

RESOLUTION NO. PC-2024-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT (SCH# 2023090133) AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS FOR ALTERNATIVE 2 (REDUCED SITES ALTERNATIVE) AND MAKE CEQA FINDINGS FOR THE HOUSING INCENTIVE OVERLAY ZONE PROGRAM AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM

LRP-2024-0009

APPLICANT: CITY OF FULLERTON

WHEREAS, the City of Fullerton, as Lead Agency, initiated an update to the City's Housing Element (Appendix H of the Fullerton Plan i.e., General Plan) in conformance with requirements of the State of California for cities to adopt and maintain a Housing Element that identifies the City's housing conditions and needs, establishes goals, objectives, and policies to guide future housing decisions, and provides an array of programs to meet citywide housing priorities, including: addressing the housing shortage, affirmatively furthering fair housing, preventing displacement and promoting sustainability and resilience. This update corresponds to 6th Cycle of the Regional Housing Needs Assessment (2021 – 2029); and

WHEREAS, during the Update process, the City sought to secure broad community input through extensive community outreach that included community meetings, surveys, outreach at various events, social media posts, email blasts, a dedicated City webpage, and newspaper advertising. Input received during the four-year process has resulted in the preparation of the Housing Incentive Overlay Zone Program to satisfy the City's Housing Needs (the "Project"); and

WHEREAS, the City determined that a Program Environmental Impact Report (hereafter "EIR") was required in order to analyze significant impacts associated with the Project; and

WHEREAS, the Project was reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA). As such, a Program EIR and a Mitigation Monitoring and Reporting Program was prepared for this Project in compliance with CEQA; and

WHEREAS, the City of Fullerton prepared a Draft EIR to identify the potential environmental impacts associated with the Housing Incentive Overlay Zone Program pursuant to CEQA and the CEQA Guidelines (14 CCR 15000 et seq.); and

WHEREAS, mitigation measures were identified to reduce or avoid some of the significant effects on the environment, and a Mitigation Monitoring and Reporting Program was prepared to ensure compliance with the mitigation measures during Project implementation; and

WHEREAS, the City of Fullerton is the Lead Agency on the Project, and the Planning Commission is the advisory body to the City Council, which is the decision-making body for the Project; and

WHEREAS, in accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation ("NOP") of an Environmental Impact Report and filed it with the Office of Planning and Research ("OPR"), circulated it to public, local, and state agencies on August 31, 2023, and also posted it on CEQAnet and the City's website; and

WHEREAS, on September 28, 2023, a Scoping Meeting was held to solicit comments from the public regarding the potential environmental impacts of the Housing Element Update to be studied in the Draft EIR; and

WHEREAS, based on the responses to the Notice of Preparation, the City prepared a Draft EIR and circulated the Draft EIR to the public. The public comment period for the Draft EIR was the state-mandated 45 days commencing on May 31, 2024, through July 15, 2024. Copies of the Draft EIR were available at Fullerton City Hall, Fullerton Main Library, and on the City of Fullerton website; and

WHEREAS, a Notice of Completion ("NOC") of the Draft EIR was prepared and circulated on May 31, 2024, as required by CEQA. The NOC was circulated to responsible agencies, adjacent property owners and interested parties, including any person who filed a written request for such a notice; and

WHEREAS, the City received comment letters from the public and public agencies during the public review period. The City prepared a Final EIR, dated September 10, 2024, containing written responses to all comments received during the public review period, which responses provide the City's good faith, reasoned analysis of the environmental issues raised by the comments and a Mitigation and Monitoring and Reporting Program; and

WHEREAS, The Final EIR was released to the public and public agencies at least ten days prior to the Planning Commission hearing on the Project; and

WHEREAS, The Final EIR reflects the City's independent judgment and analysis on the potential for environmental impacts and constitutes the Environmental Impact Report for the City of Fullerton Housing Incentive Overlay Program; and

WHEREAS, the EIR identifies that the Project would have significant effects on the environment that cannot be mitigated below a level of significance, thus approval of the Program must include findings as set forth in attached Exhibit A, "CEQA Findings of Fact and Statement of Overriding Considerations"; and

WHEREAS, some of the significant effects cannot be lessened to less than significant level, thus approval of the Project must include findings and a Statement of Overriding Considerations as set forth in attached Exhibit A; and

WHEREAS, based upon the substantial evidence on the record, including the oral and written comments received during the above-referenced processes, the oral and written staff reports submitted in conjunction with the Final EIR, and its independently drafted Findings of Fact (Exhibit "A") and Mitigation Monitoring and Reporting Program (Exhibit "B"), the Planning Commission finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR to the extent feasible; and

WHEREAS, the Planning Commission does hereby recommend that the City Council certify the EIR for the Housing Incentive Overlay Program, LRP-2024-0009.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF FULLERTON, DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

1. The previous recitals are true and correct and are incorporated as if fully set forth herein.
2. The Planning Commission has carefully considered the entire administrative record.
3. Prior to the release of the Draft EIR and in accordance with SB 18 and AB 52, the City sent notices to the list of Native American Tribes provided by the Native American Heritage Council. No tribes requested consultation.
4. The EIR, Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program fully comply with all procedural and substantive requirements of CEQA.

NOW, THEREFORE, the Planning Commission of the City of Fullerton hereby recommends that the City Council certify the Environmental Impact Report, adopt the Findings of Fact and Statement of Overriding Considerations set forth in Exhibit A, adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit B, and move forward with Alternative 2, the Reduced Sites Alternative.

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON SEPTEMBER 25, 2024.

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Peter Gambino, Chairman

Attachments

Exhibit A – Final Program Environmental Impact Report

Exhibit B – Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program

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Final Program Environmental Impact Report

# Fullerton Housing Incentive Overlay Zone Program

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SCH NO. 2023090133

SEPTEMBER 2024

*Prepared for:*

**CITY OF FULLERTON**

303 West Commonwealth Avenue  
Fullerton, California 92832

*Prepared by:*

**DUDEK**

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# 1 Introduction

## 1.1 Purpose

In accordance with the California Environmental Quality Act (CEQA) as amended (California Public Resources Code [PRC] Sections 21000, et seq.) and CEQA Guidelines (California Code of Regulations [CCR] Title 14, Chapter 3, Sections 15000, et seq.), the City of Fullerton (City) has prepared this Final Program Environmental Impact Report (Final PEIR) for the proposed Housing Incentive Overlay Zone Program and associated discretionary actions (collectively referred to as the “Program”). As required by Section 15132 of the CEQA Guidelines, this Final PEIR consists of the following: the Draft PEIR and Appendices (incorporated herein by reference); copies of comment letters received on the Draft PEIR; a list of commenters on the Draft PEIR; responses to all comments received on the Draft PEIR; and other information added for clarification by the City. Additionally, the Mitigation Monitoring and Reporting Program (MMRP) is included in this Final PEIR.

## 1.2 Environmental Review Process

As defined in CEQA Guidelines Section 15050, the City is the Lead Agency responsible for preparing the PEIR for the Program.

### 1.2.1 Notice of Preparation and Scoping Meeting

In accordance with Section 15082(a) of the CEQA Guidelines, the County circulated a Notice of Preparation (NOP) for a 30-day public review period. As such, the public review period began on September 8, 2023, and ended on October 9, 2023. The NOP was distributed to the State Clearinghouse, public agencies, special districts, responsible and trustee agencies, and other interested parties; filed with the Orange County Clerk; and published in *The Fullerton Observer* newspaper. Printed copies of the NOP were available for public review at the Fullerton Public Library. In addition, electronic copies of the NOP were made available for download on the City’s website at: <https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/2021-2029-housing-element-updates>. The NOP and comment letters are provided in Appendix A of the Draft PEIR. Additionally, a virtual Scoping Meeting was held on September 28, 2023 at 6:00 PM that was made available through the County’s website at: <https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/2021-2029-housing-element-updates>. Scoping Meeting comments discussed in Section 2.2.4, NOP Comments and Scoping Meeting of the Draft PEIR.

### 1.2.2 Draft Program Environmental Impact Report

The Draft PEIR was circulated for public review from May 31, 2024, through July 15, 2024, which met the 45-day minimum required by CEQA. A Notice of Completion (NOC) and Notice of Availability (NOA) of the Draft PEIR were submitted to the State Clearinghouse; posted at the County Clerk’s office; and published in *Fullerton Observer* newspaper. Hardcopies of the Draft PEIR, with electronic copies of all appendices, were available for public review at Community and Economic Development Department counter (2<sup>nd</sup> Floor, City Hall, 303 W. Commonwealth Avenue) as well as the Fullerton Public Library (353 W. Commonwealth Avenue). The Draft PEIR was also posted on City’s website for public review at: <https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/2021-2029-housing-element-updates>.

### 1.2.3 Final Program Environmental Impact Report

The Final PEIR addresses the comments received during the public review period and includes minor changes to the text of the Draft PEIR in accordance with comments that necessitated revisions. This Final PEIR is made available to City decision-makers for potential certification as the environmental document for the proposed Program. All agencies who commented on the Draft PEIR will be provided with a copy of the Final PEIR, pursuant to CEQA Guidelines Section 15088(b). The Final PEIR is posted on the County's website at: <https://www.cityoffullerton.com/government/departments/community-and-economic-development/planning-zoning/2021-2029-housing-element-updates>.

The minor clarifications, modifications, and editorial corrections that were made to the Draft PEIR are shown in Chapter 3, Revisions to the Draft PEIR, of this Final PEIR. None of the revisions that have been made to the Draft PEIR resulted in new significant impacts; none of the revisions resulted in a substantial increase in the severity of an environmental impact identified in the Draft PEIR; and none of the revisions brought forth a feasible project alternative or mitigation measure that is considerably different from those set forth in the Draft PEIR. Furthermore, the revisions do not cause the Draft PEIR to be flawed such that it precludes meaningful public review. As none of the CEQA criteria for recirculation have been met, recirculation of the Draft PEIR is not warranted.

## 1.3 Organization of Final PEIR

This Final PEIR is organized in the following sections:

- **Section 1, Introduction.** This section describes CEQA requirements, the environmental review process, and organization of this Final PEIR.
- **Section 2, Responses to Comments.** This section provides a list of agencies and interested persons commenting on the Draft PEIR, copies of comment letters received during the public review period, and individual responses to written comments.
- **Section 3, Revisions to the Draft PEIR.** This section contains revisions to the Draft PEIR text as a result of comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the Draft PEIR for public review.
- **Section 4, Mitigation Monitoring and Reporting Program.** This section provides the full Mitigation Monitoring and Reporting Program (MMRP) for the Project and reflects any revisions provided in Section 3, Revisions to the Draft PEIR. The MMRP lists all of the proposed mitigation measures (MM) by environmental issue and identifies the action required, mitigation timing, responsible party for implementing the MM, and monitoring agency responsible for ensuring each MM is implemented.

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## 2 Responses to Comments

### 2.1 Introduction

State CEQA Guidelines Section 15088 states that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.”

The City circulated the Fullerton Housing Incentive Overlay Zone Draft PEIR for public review from May 31, 2024, through July 15, 2024. This chapter of the Final PEIR includes a copy of each comment letter provided during the 45-day public review period for the Draft PEIR.

### 2.2 List of Commenters

As shown in Table 2-1, the City received ten (10) comment letters, including from five (5) agency letters and five (5) individual letters. Comment letters are organized into three categories: Category A (written comments from public agencies) and Category I (written comments from individuals). In accordance with the requirements of CEQA Guidelines Section 15088(b), the City will provide a written response on comments submitted by public agencies to each respective public agency at least 10 days prior to certifying the Final PEIR.

**Table 2.1. List of Commenters**

Comment Letter	Name	Type	Date
<b>Agencies</b>			
A1	Department of Toxic Substances Control	State Agency	July 5, 2024
A2	California Department of Transportation, District 12	State Agency	July 15, 2024
A3	Orange County Sanitation District	Regional Agency	July 9, 2024
A4	Orange County Transportation Authority	Regional Agency	July 15, 2024
A5	City of Placentia	Local Agency	July 15, 2024
<b>Individuals</b>			
I1	Judith A. Kaluzny	Individual	June 30, 2024
I2	Jane Reifer	Individual	July 11, 2024
I3	Jane Reifer	Individual	July 12, 2024
I4	Wayne Carvalho	Individual	July 15, 2024
I5	Jane Reifer	Individual	July 15, 2024

**Note:** Category A (written comments from public agencies) and Category I (written comments from individuals).

### 2.3 Lead Agency Responses

All responses to comments on the Draft PEIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Responses focus on comments that raise important environmental issues or

pertain to the adequacy of the analysis in the Draft PEIR or to other aspects pertinent to the potential effects of the Project on the environment pursuant to CEQA. Comments that address policy issues, opinions, or other topics beyond the purview of the Draft PEIR or CEQA are noted as such for the public record. Where comments are on the proposed Program rather than on the Draft PEIR, these are also noted in the responses. Where appropriate, the information and/or revisions suggested in the comment letters have been incorporated into the Final PEIR. These revisions are included in Chapter 3, Revisions to the Draft PEIR, of this Final PEIR. In accordance with State CEQA Guidelines Section 15088(b), copies of the written responses to public agencies have been provided to those agencies at least 10 days prior to certifying the Final PEIR.

All comments received on the Draft PEIR have been carefully reviewed and evaluated on environmental issues received from public agencies, individuals, and organizations. After careful review, it was determined that none of the comments or responses would require significant new information to be added such that a recirculation of the Draft PEIR would be required either in its entirety or in part. State CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification, describes the thresholds for recirculation of an Environmental Impact Report (EIR). Pursuant to Section 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information can include a disclosure showing that a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented, a substantial increase in the severity of an environmental impact, a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project (but the project's proponents decline to adopt it), or the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The Draft PEIR revisions and information presented in this document do not constitute significant new information, as defined in State CEQA Guidelines Section 15088.5; this information merely clarifies, amplifies and makes insignificant modifications to an adequate PEIR. Information presented in the Draft PEIR and this document support this determination. As such, the Draft PEIR is not required to be recirculated.

## 2.4 Responses to Comment Letters

This section presents all responses to all comments received.

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## Response to Comment Letter A1

Department of Toxic Substances Control  
HWMP-Permitting Division – CEQA Unit  
Dave Kereazis, Associate Environmental Planner  
July 5, 2024

**A1-1** This introductory comment correctly summarizes the intent of the Draft PEIR. R Therefore, a response is not required pursuant to CEQA.

**A1-2** The comment notes the Planning Area includes active and nonactive mitigation and clean-up sites under the oversight of the Department of Toxic Substances Control (DTSC). The comment states these sites may be restricted for future development in order to avoid impacts to human health and the environment.

The Draft PEIR conducted a search of Cortese List databases and other applicable databases for the Planning Area. Given that hazardous material releases can impact both the release sites and nearby sites, the Draft PEIR also includes sites within 500 feet of the Planning Area parcels. As a result, multiple LUST sites and state cleanup sites were identified and disclosed in the PEIR, as shown in Figures 4.3-1 through 4.3-3 and listed in Table 4.3-1 and Table 4.3-3 through 4.3-4. The lists include active and completed cleanups, all of which are under oversight by an environmental regulatory agency. While some cleanups have been completed, the Draft PEIR acknowledges there are different cleanup standards and screening levels for commercial, industrial, and residential development, and cleanup requirements may have changed since closure. As such, cleanup requirements met during remediation of these sites may not be adequate for future residential development. Potential future development of these sites and the closed sites with residual contamination could cause an upset or accident condition where hazardous materials are released to the environment (Draft PEIR, p. 4.3-40).

Implementation of the Program could result in future development projects on sites listed. With regard to sites that have received regulatory closure, investigation and remediation requirements outlined in COA-HAZ-1, COA-HAZ-2, MM-HAZ-3, and MM-HAZ-4 would identify potential contamination, investigate and evaluate the type and level of contamination, and determine if levels of contamination would result in exposure to construction workers or future occupants above applicable human health screening levels. Prior to future development, MM-HAZ-5 requires review of and adherence to requirements and recommendations set forth in closure documents associated with past cleanups on the applicable parcel(s) (Draft PEIR, p. 4.3-40).

With regard to open Cortese List sites, open investigations and cleanups, including sites listed on the Cortese List databases, would be identified during the Phase I ESA required by COA-HAZ-1. MM-HAZ-4 requires the site to meet applicable standards for residential development and be reviewed and approved by the overseeing regulatory agency prior to approval for development by the City. The overseeing regulatory agency may require additional remediation or protective measures or may not allow residential development due to risk to construction workers or future occupants (Draft PEIR, p. 4.3-40).

Overall, the Draft PEIR concludes with strict adherence to federal, state, and local regulations, restrictions placed by environmental regulatory agencies, and mitigation as outlined in COA-HAZ-1, COA-

HAZ-2, MM-HAZ-3, and MM-HAZ-4, impacts would be less than significant with mitigation (Draft PEIR, p. 4.3-41).

**A1-3** The comment states concern for the Autonetics/Raytheon site and the CBS Fender site and these sites' relationship with the Orange County North Basin Superfund Site. Table 4.3-1, Cortese List Sites, identifies the Autonetics/Raytheon site and the CBS Fender site as active sites within 500 feet of the Planning Area. This comment is similar to Comment A1-2. As such, see Response to Comment A1-2 for more discussion on the implementation of the Program within the vicinity of Cortese List sites.

**A1-4** The comment states the need for mechanism(s) to initiate required investigation and/or remediation with appropriate regulatory oversight. Additionally, the comment recommends Phase I ESAs and Phase II ESAs for each site with DTSC consultation.

The Draft PEIR includes conditions of approval (COAs) and mitigation measures, which outlines procedures for investigation and remediation, as applicable. However, these measures are not required for every site within the Planning Area. Instead, as required by COA-HAZ-1, the City would require a Phase I ESA for properties with the potential for site contamination prior to the issuance of a grading permit.

Furthermore, with regard to sites that have received regulatory closure, investigation and remediation requirements outlined in COA-HAZ-1, COA-HAZ-2, MM-HAZ-3, and MM-HAZ-4 would identify potential contamination, investigate and evaluate the type and level of contamination, and determine if levels of contamination would result in exposure to construction workers or future occupants above applicable human health screening levels (Draft PEIR, p. 4.3-40). With regard to open Cortese List sites, open investigations and cleanups, including sites listed on the Cortese List databases, would be identified during the Phase I ESA required by COA-HAZ-1. MM-HAZ-4 requires the site to meet applicable standards for residential development and be reviewed and approved by the overseeing regulatory agency prior to approval for development by the City. The overseeing regulatory agency may require additional remediation or protective measures or may not allow residential development due to risk to construction workers or future occupants (Draft PEIR, p. 4.3-40).

**A1-5** The comment states surveys should be conducted for the presence of lead-based paints, mercury, asbestos containing materials, among others, if buildings or structures are to be demolished. As described further in Section 4.3, Hazards and Hazardous Materials, of the Draft PEIR, structures that were constructed prior to 1980 typically contain hazardous building materials. As such, COA-HAZ-3 requires a survey by a certified environmental professional prior to demolition. In addition, COA-HAZ-3 outlines procedures related to the removal, demolition, and disposal of these materials. Moreover, MM-HAZ-1 requires all survey and abatement work to be done in accordance with federal, state, and local regulations.

**A1-6** The comment recommends imported soil and fill material to be tested to ensure contaminants of concern are within applicable screening levels for future development. As such, a revision has been made to COA-HAZ-1 of the Draft PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies process already presented in COA-WW-2. Therefore, this revision does not warrant recirculation of the Draft PEIR.

**A1-7** This comment provides a conclusory statement related to the concerns presented in the comment letter. No response is required pursuant to CEQA.

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## Response to Comment Letter A2

California Department of Transportation, District 12  
Local Development Review / Climate Change Planning  
Scott Shelley, Branch Chief  
July 15, 2024

- A2-1** This introductory comment correctly summarizes the intent of the Draft PEIR. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.
- A2-2** The comment identifies the facilities owned by Caltrans surrounding the City. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.
- A2-3** The comment requests identification of potential conflicts with environmental justice communities. According to the CEQA Guidelines Section 15064(e) “economic and social changes resulting from a project shall not be treated as significant effects on the environment.” Thus, economic and social implications of the Program are not within the scope of required environmental analysis and a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-4** The comment states there are no bicycle lanes along Euclid Street corridor. The request for the installation of bicycle lanes is outside of the scope of the proposed Program. Moreover, the comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA. However, for informational purposes, see Figure 4.11-4, Existing and Proposed Bikeway Facilities, as identified in the City’s General Plan for bicycle lanes within the vicinity of the Euclid Street corridor. This comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-5** The comment notes the Program proposes zoning changes nearby schools. The comment further requests street calming measures. Impacts related to potential increases in transportation hazards and compatibility with the City’s circulation system were determined to be less than significant. See Draft PEIR Section 4.11, Transportation, and Chapter 5, Other CEQA Considerations, for more discussion.
- A2-6** The comment raises concern for truck parking, ingress and egress, and staging. Implementation of the Program would facilitate future development projects. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. For individual projects with the potential to result in truck parking, these future projects would be subject to the City’s permitting review and plan check process, which would ensure compliance with State and local regulations.
- A2-7** The comment suggests construction workers and employees of future development projects use transit. The Program does not include incentives to encourage the use of transit. However, Section 4.11

of the Draft PEIR determined impacts related to vehicle miles traveled would be less than significant. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

- A2-8** This comment raises concern for warehouse/distribution center workers vehicle trips. The Program would not facilitate the development of future industrial land uses. As such, this comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. No further response is required.
- A2-9** The comment requests to identify all existing local and regional transit services. The Draft PEIR lists transit services for the City within Section 4.11, Transportation. See Section 4.11.1, Existing Conditions, starting on page 4.11-3 and ending on page 4.11-5. No change to the content or analysis in the Draft PEIR are required as a result of this comment.
- A2-10** The comment requests discussion on multimodal transportation mobility options. This comment is similar to Comment A2-9. As such, see Section 4.11.1, Existing Conditions, starting on page 4.11-3 and ending on page 4.11-5. In addition, the Draft PEIR analyzes the Program's consistency with programs, plans, and ordinances addressing the circulation system (Draft PEIR, pp. 4.11-15 and 4.11-16). No change to the content or analysis in the Draft PEIR are required as a result of this comment.
- A2-11** The comment suggests construction workers and employees of future development projects use transit. This comment is the same as Comment A2-7. As such, see Response to Comment A2-7.
- A2-12** The comment requests the installation of wayfinding signage to transit stops. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Implementation of the Program would result in the development of future projects, which would be subject to the City's permitting review and plan check process to ensure compliance with State and local regulations regarding wayfinding and signage. However, the comment's request is outside of the scope of the required environmental analysis. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-13** The comment raises concern for individual package delivery to future residential uses. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Implementation of the Program would result in the development of future projects, which would be subject to the City's permitting review and plan check process to ensure compliance with State and local regulations regarding mail and delivery. However, the comment's request is outside of the scope of the required environmental analysis. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-14** The comment raises concern for off-street truck parking. Implementation of the Program would result in future residential and mixed-use buildings. Truck parking associated with industrial land uses would not occur. Moreover, the analysis contained in the Draft PEIR does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Future

development projects would be subject to the City's permitting review and plan check process to ensure compliance with State and local regulations regarding off-street truck parking. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

- A2-15** The comment raises concern for on-street parking for home deliveries. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. For individual projects with the potential to result in truck parking, these future projects would be subject to the City's permitting review and plan check process, which would ensure compliance with State and local regulations.
- A2-16** The comment raises concern for on-street freight-only parking and deliveries. This comment is similar to Comment A2-14 and Comment A2-15. As such, see Responses to Comments A2-14 and A2-15 above.
- A2-17** The comment raises concern for posted speed signs within the vicinity of future development projects. The installation of speed signs is outside of the scope of the proposed Program. As such, this comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. The comment will be provided to the decision makers for review and consideration as part of this Final PEIR.
- A2-18** The comment suggests urban greening mitigation and incident response plans. The comment does not identify a new significant impact in which the inclusion of the proposed mitigation is necessary or required. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Future projects would be subject to the City's permitting review and plan check process, which would ensure compliance with regulations regarding design review and emergency response planning. Furthermore, potential impacts related to emergency planning was determined to be less than significant. See Section 5.5.8 of the Draft PEIR for more discussion. No change to the content or analysis in the Draft PEIR are required as a result of this comment.
- A2-19** The comment requests a traffic impact analysis focusing on the potential impacts to the local State Highway System, including impacts related to ingress/egress ramps. The Program would facilitate the future development of residential and mixed-use projects within the City. The Program does not include improvements to State facilities. For individual projects with the potential to utilize Caltrans rights-of-way, these projects would be subject to the City's permitting review and plan check process in coordination with Caltrans, which would ensure compliance with State and local regulations. Moreover, CEQA Guidelines Section 15064.3 states that traffic delay using level of service (LOS) metric is no longer considered a significant environmental impact under CEQA. No changes to the content or analysis in the Draft PEIR are required as a result of this comment.
- A2-20** This comment raises concern for impacts related to LOS and vehicle miles traveled (VMT). This comment is similar to Comment A2-19. As such, see Response to Comment A2-19 above. Moreover,

Section 4.11 of the Draft PEIR determined impacts related to VMT would be less than significant (Draft PEIR, pp. 4.11-16 and 4.11-17).

- A2-21** The comment notes future development projects adjacent to Caltrans right-of-way would require an encroachment permit. Additionally, any modifications to State facilities would be subject to additional review. The Program does not include improvements to State facilities. For individual projects with the potential to utilize Caltrans rights-of-way, these projects would be subject to the City's permitting review and plan check process, which would ensure compliance with State and local regulations. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-22** The comment provides resources regarding encroachment permits. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. However, the comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- A2-23** The comment requests coordination with Caltrans for any future development project that could potentially impact State transportation facilities. This comment is similar to Comment A2-21. As such, see Response to Comment A2-21.

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## **Response to Comment Letter A3**

Orange County Sanitation District  
Planning Division  
Andrew Brown, Engineering Supervisor  
July 9, 2024

- A3-1** The comment recommends modifications to COA-WW-2. Currently COA-WW-2 states, “prior to issuance of a building permit for any future development project, the Project Applicant shall provide evidence that the OCSD (Orange County Sanitation District) has sufficient transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested” (Draft PEIR, p. 1-26). The comment requests an additional process to submit a sewer capacity analysis of existing wastewater utility in the area for review and to obtain sewer capacity verification from OCSD prior to issuance of a building permit. As such, a revision has been made to the PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies process already presented in COA-WW-2. Therefore, this revision does not warrant recirculation of the Draft PEIR.

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## **Response to Comment Letter A4**

Orange County Transportation Authority  
Environmental Programs  
Dan Phu, Manager  
July 15, 2024

- A4-1** This introductory comment identifies the commenter and notes bus service changes (included as Comment A4-3. The comment does not express any environmental concerns related to the environmental analysis contained in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.
- A4-2** This comment provides a conclusory statement related to the concerns presented in the comment letter. No response is required pursuant to CEQA.
- A4-3** The comment identifies bus service changes within the City. As such, a revision has been made to the PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the existing condition discussion already presented in Section 4.11, Transportation, of the Draft PEIR. Therefore, this revision does not warrant recirculation of the Draft PEIR.

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## Response to Comment Letter A5

City of Placentia  
Joseph M. Lambert, Director of Development Services  
July 15, 2024

**A5-1** The comment raises concern for the Draft PEIR for the proposed Program. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.

**A5-2** The comment correctly summarizes the significant and unavoidable impacts identified in the Draft PEIR. The comment further raises concern for sustainability and long-term implications of the proposed Program. As noted by the comment, the Program is proposed to meet the City's Regional Housing Needs Allocation (RHNA) goals. The Draft PEIR states the City does not contain sufficient sites with appropriate zoning to accommodate the required housing goals. The Program would create an overlay zone that allows a property owner to develop multi-family housing on a parcel with a non-residential underlying zoning classification in exchange for providing a specified percentage of deed-restricted affordable housing units. The Program would not directly result in the construction of the total buildout potential. Rather, the Program would facilitate the construction of housing units with the adoption of this overlay zone. Moreover, impacts were identified based in part to the constraints of the State's 6<sup>th</sup> RHNA cycle, which ends in 2029. As such, in summary, significant and unavoidable impacts related to unplanned population growth were identified and analyzed within Section 4.8 (Population and Housing) and Section 4.1 (Air Quality). Further, even though the unplanned growth would be a short-term exceedance, the associated impacts would be remedied at the time that the regional plans (e.g., Connect SoCal, Urban Water Management Plan, and Air Quality Management Plan) would undergo mandatory updates/revisions. Thus, the unplanned growth would still be considered substantial in the short-term.

Significant and unavoidable impacts related to tribal cultural resources, as described further in Section 4.12, Tribal Cultural Resources, of the Draft PEIR were determined due to the lack of assurance that mitigation measures would reduce impacts to a level of less than significant for those tribal cultural resources not yet identified.

Implementation of the Program would still require future development projects to undergo the City's permitting review and plan check process, which would ensure compliance with State and local regulations. This includes regulations related to sustainability identified in Section 4.2 (Greenhouse Gas Emissions) and Section 4.2.2, Relevant Plans, Policies, and Ordinances.

Overall, the comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

**A5-3** The comment raises concern for air quality impacts. This comment is similar to Comment A5-3. As such, see Response to Comment A5-3 for discussion related to the Program's implementation and buildout. The Draft PEIR includes further discussion of air quality impacts associated with future development projects within Section 4.1, Air Quality. Implementation of future projects would be required to comply with existing State and local regulations as well as mitigation measures MM-AQ-1 through MM-AQ-3, which were included to reduce short-term impacts. However, these measures do not ensure that impacts would be mitigated to a less than significant level (Draft PEIR, p. 4.1-24). As such, the Draft

PEIR as presented adequately analyzed the potential impacts and identified all feasible mitigation measures to reduce impacts. Given this, the Draft PEIR included alternatives, including Alternative 3 (Reduced Density Alternative), which would reduce overall impacts; however, significant and unavoidable impacts would not be eliminated. No change to the content or analyses in the Draft PEIR are required as a result of this comment.

**A5-4** The comment raises concerns for indirect impacts associated with unplanned population growth. This comment is similar to Comment A5-3. As such, see Response to Comment A5-3 for discussion related to the Program's implementation and buildout. Regarding impacts to public services, Draft PEIR Section 4.9 (Public Services) determined impacts would be less than significant.

**A5-5** The comment raises concern for impacts to tribal cultural resources. This comment is similar to Comment A5-3. As such, see Response to Comment A5-3 for more discussion. Furthermore, as detailed in Section 4.12, the City complied with the provisions of AB 52 and SB 18, which lead to a consultation process with a California Native American Tribe. As a result of this process, MM-TCR-1 was incorporated to facilitate a process for the development of future projects. No change to the content or analyses in the Draft PEIR are required as a result of this comment.

**A5-6** The comment raises concern for impacts to infrastructure and public safety. Impacts to infrastructure (i.e., water supply and sewage systems) were analyzed in Section 4.13, Utilities and Service Systems, of the Draft PEIR, in which impacts were determined to be less than significant. Regarding public safety, see Response to Comment A5-4. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

**A5-7** The comment raises concern for impacts related to future development project adjacent to the City of Placentia. The comment suggests early engagement in the development process of future projects. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

**A5-8** The comment provides a conclusory statement summarizing the concerns presented in the comment letter. No further response is required pursuant to CEQA.

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## Response to Comment Letter I1

Judith A. Kaluzny  
June 30, 2024

- I1-1** The comment generally raises concern for parkland access. The Draft PEIR analyzes the Program's impacts related to parkland in Section 4.9, Public Services, and Section 4.10, Recreation. As detailed in the PEIR, the City contains approximately 53 parks, trails, and recreational facilities for a total of 683 acres of land (Draft PEIR, p. 4.9-4). In addition, the City has a desired parkland per resident ratio of 4 acres per 1,000 people identified within the General Plan (Draft PEIR, p. 4.9-15). Implementation of the Program could generate up to 103,628 new residents across the Planning Area, which would increase the City's population and exacerbate the parkland per resident ratio. To maintain performance standards under the proposed Program, the City's Parks and Recreation Department indicated that there would be a need for additional amenities implemented at existing parks in the City, such as expanding playgrounds, trails, or adding more sport courts. This would be supported by General Plan policies and code requirements ensuring the payment of a park dwelling fee that provides for the creation and enhancement of park facilities. Therefore, the development of future projects would be required to comply with these measures, and impacts would be less than significant. No changes to the content or analysis contained in the Draft PEIR are required as a result of this comment.

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## Response to Comment Letter I2

Jane Reifer  
July 11, 2024

- I2-1** The comment is a response to an email communication by the commenter (included as Comment I2-3) regarding the Draft PEIR's methodology for the vehicle miles traveled (VMT). The comment also requests to speak to the consultant. As represented throughout this Final PEIR, these responses to comments provide formal communication for the purposes of the Draft PEIR's comment period. The Draft PEIR has been prepared by Dudek in consultation with and subject to the review and approval by the City of Fullerton, and the document represents the City's independent judgement, as required by the California Environmental Quality Act (CEQA) Statute (California Public Resources Code [PRC] Section 21000, et seq.). Specifically, PRC Section 21082.1 states that a lead agency must independently review and analyze all reports and circulate draft documents that reflect their independent judgement.
- I2-2** The comment requests a summary of findings in a worksheet. A summary of the VMT findings is presented in Appendix E, VMT Analysis, of the Draft PEIR. As shown, the Program's VMT was assessed using the Orange County Transportation Analysis Model (OCTAM) Version 5.0 with a base year of 2016 and a horizon year of 2045. The City's NOCC+ spreadsheet tool is used for project-level VMT analysis and is not a suitable tool for analyzing multiple sites simultaneously. The attachments of Appendix E, i.e., Appendix A, Model Socio-economic Data, and Appendix B, OCTAM Output Summary, are the inputs and outputs of the modeled VMT analysis conducted for the Program. The applicable program-level VMT results are also summarized in the Section 4.11, Transportation, of the Draft PEIR. See Table 4.11-2 and Table 4.11-3 of the Draft PEIR for the Program's VMT impact compared to the City's guidelines. The comment will be provided to the City for their review and consideration as part of this Final PEIR.
- I2-3** The comment represents a response to an email communication by the City (included as Comment I2-4). The comment describes the VMT methodology utilized in the Draft PEIR. No response is required.
- I2-4** The comment raises questions regarding the VMT methodology. This comment is similar to Comment I2-2. As such, see Response to Comment I2-2 for more discussion.

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## Response to Comment Letter I3

Jane Reifer  
July 12, 2024

- I3-1** The comment requests clarification on the Program’s buildout methodology with State Density Bonus law. As detailed in Chapter 3, Project Description, the Draft PEIR analyzed the Program’s maximum potential environmental effects with an assumed maximum density of 60 dwelling units per acre (du/ac). As a result, the Program would result in a maximum growth potential of 35,611 units. This buildout potential does not explicitly account for density bonus; however, it may accommodate it implicitly.
- The proposed HIOZ development standards for future development projects would be consistent with the City’s existing R-5 zone and High-Density Residential land use designation, both of which do not establish a maximum allowable density, neither in the Zoning Code or the General Plan. Therefore, there is no density cap on which to apply the density bonus formula. The State identifies a methodology via Assembly Bill 682 that provides guidance on how to apply the formula if there is no identified base density. However, its application is on a per parcel basis looking at setback, site coverage, stepbacks, floor area ratio, height, and standards for individual parcels, thus, arriving at a realistic development capacity. Given the programmatic nature of the Program and scale of the Planning Area, site-specific and project-specific level analysis is not addressed in the PEIR, as it would be too speculative to assess potential environmental impacts. Instead, the environmental analysis presented in the Draft PEIR includes assumptions to align the buildout methodology with the City’s General Plan. See Section 3.4.1, Methodology, of the Draft PEIR for more discussion. The 60 du/ac maximum density is applied across the Planning Area given the consistency with the majority of the General Plan’s Focus Areas. In addition to Section 3.4.1, see Appendix B to the Draft PEIR, for more discussion.
- I3-2** This comment requests clarification on the Program’s buildout methodology regarding density bonus. This comment is similar to Comment I3-1. As such, see Response to Comment I3-1 for more discussion.
- I3-3** The comment represents a response to an email communication by the City regarding vehicle miles traveled (VMT). This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR.
- I3-4** The comment requests clarification regarding the Draft PEIR’s VMT methodology. This comment is similar to the comments provided in Comment Letter I2. As such, see Response to Comment Letter I2 for more discussion.
- I3-5** This comment requests clarification on the Program’s buildout methodology regarding density bonus. This comment is similar to Comment I3-1. As such, see Response to Comment I3-1 for more discussion.
- I3-6** The comment represents an email exchange between the City and the commenter regarding City Hall’s hours of operations. This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR.
- I3-7** The comment states the commenter submitted comments on the City’s Draft Housing Element Update.

This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. However, the comment provides a comment on density bonus related to the proposed Program. This comment is similar to Comment I3-1. As such, see Response to Comment I3-1 for more discussion.

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## Response to Comment Letter I4

Wayne Carvalho  
July 15, 2024

**I4-1** The comment requests a limit to the buildout potential within the proposed HIOZ ordinance to reduce the buildout potential to the City's Regional Housing Needs Allocation (RHNA) goals. The Draft PEIR analyzes a reasonable range of alternatives to the proposed Program. Consistent with Section 15126.6(a) of the CEQA Guidelines, the Draft PEIR need not consider every conceivable alternative to a project. Instead, CEQA requires alternatives which would feasibly attain most of the basic objectives of the project but would avoid or substantially less any of the significant effects of the project.

The proposed Program would facilitate ministerial review for future development projects. As described in Section 3.4.4, Municipal Code Amendments, of the Draft PEIR, the future development projects proposed on sites with a HIOZ designation would be subject to a site plan review. Additionally, future development projects would be required to meet the site assumptions on residential density (within 60 du/ac). With these parameters, future development projects would be exempt from further CEQA review and would be approved by-right by the City's Community and Economic Development Director. Although further CEQA review would not be required for these future development projects, these projects would be required to comply with the conditions of approval (as detailed in Section 3.6 of the Draft PEIR) and applicable mitigation measures (as identified throughout the PEIR) for implementation.

The comment would limit the buildout potential of sites with a HIOZ designation. State Housing Element Law (Government Code Section 65863) requires cities that reduce the density of residential land to make up for the lost housing units elsewhere in the community. The law also prohibits certain zoning-related actions, including downzoning. As such, the suggestion for the Program's buildout potential to be limited to the City's 6<sup>th</sup> Cycle RHNA goals would be legally infeasible. Thus, the suggestion would be rejected as an alternative due to its infeasibility, in accordance with CEQA Guidelines Section 15126.6(c). See Draft PEIR Chapter 6, Alternatives, including Alternative 2 (Reduced Sites Alternative) and Alternative 3 (Reduced Density Alternative) for discussion on a reduced buildout potential.

**I4-2** The comment states school sites should be included in the Planning Area. The Draft PEIR includes discussion on alternative locations as discussed below.

The City attempted to identify feasible alternative locations within the city that could be available for the implementation of the proposed Program, in accordance with CEQA Guidelines, Section 15126.6(f)(2). However, pursuant to CEQA Guidelines, Section 15126.6(f)(2)(A), the key question and first step in analysis of alternate site locations are whether any of the significant effects of the Program would be avoided or substantially lessened by moving the Program to another location. The Program would result in significant and unavoidable impacts related to Air Quality and Population and Housing, for example. Alternative sites would not reduce the significant and unavoidable impacts identified in the PEIR. Moreover, some sites identified for the Program were previously identified by the Housing Element's adequate sites analysis. As the City is required to implement the Housing Element pursuant to state law, including the adequate sites program, consideration of alternative locations for the implementation of the Program is not feasible (Draft PEIR, p. 6.0-4). Therefore, alternate locations capable of accommodating the Program, including school sites, are considered infeasible.

**I4-3** The comment requests implementation of the Program be limited to public streets, or directly adjacent to residential, and not permitted on parcels surrounded by industrial or commercial uses. The comment states future development projects adjacent to industrial or commercial uses would not be appropriate.

Regarding public streets, the Program's Planning Area is based on a methodology (see Section 3.4.1 of the Draft PEIR), including economic viability, location within opportunity areas, location outside local hazard zones, and adjacency to local amenities (Draft PEIR, p. 3.0-6). The Planning Area, as illustrated in Draft PEIR Figure 3-2, HIOZ Map, is a result of this site screening process. This comment is similar to the discussion in Comment I4-2 regarding alternative locations. See Response to Comment I4-2 for more discussion.

Regarding adjacency to industrial or commercial uses, implementation of the proposed Program would require a General Plan Amendment in order to allow residential land uses within and adjacent to Industrial- and Commercial-designated areas. Moreover, regarding design compatibility, future development projects proposed on sites with a HIOZ designation would be subject to a site plan review or minor site plan review (as applicable), which would be subject to approval by the City's Community and Economic Development Director. Furthermore, the future projects would be required to comply with the conditions of approval (as detailed in Section 3.6 of the Draft PEIR) and applicable mitigation measures (as identified throughout the PEIR) for implementation. The comment will be provided to the decision makers for review and consideration as part of this Final PEIR.

**I4-4** The comment states the City should limit the HIOZ amendment process. As detailed further in Section 3.4.4 of the Draft PEIR, the amendment process for properties not currently included in the HIOZ would be outlined in the City's Municipal Code, which includes approval by the City's Planning Commission and City Council. The comment regarding removal of sites is similar to Comment I4-1. As such, see Comment I4-1 for more discussion on Housing Element Law.

**I4-5** The comment raises concern for building height and compatibility with surrounding uses and requests a 4-stories or 50-foot limit to minimize impacts to existing uses. Future development projects implemented under the proposed Program would be in compliance with applicable development standards of their respective permitted uses (R-5 or C-3 zones), as shown in Chapter 15.17, Residential Zone Classifications, or Chapter 15.30, Commercial Zone Classifications, of the City's Municipal Code (Draft PEIR, p. 3.0-11). This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. However, for informational purposes, see Table 3 of Appendix B-1 of the Draft PEIR for a breakdown of development standards for the City's existing R-5 zone.

**I4-6** The comment provides recommended parking standards for the proposed HIOZ Ordinance. The comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. The comment will be provided to the decision makers for review and consideration as part of this Final PEIR.

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## Response to Comment Letter I5

Jane Reifer  
July 15, 2024

- I5-1** This introductory comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Therefore, a response is not required pursuant to CEQA.
- I5-2** The comment states support for affordable housing. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-3** The comment correctly identifies the City's existing conditions and compares the buildout projections of Alternative 2 to the City's General Plan buildout projections. Generally, as described in Chapter 6 of the Draft PEIR, Alternative 2 would exceed General Plan projections. However, Alternative 2 would be slightly less than the proposed Program (Draft PEIR, p. 6.0-16). The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-4** The comment raises general concerns regarding affordable housing and gentrification. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. According to State CEQA Guidelines Section 15064(e) "economic and social changes resulting from a project shall not be treated as significant effects on the environment." Thus, economic and social implications (i.e., gentrification) of the Program are not within the scope of required environmental analysis. Because socio-economic implications are not considered impacts on the environment under CEQA, no mitigation measures would be appropriate.
- I5-5** The comment request clarification on density bonus. Chapter 3, Project Description, the Draft PEIR analyzed the Program's maximum potential environmental effects with an assumed maximum density of 60 dwelling units per acre (du/ac). As a result, the Program would result in a maximum growth potential of 35,611 units. This buildout potential does not explicitly account for density bonus; however, it may accommodate it implicitly.

The proposed HIOZ development standards for future development projects would be consistent with the City's existing R-5 zone and High-Density Residential land use designation, both of which do not establish a maximum allowable density, neither in the Zoning Code or the General Plan. Therefore, there is no density cap on which to apply the density bonus formula. The State identifies a methodology via Assembly Bill 682 that provides guidance on how to apply the formula if there is no identified base density. However, its application is on a per parcel basis looking at setback, site coverage, setbacks, floor area ratio, height, and standards for individual parcels, thus, arriving at a realistic development capacity. Given the programmatic nature of the Program and scale of the Planning Area, site-specific and project-specific level analysis is not addressed in the PEIR, as it would be too speculative to assess potential environmental impacts. Instead, the environmental analysis presented in the Draft PEIR includes assumptions to align the buildout methodology with the City's General Plan. See Section 3.4.1, Methodology, of the Draft PEIR for more discussion. The 60 du/ac maximum density is applied across the Planning Area given the consistency with the majority of the General Plan's Focus Areas. In addition to Section 3.4.1, see Appendix B to the Draft PEIR, for more discussion.

Regarding the percentage of affordable housing, this comment is similar to Comment I5-4. As such, see Response to Comment I5-4 for more discussion.

- I5-6** The comment requests analysis of additional properties included in the Program. Section 3.4.4 states upon adoption of the proposed HIOZ, procedures for inclusion would be outlined in the City’s Municipal Code. For properties not currently included in the HIOZ, a request for a HIOZ designation may be initiated by an application by a property owner made in accordance with Chapter 15.72 (Amendments) of the Municipal Code. As such, amendments to the proposed HIOZ would require approval by the City’s Planning Commission and City Council. Furthermore, the application shall be consistent with the objectives of the Zoning Ordinance and General Plan and be reasonably compatible with surrounding land uses to promote the general health, safety, and welfare (Draft PEIR, p. 3.0-11). However, the inclusion of new sites within the Planning Area are too speculative to assess potential environmental impacts. As discussed, subsequent approvals by the City’s Planning Commission and City Council would be subject to future CEQA.
- I5-7** The comment notes the percentage of affordable housing was not identified in Chapter 3 of the Draft PEIR. This comment is similar to Comment I5-4. As such, see Response to Comment I5-4 for more discussion regarding economic impacts.
- I5-8** The comment request additional environmental analysis based on levels of affordability. This comment is similar to Comment I5-4. As such, see Response to Comment I5-4 for more discussion regarding economic impacts. Moreover, the Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts.
- I5-9** The comment raises concern for affordable housing. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.
- I5-10** The comment states concern for the impact analysis contained in the Draft PEIR. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Section 3.6, Discretionary Actions, outlines the approvals required for implementation of the proposed Program, including the certification of the PEIR, adoption of the Program (e.g., establishing the Housing Incentive Overlay Zone within the Municipal Code), and the approvals of a General Plan amendment and Zoning Code amendment. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts.
- I5-11** The comment states the conditions of approval related to cultural resources are inadequate to reduce impacts to a less-than-significant level. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. COA-CR-1 through COA-CR-4 are existing mitigation measures listed in the City’s General Plan PEIR. As such, these measures were included as conditions of approval for the proposed Program. For more discussion on the impact analysis related to cultural resources, see the Initial Study (Appendix A to the Draft PEIR) and Section 5.5, Effects Found Not to be Significant, of the Draft PEIR.

**I5-12** The comment states concern for the impact analysis related to cultural resource and riparian habitat. Regarding cultural resources, see Response to Comment I5-11. Regarding impacts to biological resources (i.e., riparian habitat), a condition of approval (COA-BIO-1) adapted from the City's General Plan PEIR were included to reduce impacts to a less-than-significant level. See the Initial Study (Appendix A to the Draft PEIR) and Section 5.5, Effects Found Not to be Significant, of the Draft PEIR, for more discussion.

**I5-13** The comment incorrectly states the Draft PEIR concludes cumulative impacts would be less than significant. Cumulative impacts related to air quality, noise, population and housing, and tribal cultural resources would be significant and unavoidable. See Table 1-1, Summary of Program Impacts, of the Draft PEIR for impact conclusions disclosed throughout the PEIR.

**I5-14** The comment requests clarification on the proposed Program. Chapter 3, Project Description, of the Draft PEIR details how the Housing Incentive Overlay Zone is a policy action within the City's Housing Element Update identified to help facilitate housing production in order to meet the City's RHNA goals (Draft PEIR, p. 3.0-5). Furthermore, Section 3.6 outlines the approvals required for implementation of the proposed Program, including the certification of the PEIR, adoption of the Program (e.g., establishing the Housing Incentive Overlay Zone within the Municipal Code), and the approvals of a General Plan amendment and Zoning Code amendment. The proposed Program is an overlay zone on parcels with a non-residential underlying zoning classification. The Program would not change the underlying zone and is not a Specific Plan. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.

**I5-15** The comment requests clarification of impacts related to cultural resources, levels of service, biological resources (e.g., riparian habitat), hazards and hazardous materials, geology and soils (e.g., paleontological resources), and hydrology and water quality. These environmental topic areas are adequately analyzed throughout the Draft PEIR, including Appendix A-2, Initial Study.

Impacts related to cultural resources were determined to be less than significant with the incorporation of COA-CR-1 through COA-CR-4. Similarly, impacts to biological resources (e.g., riparian habitat) were determined to be less than significant with the incorporation of COA-BIO-1. Geology and soils, including paleontological resources, were determined to be less than significant with the incorporation of COA-CR-1 through COA-CR-3. See Appendix A-2 and Draft PEIR Section 5.5, Effects Found Not to be Significant, for more discussion.

The Draft PEIR analyzed impacts related to hazards and hazardous materials and hydrology and water quality within Sections 4.3 and 4.4. Impacts related to hazards and hazardous materials were determined to be less than significant with mitigation incorporated (MM-HAZ-1 through MM-HAZ-5). Impacts related to hydrology and water quality were determined to be less than significant.

Regarding impacts related to levels of service (LOS), CEQA Guidelines Section 15064.3 states that using LOS as a traffic delay metric is no longer considered a significant environmental impact under CEQA. Pursuant to Senate Bill (SB) 743, the City adopted Transportation Assessment Policies and Procedures to include vehicle miles traveled (VMT) as the new metric to evaluate the significance of transportation impacts. These guidelines and thresholds apply to land use and transportation projects in the City that are subject to CEQA and non-CEQA analyses. Therefore, the PEIR uses the metric of VMT for analyzing transportation impacts under CEQA. However, per COA-TRA-1, the City would ensure

preparation of a detailed multi-modal analysis to ensure consistency of individual projects with the City's current and applicable General Plan Mobility policies.

**I5-16** The comment states impact conclusions conflict. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. Regarding cumulative impacts, see Response to Comment I5-13 above.

**I5-17** The comment requests oversight by residents during the permitting process of future development projects. As detailed in Section 3.4.4 of the Draft PEIR, in the event future development projects meet the parameters set forth in the Municipal Code and the PEIR, future development projects would be exempt from further CEQA review and would be approved by-right by the City's Community and Economic Development Director. In the event future development projects require approval for a lot line adjustment, consolidation of lots, or subdivision, then subsequent discretionary approvals pursuant to Title 16, Subdivisions, of the Municipal Code would be required.

**I5-18** The comment suggests an additional alternative focusing on affordable housing and alternate locations. The Draft PEIR considers alternatives to the proposed Program in accordance with Section 15126.6(f) of the State CEQA Guidelines, which states, "[t]he alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project." Given this, the suggested alternative is infeasible for the reasons described below.

The alternatives under consideration within the Draft PEIR were identified due to their ability meet the project objectives, as summarized in Table 6-11 of the Draft PEIR. The suggested alternative's focus on affordable housing is not consistent with the underlying purpose of the project. As described in Chapter 3, Project Description, of the Draft PEIR, the City does not contain sufficient sites with appropriate zoning to accommodate the City's RHNA allocation. As such, the City identified the proposed Program as a policy action under the Housing Element Update to help facilitate housing production and meet the City's RHNA goals. The City's RHNA goals include "market rate" (i.e., above moderate income) and "affordable housing" (i.e., very-low, low, and moderate income). Moreover, the CEQA cannot consider the economic and social implications of an affordable-housing only alternative. State CEQA Guidelines Section 15064(e) states "economic and social changes resulting from a project shall not be treated as significant effects on the environment." Thus, economic and social implications are not within the scope of required environmental analysis.

The Program's Planning Area is based on a methodology including economic viability, location within opportunity areas, location outside local hazard zones, and adjacency to local amenities (see Section 3.4.1 of the Draft PEIR). Similar to the comment's suggestion, the City attempted to identify feasible alternative locations within the city that could be available for the implementation of the proposed Program. However, alternative sites would not reduce the significant and unavoidable impacts related to Air Quality and Population and Housing, for example. Moreover, some sites identified for the Program were previously identified by the Housing Element's adequate sites analysis. As the City is required to implement the Housing Element pursuant to state law, including the adequate sites program, consideration of alternative locations for the implementation of the Program is not feasible (Draft PEIR, p. 6.0-4). Therefore, alternate locations capable of accommodating the Program, including those described in the comment, are considered infeasible. Additionally, the comment's concerns regarding

cultural resources (e.g., informal cemeteries), is addressed in the Draft PEIR through the implementation of COA-CR-4.

**15-19** The comment states significant impacts would occur to historical resources within the Chapman Corridor Focus Area. Section 5.5, Effects Found Not to be Significant, states the Program would require the implementation of COA-CR-1, which would require a Phase I Cultural Resources Study for future development sites located on properties considered by the City to be sensitive for cultural resources, including historical resources. As such, impacts to historical resources were determined to be less than significant.

Regarding consistency with the Chapman Corridor Focus Area, the environmental analysis presented in the Draft PEIR aligned buildout assumptions with the City's General Plan. For example, the 60 du/ac maximum density is applied across the Planning Area as a majority of the General Plan's Focus Areas meet this maximum, including the Chapman Corridor Focus Area. See Section 3.4.1 and Appendix B to the Draft PEIR for more discussion.

**15-20** The comment raises concern for other housing developments proposed or developed within the City. This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR.

**15-21** The comment expresses support for a reduced buildout potential compared to the proposed Program. See Draft PEIR Chapter 6, Alternatives, including Alternative 2 (Reduced Sites Alternative) and Alternative 3 (Reduced Density Alternative) for discussion on a reduced buildout potential.

**15-22** The comment expresses support for non-profit developers to build affordable housing. This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR.

**15-23** The comment notes a policy action within the Housing Element Update regarding affordable housing acquisition and rehabilitation. The Draft PEIR analyzes the potential environmental impacts associated with Policy Action 1.1, Provision of Adequate Sites for Housing Development, within the City's Housing Element Update. Regarding alternative sites, see Response to Comment 15-18 for more discussion.

**15-24** The comment states the City should adopt a policy/program regarding mobile home ownership and renters. This comment does not express concerns related to the adequacy of the environmental analysis within the Draft PEIR. Regarding displacement, the Draft PEIR determined the Program would not permanently displace a substantial number of people and any temporary impacts would be offset by the anticipated increase in housing production. Therefore, impacts would be less than significant.

**15-25** The comment identified an error in Table 6-2 of the Draft PEIR. As such, a revision has been made to the PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the buildout projections presented Table 6-2. Therefore, this revision does not warrant recirculation of the Draft PEIR.

**15-26** The comment states the proposed Program is inconsistent with the General Plan given the projections of unplanned population growth. As demonstrated in Table 4.5-2, the Program would generally not conflict with applicable goals and policies for the purposes of avoiding or mitigating environmental

effects. Moreover, Section 4.5, Land Use and Planning, states the Program would require the approval of a General Plan amendment for implementation to ensure consistency with the Planning Area parcels with restrictive land use designations. Upon approval, the Program would be consistent with the General Plan.

Regarding unplanned population growth, Section 4.8, Population and Housing, concludes the Program would exceed the General Plan growth projections for specified parcels. However, given the statutory requirements under State Housing Element law, implementation of the Program is anticipated to occur through the 6th RHNA Cycle ending in October 2029; therefore, the impacts associated with the unplanned growth would be short-term. Regional planning efforts such as SCAG's Connect SoCal are required by law to be updated every four years. As such, it is anticipated that SCAG's projections would be corrected with more accurate and up-to-date information on future conditions, such as State-mandated housing goals. The Air Quality Management Plan and Urban Water Management Plan are examples of other planning documents that are revised periodically and are anticipated to be updated after the Program's 2029 buildout year. As such, impacts related to the Program's unplanned population growth would be moderated as updated projections are systematically incorporated into regional planning documents applicable to the Planning Area (Draft PEIR, p. 4.8-17).

**15-27** The comment requests discussion on exceeding General Plan buildout projections and to reduce significant and unavoidable effects. This comment is similar to Comment I5-26. As such, see Response to Comment I5-26 above.

**15-28** The comment requests discussion on the Program's consistency with the Housing Element. The Program is identified by the City as one of two policy actions to help facilitate housing production. Given this, the Program implements the Housing Element and is consistent.

Regarding the General Plan amendment, the Program requires an amendment in order to allow residential land uses within and adjacent to Industrial- and Commercial-designated areas. In addition to consistency for allowable land uses, the proposed Program would require consistency with development standards that specify a maximum residential density on site. See Section 3.4.3, General Plan Consistency, of the Draft PEIR for more discussion.

**15-29** The comment states the Program would conflict with the General Plan because the Program incorporates a General Plan amendment. Under CEQA, a project is defined as "the whole of an action." The term "project," as further stated in the CEQA Guidelines Section 15378, "refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval."

As set forth in Section 3.6 of the Draft PEIR, one of the City's required approvals is a General Plan amendment. As such, per the definition of "project" under CEQA, the General Plan amendment is considered part of the project and therefore must be evaluated in the PEIR. An EIR analyzes environmental impacts on a conditional level, under the assumption that a project were to be approved. Additionally, adoption of the Housing Incentive Overlay Zone requires the establishment of the overlay zone in the City's Zoning Code (i.e., Municipal Code) as a new Chapter 15.23, which would outline the provisions for review and inclusion, approval processes, affordable housing requirements, permitted uses, and development standards. Therefore, upon approval of the proposed Program (which must be

inclusive of the General Plan and Zoning Code amendments per the definition of “project” under CEQA), the project would be consistent with the General Plan.

Regarding buildout projections per General Plan Focus Area, the Draft PEIR disclosed the General Plan’s growth projections per Focus Area within Table 4.8-7. However, the impact analysis did not compare to growth projections solely for Focus Areas given the citywide nature of the Program including parcels not within Focus Areas. As such, Table 4.8-11, General Plan Buildout and Growth Comparisons, compares the Program-related growth to the entire City.

**15-30** The comment states the Draft PEIR should analyze displacement of existing nonconforming residential housing. As noted by the comment, less than significant impacts would occur given that the Program would not permanently displace a substantial number of people and any temporary impacts would be offset by the anticipated increase in housing production. The threshold identified within Appendix G of the CEQA Guidelines is whether or not a project would result in the displacement of existing people or housing necessitating in the construction of replacement housing elsewhere. Although existing non-conforming residential uses may be impacted by the Program’s implementation, the impacts would be temporary and offset by the anticipated increase of the Program’s buildout potential. Moreover, the affordability of housing impacted or developed shall not be considered a significant impact on the environment, in accordance with CEQA Guidelines Section 15382.

**15-31** The comment states a Cultural Resources Report should have been prepared for the Draft PEIR. The comment states this is an area of controversy. As such, a revision has been made to the list of areas of controversy in the Draft PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the public’s concerns and the Draft PEIR’s ability to address the issues raised. Therefore, this revision does not warrant recirculation of the Draft PEIR.

As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. For individual projects located on properties considered by the City to be sensitive for cultural resources, including historical resources, implementation of COA-CR-1 would require a Phase I Cultural Resources Study. Similarly, regarding biological resources (e.g., riparian areas), implementation of future development projects would be required to comply with COA-BIO-1 which would require a Biological Resource Assessment for development projects within or adjacent to an environmentally sensitive habitat areas. Regarding disadvantaged populations, economic and social changes shall not be considered a significant impact on the environment, in accordance with CEQA Guidelines Section 15382.

**15-32** The comment expresses opposition to the proposed Program within the Chapman Avenue and Commonwealth Avenue corridors. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. The commenter’s opposition will be provided to the decision makers for their review and consideration as part of this Final PEIR.

**15-33** The comment expresses opposition to the proposed Program within the Chapman Avenue and Commonwealth Avenue corridors. The comment does not raise specific concerns regarding the

adequacy of the analysis in the Draft PEIR. The commenter's opposition will be provided to the decision makers for their review and consideration as part of this Final PEIR.

- I5-34** The comment raises concern for historic-age or eligible structures and districts. COA-CR-1 would require a qualified professional to determine potential substantial adverse changes to historical resources. Subsequently, COA-CR-3 would require the immediate cease of all earth-disturbing activities within a 100-feet of an area of discovery. As such, the conditions imposed on future development projects would be comprehensive for assessing potential effects to historical resources. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts.
- I5-35** The comment raises concern for views of historic properties. This comment is similar to Comment I5-34. As such, see Response to Comment I5-34 for more discussion on historical resources. Additionally, the comment expresses opposition to Program implementation on Chapman Avenue and Commonwealth Avenue. The commenter's opposition will be provided to the decision makers for their review and consideration as part of this Final PEIR.
- I5-36** The comment raises concern for cultural resources. This comment is similar to Comments I5-31 and I5-34. As such, see Responses to Comments I5-31 and I5-34.
- I5-37** The comment raises concern for cultural resources. This comment is similar to Comments I5-31 and I5-34. As such, see Responses to Comments I5-31 and I5-34.
- I5-38** The comment raises concern for cultural resources. This comment is similar to Comments I5-31 and I5-34. As such, see Responses to Comments I5-31 and I5-34.
- I5-39** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- I5-40** The comment notes the impact analysis for paleontological resources is discussed under Section 3.7, Geology and Soils, instead of Section 3.5, Cultural Resources, of the Initial Study (Appendix A-2 of the Draft PEIR). The State CEQA Guidelines threshold question, "Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?" was moved from Cultural Resources to Geology and Soils by the Governor's Office of Planning and Research in January 2018 along with comprehensive updates to the CEQA Guidelines. The threshold's location does not change the analysis contained within the Draft PEIR (or Initial Study). As demonstrated in Section 5.5, Effects Found Not to be Significant, states the Program would require the implementation of COA-CR-1 through COA-CR-3, which would reduce potentially significant impacts to paleontological resources.
- I5-41** The comment states informal cemeteries should be evaluated. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. In the event that human remains are unearthed during excavation and grading activities of any future

development project, COA-CR-4 would require all activity shall cease immediately. See Section 3.5, Conditions of Approval, of the Draft PEIR for more information.

**I5-42** The comment appears to restate the analysis contained within Section 5.5.1, Aesthetics, as well as the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment states this is an area of controversy. As such, a revision has been made to the list of areas of controversy in the Draft PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the public's concerns and the Draft PEIR's ability to address the issues raised. Therefore, this revision does not warrant recirculation of the Draft PEIR.

Regarding scenic corridors, the City has adopted Scenic Corridor Design Guidelines in order to ensure and maintain scenic quality. However, impacts to scenic corridors are not within the scope of the required environmental analysis. The CEQA Guidelines requires analysis of a project's potential to substantially damage scenic resources within a State scenic highway. The Planning Area parcels are not within the viewshed of designated scenic highways. See Appendix A-2 for more discussion.

**I5-43** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.

**I5-44** The comment states impacts related to hazardous and hazardous materials should be evaluated. Section 4.3, Hazardous and Hazardous Materials, of the Draft PEIR determined impacts would be less than significant with the incorporation of MM-HAZ-1 through MM-HAZ-5 and implementation of COA-HAZ-1 through COA-HAZ-4. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.

**I5-45** The comment states impacts related to land use and population could be avoided with a new alternative. The comment does not provide a suggested alternative. As such, the comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. No further response is required.

**I5-46** The comment states impacts related to density bonus and cumulative impacts should be evaluated in the Draft PEIR. This comment is similar to Comment I5-5. As such, see Response to Comment I5-5.

**I5-47** The comment request clarification on the Program's proposed buildout potential. The Program applied a 60 du/ac density maximum across the Planning Area (see Section 3.4.1, Methodology, and Appendix B of the Draft PEIR, for more discussion). As detailed in Section 3.4.4 of the Draft PEIR, in the event future development projects meet the parameters set forth in the Municipal Code and the PEIR, future development projects would be exempt from further CEQA review and would be approved by-right by the City's Community and Economic Development Director. As such, the Draft PEIR evaluates the potential impacts of the Program's total buildout.

**I5-48** The comment states the Program is inconsistent with the General Plan and results in unplanned population growth. This comment is similar to Comment I5-26. As such, see Response to Comment I5-26.

- I5-49** The comment requests clarification for General Plan land use designations. Section 3.4.1, Methodology, further details the Program’s maximum density for implementation. As discussed, the proposed Program would be an appropriate equivalent to the City’s existing High Density Residential designation. As such, the proposed General Plan amendment required for Program implementation would not change the Low and Medium Density Residential land use designation maximum densities allowed.
- I5-50** The comment states the Program conflicts with Goals 1 through 8 of the General Plan and SCAG’s Connect SoCal. As demonstrated in detail in Section 4.5, Land Use and Planning, the Program would not conflict with Connect SoCal, as shown in Table 4.5-1. Similarly, Table 4.5-2 demonstrates the Program’s ability to not conflict with goals of the General Plan.
- I5-51** The comment states impacts to emergency access at higher elevations should be evaluated in the Draft PEIR. Section 5.5.8 includes impact analysis on emergency access as a result of future development projects. As described, future development would need to comply with all applicable building code requirements related to access and design requirements to allow for emergency services to access all structures. The City’s plan check and permitting process would review individual projects for code compliance. Furthermore, COA-HAZ-5 would require the preparation of a Traffic Control Plan during construction, as applicable. Given this, less than significant impacts would occur.
- I5-52** The comment states there is no Route 53 in Fullerton. The Draft PEIR includes Orange County Transportation Authority Route 53 within the environmental setting of Section 4.11, Transportation, to provide local and regional context. The comment expresses opposition to the Program’s proposed density with the existing transit services. The commenter’s opposition will be provided to the decision makers for their review and consideration as part of this Final PEIR. Additionally, as a result of these responses to comments, Comment Letter A4 identified changes to the transit service. See Response to Comment A4-3 and Chapter 3, Revisions to the Draft PEIR, of this Final PEIR for more information.
- I5-53** The comment requests a new development fee imposed by the City on future development projects to support transit services. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. However, the comment will be provided to the decision makers for their review and consideration.
- I5-54** The comment requests clarification on the VMT methodology used to analyze the proposed Program. As shown, the Program’s VMT was assessed using the Orange County Transportation Analysis Model (OCTAM) Version 5.0 with a base year of 2016 and a horizon year of 2045. The City’s NOCC+ spreadsheet tool is used for project-level VMT analysis and is not a suitable tool for analyzing multiple sites simultaneously. A summary of the VMT findings is presented in Appendix E, VMT Analysis, of the Draft PEIR. The attachments of Appendix E, i.e., Appendix A, Model Socio-economic Data, and Appendix B, OCTAM Output Summary, are the inputs and outputs of the modeled VMT analysis conducted for the Program. The applicable program-level VMT results are also summarized in the Section 4.11, Transportation, of the Draft PEIR. See Table 4.11-2 and Table 4.11-3 of the Draft PEIR for the Program’s VMT impact compared to the City’s guidelines.
- I5-55** The comment requests analysis of VMT on a local traffic analysis zone (TAZ) level. Figure 4.11-1 depicts the TAZs from the Orange County Transportation Analysis Model (OCTAM) for the City that have been

used in the VMT analysis of the Program, as discussed under Section 4.11.3, Methodology. Regarding baseline, see Response to Comment I5-54 above.

**I5-56** The comment states the Program would conflict with the existing transportation network. The Program would not result in physical changes to the environment as it would not directly result in the construction of additional housing. Instead, the Program would facilitate the construction of housing within the City. Implementation of future development projects would need to comply with all applicable building code requirements related to access (e.g., driveways). The City's plan check and permitting process would review individual projects for code compliance. Given this, less than significant impacts would occur. Regarding COA-TR-1, the comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.

**I5-57** The comment raises concern for impacts to transit, bicycle, and pedestrian modes of transportation as a result of construction activities. Regarding COA-AQ-6, the traffic control plans required under this measure would be designed to reduce impacts to sensitive receptors. COA-HAZ-5 would require the preparation of a Traffic Control Plan during construction, as deemed necessary by the City Traffic Engineer. The measure is focused on roadway lanes and not exclusive to the impacts of other modes of transportation.

**I5-58** The comment requests additional analysis to support multiple modes of transportation related to geometric design conflicts and incompatible uses. The Draft PEIR adequately addressed this threshold. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. As described in Section 5.5.14 of the Draft PEIR, individual projects facilitated as a result of the Program's implementation would be subject to the City's plan check and permitting process. At that time, any specific traffic hazards due to the geometric design around the future project sites would be identified. No geometric design issues are reasonably foreseeable at the time of drafting this PEIR. Moreover, implementation of the Program would result in infill development and/or redevelopment of parcels within a built out, urban area which would not involve permanent changes to linear infrastructure, including roadways.

Future development projects proposed in the Planning Area would be subject to, and designed in accordance with City standards and specifications which address potential design hazards including sight distance, driveway placement and access, and signage and striping. At intersections or roadways where traffic safety issues are identified, the City would work to correct any deficiencies in a timely manner to the degree that is practical and feasible, including all modes of transportation (Draft PEIR, p. 5.0-22).

**I5-59** The comment raises concern for hazards throughout the City under existing conditions. This comment is similar to Comment I5-58. Additionally, the Draft PEIR concluded that implementation of Program would not exacerbate existing conditions. Future development projects would be subject to the City's plan check and permitting process. See Response to Comment I5-58 for more discussion.

**I5-60** The comment requests a new development fee to support transit. The comment is similar to Comment I5-53. As such, see Response to Comment I5-53.

- I5-61** The comment appears to be repeat the comments presented in Comments I5-56 through I5-60. See Responses to Comments I5-56 through I5-60.
- I5-62** The comment states impacts to biological resources were not addressed in the Draft PEIR. The Draft PEIR adequately addressed impacts to biological resources. As described in Section 5.5.4, Biological Resources, future development projects within the Planning Area would occur primarily through redevelopment of existing development sites or infill development and it is not anticipated that implementation of the proposed Program would result in significant impacts to candidate, sensitive, or special status species and their habitats. The Planning Area does not include parcels within the West Coyote Hills Focus Area, which has been identified as an area where special status wildlife and plant species and their habitats are known to occur or include parcels within the Coyote Hills East Habitat Conservation Plan. The implementation of future development projects would also be required to comply with COA-BIO-1 which would require a Biological Resource Assessment for development projects within or adjacent to an environmentally sensitive habitat areas. Given this, impacts were determined to be less than significant. Moreover, as demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Implementation of COA-BIO-1 would address the comment's concerns.
- I5-63** The comment states impacts to biological resources (riparian areas) were not addressed in the Draft PEIR. As described in Section 5.5.4, the Draft PEIR determined future development projects would be located in areas that are primarily developed and do not contain riparian habitat or other sensitive natural community. Thus, it is not anticipated that implementation of the proposed Program would result in significant impacts to riparian habitat or other sensitive natural community. However, some parcels within the Planning Area are located within the vicinity of mapped riparian habitats (Draft PEIR, p. 5.0-13). In the event future development projects associated with the proposed Program are adjacent to existing rivers, streams, or channels, such projects would be required to comply with COA-BIO-1.
- I5-64** The comment states impacts were not adequately analyzed. Impacts were analyzed on a programmatic level throughout the Draft PEIR. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts.
- I5-65** The comment raises concern for tree preservation policies. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR. However, implementation of future development projects would be required to comply with existing goals, policies, and regulations governing protected trees, as applicable. As such, the Program would not conflict with existing policies and regulations. Future development projects would be subject to the City's permitting review and plan check process, which would ensure compliance local regulations.
- I5-66** The comment states a Planning Area parcel is located across the street from the Coyote Hills East Habitat Conservation Plan. Implementation of the Program would not facilitate future development within this conservation area. In the event additional parcels are considered as part of a future development, subsequent discretionary approvals (including future CEQA review) would be required, as

detailed in Section 3.4.4 of the Draft PEIR. No impact would occur to the Coyote Hills East Habitat Conservation Plan (Draft PEIR, Appendix A-2, p. 29).

- I5-67** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- I5-68** The comment appears to be repeat the comments presented in Comments I5-63 through I5-65. As such, see Responses to Comments I5-63 through I5-65.
- I5-69** The comment states impacts to biological resources (riparian areas) were not addressed in the Draft PEIR. As described in Section 5.5.4, the Draft PEIR determined future development projects would be located in areas that are primarily developed and do not contain riparian habitat or other sensitive natural community. This comment is similar to Comment I5-63. As such, see Response to Comment I5-63 for more discussion.
- I5-70** The comment states the impact analysis related to air quality is inadequate. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-71** The comment notes the environmental setting under Section 4.1, Air Quality, states the City is not considered a disadvantaged community. The Draft PEIR states with a maximum CalEnviroScreen score is 100, a score of 50 or greater reflects a higher pollution burden compared to other census tracts. As a result of this comment, the CalEnviroScreen discussion has been updated to reflect the correct ZIP codes within City and their CalEnviroScreen score. Overall, this discussion provides context to the air quality conditions within the Planning Area. Implementation of the proposed Program is not assessed on environmental justice issues. According to State CEQA Guidelines Section 15064(e) “economic and social changes resulting from a project shall not be treated as significant effects on the environment.” Thus, economic and social implications (i.e., disadvantaged communities) of the Planning Area are not within the scope of required environmental analysis. Because socio-economic implications are not considered impacts on the environment under CEQA, no mitigation measures would be appropriate.
- I5-72** The comment identified a ZIP code (92801) erroneously included in the Draft PEIR. As such, a revision has been made to the PEIR. This addition does not change the impact conclusions in the Draft PEIR, nor do they result in any new significant impacts or the need for new mitigation measures. The revision merely clarifies the ZIP code should be 92833. Therefore, this revision does not warrant recirculation of the Draft PEIR.
- I5-73** The comment states the impact analysis related to mobile emissions is inadequate. The comment states the Program would facilitate less than 100 delivery truck trips per day. Instead, the impact analysis states operation of future development projects would not result in a substantial increase in diesel vehicles (i.e., delivery trucks greater than 100 per day) (Draft PEIR, p. 4.1-34). In this context, the analysis adequately describes assumptions during operations, in which diesel delivery trucks would not serve individual future development projects at this scale. Residential or mixed-use land uses such as those facilitated through the proposed Program typically do not include diesel-powered vehicle trips (i.e., semi-trucks). Moreover, home delivery trucks trips (i.e., box trucks or cube vans) are not typically diesel powered.

- 15-74** The comment states the Program would result in impacts related to toxic air contaminants (TAC). The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. For informational purposes, the Draft PEIR determined impacts related to TACs during construction and operation would be significant and unavoidable even with the incorporation of mitigation (Draft PEIR, p. 4.1-34).
- 15-75** The comment requests additional mitigation to require the use of electric landscaping equipment. As summarized in Table 4.1-7, Estimated Combined Construction and Operational Criteria Air Pollutant Emissions, maximum daily operational emissions would exceed thresholds of significance for VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. Landscaping equipment, such as lawn mowers and blowers, would result in fuel combustion emissions and contribute to area source emissions. However, landscaping equipment typically consists of a small portion of area source emissions, and incorporating mitigation limiting the use of such equipment would be difficult to regulate within the scope of the proposed Program. Instead, the use of electrical landscaping equipment could be facilitated through existing regulations, including the National Electrical Code (NEC) 210.52(E)(1), which require residential properties to have outdoor outlets. Moreover, the Draft PEIR included MM-AQ-2 as a feasible mitigation measure to reduce emissions related to building design operations. However, even with the implementation of MM-AQ-2, air quality impacts would remain significant and unavoidable.
- 15-76** The comment states the air quality impact analysis related to sensitive receptors is inadequate. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. For more information on the assumptions and methodology used in the Draft PEIR, see Section 4.1.4, Methodology.
- 15-77** The comment states air quality impacts to sensitive receptors adjacent to industrial uses were not addressed in the Draft PEIR. As demonstrated throughout the Draft PEIR, impacts were analyzed on a programmatic level. The Program does not include or propose any site-specific development projects. As such, site-specific and project-specific level analysis is not addressed in the Draft PEIR as it would be too speculative to assess potential environmental impacts. Given this, the Draft PEIR disclosed impacts related to TAC emissions would be significant and unavoidable during operations even with the incorporation of MERV 13 filters and the implementation of MM-AQ-2 (Draft PEIR, p. 4.1-34).
- 15-78** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- 15-79** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. This comment is similar to Comment I5-29. As such, see Response to Comment I5-29. Additionally, the comment restates the Draft PEIR's cumulative impact determination. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- 15-80** The comment requests additional mitigation related to odors. A significant impact was not identified in the Draft PEIR's environmental analysis regarding odors. As such, CEQA does not require the incorporation of mitigation. See Section 5.5.3, Air Quality (Odors), for more discussion.

- 15-81** The comment states the Draft PEIR does not include analysis on mandatory findings of significance. As noted by the comment, the Initial Study (included as Appendix A-2) determined potentially significant impacts could occur as a result of the Program. Therefore, the Draft PEIR included impact analysis throughout Chapter 4. Additionally, Section 5.5.5, Cultural Resources, analyzes the potential impacts to cultural resources (e.g., historical resources). Impacts were determined to be less than significant.
- 15-82** The comment states cultural resources could be present within the vicinity of the Bastanchury Creek. As discussed in Section 5.5.5, COA-CR-3 would halt construction activities within 100 feet in the event that cultural resources are inadvertently unearthed during excavation and grading activities and a qualified professional would evaluate the significance of the finding and appropriate course of action.
- 15-83** The comment appears to thresholds of significance related to air quality. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. See Section 4.1, Air Quality, of the Draft PEIR for more information.
- 15-84** The comment states the City is undergoing updates to existing noise regulations. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR. For informational purposes, each EIR section, including Section 4.7 (Noise), includes an existing setting discussion that describes the physical environmental conditions within the Planning Area as they existed at the time the Notice of Preparation was prepared, in September 2023; these conditions are considered the baseline physical conditions from which the City determines whether an impact is considered to be significant (CEQA Guidelines Section 15125[a]).
- 15-85** The comment raises concern for water quality within the City. Section 4.4, Hydrology and Water Quality, determines impacts would less than significant with the compliance of existing regulations. However, regarding hazards, Section 4.3, Hazards and Hazardous Materials, identifies existing sites identified by regulatory agencies. As a result, the impact analysis concluded impacts would be less than significant with mitigation incorporated. See Section 4.3 for more discussion.
- 15-86** The comment states impacts to scenic vistas were not addressed in the Draft PEIR. Section 5.5.1, Aesthetics, includes impact analysis on scenic vistas (e.g., East and West Coyote Hills, as identified by the City), in which less than significant impacts are anticipated. The Program would facilitate future development of housing throughout the City which would primarily consist of infill and redevelopment. Under existing conditions, future development projects would have public views likely obscured by existing topography, intervening development, and landscaping that would reduce long-range views of East and West Coyote Hills. Moreover, implementation of the Program would be consistent with the development review process set forth in the City's Municipal Code.
- 15-87** The comment states impacts to eligible state scenic highways should be considered. However, as detailed in 3.1(b) of the Initial Study, a significant impact would occur in the event future development associated with the proposed Program would substantially damage scenic resources within an officially designated State scenic highway. Future development associated with the proposed Program would not substantially damage scenic resources within the viewshed of an officially designated state scenic highway.
- 15-88** The comment states impacts to scenic corridors should be considered. However, similar to Comment 15-87, the State CEQA Guidelines states the potential for a significant impact to occur is limited to

officially designated state scenic highways. As such, the comment's request is not within the scope of the required environmental analysis.

- I5-89** The comment is related to scenic quality and compatibility. Implementation of future development within the Planning Area would be required to comply with either the regulations governing the underlying zoning designation or the Program's development standards in the event residential or mixed-use developments are proposed. As such, the proposed Program would not conflict with applicable regulations related to scenic quality.
- I5-90** This comment is related to scenic corridors. The comment is similar to Comment I5-87. As such, see Response to Comment I5-87.
- I5-91** The comment states impacts to paleontological resources were not addressed in the Draft PEIR. Section 5.5.7, Geology and Soils, includes impact analysis related to paleontological resources, in which impacts would be less than significant. COA-CR-1 through COA-CR-3 would reduce potentially significant impacts to paleontological resources.
- I5-92** This comment is related to public services and parks. Section 4.9 (Public Services) and Section 4.10 (Recreation) determined less than significant impacts would occur. Implementation of the Program would exceed the City's performance standard upon buildout. As such, the construction of new facilities have been captured as a part of the impact analysis contained within the Draft PEIR, including the incorporation of COAs and MMs. Moreover, as described in the Draft PEIR, future development projects would be required to provide on-site recreational space, which would reduce impacts to service ratios.
- I5-93** The comment states the Orange County Transportation Authority (OCTA) should be added to the list of public services. The Draft PEIR analyzes the Program's potential impacts to transit services within Section 4.11, Transportation. Moreover, OCTA commented on the Draft PEIR (included as Comment Letter A4). Regarding fees, future development projects would be required to pay applicable fees as outlined within the City's Municipal Code. Overall, impacts were determined to be less than significant.
- I5-94** The comment suggests a new conditional use permit for group homes. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-95** The comment is related to physical divisions to an established community. The physical division of an established community typically refers to the construction of a linear feature (e.g., a major highway or railroad tracks) or removal of a means of access (e.g., a local road or bridge) that would impair mobility within an existing community or between a community and outlying area. The parcels within the Planning Area are bound by existing, major roadways or within the vicinity of existing roadways. Implementation of the proposed Program would result in future redevelopment of these parcels and would not result in a physical division within an established community. Furthermore, the proposed Program does not include features such as a new highway, new aboveground infrastructure, or an easement through an established neighborhood that may result in physical divisions within a community (Draft PEIR, Appendix A-2, p. 55).
- I5-96** The comment raises concerns for community input. The City conducted outreach as part of the Housing Element Update. In accordance with CEQA, the City circulated a Notice of Preparation on September 8, 2023, and received comments on the scope of the environmental analysis for interested parties,

agencies, and the public. The City hosted a Scoping Meeting on September 28, 2023, in which input regarding the scope and proposed content of the PEIR was solicited. Table 2-1 includes a list of comments received during the scoping period process conducted by the City. Additionally, a Notice of Availability along with the Draft PEIR was circulated for public review from May 31, 2024, through July 15, 2024. These responses to comments are included as part of the Final PEIR for the City's review and consideration before the Planning Commission and City Council.

- I5-97** The comment is related to an existing lawsuit involving the City. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-98** The comment raises concerns for community input. This comment is similar to Comment I5-96. As such, see Response to Comment I5-96.
- I5-99** The comment appears to restate the analysis contained within Table 4.5-2, General Plan Conflict Evaluation. The comment does not raise specific concerns regarding the adequacy of the analysis in the Draft PEIR.
- I5-100** The comment is in regard to the Housing Element Update. The comment does not identify specific concerns regarding the adequacy of the environmental analysis in the Draft PEIR.
- I5-101** The comment provides a conclusory statement summarizing the concerns presented in the comment letter. No further response is required pursuant to CEQA.

## 2.5 Comment Letters Received

This section presents all comments received on the Draft PEIR.

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