Environmental Checklist Form

City of Fullerton Initial Study Checklist Form



- 1. Project title: Amerige Court Mixed-Use Project
- 2. Lead agency name and address: <u>City of Fullerton, 303 West Commonwealth Avenue,</u> Fullerton, CA 92832
- 3. Contact person and phone number: Jay Eastman, Acting Chief Planner, (714) 738-6549
- 4. Project location: The project is located on two city-owned parking lots within the 100 block of West Amerige Avenue, and also includes the property at 131 West

 Commonwealth Avenue. The site is located in an area between Wilshire Avenue, Harbor Boulevard, Commonwealth Avenue, and Malden Avenue.
- 5. Project sponsor's name and address: <u>Pelican-Laing Fullerton LLC, 1100 Quail Street, Suite 102, Newport Beach, CA 92660, 949-263-9210</u>
- 6. General plan designation: <u>Downtown Mixed-Use</u>
- 7. Zoning: <u>C-3 (Central Business District Commercial) and Restaurant Overlay District</u> (ROD)
- 8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
 - Refer to the attached Project Description.
- 9. Surrounding land uses and setting: Briefly describe the project's surroundings:
 - NORTH: <u>Land uses to the north include residential and retail commercial uses along</u> Wilshire Avenue.
 - SOUTH: Land uses to the south include retail commercial along Commonwealth Avenue.
 - EAST: Land uses to the east include retail commercial along Harbor Boulevard.
 - WEST: <u>Land uses to the west along Malden Avenue include a continuation high school</u> and retail commercial. Further west, land uses include multi- and single-family residential.
- Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) <u>South Coast Air Quality Management District for building</u> demolition.

PROJECT DESCRIPTION

Introduction

The City of Fullerton is the Lead Agency responsible for preparing an Environmental Impact Report (EIR) for the proposed actions relating to the Amerige Court Mixed-Used Development project. This Initial Study (IS) presents a description of the proposed project, an identification of the actions required for project approval and an evaluation of the probable environmental effects anticipated upon project implementation. Together with the Notice of Preparation (NOP) and the Environmental Checklist Form, the Initial Study (IS) will be distributed to any responsible agencies, trustee agencies, and interested parties as required by the California Environmental Quality Act (CEQA).

Project Location and Setting

The project site is located in an urbanized area in the downtown area of the City of Fullerton in Orange County, California. The proposed Amerige Court project site is comprised of two rectangular-shaped, publicly owned parking lots located in the area between Wilshire Avenue to the north, Harbor Boulevard to the east, Commonwealth Avenue to the south, and Malden Avenue to the west. Amerige Avenue bisects the north and south parking lots and runs in an east west direction. In addition, the proposed project includes a parcel located south of Amerige Avenue, north of Commonwealth Avenue (Commonwealth Building). The regional location and local vicinity of the project site are depicted on Exhibits 1 and 2, respectively. Regional access to the project site is provided by State Route 57 (SR-57) to the east, State Route 91 (SR-91) to the south, and Interstate 5 (I-5) to the southwest.

The project site encompasses approximately 2.8 acres (including roadway right-of-way for Amerige Avenue, which bisects the site). The north parking lot is approximately 0.96 acre with 134 parking spaces and the south parking lot is approximately 1.12 acres with 132 parking spaces. Additionally, there are approximately 31 on-street public parking spaces currently within the project site. The Commonwealth Building site encompasses approximately 0.3 acre. On-site vegetation consists of non-native ornamental trees and shrubs that are typical of urban vegetation. There are no naturally occurring special features located on the project site or in the project area.

The project site is designated as Downtown Mixed Use in the *City of Fullerton General Plan*. This designation provides for the complementary and creative mix of higher density residential, retail, professional office, commercial support, and institutional uses to be located on the same parcel, combined in the same building, or within the same project area. Current zoning for the project site is Central Business District Commercial (C-3) and Restaurant Overlay District (ROD). The project site is within an area subject to the Central Business District (CBD) design guidelines. The project site is also within a Community Improvement District (CID), which requires review by the Redevelopment Design Review Committee (RDRC).

As shown in the aerial photograph provided in Exhibit 2, the project site is entirely surrounded by development, which consists of commercial, retail, office space, residential, and industrial. Residential units are located on the second level of buildings across the alley to the north of the site. A five-story residential building is located directly north of the project site across Wilshire Avenue. Additional residential uses are located further northwest of the project site across Malden Avenue. The City of Fullerton Police Department, City Hall, and the Fullerton Library are located within three blocks to the west of the project site (less than 1,500 feet).

Project Background

Downtown Fullerton contains many historically and architecturally significant buildings, which have been restored or maintained to provide economically viable present-day uses. In recent years, the project area has undergone redevelopment, including residential and commercial uses. These uses have been designed to be compatible with the existing downtown land uses to preserve the City's character while providing needed housing and retail development.

In December 2003, the City of Fullerton's Redevelopment Agency issued a Request for Proposals (RFP) for the development of a mixed-use project comprising residential, commercial, and parking on City-owned property in the downtown redevelopment area. The purpose of the RFP was to solicit bids from developers to achieve an integrated, mixed-use project that would provide sufficient parking while maintaining the City's existing downtown character. In August 2004, the Redevelopment Agency selected the project applicant's proposal. A Disposition and Development Agreement (DDA) was subsequently negotiated and approved by the City in February 2006, including a conceptual site plan. The proposed project implements the provisions of the DDA.

It should be noted that only the development proposed for the north and south city-owned public parking lots are subject to the DDA. While the Commonwealth Building is being addressed in the EIR, it is not a component of the City's DDA.

Project Description

The proposed project involves a mixed-use development of approximately 132 multi-family residential units and 38,680 square feet of retail/commercial uses. Approximately 816 parking spaces (including 548 public parking spaces) would also be provided. A conceptual site plan is provided in Exhibit 3. The following is a summary of the proposed uses by parcel:

	Residential Uses	Commercial	Parking
North Lot	13 units	15,200 sf	512 spaces
South Lot	111 units	13,680 sf	282 spaces
Commonwealth Building	8 units	9,800 sf	22 spaces
Total	132units	38,680 sf	816 spaces

Development on the north lot would consist of commercial and residential uses and public parking in a four level structure (approximately 50-feet high). Development on the south lot would consist of residential and commercial uses located in two buildings. The buildings would consist of nine aboveground levels (approximately 95-feet high) and two subterranean levels. Parking would be provided in the subterranean levels and ground level. Development of the Commonwealth Building parcel would consist of commercial and residential uses in a four-story building and parking.

A primary component of the proposed project is the provision of adequate parking during all construction phases and ultimately additional public parking (150 percent beyond that provided under existing conditions) once project construction is complete. The amount of parking provided would be in compliance with the parking requirements outlined in the City's Zoning Ordinance for the proposed uses.

In addition to the proposed development, the proposed project includes improvements to roadways and utilities, as needed, to support the proposed project. Proposed entry/exit points are shown on Exhibit 4. Proposed infrastructure improvements include storm drains,

wastewater, water, and dry utilities that would connect to existing facilities adjacent to the project site.

It should be noted that the EIR will address a range of alternatives to the proposed project. A comparative evaluation of these alternatives to the proposed project will be provided.

Construction Phasing

The proposed project would be constructed in phases to ensure that adequate public parking is available throughout the project's construction activities. Development of the public parking structure on the north lot, which includes the majority of the proposed public parking, would be completed and operational prior to initiation of development in the south lot. Parking would be available on the south lot until completion of the north lot public parking structure. Construction/business management plans would be implemented to minimize disruption to existing uses.

It is expected that construction activities would be initiated in 2007 and completed in 2009.

Anticipated Project Approvals

The City of Fullerton and the following responsible and trustee agencies are expected to use the information contained in the EIR for consideration of approvals related to and involved in the implementation of this project. Potential actions to be considered by the City of Fullerton for the proposed project may include, but not be limited to, the following:

- Major Development Project
- Conditional Use Permit(s)
- Tract Map
- Zoning Adjustment (potential adjustment in development standards related to parking)
- Possible abandonment and/or realignment of a City streets and/or alleys
- Utility Easements
- Demolition Permit

Anticipated EIR Schedule

Pursuant to the CEQA Guidelines, the NOP/IS will be circulated for a 30-day public review. Following receipt of comments on the NOP/IS, the Draft EIR will be prepared. It is anticipated that the Draft EIR will be available for public review in August 2006. A 30-day public review period will be provided, after which responses to comments received will be prepared. Public hearings will be held by the RDRC and the City Planning Commission, which will make recommendations to the City Council. The project will subsequently be submitted to the City Council for its consideration.

Conclusion

The City of Fullerton requests your careful review and consider of this notice, and it invites any and all input and comments from interested agencies and persons regarding the preparation of the proposed EIR.

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' as indicated by the checklist on the following pages.

X	Aesthetics		Agriculture Resources	X	Air Quality				
	Biological Resources	X	Cultural Resources		Geology/Soils				
X	Hazards & Hazardous Materials		Hydrology/Water Quality	X	Land Use/Planning				
	Mineral Resources	X	Noise		Population/Housing				
X	Public Services		Recreation	X	Transportation/Traffic				
X	Utilities/Service Systems	X	Mandatory Findings of Sig	nific	ance				
	DETERMINATION: (To be completed by the City of Fullerton)								
_		14. (To be completed by the o	ity C	or runerton,				
On	the basis of this initial evaluation:								
	I find that the proposed projec and a NEGATIVE DECLARAT			nt ef	fect on the environment,				
X	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.									
-	Oissa atura		June 2, 2006						
	Signature		Date						
-	Jay S. Eastman			Plan	ner, City of Fullerton				
	Printed name		For		Printed name For				

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. A	AESTHETICS – Would the project:		·		•
a)	Have a substantial adverse effect on a scenic vista?				Х
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	X			
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	X			
II.	AGRICULTURE RESOURCES - Would the project:				
pre	encies may refer to the California Agricultural Land Evaluated by the California Dept. of Conservation as an opticiculture and farmland. 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				
b)	Resources Agency, to non-agricultural use? Conflict with existing zoning for agricultural use, or a				V
U)	Williamson Act contract?				X
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
Ш.	AIR QUALITY – Would the project:		1		1
Wh	ere available, the significance criteria established by the lution control district may be relied upon to make the foll			anagement o	or air
a)	Conflict with or obstruct implementation of the applicable air quality plan?	Х			
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	X			
c)	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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X			
d)	Expose sensitive receptors to substantial pollutant concentrations?	X			
e)	Create objectionable odors affecting a substantial number of people?			X	
IV.	BIOLOGICAL RESOURCES – Would the project:		T	ı	1
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?				X

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 US Fish and Wildlife Service?				X
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
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?				X
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				Х
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?				X
a)	CULTURAL RESOURCES – Would the project: Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	X			
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	X			
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X			
d)	Disturb any human remains, including those interred outside of formal cemeteries?	X			
VI.	GEOLOGY AND SOILS – Would the project:				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) 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.			X	
	ii) Strong seismic ground shaking?			Х	
	iii) Seismic-related ground failure, including liquefaction?			X	
	iv) Landslides				Х
b)	Result in substantial soil erosion or the loss of topsoil?			Х	

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		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?			X	
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
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?				X
VII	I. HAZARDS AND HAZARDOUS MATERIALS – W	ould the p	roject:		T
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
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?	X			
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
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?				X
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 for people residing or working in the project area?	X			
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				Х
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
VII	II. HYDROLOGY AND WATER QUALITY – Would	the projec	et:		
a)	Violate any water quality standards or waste discharge requirements?			X	

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e)	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?			X	
f)	Otherwise substantially degrade water quality?			X	
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j)	Inundation by seiche, tsunami, or mudflow?				X
	LAND USE AND PLANNING – Would the project:		I		T
a)	Physically divide an established community?			X	
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c)	Conflict with any applicable habitat conservation plan				X
Y 1	or natural community conservation plan? MINERAL RESOURCES – Would the project:				
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?				X
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?				X
XI.	NOISE – Would the project result in:				

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	X			
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	X			
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
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 expose people residing or working in the project area to excessive noise levels?				X
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				Х
XI	I. POPULATION AND HOUSING – Would the project	et:			
a)	Induce substantial 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)?			X	
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				Х
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XI	II. PUBLIC SERVICES				
a)	Would the project result in substantial adverse physical or physically altered governmental facilities, need for ne facilities, the construction of which could cause significant acceptable service ratios, response times or other performance.	ew or physicant environmance obje	ically altered g imental impac	governmenta ts, in order t	ıl o maintain
	Fire protection?	X			
	Police protection?	X			
	Schools?	Х			
	Parks?			X	
	Other public facilities?	X			
XI	V. RECREATION				
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?			X	
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?			X	

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV	. TRANSPORTATION/TRAFFIC – Would the project	ct:	·		•
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	X			
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	X			
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e)	Result in inadequate emergency access?			X	
f)	Result in inadequate parking capacity?			Х	
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
XV	I. UTILITIES AND SERVICE SYSTEMS – Would the	ne project:			
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	X			
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	X			
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e)	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?			X	
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g)	Comply with federal, state, and local statutes and regulations related to solid waste?			X	

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV	II. MANDATORY FINDINGS OF SIGNIFICANCE				
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?				X
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)?	X			
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	X			

DISCUSSION OF ENVIRONMENTAL CHECKLIST QUESTIONS

- I. AESTHETICS Would the project:
- 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?

No Impact. The proposed project is located in the downtown area of the City of Fullerton. Based on review of the City's *General Plan Resource Management Element* and Caltrans website¹, there are no designated scenic vistas or local or state scenic highways within the vicinity of the project site. Additionally, there are no scenic resources that would be impacted by the project. The project site is void of rock outcroppings. There are trees located within the project site; however, they are non-native ornamental trees. There are no historic buildings on site. Further evaluation of these issues in the Draft EIR is not required and no mitigation measures are necessary.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Potentially Significant Impact. The proposed project involves the construction of a mixed-use development on a site that is currently comprised of paved parking and a commercial building. The Draft EIR will evaluate the project's potential impacts to the visual character and quality of the site and its surroundings. Additionally, the Draft EIR will evaluate potential impacts related to shade and shadow effects of the proposed project on surrounding land uses.

As identified in the City's *General Plan Land Use Element*, the project site is located in the Central Business District (CBD). The Central Business District Design Guidelines establish a set of guidelines for future rehabilitation and construction of private and public development within Downtown Fullerton. The Draft EIR will address the consistency of the proposed project with these guidelines.

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

Potentially Significant Impact. The project site is located in an urban setting and is surrounded by on-street lighting. In addition, the existing parking lots contain nighttime lighting. The proposed project would introduce new light sources into the project area. Although it is anticipated that light and glare impacts would be mitigated to a level considered less than significant through implementation of standard directional nighttime lighting and non-reflective building materials, this issue will be addressed in the Draft EIR and mitigation measures will be identified, as necessary.

- II. AGRICULTURE RESOURCES Would the project:
- 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?

http://www.dot.ca.gov/hq/LandArch/scenic_highways/, accessed on February 10, 2006.

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

No Impact. The site currently has a General Plan land use designation of Downtown Mixed Use and is developed with paved parking and a commercial building. The proposed project would not convert farmland to non-agricultural use. No portion of the project site is covered by a Williamson Act Contract. Additionally, based on review of the 2004 California Department of Conservation Farmland Mapping and Monitoring Program, there is no land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the project site. The City of Fullerton General Plan (Section 3.3 of the Resources Management Chapter [page RM-10]) does not identify the project site as an area of agricultural production. No impacts to agricultural resources would result from project implementation. Therefore, no further analysis of this issue will be provided in the Draft EIR.

III. AIR QUALITY - Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Impact. The proposed project would generate short-term, construction-related and long-term air emissions that have the potential to affect local and regional air quality. Further evaluation in the Draft EIR is required to determine whether this project will conflict with the adopted *South Coast Air Quality Management Plan* (AQMP). An air quality analysis will be conducted to determine if the mobile and stationary air emissions associated with the project would violate any air quality standard or contribute substantially to an existing or projected air quality violation. The air quality analysis will also determine if the potential mobile and stationary air emissions associated with the project could result in exposure of sensitive receptors to significant concentrations of air pollutants. These issues will be addressed in the Draft EIR and appropriate mitigation measures identified, as necessary.

e) Create objectionable odors affecting a substantial number of people?

Less than Significant Impact. The proposed residential and commercial land uses are not expected to create unusual or objectionable odors. Some odors may be associated with the operation of diesel engines during site preparation. However, these odors are typical of urbanized environments and would be subject to construction and air quality regulations, including proper maintenance of machinery to minimize engine emissions. These emissions are also of short duration and odors are quickly dispersed into the atmosphere. Any future on-site commercial uses such as restaurants which may emit steam are required to secure appropriate permits from the South Coast Air Quality Management District (SCAQMD). Compliance with SCAQMD rules and permit requirements would ensure that no objectionable odors would be created. Proposed residential uses would not generate objectionable odors. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

IV. BIOLOGICAL RESOURCES - Would the project:

- 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?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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?

No Impact. The project site is developed with paved asphalt parking lots and a commercial building. The biological resources currently located on the project site are non-native and ornamental. There are no natural biological resources present on site and implementation of the proposed project would not impact any candidate, sensitive, or special status species. Further, the project site does not contain riparian habitat, wetlands, or any other sensitive natural community. The project site is within a developed, urban area and does not support any wildlife movement.

The proposed project would not conflict with any local policies or ordinances protecting biological resources. The project site is not located within an adopted habitat conservation plan or natural community conservation plan.

No impacts to biological resources would result from project implementation. Therefore, no further analysis of this issue in the Draft EIR is required.

V. CULTURAL RESOURCES - Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
 - Potentially Significant Impact. The downtown area of Fullerton consists of many buildings, sites, and neighborhoods of particular interest and significance. Archival studies of the following sources for historical resources were conducted for the project: a cultural resources records search conducted by the South Central Coastal Information Center (SCCIC) at the California State University, Fullerton; and, a review of the City of Fullerton's official list of Historic and Cultural Resources as identified in the Resource Management Element of the General Plan. The records search undertaken by the SCCIC identified fifteen (15) previous cultural resource studies conducted within the project area and a one-mile radius. The California Historic Property Data File lists 764 properties evaluated for historic significance within the one-mile radius.

One structure is within the project area. This is a 6,435 square-foot commercial structure located at 131 W. Commonwealth Avenue. The lot covers approximately 14,000 square feet (0.3 acre). The structure was built in 1964 and is not listed on any of the historic directories reviewed, nor in the City of Fullerton's historical resources publication *Fullerton through the Years: A Survey of Architectural, Cultural & Environmental Heritage*. This resource is less than 45 years of age-old and does not meet the minimum age criterion for significance evaluation. The resource does not appear to have architectural merit, nor is it associated with an important history or event. In addition, the resource does not appear to have achieved a level of exceptional significance within the past 50 years. Therefore, this resource not considered eligible for listing as a historical resource.

Although there are no identified significant historical resources within the project site, the downtown area of Fullerton consists of many areas of particular interest and significance and several properties of historic significance are located in the project vicinity. Potential impacts to these resources will be discussed in the Draft EIR and mitigation measures will be identified, as appropriate.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

Potentially Significant Impact. The project site is within an urbanized area and has been previously graded. No known prehistoric or historic archaeological sites or paleontological resources exist. However, historical and archaeological sites are known to exist in the City and there is the possibility that these resources and paleontological resources exist at subsurface levels. The uncovering of such resources could occur during excavation activities for the project, which would include, but not be limited to subterranean parking. Potential impacts to these resources will be discussed in the Draft EIR and mitigation measures will be identified, as appropriate.

VI. GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. 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.
 - ii. Strong seismic ground shaking?

Less than Significant Impact. A geotechnical report was prepared for the proposed project by NMG Geotechnical, Inc. (2006) and is available for review at the City of Fullerton Community Development Department. Based on the geotechnical report, the project site is not located within an Alquist-Priolo Earthquake Fault Zone as established by the State of California Division of Mines and Geology, or close to a known active or potentially active fault. The project site is not subject to rupture of a known earthquake fault. Recent academic studies have suggested active buried thrust faults exist beneath portions of Orange and Los Angeles counties. Buried thrust faults are often associated with active uplift and do not breach the ground surface. The Puente Hills Blind Thrust Fault is identified as being located at depth near the site, and the parameters for this fault are included in the program EQFAULT. These blind thrust faults have

been added to the state database for probabilistic seismic hazard assessment, such as for liquefaction screening. However, seismic data related to blind thrust faults need not be used for Uniform Building Code (UBC) design. Also since the fault does not reach the surface (approximately 2 km deep or more below the site), it does not pose a major fault rupture hazard. The controlling fault for seismic design at the site (as identified in the geotechnical report) is the Whittier fault.

The primary seismic hazard for the subject site, as with all of southern California, is ground shaking due to the proximity of major active faults. Known active faults capable of producing strong ground shaking at the site include, but are not limited to: Whittier, Newport-Inglewood (Los Angeles Basin and offshore portions), San Joaquin Hills Blind Thrust, Elsinore (Glen Ivy), and San Andreas faults. The closest active fault is the Whittier fault approximately 5.2 miles northeast of the project site. Implementation of the proposed project has the potential to expose people and structures to strong groundshaking during a seismic event, but not to a greater extent than anywhere else in the region.

The design of the project would not change the intensity of groundshaking that would occur on the project site. Potential impacts related to groundshaking would be reduced through compliance with state and local regulations and standards, and established engineering procedures. Future buildings and structures would be designed in accordance with the City of Fullerton Building Code and the most recent Uniform Building Code (UBC) for Seismic Zone 4 and/or California Building Code (CBC), and consistent with the recommendations outlined in the geotechnical report prepared for the project. The UBC and CBC contain provisions that regulate the design and construction excavations, foundations, retaining walls and other building elements to control the effects of seismic groundshaking and adverse soils conditions. Based on the geotechnical report, the project site is geotechnically suitable for the proposed structures based on compliance with the UBC/CBC, and proper grading/design/building construction methods (as outlined in the geotechnical report). Potential impacts related to seismic groundshaking would be less than significant.

iii. Seismic-related ground failure, including liquefaction?

Less than Significant Impact. The California Department of Mines and Geology has developed seismic hazard maps encompassing the subject site as part of the Seismic Hazards Mapping Act (SHMA) of 1991. These maps delineate the subject site and surrounding areas as being potentially liquefiable (NMG Geotechnical, Inc., 2006). Liquefaction is a phenomenon in which earthquake-induced cyclic stresses generate excess pore water pressure in low density (loose), saturated, sandy soils and soft silts below the water table. This causes a loss of shear strength and, in many cases, ground settlement. For liquefaction to occur, all of the following four conditions must be present:

- There must be severe ground shaking, such as occurs during a strong earthquake.
- The soil material must be saturated or nearly saturated, generally below the water table.
- The corrected normalized standard penetration test (SPT) blow counts (N₁) or the CPT tip resistance (Q) must be relatively low.
- The soil material must be granular (usually sands or silts) with, at most, only low plasticity. Clayey soils and silts of relatively high plasticity are generally not subject to liquefaction.

Based on the results of the site-specific investigation, groundwater was not encountered to a depth of 61.5 feet below the existing ground surface. Thus, liquefaction potential at the site is considered very low to nil. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

iv. Landslides

No Impact. The project site is flat and no landslides have occurred or have been documented on or near the site. The *General Plan Community Health and Safety Element* indicates that the potential for seismically induced bedrock landslides in the City are limited to the steeper portions of the East and West Coyote Hills. In addition, Exhibit CHS-1, Public Safety Map, illustrates that the project site is not located in an area subject to seismically induced bedrock landslides. The potential for landslides on the project site is considered low. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

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

Less than Significant Impact. As with existing conditions, with implementation of the proposed project, the project site would be covered with impervious surfaces. There would not be soil exposed following completion of the project and the potential for erosion is remote. This issue will not be discussed further in the EIR and no mitigation measures are necessary. However, during construction activities, temporary soil erosion may occur. Short-term soil erosion issues are addressed under the discussion of Hydrology and Water Quality (refer to Section VIII of this Initial Study).

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?

Less than Significant Impact. Subsidence is when settlement of under-consolidated soils occurs during earthquake shaking. The project site is not located in an area subject to subsidence (City of Fullerton General Plan, Exhibit CHS-1, Public Safety Map). As discussed in Checklist Responses VI(a)(iii and iv above), the project site is not located in an area subject to on- or off-site landslides or liquefaction. Lateral spreading is a function of groundshaking and may occur during an earthquake. Seismic ground shaking impacts, including lateral spreading are considered less than significant when current Uniform Building Code standards and standard engineering practices are used. As stated in Checklist Responses VI(a)(i and ii), potential impacts related to groundshaking during a seismic event would be less than significant. As stated in Checklist Responses VI(a)(iii), the potential for liquefaction is considered a less than significant impact based on the site soil characteristics. Only the upper few feet of soils across the site have the potential for minor collapse. After implementation of the proposed project, which will remove the upper soil materials, the potential for collapse would be less than significant. Further evaluation of unstable soils in the Draft EIR is not required and no mitigation measures are necessary.

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

Less than Significant Impact. Expansive soils are materials that, when subject to a constant load, are prone to expand when exposed to water. The project site is underlain entirely with alluvium associated with the Downey Plan. The alluvial materials encountered during excavation of the borings consist of predominantly dark yellowish brown clay and light olive brown sand.

The materials are generally damp to very moist, medium stiff to stiff medium dense and plastic, with localized lenses of coarse sand and gravel. Based on the results of laboratory testing of onsite soils anticipated to be near the subterranean garage floor level, there is a "very low" expansion potential (NMG Geotechnical, Inc., 2006). Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

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

No Impact. Project development would be connected to the municipal sewer system for disposal of wastewater. No septic tanks or other alternative wastewater disposal systems would be required. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

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

No Impact. The proposed project consists of residential, commercial, and parking uses. These uses typically do not generate hazardous emissions, nor do they involve the routine use, transport, or disposal of hazardous materials. Hazardous materials used onsite would consist of common commercial cleansers, solvents, paints, and other janitorial materials. Hazardous materials used during construction would be transported, used, stored, and disposed according to applicable City, state, and federal regulations. New commercial development will adhere to the City of Fullerton Fire Department's Hazardous Materials Response Plan. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

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?

Potentially Significant Impact. A Phase I Environmental Site Assessment (ESA) was conducted to characterize the existing conditions on the project site and within the project area with respect to past and current activities involving the handling, use, storage, transport or emission of hazardous materials (Phase One Inc., January 2006). Based on this ESA, areas of environmental concern associated with previous uses on site (automotive-related and a sheet metal/tin facility) were identified. A *Limited Phase II ESA* was conducted by Phase One Inc. in March 2006, including sampling of on site soils. The levels of California Administrative Manual (CAM) metals detected (heavy metals described in the California Code of Regulations, Title 22) represent naturally occurring background levels with respect to the surrounding and/or area soils, and are well below all applicable regulatory thresholds. Additionally, there was no impact to the near surface soil from the chemicals of concern in the areas investigated for past automotive use. The Limited Phase II ESA concluded that there are no recognized environmental conditions at the project site and that no further investigation is required.

Two pad-mounted electrical transformers were observed during the Phase I ESA site investigation. Phase One Inc. observed no evidence of leakage or staining on or around the transformers and concluded that neither the transformers nor polychlorinated biphenyls (PCBs) are likely to represent an environmental concern for the proposed project. Further evaluation of

the above identified issues in the Draft EIR is not required and no mitigation measures are necessary.

The Phase I ESA did identify that due to the construction date of the existing onsite building (131 West Commonwealth Avenue) there is a potential for asbestos-containing material and lead based paint to be present. The Draft EIR will address the potential impacts associated with the potential for asbestos-containing material and lead-based paint to be present in the existing building on site (north of Commonwealth Avenue). Mitigation measures will be identified, as necessary.

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. During the construction phase of the project, there is a limited risk of accidental release of hazardous materials such as gasoline, oil, or other fluids in the operation and maintenance of construction equipment. Compliance with the City Municipal Code (Title 14, Buildings and Construction) and standard State and local construction requirements would reduce the risk of any damage or injury from these potential hazards to a less than significant level.

A continuation high school is located directly west of the project site; however, the proposed project does not include the construction of any uses that would involve the use, storage, or transport of hazardous materials resulting in the risk of release or emit hazardous emissions. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

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. The Phase I ESA also included review of a computer-generated regulatory database search which concluded that the project site is not an identified hazardous materials site. There were seven listed sites in proximity to the project site (within 0.5 mile); however, it was concluded that these sites do not pose a hazard to the proposed project. Five of these sites were listed because they are a reported generator of hazardous waste but no violations were noted. Of the remaining two sites, one is within a quarter mile and is undergoing a voluntary clean-up program for soil contamination. The second site is also undergoing a voluntary clean-up program and is sufficient distance from the project site that it would not impact the proposed project. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

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 for people residing or working in the project area?

No Impact. Fullerton Municipal Airport is approximately 3.25 miles west of the project site. *The Airport Environs Land Use Plan* (AELUP) for the Fullerton Municipal Airport was adopted in December 2002 (Updated in November 2004) and provides required standards for land uses in the airport vicinity. The AELUP has designated Accident Potential Zones and a Runway Protection Zone around the airport to enforce safety standards. The project site is not located within either of these zones. The Orange County Airport Land Use Commission (ALUC) uses Federal Aviation Regulations (FAR) Part 77 entitled "Objects Affecting Navigable Airspace" for establishing building height restriction standards. The project site is not within the Fullerton

Airport Obstruction Imaginary Surface area as defined in FAR Part 77. Additionally, the project would not involve the development of structures more than 200 feet above ground level (the proposed structures range from approximately 50 to 95 feet high). Therefore, the proposed development does not pose an adverse aeronautical effect and does require review by the ALUC. Further evaluation of this issue will not be provided in the Draft EIR.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The project site is not located near a private airstrip. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

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

No Impact. The City of Fullerton has an adopted Emergency Preparedness Plan, which details the responsibilities of federal, state, and local agencies, as well as private organizations, in the event of disaster (*City of Fullerton General Plan*, page CHS-8). The proposed project would not impact existing roadways and would neither interfere with nor impact the implementation of the Emergency Preparedness Plan. Emergency access to the site would be provided in compliance with applicable City requirements. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project site is located in an urban area of the City of Fullerton and is not adjacent to wildlands. Therefore, the proposed project would not result in a significant risk of loss, injury, or death involving wildland fires. Further evaluation in the Draft EIR is not required and no mitigation measures are necessary.

VIII. HYDROLOGY AND WATER QUALITY – Would the project:

- a) Violate any water quality standards or waste discharge requirements?
- f) Otherwise substantially degrade water quality?

Less Than Significant Impact. The City of Fullerton, including the project site, is within the jurisdiction of the Santa Ana Regional Water Quality Control Board (SARWQCB). In addition to the requirements of the RWQCB, the project is subject to requirements of the 1972 Federal Water Pollution Control Act, subsequently known as the Clean Water Act (CWA). In 1972, the CWA was amended to require National Pollutant Discharge Elimination System (NPDES) permits for the discharge of pollutants to waters of the United States from any point source. In 1987, the CWA was amended to require that the EPA establish regulations for permitting under the NPDES permit program of municipal and industrial stormwater discharges. The regulations require that municipal separate storm sewer system (MS4) discharges to surface waters be regulated by a NPDES permit. The MS4s are designated or used for collecting or conveying stormwater not wastewater or combined sewage.

In January 2002, the SARWQCB issued a NPDES permit (Order No. R8-2002-0010) applicable to northern Orange County cities (co-permittees). This permit will regulate storm water and urban runoff discharges from proposed development to constructed storm drain systems in the

project area dedicated to the City of Fullerton. The Co-permittees have developed a 2003 Drainage Area Management Plan (DAMP).

Pursuant to the CWA Section 402(p), requiring regulations for permitting of certain stormwater discharges, the State Water Resources Control Board (SWRCB) has issued a statewide general NPDES Permit for stormwater discharges from construction sites (NPDES No. CAS000002). Under this Construction General Permit, discharges of stormwater from construction sites with a disturbed area of one or more acres (effective March 2003) are required to either obtain individual NPDES permits for stormwater discharges or be covered by the Construction General Permit. Coverage under the Construction General Permit is accomplished by completing and filling a Notice of Intent with the SWRCB. Each applicant under the Construction General Permit must ensure that a SWPPP is prepared prior to grading and implemented during construction. The primary objective of the SWPPP is to identify, construct, implement, and maintain BMPs to reduce or eliminate pollutants in stormwater discharges, and authorized non-stormwater discharges from the construction site during construction.

In compliance with the NPDES program and DAMP, the City of Fullerton has adopted a Water Quality Ordinance (FMC Chapter 12.18) requiring all construction projects, development, and significant redevelopment projects to incorporate BMPs into a project's design and/or implementation. This is done in an attempt to reduce the amount of pollutants introduced into the stormwater drainage system, which connects to local streams, rivers and, eventually, the ocean. In January 2004, the City adopted Water Pollution Control Guidelines for the preparation of required Water Quality Management Plans (WQMP), Water Pollution Prevention Plans (WPPP), and Storm Water Pollution Prevention Plans (SWPPP).

Short-Term Construction-Related Water Quality Impacts

The proposed project could result in short-term construction impacts to surface water quality from grading and other construction-related activities. Construction activities would result in the disturbance of soils on the project site, and would result in increased erosion. Storm water runoff from the project site during construction could contain soils and sediments from these activities. Spills or leaks from heavy equipment and machinery, construction staging areas, or building sites can also enter runoff, which typically includes petroleum products such as fuel, oil and grease, and heavy metals. Compliance with the NPDES Construction General Permit as discussed above and the preparation and implementation of a SWPPP would ensure that any impacts to down stream waters resulting from construction activities associated with the project site would be less than significant. Erosion control and treatment BMPs would be implemented per NPDES requirements.

In addition to the requirements of the NPDES General Construction Permit, provisions of the Uniform Building Code and grading permit requirements include elements that also require reduction of erosion and sedimentation impacts during construction. Full compliance with applicable local, state, and federal regulations would reduce water quality impacts associated with construction to a less than significant level. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

Long-Term Operational Water Quality Impacts

Currently, all surface runoff from the site, which is developed primarily with parking lots, and is predominantly impervious surface, sheet flows from the site and enters the public storm drain system without being treated. While the type of urban pollutants generated from the site would be similar under existing and proposed conditions, with the existing uses it is likely that

concentrations of urban pollutants such as petroleum hydrocarbons (oil and grease), and trash/debris would be higher.

As noted previously, in compliance with the NPDES program and DAMP, the proposed project would be required to incorporate post-construction BMPs to reduce the amount of pollutants introduced into the stormwater drainage system on a long-term basis. It is anticipated that the proposed project would implement structural BMPs including catch basin inserts/fossil filters and trash racks to remove paper, debris and sediments before the runoff is discharged to the storm drain system. A WQMP would be prepared for the project. Implementation of BMPs and compliance with local, state and federal water quality regulations would reduce potential long-term water quality impacts to a level considered less than significant. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact. Domestic water service to the proposed project would be provided by the City of Fullerton Water Utility. Under existing and proposed conditions the project site has an impervious surface. Based on the results of geotechnical borings conducted onsite, groundwater was not encountered within 61.5 feet below the ground surface. The proposed project would not deplete groundwater supplies or interfere substantially with groundwater recharge. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less than Significant Impact. The project site is currently developed and there are no streams or rivers within or in proximity to the project site. Runoff from the project site sheetflows in a southwest direction to the existing improved public storm drain system. As with existing conditions, following completion of the project construction the project site would consist almost entirely of impervious surfaces. Limited undeveloped areas on-site would consist of landscaped areas that would not result in a substantial increase in the amount of erosion or sedimentation from the site, after construction is complete (potential erosion during construction was previously discussed under items a and f, above). The amount and rate of runoff from the project site would not be substantially altered and would not result in flooding on- or off-site. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

e) 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. As noted above, runoff from the project site currently sheetflows off-site in a southwest direction and the proposed project would not increase the

amount of runoff from the site. The proposed project would include a system of underground storm drains, which would convey project runoff to the existing storm drain system. Because there would not be an increase in the amount of runoff from the site, it is anticipated that the existing stormdrain system has sufficient capacity to accommodate the flows. However, it is possible that runoff from the site will enter the storm drain system at a different location than under existing conditions. The proposed stormdrain system will be further addressed in the Draft EIR (refer to the discussion of Utilities/Service Systems. As discussed previously, the proposed project would not provide additional sources of polluted runoff.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

No Impact. The project site is not located in an area identified as a 100-year flood hazard area (*City of Fullerton General Plan*, Exhibit CHS-1, Public Safety Map), and would not expose people or structures to flooding. Additionally, there are no water bodies in proximity to the project site that would subject the site to hazards from a seiche or tsunami. There are no hillside areas within the project vicinity that would generate mudflow. Further evaluation of these issues in the Draft EIR is not required and no mitigation measures are necessary.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

Less than Significant Impact. As previously shown in the aerial photograph provided in Exhibit 3, the project site is entirely surrounded by existing development which consists of commercial, retail, and residential. A five-story, multi-family residential building is located further north of the project site across Wilshire Avenue. Single-family and multi-family residential uses are also located further northwest of the project site across Malden Avenue. A continuation high school, the City of Fullerton Police Department, City Hall, and the Fullerton Library are located to the west of the project site. The project site consists of paved parking and a commercial building. The proposed project would not disrupt the physical arrangement of an established community; however, the EIR will address the compatibility of the proposed project with surrounding uses.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. The City of Fullerton General Plan was adopted in 1996 and has subsequently been revised to reflect adopted General Plan Amendments. The current General Plan land use designation for the project site is Downtown Mixed Use. This designation provides for the complementary and creative mix of higher density residential, retail, professional office, commercial support, and institutional uses to be located on the same parcel, combined in the same building, or within the same project area. Current zoning for the project site is Central Business District Commercial (C-3) and Restaurant Overlay District (ROD). The proposed project is consistent with the General Plan and zoning designations; however,

consistency of the proposed project with relevant goals and policies outlined in the City's General Plan will be addressed in the Draft EIR and appropriate mitigation measures identified, as necessary.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The proposed project is not within the boundaries of an adopted habitat conservation plan or natural community conservation plan. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

X. MINERAL RESOURCES – Would the project:

- 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?

No Impact. Based on review of the *Resource Management Element* of the City of Fullerton's General Plan, the City does not contain any known state or locally designated mineral resources or locally-important mineral resources recovery sites. Therefore, implementation of the proposed project would not result in the loss of availability of lands potentially containing mineral resources. Therefore, further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

XI. NOISE – Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact. The proposed project would increase ambient noise levels during construction, and could result in vibration. In addition, long-term operation of land uses proposed at the project site could increase the ambient noise levels above existing conditions. Long-term noise impacts would primarily be associated with increased traffic on local roadways. Short-term and long-term noise impacts will be evaluated in the Draft EIR and mitigation measures will be identified, as necessary.

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 expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No impact. As noted previously, the Fullerton Municipal Airport is approximately 3.25 miles west of the project site. The AELUP for the airport indicates that the project site is located outside of the 60 CNEL noise contour; therefore, aircraft overflights do not significantly contribute to the noise environment and would not subject future residents of the project to excessive noise levels. The project site is not located near a private airstrip. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

XII. POPULATION AND HOUSING – Would the project:

a) Induce substantial 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 project site is located in a built urban environment in Downtown Fullerton. The proposed project consists of residential and commercial land uses and would be an "in-fill" development. Land uses proposed by the project represent planned growth as envisioned by the site's Downtown Mixed Use land use designation. The proposed project would not require the extension of roads or other infrastructure into undeveloped portions of the City and would not induce growth beyond that already planned in the region.

Using an estimate of 2.66 person per dwelling unit for residential development in Central Fullerton (based on Table H-10 of the Fullerton General Plan's Housing Element), the proposed project (132 units) would generate approximately 351 residents. It is unlikely that all of the project residents would be new residents to the city; current city residents could relocate to the project site. An increase of 351 residents is considered minimal compared to the current City of Fullerton population estimate of 136,428 as of January 2006.

Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

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

No Impact. The project site consists of paved parking areas and a commercial building. No existing housing units would be displaced by the construction or operation of the proposed project. In addition, implementation of the proposed project would not necessitate the construction of replacement housing. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

XIII. PUBLIC SERVICES

- 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:
 - i) Fire protection?
 - ii) Police protection?
 - iii) Schools?
 - v) Other public facilities?

Potentially Significant Impact. The proposed project would generate additional residents in the City of Fullerton and the potential for impacts to public services including fire and police protection, schools, parks, and other public facilities is not yet determined. Based on coordination with public service providers, impacts to public services will be evaluated in the Draft EIR and appropriate mitigation measures identified, as necessary.

iv) Parks?

Less than Significant Impact. Refer to discussion for Recreation provided below.

XIV. RECREATION

- 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?

Less than Significant Impact. As shown on Exhibit RM-1 in the Resource Management Element of the General Plan, Amerige Park/Duane Winters Field is approximately 0.32 miles to the southwest of the project site. This is a specialized park and includes picnic tables, ballfields, bleachers, and an activity building. Plaza Park is located in the Downtown Plaza area and is located approximately 0.13 miles east of the project site. This neighborhood park consists of picnic tables, play equipment, and shaded seating.² Ralph B. Clark Regional Park in the northwest portion of the City is the closest regional park and is approximately 3.72 miles from the project site. There are no existing or proposed recreational trails along the roadways surrounding the project site.

The proposed project would generate approximately 351 residents which may increase the demand on public park and recreational facilities. However, because the proposed project results in a relatively small number of new residents to the City's existing population and provides amenities on-site for residents (e.g., clubhouse and private park), the increased use of existing public park facilities would not be at a level that would result in a substantial deterioration of existing facilities. Pursuant to Chapter 21.12 of the City Municipal Code, the project applicant would be required to pay City park fees applicable at the time building permits are issued. Although the project's impacts to City park facilities would be less than significant,

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² City of Fullerton website; http://www.ci.fullerton.ca.us/comm serv/parks/plazapark.html.

payment of required park fees would reduce any potential impacts on City park and recreational facilities associated with the increased demand and use of the facilities. Further discussion of this issue in the Draft EIR is not required and no mitigation measures beyond payment of required fees are necessary.

XV. TRANSPORTATION/TRAFFIC – Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Potentially Significant Impact. Implementation of the proposed project would generate additional vehicle trips which could impact intersections and/or street segments in the project vicinity. A comprehensive traffic impact study will be prepared to evaluate the traffic generation and distribution associated with the proposed project and to determine if significant congestion is likely to occur. This issue will be addressed in the Draft EIR and mitigation measures will be identified, as necessary.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The proposed project will not impact air traffic patterns. No airports are located within the immediate project area. Regional air traffic demands would be accommodated by Los Angeles International Airport, John Wayne Airport, Ontario Airport, Long Beach Airport, and San Diego International Airport. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

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

No Impact. The proposed project involves redevelopment of the project site and would maintain existing circulation patterns. The proposed project does not include any uses or design features that would increase hazards. The ingress and egress points for the project (refer to Exhibit 3) have been designed to be consistent with current conditions, and to allow efficient and safe ingress/egress from the proposed parking structures. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

e) Result in inadequate emergency access?

Less Than Significant Impact. The proposed project will be developed in compliance with the Fire Department's regulations for access and site design. The Draft EIR will further discuss emergency access and other design considerations based on coordination with the Fire Department.

f) Result in inadequate parking capacity?

Less than Significant Impact. As stated in the Project Description, a key component of the proposed project is to provide adequate parking during all construction phases and to provide additional public parking spaces compared to existing conditions once project construction is

complete. The provision of additional public parking is a condition of the DDA between the City and the applicant. The traffic impact analysis to be prepared for the Draft EIR will include a parking assessment. Mitigation measures will be identified, as necessary.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact. The proposed project would not create conflicts with adopted policies supporting alternative transportation. The proposed project site is located in Downtown Fullerton and would introduce residential uses in proximity to existing transit facilities. The project does not include a major employment center that would require the incorporation of alternative transportation facilities. Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact. Wastewater originating from the project site would be generated by residential and commercial uses and would ultimately be treated by facilities owned and operated by the Orange County Sanitation District. The wastewater treatment requirements issued by the California RWQCB for the treatment plant were developed to ensure that adequate levels of treatment would be provided for the wastewater flows emanating from all land uses within its service area. Therefore, the wastewater from the project site would not cause the treatment plant to exceed these treatment requirements. Further evaluation in the EIR is not required and no mitigation measures are necessary.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Potentially Significant Impact. Future development of residential dwelling units and commercial uses would increase the demand for water and wastewater treatment services. The existing and post-development demands on existing utilities will be addressed in the Draft EIR to determine what impacts may occur from implementation of the proposed development. As noted under the discussion of Hydrology and Water Quality, runoff from the project site would enter the existing public stormdrain system. The need for the construction of new and/or upgraded water, wastewater, and stormdrain lines (on- and off-site) will be addressed in the Draft EIR and potential environmental impacts associated with these construction activities will be analyzed. Appropriate mitigation measures will be identified, as necessary.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less than Significant Impact. The City of Fullerton provides water service to the project site and would continue to do so with implementation of the proposed project. Water supply and consumption within the City is planned for by both the Urban Water Management Plan (last updated December 2005) and the Water Master Plan (last updated November, 1997). The City

purchases water from the Metropolitan Water District; however, approximately 75 percent of the City's domestic water is pumped from groundwater sources. With implementation of the proposed project, water demand would be generated by the proposed residential and commercial uses, and irrigation. The net increase in water demand generated by the proposed project can be accommodated by the City of Fullerton without impacting current water supplies. According to the General Plan, City water supply and the distribution network overall are considered adequate for existing and future development (Community Health and Safety Element, General Plan, Section 2.7.2, pages CHS 15 and 16). Additionally, the City of Fullerton Water System Management Division has identified that there is sufficient water supplies and infrastructure to serve the proposed project (D. Schickling, Water System Manager; personal communication June 1, 2006). No new or expanded water entitlements would be required.

e) 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. The Orange County Sanitation District (OCSD) provides wastewater treatment service for the City of Fullerton, including the project site. The proposed development of 132 residential units and approximately 38,680 of commercial uses would not substantially increase the amount of wastewater treated by the OCSD. The project would not require the construction of new or expanded wastewater treatment facilities that could result in significant environmental impacts.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less than Significant Impact. Solid waste generated from the proposed project site would most likely be disposed at the Olinda Alpha Landfill (the closest landfill to the site) which is part of the Orange County landfill system operated by the County's Integrated Waste Management Department (IWMD). The landfill currently accepts a maximum of 8,000 tons per day (tpd) and the remaining air space capacity is approximately 37 million cubic yards. Closure of the landfill is currently planned for 2013; however, IWMD has prepared a Draft EIR, which the County Planning Commission has recommended to the County Board of Supervisors to approve which would extend the landfill's operation to 2021. The increase in solid waste disposal resulting from implementation of the project could be accommodated within the permitted capacity of the County's landfill system (J. Arnau, pers. comm., May, 2006). No significant impacts would occur and no mitigation is required.

In order to comply with the State of California Waste Management Act (AB 939), the City of Fullerton has implemented a recycling program. This program processes solid waste at a Material Recovery Facility (MRF) to ensure that recyclable items are removed from solid waste flows, which are sent to the landfill system. As reported by the California Integrated Waste Management Board (http://www.ciwmb.ca.gov /LGTools /mars/JurDrSta.asp?VW=In), the City of Fullerton successfully diverted 50 percent of its waste stream. Project residents would be required to comply with ongoing waste management programs.

Further evaluation of this issue in the Draft EIR is not required and no mitigation measures are necessary.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

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?

No Impact. There are no sensitive biological resources, habitat, or species located on the project site that would be affected by the proposed project. Additionally, there are no historic resources that would be impacted by implementation of the proposed project.

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)?

Potentially Significant Impact. The proposed project consists of residential, retail and parking uses. The project area is already highly urbanized and developed with a combination of retail commercial, residential and industrial uses. Implementation of the proposed project would contribute to existing traffic, noise, and air quality impacts. These impacts are potentially significant and will be analyzed in the Draft EIR. In addition, the Draft EIR will examine cumulative impacts of concurrent development projects occurring in the project area.

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

Potentially Significant Impact. Construction and operation of the proposed project could have the potential to generate significant adverse impacts on human beings, either directly or indirectly. The Draft EIR will provide analyses of the potential impacts with respect to aesthetics, air quality, hazards/hazardous materials, land use/planning, noise, public services, and utilities/services systems.

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