Section 1.0:

Introduction and Purpose

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1.1 PURPOSE AND AUTHORITY

The California Environmental Quality Act (CEQA) requires that all State and local agencies consider the environmental considerations of projects over which they have discretionary authority. An Environmental Impact Report (EIR) is intended to provide decision-makers and the public with information concerning the environmental effects of a proposed project, possible ways to reduce or avoid the possible environmental damage, and identify alternatives to the project. An EIR must also disclose significant environmental impacts that cannot be avoided; growth inducing impacts; effects found not to be significant; as well as significant cumulative impacts of all past, present and reasonably anticipated future projects.

The purpose of this Program EIR is to review the existing conditions, analyze potential environmental impacts, identify General Plan policies and programs that serve as mitigation, and identify additional mitigation measures to reduce potentially significant effects of the proposed General Plan Update.

The City of Fullerton is the Lead Agency under CEQA, and is responsible for preparing the Program EIR for The Fullerton Plan (State Clearinghouse No. 2011051019). This Program EIR has been prepared in conformance with CEQA (California Public Resources Code Section 21000 et seq.), California CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the rules, regulations, and procedures for implementation of CEQA, as adopted by the City of Fullerton. The principal CEQA Guidelines sections governing content of this document are Sections 15120 through 15132 (Content of an EIR), and Section 15168 (Program EIR).

This EIR has been prepared as a Program EIR in accordance with Section 15168 of the CEQA Guidelines, which states the following:

(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 operations 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.

The CEQA Guidelines Section 15168 describes the proper process for Program EIRs, as follows (emphasis added):

> *Use of the Program EIR also enables the Lead Agency to characterize the overall program as the project being approved at that time. Following this approach when individual activities within the program are proposed, the agency would be required to examine the individual activities within the program to determine whether their effects were fully analyzed in the Program EIR. If the activities would have no effects beyond those analyzed in the Program EIR, the agency could assert that the activities are merely part of the program, which had been approved earlier, and no further CEQA compliance would be required. This approach offers many possibilities for agencies to reduce their costs of CEQA compliance and still achieve high levels of environmental protection.*

In accordance with Section 15121 of the *CEQA Guidelines*, the main purposes of this EIR are to:

- Provide decision-makers and the public with specific information regarding the environmental effects associated with the proposed project;
- Identify ways to minimize the significant effects of the project; and
- Describe reasonable alternatives to the project.

Mitigation measures are provided that may be adopted as conditions of approval to avoid or minimize the significance of impacts resulting from the project. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring program for the proposed project.

The City of Fullerton (which has the principal responsibility of processing and approving the project) and other public (i.e., responsible and trustee) agencies that may use this EIR in the decision-making or permit process will consider the information in this EIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with Section 15093(b) of the *CEQA Guidelines*, if a public agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project, based on the Final EIR and any other information in the public record for the project. This is termed, per Section 15093 of the *CEQA Guidelines*, a “statement of overriding considerations.”

This document analyzes the environmental effects of the project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the *CEQA Guidelines*. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation. This EIR discusses both the direct and indirect impacts of this project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

1.2 APPROACH

State law specifies the basic contents of the General Plan, however, it permits each jurisdiction to use any format deemed appropriate or convenient. General Plans are traditionally organized into a collection of required and optional elements. These elements contain a policy component and supporting documentation. The City of Fullerton intends for The Fullerton Plan to be used primarily as a policy document and has elected to include supporting documentation for The Plan, both in the Program EIR and the Technical Appendices.

1.3 COMPLIANCE WITH CEQA

The Program EIR is subject to a 45-day review period by responsible and trustee agencies and interested parties. In accordance with the provision of Sections 15085(a) and 15087(a)(1) of the CEQA Guidelines, the City of Fullerton acting as Lead Agency: 1) will publish a notice of availability of a Draft EIR in a newspaper of general circulation; and, 2) will prepare and transmit a Notice of Completion (NOC) to the State Clearinghouse. Proof of publication is available at the City of Fullerton, Planning Division.

Any public agency or members of the public desiring to comment on the Draft EIR must submit their comments in writing to the individual identified on the document's NOC prior to the end of the public review period. Upon the close of the public review period, the Lead Agency will then evaluate and prepare responses to all relevant oral and written comments received from citizens and public agencies during the review period.

The Final EIR will consist of the Draft EIR, revisions to the Draft EIR, and responses to comments addressing concerns raised by responsible agencies or reviewing parties. After the Final EIR is completed and at least ten (10) days prior to its certification, a copy of the responses to comments made by public agencies on the Draft EIR will be provided to the respective agency.

1.4 INTENDED USES OF THIS EIR

The City of Fullerton, as the Lead Agency for this project, will use this Program EIR in consideration of the proposed General Plan Update (i.e., The Fullerton Plan). This document will provide environmental information to several other agencies affected by the project or which are likely to have an interest in the project. Various State and Federal agencies exercise control over certain aspects of the study area. The various public, private, and political agencies and jurisdictions with a particular interest in the proposed project, include, but are not limited to the following:

- Airport Land Use Commission for Orange County;
- California Air Resources Board (CARB);
- California Department of Conservation;
- California Department of Fish and Game;
- California Department of Toxic Substances Control;
- California Department of Transportation (Caltrans);

- California Emergency Management Agency;
- California Energy Commission;
- California Environmental Protection Agency (CalEPA);
- California Office of Emergency Services;
- California Regional Water Quality Control Board (CRWQB);
- California Reclamation Board (CRB);
- City of Anaheim;
- City of Brea;
- City of Buena Park;
- City of La Habra;
- City of Placentia;
- Fullerton Joint Union High School District;
- Fullerton School District;
- Metrolink;
- Metropolitan Water District of Southern California;
- Orange County Health Department;
- Orange County Transportation Authority;
- Orange County Public Works Department;
- Orange County Sanitation District;
- Orange County Water District;
- Placentia-Yorba Linda Unified School District;
- South Coast Air Quality Management District (SCAQMD);
- Southern California Association of Governments (SCAG); and
- U.S. Environmental Protection Agency.

1.5 EIR SCOPING PROCESS

In compliance with the CEQA Guidelines, the City of Fullerton has taken steps to maximize opportunities for individuals, parties, and agencies to participate in the environmental process. During preparation of The Fullerton Plan Program EIR, an effort was made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments and inform the public of the proposed project. This included the distribution of a Notice of Preparation (NOP) on May 9, 2011.

NOTICE OF PREPARATION (NOP)

Pursuant to the provision of Section 15082 of the CEQA Guidelines, as amended, the City of Fullerton circulated a NOP to public agencies, special districts, and members of the public requesting such notice. The purpose of the NOP was to formally convey that the City is preparing a Program EIR for The Fullerton Plan, and that as Lead Agency, was soliciting input regarding the scope and content of the environmental information to be included in the Program EIR. The formal comment period began on May 9, 2011 and concluded on June 7, 2011. The NOP is provided in Appendix A and the NOP Comments are provided in Appendix B.

1.6 FORMAT OF THE PROGRAM EIR

Section 1.0, Introduction and Purpose, provides an overview of The Fullerton Plan and the scope, use and approach of the Program EIR.

Section 2.0, Executive Summary, provides a summary of the project, environmental analysis, and alternatives.

Section 3.0, Project Description, includes a detailed description of The Fullerton Plan. This section describes the environmental setting and defines the project. Assumptions used during the preparation of this document are also identified.

Section 4.0, Basis of Cumulative Analysis, describes the approach and methodology for the cumulative environmental analysis.

Section 5.0, Environmental Analysis, evaluates the impacts associated with implementation of The Fullerton Plan. This section is organized according to issue area. Each area includes a description of the environmental setting relative to that issue; the environmental effects of the proposed project; mitigation measures; and determination of significance after mitigation. Mitigation measures that are incorporated into The Fullerton Plan in the form of goals and policies are described in the Environmental Impacts and Mitigation Measures subsection and additional mitigation measures, which may be required to mitigate project impacts, are recommended.

Impacts and mitigation measures are generally organized according to the topical areas. However, an impact or mitigation measure's location within the document should not restrict it from being considered under another issue topic, even though omitted from that section. Many of the impacts relating to The Fullerton Plan are multi-faceted. Similarly, the goals, policies, and actions that serve as mitigation measures and additional mitigation measures recommended, may accomplish several objectives and mitigate more than one impact. It is important that decision-makers be cognizant of this fact in their consideration and use of this document. If mitigation measures are altered, the affect that would have on other issues should be evaluated. Cumulative impacts are discussed in Section 4.0.

Section 6.0, Other CEQA Considerations; and Section 7.0, Significant Unavoidable Environmental Effects Which Cannot Be Avoided If The Proposed Action Is Implemented; address the remainder of CEQA mandated issue areas.

Section 8.0, Alternatives to the Proposed Action, is a discussion of the alternatives to the proposed project and related impacts and evaluation. An environmentally superior option is discussed in this section.

Section 9.0, Effects Found Not To Be Significant, includes those impacts found to be less than significant, because the proposed project's scope could not create such impacts. This section provides a brief description of effects found not to be significant or less than significant, based on the NOP comments or more detailed analysis conducted as part of the EIR preparation process.

Section 10.0, Organizations and Persons Consulted, identifies all Federal, State, or local agencies, other organizations, and individuals consulted.

Appendices, contains technical documentation for the project.

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