SECTION 2 INTRODUCTION

2.1 PURPOSE AND SCOPE OF THE DRAFT EIR

This environmental impact report (EIR) has been prepared to evaluate the potential environmental impacts associated with the construction and implementation of the Amerige Court Mixed-Use Development project. This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended (California Public Resources Code §21000 et seq.), and the CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, §15000 et seq.). This EIR is a Project EIR in accordance with CEQA Guidelines §15161 which states: "The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation."

The City of Fullerton is the lead agency for the proposed project pursuant to CEQA and is responsible for preparing the Amerige Court EIR. The City, as the lead agency, will review and consider this EIR along with other information that may be presented during the CEQA process in its decision to approve, revise, or deny the proposed project.

The Amerige Court EIR provides a comprehensive evaluation of the reasonable anticipated scope of the project. It is intended to serve as an informational document for public agency decision makers and the general public regarding the objectives and components of the proposed project. This document also provides information about potentially significant environmental impacts that may be associated with the planning, construction, and operation of the proposed project; to identify appropriate feasible mitigation measures; and to offer alternatives that may be adopted to reduce or eliminate these significant impacts. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring and reporting program for the proposed project.

In accordance with CEQA, public agencies are required to make findings for each environmental impact identified in the EIR. If the lead agency and responsible agencies decide that the benefits of the proposed project outweigh any identified unmitigated significant environmental effects, they would be required to adopt a statement of overriding considerations supporting their actions.

2.2 <u>EIR FOCUS AND EFFECTS FOUND NOT TO BE SIGNIFICANT</u>

2.2.1 SCOPING PROCESS

In compliance with the CEQA Guidelines, the City of Fullerton has taken steps to provide opportunities for public participation in the environmental process. An Initial Study and Notice of Preparation (NOP) were distributed on June 5, 2006, to federal, state, regional, and local government agencies and interested parties for a 30-day public review period to solicit comments and inform the public of the proposed project. The project was described, potential environmental effects associated with project implementation were identified, and agencies and the public were invited to review and comment on the Initial Study and NOP. A copy of the NOP/Initial Study and responses received are included in Appendix A.

As discussed in Section 3.3, Project Background, the proposed project involves development on two publicly owned parking lots, and the City of Fullerton has been actively involved in the

design of the project. The City held community meetings with downtown business owners, Fullerton Heritage, and other individuals to obtain input on the project. Although these meeting were not EIR scoping meetings, the following issues were raised (the section of the EIR where each issue is addressed is provided in parentheses):

- Phasing of project construction and provision of parking (Section 3, Project Description and Section 4.3, Transportation and Circulation)
- Traffic and circulation issues (Section 3, Project Description and Section 4.3, Transportation and Circulation)
- Project compatibility with surrounding land uses including historic resources in proximity to the site (Section 4.1, Land Use and Planning, and Section 4.6, Cultural Resources)
- Potential air quality impacts associated with construction and operation of the project (Section 4.4, Air Quality)
- Increased noise levels associated with the project and cumulative development (Section 4.5, Noise)

The Initial Study responses, NOP comments, and the comments received from the public were used to establish the scope of the issues addressed in this EIR. The City identified the following environmental issues as being potential impacts associated with the implementation of the proposed project and was therefore issues to be addressed in this EIR:

- Land Use and Planning (Section 4.1)
- Aesthetics (Section 4.2)
- Transportation and Circulation (Section 4.3)
- Air Quality (Section 4.4)
- Noise (Section 4.5)
- Cultural Resources (Section 4.6)
- Hazards and Hazardous Materials (Section 4.7)
- Public Services (Section 4.8)
- Utilities and Service Systems (Section 4.9)

2.2.2 EFFECTS FOUND NOT TO BE SIGNIFICANT

Through the preparation of the Initial Study, the City of Fullerton determined that an EIR was required to evaluate the potentially significant environmental effects of the proposed project. Potential impacts identified in the Initial Study that would result in no impacts, less than significant impacts, or less than significant impacts with the implementation of standard conditions are not required to have any additional analysis. Following is an identification of the impact categories that were identified on the Initial Study checklist as having "no impact" or a "less than significant impact" and a summary discussion of why these issues were not considered potentially significant or applicable to the project. Therefore these issues are not addressed further in this EIR. These issues are discussed in more detail in the Initial Study included in Appendix A.

• Aesthetics — Scenic Vistas and Scenic Resources Within a State Scenic Highway: The project site is void of any adopted scenic vistas. In addition, there are no State Highways within the vicinity of the project site. Therefore, no impact would occur.

- Agricultural Resources Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; Agricultural Zoning or a Williamson Act Contract; and Off-site Farmland Conversion: The site is not located on or near designated agricultural land, nor is it currently in agricultural use. The site is not under a Williamson Act Contract. Therefore, no impact would occur.
- Air Quality Objectionable Odors: The proposed residential and commercial uses
 would generate odors typical of urbanized environments and would not result in
 objectionable odors that would affect on-site or off-site land uses. The types and
 concentrations of odors typical of residential communities and commercial uses are not
 considered significant.
- Biological Resources Habitat Modification; Species identified as Candidate, Sensitive, or Special Status; Riparian Habitat or Other Sensitive Community; Federally Protected Wetlands; Movement of Native, Migratory Fish, or Wildlife Species; Conflict With Local Policies or Ordinances Protecting Biological Resources; and Conflict with Habitat Conservation Plan, Natural Community Conservation Plan, or Other Habitat Conservation Plan: The project site is developed, is surrounded by an urbanized environment, and is not within the boundaries of a Habitat Conservation Area or an area protected by local ordinance with respect to biological resources. The project site does not contain any jurisdictional wetlands or habitat to support sensitive plant or wildlife species. Therefore, no impact would occur.
- Geology and Soils Rupture of a Known Earthquake Fault, Strong Seismic Ground Shaking: Based on the geotechnical report prepared for the proposed project. the project site is not located within an Alquist-Priolo Fault Zone. 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. 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. 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 is the Whittier fault. The geotechnical report prepared for the proposed project has determined that the project site is geotechnically suitable for the proposed structures based on compliance with the UBC for Seismic Zone 4 and/or the California Building Code (CBC). Compliance with the UBC/CBC and proper grading/design/building construction methods would reduce impacts related to seismic ground shaking to less than significant.
- Geology and Soils Seismic-Related Ground Failure: Based on the geotechnical report prepared for the proposed project, the project site and surrounding areas are designated as being potentially liquefiable. However, site-specific investigation determined the site is not liquefiable since groundwater was not encountered to a depth of 61.5 feet below the existing ground surface. Therefore, liquefaction potential at the project site is considered very low.
- Geology and Soils Landslides; Substantial Soil Erosion; Located on a Geologic Unit or Soil that is Unstable; Located on Expansive Soil; and Use of Alternative Waste Water Disposal Systems: The project site is flat, precluding the potential for landslides. Consistent with existing condition, implementation of the proposed project

would result in the project site being covered with impervious surfaces. The site is not located on an unstable geologic unit or soils. Based on the geotechnical report, there is a "very low" expansion potential. The proposed project would not involve the use of septic tanks or alternative waste water disposal systems. The project would incorporate the use of City sewer lines and wastewater disposal systems.

- Hazards and Hazardous Materials Create a Significant Hazard Through the Routine Transport, Use, or Disposal of Hazardous Materials; Located on a Site Included on a List of Hazardous Material Sites; Located within an Airport Land Use Plan or within Two Miles of an Airport; Interfere with Adopted Emergency Response Plan; and Expose People or Structures to Threat of Wildland Fires: Proposed project land uses (residential and retail/commercial uses) would not generate hazardous materials. Based on the Phase I Environmental Site Assessment (ESA) prepared for the proposed project, the project site is not an identified hazardous materials site. In addition, the Phase I ESA concluded that the sites listed in proximity to the project site do not pose a hazard to the proposed project. The project site is not located within an area covered by an Airport Land Use Plan (ALUP) and the project would not involve the construction of structures that would require the review and approval by the Airport Land Use Commission. The proposed project would not interfere with adopted emergency response plans or evacuation plans. The site would not be subject to wildland fires. Additionally, the proposed project does not involve the implementation of a heliport. Therefore, no impact would occur.
- Hydrology and Water Quality Violate Water Quality Standards or Waste Discharge Requirements; Substantially Degrade Water Quality; Substantially alter Existing Drainage Patterns on- or off-site: 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. The rate and amount of runoff from the project site would not be substantially altered with implementation of the proposed project and would not result in flooding on- or off-site.
- Hydrology and Water Quality Increase Runoff Volumes; 100-Year Flood Hazard Area; and Inundation by Seiche, Tsunami, or Mudflow: There would not be a notable increase in runoff volumes from the project site since it is currently covered with impervious surfaces and would continue to be with the proposed project. The project area is not located within a 100-year flood zone and would not expose people or structures to flooding. There are no water bodies in proximity to the project site that would subject the site to seiches or tsunamis. Therefore, no impact would occur.
- Land Use and Planning Conflict with Habitat Conservation Plans: The proposed project is not within the boundaries of an adopted habitat conservation plan or natural community conservation plan. Therefore, no impact would occur.
- **Mineral Resources:** The proposed project is not classified as an area with locally important or known mineral resources. Therefore, no impact would occur.
- **Noise Airport or Airstrip Noise:** The proposed project is not located within proximity of an airport or airstrip. Therefore, no impact would occur.
- Population and Housing Induce Substantial Population Growth in an Area, Either Directly or Indirectly: The proposed project would not induce substantial population growth, either directly or indirectly. Land uses proposed as part of the project

represent planned growth envisioned by the site's Downtown Mixed-Use land use designation. The proposed project would not require the extension of roads or infrastructure.

- Population and Housing Displacement of Substantial Housing and Persons: No residences or residents would be displaced as a part of project implementation. Therefore, no impact would occur.
- Public Services Parks: Implementation of the proposed project would result in an increase in the City's population; however, this increase would not be at a level which would result in substantial deterioration of existing park facilities. Although the project's impacts to Fullerton's park facilities would be less than significant, payment of required park fees pursuant to Chapter 21.12 of the City's Municipal Code would reduce any potential impacts on City park and recreational facilities associated with the increased demand and use of the facilities.
- Transportation/Traffic Change in Air Traffic Patterns; Increased Hazards Due to a Design Feature; and Conflict With Alternative Transportation: The project site is not near any airfields or airports and is not within the County of Orange Airport Land Use Plan (ALUP). The project would not involve the construction of structures that would require the review and approval by the Orange County Airport Land Use Commission. The proposed project would maintain the existing circulation systems and would not involve any design features that would increase hazards on the surrounding roadway network. The project does not conflict with any policy, plan, or program supporting alternative transportation, and is within a walkable distance (1/4 mile) of the City's Transportation Center.
- Utilities and Service System Exceed Wastewater Treatment Requirements; Sufficient Water Supplies to Serve the Project: Wastewater originating from the project site would be generated by residential and retail/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 Regional Water Quality Control Board 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. The residential and retail/commercial wastewater from the project site would not cause the treatment plant to exceed these treatment requirements. According to the General Plan, City water supply and the distribution network overall are considered adequate for existing and future development. Therefore, the net increase in water demand generated by the proposed project can be accommodated by the City of Fullerton without impacting current water supplies.
- Utilities and Service System Sufficient Permitted Landfill Capacity: 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. No
 significant impacts would occur.

2.3 PROJECT SPONSORS AND CONTACT PERSONS

The City of Fullerton is the lead agency in the preparation of this EIR. All inquiries regarding the Draft EIR should be directed to the City. The applicant for the proposed project is Pelican-Laing Fullerton, LLC.

Key contact persons are as follows:

Lead Agency Mr. Jay Eastman

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City of Fullerton

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(714) 738-6549

Project Applicant Mr. Dick Hamm

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2.4 REVIEW OF THE DRAFT EIR

The Amerige Court EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, interested parties, and all parties who requested a copy of the Draft EIR in accordance with Public Resources Code §21092. The Notice of Completion for the Draft EIR was also distributed as required by CEQA. During the 30-day public review period, the EIR, including the technical appendices, is available for review at the following locations:

- City of Fullerton, Community Development Department (refer to lead agency address above)
- Fullerton Public Library–Main Branch 353 West Commonwealth Avenue Fullerton, CA 92832
- City of Fullerton Web page: http://www.ci.fullerton.ca.us/

Upon completion of the 30-day public review period, written responses to all significant environmental issues raised will be prepared and available for review at least 10 days prior to the hearing before the City of Fullerton City Council. These environmental comments and their responses will be included as part of the environmental record for consideration by decision-makers for the project.