several state goals that are planned for 2035 and improves methodologies to better quantify and predict the likelihood, severity, and duration of future extreme heat events.

Local

The Fullerton Plan

The City's General Plan (*Fullerton Plan*), adopted on May 1, 2012, is a fundamental governance document that guides decision-making, actions, programs, and crafting of more specific policies for the future of Fullerton. Chapter 17: Air Quality and Climate Change and Chapter 2: Housing include policies that help reduce energy consumption in the City. The following policies are applicable to the proposed project:

- **P22.9 Development**: Support projects which voluntarily desire to implement site and/or building design features exceeding minimum requirements to reduce project greenhouse gas emissions.

- **P3.18 Encourage Sustainability and Green Building Practices**: The City has acknowledged the community's concerns regarding the use and conservation of energy resources and embraces the concept of sustainability and "green building" in new and existing housing development. To encourage "green building" practices in new and existing residential development, the City shall continue to monitor industry trends, technologies, and techniques that encourage the sustainable use of resources in new housing development and the retrofit of existing housing and encourage the incorporation of sustainability in new and existing residential development. The City shall determine the appropriateness of offering incentives or other mechanisms to further encourage the incorporation of sustainability in residential development.

1 California Energy Commission, *2021 Integrated Energy Policy Report*, https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report, accessed October 25, 2022.
2 California Energy Commission, *Final 2021 Integrated Energy Policy Report Volume I Building Decarbonization*, February 2022.

- **P3.20 Efficient Use of Energy Resources in Residential Development**: The City shall continue to encourage housing developers to maximize energy conservation through proactive site, building and building systems design, materials, and equipment. The City's goal is to provide the development community the opportunity to exceed the provisions of Title 24 of the California Building Code. The City shall continue to support energy conservation through encouraging the use of Energy Star-rated appliances, other energy-saving technologies and conservation. To enhance the efficient use of energy resources, the City shall review the potential of offering incentives or other strategies that encourage energy conservation.

THRESHOLD OF SIGNIFICANCE

In accordance with CEQA Guidelines, project impacts are evaluated to determine whether significant adverse environmental impacts would occur. This analysis will focus on the project's potential impacts and provide mitigation measure, if required, to reduce or avoid any potentially significant impacts that are identified. According to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact related to energy, if it would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (refer to Response 4.6(a)); and/or

- Conflict with or obstruct a State or local plan for renewable energy or energy efficiency (refer to Response 4.6[b]).

CEQA Guidelines Appendix F is an advisory document that assists in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. The analysis on Response 4.6(a) relies on Appendix F of the CEQA Guidelines, which includes the following criteria to determine whether this threshold of significance is met:

- Criterion 1: The project energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed.

- Criterion 2: The effects of the project on local and regional energy supplies and on requirements for additional capacity.

- Criterion 3: The effects of the project on peak and base period demands for electricity and other forms of energy.

- Criterion 4: The degree to which the project complies with existing energy standards.

- Criterion 5: The effects of the project on energy resources.

- Criterion 6: The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

Quantification of the project's energy usage is presented and addresses Criterion 1. The discussion on construction-related energy use focuses on Criteria 2, 4, and 5. The discussion on operational energy use is divided into transportation energy demand and building energy demand. The transportation energy demand analysis discusses Criteria 2, 4, and 6, and the building energy demand analysis discusses Criteria 2, 3, 4, and 5.

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact.

PROJECT-RELATED SOURCES OF ENERGY CONSUMPTION

This analysis focuses on three sources of energy that are relevant to the proposed project: electricity, natural gas, and transportation fuel for vehicle trips and off-road equipment associated with project construction and operations. The analysis of the operational electricity/natural gas usage is based on the California Emissions Estimator Model version 2020.4.0 (CalEEMod) modeling results for the project. The project's estimated electricity/natural gas consumption is based primarily on CalEEMod's default settings for Orange County, and consumption factors provided by Southern California Edison (SCE) and the Southern California Gas Company (SoCalGas), the electricity and natural gas providers for the City and project site. The results of the CalEEMod modeling are included in Appendix A, *Air Quality/Greenhouse Gas/Energy Data*. The amount of operational fuel consumption was estimated using the California Air Resources Board's (CARB) EMission FACtor 2017 (EMFAC2017) computer program which provides projections for typical daily fuel usage in Orange County, and the project's annual vehicle miles traveled (VMT) outputs from CalEEMod. The estimated construction fuel consumption is based on the project's construction equipment list, timing/phasing, and house of duration for construction equipment, as well as vendor, hauling, and construction worker trips.

The project's estimated energy consumption is summarized in Table 4.6-1, *Project and Countywide Energy Consumption*. As shown in Table 4.6-1, the project's energy usage would constitute an approximate 0.0014 percent increase over Orange County's typical annual electricity consumption and an approximate 0.0012 percent increase over Orange County's typical annual natural gas consumption. The project's construction and operational vehicle fuel consumption would increase Orange County's consumption by 0.2245 percent and 0.0093 percent, respectively (**Criterion 1**).

Table 4.6-1
Project and Countywide Energy Consumption

Energy Type	Project Annual Energy Consumption[1]	Orange County Annual Energy Consumption[2]	Percentage Increase Countywide[2]
Electricity Consumption	257 MWh	18,931,839 MWh	0.0014%
Natural Gas Consumption	7,247 therms	580,187,556 therms	0.0012%
Fuel Consumption			
• Construction Fuel Consumption[3]	146,255 gallons	65,152,282 gallons	0.2245%
• Operational Automotive Fuel Consumption[3]	111,524 gallons	1,199,092,373 gallons	0.0093%

Notes:
1. As modeled in CalEEMod version 2020.4.0.
2. The project increases in electricity and natural gas consumption are compared to the total consumption in Orange County in 2021. The project increases in construction and automotive fuel consumption are compared with the projected Countywide fuel consumption in 2023 and 2025, respectively.
   Orange County electricity consumption data source: California Energy Commission, *Electricity Consumption by County*, http://www.ecdms.energy.ca.gov/elecbycounty.aspx, accessed October 19, 2022.
   Orange County natural gas consumption data source: California Energy Commission, *Gas Consumption by County*, http://www.ecdms.energy.ca.gov/gasbycounty.aspx, accessed October 19, 2022.
3. Project fuel consumption calculated based on CalEEMod results. Countywide fuel consumption is from the California Air Resources Board EMFAC2017 model.

Refer to Appendix A for assumptions used in this analysis.

CONSTRUCTION-RELATED ENERGY CONSUMPTION

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during grading, paving, building construction, and architectural coatings. Fuel energy consumed during construction would be temporary and would not represent a significant demand on energy resources. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that heavy-diesel equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with latest U.S. Environmental Protect Agency (EPA) and CARB engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction (**Criterion 4**).

Substantial reduction in energy inputs for construction materials can be achieved by selecting green building materials composed of recycled materials that require less energy to produce than non-recycled materials.[3] The integration of green building materials can help reduce environmental impacts associated with the extraction, transport, processing, fabrication, installation, reuse, recycling, and disposal of these building industry source material.[4] The project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. As indicated in Table 4.6-1, the project's fuel consumption from construction would be approximately 146,255 gallons, which would increase fuel use in the County by approximately 0.2245 percent. As such, construction would have a nominal effect on the local and regional energy supplies (**Criterion 2**). It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy efficient that at comparable construction sits in the region or State (**Criterion 5**). Therefore, construction fuel consumption would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. As such, a less than significant impact would occur in this regard.

OPERATIONAL ENERGY CONSUMPTION

Transportation Energy Demand

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with Federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Table 4.6-1 provides an estimate of the daily fuel consumed by vehicle traveling to and from the project site. Based on information provided by the City's traffic engineer, the proposed project would generate approximately 553 average daily trips. As indicated in Table 4.6-1, project operational daily trips are estimated to consume approximately 111,524 gallons of fuel per year, which would increase the County's automotive fuel consumption by 0.0093 percent. The project does not propose any unusual features that would result in excessive long-term operational fuel consumption (**Criterion 2**).

[3] California Department of Resources Recycling and Recovery, *Green Building Materials*, https://www.calrecycle.ca.gov/greenbuilding/materials#Material, accessed October 4, 2022.
[4] Ibid.

The key drivers of transportation-related fuel consumption are job locations/commuting distance and many personal choices on when and where to drive for various purposes. Those factors are outside of the scope of the design of the proposed project. However, the project would be located within 0.2 mile of a bus stop and 1.5 miles of a train station, and provide four electric vehicle charging stations on-site, which would promote alternative modes of transportation (**Criterion 4** and **Criterion 6**).

Therefore, fuel consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. A less than significant impact would occur in this regard.

Building Energy Demand

The CEC developed 2020 to 2035 forecasts for energy consumption and peak demand in support of the 2021 IEPR for each of the major electricity and natural gas planning areas and the State based on the economic and demographic growth projections.[5] CEC forecasts that the Statewide annual average growth rates of energy demand between 2021 and 2030 would be 1.3 percent to 2.3 percent for electricity and less than 0.1 percent to 0.8 percent increase for natural gas.[6] As shown in Table 4.6-1, operational energy consumption of the project would represent approximately 0.0014 percent increase in electricity consumption and 0.0012 percent increase in natural gas consumption over the current Countywide usage, which would be significantly below CEC's forecasts and the current Countywide usage. Therefore, the project would be consistent with the CEC's energy consumption forecasts. As such, the project would not require additional energy capacity or supplies (**Criterion 2**). Additionally, the proposed project would be a residential development and the energy consumption would peak in the evening, similar to other residential developments. As a result, the project would not result in unique or more intensive peak or base period electricity demand (**Criterion 3**).

The proposed residential building would be required to comply with 2022 Title 24 Building Energy Efficiency Standards, which provides minimum efficiency standards related to various building features, including appliances, space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the 2022 Title 24 standards significantly reduces energy usage. The Title 24 Building Energy Efficiency Standards are updated every three years and become more stringent between each update, as such, complying with the latest 2022 Title 24 standards would make the proposed project more energy efficient than existing buildings built under the earlier versions of the Title 24 standards. In addition, the project would use energy efficient appliances, which have been accounted for in Table 4.6-1 (**Criterion 4**).

Furthermore, the electricity provider, SCE, is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 to 60 percent of total procurement by 2030. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The increase in reliance of such energy resources further ensures that new development projects will not result in the waste of the finite energy resources (**Criterion 5**).

Therefore, the project would not cause wasteful, inefficient, and unnecessary consumption of building energy during project operation, or preempt future energy development or future energy conservation. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation is required.

[5] California Energy Commission, *Final 2021 Integrated Energy Policy Report Volume IV California Energy Demand Forecast*, February 2022. Annual average growth rates of electricity demand and natural gas per capita demand are shown in Figure 10 and Figure 14, respectively.

[6] Ibid.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant Impact.

The project would be required to comply with 2022 Title 24 standards and 2022 CALGreen Code. Compliance with 2022 Title 24 standards and 2022 CALGreen Code would ensure the project incorporates energy-efficient building design that would also be consistent with applicable energy policies identified in the General Plan, including Policies P22.9, P3.18, and P3.20. Additionally, the project would utilize electricity provided by SCE. Per SB 100, SCE would achieve at least 60 percent renewable energy by 2030. Therefore, the project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and impacts will be less than significant.

Mitigation Measures: No mitigation is required.

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4.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
2) Strong seismic ground shaking?		✓		
3) Seismic-related ground failure, including liquefaction?		✓		
4) Landslides?				✓
b. Result in substantial soil erosion or the loss of topsoil?			✓	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		✓		
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				✓
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		

This information presented in this analysis is primarily based on the following technical studies; refer to Appendix B, *Cultural and Paleontological Memorandum*, and Appendix C, *Geotechnical Investigation*:

- *Historic Property Identification Memorandum and Finding of No Historic Properties Affected for the 1600 West Commonwealth Affordable Housing Project, City of Fullerton, California*, (Cultural Resources/Paleontological Memorandum), prepared by Michael Baker International and dated October 13, 2022; and
- *Preliminary Geotechnical Engineering Investigation, Proposed Apartment Building at 1600 West Commonwealth Avenue, Fullerton, CA*, (Geotechnical Report), prepared by GeoConcepts, Inc. and dated August 23, 2022.
- *Supplemental Report No. 1, Preliminary Geotechnical Engineering Investigation, Proposed Apartment Building at 1600 West Commonwealth Avenue, Fullerton, CA*, prepared by GeoConcepts, Inc. and dated December 7, 2022.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. The project site is not located within an Alquist-Priolo Earthquake Fault Zone.[1] As such, no impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

2) Strong seismic ground shaking?

Less Than Significant Impact with Mitigation Incorporated. Southern California has numerous active seismic faults subjecting residents to potential earthquake and seismic-related hazards. Seismic activity poses two types of potential hazards for residents and structures, categorized either as primary or secondary hazards. Primary hazards include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Primary hazards can also induce secondary hazards such as ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires. Both primary and secondary hazards pose a threat to the community as a result of the project's proximity to active regional faults.

The Geotechnical Report states that the project site would likely experience strong seismic ground shaking during the project's lifetime as expected for the southern California region. As such, Mitigation Measure GEO-1 would require that the project comply with existing seismic design requirements of the California Building Code (CBC) as incorporated by reference in Municipal Code Section 14.03.010, *Adoption of the 2019 California Building Code*. In addition, Mitigation Measure GEO-1 would require that the various recommendations provided within the Geotechnical Report related to grading/earthwork, foundations, slabs, and other construction/design parameters are implemented. Upon compliance with existing seismic design requirements of the CBC, recommendations with within the Geotechnical Report, and any subsequent seismic design requirements imposed by the City, the project would not directly or indirectly cause potential substantial adverse effects with respect to strong seismic ground shaking. Impacts would be reduced to less than significant levels.

Mitigation Measures:

GEO-1 Prior to the issuance of grading and/or building permits, the Project Applicant shall ensure that all improvements conform to existing building requirements of the California Building Code (CBC) in order to minimize the potential for damage and major injury due to seismic and geotechnical hazards. In addition, the Project Applicant shall ensure that the various recommendations provided within the Geotechnical Report related to grading/earthwork, foundations, slabs, and other construction/design parameters are implemented. These CBC and geotechnical recommendations shall be indicated on project plans and specifications, to the satisfaction of the City of Fullerton Public Works Engineering Section.

3) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact With Mitigation Incorporated. Liquefaction of cohesionless soils can be caused by strong vibratory motion due to earthquakes. Liquefaction is characterized by a loss of shear strength in the affected soil layers, thereby causing the soils to behave as a viscous liquid. Susceptibility to liquefaction is based on geologic and geotechnical data. River channels and floodplains are considered most susceptible to liquefaction, while alluvial fans have a lower susceptibility. Depth to groundwater is another important element in the susceptibility to liquefaction.

[1] California Geological Survey, *Earthquake Zones of Required Investigation*, https://maps.conservation.ca.gov/cgs/EQZApp/app/, accessed November 18, 2022.

Groundwater shallower than 30 feet results in high to very high susceptibility to liquefaction, while deeper water results in low and very low susceptibility.

According to the Geotechnical Report, based upon the depth to groundwater (i.e., 42 feet), susceptibility to liquefaction would be low. Nevertheless, Mitigation Measure GEO-1 would require that the project comply with existing seismic design requirements of the CBC as incorporated by reference in Municipal Code Section 14.03.010, *Adoption of the 2019 California Building Code*. In addition, Mitigation Measure GEO-1 would require that the various recommendations provided within the Geotechnical Report related to grading/earthwork, foundations, slabs, and other construction/design parameters are implemented. Upon compliance with existing seismic design requirements of the CBC, recommendations with within the Geotechnical Report, and any subsequent seismic design requirements imposed by the City, the project would not result in significant impacts related to liquefaction.

Mitigation Measures: Refer to Mitigation Measure GEO-1.

4) Landslides?

No Impact. Seismically induced landslides can overrun structures, people or property, sever utility lines, and block roads. The project site and surrounding areas are predominantly flat and built out and void of topographical features capable of producing a landslide (e.g., hillsides and slopes). Further, according to the Geotechnical Report, the project site is not located within an earthquake-induced landslide hazard zone. Therefore, development of the proposed project would not expose people or structures to landslide hazards. No impact would occur in this regard.

Mitigation Measures: No mitigation is required.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The primary concern in regard to soil erosion or loss of topsoil would be during the construction phase of the project. Grading and earthwork activities associated with construction of the proposed residential development would temporarily expose soils to potential short-term erosion by wind and water. However, all demolition and construction activities would be subject to compliance with the CBC and the requirements set forth in the National Pollutant Discharge Elimination System (NPDES) General Construction Permit for construction activities; refer to Response 4.10(a). The NPDES General Construction Permit requires preparation of a Stormwater Pollution Prevention Plan (SWPPP), which would identify specific erosion and sediment control best management practices (BMPs) to be implemented in order to protect stormwater runoff during construction activities. Compliance with the CBC and NPDES requirements would minimize effects from soil erosion. Following compliance with the CBC and NPDES requirements, project implementation would result in a less than significant impact regarding soil erosion.

Mitigation Measures: No mitigation is required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact With Mitigation Incorporated. Based on the analysis provided in Response 4.7(a)(4), the project would not result in significant impacts related to landslides. However, the project site is located within a seismically-active area and would be subject to instable soils. Mitigation Measure GEO-1 would require that the project comply with existing seismic design requirements of the CBC as incorporated by reference in Municipal Code Section 14.03.010, *Adoption of the 2019 California Building Code*. In addition, Mitigation Measure GEO-1 would require that the various recommendations provided within the Geotechnical Report related to grading/earthwork, foundations, slabs, and other construction/design parameters are implemented. Upon compliance with existing seismic design requirements of the CBC, recommendations with within the Geotechnical Report, and any subsequent seismic design requirements imposed by the City, the project would not result in significant impacts related to instable soils.

Mitigation Measures: Refer to Mitigation Measure GEO-1.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact. Expansive soils are defined as soils possessing clay particles that react to moisture changes by shrinking (when dry) or swelling (when wet). According to the Geotechnical Report, the project site is not located within an area of expansive soils. No impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. No septic tanks or alternative wastewater disposal systems would be constructed as part of the project, and no impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact With Mitigation Incorporated. According to the Cultural Resources/Paleontological Memorandum, Quaternary young fanglomerate (Qyf_{sa}) underlies the project site. Quaternary young fanglomerate from the Pleistocene (2.5 million years ago to 11,700 years ago) and Holocene (11,700 years ago today) Epochs, is predominantly composed of gravel, sand, and silt.

The Natural History Museum of Los Angeles completed a paleontology collection records search for locality and specimen data in the project area on October 9, 2022. The records search showed no previously identified fossil localities within the project area. Five fossil localities from the same sedimentary deposits as the project area occurred, either at the surface or at depth, within two miles from the project site, with the furthest fossil locality approximately 5.5 miles from the project site. The Cultural Resources/Paleontological Memorandum also included supplemental searches within a three-mile radius of the project site using the following online sources: University of California Museum of Paleontology Locality Search, San Diego Natural History Museum Collection Database, The Paleobiology Database, and Quaternary Faunal Mapping (FAUNMAP) database. No additional fossil localities were identified.

The paleontological records/literature review results did not identify any paleontological resources within the project area but indicate that the geologic formations present in the project area are known to contain paleontological localities with rare, well-preserved fossil materials. Per mitigation impact guidelines set forth by the Society of Vertebrate Paleontology (SVP 2010), due to the fossil sensitivity of the rock formations present within the project area (alluvial fan deposits of Pleistocene age), the project has a high potential to disturb paleontological resources within undisturbed bedrock. Thus, Mitigation Measure GEO-2 would require full-time paleontological monitoring during ground disturbance in undisturbed geologic contexts (i.e., bedrock and outcrops below existing asphalt and base). In addition, should paleontological resources be discovered during construction, the paleontological monitor shall halt construction, evaluate the resource, and determine the appropriate treatment, as applicable. As such, impacts regarding paleontological resources would be reduced to less than significant levels with mitigation incorporated.

Mitigation Measures:

GEO-2 The Project Applicant shall provide full-time paleontological monitoring during ground disturbance in undisturbed geologic contexts (i.e., bedrock and outcrops below existing asphalt and base) which have the potential to contain significant paleontological resources. Ground disturbance refers to activities that would impact subsurface geologic deposits, such as grading, excavation, and boring. Activities taking

place in current topsoil or within previously disturbed fill sediments (e.g., clearing, grubbing, pavement rehabilitation) do not require paleontological monitoring.

Prior to grading or excavation in sedimentary rock material other than topsoil, the Project Applicant shall retain a Society of Vertebrate Paleontology (SVP)-qualified paleontologist to monitor or supervise the monitoring of earth-moving activities by a paleontological monitor. If any paleontological resources are discovered during construction or during any ground-disturbance activities at any depth, the paleontological monitor, in discussion with the qualified paleontologist, shall notify the on-site construction supervisor, who shall temporarily halt work or redirect all such activities within 100 feet of the discovery.

At this time, the Project Applicant shall consult with the qualified paleontologist to assess the significance of the find to determine the appropriate treatment. The assessment will follow SVP (2010) standards for identification, evaluation, disclosure, avoidance, recovery, and/or curation, as appropriate. If any find is determined to be significant, appropriate avoidance measures recommended by the qualified paleontologist must be followed unless avoidance is determined to be unnecessary or infeasible. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. The recommendations of the qualified paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and work may continue in the location of the fossil discovery. Any fossils recovered during mitigation shall be cleaned, identified, catalogued, and permanently curated with an accredited and permanent scientific institution with a research interest in the materials.

If no fossils have been recovered after 50 percent of excavation has been completed, full-time monitoring may be modified to weekly spot-check monitoring at the discretion of the qualified paleontologist. The qualified paleontologist may recommend a reduction in paleontological monitoring based on observations of specific site conditions during initial monitoring (e.g., if the geologic setting precludes the occurrence of fossils). The recommendation to reduce or discontinue paleontological monitoring shall be based on the professional opinion of the qualified paleontologist regarding the potential for fossils to be present after a reasonable extent of the geology and stratigraphy has been evaluated.

A qualified professional paleontologist is a professional with a graduate degree in paleontology, geology, or related field, with demonstrated experience in the vertebrate, invertebrate, or botanical paleontology of California, as well as at least one year of full-time professional experience or equivalent specialized training in paleontological research (i.e., the identification of fossil deposits, application of paleontological field and laboratory procedures and techniques, and curation of fossil specimens), and at least four months of supervised field and analytic experience in general North American paleontology (SVP 2010).

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4.8 GREENHOUSE GASES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

GLOBAL CLIMATE CHANGE

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 418 million tons of carbon dioxide (CO_2) per year.[1] Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit over the next century. Methane (CH_4) is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission.

The impact of human activities on global climate change is apparent in the observational record. Air trapped by ice has been extracted from core samples taken from polar ice sheets to determine the global atmospheric variation of CO_2, CH_4, and nitrous oxide (N_2O) from before the start of industrialization (approximately 1750), to over 650,000 years ago. For that period, it was found that CO_2 concentrations ranged from 180 to 300 parts per million (ppm). For the period from approximately 1750 to the present, global CO_2 concentrations increased from a pre-industrialization period concentration of 280 to 379 ppm in 2005, with the 2005 value far exceeding the upper end of the pre-industrial period range. As of October 2022, the highest monthly average concentration of CO_2 in the atmosphere was recorded at 420 ppm.[2]

The Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. It concluded that a stabilization of GHGs at 400 to 450 ppm carbon dioxide equivalent (CO_2e)[3] concentration is required to keep global mean warming below 2 degrees Celsius (ºC), which in turn is assumed to be necessary to avoid dangerous climate change.

REGULATORY FRAMEWORK

Various Statewide and local initiatives to reduce the State's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long term. Every nation emits GHGs and as a result makes an incremental cumulative contribution to global climate change; therefore, global cooperation is necessary to reduce the rate of GHG emissions

1 California Environmental Protection Agency, *California Greenhouse Gas Emissions for 2000 to 2019*, https://ww2.arb.ca.gov/sites/default/files/classic/cc/ghg_inventory_trends_00-19.pdf, accessed October 23, 2022.
2 Scripps Institution of Oceanography, *Carbon Dioxide Concentration at Mauna Loa Observatory*, https://scripps.ucsd.edu/programs/keelingcurve/, accessed October 20, 2022.
3 Carbon Dioxide Equivalent (CO_2e) – A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

enough to slow or stop the human-caused increase in average global temperatures and associated changes in climatic conditions.

State

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

California passed the California Global Warming Solutions Act of 2006 (AB 32; California Health and Safety Code Division 25.5, Sections 38500-38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on Statewide GHG emissions. AB 32 requires that Statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 (Pavley Bill) should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then the California Air Resources Board (CARB) should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Senate Bill 375

Senate Bill (SB) 375, signed in September 2008 (Chapter 728, Statutes of 2008), aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocations. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a sustainable communities' strategy (SCS) or alternative planning strategy (APS) that will prescribe land use allocation in that MPOs regional transportation plan. CARB, in consultation with MPOs, is required to provide each affected region with GHG reduction targets emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets are to be updated every eight years but can be updated every four years if advancements in emissions technologies affect the reduction strategies to achieve the targets. CARB is also charged with reviewing each MPO's SCS or APS for consistency with its assigned targets. If MPOs do not meet the GHG reduction targets, transportation projects may not be eligible for funding.

Executive Order S-3-05

Executive Order S-3-05 set forth a series of target dates by which Statewide emissions of GHGs would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The Executive Order directed the California Environmental Protection Agency (Cal/EPA) Secretary to coordinate a multi-agency effort to reduce GHG emissions to the target levels. The Secretary is required to submit biannual reports to the Governor and California Legislature describing the progress made toward the emissions targets, the impacts of global climate change on California's resources, and mitigation and adaptation plans to combat these impacts. To comply with Executive Order S-3-05, the Cal/EPA Secretary created the California Climate Action Team, made up of members from various State agencies and commissions. The Climate Action Team released its first report in March 2006, which proposed to achieve the targets by building on the voluntary actions of California businesses, local governments, and communities and through State incentive and regulatory programs.

Title 24, Part 6

The California Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 6 of the California Code of Regulations (CCR) and commonly referred to as "Title 24," were established in 1978 in response to a legislative mandate to reduce California's energy consumption. Part 6 of Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2022 Title 24 standards was adopted in August 2021. The 2022 Title 24 standards encourage efficient electric heat pumps, establish electric-ready

requirements for new homes, expand solar photovoltaic and battery storage standards, strengthen ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, would be required to comply with the 2022 Title 24.

Title 24, Part 11

The California Green Building Standards Code (CCR Title 24, Part 11), commonly referred to as CALGreen, is a Statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in five green building topical areas. The current version of the CALGreen Code went into effect on January 1, 2020. It should be acknowledged that buildings whose permit applications are applied for on or after January 1, 2023, would be required to comply with the 2022 CALGreen Code.

Senate Bill 32

Signed into law on September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). SB 32 authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

CARB Scoping Plan

On December 11, 2008, CARB adopted its *Climate Change Scoping Plan* (Scoping Plan), which functions as a roadmap to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. The Scoping Plan contains the main strategies California will implement to reduce CO_2e emissions by 174 million metric tons (MT), or approximately 30 percent, from the State's projected 2020 emissions levels of 596 million $MTCO_2e$ under a business as usual (BAU)[4] scenario. This is a reduction of 42 million $MTCO_2e$, or almost ten percent, from 2002 to 2004 average emissions, and requires the reductions in the face of population and economic growth through 2020. The Scoping Plan calculates 2020 BAU emissions as the emissions that would be expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, electrical power, industrial, commercial, and residential). CARB used three-year average emissions, by sector, from 2002 to 2004 to forecast emissions to 2020. The measures described in the Scoping Plan are intended to reduce projected 2020 BAU emissions to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The 2014 Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The 2014 Scoping Plan also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the State stays on course to meet our long-term goal." The 2014 Scoping Plan did not establish or propose any specific post-2020 goals, but identified such goals adopted by other governments or recommended by various scientific and policy organizations.

In December 2017, CARB approved the *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target* (2017 Scoping Plan). This update focused on implementation of a 40-percent

[4] "Business as Usual" refers to emissions that would be expected to occur in the absence of GHG reductions; refer to http://www.arb.ca.gov/cc/inventory/data/bau.htm. Note that there is significant controversy as to what BAU means. In determining the GHG 2020 limit, CARB used the above as the "definition." It is broad enough to allow for design features to be counted as reductions.

reduction in GHGs by 2030 compared to 1990 levels. To achieve this, the 2017 Scoping Plan draws on a decade of successful programs that addresses the major sources of climate changing gases in every sector of the economy:

- *More Clean Cars and Trucks:* The 2017 Scoping Plan establishes far-reaching programs to incentivize the sale of zero-emission vehicles, drive the deployment of zero-emission trucks, and shift to a cleaner system of handling freight Statewide.

- *Increased Renewable Energy:* California's electric utilities are ahead of schedule meeting the requirement that 33 percent of electricity come from renewable sources by 2020. The 2017 Scoping Plan guides utility providers to 50 percent renewables, as required under SB 350.

- *Slashing Super-Pollutants:* The 2017 Scoping Plan calls for a significant cut in super-pollutants, such as CH_4 and HFC refrigerants, which are responsible for as much as 40 percent of global warming.

- *Cleaner Industry and Electricity:* California's renewed cap-and-trade program extends the declining cap on emissions from utilities and industries and the carbon allowance auctions. The auctions will continue to fund investments in clean energy and efficiency, particularly in disadvantaged communities.

- *Cleaner Fuels:* The Low Carbon Fuel Standard will drive further development of cleaner, renewable transportation fuels to replace fossil fuels.

- *Smart Community Planning:* Local communities will continue developing plans which will further link transportation and housing policies to create sustainable communities.

- *Improved Agriculture and Forests:* The 2017 Scoping Plan also outlines innovative programs to account for and reduce emissions from agriculture, as well as forests and other natural lands.

Regional

Southern California Association of Governments 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

On September 3, 2020, the Regional Council of SCAG formally adopted *The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal* (2020–2045 RTP/SCS). The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specially, these strategies are:

- Focus growth near destinations and mobility options;
- Promote diverse housing choices;
- Leverage technology innovations;
- Support implementation of sustainability policies; and
- Promote a green region.

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the state-mandated reductions in GHG emissions through reduced per capita vehicle miles traveled (VMT). Some of these tools include center focused placemaking, focusing on priority growth areas, job centers, transit priority areas, as well as high quality transit areas and green regions.

Local

Fullerton Climate Action Plan

In order to address the global climate change, the City has prepared a Climate Action Plan (CAP), which provides a framework for reducing GHG emissions. The CAP recommends GHG emissions targets that are consistent with the reduction targets of the State of California and presents a number of strategies that would make it possible for the City to meet the recommended targets. The CAP also suggests best practices for implementation and makes recommendations for measuring progress. Projects that demonstrate consistency with the strategies, actions, and emission reduction targets contained in the CAP would have a less than significant impact on climate change.

THRESHOLD OF SIGNIFICANCE

Amendments to CEQA Guidelines Section 15064.4 were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions and gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. This section recommends certain factors to be considered in the determination of significance (i.e., the extent to which a project may increase or reduce GHG emissions compared to the existing environment; whether the project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a plan for the reduction or mitigation of GHGs). The amendments do not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), so long as any threshold chosen is supported by substantial evidence (CEQA Guidelines Section 15064.7(c)). The California Natural Resources Agency has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and therefore GHG emissions should be analyzed in the content of CEQA's requirements for cumulative impact analyses (CEQA Guidelines Section 15064(h)(3)).[5,6] A project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements to avoid or substantially lessen the cumulative problem within the geographic area of the project.[7]

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions nor has the South Coast Air Quality Management District (SCAQMD), CARB, or any other State or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the proposed project. Since there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the project's impacts related to GHG emissions focuses on its consistency with Statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions. This evaluation of consistency with such plans is the sole basis for determining the significance of the project's GHG-related impacts on the environment.

Notwithstanding, for informational purposes, the analysis also calculates the amount of GHG emissions that would be attributable to the project using recommended air quality models, as described below. The primary purpose of quantifying the project's GHG emissions is to satisfy CEQA Guidelines Section 15064.4(a), which calls for a good-faith effort to describe and calculate emissions. The estimated emissions inventory is also used to determine if there would be a reduction in the project's incremental contribution of GHG emissions as a result of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions. However, the significance of the project's GHG emissions impacts are not based on the amount of GHG emissions resulting from the project.

5 California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action*, pp. 11-13, 14, 16, December 2009, https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final_Statement_of_Reasons.pdf, accessed September 22, 2022.

6 State of California Governor's Office of Planning and Research, *Transmittal of the Governor's Office of Planning and Research's Proposed SB97 CEQA Guidelines Amendments to the Natural Resources Agency*, April 13, 2009, https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/C01.pdf, accessed September 22, 2022.

7 California Code of Regulations Section 15064(h)(3).

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact.

PROJECT-RELATED SOURCES OF GREENHOUSE GASES

Project-related GHG emissions include emissions from direct and indirect sources. Project implementation would result in direct and indirect emissions of CO_2, N_2O, and CH_4, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct project-related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from energy consumption, water demand, and solid waste generation. The California Emissions Estimator Model (CalEEMod), version 2020.4.0, was used to calculate direct and indirect project-related GHG emissions. The project proposes to construct a 65-unit affordable housing development with surface parking, open space amenities, and a family tot lot. Table 4.8-1, *Estimated Greenhouse Gas Emissions*, presents the estimated CO_2, N_2O, and CH_4 emissions associated with the proposed project; refer to Appendix A, *Air Quality/Greenhouse Gas /Energy Data* for CalEEMod outputs.

Table 4.8-1
Estimated Greenhouse Gas Emissions

Source	CO_2	CH_4		N_2O		Total Metric Tons of CO_2e[2,3]
	Metric tons/year[1]	Metric tons/year[1]	Metric tons of CO_2e[1,3]	Metric tons/year[1]	Metric tons of CO_2e[1,3]	
Direct Emissions						
Construction (amortized over 30 years)[4]	24.22	<0.01	0.09	<0.01	0.15	24.46
Area Source	21.27	0.02	0.50	<0.01	0.15	21.95
Mobile Source	575.31	0.04	1.00	0.02	6.00	583.38
Total Direct Emissions	*620.80*	*0.07*	*1.59*	0.02	*6.30*	*629.79*
Indirect Emissions						
Energy Consumption	84.33	<0.01	<0.01	<0.01	<0.01	84.79
Solid Waste	3.03	0.18	4.50	0.00	0.00	7.52
Water Demand	14.16	0.11	2.80	<0.01	0.82	17.76
Total Indirect Emissions	*101.52*	*0.29*	*7.30*	*<0.01*	*0.82*	*110.07*
Total Project-Related Emissions[3]	***739.86 MTCO2e/year***					

Notes:
Carbon dioxide equivalent = CO_2e; metric tons of carbon dioxide equivalent per year = $MTCO_2e$ per year
1. Project emissions were calculated using CalEEMod version 2020.4.0, as recommended by the SCAQMD.
2. Totals may be slightly off due to rounding.
3. Carbon dioxide equivalent values calculated using the U.S. Environmental Protection Agency Website, *Greenhouse Gas Equivalencies Calculator*, http://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator, accessed October 23, 2022.
4. Total project construction GHG emissions equate to 733.74 $MTCO_2e$. Value shown is amortized over the lifetime of the project (assumed to be 30 years).

Refer to Appendix A, *Air Quality/Greenhouse Gas/Energy Data*, for detailed model input/output data.

Direct Project-Related Sources of Greenhouse Gases

Construction Emissions. Construction GHG emissions are typically summed and amortized over the lifetime of the project (assumed to be 30 years), then added to the operational emissions.[8] As shown in Table 4.8-1, the proposed

[8] The project lifetime is based on the standard 30-year assumption of the South Coast Air Quality Management District (South Coast Air Quality Management District, *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, October 2008).

project would result in 24.46 $MTCO_2e$ per year when amortized over 30 years (or a total of 733.74 $MTCO_2e$ in 30 years).

Area Source. Area source emissions were calculated using CalEEMod and project-specific land use data. Project-related area sources include exhaust emissions from landscape maintenance equipment. The project would use all electric landscape equipment. The project would directly result in 21.95 $MTCO_2e$ per year from area source emissions; refer to Table 4.8-1.

Mobile Source. Based on information provided by the City's traffic engineer, the proposed project would generate approximately 553 average daily trips. The project would result in approximately 583.38 $MTCO_2e$ per year of mobile source generated GHG emissions; refer to Table 4.8-1.

Indirect Project-Related Sources of Greenhouse Gases

Energy Consumption. Energy consumption emissions were calculated using CalEEMod and project-specific land use data. Southern California Edison (SCE) would provide electricity to the project site. The project proposes to install high efficiency lighting and energy efficient appliances. The project would indirectly result in 84.79 $MTCO_2e$ per year due to energy consumption; refer to Table 4.8-1.

Water Demand. The project would install low-flow water fixtures and utilize water-efficient irrigation systems and draught-tolerant landscaping. Emissions from indirect energy impacts due to water supply would result in 17.76 $MTCO_2e$/year; refer to Table 4.8-1.

Solid Waste. Solid waste associated with operations of the proposed project would result in 7.52 $MTCO_2e$/year; refer to Table 4.8-1.

Total Project-Related Sources of Greenhouse Gases

As shown in Table 4.8-1, the total amount of project-related GHG emissions from direct and indirect sources combined would total 739.86 $MTCO_2e$ per year.

CONSISTENCY WITH APPLICABLE GHG PLANS, POLICIES, OR REGULATIONS

The GHG plan consistency for the project is based on the project's consistency with the CARB 2017 Scoping Plan Update (2017 Scoping Plan Update), the SCAG 2020-2045 RTP/SCS, and the City's CAP. The 2017 Scoping Plan Update describes the approach the State will take to reduce GHG emissions by 40 percent below 1990 levels by the year 2030. The SCAG 2020-2045 RTP/SCS includes strategies for the region to reach the regional target of reducing GHG from transportation sector. The City's General Plan contains goals and policies that would help implement energy efficient measures and would subsequently reduce GHG emissions within the City.

Consistency with 2020-2045 RTP/SCS

On September 3, 2020, the Regional Council of SCAG formally adopted the 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS includes performance goals that were adopted to help focus future investments on the best-performing projects, as well as different strategies to preserve, maintain, and optimize the performance of the existing transportation system. The SCAG 2020-2045 RTP/SCS is forecasted to help California reach its GHG reduction goals by reducing GHG emissions from passenger cars by eight percent below 2005 levels by 2020 and 19 percent by 2035 in accordance with the most recent CARB targets adopted in March 2018. Five key SCS strategies are included in the 2020-2045 RTP/SCS to help the region meet its regional VMT and GHG reduction goals, as required by the State. Table 4.8-2, *Project Consistency with 2020-2045 RTP/SCS* shows the project's consistency with the five key SCS strategies found within the 2020-2045 RTP/SCS that help the region meet its regional VMT and GHG reduction goals, as required by the State. As shown therein, the proposed project would be consistent with the GHG emission reduction strategies contained in the 2020-2045 RTP/SCS.

Table 4.8-2
Project Consistency with 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
Focus Growth Near Destinations and Mobility Options		
• Emphasize land use patterns that facilitate multimodal access to work, educational and other destinations • Focus on a regional jobs/housing balance to reduce commute times and distances and expand job opportunities near transit and along center-focused main streets • Plan for growth near transit investments and support implementation of first/last mile strategies • Prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods • Encourage design and transportation options that reduce the reliance on and number of solo car trips (this could include mixed uses or locating and orienting close to existing destinations) • Identify ways to "right size" parking requirements and promote alternative parking strategies (e.g., shared parking or smart parking)	**Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.**	**Consistent.** The project is located within a TPA. In addition, the project is an infill development located approximately 1.5 miles from the Fullerton Transit Station and 0.1 miles from the bus stops serviced by Orange County Transportation Authority (OCTA). The project would also provide electric vehicle (EV) charging spaces. Therefore, the project would focus growth near destinations and mobility options.
Promote Diverse Housing Choices		
• Preserve and rehabilitate affordable housing and prevent displacement • Identify funding opportunities for new workforce and affordable housing development • Create incentives and reduce regulatory barriers for building context sensitive accessory dwelling units to increase housing supply • Provide support to local jurisdictions to streamline and lessen barriers to housing development that supports reduction of greenhouse gas emissions	**PGA, Job Centers, HQTAs, NMA, TPAs, Livable Corridors, Green Region, Urban Greening.**	**Consistent.** The project would involve development of an affordable residential community near existing bus stops and transit station, which increases housing supply and supports reduction of GHG emissions. Therefore, the project would promote diverse housing choice by increasing affordable housing within the City and is consistent with this reduction strategy.
Leverage Technology Innovations		
• Promote low emission technologies such as neighborhood electric vehicles, shared rides hailing, car sharing, bike sharing and scooters by providing supportive and safe infrastructure such as dedicated lanes, charging and parking/drop-off space • Improve access to services through technology—such as telework and telemedicine as well as other incentives such as a "mobility wallet," an app-based system for storing transit and other multi-modal payments • Identify ways to incorporate "micro-power grids" in communities, for example solar energy, hydrogen fuel cell power storage and power generation	**HQTA, TPAs, NMA, Livable Corridors.**	**Consistent.** The project would comply with all applicable 2022 Title 24 and CALGreen building codes at the time of construction. The project would install high efficiency lighting and use energy efficient appliances. The project would provide EV charging stations in accordance with the 2019 Title 24 standards and CALGreen Code. Therefore, the proposed development would leverage technology innovations and help the City, County, and State meet its GHG reduction goals. The project would be consistent with this reduction strategy.

Table 4.8-2 [cont'd]
Project Consistency with 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
Support Implementation of Sustainability Policies		
• Pursue funding opportunities to support local sustainable development implementation projects that reduce greenhouse gas emissions • Support statewide legislation that reduces barriers to new construction and that incentivizes development near transit corridors and stations • Support local jurisdictions in the establishment of Enhanced Infrastructure Financing Districts (EIFDs), Community Revitalization and Investment Authorities (CRIAs), or other tax increment or value capture tools to finance sustainable infrastructure and development projects, including parks and open space • Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies • Enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region • Continue to support long range planning efforts by local jurisdictions • Provide educational opportunities to local decisions makers and staff on new tools, best practices and policies related to implementing the Sustainable Communities Strategy	**Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.**	**Consistent.** As previously discussed, the project site is located in a TPA and near a transit station and bus stops serviced by OCTA. Further, the project would comply with sustainable practices included in the 2022 Title 24 standards and CALGreen Code, such as installation of EV charging spaces, EV parking spaces, water-efficiency irrigation, and drought-tolerant landscaping. Thus, the project would be consistent with this reduction strategy.
Promote a Green Region		
• Support development of local climate adaptation and hazard mitigation plans, as well as project implementation that improves community resiliency to climate change and natural hazards • Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration • Integrate local food production into the regional landscape • Promote more resource efficient development focused on conservation, recycling and reclamation • Preserve, enhance and restore regional wildlife connectivity • Reduce consumption of resource areas, including agricultural land • Identify ways to improve access to public park space	**Green Region, Urban Greening, Greenbelts and Community Separators.**	**Consistent.** The proposed project is an infill development in an urbanized area and would therefore not interfere with regional wildlife connectivity or agricultural land. The project would be required to comply with sustainable practices included in 2022 Title 24 standards and CALGreen Code, which would help reduce energy consumption and reduce GHG emissions. Thus, the project would support efficient development that reduces energy consumption and GHG emissions. The project would be consistent with this reduction strategy.

Source: Southern California Association of Governments, *Connect SoCal: 2020-2040 Regional Transportation Plan/Sustainable Communities Strategy*, September 3, 2020.

Consistency with 2017 CARB Scoping Plan Update

The 2017 Scoping Plan Update has a range of GHG reduction actions which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 implementation fee to fund the program. The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the *First Update to the Scoping Plan* (dated 2013). Although a number of these measures are currently established as policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions will be adopted as required to achieve Statewide GHG emissions target. Table 4.8-3, *2017 Scoping Plan Update Consistency Analysis*, evaluates the project's consistency with applicable reduction actions and strategies by emission source category to determine how the project would be consistent with or exceed reduction actions and strategies outlined in the 2017 Scoping Plan Update.

Table 4.8-3
2017 Scoping Plan Update Consistency Analysis

Actions and Strategies	Project Consistency Analysis
Senate Bill (SB) 350	
Achieve a 50 percent Renewables Portfolio Standard (RPS) by 2030, with a doubling of energy efficiency savings by 2030.	**Consistent.** The proposed project would not be an electrical provider or would delay the goals of Senate Bill (SB) 350. Furthermore, the project would utilize electricity from SCE which would be required to comply with SB 350. As such, the project would comply with SB 350.
Low Carbon Fuel Standard (LCFS)	
Increase stringency of carbon fuel standards; reduce the carbon intensity of fuels by 18 percent by 2030, which is up from 10 percent in 2020.	**Not Applicable**. The LCFS applies to manufacturers of automotive fuels, not to individual land uses. Motor vehicles driven within the project area would be required to use LCFS complaint fuels, thus the project would comply this goal.
Mobile Source Strategy (Cleaner Technology and Fuels Scenario)	
Maintain existing GHG standards of light and heavy-duty vehicles while adding an addition 4.2 million zero-emission vehicles (ZEVs) on the road. Increase the number of ZEV buses, delivery trucks, or other trucks.	**Consistent.** The proposed project is a residential development which may include occasional truck trips for trash pickup and landscaping maintenance. Truck uses associated with the project would be required to comply with all CARB regulations, including the LCFS and newer engine standards. The proposed project would not conflict with the CARB's goal of adding 4.2 million zero-emission (ZEVs) on the road. As such, the project would not conflict with the goals of the Mobile Source Strategy.
Sustainable Freight Action Plan	
Improve the freight system efficiency and maximize the use of near zero emission vehicles and equipment powered by renewable energy. Deploy over 100,000 zero-emission trucks and equipment by 2030.	**Not applicable.** This measure applies to owners and operators of trucks and freight operations. The proposed project is an affordable housing development and would not support truck and freight operations. It is expected that deliveries throughout the State would be made with an increasing number of ZEV delivery trucks, including deliveries that would be made to future residents at the project site.
Short-Lived Climate Pollutant (SLCP) Reduction Strategy	
Reduce the GHG emissions of methane and hydrofluorocarbons by 40 percent below the 2013 levels by 2030. Furthermore, reduce the emissions of black carbon by 50 percent below the 2013 levels by the year 2030.	**Consistent.** The project does not involve sources that would emit large amounts of methane (refer to Table 4.8-1). Furthermore, the project would be required to comply with all CARB and SCAQMD hydrofluorocarbon regulations. As such, the proposed project would not conflict with the SLCP reduction strategy.
SB 375 Sustainable Communities Strategies	
Increase the stringency of the 2035 GHG emission per capita reduction target for metropolitan planning organizations (MPO).	**Consistent.** As shown in Table 4.8-3, the project would be consistent with the SCAG's 2020-2045 RTP/SCS and would not conflict with the goals of SB 375.
Post-2020 Cap and Trade Programs	
The Cap-and-Trade Program will reduce greenhouse gas (GHG) emissions from major sources (covered entities) by setting a firm cap on statewide GHG emissions while employing market mechanisms to cost-effectively achieve the emission-reduction goals.	**Not Applicable.** As detailed in Table 4.8-1, the project would not generate GHG emissions over the 25,000 metric tons of CO_2e per year cap and trade emission threshold. Therefore, the project would not conflict with this goal.

Source: California Air Resources Board, *2017 Scoping Plan*, November 2017.

Consistency with City of Fullerton Climate Action Plan

The City's CAP includes four emissions reduction strategies for (1) transportation and mobility, (2) energy use and conservation, (3) water use and efficiency, and (4) solid waste reduction and recycling. While most of the reduction measures under each strategy of the CAP apply specifically to municipal operations, City infrastructure improvements, or existing structures, the proposed project is consistent with the broad strategies outlined in the CAP, as discussed below. Therefore, the proposed project would not interfere with implementation of the City's CAP.

- **Energy Use and Conservation.** The proposed project would be an infill development and would comply with sustainable practices included in the 2022 Title 24 standards and CALGreen Code as defined in the CAP, such as installation of electric vehicle charging spaces, electric vehicle parking spaces, water-efficiency irrigation, and drought-tolerant landscaping.

- **Water Use and Efficiency**. The proposed project would comply with the City of Fullerton's Water Efficient Landscape Ordinance that would promote use of efficient irrigation systems and landscape design (FMC Chapter 15.50, Landscaping and Irrigation Requirements). Furthermore, the proposed project is anticipated to include features such as water-efficiency irrigation, and drought-tolerant landscaping to reduce excessive irrigation runoff and conserve water. Interior plumbing fixtures would also comply with the latest CALGreen Code (Title 24, Part 11).

- **Transportation and Mobility.** Implementation of the proposed project would result in more opportunities for affordable housing in the City. Providing more housing could reduce per capita VMT by increasing density and diversity of land use in the City. The project is also located within a TPA and due to its proximity to the nearest transit station, the proposed project would encourage the use of public transportation and thus reduce the VMT within the City. In addition, the project would also provide electric vehicle charging spaces and infrastructure facilitating the use of alternative fuel vehicles.

- **Solid Waste Reduction and Recycling.** During construction activities, the proposed project would be required to divert construction and demolition debris through reuse, recycling, and/or composting to achieve the mandatory waste diversion requirements outlined in CALGreen, which is 65 percent of all waste (by weight or volume). The project would also be consistent with AB 341 which established a waste reduction target of 75 percent for residential uses.

Conclusion

The proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, including AB 32, SB 32, the 2020-2045 RTP/SCS, the 2017 Scoping Plan Update, and the City's CAP. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

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4.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b. 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?		✓		
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			✓	
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		✓		
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓

This section is primarily based upon the *Phase I Environmental Site Assessment, 1600 Commonwealth Avenue, Fullerton, California 92832* (Phase I ESA) prepared by EFI Global, Inc., dated August 18, 2022, and the *Phase II Soil Vapor Survey* conducted by Optimal Technology (for EFI Global, Inc.), dated August 31, 2022; refer to Appendix D, *Hazardous Materials Documentation*.

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. The project proposes to construct a 65-unit affordable housing development with surface parking, open space amenities and a family tot lot. Project construction could expose construction workers and the public to temporary hazards related to the transport, use, and maintenance of construction materials (i.e., oil, diesel fuel, transmission fluid, etc.). Specifically, project construction would involve demolition, grading, building, paving, and architectural painting. These activities would be short-term, and the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. All construction activities would be required to comply with applicable laws and regulations governing the use, storage, and transportation of hazardous materials, ensuring that all potentially hazardous materials are used and handled in an appropriate manner. Impacts regarding the routine transport, use, or disposal of hazardous materials during project construction would be less than significant.

Substantial long-term operational risks associated with hazardous materials are not typically associated with residential uses. Minor cleaning products along with the occasional use of pesticides and herbicides for landscape maintenance of the project site are generally the extent of hazardous materials that would be routinely utilized on-site. Thus, as the presence and on-site storage of these materials are common for residential uses and would not be stored in substantial quantities (quantities required to be reported to a regulatory agency), impacts in this regard would be less than significant.

Mitigation Measures: No mitigation is required.

b) 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?

Less Than Significant Impact With Mitigation Incorporated. One of the means through which human exposure to hazardous substances could occur is through accidental release. Incidents that result in an accidental release of hazardous substance into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. If not cleaned up immediately and completely, the hazardous substances can migrate into the soil or enter a local stream or channel causing contamination of soil and water. Human exposure of contaminated soil, soil vapor, or water can have potential health effects on a variety of factors, including the nature of the contaminant and the degree of exposure.

CONSTRUCTION IMPACTS

Construction Equipment

During project construction, there is a possibility of accidental release of hazardous substances such as petroleum-based fuels or hydraulic fluid used for construction equipment. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. The construction contractor would be required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local, State, and Federal law.

Construction Activities

Construction activities could also result in accidental conditions involving existing on-site contamination. The following analysis considers current and past uses of the project site and its vicinity, which may have resulted in existing on-site hazardous conditions, of which could cause accidental conditions during ground disturbing activities.

Environmental Concerns Associated with Former On-Site Operations

Based on the Phase I ESA, it appears that the site has been vacant since 2009 and has since been operating as a storage and maintenance yard for the City of Fullerton Public Works Department. According to historical research data, the site appears undeveloped from 1896 through to at least 1935; agricultural uses with orchard trees from at least 1938 through to 1942; and developed with industrial uses from 1947 through to 2007. Former industrial uses include Kohlenberger Engineering Corporation (a machine shop and refrigeration engineering facility), Rugs Union Service (industrial use), and Morehouse Industries/Morehouse-Cowles (laboratory equipment manufacturing).[1]A Statement of Intended Use, dated February 5, 1993, indicated that Morehouse Industries/Morehouse-Cowles operated an existing spray booth during their facility's operation, with one drum (presumed to be 55-gallon in capacity) of trichloroethane (TCE), a halogenated solvent. Documentation indicating the use of spray paint booths by Morehouse Industries/Morehouse-Cowles was identified in Fullerton Fire Department (FFD) and South Coast Air Quality

[1] EFI Global, *Phase I Environmental Site Assessment, 1600 West Commonwealth Avenue, Fullerton, CA 92832,* August 18, 2022.

Management (SCAQMD) records from 1969 to 1997. Details of the specific solvent utilized in the spray paint booths were not specified other than the halogenated solvent waste generation in 1991 and the record of the 55-gallon drum of TCE in 1993. The Phase I ESA determined that the former industrial use of the project site, with evidence of long-term spray paint booth equipment coupled with documented halogenated solvent usage, represents a recognized environmental condition (REC). As such, a Phase II Soil Vapor Survey was conducted to screen for possible chlorinated solvents and aromatic hydrocarbons. The survey determined that, while two samples contained levels of Benzene, these detected concentrations would not exceed California Department of Toxic Substances Control-modified Screening Levels (DTSC-SLs) for Residential Air. Additionally, the Phase II Soil Vapor Survey determined that no other volatile organic compounds were detected above the listed reporting limits. Based on the results of the survey, impacts concerning this REC are less than significant.

Underground Storage Tanks

According to the Phase I ESA, an additional permit issued by FFD, dated February 23, 1981, with Morehouse Industries at the location listed as Basque Avenue and Commonwealth Avenue, requested the removal of one 1,000-gallon gasoline underground storage tank (UST). Although the specific address was not supplied, given the use of Morehouse Industries as the firm name and the location on Basque Avenue and Commonwealth Avenue, it is likely that this UST was located on the project site or the remaining portion of the project site's Assessor's Parcel Number (APN), which adjoins the project site to the east. A note on the permit indicated that the removal was completed. There is no further information regarding the UST and as such, it is not known when the UST was installed, the location, or whether a subsurface assessment was conducted during the removal of the UST and product piping. Thus, the former presence of a UST without information indicating a subsurface assessment has been conducted represents a REC for the subject property. However, the Phase I ESA determined that, given the small size of the UST (1,000-gallons), the documentation from the FFD indicating it was removed, and the possibility that the UST was located on the eastern portion of the APN and not the project site, a geophysical survey to scan for the backfilled excavation of the UST and subsurface sampling is not warranted. Rather, as the proposed project would result in grading activities in the area of the suspect UST, Mitigation Measure HAZ-1 would require the implementation of a Soils Management Plan to address any impacted soil that is encountered during these activities to manage the disposal and collection and analysis of soil samples at that time. With implementation of Mitigation Measure HAZ-1 and compliance with existing federal, State, and local laws and regulations governing USTs, impacts in this regard would be reduced to less than significant levels.

OPERATIONAL IMPACTS

Refer to Response 4.9(a) for a description of impacts related to project operations. Upon adherence to existing regulations related to hazards and hazardous materials, impacts pertaining to the potential for accidental conditions during project operations would be less than significant.

Mitigation Measures:

HAZ-1 *Soils Management Plan.* In the event that any underground storage tanks or substantial soil contamination is encountered during site grading, work shall immediately cease in the area and the Project Applicant shall notify the City of Fullerton Fire Department and City of Fullerton Community Development Department, and retain a qualified hazardous materials engineer to assess the impacts and prepare a response plan using risk-based cleanup standards applicable to residential land uses. Upon approval of the response plan by the City of Fullerton Fire Department or other agency, as applicable, the engineer shall obtain any required permits, oversee the removal of such features, and/or conduct the response work to the satisfaction of the City of Fullerton Fire Department or other agency, as applicable, until closure status is attained.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. The closest school to the project site is the Pacific Drive Elementary School, located at 1501 West Valencia Drive approximately 0.10-mile south of the project site. As discussed under Responses 4.9(a) and (b), upon compliance with existing local, State, and Federal regulations associated with hazardous materials, short-term construction and long-term operations of the proposed project would not create a significant hazard to the public or the environment. As such, it is not anticipated that the proposed project would pose a significant health risk to the Pacific Drive Elementary School. Less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

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

No Impact. Government Code Section 65962.5 requires the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB) to compile and update a regulatory sites listing (per the criteria of the Section). The California Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code. Government Section 65962.5 requires the local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations (CCR), to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste.

The project site is not listed pursuant to Government Code Section 65962.5.[2] Thus, no impact would result in this regard.

Mitigation Measures: No mitigation is required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less Than Significant Impact. The project site is located approximately one mile east of Fullerton Municipal Airport. The Airport Land Use Commission (ALUC) for Orange County is responsible for formulating a comprehensive land use plan for the area surrounding each public airport that is located within Orange County. The *Airport Environs Land Use Plan* (AELUP) for the Fullerton Municipal Airport was adopted in December 2002 (updated in February 2019) and provides required standards for land uses in the airport vicinity. The AELUP has designated Accident Potential Zones (APZ) and a Runway Protection Zone (RPZ) around the airport to enforce safety standards. The project site is not located within either of these zones. According to the AELUP, the project site is not located within an Airport Impact Zone or Noise Contour, and as such would also not result in excessive noise for people residing or working in the project area.

However, according to the AELUP's *Notification Area* and *Obstruction Imaginary Surfaces* maps, the proposed project site is located within the identified area that has the potential for affecting navigable airspace and is required to comply with established height limit standards. These building height restrictions are based on Federal Aviation Regulations Part 77 (FAR Part 77) entitled "Objects Affecting Navigable Airspace." It should be noted that the project, which proposes a residential use with a maximum building height of 40 feet, would be located in an urbanized area, surrounded by permanent structures of comparable heights. As such, the project would result in a safety hazard within

[2] California Environmental Protection Agency, *Cortese Listing*, https://calepa.ca.gov/sitecleanup/corteselist/, accessed November 15, 2022.

an airport land use plan or within two miles of a public airport or public use airport. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact With Mitigation Incorporated. The proposed project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. As discussed in Section 4.17, *Transportation*, proposed site access would be provided via an ingress/egress driveway located within the northeastern corner of the project frontage along West Commonwealth Avenue. Construction activities would generally be confined to the boundaries of the project site; while temporary partial lane closures may be required during construction, surrounding roadways would remain open to traffic at all times and would not interfere with emergency access in the site vicinity. To further reduce potential impacts, Mitigation Measure TRA-1 would require a Traffic Management Plan (TMP) be prepared and implemented to ensure traffic flow and emergency access are maintained during the construction process. As stated, the TMP would include potential measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and the need for a construction flagperson to direct traffic during heavy equipment use, among others. Upon implementation of Mitigation Measure TRA-1, impacts in this regard would be less than significant.

Mitigation Measures: Refer to Mitigation Measure TRA-1.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The project site and surrounding land are built-out with urbanized uses; no wildland vegetation that could fuel wildfires is present. Additionally, as discussed in Section 4.20, *Wildfire*, the City is not located in an area identified by the California Department of Forestry and Fire as a Very High Fire Hazard Severity Zone. Thus, there would be no impact in this regard.

Mitigation Measures: No mitigation is required.

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4.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓	
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✓	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			✓	
1) Result in substantial erosion or siltation on- or off-site?			✓	
2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			✓	
3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
4) Impede or redirect flood flows?			✓	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			✓	

This section is primarily based upon the following technical studies in Appendix E, *Hydrology Report and WQMP*:

- *Hydrology Report for Commonwealth META 1600 West Commonwealth Avenue, Fullerton, CA 92833* (Hydrology Report), prepared by DK Engineer Corp and dated December, 2022; and
- *Preliminary Water Quality Management Plan for Pointe Common 1600 West Commonwealth Avenue, Fullerton, CA 92833* (WQMP), prepared by DK Engineer Corp. and dated December 2022.

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. As part of Section 402 of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has established regulations under the National Pollutant Discharge Elimination System (NPDES) program to control direct stormwater discharges. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The NPDES program regulates industrial pollutant discharges, which include construction activities. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality. The City of Fullerton is within the jurisdiction of the Santa Ana RWQCB.

Impacts related to water quality typically range over three different periods: 1) during the earthwork and construction phase, when the potential for erosion, siltation, and sedimentation would be the greatest; 2) following construction, prior to the establishment of ground cover, when the erosion potential may remain relatively high; and 3) following completion of the project, when impacts related to sedimentation would decrease markedly, but those associated with urban runoff would increase.

CONSTRUCTION IMPACTS

Project construction could result in short-term impacts to water quality due to the handling, storage, and disposal of construction materials, maintenance and operation of construction equipment, and earthmoving activities. Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the SWRCB's *General Permit for Discharges of Stormwater Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ* (General Construction Permit). Given that the project site is greater than one acre in size, the project would be required to obtain a General Construction Permit under the NPDES program. The General Construction Permit requires the Project Applicant to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would specify best management practices (BMPs) to be implemented during construction of the project to minimize or avoid water pollution, thereby reducing potential short-term impacts to water quality. Upon completion of the project, the Project Applicant would be required to submit a Notice of Termination to the SWRCB to indicate that construction has been completed.

Further, the project would be required to comply with applicable regulations from the Fullerton Municipal Code Chapter 12.18, *Water Quality Ordinance*. Specifically, Municipal Code Section 12.18.030, *Control of urban runoff*, requires all new development and significant development within the City to comply with the Orange County Drainage Area Management Plan and conditions/requirements established by the City related to the reduction or elimination of pollutants in stormwater runoff from the project site. Following conformance with Municipal Code Chapter 12.18, the project's short-term impacts to water quality would be less than significant.

OPERATIONAL IMPACTS

Project operations would be required to comply with Municipal Code Section 12.18.030(A), *New Development and Significant Redevelopment*, which requires any conditions and requirements established by the City, including a WQMP, to be undertaken to reduce or eliminate pollutants in stormwater runoff from the project site. In conformance with Municipal Code Section 12.18.030(A), a project-specific WQMP was prepared for the project to identify overall site design, low impact development (LID), and hydromodification BMPs capable of minimizing stormwater pollutants of concern during project operations. According to the WQMP, project operations are anticipated to generate pollutants of concern including suspended solids/sediment, nutrients, pathogens (bacteria/virus), pesticides, oil/grease, and trash/debris; refer to Appendix E.

The proposed project would install an on-site drainage system. All roof drainage would be collected using downspouts and would flow first into one of two on-site continuous deflection separation (CDS) units. After being filtered by the CDS units, water would flow into one of two infiltration trenches. Stormwater would then be infiltrated into the surrounding soil. If needed, water would overflow through the CDS units into a catch basin, which would then discharge through a curb drain. Runoff from grade level courtyards would be captured by area drains and directed by stormdrain pipe to a pump located either at the basement or outside of the proposed building and pumped to the infiltration trench.

Other BMPs identified in the WQMP include non-structural BMPs: including education for property owners/tenants/occupants; activity restriction, common area landscape management, uniform fire code implementation, BMP maintenance, litter control measures, employee training and common area catch basin inspection; and structural BMPs including stenciling storm drains with prohibitive language and/or graphical icons to prevent dumping, design and construction of outdoor material storage/trash/waste areas to reduce pollution introduction, use of efficient irrigation systems/landscape design, water conservation, smart controllers, and source

control to minimize runoff, and other non-structural and structural BMPs; refer to Appendix E. Following compliance with the conditions and requirements identified in the project's WQMP, long-term operational impacts to water quality would be reduced to less than significant levels.

Mitigation Measures: No mitigation is required.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. The project site is located within the Coastal Plain of the Orange County groundwater basin. The project site is currently predominantly vacant and undeveloped and is not currently used for groundwater extraction or groundwater recharge purposes. As detailed in the WQMP, development of the project would result in an increase in impervious surfaces compared to existing conditions. However, given the relatively small size of the site (2.5 acres), this increase in impervious area is not expected to substantially interfere with groundwater recharge that could impede sustainable groundwater management of the basin. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation is required.

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

1) Result in substantial erosion or siltation on- or off-site?

Less Than Significant Impact. The proposed project could substantially alter the existing drainage pattern of the site or project area, including through the addition of impervious surfaces; however, as discussed in Response 4.10(a), compliance with requirements identified in the General Construction Permit and Municipal Code Chapter 12.18 would minimize erosion and water quality impacts during construction to less than significant levels.

Upon completion of construction, the project site would not include large areas of exposed soils that would be subject to runoff. Rather, any unpaved areas would be improved with landscaping to minimize the potential for erosion or siltation on- or off-site; refer to Exhibit 2-3, *Conceptual Site Plan*.

The project would be subject to compliance with the requirements set forth in the NPDES Stormwater General Construction Permit for construction activities; refer to Response 4.10(a). Compliance with the NPDES requirements, including preparation of a SWPPP, would reduce the volume of sediment-laden runoff discharging from the site during construction. Implementation of BMPs, such as an on-site drainage system with various structural and non-structural BMPs, would reduce the potential for sediment and stormwater runoff containing pollutants from entering receiving waters during long-term operations. Therefore, project implementation would not substantially alter the existing drainage pattern of the site during the construction process such that substantial erosion or siltation would occur, and impacts would be less than significant.

Mitigation Measures: No mitigation is required.

2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less Than Significant Impact. Refer to Responses 4.10(a) and 4.10(c)(1).

Mitigation Measures: No mitigation is required.

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

Less Than Significant Impact. Refer to Responses 4.10(a) and 4.10(c)(1).

Mitigation Measures: No mitigation is required.

4) Impede or redirect flood flows?

Less Than Significant Impact. Refer to Responses 4.10(a), 4.10(c)(1), and 4.10(d).

Mitigation Measures: No mitigation is required.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact.

FLOOD

According to the Federal Emergency Management Agency's Flood Map Service Center, the project site is located outside of the 100-year flood hazard area.[1] As a result, no impacts would occur in this regard.

TSUNAMI

A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as tectonic displacement of a sea floor associated with large, shallow earthquakes. The project site is located over 12 miles inland from the Pacific Ocean and thus, is at a sufficient distance so as not to be subject to tsunami impacts. No impacts would occur in this regard.

SEICHE

A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. The project site is not in the vicinity of a reservoir, harbor, lake, or storage tank capable of creating a seiche. No impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. The *Water Quality Control Plan for the Santa Ana River Basin* (Basin Plan) designates beneficial uses for water bodies in the Santa Ana Region and establishes water quality objectives and implementation plans to protect those beneficial uses. As noted above, the project would not result in significant impacts to water quality following compliance with the Basin Plan and conformance with Municipal Code Chapter 12.18.

The Sustainable Groundwater Management Act (SGMA) requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans (GSPs) or prepare an alternative to a groundwater sustainability plans. According to the California Department of Water

[1] Federal Emergency Management Agency, *Flood Insurance Rate Map #06059C0127J*, December 3, 2009.

Resources SGMA Basin Prioritization Dashboard, the project is located within the Coastal Plain of Orange County groundwater basin (Basin), which is designated as a Medium priority basin.[2]

Orange County Water District (OCWD): the local groundwater sustainability agency, prepared the *Orange County Water District Groundwater Management Plan 2015 Update* (Alternate Plan), which meets the requirements of the California Water Code (Water Code) Section 10733.6, allowing for an Alternative Plan to be submitted to the Department of Water Resources (DWR).[3] The Alternate Plan describes OCWD's comprehensive groundwater management framework, including existing and potential actions to achieve basin suitability goals and ensure continued sustainable groundwater management. The Alternative Plan covers the Main Basin and the Irvine, Yorba Linda, and La Habra subbasins, located throughout Orange County.

Project construction and operations would not conflict with or obstruct implementation of the Santa Ana RWQCB's Basin Plan or Alternate Plan. Further, as mentioned above, conformance with the proposed BMPs, General Construction Permit, Orange County Drainage Area Management Plan and Municipal Code requirements would reduce water quality impacts to less than significant levels. As such, impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

[2] California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, https://gis.water.ca.gov/app/bp-dashboard/final/, accessed November 15, 2022.

[3] Orange County Water District, *Orange County Water District Groundwater Management Plan 2015 Update*, https://www.ocwd.com/media/3622/groundwatermanagementplan2015update_20150624.pdf, June 17, 2015.

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4.11 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?			✓	
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✓	

a) Physically divide an established community?

Less Than Significant Impact. Activities and features that could physically divide a community include, but are not limited to:

- Construction of major highways or roadways;
- Construction of storm channels;
- Closing bridges or roadways; and
- Construction of utility transmission lines.

The key factor with respect to this threshold is the potential to create physical barriers that change the connectivity between areas of a community to the extent that persons are separated from other areas of the community. The project does not propose to construct any major highways or roadways, storm channels, bridges or roadways, or utility transmission lines that would physically divide a community. The project site is a predominantly vacant and undeveloped lot currently fenced on all sides. The closest established community is the residential development across West Commonwealth Avenue to the north. The proposed project would not physically divide the existing residential community nor change the connectivity between the residential community and the surrounding residential, light industrial and commercial uses. As such, no impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

***Less Than Significant Impact*.**

FULLERTON PLAN CONSISTENCY

Based on the Fullerton Plan *Community Development Plan*, the project site is designated Industrial. The project proposes an amendment to the Fullerton Plan to redesignate the site from Industrial to Medium Density Residential. Permitted uses within areas designated Medium Density Residential include small-lot detached dwellings, attached dwellings, live-work units, limited neighborhood-serving commercial, and compatible public, quasi-public, and special uses. Additionally, the proposed project is located within the Commonwealth Corridor Focus Area (Focus Area B); refer to Fullerton Plan *Exhibit 1: Focus Areas*. Focus Area B is intended to provide a mix of retail and commercial uses connecting the City's major activity centers by offering neighborhood-serving retail business, while also providing new housing opportunities. Focus Area B envisions significant change in existing character via major development projects within the focus area. As indicated in Fullerton Plan *Table 2: Projected Focus Area Development*, Medium Density

Residential is an appropriate land use change within Focus Area B. Further, Focus Area B includes the following objectives to promote sustainable development practices in the focus area:

1. Enhance key intersections as important nodes along the entire corridor
2. Focus on neighborhood-serving commercial development;
3. Encourage new housing opportunities west of Harbor Boulevard;
4. Promote a unified character through unique streetscape design;
5. Provide multi-modal mobility improvements to and through the corridor; and
6. Create linkages to recreational facilities, trails and other amenities.

In order to achieve these objectives, Table 4.11-1, *Fullerton Plan Built Environment Element Consistency Analysis*, analyzes the project's consistency with applicable goals and policies in the Fullerton Plan Built Environment Element.

Table 4.11-1
Fullerton Plan Built Environment Element Consistency Analysis

Applicable Fullerton Plan Built Environment Element Policies	Project Consistency Analysis
COMMUNITY DEVELOPMENT AND DESIGN ELEMENT	
Goal 1: Resilient and vital neighborhoods and districts.	
P1.1: Regional Coordination. Support regional and subregional efforts to create a strong sense of place and support the efficient use of land.	Consistent. Project implementation would develop a 65-unit affordable housing development, with a total building area of 70,147 square feet. The proposed residential development would be surrounded by a mixture of transportation, residential, light industrial, institutional, and park uses. As such, project implementation would support new development that efficiently and effectively establish residential uses. The project would be consistent with P1.1.
P1.2: Subregional Coordination. Support projects, programs and policies to promote compatibility and mutually beneficial built environments and land uses with adjacent jurisdictions and other agencies.	Consistent. Refer to response to P1.1.
P1.4: Connection and Integration of Uses. Support projects, programs and policies to improve connections between housing, shops, work places, schools, parks and civic facilities, and integrate uses where possible and appropriate.	Consistent. Pedestrian sidewalks and pathways are proposed throughout the project site to provide connections between residences, common open space areas on-site, West Commonwealth Avenue, and surrounding uses; refer to Exhibit 2-3, *Conceptual Site Plan*.
P1.5: Maintenance and Improvement of Existing Built Environment. Support projects, programs, policies and regulations to maintain positive attributes of the built environment and seek continual improvement.	Consistent. The proposed infill development would redevelop the project site from a vacant and undeveloped lot into a 65-unit residential development. The project site fronts West Commonwealth Avenue and would aid with transforming the underutilized site into a use providing housing opportunities to the community. The project also proposes to beautify the frontage and median along the project site with landscaping, resulting in a beneficial impact as compared to existing conditions.

P1.6: Protection of Employment Areas. Support projects, programs, policies and regulations to evaluate and consider short and long-term impacts of the conversion of manufacturing and industrial lands and employment centers on the City.	Consistent. As mentioned above, the project site is located within the Focus Area B. Focus Area B is intended to provide a mix of retail and commercial uses connecting the City's major activity centers by offering neighborhood-serving retail business, while also provide new housing opportunities. Focus Area B envisions significant change in existing character via major development projects within the focus area. As indicated in Fullerton Plan *Table 2: Projected Focus Area Development*, Medium Density Residential is an appropriate land use change within Focus Area B. Further, the proposed development would support Focus Area B's objectives to promote sustainable development practices in the focus area.
P1.7: Development that Supports Mobility. Support projects, programs, policies and regulations to promote a development pattern that encourages a network of multi-modal transportation options.	Consistent. Refer Section 4.17, *Transportation*, for a discussion of multi-modal transportation options.
P1.8: Consideration of Neighborhood Impacts. Support projects, programs, policies and regulations to evaluate and consider short- and long-term impacts of significant planning efforts or developments on nearby neighborhoods.	Consistent. As analyzed throughout this Initial Study, the project would result in less than significant environmental impacts with implementation of existing regulatory requirements and/or mitigation measures. The City's existing environmental quality would not be substantially degraded or adversely impacted by the proposed development.
P1.9: Housing Choice. Support projects, programs, policies and regulations to create housing types consistent with market demand for housing choice.	Consistent. Refer to response to P1.5 and P1.6.
P1.10: Focus Area Planning. Support projects, programs, policies and regulations to evaluate ways to contribute to the resiliency and vitality of neighborhoods and districts as part of community-based planning of Focus Areas.	Consistent. Refer to response to P1.5 and P1.6.
P1.11: Compatibility of Design and Uses. Support programs, policies and regulations to consider the immediate and surrounding contexts of projects to promote positive design relationships and use compatibility with adjacent built environments and land uses, including the public realm.	Consistent. As noted above, Medium Density Residential is an appropriate land use change within Focus Area B. Further, the proposed development would support Focus Area B's objectives to promote sustainable development practices in the focus area. The project would beautify the project frontage and median along West Commonwealth Avenue with landscaping, representing a beneficial impact. Moreover, the proposed structures on-site would meet City requirements for setback from the street, and the second and third levels would generally be placed towards the interior (southerly) portion of the site, further away from residential uses north of West Commonwealth Avenue. The project would be consistent with P1.11.
P1.12: Energy- and Resource-Efficient Design. Support projects, programs, policies and regulations to encourage energy and resource efficient practices in site and building design for private and public projects.	Consistent. In order to minimize on-site water consumption, the project would install drought-tolerant landscaping and utilize water-efficient irrigation systems to maintain on-site landscaping. As detailed in Section 4.6, *Energy*, the proposed residential development would comply with 2022 Title 24 Building Energy Efficiency Standards, which provides minimum efficiency standards related to various building features, including appliances, space heating and cooling

	equipment, building insulation and roofing, and lighting. The project would also include energy efficient appliances.
P1.13: Universal Design. Support projects, programs, policies and regulations to produce buildings and environments that are inherently accessible to people of all abilities.	Consistent. The project proposes a total of 108 spaces in the surface parking lot located in the eastern portion of the site, including 7 Americans with Disabilities Act (ADA) accessible spaces. As such, the project would be consistent with P1.13.
Source: City of Fullerton, *Fullerton Plan Built Environment Element*, May 1, 2012.	

As analyzed in Table 4.11-1, the project would be consistent with applicable Fullerton Plan policies and impacts in this regard would be less than significant.

MUNICIPAL CODE CONSISTENCY

According to the *City of Fullerton Zoning Map*, the project site is zoned Manufacturing, General (M-G). The project proposes an amendment to the Zone Classification, from M-G to Limited Density Multiple Family Residential (R-3). Based on *Fullerton Municipal Code* (Municipal Code) Section 15.17.015(H), the R-3 district is designed for use where apartment and condominium development can be physically separated from single-family type residences by a street or terrain feature. Table 4.11-2, *R-3 Zone Development Standards Consistency Analysis*, evaluates the project's consistency with applicable development standards for the R-3 zone. As shown, upon the City's approval of concessions and waivers pursuant to Municipal Code Section 15.17.10, *Density bonus*, for several development standards, the project would be consistent with relevant Municipal Code standards, and impacts would be less than significant in this regard.

Table 4.11-2
R-3 Zone Development Standards Consistency Analysis

Development Standard	R-3 Zoning Requirement	Proposed Project	Does Project Satisfy Requirement?
Usable Open Space	All open areas or recreational facilities designed and intended for outdoor living and/or recreation. Common usable open space shall not exceed a grade of 20 percent, shall have a minimum dimension of at least ten feet, and may include landscaping, walks, recreational facilities, and small decorative objects such as artwork and fountains.	Approximately 39,570 square feet of common open space areas and 1,900 square feet of private open space (i.e., deck or balcony) are proposed throughout the project site. Amenities/common open space areas include an activity lawn area, an outdoor amenity gathering area, barbeque and recreation amenities, laundry room, community space, tot lot and active play area, picnic area, and other ancillary amenities. A 2,513-square foot community amenity deck is also proposed on the third floor of the residential building. Ornamental landscaping is also proposed and would be installed throughout the project site, including along the project perimeters, surface parking lot, building perimeters, entryways, and common open space areas	Yes

Development Standard	R-3 Zoning Requirement	Proposed Project	Does Project Satisfy Requirement?
Minimum Lot Area	10,000 square feet	108,710 square feet	Yes
Minimum Lot Area Per Dwelling Unit			
Bachelor Unit	1,600 square feet	1 unit	Yes
One Bedroom Unit	1,700 square feet	29 units	Yes
Two Bedroom Unit	1,800 square feet	18 units	Yes
Three Bedroom Unit	1,900 square feet	17 units	Yes
Maximum Lot Coverage	60 percent	57.2 percent	Yes
Building Setbacks			
Front Yard along a Street	15 feet	15 feet	Yes
Side Yard along another Property Line	1st Story: 5 feet 2nd Story: 9 feet 3rd Story: 14.5 feet	10 feet – Waivers and/or concessions required	Yes, upon City's issuance of waivers and/or concessions
Maximum Building Height	No maximum building height when located over 100 feet from properties zoned R-1	40 feet	Yes
Open Space Requirements per Unit			
One Bedroom Unit	400 square feet	30 units (including Property Manager's Use)	Yes
Two Bedroom Unit	600 square feet	18 units	Yes
Three Bedroom Unit	800 square feet	17 units	Yes
Useable Open Space Requirements	Each dwelling unit shall be provide at least one area of private useable open space in the form of fenced or screened patios, decks, or balconies with minimum dimensions of at least six feet and a minimum area of at least 100 square feet. All such private open space areas may be counted on a one-for-one basis up to a total of one-third of the required open space.	1,900 square feet – Waivers and/or concessions required	Yes, upon City's issuance of waivers and/or concessions
Parking Requirements per Unit			
One Bedroom Unit	1 1/2 garage or carport spaces plus 1/2 space open guest parking	108 spaces accommodating both standard and electric vehicles. Of these 108 spaces, 7 would be ADA accessible.	Yes
Two Bedroom Unit	1 3/4 garage or carport spaces plus 3/4 space open guest parking	108 spaces accommodating both standard and electric vehicles. Of	Yes

Development Standard	R-3 Zoning Requirement	Proposed Project	Does Project Satisfy Requirement?
		these 108 spaces, 7 would be ADA accessible.	
Three Bedroom Unit	2 garage or carport spaces plus 1 space open guest parking	108 spaces accommodating both standard and electric vehicles. Of these 108 spaces, 7 would be ADA accessible.	Yes
Landscaping Requirements			
Front Yard Area	The front yard area of the lot shall be maintained with a combination of planting, turf and hardscape areas such that the total area of non-pervious surfaces shall be 40 percent or less of the total front yard area.	Refer to *Useable Open Space* Development Standard	Yes
Street and Alley Setbacks	Street and alley setbacks shall be landscaped except for pedestrian and vehicular access ways, parking areas, or other non-irrigated designed for non-development (e.g., existing native vegetation).	Refer to *Useable Open Space* Development Standard	Yes
Open Parking Areas	Planters with a total landscaped area equaling a minimum of 25 square feet per parking space, or 8 percent of the square footage of the open parking area, whichever is greater, shall be provided and distributed throughout the open parking area and trees with a total shaded area (e.g. the area under the tree canopy or dripline 15 years after installation) equaling a minimum of 50 percent of the square footage of the open parking area shall be provided and distributed throughout the open parking area.	Refer to *Useable Open Space* Development Standard	Yes

Source: City of Fullerton, *Fullerton Municipal Code*, codified through Ord. 3314, supplemented in August 2022.

Mitigation Measures: No mitigation is required.

4.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. Mineral Resource Zones have been established per the Surface Mining and Reclamation Act (SMARA) for areas possessing minerals of Statewide or regional importance. The primary objectives of SMARA are the assurance of adequate supplies of mineral resources important to California's economy and the reclamation of mined lands. These objectives are implemented through land use planning and regulatory programs administered by local government with the assistance of the State. The City of Fullerton does not contain any areas designated as Mineral Resource Zones, locally designated mineral resources or, locally important mineral resource recovery sites.[1] Thus, development of the proposed project would not result in a loss of availability of the identified mineral resources and no impacts would occur.

Mitigation Measures: No mitigation is required.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. Refer to Response 4.12(a).

Mitigation Measures: No mitigation is required.

[1] City of Fullerton, *Final Program EIR—The Fullerton Plan*, 2012.

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4.13 NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b. Generation of excessive groundborne vibration or groundborne noise levels?			✓	
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓

FUNDAMENTALS OF NOISE

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air and is characterized by both its amplitude and frequency (or pitch). The human ear does not hear all frequencies equally. In particular, the ear deemphasizes low and very high frequencies. To better approximate the sensitivity of human hearing, the A-weighted decibel scale (dBA) has been developed. On this scale, the human range of hearing extends from approximately 3 dBA to around 140 dBA.

Noise is generally defined as unwanted or excessive sound, which can vary in intensity by over one million times within the range of human hearing; therefore, a logarithmic scale, known as the decibel scale (dB), is used to quantify sound intensity. Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates (is reduced) at a rate between 3 dBA and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6 dBA and about 7.5 dBA per doubling of distance.

There are a number of metrics used to characterize community noise exposure, which fluctuate constantly over time. One such metric, the equivalent sound level (L_{eq}), represents a constant sound that, over the specified period, has the same sound energy as the time-varying sound. Noise exposure over a longer period of time is often evaluated based on the Day-Night Sound Level (L_{dn}). This is a measure of 24-hour noise levels that incorporates a 10-dBA penalty for sounds occurring between 10 p.m. and 7 a.m. The penalty is intended to reflect the increased human sensitivity to noises occurring during nighttime hours, particularly at times when people are sleeping and there are lower ambient noise conditions. Typical L_{dn} noise levels for light and medium density residential areas range from 55 dBA to 65 dBA.

Two of the primary factors that reduce levels of environmental sounds are increasing the distance between the sound source to the receiver and having intervening obstacles such as walls, buildings, or terrain features between the sound source and the receiver. Factors that act to increase the loudness of environmental sounds include moving the sound source closer to the receiver, sound enhancements caused by reflections, and focusing caused by various meteorological conditions.

REGULATORY FRAMEWORK

State

The State Office of Planning and Research *Noise Element Guidelines* include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The *Noise Element Guidelines* contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the Community Noise Equivalent Level (CNEL). A noise environment of 50 CNEL to 60 CNEL is considered to be "normally acceptable" for residential uses. The Office of Planning and Research recommendations also note that, under certain conditions, more restrictive standards than the maximum levels cited may be appropriate.

City of Fullerton

The Fullerton Plan

The City's General Plan (*Fullerton Plan*) Noise Element was adopted on May 1, 2012. The purpose of the Noise Element is to examine noise sources in the City in order to identify and appraise the potential for noise conflicts and problems and to identify ways to reduce existing and potential noise impacts. The following policies from the Noise Element are applicable to the proposed project:

- **P8.6 Noise Receptors**: Support projects, programs, policies and regulations to permit uses where the noise level of the surroundings—after taking into account noise insulation features and other control techniques of the use—is not detrimental to the use.

- **P8.7 Noise Generators**: Support projects, programs, policies and regulations to permit uses and/or activities where the noise generated by the use and/or activity is not detrimental or otherwise a nuisance to the surroundings.

Fullerton Municipal Code

Chapter 15.90, *Noise Standards and Regulation,* of the *Fullerton Municipal Code* (Municipal Code) sets forth all noise regulations controlling unnecessary, excessive, and annoying noise in the City. The following sections from the Municipal Code are applicable to the project:

Section 15.90.030 Noise standards.

A. The following noise standards, unless otherwise specifically indicated, shall apply to all property within the Residential Noise Zone (Table 4.13-1, *City of Fullerton Noise Standards*):

Table 4.13-1
City of Fullerton Noise Standards

Interior/Exterior	Time Period	
	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
Allowable Interior	Not to exceed 55 dBA	Not to exceed 45 dBA
Allowable Exterior	Not to exceed 55 dBA	Not to exceed 50 dBA

Source: City of Fullerton, Fullerton Municipal Code Section 15.90.030.

B. Noise standards for a sensitive use:

1. A "sensitive use" for the purpose of this chapter means any private or public school, hospital, residential care facility for the elderly, and religious institution.

2. It shall be unlawful for any person at any location within the incorporated area of the city to create any noise that causes the noise level at any sensitive use, while the same is in operation to exceed the noise limits as specified for the Residential Noise Zone, notwithstanding the sensitive use may be located outside of the Residential Noise Zone.

C. It shall be unlawful for any person at any location within the incorporated area of the city to create any noise which can be classified as being continuous, reoccurring, predictable, or whose operation of noise-generating capabilities can be stopped or started at a specified time, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on the property, either incorporated or unincorporated, to exceed:

1. The noise standard for a cumulative period of more than 30 minutes in any hour;

2. The noise standard plus 5 dB(A) for a cumulative period of more than 15 minutes but less than 30 minutes in any hour;

3. The noise standard plus 10 dB(A) for a cumulative period of more than 5 minutes but less than 15 minutes in any hour;

4. The noise standard plus 15 dB(A) for a cumulative period of more than one minute but less than five minutes in any hour;

5. The noise standard plus 20 dB(A) for a cumulative period of less than one minute in an hour.

D. In the event the ambient noise level exceeds any of the five noise limit categories listed in Subsection C, the cumulative period applicable to the category shall be increased to reflect the ambient noise level.

Section 15.90.050. Activities with special provisions.

A. The following activities shall be exempt from the noise level standards specified by this chapter provided they take place between the hours of 7 a.m. and 8 p.m. on any day except Sunday or a City-recognized holiday.

1. Noise sources associated with construction, repair, remodeling, or grading of any real property.

B. Installation of air conditioning, refrigeration and pool equipment shall be certified to be within the provisions of this chapter for night and day operation noise levels.

EXISTING CONDITIONS

Stationary Noise Sources

The project area consists of residential, commercial, and institutional uses. The primary sources of stationary noise in the project vicinity are urban-related activities (i.e., mechanical equipment and parking areas). The noise associated with these sources may represent a single-event noise occurrence, short-term, or long-term/continuous noise.

Mobile Noise Sources

The majority of the existing noise in the project area is generated from vehicle sources along West Commonwealth Avenue and South Basque Avenue. Additionally, the existing Union Pacific Railroad/Metrolink rail alignment is a source of mobile noise in the City and in the project area.

NOISE MEASUREMENTS

Two short-term noise measurements were taken on October 12, 2022, between the hours of 10:00 a.m. and 11:00 a.m. The noise measurement sites were representative of typical existing noise exposure at the nearest sensitive receptors to the project site. Short-term (L_{eq}) measurements are considered representative of the noise levels in the project vicinity. As shown in Table 4.13-2, *Short-Term Noise Measurements*, short-term noise levels during the daytime ranged from 62.4 to 67.0 dBA L_{eq}.

Table 4.13-2
Short-Term Noise Measurements

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	Peak (dBA)	Date	Time
NM-1	Northeast corner of the intersection of West Commonwealth and North Alberta Place. Southwest corner of 1644 Gregory Avenue.	67.0	43.6	81.9	102.2	10/12/22	10:00 a.m.
NM-2	In front of the gate of the Fullerton Mobile Home along South Basque Avenue.	62.4	43.0	78.1	104.4	10/12/22	10:35 a.m.
Notes: L_{eq} = Equivalent Sound Level; L_{min} = Minimum Noise Level; L_{max} = Maximum Noise Level							
Source: Michael Baker International, 2022; refer to Appendix F.							

Meteorological conditions were clear skies, warm temperatures, with light wind speeds (5 miles per hour), and low humidity. Noise monitoring equipment used for the ambient noise survey consisted of a Brüel & Kjær Hand-held Analyzer Type 2250 equipped with a Type 4189 pre-polarized microphone. The monitoring equipment complies with applicable requirements of the American National Standards Institute for Type I (precision) sound level meters. The results of the field measurements are included in Appendix F, *Noise Data*.

SENSITIVE RECEPTORS

Sensitive populations are more susceptible to the effects of noise than are the general population. Land uses considered sensitive by the State of California include schools, playgrounds, athletic facilities, hospitals, rest homes, rehabilitation centers, long-term care and mental care facilities. Generally, a sensitive receptor is identified as a location where human populations (especially children, senior citizens, and sick persons) are present. Land uses less sensitive to noise are business, commercial, and professional developments. Noise receptors categorized as being least sensitive to noise include industrial, manufacturing, utilities, agriculture, natural open space, undeveloped land, parking lots, warehousing, and transit terminals. These types of land use often generate high noise levels. Moderately sensitive land uses typically include multi-family dwellings, hotels, motels, dormitories, and outpatient clinics.

Existing land uses surrounding the project site include residential, commercial, and institutional uses. The nearest sensitive receptors are single-family residences located approximately 75 feet north of the proposed project site and 35 feet north of the proposed landscaping improvements along the median of West Commonwealth Avenue.

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact. It is difficult to specify noise levels that are generally acceptable to everyone; noise that is considered a nuisance to one person may be unnoticed by another. Standards may be based on documented complaints in response to documented noise levels or based on studies of the ability of people to sleep, talk, or work under various noise conditions. However, all such studies recognize that individual responses vary considerably. Standards usually address the needs of the majority of the general population.

SHORT-TERM NOISE IMPACTS

Construction activities generally are temporary and have a short duration, resulting in periodic increases in the ambient noise environment. Construction activities would occur over approximately 28 months and would include the following phases: demolition, grading, building construction, paving, and architectural coating. Ground-borne noise and other types of construction-related noise impacts typically occur during the initial demolition and grading phases. These phases of construction have the potential to create the highest levels of noise. Typical noise levels generated by construction equipment are shown in Table 4.13-3, *Maximum Noise Levels Generated by Construction Equipment*. It should be noted that the noise levels identified in Table 4.13-3 are maximum sound levels (L_{max}), which are the highest individual sound occurring at an individual time period. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts).

Table 4.13-3
Maximum Noise Levels Generated by Construction Equipment

Type of Equipment	Acoustical Use Factor[1]	L_{max} at 50 Feet (dBA)	L_{max} at 35 Feet (dBA)
Backhoe	40	78	81
Concrete Mixer Truck	40	79	82
Concrete Saw	20	90	93
Crane	16	81	84
Dozer	40	82	85
Excavator	40	81	84
Forklift	20	75	78
Grader	40	85	88
Paver	50	77	82
Roller	20	80	83
Tractor	40	84	87
Water Truck	40	75	78
General Industrial Equipment	50	85	88

Note:
1. Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.

Source: Federal Highway Administration, *Roadway Construction Noise Model (FHWA-HEP-05-054)*, January 2006.

Construction noise levels in the project vicinity would fluctuate depending on the particular type, number, and duration of usage for the varying equipment. The effects of construction noise largely depend on the type of construction activities occurring on any given day, noise levels generated by those activities, distances to noise-sensitive receptors, and the existing ambient noise environment in the receptor's vicinity. Construction generally occurs in several discrete

phases, with each phase requiring different equipment with varying noise characteristics. These phases alter the characteristics of the noise environment generated on the proposed project site and in the surrounding community for the duration of the construction process.

Construction noise impacts generally happen when construction activities occur in areas immediately adjoining noise sensitive land uses, during noise sensitive times of the day, or when construction durations last over extended periods of time. The closest sensitive receptors are single-family residences located at approximately 35 feet to the north of the project construction activities. As indicated in Table 4.13-3, typical construction noise levels would range from approximately 78 to 93 dBA at the sensitive receptors. These noise levels could intermittently occur for a few days when construction equipment is operating closest to the residences. The remainder of the time, the construction noise levels would be much less because the equipment would be working in an area farther away from the existing sensitive uses.

As previously discussed, the City does not have established noise standards for construction activities if the construction activities occur within the allowable hours specified by the Municipal Code. Pursuant to Municipal Code Section 15.90.050, construction activities may only occur between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday. Construction activities are prohibited on Sundays and City-recognized holidays. Project construction activities would occur within the allowable hours specified by the Municipal Code, and nighttime construction would not be required. As such, impacts would be less than significant in this regard.

LONG-TERM NOISE IMPACTS

Mobile Noise

According to the *Highway Traffic Noise Analysis and Abatement Policy and Guidance*, a doubling of traffic volumes would result in a 3 dB increase in traffic noise levels, which is barely detectable by the human ear.[1] Based on information provided by the City of Fullerton Traffic Engineer, the proposed project would generate approximately 553 average daily trips. Access to the proposed project site would be provided via an ingress/egress driveway located within the northeastern corner of the project frontage along West Commonwealth Avenue. Based on the latest *City of Fullerton Traffic Volumes 2019* map, existing average daily traffic volumes along West Commonwealth Avenue in the vicinity of the proposed project is approximately 20,900 vehicles per day.[2] As such, the project's trip generation (approximately 553 average daily trips) would not double existing traffic volumes and an increase in traffic noise along local roadways would be imperceptible. Therefore, project-related traffic noise would be less than significant.

Stationary Noise

The project proposes to construct a 65-unit affordable housing development with surface parking, open space amenities, and a family tot lot. Primary stationary noise sources associated with the project include mechanical equipment, parking lot activities, and outdoor gathering areas.

Mechanical Equipment

Heating, ventilation, and air conditioning (HVAC) units would be installed on the roof of the proposed residential building. Typically, mechanical equipment noise is 60 dBA at 20 feet from the source.[3] Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source.[4] The nearest sensitive receptors

1 U.S. Department of Transportation, *Highway Traffic Noise Analysis and Abatement Policy and Guidance*, updated August 24, 2017, https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide02.cfm, accessed on September 23, 2022.

2 City of Fullerton, *Traffic Volumes 2019*, https://www.cityoffullerton.com/home/showpublisheddocument/3054/637459345614400000, accessed October 13, 2022.

3 Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, June 26, 2015.

4 Cyril M. Harris, *Noise Control in Buildings*, 1994.

are single-family residential uses located approximately 75 feet to the north of the project site and 85 feet to the north of the proposed building on-site. At this distance, potential noise from HVAC units would be approximately 47 dBA. Therefore, HVAC noise levels would not be audible above existing ambient noise levels; refer to Table 4.13-2. Additionally, noise levels from mechanical equipment would not exceed the City's exterior noise standards of 55 dBA during daytime and 50 dBA during nighttime for residential uses as established in Municipal Code Section 15.90.030; refer to Table 4.13-1. Therefore, the nearest residents would not be directly exposed to substantial noise from on-site mechanical equipment. Impacts in this regard would be less than significant.

Parking Lot Activities

The proposed project would include a surface parking lot. Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Estimates of the maximum noise levels associated with the parking lot activities attributed to the project are presented in Table 4.13-4, *Maximum Noise Levels Generated by Parking Lots*.

Table 4.13-4
Maximum Noise Levels Generated by Parking Lots

Noise Source	Maximum Noise Levels at 50 Feet from Source
Car door slamming	61 dBA L_{eq}
Car starting	60 dBA L_{eq}
Car idling	53 dBA L_{eq}

Source: Kariel, H. G., Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.*

As shown in Table 4.13-4, parking lot activities can result in noise levels up to 61 dBA at a distance of 50 feet. It is noted that parking lot noise are instantaneous noise levels compared to noise standards in the CNEL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower than what is identified in Table 4.13-4. The proposed parking lot would have intermittent parking lot noise due to the movement of vehicles. The nearest sensitive receptors would be located approximately 75 feet to the north of the project site and 85 feet to the north of the surface parking lot. At this distance, noise levels from parking activities would range from 48 to 56 dBA. Therefore, parking lot noise levels would not be audible above existing ambient noise levels; refer to Table 4.13-2. Additionally, parking lot noise would be partially masked by background noise from traffic along West Commonwealth Avenue. Therefore, noise associated with parking activities would not be audible to nearest sensitive receptors. Impacts would be less than significant in this regard.

Outdoor Gathering Areas

The project would include an outdoor amenity gathering area and a tot lot and activity play area for the residences. The outdoor amenity gathering area is closer to the closest sensitive receptors than the tot lot and activity play area. The outdoor amenity gathering area has the potential to be accessed by groups of people intermittently. Noise generated by groups of people (i.e., crowds) is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. Crowd noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking.[5] This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the crowd members.[6] Therefore, crowd noise would be approximately 62 dBA at one meter from the source (i.e., the outdoor amenity gathering area).

5 M.J. Hayne, et al, *Prediction of Crowd Noise*, Acoustics, November 2006.
6 Ibid.

The closest sensitive receptors to the north of the project site are located approximately 80 feet from the outdoor amenity gathering area measured from the property line of the receptors. At the distance of 80 feet, crowd noise would be reduced to approximately 34 dBA. Therefore, crowd noise levels would not be audible above existing ambient noise levels; refer to Table 4.13-2. Additionally, noise levels from outdoor gathering areas would not exceed the City's exterior noise standards of 55 dBA during daytime and 50 dBA during nighttime for residential uses as established in Municipal Code Section 15.90.030; refer to Table 4.13-1. As such, the proposed outdoor gathering areas would not generate noise levels that would exceed the City's noise standards at the closest sensitive receptors. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment.

The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. The Federal Transit Administration (FTA) guidelines are used to evaluate potential impacts related to construction vibration for both potential building damage and human annoyance. The FTA has identified an architectural damage criterion for continuous vibrations of 0.20 inch/second PPV. Further, as the nearest sensitive receptors to project construction are residential uses, the criterion for human annoyance of 0.20 inch/second PPV is utilized. Typical vibration produced by construction equipment is illustrated in Table 4.13-5, *Typical Vibration Levels for Construction Equipment*.

Table 4.13-5
Typical Vibration Levels for Construction Equipment

Equipment	Approximate peak particle velocity at 25 feet (inches/second)	Approximate peak particle velocity at 40 feet (inches/second)
Loaded Trucks	0.076	0.038
Large Bulldozers	0.089	0.044
Small Bulldozer/Tractors	0.002	0.002

Notes:
Calculated using the following formula:

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$

where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
PPV (ref) = the reference vibration level in in/sec from Table 12-2 of the FTA *Transit Noise and Vibration Impact Assessment Guidelines*
D = the distance from the equipment to the receiver

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

The nearest structures to the project site are single-family residential buildings located approximately 40 feet to the north of the project construction activities. Groundborne vibration decreases rapidly with distance. As indicated in Table 4.13-5, based on the FTA data, vibration velocities from typical heavy construction equipment operation would range

from 0.002 to 0.044 inch/second PPV at 40 feet from the source of activity. As such, the construction activities would not be capable of exceeding the 0.20 inch/second PPV significance threshold for vibration to the nearest structures and a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation is required.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project site is located approximately one mile east of Fullerton Municipal Airport. According to the City's General Plan, the project site is located outside of the Fullerton Municipal Airport 65 dBA CNEL contours.[7] There are no other public airport or private use airport within two miles of the project site. Therefore, no impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

[7] City of Fullerton, *The Fullerton Plan, Exhibit 14: Airport Noise Contours*, adopted May 1, 2012, https://www.cityoffullerton.com/home/showpublisheddocument/1033/637575629686070000, accessed October 13, 2022.

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4.14 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. The proposed project is not anticipated to generate substantial population growth within the project area. Using an estimate of 2.91 persons per dwelling unit for residential development in the City (based on Draft 2021-2029 Housing Element), the proposed project (65 moderate for-sale affordable units) could generate approximately 190 residents. It is unlikely that all the project residents would be new residents to the City as current Fullerton residents could relocate to the project site. An increase of 190 residents is considered minimal compared to the current City of Fullerton population estimate of 142,732 as of January 1, 2022 and would equate to an increase of 0.13 percent.[1]

While the project proposes an amendment to the Fullerton Plan to redesignate the site from Industrial to Medium Density Residential, the project site is located within the Commonwealth Corridor Focus Area (Focus Area B). Focus Area B is intended to provide a mix of retail and commercial uses connecting the City's major activity centers by offering neighborhood-serving retail business, while also providing new housing opportunities. Focus Area B envisions significant change in existing character via major development projects within the focus area. As indicated in Fullerton Plan *Table 2: Projected Focus Area Development*, Medium Density Residential is an appropriate land use change within Focus Area B.

Additionally, the current Regional Housing Needs Assessment (RHNA) - adopted by the Southern California Association of Governments (SCAG) to quantify the anticipated need for housing during the 2021-2029 planning period - determined that the total additional housing need for the City is 13,209 units. As such, the proposed project would benefit the City by adding necessary affordable units required to meet the City's RHNA target. Impacts would be less than significant.

Mitigation Measures: No mitigation is required.

[1] California Department of Finance, *Population and Housing Estimates for Cities, Counties, and the State, 2011-2022 with 2010 Census Benchmark*, http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/, accessed October 28, 2022.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project site is currently undeveloped and no people or housing exists on-site. As such, project implementation would not displace any existing housing or residents and would not necessitate the construction of replacement housing elsewhere. No impacts would occur in this regard.

Mitigation Measures: No mitigation is required.

4.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?			✓	
2) Police protection?			✓	
3) Schools?			✓	
4) Parks?			✓	
5) Other public facilities?			✓	

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

1) Fire protection?

Less Than Significant Impact. Fire protection services to the project site would be provided by the City of Fullerton Fire Department. The nearest fire station is Station No. 2, located approximately one mile southwest of the project site at 1732 West Valencia Drive. Using an estimate of 2.91 persons per dwelling unit for residential development in the City (based on Draft 2021-2029 Housing Element), the proposed project (65 moderate for-sale affordable units) could generate approximately 190 residents. As population increases, the demand for fire protection services in the City also increases. The proposed project would require fire protection services, including administrative tasks associated with approval and construction of the proposed project (e.g., building plan check) and response to fire service calls once the project is occupied. The proposed project would be required to comply with all applicable fire code and ordinance requirements for construction, access, water mains, fire flows, and hydrants. The project would be reviewed by the Fullerton Fire Department to determine the specific fire requirements applicable to the specific development and to ensure compliance with these requirements. Additionally, the Fullerton Plan includes policies to ensure adequate resources are available to respond to health, fire, and police emergencies (Policy 13.2) and supports coordination with public safety agencies (Policy 13.1) to ensure that adequate fire protection is provided to the City. This would ensure that new developments would not reduce the staffing, response times, or service levels within the City. Further, the City reviews budgets on an annual basis and would plan for fire demands associated with future growth. Funding for fire services and facilities would be paid in part by developer fees and general funds. This would ensure that new developments, including the proposed project would not reduce the staffing, response times, or existing service levels within the City. Therefore, the increase in demand for fire protection services due to project implementation would not the construction of new or alteration of existing fire protection facilities to maintain an adequate level of fire protection service to the project area. Therefore, impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

2) Police protection?

Less Than Significant Impact. Police protection services to the project site are provided by the Fullerton Police Department. The police department maintains a police station at 237 West Commonwealth Avenue, approximately 1.5 miles east of the project. The construction of the proposed 65 residential units would result in approximately 190 new residents. As population increases, the demand for police services in the City also increases. The proposed project would require police protection services, including administrative tasks associated with approval and construction of the proposed project (e.g., building plan check) and response to police service calls once the project is occupied. However, as with all individual development projects, the Fullerton Police Department would evaluate service levels and staffing requirements for implementation of the proposed project and determine if additional staffing and/or facilities would be required. The Fullerton Plan includes policies and actions to ensure that adequate police protection is available to serve existing and future development and population (Policy 13.2). The Fullerton Plan also supports proactive approaches to address public safety through collaboration with the community and other agencies and through environmental design, which would further reduce impacts of the proposed project. Additionally, the City reviews budgets on an annual basis and would plan for police demands associated with future growth. Funding for police services and facilities would be paid in part by developer fees and general funds through property taxes paid by future property owners. This would ensure that new developments would not reduce the staffing, response times, or existing service levels within the City. As such, the project's increase in demand for police protection services would not require the construction of new or alteration of existing police department facilities to maintain an adequate level of service to the project area. Therefore, impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

3) Schools?

Less Than Significant Impact. The project site is within the Fullerton School District (FSD) and Fullerton Joint Union High School District (FJUHSD). The FSD is responsible for serving kindergarten through 8th grade levels and FJUHSD is responsible for serving 9th through 12th grade levels. FSD maintains 15 elementary schools, three Junior High Schools, and two kindergarten through 8th grade campuses.[1] Fern Drive Elementary School and D. Russell Parks Junior High School would serve the proposed project. FJUHSD serves a 50-square-mile area and operates six high schools, a continuation high school, and an alternative high school.[2] The proposed project would be served by Fullerton High School.

With the development of 65 units, it is estimated that the proposed project would generate approximately 11 elementary school (K–6) students, approximately four junior high school (7–8) students, and approximately eight high school (9–12) students.[3,4] Given the nominal number of students this project would generate, the proposed project would not require construction of new school facilities and would not, therefore, result in physical impacts associated with the provision of new or physically altered school facilities. Moreover, all new residential, commercial, and industrial construction projects are subject to school impact fees. Assembly Bill (AB) 2926 and Senate Bill (SB) 50 allow school districts to collect development impact fees. According to Section 65996 of the California Government Code, payment of statutory fees is considered full mitigation for new development projects. Thus, upon payment of required fees by the Project Applicant consistent with existing school district and State requirements, a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation is required.

1 Fullerton School District, *All About Us*, https://www.fullertonsd.org/allaboutus, accessed November 1, 2022.
2 Fullerton Joint Union High School District, *General Information - District Overview*, https://www.fjuhsd.org/Page/569, accessed November 1, 2022.
3 Fullerton School District, *2022 School Fee Justification Study*, April 20, 2022.
4 Fullerton Joint Union High School District, *2022 School Fee Justification Study*, May 16, 2022.

4) Parks?

Less Than Significant Impact. As previously noted, the proposed project would generate approximately 190 residents. In the Community Element of the Fullerton Plan, the City identifies a target ratio of four park land acres for every 1,000 residents. Based on this ratio, approximately 0.76-acre of park land would be required to serve the proposed project. The proposed project includes the provision of recreational facilities and open space (refer to the description in Section 2.4). Approximately 0.9-acre of common open space would be provided as part of the project. Proposed amenities include an activity lawn area, an outdoor amenity gathering area, barbeque, and recreation amenities. The future residents of the proposed project could increase the demand for existing park and recreational facilities in the City if they are new residents. However, because the project provides recreational amenities, it is not anticipated that the use of City facilities would be substantial. The proposed project would not require the construction of new or alteration of existing public facilities, and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation is required.

5) Other public facilities?

Less Than Significant Impact. Library services for the City are provided by the Fullerton Public Library, located 1.17 miles to the east of the project site at 353 West Commonwealth Ave. As previously noted, the proposed project would generate approximately 190 residents. The future residents of the proposed project could increase the demand for existing library services in the City if they are new residents. However, as noted above, this potential increase in population would represent a 0.13 percent increase over the existing population in the City. As such, it is anticipated that any increase in demand for library services would be minimal, and impacts would be less than significant.

Mitigation Measures: No mitigation is required.

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4.16 RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			✓	

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less Than Significant Impact. Refer to Response 4.15(a)(4). Per the Community Element of the Fullerton Plan, the project would be required to provide 0.76-acre of park land based on the potential to generate approximately 190 residents and the City's target ratio of four acres of parkland per 1,000 residents. As described in Section 2.4, approximately 0.9-acre of common open space would be provided as part of the project, thus exceeding the required park land acreage for the project. However, the future residents of the proposed project could still increase the demand for existing park and recreational facilities in the City if they are new residents. However, because the project provides recreational amenities, it is not anticipated that the use of City facilities would be substantial. The proposed project would not increase the use of existing parks or other recreational facilities such that a substantial physical deterioration would occur or be accelerated, and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation is required.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. As described in Section 2.4, the proposed project includes common open space areas that would include an activity lawn area, an outdoor amenity gathering area, barbeque and recreation amenities, a tot lot and active play area, picnic area, and other ancillary amenities. These areas are within the project site, which would be completely disturbed during project construction; therefore, the physical impacts resulting from constructing these facilities has been addressed through the impact analysis presented throughout this IS/MND. No other recreational facilities would be required to support the project. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation is required.

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4.17 TRANSPORTATION

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			✓	
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			✓	
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
d. Result in inadequate emergency access?		✓		

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

Less Than Significant Impact.

ROADWAY FACILITIES

Refer to Response 4.17(b) below regarding project impacts on roadway facilities.

TRANSIT, BICYCLE, AND PEDESTRIAN FACILITIES

Transit services in the City are provided by Metrolink and Orange County Transit Authority (OCTA). Eight routes (Routes 25, 26, 33, 35, 43, 47, 529, and 543) provide transit services within the City, with a Route 26 bus stop located adjacent to the site, across West Commonwealth Avenue to the north.[1] The Metrolink rail lines that service the City include the Orange County line and 91/Perris Valley line.[2] The Fullerton Metrolink station is located approximately 1.5-mile east of the project site.

There are no bicycle facilities along the project's northern frontage along West Commonwealth Avenue. However, a Bike Lane (Class II) is provided along West Valencia Drive south of the Union Pacific Railroad/Metrolink alignment, approximately 0.2-mile from the project site, that connects to a Bike Route (Class III) at the intersection of West Valencia Drive and Southgate Avenue.[3] Pedestrian sidewalks are provided on both sides of West Commonwealth Avenue.

Given the distances of existing bicycle facilities, bus stops, and railway stops from the project site, ample opportunities for alternative modes of transportation would be available to future residents of the proposed project. Further, implementation of the proposed project would not impair existing pedestrian sidewalks along West Commonwealth Avenue. Rather, the infill residential development would encourage the use of existing pedestrian and transit services

1 Orange County Transportation Authority, *System Map*, https://www.octa.net/ebusbook/RoutePdf/SystemMap.pdf, accessed November 18, 2022.
2 Metrolink, *Regional System Map-Free/ Special Rate/ Pay Transfer*, https://metrolinktrains.com/globalassets/maps/metrolink-map---all-connections.pdf, accessed November 18, 2022.
3 City of Fullerton, *Bicycle Master Plan, Existing Bikeways Network*, https://www.cityoffullerton.com/home/showpublisheddocument/1092/637436174526470000, May 2012.

in the project area. As such, the project would not conflict with any program plan, ordinance or policy addressing the project area's existing circulation system. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation is required.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less Than Significant Impact. The State of California Governor's Office of Planning and Research (OPR), in implementing Senate Bill (SB) 743, issued proposed updates to the CEQA guidelines in November 2017 that amends the CEQA Guidelines Appendix G question for transportation impacts to delete reference to vehicle delay and level of service (LOS) and instead refer to Section 15064.3, subdivision (b)(1) of the CEQA Guidelines asking if the project would result in a substantial increase in vehicle miles traveled (VMT). The California Natural Resources Agency certified and adopted the revisions to the CEQA Guidelines in December of 2018, and as of July 1, 2020, the provisions of the new section are in effect Statewide. Concurrently, OPR developed the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory), dated December 2018, which provides non-binding recommendations on the implementation of VMT methodology which has significantly informed how VMT analyses are conducted in the State. The City of Fullerton has incorporated the VMT methodology as the required metric to address transportation impacts, and is the basis for the City's Transportation Assessment Policies and Procedures (TAPP) Worksheet; refer to Appendix G, *Transportation Assessment*.

The City's TAPP establishes criteria for evaluating projects based on potential VMT impacts utilizing VMT methodology. As outlined in the City's TAPP, a VMT screening analysis is required in order to determine whether or not a project will need to provide a detailed VMT analysis. As part of the screening analysis, there are both primary and secondary screening steps, as follows:

- Primary Screening (if any of the following apply, the project passes primary screening and moves to secondary screening):
    - Located in a Transit Priority Area (TPA);
    - Located in a Low VMT-generating area;
    - Project type is presumed to have a less than significant impact; or
    - Project generates less than 836 VMT.
- Secondary Screening – Transit Priority Area (if any of the following apply, the project fails secondary screening and a detailed VMT analysis is required):
    - Has a Floor Area Ratio (FAR) of less than 0.75;
    - Is overparked in relation to City Code;
    - Is inconsistent with the applicable Sustainable Community Strategy; or
    - Replaces affordable residential units with a smaller number of moderate- or high-income residential units.
- Secondary Screening – Low VMT-generating Area (if any of the following apply, the project fails secondary screening and a detailed VMT analysis is required):

- Is inconsistent with the existing land use (i.e., if the project is proposing single-family housing, there should be existing single-family housing of approximately the same density);[4] or
- Has a unique attribute that would otherwise be misrepresented utilizing the data from the travel demand model such as including land uses that would later the existing built environment in such a way as to increase the rate or length of vehicle trips.

In addition to the TAPP, the North Orange County Collaborative (NOCC) VMT Traffic Study Screening Tool was utilized to determine whether the project would require a detailed VMT analysis. The NOCC VMT Traffic Study Screening Tool screens information based on the project information, screening criteria for the City, project land use information, project trips and VMT information, and project VMT thresholds comparison to conduct a screening analysis.

SCREENING RESULTS

Based on the TAPP Worksheet prepared by the City's Traffic Engineer, the proposed project passes primary screening because the project is located within a TPA. TPAs are defined as areas within 0.5-mile of an existing major transit stop/station or high-quality transit corridor with a frequency of service of 15 minutes or less during the peak commute hours. Based on this definition, the project site is located within a TPA. In addition, the project is located in a low VMT-generating area. The Low VMT Area Screening step considers vehicle trips associated with the resident and worker trips to and from the project site. Based on the NOCC VMT Traffic Study Screening Tool results, the VMT per Service Population would slightly exceed the City's Target VMT per Service Population Threshold required for project's located within a low VMT-generating area. Thus, the project passes primary screening, and moves to secondary screening.

Based on the TAPP Worksheet, the project was reviewed for secondary screening for both the TPA and Low VMT-Generating Area criteria. Although the project does not pass the secondary screening criteria for TPA (due to a floor area ratio less than the required 0.75), the project passes the secondary screening criteria for Low VMT-Generating Area. As such, based on the City's TAPP, the project would not result in a significant VMT impact and no further analysis is required.

Mitigation Measures: No mitigation is required.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The project does not propose changes to the City's circulation system, such as sharp curves or dangerous intersections, and would not introduce incompatible uses to area roadways (e.g., farm equipment). Site access would be provided via an ingress/egress driveway located within the northeastern corner of the project frontage along West Commonwealth Avenue; refer to Exhibit 2-3, *Conceptual Site Plan*. The driveway would be designed to meet all applicable driveway design standards and emergency access standards required by the City of Fullerton Public Works Department and Fullerton Fire Department. As such, the project would not increase hazards due to geometric design features or incompatible uses and impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

d) Result in inadequate emergency access?

Less Than Significant Impact with Mitigation Incorporated. The project would be accessed via a driveway along West Commonwealth Avenue and is located along the frontage of West Commonwealth Avenue. Thus, it is anticipated that adequate emergency access would be available during long-term operation of the project. However, project construction activities could result in temporary partial lane closures along West Commonwealth Avenue to install the

[4] Residential and office projects located within a low VMT area may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, other employment- related and mixed- use land use projects may qualify for the use of screening if the project can reasonably be expected to generate VMT per service population that is similar to the existing land uses in the low VMT area.

proposed street median tree buffers. As such, Mitigation Measure TRA-1 would require a Traffic Management Plan be prepared and implemented to minimize congestion and ensure safe travel, including emergency access in the project vicinity. As a result, project implementation would not result in inadequate emergency access. Impacts would be less than significant in this regard.

Mitigation Measures:

TRA-1 Prior to issuance of grading permits, the Project Applicant shall prepare a Traffic Management Plan (TMP) for approval by the City of Fullerton Traffic Engineer. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and the need for a construction flagperson to direct traffic during heavy equipment use. The TMP shall specify that one direction of travel in each direction must always be maintained along West Commonwealth Avenue throughout project construction duration. Pedestrian sidewalks and bus stops shall remain open and accessible, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity while maintaining Americans with Disabilities Act (ADA) accessibility. The TMP shall be incorporated into project specifications for verification prior to final plan approval.

4.18 TRIBAL CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				✓
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		✓		

This section is primarily based upon the Historical Property Identification Memorandum and Finding of No Historic Properties Affected for the Pointe Common Affordable Housing Project, City of Fullerton, California (Cultural/Paleo Memorandum), prepared by Michael Baker International, dated December 16, 2022; refer to Appendix B, *Cultural and Paleontological Memorandum*.

As of July 1, 2015, California Assembly Bill 52 (AB 52) was enacted and expanded CEQA by establishing a formal consultation process for California tribes within the CEQA process. The bill specifies that any project may affect or cause a substantial adverse change in the significance of a tribal cultural resource would require a lead agency to "begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project." Section 21074 of AB 52 also defines a new category of resources under CEQA called tribal cultural resources. Tribal cultural resources are defined as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is either listed on or eligible for the California Register of Historical Resources or a local historic register, or if the lead agency chooses to treat the resource as a tribal cultural resource.

Signed into law in 2004, Senate Bill 18 (SB 18) requires that cities and counties notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of protecting traditional tribal cultural sites. Cities and counties must provide general and specific plan amendment proposals to California Native American Tribes that have been identified by the Native American Heritage Commission as having traditional lands located within the city's boundaries. If requested by the Native American Tribes, the city must also conduct consultations with the tribes prior to adopting or amending their general and specific plans.

In compliance with AB 52 and SB 18, the City of Fullerton notified tribal representatives of interest in the proposed project to invite them to consult on the project. In total, 18 letters were sent to Native American contacts identified by

the Native American Heritage Commission (NAHC) as having knowledge of and interest in the project site. The City received one response for consultation from the Gabrielino Band of Mission Indians – Kizh Nation, as further described in Response (a)(2), below.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

No Impact. As detailed in Response 4.5(a), no historic resources listed or eligible for listing in a State or local register of historic resources are located on-site. Therefore, no impacts related to historic tribal cultural resources defined in Public Resources Code Section 5020.1(k) would occur in this regard.

Mitigation Measures: No mitigation measures are required.

2) Or, a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less Than Significant Impact with Mitigation Incorporated. As noted above, the City distributed letters to potentially affected Native American tribes which have a potential cultural or traditional affiliation with the project site in accordance with AB 52 and SB 18. The City received one tribal request for consultation, from the Gabrielino Band of Mission Indians – Kizh Nation. Based on the Cultural/Paleo Memorandum, there are no known tribal cultural resources known to occur on the project site based on a literature/records review and field reconnaissance. However, based on concerns identified by the tribe, Mitigation Measure TCR-1 has been provided. This mitigation measure would require Native American monitoring during ground-disturbing activities during the construction phase. With implementation of Mitigation Measure TCR-1, impacts would be less than significant.

Mitigation Measures:

TCR-1 Prior to the commencement of any ground disturbing activity at the project site, the project Applicant shall retain a Native American Monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation (Tribe) and is listed under the Native American Heritage Commission's (NAHC) tribal contact list for the project area. The Tribal monitor shall only be present during the construction phases that involve ground-disturbing activities associated with project implementation. Ground disturbing activities are defined as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. A copy of the executed contract shall be submitted to the City of Fullerton prior to the issuance of any permit necessary to commence ground-disturbing activity. The Tribal Monitor shall complete daily monitoring logs that provide descriptions of the relevant ground disturbing activities, including construction activities, locations, soil, and any cultural materials identified. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, and places of significance. Copies of monitor logs shall be provided to the project Applicant/City of Fullerton upon written request to the Tribe. The on-site monitoring shall end when (1) written confirmation to the Tribe from a designated point of contact for the project Applicant that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification

by the Tribe to the project Applicant that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact tribal cultural resources. Upon discovery of any tribal cultural resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All tribal cultural resources unearthed by project activities shall be evaluated by the qualified archaeologist and Tribal Monitor. If the resources are Native American in origin, the Tribe will retain the tribal cultural resources in the form and/or manner the Tribe deems appropriate, including for educational, cultural, and/or historic purposes.

If human remains and/or associated grave goods are discovered or recognized at the project site, all ground disturbance shall immediately cease, and the County Coroner and Native American Heritage Commission shall be notified, and consultation with the individual identified by the Native American Heritage Commission to be the most likely descendant shall be conducted per Public Resources Code Section 5097.98, and Health and Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Section 5097.98(d)(1) and (2). Construction activities may resume in other parts of the project site at a minimum of 200 feet away from the discovered human remains and/or burial goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered Native American human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-tribal cultural resources) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

As the Most Likely Descendant, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. The Tribe shall make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials be removed. In the event preservation in place is not possible despite good faith efforts by the project Applicant and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on-site, if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered. The Tribe shall work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe,

documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

4.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✓	
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			✓	
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✓	
e. Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?			✓	

a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact.

WATER

Water services for the project site are provided by the City of Fullerton Public Works Department Water Division (Water Division). To meet customers' needs, the City's Water Division uses a combination of local groundwater and surface water purchased from the Metropolitan Water District of Southern California (MWD), which is imported from the Colorado River Aqueduct and the State Water Project (SWP) in northern California. The City's water system, which includes the project site, currently encompasses nine active wells and seven MWD connections.

The project proposes a new water lateral, as well as a new fire line, in the northeast corner of the proposed residential structure to connect to the existing 12-inch water main along West Commonwealth Avenue. Payment of standard Water Division water connection fees and ongoing user fees would ensure the project's impacts on existing water facilities are adequately offset. Thus, it is not anticipated that project implementation would require construction of new or the expansion of existing water facilities that could cause significant environmental effects. Less than significant impacts would occur in this regard.

WASTEWATER

Sewer services are provided by the City of Fullerton Public Works Department Sewer Division (Sewer Division). The project would construct a private sewer lateral on-site to connect to an existing 12-inch sewer main running along West Commonwealth Avenue.

The Sewer Division operates and maintains approximately 330 miles of sanitary sewer lines, including 2.7 miles of private sewer line, within the City.[1] According to the Fullerton Plan, the City's sewer system operates entirely by gravity and discharges to two Orange County Sanitation District (OCSD) trunk sewers; the Knott Interceptor and the Miller-Holder Trunk Sewer. Wastewater from the City's local conveyance system is discharged into one of two OCSD trunk sewers and treated at OCSD Plant No. 1, located approximately 12 miles from the project site at 10844 Ellis Avenue in the City of Fountain Valley and OCSD Plant No. 2, located approximately 16 miles from the project site at 22212 Brookhurst Street in the City of Huntington Beach. OCSD Plant No. 1 and OCSD Plant No. 2 provide both primary and secondary treatment for 188 million gallons of wastewater per day (mgd) and 258 mgd, respectively.

As an affordable housing development, the project is anticipated to generate additional wastewater beyond existing conditions. However, payment of standard sewer connection fees and ongoing user fees would ensure that the project's impacts on existing wastewater facilities are adequately offset (i.e., ensuring sufficient capacity is available). As such, it is not anticipated that project implementation would require construction of new or the expansion of existing wastewater facilities that could cause significant environmental effects.

STORMWATER

Project operations would be required to comply with Municipal Code Section 12.18.030(A), *New Development and Significant Redevelopment*, which requires any conditions and requirements established by the City, including a WQMP, to be undertaken to reduce or eliminate pollutants in stormwater runoff from the project site. In conformance with Municipal Code Section 12.18.030(A), a project-specific WQMP was prepared for the project to identify overall site design, low impact development (LID), and hydromodification BMPs capable of minimizing stormwater pollutants of concern during project operations. According to the WQMP, project operations are anticipated to generate pollutants of concern including suspended solids/sediment, nutrients, pathogens (bacteria/virus), pesticides, oil/grease, and trash/debris; refer to Appendix E, *Hydrology Report and WQMP*.

The proposed project would install an on-site drain system with modular wetland systems and an underground detention tank. Low flows of on-site runoff would be captured and flow first into an on-site continuous deflection separation (CDS) unit for filtration. After filtration, water would flow into the detention tank and then into the modular wetland system. Stormwater entering the wetland system would pass through the treatment system, removing solids and other debris. Excess water would be stored in an on-site detention tank until treated. Stormwater passing through the wetland system would outlet from the CDS unit and connect with an existing City owned catch basin within West Commonwealth Avenue.

Payment of standard connection fees and ongoing user fees would ensure that the project's impacts on existing stormwater conveyance facilities are adequately offset (i.e., ensuring sufficient capacity is available). As such, it is not anticipated that project implementation would require construction of new or the expansion of existing stormwater conveyance facilities that could cause significant environmental effects. Dry Utilities

Dry utilities include electricity, natural gas, and telecommunications facilities. Each of these utilities are provided by private utility providers, and the Project Applicant would be responsible for coordinating dry utility service to the proposed project, including payment of connection and service fees. Existing dry utility infrastructure exists within the immediate project area, and it is not anticipated that any necessary project utility connections would result in significant environmental impacts.

Mitigation Measures: No mitigation is required.

[1] City of Fullerton, *City of Fullerton Sewer Master Plan Final Report*, https://www.cityoffullerton.com/home/showpublisheddocument/5829/637787950066330000, October 2009.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. As discussed above, the Water Division would provide water services to the project site. Based on the Water Division's *2020 Urban Water Management Plan* (UWMP), Table 4.19-1, *Water Division Total Water Demand Projections* details the Water Division's anticipated total water demand projections from 2020 through 2045.

Table 4.19-1
Water Division Total Water Demand Projections

	2020	2025	2030	2035	2040	2045
Potable and Raw Water Demand	23,799	25,655	27,444	27,561	27,671	27,850
Recycled Water Demand	0	0	0	0	0	0
Total Water Demand	**23,799**	**25,655**	**27,444**	**27,561**	**27,671**	**27,850**

Notes: Units are in acre-feet per year.
Source: City of Fullerton, *2020 Urban Water Management Plan, DWR Submittal Table 4-3 Retail: Total Water Use (Potable and Non-Potable),* June 2021.

The Water Division depends primarily on groundwater supplies from the Orange County groundwater basin (approximately 79 percent), in addition to a small portion deriving from imported water (approximately 21 percent) as its existing and planned source of water supply.[2] The Water Division's imported water sources include the SWP and Colorado River Aqueduct via Orange County Water District. According to the UWMP, the Water Division would be capable of providing adequate water supply to its service area under a normal supply and demand scenario, single dry-year supply and demand scenario, and multiple dry-year supply and demand scenarios through 2045; refer to Tables 4.19-2, *Normal Year Supply and Demand Comparison*, through 4.19-4, *Multiple Dry Year Supply and Demand Comparison*.

Table 4.19-2
Normal Year Supply and Demand Comparison

	2025	2030	2035	2040	2045
Supply Totals	25,655	27,444	27,561	27,671	27,850
Demand Totals	25,655	27,444	27,561	27,671	27,850
Difference	**0**	**0**	**0**	**0**	**0**

Notes: Units are in acre-feet per year.
1. This table compares the projected demand and supply volumes determined in Sections 4.3.2 and 6.1 of the UMWP, respectively.
Source: City of Fullerton, *2020 Urban Water Management Plan, DWR Submittal Table 7-2 Retail: Normal Year Supply and Demand Comparison,* June 2021.

[2] City of Fullerton, *2020 Urban Water Management Plan*, https://www.cityoffullerton.com/home/showpublisheddocument/5052/637598829614070000, June 2021.

Table 4.19-3
Single Dry Year Supply and Demand Comparison

	2025	2030	2035	2040	2045
Supply Totals	27,194	29,091	29,215	29,332	29,521
Demand Totals	27,194	29,091	29,215	29,332	29,521
Difference	**0**	**0**	**0**	**0**	**0**

Notes: Units are in acre-feet per year.
1. It is conservatively assumed that a single dry year demand is 6% greater than each respective year's normally projected demand. Groundwater is sustainably managed through the BPP and robust management measures (Section 6.3.4 and Appendix G of the UWMP), indirect recycled water uses provide additional local supply (Section 6.6 of the UWMP) , and based on the MET's UWMP, imported water is available to close any potable water supply gap that local sources cannot meet (Section 7.5.1 of the UWMP).

Source: City of Fullerton, *2020 Urban Water Management Plan, DWR Submittal Table 7-3 Retail: Single Dry Year Supply and Demand Comparison,* June 2021.

Table 4.19-4
Multiple Dry Year Supply and Demand Comparison

		2025	2030	2035	2040	2045
First Year	Supply Totals	25,620	25,574	29,116	29,238	29,370
	Demand Totals	25,620	25,574	29,116	29,238	29,370
	Difference	0	0	0	0	0
Second Year	Supply Totals	26,014	27,953	29,140	29,262	29,407
	Demand Totals	26,014	27,953	29,140	29,262	29,407
	Difference	0	0	0	0	0
Third Year	Supply Totals	26,407	28,332	29,165	29,285	29,445
	Demand Totals	26,407	28,332	29,165	29,285	29,445
	Difference	0	0	0	0	0
Fourth Year	Supply Totals	26,801	28,712	29,190	29,308	29,483
	Demand Totals	26,801	28,712	29,190	29,308	29,483
	Difference	0	0	0	0	0
Fifth Year	Supply Totals	27,194	29,091	29,215	29,332	29,521
	Demand Totals	27,194	29,091	29,215	29,332	29,521
	Difference	0	0	0	0	0

Notes: Units are in acre-feet per year.
1. It is conservatively assumed that a five consecutive dry year scenario is a repeat of the single dry year (106% of project values) over five consecutive years. The 2025 column assesses supply and demand for FY 2020-2021 through FY 2024-25; the 2030 column assesses FY 2025-2026 through FY 2029-30 and so forth, in order to end the water service reliability assessment in FY 2044-45. Groundwater is sustainably managed through the BPP and robust management measures (Section 6.3.4 and Appendix G of the UWMP), indirect recycled water uses provide additional local supply (Section 6.6 of the UWMP), and based on MET's UWMP, imported water is available to close any potable water supply gap that local sources cannot meet (Section 7.5.1 of the UWMP).

Source: Moulton Niguel Water District, *2020 Urban Water Management Plan, DWR Submittal Table 7-4 Retail: Multiple Dry Years Supply and Demand Comparison (AF),* June 2021.

Based on a water demand factor of 1,873 gpd (year 2025) and 2,252 gpd (year 2045) for multi-family dwelling units as noted in the City's UWMP, project implementation is anticipated to result in a water demand of 121,745 gpd, or 136.5 acre-feet per year (year 2025) and 141,876 gpd, or 159 acre-feet per year (year 2045). The project's estimated water demand of 136.5 acre-feet per year and 159 acre-feet per year would represent less than 0.6 percent of the City's project water demand of 25,655 acre-feet for 2025 and 27,850 acre-feet for 2045, respectively; refer to Table 4.19-1. As such, based on this nominal increase in water usage, a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation is required.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. Development of the proposed project would generate additional wastewater beyond existing conditions; refer to Response 4.19(a). However, as analyzed above, there is substantial remaining capacity to treat project-generated wastewater at OCSD Plant No. 1 and OCSD Plant No. 2 wastewater treatment plants. Moreover, the Project Applicant would be responsible for payment of OCSD connection fees to ensure that the project's impacts on existing wastewater facilities are adequately offset (i.e., ensuring sufficient capacity is available). A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation is required.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impact. Heartland Disposal, Inc provides residential waste collection for the City and would provide collection services for the project site. In 2019, a total of 42,461 tons of solid waste generated in the City were primarily disposed of in six landfills, with the majority being disposed of at the Olinda Alpha Landfill in the City of Brea; refer to Table 4.19-5, *Landfills Serving the City*.

Table 4.19-5
Landfills Serving the City

Landfill/Location	Maximum Daily Throughput (tons per day)	Remaining Capacity (cubic yards)	Anticipated Closure Date
Prima Deshecha Landfill 32250 Avenida La Pata, San Juan Capistrano, CA 92675	4,000	134,300,000	12/31/2102
Frank R. Bowerman Sanitary Landfill 11002 Bee Canyon Access Road, Irvine, CA 92618	11,500	205,000,000	12/31/2053
Simi Valley Landfill and Recycling Center 2801 Madera Road, Simi Valley, CA 93065	64,750	82,954,873	3/31/2063
Olinda Alpha Sanitary Landfill 1942 North Valencia Avenue, Brea, CA 92823	8,000	17,500,000	12/31/2036
Azusa Land Reclamation Co. Landfill 1211 West Gladstone Street, Azusa, CA 91702 *(for tires, inert waste, contaminated soil, and asbestos containing waste only)*	8,000	51,512,201	1/1/2045
El Sobrante Landfill 10910 Dawson Canyon Road, Corona, CA 91719	16,054	143,977,170	1/1/2051

Source: California Department of Resources Recycling and Recovery, *SWIS Facility/Site Search*, https://www2.calrecycle.ca.gov/SolidWaste/Site/Search, accessed November 15, 2022.

CONSTRUCTION

As the site is primarily vacant and undeveloped, project construction is not anticipated to generate significant quantities of solid waste with the potential to affect the capacity of regional landfills. All construction activities would be subject to conformance with relevant federal, State, and local requirements related to solid waste disposal. Specifically, the project would be required to demonstrate compliance with the California Integrated Waste Management Act of 1989 (AB 939), which requires all California cities to reduce, recycle, and re-use solid waste generated in the State to the maximum extent feasible. Specifically, AB 939 requires that at least 50 percent of waste produced is recycled, reduced, or composted. The project would also be required to demonstrate compliance with the 2019 Green Building Code, which includes design and construction measures that act to reduce construction-related waste though material

conservation and other construction-related efficiency measures. Compliance with these programs would ensure the project's construction-related solid waste impacts would be less than significant.

OPERATIONS

Based on a solid waste generation rate of four pounds per day per multi-family residential unit, project operations are expected to generate approximately 252 pounds of solid waste per day, or approximately 0.13 tons per day.[3] This represents less than 0.1 percent of the daily permitted throughput capacities of the six landfills identified in Table 4.19-5. As such, the project is not anticipated to generate solid waste in excess of State or local standards, in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation is required.

e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. Refer to Response 4.19(d). The proposed project would comply with all federal, State, and local statutes and regulations related to solid waste, including AB 939. Specifically, the project would be required to recycle, reduce, or compost at least 50 percent of construction and demolition debris. Compliance with existing laws and regulations would ensure project impacts related to solid waste are reduced to less than significant levels.

Mitigation Measures: No mitigation is required.

[3] California Department of Resources Recycling and Recovery, *Estimated Solid Waste Generation Rates*, https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates, accessed November 15, 2022.

4.20 WILDFIRE

If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?				✓
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✓
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✓

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. According to the California Department of Forestry and Fire (CAL FIRE) *Fire Hazard Severity Zone (FHSZ) Viewer*, the project site is not located in or near a State responsibility area (SRA).[1] Further, the project site is not located in or near a Very High Fire Hazard Severity Zone (VHFHSZ).[2] As such, the project site and immediate vicinity are not classified as a VHFHSZ or within a SRA, and no impact would occur in this regard.

Mitigation Measures: No mitigation is required.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. Refer to Response 4.20(a).

Mitigation Measures: No mitigation is required.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. Refer to Response 4.20(a).

Mitigation Measures: No mitigation is required.

1 CAL FIRE, *FHSZ Viewer*, https://egis.fire.ca.gov/FHSZ/, accessed October 14, 2022.
2 Ibid.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. Refer to Response 4.20(a).

Mitigation Measures: No mitigation is required.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓		
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		✓		
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		✓		

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact With Mitigation Incorporated. As detailed in Section 4.4, *Biological Resources*, no impacts would occur to any special-status plant or wildlife species, as the site is fully disturbed and void of suitable habitat. However, short-term construction activities could impact nesting birds protected by the Migratory Bird Treaty Act. Implementation of Mitigation Measure BIO-1 would minimize potential impacts to nesting birds to less than significant levels. As such, the project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. As detailed in Section 4.5, *Cultural Resources*, potential impacts to unknown buried cultural resources would be minimized through Mitigation Measure CUL-1, which would require that construction work near a cultural find halts and that evaluation (and data recovery, as necessary) occurs in accordance with California Public Resources Code 21083.2. In addition, as noted in Section 4.18, *Tribal Cultural Resources*, Mitigation Measure TCR-1 would be implemented to reduce potential impacts to tribal cultural resources to a level below significance. As such, impacts in this regard would be less than significant with mitigation incorporated.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less Than Significant Impact With Mitigation Incorporated. A significant impact may occur if a proposed project, in conjunction with related projects, would result in impacts that are less than significant when viewed separately, but

would be significant when viewed together. As concluded in Sections 4.1 through 4.20, the proposed project would not result in any significant and unavoidable impacts in any environmental categories with implementation of existing regulatory requirements and/or project-specific mitigation measures. Implementation of mitigation measures at the project-level would reduce the potential for the incremental effects of the proposed project to be considerable when viewed in connection with the effects of past projects, current projects, or probable future projects. Thus, impacts in this regard would be less than significant with mitigation incorporated.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact With Mitigation Incorporated. Previous sections of this Initial Study reviewed the proposed project's potential impacts related to aesthetics, air quality, geology and soils, greenhouse gases, hydrology/water quality, noise, hazards and hazardous materials, traffic, and other issues. As concluded in these previous discussions, the proposed project would result in less than significant environmental impacts with implementation of the recommended mitigation measures. Therefore, the proposed project would not result in environmental impacts that would cause substantial adverse effects on human beings.

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5.0 CONSULTANT RECOMMENDATION

Based on the information and environmental analysis contained in the Initial Study/Environmental Checklist, we recommend that the City of Fullerton prepare a mitigated negative declaration for the Pointe Common Affordable Housing Project. We find that the proposed project could result in potentially significant environmental impacts, but that mitigation measures have been identified that reduce such impacts to less than significant levels. We recommend that the second category be selected for the City of Fullerton's determination (see Section 6.0, *Lead Agency Determination*).

1/9/2023
Date

Alan Ashimine, Project Manager
Michael Baker International

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6.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

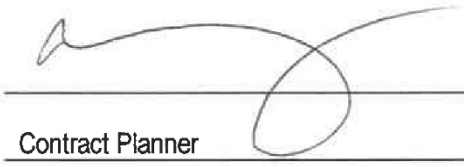
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. ☒

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

Signature: 

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