CITY OF FULLERTON
Community and Economic Development Department

Item No. 2
January 24, 2024
6:30 p.m.
Public Hearing

TO: **Chairman Gambino and Members of the Planning Commission**

APPLICATIONS

ZON-2022-0131

APPLICANT

Jamie McLaughlin, BTC III Fullerton CC LP

LOCATION

801-811 South Acacia Avenue and 1580 Kimberly Avenue

SUMMARY AND APPLICATIONS REQUESTED

The applicant is requesting approval of a Major Site Plan to demolish existing structures on the project site and construct a 185,525-square-foot concrete tilt-up warehouse building that includes 10,000-square-feet of supporting office space on property zoned M-P-80ES, Manufacturing General, 80,000 square feet minimum lot size – Emergency Shelter Overlay.

AUTHORIZATION/GUIDELINES

Fullerton Municipal Code (FMC) Section 15.47.040 of Chapter 15.47 authorizes the Planning Commission to act on a Major Site Plan to ensure compliance with the development standards for the zone (15.40.050) and design review criteria (15.47.060).

PUBLIC OUTREACH

On January 13, 2024, the City sent a Public Hearing Notice to owners and occupants of property within a 300-foot radius of the project site and those specifically requesting to be notified. Notification was posted in two locations on the project site on January 12, 2024. The notice was also posted on the City's website and at the Maintenance Services Department, Main Library, Museum Center, and City Hall on the Public Notice boards. In addition, notice was published in the Fullerton News Tribune on January 11, 2024. As of the date of writing this report, no correspondence has been received.

PROJECT BACKGROUND

Project Applicant:	Jamie McLaughlin
Property Owner:	BTC III Fullerton CC LP
Property Location:	801-811 South Acacia Avenue and 1580 Kimberly Avenue
General Location:	The project site is located in the southeastern portion of the City at the southwest intersection of Kimberly Avenue and Acacia Avenue.
Parcel Number:	APN 073-110-57, 58
Existing Community Development Type (General Plan Land Use Designation):	Industrial Focus Area K – Southeast Industrial
Existing Zoning Classification:	The property is zoned M-P-80ES, Manufacturing General, 80,000 square feet minimum lot size – Emergency Shelter Overlay
Site Size:	8.43 acres is composed of two parcels and will be consolidated into one parcel as part of the project.
Existing Conditions:	The project site currently contains three industrial buildings totaling approximately 155,000 square feet as well as a paved area and parking lot. The existing buildings, paved area, and parking lot will be demolished prior to construction of the proposed project.
Parking:	Surface Parking
Surrounding Land Uses and Zoning:	North, East, South, West: The project site is bordered by industrial property zoned M-P, Manufacturing Park to the north, east, and south and M-G, Manufacturing General to the west.

PROJECT DESCRIPTION / ANALYSIS

The project proposes to remove the existing on-site structures, consolidating (i.e., merging) two existing parcels, to construct a new 185,525 square-foot concrete tilt-up warehouse building that includes a 5,000-square-foot mezzanine. The building use will consist of 180,525 square feet for warehouse/distribution uses and 10,000 square feet for office use – 5,000 square feet on the first floor and 5,000 square feet on the upper (mezzanine) level. Although the specific end user is not currently known, the building size and design would provide for a light industrial end use.

The proposed building would have a building footprint of 180,825 square feet and a maximum height of 45 feet with a clear height of 36 feet within the warehouse; 28 dock-high doors would be located along the southern side of the building and would be screened by the building from public view. The proposed site plan is provided for reference as Attachment 2.

Parking and Access

Parking will be provided on the site via surface parking areas. A total of 128 automobile parking spaces will be distributed on the northern portion of the site along Kimberley Avenue. The proposed project will also provide 42 trailer parking stalls, which would be located along the southern boundary of the site.

Three access points would be provided: one 35-foot-wide right-in/right-out driveway along South Acacia Avenue, one 37-foot full access driveway along Kimberly Avenue, and one 30-foot driveway along Kimberly Avenue. Truck access is anticipated to primarily occur from the westernmost driveway along Kimberly Avenue as the driveway off of Acacia would have right-in/right-out restrictions. The proposed project would include a 26-foot-wide fire lane around all sides of the building for emergency access.

Architecture and Landscaping

The building consists of a contemporary design with parapets of varying heights, building projections and insets which are designed to break up the overall massing of the building (see Attachment 2). The proposed building elevations are enhanced with a variety of materials to provide for architectural articulation, including painted concrete walls constructed to simulate metal paneling, horizontal and vertical reveals, aluminum cladded canopies, and reflective glass panels in the storefront systems. Additionally, the northwest and southeast corners of the building would feature faux office facades to match the office frontage on the northeast corner of the building.

The proposed project will include approximately 44,728 square feet of new landscaping around the perimeter of the site and throughout the parking areas. Landscaping will include trees, shrubs, ground cover, and accents primarily along the frontages of South Acacia Avenue and Kimberly Avenue, within the building setback areas. Tree species include crepe myrtle, magnolia, olive, Afghan pine, Chinese pistache, London plane, and Brisbane box. Shrub species include pineapple guava, Hopseed bush, Texas ranger, Texas privet, coffeeberry, autumn sage, Santa Barbara sage, feathery cassia, and pink muhly.

Per FMC Section 15.47.040.B, the proposed project meets all applicable development standards, the use is permitted by right in the zone, and meets the design criteria specified in 15.47.060. As detailed in the findings and facts contained in the Resolution, the project has been designed to blend well with the existing surrounding development and uses.

ENVIRONMENTAL REVIEW

The project has been reviewed for compliance with the state's California Environmental Quality Act (CEQA) regulations. As described in the attached CEQA 15183 – Environmental Compliance Checklist, the proposed project is consistent with the land use designations and development intensities assigned to the project site by The Fullerton Plan. Cumulative impacts associated with development and buildout of the project site, as proposed, were fully addressed in The Fullerton Plan Environmental Impact Report (EIR) (SCH# 2011051019). Since the proposed project is consistent with the land use designation and development intensity for the site identified in The Fullerton Plan and analyzed in The Fullerton Plan EIR, implementation of the proposed project would not result in any new or altered cumulative impacts beyond those addressed in The Fullerton Plan EIR.

The analysis in the attached CEQA Environmental Checklist demonstrates that there are no site-specific or peculiar impacts associated with the project and identifies uniformly applied standards and policies that would be applied to the project. The Project Requirements identified in the attached environmental analysis include requirements that must be implemented by the proposed project in order to ensure that any site-specific impacts or construction-related impacts are reduced to a less-than-significant level. All Project Requirements identified in the attached Standard Conditions/Mitigation Monitoring and Reporting Program shall be made a condition of project approval and shall be implemented within the timeframes identified.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC-2024-03, including recommended conditions entitled:

> **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN TO DEMOLISH EXISTING ONSITE STRUCTURES AND CONSTRUCT A NEW INDUSTRIAL WAREHOUSE BUILDING ON PROPERTY ZONED M-P (MANUFACTURING PARK), LOCATED AT 801-811 ACACIA AVENUE AND 1580 KIMBERLY AVENUE**

DATED: January 24, 2024

Prepared by:

Edgardo Caldera
Senior Planner

Reviewed by:

Chris Schaefer, AICP
Planning Manager

Approved for Agenda by:

Sunayana Thomas
Director of Community and Economic Development

Attachments to Report

1. Draft Planning Commission Resolution No. PC-2024-03
2. Project Plans
3. CEQA Guidelines Section 15183 Environmental Checklist[1]

[1]Appendices available on the City website: https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/development-activity

RESOLUTION NO. PC-2024-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN TO DEMOLISH EXISTING ONSITE STRUCTURES AND CONSTRUCT A NEW INDUSTRIAL WAREHOUSE BUILDING ON PROPERTY ZONED M-P (MANUFACTURING PARK), LOCATED AT 801-811 ACACIA AVENUE AND 1580 KIMBERLY AVENUE

ZON-2022-0131

APPLICANT: JAMIE MCLAUGHLIN
PROPERTY OWNER: BTC III FULLERTON CC LP

RECITALS

1. WHEREAS an application was filed for a Major Site Plan to construct a new concrete tilt-up industrial warehouse building on property addressed 801-811 South Acacia Avenue and 1580 Kimberly Avenue, more specifically described as:

   Assessor's Parcel No. APN 073-110-57, 58

2. WHEREAS The Planning Commission of the City of Fullerton, in compliance with the noticing requirements of Fullerton Municipal Code (FMC) Chapter 15.76, held a duly noticed public hearing for ZON-2022-0131; and

3. WHEREAS FMC Section 15.47.040 of Chapter 15.47 authorizes the Planning Commission to act on a Major Site Plan;

4. WHEREAS in accordance with the California Environmental Quality Act (CEQA) Section 15183 (Projects Consistent with a Community Plan or Zoning), the proposed project is within the scope of the Fullerton Plan Environmental Impact Report (EIR), and no further CEQA documentation is required.

RESOLUTION

Now therefore, be it found, determined, and resolved by the Planning Commission of the City of Fullerton, as follows:

1. The Planning Commission, pursuant to FMC Section 15.47.040.B.1 finds as follows:

   a. Finding: The use is permitted in the zoning classification.

      Fact: The Project proposes to develop a new 185,525 square foot industrial building for warehousing/distribution uses, including a 10,000 square feet of office space. Warehouse/distribution and office are permitted uses under M-P, Manufacturing Park, per Fullerton Municipal Code Section Table 15.40.020.A.

   b. Finding: The project meets all applicable development standards.

Fact: Staff has reviewed the project and determined it conforms to the development standards contained in Title 15 of the Fullerton Municipal Code for M-P zoned properties.

c. Finding: The project meets the design criteria as specified in Section 15.47.060, as applicable.

Finding: The proposed project creates a development that is pleasant in character, harmonious with past development of Fullerton and illustrates design compatibility with the desired developing character of the surrounding area.

Fact: The project has been designed to blend well with the existing surrounding uses. The building consists of a contemporary design with parapets of varying heights, building projections and insets which are designed to break up the overall massing of the building. The proposed building elevations are enhanced with a variety of materials to provide for architectural articulation, including painted concrete walls constructed to simulate metal paneling, horizontal and vertical reveals, aluminum cladded canopies, and reflective glass panels in the storefront systems. Additionally, the northwest and southeast corners of the building would feature faux office facades to match the office frontage on the northeast corner of the building.

Finding: The proposed project includes designing and/or screening all rooftop mechanical and electrical equipment as an integral part of the building design.

Fact: The proposed building includes building parapets on the entire perimeter of the roof and are unified with the design of the building. The parapets will serve to screen all roof top mechanical and electrical equipment.

Finding: The Project screens exterior trash, storage areas and service yards from view of nearby streets.

Fact: The southern end of the proposed building is designed to completely screen the loading dock area from public view. Additionally, a trash enclosure is proposed on the southeast portion of the project that would serve to screen trash bins from public view.

Finding: That the Project minimizes noise within the project as well as noise created by the proposed project that may negatively impact the surrounding area.

Fact: As evaluated in the CEQA Environmental Compliance Checklist (Section 5.13, Noise), The Project would not result in impacts related to noise beyond those identified in The Fullerton Plan EIR.

Finding: That the project creates traffic patterns that minimize impacts on surrounding properties and streets and accommodate emergency vehicles.

Fact: As evaluated in the CEQA Environmental Compliance Checklist (Section 5.17, Transportation), the Project would not result in impacts related to transportation beyond those identified in The Fullerton Plan EIR. The Project is consistent with The Fullerton Plan, and as such, there are no impacts related to transportation peculiar to the Project that have not been fully addressed in The Fullerton Plan EIR.

Finding: Designing landscaping to create a pleasing appearance from both within and off the site.

Fact: Landscaping would be provided around the perimeter of the Project site. The landscaping would include trees, groundcover, and shrubs within the landscaped setback adjacent to Acacia Avenue and Kimberly Avenue. Additional landscaping would be provided along a portion of the proposed building and within the parking areas.

Finding: The Project ensures that all landscaping and its corresponding irrigation systems will conform to Chapter 15.50 of this title.

Fact: The Project has been conditioned for landscape plans, including irrigation, to be submitted prior to issuance of building permits, in accordance to Chapter 15.50.

2. The Planning Commission does hereby APPROVE said Major Site Plan ZON-2022-0131 subject to the following conditions of approval:

   a. The action of the Planning Commission approves the applicant submitted plans identified as Attachment 1 and as conditioned herein. The term “approved Major Site Plan” pertains to the plans in Attachment 1 and as conditioned herein.

   b. Outdoor storage shall comply with FMC Section 15.40.020.D which identifies that, where allowed, outdoor storage requires screening from adjacent properties and surrounding streets. Outside storage shall not occupy any required parking spaces, drive aisles, or turn around areas.

   c. Prior to issuance of a building permits, the corresponding landscape plans shall be prepared and submitted to the City for review and approval pursuant to Fullerton Municipal Code (FMC) Chapter 15.50. All trees shall be a minimum size of 24-inch box and all shrubs shall be a minimum size of 5 gallons. Landscaping shall be installed prior to occupancy of the building. A one-year maintenance bond in an amount equal to 50% of the combined cost of the landscaping materials and irrigation system, but not less than $500, shall be posted as a prerequisite to the final approval of the development and/or occupancy of the building. The property owner, or Owner’s Association where applicable, shall be responsible for maintaining landscaping in accordance with the approved landscape plans. Dead plants shall be replaced by the property owner, or Owner’s Association, with the same species type and size identified on the approved landscape plans.

   d. Bike racks shall be installed as part of the project. The location of bike racks shall be submitted for review and approval through the building plan check process.

   e. Project implementation shall comply with relevant mitigation measures/conditions of approval identified in the Fullerton Plan, included in the CEQA Guidelines 15183 Environmental Checklist that was prepared for the project.

   f. Construction plans shall be submitted to the Community and Economic Development Department for review and issuance of building permit(s). Construction plans shall comply with Fullerton Building Codes, as adopted and in effect at time of plan submittal and be prepared in substantial conformance with the approved Major Site Plan except to the extent that the plans or designs are modified by the conditions herein.

   g. The Community and Economic Development Director may approve minor modifications to the approved Major Site Plan; however, major modifications shall require the approval of the Planning Commission.

h. Applicant/Property Owner is responsible for ensuring that information contained in construction plan drawings is consistent among architectural, structural, grading, electrical, mechanical, plumbing, fire, utility, and public improvement plans as well as other construction drawings. This responsibility may be transferred by the Applicant/Property Owner to the Project Architect. While the City aims to correct inconsistencies, they are the ultimate responsibility of the Applicant/Property Owner/Project Architect to remedy, up to and including completing construction revisions prior to receiving final occupancy approvals.

i. The approval of the Major Site Plan becomes null and void if not exercised within 24-months from the date of approval. Prior to the date of expiration of the approved Major Site Plan, the expiration date may be extended by the Planning Commission for a period or periods not exceeding 12-months, for a total of no more than 24 months.

j. Compliance with all codes, standards, laws, ordinances, and references in place at the time of the submittal, including but not limited to the National Fire Protection Association (NFPA), Underwriters Laboratories (UL), etc.

k. All corrections generated during the plan check and inspection process shall be incorporated as conditions of approval by reference. Plans shall clearly show that the project complies with applicable Building Codes prior to issuance of building permits. Any site plan revisions necessary to comply with Building Code revisions may be considered for approval by the Director of Community and Economic Development.

l. All construction and general maintenance activities that are anticipated to exceed the noise standards set forth in FMC Section 15.90 shall be limited to the hours of 7 a.m. to 8 p.m. Monday through Saturday, except in the case of an emergency. Noise associated with construction, repair, remodeling or grading of any real property must comply with the standards set forth in FMC Section 15.90 between 8 p.m. and 7 a.m. Monday through Saturday and at any time on Sunday or City-recognized holidays. All on-site construction equipment shall have properly operating mufflers and applicant should utilize the quietest equipment available.

m. The applicant shall agree to indemnify, hold harmless, and defend the City of Fullerton, its officers, agents, and employees, from any and all liability or claims that may be brought against the City arising out of this approval, or arising out of the operation of the business, save and except that caused by the City's active negligence.

Public Works – Engineering

Project Specific:

n. The project proposes to consolidate two lots APN: 073-110-57 and APN: 073-110-58. The applicant shall be responsible for the preparation and recordation of the LLA to perform the lot consolidation. The application for the LLA is available on the city's website and shall be submitted to Public Works Department – Engineering Division for review and approval. LLA shall be recorded prior to issuance of building permits.

o. The project shall dedicate the following street right-of-way to the City of Fullerton for roadway and public utility purposes prior to issuance of a building permit. A signed and stamped legal

description and plot prepared by a licensed surveyor shall be submitted to the City of Fullerton Public Works Department – Engineering Division for review and approval.

- An additional 1-ft of street right-of-way along Kimberly Avenue.
- At the SW corner of the intersection of Kimberly Avenue and Acacia Avenue for a corner cut-off to comply with City Standard No. 123, Sidewalk Return.

p. Project proposes to quitclaim existing Southern California Edison (SCE) easements. SCE easements shall be quitclaimed and recorded prior to issuance of building permits.

Project Frontage Improvements:

q. Separate Public Improvement Plans for improvements in the public right-of-way shall be submitted to the Public Works Department – Engineering Division for review and approval prior to building permit issuance and shall be constructed prior to the issuance of the Certificate of Occupancy for the proposed Major Site Plan.

r. The project shall remove the existing railroad track spurs that cross Kimberly Avenue and into the project's property. The applicant shall obtain all appropriate permits and approvals from Burlington Northern Santa Fe (BNSF) Railroad Company prior to removing.

s. The project shall rehabilitate/reconstruct the asphalt pavement over the entire street width on Kimberly Avenue between the removal of the railroad track spurs to Acacia Avenue, including the intersection of Kimberly Avenue and Acacia Avenue. The final thickness of the pavement structural section shall be designed in accordance with Geotechnical Investigation Report recommendations prepared by a Registered Civil Engineer and as approved by the City Engineer. The pavement design analysis shall specify a Traffic Index (TI), to be approved by the City Traffic Engineer, and an R-Value.

t. The asphalt pavement on Acacia Avenue was recently reconstructed over the entire street width. Therefore, all work on Acacia Avenue that may produce damage to AC pavement (i.e., potholing, sawcutting, trenching, sandblasting, etc.) shall be subject to moratorium standards for pavement replacement.

u. All existing parkway hardscape and landscape improvements, including trees, along the property's frontages shall be removed and replaced with full width concrete sidewalk per City standards. New trees shall be planted onsite behind the sidewalk along both property frontages.

v. Existing driveway approach(s) that will not be utilized by the proposed project shall be removed and reconstructed with full-height curb and gutter and full width concrete sidewalk per City standards.

w. New driveway approach(s) shall be constructed in accordance with City of Fullerton Standards. Driveway design shall address City Traffic Engineer's requirements and shall be reviewed and approved by the City Traffic Engineer and City Engineer.

x. All damaged and/or substandard existing concrete infrastructure (curb and gutter, cross gutter, spandrel, driveways, etc.) within paving limits shall be removed and replaced per City Standards.

y. Pedestrian improvements in the public right-of-way shall comply with Federal, State, and City disabled access regulations.

z. The project shall install new streetlights along both street frontages on Kimberly Avenue and Acacia Avenue to enhance roadway and sidewalk lighting levels as necessary to improve safety and security for patrons. The design and construction of the street lighting modifications shall be per City Standards and the conditions below:

   i. All new streetlight locations shall be City-approved locations.

   ii. New streetlights shall be a low voltage system designed and installed in accordance with the City of Fullerton Standards (500 series) and Standard Specifications for Ornamental Street Lighting Systems with City of Fullerton-approved LED luminaires (Phillips LUMEC, Cooper Navion, GE Evolve or Leotek).

   iii. Separate service panel(s) and electrical connection shall be installed and coordinated with SCE. The new city-owned electrical metered panel(s) shall be installed by the developer in a City of Fullerton standard switch cabinet (Std. 504) at a location approved by the City and SCE.

   iv. The number of streetlights shall be determined by a Photometric Study in compliance with Illuminating Engineering Society (IES) standards prepared by the developer and shall be submitted to the Public Works Department – Engineering Division for review and approval. The new streetlights shall achieve an adequate illumination level and shall not exceed the City's maximum spacing requirements.

   v. Existing streetlights installed on SCE power poles along the project frontages shall be removed in coordination with SCE.

   vi. A separate street lighting plan shall be submitted to the Public Works Department for review and approval. Street light improvements shall be completed to the satisfaction of the City Traffic Engineer and City Engineer.

aa. The applicant submitted a request to the City of Fullerton to waive the requirement to underground power poles and overhead utility lines in accordance with Fullerton Municipal Code (FMC) Section 16.05.060 along both project frontages on Kimberly Avenue and Acacia Avenue. Upon review it was determined that the requirement to underground power poles (6 total) and overhead lines along both frontages would create a financial hardship compared to the scope and scale of the project. As such, the project shall only underground the power poles and overhead lines along Acacia Avenue (2 total), except for the power pole on the SW corner of Kimberly Avenue and Acacia Avenue intersection. The waiver request does not exempt requirements to underground existing and proposed service lines that provide direct service to the development.

bb. Public Works Department expenses, including project management, plan check, inspection, review, processing of all plans and submittals, will be charged against the reimbursable account created for the project. An initial $10,000 shall be deposited with the Public Works Department concurrently with the first review submittal, by the City's consultants, of the grading plans, soils report, hydrology report, and the WQMP. Any amount remaining in the account after completion of the project will be refunded to the project. If the amount deposited is insufficient to complete the project review and inspection process, additional deposit(s) will be required as necessary to finalize the project.

Grading and Drainage

cc. Conceptual design documents, including a Conceptual Grading Plan, Preliminary Hydrology Report, and Preliminary Water Quality Management Plan (PWQMP), have been submitted, reviewed, and found acceptable by City staff.

dd. The proposed Major Site Plan development shall comply with the approved conceptual documents that provide for a maximum size of impervious area, flow pattern, maximum quantities for storm water runoff and intensity, type, size, and location of storm water quality Best Management Practices (BMP) facilities, utility connections, and access and site circulation.

ee. Site development shall not result in the increase of storm water run-off and flow intensity to the adjacent properties nor obstruct storm water flow into the site. The project shall not increase runoff to public right-of-way above the existing storm drain infrastructure capacity. If the project does increase runoff above the storm drain capacity, then the project shall upsize the storm drain main as needed. No surface runoff shall be permitted across sidewalks and driveway approaches.

ff. The project shall prepare a final pre-construction and post-construction Hydrology and Hydraulics Study and shall comply with the Orange County Hydrology and Local Drainage Manuals. The size and alignment of the on-site and off-site drainage facilities shall be based upon detailed hydrology and hydraulic calculations prepared by a California Registered Engineer and shall be approved by the City Engineer prior to issuance of a grading permit.

gg. Proposed on-site storm drain and BMPs facilities shall be privately owned and maintained.

hh. The project proposes to utilize an existing Corrugated Metal Pipe (CMP) located on Kimberly Avenue to discharge the on-site storm water runoff into the Kimberly Ave. Storm Drain Channel.

ii. The existing CMP was video inspected and the base of the pipe was found to be in poor condition. The existing deteriorated and substandard CMP shall be abandoned and replaced with a new Reinforce Concrete Pipe (RCP) per City standards and requirements. Final location of new RCP shall be reviewed and approved by the City Engineer. The project shall coordinate and obtain all necessary approvals and permits for all work located within BNSF RR right-of-way.

jj. All storm drains constructed within the public right-of-way or public easements shall be a minimum of 18 inches in diameter RCP constructed in accordance with City standards.

kk. Existing public storm drain catch basins directly impacted by the development's proposed improvements shall be replaced per City Standards at a location approved by the City.

ll. A final grading plan shall be submitted to Public Works Department for review and approval, and a grading permit shall be issued prior to issuance of a building permit.

mm. Site grading shall adhere to the approved grading plan.

nn. As-Built Grading Plan, signed and stamped by the Engineer of Record and the Geotechnical Engineer, shall be submitted to Public Works Department prior to finalizing and closing the grading permit. Any deviations from the approved grading plan will require a submittal of grading plan revision for the City Engineer's review and approval.

oo. All retaining walls and any above-ground construction, regardless of its height, that may alter the existing storm water flow pattern shall be shown on the grading plan.

pp. A Final Priority Water Quality Management Plan (WQMP) shall be submitted and approved by the City Engineer prior to the issuance of a grading permit. The applicant shall submit three (3) hard copies of the Final WQMP (with the front page of each copy signed and stamped with wet ink application by a licensed California Civil Engineer), three (3) copies of the Plans (each sheet

signed and stamped with wet ink application by a licensed California Civil Engineer), and one (1) copy of all original (wet ink documentation) forms and certifications.

qq. All water quality requirements for the National Pollutant Discharge Elimination System (NPDES) Storm Water Program shall be compliant with the latest regulations and guidance documents. Permits and guidance documents include, but are not limited to, California Regional Water Quality Control Board – Santa Ana Region (Order No. R8-2009-0030, NPDES Permit No. CAS618030), Orange County Model Water Quality Management Plan (Model WQMP), and the Orange County Technical Guidance Document (TGD).

rr. Best Management Practices (BMPs) storm water treatment facilities shall be shown on the grading plan and shall be designed in accordance with the City-approved WQMP.

ss. An Ownership and Maintenance Agreement for all common private drainage facilities and storm water quality BMP facilities, if any, shall be executed prior to Final Certificate of Occupancy.

tt. The project is over an acre and requires a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be submitted to SMARTS (i.e., WDID issued) prior to approval of the Final WQMP.

Water and Sewer:

uu. The project proposes to utilize an existing sewer lateral and abandon a second one. The existing 6-inch sewer lateral to be reutilized was video inspected and found to be in adequate shape. The existing sewer lateral to be abandoned shall be cut and capped at the main and backfilled with slurry.

vv. The developer shall provide services required for the site including domestic, irrigation, fire service, backflow assemblies, and abandon existing services for the site that will not be utilized all per City Standards and Water Utility Specifications.

ww. A water improvement plan prepared by a Civil Engineer shall be submitted to Public Works Department and shall be approved prior to building plan approval. Water improvement plan shall include existing, proposed, and abandonment of services, fire hydrants, etc.

xx. Calculations for domestic, irrigation, and fire services shall be submitted to Public Works Department for review to determine meter sizes. If it is determined that the existing services are insufficient, the existing services shall be abandoned at the main and new services, meters, and backflows shall be installed per City standards.

yy. Additional fire hydrants may be required to be installed by the developer to meet Fire Department requirements. Fire DCDA Assembly shall be within 50 feet of a public fire hydrant or a new fire hydrant shall be installed by development.

zz. The project shall abandon the existing southerly 12-inch cast iron (C.I.) water main, valves and existing services on Kimberly Avenue and connect new services and fire hydrants to the northerly 12-inch C.I. water main on Kimberly Avenue per City standards.

aaa. If any water services are to be abandoned during the demo phase, developer shall contact Utility Services Department at 714-738-6890 to cancel service. After water service account is closed, contact Public Works – Engineering Division at 714-738-6845 to schedule City crews to collect the meters.

bbb. Any services abandoned, shall be abandoned at the main during the construction phase.

ccc. Water and Excavation permits, including bonds, shall be required for new water and fire services in the City of Fullerton and shall be obtained prior to issuance of building permits.

ddd. Prior to issuance of building permits, front footage fees if any, shall be collected per the City of Fullerton Water Rates, Rules and Regulations (Rule 15.C).

Traffic – Access and Circulation:

eee. The developer shall provide and implement a separate signing and striping plan following pavement reconstruction.

fff. All project parking demands are to be accommodated on site.

ggg. All loading and unloading of passengers, goods, materials, and supplies are to be accommodated onsite. There is to be no temporary stopping or parking on Acacia Avenue or Kimberly Avenue adjacent to the project site for loading and unloading activities of any kind.

hhh. There is to be no temporary staging of trucks or other vehicles on Acacia Avenue or Kimberly Avenue at any time.

iii. As a part of the project access design and off-site street improvement plans, the project's ingress/egress points are to be reviewed for appropriate traffic control and safety measures to address the anticipated level of traffic generated by the development. Such measures could include, but not be limited to, limiting vertical obstructions to maintain sight visibility, traffic signs & markings, and physical modifications to driveways. All proposed traffic controls and existing and proposed obstructions in the public right-of-way are to be clearly indicated on the off-site improvement plans to the satisfaction of the City Traffic Engineer.

jjj. There is to be no storage or standing of trash, recycling, or other discards either loose or placed in receptacles, containers, or bins within the public right-of-way unless approved by the City Engineer and permitted by the City.

kkk. The applicant is to pay all related project traffic fees as outlined in the Fullerton Municipal Code as interpreted by the City Traffic Engineer prior to building permit issuance.

General:

lll. All work in the public right of way shall be constructed in accordance with the Standard Plans and Standard Specifications for Public Works Construction, latest edition. This includes supplements thereto and City of Fullerton Standard Drawings.

mmm. Separate public improvement plans for improvements in the public right-of-way shall be prepared by a Registered Civil Engineer authorized to practice in the State of California and submitted to the Public Works Department – Engineering Division for review and approval prior to building permit issuance and shall be constructed prior to the issuance of the Temporary Certificate of Occupancy for the proposed Major Site Plan.

nnn. Before undertaking any grading or construction work of any type within the public right of way, the owner must first obtain the applicable permits from the Public Works Department.

ooo. During site improvement, all deliveries to the project site that are overweight, or oversize will require a transportation permit from the Public Works Department.

ppp. The project shall utilize the City's benchmarks. A list of the City's benchmarks is available on the City of Fullerton website.

qqq. The developer shall provide and maintain all necessary flag persons, barricades, delineators, signs, flashers, and any other safety equipment as set forth in the latest publication of the State of California, Manual of Traffic Control, or as required by the Public Works Department permit requirements to ensure safe passage of pedestrian and vehicular traffic.

rrr. Subdivision and Topographic Mapping shall be in new horizontal datum NAD83 (2011) Epoch 2017.50.

sss. Street trenches required for the installation of utility connections shall comply with City of Fullerton Standard No. 312 and 313.

ttt. Any controlling survey monumentation (property lines, tract lines, street centerline, etc.) which are at risk of being destroyed or disturbed during the course of this project must be preserved in accordance with Section 8771(b) of the California Business and Professions Code (Professional Land Surveyors Act). Pre-construction field ties, along with the preparation and filing of the required Corner Records or Record of Survey with the County of Orange, shall be accomplished by, or under the direction of, a licensed surveyor or civil engineer authorized to practice land surveying. Copies of said records shall be furnished to the City Engineer for review and approval prior to issuance of any onsite or offsite construction permits. Any monuments disturbed or destroyed by this project must be reset and post-construction Corner Records or Record of Survey filed with the County of Orange. A copy of the recorded documents shall be submitted to the City Engineer for review and approval prior to issuance of any permits within the public right of way.

uuu. Prior to issuance of building permits, all public improvements shall be guaranteed to be installed by the execution of an Agreement for Public Improvements secured by sufficient bonds or sureties for both Faithful Performance and Labor and Materials, in a form approved by the City Attorney.

vvv. All cash fees and deposits shall be collected by the City of Fullerton prior to the issuance of Certificate of Occupancy.

www. All of the public improvements, studies, designs, plans, calculations, and other requirements shall be installed, provided, and supplied by the developer in accordance with City and State codes, policies, and requirements at no cost to the City. All work shall comply with City standards and specifications and with the City of Fullerton Municipal Codes.

xxx. Proposed sewer laterals shall be minimum 6" V.C.P. per City Std. 209A and 209B. All existing lateral connections to be utilized for the development shall be video inspected to determine their condition. Video shall be submitted to the Public Works/Maintenance for review. If determined that the existing connection(s) are in poor condition, they shall be replaced with new lateral connections per standard plans.

yyy. All existing and proposed public and private easement shall be shown on all plans.

zzz. Existing public and private easements shall not be affected by the proposed development. Any modification to an existing public and/or private easement shall be coordinated and approved by applicable easement owners.

aaaa. All facilities crossing lot lines shall be located in private easements.

bbbb. Private improvements shall not encroach into the existing public easements including but not limited to walls, fencing, and/or structures.

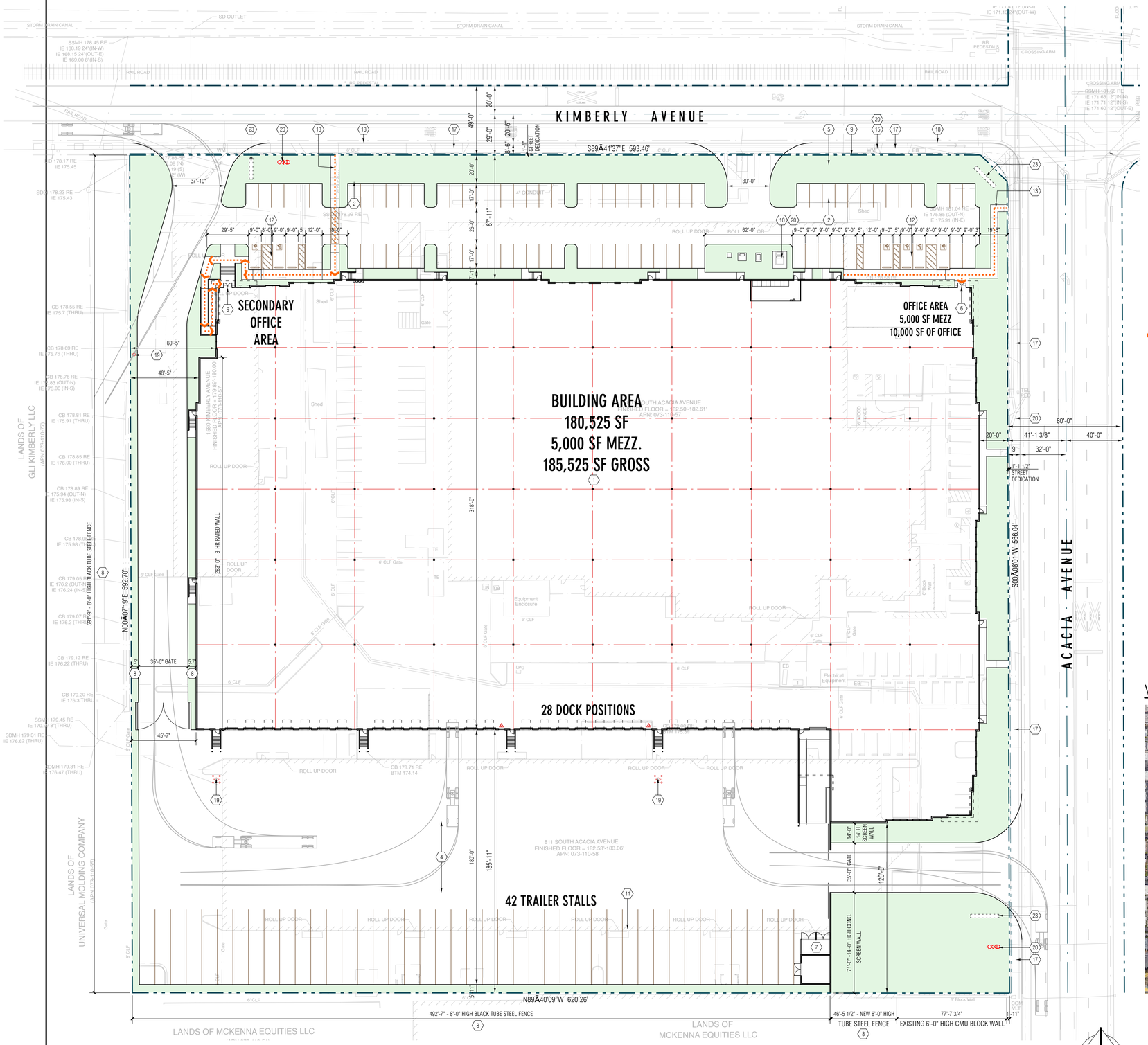
cccc. Applicant shall coordinate with local telecommunication providers to connect new services to each planned dwelling unit to install all their improvements in the public right of way prior to the rehabilitation of adjacent pavement.

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON JANUARY 24, 2024.

_____
Peter Gambino
Chairman

Attachments

1. Plans



SITE PLAN

SCALE: 1" = 30'-0"

OWNER:

ARES INDUSTRIAL MANAGEMENT
4675 MACARTHUR COURT SUITE 625
NEWPORT BEACH, CA 92660
ATTN: JAMIE MALAUGHLIN
PH: 949-892-4900

APPLICANT:

ARES INDUSTRIAL MANAGEMENT
4675 MACARTHUR COURT SUITE 625
NEWPORT BEACH, CA 92660
ATTN: JAMIE MALAUGHLIN
PH: 949-892-4900

ARCHITECT:

RGA, OFFICE OF ARCHITECTURAL DESIGN, INC.
15231 ALTON PARKWAY, SUITE 100
IRVINE, CA 92673
ATTN: JACOB HUBER
PH: 949-341-0920

KEYNOTES: (00)

1. PROPOSED PAINTED CONCRETE TILT-UP 36' CLEAR INDUSTRIAL BUILDING.

2. TYPICAL PARKING STALL - 9' X 19'. MAY BE REDUCED TO 9' X 17' W/ 2'-0" OVERHANG. STRIPING PER CITY STANDARDS.

3. TYPICAL CARPOOL/VANPOOL PARKING STALL - 9' X 19'. MAY BE REDUCED TO 9' X 17' W/ 2'-0" OVERHANG. STRIPING PER CITY STANDARDS.

4. CONCRETE YARD W/ GRADE LEVEL TRUCK DOORS.

5. FULLY IRRIGATED LANDSCAPE AREA BOUNDED BY 6" CONCRETE CURB - SEE CONCEPT LANDSCAPE PLAN.

6. PRIMARY BUILDING ENTRANCE W/ DECORATIVE CONCRETE ENTRY WALK.

7. LOCATION OF TRASH AND RECYCLABLE BINS. SEE SHEET A2-1 FOR ELEVATION AND SECTIONS. (CURRENT DESIGN TO HOLD 2 BINS).

8. NEW 8'-0" HIGH BLACK TUBE STEEL FENCE

9. PROPERTY LINES.

10. PROPOSED ELECTRICAL TRANSFORMER LOCATION.

11. 11' X 53' TRUCK TRAILER PARKING AREA.

12. NEW ADA ACCESSIBLE PARKING STALLS. 9' X 18'-0".

13. DASHED LINE INDICATES : NEW 5'-0" WIDE SURFACE WALK ACCESSIBLE PATH OF TRAVEL FROM PUBLIC SIDEWALK & PARKING STALLS TO PRIMARY BUILDING ENTRANCE - CONSTRUCT NEW CONCRETE SIDEWALK. MAX SLOPE OF SURFACE WALK IN THE DIRECTION OF TRAVEL 4.9%. MAX CROSS SLOPE 2%.

14. EXISTING POWER POLES. MAY NEED TO BE RELOCATED DURING CONSTRUCTION WHEN SIDE WALK HAS BEEN INSTALLED.

15. PROPOSED LOCATION FOR DOMESTIC WATER METER AND 2" SUPPLY LINE INTO BUILDING.

16. PROPOSED SEWER LATERAL FROM PUBLIC RIGHT OF WAY INTO NEW BUILDING.

17. EXISTING DRIVE WAY APRON TO BE REMOVED.

18. EXISTING CURB GUTTER PER CITY STANDARD.

19. PROPOSED ONSITE FIRE HYDRANT LOCATIONS.

20. ALL UTILITY STRUCTURES SUCH AS TRANSFORMERS AND BACK FLOW DEVICES SHALL BE SCREENED BY LANDSCAPE, SEE LANDSCAPE PLAN.

21. CONCRETE LANDING AND BICYCLE RACK FOR BIKES. SEE PROJECT DATA FOR SPACES REQUIRED.

22. LONG TERM MOUNTED BICYCLE RACK. (NOTE LONG TERM RACK TO BE INSTALL ADJACENT TO ELECTRICAL ROOM TO COMPLY WITH CALGREEN). SEE PROJECT DATA FOR SPACES REQUIRED.

23. LOCATION OF POTENTIAL FUTURE MONUMENT SIGN.

GENERAL PROJECT INFO

GENERAL PLAN:	LIGHT INDUSTRIAL
ZONING:	M-P
ASSESSOR PARCEL NUMBER:	073-110-57, 073-110-58
BUILDING OCCUPANCY:	B/S-1/F-1
OCCUPANT LOAD:	+/- 421 OCC.
PROJECT VALUATION ESTIMATE:	$5,589,629

PROJECT DATA

SITE AREA:	GROSS: 367,708 SF 8.44 AC
	NET: 366,360 SF 8.41 AC
BUILDING AREA:	
FIRST FLOOR OFFICE	5,000 SF
SECOND FLOOR OFFICE	5,000 SF
WAREHOUSE AREA	175,525 SF
TOTAL	185,525 SF
COVERAGE:	49.27 %
F.A.R.:	50.64 %
PARKING REQUIRED:	
OFFICE - 10,000 SF @ 1/250 SF	40 STALLS
WAREHOUSE - 1/2000 SF	88 STALLS
TOTAL STALLS REQUIRED	128 STALLS
PARKING PROVIDED:	
STALLS PROVIDED ONSITE	88 STALLS
FUTURE STALLS PROVIDED IN TRUCK COURT:	40 STALLS
TOTAL STALLS PROVIDED	128 STALLS
REQUIRED SITE LANDSCAPE AREA: (29,785 SF) (8% OF PARKING AREA)	2,382 SF 8.0 %
PROVIDED SITE LANDSCAPE AREA:	44,728 SF 12.21 % OF TOTAL SITE
PAVED AREA:	141,107 SF / 38.52 % OF TOTAL SITE
NUMBER OF TRUCK DOORS:	28 DOORS
TRUCK DOOR RATIO	1 PER 6,625 SF

GENERAL NOTES

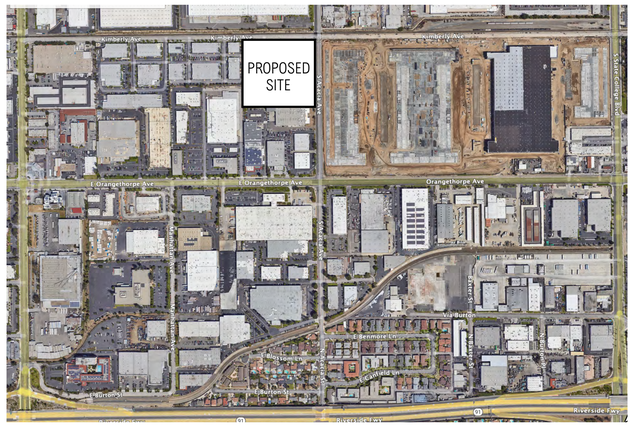
1. ANY EXISTING STRUCTURES ONSITE ARE TO BE DEMOLISHED.
2. ALL PROPOSED NEW ONSITE UTILITY SERVICES SHALL BE UNDERGROUND.
3. CONCRETE BANDS, 24" IN WIDTH, SHALL BE PROVIDED AT LANDSCAPE FINGERS.
4. DRIVEWAYS SHALL BE CONSTRUCTED PER CITY STANDARD PLANS.
5. STATE OF CALIFORNIA "GENERAL CONSTRUCTION NPDES PERMITS AND WDID NUMBERS MUST BE OBTAINED PRIOR TO PERMIT.
6. PARKING STALL DIMENSIONS: 9'W X 17'D WITH A 2'-0" OVERHANG - DOUBLE STRIPED PER CITY REQUIREMENTS, NO WHEEL STOPS ARE ALLOWED. CLEAN AIR / CARPOOL PARKING SHALL BE PROVIDED PER CALGREEN REQUIREMENTS.
7. FIRE DEPT. APPROVED KNOX LOCKS SHALL BE PROVIDED AT ALL GATES.
8. FIRE DEPT. ACCESS SHALL BE PROVIDED PER STANDARDS:
   - ACCESS LANE WIDTH: 26'-0"
   - ACCESS LANE HEIGHT: 14'-6"
   - INSIDE TURN RADIUS: 19'-0"
9. ALL ELECTRICAL SWITCH GEAR AND PANELS SHALL BE LOCATED WITHIN THE BUILDING. ALL TRANSFORMERS SHALL BE SCREENED WITH LANDSCAPE

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCELS 1 AND 2 OF PARCEL MAP NO. 96-158, IN THE CITY OF FULLERTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 305, PAGES 12 THROUGH 15, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

VICINITY MAP



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CONSULTANT

PROFESSIONAL SEALS

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INDUSTRIAL WAREHOUSE

ACACIA AVENUE,
FULLERTON,
CALIFORNIA

APPLICANT:

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jacob@rga-architects.com

DEVELOPER:

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CONTACT: JAMIE MCLAUGHLIN
jmclaughlin@aresmgmt.com

MARK	DATE	DESCRIPTION
CD		
BID		
PC		
SD	11/14/22	PLANNING SUBMITTAL
SD	10/25/21	SCHEMATIC DESIGN

RGA PROJECT NO:	22126-00
OWNER PROJECT NO:	00000.00
CAD FILE NAME:	22126-00-A1-1P
DRAWN BY:	JH
CHK'D BY:	JH

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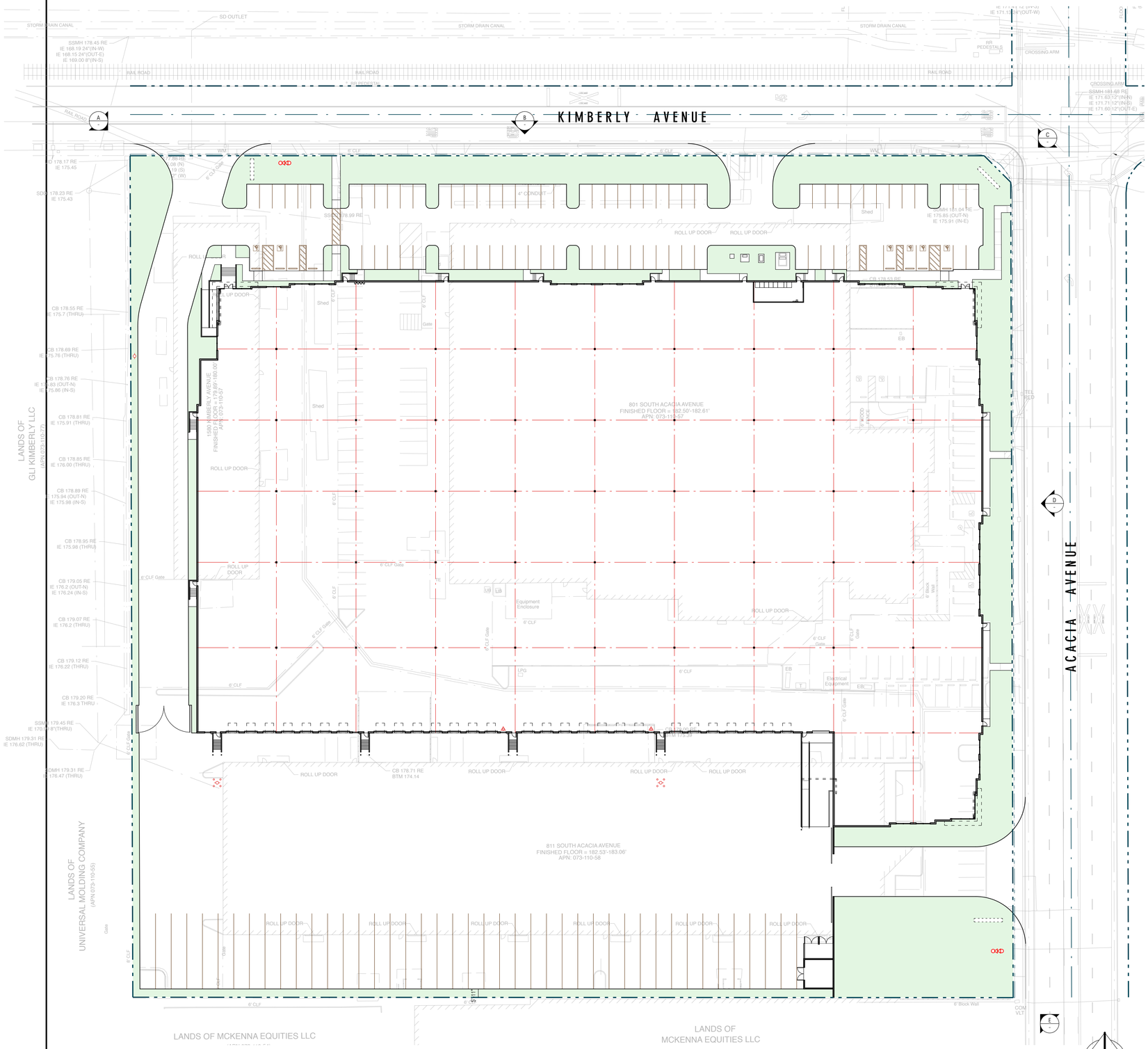
SHEET TITLE
SITE PLAN

SHEET: A1-1P



SITE PLAN

SCALE: 1" = 30'-0"

A

B

C

D

E

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OWNER PROJECT NO:	00000.00
CAD FILE NAME:	22126-00-A1-2P
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CHK'D BY:	JH

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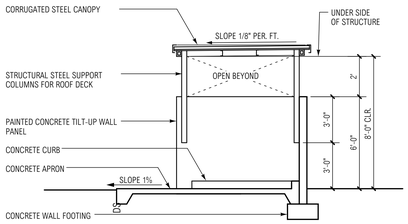
SHEET TITLE

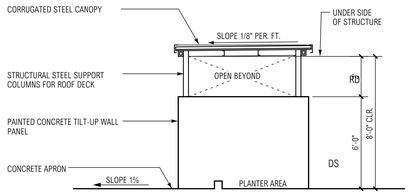
SITE PHOTOS

SHEET: A1-2P



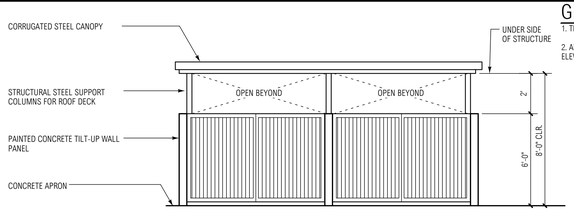
TYPICAL TRASH ENCLOSURE SECTION

SCALE: 1/4" = 1'-0"



TRASH ENCLOSURE SIDE ELEVATIONS

SCALE: 1/4" = 1'-0"



TRASH ENCLOSURE FRONT ELEVATIONS

SCALE: 1/4" = 1'-0"

GENERAL NOTES:

1. TRUCK SEALS WILL BE IMPLEMENTED ON THE DOCKS

2. ALL ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE SCREENED FROM GROUND ELEVATION VIEW TO A MIN DISTANCE OF 1,320 FEET

KEYNOTES (XX)

1. PROPOSED CONCRETE TILT-UP WAREHOUSE/OFFICE / MANUFACTURING FACILITY. PROJECT IS CURRENTLY BEING PROPOSED AS A SPECULATIVE BUILDING WITH NO TENANT.

2. PRIMARY ENTRANCE.

3. PAINTED 9'-0" X 10' DOCK HIGH METAL TRUCK DOORS.

4. PAINTED 12' X 15' GRADE LEVEL METAL TRUCK DOORS.

5. PAINTED 3' X 7' METAL ACCESS MAN DOORS.

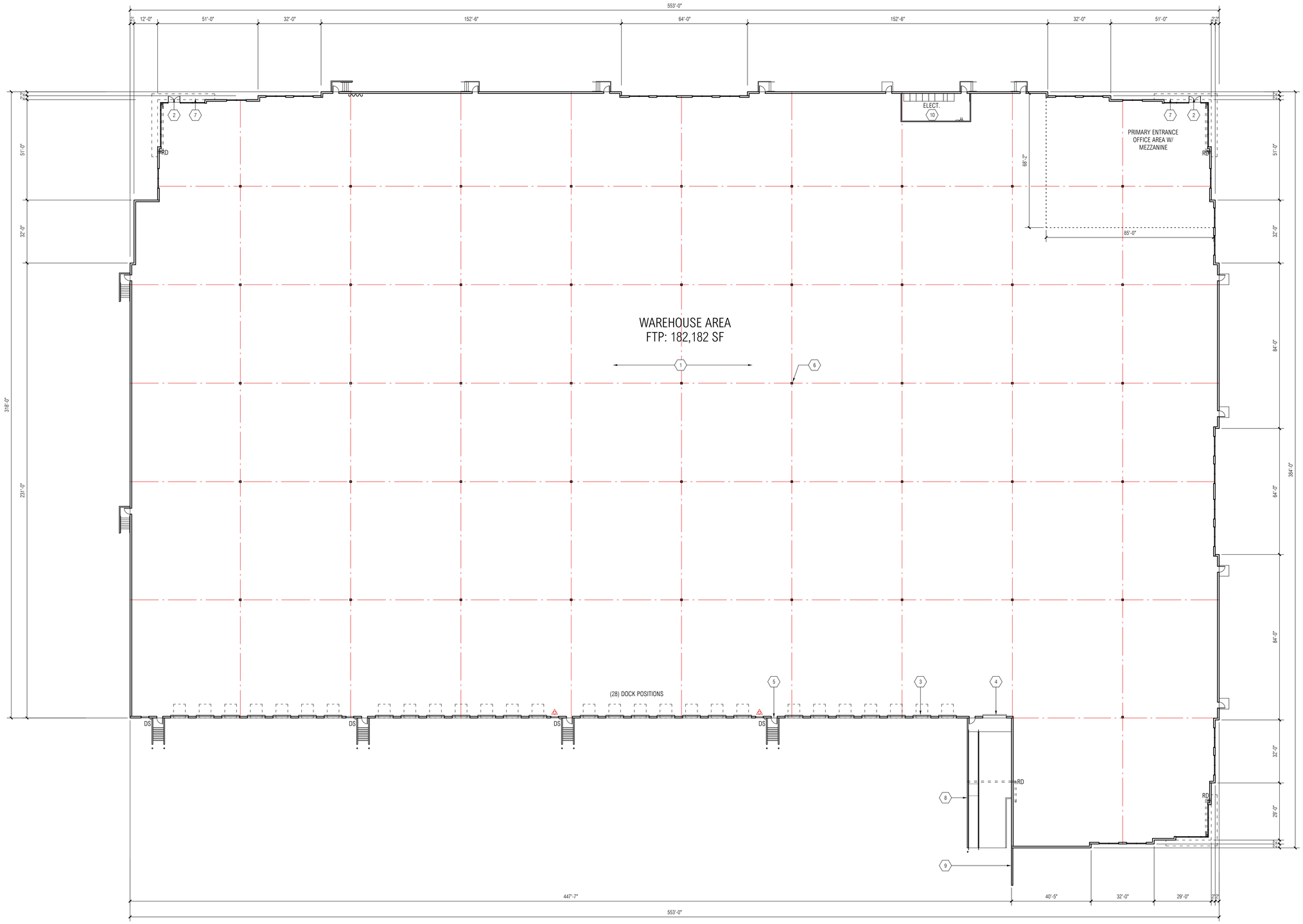
6. STRUCTURAL BUILDING COLUMN.

7. STOREFRONT: BLUE GLAZING SET IN CLEAR ANODIZED ALUMINUM 2" X 4 1/4" MIN. OFF-SET GLAZING SYSTEM GLAZING PROPOSED WILL BE VISION AND SPANDREL.

8. GRADE LEVEL ACCESS RAMP.

9. TRUCKING SCREEN WALL. SEE ELEVATIONS FOR ADDITIONAL INFO.

10. PROPOSED ELECTRICAL/ TELEPHONE ROOM LOCATION.



FLOOR PLAN

SCALE: 1" = 20'-0"

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DEVELOPER:

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TEL: 949-892-4900
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jmclaughlin@aresmgmt.com

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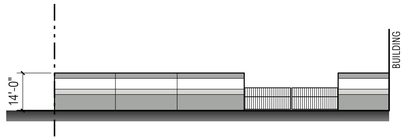
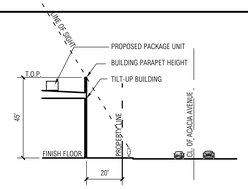
SHEET TITLE

BUILDING FLOOR PLAN

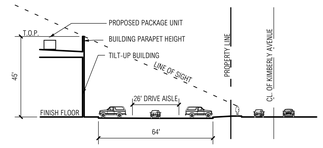
SHEET: A2-1P



EAST SCREENWALL ELEVATION - FACING ACACIA AVENUE
SCALE: 1" = 20'-0"



TYPICAL EQUIPMENT SCREEN LINE OF SIGHT 2
SCALE 1" =30'-0"
NOTE: LINE OF SIGHT TAKEN FROM 6'-0" ABOVE FINISH GRADE



TYPICAL EQUIPMENT SCREEN LINE OF SIGHT 1
SCALE 1" =30'-0"
NOTE: LINE OF SIGHT TAKEN FROM 6'-0" ABOVE FINISH GRADE

FINISH SCHEDULE

P-1

P-2

P-3

MCC-1

M-1

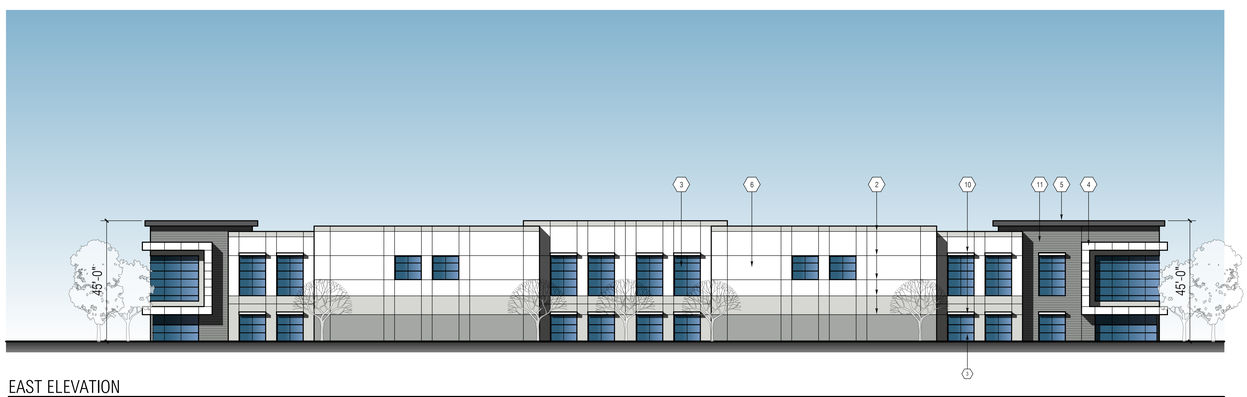
GL-1

FINISH SCHEDULE		
CODE	MATERIAL	DESCRIPTION
P-1	FIELD COLOR	COLOR: PPG - PEGASUS 1010-1
P-2	LIGHT ACCENT COLOR	COLOR: PPG - FOG 1010-2
P-3	DARK ACCENT COLOR	COLOR: PPG - DOWNPOUR 1010-4
MCC-1	METAL CLAD CANOPY	ALUCOBOND CLEAR ANODIZED
GL-1	GLAZING	BLUE GLAZING
M-1	MULLIONS	CLEAR ANODIZED ALUM.

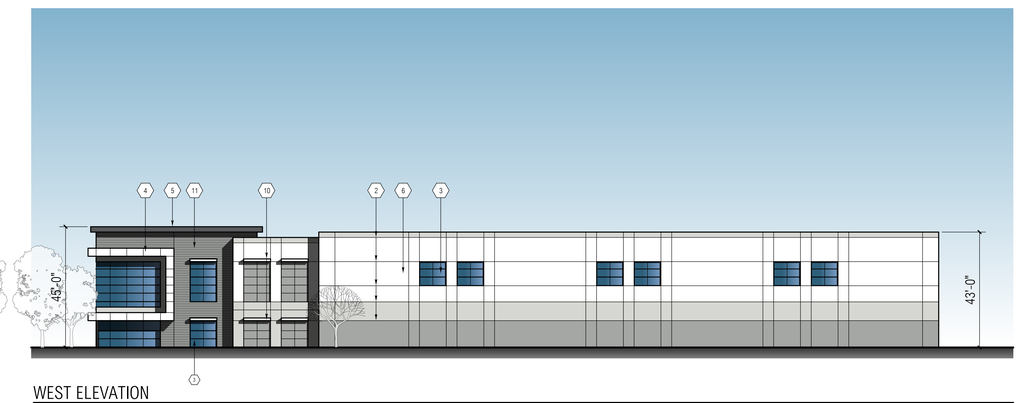
KEYNOTES 000

1. PRIMARY ENTRANCE.
2. 2" WIDE X 3/4" DEEP HORIZONTAL / VERTICAL REVEAL.
3. REFLECTIVE GLASS IN STOREFRONT FRAME SYSTEM.
4. ALUMINUM CLAD CANOPY
5. PAINTED METAL CORNICE.
6. PAINTED CONCRETE TILT-UP EXTERIOR WALL CONSTRUCTION.
7. PAINTED 12' WIDE X 15' HIGH LEVEL VERTICAL LIFT TRUCK DOOR.
8. PAINTED 9' WIDE X 10' HIGH VERTICAL LIFT TRUCK DOOR.
9. 3' X 7' PAINTED METAL MAN DOOR.
10. METAL SUNSHADES.
11. PAINTED CONCRETE TILT-UP EXTERIOR WALL CONSTRUCTION WITH FORMLINER PATTERN.

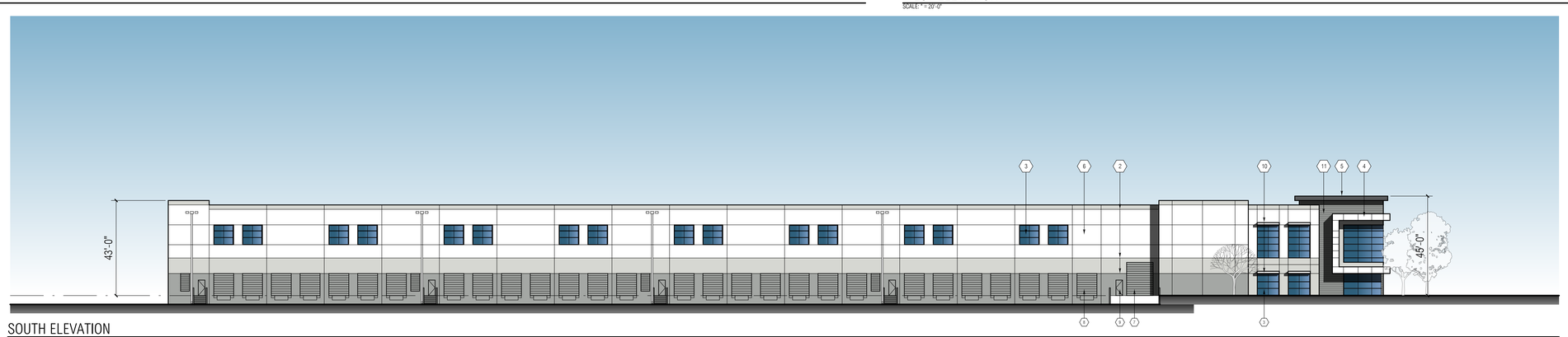
NORTH ELEVATION
SCALE: 1" = 20'-0"



EAST ELEVATION
SCALE: 1" = 20'-0"



WEST ELEVATION
SCALE: 1" = 20'-0"



SOUTH ELEVATION
SCALE: 1" = 20'-0"

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SD	10/25/22	SCHEMATIC DESIGN

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CHK'D BY:	JH

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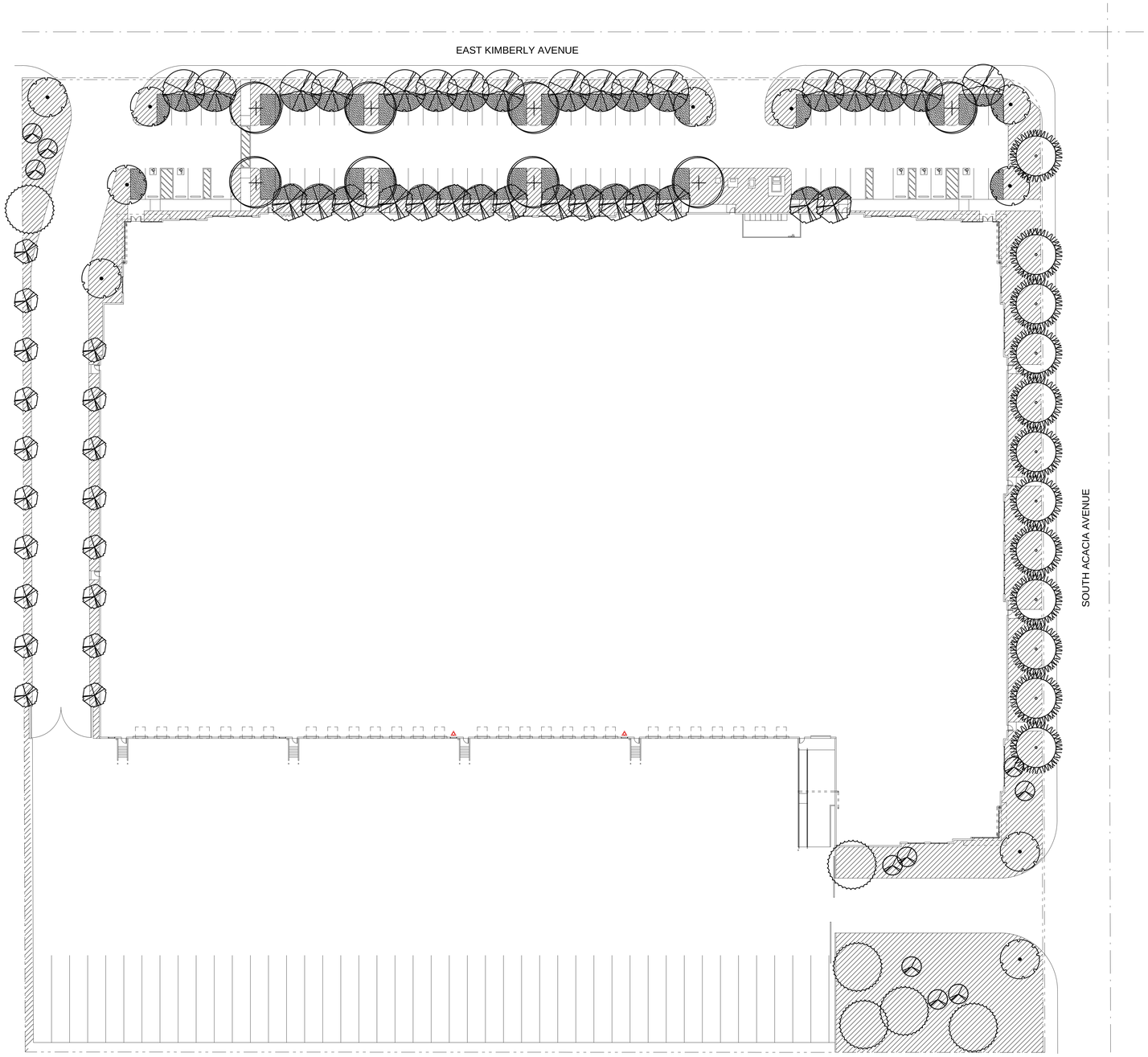
SHEET TITLE
EXTERIOR ELEVATIONS

SHEET: A3-1P



PLANTING LEGEND

TREES

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Lagerstroemia i 'Muskogee' Crape Myrtle	24" Box	10	M	Multi
	Magnolia g. 'Samuel Sommer' Magnolia	24" Box	13	M	Standard
	Olea europaea Olive	48" Box	10	L	Multi
	Pinus eldarica Afghan Pine	24" Box	6	L	Standard
	Pistacia chinensis Chinese Pistache	24" Box	8	L	Standard
	Platanus acerifolia London Plane	24" Box	12	M	Standard
	Tristania conferta Brisbane Box	15 Gal	33	M	Standard

SHRUBS

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Acca sellowiana Pineapple Guava	5 Gal	3'	M	
	Dodonaea viscosa 'Purpurea' Hopseed Bush	5 Gal	4'	M	
	Leucophyllum f. 'Green Cloud' Texas Ranger	5 Gal	4'	L	
	Ligustrum j. 'Texanum Texas Privet	5 Gal	3'	M	
	Rhamnus californica Coffeeberry	5 Gal	4'	L	
	Salvia greggii Autumn Sage	5 Gal	3'	L	
	Salvia l. 'Santa Barbara' Sanat Barbara Sage	5 Gal	4'	L	
	Senna artemisioides Feathery Cassia	5 Gal	4'	L	
	Muhlenbergia capillaris Pink Muhly	1 Gal	3'	L	

GROUNDCOVER

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Acacia redolens 'Low Boy' Low Boy Trailing Acacia	1 Gal	8' O.C.	L	
	Festuca marei Atlas Fescue	1 Gal	24" O.C.	M	Grass
	Lonicera j. 'Halliana' Hall's Honeysuckle	1 Gal	48" O.C.	L	
	Rosa 'Flower Carpet' Red Red Flower Carpet Rose	1 Gal	30" O.C.	L	
	Rosmarinus o. 'Huntington Carpet' Huntington Carpet Rosemary	1 Gal	48" O.C.	L	
	Senecio mandraliscae Blue Chalksticks	4" Pots	12" O.C.	M	

ACCENTS

SYMBOL	BOTANICAL/COMMON NAME	SIZE		WUCOLS	REMARKS
	Agave 'Blue Glow' Blue Glow Agave	5 Gal		L	
	Agave vilmoriniana Octopus Agave	5 Gal		L	
	Aloe striata Coral Aloe	1 Gal		L	
	Dasylerion wheeleri Desert Spoon	5 Gal		L	
	Hesperaloe parviflora Red Yucca	5 Gal		L	
	Lantana 'New Gold' Compact Gold Lantana	1 Gal		L	

Parking Lot Shading
Required Shading 7,924 sf
Provided Shading 7,940 sf

Parking Lot Landscape
Required Landscape 2,225 sf
Provided Landscape 11,165 sf

N

0 15' 30' 60'

Acacia and Kimberly Ave

22-137
12.07.22
02.23.23

Ares

Fullerton, California

HUNTER LANDSCAPE
711 FEE ANA STREET PLACENTIA, CA 92870
714.986.2400 FAX 714.986.2408

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CEQA Guidelines Sections 15168 and 15183 Environmental Checklist
BTC III Fullerton Acacia-Kimberly Commerce Project
City of Fullerton, Orange County, California

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ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius (Centigrade)
°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
1,1-DCE	1,1-dichloroethylene
AAI	All Appropriate Inquiries
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ACM	asbestos-containing materials
ADA	Americans with Disabilities Act
ADS	Advanced Drainage System
ADT	Average Daily Traffic
AELUP	Airport Land Use Plan for Fullerton Municipal Airport
ALUC	Airport Land Use Commission
APSA	Aboveground Petroleum Storage Act of 1990
AQMD	Air Quality Management District
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
AST	aboveground storage tank
ASTM	American Society of Testing and Materials
BERD	California Built Environment Resource Directory
BMP	Best Management Practice
CAAQS	California Ambient Air Quality Standards
Cal/ARP	California Accidental Release Prevention Program
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CBC	California Building Standards Code
CDF	California Department of Finance
CDNC	California Digital Newspaper Collection
CEQA	California Environmental Quality Act
CHL	California Historical Landmarks
CMP	Congestion Management Plan
CMU	concrete masonry unit

CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CNPSEI	California Native Plant Society's Electronic Inventory
CO_2e	carbon dioxide equivalent
CPHI	California Points of Historical Interest
CRHR	California Register of Historical Resources
DAMP	Drainage Area Management Plan
dBA	A-weighted decibel
DCDA	Double Check Detector Assembly
DPM	diesel particulate matter
DPR	California Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
du	dwelling units
EHD	Environmental Health Division
EIR	Environmental Impact Report
EMFAC	Emission Factors mobile source emissions model
EOP	Emergency Operations Plan
ESA	Environmentally Sensitive Area
EV	electric vehicle
FAR	floor area ratio
FBC	Fullerton Building Code
FCS	FirstCarbon Solutions
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FJUHSD	Fullerton Joint Union High School District
FPD	Fullerton Police Department
FSD	Fullerton School District
FTA	Federal Transit Administration
FTC	Fullerton Transportation Center
ghg	greenhouse gas
gpd	gallons per day
HCP	Habitat Conservation Plan
HPLV	high-pressure-low-volume
HVAC	heating, ventilation, and air conditioning
IpaC	Information for Planning and Consultation
kBTU	kilo-British Thermal Unit

kWh	kilowatt hour
LBP	lead-based paint
LDA	light-duty automobile
L_{eq}	equivalent sound level
LHD1	light heavy-duty one-axle truck
LHD2	light heavy-duty two-axle truck
LHMP	Local Hazard Mitigation Plan
LOMR	Letter of Map Revision
LOS	Level of Service
LRA	Local Responsibility Area
LST	localized significance thresholds
MBTA	Migratory Bird Treaty Act
MDV	medium-duty vehicle
MERV	Minimum Efficiency Reporting Value
mgd	million gallons per day
M-P	Manufacturing Park
mph	miles per hour
MRZ	Mineral Resource Zone
MT	metric tons
MWS	Modular Wetlands System
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NIA	Noise Impact Analysis
NOI	Notice of Intent
NO_X	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NPL	National Priority List
NRHP	National Register of Historic Places
OCNB	Orange County North Basin
OCTA	Orange County Transportation Authority
OPR	California Governor's Office of Planning and Research
OC San	Orange County Sanitation District
PA	Policy Action
PCE	tetrachloroethylene
PDF	Project Design Feature
ppm	parts per million
PPV	peak particle velocity
RCP	Reinforced Concrete Pipe

REC	Recognized Environmental Condition
ROG	reactive organic gases
RPS	Renewable Portfolio Standard
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
RWQCF	Regional Water Quality Control Facility
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison
SCH	State Clearinghouse
SCS	Sustainable Communities Strategy
SLCP	Short-Lived Climate Pollutant
SMARA	California Surface Mining and Reclamation Act
SoCAB	South Coast Air Basin
SoCalGas	Southern California Gas Company
SO_X	sulfur oxide
SP	service population
SR	State Route
SRA	Source Receptor Area
State Water Board	California State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
SWQDCV	Storm Water Quality Design Capture Volume
TAC	toxic air contaminant
TCE	tricholorethylene
TCR	Tribal Cultural Resource
TPA	Transit Priority Area
TRU	Transport Refrigeration Unit
UCMP	University of California Museum of Paleontology
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
VOC	volatile organic compound
WEAP	Worker Environmental Awareness Program
WQMP	Water Quality Management Plan
ZEV	Zero-Emission Vehicle

SECTION 1: INTRODUCTION

This Consistency Checklist and attached supporting documents have been prepared to determine whether and to what extent The Fullerton Plan Environmental Impact Report (prior EIR) (State Clearinghouse No. 2011051019) prepared for the City of Fullerton remains sufficient to address the potential impacts of the proposed Acacia Avenue and Kimberly Avenue Industrial Project (proposed project), or whether additional documentation is required under the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] § 21000, *et seq*.). The proposed project includes demolition of the existing industrial buildings on the project site and the construction of a 185,525-square-foot concrete tilt-up warehouse building with a 5,000-square-foot first floor office, 5,000-square-foot mezzanine, 28 dock doors, 128 parking stalls, and 42 trailer stalls.

1.1 - CEQA Assessment

The following Environmental Checklist has been prepared pursuant to CEQA Guidelines Sections 15168 (Project Within the Scope of a Program EIR) and 15183 (Projects Consistent with a Community Plan or Zoning) to determine whether the proposed project requires additional environmental review.

Pursuant to CEQA Guidelines Section 15168, later activities that fit within the scope of a program are properly examined in light of the analysis in the prior EIR to determine whether an additional environmental document must be prepared. An additional environmental document is not required unless the later activity: (1) would have new effects not examined in the prior EIR; or (2) would require new mitigation measures not previously identified in the prior EIR. If both requirements are met, the lead agency may approve the activity as being within the scope of the project covered by the prior EIR, and no additional environmental documentation is required. The lead agency shall incorporate all applicable mitigation measures and alternatives developed in the prior EIR into subsequent actions in the program.

Separately and independently, CEQA Guidelines Section 15183 provides a statutory exemption that mandates that projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an Final EIR was certified (in this case, The Fullerton Plan EIR) shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

1.2 - Summary of Results

As illustrated by the following Environmental Checklist, the proposed project is found to be in conformance with the analysis and conclusions of the prior EIR. This determination supports the design review approval of the proposed project and is based on the following criteria:

1. There are no new significant effects peculiar to the proposed project or its site.
2. There are no new significant effects that were not previously evaluated in the prior EIR.

3. There are no new significant off-site or cumulative impacts that were not analyzed in the prior EIR.
4. There are no adverse impacts that are more severe than those previously identified in the prior EIR.
5. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
6. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

This evaluation concludes that the proposed project is within the scope of the prior EIR, and that no further CEQA documentation is required.

The prior EIR is available at:

City of Fullerton
303 West Commonwealth Avenue
Fullerton, California 92832
Website: https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/general-plan/final-program-eir

SECTION 2: PROJECT DESCRIPTION

2.1 - Project Location and Setting

2.1.1 - Project Location

The approximately 8.43-acre project site is located in the City of Fullerton, in Orange County, California (Exhibit 1). The City of Fullerton is located in the northern portion of Orange County and is bordered by the City of La Habra and the City of Brea to the north, the City of Placentia to the east, the City of Anaheim to the south, and the City of Buena Park and the City of La Mirada to the west. Regional access would be provided by State Route (SR) 91, SR-57, and Interstate 5 (I-5). Local access would be provided via South Acacia Avenue, Kimberly Avenue, Orangethorpe Avenue, and Raymond Avenue.

The project site is located at the corner of Kimberly Avenue and Acacia Avenue on two parcels corresponding to Assessor's Parcel Numbers (APNs) 073-110-57 and -58 (Exhibit 2). The project site is located on the *Anaheim, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map.

2.1.2 - Existing Development and Land Use Activities

The project site is surrounded by industrial and commercial buildings to the north, south, east, and west. The project site currently contains three industrial buildings totaling approximately 155,000 square feet, as well as a paved area and parking lot. The existing buildings, paved area, and parking lot would be demolished prior to construction of the proposed project. The project site is designated as Industrial according to The Fullerton Plan (Exhibit 3) and zoned as Manufacturing Park (M-P) (Exhibit 4).[1]

2.1.3 - General Plan and Zoning Designations

According to The Fullerton Plan, the project site has a land use designation of Industrial. Areas designated as Industrial are intended to protect and enhance the City's major employment areas by providing opportunities for manufacturing, product assembly, research and development, warehousing, and supporting uses and amenities. This designation allows for floor area ratio (FAR) ranging from 0.35 to 0.5, excluding structured parking.[2] The Fullerton Plan identifies Focus Areas throughout the City to establish strategies, programs, and improvements to specific neighborhoods and areas. The proposed project is located within Focus Area K, Southeast Industrial, which is envisioned as the City's primary employment generating areas and will be characterized by preserved industrial uses that will support expanding industries, including high tech and clean

[1] City of Fullerton. 2023. GoZone Interactive Map. Website: https://gis.cityoffullerton.com/portal/apps/webappviewer/index.html?id=38a7db5f8a8748b1818bc31269bfa3b0. Accessed August 16, 2023.

[2] City of Fullerton. 2012. The Fullerton Plan – Tables and Exhibits. Website: https://www.cityoffullerton.com/home/showpublisheddocument/1033/637575629686070000. Accessed October 6, 2023.

technology, research and development, creative industries and medical research. The project would be consistent with the vision for Focus Area K.

The proposed project site Is zoned as M-P (80,000-square-foot minimum lot size). According to the Fullerton Municipal Code (Municipal Code), M-P zones are intended for a wide range of light industrial activities, often based on a multiple-tenant typed development. The Municipal Code sets standards and requirements for M-P development, including outdoor storage of material products, supplies, and containers, parking, access and circulation, transportation demand management, and environmental controls. As specified in the Municipal Code, the proposed project is subject to site plan review as new construction in an industrial zone(Municipal Code, Title 15, Chapter 15.47).

2.2 - Project Background and Previous Environmental Review

2.2.1 - General Plan and Environmental Impact Report

The City of Fullerton adopted The Fullerton Plan on May 1, 2012. The Fullerton Plan includes four elements covering the built environment, the economy, the community, and the natural environment. The Fullerton Plan dictates the land use and zoning designations for all areas within the City, and identifies 12 geographic Focus Areas in which to concentrate potential change through community-lead planning processes. The proposed project is located within the geographical limits of the City of Fullerton within Focus Area K. The proposed project would be consistent with the goals and policies listed in The Fullerton Plan, as well as the land use and zoning designation listed for the project site.

The Fullerton Plan Environmental Impact Report (prior EIR) was prepared in accordance with CEQA Guidelines and was certified on May 1, 2012 (State Clearinghouse [SCH] Number 2011051019). As detailed further herein, the prior EIR considered the potential environmental impacts of buildout to 2030, including the addition of approximately 126,800 people to the City's population. The prior EIR Land Use and Planning analysis specifically acknowledged that The Fullerton Plan includes Policy P10.13, establishing Manufacturing Diversification Support policies, projects, programs, and regulations for diversifying the City's manufacturing base and facilitating investment in the City's industrial areas that will result in maintaining or growing local jobs and creating an environment that is attractive to high tech, research and development, business incubators, manufacturers, transportation and warehouse logistics companies, services, and other emerging industries. Accordingly, the proposed project is a later activity within the scope of the prior EIR. Additionally, included within it is an analysis of existing City conditions at the time of publication, potential impacts caused by total buildout of The Fullerton Plan, as well as feasible mitigation measures to reduce or avoid associated impacts.

2.3 - Project Description

The project applicant (BTC III Fullerton CC LP) proposes to demolish the existing structures on the project site and construct a 185,525-square-foot concrete tilt-up warehouse building with a 5,000-square-foot first floor office, 5,000-square-foot mezzanine, 28 dock doors, 128 parking stalls, and 42

trailer stalls (Exhibit 5).[3] The existing buildings were constructed decades ago and are now aging and outdated. The new building will meet or exceed the requirements set by the California Green Building Standards Code (CALGreen) and the California Energy Code (Title 24) which will result in energy efficiency and conservation, water efficiency and conservation, resource efficiency and material conservation, and improvements to stormwater and drainage. Redevelopment of the property was specifically tailored to replace and modernize the existing industrial facility with equivalent size, purpose, and capacity, but with higher environmental sustainability standards. It is anticipated that the new use will be less impactful than the existing uses because of improvements and efficiencies in design.

2.3.1 - Off-site Improvements

The proposed project would include a total of approximately 0.90-acre of off-site improvements, including 0.20-acre of paving, curb and gutter as well as 0.70-acre of pavement reconstruction along Kimberly Avenue. The project applicant proposes to construct two driveways along Kimberly Avenue and one driveway along South Acacia Avenue.

On South Acacia Avenue, one 6-inch fire service with a fire hydrant would be extended to the curb from an existing water main. An existing 10-inch fire water service would be utilized with a new 10-inch Double Check Detector Assembly (DCDA).

On Kimberly Avenue, one 10-inch fire service line, and one 2-inch irrigation service and meter would be extended from the existing main to the project site. One 6-inch fire service with a fire hydrant would be extended to the curb from the existing water main. The existing domestic water service and meter would be reutilized. There are two existing 12-inch water mains in Kimberly Avenue. The southern main closest to the site would be abandoned in place. All proposed water utilities would be reconnected to the northern water main.

Public fire hydrants would be provided on both project frontages to adhere to City of Fullerton spacing requirements (Exhibit 6). An existing storm drain catch basin on Kimberly Avenue would be removed and replaced with a new catch basin east of the northwest driveway with new a Reinforced Concrete Pipe (RCP) storm drain connection and a manhole in the street.

An existing sewer lateral that connects to the 8-inch sewer main within an easement on the neighboring property west of the site would be reutilized.

2.3.2 - Site Access and Circulation

The proposed project would provide 128 automobile stalls, which would be located along the northern boundary of the site bordering Kimberly Avenue. The 128 stalls would include 116 standard stalls, four Americans with Disabilities Act (ADA) stalls, two ADA van stalls, two electric vehicle (EV) stalls, two EV ADA standard stalls, and two EV van stalls. The proposed project would also provide 42 trailer parking stalls, which would be located along the southern boundary of the site. Three access points would be provided: one 35-foot-wide right-in/right-out driveway along South Acacia Avenue,

[3] Cold storage is not proposed as part of the project.

one 37-foot 10-inch-wide full access driveway along Kimberly Avenue, and one 35-foot driveway along Kimberly Avenue. The proposed project would include a 26-foot-wide fire lane around all sides of the building for emergency access.

2.3.3 - Fencing

The project site would include an 8-foot-high black tube steel fence along the western and southern boundaries of the site, which would connect to an existing 6-foot-high concrete masonry unit (CMU) block wall at the southeastern corner of the site running perpendicular to South Acacia Avenue. The proposed project would include a 14-foot-high concrete trucking screening wall at the southeastern corner of the project site running parallel to South Acacia Avenue. New and existing fencing would be used to screen portions of the site, including the proposed truck yard along the southern border of the site (Exhibit 5).

2.3.4 - Design and Appearance

The proposed warehouse building would consist of concrete tilt-up panel construction. The building would be designed with an exterior height of 45 feet (Exhibit 8).

2.3.5 - Landscaping

The proposed project would include approximately 44,728 square feet of landscaping around the perimeter of the site and throughout the parking areas. Landscaping would include trees, shrubs, ground cover, and accents primarily along the frontages of South Acacia Avenue and Kimberly Avenue, and throughout the site. Landscaping would include species such as crape myrtle, magnolia, olive, Afghan pine, Chinese pistache, London plane, and Brisbane box trees, pineapple guava, hopseed bush, Texas ranger, Texas privet, coffeeberry, autumn sage, Santa Barbara sage, feathery cassia, pink muhly, low boy trailing acacia, atlas fescue, Hall's honeysuckle, red flower carpet rose, Huntington carpet rosemary, blue chalksticks, blue glow agave, octopus agave, coral aloe, desert spoon, red yucca, and compact fold lantana (Exhibit 8).

The proposed project would employ a low flow irrigation system to ensure that water efficiency would meet or surpass the current State mandated Assembly Bill (AB) 1881 Water Efficient Landscape Ordinance and would also adhere to Municipal Code Section 15.50, Landscaping and Irrigation Requirements.

2.3.6 - Lighting

The proposed project would operate 24 hours a day, 7 days a week as a warehouse facility; thus, lighting would be designed to maximize employee safety and security while complying with City standards to address adjacency issues.

2.3.7 - Utilities

The proposed project would be served by the following utility providers:

- Electricity: Southern California Edison (SCE)

- Natural Gas: The proposed project would not utilize the existing gas service and would be 100 percent electric
- Potable Water: City of Fullerton
- Wastewater: City of Fullerton
- Solid Waste Removal: Republic Services

2.3.8 - Storm Drainage

Site drainage would flow to grated catch basins throughout the truck dock, drive aisle, and parking area. Roof drains would connect to the storm drain system, which would convey stormwater to a Modular Wetlands System (MWS) biofiltration system for stormwater quality treatment before being pumped and discharged to the public storm drain line north of the property on Kimberly Avenue. The MWS is a biofiltration device that is sized to meet the Storm Water Quality Design Capture Volume (SWQDCV). The MWS would be designed so that drainage from larger storm events that exceed the treatment flowrate would be stored in an underground corrugated metal pipe detention pipe, sized to contain the SWQDCV. Emergency overflow would bypass the system through a pipe with an invert that connects directly to the public storm drain. Emergency overland overflow would occur at the proposed driveway on Kimberly Avenue at point of lowest elevation, located at the northwest corner of the project site.

In terms of drainage and stormwater quality, the proposed project would be designed to conform to the requirements of the Orange County Hydrology Manual and Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB) Order No. R8-2009-0030/National Pollutant Discharge Elimination System (NPDES) No. CAS618030. Design details will be documented in technical report formats (i.e.–Water Quality Management Plan [WQMP] and Hydrology Study).

2.3.9 - Wastewater

The project site would connect to an 8-inch public sanitary sewer line owned by the City of Fullerton and located within an easement on a neighboring property along the western property line.

2.3.10 - Phasing and Construction

The proposed project would include demolition of the existing on-site structures prior to grading and construction. Construction of the proposed project and off-site roadway and frontage improvements is estimated to be completed in one phase that is projected to begin in the second quarter of 2024 and conclude in the second quarter of 2025. Construction would take approximately 13 months, including demolition and grading. The proposed project is expected to be operational in the second quarter of 2025.

2.3.11 - Operation and Employment

The proposed project would operate 24 hours a day, 7 days a week. Operational activities within the project site would comply with the permitted uses of M-P zone, as described in the Fullerton

General Plan and the Municipal Code (Municipal Code, Title 15, Chapter 15.40, § 15.40.020). The proposed project would employ approximately 225 employees on-site divided among three shifts.

Project Design Features

The proposed project would be solar ready and comply with all Title 24 requirements. EV charging equipment would be provided for all EV stalls described above in Section 2.3.2, Site Access and Circulation.

2.4 - Discretionary Approvals

The proposed project conforms to The Fullerton Plan Land Use and Zoning designations. It is anticipated that the proposed project would require the following discretionary approval:

- Major Site Plan

Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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0 2.5 5 10 Miles

Exhibit 1
Regional Location Map

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CITY OF FULLERTON
BTC III FULLERTON ACACIA-KIMBERLY COMMERCE PROJECT
CONSISTENCY CHECKLIST

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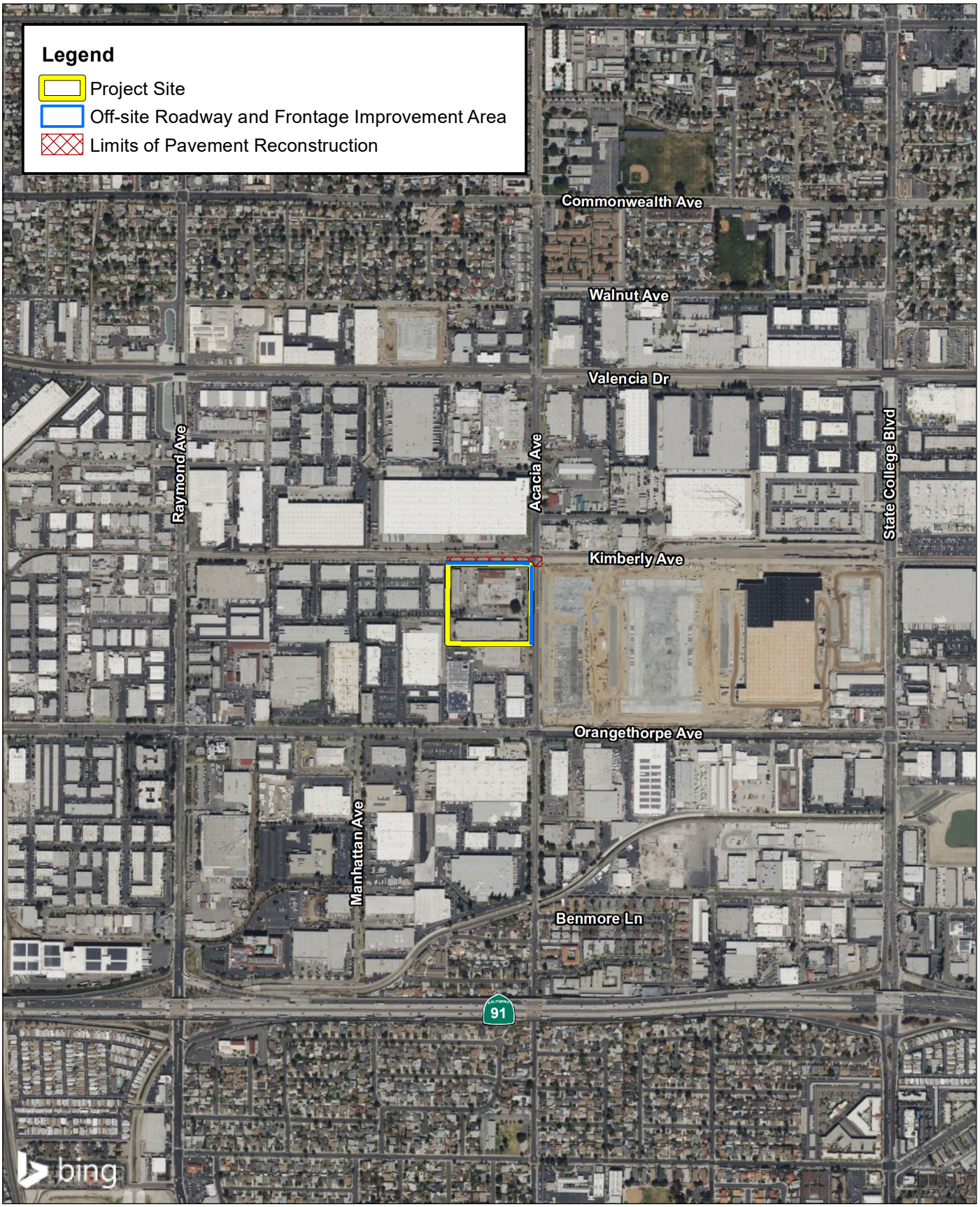

Source: Bing Aerial Imagery.

FIRSTCARBON SOLUTIONS™

1,000 500 0 1,000 Feet

Exhibit 2
Local Vicinity Map

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CITY OF FULLERTON
BTC III FULLERTON ACACIA-KIMBERLY COMMERCE PROJECT
CONSISTENCY CHECKLIST

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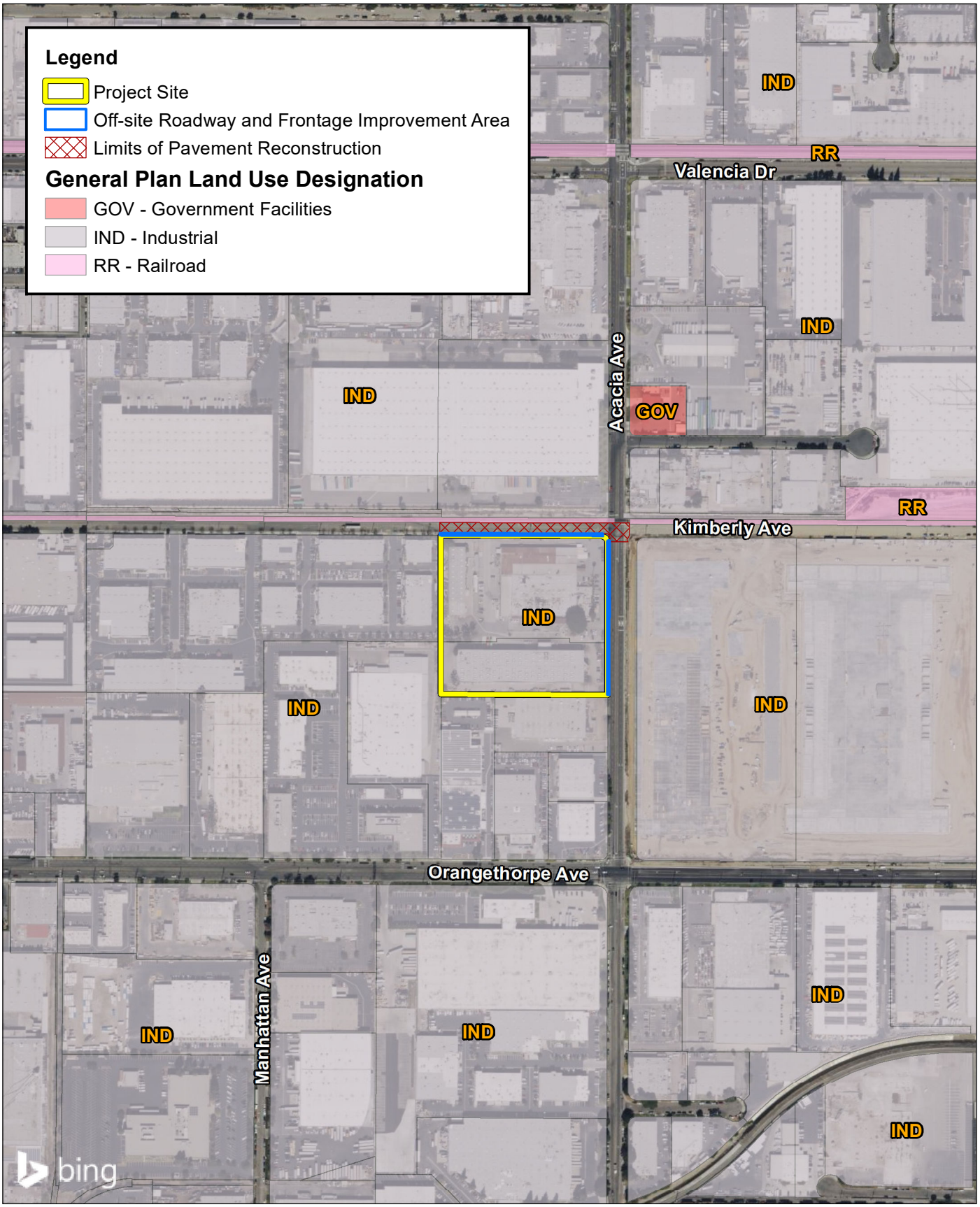

Source: Bing Aerial Imagery.

FIRSTCARBON SOLUTIONS™

520 260 0 520 Feet

Exhibit 3
General Plan Land Use Map

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CITY OF FULLERTON
BTC III FULLERTON ACACIA-KIMBERLY COMMERCE PROJECT
CONSISTENCY CHECKLIST

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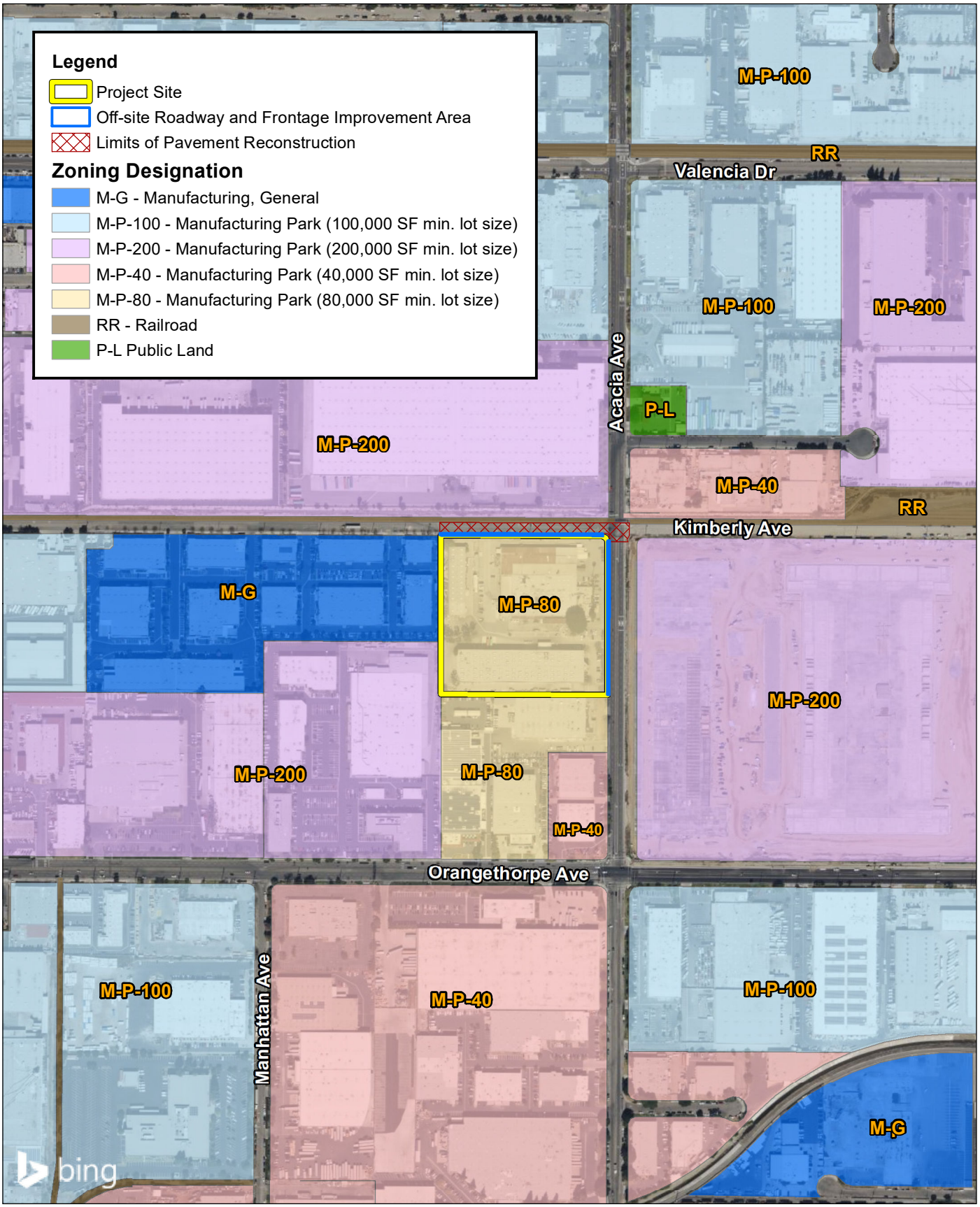

Source: Bing Aerial Imagery.

FIRSTCARBON SOLUTIONS™

520 260 0 520 Feet

Exhibit 4
Zoning Map

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CITY OF FULLERTON
BTC III FULLERTON ACACIA-KIMBERLY COMMERCE PROJECT
CONSISTENCY CHECKLIST

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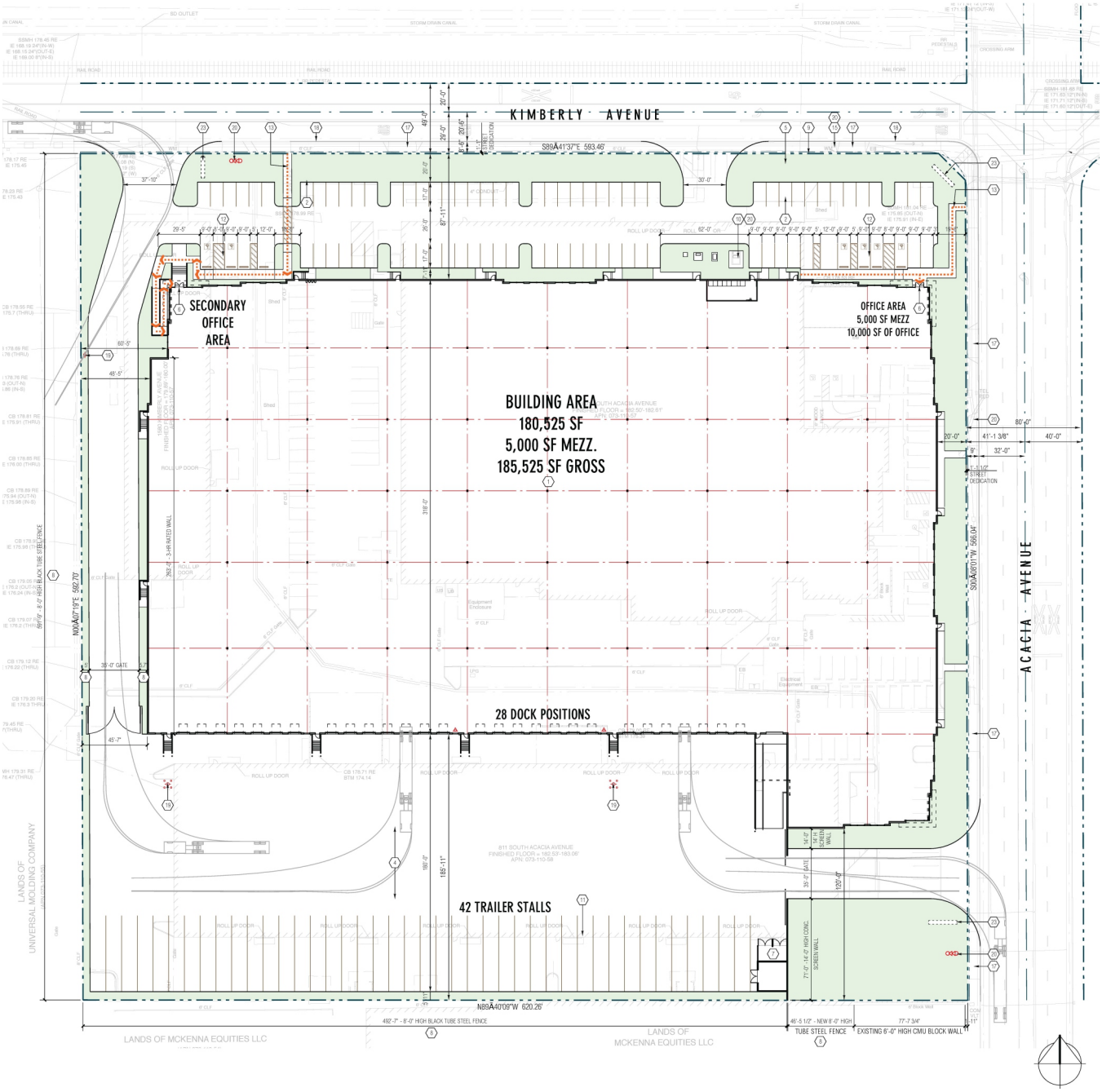

Source: RGA Office of Architectural Design, 11/2022.

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Exhibit 5
Site Plan

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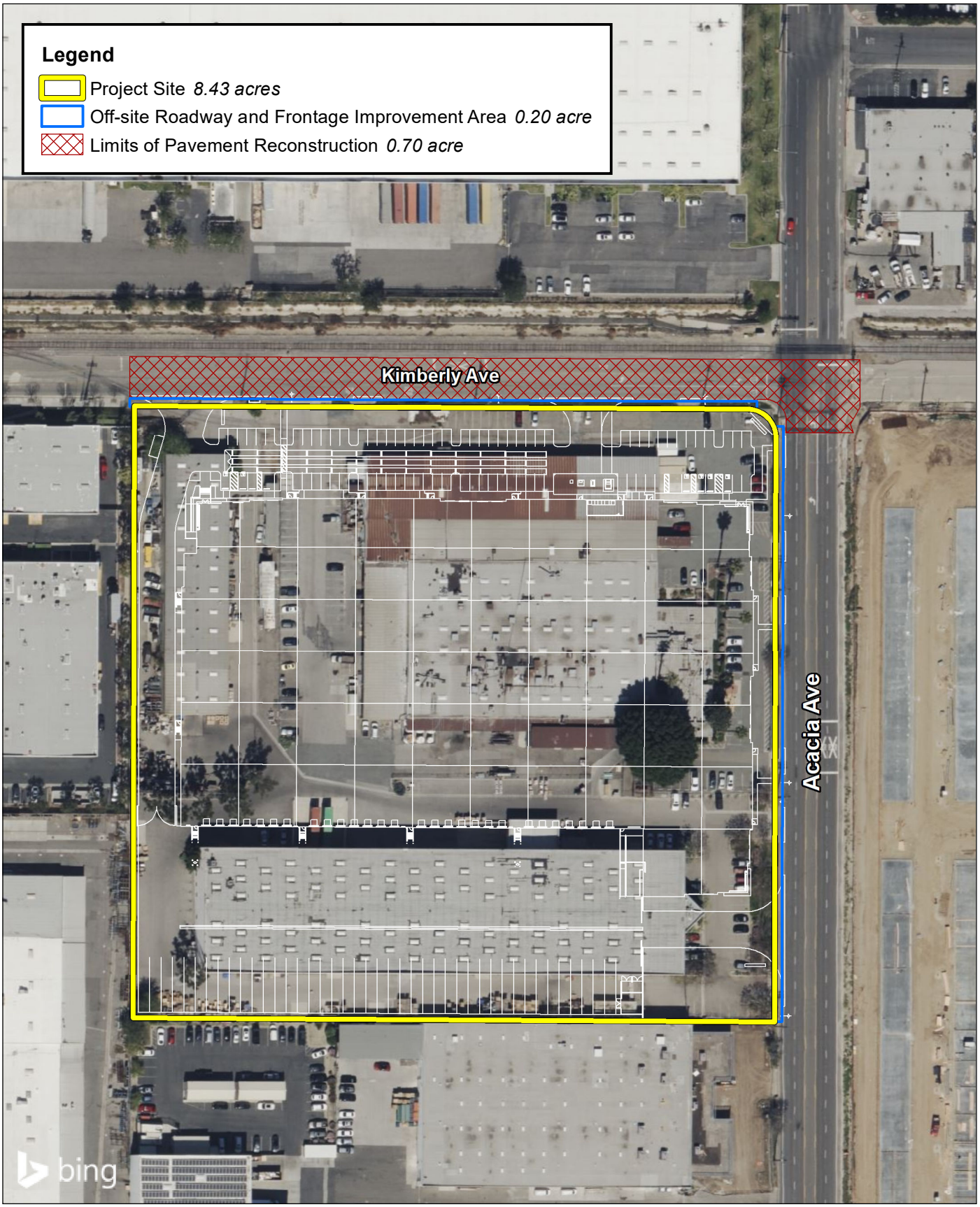

Source: Bing Aerial Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., August 2023.

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130 65 0 130 Feet

Exhibit 6
Off-site Roadway and Frontage Improvements

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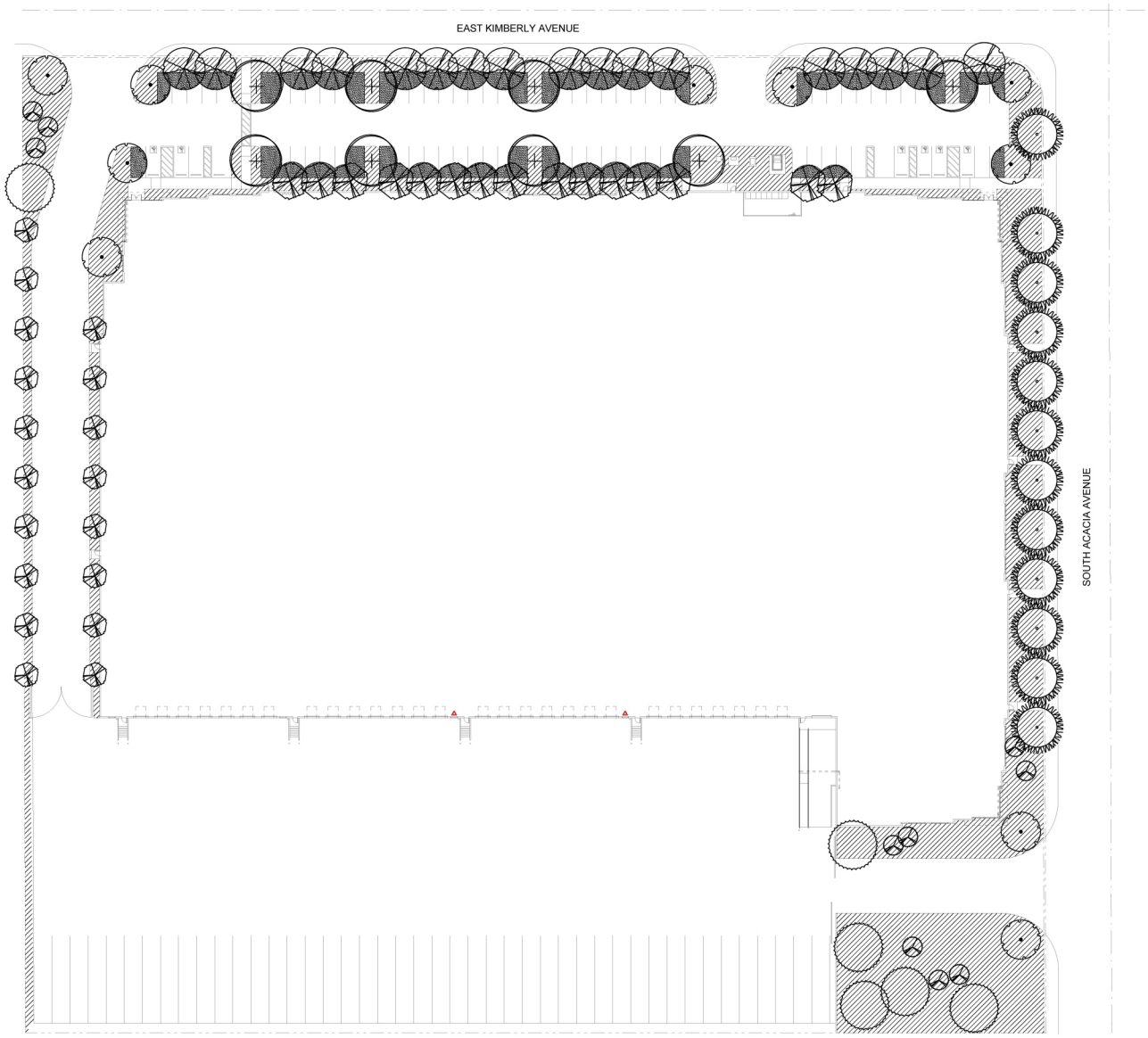

PLANTING LEGEND

TREES

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Lagerstroemia i 'Muskogee' Crape Myrtle	24" Box	10	M	Multi
	Magnolia g. 'Samuel Sommer' Magnolia	24" Box	13	M	Standard
	Olea europaea Olive	48" Box	10	L	Multi
	Pinus eldarica Afghan Pine	24" Box	6	L	Standard
	Pistacia chinensis Chinese Pistache	24" Box	8	L	Standard
	Platanus acerifolia London Plane	24" Box	12	M	Standard
	Tristania conferta Brisbane Box	15 Gal	33	M	Standard

SHRUBS

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Acca sellowiana Pineapple Guava	5 Gal	3'	M	
	Dodonaea viscosa 'Purpurea' Hopseed Bush	5 Gal	4'	M	
	Leucophyllum f. 'Green Cloud' Texas Ranger	5 Gal	4'	L	
	Ligustrum j. Texanum Texas Privet	5 Gal	3'	M	
	Rhamnus californica Coffeeberry	5 Gal	4'	L	
	Salvia greggii Autumn Sage	5 Gal	3'	L	
	Salvia j. 'Santa Barbara' Sand Barbara Sage	5 Gal	4'	L	
	Senna artemisioides Feathery Cassia	5 Gal	4'	L	
	Muhlenbergia capillaris Pink Muhly	1 Gal	3'	L	

GROUNDCOVER

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Acacia redolens 'Low Boy' Low Boy Trailing Acacia	1 Gal	8' O.C.	L	
	Festuca mairei Atlas Fescue	1 Gal	24" O.C.	M	Grass
	Lonicera j. 'Halliana' Hall's Honeysuckle	1 Gal	48" O.C.	L	
	Rosa 'Flower Carpet' Red Red Flower Carpet Rose	1 Gal	30" O.C.	L	
	Rosmarinus o. 'Huntington Carpet' Huntington Carpet Rosemary	1 Gal	48" O.C.	L	
	Senecio mandraliscae Blue Chalksticks	4" Pots	12" O.C.	M	

ACCENTS

SYMBOL	BOTANICAL/COMMON NAME	SIZE		WUCOLS	REMARKS
	Agave 'Blue Glow' Blue Glow Agave	5 Gal		L	
	Agave vilmoriana Octopus Agave	5 Gal		L	
	Aloe striata Coral Aloe	1 Gal		L	
	Dasylirion wheeleri Desert Spoon	5 Gal		L	
	Hesperaloe parviflora Red Yucca	5 Gal		L	
	Lantana 'New Gold' Compact Gold Lantana	1 Gal		L	

Parking Lot Shading
Required Shading 7,624 sf
Provided Shading 7,940 sf

Parking Lot Landscape
Required Landscape 2,325 sf
Provided Landscape 11,185 sf

N

0 15' 30' 60'

Source: RGA Office of Architectural Design, 11/2022.

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Exhibit 7
Landscaping Plan

14120011 • 08/2023 | 7_landscape_plan.cdr

CITY OF FULLERTON
BTC III FULLERTON ACACIA-KIMBERLY COMMERCE PROJECT
CONSISTENCY CHECKLIST

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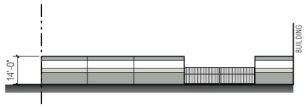
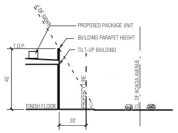


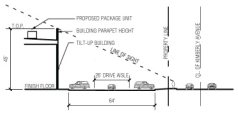
EAST SCREENWALL ELEVATION - FACING ACACIA AVENUE



TYPICAL EQUIPMENT SCREEN LINE OF SIGHT 2

SCALE: 1" =30'-0"

NOTE: LINE OF SIGHT TAKEN FROM 6'-0" ABOVE FINISH GRADE



TYPICAL EQUIPMENT SCREEN LINE OF SIGHT 1

SCALE: 1" =30'-0"

NOTE: LINE OF SIGHT TAKEN FROM 6'-0" ABOVE FINISH GRADE

FINISH SCHEDULE

P-1

P-2

P-3

MCC-1

M-1

GL-1

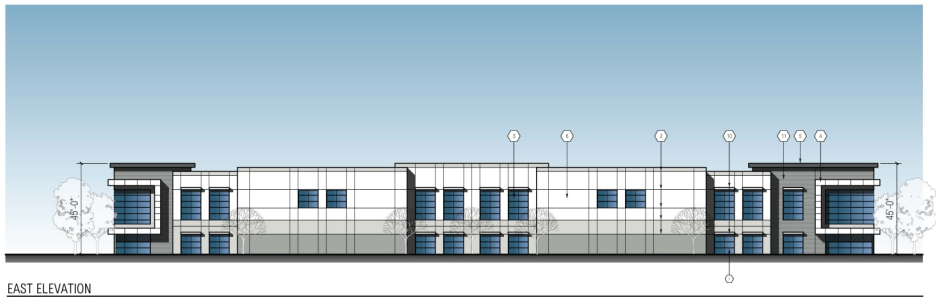
FINISH SCHEDULE		
CODE	MATERIAL	DESCRIPTION
P-1	BUILDING COLOR	COLOR PPG - PEARSON 1676-7
P-2	LIGHT ACCENT COLOR	COLOR PPG - TEX 1010-2
P-3	DARK ACCENT COLOR	COLOR PPG - SOMERSET 1018-4
MCC-1	METAL CLAD CANOPY	ALUCOBOND CLEAR ANODIZED
GL-1	GLAZING	BLUE GLAZING
M-1	BALLARDS	CLEAR ANODIZED ALUM.

KEYNOTES (XX)

1. PRIMARY ENTRANCE.
2. 2" WIDE X 3/4" DEEP HORIZONTAL / VERTICAL REVEAL.
3. REFLECTIVE GLASS IN STOREFRONT FRAME SYSTEM.
4. ALUMINUM CLAD CANOPY.
5. PAINTED METAL CORNICE.
6. PAINTED CONCRETE TILT-UP EXTERIOR WALL CONSTRUCTION.
7. PAINTED 12' WIDE X 15' HIGH LEVEL VERTICAL LIFT TRUCK DOOR.
8. PAINTED 9' WIDE X 10' HIGH VERTICAL LIFT TRUCK DOOR.
9. 3' X 7' PAINTED METAL MAN DOOR.
10. METAL SUNSHADES.
11. PAINTED CONCRETE TILT-UP EXTERIOR WALL CONSTRUCTION WITH FORMLINER PATTERN.

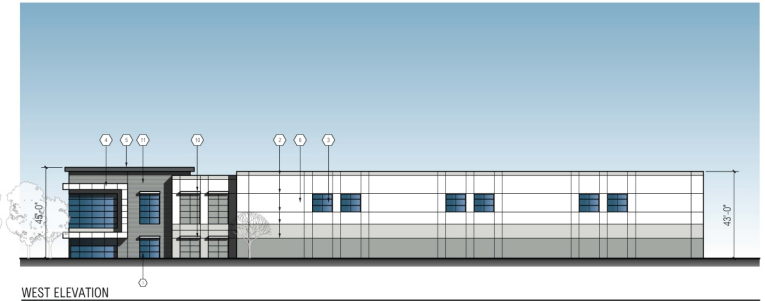
NORTH ELEVATION

SCALE: 1" =30'-0"



EAST ELEVATION

SCALE: 1" =30'-0"



WEST ELEVATION

SCALE: 1" =30'-0"

SOUTH ELEVATION

SCALE: 1" =30'-0"

Source: RGA Office of Architectural Design, 11/2022.

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Exhibit 8
Exterior Building Elevations

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SECTION 3: CEQA GUIDELINES SECTION 15168: PROJECTS CONSISTENT WITH PRIOR ENVIRONMENTAL DOCUMENTATION

3.1 - CEQA Guidelines Section 15168

Pursuant to CEQA Guidelines Section 15168, later activities that fit within the scope of a program are properly examined in the prior EIR to determine whether an additional environmental document must be prepared. The CEQA Guidelines instruct agencies to use checklists or similar mechanisms to conduct this analysis. An additional environmental document is not required unless the later activity: (1) would have new effects not examined in the prior EIR; or (2) would require new mitigation measures not previously identified in the prior EIR. If both requirements are met, the lead agency may approve the activity as being within the scope of the project covered by the prior EIR, and no additional environmental documentation is required. The lead agency shall incorporate all applicable mitigation measures and alternatives developed in the prior EIR into subsequent actions in the program.

The proposed project fits within the scope of the program analyzed in the prior EIR, and therefore does not require additional environmental review. As discussed below, the proposed project would not have any new effects that were not already examined in the prior EIR, nor would the proposed project require any new mitigation measures; all applicable mitigation measures required by The Fullerton Plan and the certified prior EIR have been incorporated.

3.2 - Public Resources Code Section 21166 and CEQA Guidelines Section 15162

As mandated in Section 15168, "if the agency finds that pursuant to Section 15162, no subsequent EIR 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 review document would be required." Public Resources Code Section 21166 and CEQA Guidelines Section 15162(a) direct that once an EIR has been certified, no subsequent EIR shall be prepared unless the lead agency determines, based on substantial evidence, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

a) The project will have one or more significant effects not discussed in the previous EIR;

b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As described in Section 5, Environmental Checklist, none of the situations requiring the preparation of subsequent or supplemental environmental documentation are present for the proposed project. In accordance with CEQA, Section 5 of this document analyzes the proposed project with respect to the prior EIR, and demonstrates that all of the potential environmental impacts associated with the proposed project would be within the envelope of impacts already evaluated in the prior EIR. The proposed project does not have any substantial changes that would result in significant environmental effects or result in a substantial increase in the severity of a previously identified impact. As demonstrated by the analysis herein, the proposed project would not result in any new additional significant impacts, nor would it substantially increase the severity of previously anticipated significant impacts. Rather, all of the impacts associated with the proposed project are within the scope of impacts addressed in the prior EIR and do not constitute a new or substantially increased significant impact. Based on this determination, the proposed project does not meet the requirements for preparation of a Subsequent or Supplemental EIR pursuant to CEQA Guidelines Section 15162.

SECTION 4: CEQA GUIDELINES SECTION 15183: PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING

CEQA Guidelines Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which a Final EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

CEQA Guidelines Section 15183(b) states that:

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

(1) Are peculiar to the project or the parcel on which the project would be located;
(2) Where not analyzed as significant effects in a prior FEIR on the zoning action, general plan, or community plan, with which the project is consistent;
(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior FEIR prepared for the general plan, community plan, or zoning action; or
(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the FEIR was certified, are determined to have a more severe adverse impact than discussed in the prior FEIR.

Proposed Project Qualifies for No Further Environmental Review under CEQA Guidelines Section 15183

CEQA Section 15183 applies to the project since it meets all of the following conditions.

(d)(1)(B) The project is consistent with a zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development.

The project site is zoned M-P (80,000-square-foot minimum lot size). According to the Municipal Code, M-P zones are intended for a wide range of light industrial activities, often based on a multiple-tenant typed development. The Municipal Code sets standards and requirements for M-P development, including outdoor storage of material products, supplies, and containers, parking, access and circulation, transportation demand management, and environmental controls. The proposed project's industrial and warehousing development is consistent with this

designation. Pursuant to Municipal Code Chapter 15.47, the proposed project would be subject to site plan review as development in an industrial zone.

(d)(1)(C) The project is consistent with The Fullerton Plan.

The Fullerton Plan anticipates the development of warehouses and designates the project site as Industrial, which allows for a FAR of between 0.35 to 0.5. This designation is intended for uses such as industrial or manufacturing, office, retail, and services uses that provide support to employees or compatible public, quasi-public, or special uses. The proposed project would develop a concrete, tilt-up warehouse covering a total of 185,525 square feet of the project site. As a result, the proposed project's FAR of 0.5 is within the allowable 0.35 to 0.5 FAR density of the Industrial designation.

(d)(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

The prior EIR provided the public and responsible trustee agencies with information about the probable environmental effects of adoption and implementation of the comprehensive update for the General Plan. The prior EIR identified policies and implementation programs within the General Plan that mitigate those effects as well as any additional necessary mitigation measures to minimize significant impacts to the environment. The City of Fullerton adopted The Fullerton Plan 2030 and certified The Fullerton Plan FEIR on May 1, 2012.

The project site included in the planning area of the adopted Fullerton Plan and the potential development of the site in accordance with the designated land use was considered as part of prior EIR.

SECTION 5: ENVIRONMENTAL CHECKLIST

The following checklist evaluates the project under both CEQA Guidelines Section 15168 and 15183. Although the provisions include similar information and can be analyzed concurrently, they are separate and distinct. The Consistency Checklist will evaluate all of the following:

CEQA Guidelines Section 15162(a) direct that once an EIR has been certified, no subsequent EIR shall be prepared unless the lead agency determines, based on substantial evidence, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

a) The project will have one or more significant effects not discussed in the previous EIR;
b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15183(b) states that:

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

(1) Are peculiar to the project or the parcel on which the project would be located;
(2) Were not analyzed as significant effects in a prior FEIR on the zoning action, general plan, or community plan, with which the project is consistent;

(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior FEIR prepared for the general plan, community plan or zoning action; or
(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the FEIR was certified, are determined to have a more severe adverse impact than discussed in the prior FEIR.

The following pages of this document contain an Environmental Checklist that examines the project's potential environmental effects within the parameters outlined above regarding Guidelines Sections 15168 and 15183(b). The "prior EIR" used in this evaluation is the General Plan FEIR certified by the City of Fullerton on May 1, 2012, including all impact determinations and significance thresholds utilized therein.

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.1 Aesthetics *Except as provided in Public Resources Code Section 21099, would the project:*					
a) Have a substantial adverse effect on a scenic vista?	Less than significant impact	No	No	No	No
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	Less than significant impact	No	No	No	No
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less than significant impact with mitigation incorporated	No	No	No	No
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant impact	No	No	No	No

Discussion

a) Scenic Vista

Would the project: *Have a substantial adverse effect on a scenic vista?*

Scenic vistas within the City include views of the West and East Coyote Hills from the southern portion of the City, as well as distant views of the City and surrounding region from within these areas. The City of Fullerton is approximately 90 percent developed. Accordingly, the prior EIR anticipated that future development permitted by The Fullerton Plan would primarily consist of infill and redevelopment. The prior EIR determined that construction and operational impacts of the

development contemplated in The Fullerton Plan related to scenic vistas would be less than significant.

Consistent with the analysis in the prior EIR regarding infill and redevelopment projects, the project site and surrounding areas do not involve a scenic vista, and therefore implementation of the proposed project would not have a direct adverse effect in that respect. The project site is consistent with the land use designation of Industrial and zoning of M-P. The proposed project would adhere to the relevant development standards and design guidelines outlined within The Fullerton Plan. The proposed project consists of the construction of a single-story warehouse with a maximum height of 45 feet, which would be of similar height and scale compared to the existing building and those within the project area, and would adhere to the applicable FAR standard. Therefore, the proposed project would be consistent with the vision, zoning, and development density for development within The Fullerton Plan. Further, the proposed project would be subject to the regulations, guidelines, and development review process outlined in the Municipal Code.

b) State Scenic Highways

Would the project: *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?*

The prior EIR states that there are no officially designated State Scenic Highways that traverse the City of Fullerton,[4] although the City's adopted *Scenic Corridor Design Guidelines* do outline scenic corridors and rural streets for special planning consideration. The Fullerton Plan does not propose any changes to the City's currently designated scenic corridors and there are no rural streets located within any of the Focus Areas. The Fullerton Plan contains policies to enhance the public realm by considering the relationship of development to the street in order to create a positive, accessible image along the street, such as Policies P1.3, P24.3, and 24.4. Additionally, future development under The Fullerton Plan is subject to compliance with regulations, guidelines, and the development review process set forth in the Municipal Code. The prior EIR determined that construction and operational impacts of the development contemplated in The Fullerton Plan related to State Scenic Highways would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project. The proposed project (and related off-site improvement areas) is not located within a State Scenic Highway and do not contain any scenic resources such as rock outcroppings or historic buildings. Furthermore, the proposed project is surrounded by existing industrial development and is not located along any scenic corridors identified in the prior EIR. The nearest scenic corridor is located approximately 2 miles northwest of the project site, and, due to distance, topography, and intervening development, is not visible from the project site. The project site consists of three industrial buildings, a paved area, and a parking lot. Thus, there are no environmental effects that are peculiar to the proposed project or the parcels on which the proposed project would be located. Because the project site off-site improvement areas are not located within a State Scenic Highway

[4] City of Fullerton. 2012. Fullerton General Plan – Aesthetics and Light/Glare. Website: https://www.cityoffullerton.com/home/showpublisheddocument/3700/637470826653170000. Accessed August 31, 2023.

and because there are no rock outcroppings or historic buildings and any tree removal would be conducted in accordance with applicable laws and regulations, no significant impacts related to scenic resources would occur.

c) Visual Character

Would the project: *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The prior EIR identified a less than significant impact related to the degradation of visual character of quality of the area. The prior EIR identified short-term impacts associated with construction including exposed pads and staging areas for grading, excavation, and construction equipment. While construction-related impacts would degrade the visual character of the area, they would be short-term, temporary, and on a project-specific basis. The Fullerton Plan requires the implementation of mitigation measures to ensure that construction impacts would be reduced to a less than significant level; applicable mitigation measures are included below as Mitigation Measure (MM) AES-2 and MM AES-3. Therefore, construction-related impacts related to visual character were found to be less than significant with the implementation of mitigation.

On a long-term basis, The Fullerton Plan identified residential and nonresidential development within the 12 key areas where a change to the visual character would occur, based on the development of vacant and underutilized land. The Fullerton Plan establishes various goals, policies, and actions in order to maintain the identity and distinctive image of the City, including Goal 2, which relates to the City's identity and image, and Goal 11, which relates to revitalizing activities that benefit communities and neighborhoods. Furthermore, future development under The Fullerton Plan is subject to compliance with regulations, guidelines, and development review process set forth in the Municipal Code. Operational impacts related to visual character were found to be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project and development of the project is consistent with the analysis contained in the prior EIR. The project site is already developed with three industrial buildings, a paved area, and parking lot. The proposed project involves constructing a tilt-up warehouse, and thus would not change the use of the site. The project site is surrounded by industrial and commercial buildings in all directions, and thus would not alter the character of the surrounding area. Furthermore, the proposed project is consistent with the site's current zoning of M-P and would be subject to all regulations, guidelines, and site plan review processes outlined in The Fullerton Plan and Municipal Code, which would further ensure that there would not be substantial degradation of existing visual character of the site and its surroundings.

d) Light or Glare

Would the project: *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The prior EIR analyzed the potential light and glare impacts that could result due to the development of agricultural and open space areas within The Fullerton Plan area, and concluded that development would result in new sources of light and glare, including nighttime lighting. The prior EIR states that all lighting installed as a result of future development would be subject to compliance with the standards for residential and nonresidential development outlined in the Municipal Code. Additionally, future development under The Fullerton Plan would be subject to site plan review to ensure compliance with development standards of the applicable zoning district. As such, potential impacts related to light and glare were found to be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project. The proposed project would replace the three existing industrial buildings with a tilt-up warehouse. Sources of lighting and glare resulting from the proposed project would include lighting for aesthetic and safety purposes, automobile windshields, and headlights. Because development currently exists on the site, the proposed project would not introduce new sources of light and glare that do not currently exist. Moreover, the project site is surrounded by industrial and commercial land uses to the north, south, east, and west. The proposed project is compliant with the project site's zoning designation of M-P and would be subject to all Municipal Code requirements including Sections 15.40.080, Industrial Environmental Controls, and 15.56.110, Illumination of Premises, as well as site plan review from City officials to ensure minimal impacts to the surrounding area.

Relevant EIR Mitigation Measures

MM AES-2 Construction documents shall include language requiring that construction vehicles be kept clean and free of mud and dust prior to leaving the development site. Streets surrounding the development site shall be swept daily and maintained free of dirt and debris.

MM AES-3 Construction worker parking may be located off-site with prior approval by the City. On-street parking of construction worker vehicles on residential streets shall be prohibited.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. There are no impacts that are peculiar to the project or its site. Application of uniformly applied The Fullerton Plan policies and standards along with regulations of the City of

Fullerton Municipal Code, implementation of relevant mitigation measures required by the prior EIR, and incorporation of identified project design features sensure impacts are less than significant.

2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 1(3))
5.2 Agriculture and Forestry Resources *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	Less than significant impact	No	No	No	No
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	Less than significant impact	No	No	No	No
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	Less than significant impact	No	No	No	No
d) Result in the loss of forest land or conversion of forest land to non-forest use?	Less than significant impact	No	No	No	No
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?	Less than significant impact	No	No	No	No

Discussion

a) Conversion of Important Farmland

Would the project: *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?*

Impacts to agriculture and forestry resources related to implementation of The Fullerton Plan were found to have either no impact or be less than significant.

According to the Department of Conservation California Important Farmland Finder, the project site and surrounding area is situated on Urban and Built-Up Land[5] that is currently developed with industrial buildings and designated for Industrial land uses. The proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No impact would occur. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Agricultural Zoning and Williamson Act Contracts

Would the project: *Conflict with existing zoning for agricultural use, or a Williamson Act Contract?*

The prior EIR found no impact related to conflicts with existing zoning or Williamson Act Contract. According to The Fullerton Plan, the project site is designated as Industrial and zoned as M-P, and is surrounded by industrial land uses to the north, east, south, and west.[6] The analysis under the prior EIR remains accurate with respect to the proposed project as these circumstances have not changed. The proposed project would not conflict with existing zoning for agriculture use or a Williamson Act Contract. No impact would occur.

c) Forest Zoning

Would the project: *Conflict with existing zoning for forest land or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

As described in the previous question, the project site has a designated land use of Industrial and zoned as M-P, and is surrounded by industrial land uses to the north, east, south, and west. The analysis under the prior EIR remains accurate with respect to the proposed project as these circumstances have not changed. The proposed project would not conflict with existing zoning for forest land or timber land zoned Timberland Production. No impact would occur.

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[5] Department of Conservation. 2022. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed August 25, 2023.

[6] City of Fullerton. 2023. GoZone Interactive Map. Website: https://gis.cityoffullerton.com/portal/apps/webappviewer/index.html?id=38a7db5f8a8748b1818bc31269bfa3b0. Accessed August 16, 2023.

d) Conversion of Forest Land

Would the project: *Result in the loss of forest land or conversion of forest land to non-forest use?*

The prior EIR did not identify a significant impact related to the loss of forest land, or conversion of forest land to non-forest use. In addition, The Fullerton Plan does not include any areas with a designated land use or zoning of forest land.[7]

The analysis under the prior EIR remains accurate with respect to the proposed project as these circumstances have not changed. As mentioned above, the project site and surrounding area is currently developed with industrial buildings and designated for Industrial land uses. Therefore, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

e) Pressures to Convert Farmland or Forest Land

Would the project: *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?*

The proposed project is located in an urbanized, industrial area and is not in proximity to any farmland or forested lands. As such, the proposed project would not result in changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use. No impact would occur.

Relevant EIR Mitigation Measures

None required.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. There are no environmental effects that are peculiar to the proposed project or its site.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.

[7] City of Fullerton. 2023. GoZone Interactive Map. Website: https://gis.cityoffullerton.com/portal/apps/webappviewer/index.html?id=38a7db5f8a8748b1818bc31269bfa3b0. Accessed August 16, 2023.

4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 1(3))
5.3 Air Quality *Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.* *Would the project:*					
a) Conflict with or obstruct implementation of the applicable air quality plan?	Less than significant impact	No	No	No	No
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?	Significant and Unavoidable	No	No	No	No
c) Expose sensitive receptors to substantial pollutant concentrations?	Less than significant impact	No	No	No	No
d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	Less than significant impact	No	No	No	No

Discussion

Setting

The project site is located in the South Coast Air Basin (SoCAB) and within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). While the final determination of whether a project is significant is within the purview of the Lead Agency pursuant to Section 15064(b) of the CEQA Guidelines, SCAQMD recommends that its quantitative air pollution thresholds be used to determine the significance of project emissions (Table 1). If the Lead Agency, in this case the City of Fullerton, finds that the proposed project has the potential to exceed these air pollution thresholds, the proposed project would be considered to have significant air quality impacts and would require mitigation to minimize these impacts. The SCAQMD has developed regional thresholds and localized significance thresholds (LST) to evaluate construction and operational emissions within its jurisdiction.

Regional Thresholds

Table 1: SCAQMD Regional Thresholds of Significance

Pollutant	Construction	Operation
Regional Thresholds		
NO_X	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM_{10}	150 lbs/day	150 lbs/day
$PM_{2.5}$	55 lbs/day	55 lbs/day
SO_X	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day

Notes:
CO = carbon monoxide
lbs = pounds
NO_X = nitrogen oxides
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
SO_X = sulfur oxide
VOC = volatile organic compounds
Source of regional thresholds: South Coast Air Quality Management District (SCAQMD). 2019. South Coast AQMD Air Quality Significance Thresholds. April. Website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2. Accessed October 19, 2023.

Localized Air Quality Significance Thresholds

The SCAQMD recommends that all air quality analyses include a localized assessment of both construction and operational emissions on nearby sensitive receptors. The SCAQMD has developed LSTs to be implemented at the discretion of local public agencies acting as a lead agency pursuant to CEQA. LSTs represent maximum mass emissions from a project site that would not result in pollutant concentrations that exceed National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS). LSTs are based on ambient concentrations of that pollutant within the Source Receptor Area (SRA) [8] where a project is located, distance to the nearest sensitive receptor, and size of the project site, all of which are the primary factors that influence pollutant concentrations.

The SCAQMD prepared the Final Localized Significance Threshold Methodology (dated June 2003, revised 2009) for guidance. [9] The LST Methodology assists lead agencies in analyzing localized air quality impacts, particularly CO, NO_X, particulate matter, including dust, 10 micrometers or less in diameter (PM_{10}), and particulate matter, including dust, 2.5 micrometers or less in diameter ($PM_{2.5}$). The SCAQMD provides LST mass rate lookup tables for projects with active construction areas that

[8] A source area is that area in which contaminants are discharged and a receptor area is that area in which the contaminants accumulate and are measured. Any of the areas can be a source area, a receptor area, or both a source and receptor area.

[9] South Coast Air Quality Management District (SCAQMD). 2021. Localized Significance Thresholds. Website: http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds. Accessed October 19, 2023.

are less than or equal to 5 acres, providing specific thresholds for 1-acre, 2-acre, and 5-acre project sites. These LST lookup values are provided as a screening tool for identifying whether a more detailed analysis is needed to quantify localized impacts more accurately. The site is located in SRA 16, North Orange County.

Table 2 displays the LSTs for CO, NO_X, PM_{10}, and $PM_{2.5}$ for both construction and operational activities for 1, 2, and 5 acres. If a project exceeds the applicable LST, then the SCAQMD recommends that project-specific air quality modeling be performed.

Table 2: SCAQMD Localized Significance Thresholds (Construction/Operations)

Project Size	Nitrogen Oxides–NO_X (lbs/day)	Carbon Monoxide–CO (lbs/day)	Coarse Particulate PM_{10} (lbs/day)	Fine Particulate $PM_{2.5}$ (lbs/day)
1-acre	252/252	6,531/6,531	137/33	74/18
2-acre	269/269	7,121/7,121	145/35	79/19
5-acre	317/317	8,754/8,754	165/40	95/23

Notes:
CO = carbon monoxide
lbs = pounds
NO_X = nitrogen oxides
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter

SCAQMD Mass Rate Lookup Tables for sites in SRA 16 for sensitive receptors located 500 feet from the project site.

Source: South Coast Air Quality Management District (SCAQMD). 2009. Localized Significance Thresholds. Website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/appendix-c-mass-rate-lst-look-up-tables.pdf?sfvrsn=2. Accessed October 19, 2023.

Carbon Monoxide Hotspot Thresholds

The largest source of carbon monoxide (CO) emissions during long-term operations of a warehouse development project is typically from motor vehicles. A CO hotspot represents a condition wherein high concentrations of CO may be produced by motor vehicles accessing a congested traffic intersection under heavy traffic volume conditions.

Since the first regulation of CO emissions from vehicles (model year 1966) in California, vehicle emissions standards for CO applicable to light-duty vehicles have decreased tailpipe CO emissions by 96 percent for automobiles, and new cold weather CO standards have been implemented, effective for the 1996 model year. With the turnover of older vehicles, the introduction of cleaner fuels and the implementation of control technology on industrial facilities, CO concentrations in the SoCAB have steadily declined over the past 20 years.

The analysis prepared for CO attainment in the SoCAB by the SCAQMD can help evaluate the potential for CO exceedances in the SoCAB. CO attainment was thoroughly analyzed as part of the SCAQMD's 2003 Air Quality Management Plan (2003 AQMP) and the 1992 Federal Attainment Plan

for Carbon Monoxide (1992 CO Plan). As discussed in the 1992 CO Plan and subsequent plan updates, peak carbon monoxide concentrations in the SoCAB are due to unusual meteorological and topographical conditions and not the impact of particular intersections. [10] Considering the region's unique meteorological conditions and the increasingly stringent CO emissions standards, CO modeling was performed as part of 1992 CO Plan and subsequent plan updates and air quality management plans. In the 1992 CO Plan, a CO hot spot analysis was conducted for four busy intersections in Los Angeles at the peak morning and afternoon time periods. The intersections evaluated included Long Beach Boulevard and Imperial Highway (Lynwood); Wilshire Boulevard and Veteran Avenue (Westwood); Sunset Boulevard and Highland Avenue (Hollywood); and La Cienega Boulevard and Century Boulevard (Inglewood). These analyses did not predict a violation of CO standards. The busiest intersection evaluated was at Wilshire Boulevard and Veteran Avenue, which has a daily traffic volume of approximately 100,000 vehicles per day. These modeling results and the determinations of this CO hot spot analysis is utilized in this analysis as the basis for determining whether the proposed project would result in a CO hot spot at impacted intersections and roadway segments.

Health Risk Significance Thresholds

For pollutants without defined significance standards or air contaminants not covered by the standard criteria cited above, the definition of substantial pollutant concentrations varies. For toxic air contaminants (TACs), "substantial" is taken to mean that the individual cancer risk exceeds a threshold considered a prudent risk management level.

The SCAQMD has defined several health risk significance thresholds that it recommends lead agencies use in assessing a project's health risk impacts. The City of Fullerton has not adopted its own set of thresholds. Therefore, the following SCAQMD thresholds are used for this analysis.

Project-Specific Health Risk Significance Thresholds

The SCAQMD has established the following project-specific health risk significance thresholds:

- Maximum Incremental Cancer Risk: $\geq$10 in 1 million.
- Hazard Index (project increment) $\geq$1.0.

A significant impact would occur if a project's impacts exceeded any of these thresholds.

Cumulative Health Risk Significance Thresholds

When the proposed project, in combination with one or more other projects exceeds the project-specific significance thresholds, the proposed project would be considered by the SCAQMD to be cumulatively considerable. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant. This is the reason project-specific and cumulative significance thresholds are same.

[10] California Air Resources Board (ARB). 2021. 2005 South Coast Carbon Monoxide Plan. Website: https://ww2.arb.ca.gov/resources/documents/2005-south-coast-carbon-monoxide-plan. Accessed October 19, 2023.

a) Air Quality Plan Conflict

Would the project: *Conflict with or obstruct implementation of the applicable air quality plan?*

The prior EIR identified a less than significant impact related to conflict with or obstruction of the applicable air quality plan. The prior EIR identified that all future development would be required to comply with existing SCAQMD regulations and permitting requirements. Compliance with regulations and permit requirements would ensure that new uses reduce emissions to the maximum extent feasible. Furthermore, the goals and policies in The Fullerton Plan would reduce the significance of air quality impacts based on the short-term construction and long-term operations. However, the program-level analysis of emissions associated with development consistent with The Fullerton Plan would exceed SCAQMD thresholds. The SCAQMD thresholds are intended to evaluate the air quality impacts from individual development projects and do not apply to plan-level projects such as The Fullerton Plan. The Fullerton Plan includes goals and policies within the Natural Environment and Built Environment Elements that would reduce air quality impacts of future development within the City. Additionally, development projects consistent with The Fullerton Plan would be required to comply with The Fullerton Plan goals and policies and SCAQMD regulations and would incorporate mitigation measures when necessary, and as feasible, to reduce air quality impacts to less than significant. Therefore, impacts related to conflicts with air quality plans were found to be less than significant.

The SCAQMD CEQA Air Quality Handbook states that there are two key indicators to evaluate whether a project conflicts with or obstructs the implementation of the applicable air quality plan (2016 AQMP for the SoCAB). These indicators are (1) whether the proposed project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP; and, (2) whether a project is inconsistent with the growth assumptions incorporated into the air quality plan, and thus, whether it would interfere with the region's ability to comply with federal and California air quality standards.

Considering the recommended indicators in the SCAQMD's CEQA Air Quality Handbook, this analysis uses the following criteria to address this potential impact:

- Criterion 1: Project's contribution to air quality violations (SCAQMD's first indicator);
- Criterion 2: Assumptions in the AQMP (SCAQMD's second indicator); and
- Criterion 3: Compliance with applicable emission control measures in the AQMPs.

Criterion 1: Project's Contribution to Air Quality Violations

According to the SCAQMD, the proposed project would be consistent with the AQMP if the proposed project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.

If a project's emissions exceed the SCAQMD regional thresholds for NO_X, volatile organic compounds (VOC), PM_{10} or $PM_{2.5}$, it follows that the emissions could cumulatively contribute to an exceedance of a pollutant for which the SoCAB is in nonattainment (ozone, PM_{10}, $PM_{2.5}$) at a monitoring station in the SoCAB. An exceedance of a nonattainment pollutant at a monitoring station would not be consistent with the goals of the AQMP—to achieve attainment of pollutant standards. As discussed in Impact 3(b), the proposed project would not exceed the SCAQMD regional significance thresholds or LSTs during construction or operation. Therefore, the proposed project would be consistent with the AQMP. The proposed project meets this criterion, and impacts would be less than significant.

Criterion 2: Assumptions in AQMP

According to Chapter 12 of the SCAQMD CEQA Air Quality Handbook, the purpose of the General Plan consistency finding is to determine whether a project is inconsistent with the growth assumptions incorporated into the air quality plan and thus, whether it would interfere with the region's ability to comply with federal and California air quality standards. The Fullerton General Plan (called The Fullerton Plan) was adopted in 2012, prior to adoption of the Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS), which was adopted in April 2016 and was used to inform the population and emissions growth forecast for the SCAQMD's most recent AQMP. The SCAQMD adopted its most recent, the 2016 AQMP, on March 3, 2017.

The project site is designated as Industrial according to The Fullerton Plan and zoned as M-P according to the Fullerton Municipal Code.

Areas designated as Industrial are intended to protect and enhance the City's major employment areas by providing opportunities for manufacturing, product assembly, research and development, warehousing, and supporting uses and amenities. This designation allows for FARs ranging from 0.35 to 0.5, excluding structured parking.[11]

The proposed project site is zoned as M-P (80,000-square-foot minimum lot size). According to the Municipal Code, M-P zones are intended for a wide range of light industrial activities, often based on a multiple-tenant typed development. The Municipal Code sets standards and requirements for M-P development, including outdoor storage of material products, supplies, and containers, parking, access and circulation, transportation demand management, and environmental controls. The proposed project would be consistent with the goals and policies listed in The Fullerton Plan, as well as the land use and zoning designation listed for the project site.

Criterion 3: Control Measures

The proposed project would be required to comply with all applicable rules and regulations of the SCAQMD. Because the proposed project includes earthmoving activity, SCAQMD Rule 403 would apply. SCAQMD Rule 403 governs emissions of fugitive dust during construction and operation activities. The rule requires that fugitive dust be controlled with best available control measures so

[11] City of Fullerton. 2012. The Fullerton Plan – Tables and Exhibits. Website: https://www.cityoffullerton.com/home/showpublisheddocument/1033/637575629686070000. Accessed October 6, 2023.

that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 requires the implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Compliance with this rule is achieved through application of standard Best Management Practices (BMPs). These BMPs include application of water or chemical stabilizers to disturbed soils; covering haul vehicles; restricting vehicle speeds on unpaved roads to 15 miles per hour; sweeping loose dirt from paved site access roadways; cessation of construction activity when winds exceed 25 miles per hour; and establishing a permanent ground cover on finished sites. The proposed project's compliance with SCAQMD Rule 403 would result in consistency with the applicable AQMP control measures.

In summary, the proposed project would meet all three criteria for determining consistency with the AQMP. The proposed project would not result in a regional or localized exceedance of criteria air pollutants and would not exceed the growth assumptions in the AQMP. The proposed project would comply with all applicable SCAQMD rules and regulations. Accordingly, proposed the project would not conflict with or obstruct implementation of the applicable air quality plans, and therefore, the impact would be less than significant. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Air Quality Standard, Criteria Pollutants

Would the project: *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?*

The prior EIR identified a significant and unavoidable impact related to criteria air pollutants from construction. Construction-related activities associated with implementation of The Fullerton Plan would result in emissions of criteria air pollutants and precursors from site preparation (e.g., demolition, grading, excavation, and clearing); exhaust from off-road equipment, material delivery trucks, and worker commute vehicles; vehicle travel on roads; and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings, and trenching for utility installation). The Fullerton Plan Natural Environment Element (Air Quality and Climate Change Chapter) Policy P21.6 addresses construction-related air quality impacts by supporting projects, programs, policies, and regulations to reduce impacts to air quality caused by construction projects. Future development would be required to comply with applicable SCAQMD rules and regulations to reduce construction emissions, including implementation of MM AQ-1 through MM AQ-8. However, The Fullerton Plan would facilitate future development and generate construction emissions that would potentially exceed SCAQMD thresholds. Therefore, the prior EIR concluded that a significant and unavoidable impact would occur.

The prior EIR identified a significant and unavoidable impact related to criteria air pollutants from operation. The prior EIR determined that development projects allowed under The Fullerton Plan would increase regional pollutants over current conditions, specifically PM_{10} and $PM_{2.5}$. However, the prior EIR determined that mobile source ROG, NO_X, and CO would decrease from existing conditions due to improvements in vehicular technology for mobile source emissions. Additionally, various

policies, actions, and regulations in The Fullerton Plan would reduce impacts related to operational criteria air pollutants from development associated with The Fullerton Plan. The prior EIR found that environmental review of individual development projects pursuant to CEQA would evaluate whether potential air pollutant emissions generated from growth could result in a significant impact to air quality. Therefore, the significance level of these impacts would be determined during review, and appropriate mitigation measures would be developed. Depending on the specific air quality impact, MM AQ-9 through MM AQ-12 and MM AQ-14 would be required to reduce emissions of criteria pollutants. However, due to the magnitude of development and associated mobile and stationary source air quality impacts, the prior EIR concluded that impacts would be significant and unavoidable.

This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. The region is currently nonattainment for ozone, PM_{10}, and $PM_{2.5}$. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants is a result of past and present development within the SoCAB, and this regional impact is a cumulative impact. To clarify, new development projects (such as the proposed project) within the SoCAB would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when taken in combination with past, present, and future development projects. All new developments that would increase air pollutant emissions above those assumed in regional air quality plans would contribute to cumulative air quality impacts.

The subjective analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in emissions that exceed SCAQMD regional or localized thresholds of significance for construction and operations on a project level. Projects that generate emissions below the SCAQMD significance thresholds would be considered consistent with regional air quality planning efforts would not generate cumulatively considerable emissions.

The California Emission" Est'mator Model (CalEEMod), Version 2022.1.1.20, was used to estimate construction emissions. Construction of the proposed project would include demolition, site preparation, grading, building construction, paving, and architectural coating activities. Table 3 displays the model's default construction schedule for a project of this size, as confirmed by the project applicant on August 15, 2023, and demonstrates that the proposed project would be constructed over approximately 13 months, beginning as early as the second quarter of 2024 (May 2024) and conclude in the second quarter of 2025 (June 2025). If the construction schedule moves to later years, construction and operational emissions may decrease because of improvements in technology and more stringent regulatory requirements as older, less fuel-efficient equipment is gradually replaced by newer and more fuel-efficient equipment. Please see Appendix A for more detailed modeling information.

Table 3: Proposed Construction Schedule

Activity	Start Date	End Date	Days per Week	Total Days
Demolition	5/1/2024	6/11/2024	5	30
Site Preparation	6/12/2024	6/18/2024	5	5
Grading	6/19/2024	7/9/2024	5	15
Building Construction	7/10/2024	5/27/2025	5	230
Paving	5/28/2025	6/24/2025	5	20
Architectural Coating	5/28/2025	6/24/2025	5	20
Notes: Paving and Architectural Coating would occur concurrently.				

The localized analyses use thresholds that represent the maximum project emissions that would not cause or contribute to an exceedance of the most stringent applicable NAAQS or CAAQS. If the proposed project results in emissions that do not exceed the LSTs, it follows that those emissions would not cause or contribute to a local exceedance of the appropriate ambient air quality standard. The localized assessment methodology limits the emissions in the analysis to those generated from on-site activities. The on-site emissions generated during construction are compared with the LSTs and summarized in Table 4. The emissions estimates shown therein incorporate required regulatory compliance, such as SCAQMD Rule 403. Note that because of the way the CalEEMod model is constructed, compliance with SCAQMD Rule 403 is reflected as mitigation in the output, although compliance with Rule 403 is mandatory and, therefore, not considered mitigation under CEQA. As shown therein, the construction of the proposed project would not exceed the SCAQMD's construction LSTs.

The proposed project's predicted maximum daily construction-related emissions are summarized in Table 4 compared to the SCAQMD Regional significance thresholds.

Table 4: Maximum Construction-Related Emissions (lbs/day)

Construction Year	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_X)	Carbon Monoxide (CO)	Sulfur Oxides (SO_X)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
2024	3.71	42.8	34	0.16	14.0	5.47
2025	58.1	12.5	17.9	0.04	1.7	0.73
Maximum	58.1	42.8	34	0.16	14.0	5.47
SCAQMD Threshold	75	550	100	150	150	55
Exceeds Threshold?	No	No	No	No	No	No
Notes:						

Construction Year	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_X)	Carbon Monoxide (CO)	Sulfur Oxides (SO_X)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
CO = carbon monoxide NO_X = nitrogen oxides PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter $PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter ROG = reactive organic gases SO_X = sulfur oxide SCAQMD = South Coast Air Quality Management District						

Project construction activities would generate short-term emissions of criteria air pollutants. The proposed project would be required to comply with MM AQ-1, which would reduce short-term fugitive dust impacts on nearby sensitive receptors; MM AQ-2, which would ensure compliance with State Vehicle Code Section 23114 (Spilling Loads on Highways); MM AQ-3, which would implement measures to reduce VOC emissions resulting from application of architectural coatings; MM AQ-4, which would ensure that Grading Plan, Building Plans and specifications stipulate that ozone precursor emissions from construction equipment vehicles be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer; MM AQ-5, in which electricity from power poles would be used instead of temporary diesel or gasoline-powered generators to reduce associated emissions; MM AQ-6, which would require submittal of a Traffic Control Plan to reduce traffic congestion during construction activities; and MM AQ-7, which would restrict idling of construction equipment on-site to no more than 5 minutes. Implementation of these standard conditions would further ensure impacts remain less than significant. Construction-related air quality impacts have been analyzed herein using the latest available air emissions model, or other analytical method determined in conjunction with the SCAQMD, consistent with MM AQ-8.

The analysis shows that the project construction emissions would not exceed SCAQMD regional thresholds and would not be expected to contribute to exceedances of the Ambient Air Quality Standards (AAQS).

Operational Impacts

Air quality impacts would be regional and not confined to the Fullerton City limits. Although individual development projects have the potential to exceed SCAQMD thresholds, The Fullerton Plan goals and policies would help to reduce the significance of impacts from these individual development projects.

Development projects allowed under The Fullerton Plan would increase regional pollutants over current conditions, specifically PM_{10} and $PM_{2.5}$. However, ozone precursor pollutants, reactive organic compounds and nitrogen oxides would decrease, due to improvements in vehicular technology for mobile source emissions. CEQA review of individual development projects would include an evaluation to determine whether potential air pollutant emissions generated from growth could result in a significant impact to air quality. The significance level of these impacts would be

determined during review and appropriate mitigation measures would be developed. Depending on the specific air quality impact, MM AQ-9 through MM AQ-12 and MM AQ-14 would be required to reduce emissions of criteria pollutants. However, The Fullerton Plan EIR concludes that due to the magnitude of development and associated mobile and stationary source air quality impacts, impacts would be significant unavoidable in this regard.

The proposed project's operational emissions would be associated with motor vehicle use and area sources. Area sources include natural gas for space and water heating, and usage of consumer products (such as household-type cleaners). Mobile sources emissions are generated from vehicle operations associated with project operations. Typically, area sources are small sources that contribute very minor emissions individually, but when combined may generate substantial amounts of pollutants. Area-specific defaults in CalEEMod were used to calculate area source emissions.

CalEEMod was also used to calculate pollutant emissions from vehicular trips generated from both the Existing land uses and the proposed project. The vehicle trip rates for existing and project conditions were modeled trip rates for warehousing and light industrial land uses and the square footages for the site based on values in the Trip Generation and Vehicle Miles Traveled (VMT) Assessment.[12] The trip generation for the existing uses is based on 38,750 square feet of general light industrial use and 116,250 square feet of warehousing use for a total of 155,000 square feet. The existing use currently generates a total of 390 two-way trips per day (380 passenger vehicles and 80 trucks). The trip generation for the proposed project was based on 46,500 square feet of general light industrial use and 139,500 square feet of warehousing use for a total of 186,000 square feet. Thus, the proposed project is anticipated to generate a total of 468 two-way trips per day (372 passenger vehicles and 96 trucks). The passenger vehicle fleet mix for the analysis was based on EMFAC defaults for 2025 for Orange County for the vehicle categories of light-duty automobile (LDA), light heavy-duty one-axle truck (LDT1), light heavy-duty two-axle truck (LDT2) and medium-duty vehicle (MDV). The truck percentages were further broken down by axle type per the following SCAQMD recommended truck mix: 2-Axle = 16.7 percent; 3-Axle = 20.7 percent; 4+-Axle = 62.6 percent.

The estimated emissions from existing and proposed project operations are summarized in Table 5 Daily Operational Emissions (Maximum Pounds Per Day).

As shown in Table 5, emission calculations generated from CalEEMod demonstrate that project-related operational emissions would not exceed the SCAQMD thresholds for any criteria air pollutants. Therefore, project operational impacts would be less than significant.

[12] Urban Crossroads. 2022. South Acacia Trip Generation and Vehicle Miles Traveled (VMT) Assessment. August.

Table 5: Daily Operational Emissions (lbs/day)

Source	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_X)	Carbon Monoxide (CO)	Sulfur Oxides (SO_X)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Existing						
Area	4.7	0.06	6.74	<0.005	0.01	0.01
Natural Gas Energy	0.06	1.05	0.88	0.01	0.08	0.08
Cars	0.67	1.248	7.95	0.027	2.345	0.607
Trucks	0.18	9.11	4.3	0.085	2.92	0.87
Total	5.61	11.468	19.9	0.12	5.35	1.56
Proposed Project						
Area	5.63	0.07	8.09	<0.005	0.01	0.01
Natural Gas Energy	0	0	0	0	0	0
Cars	0.8	1.5	9.53	0.03	2.81	0.73
Trucks	0.22	10.9	5.16	0.10	3.5	1.04
Stationary	0.72	2.02	1.84	<0.005	0.11	0.11
Total	7.38	14.5	24.62	0.14	6.43	1.89
Net Project Emissions						
Net Emissions	1.76	3.02	4.7	0.01	1.0	0.33
Thresholds	75	550	100	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Notes:
CO = carbon monoxide
NO_X = nitrogen oxides
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
ROG = reactive organic gases
SO_X = sulfur oxide

The results in Table 5 show that the daily emissions of the proposed project would be less than SCAQMD regional thresholds and would not result in, or contribute to, an exceedance of the AAQS. The table shows that the net project emissions as well as the project individually would not result in such an impact that would result in exceedances of the AAQS regionally.

Impact Summary

The proposed project would have an impact less than that presented in the prior EIR. The prior EIR found that projects had the potential to result in exceedances of the AAQS. This analysis shows that

the proposed project emissions would not result in cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard, and impacts would be less than significant.

c) Sensitive Receptors

Would the project: *Expose sensitive receptors to substantial pollutant concentrations?*

The prior EIR identified a less than significant impact related to sensitive receptors. The prior EIR found that the Basin is an attainment area for State and federal CO standards. A detailed CO analysis was conducted in the 1992 CO Plan for the SCAQMD's 2003 Air Quality Management Plan. The locations selected for microscale modeling in the 1992 CO Plan are worst-case intersections in the Basin and would likely experience the highest CO concentrations. Of these locations, the Wilshire Boulevard/Veteran Avenue intersection experienced the highest CO concentration (4.6 parts per million [ppm]), which is well below the 35ppm 1-hour CO federal standard. The Wilshire Boulevard/Veteran Avenue intersection is one of the most congested intersections in Southern California with an Average Daily Traffic (ADT) volume of approximately 100,000 vehicles per day. As the CO hotspots were not experienced at this intersection, it can be reasonably inferred that CO hotspots would not be experienced at any locations within the City due to the volume of traffic that would occur as a result of future development associated with The Fullerton Plan. Additionally, The Fullerton Plan Built Environment Element (Mobility Chapter) Action A5.2 would ensure local and regional signal coordination, optimizing traffic flow through the City and reduce traffic queueing. Therefore, the prior EIR concluded that impacts would be less than significant.

Localized Significance Thresholds

As previously discussed, the SCAQMD Governing Board adopted a methodology for calculating localized air quality impacts through LSTs. The localized thresholds also depend on the distance to the impacted receptor from the source of emissions. The nearest sensitive receptors are:

- Residence at 230 South Harrington Drive, approximately 1,963 feet north of the project site.
- Residence at 1503 East Benmore Lane, approximately 1,968 feet south of the project site.
- Residence at 42 Fir Via, approximately 3,483 feet west of the project site.

The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable NAAQS or CAAQS. The LSTs were developed by the SCAQMD based on the ambient concentrations of that pollutant for each SRA and distance to the nearest sensitive receptor. The AAQS establish the levels of air quality necessary, with an adequate margin of safety, to protect public health, including protecting the health of sensitive populations such as asthmatics, children, and the elderly. Therefore, sensitive receptors would not be exposed to criteria pollutant levels more than the health-based AAQS.

The SCAQMD's methodology states that "off-site mobile emissions from the proposed project should not be included in the emissions compared to LSTs." Therefore, for purposes of the construction LST analysis, only emissions included in the CalEEMod "on-site" emissions outputs were considered. LST

thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, as recommended by the SCAQMD, LSTs for receptors located at 500 meters were utilized in this analysis.

Utilizing the construction equipment list and associated acreages per 8-hour day provided in the Appendix G of the CalEEMod 2022 Users Guide and the SCAQMD "Fact Sheet for Applying CalEEMod to Localized Significance Thresholds," the maximum number of acres disturbed in a day would be 4 acre per day. To ensure a conservative analysis, the smaller 2-acre LST is utilized in the localized construction analysis.

Table 6 presents the proposed project's maximum daily on-site construction emissions compared with the applicable LSTs. As described previously, the closest sensitive receptor is over 1900 feet north. Localized emissions of NO_X, CO, and particulate matter during construction would be below the construction LSTs and therefore construction would not result in significant concentrations of pollutants at the closest sensitive receptors.

Table 6: Localized Significance of Construction Emissions (Maximum Pounds per Day)

Construction Year	Nitrogen Oxides (NO_X)	Carbon Monoxide (CO)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Demolition	24.89	21.741	1.060	0.976
Site Preparation	35.95	32.926	1.600	1.472
Grading	18.23	18.824	0.838	0.771
Construction 2024	11.22	13.12	0.50	0.46
Construction 2025	10.44	13.04	0.43	0.40
Paving/Architectural Coating	8.34	11.12	0.38	0.35
Maximum Daily On-Site Emissions	**36**	**33**	**1.60**	**1.5**
SCAQMD Localized Screening Thresholds (2 acres at 500 meters)	317	7,121	145	79
Exceeds Threshold?	No	No	No	No

Notes:
CO = carbon monoxide
NO_X = nitrogen oxides
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
SCAQMD = South Coast Air Quality Management District

Localized Operational Significance Analysis. The on-site operational emissions are compared to the LST thresholds in Table 7, Localized Significance of Operational Emissions (Maximum Pounds per Day). On-site passenger vehicle emissions from cars and trucks for emissions related with on-site running exhaust, starts, and road dust are also included assuming 0.25 mile per day operation on the

project site. The table shows that the proposed project would result in a less than significant impact concerning LSTs during operational activities. Table 4 shows that the maximum daily emissions of these pollutants during project operations would not result in significant concentrations of pollutants at the closest sensitive receptors.

Table 7: Localized Significance of Operational Emissions (Maximum Pounds per Day)

Construction Year	Nitrogen Oxides (NO_X)	Carbon Monoxide (CO)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Area	0.07	8.08	0.014	0.011
Stationary	2.02	1.84	0.11	0.11
On-Site Mobile	1.26	3.41	0.09	0.02
Total	3.35	13.33	0.21	0.14
SCAQMD Localized Screening Thresholds (5 acres at 500 meters)	317	8,754	40	23
Exceeds Threshold?	No	No	No	No

Notes:
CO = carbon monoxide
NO_X = nitrogen oxides
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
SCAQMD = South Coast Air Quality Management District
Sources: CalEEMod Outputs Appendix A for Area and Stationary Sources, Off-model Mobile Source Calculations for Mobile On-site Passenger Vehicles and Trucks also in Appendix A

Carbon Monoxide Hotspots

An analysis of CO "hot spots" is needed to determine whether the change in the Level of Service (LOS) of an intersection resulting from the proposed project would have the potential to result in exceedances of the CAAQS or NAAQS. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined.

Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard. The 2016 AQMP is the most recent version that addresses CO concentrations. As part of the SCAQMD CO Hotspot Analysis, the Wilshire Boulevard/Veteran Avenue intersection, one of the most congested intersections in Southern California with approximately 100,000 ADT, was modeled for CO concentrations. This modeling effort

identified a CO concentration high of 4.6 ppm, which is well below the 35-ppm federal standard. The proposed project would not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's CO Hotspot Analysis. As the CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection even as it accommodates 100,000 ADT, it can be reasonably inferred that CO hotspots would not be experienced at any project area intersections from the net new 78 ADT attributable to the proposed project. Therefore, localized impacts of CO would be less than significant.

Construction-Related Diesel Particulate Matter

Project construction would generate diesel particulate matter (DPM) emissions from the use of off-road diesel equipment required. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer.

The use of diesel-powered construction equipment would be temporary and episodic and occur throughout the project site. The duration of exposure would be short and exhaust from construction equipment would dissipate rapidly. Current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities.

California Office of Environmental Health Hazard Assessment has not identified short-term health effects from DPM. Construction is temporary and would be transient throughout the site (i.e., move from location to location) and would not generate emissions in a fixed location for extended periods of time. Construction activities would be subject to and would comply with California regulations limiting the idling of heavy-duty construction equipment to no more than 5 minutes to further reduce nearest sensitive receptors' exposure to temporary and variable DPM emissions.

The closest sensitive receptors to the project site are located more than 1,900 feet from the project site. Concentrations of pollutants decrease with increasing distance from the site and the distance between the site and the nearest sensitive receptor is outside of the distance that SCAQMD and ARB require impact analyses for sensitive receptors (typically 1,000 feet or 0.25 mile from the site boundary). MM AQ-4, which requires that construction equipment vehicles be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications; MM AQ-5, in which electricity from power poles would be used instead of temporary diesel or gasoline-powered generators to reduce associated emissions; MM AQ-6, which reduces traffic congestion during construction activities; and MM AQ-7, which restricts the idling of construction equipment on-site to no more than 5 minutes all serve to minimize emissions of diesel emissions during construction. Implementation of these standard conditions would further ensure impacts remain less than significant. Construction-related air quality impacts have been analyzed herein using the latest available air emissions model, or other analytical method determined in conjunction with the SCAQMD, consistent with MM AQ-8.

The combination of minimization practices coupled with factorable site location means that sensitive receptors would not be exposed to substantial amounts of air toxins and the proposed project would result in a less than significant impact.

Operation-Related Diesel Particulate Matter

Project operation would also generate DPM from project-related heavy-duty and medium-duty truck traffic, which would load/unload on-site and would haul goods to and from the project site. However, as previously described, the proposed project would not generate a substantial amount of new truck traffic. Specifically, the proposed project's trip generation estimates were provided in the Trip Generation and VMT Assessment; the proposed project would generate approximately 468 ADT, 96 of which are trucks. Most of these trips are not anticipated be trucks; rather, the majority of anticipated ADT represents passenger vehicle trips, which do not generate a notable level of DPM. Moreover, since the proposed project replaces a similar land use the traffic represents 78 additional vehicle per day with only an additional 16 trucks trips. This represents eight additional truck visits per day.

MM AQ-14 follows recommendations set forth in the ARB Air Quality and Land Use Handbook that sensitive land uses such as residential, a hospital, medical offices, day care facilities, and fire stations shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with Transport Refrigeration Units (TRUs) per day, or TRU operations exceeding 300 hours per week. The proposed warehouse/industrial project is consistent with The Fullerton Plan and ARB Land Use advisories and is greater than 1,000 feet from any sensitive receptors and thus would not expose sensitive populations to substantial amounts of TAC or result in health impacts above SCAQMD Risk Thresholds. Impacts of operation of the proposed project would therefore have a less than significant impact with respect to TAC.

Impact Summary

The proposed project would not expose sensitive receptors to substantial concentrations.

d) Odors

Would the project: *Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?*

The prior EIR identified a less than significant impact related to odors. The prior EIR found that potential operational airborne odors could be created by cooking activities associated with residential and commercial uses within the City. However, these odors would be similar to existing residential and food service uses throughout the City and would be confined to the immediate vicinity of the new buildings. Restaurants are also typically required to provide ventilation systems that avoid substantial adverse odor impacts. The other potential source of odors would be new waste receptacles within the community. The receptacles would be stored in areas and in containers, as required by City and Orange County Health Department regulations, and would be emptied on a regular basis before potentially substantial odors have developed. The Fullerton Plan accommodates

the development of residential, commercial, industrial, public/religious, and open space/parks/recreation uses. These uses are not identified by the SCAQMD as significant odor generators. Additionally, the policies included as part of The Fullerton Plan would reduce mobile and stationary source emissions and odors associated with diesel fuel by focusing on land use patterns that improve air quality, reduce air pollution from stationary sources, and encourage/enable increased transit behavior. Consequently, the prior EIR concluded that implementation of The Fullerton Plan would not create operational-related objectionable odors affecting a substantial number of people within the City. Therefore, the prior EIR concluded that impacts related to odors would be less than significant.

Construction-related Odors

Potential sources that may emit odors during construction activities include exhaust from diesel construction equipment. However, because of the temporary nature of these emissions, the intermittent nature of construction activities, and the highly diffusive DPM exhaust properties, nearby receptors would not be affected by diesel exhaust odors associated with project construction. Odors from these sources would be localized and generally confined to the immediate area surrounding the proposed project site. The proposed project would utilize typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. Impacts would be less than significant.

Operational-related Odors

The proposed project would demolish three existing buildings totaling 155,000 square feet and construct a single-story warehouse. Land uses typically considered associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations. Minor sources of odors, such as exhaust from mobile sources, are not typically associated with numerous odor complaints, but are known to have temporary and less concentrated odors. The proposed project's long-term operational activities would not have any substantial odor sources that would expose nearby receptors. Considering the low intensity of potential odor emissions, the proposed project's operational activities would not expose receptors to objectionable odor emissions. Impacts would be less than significant.

Summary of Impacts

The proposed project would not result in a new or more severe adverse odor impacts adversely affecting a substantial number of people that that were not previously identified and analyzed in the prior EIR. As such, project implementation would be consistent with the analysis of impacts provided in the prior EIR.[13]

Relevant EIR Mitigation Measures

MM AQ-1 Prior to issuance of any grading permit, the Community Development Director and the Building Official shall confirm that the Grading Plan, Building Plans, and

[13] South Coast Air Quality Management District (SCAQMD). 2007. Final 2007 AQMP Appendix I, Health Effects. Website: http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2007-air-quality-management-plan/2007-aqmp-appendix-i.pdf. Accessed October 27, 2023.

specifications stipulate that, in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered twice daily to prevent excessive amounts of dust; non-toxic soil stabilizers shall be applied to all inactive construction areas (previously graded areas inactive for 20 days or more, assuming no rain), according to manufacturers' specifications;
- All excavating and grading operations shall be suspended when wind gusts (as instantaneous gust) exceed 25 miles per hour;
- On-site vehicle speed shall be limited to 15 miles per hour;
- All on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized;
- Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible;
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;
- Track-out devices shall be used at all construction site access points;
- All delivery truck tires shall be watered down and/or scraped down prior to departing the job site;
- A construction relations officer shall be appointed to act as a community liaison concerning on-site construction activity including resolution of issues related to fugitive dust generation;
- Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads and use of SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway; and
- Replace ground cover in disturbed areas as quickly as possible.

MM AQ-2 All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F),(C) (4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the applicant shall demonstrate to the City of Fullerton how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F),(C)(4).

MM AQ-3 The following measures shall be implemented to reduce volatile organic compound (VOC) emissions resulting from application of architectural coatings:

- Contractors shall use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent;
- Use required coatings and solvents with a VOC content lower than required under Rule 1113;
- Construct/build with materials that do not require painting and use pre-painted construction materials.

MM AQ-4 Prior to issuance of any grading permit, the Community Development Director and the Building Official shall confirm that the Grading Plan, Building Plans and specifications stipulate that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Equipment maintenance records and equipment design specifications data sheets shall be kept on-site during construction. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

MM AQ-5 Electricity from power poles shall be used instead of temporary diesel or gasoline-powered generators to reduce the associated emissions. Approval shall be required by the City of Fullerton Building and Safety Division prior to issuance of grading permits.

MM AQ-6 Each individual implementing development project shall submit a Traffic Control Plan prior to the issuance of a grading permit. The Traffic Control Plan shall describe in detail safe detours and provide temporary traffic control during construction activities for that project. To reduce traffic congestion, the plan shall include, as necessary, appropriate, and practicable, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow.

MM AQ-7 Building and grading permits shall include a restriction that limits idling of construction equipment on-site to no more than 5 minutes.

MM AQ-8 Proposed development projects that are subject to CEQA shall have construction-related air quality impacts analyzed using the latest available air emissions model, or other analytical method determined in conjunction with the South Coast Air Quality Management District (SCAQMD). The results of the construction-related air quality impacts analysis shall be included in the development project's CEQA documentation. To address potential localized impacts, the air quality analysis may incorporate SCAQMD's Localized Significance Threshold analysis or other appropriate analyses as determined in conjunction with SCAQMD. If such analyses

identify potentially significant regional or local air quality impacts, the City shall require the incorporation of appropriate mitigation to reduce such impacts.

MM AQ-9 Proposed developments within the City of Fullerton shall include, to the extent feasible, as a part of construction and building management contracts, the following measures:

- All residential and commercial structures shall be required to incorporate high efficiency/low polluting heating, air conditioning, appliances, and water heaters.
- All residential and commercial structures shall be required to incorporate thermal pane windows and weather stripping.
- All residential, commercial, and industrial structures shall be required to incorporate light colored roofing materials.

MM AQ-10 Future development projects within the City that include employers with 250 employees or more shall comply with South Coast Air Quality Management District (SCAQMD) Rule 2202, which requires the implementation of employee commute reduction programs.

MM AQ-11 To identify potential implementing development project-specific impacts resulting from operational activities, proposed development projects that are subject to CEQA shall have long-term operational-related air quality impacts analyzed using the latest available air emissions model, or other analytical method determined in conjunction with the South Coast Air Quality Management District (SCAQMD) (only for projects that are subject to a discretionary action and that require a General Plan Amendment and/or Zone Change). The results of the operational-related air quality impacts analysis shall be included in the development project's CEQA documentation. To address potential localized impacts, the air quality analysis may incorporate SCAQMD's Localized Significance Threshold analysis, CO Hot Spot analysis or other appropriate analyses as determined in conjunction with SCAQMD. If such analyses identify potentially significant regional or local air quality impacts, the City shall require the incorporation of appropriate mitigation to reduce such impacts.

MM AQ-12 Signage shall be posted at loading docks and all entrances to loading areas prohibiting all on-site truck idling in excess of 5 minutes.

MM AQ-14 New sensitive land uses such as residential, a hospital, medical offices, day care facilities, and fire stations shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with Transport Refrigeration Units (TRUs) per day, or TRU operations exceeding 300 hours per week, pursuant to the recommendations set forth in the California Air Resources Board (ARB) Air Quality and Land Use Handbook. If new sensitive land uses cannot meet this

setback, they shall be designed and conditioned to include mechanical ventilation systems with fresh air filtration. For operable windows or other sources of ambient air filtration, installation of a central heating, ventilation, and air conditioning (HVAC) system that includes high efficiency filters for particulates (Minimum Efficiency Reporting Value [MERV] 13 or higher) or other similarly effective systems shall be required.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. There are no impacts that are peculiar to the project or its site. Application of uniformly applied The Fullerton Plan policies and standards along with regulations of the City of Fullerton Municipal Code, implementation of relevant mitigation measures required by the prior EIR, and incorporation of identified project design features sensure impacts are less than significant.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 2(3))
5.4 Biological Resources *Would the project:*					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?	Less than significant impact with mitigation incorporated	No	No	No	No
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?	Less than significant impact with mitigation incorporated	No	No	No	No
c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less than significant impact	No	No	No	No
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	Less than significant impact	No	No	No	No
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than significant impact	No	No	No	No

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 2(3))
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?	Less than significant impact	No	No	No	No

Discussion

The analysis in this section is based, in part, on a field survey conducted at the project site on August 23, 2023, and a biological desktop analysis. Database search results associated with the desktop analysis can be found in Appendix B.

The project is a previously developed area that will be redeveloped with light industrial warehouse uses. It is surrounded by developed lands and is outside of environmentally sensitive habitat areas, including the West Coyote Hills and East Coyote Hills Focus Areas, where preparation of a Biological Resources Assessment would be required pursuant to MM BIO-1 in the prior EIR. Accordingly, MM BIO-1 of the prior EIR is not applicable and the preparation of a Biological Resources Assessment is not required for the project. The prior EIR evaluated the potential for development consistent with The Fullerton Plan to have adverse effects to biological resources and determined that impacts would be less than significant through the implementation of policies and actions in The Fullerton Plan. All future development would be subject to compliance with the policies and actions of The Fullerton Plan, including policies and actions to protect and restore natural resources (Policy P1.3), respect the natural environment of wildlife (Policy P25.4), manage development in areas containing significant or rare biological resources (Policy 26.5), preserve and enhance conservation areas (Policy 25.6), and mitigate project-level impacts to sensitive habitat areas (Policy P25.8).

The following discussion reviews project effects on biological resources and consistency with The Fullerton Plan with respect to biological ources.

a) Special-status Species

Would the project: *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?*

The prior EIR evaluated the potential for development effects on sensitive, candidate, and special-status species in the plan area and determined a less than significant impact with implementation of policies and actions identified in The Fullerton Plan and project-specific mitigation (when required and as necessary).

The project site is fully developed with three existing warehouse buildings and paved areas. Although a stand-alone Biological Resources Assessment study is not required for the proposed project, a biologist reviewed databases that contain information about the occurrence of special-status species in the vicinity of the project. According to the California Natural Diversity Database (CNDDB) and California Native Plant Society Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California, 52 special-status plant species have been recorded within 10 miles of the project site or on the nine-quadrangle search area (Appendix B). Forty-two special-status wildlife species were identified as occurring within 10 miles of the project site as recorded in the CNDDB and an additional two species were identified in the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IpaC) database. Because of the developed nature of the project site and lack of habitats that could support special-status species, none of the special-status species identified in the database reviews were determined to have potential for occurrence on the project site. The project site is typical of developed areas in the City and does not contain any unique characteristics. The proposed project would replace existing development on the site, and accordingly, there would be no environmental effects peculiar to the project or project site.

b) Riparian Habitat and Sensitive Natural Communities

Would the project: *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?*

The prior EIR concluded that projects implemented in developed areas of the City outside of the West Coyote Hills and East Coyote Hills Focus Areas are not anticipated to have a substantial adverse effect on riparian habitats or sensitive natural communities due to a lack of these habitats.

A site reconnaissance and review of aerial photography shows that the project and off-site improvement areas are located in a previously developed area that does not support natural vegetation communities or riparian habitats. The proposed project, therefore, would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.

c) Federally Protected Wetlands

Would the project: *Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The prior EIR concluded that projects implemented in developed areas of the City outside of the West Coyote Hills and East Coyote Hills Focus Areas are not anticipated to have a substantial adverse

effect on wetlands or wetland habitat, including State or federally protected wetlands or jurisdictional features, due to the lack of these resources in developed areas.

A site reconnaissance and review of aerial photography determined that the project and off-site improvement areas are located in a previously developed area that does not contain regulated aquatic features, including potentially jurisdictional waters or wetlands of the United States and/or State. The proposed project would replace existing development on a site that does not support federally protected wetlands. As such, project implementation would be consistent with the analysis of impacts provided in the prior EIR and there would be no impact.

d) Fish or Wildlife Movement and Nursery Sites

Would the project: *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?*

The prior EIR states that the City of Fullerton is largely developed and surrounded by developed communities and that although the East Coyote Hills and West Coyote Hills areas contain significant plant and animal populations, these areas are isolated from one another by three miles of urbanization and are surrounded by developed areas. Therefore, they do not provide reliable connections to other large habitat patches. Thus, the prior EIR concluded future development would not interfere with an established or reliable wildlife corridor. The Fullerton Plan includes a policy (Policy P25.4) to address wildlife management, including any potential wildlife inhabiting and/or migrating to the City's open spaces, further reducing potential impacts to a less than significant level.

The project site is located in a developed area and is not within either the East Coyote Hills or West Coyote Hills areas. A site reconnaissance and review of aerial photography determined that the project and off-site improvement areas are located in a previously developed area that does not contain wildlife corridors. Furthermore, the project site is surrounded by active roadways and existing development which impede the movement of wildlife and limit the use of the project site as a potential corridor for wildlife movement. The proposed project would redevelop the site with uses already designated in The Fullerton Plan. Accordingly, there would not be an effect peculiar to the project or project site. As such, project implementation would be consistent with the analysis of impacts provided in the prior EIR.

The prior EIR did not identify any potential impacts to nesting birds. The project site contains ornamental trees, including a large fig, which could provide nesting habitat for bird species protected under the Migratory Bird Treaty Act (MBTA) and the Fish and Game Code. The removal of these trees during the nesting season (generally February 1 through September 15) could result in direct harm to nesting birds, while noise, light, and other construction-related disturbances may cause nesting birds to abandon their nests. However, ornamental trees are common to the project area and there would be no effect peculiar to the project site that would impact nesting birds. Implementation of SC BIO-1, which implements the protections articulated under the MBTA and Fish and Game Code, would reduce potential project impacts to nesting birds to a less than significant level.

e) Conflict with Local Policies or Ordinances

Would the project: *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The prior EIR evaluated whether future development would conflict with local policies or ordinances protecting biological resources. The Community Forest Ordinance addresses the planning, planting, maintenance, and removal of all trees and other landscape material in any street or other public area; over any landscape material in any street median, parkway strip or other landscaped portion of a public right-of-way; over trees and other landscape material in other public spaces under the jurisdiction of the City such as parks, trails and public buildings; and over certain trees on private property. It also allows for the designation and protection of Landmark Trees. The Fullerton Plan requires all future development projects to comply with the Municipal Code, including the Community Forest Ordinance, as well as policies and actions established to support the City's Community Forest and to encourage the proper management of trees. The prior EIR determined that impacts would be less than significant in this regard.

The proposed project would remove existing street trees and be responsible for providing new street trees as required by the City as part of the site plan review process. Additionally, the proposed project would provide new trees, shrubs, and ground cover around the project site. The proposed trees and landscaping would be in accordance with the City's requirements. Other ornamental and planted trees are located around the project site, but there are no local policies or ordinances related to the protection of these trees. The proposed project would be required to comply with SC BIO-2, which would require approval of a plot plan prior to the issuance of a building permit, in compliance with Fullerton Municipal Code Section 9.06.090, Planting Trees. Implementation of this standard condition would ensure impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR. As such, project implementation would be consistent with the identification and analysis of impacts provided in the pr EIR.

f) Habitat Conservation Plan/Natural Community Conservation Plan

Would the project: *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?*

The prior EIR indicates that the Coyote Hills East Habitat Conservation Plan (HCP) establishes conservation measures, monitoring programs, long-term maintenance plans, and a mechanism for guaranteed funding of conservation programs in perpetuity, while allowing compatible recreational and residential development in an urban setting. Coyote Hills East is not located within a Focus Area identified within The Fullerton Plan and has not been identified for future development. The Fullerton Plan would not alter the provisions of the Coyote Hills East HCP. Implementation of the Coyote Hills East HCP would continue to protect special-status species and habitat within this area. The prior EIR concluded that a less than significant impact would occur in this regard.

The proposed project is not located within the Coyote Hills East HCP and is not subject to its conditions. Therefore, the proposed project would not conflict with an adopted HCP, Natural Community Conservation Plan, or other approved local, regional, or State HCP.

Relevant EIR Mitigation Measures

There are no mitigation measures from the prior EIR that are applicable to the proposed project. As described in this section, Fullerton Plan EIR MM BIO-1 is not applicable to the project as the project site and project area do not contain an environmentally sensitive habitat area.

Project-Specific Standard Conditions

SC BIO-1 Protection of Active Bird Nests (includes pre-construction survey and implementation of avoidance buffer, if found)

1. Removal of vegetation shall be limited to only that necessary to construct the proposed project as reflected in the relevant project approval documents.
2. If the proposed project requires vegetation to be removed during the nesting season, a pre-construction survey for nesting birds by a qualified biologist shall be conducted 7 days prior to tree removal to determine whether or not active nests are present.
3. If an active nest is located during pre-construction surveys, a qualified biologist shall determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level. The qualified biologist shall delineate the avoidance buffer using Environmentally Sensitive Area (ESA) fencing, pin flags, and or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently. No construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s).
4. The qualified Biologist shall monitor the active nest during construction activities to prevent any potential impacts that may result from the construction of the proposed project until the young have fledged.

SC BIO-2 Plot Plan

All tree plantings, removals, or alterations associated with the project shall be conducted in accordance with the requirements set forth in the Fullerton Community Forestry Ordinance (Fullerton Municipal Code, Chapter 9.06 *et seq*.). Specifically, in compliance with Section 9.06.090, Planting Trees, prior to the issuance of a building permit, the applicant/Developer shall submit a plot plan of the proposed development so the Director of Development Services can determine the tree requirements for site development. The plot plan shall:

- Clearly show all existing trees, noting location, species, size, and condition;
- Note whether existing trees will be retained, removed, or relocated;
- Show proposed utilities, driveways, sidewalks and tree planting locations, and the size and species of proposed street trees; and

- Conform with ground and aerial setback specifications, as defined in the Community Forest Management Plan.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. There are no impacts that are peculiar to the project or its site. Application of uniformly applied General Plan policies and standard conditions along with adherance to regulations of the City of Fullerton Municipal Codeand incorporation of identified project design features substantially mitigate potentially significant impacts to a less than significant level.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 2(3))
5.5 Cultural and Tribal Cultural Resources *Would the project:*					
a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	Less than significant impact with mitigation incorporated	No	No	No	No
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Less than significant impact with mitigation incorporated	No	No	No	No
c) Disturb any human remains, including those interred outside of formal cemeteries?	Less than significant impact with mitigation incorporated	No	No	No	No
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	No significant impact identified[14]	No	No	No	No

[14] The use of this statement throughout this document indicates that the topical area was not analyzed as having significant effects in the Prior EIR on the zoning action and general plan, with which the proposed project is consistent. As no potentially significant effects were identified, a discussion is included in this document to determine the potential for significant environmental effects in accordance with State CEQA Guidelines Section 15183(b)(2).

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 2(3))
e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No significant impact identified	No	No	No	No

Discussion

Setting

The analysis in this section is based, in part, on the project-specific Phase I Cultural Resources Assessment (Phase I CRA) prepared by FirstCarbon Solutions (FCS) on October 27, 2023. The Confidential Phase I CRA can be provided to qualified personnel upon request.

South Central Coastal Information Center

On August 29, 2023, a records search was conducted at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton, for the project site and a 0.5-mile radius beyond the project boundaries. To identify historic properties or resources, the current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Orange County were reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that 10 historic resources are located within the 0.5-mile search radius of the project site; none are within the project boundaries. In addition, five area-specific survey reports are on file with the SCCIC for the project site and its 0.5-mile search radius. No area-specific survey report addresses the project site, indicating that the project site has not previously been surveyed for cultural resources.

Native American Heritage Commission

On August 10, 2023, FCS sent a request to the Native American Heritage Commission (NAHC) in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project site. A response was received on September 7, 2023, indicating that the Sacred Lands File was negative for the presence of Native American cultural resources in the immediate project area. The NAHC included a list of 22 tribal representatives available for consultation who may have additional knowledge of the project site. To ensure that all Native American knowledge and concerns over potential Tribal Cultural Resources (TCRs) that may be affected by the proposed project are addressed, a letter containing project information requesting any additional information was sent to each tribal representative on September 11, 2023. One response was received on September 11, 2023, from the Gabrieleño Tongva Indians of California indicating no comment regarding TCRs within the project site. No additional responses have been received to date.

Pedestrian Survey and Buried Site Potential

On September 7, 2023, the FCS Staff Archaeologist, Kweku Williams MA, RPA, conducted a pedestrian survey for unrecorded cultural resources at the project site. The survey covered the subject property, where possible, beginning in the southeast portion of the project site and moving from the east to the northwest and the southwest corner. The entire project site was a hardscaped parking lot and loading/unloading docking area surrounding the potentially historic built environment resource.

Survey conditions were documented using digital photographs and field notes. During the survey, an FCS Staff Archaeologist examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, toolmaking debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). The survey focused on the potentially historic office building. The structure is a single-story office from circa 1960s entitled the Plastic-Color Company. The potentially historic building contains aluminum frame add-ons constructed during the late 1980s and early 1990s and is located on the northern and western perimeters of the office building. No prehistoric cultural resources or raw materials commonly used to manufacture tools (e.g., obsidian, Franciscan chert) were observed. The surface was littered with modern debris and garbage.

In addition to the pedestrian survey, the potential for yet unidentified cultural resources in the vicinity was reviewed against geologic and topographic geographic information system data for the general area and information from other nearby projects. The proposed project was evaluated against a set of criteria identified by a geoarchaeological overview of the Central Valley that was prepared for the California Department of Transportation (Caltrans) Districts 6 and 9. This study mapped the “archaeological sensitivity,” or potential to support the presence of buried prehistoric archaeological deposits, throughout the Central Valley based on geology and environmental parameters including distance to water and landform slope. The methodology used in the study is applicable to other parts of California and concluded that sites consisting of flat, Holocene-era

deposits in close proximity to water resources had a moderate to high probability of containing subsurface archaeological deposits when compared to earlier Pleistocene deposits situated on slopes or further away from drainages, lakes, and rivers.

According to the California Department of Conservation geological map the surface of the project site consists almost entirely of Pleistocene-Holocene deposits consisting of alluvium, lake, playa, and terrace deposits. These deposits are mostly nonmarine deposits but include marine deposits near the coast. Applying the criteria set forth in Meyer et al. study, all Holocene-era deposits have the potential to contain archaeological deposits, which increases with the ease of the slope and proximity to water resources. Although the record search results and pedestrian survey failed to identify the presence of recorded and unrecorded prehistoric and historic resources within the project boundaries, the project site is situated on Holocene alluvium, and the Santa Ana River is southeast of the project site. Therefore, the project site has a low to moderate potential for unanticipated buried cultural resources to be impacted by project construction.

Architectural and Historical Resources Assessment for the 801 South Acacia Avenue, Plasticolor Molded Products: Building Description and NRHP/CRHR Evaluation

The following is a summary of the Historic Built Environment Assessment conducted by FCS Historian, Ti Ngo, MA, for the proposed project.

The subject property consists of a single-story office space attached to adjacent warehouse spaces. Constructed circa 1955, the office building is built in a Contemporary style with a flat roof popularized after WWII. The adjacent warehouse spaces to the north and west of the office building were constructed circa 1981. They consist of a single-story corrugated metal structure with a side-gabled roof.

Criterion A

Located within an industrial and commercial zoning area, the site has been utilized for agricultural production before its transition into a factory facilitating metallurgy by Arcadia Metal Products in 1955. In 1981, the property was purchased by Lok Products. In 1987, the building was transferred by Specialty Extrusions before being sold to the current occupants, Plasticolor Molded Products Incorporated, in 1992.

The structure itself does not represent a unique aspect of the City of Fullerton’s economic history. Constructed in 1955, the office building and adjoining warehouse spaces are not associated with Fullerton’s foundation as a railroad hub, agricultural community, and food processing center. Rather, it functions as part of the larger post-WWII manufacturing and suburbanization of the region. It thus plays an ancillary role to the broader growth and history of the City. The major architectural landmarks of Fullerton were all established and constructed in the 1920s and 1930s. In addition, research conducted at the Orange County Assessor’s Office, local archives, and the California Digital Newspaper Collection (CDNC) reveals that the entities associated with 801 South Acacia Avenue are not associated with notable technological discoveries or patents. Therefore, the subject property is not eligible under NRHP or CRHR Criterion A.

Criterion B

The current structure is a utilitarian commercial and industrial institution. It was occupied by Arcadia Metal Products from 1955 to 1981 before being sold to Lok Products in 1981. Special Extrusions, an aluminum pressing company, purchased the site from Lok Products in 1987 and occupied it until 1992 before transferring it to the current owners, Plasticolor Molded Products Inc. Research conducted at the Orange County Assessor's Office, local archives, and the CDNC reveals that the relative absence of individuals associated with the aforementioned companies from published accounts of the history of Orange County and Fullerton indicate that they likely did not achieve demonstrable historic importance, and are not associated with the lives of significant or important persons. Therefore, it is not eligible under NRHP or CRHR Criterion B.

Criterion C

Constructed circa 1955, the single-story office building is built in the Contemporary style and comprises of a flat roof and large outward-facing windows popularized in the post-WWII period. Single-story warehouses consisting of a side-gabled roof and corrugated metal roof and siding were constructed in 1981. These structures were adjoined to the north, west, and south of the office building. The office building itself is a utilitarian commercial structure and not the work of a master architect. The later addition of warehouse spaces adjacent to the building further undermines the historical feeling of space. There are better examples of period structures in the local vicinity. In addition, a review of the BERD for Orange County and local listings for the City of Fullerton indicates that the site is not located in a historic district. Therefore, the subject property is not eligible under NRHP or CRHR Criterion C.

Criterion D

The utilitarian nature of the construction and use of the structures on-site suggests that they are unlikely to yield information important to the construction methods, materials or technologies nor provide data on the prehistory or history of the City of Fullerton or Orange County. The subject structure's sense of historical feeling has been compromised by later additions of warehouses to its northern, southern, and western façade. Its lack of association with persons or entities of importance to California or local history makes it unlikely to yield information pertinent to the City of Fullerton or the broader patterns of California's history. Therefore, subject property is not eligible under NRHP or CRHR Criterion D.

a) Historical Resources

Would the project: *Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 and determined there would be less than significant impact with the implementation of mitigation. The prior EIR identifies historic districts and a list of historic places and landmarks throughout the City. In addition, the prior EIR includes sites that are considered potential historic districts. Development within the 12 Focus Areas identified in The Fullerton Plan could

adversely impact the significance of a currently designated or potentially designated historic structure or historic district. The Fullerton Plan includes a framework to protect and preserve its historic character and resources, including Policy 3.17, 4.3, 4.3, Action 4.3, and Action 4.11. Any development proposals for a designated historical landmark or property within a designated Landmark District are subject to the established procedures outllined in Municipal Code Section 15.48.070. Compliance with Fullerton Plan policies and actions, as well as the Municipal Code would protect deisgnated and potential historic resources and districts from significant adverse impacts. Furthermore, potential impacts to historic resources would be further reduced with the implementation of MM CR-1, which requires future development projects for properties considered sensitive cultural resources to conduct a Phase I CRA, which would address historic resources and require the implementation of measures to reduce potential impacts. As such, in certifying the prior EIR, the City found that impacts to historic resources would be less than significant with implementation of The Fullerton Plan.

The proposed project is not located within a historic district or on a historic or potentially historic siteidentified in the prior EIR. The 2023 SCCIC record search results indicated that 10 historic built environment resources are recorded within 0.5-mile radius, however no recorded prehistoric or historic resources are within the project site. The pedestrian survey did indicate the presence of a potentially historic built environment resource that was formally assessed to determine eligibility staus for inclusion on the CRHR, NRHP, and local registries. The built environment historic resource did not meet any of the four criteria and was determined to be ineligible for the CRHR and NRHP, and local listings. Therefore, there are no additional impacts beyond those that were determined by the prior EIR. FCS considers the potential for encountering historical resources during ground disturbance activities to be low. A Phase I CRA was completed for the proposed project on October 27, 2023, satisfying the requirements of MM CR-1. Further, the Phase I CRA demonstrataes that MM CR-2 is not necessary and no monitoring is required. Therefore, the proposed project would be consistent with The Fullerton Plan; therefore, no impacts would occur to built environment historic resources.

b) Archaeological Resources

Would the project: *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

The prior EIR determined that archaeological resources have been identified in the West Coyote Hills Focus Area, and future development in this area could potentially impact archaeological resources. The remaining areas are mostly developed or have been previously disturbed. Although it is not anticipated that archaeological resources would occur in these areas, there is potential for unknown or undiscovered resources to occur. Therefore, future development under The Fullerton Plan could indirectly result in impacts to undiscovered archaeological resources. The prior EIR did not idenitfy any specific policies related to archaeological resources, but requires future development projects to adhere to the requirements of MM CR-1 through MM CR-3. Implementation of MM CR-1, MM CR-2, and MM CR-3 would ensure that impacts to archaeological resources would be reduced to a less than significant level. Therefore, impacts would be less than significant with mitigation incorporated.

The proposed project is located on an existing developed site. The 2023 SCCIC record search results indicated that 10 historic built environment resources are recorded within 0.5-mile radius; however, no recorded prehistoric or historic resources are within the project site. The pedestrian survey did not identify any archaeological resources; however, as noted in the analysis above, the presence of a potentially historic built environment resource was identified and assessed. The built environment historic resource was determined to be ineligible for the CRHR and NRHP, and local listings. Therefore, there are no additional impacts beyond those that were determined by the prior EIR. FCS considers the potential for encountering archaeological resources during ground disturbance activities to be low to moderate. MM CR-1 has been fulfilled through the preparation of the project-specific Phase I CRA, however, implementation of Project Design Feature (PDF) CUL-1 and MM CR-3 would ensure that inadvertently discovered archaeological resources discovered during excavation and grading activities of any future development project are evaluated and treated appropriately.

c) Human Remains

Would the project: *Disturb any human remains, including those interred outside of formal cemeteries?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would disturb any human remains, and identified a less than significant impact in this regard to with the implementation of mitigation. The prior EIR states that no conditions exist that suggest human remains are likely to be found in the City. Because of the past level of disturbance in the City, it is not anticipated that human remains, including those interred outside of formal cemeteries would be encountered during earth removal or disturbance activities. Furthermore, the NAHC Sacred Lands File search did not identify the presence of cultural resources within the City. The prior EIR indicates that if human remains were found, those remains would require proper treatment in accordance with applicable laws, such as California Public Resources Health and Safety Code Sections 7050.5-7055 and Section 5097.98. If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlie adjacent remains until the County Coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains, as outlined under MM CR-4.

As noted in the pedestrian survey, the project site is entirely hardscaped and developed with existing buildings. Therefore, the potential for the disturbance of any human remains is considered low. While it is highly unlikely that human remains exist within or near the project site, there is always a possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered human remains. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed. In accordance with MM CR-4 of the prior EIR and PDF CUL-2, the project applicant shall be required to implement applied measures in compliance with required guidelines and statutes, to ensure that any human remains inadvertently unearthed during

excavation and grading activities of any future development project are evaluated and treatepropriately.

d) Listed or Eligible Tribal Cultural Resources

Would the project: *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*

The prior EIR identified no significant impacts related to TCRs defined as site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. The City conducted a Sacred Lands File search with the tribes identified at the outset of the General Plan process. As noted in the prior EIR, the Sacred Lands File did not contain any known cultural resources information for the City. Assembly Bill (AB) 52 consultation was not conducted as part of the prior EIR.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with a warehouse use similar to the existing use on-site. A review of the 2023 SCCIC record search results, the CRHR, and local registers failed to identify any previously listed TCRs that may be adversely affected by the proposed project. The NAHC Sacred Lands File search also produced negative results for TCRs within the project site. As such, no eligible or potentially eligible TCRs will adversely be affected by the proposed project. Should any inadvertently discovered TCRs be encountered during excavation and grading activities of any future development, the following measures shall be implemented in accordance with the prior EIR MM CR-3, MM CR-4, PDF CUL-1, and PDF CUL-2. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts this regard.

e) Lead Agency Determined Tribal Cultural Resources

Would the project: *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

As noted above, the prior EIR identified no significant impact related to TCR as defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is

geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. The City conducted a Sacred Lands File search with the tribes identified at the outset of the General Plan process. As noted in the prior EIR, the Sacred Lands File did not contain any known cultural resources information for the City. AB 52 consultation was not conducted as part of the prior EIR.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with a warehouse use similar to existing uses. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Should any undiscovered TCRs be encountered during project construction, implementation of PDF CUL-1 and PDF CUL-2 would be required to ensure potential impacts are less than significant. As such, impacts would be less than significant. Therefore, the proposed project would not result in any peculiar effects and would not result in a more severe adverse impact that was not previously identified in the prior EIR.

Project Design Features

PDF CUL-1 Prior to ground disturbance activities, all construction personnel directly involved with project-related ground disturbance must attend a “tailgate” Worker Environmental Awareness Program (WEAP) training for archaeological resources. The training should include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology.

In the event that significant cultural resources are discovered during construction activities, operations shall stop within a 100-foot radius of the find and an Archaeologist who meets the Secretary of Interior’s Professional Qualification Standards for archaeology shall be consulted to determine whether the resource requires further study. The lead agency shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The qualified Archaeologist shall make recommendations to the lead agency concerning appropriate measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines, Section 15064.5. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA Guidelines.

PDF CUL-2 In the event of an accidental discovery or recognition of any human remains, Public Resource Code Section 5097.98 shall be followed. In this instance, once project-related earthmoving begins and if there is inadvertent discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98, or
2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
   - The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being notified by the Commission;
   - The descendant identified fails to make a recommendation; or
   - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Relevant EIR Mitigation Measures

MM CR-3 In the event that cultural resources (archaeological, historical, paleontological) resources are inadvertently unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery. If not already retained due to conditions present pursuant to MM CR-2, the project proponent shall retain a qualified professional (i.e., Archaeologist, Historian, Architect, Paleontologist, Native American Tribal Monitor), subject to approval by the City of Fullerton, to evaluate the significance of the finding and appropriate course of action (refer to MM CR-1, MM CR-2, and MM CR-4). If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.

MM CR-4 In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to State Health and Safety Code Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the Coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendant of the deceased Native American, who shall serve as consultant on how to proceed with the remains.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively. MM CR-1 has been fulfilled through the preparation of the project-specific Phase I CRA.

Further environmental analysis is not required because:

1. No peculiar impacts that are not substantially mitigated have been identified as a result of the proposed project or its site. Application of uniformly applied General Plan policies and standards along with regulations of the City of Fullerton Municipal Code, implementation of relevant prior EIR mitigation measures, and incorporation of identified project design features substantially mitigate potentially significant impacts to a less than significant level.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.6 Energy *Would the project:*					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than significant impact	No	No	No	No
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	Less than significant impact	No	No	No	No

Discussion

a) Energy Use

Would the project: *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

The prior EIR identified a less than significant impact related to energy consumption. The Fullerton Plan would not directly result in the construction of any new development projects. However, its implementation could facilitate development of various residential, commercial, industrial, public/religious, parks/recreation, and other (parking facilities, utilities, flood control, right-of-way) uses. Therefore, there are no unusual characteristics of The Fullerton Plan that would necessitate the use of construction that is less energy efficient than at comparable construction sites. Therefore, the prior EIR concluded that compliance with The Fullerton Plan Policies and Actions would not result in inefficient, wasteful, or unnecessary fuel consumption, thus resulting in a less than significant impact.

Construction Impacts

The construction schedule is anticipated to begin as early as the second quarter of 2024 (May 2024) and conclude approximately 13 months later. If the construction schedule moves to later years, construction fuel consumption may decrease because of improvements in technology and more stringent regulatory requirements as older, less fuel-efficient equipment is gradually replaced by newer and more fuel-efficient equipment. The proposed project would require demolition, site preparation, grading, building construction, architectural coating, and paving activities. Construction

would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., demolition, site clearing, and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during the construction of the proposed project could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, frontend loaders, forklifts, and cranes. Construction equipment is estimated to consume a total of 34,733 gallons of diesel fuel over the entire construction duration (Appendix A).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated including trips include construction worker trips, haul truck trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB Emissions Factors mobile source emissions model (EMFAC) mobile source emission model. Appendix A includes the specific parameters used to estimate fuel usage. In total, the proposed project is estimated to require a combined 88,521 gallons of gasoline and diesel for vehicle travel during construction.

The overall construction schedule and process are already designed to be efficient to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited.

Operational Impacts

The proposed project would consume energy as part of building operations and transportation activities. Table 8 summarizes the project energy consumption. Energy consumed by the operation of the existing land uses on the project site are not presented here. Existing operational energy demand would be generated through the use of natural gas for space and water heating and appliance operation, the use of electricity for building and space lighting and operation of electrified building components such as elevators, and the use of vehicle fuel by the existing facility's employees traveling to and from the project site. Therefore, energy consumption presented in Table 8 represents a conservative assessment of energy demand generated by the proposed project.

Table 8: Estimated Annual Project Energy Consumption

Energy Consumption Activity	Annual Consumption
Electricity	
Warehouse Electricity	652,911 kWh/year
General Light Industry	446,062 kWh/year
Parking Electricity	123,634 kWh/year

Energy Consumption Activity	Annual Consumption
Natural Gas	
Warehouse Natural Gas	0 kBTU/year
Fuel	
Operational Fuel Consumption[1]	236,976 gallons of gasoline and diesel
Total Electricity	**1,222,607 kWh/year**
Total Natural Gas	**0 kBTU/year**
Total Fuel Consumption	**236,976 gallons**

Notes:
kWh = kilowatt hour
kBTU = kilo-British Thermal Unit
[1] Operational Fuel Consumption based on EMFAC2014 Emissions Inventory, Vehicle Classification (Fleet Mix) EMFAC2007 Categories. The calculations are for the year 2022 when the project will be operational and for Orange County, where the project is located (Appendix A).

Operation of the proposed project would consume an estimated 1,222,607 kWh/year of electricity and 0 kilo-British Thermal Unit (kBTU) of natural gas annually because this project is all electric. The proposed project building would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards. These standards are widely regarded as the most advanced building energy efficiency standards, and compliance would ensure that building energy consumption would not be wasteful, inefficient, or unnecessary.

Project-related vehicle trips would consume an estimated 236,976 gallons of gasoline and diesel annually. The proposed project is located in an industrial area of the City of Fullerton and according to the applicant, would introduce approximately 225 jobs. The project site would be developed to facilitate pedestrian connectivity to adjacent land uses, provide 30,492 square feet of off-site pavement reconstruction, and would provide off-site roadway and frontage improvements.

Regional access to the project site is provided via SR-57 (2.93 miles from the project site), SR-91 (0.91 mile from the project site), and I-5 (2.99 miles from the project site). In addition, the project site is 0.4 mile from the Fullerton Transportation Center (FTC), a hub for all modes of public transportation. Commuter rail service (Metrolink) is provided from the FTC to Los Angeles Union Station on two separate lines on a daily basis. Public bus transit services are provided by Orange County Transportation Authority (OCTA) within the City of Fullerton. Bus routes link various destinations within the City and throughout the county, including Cal State Fullerton, Fullerton College, the Anaheim Transportation Center, Angel Stadium, and Disneyland. The FTC also provides access to private taxi services and secure bicycle storage. Thus, transportation fuel consumption would not be wasteful, inefficient, or unnecessary. Impacts would be less than significant.

Impact Summary

As discussed in this analysis, the proposed project's combined construction and annual operational energy uses would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Thus, the proposed project's construction and operational energy use would not result in a significant impact on the environment. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Energy Efficiency and Renewable Energy Standards Consistency

Would the project: *Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?*

The prior EIR identified a less than significant impact related to energy efficiency and renewable energy. The Fullerton Plan includes policies and actions encouraging transit-oriented and mixed-use development to reduce daily vehicle trips and VMT. The Fullerton Plan is not anticipated to result in any unusual characteristics that would result in excessive long-term operational fuel consumption. Additionally, The Fullerton Plan provides strategies to improve transit service and overall mobility within the City that would result in a decrease in auto dependency. Future development under The Fullerton Plan would increase density and improve the jobs/housing balance, which would increase public transportation patronage. The availability of public transit for City residents, employees, and visitors would ensure that The Fullerton Plan would not result in the inefficient, wasteful, or unnecessary consumption of transportation energy. Therefore, the prior EIR concluded that fuel consumption associated with vehicle trips generated by future development within the City would not be considered inefficient, wasteful, or unnecessary in comparison to other cities in the region. Furthermore, The Fullerton Plan would not result in any unusual characteristics that would result in excessive long-term operational building energy demand, thus resulting in a less than significant impact.

The proposed project would be all electric and not utilizing natural gas. The proposed project would be served with electricity provided by SCE, which was required to meet California's Renewable Portfolio Standard (RPS) standards of 33 percent by 2020. SCE's 2019 power mix included 35.1 percent eligible renewable (biomass and waste, geothermal, eligible hydroelectric, solar, and wind), 7.9 percent large hydroelectric, 16.1 percent natural gas, 8.2 percent nuclear, and 32.6 percent unspecified sources of power.[15] SCE also offers the SCE Green Rate 50 Percent option, which includes 67.5 percent eligible renewable (geothermal, solar, and wind), 4 percent large hydroelectric, 8.1 percent natural gas, 4.1 percent nuclear, and 16.3 percent unspecified sources of power. SCE also offers the SCE Green Rate 100 Percent option, which includes 100 percent eligible renewable (solar).[16] SCE would be required to meet California's RPS of 60 percent by 2030 and carbon-free

[15] Southern California Edison (SCE). 2020. 2019 Power Content Label. Website: https://www.sce.com/sites/default/files/inline-files/SCE_2019PowerContentLabel.pdf. Accessed October 6, 2023.
[16] Ibid.

electricity by 2045. Therefore, an electric company would serve the proposed project that strives for increased use of renewable energy sources and energy conservation.

The proposed project would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings as applicable. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), indoor and outdoor lighting, and rooftop solar for the residential portion of the proposed project. Incorporating the Title 24 standards into the design of the proposed project would ensure that the proposed project would not result in the use of energy in a wasteful manner.

Fullerton Climate Action Plan

The City of Fullerton Climate Action Plan (CAP) contains several policies that intend to improve energy efficiency in the design and operation of new developments that apply to the proposed project. For instance, Measure E-1 aims to reduce electrical generation through energy conservation strategies and Measure E-2 encourages energy and resource efficient practices and building design for projects.

The proposed project would include several design features that would conserve energy and demonstrate consistency with the CAP's energy efficiency objectives. As previously discussed, the proposed project would be designed and constructed to the latest energy efficiency building standards and Title 24 requirements, which includes rooftop solar. The proposed project building design would also be all electric. The project site would be developed to facilitate pedestrian connectivity to adjacent land uses, provide 30,492 square feet of off-site pavement reconstruction, and would provide off-site roadway and frontage improvements. Regional access to the project site is provided via SR-57 (2.93 miles from the project site), SR-91 (0.91 mile from the project site), and I-5 (2.99 miles from the project site). In addition, the project site is 0.4 mile from the FTC), a hub for all modes of public transportation. Commuter rail service (Metrolink) is provided from the FTC to Los Angeles Union Station on two separate lines on a daily basis. Public bus transit services are provided by OCTA within the City of Fullerton. Bus routes link various destinations within the City and throughout the county, including Cal State Fullerton, Fullerton College, the Anaheim Transportation Center, Angel Stadium, and Disneyland. The FTC also provides access to private taxi services and secure bicycle storage.

The proposed project would comply with existing State energy standards and energy conservation policies in the City's CAP. As such, the proposed project would not conflict with State or local renewable or energy efficiency objectives. Impacts would be less than significant.

Impact Summary

As illustrated in this analysis, implementing the proposed project would not conflict with the reduction measures proposed in California's RPS, California's Energy Efficiency Standards, or Title 24 building construction standards. In addition, the proposed project would not conflict with the energy efficiency objectives of the City of Fullerton CAP. In summary, the proposed project would not conflict with any State or local plan for renewable energy or energy efficiency. This impact would be

less than significant. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

None required.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. There are no environmental effects that are peculiar to the proposed project or its site.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (151)(4),1516 2(3))
5.7 Geology and Soils *Would the project:*					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	Less than significant impact	No	No	No	No
ii) Strong seismic ground shaking?	Less than significant impact	No	No	No	No
iii) Seismic-related ground failure, including liquefaction?	Less than significant impact	No	No	No	No
iv) Landslides?	Less than significant impact	No	No	No	No
b) Result in substantial soil erosion or the loss of topsoil?	Less than significant impact	No	No	No	No
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Less than significant impact	No	No	No	No
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Less than significant impact	No	No	No	No

Environmental Issues	Prior EIR Determination	CEQA Section 15168 and 15183(b) Criteria			
		Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (151)(4),15162(3))
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No impact	No	No	No	No
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less than significant impact with mitigation incorporated	No	No	No	No

Discussion

The analysis in this section is based, in part, on the project-specific Geotechnical Investigation prepared by Southern California Geotechnical, Incorporated (SoCalGeo) on September 1, 2022, and a search of the University of California Museum of Paleontology (UCMP) online fossil locality database. The Geotechnical Investigation and paleontological records search results can be found in Appendix D.

a) Earthquake Hazards

Would the project: Directly or indirectly cause *potential substantial adverse effects, including the risk of loss, injury or death involving: (i)Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong Seismic Ground Shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Landslides.*

i) Fault Rupture

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault as delineated on the Alquist-Priolo Earthquake Fault Zoning Map, and determined there would be a less than significant impact because the City of Fullerton is not located

within an Alquist-Priolo Fault Rupture Hazard Zone.[17] While the Norwalk Fault and the Puente Hills Fault are both located within portion of the City, neither has been associated with surface faulting.[18]

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with an industrial warehouse in accordance with The Fullerton Plan and the areas previously evaluated by the prior EIR. As detailed in the project-specific Geotechnical Exploration (Appendix D), the project site is not located within an Alquist-Priolo Fault Zone and there are no known faults that cross that project site. As such, the Geotechnical Exploration determined that the likelihood of fault rupture is low. Compliance with the California Building Standards Code (CBC) and Fullerton Building Code (FBC) would further reduce impacts associated with fault rupture. As such, impacts associated with the development of the proposed project within The Fullerton Plan area would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard.

ii) Ground Shaking

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would directly or indirectly cause potential substantial adverse impacts involving strong seismic ground shaking and determined these impacts would be less than significant. The prior EIR indicated that the Norwalk Fault and Puente Hills Fault exist within the City. Additionally, the Whittier-Elsinore Fault and Newport-Inglewood Fault are within 10 miles of Fullerton, and several active faults with the potential to generate strong ground shaking in the City are located within 50 miles. The project site is subject to seismic ground shaking due to its proximity and potential earthquake magnitude of these faults. While the Norwalk Fault and Puente Hills Fault have the highest potential of causing the greatest extent of ground shaking in the City, the Whittier-Elsinore and Newport-Inglewood Faults could also result in significant ground shaking. The prior EIR identifies compliance with the Municipal Code, General Plan policies and actions, and project-specific mitigation measures as a means of regulating development, including compliance with the CBC, FBC, The Fullerton Plan goals and actions, and the Local Hazard Mitigation Plan (LHMP). Therefore, through compliance with the FBC, CBC, The Fullerton Plan Policies and Actions, and the LHMP, impacts related to seismic ground shaking during construction and operation of development that is built under The Fullerton Plan would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with The Fullerton Plan and the areas previously evaluated by the prior EIR. As detailed in the project-specific Geotechnical Exploration (Appendix D), an earthquake of moderate to high magnitude generated within the Southern California region could cause considerable ground shaking at the project site. To reduce the potential impacts associated with seismic ground shaking, structures would be required to be designed in accordance with the current FBC and CBC requirements. Furthermore, implementation of design recommendations outlined in the Geotechnical Investigation regarding grading, foundation, floor

[17] California Department of Conservation. 2021. EQ Zapp. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed August 28, 2023.
[18] City of Fullerton. 2012. The Fullerton Plan Environmental Impact Report – Geology and Soils. Website: https://www.cityoffullerton.com/home/showpublisheddocument/3708/637470826683170000. Accessed August 28, 2023.

slab design, flatwork, retaining walls, and pavement would further reduce impacts related to strong seismic ground shaking at the project site (and related off-site improvement area), included as PDF GEO-1. Compliance with FBC, CBC, and The Fullerton Plan Policies and Actions would ensure new structures are designed to withstand potential impacts from strong seismic ground shaking. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard.

iii) Ground Failure

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would directly or indirectly cause potential substantial adverse impacts involving seismic-related ground failure, including liquefaction, and determined that impacts would be less than significant. According to the prior EIR, liquefaction susceptibility is considered high throughout the City, especially for structures built on deposits of alluvium, clays, silts, and poorly construction man-made fills. In response, the prior EIR identifies compliance with the Municipal Code, General Plan policies and actions, and project-specific mitigation measures as a means of regulating development, including requiring compliance CBC and FBC standards, The Fullerton Plan goals and actions, and the LHMP. Therefore, through compliance with the FBC, CBC, and The Fullerton Plan Policies and Actions, impacts related to ground failure during construction and operation of development that is built under The Fullerton Plan would be reduced to less than significant levels.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with The Fullerton Plan and the areas previously evaluated by the prior EIR. As detailed in the project-specific Geotechnical Exploration (Appendix D), liquefaction is not considered a significant design concern at the project site.

The project site is typical of developed areas in the City and does not contain any unique or unusual characteristics. Although liquefaction is not expected to be an issue at the project site, new development under the proposed project would still be designed in accordance with the current FBC and CBC requirements. Additionally, implementation of design recommendations outlined in the Geotechnical Investigation regarding grading, foundation, floor slab deign, flatwork, retaining walls, and pavement would further reduce any potential impacts related to liquefaction at the project site (and related off-site improvement area), included as PDF GEO-1. Compliance with FBC, CBC, The Fullerton Plan Policies and Actions, and the recommendations provided in the Geotechnical Exploration would ensure new structures are designed to withstand potential impacts from liquefaction. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard.

iv) Landslides

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would directly or indirectly cause potential substantial adverse impacts involving landslides. According to the prior EIR, landslide potential in the City is considered to be low due to the flat

topography in most areas of the City, with the exception of steeper portions of the East and West Coyote Hills areas. According to the prior EIR, given the nearly level terrain of the City, the possibility of landslides is considered to be a less than significant impact.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with The Fullerton Plan and the areas previously evaluated by the prior EIR. As detailed in the project-specific Geotechnical Exploration (Appendix D), the project site and related off-site improvement area are in a relatively flat area of the City of Fullerton. Additionally, according to Exhibit 5.7-3 of The Fullerton Plan, the project site is not located in an area identified to be at risk to landslides.[19] As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard.

b) Erosion

Would the project: *Result in substantial soil erosion or the loss of topsoil?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would directly or indirectly cause potential substantial adverse impacts involving erosion or loss of topsoil and concluded that impacts would be less than significant with the implementation of The Fullerton Plan. According to the prior EIR, erosion caused by runoff is considered a medium to high hazard for various soil types present in the City. However, due to the fact that the City is approximately 90 percent built-out and has a relatively flat topography, conditions that contribute to substantial soil erosion are not present within most of the City. Nevertheless, all development is required to comply with regulations outlined in Municipal Code Chapter 12.18 and 14.03. Additionally, the City requires implementation of BMPs in compliance with NPDES standards for all new development in order to minimize short- and long-term erosion. Therefore, through compliance with Municipal Code and NPDES regulations, impacts related to erosion during construction and operation of development that is built under The Fullerton Plan would be reduced to less than significant levels.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with The Fullerton Plan and the areas previously evaluated by the prior EIR. Project construction would include demolition, clearing, grading, excavation, and other earthmoving activities. These activities would disturb surface soils, making them vulnerable to wind and precipitation, which could lead to soil erosion. Projects that disturb one or more acres of soil are required to obtain the General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit), issued by the California State Water Resources Control Board (State Water Board). The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list BMPs that the proposed project would implement to control erosion and prevent the conveyance of sediments off-site. Implementation of the conditions of the

[19] City of Fullerton. 2012. The Fullerton Plan Environmental Impact Report – Geology and Soils. Website: https://www.cityoffullerton.com/home/showpublisheddocument/3708/637470826683170000. Accessed August 28, 2023.

Construction General Permit would further ensure erosion impacts resulting from project construction are less than significant. During operation, the proposed project would include new impervious surfaces and landscaping that would minimize soil exposure and erosion risks to the extent feasible. As required for all development within the City area, the proposed project would be required to adhere to Municipal Code standards as well, which would reduce impacts related to soil erosion through compliance with applicable regulations. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard.

c) Unstable Soils or Geologic Units

Would the project: *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landsliding, lateral spreading, subsidence, liquefaction, or collapse?*

The prior EIR identified several environmental impacts with respect to geologic units and soils that could be significant if left unmitigated. Specifically, the prior EIR identified a potentially significant impact related to lateral spreading, subsidence, liquefaction, or collapse, as some areas of the City are found to have soils subject to subsidence. Similarly, the prior EIR identifies small portions of the City as susceptible to landslides due to their sloping topography. However, the prior EIR states that landslide potential in the City is considered to be low due to the flat topography of most areas of the City. Additionally, the prior EIR identifies areas in the northern and central portions of the City as at highest risk, with all other areas subject to minor subsidence from major earthquakes. In response, The prior EIR identifies compliance with the Municipal Code, General Plan policies and actions, and project-specific mitigation measures, when necessary, as a means of regulating development, including compliance CBC, FBC, The Fullerton Plan goals and actions, and the LHMP. Therefore, through compliance with the FBC, CBC, and The Fullerton Plan Policies and Actions, impacts related to unstable ground units or soils during construction and operation of development that is built under The Fullerton Plan would be reduced to less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with The Fullerton Plan and the areas previously evaluated by the prior EIR. As detailed in the project-specific Geotechnical Exploration (Appendix D), based on topographic and lithologic data, the risk of lateral spreading, subsidence, liquefaction, or collapse at the project site (and related off-site improvement area) is not considered to be a significant design concern.

Although the risk of lateral spreading, subsidence, liquefaction, or collapse at the project site is not expected to be an issue, new development under the proposed project would still be designed in accordance with the current FBC and CBC requirements. Additionally, implementation of design features outlined in the Geotechnical Investigation regarding grading, foundation, floor slab design, flatwork, retaining walls, and pavement would further reduce any potential impacts related to the risk of lateral spreading, subsidence, liquefaction, or collapse at the project site (and related off-site improvement area), included as PDF GEO-1. Compliance with FBC, CBC, The Fullerton Plan Policies and Actions, and the recommendations for design features provided in the Geotechnical Exploration

would ensure new structures are designed to withstand potential impacts from the risk of lateral spreading, subsidence, liquefaction, or collapse. As such, impacts associated with the development of the proposed project would be less than significant, consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. No project-specific or site-specific mitigation is necessary for the proposed project.

d) Expansive Soils

Would the project: *Be located on expansive soil, creating substantial direct or indirect risks to life or property?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would directly or indirectly cause potential substantial adverse impacts involving expansive soil and determined that project implementation could result in significant impacts involving expansive soils. However, the prior EIR indicates numerous controls that would be imposed on future development in order to lessen impacts associated with expansive soils, including standards set by the FBC and CBC, as well as Action A26.8 of The Fullerton Plan. With the implementation of these regulations, impacts related to expansive soil would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with The Fullerton Plan and the areas previously evaluated by the prior EIR. As detailed in the project-specific Geotechnical Investigation (Appendix D), the near-surface soils at this site generally consist of sandy clays and sandy silts with varying clay content that possess a very low to low expansion potential. Furthermore, the proposed project would incorporate the design features outlined in the Geotechnical Investigation related to foundation and floor slab design, included in PDF GEO-1. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified the prior EIR.

e) Septic Tanks

Would the project: *Have soils incapable of supporting the use of septic tanks or other alternative wastewater disposal systems where sewers are not available?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would directly or indirectly cause potential substantial adverse impacts involving the use of septic tanks or alternative wastewater systems and identified no impacts in this regard because all proposed development within The Fullerton Plan area would be served by the City's municipal sewer system. Therefore, no septic tanks or alternative wastewater systems would be used.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. The proposed project

would connect to existing wastewater facilities within the City of Fullerton and does not propose the use of septic tanks or alternative wastewater disposal systems. As such, impacts associated with the development of the proposed project within The Fullerton Plan area would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts.

f) Destruction of Paleontological Resource or Unique Geologic Feature

Would the project: *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The prior EIR states that the City is generally underlain by Pleistocene-age shallow marine, lagoonal, floodplain, and terrace deposits. These deposits are referred to as the San Pedro Formation, the Coyote Hills Formation, the La Habra Formation, and old alluvium. No fossils were located within the Focus Area. It is anticipated that new development under The Fullerton Plan would occur within 12 identified Focus Areas. Focus Area K, in which the project site is located, is largely developed and has no documented significant paleontological sites. Although the Focus Areas are primarily developed or have been previously developed or disturbed and no significant paleontological resources have been documented within the City, the possibility exists that as yet unidentified paleontological sites occur within the City.

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would directly or indirectly cause potential substantial adverse impacts involving paleontological resources or unique geologic features and did not identify any significant impacts.

According to the prior EIR, there is a potential that future development under The Fullerton Plan could indirectly impact paleontological resources through remediation, demolition, or construction activities.

The project site is within the identified Focus Area K: Southeast Industrial. Geologic mapping indicates that the project site is mapped within Holocene- to late Pleistocene-age young alluvial-fan deposits. These deposits are described as unconsolidated to moderately consolidated silt, sand, pebbly cobbly sand, and boulders in alluvial-fan deposits.[20,21] In general, Holocene-age sedimentary deposits have a low potential to contain significant paleontological resources at the surface, and the potential increases the potential increases with increased depth into the subsurface; the deeper layers of these deposits have a high potential to contain significant paleontological resources. In general, Pleistocene-age sedimentary deposits have a high potential to contain significant paleontological resources. A records search of the University of California Museum of Paleontology (UCMP) online fossil locality database revealed that there are 572 fossil localities within Orange County, most of which are invertebrate fossil localities. Of the 572 localities in Orange County, 10 of

[20] Morton, D.M., and F.K. Miller (Morton and Miller). 2006. Geologic Map of the San Bernardino and Santa Ana 30' x 60' Quadrangles, California. Open-File Report OF-2006-1217. United States Geological Survey. Map. Scale 1:100,000.

[21] Morton and Miller. 2006. Geologic Map of the San Bernardino and Santa Ana 30' x 60' Quadrangles, California: Geology and Description of Map Units, version 1.0. Open-File Report OF-2006-1217. United States Geological Survey.

them are vertebrate fossil localities and six of the localities are from unnamed Pleistocene-age sedimentary deposits.[22]

The Geotechnical Investigation by SoCalGeo indicates that, while the structural details of the proposed project had not been provided at the time, no significant amounts of below-grade construction are expected.[23] Deep excavations into previously undisturbed Holocene- to Pleistocene-age sediments could expose paleontological resources, if not properly managed impacts to paleontological resources would be significant.

As stated above, the prior EIR concluded that implementation of MM CR-1, MM CR-2, and CR-3 would reduce potential impacts to paleontological resources to less than significant. MM CR-1 has been fulfilled through the preparation of the project-specific Phase I CRA, which demonstrataes that MM CR-2 is not necessary and no monitoring is required. However, implementation of MM CR-3 would ensure that inadvertently discovered resources discovered during excavation and grading activities are evaluated and treated appropriately. No additional analysis is required.

Project Design Features

PDF GEO-1 The project applicant shall implement all methods and practices outlined in the Geotechnical Exploration related to construction monitoring, earthwork, foundations, retaining walls, and pavement design, including general site clearing, existing undocumented fill removal, over-optimum soil moisture conditions, acceptable fill, fill compaction, slopes, site drainage, conventional footings with slabs-on-grade, foundation lateral resistance, settlement, interior slabs-on-grade, minimum design, slab moisture vapor reduction, exterior flatwork, trench backfill, lateral soil pressures, retaining wall drainage, backfill, flexible pavements, rigid pavements, subgrade and aggregate base compaction, and cut-off curbs.

Relevant EIR Mitigation Measures

Implement MM CR-3.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No peculiar impacts that are not substantially mitigated have been identified as a result of the proposed project or its site. Application of uniformly applied General Plan policies and standards along with regulations of the City of Fullerton Municipal Code, implementation of

[22] University of California Museum of Paleontology (UCMP). 2023. UC Museum of Paleontology Localities: vertebrate localities from Quaternary-age deposits within Orange County. Website: https://ucmpdb.berkeley.edu/loc.html.
[23] Southern California Geotechnical Inc. (SoCalGeo). 2022. Geotechnical Investigation, Proposed Industrial Building, SWC South Acacia Avenue and Kimberly Avenue, Fullerton, California. Project Number: 22G214-1. September 1, 2022.

relevant mitigation measures, and incorporation of identified project design features substantially mitigate potentially significant impacts to a less than significant level.

2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
5.8 Greenhouse Gas Emissions *Would the project:*					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than significant impact	No	No	No	No
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	Less than significant impact	No	No	No	No

Discussion

Setting

SCAQMD GHG Thresholds

The SCAQMD formed a working group to identify greenhouse gas (GHG) emissions thresholds for land use projects that local lead agencies could use in the SoCAB in 2008. The working group developed several different options that are contained in the SCAQMD Draft Guidance Document—Interim CEQA Greenhouse Gas Significance Threshold (Interim GHG Thresholds) that lead agencies could apply.[24] The working group has not provided additional guidance since the release of the interim guidance in 2008. The SCAQMD Board has not approved the thresholds; however, the Guidance Document provides substantial evidence supporting the approaches to the significance of GHG emissions that the lead agency can consider in adopting its own threshold. The current interim thresholds consist of the following tiered approach:

- Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether the project is consistent with a GHG reduction plan. If a project is consistent with a qualifying local GHG reduction plan, it does not have significant GHG emissions.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project's construction emissions are averaged over 30 years and are added to the project's operational emissions. If a project's emissions are below one of the following screening thresholds, then the project is less than significant:

[24] South Coast Air Quality Management District (SCAQMD). 2008. Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold. October. Website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhosue-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf. Accessed October 27, 2023.

  - All land use types: 3,000 metric tons (MT) carbon dioxide equivalent (CO_2e) per year.
  - Based on land use type: industrial: 10,000 MT CO_2e per year.

- Tier 4 has the following options:
  - Option 1: Reduce business as usual emissions by a certain percentage; this percentage is currently undefined.
  - Option 2: Early implementation of applicable AB 32 Scoping Plan measures.
  - Option 3: 2020 target for service population (SP), which includes residents and employees: 4.8 MT CO_2e/SP/year for projects and 6.6 MT CO_2e/SP/year for plans.
  - Option 3: 2035 target: 3.0 MT CO_2e/SP/year for projects and 4.1 MT CO_2e/SP/year for plans.
- Tier 5 involves mitigation offsets to achieve target significance threshold.

The SCAQMD's draft threshold uses the Executive Order S-3-05 year 2050 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO_2 concentrations at 450 ppm, thus stabilizing global climate.

City of Fullerton GHG Thresholds

The City of Fullerton has not adopted its own quantitative GHG significance thresholds. The City's CAP states that "projects that demonstrate consistency with the strategies, actions, and emission reduction targets contained in the CAP would have a less than significant impact of climate change." However, the City's CAP is designed consistent with AB 32 and has not been updated to reflect increased emissions reductions goals codified in Senate Bill (SB) 32. Therefore, the City is not able to utilize its CAP for determining project significance under CEQA Section 15183.5, which would allow the proposed project to be analyzed for consistency with the CAP in the absence of emissions quantifications. As such, the "Tier III" quantitative interim significance thresholds recommended by the SCAQMD for commercial, industrial, mixed-use, and industrial development projects is used herein to determine the proposed project's GHG emissions impact significance, as follows:

- Industrial Projects—10,000 MT of carbon dioxide equivalents (MT CO_2e) per year.
- Residential, Commercial, and Mixed-Use Projects (including industrial parks, warehouses, etc.)–3,000 MT CO_2e per year.

Because of the nature of the proposed project, the applicable GHG significance threshold is 3,000 MT CO_2e. If the proposed project would generate GHG emissions below the threshold, it is acceptable to conclude that the proposed project's GHG contribution would not be "cumulatively considerable" and would therefore be less than significant under CEQA.

a) Greenhouse Gas Emissions

Would the project: *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The prior EIR identified a less than significant impact related to the impact of GHG emissions on the environment. The City prepared a CAP as part of The Fullerton Plan to address GHG emissions reduction within the City. The CAP identified four strategies that the City crafted to achieve the

desired reduction target of 15 percent below baseline levels by 2020. Implementation of the GHG reduction strategies and measures in the CAP would allow The Fullerton Plan to achieve its GHG reduction target of 15 percent below 2009 levels by 2020. The prior EIR found that the CAP meets this target with a project 29.03 percent reduction, and The Fullerton Plan would be consistent with the reduction targets of AB 32. Therefore, the prior EIR concluded that impacts would be less than significant.

Construction Emissions

The proposed project would generate GHG emissions during construction activities resulting from emission sources such as construction equipment, vendor and haul trucks, and construction worker vehicles. Although these emissions would be temporary and short-term in nature, they could represent a contribution to GHG emissions. Construction emissions were modeled using CalEEMod Version 2022.1.1.20. See Appendix A for detailed modeling parameters and assumptions.

Table 9 presents the proposed project's total construction emissions, which are amortized over the assumed lifetime of 30 years following the guidance from the SCAQMD. The amortized construction emissions are then added with annual operational emissions to provide a total estimate of the project's GHG emissions.

Table 9: Estimated Construction-Related Greenhouse Gas Emissions

Construction Activity	Total GHG Emissions (MT CO_2e per year)
2024	
Demolition	173.8
Site Preparation	12.6
Grading	163.0
Building Construction	253.4
2025	
Building Construction	211.1
Paving	47.4
Architectural Coating	3.05
Total (2024-2025)	
Total Construction GHG Emissions	**864**
Amortized over 30 years	**29**

Notes:
MT CO_2e = metric tons of carbon dioxide equivalent
Totals may not appear to sum exactly due to rounding.
[1] Construction GHG emissions are amortized over the 30 year lifetime of the proposed project.
Source: Appendix A

Operational Emissions

Operational or long-term emissions occur over the life of the proposed project. Sources for operational emissions include:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and trucks that would travel to and from the project site.
- **Natural Gas:** These emissions refer to the GHG emissions that occur when natural gas is burned on the project site. Natural gas uses could include heating water, space heating, dryers, stoves, or other uses.
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the project.
- **Area Sources:** These emissions refer to those produced during activities such as landscape maintenance.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the project.

Table 10 presents the estimated annual GHG emissions from the proposed project's operational activities. The GHG emissions generated by existing land uses are not shown here, which presents a conservative emissions assessment. As shown in Table 10, the proposed project would generate approximately 2,742 MT CO_2e per year after the inclusion of 29 MT CO_2e per year from project construction.

Table 10: Operational Greenhouse Gas Emissions

Construction Activity	Total GHG Emissions (MTCO_2e per year)
Area	3.8
Energy	194
Mobile	2,346
Waste	106
Water	58.9
Stationary	4.2
Amortized Construction Emissions	29
Total Annual GHG Emissions	**2,742**
SCAQMD Significance Threshold	**3,000**
Exceeds Significance Threshold?	**No**

Notes:
MT CO_2e = metric tons of carbon dioxide equivalent
SCAQMD = South Coast Air Quality Management District
Source: Appendix A

Impact Summary

As shown in Table 10, the proposed project's combined amortized construction and annual operational GHG emissions would not exceed the applicable threshold of significance of 3,000 MT CO_2e per year applicable to and adopted for this project. Thus, the proposed project would not have a significant contribution to construction and operational GHG emissions. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Greenhouse Gas Emissions Reduction Plan Conflict

Would the project: *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

The prior EIR identified a less than significant impact related to conflict with a GHG emissions reduction plan. The City prepared a CAP as part of The Fullerton Plan process, which includes a variety of strategies, measures, and actions to reduce GHG emissions in accordance with State reduction goals. These strategies, measures, and actions are consistent with and build upon the goals and policies within The Fullerton Plan. CAP reduction measures would result in a total of approximately 628,290 MT CO_2e, which is 39.03 percent below 2009 Baseline GHG emissions, and 33.43 percent below 2020 BAU emissions. The Fullerton Plan would be consistent with the CAP, and therefore, the prior EIR concluded that impacts would be less than significant.

The City of Fullerton has a CAP, used herein as the primary local plan adopted to reduce GHG emissions of GHGs. Therefore, the proposed project is assessed for its consistency with the Fullerton CAP and the ARB's adopted 2017 Scoping Plan Update. This would be achieved with an assessment of the proposed project's compliance with CAP measures and with Scoping Plan measures.

Consistency with 2017 and 2022 Scoping Plans

A project comparison for consistency with measures for the 2017 and 2022 Scoping Plan updates addresses alignment with the State's planning goals and milestones under SB 32 and AB 1279, respectively.

An evaluation of the proposed project's consistency with the Scoping Plan serves as a roadmap for evaluating a project's current design, and to determine whether it complies with current policies and is in compliance with planned reduction measures for GHG emissions. The comparison of a project design to Scoping Plan proposals is not by itself a metric for determining project-level significance, but a step in showing how the project supports current regulations and is aligned with future GHG reduction strategies in development stages. The proposed project would comply with all regulations adopted in furtherance of the Scoping Plan to the extent required by law and to the extent that they are applicable to the project.

Table 11 and Table 12 summarize the measures included 2017 and 2022 Scoping Plans, respectively, and analyzes project consistency compared to these elements.

Table 11: Consistency with SB 32 2017 Scoping Plan Update

2017 Scoping Plan Update Reduction Measure	Project Consistency
SB 350 50 percent Renewable Mandate. Utilities subject to the legislation will be required to increase their renewable energy mix from 33 percent in 2020 to 50 percent in 2030.	**Not applicable.** This measure would apply to utilities and not to individual development projects. The proposed project would purchase electricity from a utility provider subject to the SB 350 Renewable Mandate.
SB 350 Double Building Energy Efficiency by 2030. This is equivalent to a 20 percent reduction from 2014 building energy usage compared to current projected 2030 levels.	**Not applicable.** This measure applies to existing buildings. New structures are required to comply with Title 24 Energy Efficiency Standards expected to increase in stringency over time. The proposed project would comply with the applicable Title 24 Energy Efficiency Standards in effect at the time building permits are received.
Low Carbon Fuel Standard. This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030.	**Not applicable.** This is a Statewide measure that cannot be implemented by a project applicant or lead agency. However, vehicles accessing the proposed warehouse building at the project site would benefit from the standards.
Mobile Source Strategy (Cleaner Technology and Fuels Scenario). Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million Zero-Emission Vehicles (ZEVs) on the road by 2030 and increasing numbers of ZEV trucks and buses.	**Not applicable.** This measure is not applicable to the proposed project; however, vehicles accessing the proposed warehouse building at the project site would benefit from the increased availability of cleaner technology and fuels.
Sustainable Freight Action Plan. The plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero-emission operation and maximize near-zero-emission freight vehicles and equipment powered by renewable energy by 2030.	**Consistent.** This measure is a Statewide plan that is not specific to individual projects. However, it is expected that deliveries throughout the State would be made with an increasing number of ZEV delivery trucks, including deliveries that would be made to the proposed project.
Short-Lived Climate Pollutant (SLCP) Reduction Strategy. The strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030.	**Consistent.** Consistent with SCAQMD Rule 445—Wood-Burning Devices, no wood-burning devices are proposed as part of the proposed project. The proposed project is an all-electric warehouse building; therefore, the proposed project would be in compliance and will not be creating black carbon.
SB 375 Sustainable Communities Strategies. Requires Regional Transportation Plans to include a Sustainable Communities Strategy (SCS) for reduction of per capita vehicle miles traveled.	**Not applicable.** The proposed project does not include the development of a Regional Transportation Plan.
Post-2020 Cap-and-Trade Program. The Post 2020 Cap-and-Trade Program continues the existing	**Not applicable.** The proposed project is not targeted by the cap-and-trade system regulations, and,

2017 Scoping Plan Update Reduction Measure	Project Consistency
program for another 10 years. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers.	therefore, this measure does not apply to the proposed project. However, the post-2020 Cap-and-Trade Program indirectly affects people and entities who use the products and services produced by the regulated industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers.
Natural and Working Lands Action Plan. The ARB is working in coordination with several other agencies at the federal, State, and local levels, stakeholders, and with the public, to develop measures as outlined in the Scoping Plan Update and the governor's Executive Order B-30-15 to reduce GHG emissions and to cultivate net carbon sequestration potential for California's natural and working land.	**Not applicable.** The proposed project is an industrial development in an industrial area and would not be considered natural or working lands.
Source: California Air Resources Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. November. Website: https://ww2.arb.ca.gov/sites/default/files/classic//cc/scopingplan/scoping_plan_2017.pdf. Accessed October.	

Table 12: Proposed Project Consistency with 2022 Scoping Plan Greenhouse Gas Emission Reduction Strategies

Scoring Plan Measure	Project Consistency
Light-Duty Vehicles: Smart Growth/Reduce Vehicle Miles Traveled. VMT per capita reduced 25 percent below 2019 levels by 2030, and 30 percent below 2019 levels by 2045.	**Consistent.** Based on the results of the VMT Assessment, the proposed project would be consistent with the threshold of significance for VMT per employee.
Deploy ZEVs. Medium-Heavy and Heavy Heavy-Duty Trucks. This measure is supported by Executive Order N79-20 and plans in the AB 74 ITS Report: 100 percent of MD/HDV sales are ZEV by 2040.	**Consistent.** Medium-heavy and heavy heavy-duty trucks would be compliant with truck Fuel Economy Standards: California Phase II GHG Standards. Infrastructure for the proposed project would be designed to support this transition to ZEV as per CalGREEN Building Code Standards. Priority Fleets utilizing the facility that are subject to the Advanced Clean Fleet rule and meet ZEV fleet conversion milestones as specified by ARB. Fleets not covered under the Advanced Clean Fleet Rule will convert to ZEV trucks as truck manufacturers implement the Advanced Clean Truck Regulation.
Decarbonize buildings. All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed Statewide by 2030.	**Consistent.** The proposed project will not utilize natural gas and support the States Building decarbonization initiatives.
Low Carbon Fuels for Transportation. Biomass supply is used to produce conventional and advanced biofuels, as well as hydrogen.	**Consistent.** Off-road construction equipment would utilize renewable diesel in compliance with the In-

Scoring Plan Measure	Project Consistency
	Use Off-Road rule. On-road diesel trucks would also utilize these fuels consistent with the LCFS. The proposed project would provide infrastructure for ZEV trucks and passenger vehicles for up to 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure. Therefore, the proposed project would support the sustainable Freight Action Plan by providing electric vehicle (EV) charging infrastructure and zero-emission support equipment.
Low Carbon Fuels for Fuels for Buildings and Industry. In 2030s renewable natural gas (RNG) blended in pipeline, ramping up to 2040. Dedicated hydrogen pipelines constructed to serve certain industrial clusters.	**Consistent.** The proposed project will not utilize natural gas for building use.
Coordinate supply of liquid fossil fuels with declining CA fuel demand. Phase-out oil and gas extraction operations by 2045. Carbon Capture and Sequestration (CCS) on majority of petroleum refining operations by 2030. Interim goals are to reduce petroleum production reduced in line with its demand.	**Not applicable.** The proposed project is not related to the petroleum industry.
Generate clean electricity. Electric sector GHG target of 38 MMT CO_2e in 2030 and 31 MMT CO_2e in 2045. This GHG target is determined to meet the loads associated with the scenario and corresponds to meeting the 2021 SB 100 Joint Agency Report's 100 percent of retail sales with eligible renewable and zero-carbon resources definition.	**Not applicable.** The proposed project will benefit indirectly from these goals; however, there are no actions related to the project itself.
Decarbonize industrial energy supply. Electrification goals by industry sector specific to Food Industry, Agriculture, and Chemical and Allied Products and Pulp and Paper Industry for milestone years 2030 and 2045. Other Industrial Manufacturing: 0 percent energy electrified by 2030 and 50 percent by 2045. Construction Equipment: 25 percent energy demand electrified by 2030 and 75 percent by 2045. Retire all combined heat and power facilities by 2040.	**Consistent.** Construction equipment used for the proposed project would comply with ARB off-road regulations meeting milestones for electrification as required by regulations as promulgated. Starting in 2024, amendments to the off-road In-Use Diesel Rule require use of renewable diesel consistent with the 2022 Scoping Plan and implementing the LCFS.
Reduce non-combustion emissions. This involves two strategies targeting methane and hydrofluorocarbon (HFC). • Increase capture of methane and from landfill and dairy digester and from the oil and gas infrastructure components.	**Consistent.** The proposed project would use low GWP refrigerants consistent with current California Significant New Alternatives Policy (SNAP) regulations.

Scoring Plan Measure	Project Consistency
Introduction of Low global warming potential [GWP] refrigerants introduced as building electrification increases mitigating HFC emissions.	
Compensate for remaining emissions. This measure uses Carbon Dioxide Removal (CDR) to compensate for remaining emissions.	**Not applicable.** This measure relates to remaining emissions and is not applicable at the individual project level.
Source: California Air Resources Board (ARB). 2022. Scoping Plan for Achieving Carbon Neutrality. November.	

As shown in Table 11 and Table 12 above, the proposed project is consistent with the applicable measures in the 2017 Scoping Plan and the 2022 Scoping Plan Update. Therefore, impacts would be less than significant.

City of Fullerton Climate Action Plan

The City of Fullerton adopted its CAP in 2012. The CAP identifies reduction measures and implementation responsibilities that the City used to support an emission reduction target of 15 percent below 2009 levels by 2020. Many of these measures are not mandatory or apply to government agencies rather than a project applicant or lead agency. The City would impose the requirements of these measures as applicable through the project's Conditions of Approval. Table 13 shows the project compliance with all relevant measures.

Table 13: Consistency with Fullerton Climate Action Plan

CAP Measure	Project Consistency
Transportation and Mobility Strategy Objective A: Reduce Vehicle Trips	
T-1 Reduction of Single Occupant Vehicle Trips: Support Regional and sub-regional efforts to increase alternatives to and infrastructure supporting a reduction of single occupant vehicle trips.	**Consistent**. Future project employees would be within walking distance to public transit by the Orange County Transportation Authority (OCTA).
Transportation and Mobility Strategy Objective B: Promote Bicycle Use for Commuting and Recreation	
T-2 Inter-Jurisdiction Connections: Support efforts to maintain, expand and create new connections between the Fullerton bicycle network and the bicycle networks of adjacent cities, Orange County, and the region.	**Consistent**. The proposed project is creating concrete landings, bicycle racks, and long-term mounted bicycle racks. The proposed project is replacing existing land use and it would not impede any current bicycle networks or impede plans for future bicycle networks.
T-5 Bicycling Safety and Convenience: Support projects, programs, policies, and regulations that make bicycling safer and more convenient for all types of bicyclists.	**Consistent.** The proposed project is creating concrete landings, bicycle racks, and long-term mounted bicycle racks. The proposed project is replacing an existing land use and it would not impede any current bicycle networks or impede plans for future bicycle networks.

CAP Measure	Project Consistency
Transportation and Mobility Strategy Objective C: Encourage Alternative Modes of Transportation	
T-7 Infrastructure for Low and Zero-Emission Vehicles: Support projects, programs, policies, and regulations to encourage the development of private and/or public infrastructure facilitating the use of alternative fuel vehicles.	**Consistent.** The proposed project would provide two electric vehicle (EV) stalls, two EV ADA standard stalls, and two EV van stalls.
Energy Use and Conservation Strategy Objective A: Promote Renewable Energy Sources and On-site Energy Generation	
E-1 GHG Emissions from Electrical Generation: Support regional and sub-regional efforts to reduce greenhouse gas emissions associated with electrical generation through energy conservation strategies and alternative/renewable energy programs.	**Consistent.** The proposed project would be all electric. In addition, the proposed project would include on-site rooftop solar.
Energy Use and Conservation Strategy Objective B: Promote Energy Efficient Design	
E-2 Energy and Resource Efficient Design: Support projects, programs, policies and regulations to encourage energy and resource efficient practices in site and building design for private and public projects.	**Consistent.** The proposed project would be designed and constructed to the latest energy efficiency building standards and Title 24 requirements, which includes rooftop solar. The proposed building design would also be all electric.
E-4 Efficient Use of Energy Resources in Residential Development: The City shall encourage housing developers to maximize energy conservation through proactive site, building and building systems design, materials, and equipment. The City's goal is to provide the development community the opportunity to exceed the provisions of Title 24 of the California Building Standard Code. The City shall continue to support energy conservation through encouraging the use of Energy Star-rated appliances, other energy-saving technologies and conservation. To enhance the efficient use of energy resources, the City shall review the potential of offering incentives or other strategies that encourage energy conservation.	**Not applicable.** The proposed project is to build a warehouse and is considered industrial.
Water Use and Efficiency Strategy Objective A: Conserve Water	
W-2 Sustainable Water Practices in New Development: Support projects, programs, policies, and regulations to encourage water efficient practices in site and building design for private and public projects.	**Consistent.** The proposed project would be required to comply with the applicable water efficiency standards in Title 24 of the 2022 CBC. In addition, the proposed project would install irrigation infrastructure in accordance with City and California water regulations, such as AB 1881.
Solid Waste Reduction and Recycling Strategy Objective B: Divert Materials from Landfill	
SW-2 Waste Reduction and Diversion: Support projects, programs, policies, and regulations to	**Consistent.** The proposed project would be served by Republic Services, which is required to divert waste from landfills consistent with AB 341. The proposed

CAP Measure	Project Consistency
promote practices to reduce the amount of waste disposed in landfills.	project would also comply with General Plan policies to reduce waste and promote waste prevention and recycling at the municipal level.
SW-3 Waste Stream Separation and Recycling: Support projects, programs, policies and regulations to expand source separation and recycling opportunities to all households (including multi-family housing), businesses, and City operations.	**Consistent.** The proposed project would comply with General Plan policies to reduce waste and promote waste prevention and recycling at the municipal level. Additionally, the proposed project would provide recycling opportunities on-site.
Solid Waste Reduction and Recycling Strategy Objective C: Reduce GHG Emissions from Solid Waste	
SW-5 GHG Emissions from Waste: Supports projects, programs, policies, and regulations to reduce greenhouse gas emissions from waste through improved management of waste handling and reductions in waste generation.	**Consistent** The proposed project would comply with General Plan policies to reduce waste and promote waste prevention and recycling at the municipal level. Additionally, the proposed project would provide recycling opportunities on-site.
Source: City of Fullerton. 2012. The Fullerton Plan. Appendix H: Climate Action Plan. Website: https://www.cityoffullerton.com/civicax/filebank/blobdload.aspx?blobid=8991 Accessed October 27, 2023.	

As demonstrated in Table 13 above, the proposed project is consistent with the applicable climate change related policies contained within the City's CAP.

Summary

As shown in Table 11 and Table 12, implementation of the proposed project would not conflict with the reduction measures proposed in the SB 32 Scoping Plan. In addition, the proposed project would not conflict with the City of Fullerton CAP, as demonstrated in Table 13. In summary, the proposed plan would not conflict with any applicable plan, policy, or regulation adopted to reduce the emissions of GHGs. As shown in Impact 8(a), the proposed project's combined amortized construction and annual operational GHG emissions would not exceed the applicable threshold of 3,000 MT CO_2e per year. Considering this information, the proposed plan would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce the emissions of GHGs. The impact would be less than significant. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

None required.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively. Mitigation measures required by the prior EIR have been satisfied and no additional mitigation is required.

Further environmental analysis is not required because:

1. There are no environmental effects that are peculiar to the proposed project or its site.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.9 Hazards and Hazardous Materials *Would the project:*					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than significant impact	No	No	No	No
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than significant impact with mitigation incorporated	No	No	No	No
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than significant impact	No	No	No	No
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less than significant impact	No	No	No	No
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No impact	No	No	No	No
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than significant impact	No	No	No	No
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	Less than significant impact	No	No	No	No

The analysis in this section is based in part on the project-specific Phase I Environmental Site Assessment (Phase I ESA) prepared on September 9, 2022, and Phase II ESA prepared on September 9, 2022, by Roux Associates, Inc. The Phase I ESA and Phase II ESA can be found in Appendix E.

Discussion

a) Routine Transport, Use, or Disposal of Hazardous Materials

Would the project: *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and determined that there could be a potentially significant impact caused by both residential and nonresidential development within the City. Therefore, the prior EIR states all future development within the City would be subject to compliance with existing federal, State, and local regulations. These include the six programs administered by the Orange County Health Care Agency Environmental Health Division (EHD), the Underground Storage Tank (UST) Program as part of the California Health and Safety Code, the California Accidental Release Prevention (Cal/ARP) Program, the Aboveground Petroleum Storage Act of 1990 (APSA), and the City's Emergency Operations Plan (EOP). Additionally, The Fullerton Plan points to Goal 23, Policy 23.2, and Policy 23.3 to ensure safe and efficient manage of waste and its disposal.[25] With compliance with all applicable federal, State, and local regulations, as well as all applicable Fullerton Plan goals and policies, impacts associated with the routine transport, use, or disposal of hazardous materials were found not be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within the area previously evaluated in the prior EIR. The proposed project involves the temporary transport, use, or disposal of typical hazardous materials (e.g., diesel fuels, lubricants, solvents, asphalt, pesticides, and fertilizers) during the project's construction phase. However, during the construction phase, the proposed project would be required to comply with all applicable federal, State, and local laws and regulations related to the safe transport, use, and disposal of hazardous materials, which would ensure impacts in this regard remain less than significant.

In terms of project operation, based on the nature of the project's proposed light industrial warehouse and related uses, the proposed project would not involve the routine transport, use, or disposal of hazardous materials beyond typical household chemicals such as cleaning supplies. The proposed project would adhere to all federal, State, and local regulations related to the handling of these substances, as well as all Fullerton Plan goals and policies related to material disposal. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any impacts that would not be mitigated to a less than significant level. Therefore, the proposed project would not result in any peculiar effects

[25] City of Fullerton. 2012. The Fullerton Plan EIR – Hazards and Hazardous Materials. Website: https://www.cityoffullerton.com/home/showpublisheddocument/3712/637470826698470000. Accessed September 14, 2023.

and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Risk of Upset

Would the project: *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would create a substantial hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment and determined there would be a significant impact in this regard due to the planned industrial, commercial, and business land uses proposed within The Fullerton Plan area. Therefore, the prior EIR identified MM HAZ-1 through MM HAZ-4, which require preparation of a Phase I ESA, adherence to applicable regulations, increased awareness of proper use and disposal of hazardous materials, procedures for grading and demolition of existing structures on the project site to prevent possible releases of hazardous substances. When implemented, these measures would reduce these impacts to a less than significant level. Therefore, impacts were found to be less than significant with the implementation of mitigation.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would redevelop an existing industrial and warehouse site with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within the area previously evaluated in the prior EIR. As detailed in the project-specific Phase I ESA, it was determined that there was evidence on-site of five Recognized Environmental Conditions (RECs) in connection with the property.[26] Records obtained from the City of Fullerton indicate the project site was equipped with one 1,000-gallon gasoline UST that was abandoned in place. The UST was installed by Arcadia Metal Products circa 1955 and was abandoned (filled with concrete slurry) in 1985. Based on the duration of use for gasoline storage (30 years) and lack of subsurface sampling, the abandoned gasoline UST is considered a REC. The existing structures on-site feature a wastewater system used for discharge of industrial wastewater. Given the likely presence of hazardous substances and/or petroleum products within the wastewater system, the entire wastewater system is considered a REC in the context of this Phase I ESA. Records obtained from the California Department of Toxic Substances Control (DTSC) indicate, based on the long history of on-site manufacturing operations (since at least 1965), heavy use of solvents and tetrachloroethylene (PCE), which is considered a REC in the context of the Phase I ESA. The site includes a rail spur, which represents environmental concerns due to the potential historical application of hazardous/toxic substances in their construction and maintenance, oils, herbicides, and arsenic for pest and weed control, as well as the potential presence of creosote on the rail ties, and the historical common practice of using coal cinders for track fill material. The on-site rail spur is considered a REC in the context of this Phase I ESA. Additionally, the site is located within the boundaries of the Orange County North Basin (OCNB) National Priority List (NPL) site, which is a regional groundwater plume with VOCs including trichloroethylene (TCE), PCE, and 1,1-

[26] Roux Associates, Inc. 2022. Phase I Environmental Site Assessment.

dichloroethylene (1,1-DCE). Because of the presence of RECs on the project site, a Phase II ESA was conducted on the project site. According to the Phase II ESA, all RECs identified in the Phase I ESA have been addressed and no further investigation is required.

Site reconnaissance identified drainage swales and culverts, several 55-gallon drums and 275-gallon totes, electrical transformers, non-contact cooling water discharge, a railroad spur, and an aboveground storage tank (AST) with associated piping. No evidence of leaking from the drainage swales, drums and totes, or evidence of contamination from the cooling water discharge was observed. However, as described about, the railroad spur, AST, and oil-water separator are considered RECs by the Phase I ESA. Furthermore, on-site observations found potential asbestos-containing materials (ACM) and lead-based paint (LBP). The Phase I ESA did not observe or not any olfactory evidence of mold on the project site and detected indoor radon levels below significant levels.

The proposed project would be used for light industrial purposes and would thus have the possibility of generating or handling hazardous materials or hazardous or obnoxious fumes. As such, the proposed project would be required to comply with MM HAZ-1 through MMHAZ-6, as well as all applicable federal, State, and local policies related to construction and operation, including all applicable Fullerton Plan goals and policies related to demolition of existing structures. Compliance with these regulations would reduce potential impacts related to the release of hazardous materials to a less than significant level. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any impacts that would not be mitigated to a less than significant level with the implementation of The Fullerton Plan's requirements. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

c) Exposure of Schools to Hazardous Materials or Emissions

Would the project: *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would emit hazardous substances or involve handling hazardous or acutely hazardous substances or waste within 0.25 mile of an existing or proposed school. The possibility exists that construction or routine operations associated with future commercial development in the City would involve transport, use, or disposal of hazardous materials within one-quarter mile of an existing school. Although hazardous materials and water generation from future development may pose a health risk to nearby schools, disclosure to the EHD and the preparation of a Business Emergency Plan would assure that businesses have appropriate procedures and policies in place to respond to potential accidents involving hazardous materials. Therefore, the prior EIR concluded that compliance with applicable regulations, The Fullerton Plan mitigation measures, and The Fullerton Plan goals and policies would reduce impacts to less than significant.

The nearest school is Commonwealth Elementary School (approximately 0.55 mile northeast of the project site); therefore, the proposed project would not include releasing hazardous emissions or handling hazardous materials, substances, or waste within 0.25 mile of a school. The analysis under the

prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within the area previously evaluated in the prior EIR. Although the proposed project would not release hazardous emission or handle hazardous materials within 0.25 mile of a school, the proposed project would still adhere to all applicable federal, State, and local laws and regulations related to the handling of these substances. As such, impacts associated with the development of the proposed project within The Fullerton Plan area would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

d) Hazardous Materials Sites

Would the project: *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would be located on sites located on hazardous materials sites. According to The Fullerton Plan, construction workers and the public could be exposed to potential hazards occurring from construction activities on existing sites that may be contaminated. Future development of any of these documented hazardous materials sites would require prior remediation and cleanup under the supervision of the DTSC, in compliance with federal, State, and local standards. As such, the prior EIR concluded that impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within the area previously evaluated in the prior EIR. According to search results from the DTSC EnviroStor database, the proposed project is located on an evaluation site with no further action required since 2013.[27] The nearest active cleanup site is located approximately 800 feet southwest of the project site at 1551 East Orangethorpe Avenue, which is a State response site. As discussed in the Phase II ESA, the RECs that were identified in the Phase I ESA have been addressed and no further investigation is required. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would have a less than significant impact in this regard.

e) Airports

Would the project: *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard* or excessive noise *for people residing or working in the project area?*

[27] California Department of Toxic Substances Control (DTSC). 2023. Envirostor. Website: https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60001794. Accessed September 14, 2023.

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would impacted by airport-related safety hazards for people residing or working in the City. Fullerton Municipal Airport is located in the western portion of the City and is within the oversight of the Orange County Airport Land Use Commission (ALUC). Through the ALUC's adopted Airport Land Use Plan for Fullerton Municipal Airport (AELUP), policies and criteria are set forth by which local action can be reviewed and a determination made of its consistency/inconsistency with the AELUP. As such, future development in the Airport Industrial Focus Area is subject to compliance with the AELUP's Specific Policies, as well as all policies in The Fullerton Plan relating to safe and efficient airport operation. Through compliance with the AELUP and The Fullerton Plan, future development anticipated by The Fullerton Plan would not result in a safety hazard for people residing or working the Airport Industrial Focus Area. As such, impacts were found to be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within the area previously evaluated in the prior EIR. Fullerton Municipal Airport is the nearest airport to the project site, located approximately 9.3 miles east of the project site. The project site is not located within the airport's AELUP.[28] As such, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would have no impact in this regard.

f) Emergency Response and Evacuation

Would the project: *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and determined there would be a less than significant impact. Throughout buildout of The Fullerton Plan, the City's EOP, which provides guidance for the City's planned response to extraordinary emergency situations associated with natural disasters, terrorism, technological incidents, and nuclear defense operations, would continue to be implemented. In certifying the prior EIR, the City found that future development consistent with The Fullerton Plan would not interfere with an adopted emergency response plan and/or the emergency evacuation plan and less than significant impacts would occur.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within the northern portion of the area previously evaluated in the prior EIR. As described above, the City of Fullerton adopted the City of Fullerton LHMP, which was updated in 2020. The LHMP includes measures to reduce potential impacts of natural and man-made hazards, and to facilitate the recovery and repair of structures if damage should occur from hazardous

[28] Orange County Airport Land Use Commission. 2019. Airport Environs Land Use Plan for Fullerton Municipal Airport. Website: https://files.ocair.com/media/2021-02/AELUP%20for%20FMA%2005092019.pdf. Accessed September 14, 2023.

events.[29] Access to the site would be provided via one 35-foot-wide right-in/right-out driveway along South Acacia Avenue, one 37-foot 10-inch-wide full access driveway along Kimberly Avenue, and one 35-foot driveway along Kimberly Avenue. The proposed project would include a minimum 26-foot-wide fire lane around all sides of the building for emergency access.

The proposed project would not result in an increase in population beyond what is envisioned in The Fullerton Plan. In addition, as outlined in Section 5.15, Public Services, the proposed project would be adequately served by fire and police services. Furthermore, the proposed project would be required to comply with the applicable Fullerton Plan policies related to maintenance of emergency evacuation routes. Additionally, as part of the City's standard Conditions of Approval and in compliance with MM HAZ-5 and MM HAZ-6 from the prior EIR, the proposed project would consult with the Fullerton Police Department, prepare a Traffic Control Plan. Moreover, the proposed project would be compliant with the goals, policies, and actions, including Goal 12, Goal 13, Policies P12.11, P13.3 through P13.5, and Action A12.1, highlighted by the prior EIR to further minimize potential interferences with an adopted emergency response plan or evacuation plan. As such, impacts associated with the development of the proposed project would be consistent with the analysis of the prior EIR and the proposed project would have less than significant impacts.

g) Wildland Fires

Would the project: *Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would expose people or structures to significant risk involving wildland fires and determined there would be a less than significant impact. As detailed in Section 5.19, Wildfire, The Fullerton Plan contains areas of Very High, High, and Moderate fire severity within the northwest portion of the City. While wildland fires can represent potentially significant hazards to small areas of the City, Municipal Code Chapter 13.19 outlines standards with which properties within fire hazard severity zones must comply. Additionally, The Fullerton Plan highlights several policies and actions, including P26.5 and A26.4, to further minimize any threats posed by wildland fires. Through compliance with all applicable Municipal Code and The Fullerton Plan Policies and Actions, the prior EIR concluded that impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. As described in Section 5.19, Wildfire, the proposed project site is not located in a Fire Hazard Severity Zone (FHSZ) within a State Responsibility Area or Local Responsibility Area (LRA).[30] Furthermore, the proposed project would be required to ensure that the site has adequate emergency access in the event of a fire. As such, impacts associated with the development of the proposed project would be consistent with

[29] City of Fullerton. 2020. Local Hazard Mitigation Plan. May 21, 2020.
[30] California Department of Forestry and Fire Protection (CAL FIRE). 2023. State Responsibility Area Fire Hazard Severity Zones for Orange County. Fire and Resource Assessment Program. September 29, 2023. Map. Scale 1:265,000 at 11" x 17."

the analysis of the prior EIR and the proposed project would have less than significant impacts in this regard.

Relevant EIR Mitigation Measures

MM HAZ-1 Prior to issuance of a grading permit for properties considered by the City to involve the potential for site contamination, a Phase I Environmental Site Assessment (Phase I ESA) shall be prepared in accordance with American Society of Testing and Materials (ASTM) Standards and Standards and Practices for All Appropriate Inquiries (AAI), in order to investigate the potential existence of site contamination. Any site-specific uses shall be analyzed according to the Phase I ESA (i.e., auto service stations, agricultural lands, etc.). The Phase I ESA shall identify Specific Recognized Environmental Conditions (RECs) (i.e., asbestos-containing materials [ACM], lead-based paints [LBP], polychlorinated biphenyls, etc.), which may require remedial activities prior to construction.

MM HAZ-2 Prior to potential remedial excavation and grading activities, impacted areas shall be cleared of all maintenance equipment and materials (e.g., solvents, grease, waste oil), construction materials, miscellaneous stockpiled debris (e.g., scrap metal, pallets, storage bins, construction parts), above ground storage tanks, surface trash, piping, excess vegetation and other deleterious materials. These materials shall be removed off-site and properly disposed of at an approved disposal facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. In the event concentrations of materials are detected above regulatory cleanup levels during demolition or construction activities, the project applicant shall comply with the following measures in accordance with federal, State, and local requirements:

- Excavation and disposal at a permitted, off-site facility;
- On-site remediation, if necessary; or
- Other measures as deemed appropriate by the City of Fullerton Fire Department.

MM HAZ-3 Prior to structural demolition/renovation activities, should these activities occur, a Certified Environmental Professional shall confirm the presence or absence of asbestos-containing material (ACM) and lead-based paint (LBP). Should ACMs or LBPs be present, demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriate permitted facility.

MM HAZ-4 Areas of exposed soils within the California Department of Transportation (Caltrans) right-of-way that would be disturbed during excavation/grading activities shall be sampled and tested for lead prior to ground disturbance activities on a project-by-project basis, so that any special handling, treatment, or disposal provisions associated with aerially deposited lead may be included in construction documents (if aerially deposited lead is present).

MM HAZ-5 Prior to construction, future developers shall prepare a Traffic Control Plan for implementation during the construction phase, as deemed necessary by the City Traffic Engineer. The Traffic Control Plan may include the following provisions, among others:

- At least one unobstructed lane shall be maintained in both directions on surrounding roadways.
- At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flag persons), or other appropriate traffic controls to allow travel in both directions.
- If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating detours/alternative routes.

MM HAZ-6 The City Community Development Department shall consult with the Fullerton Police Department to disclose temporary closures and alternative travel routes, in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary lane or roadway closures.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No peculiar impacts that are not substantially mitigated have been identified as a result of the proposed project or its site. Application of uniformly applied General Plan policies and standards along with regulations of the Municipal Code, implementation of relevant mitigation measures, and incorporation of identified project design features substantially mitigate potentially significant impacts to a less than significant level.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.10 Hydrology and Water Quality *Would the project:*					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less than significant impact with mitigation incorporated	No	No	No	No
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less than significant impact	No	No	No	No
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	Less than significant impact with mitigation incorporated	No	No	No	No
(i) result in substantial erosion or siltation on- or off-site;	Less than significant impact with mitigation incorporated	No	No	No	No
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	Less than significant impact	No	No	No	No
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	Less than significant impact	No	No	No	No
(iv) impede or redirect flood flows?	Less than significant impact	No	No	No	No
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Less than significant impact	No	No	No	No

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than significant impact	No	No	No	No

The analysis in this section is based, in part, on the project-specific Preliminary Hydrology Study and the Preliminary WQMP (P-WQMP) prepared by Kier + Wright—both dated March 2023. The Preliminary Hydrology Study and the P-WQMP can be found in Appendix F.

Discussion

a) Water Quality

Would the project: *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would cause a violation of any adopted water quality standards or waste discharge or treatment requirements or otherwise substantially degrade surface or groundwater quality and determined there would be a potentially significant impact in this regard due to the construction of new development in the area. Therefore, the prior EIR identified Municipal Code Chapter 12.18, which requires compliance with the Orange County Drainage Area Management Plan (DAMP) and any conditions and requirements established by the City in order to meet Federal and State water quality requirements related to stormwater runoff (Municipal Code, Title 12, Chapter 12.18). Additionally, The Fullerton Plan includes MM HYD-1 and MM HYD-2, which require the submission of a Notice of Intent (NOI) to the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB), as well as the preparation of a SWPPP and WQMP, in accordance with the DAMP and Municipal Code Chapter 12.18. The prior EIR found that implementation of the identified mitigation and all goals, policies, and actions of The Fullerton Plan would reduce impacts to less than significant.

Construction activities associated with the proposed project would generate typical pollutants or contaminants during construction that could be transported into local waterways. As stated above, the proposed project would be subject to MM HYD-1, which would require the preparation and implementation of a SWPPP in accordance with the Municipal Code. The proposed project would also be subject to the project-specific P-WQMP that was prepared. The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light

industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within the area previously evaluated in the prior EIR.

Regarding potential operational-related impacts, runoff generated from the day-to-day operations at the project site could carry pollutants such as motor oil, sediment, and trash. However, the proposed project would include an MWS biofiltration system for stormwater quality treatment before being pumped and discharged to the public storm drain line north of the property on East Kimberly Avenue. Emergency overflow would bypass the system through a pipe with an invert above the top of the pipe of the detention pipe that connects directly to the public storm drain. Emergency overland overflow would occur at the proposed driveway on Kimberly at the northwest of the site at the low point detention basins, which would further reduce impacts to surface and groundwater quality through filtration of water collected in the basins. Additionally, the proposed project would be required to implement MM HYD-1 which would be satisfied through submittal of the project's NOI and SWPPP to maintain and improve groundwater and surface water quality. MM HYD-2 has been satisfied through the preparation of the project-specific P-WQMP. With operation of such basins and compliance with the above mitigation measures, operational impacts related to the violation of water quality standards, discharge requirements, and degradation of surface and groundwater quality would be less than significant.

b) Groundwater

Would the project: *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would substantially decrease groundwater supplies or interfere with groundwater recharge such that the project may impede sustainable groundwater management of the basis and determined future development associated with implementation of The Fullerton Plan may contribute to the depletion of groundwater supplies. However, according to the 2020 Urban Water Management Plan (UWMP), the City is capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035. Additionally, The Fullerton Plan includes the Water and Growth chapters to ensure that water supplies, infrastructure, and conservation efforts are in place to match the growing needs and demands for water in the City; The prior EIR highlights Goal 7 and Goal 19 related to this topic, and concluded that impacts to groundwater would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. The project site is currently developed with three industrial buildings, a paved area, and a parking lot, and is predominantly covered by impervious surfaces, as is much of the surrounding area. The proposed project would construct a tilt-up warehouse for similar usage purposes, and thus would not substantially increase the amount of impervious surfaces on the project site. However, the proposed project includes the construction of an MWS which would capture and treat stormwater before

discharging it into the public storm drain on Kimberly Avenue. Furthermore, the proposed project would adhere to the goals, policies, and standards listed in the prior EIR regarding groundwater conservation, ensuring impacts are avoided to the maximum extent possible.

c) Drainage

Would the project: *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

i) result in substantial erosion or siltation on- or off-site;

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would result in substantial erosion or siltation on- or off-site and determined there would be a less than significant impact in this regard. Specifically, The Fullerton Plan states that an SWPPP is required in order describe erosion and runoff control BMPs to be used during and after construction, as well as providing a plan to inspect and maintain these control measures. Under MM HYD-1, the City requires the compliance with all NPDES requirements, including the preparation and submission of an NOI to the Santa Ana RWQCB in order to ensure minimal impacts to water quality construction activities on-site. Therefore, with the implementation of MM HYD-1 and the preparation of an SWPPP and applicable BMPs, in certifying the prior EIR, the City concluded that impacts related to erosion or siltation on- or off-site would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. Project construction activities have the potential to increase loose sediment, which can be picked up by surface water or wind into nearby storm drains and into waterways. However, as discussed above, the proposed project would be required to adhere to the City's NPDES permit and to comply with all other applicable requirements and standards under the comprehensive regulatory framework, which would include implementation of BMPs that would reduce impacts related to erosion. Furthermore, the proposed project would include the construction of detention basins within the site, which would also aid in the reduction of erosion or siltation on- or off-site. With the adherence to the NPDES permit and related BMP features, as well as the construction of an on-site MWS, impacts related to erosion and drainage would be less than significant.

The Preliminary Hydrology Study indicates that there is no off-site runoff at the project site in its current condition. In the proposed site drainage condition, the drainage will enter catch basins and stormwater will be conveyed to the underground Advanced Drainage System (ADS) Stormtech infiltration system. There will be no off-site runoff in the proposed site drainage condition. According to the Preliminary Hydrology Study, the post-development peak flow rate decreases by 3 percent from the pre-development condition.

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would substantially increase the rate or amount of surface runoff in a manner that would exceed the capacity of existing or planned stormwater drainage systems and determined there would be a less than significant impact. Specifically, the prior EIR noted that urban development increases the amount of impervious surfaces, which in turn increases the amount of runoff and impact existing storm drain and flood control facilities. However, as described in Impact 5.10(a), the proposed project would include an MWS that would treat stormwater from the project site before discharging it into the storm drain on Kimberly Avenue. The Fullerton Plan also states that new development projects associated with the implementation of The Fullerton Plan would be required to ensure project-specific and citywide drainage systems have adequate capacity to accommodate new development; this requirement is included in the prior EIR as MM HYD-3. Therefore, the prior EIR concluded that with compliance with MM HYD-3 and applicable goals, policies, and actions included in The Fullerton Plan, impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of the prior EIR and would occur within area previously evaluated in the prior EIR. The proposed project would be constructed on lands that are not within a floodplain or otherwise subject to substantial risk of flooding because the project site is not located in a flood hazard zone. Rather, the project site (and related off-site improvement area) is located within Zone X, an area of minimal flood hazard.[31] However, the proposed project would include the construction of an MWS to collect, treat, and discharge all stormwater into the nearest storm drain on Kimberly Avenue, which would reduce potential surface runoff and comply with MM HYD-3.

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and determined there would less than significant in this regard. The prior EIR specifies that The Fullerton Plan did not propose significant land use changes and consisted predominantly of infill development. The Fullerton Plan nevertheless includes MM HYD-3, which requires coordination with City Engineering Department staff to ensure requirements to mitigation impacts on a project-by-project basis. Compliance with MM HYD-3, Municipal Code requirements, and all The Fullerton Plan goals, policies, and actions would reduce impacts related to drainage system capacity and would reduce impacts to a less than significant level.

[31] Federal Emergency Management Agency (FEMA). FEMA Flood Map Service Center. Website: https://msc.fema.gov/portal/search?AddressQuery=fransil%20and%20canal%20turlock%2C%20ca#searchresultsanchor. Accessed September 14, 2023.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of the prior EIR, and would occur within area previously evaluated in the prior EIR. The proposed project would not result in a substantial increase in impervious surfaces within the site, thus would not significantly increase stormwater runoff. The proposed project would be compliant with MM HYD-3, which requires coordination with City Engineering Department to staff to ensure impacts to the City's storm drain system are adequately mitigated. Additionally, the Preliminary Hydrology Study indicates that there is no off-site runoff at the project site in its current condition. In the proposed site drainage condition, the drainage will enter catch basins and stormwater will be conveyed to the underground ADS Stormtech infiltration system. There will be no off-site runoff in the proposed site drainage condition. According to the Preliminary Hydrology Study, the post-development peak flow rate decreases by 3 percent from the pre-development condition. Further, the proposed project would be subject to the SWPPP and P-WQMP.

(iv) impede or redirect flood flows?

The prior EIR did not identify any potentially significant impacts related to flood flows. Additionally, the prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would impede or redirect flood flows and determined there would be a less than significant impact in this regard. The Fullerton Plan notes that portions of the City are located within 100-year flood zones as mapped by the Federal Emergency Management Agency's (FEMA). However, encroachments, including fill, new construction, substantial improvements, and other new development within a floodway are prohibited, and construction proposed within a flood zone requires the issuing of a Letter of Map Revision (LOMR) from FEMA. Additionally, construction within a flood zone is subject to Municipal Code Section 14.01.015 to determine specific siting, design, and construction requirements for development within a flood zone. As such, buildout of The Fullerton Plan would not impede or redirect flood flows. The prior EIR concluded that impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of the prior EIR and would occur within The Fullerton Plan area previously evaluated in the prior EIR. According to FEMA, the project site is not located in a flood hazard zone. The site is located within Zone X, an area of minimal flood hazard.[32] As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR, and the proposed project would not result in any significant impacts. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

[32] Federal Emergency Management Agency (FEMA). FEMA Flood Map Service Center. Website: https://msc.fema.gov/portal/search?AddressQuery=fransil%20and%20canal%20turlock%2C%20ca#searchresultsanchor. Accessed September 14, 2023.

d) Risk of Pollutant Release Due to Inundation

Would the project: *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

The prior EIR evaluated whether full buildout of the development contemplated under the prior EIR would be at risk of potentially exposing people or structures to risk of loss, injury, or death as a result of dam inundation, and determined that there was a less than significant impact in this regard.

Additionally, the prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would impede or redirect flood flows and determined there would be a potentially significant in this regard. According to Figure 5.8-2 of the prior EIR, the southern portion of the City is at risk of dam inundation from the Break, Fullerton, Carbon Canyon, and Prado Dams. As such, development associated with The Fullerton Plan is subject to the provisions included in Municipal Code Section 14.01.015, which provide development provisions to reduce flooding. Additionally, The Fullerton Plan Includes policies and actions with would minimize impact to property and human life in the event of dam inundation.

The proposed project is not located in a flood hazard, tsunami or seiche zone. Therefore, compliance with Municipal Code Section 14.01.015 and all applicable The Fullerton Plan goals, policies, and actions would reduce any potential project-related impact to a less than significant level. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

e) Water Quality Control or Sustainable Groundwater Management Plans Consistency

Would the project: *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The prior EIR did not identify a significant impact related to conflict or obstruction of implementation of a water quality control plan or sustainable groundwater management plan.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within area previously evaluated in the prior EIR. The proposed project would adhere to all local, State, and federal laws and regulations related to water quality and groundwater, including MM HYD-1 through and the preparation of a SWPPP, as well as The Fullerton Plan policies related to groundwater conservation and infiltration. As such the proposed project would not interfere with the implementation of any adopted water quality control plan. Impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR, and the proposed project would not result in any impacts that would not be mitigated to a less than significant level with the implementation of mitigation. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

MM HYD-1 Prior to issuance of any grading or building permit, and as part of the future development's compliance with the National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) shall be prepared and submitted to the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB) providing notification and intent to comply with the State of California General Construction Permit. Also, a Storm Water Pollution Prevention Plan (SWPPP) shall be reviewed and approved by the Director of Engineering for water quality construction activities on-site. A copy of the SWPPP shall be available and implemented at the construction site at all times. The SWPPP shall outline the source control and/or treatment control Best Management Practices (BMPs) to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." All recommendations in the SWPPP shall be implemented during area preparation, grading, and construction. The project applicant shall comply with each of the recommendations detailed in the SWPPP, and other such measure(s) as the City deems necessary to mitigate potential stormwater runoff impacts.

MM HYD-3 Prior to site plan approval, the project owner/developer(s) shall be required to coordinate with the City of Fullerton Engineering Department to determine requirements necessary to mitigate impacts to drainage improvements in order to accommodate storage volumes and flood protection for existing and future runoff. Proposed projects shall implement mitigation measures, if required, to the satisfaction of the City of Fullerton Public Works Director. For any new storm drainage projects/studies that have the potential to impact adjacent jurisdictions' storm drainage systems, the developer shall submit said studies to the applicable jurisdiction for review and approval.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No peculiar impacts that are not substantially mitigated have been identified as a result of the proposed project or its site. Application of uniformly applied General Plan policies and standards along with regulations of the City of Fullerton Municipal Code, implementation of relevant mitigation measures, and incorporation of identified project design features substantially mitigate potentially significant impacts to a less than significant level.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.

4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.11 Land Use and Planning *Would the project:*					
a) Physically divide an established community?	Less than significant impact	No	No	No	No
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than significant impact	No	No	No	No

Discussion

a) Division of an Established Community

Would the project: *Physically divide an established community?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would physically divide an established community and identified a less than significant impact. Because of the fact that the City of Fullerton is 90 percent developed, the prior EIR states that new development within the City would primarily consist of infill development and redevelopment. Additionally, proposed projects within the City would be required to evaluate project-specific impacts in regard to the potential to disrupt or physically divide an established community. The prior EIR determined that impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would redeveloped an already developed area with industrial warehouse uses in accordance with The Fullerton Plan and the areas previously evaluated by the prior EIR. The proposed project would be located on a developed site containing three existing warehouses, a paved area, and a parking lot. There are no residences on the project site and the proposed project would not result in the displacement of any persons as a result. The proposed project does not include any features that would physically divide an established community, as the project site is surrounded by industrial and commercial buildings and the proposed project includes minimal off-site improvements. As such, the proposed project would not physically divide an established community, and a less than significant impact would occur. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Conflict with Applicable Land Use Plans, Policies, or Regulations

Would the project: *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would create a significant environmental impact due to the conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and determined there would be a less than significant impact in this regard. Specifically, The Fullerton Plan identifies several policies and actions that continue to support existing land use review procedures and Federal and State regulations, namely Policy P1.2 and Goal OAP1. The Fullerton Plan therefore implements the policies established in the General Plan and does not conflict with the current policies of the City.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with an industrial warehouse in accordance with The Fullerton Plan and the areas previously evaluated by the prior EIR. The project site is designated as Industrial according to The Fullerton Plan and is zoned as M-P.[33] The proposed project involves the construction and operation of a tilt-up warehouse building and related uses and improvements that are consistent with these designations and would not require a General Plan Amendment or rezone; is also consistent with all applicable development standards and design guidelines. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would have a less than significant impact. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

FEIR Mitigation Measures

None required.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No peculiar impacts that are not substantially mitigated have been identified as a result of the proposed project or its site. Application of uniformly applied General Plan policies and standards along with regulations of the City of Fullerton Municipal Code and incorporation of

[33] City of Fullerton. 2023. GoZone Interactive Map. Website: https://gis.cityoffullerton.com/portal/apps/webappviewer/index.html?id=38a7db5f8a8748b1818bc31269bfa3b0. Accessed August 16, 2023.

identified project design features substantially mitigate potentially significant impacts to a less than significant level.

2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.12 Mineral Resources *Would the project:*					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	No impact	No	No	No	No
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No impact	No	No	No	No

Discussion

a, b) Loss of Minerals Resources of Statewide or Local Importance

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The prior EIR identified no impacts related to mineral resources. According to the prior EIR, the only significant mineral commodities that might be found in the Modesto Formation and Riverbank Formation within the City are sand and gravel for road and building construction. There are no areas of active mineral resource extraction identified in the City of Fullerton by the State Mining and Geology Board under the California Surface Mining and Reclamation Act of 1975 (SMARA).[34] Additionally, the City does not contain any mineral resources recovery sites delineated on a local land use plan. With the absence of important mineral resources in the City, there would be no impacts related to mineral resources.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within the area previously evaluated in the prior EIR. According to SMARA, the project site is located in a Mineral Resource Zone (MRZ) designated MRZ-3, in which the significance

[34] California Department of Conservation. 2023. CGS Information Warehouse: Mineral Land Classification. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc. Accessed August 30, 2023.

of existing mineral deposits cannot be evaluated from available data. As such, the project site does not contain any mineral resources and is not located in a recognized mineral resource recovery zone. As mentioned above, the City does not contain any mineral resources recovery sites delineated on a local land use plan. With the absence of important mineral resources in the City, impacts there would be no impact related to mineral resource. As such, impacts associated with the development of the proposed project within The Fullerton Plan area would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

None required.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. There are no impacts that are peculiar to the proposed project or its site.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.13 Noise *Would the project:*					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local or noise ordinance, or applicable standards of other agencies?	Less than significant impact	No	No	No	No
b) Generation of excessive groundborne vibration or groundborne noise levels?	Less than significant impact	No	No	No	No
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Less than significant impact	No	No	No	No

Discussion

The analysis in this section is based on the project-specific Noise Impact Analysis Report (NIA Report) prepared by Urban Crossroads dated August 26, 2022.[35] The NIA Report can be found in Appendix G.

a) Noise Levels in Excess of Adopted Standards

Would the project result in: *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan could generate a temporary increase in ambient noise level in the City during construction periods. According to the prior EIR, temporary ambient noise caused by construction activities is

[35] Urban Crossroads. 2022. South Acacia Noise Impact Analysis. August 26, 2022.

commonly generated by either the transport of works and equipment to construction sites, or the noise related to active construction equipment. As such, the prior EIR includes MM N-1 and MM N-2, which ensure the implementation of BMPs and the rerouting of heavily loaded trucks used during construction away from residential areas. Regarding long-term, operational impact associated with mobile and stationary sources, the prior EIR found that development in some key areas could experience noise levels that would exceed the City's Noise and Land Use Criteria Compatibility Criteria. Long-term and permanent noise is typically generated by a variety transportation or stationary sources that are dependent upon the parcel's land use. The prior EIR states that adherence and implementation of The Fullerton Plan goals, policies, and actions would reduce operational noise impacts to less than significant. To further reduce operational noise impacts, implementation of The Fullerton Plan requires compliance with MM N-6, which outlines requirements for HVAC system selection and installation.

Project Construction Noise Impacts

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR.

As shown in the NIA Report, noise impacts due to construction-related noise would be considered less than significant. As shown in Table 8-3 of the NIA Report, construction noise levels anticipated for the proposed project would range from 47.5 A-weighted decibel (dBA) to 52.8 dBA equivalent sound level (L_{eq}), as measured at the nearest sensitive receptors. These noise levels are well below the threshold of reasonable daytime noise impacts of 80 dBA as outlined by the Federal Transit Administration (FTA). As a part of construction activities, nighttime concrete pouring activities may occur. Since the nighttime concrete pours will take place outside hours of 7:00 a.m. and 8:00 p.m. the project applicant will be required to obtain authorization for nighttime work from the City of Fullerton. The analysis of the NIA Report calculates that noise levels associated with nighttime concrete pouring would range between 24.7 dBA to 30.3 dBA L_{eq}, and would therefore be compliant with the nighttime noise threshold of 50 dBA. Therefore, construction-related impacts would be compliant with noise thresholds set by the City for both daytime and nighttime construction activities. Impacts would be less than significant. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Project Operational Noise Impacts

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR.

As shown in the NIA Report analysis, the calculated operational noise levels generated by the project would range from 30.3 dBA to 35.4 dBA L_{eq}, as measured at the nearest sensitive receptors. These noise levels are well below both the applicable daytime and nighttime noise level standards of 55 dBA and 50 dBA L_{eq}, respectively. In addition, the resulting combined operational noise level would result in an increase of 0.0 dBA compared to existing ambient noise levels as measured at the nearest sensitive

receptors. As such, impacts associated with the development of the proposed project within the City area would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Groundborne Vibration

Would the project result in: *Generation of excessive groundborne vibration or groundborne noise levels?*

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. According to the prior EIR, vibration is the periodic oscillation of a medium or object with respect to a given reference point. Vibration sources may be continuous (e.g., machinery) or transient in nature (e.g, explosions), and their amplitudes are commonly expressed in peak particle velocity (PPV). Short-term construction impacts from groundborne vibration typically include human annoyance and building damage. Specific impacts depend on multiple factors, including soil composition, underground geological conditions, and building characteristics, however, damage to ordinary, non-fragile buildings is typically avoided at distances greater than 25 feet from the source of the vibration. The prior EIR states that adherence and implementation of The Fullerton Plan goals, policies, and actions would reduce groundborne vibration impacts to less than significant levels. Additionally, The Fullerton Plan includes MM N-3 and MM N-4, which would further reduce the generation and/or exposure of persons or structures to excessive groundborne vibration.

As shown in the analysis of the NIA Report, the nearest sensitive receptors are located 1,963 to 3,483 feet from the project site. At these distances, groundborne vibration levels are anticipated to have a PPV level of 0.000, thus complying with the FTA's Construction Vibration Impact Criteria of 0.3 PPV for these structures.

In addition, the closest non-noise-sensitive structure is located approximately 50 feet from where the heaviest type of construction equipment would operate on the project site. At this distance, groundborne vibration levels from construction equipment operations would attenuate to below 0.07 PPV, thus complying with the FTA's Construction Vibration Impact Criteria of 0.5 PPV for these structures.

Therefore, the impact of short-term groundborne vibration associated with construction to off-site receptors would be less than significant. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe vibration impact that was not previously identified in the prior EIR.

Given the nature of the uses proposed by the project, its implementation would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. Construction operations would occur at a distance greater than 25 feet from any existing structures and 100 feet from any designated historic buildings. As such, MM N-3 and MM N-4 do not apply. Therefore, project operational groundborne vibration level impacts would be considered less than significant. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe vibration impact that was not previously identified in the prior EIR.

c) Airport or Private Airstrip Noise

Would the project result in: *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within the area previously evaluated in the prior EIR. The prior EIR identifies Fullerton Municipal Airport as the primary source of air traffic affecting noise levels within the City. The prior EIR highlights noise ordinances implementing a Runway 6 Policy to take off and land over industrial areas, restricting “pattern work” after 10:00 p.m., and prohibiting “touch and goes” between the hours of 6:00 p.m. and 7:00 p.m. on weekends and holidays. Through compliance with the City’s Noise Ordinance, as well as the goals, policies, and actions included in The Fullerton Plan, aircraft noise impacts would be less than significant.

As detailed in the NIA Report, the project site is not located within 2 miles of an airport or airstrip. Fullerton Municipal Airport is located 4.3 miles northwest of the project site. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe vibration impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

MM N-1 Project applicants shall ensure through contract specifications that construction Best Management Practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading or building permit (whichever is issued first). The construction BMPs shall include the following:

- Ensure that construction equipment is properly muffled according to industry standards and be in good working condition.
- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Schedule high noise-producing activities between the hours of 7:00 a.m. and 8:00 p.m. on any day except Sunday or a City-recognized holiday to minimize disruption on sensitive uses.
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

MM N-2 Project applicants shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

MM N-3 Project applicants shall ensure by contract specifications that construction staging areas along with the operation of earthmoving equipment within the City would be located as far away from vibration and noise-sensitive sites as possible. Should construction activities take place within 25 feet of an occupied structure, a project-specific vibration impact analysis shall be conducted to determine the specific vibration control mechanisms that would be incorporated into the project's construction bid documents, if necessary. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

MM N-4 The City shall require future developments to implement the following measures to reduce the potential for architectural/structural damage resulting from elevated groundborne noise and vibration levels:

- Pile driving within a 50-foot radius of historic structures shall utilize alternative installation methods where possible (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers).

- The preexisting condition of all designated historic buildings within a 50-foot radius of proposed construction activities shall be evaluated during a pre-construction survey. The pre-construction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) prior to construction. All damage shall be repaired back to its preexisting condition.
- Vibration monitoring shall be conducted prior to and during pile driving operations occurring within 100 feet of the historic structures. Every attempt shall be made to limit construction-generated vibration levels in accordance with Caltrans recommendations during pile driving and impact activities in the vicinity of the historic structures.

MM N-5 Residential projects located within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour for the Fullerton Municipal Airport shall be subject to review by the Orange County Airport Land Use Commission (ALUC) and shall be required to ensure interior noise levels from aircraft operations are at or below 45 dB CNEL.

MM N-6 The City shall require mechanical equipment from future development to be placed as far practicable from sensitive receptors. Additionally, the following shall be considered prior to heating, ventilation, and air conditioning (HVAC) installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No peculiar impacts that are not substantially mitigated have been identified as a result of the proposed project or its site. Application of uniformly applied The Fullerton Plan policies and standards as well as regulations from the Municipal Code, implementation of mitigation measures, and incorporation of project design features substantially mitigates potentially significant impacts to a less than significant level.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.

4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.14 Population and Housing *Would the project:*					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Less than significant impact	No	No	No	No
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No significant impact identified	No	No	No	No

Discussion

a) Growth Inducement

Would the project: *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would induce substantial unplanned population growth in an area, either directly or indirectly, and determined there would be a less than significant impact in this regard. Specifically, The Fullerton Plan determined that, buildout of The Fullerton Plan would create new homes and businesses, resulting in a population increase of approximately 165,303 persons, which would include direct population growth. However, The Fullerton Plan would adequately meet the housing needs of the anticipated growth within the City. Despite the potential number of citizens choosing to relocate to the City being unknown, The Fullerton Plan would increase the City's existing housing stock by 10,182 dwelling units (du), approximately 22 percent, would satisfy housing demand created by the 24,032 new jobs resulting from development of The Fullerton Plan. The prior EIR states that the addition of new housing stock to the City combined vacant housing opportunities in surrounding cities would meet any residual demand for housing created by The Fullerton Plan. While the City's population and housing growth would exceed SCAG projections, development of The Fullerton Plan would not conflict with SCAG's forecasts. Furthermore, implementation of Fullerton Plan goals, policies, and actions would allow the City to accommodate population growth. Thus,

buildout of The Fullerton Plan would not necessitate the construction of additional housing elsewhere, and the prior EIR concluded that impacts would be less than significant.[36]

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with the provisions of the prior EIR. The proposed project consists of a tilt-up warehouse facility consistent with the development density and zoning in The Fullerton Plan. The proposed project would operate 24 hours a day, 7 days a week, and would employ approximately 225 employees on-site. However, given the nature of the proposed uses, it is anticipated that project employees would be generated primarily from the existing labor force within the City of Fullerton and vicinity. According to the California Department of Finance (CDF), total population in the City of Fullerton as of January 1, 2020 was 143,013 people.[37] Furthermore, the prior EIR projected a total population of 165,303 persons at buildout (2030).[38] Even conservatively assuming that employees of the proposed project were from outside of the City and vicinity and therefore moved to the City, the maximum of 225 employees that would be generated by the proposed project would not result in a substantial increase in population either directly or indirectly, compared to the City's existing and proposed population. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Displacement of Persons or Housing

Would the project: *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The prior EIR did not identify a significant impact related to the displacement of existing people or housing, necessitating the construction of replacement housing elsewhere. The prior EIR states that while implementation of The Fullerton Plan could induce population growth, The Fullerton Plan does not involve the extension of roads or other infrastructure into undeveloped areas, and therefore would not directly induce population growth outside of the City. Nevertheless, the prior EIR points to Policy Action (PA) 3.1 through PA3.9, PA3.13, PA3.16, and PA3.29 as measures to ensure the continued availability of adequate sites to accommodate estimated future housing construction need by income category.[39] Therefore, development of The Fullerton Plan would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

[36] City of Fullerton. 2012. The Fullerton Plan Environmental Impact Report – Population, Housing, and Employment. Website: https://www.cityoffullerton.com/home/showpublisheddocument/3698/637470826646770000. Accessed August 29, 2023.
[37] State of California Department of Finance (CDF). 2023. E-1 Cities, Counties, and the State Population and Housing Estimates with Annual Percent Change – January 1, 2022 and 2023. Website: https://dof.ca.gov/forecasting/demographics/estimates-e1/. Accessed August 29, 2023.
[38] City of Fullerton. 2012. The Fullerton Plan Environmental Impact Report – Executive Summary. Website: https://www.cityoffullerton.com/home/showpublisheddocument/3676/637470826578930000. Accessed August 29, 2023.
[39] City of Fullerton. 2012. The Fullerton Plan Environmental Impact Report – Population, Housing, and Employment. Website: https://www.cityoffullerton.com/home/showpublisheddocument/3698/637470826646770000. Accessed August 29, 2023.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area evaluated in the prior EIR. The project site currently contains three industrial buildings, a large, paved area, and a parking lot. There are no residences on the project site. As such, the proposed project would not displace a substantial number of people or housing, necessitating the construction of replacement housing elsewhere. There would be no impact. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

None required.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. There are no environmental effects that are peculiar to the proposed project or its site.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.15 Public Services *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*					
a) Fire protection?	Less than significant impact	No	No	No	No
b) Police protection?	Less than significant impact	No	No	No	No
c) Schools?	Less than significant impact with mitigation incorporated	No	No	No	No
d) Parks?	Less than significant impact	No	No	No	No
e) Other public facilities?	Less than significant impact	No	No	No	No

Discussion

a) Fire Protection

Would the project: *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would result in substantial adverse physical impacts associated with the provision of new or physically altered fire service facilities, need for new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, and determined there would

be a less than significant impact. Buildout of The Fullerton Plan would occur over several years; therefore, any increase in demand for fire protection services would occur gradually as new development and associated population growth is added to the City. The City and the Fullerton Fire Department would continue to regularly monitor fire department resources to ensure that adequate facilities, staffing, and equipment are available to serve existing and future development and population increases. In addition, The Fullerton Plan includes policies and actions that would ensure adequate resources are available in order to respond to fire, health, and police emergencies as well as active involvement from the fire department in the review of new development projects. Furthermore, new developments associated with the buildout of The Fullerton Plan would be required to comply with all applicable fire code and ordinance requirements for construction, access, water mains, fire flows, and hydrants, and would subject to review by the Fullerton Fire Department to ensure compliance with these requirements. Therefore, buildout of The Fullerton Plan would not reduce staffing, response times, or service levels within the City. The prior EIR determined that impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within The Fullerton Plan area previously evaluated in the prior EIR. The proposed project would involve the construction of a tilt-up warehouse facility and would employ up to 225 employees on-site. Fire protection services are provided to the City of Fullerton by the Fullerton Fire Department. Fullerton Fire Department Station No. 3 is located approximately 500 feet northeast of the site. The Fullerton Fire Department employs over 100 personnel across 10 stations, and has a target response time of 5 minutes.[40] The proposed project is consistent with the proposed development analyzed in the prior EIR and there is nothing peculiar about the proposed project or the project site that would result in potential environmental effects not previously addressed in the prior EIR related to staffing, response times, or the need for additional fire protection facilities. Furthermore, the proposed project would be required to adhere to all goals and policies outlined in The Fullerton Plan, including Policy 13.1, 13.2, and Action 24.2. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Police Protection

Would the project: *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police protection?*

[40] Fullerton Fire Department. 2023. Organizational Chart. Website: https://www.cityoffullerton.com/government/departments/fire/fullerton-fire-organizational-chart. Accessed September 13, 2023.

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would result in substantial adverse physical impacts associated with the provision of new or physically altered fire service facilities, need for new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, and determined there would be a less than significant impact. Therefore, the prior EIR identified mitigation that, when implemented, would reduce these impacts to less than significant. Buildout of The Fullerton Plan would occur over several years; thus, any increase in demand for police protection services would occur gradually as additional development and associated population growth is added to the City. The City and the Fullerton Police Department (FPD) would continue to monitor police department service levels and staffing requirements to ensure that adequate facilities, personnel, and equipment are available to serve existing and future development and population increases. Furthermore, The Fullerton Plan also supports and promotes collaboration between FPD and community groups to foster more proactive approaches to community safety. Therefore, buildout of The Fullerton Plan would not reduce staffing, response times, or service levels within the City. The prior EIR determined that impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within The Fullerton Plan area previously evaluated in the prior EIR. The proposed project would involve the construction of a tilt-up warehouse facility. The FPD is located at 237 West Commonwealth Avenue, approximately 1.75 miles northwest of the project site. The FPD consists of two divisions, an Operations Division and a Support Services Division, staffed by 180 employees handling nearly 50,000 calls for service annually.[41] The proposed project would employ up to 225 employees on-site in three shifts, and would operate 24 hours a day, 7 days a week. The proposed project is consistent with the proposed development analyzed in the prior EIR and there is nothing peculiar about the proposed project or the project site that would result in potential environmental effects not previously addressed in the prior EIR related to staffing, response times, or the need for additional fire protection facilities. Furthermore, the proposed project would be required to adhere to all goals and policies outlined in The Fullerton Plan, including Policies 13.2 and 13.7, which ensure provision of adequate resources for the response of health, fire, and police emergencies, and implementation of programs and regulations to improve the efficiency of fire and police services. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

c) Schools

Would the project: *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?*

[41] Fullerton Police Department (FPD). 2023. Transparency. Website: https://www.cityoffullerton.com/government/departments/police/about-fpd/transparency. Accessed September 13, 2023.

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, and determined there would be a less than significant impact related to school services with the implementation of mitigation. Specifically, the General Plan EIR noted that pre-kindergarten through eighth grade public education for the City of Fullerton is provided by Fullerton School District (FSD). Fullerton Joint Union High School District (FJUHSD) is responsible for all high school education in the City. As the City of Fullerton grows, additional school facilities would be required to meet new student demand. However, all new development within The Fullerton Plan area is required to pay applicable School District Development Fees pursuant to SB 50 as outlined in MM SCH-1. The prior EIR determined that with the payment of these development fees, along with the incremental growth and close monitoring of the growth by the City, impacts related to school services would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within The Fullerton Plan area previously evaluated in the prior EIR. The proposed project would involve the construction of a tilt-up warehouse facility. Because the proposed project does not include housing and is not likely to result in an increase in population that could directly or indirectly generate demand for school services, the proposed project would result in any significant impacts because it would not trigger the construction of any new or expanded school facilities. Furthermore, the proposed project would be required to pay any applicable school mitigation fees as required under SB 50 and in accordance with MM SCH-1. As such, impacts associated with the development of the proposed project within The Fullerton Plan area would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

d, e) Parks and Other Public Services

Would the project: *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks? Other public services?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, and determined there would be a less than significant impact in this regard. The Fullerton Plan did not identify any significant impacts related to other public facilities. While the City exceeded its target park-to-population ratio of 4 acres to 1,000

people at the time of the analysis of the prior EIR, future residential development would be required to pay the City's park fee in accordance with Municipal Code Chapter 21.12. Although the prior EIR did not identify significant impacts to libraries resulting from the buildout of The Fullerton Plan; it did, however, highlight Fullerton Plan Policy P17.3 and Policy 17.4 to ensure continued support and funding for libraries within the City. Therefore, the prior EIR determined that impacts related to parks and other public facilities would be less than significant, as they would be constructed to maintain public services in proportion to population growth within the City. Furthermore, Municipal Code and General Plan policies would help ensure that these facilities and needs were appropriately aligned to further reduce any adverse impacts.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan and would occur within The Fullerton Plan area previously evaluated in the prior EIR. The proposed project would involve the construction of a tilt-up warehouse facility. As mentioned in Section 5.14, Population and Housing, the proposed project would not result in a significant increase in population compared to existing and proposed population as it is consistent with the buildout projections of The Fullerton Plan. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

MM SCH-1 Prior to the issuance of building permits, individual project applicants shall submit evidence to the City of Fullerton that legally required school impact mitigation fees have been paid per the mitigation established by the applicable school district.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No peculiar impacts that are not substantially mitigated have been identified as a result of the proposed project or its site. Application of uniformly applied General Plan policies and standards along with regulations of the City of Fullerton Municipal Code, implementation of relevant mitigation measures, and incorporation of identified project design features substantially mitigate potentially significant impacts to a less than significant level.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.

4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.
5. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.16 Recreation *Would the project:*					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less than significant impact	No	No	No	No
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	Less than significant impact	No	No	No	No

Discussion

a, b) Existing Neighborhood and Regional Parks and Recreational Facilities

Would the project: *a) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or*

Does the project: *b) include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

The prior EIR evaluated whether full buildout of The Fullerton Plan would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and determined there would be a less than significant impact in this regard. Specifically, The Fullerton Plan noted that while full buildout would result in up to 29,989 new residents, which could result in increased wear-and-tear of vital park elements, the collection of Park Fees as outlined in Municipal Code Chapter 21.12 would be used for acquisition, development, improvement, and maintenance of public parks and recreational facilities in the City.[42] Additionally, the prior EIR states that the City's existing parkland, anticipated new parkland development, and parkland available through joint-use agreements would provide adequate parkland to serve the future population growth anticipated by The Fullerton Plan.

[42] City of Fullerton. 2012. The Fullerton Plan Environmental Impact Report – Population, Housing, and Employment. Website: https://www.cityoffullerton.com/home/showpublisheddocument/3698/637470826646770000. Accessed August 29, 2023.

Therefore, the overall demand for parks should be met by a proportionate increase in parkland supply as the City works to maintain its adopted standard of 4 acres of parkland per 1,000 residents. The prior EIR determined that implementation of General Plan policies related to development of parks within the City and payment of Park Fees would ensure impacts related to the increased use of parks were less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within area previously evaluated in the prior EIR. The proposed project includes the construction of a tilt-up warehouse facility. The proposed project is consistent with the buildout projections of The Fullerton Plan as analyzed by the prior EIR and does not involve any residential uses. While some of the 225 employees generated from the proposed project may utilize existing neighborhood or regional parks or other recreational facilities, this would not lead to any substantial deterioration. As mentioned previously, it is anticipated that employees generated from the project would come from the existing workforce. Additionally, the proposed project does not include recreational facilities or require the expansion of recreational facilities which could have an adverse physical effect on the environment. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

None required.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. There are no environmental effects that are peculiar to the proposed project or its site.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.17 Transportation *Would the project:*					
a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Significant and unavoidable impact	No	No	No	No
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	Less than significant impact	No	No	No	No
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than significant impact	No	No	No	No
d) Result in inadequate emergency access?	Less than significant impact	No	No	No	No

Discussion

The analysis in this section is based, in part, on the project-specific Trip Generation and VMT Assessment prepared by Urban Crosswords on August 31, 2022. The Trip Generation and VMT Assessment can be found in Appendix H.

a) Congestion Management Plan

Would the project: *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

The prior EIR evaluated the potential traffic conditions and the effects of the buildout of The Fullerton Plan, to determine whether the City's planned circulation system would be able to accommodate future traffic demands associated with buildout. The City of Fullerton's current LOS standard for peak-hour intersection operation is LOS D for most of the City's intersections. For Congestion Management Program (CMP) intersections and certain intersections located in the historic downtown area, the acceptable LOS standard is LOS E. The prior EIR noted that for local roadway facilities, a significant impact would occur if LOS at buildout would fall below these LOS

standards. As noted in the prior EIR, 35 intersections were found to operate at an unacceptable LOS (LOS F for CMP intersections or LOS E or worse for all other intersections) at General Plan buildout and with the implementation of mitigation. The prior EIR estimated that buildout of The Fullerton Plan would generate approximately 16,493 new trips citywide in the AM peak-hour, and approximately 20,530 new trips in the PM peak-hour. Although the prior EIR implemented MM TR-1, which requires a multimodal analysis and the implementation of applicable mitigation for specific Focus Areas prior to the approval of a General Plan Amendment or Zone Change, impacts to the 35 intersections were determined to be significant and unavoidable.

As explained in more detail in the prior EIR, the City acknowledged that traditional approaches to addressing impacts to traffic and circulation involve measures such as intersection widening and constructing additional lanes, although it is impossible to predict the exact improvements that could be needed as a result of buildout. However, the growing feasibility of alternative transportation is highlighted in policies such as Policy P5.12 both as a means to achieve better LOS, as well as create integrated urban streets that integrates the points of view of automobile drivers, transit passengers, bicyclists, and pedestrians to create better environments and more fully integrate with other Fullerton Plan goals and policies. Additionally, The Fullerton Plan states that multimodal analysis would be required for projects needing a General Plan Amendment or Zone Change in order to determine necessary mitigation measures or alternative in lieu fees to be paid. While these measures would help to avoid impacts in the majority of the City, the prior EIR states that impacts would remain significant and unavoidable for the 35 identified intersections.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. The project-specific Trip Generation Assessment calculated trip generation associate with existing uses and the proposed project. According to the Trip Generation Assessment, trip generation was calculated for existing uses based on 38,750 square feet of general light industrial use and 116,250 square feet of warehousing use for a total of 155,000 square feet. Based on this calculation, existing uses currently generate a total of 390 two-way trips per day with 47 AM peak-hour trips and 44 PM peak-hour trips (in actual vehicles). Trip generation for the proposed project was calculated based on 46,500 square feet of general light industrial use and 139,500 square feet of warehousing use for a total of 186,000 square feet. The proposed project would generate a total of 468 two-way trips per day with 57 AM peak-hour trips and 53 PM peak-hour trips (in actual vehicles). As shown in Table 14 below, the proposed project is anticipated to generate 78 more two-way trips per day with 10 more AM peak-hour trips and 9 more PM peak-hour trips compared to existing uses.

Table 14: Trip Generation Comparison

Land Use	AM Peak-hour			PM Peak-hour			Daily
	In	Out	Total	In	Out	Total	
Proposed Project							
Passenger Cars:	47	8	55	9	42	51	372

Land Use	AM Peak-hour			PM Peak-hour			Daily
	In	Out	Total	In	Out	Total	
Total Truck Trips (Actual Vehicles):	1	1	2	1	1	2	96
Total Trips	**48**	**9**	**57**	**10**	**43**	**53**	**468**
Existing							
Passenger Cars:	39	6	45	7	34	42	310
Total Truck Trips (Actual Vehicles):	1	1	2	1	1	2	80
Total Trips	**40**	**7**	**47**	**8**	**35**	**43**	**390**
Net Change							
Passenger Cars:	8	2	10	2	8	9	62
Total Truck Trips (Actual Vehicles):	**0**	**0**	**0**	**0**	**0**	**0**	**16**
Total Trips	**8**	**2**	**10**	**2**	**8**	**9**	**78**
Source: Urban Crossroads 2022.							

Therefore, the proposed project would not result in a significant number of new trips compared to existing uses and proposed project traffic would not significantly impact roadways surrounding the site. Furthermore, project driveways would be constructed in accordance with all City of Fullerton standards. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR. Additionally, MM TR-1 has been satisfied and does not apply to the proposed project.

b) Inconsistent with CEQA Guidelines Section 15064.3

Would the project: *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*

The prior EIR identified no significant impacts related to conflict or inconsistency with CEQA Guidelines Section 15064.3 subdivision (b). The new VMT standard under SB 743 does not trigger additional environmental review where, as here, impacts associated with VMT were known at the time the EIR was certified. Further, the new requirement to evaluate VMT constitutes a new legal standard for measuring the significance of project impacts and is not itself a new or substantially more severe project impact attributable to the proposed project. (*See Citizens for Responsible Equitable Envtl. Dev. v. City of San Diego* (2011) 196 Cal.App.4th 515, 532 ("*CREED*"); *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301.)

However, for informational purposes, the following evaluation is provided. Changes to CEQA Guidelines were adopted in December 2018, which requires all lead agencies to adopt VMT as a

replacement for automobile delay-based LOS as the new measure for identifying transportation impacts for land use projects. This Statewide mandate went into effect July 1, 2020. To aid in this transition, the California Governor's Office of Planning and Research (OPR) released a Technical Advisory on Evaluating Transportation Impacts in CEQA (December of 2018) (Technical Advisory). Based on OPR's Technical Advisory, the City of Fullerton Transportation Assessment Policies and Procedures (June of 2020) (City Guidelines), which documents the City's VMT analysis methodology and approved impact threshold. Consistent with City Guidelines, projects that meet any one of the three screening criteria based on their location and project type may be presumed to result in a less than significant transportation impact. The following screening criteria are described within the City Guidelines:

- Criteria 1: Transit Priority Area (TPA) Screening
- Criteria 2: Low VMT Area Screening
- Criteria 3: Project Type Screening

The project-specific VMT Assessment notes that according to City Guidelines, local serving uses and local essential services (e.g., local parks, day care centers, public schools, etc.) are presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, projects generating fewer than 836 daily VMT or 110 daily vehicle trips may be presumed to have a less than significant impact. As discussed previously in the proposed project's Trip Generation and VMT Assessment, the proposed project is estimated to generate 78 net new daily vehicle trips, which is below the 110 daily vehicle trip threshold. Therefore, the proposed project meets Criteria 3, Project Type Screening. As such, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

c) Roadway Safety Hazards

Would the project: *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The prior EIR states that the implementation of The Fullerton Plan is not anticipated to result in inadequate design features or incompatible uses. Through development review processes, compliance with relevant Municipal Code standards, and adherence to Fullerton Policies such as Policy P12.4 and Policy P12.7, the prior EIR determined that no substantial increase in hazards due to design features would result from the buildout of The Fullerton Plan. As such, the prior EIR determined that impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. As stated in Impact 5.17(a), the proposed project would not be located near a heavily impacted intersection, nor would it generate a substantial number of new daily trips. Furthermore, the proposed project would be located on a site that is currently developed and would be similar to existing uses on the site. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in

this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

d) Emergency Access

Would the project: *Result in inadequate emergency access?*

The prior EIR states that the implementation of The Fullerton Plan is not anticipated to result in inadequate emergency access. Through development review processes to ensure compliance with City Municipal and Zoning codes, review by the Fullerton Fire Department to ensure compliance with specific fire requirement applicable to the specific development, and adherence to The Fullerton Plan policies such as Policies P12.4, P12.7, P13.1, P13.5, and P24.12, the prior EIR finds that no substantial increase in hazards due to design features would result from the buildout of The Fullerton Plan. Additionally, the Fullerton Fire Department would review any modifications to existing roadways to ensure that adequate emergency access or emergency response would be maintained. The prior EIR determined that impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within The Fullerton Plan area previously evaluated in the prior EIR. The proposed project consists of the construction of a tilt-up warehouse facility. The proposed project would be consistent with The Fullerton Plan's land use designations of the site and would construct the same industrial land use that currently exists on the site. All project driveways and street improvements would adhere to applicable City and Fullerton Fire Department standards. Furthermore, the proposed project would include a minimum 26-foot-wide fire lane around all sides of the building to allow for adequate emergency access. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would not result in any significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

None required.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively. None of the mitigation measures required by the prior EIR are relevant to the proposed project with respect to traffic or transportation.

Further environmental analysis is not required because:

1. There are no environmental effects that are peculiar to the proposed project or its site.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.18 Utilities and Service Systems *Would the project:*					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than significant impact	No	No	No	No
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Less than significant impact	No	No	No	No
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than significant impact	No	No	No	No
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than significant impact	No	No	No	No
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	Less than significant impact	No	No	No	No

Discussion

a) Water, Wastewater, and Stormwater Facilities

Would the project: *Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

b) Water Supply

Would the project: *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The prior EIR evaluated whether full buildout of The Fullerton Plan would require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects, and determined there would be a less than significant impact. Future development associated with the implementation of The Fullerton Plan could result in an increase demand on water, wastewater, stormwater drainage, electric power, natural gas or telecommunications facilities.

The Fullerton 2010 UWMP assessed water supply forecasts for the year 2035. The 2010 UWMP identified that groundwater supply would account for approximately 62 percent of the City's total water demand for the next 25 years, and imported water from Metropolitan would meet the remaining demand. Significant impacts to water supplies were not anticipated in the prior EIR. Furthermore, the City would review future proposed development on a project-by-project basis to ensure adequate water supplies and infrastructure are available to accommodate future development projects. In addition, City anticipates no difference between supply and demand for normal, single dry, and multiple dry years. While The Fullerton Plan consists of predominantly infill development, individual projects would required to ensure project-specific drainage systems and wastewater treatment systems have adequate capacity to accommodate new development, as outlined in MM HYD-3, MM WW-1, and MM WW-2. In addition, the development under The Fullerton Plan is required to comply with the Municipal Code, goals, policies, and actions included in The Fullerton Plan, in order to ensure impacts to the City's stormwater systems are avoided to the fullest extent possible. With the implementation of The Fullerton Plan goals and policies, such as Policy 19.2, Conservation Efforts, Policy 19.4, Adequate Supply, and Policy 19.7, Sustainable Water Practices in New Development, the prior EIR determined that impacts related to increased water supply and expansion or creation of new water or stormwater facilities would be less than significant.

The prior EIR states that based on the projected population increase of 29,989 persons and employment growth of 24,032 employees, buildout of The Fullerton Plan could generate an additional 2,849,975 gallons per day (gpd) of effluent sewer flow into the existing sewer conveyance system. The City of Fullerton 2009 Sewer Master Plan Draft Report (Sewer Master Plan). The Sewer

Master Plan identified sewer deficiencies for a number of existing sewer locations. However, buildout of The Fullerton Plan could result in greater sewer deficiencies than what was identified in the Sewer Master Plan. Although the Sewer Master Plan did not assess specify impacts to Orange County Sanitation District (OC San) facilities with future growth, the prior EIR anticipated that OC San would have available capacity to serve buildout of The Fullerton Plan. With the implementation of MM WW-1 and MM WW-2 and policies from The Fullerton Plan, the prior EIR determined that impacts to wastewater facilities were found to be less than significant.

The prior EIR identified a less than significant impact related to natural gas facilities. It is anticipated that SoCalGas and SCE would be able to serve projected buildout resulting from implementation of The Fullerton Plan. SoCalGas would update existing facilities or add new facilities in the City based upon specific requests for service from end users. Financial responsibility for any updates or additional facilities would be in accordance with SoCalGas rules and tariffs. All new development that requires new natural gas lines to be installed would be required to pay applicable fees assessed by SoCalGas to extend lines to serve the specific project site. Each project would be reviewed on a case-by-case basis in order to ensure that adequate natural gas sources and infrastructure are available to serve the specific development project. As such, the prior EIR determined that impacts would be less than significant.

The prior EIR identified a less than significant impact related to electric power facilities. It is anticipated that SCE would be able to serve the projected buildout resulting from implementation of The Fullerton Plan. SCE has existing electricity infrastructure located throughout the City, which would serve future development associated with the implementation of The Fullerton Plan. Additionally, future development would be required to submit a load schedule to SCE to more accurately determine the electrical demand associated with site-specific development and the ability for SCE to serve the electrical demand. Although the City is primarily urbanized and currently served by infrastructure providing electricity to existing uses, the location of SCE facilities may create the need for transmission and/or service infrastructure to be relocated prior to project-specific site excavation and construction. SCE would update existing facilities or add new facilities in the City based upon specific requests for service from end users. Financial responsibility for any updates or additional facilities would be in accordance with SCE's rules and tariffs. All new development that requires new electricity lines to be installed would be required to pay applicable fees assessed by SCE to extend electricity lines to serve the specific project site. SCE would not provide service to new development if there were not adequate electricity supplies and infrastructure to maintain existing service levels and meet the anticipated electricity demands of the specific development requesting service. Further, The Fullerton Plan includes policies and actions that support energy conservation and efficiency throughout the City, potentially reducing electricity demand. Impacts would be less than significant in this regard.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. The proposed project would be located on an existing developed site and would be developed with similar warehouse uses. The proposed project would include improvements consisting of the extension of

fire water service and irrigation service lines. The proposed project would also construct a new catch basin, new storm drain connections, and an MWS for stormwater treatment. The proposed project would connect to an existing sewer main to the west of the site. Prior to the issuance of building permits, the proposed project would prepare a sewer study to ensure sufficient capacity for the City's sewer and wastewater treatment facilities as outlined in MM HYD-3, MM WW-1, and MM WW-2. Additionally, the proposed project would be subject to sewer maintenance fees in order to ensure City resources are maintained or expanded to accommodate the new development. Furthermore, impacts related to electric power and natural gas would also be less than significant, as the proposed project would connect to existing electrical infrastructure. Natural gas would not be required for the project. Furthermore, the project applicant would be required to pay necessary fees and tariffs to SCE, which would further reduce impacts. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

The prior EIR identified no significant impact related to sufficient water supplies during normal, dry, and multiple dry years. As mentioned above, water demand would increase with the planned increase in industrial, commercial, and business uses. Although implementation of The Fullerton Plan could potentially result in population growth greater than anticipated by the Fullerton 2010 UWMP, development would be reviewed by the City on a project-by-project basis to ensure adequate water supplies and infrastructure are available. Through adherence to conservation efforts outlined in The Fullerton Plan, the Municipal Code Water Supply Shortage Conservation Plan and Landscaping and Irrigation Requirements, and compliance with the UWMP, potential water supply impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial uses in accordance with The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. The proposed project consists of the construction of tilt-up warehouse facility. According to the Fullerton UWMP, the City has enough water supply to meet projected demands for normal, dry, and multiple dry years.[43] Furthermore, the proposed project would be required to comply with Fullerton Plan Policy 19.7, which supports conservation efforts and sustainable water practices in regional and local planning efforts, ensuring impacts to water supply resulting from the project are avoided. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would have less than significant impacts. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

[43] City of Fullerton. 2021. 2020 Urban Water Management Plan. Website: https://www.cityoffullerton.com/home/showpublisheddocument/5052/637598829614070000. Accessed September 13, 2022.

c) Wastewater Treatment Capacity

Would the project: *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, and determined there would be a less than significant impact in this regard. While the Sewer Master Plan analyzed and predicted impacts to the City's sewer system from anticipated growth through 2030, The Fullerton Plan estimates greater growth than the Sewer Master Plan and could thus result in greater sewer deficiencies. New development is thus required to be reviewed by the City and OC San to ensure sufficient local and trunk sewer capacity exists to serve the specific development, as outlined in MM WW-1 and MM WW-2. In addition, new development is required to comply with Municipal Code Chapter 12.08, which includes payment of a sewer maintenance fee to accommodate the increased demand caused by the new development. Enforcement of MM WW-1, MM WW-2, and Municipal Code Chapter 12.08, there would ensure that wastewater treatment demands associated with implementation of The Fullerton Plan would be met without substantial adverse impacts to the environment.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. The proposed project consists of the construction of a tilt-up warehouse facility consistent with the proposed uses analyzed in the prior EIR, and consistent with the buildout projections of The Fullerton Plan. Furthermore, the proposed project would be of similar construction to the existing uses on the project site. While the proposed project would connect to existing wastewater infrastructure, implementation of MM WW-1 and MM WW-2 would require the preparation of an engineering study to support the adequacy of the sewer system to be approved by the City and OC San prior to issuance of building permits. Additionally, the applicant would pay a sewer maintenance fee in accordance with Municipal Code Chapter 12.08 to ensure the maintenance or expansion of existing facilities in order to accommodate any increase in demand for sewer capacity. As such, impacts associated with the development of the proposed project within The Fullerton Plan area would be consistent with the analysis in the prior EIR and the proposed project would have less than significant impacts in this regard with implementation of mitigation. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

d) Solid Waste Reduction Goals Consistency

Would the project: *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

The prior EIR evaluated whether full buildout of the development contemplated under The Fullerton Plan would generate solid waste in excess of State or local standards, or in excess of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and determined this would be less than significant. According to the prior EIR, the majority of the City's solid waste is disposed at Olinda Alpha Sanitary Landfill, which at the time of this document's preparation had an expected closure date of December, 2036.[44] Furthermore, it was determined that, in 2010, the City generated approximately 3.5 percent of the landfill's daily capacity. With the capacity of the Olinda Alpha Landfill, the ability to divert waste to several other landfills, and continuing efforts by the City to maintain a 50 percent waste diversion rate, it was expected that sufficient capacity would exist for waste projected to be generated by full buildout of The Fullerton Plan. The General Plan also includes policies (P.22.4, P.23.1, P.23.7, A23.1, A23.2, and A23.3) that would continue to reduce waste and promote waste prevention and recycling at the municipal level, and states that development within the City would be reviewed on a project-by-project basis to ensure that solid waste services would be able to serve the development. As such, the prior EIR determined that impacts related to solid waste would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. The proposed project includes the construction of a tilt-up warehouse facility on an existing developed site. The proposed project is consistent with the buildout projections of the General Plan EIR, and thus would not generate solid waste in excess of State or local Standards, or in excess of local infrastructure. Furthermore, the proposed project would adhere to applicable General Plan policies related to solid waste and waste diversion. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would have less than significant impacts. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

e) Solid Waste Regulations Consistency

Would the project: *Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?*

The prior EIR evaluated whether full buildout of the development contemplated under the Fullerton would comply with federal, State, and local management and reduction statutes and regulations to solid waste. According to the prior EIR, the City has a waste reduction target of 50 percent, and

[44] California Department of Resources Recycling and Recovery (CalRecycle). 2023. Olinda Alpha Landfill. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093. Accessed September 13, 2023.

Municipal Code Chapter 5.14 stipulates policies and procedures for the collection and management of solid waste in Fullerton, in accordance with AB 939. As such, development under The Fullerton Plan would be required to comply with applicable statutes and regulations related to solid waste. The prior EIR determined that impacts would be less than significant.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with light industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within The Fullerton Plan area previously evaluated in the prior EIR. The proposed project consists of the construction of a tilt-up warehouse facility on an existing developed site. The project applicant would be required to comply with the requirements of federal, State, and local statutes and regulations related to solid waste. The proposed project would be required to adhere to all State and local waste diversion requirements. As such, impacts associated with the development of the proposed project within The Fullerton Plan area would be consistent with the analysis in the prior EIR and the proposed project would have less than significant impacts. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

MM WW-1 Prior to issuance of a building permit for any future development project, the project applicant shall prepare an engineering study to support the adequacy of the sewer systems and submit the engineering study to the City of Fullerton for review and approval. Any improvements recommended in the engineering study shall be installed prior to the certificate of occupancy for the development project. For any sewer projects/studies that have the potential to impact adjacent jurisdictions' sewer systems, the developer shall submit said studies to the applicable jurisdiction for review and approval.

MM WW-2 Prior to issuance of a building permit for any future development project, the project applicant shall provide evidence that the Orange County Sanitation District (OC San) has sufficient transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No peculiar impacts that are not substantially mitigated have been identified as a result of the proposed project or its site. Application of uniformly applied General Plan policies and standards along with regulations of the City of Fullerton Municipal Code, implementation of relevant mitigation measures, and incorporation of identified project design features substantially mitigate potentially significant impacts to a less than significant level.

2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.19 Wildfire *If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones, would the project:*					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Less than significant impact with mitigation incorporated	No	No	No	No
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No significant impact identified	No	No	No	No
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No significant impact identified	No	No	No	No
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No significant impact identified	No	No	No	No

Discussion

a) Emergency Response/Evacuation Plan Consistency

Would the project: *If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones, substantially impair an adopted emergency response plan or emergency evacuation plan?*

The City of Fullerton contains areas of Very High, High, and Moderate fire severity. The prior EIR recognized that fire hazards at the urban-wildlands interface are a potential problem that threatens life and property and is considered significant unless mitigated. The prior EIR evaluated whether full

buildout of the development contemplated under The Fullerton Plan would substantially impair an adopted emergency response plan or emergency evacuation plan, and determined this would be a less than significant impact with the implementation of mitigation. Specifically, the prior EIR noted that proposed development within the City would not interfere with an adopted emergency response plan and/or the emergency evacuation plan. All future developments are required to provide sufficient emergency access, as required by the Zoning Code. All major streets within the City serve as evacuation routes connecting to the Artesia Freeway (SR-91) and Orange Freeway (SR-57) in the event of emergency evacuation. Construction activities have the potential to temporarily impact street traffic limited to the streets adjacent to the project site, reducing the number of lanes or closing certain street segments. In response, mitigation is required to reduce impacts associated with new development, which includes preparation of a Traffic Control Plan and consultation with the FPD as outlined under MM HAZ-5. However, the prior EIR did not specifically analyze wildfire impacts and therefore did not analyze the potential for development of The Fullerton Plan area to impair an adopted emergency response plan or emergency evacuation plan within or near State Responsibility Areas or lands classified as Very High FHSZs. Additionally, The Fullerton Plan identifies Goal 12, Goal 13, Policy P12.11, Policy P13.3 through Policy P13.5, and Action A12.1, which would further minimize potential interferences with an adopted emergency response plan or evacuation plan. As such, impacts would be less than significant with mitigation incorporated.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. The proposed project includes the construction of a tilt-up warehouse facility in the northern portion of The Fullerton Plan area. The proposed project is not located within State Responsibility Area or Very High Fire FHSZ. Areas of Very High, High, and Moderate Fire Hazard Severity exist in the northwestern portion of the City, and the nearest area classified as such is located approximately 1.9 miles northwest of the project site.[45] Additionally, access to the site would be provided via two driveways along Kimberly Avenue and one driveway along Acacia Avenue. The proposed project would not result in an increase in population beyond what is envisioned in The Fullerton Plan. As stated in Section 5.15, Public Services, the proposed project would be adequately served by fire and police services. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would have less than significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

[45] California Department of Forestry and Fire Protection (CAL FIRE). 2023. Website: https://egis.fire.ca.gov/FHSZ/. FHSZ Viewer. Accessed November 7, 2023.

b) Expose Project Occupants to Pollutant Concentrations from Wildfire

Would the project: *If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

c) Infrastructure that Exacerbates Fire Risk

Would the project: *If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones, require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The City of Fullerton contains areas of Very High, High, and Moderate fire severity. The prior EIR recognizes that fire hazards at the urban-wildlands interface are a potential problem that threatens life and property and is considered significant unless mitigated. However, the prior EIR identified no significant impacts associated with exposing project occupants to pollutant concentrations from wildfire or from infrastructure that exacerbates fire risk.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. According to Weather Spark, average wind speeds in the City of Fullerton range from 1.8 to 14.1 miles per (mph).[46] These wind speeds are not considered to be excessive. Additionally, while the City contains areas of Very High, High, and Moderate fire severity, the nearest area classified as such is located approximately 1.9 miles northwest of the project site. Given that the project site is not located near steep slopes, not located within an area of high winds, or within an FHSZ, the project site would not be prone to greater fire risk. Furthermore, the project site is surrounded by existing roadways and development, which further reduce the potential for wildfires. The proposed project would be constructed in compliance with all applicable standards and would allow for greater access to the project site in the event of a fire or other emergency. Construction of the proposed project and connection to existing utilities would comply with the applicable provisions of the CBC and Uniform Fire Code. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would have less than significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

[46] Weather Spark. 2023. Climate and Average Weather Year Round in Fullerton. Website: https://weatherspark.com/y/1846/Average-Weather-in-Fullerton-California-United-States-Year-Round#Figures-WindSpeedHeatMap. Accessed August 29, 2023.

d) Flooding and Landslide Hazards Due To Post-fire Slope Instability/Drainage Changes

Would the project: *If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones, expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The City of Fullerton contains areas of Very High, High, and Moderate fire severity. The prior EIR recognizes that fire hazards at the urban-wildlands interface are a potential problem that threatens life and property and is considered significant unless mitigated. However, the prior EIR identified no significant impacts related to the exposure of people or structures to significant risks, including downslopes or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

The analysis under the prior EIR remains accurate with respect to the proposed project, which would be developed with industrial warehouse uses in accordance with the provisions of The Fullerton Plan, and would occur within the area previously evaluated in the prior EIR. As mentioned previously, the proposed project is located in Flood Zone X, an area of minimal flood hazard. Furthermore, the Geotechnical Investigation determined that the risk of landslides at the site is considered low to negligible. The proposed project would be required to adhere to all applicable local, State, and federal regulations related to fire safety, including adherence to the CBC and Uniform Fire Code. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR and the proposed project would have less than significant impacts in this regard. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Relevant EIR Mitigation Measures

MM HAZ-5 Prior to construction, future developers shall prepare a Traffic Control Plan for implementation during the construction phase, as deemed necessary by the City Traffic Engineer. The Plan may include the following provisions, among others:

- At least one unobstructed lane shall be maintained in both directions on surrounding roadways.
- At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flag persons), or other appropriate traffic controls to allow travel in both directions.
- If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating detours/alternative routes.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No peculiar impacts that are not substantially mitigated have been identified as a result of the proposed project or its site. Application of uniformly applied General Plan policies and standards along with regulations of the City of Fullerton Municipal Code, implementation of relevant mitigation measures, and incorporation of identified project design features substantially mitigate potentially significant impacts to a less than significant level.
2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that results in an impact that is more severe than anticipated by the prior EIR.
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

Environmental Issues	CEQA Section 15168 and 15183(b) Criteria				
	Prior EIR Determination	Effect Peculiar to Project or Site? (15183(b)1)	New Significant Effect? (15183(b)(2), 15162(a)(1-2))	New Significant Off-site, Cumulative Impact? (15183(b)(3))	New Information, More Severe Adverse Impact? (15183(b)(4), 15162(3))
5.20 Mandatory Findings of Significance					
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	Significant and unavoidable impact	No	No	No	No
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	Significant and unavoidable impact	No	No	No	No
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	Significant and unavoidable impact	No	No	No	No

Discussion

a) Potential Degradation to Environment and Examples of California History or Prehistory

Does the project: *Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a*

plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

As described in detail herein and the attached appendices, project-level analysis determined that no new or more severe impacts would occur as a result of the proposed project and no new mitigation would be required beyond those applicable measures already identified in the prior EIR. These impacts were already accounted for in the prior EIR and are therefore not a peculiar or more severe impact. All project-specific biological resources impacts were found to be less than significant with mitigation. The proposed project would comply with all applicable biological resources mitigation measures and standard conditions, and would therefore not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal community. The proposed project is within the development assumptions analyzed by the prior EIR, and therefore would not result in any new or more severe impacts. The conclusions of the prior EIR would remain unchanged. As such, the mitigation measures included within this Consistency Checklist would mitigate all potential project impacts to a less than significant level, or to a level consistent with the findings of the prior EIR. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

b) Cumulatively Considerable Impacts

Does the project: *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

As described in detail herein, the prior EIR identified significant and unavoidable cumulative impacts related to consistency with the AELUP, traffic and circulation improvements, short-term and long-term air quality, long-term operational noise impacts, and airport safety hazards. These impacts were accounted for in the prior EIR and addressed by a Statement of Overriding Considerations adopted by the City.

The proposed project would not result in any peculiar effects and would not result in any new or more severe impacts that were not previously identified in the prior EIR. The proposed project would comply with all applicable mitigation measures required to implement The Fullerton Plan to reduce impacts related to development within the site to the greatest extent feasible. All other cumulative impacts would be reduced to less than significant levels through compliance with mitigation measures identified by the prior EIR compliance, as described more fully herein and the attached appendices. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR. The proposed project is consistent with the development assumptions in the prior EIR, and therefore would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

c) Adverse Effects on Human Beings?

Does the project: *Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

As described in detail herein and the attached appendices, the proposed project would be consistent with the proposed development assumptions contained within the prior EIR. The preceding sections of this Consistency Checklist discuss the various impacts that could have adverse effects on human beings, such as air quality, GHG emissions, hazardous materials, hydrology and water quality, and noise compared to the findings of the prior EIR. All impacts identified in this document have been determined consistent with or less severe than the impacts identified in the prior EIR and through the implementation of applicable mitigation measures and incorporation of Standard Conditions and PDFs. Most project-level impacts would be reduced to a less than significant level through the implementation of proposed mitigation measures. As such, impacts associated with the development of the proposed project would be consistent with the analysis in the prior EIR. Therefore, the proposed project would not result in any peculiar effects and would not result in a new or more severe adverse impact that was not previously identified in the prior EIR.

Standard Conditions

SC BIO-1 and SC BIO-2.

Project Design Features

PDF CUL-1 and PDF CUL-2.

Relevant EIR Mitigation Measures

MM AES-2, MM AES-3, MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, MM AQ-9, MM AQ-10, MM AQ-11, MM AQ-12, MM AQ-14, MM CR-3, MM CR-4, MM HAZ-1, MM HAZ-2, MM HAZ-3, MM HAZ-4, MM HAZ-5, MM HAZ-6, MM HYD-1, MM HYD-2, MM HYD-3, MM N-1, MM N-2, MM N-3, MM N-4, MM N-5, MMN-6, MM SCH-1, MM WW-1, and MM WW-2.

Conclusion

The proposed project is consistent with the development evaluated in the prior EIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. There are no impacts that are peculiar to the project or its site. Application of uniformly applied The Fullerton Plan policies and standards along with regulations of the City of Fullerton Municipal Code, implementation of relevant mitigation measures required by the prior EIR, and incorporation of identified standard conditions and project design features ensure impacts are less than significant.

2. There are no potentially significant impacts that were not analyzed as significant in the prior EIR.
3. There are no potentially significant off-site and/or cumulative impacts that were not discussed by the prior EIR.
4. No substantial new information has been identified that requires additional analysis under either Section 15162(a)(3) or 15183(b)(4).
5. There are no substantial changes proposed in the project or with respect to the circumstances under which the project is undertaken that require major revisions of the prior EIR.

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