

DRAFT

**FINDINGS AND FACTS IN SUPPORT OF FINDINGS AND
STATEMENT OF OVERRIDING CONSIDERATIONS FOR
THE BECKMAN BUSINESS CENTER PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT**

STATE CLEARINGHOUSE NO. 2016061019

FEBRUARY 8, 2017

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I. INTRODUCTION

A. FINDINGS OF FACT AND STATEMENT

The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000, *et seq.*), and the State CEQA Guidelines (the CEQA Guidelines) (14 California Code of Regulations Sections 15000, *et seq.*) require that the environmental impacts of a project be examined before a project is approved.

Specifically, regarding findings, Public Resources Code Section 21081 provides that

“no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:*
 - 1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*
 - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.”*

In addition, CEQA requires a public agency to make a finding that the environmental impact report (EIR) reflects the public agency’s independent review and judgment. Having received, reviewed, and considered the Final EIR (Final EIR) for the Beckman Business Center Project (project), as well as all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (Findings) and Statement of Overriding Considerations are hereby adopted by the City of Fullerton (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Beckman Business Center Project (Project).

B. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Beckman Business Center Project consists of the following documents and other evidence:

- a. The Notice of Preparation and all other public notices issued by the City in conjunction with the proposed Project (as defined below);
- b. The Draft EIR, all appendices, and technical reports, thereto;
- c. The Final Certified EIR State Clearinghouse No. 2016061019;
- d. Comments and Responses to Comments on the Draft EIR received during the public review comment period, including a list of all persons, organizations, and public agencies commenting;
- e. All written and verbal public testimony presented during noticed public hearings for the proposed Project at which such testimony was taken;
- f. Information provided in submissions of testimony from officials and Departments of the City, the public and other municipalities and agencies;
- g. The Mitigation Monitoring and Reporting Program (MMRP);
- h. Transmittal packages to the Fullerton Planning Commission for review on February 3, 2017;
- i. Minutes of the Fullerton Planning Commission meetings dated February 8, 2017;

Dates forthcoming for the following City Council Action

- j. Transmittal packages to the Fullerton City Council for review on [REDACTED], 2017;
- k. City Council Resolution No. [REDACTED] certifying the Final EIR, Mitigation Monitoring Program and Facts and Findings, adopted on [REDACTED], 2017; and
- l. Any applicable materials required to be in the record or proceedings by Public Resources Code Section 21167.6(e).

Thus, the City proposes to approve the Beckman Business Center Project and adopt the Findings and Statement of Overriding Considerations as set forth herein.

C. CUSTODIAN AND LOCATION OF RECORDS

Each section of the Draft EIR, incorporated as part of the Final EIR, contains a list of the references used in the preparation of the environmental analysis. The referenced materials and other materials, which constitute the administrative record for the City's actions related to the Beckman Business Center Project are located at the City of Fullerton Community Development Department, which serves as the custodian of the administrative record for the Beckman Business Center Project. Copies of these documents, which constitute the record of proceedings, are and

have been and will be available upon request at the offices of the City Community Development Department. The contact for this material is:

Ms. Heather Allen, Planning Consultant
City of Fullerton, Community Development Department
303 West Commonwealth Avenue
Fullerton, California 92832
(714) 738-6884
HeatherA@ci.fullerton.ca.us

This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and California Code of Regulations Section 15091(e).

II. PROJECT SUMMARY

A. PROJECT LOCATION

The project site for the Beckman Business Center Project encompasses approximately 44.3 net acres located at 4300 North Harbor Boulevard at the northern end of the City of Fullerton in Orange County, California. The site is a rectangular parcel and is located southeast of the intersection of Harbor Boulevard and Lambert Road. Lambert Road borders the site to the north, the Union Pacific Railroad (UPRR) tracks run north and south along the eastern boundary, North Harbor Boulevard forms the border to the west, and an on-site storm drain channel marks the southern edge of the property. It should be noted that Lambert Road and Harbor Boulevard adjacent to the project site form the City of Fullerton's boundaries with the City of La Habra.

B. PROJECT BACKGROUND

The project site was initially purchased by Beckman Instruments in 1951, which later became Beckman Coulter, Inc. (BCI). Construction of the first structure on the site was completed in 1953. Operations at the facility began in 1954 and were continuous through various phases of growth through August 2010. These operations involved the production of various scientific instruments and products related to the use or operation of the instruments. The former manufacturing complex comprised BCI's corporate headquarters, research and development, administration, warehousing, shipping and receiving, and a variety of instrument manufacturing operations. Operations at the BCI facility ceased in August 2010, and the facility was vacated over the following year.

Environmental investigations at the project site began in 2008 after BCI decided to discontinue operations and close the facility. As further discussed in Section 4.4, Hazards and Hazardous Materials, of the Draft EIR, on-site soils were contaminated with volatile organic compounds (VOCs) and polychlorinated biphenyls (PCBs) in the vicinity of the former manufacturing areas in the eastern portion of the site. VOC-contaminated groundwater is also present beneath the site, extending from the former BCI Building 6 manufacturing area to the southwest (i.e., in the direction of groundwater flow), with some impacts extending off site.

Remediation of these chemicals of concern (COCs) was required of BCI by various authorities having jurisdiction. The site is subject to soil and groundwater remediation activities for the COCs under the oversight of the California Department of Toxic Substances Control (DTSC) with additional oversight and permitting requirements from the U.S. Environmental Protection Agency (USEPA), the City of Fullerton, the Santa Ana Regional Water Quality Control Board (RWQCB), and the South Coast Air Quality Management District (SCAQMD).

Because the vast majority of contaminated soil requiring remediation was located beneath the buildings, demolition of the on-site buildings was necessary to complete the final DTSC required investigation work and to access the contaminated soil requiring remediation. The City of Fullerton prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse [SCH] No. 2013081039) to address the demolition of on-site buildings and the remedial alternative evaluation process presented in the form of a Corrective Measures Study (CMS) pursuant to the Resource Conservation and Recovery Act (RCRA) Corrective Action process (Fullerton 2013). The remedial alternatives for the soil and soil gas addressed in the IS/MND included excavation and ex-situ remediation and reuse of soil for the areas contaminated with VOCs and excavation and off-site disposal for PCB-contaminated soil. Groundwater remedial alternatives addressed in the IS/MND included a combination of enhanced in-situ bioremediation (EISB), groundwater containment, and/or monitored natural attenuation (MNA). The IS/MND for the demolition and

remediation activities was approved by the City of Fullerton in September 2013 and the Addendum to the IS/MND was adopted in October 2014.

Soil remediation activities in the western and southern portion of the project site were completed by the end of 2014, and soil remediation activities in the eastern portion of the site were completed by the end of 2015 at which time DTSC issued closure letters for all known areas requiring remediation with one exception. There is a localized area beneath portions of an underground storm drain line and the storm drain channel along the eastern property boundary where further soil remediation activities are required and will be conducted by BCI in conjunction with redevelopment of the property in the area of the storm drain line. The remediation activities will be completed by BCI separate and apart from the proposed project.

Demolition activities were completed in February 2014 in accordance with a City permit, with the exception of two buildings. The BCI Administration Building along Harbor Boulevard, which is an eligible historic resource and identified as the proposed project's Building 8, was preserved and proposed for future reuse as part of the proposed project. The former BCI Building 8, located in the northeast corner of the project site, was used during the remediation process and subsequently demolished in August 2015 following completion of soil remediation activities.

Active remediation of groundwater contamination began in late 2014 through 2015 and long-term monitoring is expected to extend an additional 15 or 20 years to demonstrate that MNA is occurring, at which point monitoring would end and final closure by DTSC would be granted. Monitoring wells are located on the property for this purpose. The groundwater monitoring is also being completed by BCI separate and apart from the proposed project evaluated herein.

In August 2014, a Notice of Preparation (NOP) and Initial Study (IS) was released by the City of Fullerton for a proposed mixed-use development of the project site (North Fullerton Mixed-Use Village Specific Plan Project). The applicant for that development proposal withdrew the application and the proposed mixed-use development is no longer being pursued.

The current Project Applicant is proposing the Beckman Business Center Project. As further discussed in Section III, Environmental Review and Public Participation, of this document, to solicit input on the scope of the environmental issues to be addressed in the Draft EIR, the City released an NOP and IS for a 30-day public review period on June 8, 2016, and held a scoping meeting for the Draft EIR on June 30, 2016. The Draft EIR was distributed, as required by CEQA, on November 14, 2016; the review period ended on December 29, 2016. During the Draft EIR public review period, the City received eight comment letters that addressed primarily traffic impacts to adjacent jurisdictions and the need to mitigate these impacts, wastewater generation, ongoing remediation activities that are being completed by BCI, and potential impacts to tribal cultural resources. These concerns were addressed, if necessary, by responses and/or revisions to the Draft EIR.

The City of Fullerton Planning Commission held a public hearing on February 8, 2017 at which time the Draft EIR and Beckman Business Center Project were considered. At that meeting, the Planning Commission (**decision forthcoming**) a recommendation to the City Council to, among other things, certify the Final EIR and approve the Beckman Business Center Project, including the corresponding Zoning Amendment, Major Site Plan, Tentative Parcel Map, and Water Supply Assessment.

The City Council then considered the Final EIR at a duly noticed public hearing on **___, 2017**. At that meeting, the City Council (**decision forthcoming**) certification of the Final EIR and approval of the Beckman Business Center Project.

C. PROJECT DESCRIPTION

The proposed Beckman Business Center Project would involve redevelopment of the project site with 7 new buildings and reuse of the existing BCI Administration Building, with a total floor area of 976,754 square feet (which is slightly less than the total floor area of approximately 978,665 square feet that was analyzed in the Draft EIR). The new buildings would accommodate various types of potential business park, office, light industrial, warehouse, and manufacturing uses. The existing BCI Administration Building would be adaptively used as office space. It is expected that construction of the proposed project would last approximately one year.

Upon completion, the individual buildings would be offered for sale or lease to individual businesses, tenants, or other potential users. The end users for the buildings have not been identified; therefore, the new buildings are designed to accommodate various types of business park, office space, light industrial, warehouse, and manufacturing uses. Loading docks and trailer parking would be provided to accommodate proposed uses. Under a conservative worst-case scenario, it is assumed that the buildings could be operating 24 hours a day, 7 days per week. As analyzed in the Draft EIR, the following is a summary description of each building:

- **Building 1.** Building 1 would be located at the northeastern portion of the site and would be 881 feet long and 397 feet wide. This 309,350 sf building would have 306,100 square feet of floor area on the first floor and 3,250 square feet of floor area within the mezzanines and would be located within an approximately 12.0-acre parcel. A pump house would be located in the southeast corner and office space would be accommodated at the northwest and southwest corners of the building. On the east side of the building, 2 grade-level ramps would be provided, along with 40 dock-high doors (48-inches above exterior grade) that would be used for loading, unloading and short-term parking of trucks.
- **Building 2.** Building 2 would be located at the southeastern portion of the site and would be 598 feet long and 397 feet wide. This 212,900 sf building would have 209,650 square feet of floor area on the first floor and 3,250 square feet of floor area within the mezzanines and would be located within an approximately 8.7-acre parcel. Office space would be accommodated at the northwest and southwest corners of the building. On the east side of the building, 2 grade-level ramps and 23 dock-high doors would be provided.
- **Building 3.** Building 3 would be located at the central northern portion of the site and would be 258 feet long and 177 feet wide. This 41,435 building would have 39,435 square feet of floor area on the first floor and 2,000 square feet of floor area within the mezzanine and would be located within an approximately 2.2-acre parcel. Office space would be accommodated at the northeast corner of the building. One grade-level ramp and 4 dock-high doors would be provided in the southwest portion of building.
- **Building 4.** Building 4 would be located at the northwestern portion of the site, southeast of the Lambert Road/Harbor Boulevard intersection. This 45,300 sf building would be 258 feet long and 192 feet wide, would have 43,300 square feet of floor area on the first floor and 2,000 square feet of floor area within the mezzanine, and would be located within an approximately 2.4-acre parcel. Office space would be accommodated at the northwest corner of the building. One grade-level ramp and 4 dock-high doors would be provided in the southeast portion of building.
- **Building 5.** Building 5 would generally be located in the center of the site and would be 358 feet long and 239 feet wide. This 79,450 sf building would have 76,450 square feet of floor area on the first floor and 3,000 square feet of floor area within the mezzanine and would be located within an approximately 3.1-acre parcel. Office space would be

accommodated at the northeast corner of the building. On the south side of the building, 1 grade-level ramp and 6 dock-high doors would be provided.

- **Building 6.** Building 6 would be located in the southwest portion of the site and would be 507 feet long and 307 feet wide. This 142,350 sf building would have 139,100 square feet of floor area on the first floor and 3,250 square feet of floor area within the mezzanine and would be located within an approximately 5.4-acre parcel. A pump house would be located in the northeast corner and office space would be accommodated at the southeast and southwest corners of the building. On the south side of the building, 2 grade-level ramps and 13 dock-high doors would be provided.
- **Building 7.** Building 7 would be located at the southwest portion of the site and would be 426 feet long and 275 feet wide. This 105,880 sf building would have 102,630 square feet of floor area on the first floor and 3,250 square feet of floor area within the mezzanine and would be located within an approximately 4.8-acre parcel. Office space would be accommodated at the northwest corner of the building. On the east side of the building, 1 grade-level ramp and 8 dock-high doors would be provided. Two tractor trailer storage stalls would also be provided.
- **BCI Administration Building (Building 8).** Building 8 is the existing BCI Administration Building that is located at the western central portion of the site. It is 199 feet long and 180 feet wide, with a 160-foot-long and 62- to 63-foot-wide extension wing to the south. This building has 42,000 square feet of floor area and is located within an approximately 3.5-acre parcel. This building was constructed in 1953/1954 and served as the headquarters and administrative office building of BCI. The interior of the building was demolished by BCI but the building shell remains on the site, which is an early local example of Mid-Century Modern architecture applied to a non-residential building. The BCI Administration Building is an individually eligible historic resource for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), as a Fullerton Historical Landmark, and as a California Environmental Quality Act (CEQA) historic resource. The building was nominated by the State Historic Resources Commission to the NRHP on October 28, 2016, and the nomination has been forwarded to the National Park Service for approval.

As part of the proposed project, several features adjacent to the north facade would be removed: a serpentine concrete masonry wall located at the west end of the north facade that encloses a patio, the convex curved wall of windows at the north facade, the northeast courtyard, and a parking facility to the northeast. The partially demolished canopy that originally connected the BCI Administration Building to the manufacturing buildings to the east is also proposed for demolition. Existing landscaping at the west courtyard would be removed; however, the west courtyard, which is a character defining feature, would be retained. It should also be noted that the east courtyard and circular drive were initially proposed for demolition. Although not required, based on additional input from the City and Fullerton Heritage, the Project Applicant revised the site plan for the BCI Administration Building to preserve these character defining features. Fullerton Heritage's support for the revised site plan is provided in a letter included in Appendix D of the Draft EIR.

The new buildings would be single-story structures of tilt-up concrete construction, with partial mezzanines near the building entrances; the maximum building height would be 42 feet above ground level. The architectural elevations of the proposed buildings reflect the Mid-Century Modern architectural style of the existing BCI Administration Building that would be adaptively used as part of the project. The BCI Administration Building has strong horizontal elements, composed of repetitive ribbon windows and a continuous sloped canopy. The lone vertical

element is the tower piece that interrupts the horizontal lines and balances the building's design. The architectural elevations of the proposed buildings would have a similar entry area to each building, including, but not limited to, horizontal glass/canopy elements broken by a vertical tower. The entry canopies would have a similar profile as the existing BCI Administration Building, with horizontal window mullions enhanced with a shadow line to reinforce the horizontal pattern. Walls on other sides would feature both vertical and horizontal bands and varying parapet heights to break up the wall planes. Exterior colors would be earth tones of gray, beige, and green. The proposed buildings would vary in floor area, with slight variations proposed in the application of the architectural elements of each building. This concept would add a level of visual interest across the project, while unifying the buildings in terms of aesthetic design and ensuring compatibility with the architectural design of the BCI Administration Building.

Vehicular and Non-Vehicular Circulation

On-site vehicular circulation would include a 40-foot-wide internal roadway that would align with existing signalized intersections at Harbor Boulevard at Edwards Drive/Beckman Drive and Lambert Road at the Home Depot/Arco driveway to the north. Additionally, there would be two right-turn in/out-only unsignalized access driveways along Lambert Road, and three right-turn in/out-only unsignalized access driveways Harbor Boulevard.

Pedestrian circulation would be provided via the existing public sidewalks along Lambert Road and Harbor Boulevard within the vicinity of the project frontage. Sidewalks would be constructed along Harbor Boulevard along the project frontage where they don't currently exist, and these sidewalks would connect to the existing sidewalks. The proposed project would also provide minimum 4-foot wide sidewalks along internal roadways and would connect each building to the sidewalks along Harbor Boulevard and Lambert Road or to the internal roadway. Enhanced paving would be provided to mark the main building entrances and crosswalks on the internal driveway, with pavement striping for Americans with Disabilities Act (ADA) access routes.

Parking

Passenger car and truck trailer parking would be provided for each building (with the exception that truck trailer parking would not be provided at the BCI Administration Building). Proposed passenger vehicle parking would include employee (standard, compact and carpool/vanpool), visitor, and ADA accessible, and would be provided in accordance with the City's parking requirements based on the proposed land uses.

Proposed Utility Infrastructure

Municipal and private utility services necessary to serve the project are currently available within or adjacent to the project site. On-site utility infrastructure necessary to serve the proposed project—including water, sanitary sewer, drainage, water quality treatment, and dry utilities (e.g., electricity, natural gas, cable)—would be installed with the proposed development and would connect to the existing utility lines. The final sizing and design of on-site facilities would occur during final design.

D. DISCRETIONARY ACTIONS

Project implementation, based on applications currently pending before the City, includes the following discretionary actions by the City:

1. Adoption of a Resolution adopting the Final EIR “A Resolution of the City Council of the City of Fullerton Certifying the Final Environmental Impact Report for the Beckman Business Center Project as Adequate and Complete, Approving the Water Supply Assessment, Approving Certain Findings and a Statement of Overriding Considerations and Adopting a Mitigation Monitoring Program”;
2. Approval of Zoning Amendment (LRP15-00024) to change the zone for the southern portion of the site (APN 296-411-01) from M-P 200 (Manufacturing Park) to M-G (Manufacturing, General) to provide for consistent zoning across the site;
3. Approval of Major Site Plan (ZON15-00046) following the review of site, architectural, and landscape plans; and
4. Approval of Tentative Parcel Map (TPM 2015-132) to create nine parcels (eight for the buildings and one for the internal private road).

Subsequent nondiscretionary actions anticipated to be taken by the City of Fullerton (which would require separate processing through the City) would include, but may not be limited to, grading permits, building permits, street improvement plans, utility (water system) plans, and encroachment permits.

In addition, permits and approvals from the City of La Habra would be required for utility connections, traffic control, and/or roadway improvements adjacent to the project site on Harbor Boulevard or Lambert Road that involve facilities owned and operated by the City of La Habra. It is also expected that the City of La Habra will quit claim the sewer line that is exclusively servicing the project site in Harbor Boulevard in the City of La Habra to the City of Fullerton, subject to certain improvements to the sewer facilities.

A National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board and permits to construct and/or permits to operate new stationary sources of equipment from the South Coast Air Quality Management District (SCAQMD) would also be needed by the project. Utility connections and any construction in the UPRR right-of-way east of the project site would also require approval by UPRR.

E. STATEMENT OF GOALS AND OBJECTIVES

As described in Section 3.5 of the Draft EIR, the following project-specific goal and objectives have been established for the proposed Beckman Business Center Project:

1. Ensure that redevelopment of the project site is accomplished, consistent with applicable goals and policies of the City of Fullerton as set forth in *The Fullerton Plan 2030*.
2. Provide an employment-generating use to provide jobs for residents of Fullerton and surrounding communities and to improve the jobs to housing balance.
3. Maximize redevelopment at the underutilized project site to stimulate revitalization efforts on nearby underutilized properties.
4. Redevelop the project site with a use or mix of uses that complements and is economically competitive with business parks in the surrounding area and that will attract quality building

users/tenants while minimizing conflicts to the extent possible with the surrounding existing uses.

5. Adaptively reuse the BCI Administration Building, which is eligible for listing as a Fullerton Historical Landmark and is also potentially eligible for listing in the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP).
6. Increase revenues for the City of Fullerton by maximizing opportunities for business center, office, industrial, manufacturing, and/or warehouse uses.
7. Redevelop the project site with a use that places low demand on public services, such as schools, libraries, police, and fire.
8. Continue the historic legacy of the project site by retaining the Beckman name and using the site for job-generating purposes.

F. DOCUMENTS INCORPORATED BY REFERENCE

In accordance with Section 15150 of the State CEQA Guidelines, an EIR may incorporate by reference all or portions of another document that is a part of public record or is generally available to the public. The previously prepared EIRs and environmental analyses listed below were relied upon or consulted in the preparation of the Final EIR and were incorporated by reference:

- *The Fullerton Plan 2030*, approved by the City of Fullerton on May 1, 2012.
- *The Fullerton Plan 2030 Final Environmental Impact Report* (SCH No. 2011051019), certified by the City of Fullerton on May 1, 2012.
- *Initial Study/Mitigated Negative Declaration, Beckman Coulter Facility Demolition and Remediation Project* (SCH No. 2013081039), adopted by the City of Fullerton on September 17, 2013.
- *Addendum to the Initial Study/Mitigated Negative Declaration, Beckman Coulter Facility Demolition and Remediation Project* approved in November 2014.

These documents are available for review at the City of Fullerton Community Development Department at 303 West Commonwealth Avenue, Fullerton, California 92832. The Fullerton Plan EIR documents are also available at:

https://www.cityoffullerton.com/gov/departments/dev_serv/general_plan_update/final_program_eir.asp

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The environmental review process for the Beckman Business Center Project is summarized as follows:

- In accordance with CEQA requirements, the City prepared an Initial Study and published a Notice of Preparation (NOP) of a Draft EIR. They were distributed on June 8, 2016, to federal, state, regional, and local government agencies and interested parties for a 30-day public review period to solicit comments and to inform agencies and the public of the project. Potential environmental effects associated with project implementation were identified, and agencies and the public were invited to review and comment on the IS and NOP. A copy of the IS and NOP and responses received are included in Appendix A of the Draft EIR, and Table 2-1 of the Draft EIR provides a summary of the comments received.
- The City held a scoping meeting for the Draft EIR on June 30, 2016 at the Osborne Auditorium (Room B) of the Fullerton Public Library. The purpose of the scoping meeting was to receive input on the environmental issues that should be addressed in the Draft EIR. The scoping meeting was attended by nine individuals; no public agency representatives were in attendance other than representatives of the City of Fullerton. Input received at the scoping meeting is summarized in Section 2.4.1, Scoping Process, of the Draft EIR.
- The Initial Study responses, NOP comments, and the comments received from the public at the scoping meeting were used to establish the scope of the issues addressed in the Draft EIR. The City identified the following environmental issues as being potential project impacts to be addressed in the Draft EIR:
 - Air Quality (Section 4.1)
 - Cultural Resources (Section 4.2)
 - Greenhouse Gas Emissions (Section 4.3)
 - Hazards and Hazardous Materials (Section 4.4)
 - Hydrology and Water Quality (Section 4.5)
 - Noise (Section 4.6)
 - Traffic and Circulation (Section 4.7)
 - Utilities and Service Systems (Section 4.8)
- In accordance with CEQA requirements, a Notice of Completion (NOC) of the Draft EIR was filed with the State Clearinghouse on November 14, 2016. The Draft EIR consisted of a single volume, including technical appendices.
- The City of Fullerton used several methods to elicit comments on the EIR. A Notice of Availability (NOA) and the Draft EIR was mailed on November 14, 2016 to responsible and trustee agencies, other affected agencies, surrounding cities, interested parties and individuals who had previously requested the NOA or EIR, including individuals who provided NOP comments. The NOA was also mailed to property owners and occupants within 300 feet of the project site; and posted at the County of Orange Clerk/Recorder office, the Fullerton Public Library – Main Branch, City Hall, and at two locations around the project site. Hard copies of the Draft EIR were available for review at the City of Fullerton Community Development Department and at the Fullerton Library. The Draft EIR was also available for review on the City's web site:

https://www.cityoffullerton.com/gov/departments/dev_serv/development_activity/beckman.asp. The NOA was also published in the Fullerton Tribune on November 24, 2016.

- The Draft EIR public review period extended for 45 days and ended on December 29, 2016. Eight comments letters were received and responses to these comments are provided in the Final EIR (SCH No. 2016061019), which was made available by the City on January 26, 2017.
- The City of Fullerton Planning Commission held a public hearing February 8, 2017, at which time the Planning Commission considered the Final EIR and Beckman Business Center. The City mailed and published public notice of the Planning Commission hearing for the proposed project on January 26, 2017, and posted the notice at City Hall. The notice was also posted at the Maintenance Services Department, Main Library, Museum Center, City Hall Public Notice Boards; at two locations on the project site, and with other Public Notices on the City's website.
- On February 8, 2017, the Planning Commission (**decision forthcoming**) a recommendation to the City Council to certify the Final EIR and approve the Beckman Business Center Project, including the corresponding Zoning Amendment, Major Site Plan, Tentative Parcel Map, and Water Supply Assessment.
- The City of Fullerton City Council held a public hearing **_____ 2017**, at which time the City Council considered the Final EIR and Beckman Business Center Project. The City mailed and published public notice of the City Council hearing for the proposed project on **____, 2017**, and posted the notice at City Hall. **Information forthcoming**
- The City Council then (**decision forthcoming**) the project and certified the Final EIR at a public hearing held on **_____ 2017**.

IV. GENERAL FINDINGS

The City hereby finds as follows:

1. The City is the “Lead Agency” for the Project evaluated in the the Final EIR;
2. The Final EIR was prepared in compliance with CEQA and the State and Local Guidelines;
3. The City has independently reviewed and analyzed the Final EIR, and this document reflects the independent judgment of the City;
4. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, which the City has adopted or made a condition of approval of the Project. That MMRP is incorporated herein by this reference and is considered part of the record of proceedings for the Project;
5. The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the MMRP Coordinator;
6. In determining whether the Beckman Business Center Project would have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
7. The plans for the Project have been prepared and analyzed so as to provide for public involvement in the planning and CEQA processes;
8. The impacts of the Project have been analyzed to the extent feasible at the time of adoption of the Final EIR;
9. The degree that any impacts described in the Final EIR are perceived to have a significant effect on the environment, or such impacts appear ambiguous as to their effect on the environment, any significant effect of such impacts has been substantially lessened or avoided by project design features (PDFs), regulatory requirements (RRs), applicable mitigation measures (MMs) in the Program EIR for The Fullerton Plan, and project-level MMs set forth in the Final EIR or is outweighed by the facts set forth in the Statement of Overriding Considerations;
10. Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, the custodian of record for such documents or other materials; and
11. Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the Project and finds as stated in these Findings.

V. FINDINGS REGARDING IMPACTS

The Findings Regarding Impacts are organized as follows:

- Environmental issues determined to have no impact, or less than significant impact;
- Environmental issues analyzed in the Initial Study and the Final EIR and determined to have a less than significant impact with mitigation; and
- Environmental issues analyzed in the Final EIR and determined to have significant and unavoidable impacts.

A. ENVIRONMENTAL ISSUES DETERMINED TO HAVE NO IMPACT OR LESS THAN SIGNIFICANT IMPACT

Findings:

The City of Fullerton finds that, based on substantial evidence in the record, the following impacts, to the extent they result from the project, will have no impact or a less than significant.

Initial Study

Through the preparation of the Initial Study, the City determined that an EIR was required to evaluate the potentially significant environmental effects of the proposed project. Certain environmental issues were not further discussed in the Draft EIR or Final EIR because, based on the analysis presented in the Initial Study, they would result in no impacts or less than significant impacts.

- 1. Aesthetics (Scenic Vista, Scenic Resources within a State Scenic Highway, Visual Character, Light and Glare, and Cumulative Impacts).** Views between the project site and scenic vistas in the City are obstructed by intervening development and vegetation. Therefore, the construction and development of the proposed project would have no effect on a scenic vista. There is no designated State scenic highway in the City of Fullerton. The BCI Administration Building, which is eligible for listing as a Fullerton Historical Landmark and is eligible for listing in the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP), would be protected in place and adaptively used. Therefore, the proposed project would not have an adverse effect on scenic resources. The proposed project would alter the visual character of the project site from a largely undeveloped site to one developed with new buildings, landscaping, and site improvements. The project would be an urban land use similar to the surrounding industrial, manufacturing, warehouse, and office uses. The change in visual character resulting from the proposed project would not be considered a substantial degradation of the site or surrounding area. Due to the urban nature of the project site and surrounding areas and the presence of existing light sources, as well as the lack of residential uses or other light-sensitive uses near the site, impacts associated with increases in lighting levels at the site from the proposed project would be less than significant. The proposed building elevations show that there would be no expansive glazing materials on facade areas that would have the potential to create noticeable glare from sunlight or vehicle lights that could pose a hazard to motorists traveling in the project vicinity, nor would it affect surrounding land uses. Because the proposed project would result in less than significant impacts, and there are no cumulative projects in the same viewshed as the proposed project, the project would not result in a cumulatively considerable contribution to a significant cumulative aesthetic impact. Impacts would be less than significant.

2. **Agriculture and Forestry Resources (Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; Agricultural Zoning or a Williamson Act Contract; Forest Land or Timberland; Conversion of Farmland or Forest Land; and Cumulative Impacts).** Based on review of the 2012 California Department of Conservation, Farmland Mapping and Monitoring Program, there are no areas designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the City of Fullerton. There are no agricultural zones on or near the site and no areas within the City of Fullerton are covered by a Williamson Act contract. Also, the project site does not support designated forest land resources. Therefore, the proposed project would not result in the loss of forest land or conversion of agricultural land or forest land to non-agricultural or non-forest use. There would be no project or cumulative impacts.

3. **Biological Resources (Candidate, Sensitive, or Special Status Species; Riparian Habitat, Wetlands, or Other Sensitive Natural Communities; Wildlife Movement; Habitat Conservation Plan (HCP) or Other Approved Local, Regional, or State Habitat Conservation Plan; and Cumulative Impacts).** There are no natural or sensitive biological resources present on site, and implementation of the proposed project would not impact any candidate, sensitive, or special status species. The project site does not contain riparian habitat, a sensitive natural vegetation community, wetlands, or other areas under the jurisdiction of the California Department of Fish and Wildlife (CDFW) or U.S. Army Corps of Engineers (USACE). The project site does not provide habitat for wildlife movement. The site is not located in the area addressed by the Coyote Hills East Habitat Conservation Plan (HCP). The project proposed project would not result in project or cumulative impacts related to biological resources.

4. **Geology and Soils (Earthquake Fault; Soil Erosion or Loss of Top Soil; Landslides; Geologic Unit or Soil that is Unstable and Expansive Soil; Soils Incapable of Supporting Septic Tanks; and Cumulative Impacts).** The project site is not within the boundaries of a State-designated Earthquake Fault Zone. Also, there is no evidence of known faults traversing the site. Therefore, implementation of the proposed project would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault. The project site is not located in an area subject to seismically induced landslides. Also, the proposed project would result in an increase in impervious surface compared to the current largely unpaved condition; and the potential for erosion during occupancy and operation is remote. Erosion-control and sediment-control measures would be implemented during construction, as outlined in the Storm Water Pollution Prevention Plan (SWPPP) required for the project. The potential for seismically induced settlement, lateral spreading, and subsidence is low. The proposed project would be connected to the municipal sewer system for the disposal of wastewater and would not require alternative wastewater disposal systems.

Geology and soil impacts are generally site specific and there is typically little, if any, cumulative relationship between the development of the proposed project and development within a larger cumulative area, such as city-wide development. The proposed project and any foreseeable future projects would be required to comply with the applicable State and local requirements. There would be no project or cumulative impacts.

5. **Hazards and Hazardous Materials (Use, Transport, and/or Disposal of Hazardous Materials; Airport Land Use Plan; Private Airstrip Safety Hazard; Wildland Fires; and Cumulative Impacts).** Construction activities associated with the proposed project would involve the use of chemical substances such as solvents, paints, fuel for equipment, and other potentially hazardous materials. These materials are typical for construction activities and would be handled, stored, and disposed of in accordance with existing regulations.

The proposed project includes uses that could result in the use of various hazardous materials, depending on the tenant occupying the proposed buildings and the type of activities conducted therein. However, project operations would be conducted in adherence to numerous federal, State, and local rules and regulations related to hazards and hazardous materials. Other cumulative development in the City or in the vicinity of the project site would also be required to adhere to existing rules and regulations. The project proposed project would not result in a cumulatively considerable contribution to significant hazardous materials impacts related to these issues. Impacts would be less than significant

The project site is not located within designated Accident Potential Zones (APZ) and a Runway Protection Zone (RPZ) around the Fullerton Municipal Airport or the imaginary surface area, as defined in Federal Aviation Regulations (FAR) Part 77.13 that could result in a safety hazard associated with operation of the Fullerton Municipal Airport. Also, there are no private airstrips located in the City of Fullerton in the vicinity of the project site. The project site is located in an urban area of the City of Fullerton and is not adjacent to wildlands or located within a designated Fire Hazard Severity Zone. There would be no project or cumulative impacts related to these issues.

6. Hydrology and Water Quality (Groundwater Supplies or Recharge; Substantial Erosion or Siltation; Housing or Structures in a 100-Year Flood Hazard Area; Flooding or Inundation by Seiche, Tsunami, or Mudflow; and Cumulative Impacts).

The proposed project would not involve direct or indirect withdrawals of groundwater. Given the size of the project, compared to the developments served by the City of Fullerton Water Division and the development in the County that is served by groundwater resources, the proposed project would not deplete groundwater supplies or interfere substantially with groundwater recharge. The project site is not located in an area identified as a 100-year flood hazard area and would not expose people or structures to flooding. There are no open water bodies near the project site that would subject the site to inundation hazards from a seiche or tsunami. There are no hillside areas in the project vicinity that would generate mudflow. Also, there are no levees or dams located upstream of the site that have the potential to result in flooding or inundation on the site. There would be no project or cumulative impacts.

Storm water flows from the project site are not expected to result in substantial erosion or siltation during construction. Proposed landscaping, impervious surfaces, and permanent best management practices (BMPs) that would be implemented as part of the project would reduce potential suspended sediment in runoff compared to the existing undeveloped condition. Cumulative projects would also be required to address site specific erosion concerns. The project proposed project would not result in a cumulatively considerable contribution to significant hydrology and water quality impacts related to this issue. Impacts would be less than significant.

7. Land Use and Planning (Disrupt Established Community; Conflict with Land Use Plans, Policies, or Regulations; Conflict with Habitat Conservation Plan or Natural Community Conservation Plan; and Cumulative Impacts).

The proposed project involves redevelopment of the project site and would not disrupt the physical arrangement of an established community. The proposed project is consistent with the Industrial land use designation of the site and the site is located in the North Industrial Focus Area. The project is consistent with the vision and objectives for the North Industrial Focus Area, as well as the land uses and development intensity of future development anticipated for this Focus Area. Also, the project would not conflict with the goals of The Fullerton Plan and no General Plan Revision is required by the project. The Zoning Amendment that is required for the project would provide a single zoning designation for the entire site and a uniform

set of development standards to follow, but would not change the type of allowed uses. The project and the required Zoning Amendment and Major Site Plan would not conflict with the Zoning Ordinance. The proposed project is consistent with the growth assumptions in The Fullerton Plan for the North Industrial Focus Area; these assumptions are included in the Southern California Association of Government's (SCAG's) regional planning programs and growth forecasts used to develop the 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The proposed project would not conflict with the 2016–2040 RTP/SCS. Also, the project does not propose housing development and thus, would not conflict with SCAG's Regional Housing Needs Assessment (RHNA) program. Lastly, the proposed project is not within the boundaries of an adopted habitat conservation plan or natural community conservation plan.

Future development in the City would be reviewed for consistency with adopted land use plans and policies by the City of Fullerton, in accordance with the requirements of CEQA, the state Zoning and Planning Law, and the State Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. However, even if the cumulative impact of these projects would be significant, the proposed project's contribution to such cumulative land use impacts is less than significant and is thus not cumulatively considerable. Project and cumulative impacts would be less than significant.

8. **Mineral Resources (Loss of Known Mineral Resource or a Locally Important Mineral Resource Recovery Site, and Cumulative Impacts).** Commercially productive mineral resources do not occur in the City of Fullerton, and The Fullerton Plan does not identify any known State or locally designated mineral resources or locally important mineral resource recovery sites in the City. Implementation of the proposed project would not result in adverse impacts to any significant mineral resources. There would be no project or cumulative impacts.
9. **Noise (Airport or Airstrip Noise, and Cumulative Impacts).** The project site is not located within an airport land use plan or within two miles of a public airport. The project site is located outside the 65 dBA Community Noise Equivalent Level (CNEL) noise contour for the Fullerton Airport. Therefore, aircraft overflights do not significantly contribute to the noise environment and would not subject future project employees and visitors at the site to excessive noise levels. In addition, the project site is not in the vicinity of a private airstrip; therefore, no project or cumulative noise impacts related to public airports or private airstrip operations would occur.
10. **Population and Housing (Substantial Population Growth, Displacement of Existing Housing or People, and Cumulative Impacts).** The proposed project would create employment opportunities during construction and long-term operations. The proposed project would result in development and employment that has been anticipated and planned for by the City for the North Industrial Focus Area, and, thus, the project would not induce substantial growth. The project's employment is also within employment growth projections for the City, as contained in The Fullerton Plan and SCAG's 2016-2040 RTP/SCS. The proposed project would involve the installation of on-site circulation and utilities necessary to serve the project but would not require the installation of new off-site roadways or utility infrastructure that would indirectly induce substantial growth in the immediate vicinity of the project site or elsewhere. Also, construction of the proposed project would not result in the removal of existing housing; would not require the construction of replacement housing; and would not displace any existing residents.

Development of the proposed project and other projects in the City of Fullerton and in Orange County would lead to increases in population, housing, and employment, although the proposed project would not increase housing in the City or the County. Additionally, the proposed development is consistent with the City's growth forecasts. No significant cumulative adverse impacts related to substantial population, housing, or employment growth and displacement would occur with implementation of the proposed project. The proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact. Impacts would be less than significant.

- 11. Public Services (Police Protection, Parks, Other Public Services, and Cumulative Impacts).** The proposed project would increase demand for police protection services provided by the Fullerton Police Department (FPD). Anticipated crime and safety issues during construction of the proposed project include theft of building materials and construction equipment, malicious mischief, graffiti, and general vandalism. During operation, the proposed project could create the typical range of police service calls that other similar uses in the City experience, including after-hours patrol. Thus, the proposed project would require police protection services. Employees, visitors, patrons, and other individuals that would come to the project site would have to comply with the regulations in the Fullerton Municipal Code and the California Penal Code, as monitored and enforced by the FPD. The FPD has indicated that the increase in demand for police protection services would not require the construction of new or alteration of existing FPD facilities to maintain an adequate level of service to the project site and the City. The project would not result in a direct increase in the population within the City and would not create a demand for parks or recreational facilities or libraries.

As additional development occurs in the City of Fullerton, there will be an overall increase in the demand for law enforcement, parks and other public services, including personnel, equipment, and/or facilities. However, because the proposed project does not involve a direct increase in the City's population and can be accommodated by existing service capabilities, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact related to cumulative public service impacts. Impacts would be less than significant.

- 12. Recreation (Parks and Other Recreational Facilities).** The proposed project would not create a demand for parks or recreational facilities; require the construction or expansion of recreational facilities; or result in or accelerate the physical deterioration of existing neighborhood and regional parks or recreational facilities. This is due to the fact that the proposed project does not involve the development of residential uses and the proposed business park, office, light industrial, warehouse, and manufacturing uses would not create an increase in the use of nearby parks and recreational facilities. No project or cumulative impact on parks and recreational facilities would occur.

- 13. Traffic and Circulation (Air Traffic Patterns; Emergency Access; Alternative Transportation Policies, Plans, or Programs; and Cumulative Impacts).** The project site is located approximately 4.25 miles northeast of the Fullerton Municipal Airport and would not change air traffic patterns or would not increase the amount or location of air traffic. As with all development in the City, the proposed project would be designed in compliance with applicable Fullerton Fire Department requirements and would provide adequate emergency access. The proposed project would provide sidewalks along the internal roadways, with walkways to the building entrances and crosswalks across the internal roadway and driveways at scattered locations. Additionally, existing sidewalks adjacent to the project site along Lambert Road and Harbor Boulevard would be maintained or reconstructed as part of the project. Thus, sufficient on-site and off-site pedestrian

access would be available. Implementation of the proposed project would not preclude the construction of planned bikeways near the site. Employees and visitors of the proposed project would increase the use of sidewalks, bikeways, and bus transit services near the project site. The proposed project would neither create conflicts with adopted policies supporting non-vehicular transportation, nor would it decrease the performance of these facilities. There would be no project or cumulative impacts.

- 14. Utilities and Service Systems (Wastewater Treatment Requirements, Wastewater Treatment Capacity, Statutes and Regulations Related to Solid Waste, and Cumulative Impacts).** The wastewater treatment requirements for the Orange County Sanitation District (OCSD) treatment plant that would receive wastewater from the project site were developed to ensure that adequate levels of treatment would be provided for the wastewater flows emanating from all land uses in the OCSD's service area. The OCSD has adopted regulations that require the pre-treatment of wastewater from specific land uses and activities prior to discharge into their system, in order to meet the conditions in the National Pollutant Discharge Elimination System (NPDES) permit. Therefore, on-site pre-treatment would be provided for the wastewater from the project, as necessary so as not to cause OCSD treatment plants to exceed established treatment requirements. Also, the wastewater generated by the proposed project could be accommodated by the existing OCSD treatment facilities. The proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact related to wastewater treatment.

The project would implement recycling programs as required by existing regulations. Hazardous wastes during construction and operation of the proposed project, and cumulative development in the City, would be conducted in compliance with applicable regulations. No conflict with statutes and regulations related to solid waste would occur. Project and cumulative impacts would be less than significant.

Environmental Impact Report

Through the preparation of the Draft EIR and Final EIR, the City determined that the following impacts would result in no impact or a less than significant impact.

- 1. Noise – Expose persons to or generate noise levels in excess of standards (EIR Impact 6.1 and Cumulative Impacts).** The Draft EIR analyzed potential impacts regarding noise standards in Section 4.6, and is incorporated by reference herein. Future noise levels at Buildings 1 through 7 (proposed for business park, light industrial, warehouse and manufacturing uses) would be less than 75 dBA CNEL and would be in the Normally Acceptable range for a compatible land use. Future noise levels at the Harbor Boulevard facade of Building 8, an office building (the existing Beckman Coulter, Inc. [BCI] Administration Building), would be 72 dBA CNEL, which is in the Conditionally Acceptable range for a compatible land use. However, typical construction methods and building materials in the BCI Administration Building would provide a 12 dBA noise level reduction with windows open and a 25 dBA noise level reduction with windows closed. Building 8 would have air conditioning, allowing use with closed windows. Therefore, the impact would be less than significant.

The primary on-site noise sources would be HVAC units and heavy truck operations. Project-generated HVAC noise at the school buildings, 1,100 feet from the project site, would be anticipated to be less than 36 dBA Leq and not audible during daytime or nighttime. On-site heavy truck operations would include brief idling and startup activity at loading docks. With on-site buildings and other existing buildings serving as barriers

between loading docks at the site and nearby residences, it is unlikely that on-site truck noise and activities at the loading docks would be heard above the existing noise at the residences north of the project site or at Sonora High School. Noise impacts from on-site sources to off-site sensitive receptors would be less than significant, and the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact related to exceedance of noise standards.

- 2. Traffic and Circulation – Conflict with an applicable congestion management program (EIR Impact 7.2 and Cumulative Impacts).** The Draft EIR analyzed potential impacts regarding the Congestion Management Plan Highway System (CMPHS) in Section 4.7, and is incorporated by reference herein. The CMPHS includes specific roadways, which include State Highways and Super Streets, which are now known as Smart Streets. For the proposed project, this includes Imperial Highway, Beach Boulevard, Harbor Boulevard, and State College Boulevard. Since the project would not add more than three percent to any of the CMP roadway segments, a CMP TIA is not required. A project causes a significant impact if it causes the CMP facility to operate worse than an LOS E and increases the ICU value by more than 0.10 if the CMP facility operates at LOS F without the project. The project would not impact any of the CMP locations based on the CMP threshold of significance for any of the traffic analysis scenarios evaluated. No significant project or cumulative impacts related to conflict with the CMP would result.

B. ENVIRONMENTAL ISSUES ANALYZED IN THE INITIAL STUDY AND THE FINAL EIR AND DETERMINED TO HAVE A LESS THAN SIGNIFICANT IMPACT WITH MITIGATION

The Initial Study prepared for the Beckman Business Center Draft EIR and included in Appendix A of the Draft EIR found that the proposed project would result in less than significant impacts for certain impact categories with incorporation of regulatory requirements (RRs) and applicable mitigation measures (MMs) from The Fullerton Plan EIR into the proposed project. The City of Fullerton previously adopted Findings for those impacts and MMs as part of the certification of The Fullerton Plan EIR and approval of the Fullerton Plan; however, the appropriate Findings are restated in this section.

The Beckman Business Center Final EIR determined that the proposed project would result in less than significant impacts for certain impact categories with (1) incorporation of design features into the proposed project to reduce potential environmental impacts (project design features [PDFs]); (2) incorporation of applicable The Fullerton Plan EIR MMs and RR; and (3) implementation of additional project-level MMs identified to reduce potentially significant project impacts to a less than significant level. PDFs, RR and MMs will be implemented pursuant to the Mitigation Monitoring and Reporting Program (MMRP) prepared for the proposed project.

The City of Fullerton having reviewed and considered the information contained in the Final EIR, the Technical Appendices and the administrative record, finds, pursuant to Section 21081(a)(1) of the *California Public Resources Code* and Section 15091(a)(1) of the State CEQA Guidelines that “*changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR*” for the following categories which are further discussed below. This is referred to herein as “Finding 1.”

1. AIR QUALITY

Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? (EIR Impact 1.2, Construction Impacts and Cumulative Impacts)

Findings: With regard to construction impacts, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of The Fullerton Plan EIR MMs AQ-1 through AQ-7, and MMs 1-1 and 1-2.

Facts in Support of Findings: The Final EIR analyzed potential construction-related air quality impacts in Section 4.1, and the analysis is incorporated by reference herein. Project construction would generate pollutant emissions that would affect regional and local air quality. SCAQMD Rule 403, Fugitive Dust, requires measures such as watering and control of track-out from the site. Dust-control measures consistent with The Fullerton Plan EIR MM AQ-1 (which requires implementation of Rule 403) are included in the emissions calculations. Additionally, project construction would be required to comply with previously identified MMs from The Fullerton Plan EIR, including MM AQ-2, requiring hauling activities to comply with Section 23114 of the California Vehicle Code; MM AQ-3, which requires the use of solvents and coatings with VOC content lower than required by SCAQMD Rule 1113; MM AQ-4, which requires maintaining equipment engines in good condition and in proper tune; MM AQ-5, which requires the use of electricity from power poles instead of diesel or gasoline-powered generators; MM AQ-6, which requires the development of a traffic-control plan; and MM AQ-7, which limits construction equipment idling time.

Estimates of the maximum daily construction emissions were calculated using CalEEMod and show that carbon monoxide (CO), sulfur oxides (SO_x), respirable particulate matter less than 10 micrometers in diameter (PM₁₀), and fine particulate matter less than 2.5 micrometers in diameter (PM_{2.5}) would be less than the SCAQMD thresholds and would be less than significant. Nitrogen oxide (NO_x) emissions are estimated at 156 pounds per day (lbs/day), and volatile organic compound (VOC) emissions are estimated at 171 pounds per day (lbs/day), which would exceed the mass emissions CEQA significance thresholds. MM 1-1 would require the use of Tier 3 construction equipment and would reduce maximum daily NO_x emissions to 66 lbs/day. With implementation of MM 1-1, the impact from NO_x emissions during construction would be less than significant. MM 1-2 would require the use of low VOC architectural coatings and would reduce the maximum daily VOC emissions to 71 lbs/day. With implementation of MM 1-2, the impact from VOC emissions would be less than significant.

Local pollutant concentrations were calculated using the SCAQMD LST methodology. The maximum emissions would occur during grading activities. The local emissions from this scenario would be less than the SCAQMD screening thresholds for NO_x, CO, PM₁₀, and PM_{2.5} and no significant impacts would result.

With implementation of MM 1-1 and MM 1-2, regional construction emissions of all criteria pollutants would not exceed significance thresholds and therefore would not be cumulatively considerable and would be less than significant. The cumulative area for all local construction impacts is within a few hundred yards of the project site, which is the distance implied by SCAQMD in the LST method. Because the project would result in less than significant direct construction-related localized air quality impacts for all criteria pollutants, in accordance with the SCAQMD policy described in Section 4.1.4 of the Draft EIR, the cumulative localized impact would also be less than significant.

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 specifications stipulate that, in compliance with 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), (e)(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), (e)(4).

MM AQ-3 The following measures shall be implemented to reduce 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 five minutes.

MM 1-1 Prior to issuance of each grading permit, the Property Owner/Developer shall provide evidence to the City of Fullerton's Community Development Department that construction documents require the construction contractors to implement the measure listed below. The contractor shall comply with the identified requirements, and verification that the contractor has complied shall be confirmed by the Building Official during construction.

- All off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 3 off-road emissions standards.

- A copy of each unit's certified Tier specification shall be kept on site and available for inspection.

MM 1-2 Prior to the issuance of each building permit, the Property Owner/Developer shall provide evidence to the City of Fullerton's Community Development Department that construction documents require the construction contractors to implement the measures listed below. The contractor shall comply with the identified requirements, and verification that the contractor has complied shall be confirmed by the Building Official during construction.

- Interior paint will have an average VOC content of no more than 35 grams per liter (g/L).
- Exterior paints and coatings will have an average VOC content of no more than 75 g/L.

Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (EIR Impact 1.3, Construction Impacts)

Findings: With regard to Construction Impacts, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of The Fullerton Plan EIR MMs AQ-1 through AQ-7, and MMs 1-1 and 1-2.

Facts in Support of Findings: The Final EIR analyzed potential construction-related air quality impacts in Section 4.1, and this analysis is incorporated by reference herein. As described under EIR Impact 1.2 above, construction emissions would be less than significant with the implementation of The Fullerton Plan EIR MMs AQ-1 through AQ-7, and MMs 1-1 and 1-2. Therefore, construction emissions would not be cumulatively considerable and the impact would be less than significant.

Would the project expose sensitive receptors to substantial pollutant concentrations? (EIR Impact 1.4 and Cumulative Impacts)

Findings: With regard to the exposure of sensitive receptors to substantial pollutant concentrations, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of RR 1-2 and RR 1-3.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding air quality in Section 4.1, and the analysis is incorporated by reference herein. There would be no potential for a CO hotspot or exceedance of federal or State CO ambient air quality standard at intersections affected by the project. Exposure of off-site receptors to criteria pollutant emissions during construction would be less than significant. The cumulative area for off-site CO impacts is the area adjacent to the analyzed congested intersections. The CO hotspot analysis is cumulative because it considers the Cumulative Plus Project forecasted traffic. The project analysis demonstrates that there would be no CO hotspot, and the direct impact would be less than significant. Therefore, in accordance with the SCAQMD policy described in Section 4.1.4, the cumulative localized impact would also be less than significant, and the impact would not be cumulatively considerable.

Long-term emissions may be generated by the proposed business center. RR 1-3 requires compliance with Fullerton Municipal Code regarding environmental pollution and compliance with the latest rules and regulations of the SCAQMD. RR 1-2, which is based on SCAQMD Rules 201 and 203, requires that any facility with the potential to emit substantial amounts of air pollutants must receive permits to construct and operate the facility. The permitting process would ensure that businesses on the project site, and cumulative projects, would not emit criteria pollutants that would result in a significant impact.

Because the duration of exposure of the existing and future sensitive receptors to diesel exhaust during construction would be well below the 30-year exposure period for adults and 9-year exposure period for children, construction of the proposed project is not anticipated to result in an elevated incremental cancer risk. SCAQMD Rules 201 and 203 require that any facility with the potential to emit substantial amounts of air pollutants must receive permits to construct and operate the facility (see RR 1-2). SCAQMD 1401.1 requires that any new facility with the potential to emit toxic air contaminants (TACs) must conduct Risk Determination calculations to determine facility-wide cancer risk and chronic and acute Hazard Indexes (HIs) prior to obtaining a Permit to Construct/Operate a new facility (see RR 1-3). Project and cumulative impacts would be less than significant.

The Health Risk Assessment for the project indicates that carcinogenic inhalation health risks at the sensitive receptors would not exceed the Maximum Chronic Risk and Maximum Acute Risk. The calculated cancer burden would also be less than the threshold of significance, and are not significant on a project or cumulative basis.

Project impacts related to carbon monoxide hot spots, criteria pollutants, and toxic air contaminants, as they may affect sensitive receptors in the project area, would not be considered significant, with project compliance with existing regulations (RRs 1-2 and 1-3). The proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact related to exposure of sensitive receptors to substantial pollutant concentrations.

Regulatory Requirements:

RR 1-2 Buildings developed as part of the project shall comply with SCAQMD Rule 201 and Regulation II (requiring a Permit to Construct prior to the installation of any equipment that may cause air contaminants) as well as Rule 203 (requiring a Permit to Operate prior to the use of any equipment that may cause air contaminants). These rules and regulation are required unless the equipment or aspects of the project are exempt under Rule 219, which identifies those equipment, processes, or operations that do not require permits. The developer of each part of the project shall provide the City of Fullerton with the SCAQMD-approved Permit to Construct and Permit to Operate or other sufficient proof of compliance with Rules 201 and 203, prior to occupancy permit issuance.

RR 1-3 New facilities with the potential to emit toxic air contaminants shall comply with SCAQMD Rule 1401.1 and conduct Risk Determination calculations. These calculations include facility-wide cancer risk and chronic and acute hazard indices (HIs). SCAQMD Rule 1401.1 requires these risks to be lower than 1 in 1 million for cancer risk and below 1.0 for both chronic and acute HIs. These determinations shall be completed prior to a Permit to Construct/Operate is approved. The developer of each part of the project shall provide the City of

Fullerton with the SCAQMD-approved Permit to Construct and Permit to Operate or other sufficient proof of compliance with Rule 1401.1, prior to occupancy permit issuance.

***Would the project create objectionable odors affecting a substantial number of people?
(EIR Impact 1.5 and Cumulative Impacts)***

Findings: With regard to objectionable odors, the City hereby makes Finding 1 and determines that this impact is less than significant with the implementation of RR 1-1.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding air quality in Section 4.1, and the analysis is incorporated by reference herein. The proposed project includes general light industrial, manufacturing, warehousing, and general office uses. As part of manufacturing uses, food and chemical products may be processed at the project site. These uses have been identified by the SCAQMD as being associated with odors; therefore, objectionable odors may be produced at the project site. These odors could result in a potentially significant impact to nearby residents. However, Section 15.40.080.C of the City of Fullerton Municipal Code requires odor control so as not to be offensive beyond the property line of the parcel from which said odors emanate (RR 1-1). By complying with the City of Fullerton Municipal Code, impacts associated with potential odors from possible manufacturing activities associated with food and chemical products from the project and cumulative projects would be less than significant. No mitigation is required.

Odors emitted long-term would include solid waste storage. However, these materials would be stored in compliance with Municipal Code Section 18.12.130 (Trash Storage Facilities). Therefore, the proposed project and cumulative projects would have no significant impact in regards to objectionable odors and no mitigation is required.

The potential odors emitted during construction would be associated with construction equipment exhaust and the application of asphalt and architectural coatings. However, construction-related odors would be temporary and sporadic in nature and would stop with completion of project construction. Additionally, there are no cumulative projects in proximity to the project where there would be cumulative construction-related odor impacts. Project and cumulative impacts from construction odors would be less than significant.

Regulatory Requirement:

RR 1-1 All industrial uses shall comply with Section 15.40.080 of the Fullerton Municipal Code, as follows:

- Industrial or manufacturing processes (out of which evolve smoke, dust, fumes, particulate matter, contaminants and specific contaminants) are required to comply with the latest rules and regulations of the South Coast Air Quality Management District.
- Odors from gases or other odorous matter shall not be in such quantities as to be offensive beyond the property line of the parcel from which said odors emanate.

2. BIOLOGICAL RESOURCES

Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Initial Study Checklist Question “e” and Cumulative Impacts)

Findings: With regard to the conflict with local policies protecting biological, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of BIO RR 4-1.

Facts in Support of Findings: Existing trees along Lambert Road and Harbor Boulevard and on site would be removed during construction; however, all vegetation removal would be conducted in accordance with the requirements of the Migratory Bird Treaty Act (MBTA) to avoid impacts on nesting birds. Also, the project and any cumulative projects would be constructed in compliance with the City’s Community Forestry Ordinance, specifically in accordance with requirements for the planting of trees identified in Section 9.06.090 of the Municipal Code (RR BIO 4-1). Project and cumulative impacts would be less than significant with implementation of RR BIO 4-1.

Regulatory Requirement:

RR BIO 4-1 All tree plantings, removals, or alterations associated with implementation of the proposed project shall be conducted in accordance with the requirements set forth in City of Fullerton’s Community Forestry Ordinance (Fullerton Municipal Code, Chapter 9.06). Specifically, in compliance with Section 9.06.090, Planting Trees, prior to the issuance of a building permit, the Property Owner/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:

1. Clearly show all existing trees, noting location, species, size, and condition;
2. Note whether existing trees will be retained, removed, or relocated;
3. Show proposed utilities, driveways, sidewalks and tree planting locations, and the size and species of proposed street trees; and
4. Conform with ground and aerial setback specifications, as defined in the Community Forest Management Plan.

3. CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the State CEQA Guidelines? (EIR Impact 2.1 and Cumulative Impacts)

Findings: With regard to impacts to historic resources, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of PDF 2-1 and MMs 2-1 through 2-4.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding historical resources in Section 4.2, and the analysis is incorporated by reference herein. Because the proposed project would be located on a parcel containing a recognized CEQA historical resource (the BCI Administration Building), the project poses the potential

to cause adverse direct and/or indirect impacts to the historical resource. Proposed changes and/or removal of distinctive materials, features, and spaces that characterize the BCI Administration Building would cause an adverse impact to the historical significance of the BCI Administration Building. Direct impacts would occur to character-defining features of the property, which include the proposed removal of the northeast courtyard. The west courtyard, east courtyard and circular drive would be retained (refer to PDF 2-1).

Any other exterior changes to the BCI Administration Building that affect character-defining features and that may be identified during the building permit stage of project implementation may also result in adverse direct impacts. Therefore, in addition to PDF 2-1, MMs 2-1 through 2-4 require a Historic American Buildings Survey (HABS) Level II documentation (MM 2-1), rehabilitation of the landscaping at the west courtyard (MM 2-2), provision of interpretive signage outside the primary entrance (MM 2-3), and exterior building renovation in accordance with the U.S. Secretary of Interior (SOI) Standards (MM 2-4). With implementation of the identified PDF and MMs, the impact to the BCI Administration Building was determined to be less than significant. The project would not result in a considerable contribution to significant cumulative impacts to historic resources.

Project Design Feature and Mitigation Measures:

PDF 2-1 In addition to the retention of the west courtyard, the east courtyard and circular drive, which are character defining features for the BCI Administration Building (Building 8), shall be retained.

MM 2-1 The Property Owner/Developer shall submit Historic American Buildings Survey (HABS) Level II documentation of the Beckman Coulter, Inc. (BCI) Administration Building to the City of Fullerton Community Development Department for review and approval prior to issuance of a demolition permit or other permit that would permit the removal of character-defining features proposed for demolition. These character-defining features are the courtyard to the northeast of the building, the courtyard outside the east entrance, and the circular drive at the west facade.

MM 2-2 Prior to final occupancy approvals for the BCI Administration Building, the landscaping of the west courtyard, a character-defining feature of the building, shall be restored to its original appearance or design intent. Renovation shall follow the Standards and the National Park Service's Cultural Resource Management Guidelines, Chapter 7: Management of Cultural Landscapes (National Park Service 1998). If no historic photographs or plans for this courtyard are located, Mid-Century Modern-appropriate design for this courtyard would be acceptable. This mitigation measure requires the restoration of one character-defining feature (the west courtyard) to specifically address the loss of a similar character-defining feature (i.e., the northeast courtyard) that shared the same function and spatial relationship to the building and this style of architecture. This mitigation measure does not place restrictions on the use of the courtyard. Compliance with this mitigation measure does not negate compliance with Fullerton Municipal Code 15.50, Landscape and Irrigation Requirements.

MM 2-3 Prior to final occupancy approvals for the BCI Administration Building, interpretive sign(s) shall be installed by the Property Owner/Developer outside the primary entrance to the BCI Administration Building that illustrate and

convey the history and significance of the building. Signage shall include historic photographs. If historic photographs suitable for this purpose are not available, an interpretive sign shall still be required to explain the historic significance of the building. Signs that include historic photographs shall be placed at a vantage point that provides direct observation of the view depicted in those photographs. The Community Development Department shall confirm installation of the interpretive signs, including providing approval for sign design and placement.

- MM 2-4** For conformance with the SOI Standards for the adaptive use of the BCI Administration Building, the Property Owner/Developer shall utilize or otherwise ensure that a qualified professional prepares or evaluates project construction plans, prior to the issuance of building permits for alterations. The qualified professional shall meet the Secretary of Interior's Professional Qualifications for architectural history or historic architecture. Plans for the renovation for adaptive use of the BCI Administration Building shall be subject to review by the City based on the project scope pursuant to the applicable section of the Fullerton Municipal Code.

Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Initial Study Checklist Question "b" and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of The Fullerton Plan EIR MM CR-3.

Facts in Support of Findings: There are no known archaeological sites located within the project site or in the immediately surrounding area. Additionally, due to the highly developed nature of the project site and surrounding areas, any archaeological resources that may have existed on the project site have likely been previously unearthed or disturbed by previous construction and soil remediation activities. Also, there are no known Native American tribal cultural resources at the project site. Since the site has been extensively disturbed from previous development and soil remediation activities, there is limited potential for the underlying soils to contain archaeological resources. In the event that archaeological resources are discovered during construction activities, resulting in a potential loss of a previously unknown resource, implementation of MM CR-3 from The Fullerton Plan EIR would reduce potential impacts to a level considered less than significant.

The proposed project, in conjunction with cumulative development, could lead to accelerated degradation of previously unknown archaeological resource sites and paleontological resources. However, each development proposal received by the City undergoes environmental review and would be subject to the same resource protection requirements as the proposed project as outlined in The Fullerton Plan EIR. Cumulative impacts would be less than significant.

Mitigation Measure:

- MM CR-3** In the event that cultural resources (archaeological, historical, paleontological resources) are inadvertently unearthed during excavation and grading activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery. 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 find and determine an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.

Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Initial Study Checklist Question “c” and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of The Fullerton Plan EIR MM CR-3.

Facts in Support of Findings: No significant paleontological sites have been documented in the City. Additionally, due to the highly developed nature of the project site and surrounding areas, any paleontological resources that may have existed on the project site have likely been previously unearthed or disturbed by previous construction and soil remediation activities. Since the site has been extensively disturbed from previous development and soil remediation activities, there is limited potential for the underlying soils to contain paleontological resources. In the event that paleontological resources are discovered during construction activities, resulting in a potential loss of a previously unknown resource, implementation of MM CR-3 from The Fullerton Plan EIR would reduce potential impacts to a level considered less than significant.

The proposed project, in conjunction with cumulative development, could lead to accelerated degradation of previously unknown paleontological resource sites and paleontological resources. However, each development proposal received by the City undergoes environmental review and would be subject to the same resource protection requirements as the proposed project as outlined in The Fullerton Plan EIR. Cumulative impacts would be less than significant.

Mitigation Measure: Refer to The Fullerton Plan EIR MM CR-3 above.

Would the project disturb any human remains, including those interred outside of formal cemeteries? (Initial Study Checklist Question “d” and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of The Fullerton Plan EIR MM CR-4.

Facts in Support of Findings: Due to the level of past ground disturbance on the project site, it is not anticipated that human remains, including those interred outside formal cemeteries, would be encountered during earth-moving or ground-disturbing activities for the project. If human remains were inadvertently found, those remains would require proper treatment, in accordance with applicable laws (as set forth in The Fullerton Plan EIR MM CR-4). Project and cumulative impacts would be less than significant with mitigation.

Mitigation Measure:

MM CR-4 In the event that human remains are unearthed during excavation and grading activities of any future 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.

4. GEOLOGY AND SOILS

Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

ii) strong seismic ground shaking?

iii) seismic-related ground failure, including liquefaction?

(Initial Study Checklist Question “a” and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that these potentially significant impacts are rendered less than significant by the implementation of RR GEO 6-1.

Facts in Support of Findings: The project site, as with the entire Southern California region, is subject to secondary effects from earthquakes. Also, some geologic layers underlying the site (22 to 27 feet below the ground surface) have the potential to experience liquefaction during strong ground shaking at the southern section of the site (at Buildings 2, 6, and 7). The on-site soils have low to medium expansion potential. In addition, the near-surface fill soils possess moderate to high strengths and favorable consolidation characteristics. Compliance with the recommendations provided in the Geotechnical Investigation, as required by the California Building Code and Fullerton Building Code (RR GEO 6-1), would ensure that the project is designed and constructed based on site-specific parameters and current engineering practices that would promote structural stability. Impacts would be less than significant.

Impacts related to seismic hazards are site specific and are not considered to be cumulative in nature. Compliance with site specific recommendations and applicable regulations, as required under The Fullerton Plan EIR MM Geo 6-1 would ensure that impacts associated with cumulative development are less than significant. Cumulative impacts related to seismic hazards would not occur with implementation of the proposed project.

Regulatory Requirement:

RR GEO 6-1 Geotechnical design considerations for the implementation of development projects in the City of Fullerton are governed by the Fullerton Building Code, as set forth in Title 14 of the Municipal Code, which incorporates by reference the California Building Code. All buildings and other structures shall be designed in accordance with applicable

requirements of the California Building Code (those in effect at the time the grading plan is submitted), the Fullerton Municipal Code, and any applicable building and seismic codes in effect at the time the grading plans are submitted.

5. HAZARDS AND HAZARDOUS MATERIALS

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? (EIR Impact 4.1 and Cumulative Impacts)

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? (EIR Impact 4.2 and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that these potentially significant impacts are rendered less than significant by the implementation of The Fullerton Plan EIR MM AQ-1 and MM HAZ-2, RR HAZ 4-1, RR 1-1, RR 4-2, RR 4-3, RR 5-1, RR 5-2, and MM 4-1 through MM 4-4.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding hazards and hazardous materials in Section 4.4, and the analysis is incorporated by reference herein. Construction activities associated with the project, including infrastructure improvements to serve the proposed development, would involve the use of hazardous materials (e.g., paints, thinners, solvents, acids, curing compounds, grease, oils, and other chemicals) and would generate hazardous wastes, which could pose risks to construction workers or lead to soil and groundwater contamination if not properly transported, stored, used, or disposed of. Compliance with existing regulations established by all federal, State, and local standards, including the federal and State Occupational Safety and Health Administrations (OSHA and CalOSHA, respectively) and South Coast Air Quality Management District (SCAQMD) regulations (under RR HAZ 4-1) would prevent the creation of hazards to construction workers. Contractors would also need to comply with pertinent regulations on the use, storage, handling, disposal, and transport of hazardous materials and wastes, as identified in RR 4-3.

While the majority of soil remediation activities associated with previous BCI operations have been completed, there is a potential for health hazards to construction workers from exposure to known soil contaminants remaining at and near the storm drain line at the eastern boundary of the site, and in other areas where unknown contamination may still be present. As required by DTSC, a Soil Management Plan (SMP) has been prepared by BCI for the property. The SMP shall be implemented during soil excavation associated with construction and maintenance for the project and corrective action activities at the site (as required by MM 4-1). The Fullerton Plan EIR MM AQ-1 also requires the implementation of dust control measures in accordance with SCAQMD Rule 403 and 402, which would effectively reduce health hazards to construction workers from dust emissions. The Fullerton Plan EIR MM HAZ-2 also includes measures to be implemented during construction if any stained soils are observed. MM 4-1 provides the project specific measures to be implemented in compliance with MM HAZ-2.

There is also a potential for construction workers to be exposed to contaminated groundwater during excavation and any necessary dewatering activities for the project, resulting in the potential exposure of the construction workers to contaminated

groundwater, which is considered a potentially significant impact. As discussed in Section 4.5, Hydrology and Water Quality, of the Draft EIR, the project would need to comply with Santa Ana Regional Water Quality Control Board (RWQCB) regulations for the disposal of construction dewatering wastes (RR 5-1). Compliance with MM 4-1, and adherence to existing regulations established by all federal, State, and local standards, including the federal and State Occupational Safety and Health Administrations (OSHA and CalOSHA, respectively) regulations (refer to RR HAZ 4-1) would prevent the creation of hazards to construction workers related to contaminated groundwater. Compliance with the RRs and implementation of the MMs will ensure that on-site construction activities do not create a significant hazard during construction associated with soil contamination on the site.

Future physical modifications to the BCI Administration Building would not disturb known LBP that would remain (such as those found in metal columns, support beams, and support L-beams); however, there is a potential for LBP in certain components of the building to be disturbed. Prior to any construction activities associated with the BCI Administration Building that involve disturbance of lead-containing materials, these materials would be removed and disposed of by qualified contractors (in accordance with RR 4-2). Adherence to RR 4-2 would reduce potential impacts associated with the removal and disposal of lead-containing materials to a level considered less than significant.

VOC- and PCB-impacted soils remain in a localized area of the inactive storm drain channel and the active storm drain at the eastern edge of the site would be remediated prior to occupancy of the project. During project operations, the Land Use Covenant for the site includes restrictions on on-site activities and subsurface work that would serve to limit exposure pathways of any remaining soil contamination to adversely affect humans and environmental receptors (MM 4-2). With implementation of MM 4-2, there would be a less than significant impact related to the previous presence of contaminated soil and soil gas at the project site and the potential for long-term hazards to the public or the environment.

Based on the expectation that VOC groundwater contamination will remain above the target cleanup goal for a number of years following initial implementation of the groundwater corrective measures, the DTSC is requiring institutional controls. A Land Use Covenant (LUC) (in a form approved by DTSC) shall be recorded on the title of the property by BCI (later transferred to future property owners). This LUC shall also document the condition of groundwater contamination beneath the site, ongoing monitoring and future groundwater remediation activities, restrictions on groundwater use (MM 4-3), and an access agreement for groundwater remediation activities (refer to MM 4-4).

Project operations may utilize hazardous materials or generate hazardous wastes in varying quantities, depending on the specific business operation. Hazardous material use, storage, handling, transport, and disposal would be subject to various federal and State regulations as implemented by the FFD, Orange County Health Care Agency, Environmental Health Division (EHD), SCAQMD, DTSC, USEPA, and other regulatory agencies. Notably, all uses would comply with Section 15.40.080, Industrial Environmental Controls, of the Fullerton Municipal Code, which identifies standards to minimize environmental impacts from industrial or other activities (RR 1-1). Future uses would also have to comply with pertinent hazardous material regulations (RR 4-3). In addition, future manufacturing and industrial uses would need to comply with the NPDES for non-stormwater discharges, including coverage under the Industrial General Permit or procurement of an individual NPDES permit or Waste Discharge Requirement (WDR) from the State Water Resources Control Board (SWRCB) (RR 5-2). Compliance with RR 4-3,

specifically the Hazardous Material Transportation Act and California regulations on the Transportation of Hazardous Materials/Wastes would avoid hazards associated with accidental spills, leaks and toxic releases along truck routes would be prevented. Project impacts would be less than significant after mitigation.

Since soil and groundwater remediation activities will be completed on the site by BCI in accordance with DTSC regulations and with oversight from various regulatory agencies prior to and/or independently from the proposed project; a Soil Management Plan has been prepared for the site; and institutional controls would be established for future land uses, construction workers and site occupants would not be exposed to significant hazards. Existing development near the project site includes various commercial and industrial uses that handle hazardous materials and could pose risks to public health and safety through the accidental release or spills of hazardous materials and wastes. However, the surrounding land uses, including those identified on hazardous materials databases, are not among the areas of concern identified for the project site. Also, the surrounding land uses would operate in compliance with relevant regulations related to the use, storage, handling, transport, and disposal of hazardous materials. Project impacts would be less than significant, and the proposed project would not result in a cumulatively considerable contribution to cumulative health and safety impacts.

Regulatory Requirements and Mitigation Measures:

See RR 1-1 and The Fullerton Plan EIR MM AQ-1 above under Air Quality, and RRs 5-1 and 5-2 under Hydrology and Water Quality, below.

RR HAZ 4-1 Excavation, demolition and renovation, and dewatering (if necessary) activities shall be conducted in accordance with the remediation and mitigation procedures established by all federal, State, and local standards, including the federal and State Occupational Safety and Health Administrations (OSHA and CalOSHA, respectively) and South Coast Air Quality Management District (SCAQMD) regulations.

RR 4-2 Contractors shall comply with the requirements of Title 8 of the *California Code of Regulations*, Section 1532.1, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to lead. Lead-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provision of the *California Health and Safety Code*.

RR 4-3 Construction, operation, maintenance, and other on-site activities shall comply with pertinent hazardous material regulations, including the Resource Conservation and Recovery Act, the Occupational and Safety Health Act, the Hazardous Material Transportation Act, the California Hazardous Waste Control Act, Certified Unified Program Agency (CUPA) regulations, and the California Accidental Release Prevention Program; California regulations on the Transportation of Hazardous Materials/Wastes; and Worker and Workplace Hazardous Material Safety, among others.

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 4-1 All soil excavation activities at the site shall be conducted in accordance with the DTSC-approved Soil Management Plan (SMP). The SMP includes requirements for DTSC notification, implementation of a site-specific Stormwater Pollution Prevention Plan, and a Health and Safety Plan for construction personnel, dust monitoring, vapor monitoring, soil and groundwater testing, and worker training. If stained, discolored, and/or odorous soils or groundwater are encountered during grading or excavation activities, work shall cease in the area of the excavation; the area secured; and BCI and DTSC notified.

In accordance with the Soil Management Plan, the soil or groundwater shall be analyzed for the presence of contamination. If the results of the testing show that chemical levels exceed potential risk criteria for commercial/industrial land use, the soil and groundwater management procedures in the Soil Management Plan shall be followed for the removal, handling, stockpiling, and disposal of the impacted soils and groundwater in accordance with applicable requirements, with oversight by the DTSC.

MM 4-2 Prior to the issuance of building permits, the Property Owner/Developer shall provide evidence to the City of Fullerton that Land Use Covenant(s) (LUC) in a form approved by DTSC have been recorded on the title of the property. With respect to soil contamination, the LUC shall prohibit the use of the southern (Phase 1 Commercial Corrective Action Area [CAA]), northeastern (Phase 2 CAA) and eastern (Phase 3 CAA) portions of the site for certain sensitive land uses, including residential uses. This LUC restriction does not apply to the Phase 1 Mixed CAA. Restrictions on on-site activities and subsurface work that would serve to limit exposure pathways to humans and environmental receptors, and any residual soil contamination above cleanup objectives shall also be documented in the Land Use Covenant.

With respect to groundwater contamination beneath the site, the LUC shall document that the groundwater will remain above the target cleanup goal for a number of years after groundwater remediation is initiated. It shall also limit access to and limit the use of groundwater resources by restricting future well installation and the extraction and use of on-site groundwater, and shall include ongoing monitoring and future groundwater remediation

activities by BCI, including implementation of a contingency plan, and an access agreement for groundwater remediation activities.

MM 4-3 Prior to the issuance of occupancy permits, the Property Owner/Developer shall provide evidence to the City of Fullerton that an Operation and Maintenance (O&M) Agreement has been established between BCI and DTSC. The Agreement shall include the O&M Plan that defines the monitoring and maintenance program for groundwater contamination abatement features installed at the property, including, but not limited to, groundwater treatment and monitoring wells and a financial assurance mechanism to ensure the long-term monitoring and/or remediation requirements are met and BCI's responsibility for implementation of the contingency plan.

MM 4-4 Subsequent to occupancy, the Property Owner/Developer shall allow access to appropriate individuals to monitor and maintain the groundwater abatement features on the property, as per the LUC. The Property Owner/Developer shall fully respond, as soon as feasible, to any and all issues associated with on-site abatement features and implementation of the contingency hydraulic containment component, if determined necessary during the course of monitoring, pursuant to any DTSC recommendations.

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? (EIR Impact 4.3)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of the Fullerton Plan EIR MM HAZ-2, RR HAZ 4-1, RR 4-2 and RR 4-3, and MM 4-1.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding hazards and hazardous materials in Section 4.4 and the analysis is incorporated by reference herein. Hazardous material use and hazardous waste generation during construction and operation would not result in significant adverse impacts with adherence to The Fullerton Plan EIR MM HAZ-2 and existing regulations (RR HAZ 4-1, RR 4-2 and RR 4-3), and the implementation of MM 4-1, which requires implementation of the site-specific Soil Management Plan and completion of soil remediation activities at and near a portion of the active storm drain line along the eastern boundary of the site. Lead abatement, if necessary, would be completed in accordance with existing regulations (RR 4-2).

Heavy trucks associated with construction and operation would use designated truck routes. Thus, trucks would not travel on roadways adjacent to the two schools near the site: Sonora High School and Washington Middle School, which are not along truck routes.

On-site construction, and operation of the proposed manufacturing, warehousing, and light industrial uses would utilize hazardous materials and/or generate hazardous wastes. RR 4-3 requires compliance with existing hazardous material regulations and RR 1-1 requires compliance with City requirements related to smoke, dust, fumes, contaminants, and hazardous materials.

Project operations would also include truck traffic that would generate diesel particulate matter (DPM) emissions during queueing, loading, and unloading activities at the project

site and during travel on designated truck routes to and from the site. DPM emissions from project-related trucks trips were evaluated and determined to be less than significant.

With compliance with existing regulations and implementation of mitigation measures, hazardous material use and hazardous emissions during construction and long-term operations of the project would not result in significant adverse impacts on students and faculty at Sonora High School and other schools along designated truck routes. Therefore, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact.

Regulatory Requirements and Mitigation Measures:

See The Fullerton Plan EIR MM HAZ-2, RR HAZ 4-1, RR 4-2 and RR 4-3, and MM 4-1 above.

Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Initial Study Checklist “g” and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of The Fullerton Plan EIR MM HAZ-5

Facts in Support of Findings: There would be temporary and limited partial lane closures on public roadways during construction activities. As required by The Fullerton Plan EIR MM HAZ-5, a Traffic Control Plan would be prepared for implementation during the construction phase to ensure that at least one unobstructed lane shall be maintained in both directions and that temporary traffic signal, signal carriers (i.e., flag persons), or other appropriate traffic controls would be implemented, if needed. The proposed project would neither interfere with nor impact the implementation of the City’s existing emergency response or evacuation plans. Cumulative projects in the City would also be required to prepare a Traffic Control Plan. Project and potential cumulative impacts would be less than significant.

Mitigation Measure:

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., flagpersons), 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.

6. HYDROLOGY AND WATER QUALITY

Would the project violate any water quality standards or waste discharge requirements? (EIR Impact 5.1 and Cumulative Impacts)

Would the project otherwise substantially degrade water quality? (EIR Impact 5.2 and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that these potentially significant impacts are rendered less than significant by the implementation of The Fullerton Plan EIR MM HYD-1 and MM HYD-2, MM 4-1, RRs 5-1 and 5-2, and PDFs 5-1 and 5-2.

Facts in Support of Findings:

The Final EIR analyzed potential impacts regarding hydrology and water quality in Section 4.5, and this analysis is incorporated by reference herein. The project would involve construction activities that would generate pollutants (e.g., sediments, building materials and wastes) and other on-site materials that could enter the storm water drainage system and impact surface water quality. The Fullerton Plan EIR MM HYD-1 is incorporated into the proposed project and requires compliance with requirements and water quality standards set forth in the Construction General Permit. Compliance with MM HYD-1 would include the implementation of best management practices that would ensure impacts to receiving waters from non-storm water flows during construction are less than significant. Encountering groundwater during construction could result in a potentially significant water quality impact if not properly handled during construction and dewatering activities. MM 4-1 requires the implementation of construction practices to prevent hazards associated with contaminated groundwater. The project would also comply with RR 5-1, which outlines the Santa Ana RWQCB regulations for the disposal of construction dewatering wastes into the storm drain system. Water quality impacts would be less than significant after mitigation.

The proposed project would introduce impervious surfaces and outdoor activities that may lead to pollutants (e.g., heavy metals, pesticides, oil and grease, toxic organic compounds, and trash and debris and potentially pathogens [bacteria/viruses]) entering the storm water. In addition, landscaped areas may potentially contribute to suspended solids and sediments, pesticides (including fertilizers and herbicides), and nutrients that may enter the storm water. These pollutants may lead to the degradation of storm water quality in downstream water bodies. In compliance with The Fullerton Plan EIR MM HYD-2, a Preliminary Water Quality Management Plan (WQMP) has been prepared for the project, which proposes 16 proprietary vegetated biotreatment units (modular wetland systems) that would be located throughout the site to treat storm water runoff from a 2-year, 24-hour storm event prior to off-site discharge (refer to PDF 5-2). Non-structural BMPs would also be implemented as part of the project. With the implementation of the BMPs identified in the Preliminary WQMP for the proposed project, pollutants in storm water runoff would be treated and removed prior to entering the City's storm drainage system. Therefore, potential impacts on water quality and WDRs would be less than significant.

The project may include manufacturing, light industrial, and other uses that have the potential to generate pollutants that may enter or be discharged into the storm water. Also, outdoor storage could introduce pollutants to the storm water and hazardous materials and wastes could be exposed or discharged into the storm water. Individual facilities that would result in non-storm water discharges would have to comply with the NPDES

Industrial General Permit or obtain an individual NPDES permit or WDR from the SWRCB (RR 5-2). The project would also implement structural and non-structural BMPs (PDF 5-2) that would prevent pollutants from adversely impacting groundwater resources.

All development in the City and throughout the watershed must obtain coverage under and comply with requirements of applicable federal, State, and local regulations established for the purpose of protecting water quality. Although continued growth is anticipated to occur in the City and surrounding areas, new development and significant redevelopment would have to minimize their individual impacts to water quality and pollutant transport through implementation of construction-related and permanent structural and non-structural BMPs. With implementation of the proposed project, the anticipated quality of storm water runoff with the implementation of construction and operational BMPs would not contribute to concentrations of pollutants of concern that would cause or contribute to a violation of the water quality standards in the project's receiving waters. Therefore, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact related to water quality.

Project Design Features, Regulatory Requirements, and Mitigation Measures:

See MM 4-1 above.

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 shall be prepared and submitted to the Santa Ana Regional Water Quality Control Board (RWQCB) providing notification and intent to comply with the State of California General Construction Permit. Also, a Stormwater 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 Plan shall be implemented during area preparation, grading, and construction. The Project Applicant shall comply with each of the recommendations detailed in the study and other such measure(s) as the City deems necessary to mitigate potential storm water runoff impacts.

MM HYD-2 Prior to issuance of any Grading Permit, future development projects shall prepare, to the satisfaction of the Director of Engineering, a Water Quality Management Plan or Stormwater Mitigation Plan, which includes BMPs, in accordance with the Orange County Drainage Area Management Plan (DAMP). All recommendations in the Plan shall be implemented during the post-construction/operation phase. The Project Applicant shall comply with each of the recommendations detailed in the study and other such measure(s) as the City deems necessary to mitigate potential water quality impacts.

RR 5-1 During construction, if groundwater is encountered, the Property Owner/Developer shall provide evidence to the City that it has applied for coverage under Order No. R8-2015-0004 (National Pollutant Discharge Elimination System [NPDES] No. CAG998001) for the disposal of

acceptable construction dewatering discharges to the local storm drainage system, through the submission of a copy of the completed Notice of Intent for the project and Santa Ana Regional Water Quality Control Board's (RWQCB's) Discharge Authorization Letter. The Property Owner/Developer shall comply with requirements in Order No. R8-2015-0004 and the Discharge Authorization Letter during construction dewatering activities. These shall include compliance with the discharge prohibitions; groundwater testing to show the discharge would not exceed the set effluent limitations and applicable surface water limitations, including the provision of needed facilities and systems of treatment and control to meet the limitations; and implementation of a monitoring and reporting program.

If the proposed discharge is not eligible for coverage under this Order, an individual NPDES permit shall be obtained. The Property Owner/Developer shall provide a copy of the NPDES permit to the City and implement the conditions of approval during construction dewatering activities.

RR 5-2 Prior to issuance of any Certificate of Occupancy, individual facilities that would result in non-storm water discharges shall comply with NPDES requirements, as applicable. This compliance shall include obtaining coverage under the Industrial General Permit (Order No. 2014-0057 DWQ) that requires dischargers to 1) file a Notice of Intent with the State Water Resources Control Board (SWRCB) prior to the start of industrial activities; 2) prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that outlines minimum and advanced Best Management Practices (BMPs) (if applicable) that comply with the Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) requirements of the Industrial General Permit and any applicable Total Maximum Daily Load (TMDL)-specific permit requirements; 3) conduct an annual evaluation of industrial storm water discharges; and 4) regularly monitor the effectiveness of the BMPs. Facilities that do not fall under or are not covered by the Industrial General Permit shall obtain an individual NPDES permit or Waste Discharge Requirement (WDR).

PDF 5-1 A system of underground storm drains shall be installed to convey on-site and off-site flows to the south and west to the existing City of Fullerton box culvert in Harbor Boulevard, with a small area draining to Lambert Road. Two detention areas would be provided at on-site truck yards. The storm drain system has been sized to convey flows, as required by the County of Orange Hydrology Manual and the City of Fullerton. The on-site open channel along the southeastern and southern boundaries of the site and the 6-foot by 4-foot reinforced concrete box (RCB) at the southwestern corner would be replaced with a 72--inch diameter underground storm drain pipe that would tie to the City's storm drain line in Harbor Boulevard. The outlet location from the off-site flows entering the project site shall remain the same.

PDF 5-2 Prior to issuance of a permit, the Community Development Department shall verify that required Low Impact Development (LID) structural and non-structural Best Management Practices (BMPs) required by the project-specific Final Water Quality Management Plan (WQMP) are incorporated

into the grading plans and contractor specifications. The proposed project includes installation of LID structural BMPs (refer to Exhibit 3-15, Proposed Water Quality BMPs of the Draft EIR) and implementation of non-structural BMPs as identified in the Preliminary WQMP included in Appendix E of the Draft EIR. The following BMPs are included as part of the proposed project.

LID Treatment Control BMPs

- 16 proprietary vegetated biotreatment systems shall be installed (refer to Exhibit 3-15, Proposed Water Quality BMPs, of the Draft EIR). The final size and location of these BMPs shall be determined during final design.

Non-Structural Source Control (N) Best Management Practices

- N1: Education for Property Owners, Tenants, and Occupants
- N2: Activity Restrictions
- N3: Common Area Landscape Management
- N4: BMP Maintenance
- N7: Spill Contingency Plan
- N11: Common Area Litter Control
- N12: Employee Training
- N13: Housekeeping of Loading Docks
- N14: Common Area Catch Basin Inspection
- N15: Street Sweeping Private Streets and Parking Lots

Structural Source Control (S) Best Management Practices

- S1: Provide Storm Drain Stenciling and Signage
- S3: Design and Construct Trash and Waste Storage Areas to Reduce Pollution Introduction
- S4: Use Efficient Irrigation Systems and Landscape Design, Water Conservation, Smart Controllers, and Source Control
- S6: Dock Areas

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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (EIR Impact 5.3 and Cumulative Impacts)

Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (EIR Impact 5.4 and Cumulative Impacts)

Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (EIR Impact 5.5 and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact would be less than significant with implementation of The Fullerton Plan EIR MM HYD-2, RR 5-2, and PDFs 5-1 and 5-2.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding hydrology and water quality in Section 4.5, and the analysis is incorporated by reference herein. Implementation of the proposed project, which includes the development of new structures and associated parking areas, loading areas, sidewalks, and roadways, would lead to an increase in impervious areas compared to existing conditions and a decrease in ground percolation of storm water, resulting in an increase in storm water runoff volumes and rates. The proposed project would include installation of an on-site storm drain system (PDF 5-1) designed to accommodate the increase in storm water runoff from the existing undeveloped condition (but the project's runoff flow would be less than the runoff from the previously developed condition due to the provision of on-site biotreatment units) (MM HYD-2 and PDF 5-2). The runoff flows under the proposed condition would be higher than the flows from the existing condition at the box culvert in Harbor Boulevard during 10-year and 100-year storm events. However, a decrease in the runoff flows would occur at the catch basin on Lambert Road. The project proposes on-site detention to reduce the overall peak flow rates to the box culvert in Harbor Boulevard. Two detention areas would be provided at the truck yards, with one detention area between Buildings 3 and 4 at the northwestern section of the site and the other detention area located southeast of Building 2 at the southeastern corner of the site. Also, secondary outlets would be provided at low points on the site for outflows to reach Harbor Boulevard. Additional secondary outlets would be provided on the 72-inch line so that runoff that does not enter the existing storm drain box culvert in Harbor Boulevard (when the culvert is full) can discharge to the street. Off-site flows that enter the eastern boundary of the site would be directed into the proposed 72-inch line, undetained and untreated. Thus, runoff flows to Harbor Boulevard and Lambert Road would be reduced over the existing condition, including a reduction in the potential for spill out.

With the biotreatment units decreasing offsite flow rates, no impact related to hydrologic condition of concern (HCOC) would occur with the project. The increase in the time of concentration of storm water runoff would also reduce the potential for any hydromodification impacts at downstream channels.

Project compliance with applicable requirements of the Municipal Separate Storm Sewer System (MS4) Permit; Drainage Area Management Plan (DAMP); WQMP; and The Fullerton Plan EIR MM HYD-2, RR 5-2, and PDFs 5-1 through 5-2, the proposed project would not generate substantial additional sources of polluted runoff to receiving waters. Additionally, the primary drainage pattern of the project site (toward the southwest) would be maintained along with a reduction in the runoff volume and rate of flow from the project site. Therefore, storm water flows from the project site would not exceed the capacity of the existing box culvert in Harbor Boulevard and the Orange County Flood Control District's (OCFCD's) Imperial Channel. As such, no upgrade or reconstruction of the existing drainage channels or other off-site drainage lines is required by the project. Impacts related to hydrology/drainage and storm drain facilities would be less than significant with implementation of PDFs, RRs and MMs.

Storm water flow conveyance and flood potential would increase as cumulative development results in greater amounts of impervious surfaces and channelization for conveyance of peak flows. Impacts associated with future development in the City and the region would be addressed at a site-specific level to comply with existing regulations that require flows to be retained at existing conditions and to reduce potential downstream impacts. Additional local drainage facilities would be constructed by developers or the City as they become necessary. Therefore, the proposed project, as well as implementation of other development in the City, would not result in cumulatively considerable impacts on hydrology or drainage.

Mitigation Measures, Project Design Features, and Regulatory Requirements:

See The Fullerton Plan EIR MM HYD-2, PDFs 5-1 and 5-2, and RR 5-2 above.

7. NOISE

Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Initial Study Checklist Question “d” and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact would be less than significant with implementation of The Fullerton Plan EIR MM N-1 and N-2.

Facts in Support of Findings: During construction of the proposed project, the immediate vicinity would experience short-term noise impacts related to the operation of heavy construction equipment such as bulldozers, excavators, and trucks. The operation of heavy equipment may occur approximately 600 feet from the homes to the north of the site across Superior Avenue. It is estimated that intermittent noise level at the nearest sensitive noise receptor may reach levels of up to 66 dBA L_{max} . Noise would be reduced by the existing buildings north of Lambert Road. Most of the project construction would occur south of the northern edge of the project site. Assuming concurrent operation of four pieces of heavy equipment operating with the average distance being 1,400 feet from the center of the site to the nearest sensitive receptors and no noise reduction by intervening buildings, the average construction noise level at the receptors would be less than 57 dBA L_{eq} . This is not considered substantial noise, because compatible daytime noise levels for sensitive receptors is 65 dBA. When traffic is light on the intervening roadways, construction equipment noise may be audible at the sensitive receptors; however, most of the construction noise would be masked by traffic noise on Lambert Road, Harbor Boulevard, and Superior Avenue, and construction noise at the site would not be heard at sensitive receptor locations. The Fullerton Plan EIR MM N-1 requires implementation of practices to minimize noise impacts during construction. The noise increase would not be substantial and would be less than significant with implementation of The Fullerton Plan EIR MM N-1.

During construction activities, trucks are expected to enter and leave the site on a regular basis, but only during working hours. The number of truck trips traveling along the designated haul routes would vary daily depending on the nature of the activity. Trucks would use haul routes designated by the Cities of Fullerton, La Habra, and Brea and avoid residential streets (refer to The Fullerton Plan EIR MM N-2). The volume of proposed project trucking and worker commute vehicles is not expected to exceed 800 trips per day; the noise increase would not exceed 0.5 dBA and would be negligible. The impact would be less than significant.

There are no cumulative projects in the vicinity of the project site that would contribute to cumulative construction-related noise.

Mitigation Measures:

MM N-1 Project applicants shall ensure through contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:

- 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 AM and 8:00 PM 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 30 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.
- 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).

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.

Would the project expose persons to or generate excessive groundborne vibration or groundborne noise levels? (EIR Impact 6.2 and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of The Fullerton Plan EIR MM N-4 and MM 6-1.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding noise and vibration in Section 4.6, and the analysis is incorporated by reference herein. The nearest structure, a storage unit south of the project site, is located approximately 20 feet from the project site. The vibration level at the nearest storage unit from a vibratory roller operating on the project's southern property line, at a distance of 20 feet from the storage unit, would be approximately 0.29 peak particle velocity (ppv) and would be less than the 0.5 ppv threshold where building damage could potentially occur.

Grading and construction could occur in very close proximity to the existing BCI Administration Building. As required by The Fullerton Plan EIR MM N-4, the condition of the BCI Administration Building before and after construction would be evaluated and any

damage would be repaired back to its preexisting condition. While the building is not vibration-sensitive, there is a potential to exceed the structural damage criterion of 0.5 ppv in/sec if a vibratory roller would be used within 15 feet or if a large bulldozer, loaded truck, or similar equipment would be used within 8 feet of the existing building. Therefore, to avoid the potential for structural damage, MM 6-1 places limits on the use of the types of equipment that cause the greatest vibration and would be incorporated into the project. With the implementation of The Fullerton Plan MM N-4 and MM 6-1, the impact would be less than significant after mitigation.

Future on-site land uses that could produce discernable vibration would be limited to heavy truck movement to, from, and around the project site. These truck movements would not be different than the truck movements at the adjacent commercial and industrial properties and on adjacent roads. There would be no potential for a significant impact. Also, the proposed industrial buildings on the easternmost part of the project site would be approximately 125 feet from the UPRR tracks, and there is the potential for a vibration impact, should train activity on this railroad be re-activated. However, the vibration level would be less than 83 vibration decibel (VdB) and the impact would be less than significant.

Vibration is a local impact. There are no known sources of vibration in close proximity to the project site that would be additive to the construction and operational vibration sources associated with the project. Therefore, vibration from the proposed project would not result in a cumulative impact to off-site receptors. Operational vibration from off-site sources to on-site receptors would be limited to potential impacts from train operations, which currently do not occur. There are no other off-site or on-site sources that would contribute to the potential train vibrations. The proposed project would not result in a considerable contribution to significant cumulative vibration impacts.

Mitigation Measures:

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:¹

- 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 buildings² within a 50-foot radius of proposed construction activities shall be evaluated during a preconstruction survey. The preconstruction 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.

¹ Pile driving would not be used for proposed construction activities; therefore, the first and third bulleted items are not applicable to the proposed project.

² As further discussed in Section 4.3, Cultural Resources, of the Draft EIR, the BCI Administration is eligible for listing as a Fullerton Historical Landmark and is also potentially eligible for listing in the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP).

- 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 6-1 Prior to the issuance of grading permits, the Property Owner/Developer shall submit specifications to the City of Fullerton's Building Department that direct contractors to avoid the use of vibratory rollers within 15 feet of the existing BCI Administration Building and large bulldozers, loaded trucks, or similar heavy equipment within 8 feet of the existing BCI Administration Building. Confirmation that this requirement has been met shall be verified by the City during construction.

Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (EIR Impact 6.3 and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of The Fullerton Plan EIR MM N-6 and RR N 6-1.

Facts in Support of Findings: The Draft EIR analyzed potential impacts regarding permanent noise increases in Section 4.6, and the analysis is incorporated by reference herein. The addition of project traffic to existing traffic would increase the traffic volumes on these roadways and, therefore, the traffic noise at adjacent and nearby receptors. The noise increase on Harbor Boulevard from Lambert Road to Imperial Highway is estimated at 0.6 dBA and the noise increases on all other segments would be less than 0.6 dBA. Existing noise levels adjacent to all road segments are greater than 60 dBA CNEL; therefore, the threshold for significant impact is 3.0 dBA. Noise increases, including cumulative noise level increases, would be less than 3.0 dBA and the traffic noise impact would be less than significant.

The primary on-site noise sources would be HVAC units and heavy truck operations. The combined noise level from multiple HVAC units at the project site would be anticipated to be less than 41 dBA Leq at the nearest residences. When added to the existing estimated nighttime noise level of 44 to 45 dBA, the noise increase would be less than 2 dBA, which would not be perceptible. The combined noise level from multiple HVAC units would be anticipated to be less than 36 dBA Leq at the Sonora High School buildings and less than 41 dBA Leq at the athletic fields. When added to the existing estimated daytime noise level of 60 dBA, the noise increase would be less than 0.1 dBA, which would not be perceptible. Because of shielding by on-site and off-site buildings, the noise increase at sensitive receptors from on-site truck operations would be negligible. The impact would be less than significant; however, The Fullerton Plan EIR MM N-6 and RR NSE 6-1 further address noise impacts during operation.

Increases in existing noise levels of less than 0.1 dBA would not be a considerable contribution to noise levels in the project area. Therefore, the project would not contribute to a cumulative noise impact when considering the noise from the operation of the proposed project and cumulative projects.

Mitigation Measures:

- 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 HVAC [heating, ventilation, and air conditioning] installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design.
- RR N 6-1** All industrial uses shall comply with Section 15.40.080 of the Fullerton Municipal Code, as follows:
- Sound related to industrial or manufacturing processes, excluding traffic noise, shall comply with Chapter 15.90 of the Fullerton Municipal Code.
 - Vibration from any machine, operation or process that can cause noticeable displacement as measured at the property line of the parcel on which the use is located shall be prohibited.

8. 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:

i) Fire protection?

iii) Schools?

(Initial Study Checklist Question “a” and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of The Fullerton Plan EIR MM SCH-1 and RR 14-1.

Facts in Support of Findings: The proposed project would create the typical range of service calls to the Fullerton Fire Department (FFD) for medical aid, fire response, emergency rescue, traffic collisions, and hazardous material incidents. Increased traffic on City streets may also increase the potential for accidents, requiring emergency response from the FFD. The project would be required to comply with all applicable codes, ordinances, and regulations (including the City of Fullerton Municipal Code and the California Building Code [CBC]) (RR 14-1). The FFD has determined that the increased demand for fire protection and emergency services would not require the construction of new or alteration of existing fire protection facilities to maintain an adequate level of fire protection service to the project area.

The project site is within the service areas of both the La Habra City School District (LHCSD) and Fullerton Joint Union High School District (FJUHSD). The proposed project would not directly generate students, as the project does not involve the development of residential land uses. Payment of the required school impact fees (The Fullerton Plan EIR MM SCH-1) would avoid impacts to school services.

Because the proposed project does not involve a direct increase in the City's population and can be accommodated by existing service capabilities, and cumulative projects would also be required to pay school fees and comply with the City's Municipal Code, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact related to cumulative public service impacts.

Mitigation Measure and Regulatory Requirement:

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.

RR 14-1 All development in the City shall comply with the Fullerton Fire Prevention Ordinance (Chapter 13 of the City's Municipal Code), which addresses fire prevention and includes the City's Fire Code. All development shall also comply with the City's Building Code (Chapter 14 of the City's Municipal Code), which adopts the California Building Code and other codes related to building construction, in order to prevent the creation of fire hazards in the City.

9. TRAFFIC AND CIRCULATION

Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (EIR Impact 7.1, Construction Traffic, and Cumulative Construction Traffic Impacts)

Findings: With regard to construction traffic, the City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of MM HAZ-5, MM AQ-6, RRs 7-2, 7-3, 7-5 and 7-6.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding transportation and traffic in Section 4.7, and the analysis is incorporated by reference herein. Construction-related traffic would primarily be associated with the delivery of building materials and construction equipment, transport of construction materials and equipment, removal of construction debris, and construction workers commuting to/from the project site. The amount of construction traffic would vary daily depending on the nature of the activity. To minimize traffic congestion and truck traffic impacts on noise-sensitive uses, the Cities of Fullerton, La Habra, and Brea have designated truck routes that direct truck traffic to designated arterials, and construction truck traffic would be required to use these designated routes (RR 7-3). Construction traffic would also be required to comply with weight limits for individual streets, as established in the City of Fullerton Municipal Code (RR 7-2). In compliance with The Fullerton Plan EIR's MM HAZ-5 and MM AQ-6, a traffic control plan would be prepared and submitted to the City, which describes safe detours, provides temporary traffic-control measures during construction activities, and identifies requirements to be met when one or more travel lanes are obstructed during construction. Construction work associated with the driveways, sidewalks, parkways, curbs and gutters, and the public rights-of-way on Lambert Road and Harbor Boulevard would also require a Public Works Permit/Encroachment Permit from the City of Fullerton (RR 7-5) and the City of La Habra to ensure that the obstruction

to public rights-of-way during construction activities is minimized and that public facilities are returned to their original conditions unless otherwise improved. Any obstruction of travel lanes on Lambert Road and Harbor Boulevard would also have to comply with the Green Book and WATCH Manual (RR 7-6) so that access is maintained at all times, traffic control is provided in construction work areas, and emergency personnel are notified of temporary detours. Construction activities would be conducted in compliance with the applicable regulations of the City of Fullerton, which would reduce temporary construction-related traffic impacts to a less than significant level.

None of the identified cumulative projects are immediately adjacent to the project site or at a location that would otherwise result in cumulative impacts related to construction traffic. Additionally, each cumulative project would be required to comply with applicable regulations related to the use of designated truck routes for construction, which are in place to ensure impacts are less significant. Thus, the proposed project would not result in a considerable contribution to cumulative construction-related traffic impacts.

Mitigation Measures and Regulatory Requirements

Refer to The Fullerton Plan EIR MM AQ-6 presented previously.

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., flagpersons), 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.

RR 7-2 In accordance with Chapter 8.28, Weight Limits, of the City of Fullerton Municipal Code, contractors shall not operate any vehicles (including commercial vehicles) that exceed the weight limit established by the City for individual streets (as posted on signs). Commercial vehicles may use restricted streets for the purpose of delivering or picking up materials or merchandise by entering a restricted use street at its intersection with the unrestricted street nearest to the destination, then proceeding by the most direct route to the destination and traveling directly to the nearest unrestricted street.

RR 7-3 Heavy trucks shall use designated truck routes in the cities of Fullerton, La Habra and Brea:

- In accordance with Chapter 8.30, Truck Routes and Terminals, of the City of Fullerton Municipal Code, vehicles exceeding 10,000 pounds shall use designated truck routes to access the project site. Non-designated truck routes shall be used only as necessary to traverse

a street or streets to a destination for the purpose of loading or unloading.

- Heavy trucks shall utilize the designated truck routes in Figure 3-7, Truck Routes, of the La Habra General Plan and shall comply with Section 10.28.020, Truck Routes of the La Habra Municipal Code. To minimize truck traffic impacts to the surrounding circulation system, trucks shall be permitted to access the site along Lambert Road from east of Harbor Boulevard to the eastern limits of the City of Fullerton; however, no truck traffic shall be permitted west of Harbor Boulevard on Lambert Road.
- Heavy trucks shall utilize designated arterials in the Brea General Plan and shall comply with the requirements identified in Section 10.40, Truck Routes and Terminals, of the City of Brea Municipal Code.

RR 7-5 A Public Works Permit/Encroachment Permit shall be obtained from the City Engineer prior to any work on curbs, gutters, sidewalks, streets, alleys, public easements, or other City rights-of-way, following the guidelines in Chapter 16.07 of the Fullerton Municipal Code. Obstruction to City streets during construction activities shall be minimized and abated in accordance with Chapter 16.11 of the City's Municipal Code.

RR 7-6 The City requires construction on public rights-of-way to comply with the Standard Specifications for Public Works Construction (Green Book), which contains standards for maintenance of access, traffic control, and notification of emergency personnel. In addition, all lane closures and/or detours shall comply with the Work Area Traffic Control Handbook (WATCH) Manual, which provides guidelines for traffic control in construction work areas on local and county roads.

Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (EIR Impact 7.3 and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this impact is less than significant with implementation of PDFs 7-1 through 7-4, RRs 7-2 through 7-4, and MM 7-1.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding the traffic hazards in Section 4.7, and the analysis is incorporated by reference herein.

Site Access

The proposed project would have access from two existing signalized intersections on Harbor Boulevard and Lambert Road (Harbor Boulevard and Edwards Drive/Beckman Drive and Lambert Road and Home Depot/Arco driveway) and five project access driveways. The access driveways would include three right turn in/out-only driveways along Harbor Boulevard and two right-turn in/out-only driveways on Lambert Road. Existing circulation patterns on adjacent public roadways would not be altered. Site improvements incorporated into the proposed project to ensure that adequate ingress and egress to the project site is provided are listed in PDF 7-1. As identified in MM 7-1, Project Driveway No. 1 would be widened by 4 feet to the north and a 25-foot curb return and 40-

foot curb return would be provided on the northeast and southeast corners, respectively. Alternately, if these recommendations cannot be incorporated into the site plan, then large truck (WB-67) access at this driveway would be prohibited and be signed appropriately with “No Trucks over 45 Feet Long” signs. With the construction of site improvements under PDF 7-1 and MM 7-1, all seven proposed driveways are forecast to operate at an acceptable LOS C or better during the AM peak hour and PM peak hour for both Year 2020 Cumulative and General Plan Buildout (Post 2030) traffic conditions. Therefore, project site access is considered adequate.

Queuing

To determine the adequacy of vehicular stacking for outbound vehicles at the project driveways, a queuing evaluation was conducted. The queuing analysis shows all project driveways would provide adequate stacking length to accommodate the estimated queue.

Internal Circulation

The turning radii required for all trucks to properly access and circulate through the project site show that service/delivery vehicles (SU 30) and fire trucks can access the site and circulate safely. Large truck (WB-67) access at Project Driveway Nos. 3, 4, and 5 would be restricted (refer to PDF 7-1). At the other driveways, the turning requirements for a WB-67 large truck would require modifications to the curb radii at Project Driveway Nos. 1 and 2, curb widening at Project Driveway No. 6, and median modifications at Project Driveway No. 2 (MM 7-1). Impacts would be less than significant after mitigation.

Sight Distance

A sight distance evaluation has been performed for each of the 7 project driveways. The sight lines at the project driveways on Lambert Road and Harbor Boulevard are expected to be adequate provided obstructions within the sight triangles are minimized. A field review of existing conditions on Harbor Boulevard and Lambert Road along the project frontage indicates that obstructions, with the exception of landscaping/street trees at parkways, are minimal. Any additional landscaping and/or hardscapes (i.e., monument signs) would be designed such that a driver’s clear line of sight is not obstructed (RR 7-4).

Use Compatibility

The project is estimated to generate 981 truck trips daily, with 249 trips by 2-axle trucks, 251 trips by 3-axle trucks, and 481 trips by 4-axle trucks or larger. However, the introduction of truck trips would not be incompatible with existing development in the area that generates similar types of truck trips. Additionally, as discussed above, the cities of Fullerton, La Habra, and Brea have designated truck routes that would be used by project-generated truck traffic, and trucks traveling to and from the project would adhere to applicable regulations of the Cities of Fullerton, La Habra, and Brea (refer to RR 7-2 and RR 7-3).

The project site is located near Sonora High School in La Habra, which has vehicular access from Palm Street. Palm Street is not a designated truck route, and no truck traffic would be allowed to use Palm Street near Sonora High School. Thus, truck traffic would not cause hazards resulting from a conflict with traffic at the high school. Further, with the majority of auto-related traffic associated with the project during the weekday peak hours being employee-related traffic and given that the arterial network serving the site would not include Palm Street (but would consist of Harbor Boulevard and Lambert Road) and

the fact that employee traffic is expected to explicitly avoid the high school traffic, project traffic is not expected to utilize Palm Street to access the project site. In addition, no design feature or incompatible use is proposed by the project that may create a hazard to the school or school operations.

Pedestrian Circulation

As identified in PDF 7-2, sidewalks would be constructed along Harbor Boulevard along the project frontage, which would connect to the existing sidewalks. Pedestrian circulation would be provided via the existing public sidewalks along Lambert Road and the proposed public sidewalks along Harbor Boulevard within the vicinity of the project frontage. The proposed project would protect the existing sidewalk along the project frontage and, if necessary, repair or reconstruct sidewalks along the project frontage per the City's request. These sidewalks along the project vicinity would provide connectivity to bus stops and crosswalks at the major thoroughfares of Harbor Boulevard and Lambert Road and would promote pedestrian safety for employees, patrons, and visitors at the project site. Impacts would be less than significant.

Railroad Crossings

There is an at-grade rail crossing near the railroad tracks east of the project site on Lambert Road. Since there are currently no train movements on this rail line, UPRR considers the line to be "inactive/out of service", and there would be no potential hazards associated with operation of the project and project-generated traffic near the rail line. However, UPRR does not have plans to abandon the line since it may be used in the event of a future customer need. Should this occur, project-generated trips would cross the UPRR line at Lambert Road. Also, a limited number of pedestrians would be generated by the project and even fewer are expected to cross the rail line at Lambert Road. The existing barrier gates, signing, striping, and flashing lights are adequate for the safety of existing and anticipated future vehicle traffic and pedestrian movement. Therefore, there would be a less than significant impact related to safety hazards associated with the adjacent rail line.

Cumulative Impacts

The proposed project would have less than significant impacts related to hazards from design or incompatible uses with adherence to applicable regulations and implementation of identified PDFs and MMs. None of the cumulative projects are immediately adjacent to the project site or at a location that would otherwise result in potentially significant impacts related to hazards from design or incompatible uses. Additionally, each cumulative project would be required to comply with applicable regulations related to the use of designated truck routes for construction and operation, which are in place to ensure impacts are less significant. Thus, the proposed project would not result in a considerable contribution to cumulative impacts for these issues, when considered with the cumulative projects.

Project Design Features, Regulatory Requirements, and Mitigation Measures:

PDF 7-1 The Property Owner/Developer shall construct the following site improvements along Harbor Boulevard and Lambert Road to ensure adequate ingress and egress to the project site:

- Install a stop sign, right-turn only sign, and stop bar at Project Driveway No. 1 on Harbor Boulevard.

- Construct Project Driveway No. 2 to align opposite Edwards Drive along Harbor Boulevard with a westbound (outbound) left-turn lane and through/right-turn lane and one eastbound (inbound) lane. Upgrade the existing traffic signal per California Manual for Uniform Traffic-Control Devices (CA MUTCD) guidelines and install a closed-circuit television (CCTV) camera to monitor the traffic along Harbor Boulevard.
- Stop signs, right-turn only signs, and stop bars shall be installed at Project Driveway Nos. 3 and 4 on Harbor Boulevard, along with “No Trucks over 45 Feet Long” signs to restrict large truck (WB-67) access at these driveways.
- A stop sign, right-turn only sign, and stop bar shall be installed at Project Driveway No. 5 on Lambert Road, along with “No Trucks over 45 Feet Long” signs to restrict large truck (WB-67) access at this driveway.
- Project Driveway No. 6 shall be constructed to align opposite the Home Depot driveway along Lambert Road with a northbound (outbound) left-turn lane and through/right-turn lane and one southbound (inbound) lane. A crosswalk shall be installed on the east leg of the intersection, which is subject to approval by the City of La Habra. The existing traffic signal shall be upgraded per CA MUTCD guidelines and a CCTV camera shall be installed to monitor the traffic on Lambert Road. Flashing protected/permmissive phasing in the east-west direction (flashing yellow arrow) shall be installed along Lambert Road.
- A stop sign, right-turn only sign, and stop bar shall be installed at Project Driveway No. 7 on Lambert Road.

PDF 7-2 The Property Owner/Developer shall retain or reconstruct the existing sidewalks adjacent to the project site boundaries on Lambert Road and Harbor Boulevard. In addition, sidewalks shall be constructed along the project frontage on Harbor Boulevard, which shall connect to the existing sidewalks.

RR 7-2 In accordance with Chapter 8.28, Weight Limits, of the City of Fullerton Municipal Code, contractors shall not operate any vehicles (including commercial vehicles) that exceed the weight limit established by the City for individual streets (as posted on signs). Commercial vehicles may use restricted streets for the purpose of delivering or picking up materials or merchandise by entering a restricted use street at its intersection with the unrestricted street nearest to the destination, then proceeding by the most direct route to the destination and traveling directly to the nearest unrestricted street.

RR 7-3 Heavy trucks shall use designated truck routes in the cities of Fullerton, La Habra and Brea:

- In accordance with Chapter 8.30, Truck Routes and Terminals, of the City of Fullerton Municipal Code, vehicles exceeding 10,000 pounds shall use designated truck routes to access the project site. Non-designated truck routes shall be used only as necessary to traverse a street or streets to a destination for the purpose of loading or unloading.
- Heavy trucks shall utilize the designated truck routes in Figure 3-7, Truck Routes, of the La Habra General Plan and shall comply with

Section 10.28.020, Truck Routes of the La Habra Municipal Code. To minimize truck traffic impacts to the surrounding circulation system, trucks shall be permitted to access the site along Lambert Road from east of Harbor Boulevard to the eastern limits of the City of Fullerton; however, no truck traffic shall be permitted west of Harbor Boulevard on Lambert Road.

- Heavy trucks shall utilize designated arterials in the Brea General Plan and shall comply with the requirements identified in Section 10.40, Truck Routes and Terminals, of the City of Brea Municipal Code.

RR 7-4 Project design shall provide vision clearance as outlined in the General Site Development Standards in Chapter 15.17 of the City's Municipal Code. No structure or landscaping shall be placed within the defined vision clearance area at street intersections, street and alley intersections, or driveways that would obstruct a clear view of traffic.

MM 7-1 Prior to the issuance of a building permit, the Property Owner/Developer shall demonstrate that the following vehicle turning movement requirements have been incorporated into the final site design for the project, subject to the review and approval of the City of Fullerton Engineering Division:

- Project Driveway No. 1—Widen the northern curb of the driveway by 4 feet and construct a 25-foot curb return and a 40-foot curb return on the northeast and southeast corners, respectively. However, if these modifications cannot be incorporated into the site plan, then large truck (WB-67) access at this driveway should be prohibited and be signed appropriately with "No Trucks over 45 Feet Long" signs.
- Beckman Drive/Project Driveway No. 2—Widen the northern curb of the driveway by 2 feet and construct a 45-foot curb return and a 70-foot curb return on the northeast and southeast corners, respectively. Also, modify the median noses on the north and south legs of the intersection to better accommodate left-turning vehicles.
- Home Depot/Project Driveway No. 6—Construct a compound curve with a 50-foot and 100-foot curb return radii on the southwest corner and construct a 40-foot curb return radii on the southeast corner.

10. UTILITIES AND SERVICE SYSTEMS

Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (EIR Impact 8.1 and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant by the implementation of RRs 8-1 through 8-3.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding utilities and service systems in Section 4.8, and the analysis is incorporated by reference herein. Development of the proposed project would be accompanied by the construction of water utility lines to serve individual buildings and landscaped areas proposed on the site. The proposed on-site water lines would comply with City requirements, as outlined in RR 8-1. Once construction of the project is completed, the on-site water system would be dedicated to the City for long-term maintenance. However, the fire mains and connected

private hydrants that serve individual buildings would be owned and maintained by the individual building owners. No disturbance of the MWD Lower Feeder pipeline or interruptions of water services to the project area and other areas served by this pipeline would occur with the project.

The project would be served by 6-inch and 8-inch sewer lines to be constructed in internal driveways and roads that would connect to the 10-inch line in Harbor Boulevard and within the City of La Habra that extends from the project site to the OCSD's sewer trunk line in Imperial Highway. The proposed on-site sewer lines shall comply with City requirements, as outlined in RR 8-2. In addition, the project includes improvements to the off-site manholes and installation of a cured-in-place liner along the sewer line in Harbor Boulevard. The hydraulic analysis indicates that no surcharging or hydraulic deficiencies would occur in the 10-inch sewer line and maximum flow-capacity ratios would be 0.37 during peak flow conditions. Also, a limited Sewer Study was prepared for the proposed project and determined that there is sufficient capacity in OCSD's regional sewers to handle the estimated peak flows from the project. The project would also pay OCSD Capital Facilities Capacity Charges to the City of Fullerton, and on-site collection facilities and the discharge of wastewater from the project would be designed and constructed so that no violation of OCSD's Regional Water Quality Control Board (RWQCB) permit requirements occurs. Therefore, on-site pre-treatment and the appropriate permits would be needed for industrial wastewater or special discharges from the project, as necessary so as not to cause OCSD treatment plants to exceed established treatment requirements (RR 8-3).

As with the proposed project, individual cumulative development projects would require the construction of necessary water and sewer infrastructure to serve each project. As discussed above, the water and sewer infrastructure needed for the proposed project would be limited to on-site lines and laterals, with connections to existing City of Fullerton utility lines adjacent to the project site. The environmental impacts associated with the construction of these facilities have been addressed throughout the Draft EIR and would be less than significant. Therefore, the project would not have a considerable contribution to cumulative impacts associated with construction of water and wastewater infrastructure.

Regulatory Requirements:

RR 8-1 As part of the plan check process for building construction, the Property Owner/Developer shall be required to demonstrate to the City Engineer that the water lines that would be provided on site to serve the project comply with the City's regulations, as contained in Chapter 12.04, Water Regulations, of the Fullerton Municipal Code and the City's Water Rates, Rules, and Regulations, including service charges, water line extensions, water meters, and fire protection.

RR 8-2 As part of the plan check process for the building shell and tenant improvements, the Property Owner/Developer shall be required to demonstrate to the City Engineer that the sewer lines that would be provided on site to serve the project plans comply with the City's regulations, as contained in Chapter 12.08, Sewer Connections, of the Fullerton Municipal Code. This will include procurement of a public works permit; conformance to the construction standards as set forth in Title 16, Subdivisions, of the Municipal Code; and infiltration testing that meets the standards in the latest edition of the Standard Specifications for Public Works Contracts (Green

Book). The Property Owner/Developer shall also pay the required sewer maintenance fee.

- RR 8-3** Prior to issuance of occupancy permits for tenant improvements, the Property Owner/Developer shall be required to demonstrate to the City Engineer that appropriate permits from the Orange County Sanitation District (OCSD) have been obtained in compliance with OCSD's Ordinance No. OCSD-41 and Ordinance No. OCSD-48, including the payment of fees; design and construction of pretreatment or pollution control equipment/facilities and trunk sewer line connection per OCSD requirements; and proposed waste minimization and water conservation practices and compliance with permit conditions. On-site operations that affect OCSD facilities shall also comply with OCSD regulations related to prohibited discharges, discharge limits, monitoring, reporting/notification, inspection/sampling requirements.

Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (EIR Impact 8.2 and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is less than significant. Compliance with RRs 8-4 and 8-5 would also reduce water demand.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding water supply in Section 4.8, and the analysis is incorporated by reference herein. The project would be designed and constructed to comply with the City's Landscape Ordinance (RR 8-4), which has been adopted to comply with State regulations. Future tenants are also expected to participate in water conservation programs and to comply with applicable water conservation regulations imposed by the City in the event of a water supply shortage (RR 8-5), which have been established in accordance with State regulations and in consideration of projected water supplies. These RRs would reduce water consumption by the project and associated demands for groundwater and/or imported water.

A Water Supply Assessment (WSA) was prepared to determine the availability of water supplies to serve the project. The WSA estimates water demand at buildout of The Fullerton Plan and the water demand from the project. It also identifies available water supplies and the City's capacity to serve total water demand within its service area during a normal year, a single-dry year, and multiple-dry years. Using the water demand factor of 118 gallons per day (gpd) per square foot and the project's proposed 978,665 square feet of floor area, a demand of 115,482 gpd or 129 acre-feet per year (afy) of indoor water use could be expected from the project. The landscape irrigation demand for the project is estimated at 7,146 gpd or 8 afy, in compliance with the City's Landscape Ordinance. Thus, the project would have a total water demand of 137 afy. Additional water supplies needed to serve the project are expected to come from groundwater. This will increase the City's Basin Production Percentage (BPP) above 70 percent, but the project's demand for 137 afy would be less than 1 percent of the projected 2020 water demand of 18,689 afy. Thus, a BPP of less than 71 percent would be sufficient to provide the needed groundwater supply for the project from 2020 to 2040. The City's BPP would need to increase by only 1/10 to 2/10 of a percent above 70 percent, still well below Orange County Water District's (OCWD's) current and projected BPP of 75 percent. The City can produce groundwater above the conservative assumptions included in its 2015 Urban Water Management Plan (UWMP) and, if necessary, above the BPP. If production above the BPP occurs, the City will pay the BEA pump tax, which is a higher payment than the RA

that is paid for groundwater produced within the BPP limits. The WSA indicates that sufficient water supply exists now and will be available for the project through Year 2040 to meet water demand from the project.

In general, the City's current water supply is highly reliable now and through Year 2040 based on performance of existing supplies and related management activities, development of additional programs implemented and currently underway by OCWD and Metropolitan, and the cooperative efforts of the Municipal Water District of Orange County (MWDOC) and its member agencies. OCWD's ongoing coordination with Metropolitan and its IRP, including in-lieu and groundwater banking programs, has provided a high level of reliability for all Metropolitan member agencies, including the City of Fullerton. Reliability of the City's future water supplies will continue through ongoing implementation of the OCWD's Groundwater Management Plan (GMP), OCWD's Long-Term Facilities Plan, local agency programs, and the combined efforts and programs among member and cooperative agencies of Metropolitan. These agencies include all water wholesalers and retailers, the OCSD, the Santa Ana RWQCB, and the Santa Ana Watershed Project Authority. Impacts to water supplies would be less than significant and less than cumulatively considerable.

Regulatory Requirements:

RR 8-4 As part of the plan check process for building construction, the Property Owner/Developer shall be required to demonstrate to the City Engineer that the proposed landscape plan for the project complies with the City's Landscape Ordinance (Chapter 15.50, Landscaping and Irrigation Requirements, of the Fullerton Municipal Code), including plant selection and irrigation design that meets the Maximum Applied Water Allowance for the project. The Landscape Documentation Package shall include a soil management report, water efficient landscape calculations, a certified landscape design plan, a certified irrigation plan, final project certification, and a one-year maintenance deposit, as well as an irrigation audit report and private yard and open space documentation, as may be necessary.

RR 8-5 The project shall participate in the City's water conservation programs, as feasible, and shall comply with water conservation regulations that may be imposed by the City in accordance with Chapter 12.06, Water Supply Shortage Conservation Plan, of the Fullerton Municipal Code. These regulations include City's procedures, rules, and regulations for mandatory water conservation to minimize the effect of a water supply shortage on the City's water customers.

Would the project create demands on electric or natural gas supply and/or dry utility infrastructure which exceed the capacity of the utility serving the project area? (EIR Impact 8.3 and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of RRs 3-1 and 3-2.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding electric, natural gas and dry utilities in Section 4.8, and the analysis is incorporated by reference herein. The proposed project would require the installation of on-site utility infrastructure (i.e., electric, natural gas, telephone, and cable lines) and connections to off-site facilities in the vicinity of the project site to serve the project.

Project facility operational energy demands are estimated at: 13,062,310 thousand British thermal units (kBtu) per year of natural gas and 7,091,664 kWh per year of electricity. As discussed in Section 6.4, Energy Conservation, of the Final EIR, the energy demands of the project can be accommodated within the context of available resources and existing energy delivery systems. The project would therefore not cause or result in the need for additional energy producing or transmission facilities. The project would not engage in the wasteful or inefficient uses of energy and the project aims to achieve energy conservation goals within the State of California. Thus, the project would not have any long-term effects on an energy providers' future energy development or energy conservation strategies.

Electrical services would be provided by the Southern California Edison Company (SCE), which has indicated the site is within their service territory and they will serve the electrical requirements of the project. Natural gas services would be provided by the Southern California Gas Company (SCG), which has indicated they have facilities in the area and can provide natural gas service to the project. The project would comply with existing regulations for energy conservation, including Title 24 Energy Efficiency Standards (RR 3-1) and Title 24 Green Building Standards (RR 3-2).

For other dry utilities, AT&T has indicated the site is within their franchise area and they will provide telephone services to the project. Time Warner has also indicated that they will provide broadband telecommunications services to the project. Impacts regarding electric, natural gas and dry utilities would be less than significant.

The proposed project and other developments in the City of Fullerton would increase demands for dry utilities. Compliance with energy conservation programs and regulations (e.g., California Energy Code and CALGreen Code) would reduce energy demands. New development would also have to be evaluated on a project-by-project basis by utility provider and would have to pay service fees to obtain services. Therefore, the project would not result in cumulatively considerable contribution to cumulative dry utility impacts.

Regulatory Requirements:

RR 3-1 Prior to issuance of building permits, the Property Owner/Developer shall be required to demonstrate to the Community Development Department that building plans meet the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (*California Code of Regulations* [CCR], Title 24, Part 6).

RR 3-2 Prior to issuance of building permits, the Property Owner/Developer shall be required to demonstrate to the Community Development Department that building plans meet the applicable California Green Building Standards (CALGreen) Code (24 CCR 11).

Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Initial Study Checklist Question "f" and Cumulative Impacts)

Findings: The City hereby makes Finding 1 and determines that this potentially significant impact is rendered less than significant with implementation of RRs 17-1.

Facts in Support of Findings: Solid waste from the project area is collected by MG Disposal/Republic Services and brought to the Anaheim Transfer Station/Recycling Center. From this facility, solid wastes are disposed of at local landfills, such as the Olinda

Alpha Sanitary Landfill, which is owned and operated by OC Waste & Recycling and is the closest landfill to the project. In accordance with the California Green Building Standards (CALGreen) Code, which has been adopted by reference by the City's Municipal Code, at least 50 percent of demolition and construction debris generated by the proposed project and cumulative projects would have to be diverted from landfills by recycling, reuse, and/or salvage (RR 17-1). The proposed project would be expected to generate approximately 5,880 lbs of solid waste per day during operations. This solid waste generation (approximately 2.94 tons per day) would be considered negligible (less than ½ of 1 percent), when compared to the 8,000-ton per day limit of the Olinda Alpha Sanitary Landfill and could be accommodated within the permitted capacity of the County's landfill system. This impact is less than significant with implementation of RR 17-1. The project would not result in an cumulatively considerable contribution to cumulative impacts related to landfill capacity.

Regulatory Requirement:

RR 17-1 Pursuant to the CALGreen Code (Section 4.408, Construction Waste Reduction, Disposal and Recycling Plan), a construction waste management plan shall be submitted for approval by the City that recycles and/or salvages for reuse a minimum of 50 percent of the non-hazardous construction and demolition debris. The construction waste management plan shall:

1. Identify the materials to be diverted from disposal by recycling, reuse on the project site, or salvage for future use or sale.
2. Specify if materials will be sorted on site or mixed for transportation to a diversion facility.
3. Identify the diversion facility where the material collected will be taken.
4. Identify construction methods employed to reduce the amount of waste generated.
5. Specify that the amount of materials diverted shall be calculated by weight or volume, but not by both.

C. ENVIRONMENTAL ISSUES ANALYZED IN THE FINAL EIR AND DETERMINED TO HAVE SIGNIFICANT AND UNAVOIDABLE IMPACTS

Where, as a result of the environmental analysis of the proposed project, including identified PDFs, the City has determined that (1) even with the identification of regulatory requirements, compliance with existing laws, codes and statutes, and applicable mitigation measures in The Fullerton Plan EIR, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact. With respect to these significant impacts the City has found in accordance with CEQA Section 21081 and CEQA Guidelines Section 15091 that:

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR” for the following categories which are further discussed below. This is referred to herein as “Finding 1.”

“Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency”, the City’s findings is referred to herein as “Finding 2.”

“Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report,” referred to herein as “Finding 3.”

Therefore, the project would cause significant unavoidable impacts for the following categories. The City must adopt a Statement of Overriding Consideration as a condition of project approval and identify overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant effects of the project (refer to Section VIII of this document).

- Air Quality Management Plan (AQMP) Consistency
- Operational Air Quality Impact
- Cumulative Operational Air Quality Impact
- Greenhouse Gas Emissions
- GHG Emissions Reduction Plan Consistency
- Project-related Traffic Impacts
- Cumulative Traffic Impacts

1. AIR QUALITY

Would the project conflict with or obstruct implementation of the applicable air quality plan? (EIR Impact 1.1)

Findings: With regard to consistency with the applicable air quality plan, the City hereby makes Finding 1 and Finding 3, which would require the adoption of a Statement of Overriding Considerations as a condition of project approval.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding air quality in Section 4.1, and the analysis is incorporated by reference herein. Pursuant to the SCAQMD’s CEQA Handbook, there are two key indicators of consistency:

1. Whether the project will 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 emissions reductions in the Air Quality Management Plan (AQMP).
2. Whether the project will exceed the assumptions in the AQMP.

Even with implementation of The Fullerton Plan EIR MM AQ-9, MM AQ-10 and MM AQ-12, MMs 1-3 and 1-4, PDFs 1-1 through 1-4, and RR 1-4, which would reduce operational emissions of NOx from mobile sources, the project’s NOx emissions would exceed the SCAQMD-established air quality threshold. To provide a conservative analysis, it is concluded the project could conflict with the 2012 AQMP and Draft 2016 AQMP under the first criterion, representing a potentially significant impact. With respect to the second criterion, the project is consistent with the land use assumptions and growth projections for the North Industrial Focus Area in The Fullerton Plan. Therefore, the

proposed project is consistent with the growth assumptions for the City as incorporated in the 2012 AQMP and does not exceed the assumptions in the AQMP; the project would not conflict with the AQMP under the second criterion. With the conflict with the first criterion, project impacts would be significant and unavoidable.

Mitigation Measures, Project Design Features, and Regulatory Requirement:

MM AQ-9³ 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 SCAQMD Rule 2202, which requires the implementation of employee commute reduction programs.

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 five minutes.

MM 1-3 Prior to the issuance of each building permit for initial tenant improvements, the permit applicant shall provide a model lease agreement to the City of Fullerton verifying that provisions are included in the building's lease agreement that the building operator shall inform tenants about the availability of the following equipment or programs and their benefits to air quality: 1) alternatively fueled cargo handling equipment; 2) grant programs for diesel fueled vehicle engine retrofit and/or replacement, including but not limited to Carl Moyer, Prop 1B, On-road Heavy Duty Voucher Incentive Program (VIP), HVIP Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP), and Surplus Off-Road Opt-in for NOx [nitrogen oxides] (SOON) funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>); 3) the United States Environmental Protection Agency's SmartWay program; and 4) voluntary trip reduction programs.

MM 1-4 Prior to the issuance of each building permit for initial tenant improvements, the permit applicant shall provide a model lease agreement to the City of Fullerton verifying that provisions are included in the building's lease agreement that encourages all building operator owned fleet vehicles to conform to 2010 air quality engine standards or better.

³ With respect to these measures, the project shall conform to the State Building Code, including the CALGreen Code, or MM AQ-9, whichever is more restrictive.

- PDF 1-1** Each industrial building shall have at least one internal charging station that shall support the use of electric materials handling equipment (e.g., forklifts and aerial lifts).
- PDF 1-2** Changing/shower facilities shall be provided in each building as follows:
- Any building over 100,000 square feet – two shower/changing rooms
 - Any building under 100,000 square feet – one shower/changing room
- PDF 1-3** Preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as specified in the CALGreen Code Nonresidential Voluntary Measures Section A5.106.5.1.1 Tier 1, which specifies the number of required spaces.
- PDF 1-4** Light-duty vehicle charging stations and facilities to support additional charging stations shall be installed in the quantities indicated below. System capacity, raceway design and other installation details shall be consistent with CALGreen Code Section A5.106.5.3.
- Building 1 – Install 2 charging stations and allow for 8 future charging stations.
 - Building 2 – Install 2 charging stations and allow for 3 future charging stations.
 - Building 3 – Allow for 2 future charging stations.
 - Building 4 – Allow for 2 future charging stations.
 - Building 5 – Allow for 3 future charging stations.
 - Building 6 – Install 2 charging stations and allow for 3 future charging stations.
 - Building 7 – Install 2 charging stations and allow for 3 future charging stations.
 - Building 8 – Install 2 charging stations and allow for 3 future charging stations.
- RR 1-4** In accordance with Section 15.40.070 of the City’s Municipal Code (Transportation Demand Management Ordinance), the Property Owner/Developer shall incorporate the following strategies to reduce single occupancy automobiles:
- A minimum of ten percent of employee parking spaces (as calculated in accordance with Subsection 15.40.050.C.2 of the Municipal Code) located as close as is practical to the entrance(s) of the use they are intended to serve, shall be reserved and adequately signed for use by carpool and vanpool vehicles.
 - Secure, adequate and convenient storage shall be provided for bicycles.
 - Bus bays, bus stops and bus shelters shall be provided where appropriate.

- A commuter information area or multiple areas shall be provided within or near each building; the information area(s) shall be centrally located and accessible to all employees and tenants. The information shall include, but not be limited to, current maps, routes and schedules for public transit.
- A shower and locker room facility for employees of each sex shall be provided in each building of one hundred thousand or more gross square feet. Any development exceeding 100,000 gross square feet, but that does not contain any single building of 100,000 gross square feet, shall provide shower and locker room facilities unless a finding is made that the provision of such facilities is not practical or efficient.
- Sidewalks or other paved pathways following direct and safe routes from the external pedestrian circulation system to each building in the development shall be provided.

Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? (EIR Threshold 1.2, Operational Impacts)

Findings: With regard to operational air quality impacts, the City hereby makes Finding 1 and Finding 3, which would require the adoption of a Statement of Overriding Considerations as a condition of project approval. The Fullerton Plan EIR MM AQ-9, MM AQ-10 and MM AQ-12, RR 1-4, and PDFs 1-1 through 1-4, and MMs 1-3 and 1-4 would be incorporated to reduce long-term air quality impacts.

Facts in Support of Findings: The Final EIR analyzed potential operational air quality impacts in Section 4.1, and the analysis is incorporated by reference herein.

Operational emissions were calculated with the CalEEMod model and show that the estimated maximum daily operational emissions of VOC, CO, SO_x, PM₁₀, and PM_{2.5} would be less than the SCAQMD thresholds. Estimated operational emissions of NO_x at 162 lbs/day would exceed the SCAQMD CEQA significance threshold. Because NO_x is an ozone (O₃) precursor, the emissions could contribute to existing violations of the federal and State O₃ standards. For vehicle emission reductions, RR 1-4, PDFs 1-2 through 1-4, and additional MMs 1-3 and 1-4 would be incorporated into the proposed project. Although implementation of RR 1-4, PDFs 1-2 through 1-4, MM 1-3 and MM 1-4 would reduce project-related long-term emissions of NO_x, reasonable estimates of the amount of emissions reductions are not feasible to calculate. These measures and The Fullerton Plan MM AQ-10 (if there is any business than employs 250 or more persons) provide incentives to reduce the number of employee commute vehicle trips but do not guarantee any reductions. The Fullerton Plan MM AQ-12 may provide emission reductions through reduced truck idling, but these reductions cannot be quantified. Therefore, even with implementation of the RR and MMs identified above, this impact would be significant.

There are no feasible mitigation measures beyond those identified that would reduce this impact to a less than significant level. Thus, impacts would be significant and unavoidable.

Mitigation Measures, Project Design Features, and Regulatory Requirements:

See The Fullerton Plan EIR MM AQ-9, MM AQ-10 and MM AQ-12, MMs 1-3 and 1-4, PDFs 1-1 through 1-4, and RR 1-4 identified previously.

Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (EIR Impact 1.3, Operation Impacts)

Findings: With regard to cumulatively considerable operational emissions, the City hereby makes Finding 1 and Finding 3, which would require the adoption of a Statement of Overriding Considerations as a condition of project approval. The Fullerton Plan EIR MM AQ-9, MM AQ-10 and MM AQ-12, MMs 1-3 and 1-4, PDFs 1-1 through 1-4, and RR 1-4 and would be incorporated to reduce long-term air quality impacts.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding air quality in Section 4.1, and are incorporated by reference herein. Long-term NOx emissions from mobile sources would exceed SCAQMD's CEQA significance thresholds for operations. Because NOx is an ozone (O₃) precursor, this would contribute to existing violations of the State and federal O₃ standards in the South Coast Air Basin. As described under EIR Impact 1.2 above, even with compliance with existing regulations and implementation of The Fullerton Plan EIR MM AQ-9, MM AQ-10 and MM AQ-12, MMs 1-3 and 1-4, PDFs 1-1 through 1-4, and RR 1-4, operational NOx emissions would exceed the significance threshold and could contribute to existing violations of the O₃ standard. Because there would be a direct significant impact, there would also be a cumulative significant impact. There are no feasible mitigation measures beyond those identified that would reduce this impact to a less than significant level. Thus, impacts would be significant and unavoidable.

Mitigation Measures, Project Design Features, and Regulatory Requirements:

See The Fullerton Plan EIR MM AQ-9, MM AQ-10 and MM AQ-12, MM 1-3, MM 1-4, PDFs 1-1 through 1-4, and RR 1-4 above.

2. GREENHOUSE GAS EMISSIONS

Would the project generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment? (EIR Impact 3.1)

Findings: With regard to GHG, the City hereby makes Finding 1 and Finding 3, which would require the adoption of a Statement of Overriding Considerations as a condition of project approval. Implementation of The Fullerton Plan EIR MM AQ-9, MM AQ-10, PDFs 1-1 through 1-4, RR 1-4, RR 3-1, RR 3-2, MM 1-3 and MM 1-4 would reduce vehicle trips, energy and water consumption, and solid waste disposal and, in turn, reduce GHG emissions.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding GHGs in Section 4.3, and the analysis is incorporated by reference herein. It is accepted as very unlikely that any individual development project would have GHG emissions of a magnitude to directly impact global climate change. Therefore, any impact would be considered on a cumulative basis. The proposed project would result in development and employment that has been anticipated and planned for by the City for the North Industrial Focus Area. The project's employment would not exceed and would be consistent with The Fullerton Plan's year 2030 population and employment growth projections. Therefore, the employment growth resulting from the project would be consistent with the City's Climate Action Plan (CAP), resulting in a less than significant impact related to GHG emissions.

Further, compliance with The Fullerton Plan EIR MM AQ-9, MM AQ-10, RR 1-4, RR 3-1, and RR 3-2 and implementation of PDFs 1-1 through 1-4, MM 1-3 and MM 1-4 would reduce vehicle trips, energy and water consumption, and solid waste disposal and, in turn, reduce GHG emissions. Thus, the project would support the CAP's strategies and related GHG reduction measures, and would be consistent with the City's CAP.

The Fullerton CAP was developed to allow The Fullerton Plan to achieve a GHG reduction target of 15 percent below 2009 levels by 2020, consistent with the CARB Scoping Plan and Assembly Bill (AB) 32. However, the CAP was developed prior to the adoption of Senate Bill (SB) 32 in September 2016. SB 32 requires CARB to adopt rules and regulations to ensure that Statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB and the air districts have not established protocols for quantifying and assessing consistency with SB 32. Thus, while the City is implementing its CAP and the project is consistent with the CAP, the City has not yet evaluated the consistency of its CAP with SB 32. Therefore, because it cannot be ascertained that the CAP is consistent with SB 32, the project's consistency with the CAP cannot be used to determine that the project's GHG emissions would not have a significant impact on the environment. Therefore, a quantified emissions analysis was conducted.

It is estimated that construction and operational GHG emissions resulting from the project would be 14,720 MTCO₂e/yr. When compared to 2030 projections for community sector's GHG emissions at 1,931,211 MTCO₂e/yr, the project's proportion of City-wide GHG emissions would be 0.76 percent. The estimated GHG emissions from the project would be more than the SCAQMD's recommended 10,000 MTCO₂e/yr-threshold for industrial uses. Therefore, to provide a conservative analysis, the GHG emissions from the proposed project would result in a significant impact.

Aside from project compliance with identified MMs, PDFs, and RRs, there are no additional feasible mitigation measures to reduce or avoid significant impacts related to GHG emissions.

Mitigation Measures, Project Design Features, and Regulatory Requirements:

See The Fullerton Plan EIR MM AQ-9, MM AQ-10, MM 1-3, MM 1-4, PDFs 1-1 through 1-4, and RR 1-4 above.

RR 3-1 Prior to issuance of building permits, the Property Owner/Developer shall be required to demonstrate to the Community Development Department that building plans meet the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (*California Code of Regulations* [CCR], Title 24, Part 6).

RR 3-2 Prior to issuance of building permits, the Property Owner/Developer shall be required to demonstrate to the Community Development Department that building plans meet the applicable California Green Building Standards (CALGreen) Code (24 CCR 11).

Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (EIR Impact 3.2)

Findings: With regard to GHG, the City hereby makes Finding 3, which would require the adoption of a Statement of Overriding Considerations as a condition of project approval.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding GHGs in Section 4.3, and the analysis is incorporated by reference herein. The overall State plan and policy adopted for the purpose of reducing GHG emissions at the time the Fullerton CAP was approved is AB 32. Statewide plans and regulations such as GHG emissions standards for vehicles and the Low Carbon Fuel Standard are being implemented at the Statewide level and compliance at the project level is assumed through mandatory compliance with State laws. Therefore, the project would have no potential to conflict with those plans and regulations.

SB 375 is being addressed at the State and regional level, and the principles of SB 375 are incorporated in the adopted SCAG 2016–2040 RTP/SCS. The proposed project is consistent with the compact and efficient land use development goals of SB 375 and the RTP/SCS and would not conflict with SB 375 or the policies proposed by SCAG.

The project's GHG impacts from off-site transportation and on-site energy usage would be affected by broader policies related to increases in electric vehicle and mass transit usage, as well as decreases in electricity demand and the amount of carbon associated with electricity generation. The proposed project would not impede the policies described in CARB's Scoping Plan Update, or others, that will help achieve established goals.

As discussed under EIR Impact 3.1 above, the proposed project is consistent with the City's CAP. Since the project is consistent with The Fullerton Plan and the City's CAP, which in turn, were adopted in compliance with AB 32, which requires that Statewide GHG emissions be reduced to 1990 levels by 2020, and included in the growth projections used in the SCAG RTP/SCS, the project would not conflict with the GHG reduction goals of State regulations and plans. However, the CAP was developed prior to the adoption of SB 32 in September 2016. SB 32 requires CARB to adopt rules and regulations to ensure that Statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB and the air districts have not established protocols for quantifying and assessing consistency with SB 32. Thus, while the City is implementing its CAP and the project is consistent with the CAP, the City has not yet evaluated the consistency of its CAP with SB 32. Therefore, because it cannot be ascertained that the CAP is consistent with SB 32, the project's consistency with the CAP cannot be used to determine that the project is consistent with SB 32. This is considered a significant impact. There is no feasible mitigation to assure consistency with SB 32.

3. TRANSPORTATION AND TRAFFIC

Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (EIR Impact 7.1, Operational Impacts and Cumulative Impacts for Local and Caltrans Intersections)

Findings: With regard to long-term project and cumulative operational traffic impacts at intersections under the jurisdiction of the cities of Brea and La Habra and Caltrans, the City hereby makes Finding 1, Finding 2 and Finding 3 which would require the adoption of a Statement of Overriding Considerations as a condition of project approval. RR 7-1 would be incorporated into the project, along with RR 1-4 and PDFs 1-2, 1-3 and 7-1, identified previously. Additionally, MMs 7-2 through 7-4 developed in response to public

agency comments received on the Draft EIR are also incorporated into the proposed project.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding transportation and traffic in Section 4.7, and the analysis is incorporated by reference herein. The proposed project is forecast to generate a total of approximately 4,430 vehicular trips on a weekday daily basis, of which 557 trips (457 inbound trips and 100 outbound trips) are expected to be generated during the AM peak hour, and 572 trips (137 inbound trips and 435 outbound trips) are expected to be generated during the PM peak hour. The proposed project would generate approximately 5,767 passenger car equivalent daily trips on a weekday.

Project-related Traffic Impacts

With the addition of project-generated traffic to street intersections, the proposed project would not significantly impact any of the 26 study intersections under Existing Plus Project traffic conditions based on the identified significance criteria for the local jurisdictions. This includes intersection under the jurisdiction of the City of Fullerton, the City of Brea and the City of La Habra.

Using the Caltrans methodology, one intersection (State College Boulevard at Imperial Highway [SR-90]) currently operates at LOS E during the PM peak hour and would operate at LOS E with the project. The required improvement is to modify the existing traffic signal to include a northbound right-turn overlap phase. With this improvement, the intersection of State College Boulevard at Imperial Highway would operate at an acceptable LOS D with the calculated delay decreasing to 37.3 s/v. Improvement of this intersection is subject to the approval of Caltrans and the City of Brea. Neither the City of Fullerton nor the Property Owner/Developer has the legal ability to compel the City of Brea or Caltrans to implement the improvements needed to mitigate this impact to a level of insignificance. However, MMs 7-2 and 7-3 have been incorporated into the project. Because the impact at the State College and Imperial Highway intersection is a project impact, MM 7-3 requires the Property Owner/Developer to demonstrate that required signal modifications at this intersection have been made, or include the cost for this improvement in the payment required per MM 7-2. MM 7-2 requires the Property Owner/Developer to pay fair share for the project's impacts at significantly impacted intersections in Brea, if, within three years from the date of the project's Site Plan approval, Brea (and/or Caltrans): (1) establishes a mitigation fee program that will ensure (a) the physical construction of the recommended improvements at any of these intersections, and (b) the collection of fair-share fees from other projects impacting any of these intersections; (2) into which the Property Owner/Developer can contribute fair-share fees in proportion to the project's percentage of impact, based on the fair share calculations indicated below. The Property Owner/Developer's fair share mitigation fees for each intersection shall be capped based upon the fair share calculation indicated in MM 7-2. The calculation of identified fair share percentages is based on the *Fair Share and Cost Estimate for the DEIR for the Beckman Business Center Project*, included in Attachment B to the Final EIR.

Notwithstanding the inclusion of these new MMs, as indicated in the TIA included in Appendix G, and Section 4.7, Traffic and Circulation, of the Draft EIR, the improvements needed to improve the LOS at impacted intersections in the City of Brea and to reduce project impacts to less than significant levels cannot be implemented by the City of Fullerton or the Property Owner/Developer since the impacted intersections are not in the City of Fullerton. Further, as identified in new MM 7-2, there is no guarantee that a mitigation agreement will be executed. Thus, project impacts would remain significant and

unavoidable. Therefore, the City of Fullerton will need to adopt a Statement of Overriding Considerations.

Cumulative Traffic Impacts

The proposed project would not result in any significant cumulative intersection impacts at any of the intersection wholly under the jurisdiction of the City of Fullerton.

Under the Year 2020 Cumulative Conditions, the intersection of Beach Boulevard at Imperial Highway in the City of La Habra is forecast to operate at LOS F during the PM peak hour with the project. The following improvements are needed to improve intersection operations:

- **No. 16—Beach Boulevard at Imperial Highway.**
 - Widen and restripe the northbound approach of Beach Boulevard by approximately 15 feet to provide a 4th northbound through lane.
 - Widen and restripe the northbound departure by approximately ten feet to provide an additional receiving lane.
 - Widen and restripe the southbound approach by approximately eight feet to provide a fourth southbound through-lane.
 - Widen and restripe the southbound departure by approximately three feet to provide an additional receiving lane.
 - Modify the existing traffic signal as necessary.

Using the Caltrans methodology, two intersections would operate at an unacceptable LOS F during the PM peak hour with the addition of project traffic under the Year 2020 Cumulative Plus Project condition: Beach Boulevard (SR 39) at Imperial Highway (SR-90) in the City of La Habra and State College Boulevard at Imperial Highway (SR-90) in the City of Brea. The following improvements are need to improve intersection operations.

- **No. 16—Beach Boulevard (SR-39) at Imperial Highway (SR-90).** The improvements are the same as those identified above for the Year 2020 Cumulative Plus Project traffic condition for the City of La Habra. The recommended improvements to this intersection would reduce the delay to 73.0 s/v and improve the LOS to LOS E during the PM peak hour. These improvements appear to be physically feasible, although right-of-way acquisition would be required on Beach Boulevard.
- **No. 22—State College Boulevard at Imperial Highway.** The improvements for this intersection, which is in the City of Brea, are the same as those identified above for the Existing Plus Project traffic condition. Modification of the existing traffic signal would reduce the delay to 42.1 s/v and improve the LOS to LOS D during the PM peak hour.

The analysis of General Plan Buildout (Post 2030) traffic conditions shows that 17 intersections are forecast to operate at unacceptable LOS during the AM and/or PM peak hours without the project, based on the established performance standards for the local jurisdictions. Under the General Plan Buildout (Post 2030) traffic conditions, the proposed project would significantly impact 6 of the study intersections, based on the established LOS standards and significance impact criteria established in the Draft EIR. Although the remaining 11 intersections are forecast to operate at unacceptable LOS E or F during the

AM and/or PM peak hour with or without the addition of project traffic, the proposed project is expected to add less than 0.010 (for La Habra intersections) or 0.020 (for Brea intersections) to the ICU value. Additionally, although the intersection of Harbor Boulevard/Bastanchury Road in the City of Fullerton is forecast to operate at unacceptable LOS during both the AM and PM peak hours, the addition of project trips is not anticipated to worsen or further degrade the service level. Therefore, the proposed project's impacts on these intersections would be less than significant based on the LOS standards and impact criteria.

The impacted intersections and required improvements are identified below.

- **No. 7—Harbor Boulevard at Lambert Road.**

- Widen and restripe the westbound approach by approximately ten feet to relocate the right-turn pocket and provide a third westbound through lane.
- Upgrade the existing traffic signal per California Manual for Uniform Traffic-Control Devices (CA MUTCD) guidelines and install a closed-circuit television (CCTV) camera to monitor the traffic on Harbor Boulevard and Lambert Road.
- Modify the signal timing to improve the progression along Lambert Road.

With this improvement, the ICU value would decrease to 0.964, but this intersection would be LOS E during the PM peak hour. These improvements appear to be physically feasible, although right-of-way acquisition would be required on Lambert Road.

- **No. 9—Palm Street at Lambert Road.**

- Restripe the eastbound and westbound approaches of Lambert Road to provide an additional eastbound and westbound through lane.
- Eliminate approximately 1,650 feet of parking along the north side of Lambert Road to the east of Palm Street.
- Eliminate approximately 1,100 feet of parking along the south side of Lambert Road to the east of Palm Street.
- Modify the existing traffic signal, as necessary.

The implementation of improvements at the intersection of Palm Street/Lambert Road would offset the impact of project traffic; however, this location is still forecast to operate at an unacceptable LOS E (with an ICU value of 0.933) during the PM peak hour. These improvements appear to be physically feasible and improvements at this location are identified within the City of La Habra General Plan.

- **No. 14—SR-57 Northbound Ramps at Lambert Road.**

- Widen and restripe the northbound approach to provide a second exclusive right-turn lane.
- Modify the existing traffic signal as necessary.

These improvements would offset the impact of project traffic and allow the intersection to operation at acceptable LOS C during the AM peak hour and LOS D during the PM peak hour. These improvements appear to be physically feasible,

although right-of-way acquisition would be required. Improvements at this location are identified as part of the City of Brea Seven-Year Capital Improvement Program Budget, however, the specifics of the improvements are unknown.

- **No. 16—Beach Boulevard at Imperial Highway.** The improvements are the same as those identified above for the Year 2020 Cumulative Plus Project traffic condition. The recommended improvements to this intersection would improve the ICU to 1.057, but the LOS would remain at LOS F during the PM peak hour.
- **No. 18—Euclid Street at Imperial Highway.**
 - Widen and restripe the eastbound approach of Imperial Highway to provide an exclusive right-turn lane.
 - Modify the existing traffic signal as necessary.

These improvements would offset the impact of project traffic and allow the intersection to operate with an ICU of 1.005 during the AM peak hour (LOS F). These improvements appear to be physically feasible, although right-of-way acquisition would be required.

- **No. 19—Harbor Boulevard at Imperial Highway.**
 - Modify the existing traffic signal to include a southbound right-turn overlap.

This improvement would reduce the ICU during the PM peak hour, but the intersection would still operate at LOS F during the AM peak hour. Upgrading the signal phasing could trigger the need to upgrade the entire intersection to current ADA standards which would result in ramp modifications.

It should be noted that the implementation of the identified improvements at the impacted study intersections of Harbor Boulevard/Lambert Road, Palm Street/Lambert Road, Beach Boulevard/Imperial Highway, Euclid Street/Imperial Highway, and Harbor Boulevard/Imperial Highway offset the impact of project traffic during the peak hour noted; however, these locations are still forecast to operate at an unacceptable LOS during the AM and/or PM peak hours.

Nine of the 14 Caltrans study area intersections are forecast to operate at an unacceptable LOS during the AM and/or PM peak hours without the project. With the addition of project traffic, the same nine intersections would operate at an unacceptable LOS with the addition of project traffic under General Plan Buildout (Post 2030) traffic conditions, resulting in a potentially significant impact. The remaining five State-controlled study intersections are forecast to continue to operate at an acceptable LOS.

The impacted intersection and required improvements are identified below.

- **No. 1—Harbor Boulevard at Whittier Boulevard (SR-72).**
 - Widen and restripe the northbound approach by approximately ten feet to provide an additional through lane.
 - Widen and restripe the northbound departure by approximately five feet to provide an additional receiving lane.
 - Modify the existing traffic signal as necessary.

Implementation of these improvements would improve the intersection LOS to LOS E during the AM peak hour. These improvements appear to be physically feasible, although right-of-way acquisition would be required on Harbor Boulevard. Improvements at this location are identified within the City of La Habra General Plan.

- **No. 3—Beach Boulevard (SR-39) at Lambert Road.**

- Widen and restripe the eastbound approach by approximately 4 feet to provide an exclusive right-turn lane.
- Modify the existing traffic signal as necessary.

Implementation of these improvements would improve the intersection LOS to LOS E during the PM peak hour. These improvements appear to be physically feasible, although right-of-way acquisition would be required. As discussed previously, there are no plans in place to construct the improvements above.

- **No. 14—SR-57 Northbound Ramps at Lambert Road.** The improvements are the same as those previously identified above. These improvements would offset the impact of project traffic and allow the intersection to operate at an acceptable LOS.
- **No. 16—Beach Boulevard (SR-39) at Imperial Highway (SR-90).** The improvements are the same as those identified above for the Year 2020 Cumulative Plus Project traffic condition. The recommended improvements to this intersection would improve the LOS to LOS E during the AM peak hour.
- **No. 18—Euclid Street at Imperial Highway (SR-90).** The improvements are the same as those previously identified above. The recommended improvements to this intersection would improve the LOS to LOS E during the AM peak hour.
- **No. 19—Harbor Boulevard at Imperial Highway (SR-90).** The improvements are the same as those previously identified above.
- **No. 21—Brea Boulevard at Imperial Highway.**
 - Restripe the southbound approach and departure to include a third southbound through lane.
 - Modify the existing traffic signal as necessary.

These improvements appear to be physically feasible, although right-of-way acquisition would be required.

- **No. 22—State College Boulevard at Imperial Highway.** Consistent with the Existing Plus Project traffic condition, the improvement needed at this intersection is to modify the existing traffic signal to include a northbound right-turn overlap phase. This improvement offsets the impact of project traffic; however, this location is still forecast to operate at an unacceptable LOS E during the AM peak hour.
- **No. 24—SR-57 Northbound Ramps at Imperial Highway.**
 - Widen and restripe the northbound approach to provide a second exclusive right-turn lane.
 - Modify the existing traffic signal as necessary.

These improvements appear to be physically feasible, although right-of-way acquisition would be required.

It should be noted that the implementation of improvements at the impacted study intersections of Harbor Boulevard/Whittier Boulevard, Beach Boulevard/Lambert Road, Beach Boulevard/Imperial Highway, Euclid Street/Imperial Highway, Harbor Boulevard/Imperial Highway, Brea Boulevard/Imperial Highway, and State College Boulevard/Imperial Highway offsets the impact of project traffic; however, these locations are still forecast to operate at an unacceptable LOS F and LOS E during the AM and/or PM peak hours. The implementation of improvements at the SR-57 northbound ramps at Lambert Road and the SR-57 northbound ramps at Imperial Highway would mitigate the impact of project traffic, and these two study intersections are forecast to operate at an acceptable LOS during the AM and PM peak hours.

In summary, the proposed project has the potential to result in cumulative impacts (under the Year 2020 Cumulative and General Plan Buildout [Post 2030] traffic conditions) to study area intersections. For those intersections where projected traffic volumes are expected to result in significant impacts, roadway improvements that would change the intersection geometry to increase capacity are identified, along with traffic signal modifications for certain intersections. The capacity improvements involve roadway widening and/or restriping to reconfigure (add lanes) the specific approaches of an intersection. The identified improvements are expected to:

- mitigate the impact of existing traffic, project traffic, and future non-project (ambient traffic growth and cumulative project) traffic and
- improve the LOS to an acceptable range and/or to pre-project conditions.

The impacted intersections are under the jurisdiction of other agencies (City of La Habra or Brea and Caltrans), and implementation of the improvements needed to reduce project impacts to a less than significant level cannot be guaranteed by the Property Owner/Developer or the City of Fullerton as the improvements would require approval from the other agencies as the owners/operators of the intersections. Additionally, there is no reasonable assurance that the improvements listed above would be implemented where right-of-way acquisition is required to implement improvements, and the feasibility of acquisition is uncertain.

However, MMs 7-2, 7-3 and 7-4 have been incorporated into the project. Because the impact at the State College and Imperial Highway intersection is a project impact (in addition to a cumulative impact), MM 7-3 requires the Property Owner/Developer to demonstrate that required signal modifications at this intersection have been made, or include the cost for this improvement to be included in fee payment to the City of Brea required per MM 7-2. MM 7-2 and MM 7-4 require the Property Owner/Developer to pay its fair share fees for the project's impacts at significantly impacted intersections in Brea and La Habra if, within three years from the date of the project's Site Plan approval, Brea, La Habra, and/or Caltrans: (1) establishes a mitigation fee program that will ensure (a) the physical construction of the recommended improvements at any of these intersections, and (b) the collection of fair-share fees from other projects impacting any of these intersections; (2) into which the Property Owner/Developer can contribute fair-share fees in proportion to the project's percentage of impact, based on the fair share calculations indicated below. The Property Owner/Developer's fair share mitigation fees for each intersection shall be capped based upon the fair share calculation indicated in new MM 7-2 and MM 7-4. The cities of Brea and La Habra would also collect fees for intersection

improvements required due to project impacts based on the significance threshold for Caltrans intersections.

Notwithstanding the inclusion of these new MMs, even with payment of fair share fees to the City of Brea and the City of La Habra, the Property Owner/Developer and the City of Fullerton cannot guarantee that the required improvements would be implemented. Further, based on provisions identified in new MM 7-2 and M 7-4 for the required fee payment, there is no guarantee that fair share payments will be made. Thus, project impacts would remain significant and unavoidable. Therefore, the City of Fullerton will need to adopt a Statement of Overriding Considerations.

Project Design Features, Regulatory Requirements, and Mitigation Measures:

Refer to PDFs 1-2, 1-3 and 7-1, and RR 1-4 identified previously.

RR 7-1 In accordance with Chapter 21.30 of the City of Fullerton Municipal Code, the Property Owner/Developer shall participate in the implementation of the City's Master Plan of Highways through the payment of traffic impact fees. Payment of traffic impact fees shall occur at the issuance of each building permit to the satisfaction of the City Engineering Department.

MM 7-2 Prior to issuance of the occupancy permit for the first building shell, the Property Owner/Developer shall be required to pay fair share mitigation fees for the project's traffic impacts at the following three (3) intersections in the City of Brea, if, within three years from the date of the project's Site Plan approval, Brea (and/or Caltrans): (1) establishes a mitigation fee program that will ensure (a) the physical construction of the recommended improvements at any of these intersections, and (b) the collection of fair-share fees from other projects impacting any of these intersections; (2) into which the Property Owner/Developer can contribute fair-share fees in proportion to the project's percentage of impact, based on the fair share calculations indicated below. The Property Owner/Developer's fair share mitigation fees for each intersection shall be capped based upon the fair share calculation indicated below. If Brea (or Caltrans) has not established such a mitigation fee program prior to issuance of the first occupancy permit for the first building shell, the Property Owner/Developer shall pay \$111,426 to the City of Fullerton, which the City of Fullerton shall hold in trust for a period of up to three (3) years from the date of the project's Site Plan approval (expected March 2017), for transfer to the City of Brea (or Caltrans) should Brea (or Caltrans) establish a mitigation fee program for any of the affected intersections. If Brea (or Caltrans) does not establish a fee program that, as determined by the City of Fullerton in its sole discretion, complies with the above requirements within this three (3)-year timeframe, the City of Fullerton shall transfer the funds back to the Property Owner/Developer, who shall then have no further obligation to pay mitigation fees to the City of Brea or Caltrans under this measure.

- SR-57 Northbound Ramps at Lambert Road - fair share percentage is 16.5%; estimated fair share fee for improvements is \$60,514.
- Brea Boulevard at Imperial Highway (SR-90) - fair share percentage is 15.8%; estimated fair share fee for improvements is \$21,330.

- SR-57 Northbound Ramps at Imperial Highway (SR-90) - fair share percentage is 7.4%; estimated fair share fee for improvements is \$29,582.

MM 7-3 Prior to the issuance of an occupancy permit for the first building shell, the Property Owner/Developer shall provide evidence to the City of Fullerton that the traffic signal at the intersection of State College Boulevard and Imperial Highway (under the jurisdiction of City of Brea and Caltrans) has been modified to include a northbound right-turn overlap phase. If this improvement cannot be implemented by the Property Owner/Developer due to the required approval by the City of Brea and/or Caltrans, the cost for implementing the improvement shall be included as part of the fee payment established in MM 7-2.

MM 7-4 Prior to issuance of the occupancy permit for the first building shell, the Property Owner/Developer shall be required to pay fair share mitigation fees for the project's traffic impacts at the following six (6) intersections in the City of La Habra, if, within three years from the date of the project's Site Plan approval, La Habra (and/or Caltrans): (1) establishes a mitigation fee program that will ensure (a) the physical construction of the recommended improvements at any of these intersections and (b) the collection of fair-share fees from other projects impacting any of these intersections; (2) into which the Property Owner/Developer can contribute fair-share fees in proportion to the project's percentage of impact, based on the fair share calculations indicated below. The Property Owner/Developer's fair share mitigation fees for each intersection shall be capped based upon the fair share calculation indicated below. If La Habra (or Caltrans) has not established such a mitigation fee program prior to issuance of the first occupancy permit for the first building shell, the Property Owner/Developer shall pay \$251,021.25 to the City of Fullerton, which the City of Fullerton shall hold in trust for a period of up to three (3) years from the date of the project's Site Plan approval (expected March 2017), for transfer to the City of La Habra (or Caltrans) should La Habra (or Caltrans) establish a mitigation fee program for any of the affected intersections. If La Habra (or Caltrans) does not establish a fee program that, as determined by the City of Fullerton in its sole discretion, complies with the above requirements within this three (3)-year timeframe, the City of Fullerton shall transfer the funds back to the Property Owner/Developer, who shall then have no further obligation to pay mitigation fees to the City of La Habra or Caltrans under this measure.

- Harbor Boulevard at Whitter Boulevard (SR-72) - fair share percentage is 5.3%; estimated fair share fee for improvements is \$38,518.
- Beach Boulevard (SR-39) at Lambert Road - fair share percentage is 0.9%; estimated fair share fee for improvements is \$1,951.
- Harbor Boulevard at Lambert Road - fair share percentage is 11.7%; estimated fair share fee for improvements is \$25,338.
- Palm Street at Lambert Road - fair share percentage is 13.9%; estimated fair share fee for improvements is \$47,147.25.
- Beach Boulevard (SR-39) at Imperial Highway (SR-90) - fair share percentage is 9.4%; estimated fair share fee for improvements is \$114,422.

- Euclid Street at Imperial Highway (SR-90) - fair share percentage is 5.1%; estimated fair share fee for improvements is \$15,950.
- Harbor Boulevard at Imperial Highway (SR-90) - fair share percentage is 15.2%; estimated fair share fee for improvements is \$7,695.

Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (EIR Impact 7.1, Operational Impacts and Cumulative Impacts for Caltrans Freeway Facilities)

Findings: With regard to long-term project and cumulative operational traffic impacts at Caltrans freeway facilities (mainline segments and ramps), the City hereby makes Finding 2 and Finding 3, which would require the adoption of a Statement of Overriding Considerations as a condition of project approval.

Facts in Support of Findings: The Final EIR analyzed potential impacts regarding transportation and traffic in Section 4.7, and the analysis is incorporated by reference herein.

Project-related Freeway Impacts

With the addition of project traffic to the freeway mainline, the following 17 freeway segments along SR-57 are forecast to operate at an unacceptable LOS during the AM and/or PM peak hours with and without the project. Since the project would increase density on the freeway facilities that are identified as operating at an unacceptable LOS during one or more of the peak periods, the proposed project is considered to have a significant impact at these mainline segments.

9. SR-57 northbound, between Tonner Canyon Road and Brea Canyon Road
14. SR-57 northbound, between Ball Road and Nutwood Avenue
25. SR-57 southbound, between Sunset Crossing Road and Grand Avenue
28. SR-57 southbound, between Pathfinder Road and Diamond Bar Boulevard
29. SR-57 southbound, between Diamond Bar Boulevard and Brea Canyon Road
30. SR-57 southbound, between Brea Canyon Road and Tonner Canyon Road
31. SR-57 southbound, between Tonner Canyon Road and Lambert Road
32. SR-57 southbound, between Lambert Road and Imperial Highway
33. SR-57 southbound, between Imperial Highway and Yorba Linda Boulevard
34. SR-57 southbound, between Yorba Linda Boulevard and Nutwood Avenue
35. SR-57 southbound, between Nutwood Avenue and Chapman Avenue
36. SR-57 southbound, between Chapman Avenue and Orangethorpe Avenue
37. SR-57 southbound, between Orangethorpe Avenue and SR-91 Interchange
39. SR-57 southbound, between Lincoln Avenue and Ball Road
40. SR-57 southbound, between Ball Road and Katella Avenue

41. SR-57 southbound, between Katella Avenue and Orangewood Avenue
42. SR-57 southbound, south of Orangewood Avenue

The Freeway Ramp (Merge/Diverge) Analysis for the SR-57 interchanges at Lambert Road and Imperial Highway indicates that the three freeway ramps below that currently operate at an unacceptable LOS during the AM or PM peak hours would operate at an unacceptable LOS with the addition of project traffic, resulting in a significant impact. The seven other ramps are projected to continue to operate at LOS D or better with the addition of project-generated traffic to existing traffic.

6. SR-57 southbound off-ramp to Lambert Road
7. SR-57 southbound on-ramp from Lambert Road
10. SR-57 southbound on-ramp (EB) from Imperial Highway

Cumulative Freeway Impacts

Under the Year 2020 Cumulative traffic conditions, 20 freeway segments are forecast to operate at an unacceptable LOS during the AM and/or PM peak hours based on the established LOS standard. With the addition of project traffic, the same 20 freeway segments are forecast to operate at an unacceptable LOS during the AM and/or PM peak hours. Under General Plan Buildout (Post 2030) traffic conditions, 28 freeway segments are forecast to operate at an unacceptable LOS during the AM and/or PM peak hours based on the established LOS standard. With the addition of project traffic, the same 28 freeway segments are forecast to operate at an unacceptable LOS during the AM and/or PM peak hours.

Since the proposed project would increase density on the freeway facilities that are identified as operating at unacceptable levels during one or more of the peak periods, the project is considered to have a significant impact at these freeway segments, identified below.

4. **SR-57 northbound, between Grand Avenue and Sunset Crossing Road**—Year 2020 Cumulative and General Plan Buildout (Post 2030) traffic conditions.
7. **SR-57 northbound, between Diamond Bar Boulevard and Pathfinder Road**—General Plan Buildout (Post 2030) traffic conditions.
8. **SR-57 northbound, between Brea Canyon Road and Diamond Bar Boulevard**—Year 2020 Cumulative and General Plan Buildout (Post 2030) traffic conditions.
9. **SR-57 northbound, between Tonner Canyon Road and Brea Canyon Road**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
10. **SR-57 northbound, between Lambert Road and Tonner Canyon Road**—General Plan Buildout (Post 2030) traffic conditions.
12. **SR-57 northbound, between Yorba Linda Boulevard and Imperial Highway**—General Plan Buildout (Post 2030) traffic conditions.
14. **SR-57 northbound, between Ball Road and Nutwood Avenue**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.

17. **SR-57 northbound, between Grand Avenue and SR-91 Interchange**—General Plan Buildout (Post 2030) traffic conditions.
18. **SR-57 northbound, between Ball Road and Lincoln Avenue**—General Plan Buildout (Post 2030) traffic conditions.
19. **SR-57 northbound, between Katella Avenue and Ball Road**—General Plan Buildout (Post 2030) traffic conditions.
20. **SR-57 northbound, between Oranewood Avenue and Katella Avenue**—General Plan Buildout (Post 2030) traffic conditions.
24. **SR-57 southbound, between Temple Avenue and Sunset Crossing Road**—General Plan Buildout (Post 2030) traffic conditions.
25. **SR-57 southbound, between Sunset Crossing Road and Grand Avenue**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
26. **SR-60 southbound, between Grand Avenue and SR-57 Interchange**—Year 2020 Cumulative and General Plan Buildout (Post 2030) traffic conditions.
28. **SR-57 southbound, between Pathfinder Road and Diamond Bar Boulevard**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
29. **SR-57 southbound, between Diamond Bar Boulevard and Brea Canyon Road**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
30. **SR-57 southbound, between Brea Canyon Road and Tonner Canyon Road**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
31. **SR-57 southbound, between Tonner Canyon Road and Lambert Road**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
32. **SR-57 southbound, between Lambert Road and Imperial Highway**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
33. **SR-57 southbound, between Imperial Highway and Yorba Linda Boulevard**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
34. **SR-57 southbound, between Yorba Linda Boulevard and Nutwood Avenue**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
35. **SR-57 southbound, between Nutwood Avenue and Chapman Avenue**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
36. **SR-57 southbound, between Chapman Avenue and Orangethorpe Avenue**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
37. **SR-57 southbound, between Orangethorpe Avenue and SR-91 Interchange**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
39. **SR-57 southbound, between Lincoln Avenue and Ball Road**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.

40. **SR-57 southbound, between Ball Road and Katella Avenue**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
41. **SR-57 southbound, between Katella Avenue and Orangewood Avenue**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
42. **SR-57 southbound, south of Orangewood Avenue**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.

Under the Year 2020 Cumulative Plus Project traffic conditions, the same three freeway ramps would operate at an unacceptable LOS without and with the addition of project traffic. Under the General Plan Buildout Plus Project traffic conditions, five freeway ramps would operate at an unacceptable LOS without and with the addition of project traffic. The proposed project's contribution to the freeway system would be considered a significant impact at the ramp junctions under each of the traffic scenarios where the freeway ramps would operate at an unacceptable LOS. The impacted ramps are identified below.

1. **SR-57 northbound on-ramp from Lambert Road**—General Plan Buildout (Post 2030) traffic conditions.
6. **SR-57 southbound off-ramp to Lambert Road**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
7. **SR-57 southbound on-ramp from Lambert Road**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.
8. **SR-57 southbound off-ramp to Imperial Highway**—General Plan Buildout (Post 2030) traffic conditions.
10. **SR-57 southbound on-ramp (EB) from Imperial Highway**—Year 2020 Cumulative, and General Plan Buildout (Post 2030) traffic conditions.

To mitigate the project impacts along SR-57 and at freeway ramps, freeway mainline and ramp widening would be required. However, these types of infrastructure improvements are extremely costly and are typically infeasible for one development project to undertake. Improvements to State highway facilities are planned, funded, and constructed by the State of California through a legislative and political process involving the state legislature; the California Transportation Commission (CTC); the California Business, Transportation, and Housing Agency; Caltrans; and OCTA. Although potential impacts to SR-57 have been evaluated, implementation of the transportation improvements to the Caltrans facilities listed above is the primary responsibility of Caltrans. Caltrans has recognized that private development has a role to play in funding fair share improvements to impacts on the SR-57, but neither Caltrans nor the State has adopted a program that can ensure that locally contributed impact fees will be tied to improvements to freeway main lines and ramps, and only Caltrans has jurisdiction over State highway improvements. However, a number of programs are in place in Orange County to improve and upgrade the regional transportation system. These include the Transportation Corridor Agencies Corridor program, the State Transportation Improvement Program (STIP), Caltrans Traffic Operations Strategies, the State Highway Operation and Protection Program (SHOPP), and the OCTA Measure M2 program. State and federal fuel taxes generate most of the funds used to pay for these improvements. Funds expected to be available for transportation improvements are identified through a fund estimate prepared by Caltrans and adopted by the CTC. These funds, along with other fund sources, are deposited in the State highway account to be programmed and allocated to specific project improvements in both the STIP and SHOPP by the CTC. However, if these programs are not implemented by the agencies with the responsibility to do so, the project's freeway

mainline and ramp impacts along SR-57 during each of the traffic analysis scenarios would remain significant and unavoidable, because neither the City of Fullerton nor the Property Owner/Developer can require Caltrans to implement improvements to State highway facilities.

Therefore, there are no feasible measures for the Property Owner/Developer or the City of Fullerton to reduce impacts at freeway facilities to a less than significant level and the impacts remain significant and unavoidable. The City of Fullerton will need to adopt a Statement of Overriding Considerations.

Project Design Features, Regulatory Requirements, and Mitigation Measures:

There are no feasible PDFs, RRs or MMs to mitigate project and cumulative impacts at SR-57 freeway mainline and ramp facilities.

VI. DISCUSSION REGARDING ALTERNATIVES

Section 15126.6(a) of the State CEQA Guidelines states: “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives...” A reasonable range of alternatives to the proposed project is considered and evaluated in the Final EIR. These alternatives were developed by the City in the course of project planning and environmental review.

The following alternatives have been considered and eliminated from detailed consideration.

- Alternative Site
- Alternative Site Design – Research and Development Office Park

Alternatives that are considered in detail in the Final EIR include:

- No Project/No Development Alternative;
- Single Logistics Building Alternative; and
- Reduced Intensity Alternative.

A. ALTERNATIVES ELIMINATED FROM DETAILED CONSIDERATION

Section 15126.6(c) of the CEQA Guidelines specifies that an EIR should (1) identify any alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process and (2) briefly explain the reasons underlying the lead agency’s determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (1) failure to meet most of the basic project objectives; (2) infeasibility; or (3) inability to avoid significant environmental impacts.

1. ALTERNATIVE SITE

To meet project objectives, to implement The Fullerton Plan, and to redevelop an underutilized site, the Alternative Site could be located on other parcels within the North Industrial Focus Area or in other Focus Areas where the City of Fullerton anticipates future development. For this alternative, any development within these Focus Areas would need to be consistent with the proposed project and development anticipated in the Focus Area, as presented in The Fullerton Plan.

There is no large, undeveloped site in the North Industrial, Airport Industrial, Commonwealth Corridor, Orangethorpe Corridor Nodes, Downtown, Transportation Center, North Harbor Corridor, Chapman Corridor, and West Coyote Hills Focus Areas that can accommodate the same development proposed by the project. The Harbor Gateway and Education Focus Areas are not planned for business park, office, light industrial, warehouse, and manufacturing uses that are being proposed by the project. The Southeast Industrial Focus Area does not have undeveloped and underutilized parcels that are not large enough (44.3 acres) to accommodate the project. Also, the Project Applicant does not own and is not involved in the acquisition of any property in the Southeast Industrial Focus Area or any other location in the City that could accommodate the proposed project, other than the project site.

Additionally, the impacts of the project would be similar at an alternative site because development of the proposed project at an alternative site would only move project impacts to a different location. Notably, the development of the same land uses proposed by the project at an alternative site, should one be identified, would be expected to have the same significant and unavoidable impacts as the proposed project related to an increase in truck and vehicular trips and its associated air quality impacts (regional operational and cumulative emissions, and inconsistency with the AQMP), GHG impacts (emissions and inconsistency with GHG emission reduction plans), and traffic and circulation impacts (project and cumulative traffic impacts). Therefore, development of the proposed project on an alternative site would not avoid the significant unavoidable operational and cumulative impacts of the proposed project. Further, there are no sensitive receptors (e.g., residences, schools, hospitals, parks) immediately adjacent to the site that would be affected by the on-site impacts of the project, whereas sensitive receptors may or may not be located adjacent to an alternative site.

In summary, an alternative site in the North Industrial Focus Area or another Focus Area in the City that is designated for development with industrial uses would likely meet the project objectives but would not substantially reduce or avoid significant unavoidable impacts related to air quality, GHG emissions, and traffic and circulation that would result from the proposed project. Therefore, further analysis of an alternatives site(s) was not required.

2. ALTERNATIVE SITE DESIGN – RESEARCH AND DEVELOPMENT OFFICE PARK

During the EIR scoping process, comments were received suggesting that an alternative site design be considered, such as a Research and Development (R&D) or office park, that would allow the BCI Administration Building to have more public exposure and to be more prominent in the proposed development.

However, the types of uses proposed as part of the project would be consistent with The Fullerton Plan community development type designation and the zoning for the project site. The proposed project does not require General Plan revisions, and the proposed zone change is to provide for consistent zoning across the project site, not to allow for the proposed uses. The project would not result in any land use impacts that would require consideration of an alternative site design. Further, the proposed project would preserve the BCI Administration Building and it would be adaptively used for offices. Also, with implementation of the identified mitigation measures (MMs 2-1 through 2-4), and PDF 2-1, the proposed project would not cause a substantial adverse change in the historic significance of the BCI Administration Building. Therefore, there would be no significant impacts related to historic resources, and an alternative site design is not required to avoid significant impacts to the BCI Administration Building.

Although no significant impacts to the historic significance of the BCI Administration Building would result from implementation of the proposed project as originally designed, based on additional input from the City and Fullerton Heritage, the Project Applicant revised the site plan for the BCI Administration Building to preserve additional character defining features (east courtyard and circular drive). Therefore, further analysis of an alternative site design was not required.

B. ALTERNATIVES CARRIED FORWARD FOR DETAILED ANALYSIS

Following is a discussion of the alternatives carried forward for detailed analysis in the Final EIR. The comparison of impacts between each alternative and the Project assumes that the general nature and types of existing Regulatory Requirements (RRs), as well as Project Design Features (PDFs), The Fullerton Plan EIR and Mitigation Measures (MMs) and Project-Level MMs identified

in the Final EIR for the project would also be available for each of the build alternatives, where appropriate.

1. ALTERNATIVE 1: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

Description of the Alternative

Consistent with CEQA Guidelines Section 15126.6(e)(3)(B), the No Project/No Development Alternative assumes that the project does not proceed and no new development occurs at the project site. No ground-disturbing activities would take place, and the project site would remain undeveloped, with the exception of the BCI Administration Building, consistent with its vacant condition under existing conditions.

Environmental Effects

The No Project/No Development Alternative would avoid the following significant and unavoidable impacts resulting from implementation of the proposed project: air quality impacts (regional operational and cumulative emissions, and inconsistency with the AQMP), GHG impacts (emissions and inconsistency with GHG emission reduction plans), and traffic and circulation (project freeway segment and ramp impacts, and cumulative intersection and freeway segment and ramp impacts). Additionally, because no development would occur under the No Project/No Development Alternative, less than significant impacts resulting from the proposed project for the following environmental topics would be avoided: cultural resources, hazards and hazardous materials, hydrology and water quality, noise, and utilities and service systems. However, if the BCI Administration Building is left unused over an extended period as would likely occur under this alternative, it may be subject to deterioration that could compromise its historic integrity.

Attainment of Project Objectives

The No Project/No Development Alternative would not involve any development on the project site. Thus, this alternative would not attain any of the project objectives, including implementation of The Fullerton Plan goals and policies relevant to redevelopment of the project site and the North Industrial Focus Area.

Comparative Merits

The No Project/No Development Alternative has the least impact to the environment because it would not involve any construction or operational activities on the site. There would be no impacts associated with additional traffic and circulation and air quality and GHG emissions, which are considered significant and unavoidable impacts for the proposed project. While this alternative would avoid the significant effects of the proposed project, none of the project objectives would be met. Additionally, this alternative would not be consistent with The Fullerton Plan or the development anticipated for the North Industrial Focus Area in The Fullerton Plan.

2. ALTERNATIVE 2: SINGLE LOGISTICS BUILDING ALTERNATIVE

Description of the Alternative

The purpose of the Single Logistics Building Alternative is to reduce traffic (and associated traffic, air quality, and GHG emissions impacts) but at the same time maximize development of the site as allowed by the current General Plan and zoning designations. This alternative assumes that the project site would be developed with a single logistics building or high-cube warehouse instead of the proposed business center (i.e., seven new buildings and adaptive use of the existing

BCI Administration Building). To accommodate one large logistics building at the project site and meet the operational design criteria for this type of use, the BCI Administration Building would be demolished.

The proposed logistics building would have approximately 1,012,000 sf of building area (an increase of 33,335 sf compared to the proposed project) and would be located at the center of the site (refer to Exhibit 5-1 of the Draft EIR). Parking consisting of 731 stalls (including 287 trailer storage stalls) would be provided. As shown on Exhibit 5-1 of the Draft EIR, 74 dock doors would be provided on the western side of the building and 78 dock doors would be provided on the eastern side of the building. As with the proposed project, four access driveways would be provided along Harbor Boulevard and three access driveways would be provided along Lambert Road. Landscaping and utility infrastructure would be installed.

Environmental Effects

The Single Logistics Building Alternative would reduce project impacts related to air quality, GHG emissions, noise, and traffic and circulation, and would have similar impacts related to hazards and hazardous materials, hydrology and water quality, and utilities and service systems. Specifically, this alternative would avoid significant and unavoidable project impacts related to GHG emissions and cumulative intersection impacts.

However, this alternative would not avoid significant and unavoidable impacts related to air quality emissions (project and cumulative), AQMP inconsistency, inconsistency with SB 32, and traffic impacts on state freeways and ramps. Additionally, demolition of the BCI Administration Building under this alternative would result in a significant and unavoidable impact to a historic resource, which would not occur with the proposed project.

Attainment of Project Objectives

This alternative would meet the project objectives related to consistency with The Fullerton Plan and The Fullerton Plan's vision for the North Industrial Focus Area; redevelopment of an underutilized site, complement existing businesses in the area; increased revenues; low demand for public services; and retention of the Beckman name. At the same time, this alternative would not meet the project objective for employment generation to the same extent as the Project. The Single Logistics Building Alternative would not preserve the BCI Administration Building and would have a significant impact on this historic resource.

Comparative Merits

The Single Logistics Building Alternative would have similar impacts as the Reduced Intensity Alternative, with similar or fewer impacts as the proposed project for most topical issues. However, this alternative would involve removal of the BCI Administration Building, which would result in a significant and unavoidable cultural (historic) resource impact. Therefore, this alternative is not considered the environmentally superior alternative, even though it would generate less traffic compared to the proposed project and the Reduced Intensity Alternative.

3. ALTERNATIVE 3: REDUCED INTENSITY ALTERNATIVE

Description of the Alternative

The purpose of the Reduced Intensity Alternative is to address significant and unavoidable impacts of the proposed project related to operational air quality, GHG emissions, and traffic by decreasing the intensity of proposed development and associated trip generation. Under this alternative, the 44.3-acre project site would be developed with the same types of land use

proposed with the project but with 50 percent less building area for the 7 proposed new buildings. This is the amount of reduction determined necessary to avoid significant cumulative intersection impacts resulting from the proposed project.

This alternative assumes that 510,333 sf of business park, office, light industrial, warehouse, and manufacturing uses would be constructed as follows: 83,093 sf general light industrial; 124,115 sf manufacturing; 261,125 sf warehousing; and 42,000 sf general office (BCI Administration Building to be retained and adaptively used). This could involve smaller or fewer buildings compared to the proposed project. This will result in 468,332 sf less building development on the site compared to the proposed project. For purposes of analysis, it is assumed that the other components of the project related to access, landscaping, and infrastructure improvements would be similar to the proposed project.

Environmental Effects

Because the physical impact area would be the same and the same type of development is proposed under the Reduced Intensity Alternative but with less building area, this alternative would have similar or fewer impacts compared to the proposed project for the environmental topics addressed in the Draft EIR. Specifically, this alternative would have less than significant impacts related to cultural resources (historic resources), geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and utilities and service systems.

This alternative would avoid the following significant and unavoidable impacts resulting from the proposed project: GHG emissions and cumulative intersection impacts. However, this alternative would not avoid significant and unavoidable impacts related to air quality emissions (project and cumulative), AQMP inconsistency, inconsistency with SB 32 (a GHG reduction plan), and traffic impacts on state freeway segments and ramps.

Attainment of Project Objectives

Although this alternative would have similar or reduced impacts compared to the Project, it would not meet a number of project objectives to the same extent, primarily because of the reduced development intensity.

This alternative would be consistent with the goals and policies of The Fullerton Plan and The Fullerton Plan's vision for the North Industrial Focus Area; complement existing businesses in the area; preserve the BCI Administration Building; low demand for public services; and retention of the Beckman name. However, the employment generation of this alternative is estimated at 521 jobs, compared to 940 jobs with the proposed project. This alternative would stimulate revitalization of nearby commercial and industrial properties; however, not to the same extent as the proposed project. Also, with the approximately 50 percent reduction in development, this alternative would not maximize opportunities for the various uses, and would not increase revenues for the City to the same extent as the proposed project.

Comparative Merits

The Reduced Intensity Alternative has the least impact to the environment because it would still retain the BCI Administration Building (avoiding impacts to this historic resource) and would involve less development/building area on the site. This alternative would have similar less than significant impacts as those of the proposed project for the following topical issues: construction-related air quality, cultural (historic) resources, hazards and hazardous materials, hydrology and water quality, construction-related noise and vibration, construction-related traffic, and utilities and service systems. Due to the reduction in the amount of development and associated traffic, there

would be fewer impacts for this alternative related to operational air quality emissions, GHG emissions, operational noise (from traffic), and operational traffic. This alternative would avoid cumulative significant and unavoidable intersection impacts and GHG emissions impacts, but operational air quality impacts, AQMP inconsistency, GHG emissions reduction plan inconsistency, and impacts at freeway segments and ramps would remain significant and unavoidable.

While the Reduced Intensity Alternative is environmentally superior to the proposed project, it does not meet key project objectives to the same extent as the proposed project. Notably, compared to the proposed project, it would not create as many jobs in the area and would not generate as much revenue for the City because the building development on the site would not be maximized to the same extent as the proposed project.

VII. FINDINGS REGARDING GROWTH-INDUCING IMPACTS

Pursuant to Sections 15126(d) and 15126.2(d) of the CEQA Guidelines, this section is provided to examine ways in which the Beckman Business Center could foster economic or population growth, or the construction of additional development, either directly or indirectly, in the surrounding environment. To address this issue, potential growth-inducing effects were examined through analysis of the following questions:

1. Would this project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development)?
2. Would this project result in the need to expand one or more public services to maintain desired levels of service?
3. Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?
4. Would approval of this project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?

As discussed in Section 6.3 of the EIR, the proposed project would not involve the construction of any major roadways or infrastructure that are not already planned in The Fullerton Plan to accommodate anticipated growth and development. Further, existing utility infrastructure and facilities are available adjacent to or in proximity to the project site. New utility infrastructure would be required to serve the proposed development and would connect to existing utilities. The utility infrastructure installed as part of the project would be sized and located expressly to serve the proposed project and would not, therefore, induce growth in the project vicinity. The project is consistent with The Fullerton Plan and does not require a General Plan Revision. Also, the project implements growth and development anticipated in the North Industrial Focus Area, as identified in The Fullerton Plan. However, a Zoning Amendment is needed for the southern portion of the site (Assessor's Parcel Number [APN] 296-411-01) from M-P 200 (Manufacturing Park) to M-G (Manufacturing, General) to match the zoning for the central and northern portions of the site. The proposed project is not, therefore, considered to be growth-inducing with respect to the removal of obstacles to growth.

While additional fire and police personnel may be required, the proposed project would not necessitate the construction of new or the expansion of existing public service facilities in order to maintain desired levels of service, as confirmed by the Fullerton Fire Department and Fullerton Police Department. No direct demand for other public services (e.g., schools, parks, libraries) would occur with the project, which does not involve residential development, and the facilities or associated resources of these services do not need to be expanded. In addition, the City has funding mechanisms in place through existing regulations and standard practices to accommodate future growth and the demand for public services.

The project would not increase the residential population in the City and would not directly induce or cause unexpected growth in the area. During project construction, a number of design, engineering, and construction-related jobs would be created. This would be an indirect, growth-inducing effect of the proposed project. As the project is built and occupied, project employees would seek shopping, entertainment, employment, home improvement, auto maintenance, and other economic opportunities in the surrounding area. This could encourage the creation of new businesses and/or the expansion of existing businesses that address these economic needs. The proposed project is located near existing commercial and retail areas that would help serve the needs of project employees. Also, it is expected that any such development would occur

consistent with planned growth identified in The Fullerton Plan and the General Plans of the Cities of Brea and La Habra. The increase in demand for additional goods and services would be limited to those associated with employee demands.

The proposed project does not involve a General Plan Revision and is consistent with the development and growth assumptions assumed in The Fullerton Plan for the North Industrial Focus Area. A Zoning Amendment would be needed to provide a consistent zoning designation for the project site. However, no changes to any of the City's building safety standards (i.e., building, grading, plumbing, mechanical, electrical, fire codes) are proposed or required to implement this project. The Fullerton Plan EIR and additional project-level MMs have been identified to ensure that implementation of the project complies with all applicable City plans, policies, and ordinances; these project-level MMs would also ensure that there are no conflicts with adopted land development regulations and that environmental impacts are minimized. The proposed project does not propose any precedent-setting actions that, if approved, would specifically allow or encourage other projects and resultant growth to occur.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

The City of Fullerton is the Lead Agency under CEQA for preparation, review and certification of the Final EIR for the Beckman Business Center Project. As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed project and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed project against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project. In making this determination the City is guided by CEQA Guidelines Section 15093 which provides as follows:

- (1) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal (sic) project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (2) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (3) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed Project against the following unavoidable adverse impacts associated with the proposed Project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the proposed Project, none of which both meet the Project objectives and is environmentally preferable to the proposed Project for the reasons discussed in the Findings and Facts in Support of Findings.

The Fullerton City Council, acting as Lead Agency, and having reviewed the Final EIR for the Beckman Business Center Project, and reviewed all written materials within the City’s public record and heard all oral testimony presented at public hearings, adopts this Statement of

Overriding Considerations, which has balanced the benefits of the project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the project.

B. SIGNIFICANT UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

Although most potential Project impacts have been substantially avoided or mitigated, as described in the Findings and Facts in Support of Findings, there remain some project impacts for which complete mitigation is not feasible. For some impacts, mitigation measures were identified and adopted by the Lead Agency, however, even with implementation of the measures, the City finds that the impacts cannot be reduced to a level of less than significant. For other impacts, no feasible mitigation measures were identified and no feasible alternatives were identified that would avoid or minimize these impacts. The impacts are described below and were also addressed in the Findings.

As identified above, the Beckman Business Center Project would result in the following significant and unavoidable impacts and requires adoption of a Statement of Overriding Considerations:

- **Air Quality Management Plan (AQMP) Consistency.** While the project is consistent with the growth assumptions for The Fullerton Plan, including the North Industrial Focus Area, used in the development of the AQMP, operation of the proposed project would result in NOx emissions exceeding the SCAQMD threshold of significance. Thus, the project would be inconsistent with the AQMP and this impact would be significant and unavoidable. (Impact 1.1)
- **Operational Air Quality Impact.** Maximum daily emissions from project operations would exceed the South Coast Air Quality Management District's (SCAQMD's) CEQA significance thresholds for nitrogen oxides (NOx). There are no feasible mitigation measures beyond those identified that would reduce this impact to a less than significant level. Thus, impacts would be significant and unavoidable. (Impact 1.2)
- **Cumulative Operational Air Quality Impact.** Long-term NOx emissions from mobile sources would exceed SCAQMD's CEQA significance thresholds for operations. Because NOx is an ozone (O₃) precursor, this would contribute to existing violations of the State and federal O₃ standards in the South Coast Air Basin. There are no additional feasible mitigation measures beyond those identified to reduce the project's NOx emissions to a less than significant level; therefore, this impact would be cumulatively considerable and significant. (Impact 1.3)
- **Greenhouse Gas Emissions.** The project would have a significant and unavoidable impact as it relates to the generation of greenhouse gas (GHG) emissions that may have a significant impact on the environment. There are no additional feasible mitigation measures beyond those identified to reduce the project's GHG emissions to a less than significant level. (Impact 2.1)
- **GHG Emissions Reduction Plan Consistency.** The City's CAP, adopted in 2012, does not address SB 32 emission reduction targets, which were adopted by the State of California in September 2016. Therefore, although the proposed project is consistent with the City's CAP, the project's consistency with SB 32 cannot be ascertained. The potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions is a significant and unavoidable impact. (Impact 2.2)
- **Project-related Traffic Impacts.** The proposed project would result in significant and unavoidable impacts at 1 intersection, and along 17 segments of State Route (SR) 57 and at 3 SR-57 on- and off-ramps at Lambert Road and Imperial Highway under the Existing

Plus Project traffic conditions. The City of Fullerton cannot require Caltrans to implement improvements on state facilities and there is no feasible mitigation to reduce the impacts to a less than significant level. (Impact 3.1)

- **Cumulative Traffic Impacts.** The proposed project would result in significant and unavoidable cumulative impacts at two study area intersections under the Year 2020 Cumulative traffic conditions, and 11 intersections under General Plan Buildout (Post 2030) Plus Project conditions. Additionally, the proposed project would have significant and unavoidable cumulative impacts along segments of SR-57 and at SR-57 on- and off-ramps at Lambert Road and Imperial Highway under these traffic conditions. Neither the City of Fullerton nor the Property Owner/Developer can require the City of La Habra, City of Brea, or Caltrans to implement improvements, and there is no feasible mitigation to reduce the impacts to a less than significant level. (Impact 3.2)

C. OVERRIDING CONSIDERATIONS

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed Beckman Business Center Project, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations and benefits of the project that outweigh the unavoidable, adverse environmental impacts of the proposed Project:

- a. The Project redevelops an unused industrially zoned property in support of the planning objectives of The Fullerton Plan for Focus Area H - North Industrial - to retain industrial and employment generating uses such that The North Industrial Focus Area is envisioned as a northern gateway to the City and primary employment generating area which seizes opportunities to introduce new compatible and supporting uses.
- b. By redeveloping the former Beckman Coulter Instruments Headquarters property, the Project will assist the City in achieving numerous General Plan (The Fullerton Plan) Goals, including but not limited to: Goal 2 (positive identity and distinctive image), Goal 4 (valued and preserved historic resources); Goal 6 (growth and development aligned with infrastructure capabilities), Goal 9 (long-term fiscal strength and stability), Goal 10 (an innovation economy), and Goal 11 (revitalization activities that result in community benefits).
- c. The Project will redevelop the former Beckman Coulter Instruments Headquarters property, which will benefit the City of Fullerton and neighboring areas by providing a revenue-producing, job-generating, modern business park. The business park will provide additional property tax revenue to the City, which will help pay for public services.
- d. The Project will help to fill a need for business park space in the City of Fullerton, which will strengthen and diversify the City's economy.
- e. The existing Beckman Coulter Administrative Building (4300 North Harbor Boulevard) will be integrated into the project in order to preserve the historical significance of the property. The Administrative Building has been nominated to the National Register of Historic Places by the State Office of Historic Preservation, and under consideration for designation as a Fullerton Local Landmark.
- f. The Project is expected to create approximately 940 new, recurring jobs in addition to construction jobs and secondary jobs to support the Project and its employees. Furthermore, the jobs directly and indirectly created by the Project will improve the existing unfavorable jobs-housing balance in the City and the surrounding area, thereby reducing the need for residents to seek work elsewhere.

- g. The Project will construct infrastructure improvements along its frontage with Lambert Road and Harbor Boulevard (i.e., roadways, median), which will benefit the general public and future development in the surrounding area.
- h. The Project Applicant will pay substantial fees that will benefit the City, including development impact fees and City permit fees. The City uses these fees in part to benefit the greater community by increasing available funding for needed public services and infrastructure.
- i. The Project Applicant will pay school impact fees to the Fullerton Joint Unified School District, which the Fullerton Joint Unified School District and the La Habra City School District can use to improve its facilities and public educational services.
- j. The Project will redevelop a property where all but one of the former buildings have been demolished. Redevelopment of the property will thereby eliminate the potential threats of vacancy, neglect, and blight that could occur if the property is not reused and which may cause safety hazards to the residents of the City and hazards to the environment.