

SECTION 2.0 INTRODUCTION

2.1 PURPOSE AND TYPE OF THIS EIR

This EIR has been prepared to evaluate the potential environmental impacts associated with the construction and implementation of the Fullerton Transportation Center (FTC) Specific Plan. This EIR is a Program EIR and has been prepared in conformance with the California Environmental Quality Act (CEQA), (California *Public Resources Code*, Section 21000 et seq.) and the CEQA Guidelines (Title 14, *California Code of Regulations*, Chapter 3, Section 15000 et seq.). The City of Fullerton (City) is the Lead Agency under CEQA, and is responsible for preparing the Program EIR (State Clearinghouse No. 2009051049). The City, as the Lead Agency, will review and consider this Program EIR in its decision to approve, revise, or deny the proposed project.

The purpose of this EIR is to: share information with the public regarding the project's impacts; to identify ways to avoid and/or reduce impacts; to analyze alternatives to the proposed project; and to foster interagency coordination and public review. This EIR is further intended to serve as the primary environmental document for all future entitlements associated with implementation of the FTC Specific Plan, including all discretionary approvals requested or required to implement the project. Subsequent actions will be reviewed as required by Section 21166 of the *Public Resources Code* and Section 15162 of the CEQA Guidelines. Section 15168 of the CEQA Guidelines states:

15168. Program EIR

- (a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
 - (1) Geographically,
 - (2) As logical parts in the chain of contemplated actions,
 - (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
 - (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.
- (b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:
 - (1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,
 - (2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
 - (3) Avoid duplicative reconsideration of basic policy considerations,

- (4) Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and
 - (5) Allow reduction in paperwork.
- (c) Use with Later Activities. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.
- (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.
 - (2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.
 - (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
 - (4) Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.
 - (5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

This 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; identifies appropriate feasible mitigation measures; and offers 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.

The City of Fullerton, as Lead Agency, has the responsibility for processing and approving the project, and other public agencies (i.e., responsible and trustee agencies) that may use this EIR in their decision-making or permitting processes will consider the information in this EIR along with other information that may be presented during the CEQA process.

In accordance with Section 15162 of the CEQA Guidelines, public agencies are required to make written findings for each environmental impact of the project 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 will be required to adopt a

statement of overriding considerations supporting their actions. The discretionary actions involved in the implementation of the proposed project by the City of Fullerton as well as responsible and trustee agencies are described in Section 3.6, Intended Use of the EIR.

2.2 EIR FOCUS AND EFFECTS FOUND NOT TO BE SIGNIFICANT

2.2.1 SCOPING PROCESS

In compliance with the CEQA Guidelines, the City has taken steps to provide opportunities for public participation in the environmental process. An Initial Study and Notice of Preparation (NOP) were distributed on May 11, 2009, to federal, State, regional, and local government agencies and interested parties for a 30-day public review period to solicit comments and to inform agencies and 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.

Additionally, the City of Fullerton held two scoping meetings for the FTC Specific Plan EIR on June 3, 2009 at the City of Fullerton City Council chambers. These scoping meetings included a public agency scoping meeting held at 4:30 PM and a public scoping meeting held at 7:00 PM. The purpose of the meetings was to receive input on the environmental issues that should be addressed in the EIR. There were no agency representatives present at either scoping meeting. Four individuals attended the public agency scoping meeting and 3 individuals attended the public scoping meeting. The following environmental issues were raised at the scoping meetings (the section of the EIR where each issue is addressed is identified in parentheses):

- The height and design of proposed buildings. (Section 3, Project Description and Section 4.1, Aesthetics)
- The anticipated discretionary actions for the proposed project (e.g., General Plan Amendment, Zone Change). (Section 3, Project Description and Section 4.7, Land Use and Planning)
- The type of environmental documentation being prepared and environmental process. (Section 2, Introduction)
- The status of existing and proposed parking facilities and how parking would be accommodated with the proposed project. (Section 3, Project Description and Section 4.11, Transportation and Circulation)
- How existing land uses and land owners would be affected under the provisions of the Specific Plan. (Section 3, Project Description and Section 4.7, Land Use and Planning)
- Traffic impacts resulting from implementation of the proposed project. (Section 4.11, Transportation and Circulation)
- The need for improved pedestrian circulation and accommodation of other non-vehicular modes of transportation in the FTC Specific Plan area. (Section 4.11, Transportation and Circulation)
- The provision of affordable housing. (Section 3, Project Description and Section 4.9, Population, Housing and Employment)
- Relationship of the proposed project to proposed high speed rail and other railroad projects. (Section 4.7, Land Use and Planning)

Additionally, questions were raised at the scoping meeting that did not address environmental issues and are not addressed in this EIR. It should be noted that these issues were addressed through questions/answers at the scoping meeting. These issues include: (1) funding sources (discussed in the FTC Specific Plan), (2) how the FTC Specific Plan boundaries were defined, and (3) CEQA-related procedural issues regarding re-circulation of an EIR.

The Initial Study responses, NOP comments, and the comments received from the public at the scoping meeting were used to establish the scope of the issues addressed in this EIR. The City identified the following environmental issues as being potential project impacts to be addressed in this EIR:

- Aesthetics (Section 4.1);
- Air Quality (Section 4.2);
- Cultural Resources (Section 4.3);
- Geology and Soils (Section 4.4);
- Hazards and Hazardous Materials (Section 4.5);
- Hydrology and Water Quality (including storm drainage infrastructure) (Section 4.6);
- Land Use and Planning (Section 4.7);
- Noise (Section 4.8);
- Population, Housing, and Employment (Section 4.9);
- Public Services and Recreation (Section 4.10);
- Transportation and Circulation (Section 4.11);
- Utilities and Service Systems (Section 4.12); and
- Greenhouse Gas Emissions (Section 4.13).

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. Environmental issues that are not further discussed in this EIR because they would result in no impacts, less than significant impacts, or less than significant impacts with the implementation of the standard conditions and mitigation measures, are discussed below.

- ***Aesthetics – Scenic Vistas and Scenic Resources Within a State Scenic Highway.*** The project area does not include, nor is it contiguous to, any adopted scenic vistas or scenic resources. In addition, there are no local or State scenic highways within the vicinity of the project area. 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, office, retail, hotel, and parking uses would generate odors typical of urbanized environments and would not

result in unusual or objectionable odors that would affect on-site or off-site land uses. The types and concentrations of odors typical of these land uses are not considered significant.

- **Biological Resources – Habitat Modification; Species Identified as Candidate, Sensitive, or Special Status; Riparian Habitat or Other Sensitive Communities; 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 area currently consists of commercial, industrial, transit-oriented, and residential development. The site is surrounded by an urbanized environment, and is not within the boundaries of a habitat conservation area or an area protected by any local policies or ordinances with respect to biological resources. The project area does not contain any jurisdictional wetlands or habitat to support sensitive plant or wildlife species. The biological resources on the site are non-native and ornamental.

Due to the presence of ornamental trees on the site, there is the potential to support birds subject to the Migratory Bird Treaty Act (MBTA). Additionally, the City of Fullerton has an Urban Forestry Ordinance. The Initial Study concluded that with implementation of Mitigation Measure Bio-1 and Standard Condition Bio-1, set forth in Table 1-1 in Section 1, Executive Summary, there would be less than significant impacts to birds subject to the MBTA, and impacts related to removal of trees.

- **Cultural Resources – Human Remains.** The project area is not known to have been used for religious or sacred purposes, nor is there other evidence to suggest the site has been used for human burials. State regulations (*California Health and Safety Code*, Section 7050.5), which are mandatory for all development projects (refer to Standard Condition Cult-1 in Table 1-1), dictate that if human remains are encountered, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to the *Public Resources Code* (Section 5097.98). With these mandatory requirements in place and the unlikelihood of encountering human remains on the site, no impacts are anticipated. Additionally, consultation with California Native American tribes was conducted and no concerns or conflicts related to burial grounds were identified (California Government Code Section 65352.3).
- **Geology and Soils – Landslides; Substantial Soil Erosion; and Use of Alternative Waste Water Disposal Systems.** The project area is flat, precluding the potential for landslides. Consistent with the existing condition, implementation of the proposed project would result in additional impervious surfaces. There would be minimal exposed soil following completion of the project and the potential for erosion during operation is remote. The proposed project would not involve the use of septic tanks or alternative wastewater disposal systems since the project would use the City's sewer lines and wastewater disposal systems.
- **Hazards and Hazardous Materials – Create a Significant Hazard Through the Routine Transport, Use, or Disposal of Hazardous Materials; Emit Hazardous Emissions or Handle Hazardous Materials Within One-Quarter-Mile of an Existing or Proposed School; Located Within an Airport Land Use Plan; Located in the Vicinity of a Private Airstrip; Interfere With an Adopted Emergency Response Plan; and Expose People or Structures to Threat of Wildland Fires.** Proposed project land uses (residential, retail, hotel, office and parking uses) would not involve the use, transport, handling, or storage of hazardous materials in a manner or quantity that

would result in a risk to the public or schools in the vicinity of the project area. The project area is not located within the Fullerton Municipal Airport *Airport Environs Land Use Plan* or near a private airstrip. The proposed FTC Specific Plan would not interfere with adopted emergency response plans or evacuation plans. The site would not be subject to wildland fires. Therefore, no impacts or less than significant impacts would occur.

- **Hydrology and Water Quality – Substantially Deplete Groundwater Supplies; Substantially Alter Existing Drainage Patterns Resulting in Erosion On- or Off-Site; Expose People to Flooding as a Result of the Failure of a Dam or Levee; Inundation by Seiche, Tsunami, or Mudflow.** The City of Fullerton Water System Management Division would provide domestic water service for the proposed project. Construction and operation of the proposed project would not substantially deplete groundwater supplies or interfere with the local groundwater table; the project would not increase the amount of impervious surface onsite and the site is not on a groundwater recharge zone. Following completion of the project, the site would consist largely of impervious surfaces and the limited landscaped areas would not result in a substantial increase in the amount of erosion or sedimentation from the site. The project area is not within an inundations zone and there are no levees or dams in the project vicinity. There are no water bodies proximate to the project area that would subject the site to seiches or tsunamis, and no hillside areas that would generate mudflow.
- **Land Use and Planning – Physically Divide an Established Community; Conflict With Habitat Conservation Plans.** The project area is currently developed with and surrounded by urban land uses and the proposed project would involve redevelopment of the site; no established community would be divided by the project. The proposed project is not within the boundaries of or adjacent to an adopted habitat conservation plan or natural community conservation plan.
- **Mineral Resources – Loss of Availability of Known Mineral Resource of Value; Loss of Availability of Locally Important Mineral Resource.** The proposed project is not in an area classified with locally important or known mineral resources and would not result in the loss of availability of a known mineral resource. Therefore, no impact would occur.
- **Noise – Airport or Airstrip Noise.** The Fullerton Municipal Airport is located approximately 3.8 miles west of the project area. However, the *Airport Environs Land Use Plan* for the Fullerton Municipal Airport indicates the project area is outside the 60 CNEL noise contour. The project area is not located near a private airstrip. Therefore, no aircraft noise impacts would occur.
- **Population and Housing – Displace Substantial Numbers of Existing Housing or People Necessitating Replacement Housing.** Implementation of the proposed project would result in the displacement of one single-family residence. Because the proposed project includes up to 1,560 multi-family residential units, the project would more than offset the displacement of one existing single-family residence, and construction of replacement housing would not be needed. Therefore, the loss of one existing residential unit would be a less than significant impact.

- **Transportation/Traffic – Change in Air Traffic Patterns; Increased Hazards Due to a Design Feature; and Conflict With Alternative Transportation.** The Fullerton Municipal Airport is located approximately 3.8 miles west of the site and implementation of the proposed project would not require modifications to Fullerton Municipal Airport operations, nor would it impact air traffic patterns. The proposed project would maintain the existing local 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 would introduce residential uses in proximity to existing transit facilities.
- **Utilities and Service Systems – Exceed Wastewater Treatment Requirements.** Wastewater originating from the project area would be generated by residential, retail, hotel, and office 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 Water Resources Control Board for the treatment plant that would serve the proposed project 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 wastewater generated from the proposed land uses would not cause the treatment plant to exceed these treatment requirements.
- **Utilities and Service Systems – Sufficient Permitted Landfill Capacity; Solid Waste Regulations.** The increase in solid waste disposal resulting from implementation of the project would 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 EIR should be directed to the City. The Project Applicants for the proposed project are the FTC Acquisition, LLC and Fullerton Redevelopment Agency.

Key contact persons are as follows:

Lead Agency: Jay Eastman, AICP, Senior Planner
Community Development Department
City of Fullerton
303 West Commonwealth Avenue
Fullerton, California 92832
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(714) 738-6549

Project Applicant: FTC Acquisition, LLC
c/o Mr. Jim Chatfield, Vice President
JMI Realty
2265 India Street
San Diego, California, 92101

Fullerton Redevelopment Agency
Ramona Castaneda, Redevelopment Manager
303 West Commonwealth Avenue
Fullerton, California 92832

2.4 PUBLIC REVIEW OF THE EIR

The FTC Specific Plan EIR is being distributed to responsible and trustee agencies, other affected agencies, surrounding cities, interested parties, and all parties who requested a copy of the EIR in accordance with *Public Resources Code*, Section 21092. The EIR's Notice of Completion/Notice of Availability was also distributed as required by CEQA. During the 45-day public review period, this EIR (including the technical appendices) and the FTC Specific Plan are available for review at the following locations:

City of Fullerton, Community Development Department
(refer to Lead Agency address above)

Fullerton Main Public Library
353 West Commonwealth Avenue
Fullerton, California 92832

City of Fullerton Web page:
http://www.cityoffullerton.com/depts/dev_serv/development_activity/default.asp

This EIR has referenced various resources used to support the technical analysis presented for each topical issue in Section 4. These documents and the FTC Specific Plan are incorporated by reference into the EIR, have been summarized, as appropriate, and are available upon request. Requests for information should be made to the Community Development Department (see contact information above).

Comments of all agencies and individuals on the EIR will be accepted during the 45-day public review period. Comments on the Draft EIR should be sent to the Lead Agency contact identified above. Upon completion of the 45-day public review period, written responses to all significant environmental issues raised will be prepared and included in the Final EIR. All responses to comments submitted on this EIR by agencies will be provided to those agencies at least ten days prior to final action on the project. The City must certify the Final EIR as adequate prior to making a decision to approve or deny the project. Public input is encouraged at all of the City's public hearings.