
SECTION 1 EXECUTIVE SUMMARY

1.1 INTRODUCTION

This Draft Environmental Impact Report (EIR) addresses the environmental effects associated with the implementation of the proposed Amerige Court project. The California Environmental Quality Act (CEQA) requires that local government agencies consider the environmental consequences of projects over which they have discretionary approval authority prior to taking action on them. An EIR is a public document designed to provide the public and local and state governmental agency decision-makers with an analysis of potential environmental consequences to support informed decision-making.

This Draft EIR has been prepared pursuant to the requirements of CEQA and the State CEQA Guidelines (refer to discussion provided in Section 2, Introduction). The City of Fullerton, as the lead agency, has reviewed and revised as necessary all submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable City technical personnel from other departments and review of all technical subconsultant reports.

In addition to analysis of the proposed project, the Draft EIR discusses alternatives to the proposed project and includes a mitigation program that will offset, minimize, or otherwise avoid significant environmental impacts. Following is a summary of the project; project alternatives; areas of controversy and issues to be resolved; potential significant impacts; and mitigation identified through the analysis presented in this Draft EIR.

1.2 PROJECT SUMMARY

The approximate 2.8-acre Amerige Court project site is located in the downtown area of the City of Fullerton in Orange County, California. The project site consists of two publicly-owned parking lots located in an 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. The proposed project also includes a parcel located south of Amerige Avenue, north of Commonwealth Avenue (131 W. Commonwealth Building). It should be noted that only the publicly-owned parking lots are subject to the Disposition and Development Agreement (DDA) between the City and the developer (refer to discussion provided in Section 3.3, Project Background). Although the 131 W. Commonwealth Building is being addressed in this EIR, it is not a component of the Redevelopment Agency's (Agency) redevelopment project.

The existing 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 within the project site. The Commonwealth Building site encompasses approximately 0.3 acre.

The project site is entirely surrounded by development, which consists of commercial, retail, office space, and residential. Four apartment units are located on the second level of buildings across the alley to the north of the site. Two of these units face the project site and two face Wilshire Avenue. 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 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 (public and private) would be provided.

Development on the north lot would consist of a 4-story structure with 5 levels of parking. Commercial (approximately 15,200 square feet) and residential (13 units) uses would be provided along the east and south sides of the parking structure. Development on the south lot would consist of residential and commercial uses. The buildings would consist of nine above-ground levels (approximately 95-feet high) and two subterranean parking levels. The building is divided at the second level by an outdoor plaza, so that levels two through nine are contained in an east and west structure, which provides 111 flats, town homes, and penthouses. Amenities for residents include outdoor plazas and a clubhouse. There would be approximately 13,680 square feet of retail/commercial uses on the south lot at ground level. Development of the 131 W. Commonwealth Avenue site would consist of commercial and residential uses in a four-story building.

The General Plan designation for the project site is Downtown Mixed Use and the current zoning for the project site is Central Business District Commercial (C-3) and Restaurant Overlay District (ROD). The proposed project does not require a General Plan Amendment or Zone Change.

1.3 **PROJECT ALTERNATIVES**

In accordance with CEQA Guidelines Section 15126.6, Section 5 of this EIR, Alternatives to the Proposed Project, includes an alternatives discussion which evaluates the comparative merits of the alternatives. This EIR includes an evaluation of the following alternatives to the proposed project:

- **No Project/No Action Alternative:** The No Project/No Action Alternative assumes that the existing uses on the 2.8-acre project site are retained and that no development would occur. With this alternative, the site would remain a public parking area and a commercial building; no residential or commercial uses would be developed on this site. Additionally, the Commonwealth Building would not be demolished.
- **Development Pursuant to the Current General Plan Land Use Designation and Zoning:** This alternative assumes that development on the project site would be consistent with the maximum allowable uses under the City's current General Plan land use designation (Downtown Mixed Use) and Zoning (C-3 and ROD). Under this scenario, approximately 418,000 square feet of commercial uses could be developed on site. Based on the City's parking requirements, approximately 1,976 parking spaces would be required for this development. To accommodate this amount of development and parking, the following would be required: (a) an 11-level structure on the north lot with two subterranean parking levels, five above-ground levels of parking, and four levels of office uses; (b) a 12-level structure on the south lot with two subterranean parking levels, five above-ground levels of parking, and five levels of office uses; and (3) a four-level structure on the Commonwealth Building Parcel with office uses.
- **Amerige Court Redevelopment Project Request for Proposals – Alternative 1:** The Agency issued an RFP for the development of an integrated, mixed-use project that would provide sufficient parking while maintaining the City's existing downtown character. The Agency selected the project applicant's proposal which included two development alternatives. Alternative 2 involved properties that are not available for acquisition and has therefore been eliminated from detailed consideration.

Alternative 1 of the applicant's RFP submittal assumes that development of the 2.4-acre site would occur entirely within public ownership from property line to property line. The development of the 131 W. Commonwealth Avenue building site would not occur. This alternative would consist of a mix of residential, retail and commercial uses, and parking. Commercial uses would include restaurant, retail, and office spaces adjacent to the existing retail and commercial uses along Amerige Avenue on both the north and south lots. This alternative would include 100 residential uses comprised of flats, lofts, live/work units, townhomes, and penthouses. There would be 20,500 square feet of commercial uses and 730 parking spaces provided under this alternative. Parking would be provided in a two-level subterranean parking structure which would extend under both the north and south lots and Amerige Avenue. This alternative would include private open space area; however, there would be no public open space or plazas at the ground level.

- **Modified Project with Reduced Building Height on the South Lot:** This alternative involves development of structures with a maximum of seven stories above ground, compared to nine stories with the proposed project. The development area would be the same and would include the 131 W. Commonwealth Avenue building site (this component of the project is not part of the Agency's redevelopment project). Development under this alternative is essentially the same as the proposed project, comprising a mix of residential, retail and commercial uses, and parking. This alternative would include 109 residential uses, compared to 132 units with the proposed project. The penthouse residential units on the eighth and ninth levels on the south lot would be eliminated. As with the proposed project, there would be 38,680 square feet of commercial uses and approximately 816 parking spaces.

Section 5 of this EIR provides descriptions and analysis of each alternative to allow the decision-makers to determine whether an alternative should be adopted in lieu of the proposed project. As required by CEQA, this section identifies the environmentally superior alternative.

It should also be noted that the following alternatives were also evaluated but were eliminated from detailed consideration because they were found to be infeasible or failed to eliminate or reduce significant impacts associated with the project. These alternatives are discussed further in Section 5 of this EIR.

- Alternative Site
- Amerige Court Redevelopment Project Request for Proposals – Alternative 2
- Mixed Use Development with a Nine-Story Structure on the North Lot and a Public Parking Structure on the South Lot

1.4 ISSUES TO BE RESOLVED

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR contain a discussion of issues to be resolved including a choice among alternatives and whether or how to mitigate significant impacts. With respect to the proposed project, the major issue which the City of Fullerton, as lead agency, must resolve is deciding whether the proposed project or one of the alternatives should be selected for approval.

1.5 AREAS OF CONTROVERSY

Section 15123(b)(2) of the State CEQA Guidelines indicates that an EIR summary should identify areas of controversy known to the lead agency including issues raised by agencies and the public. The following issues pertaining to the proposed project may be controversial.

- **The Proposed Project does not Reflect the Original Design Concept Proposed by the Applicant** – As discussed in Section 3.3, Project Background, the Agency selected the applicant's proposal in response to a Request for Proposals for development of the project site. The applicant's proposal included two alternatives, with Alternative 2 being the preferred. The currently proposed project as described in Section 3, Project Description, has been modified from this original concept. A specific concern that has been raised by the public is that the original concept for Alternative 2 is no longer being considered. It is important to note that the selection of the project applicant as the developer for the proposed project was based on many factors, and not solely on the project design. There is no requirement for the original design concept to be implemented. Additionally, as discussed in Section 5, Alternatives, the original concept was eliminated from further consideration since the applicant was unable to acquire the properties necessary to implement the development proposed. The currently proposed project involves development on the two publicly-owned parking lots and a third lot that could be acquired by the project applicant.
- **Provision of Excess Parking** – The proposed project proposes construction of approximately 816 parking spaces (public and private). This amount of parking is being provided to not only meet the parking requirements of the proposed uses, but also to replace the existing surface parking and provide additional public parking (resulting in approximately 150 percent more parking than current conditions). The concern that has been raised is that too much parking is being provided and this results in higher structures. In light of these concerns, the City of Fullerton prepared a detailed parking assessment for the project area. As stated in the parking study (Appendix B of the EIR), the amount of vacant, available on and off street parking in the project study area in Downtown Fullerton is declining yearly. This trend will continue as land use changes and density increases in the downtown area. Based on the parking availability in the limited study area, the parking study concurs with the RFP objective that the Amerige Court project should be required to provide required parking for the proposed project as well as provide approximately 450 public parking spaces to allow for growth in parking demand in the City's downtown area.

Environmental issues that have been raised during previous opportunities for public input on the project are addressed in Section 2.2, EIR Focus and Effects Found Not to be Significant.

1.6 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS

Table 1-1 summarizes the potential environmental effects of the proposed project, the recommended mitigation measures, and the level of significance after mitigation. As shown in Table 1-1, the implementation of the proposed Amerige Court project would result in potentially significant impacts for the following topical issues: hazards and hazardous materials, cultural resources, and noise. Implementation of the mitigation program provided in Section 4 would reduce these impacts to a level considered less than significant; the proposed project would not result in any significant and unavoidable impacts.

1.7 MITIGATION MONITORING

State law requires the preparation of a mitigation monitoring and reporting program designed to ensure that mitigation measures adopted as conditions of approval to mitigate or avoid significant environmental effects are carried out. Mitigation measures identified within this EIR have been described in sufficient detail to provide the necessary information to identify the party or parties responsible for carrying out the mitigation, when the mitigation will be implemented, and why the mitigation has been required. A mitigation monitoring program will be adopted by the City at the time of project adoption.

**TABLE 1-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
SECTION 4.1 – LAND USE AND PLANNING		
The proposed project would involve development of commercial, retail, and parking uses that are consistent and compatible with existing uses. The project would not preclude existing uses from continuing with current operations and activities and would not physically divide an established community. <i>(Less than significant impact)</i>	No mitigation is required.	Less than significant
The proposed project would be consistent with the relevant planning programs and associated goals and policies. <i>(No impact)</i>	No mitigation is required.	No impact
SECTION 4.2 – AESTHETICS		
The proposed project involves the development of residential, commercial, and parking uses in a built out urban environment and would not substantially degrade the visual character of the project site or surrounding areas. <i>(Less than significant impact)</i>	SC 2-1 Prior to approval by the City, the project developer shall submit architecture (elevations, floor plans, and site plan), landscape architecture (concept planting and hardscape plans), and paint and material samples to the Redevelopment Design Review Committee for review, in compliance with the procedural requirements of the Central Business District Design Guidelines.	Less than significant
The proposed project would include nighttime lighting but would not affect nighttime views as the project site is in an urban environment that is currently subject to similar lighting. The project would not involve use of building materials that could cause a glare effect. <i>(No impact)</i>	No mitigation is required.	No impact
The proposed four-story structure on the north lot would result in additional shade and shadow affecting the residential uses immediately to the north of the project site during early morning and late afternoon hours in the winter. The apartment patio areas are presently subject to partial shade.	No mitigation is required.	Less than significant

TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
The use of the outside patio areas for these residences would not be altered. <i>(Less than significant impact)</i>		
SECTION 4.3 – TRANSPORTATION		
The proposed project would not cause any study area intersections that would operate at acceptable levels without the proposed project to operate at an unacceptable LOS with the project in the Existing, Year 2009 (project buildout) or 2025 (City buildout) scenarios. <i>(Less than significant impact)</i>	SC 3-1 Pursuant to Chapter 21.30 of the City's Municipal Code, the project applicant shall participate in the implementation of the Master Plan of Highways improvements through the payment of Citywide Traffic Impact Fees. The payment of Citywide Traffic Impact Fees shall be submitted to the City of Fullerton Community Development Department for the mitigation of off-site traffic impacts generated by the development of commercial and residential uses and shall be payable at the time of building permit issuance for the first building constructed on the project site.	Less than significant
During construction of the proposed project there would be a temporary increase in truck trips in the project area. <i>(Less than significant impact)</i>	MM 3-1 Prior to issuance of a grading permit, the property developer shall submit Traffic Management Plans to the City of Fullerton Street Maintenance Division for review and approval. The Traffic Management Plans shall describe traffic control measures that shall be implemented to maintain traffic flow in all directions including where utilities and other improvements are being implemented in existing roadways. The Traffic Management Plans shall identify construction haul routes, duration and location of lane closures, use of flagmen, and any pedestrian-related impacts to sidewalks and intersection crossings. The Traffic Management plan shall be implemented during all stages of project construction.	Less than significant
There are no CMP facilities within the traffic study area for the proposed project. <i>(No impact)</i>	No mitigation is required.	No impact
The existing circulation system would remain with the proposed project and adequate emergency access would be maintained. <i>(No impact)</i>	No mitigation is required.	No impact

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
Parking would be provided in compliance with the City of Fullerton Zoning Ordinance, and existing public parking would be replaced in excess of existing conditions. <i>(No impact)</i>	No mitigation is required.	No impact
SECTION 4.4 – AIR QUALITY		
The short-term, construction-related and long-term, operational air quality emissions generated from the project would not exceed SCAQMD significance thresholds. <i>(Less than significant impact)</i>	SC 4-1 During construction of the proposed project, the property owner/developer and its contractors shall be required to comply with SCAQMD Rules 402 and 403, which shall assist in reducing short-term air pollutant emissions. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off site. SCAQMD Rule 403 (Tables 1, 2, and 3 of Rule 403) requires that fugitive dust be controlled with the best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. This requirement shall be included as notes on the contractor specifications.	Less than significant
The proposed project would contribute to a net increase in CO, NOx, and PM10; however, the project contribution is not significant. The project would not result in a significant contribution to cumulative air quality impacts. <i>(Less than significant impact)</i>	SC 4-1 applies	Less than significant
Construction and operation of the proposed project would not expose sensitive receptors to pollutant concentrations that exceed SCAQMD thresholds. <i>(Less than significant impact)</i>	SC 4-1 applies	Less than significant
The proposed project would not contribute to the exceedance of any air pollutant concentration standards and emissions from the project would be consistent with the AQMP assumptions. The project would not conflict with the AQMP. <i>(No impact)</i>	No mitigation is required.	No impact

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
SECTION 4.5 – NOISE		
<p>Short-term Noise Impacts</p> <p>Construction and demolition activities would result in temporary increases in ambient noise levels during the various phases of construction and have the potential to expose persons to, or generate noise levels from construction equipment and pile driving in excess of standards established in the City's Noise Ordinance. However, all construction activities would be conducted in compliance with the City's Noise Ordinance, including hours/days that construction occurs. <i>(Less than significant impact with implementation of SC 5-1)</i></p>	<p>SC 5-1 Prior to approval of grading plans and/or prior to issuance of building permits, plans shall include a note indicating that noise-generating project construction activities shall not occur between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, or on Sundays and City holidays. This requirement is consistent with Section 15.90.050 of the City's Noise Ordinance.</p> <p>MM 5-1 Prior to the issuance of grading or building permits, a Construction Management Plan shall be prepared by the applicant and submitted for review and approval by the Director of Community Development. This Plan shall describe construction activities and equipment used during the various phases of construction and the noise levels generated by these activities and equipment. Measures for reducing construction noise levels, including but not limited to activity restrictions, equipment modifications, temporary noise barriers and haul routes, shall be discussed along with the amount of noise reduction provided by the measure, and the feasibility of implementing such measures. Measures to be implemented during construction shall be clearly stated in the Plan and incorporated in all construction documents as deemed appropriate by the Director.</p>	<p>Less than Significant</p>
<p>Typical construction and demolition activities would result in vibration in the immediate vicinity of the equipment. However, these vibration levels would not be considered excessive. Pile driving, if used, could result in a significant vibration impact. <i>(Potentially significant impact)</i></p>	<p>MM 5-2 Prior to commencement of any pile driving, a Pile Driving Management Plan shall be prepared by the applicant and submitted for review and approval by the Director of Community Development. This Plan shall describe the timing and duration of any pile driving required for the project and why alternative methods of setting piles such as predrilled holes or hydraulic pile driving that would generate lower noise and vibration levels are not feasible. As a part of the plan, a qualified structural engineer shall survey the foundations and other structural aspects of immediately adjacent buildings and note existing conditions and discuss potential for the pile driving to cause damage to adjacent buildings. Methods to reduce noise and vibration impacts during pile driving shall also be discussed, including but not limited to, restricting hours</p>	<p>Less than significant</p>

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
	<p>of pile driving more than the hours allowed by the noise ordinance, restricting duration of pile driving by time period (day or hour), or temporary noise barriers, shall be discussed along with their effectiveness and the feasibility of implementing such measures. Measures to be implemented during pile driving shall be clearly stated in the Plan and incorporated in all construction documents as deemed appropriate by the Director.</p> <p>Adjacent owners/businesses within 500 feet of the pile driving shall be notified in advance when and how long pile driving shall be occurring for the project.</p> <p>At the conclusion of pile driving, the qualified structural engineer shall issue a letter describing damage, if any, to adjacent buildings and recommendations for repair, as may be necessary. Repairs to adjacent buildings shall be undertaken and completed by the project applicant in conformance with all applicable codes prior to issuance of any temporary or permanent certificate of occupancy for the new building.</p>	
<p>Long-term Noise Impacts</p> <p>The traffic generated by the proposed project as well as noise from proposed parking structures would not impact off-site uses. There are two areas of proposed residential uses that would be significantly impacted by noise without mitigation: (1) the east side of the building on the north lot would be significantly impacted by bar noise, and (2) the south side of the building on the 131 W. Commonwealth Avenue site would be significantly impacted by traffic noise. Additionally, mechanical equipment could potentially impact on-site and off-site uses. <i>(Potentially significant impact)</i></p>	<p>SC 5-2 The proposed project would comply with Section 1208 of the California Building Code which requires that separating walls and floor-ceiling assemblies achieve an airborne sound insulation equal to that required to meet a sound transmission class (STC) of 50 and floor-ceiling assemblies achieve an impact insulation class (IIC) of 50.</p> <p>MM 5-3 A detailed noise assessment of the noise generated by rooftop mechanical equipment shall be prepared by a qualified acoustical consultant prior to the issuance of building permits. The assessment shall utilize noise data provided by the manufacturer(s) of the equipment utilized by the project or noise measurements from substantially similar equipment to project noise levels at the noise sensitive uses proposed by the project. Compliance with the City's noise standards for new developments shall be demonstrated and any measures required to meet the noise standards shall be described and incorporated into the building plans for the project.</p>	<p>Less than Significant</p>

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
	<p>MM 5-4 Prior to issuance of certificate of occupancy permits, the Director of Community Development shall confirm that residential balconies on the east side of Building A on the north lot, and the south side of the building at the 131 W. Commonwealth Avenue site, include balcony barriers with heights of 5.5 feet or greater above the finished floor. The balcony barrier shall reduce noise levels to meet the applicable City standards.</p> <p>MM 5-5 Prior to issuance of building permits, a detailed acoustical study shall be prepared by a qualified acoustical consultant and submitted to the City demonstrating that residential units at the northeast corner of Building A on the north lot achieve at least 36 dB of outdoor-to-indoor noise reduction, residential units in the middle of the east side of this building achieve at least 33 dBA of outdoor-to-indoor reduction, and all other residential units achieve at least 30 dB of outdoor-to-indoor noise reduction. The report shall also demonstrate that the commercial retail use proposed for the first and second levels on the east side of the building on the north lot achieves at least 26 dB of outdoor-to-indoor noise reduction. For areas that do not meet the noise reduction requirements as designed, the report shall describe measures to meet the required reduction. The measures described in the report shall be incorporated into the architectural plans for the buildings prior to issuance of building permits.</p> <p>MM 5-6 All potential buyers of residential units in the project shall be notified to the existence of the nightclubs and nighttime activity levels in the vicinity of the project and the fact noise levels in the area are typically higher during the nighttime hours than during the daytime hours. The notification shall also state that windows will need to be closed to reduce the noise levels to below the noise standards, although the residents are not required to keep the windows closed and that while City standards will be achieved this does not mean that noise generated around the project will be inaudible under all conditions.</p>	

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
SECTION 4.6 – CULTURAL RESOURCES		
<p>The proposed project has the potential to cause direct impacts to adjacent historic resources due to vibration and construction, and indirect impacts related to setting and design compatibility. <i>(Potentially significant impact)</i></p>	<p>MM 6-1 Prior to commencement of new construction, a qualified structural engineer shall survey the foundations and other structural aspects of immediately adjacent historic buildings and provide a shoring design to protect the historic buildings from potential damage. Pot holing or other destructive testing of the below grade conditions on the project site and immediately adjacent historic buildings may be necessary to establish baseline conditions and prepare the shoring design. The shoring design shall specify threshold limits for vibration causing activities as well as a minimum distance for pile driving, as determined by baseline conditions of historic buildings.</p> <p>The qualified structural engineer shall hold a valid license to practice structural engineering in the State of California and have extensive demonstrated experience specific to rehabilitating historic buildings and applying the <i>Secretary's Standards</i> to such projects. The lead agency shall determine qualifications prior to any work being performed. The qualified structural engineer shall submit to the lead agency a pre-construction survey that establishes baseline conditions to be monitored during construction, prior to issuance of any building permit for the proposed project.</p> <p>The qualified structural engineer shall monitor vibration during vibration-causing construction activities to ensure excessive vibration is limited to the greatest extent possible. If feasible, alternative means of setting piles such as predrilled holes or hydraulic pile driving shall be employed.</p>	<p>Less than significant</p>

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
	<p>At the conclusion of vibration causing construction, the qualified structural engineer shall issue a follow-up letter describing damage, if any, to immediately adjacent historic buildings and recommendations for repair, as may be necessary, in conformance with the Secretary's Standards. Repairs to immediately adjacent historic buildings shall be undertaken and completed in conformance with all applicable codes including the California Historical Building Code (Part 8 of Title 24) prior to issuance of any temporary or permanent certificate of occupancy for the new building.</p> <p>MM 6-2 To ensure compatibility, designs for proposed new buildings adjacent to historical resources shall be reviewed, commented on and approved for conformance with <i>Secretary's Standards</i> by the Redevelopment Design Review Committee (RDRC) and/or a preservation architect meeting the Secretary of the Interior's Professional Qualifications Standards in historic architecture. Should the lead agency elect to use a preservation architect to review project design, he/she shall hold a valid license to practice architecture in the State of California and have extensive demonstrated experience specific to rehabilitating historic buildings and applying the <i>Secretary's Standards</i> to such projects. The lead agency shall determine qualifications prior to any work being performed. Recommended modifications from the RDRC and/or the qualified preservation architect shall be incorporated in the project design prior to issuance of building permits.</p> <p>Review of project design shall assess if the proposed buildings are compatible in mass, materials, relationship of solids to voids, setbacks, scale and color with immediately adjacent identified historical resources and with the character of its surroundings. Without imitating the features of historic buildings, the design for adjacent contemporary buildings shall: (1) use similar or complimentary materials; (2) repeat and/or respect setbacks, heights of floors, rhythms and depths of bays; and (3) use compatible window/door openings and types. This will help maintain the existing character of the area.</p>	

TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
	<p>Site line studies shall be prepared to show potential views of the proposed new development from different locations along North Harbor Boulevard from the street level. Specifically, locations shall include diagonally from the east side of Harbor Boulevard at Commonwealth Avenue and at Wilshire Avenue in front of the Chapman Building, where proposed new buildings would be most visible. Site line studies shall also include block face elevations of adjacent buildings. Such a study would demonstrate which portions of the proposed new buildings would be visible from North Harbor Boulevard, the area of greatest concern due to the concentration of identified historical resources.</p> <p>Findings by the RDRC and/or the qualified preservation architect shall be submitted to the lead agency to establish the proposed project's conformance with the <i>Secretary's Standards</i> and compatibility with historical resources prior to issuance of any building permit for the proposed project.</p>	
<p>Grading and excavation activities could impact unknown archaeological resources. <i>(Potentially significant impact)</i></p>	<p>MM 6-3 Prior to the issuance of grading permits for each phase of development, the property developer shall retain a qualified archaeologist to monitor grading and excavation activities. The archaeologist shall be present at the pre-grade conference. The archaeologist shall submit to the City of Fullerton for review and approval, a written plan with procedures for archaeological resources monitoring. This plan shall include procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the resources as appropriate. If the archaeological resources are found to be significant, the archaeologist will determine appropriate actions—in cooperation with the City of Fullerton—for preservation or data recovery. The archaeologist shall prepare any excavated material to the point of identification. Following the completion of evaluation/data recovery, the archaeologist shall prepare a report detailing the results of the program to be presented to the City of Fullerton Community Development Department for approval. The report shall follow guidelines of the California Office of Historic Preservation (1990). Excavated finds shall be offered for curatorial purposes to the City of</p>	<p>Less than significant</p>

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
	Fullerton, or its designee, on a first refusal basis. Curation of recovered materials at a facility meeting the standards set forth in 36 CFR 79 shall be mandated.	
Grading and excavation activities could impact unknown paleontological resources. <i>(Potentially significant impact)</i>	<p>MM 6-4 Prior to issuance of a grading permit for each phase of development, the property owner/developer shall submit a paleontology monitoring plan, prepared by an Orange County certified paleontologist to the City of Fullerton that ensures that the following actions are implemented:</p> <ul style="list-style-type: none"> a. Paleontologic monitoring shall be conducted as determined necessary by the supervising paleontologist during grading and other excavation work. Recommended hours for monitoring activities shall be established by the supervising paleontologist and shall be outlined in the monitoring plan. It shall be the responsibility of the supervising paleontologist to demonstrate, to the satisfaction of the City, the appropriate level of monitoring necessary based on the tentative map level grading plans, when available. Because of the potential for producing small fragments of vertebrate microfossils, periodic screening of sands from cuts in these units will be done by the paleontological monitor. Such material may be removed in bulk and screened off-site to minimize interference with grading operations. b. Any paleontological work at the site shall be conducted under the direction of an Orange County Certified paleontologist. c. If a fossil discovery occurs during grading operations when a paleontological monitor is not present, grading shall be diverted around the area until the monitor can survey the area. 	Less than significant

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
	<p>d. Any fossils recovered during the development, along with their contextual stratigraphic data, shall be donated to the County of Orange, or other appropriate institution with an educational and research interest in the materials. A final report detailing findings and disposition of specimens shall be submitted to the Community Development Department.</p>	
<p>Grading and excavation activities could impact unknown human remains, including those interred outside of formal cemeteries. <i>(Less than significant impact with SC 6-1)</i></p>	<p>SC 6-1 If human remains are encountered during the conduct of ground-disturbing activities, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition of the materials pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC). The NAHC will determine and notify a Most Likely Descendent (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The descendent must complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p>	<p>Less than significant</p>
<p>SECTION 4.7 – HAZARDS AND HAZARDOUS MATERIALS</p>		
<p>Demolition of the existing structure on the 131 W. Commonwealth Avenue site would result in potential short-term exposure of construction workers to lead and asbestos containing materials. <i>(Potentially significant impact)</i></p>	<p>SC 7-1 If it is determined with completion of MM 7-1 that the on-site structure contains asbestos-containing materials prior to demolition of the structure, the asbestos-abatement contractor shall comply with notification and asbestos-removal procedures outlined in SCAQMD Rule 1403 to reduce asbestos-related health risks. SCAQMD Rule 1403 applies to any demolition or renovation activity and the associated disturbance of asbestos-containing materials. This requirement shall be included on the contractors' specifications and verified by the Community Development Department.</p>	<p>Less than significant</p>

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
	<p>MM 7-1 Prior to demolition of the existing structure at 131 W. Commonwealth Avenue, the project applicant shall retain a qualified consultant to conduct an Asbestos-Containing Material (ACM) survey in accordance with the requirements of the Asbestos Hazard Emergency Response Act (AHERA). Should samples test positive for asbestos, an Operations and Maintenance Plan shall be developed detailing the material-handling procedures to be implemented until such time that demolition activities occur. Compliance with the Operations and Maintenance Plan shall be a requirement included on the contract specifications. Inclusion of these requirements on the contractor specifications shall be verified by the Community Development Department.</p> <p>MM 7-2 Prior to commencement of any activities with the potential to disturb the suspected asbestos-containing materials, the project applicant shall retain a certified asbestos abatement contractor to abate the ACM in accordance with all applicable regulations, including CalOSHA guidelines and SCAQMD Rule 1403 (refer to SC 7-1 above).</p> <p>MM 7-3 Prior to disturbance or demolition of painted surfaces, the project applicant shall retain a qualified consultant to perform a comprehensive lead-based paint survey. Should any materials test positive, the lead-based paint shall be removed from the project site and disposed of in accordance with all applicable regulations, including CalOSHA guidelines.</p>	

TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
<p>Based on the Phase I and Limited Phase II Environmental Site Assessments performed for the project site (included in Appendix F), it is not anticipated that any underground storage tanks or significant soil contamination will be encountered during construction. <i>(Less than significant impact)</i></p>	<p>MM 7-4 In the event subsurface features (e.g., underground storage tanks) or contaminated soil are encountered during site grading, work shall immediately cease in the area and the contractor shall notify the City of Fullerton Fire Department and retain a qualified hazardous materials engineer to assess the impacts and prepare a response plan using risk-based cleanup standards applicable to residential land use. Upon approval of the response plan by the Fire Department or other agency, as applicable, the engineer shall obtain any required permits, oversee the removal of such features, and/or conduct the response work to the satisfaction of the Fire Department or other agency, as applicable, until closure status is attained.</p>	<p>Less than significant</p>
<p>SECTION 4.8 – PUBLIC SERVICES</p>		
<p>The proposed project would increase the demand for public services but it would not require the construction of new fire protection, police or school facilities to maintain acceptable levels of service. <i>(Less than significant impact)</i></p>	<p>Fire Protection Services</p> <p>SC 8-1 The project developer shall comply with all applicable codes, ordinances and standard conditions, including the current edition of the <i>California Fire Code</i> and the <i>Fullerton Municipal Code</i>, regarding fire prevention and suppression measures, fire hydrants, automatic fire extinguishing systems (including sprinklers), fire access, water availability, requirements for high rise structures, etc. Prior to issuance of building permits, compliance with applicable codes shall be verified by the City of Fullerton Fire Department.</p> <p>Schools</p> <p>SC 8-2 Prior to issuance of a building permit, the property developer shall pay new development fees to the Fullerton School District and the Fullerton Joint Union High School District pursuant to the requirements established in Government Code, Section 65995.</p>	<p>Less than significant</p>

**TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM**

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
SECTION 4.9 – UTILITIES AND SERVICES SYSTEMS		
<p>Electricity, Natural Gas, and Communication Systems</p> <p>There are existing electric, natural gas and communication facilities adjacent to the project site to serve the proposed project and no significant physical environmental impacts would result from connection to these facilities beyond on-site impacts addressed in this EIR. <i>(Less than significant)</i></p>	<p>No significant impacts have been identified; however, MM 3-1 in Section 4.3, Transportation, would reduce potential impacts resulting from traffic disruptions during construction in the roadway right-of-way.</p> <p>SC 9-1 The proposed project shall comply with all State Energy Insulation Standards and City of Fullerton codes in effect at the time of application for building permits. (Commonly referred to as Title 24, these standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Title 24 covers the use of energy-efficient building standards, including ventilation, insulation, and construction and the use of energy saving appliances, conditioning systems, water heating, and lighting.) Plans submitted for building permits shall include written notes demonstrating compliance with energy standards and shall be reviewed and approved by the Community Development Department prior to building permit issuance.</p>	<p>Less than significant</p>
<p>Storm Drain Facilities</p> <p>The project would not increase the amount of stormwater runoff from the project site. There are existing storm drain facilities in the vicinity of the project site and the proposed project would involve the construction of new facilities to transmit flows to the existing facilities. Construction would occur within existing street right-of-way and no significant physical environmental impacts would result. <i>(No impact)</i></p>	<p>No significant impacts have been identified; however, MM 3-1 in Section 4.3, Transportation, would reduce potential impacts resulting from traffic disruptions during construction in the roadway right-of-way.</p>	<p>No impact</p>

TABLE 1-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM

Environmental Impact Conclusions	Mitigation Program	Level of Significance After Mitigation
<p><i>Water and Wastewater Facilities</i></p> <p>There are existing water and sewer facilities in the vicinity of the project site and the proposed project would involve the construction of new facilities to serve the project. Construction of new or upgraded water and sewer facilities would occur within existing street rights-of-way and no significant physical environmental impacts would result. <i>(Less than significant impact)</i></p>	<p>No significant impacts have been identified; however, MM 3-1 in Section 4.3, Transportation, would reduce potential impacts resulting from traffic disruptions during construction in the roadway right-of-way.</p>	<p>Less than significant</p>