



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

July 5, 2024

Chris Schaefer
Planning Manager
City of Fullerton Attn: Planning Department
303 W. Commonwealth Avenue,
Fullerton, CA 92832
chris.schaefer@cityoffullerton.com

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FULLERTON HOUSING INCENTIVE OVERLAY ZONE PROGRAM PROJECT, DATED MAY 30, 2024, STATE CLEARINGHOUSE NUMBER 2023090133

Dear Chris Schaefer,

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Fullerton Housing Incentive Overlay Zone Program project (project). The proposed project 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 proposed project would apply to 759 parcels across the City totaling 593 acres. Implementation of the project could result in a buildout potential of 35,611 units. The project would not directly result in the construction of the total buildout potential of 35,611 units. Instead, the project would facilitate the construction of housing units with the adoption of this zoning program.

A1-1

After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. The proposed project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this project. This may restrict what construction activities are permissible in the proposed project areas in order to avoid any impacts to human health and the environment.
2. The DEIR should acknowledge the potential for historic or future activities on or near the [Autonetics/Raytheon site](#), and the [CBS Fender site](#) due to the release of hazardous wastes/substances on or near the site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. Autonetics/Raytheon and CBS Fender sites are currently under review by EPA to determine whether they are partially responsible parties for the [Orange County North Basin Superfund Site](#). Despite the sites being evaluated under the EPA Superfund Program, any surface redevelopment would not be affected.
3. The DEIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight and possibly soil testing. It is recommended that a Phase I and Phase II Environmental Site Assessment of each site be conducted with DTSC consultation.
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in

A1-2

A1-3

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A1-5

accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

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A1-5
Cont.

5. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the [PEA Guidance Manual](#) for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

A1-6

DTSC appreciates the opportunity to comment on the DEIR for the Fullerton Housing Incentive Overlay Zone Program project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

A1-7

Sincerely,



Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Chris Schaefer
July 5, 2024
Page 4

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

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Chris Schaefer
July 5, 2024
Page 5

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CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 12
1750 East 4th Street, Suite 100 | SANTA ANA, CA 92705
(657) 328-6000 | FAX (657) 328-6522 TTY 711
<https://dot.ca.gov/caltrans-near-me/district-12>



July 15, 2024

Mr. Chris Schaefer
Planning Manager
City of Fullerton
303 W. Commonwealth Ave.
Fullerton, CA. 92832

File: LDR/CEQA
SCH:2023090133
12-ORA-2023-02600
SR-91, SR 90
SR-57, I-5

Dear Mr. Schaefer,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report (DEIR) for the Fullerton Housing Incentive Overlay Zone (HIOZ) Program. The Program is designed to facilitate housing unit production by allowing housing development on properties with non-residential underlying zoning classifications in exchange for providing a specified percentage of affordable housing units. The Program would apply an overlay zone to 759 parcels across the City totaling 593 acres. Implementation of the Program could result in a buildout potential of 35,611 units. The Program would not directly result in the construction of the total buildout potential. Instead, the Program would facilitate the construction of housing units with the adoption of this zoning program.

A2-1

The HIOZ Program is proposed within the City of Fullerton, located in north Orange County, California. State Routes 57, 90, and 91, as well as Interstate 5 reside within the project area and are owned and operated by Caltrans. Therefore, Caltrans is a responsible agency on this project, and has the following comments:

A2-2

1. Please identify potential conflict areas with environmental justice communities.
2. There is a high concentration of rezoning along the north-south corridor of Euclid St., but no bike lanes. Please consider bike lanes along Euclid St and other streets to allow alternative modes of transportation for city residents.
3. The Housing Overlay is also located around schools such as Raymond Elementary School and Sunny Hills High School. Please consider street calming measures due to the potential increase in traffic in the school vicinity.

A2-3

A2-4

A2-5

- 4. Ensure that truck parking, ingress and egress, and staging will not interfere with vehicle parking, pedestrian paths, or bicycle lanes/bicycle parking. Work with community representatives to mitigate any truck traffic routing onto residential streets or conflicting with other road users, including and especially bicyclists and pedestrians. A2-6
- 5. Consider encouraging or incentivizing the use of transit among both construction workers of the proposed development and future employees. Increasing multimodal transportation will lead to a reduction to congestion, Vehicle Miles Traveled, and improve air quality. A2-7
- 6. Please coordinate with local/regional Travel Demand Manager to ensure workers can travel to warehouse/distribution center without needing personal vehicles, this potentially can reduce air pollution and roadway congestion thru a reduction in VMT. A2-8
- 7. Please identify all the existing transit services for local and regional bus services including the connectivity to rail services from the nearest train stations provided by Metrolink and/or Amtrak Pacific Surfliner. A2-9
- 8. Please provide discussion of multimodal transportation mobility options of the current transit services and regional rail services and look for opportunities and connectivity to safe and convenient access. A2-10
- 9. Consider encouraging or incentivizing the use of transit among both construction workers of the proposed development and future employees. Increasing multimodal transportation will lead to a reduction to congestion, Vehicle Miles Traveled, and improve air quality. A2-11
- 10. Provide adequate wayfinding signage to transit stops within all the project vicinity and local roadways. A2-12
- 11. Consider how many individual packages will be delivered daily to individual residences within the areas identified for increased housing production. Shared drop-off locations can help reduce the amount of driving done by delivery trucks and can increase the efficiency of deliveries in densely developed areas. Similarly, high-density residential developments should consider automated parcel systems (i.e., Amazon Lockers) so that deliveries can be made with one truck stop instead of multiple stops to individual residences. A2-13
- 12. Consider accounting for off-street truck parking to help free up on- A2-14

"Provide a safe and reliable transportation network that serves all people and respects the environment"

street space for other modes, such as city traffic, walking, and bicycling. Similarly, utilize alley space or similar areas, if available, to reduce the need for on-street parking which may conflict with highway/street flows.

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A2-14
Cont.

13. If truck parking (i.e., for home deliveries) is to be on-street, ensure the width of the parking lane is wide enough for freight trucks without encroaching on bicycle lanes or street lanes.

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A2-15

14. Please consider designated on-street freight-only parking and delivery time windows to reduce the need for double parking. This strategy also helps prevent street traffic congestion.

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A2-16

15. Please ensure that, throughout the identified areas for increased housing opportunities, the City provides posted speed signs for truckers to follow.

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A2-17

16. Consider having urban greening mitigations, such as green walls. Incident Response Plans can keep critical entrances open for emergency personnel. Plans should also include alternative local roads and highways, so roadways do not become congested during an emergency.

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A2-18

17. Please note that General Plans and Specific Development Plans should not present adverse impacts to the overall transportation system including: traffic circulation and the local State Highway Systems (SHS). Caltrans is requesting a Traffic Impact Analysis (TIA) that focuses on the impacts to Fullerton's local SHS; (State Route 91 (SR 91), State Route 57 (SR 57), State Route 90 (SR 90) and Interstate 5 (I-5)). Caltrans is also requesting that the TIA includes the impacts to the ingress and egress ramps for SR 91, SR 57, and I-5, as well as the City's proposed mitigation measures for these impacts.

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A2-19

18. A Vehicle Miles Traveled Analysis (VMT) vs. Level of Service Analysis (LOS) could lead to inconsistencies in identifying impacts and determining appropriate mitigations. How does the City plan to address impacts that are not significant under VMT but are significant under LOS?

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A2-20

19. Any project work proposed in the vicinity of the State Right-of-Way (ROW) would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for

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A2-21
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any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

↑
A2-21

20. Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (657) 328-6553 or D12.permits@doct.ca.gov. Early coordination with Caltrans is strongly advised for all encroachment Permits. For specific details on Caltrans Encroachment Permits procedure and any future updates regarding the application process and permit rates, please visit the Caltrans Encroachment Permits homepage at <https://dot.ca.gov/programs/traffic-operations/ep>.

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A2-22

Caltrans' mission is to provide a safe, sustainable, equitable, integrated, and efficient transportation system to enhance California's economy and livability. Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Julie Lugaro at Julie.lugaro@dot.ca.gov.

↑
A2-23

Sincerely,



Scott Shelley
Branch Chief,
Local Development Review/Climate Change Planning
Caltrans, District 12



AFFILIATED AGENCIES

Orange County
Transit District

Local Transportation
Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

July 15, 2024

Mr. Chris Schaefer
AICP, Planning Manager
City of Fullerton
Community and Economic Development Department

Via email: chris.schaefer@cityofofullerton.com

Subject: Notice of Availability of a Draft Program Environmental Impact Report (EIR) for the Fullerton Housing Incentive Overlay Zone (HIOZ) Program

Dear Mr. Schaefer:

The Orange County Transportation Authority (OCTA) appreciates the opportunity to review and comment on the City of Fullerton's (City) HIOZ Program. Please note OCTA implements four OC Bus Service Changes throughout the calendar year. Accordingly, we recommend the City synchronize the current OC Bus route information in the Final Environmental Impact Report. Please see Attachment A regarding specific to OCTA's comments.

A4-1

We encourage open communication with OCTA on any matters discussed herein. Should you have any comments or questions, please contact me at (714) 560-5907 or at dphu@octa.net.

A4-2

Sincerely,

Dan Phu
Manager, Environmental Programs

DP:tc

Attachment A: Route Updates

In Section 4.11.1 Existing Conditions, under Public Transportation Services on pages 4.11-3 to 4.11-4 of the Draft Program EIR:

OCTA Local Routes

- Route 25: Change weekday headways to 55 minutes, weekend headways to 65 minutes. Note that service runs from 4:06 a.m. to 10:27 p.m. on weekdays.
- Route 26: Change weekend headways to 45 minutes. Note that service runs from 5:13 a.m. to 11:06 p.m. on weekdays, 5:09 a.m. to 10:09 p.m. on weekends.
- Route 30: Note that service runs from 5:29 a.m. to 10:03 p.m. on weekdays, 6:19 a.m. to 9:06 p.m. on weekends.
- Route 33: Change weekend headways to 75 minutes. Note that service runs from 7:17 a.m. to 7:34 p.m. on weekends.
- Route 35: Change Saturday headways to 45 minutes. Note that service runs from 4:36 a.m. to 9:58 p.m. on weekends, 4:43 a.m. to 8:39 a.m. on Saturdays.
- Route 37: Change weekday headways to 30 minutes for all times. Note that service runs from 4:26 a.m. to 10:42 p.m. on weekdays, 5:10 a.m. to 9:36 p.m. on Saturdays, and 6:50 a.m. to 8:48 p.m. on Sundays.
- Route 43: Change weekday headways to 24 minutes for all times, weekend headways to 26 minutes. Note that service runs from 3:47 a.m. to 1:46 a.m. on weekdays, 3:59 a.m. to 1:45 a.m. on weekends.
- Route 47: Change weekday headways to 20 minutes (short trips) and 60 minutes (long trips) for all times, and weekday headways to 30 minutes (short trips) and 60 minutes (long trips) for all times. Change weekend headways to 30 minutes (short trips) and 60 minutes (long trips). Note that service runs from 3:57 a.m. to 11:56 p.m. on weekdays, 4:55 a.m. to 10:54 p.m. on weekends.
- Route 53: Change weekday headways to 12 minutes (short trips) and 24 minutes (long trips) during peak hours and 15 minutes (short trips) and 30 minutes (long trips) during midday off-peak hours. Change weekend headways to 15 minutes (short trips) on Saturday and Sunday, 45 minutes (long trips) on Saturdays, and 60 minutes (long trips) on Sundays. Note that service runs from 4:01 a.m. to 1:09 a.m. on weekdays and 5:38 a.m. to 12:54 a.m. on weekends.
- Route 57: Change weekday headways to 16 minutes (short trips) and 32 minutes (long trips) for all times. Change weekend headways to 18

A4-3

minutes (short trips) and 36 minutes (long trips). Note that service runs from 3:58 a.m. to 1:45 a.m. on weekdays, 3:57 a.m. to 2:00a.m. on Saturdays, and 3:57 a.m. to 2:14 a.m. on Sundays.

OCTA Community Routes

- Route 123: Note that service runs from 4:39 a.m. to 10:12 p.m. on weekdays.
- Route 143: Change weekend headways to 65 minutes. Note that service runs from 4:49 a.m. to 11:12 p.m. on weekdays, 6:11 a.m. to 9:25 p.m. on Saturdays, and 6:18 a.m. and 8:14 p.m. on Sundays.

OCTA Rapid Routes

- Route 529: Change weekday headways to 24 minutes. Note that service runs from 6:06 a.m. to 7:06 p.m. on weekdays.
- Route 543: Change weekday headways to 24 minutes. Note that service runs from 5:04 a.m. to 8:00 p.m. on weekdays.



A4-3
Cont.

The People are the City



City Clerk:
ROBERT S. MCKINNELL
City Treasurer
KEVIN A. LARSON
City Administrator
DAMIEN R. ARRULA

Mayor
JEREMY B. YAMAGUCHI
Mayor Pro Tem
KEVIN KIRWIN
Councilmembers:
RHONDA SHADER
WARD L. SMITH
CHAD P. WANKE

401 East Chapman Avenue – Placentia, California 92870

July 15, 2024

Chris Schaefer, AICP
Planning Manager
City of Fullerton Community and Economic Development Department
303 W. Commonwealth Avenue
Fullerton, CA 92832-1775

Dear Mr. Schaefer,

I am writing to express my concerns regarding the Draft Program Environmental Impact Report (PEIR) for the Fullerton Housing Incentive Overlay Zone (HIOZ) Program, as detailed in the Notice of Availability.

A5-1

While I understand the necessity of addressing the City's Regional Housing Needs Allocation (RHNA) goals, I have significant concerns about the potential environmental impacts identified in the PEIR. Specifically, the report highlights significant and unavoidable impacts in the areas of Air Quality, Population and Housing, and Tribal Cultural Resources. These impacts raise serious questions about the sustainability and long-term implications of the HIOZ Program.

A5-2

Air Quality:

The report indicates that the program could lead to substantial increases in air pollutants. Given the current concerns around climate change and public health, it is imperative that any new development minimizes its impact on air quality. I urge the City to consider additional mitigation measures or alternative approaches that could lessen this impact.

A5-3

Population and Housing:

While the program aims to address housing shortages, the influx of new residents could strain existing infrastructure and services. It is crucial to ensure that the city's infrastructure can support the increased population without compromising the quality of life for current and future residents. Moreover, there should be a detailed analysis of the potential impact on public safety services, including fire, police, and emergency medical services. The capacity of these services to address life safety matters must be carefully evaluated and enhanced if necessary.

A5-4

Tribal Cultural Resources:

The report acknowledges potential adverse effects on tribal cultural resources. It is

A5-5

essential to engage with local tribal communities to safeguard their cultural heritage and ensure that any development respects and preserves these invaluable resources.

↑ A5-5
Cont.

Infrastructure and Public Safety:

The development facilitated by the HIOZ Program could significantly impact the city's infrastructure and public safety services. The increased demand on roads, water supply, sewage systems, and public safety services such as fire and police departments must be thoroughly assessed. Ensuring that infrastructure and public safety services can accommodate the growth without degradation of service quality is paramount. Any gaps identified should be addressed through strategic planning and investment before proceeding with the program.

↑ A5-6

Impact on the City of Placentia:

Several projects under the HIOZ Program will be located near the border of the City of Placentia, leading to potential collateral impacts on their services and infrastructure. It is crucial for the City of Fullerton to engage with the City of Placentia early in the development process to ensure that no adverse impacts occur. Collaborative planning and communication between both cities will be necessary to address and mitigate any potential issues related to city services and infrastructure.

↑ A5-7

I appreciate the City's efforts to address housing needs and am eager to see sustainable and community-friendly solutions. I urge the City to take these concerns into account and explore all possible measures to mitigate the identified environmental impacts.

↑ A5-8

Thank you for considering my input. I look forward to your response and am willing to participate in any further discussions or public meetings regarding this matter.

Please let me know if you have any questions. I may be reached at (714) 993-8234 or JLambert@placentia.org

Sincerely,



Joseph M. Lambert
Director of Development Services

cc: Andrew Gonzales, Planning Manager

From: [REDACTED]
Sent: Thursday, July 11, 2024 10:44 AM
To: Dave Roseman <roseman@llgengineers.com>
Cc: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>; Stephen Bise <Stephen.Bise@cityoffullerton.com>; Juan Zavala <juan.zavala@cityoffullerton.com>
Subject: [EXTERNAL MAIL]RE: HIOZ VMT

CAUTION: BE CAREFUL WITH THIS MESSAGE

This email came from outside City of Fullerton. Do not open attachments, click on links, or respond unless you expected this message and recognize the email address.

Hello,

I appreciate knowing why the VMT assessment was done differently this time. Is there a way to speak with the consultant?

I 12-1

And it would be great if there could possibly be a "ball park" summary of the findings in the format of the standard worksheet, etc., just so there's something familiar to compare it to.

I 12-2

All best,

Jane

-----Original Message-----

From: Dave Roseman <roseman@llgengineers.com>
Sent: Jun 17, 2024 4:39 PM
To: [REDACTED]
Cc: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>, Stephen Bise <Stephen.Bise@cityoffullerton.com>, Juan Zavala <juan.zavala@cityoffullerton.com>
Subject: RE: HIOZ VMT

Hello Jane,

In the case of the HIOZ VMT Assessment, we didn't use the NOCC+ tool to assess the VMT outcomes because the project is too large and admittedly beyond the scope of the tool. Therefore, a consultant was retained to perform a modeling assessment using the OCTAM model directly. I have reviewed the summary of the outcome of that effort and the results appear reasonable to me. However, since I was not directly involved in the modeling effort it would probably be best that you have a discussion with the consultant directly.

I 12-3

By copy of this email I am hereby requesting that Chris Schaefer consider having the consultant reach out to you to discuss the methodology and outcome of the HIOZ VMT modeling effort.

Thanks,

David Roseman
City Traffic Engineer
City of Fullerton

-----Original Message-----

From: [REDACTED]
Sent: Monday, June 17, 2024 4:29 PM
To: Dave Roseman
Subject: HIOZ VMT

Hi Dave!

I wonder if you could help me make heads or tails of the new HIOZ VMT. They're not using the standard city worksheet so I can't really understand it.

Best,

Jane

PS, Sorry but I'm limited to email for a bit with some schedule issues ----

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12-4

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From: [REDACTED]
Sent: Friday, July 12, 2024 4:46 PM
To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>
Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>
Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Hello,

I see the sentence on p. 3.0-11 to 12 that says,

"As such, the Program would incorporate a provision in the Municipal Code to require a minimum percentage of the total number of residential units within a development project for affordable housing for a minimum of 55 years. This provision would be exclusive of the added units facilitated under State Density Bonus law."

I3-1

That seems like a start to my question, which is regarding if the added Density Bonus units are analyzed in this DPEIR?

All best,

Jane

-----Original Message-----

From: [REDACTED]
Sent: Jul 12, 2024 4:29 PM
To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>
Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>
Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Chris,

Thank you. Also, does the EIR evaluate the densities allowed when a developer qualifies for density bonuses? I see where it says it evaluated maximum densities but I don't quite see about the bonuses.

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13-2

Please advise,

Jane

-----Original Message-----

From: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>
Sent: Jul 12, 2024 10:19 AM
To: [REDACTED]
Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>
Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Good Morning,

I forwarded your questions about the VMT to the EIR consultant yesterday. I'll follow up with them and see what they say.

I 13-3

Thanks



Chris Schaefer, AICP

Planning Manager

City of Fullerton

p: 714.738.6884

e: chris.schaefer@cityoffullerton.com

From: [REDACTED]
Sent: Thursday, July 11, 2024 7:12 PM
To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>
Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>
Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Oh good! Thank you!! may have a few questions, and I'd be interested in hearing about the VMT assessment.

I 13-4

I'd like to start with whether or how the HIOZ contemplates developers opting for density bonus units?

I 13-5

I really appreciate your time with this!

Best,

Jane

-----Original Message-----

From: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Sent: Jul 11, 2024 5:31 PM

To: [REDACTED]

Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>

Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

The City is open tomorrow – Friday the 12th.

↓ I3-6



Chris Schaefer, AICP

Planning Manager

City of Fullerton

p: 714.738.6884

e: chris.schaefer@cityoffullerton.com

From: [REDACTED]

Sent: Thursday, July 11, 2024 5:08 PM

To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>

Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

By the way, is it a city closure date tomorrow, the 12th?

↑ I3-6
Cont.

Thank you,

Jane

-----Original Message-----

From: [REDACTED]

Sent: Jul 11, 2024 10:37 AM

To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Cc: Eric Levitt <Eric.Levitt@cityoffullerton.com>

Subject: RE: [EXTERNAL MAIL]Re: Revised Draft Fullerton Housing Element available for review

Hi Chris,

I'm hoping that my HE comments were accepted (I forwarded them to David Lopez). Also, can you tell me whether or how the HIOZ contemplates developers opting for density bonus units? I 13-7

Thank you,

Jane

From: Wayne Carvalho [REDACTED]
Sent: Monday, July 15, 2024 4:30 PM
To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>
Subject: [EXTERNAL MAIL]City of Fullerton HIOZ DEIR Comments

CAUTION: BE CAREFUL WITH THIS MESSAGE

This email came from outside City of Fullerton. Do not open attachments, click on links, or respond unless you expected this message.

To Fullerton Dept. of Community Development

Comments/questions on the proposed HIOZ and DPEIR.

1. Is it possible that there be a sunset clause in the Ordinance/Resolution requiring the City rescind the HIOZ (Overlay) once the City meets the RHNA requirement. The HIOZ housing figure is almost three times greater than the housing obligation specified by the State. What stops every developer from coming to Fullerton to "build out" what would be considered "by right"?

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I4-1
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2. Shouldn't we allow school sites to be included? There are school districts that will often determine a surplus school site that could be sold and developed with residential units. A lot of these sites are already within residential areas and could be developed with compatible densities.

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I4-2
I

3. Could we impose locational criteria that housing projects be located on public streets, or directly adjacent to other housing developments, and not be permitted on parcels surrounded entirely by industrial or commercial uses. I think driving through an industrial or commercial complex to get to a residential project isn't necessarily the best design, nor appropriate.

I
I4-3
I

4. Would the City consider that if the HIOZ is adopted, any revisions to the HIOZ be brought before the Planning Commission and City Council as amendments (Zone Changes) as with any other request to amend the Zoning Map. City could adopt a policy that they would process 1-2 amendments per year as a "cleanup" to add/remove parcels. Private applicants could request to have their parcels included in the City's application OR they could pay for their own application if they didn't want to wait.

I
I4-4
I

5. Although density is always a concern with many, it's a number. I'm more concerned with the overall size, bulk, height and design of potential residential developments. Building height should definitely be limited to be compatible with surrounding uses (especially if lower density residential). This should require a height limit (e.g. 4 stories/50 ft.) to minimize impacts to existing uses.

I
I4-5
I

6. Parking requirements. If we're able to avoid utilizing the State's Affordable Housing/Density Bonus parking criteria, I would like to suggest these parking requirements for projects in the HIOZ:

Studio or 1 bedroom unit - 1 space

2 bedroom unit - 2 spaces

3+ bedroom unit - 2.5 spaces

PLUS 0.5 space per unit designated for guests/overflow.

**Also require all spaces be open, in a parking structure, or carport to avoid utilizing enclosed garages for storage.

I
I4-6
I

Respectfully submitted,
Wayne Carvalho

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From: [REDACTED]

Sent: Monday, July 15, 2024 5:01 PM

To: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>

Subject: [EXTERNAL MAIL]Comments on the Fullerton Housing Incentive Overlay Zone (HIOZ) Program Draft PEIR

CAUTION: BE CAREFUL WITH THIS MESSAGE

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JANE REIFER

[REDACTED] • FULLERTON, CA • 92832

[REDACTED]

[REDACTED]

July 15, 2024

Chris Schaefer, AICP, Planning Manager
City of Fullerton Community and Economic Development
303 W. Commonwealth Ave.
Fullerton, CA 92832-1775

Re: Comments on the Fullerton Housing Incentive Overlay Zone (HIOZ) Program Draft PEIR

Dear Mr. Schaefer,

Thank you for the opportunity to comment on the Fullerton HIOZ Program Draft PEIR. I'm terribly sorry about the choppy nature of these comments, but I had both health issues and computer crashes that reverted some of my sections back to draft status this week.

I-5-1

The goals of a large segment of the Fullerton community are to provide the RHNA requirements of affordable housing without causing real estate speculation that undermines the availability of affordable housing, and without causing the extensive impacts on the small-town built-environment character that Fullerton still retains and is an important part of its appeal to residents and visitors.

I-5-2

The current Alternative 2, which I understand is the City's "working" preferred alternative, increases our existing:

142,873 residents; 50,620 housing units; 67,800 employees by:

96,711 residents; 32,234 housing units; (-5,577) employees, exceeding our planned General Plan (GP) 2030 buildout of:

165,303 residents; 56,130 housing units; 83,883 employees by:

74,281 residents (33% higher); 26,724 housing units; (-21,660) employees.

I-5-3

It is astounding that this Program proposes to add almost 100,000 residents and far exceeds any level of development previously envisioned for the city yet has so little advance documentation.

Throughout you'll see an emphasis on providing truly affordable housing but not impacting Fullerton's uniqueness and livability by almost doubling Fullerton's housing stock. Fullerton has its own history of racism and housing discrimination that contributed to the current situation where local families were not able to get good quality housing and build generational wealth. The city has squandered several significant opportunities. At the same time, care must be taken not to create prices go up and price people out of the area due to gentrification and speculative markets.

I-5-4

DENSITY BONUS CLARIFICATION

I was not able to understand if allowed Fullerton Municipal Code density bonus factors of 5 to 35% were contemplated in the DPEIR, so the numbers exceeding planned GP buildout could actually be substantially higher than stated. Do the potential housing unit numbers account for units added by density bonus? If so, what percentage of total units will be at affordable levels?

I-5-5

There should also be a discussion that analyzes impacts of the potential of new properties being added to the HIOZ after potential adoption.

I-5-6

SPECIFIED PERCENTAGE OF AFFORDABILITY

Document does not mention what the specified percentage of deed-restricted affordable housing units would be. Significant and unavoidable impacts should not be approved did the program does not even meet RHNA numbers.

I-5-7

Without seeing the specified percentage of affordability, maximum densities, and buildouts per focus area, it is hard to understand the various environmental impacts. Perhaps impacts in the PEIR should be analyzed at the different levels of affordability (10%, 15%, 20%), densities, etc.

I-5-8

This is important because a Statement of Overriding Considerations should not be granted for a Program that does not meet the stated goal of reaching RHNA numbers. I realize that PEIRs don't typically discuss this topic but there should be a discussion somewhere of when affordability deed restrictions or covenants expire. I also understand that PEIRs don't usually address economic issues, but the intensity of streamlining will open the city up for speculative housing investors which will accelerate housing unaffordability, and this should be discussed, perhaps in the program documents.

I-5-9

CEQA SHOULD EVALUATE IN ADVANCE OF APPROVAL

The HIOZ Program appears to actually be a Zoning change, requiring higher levels of impact analysis before the Program is adopted. Many aspects are being approved with this inadequate DPEIR without evaluating potential impacts.

I-5-10

It's not appropriate to have the Cultural Resources, Cultural and other impacts brought back on a case-by-case basis after approval. In addition, because several of that standards, proposed mitigations and Coniditions of Approval are not sufficient to mitigate the significant adverse impacts, this DPEIR is inadequate and fundamentally violates CEQA. I-5-11

The impacts to Cultural Resources, Cultural, Riparian are acknowledged but the analysis hasn't been done. The impacts need to be known in advance, not after adoption when the public will be essentially excluded from the process, and especially when stated mitigations are not sufficient. When impact decisions are punted to a later date, even if the public is included, the fact that the zoning has already been approved often results in a determination that any mitigation is infeasible, so mitigations that would otherwise be required go unrealized. I-5-12

Again and again the DPEIR says that Impacts (and related cumulative impacts) associated with the proposed Program would be less than significant, and no mitigation would be required. This simply isn't true. I-5-13

This document is a zoning change or maybe a type of Specific PPlan, yet is being treated as a program. I-5-14

Discuss adverse effects in advance of any approval decisions. (CR, (LOS), Riparian, Haz, bio, geology and soil, paleo, hydrology,etc) I-5-15

In most cases, not just the impacts of the section but also cumulative impacts conflict. I-5-16

If the impacts aren't evaluated in advance, there should be an oversight option so residents can follow these decisions through the permitting process. I-5-17

ALTERNATIVE 4 – EMPHASIS ON AFFORDABILITY I-5-18

Provide Affordability AND Preserve Unique Environments, Prevent Significant Changes to City's Ambience, Significant Impacts on the Environment and Speculation & Displacement by Focusing on Truly Affordable Housing, Not Incentivizing Market Rate

Market rate homes don't need subsidy as they will be built regardless, independently meeting the City's RHNA requirements. Decouple streamlining from projects that are above-moderate. End parking concessions, variances, and zoning or land use changes without affordable units (HUB, Pines at Sunrise, etc). /Incentivize Lower Levels of Housing Affordability. The intensity of streamlining will open the city up for speculative housing investors which will accelerate housing costs, so there should be more proposals preserving existing affordable housing and prioritizing incentivizing the lower levels of affordability rather than then the above-moderate levels which continue to pressure prices upward.

Alternative 4 Uses a base of Alternative 2 or 3, but removing most parcels on Commonwealth and Chapman Avenues, particularly Kory Plaza and historic-age buildings, removal of parcels likely to impact areas of pre-history and tribal cultural resources, and informal cemeteries, and returning development intensities to major intersections on Orangethorpe and previously considered housing intensive areas such as Harbor Gateway at Harbor and Orangethorpe and the Raymond and Chapman area.

This should include a focus on non-profit partnered housing on city land such as Amerige Court (excluding the historic parcels on the 100 block of North Malden and She-She Hair Design building on Amerige.) Fullerton Transportation Center and the parking lot north of City Hall as well as an analysis of the alternatives but with an assumption of 15% affordable units and of 20%.

Fullerton has a unique feel and characteristics that should be preserved WHILE addressing affordable housing needs. Many older European, African and Central and South American cities restrict new construction to new districts, preventing insensitive structures in the historic and semi-rural areas.

Chapman Corridor Focus Area recognized that: "An eclectic mix of independent businesses and historic houses contribute to the area's atmosphere." This Program as stated would impact that.

When the City has an opportunity to require inclusionary housing or build nonprofit-led higher volumes of majority affordable housing on municipally-owned land, it has often chosen to ignore the option. The Amerige Court project should focus on 100% affordability – not 10% (while retaining historic buildings on Malden and Amerige: Monzon garage/rare cast stone; Mission Press/ historic freezer-locker; corner former auto dealer; She-She Hair Design/Fullerton notable Shim Masukawa. These are not currently designated but are eligible, as documented in previous comments on that project.)



I-5-18
Cont.

I-5-19

I-5-20

No mandate to build 35,000 – only 13209, of which only the lower levels need incentivizing. The buffer can be reduced. I-5-21

The City should focus on non-profit assisted affordable housing and/or institutional programs that build, convert or provide financial aid and Contemplate 20% affordability apart from that. I-5-22

Land the city owns can be re-assessed for this purpose: Amerige Court, FTC, northern City hall parking lot
“Affordable Housing Acquisition and Rehabilitation: The City shall pursue the acquisition, rehabilitation, conversion, and accessibility of existing market-rate units to affordable units. The City shall also consider the feasibility of acquisition, rehabilitation, and conversion of existing underperforming hotels and motels” I-5-23

We should have programs to allow mobile home park residents to buy out their park, resources devoted to new car / camping facilities, SROs and rehabbing older buildings rather than only building new. There don't seem to be any policies for assisting renters being displaced as there were with former Redevelopment Agency projects. A new policy to reverse the loss of at-risk housing should be created. I-5-24

GP CONSISTENCY

(Note: Table 6-2. Alternative 1 Buildout Projections has the housing and population lines reversed.) I-5-25

Because these numbers so wildly exceed our planned GP buildout with significant unplanned growth and with its associated adverse impacts, the HIOZ Program, with any but the No-Build alternative, is inconsistent with our General Plan. The Program needs to be consistent with all GP elements and it is not with: I-5-26

Land Use, Population, Housing, Traffic, Air Quality, Noise, Geology, Hydrology, Hazards, Cultural Resources, Biological Resources, Public services, GHG, Growth Inducing Impacts, Cumulative Impacts and Mandatory Findings of Significance. I-5-26

Address Exceeding GP Buildout and Reduce Significant and Unavoidable Effects I-5-27

Where can the review that determined that the Housing Element is internally consistent be accessed? Also, what are the anticipated proposed General Plan amendments? I-5-28

The discretionary actions of GP Amendments and Zoning Code amendments imply lack of consistency: “First, the lead agency must determine whether the subsequent activity meets both of the following criteria:

1. It is consistent with the plan or element for which the program EIR was certified. (A general plan amendment obviously would not qualify (See Sierra Club v. County of Sonoma (1992) 6 Cal.App.4th 1307”

If it requires an amendment, it’s not consistent.

Not Consistent with GP

Exceeds buildout (map by section)

No chart of exceeding buildout per focus area? It would be useful to Compare focus area buildout in chart form

I-5-29

POPULATION AND HOUSING (DISPLACEMENT)

Population 3.14 (b) Displace substantial numbers of people. This should be analyzed since the project acknowledges the removal of significant amounts of existing nonconforming residential housing with no guarantee that residents will be assisted or able to find replacement housing at their current rents. The fact that new affordable housing will be built does not guarantee that anyone displaced will have access to units in the new development, or even at rates they can afford. Despite stating, “the Program is not anticipated to permanently displace a substantial number of people.” This is a significant adverse impact that has not been acknowledged, and conflicts with the General Plan. people kicked out of residential non-confirming right of first return. Fullerton has removed people from affordable housing situations for years without proper replacement housing. It would be the height of irony to do it again with this Project.

I-5-30

CULTURAL RESOURCES

Given Fullerton’s character as a uniquely historic among its nearby neighbors, it was surprising to see no Cultural Resources Report. There should be a list of historic age buildings both within the HIOZ parcels but also *adjacent* to existing Historic Districts, Historic preservation Overlay Zones,

I-5-31

Fullerton has a unique feel and characteristics that I believe should be preserved WHILE addressing affordable housing needs. Some of the unique attributes are: historic landmarks and districts, historic-age or -eligible resources, Preserve America status, the original townsite, semi-rural areas, vernal as well as year-round creeks and riparian areas, and areas of vulnerable and disadvantaged populations. The City has been known for years as an alternative to Brea and Anaheim that destroyed much of their iconic historic areas. Historic areas are a valuable asset, that draw people and retail dollars.

This is an area of controversy.

The city needs a new procedure to recognize building of Historic age as current methods continually miss these designation-eligible buildings.

Much of tis Program intends to build directly adjacent to low-massing historic buildings, some of which are not designated.

On-site Evaluation not just documents, documents should include loal hstry room

Remove chapamnd and cmmnwealth corridors. A previous Fullerton Planning Director started to implement this and it should be continued

Fullerton is a Preserve America city, and prides itself on its historic homes, businesses, and neighborhoods, but it's shocking to learn how few protections these historic resources have. The vast majority of historic-age and designation-eligible properties in the city could be torn down at any time with a simple demolition permit; this has happened over and over again.

The scope should include cultural resources for the reasons below:

The proposed COAs apply to designated historic buildings, but not historic-age or designation-eligible structures and districts. Trenching and shoring precautions, for example, would not be taken on nearby eligible properties and could have significant impacts on the historic environment.

Also missing is a discussion about viewsheds and adjacent historic properties and districts within an APE, such as houses on Chapman and on Commonwealth. Maps should note historic-age structures so policies can be explored. A former planning director agreed that certain areas of Chapman and of Commonwealth, for example, should be removed from potential development. This would also preserve a type of non-acknowledged "scenic" corridor / historic vistas that currently exist by default because they are zoned for other purposes but have not yet been converted to those uses. For example, along Commonwealth and Chapman near the historic downtown neighborhoods, and Harbor Blvd between the downtown and Valencia Mesa Dr.



One of the reasons cultural resources should be part of the scope is that there is not an accurate method of recognizing which parcels have cultural / historic impact: Often the City's database does not acknowledge historic structures, and Fullerton has missed several of these, even in the past few years:

I-5-36

Bastanchury Creek Greenbelt, which was a designated future city park and a part of pre-history, 142 and 144 N. Yale Ave (did not acknowledge preservation zone status), ironwork attached and a mural painted on the historic Amerige Block with absolutely no acknowledgment of the building as a historic resource, Pathways of Hope project at 508-514 W. Amerige resulting in demolition of historic-age structures adjacent to designated cultural resources (recently saved), inadequate CEQA analysis of Fox Block cultural resources impact in the Infill exemption), approval of plastic window replacements in historic Mariola Apartments. The City does not have accurate recognition and analysis of the cultural, historic, local impacts on cultural resources. If cultural resources aren't included in the PEIR, a public noticing process should be initiated so resources won't be lost or compromised as they come before staff.

The Phase 1 standard is not strong enough to mitigate adverse impacts. Whenever there are historic age buildings on the property, an on-site evaluation should be done, and research should include the Fullerton Public Library History Room. Examples: Arcasida Metals / Bastanchury Creek, Euclid Creek, Union Bank on Chapman. Further, since this is a Zoning Change "Program" these impacts need to be done before property owner purchase and invest significant money.

I-5-37

Chapter 3: Historic Preservation Goal 4 Value and preserve historic resources. No Conflict. Implementation of the proposed Program would facilitate development of additional housing. Future development projects could impact historic-age structures and historical resources. However, these

future projects would be required to comply with General Plan EIR mitigation measures, which have been incorporated as conditions of approval for the proposed Program. For example, COA-CR-1 would require the preparation of a Phase I Cultural Resources Study in the event a property is considered to be sensitive for cultural resources. Upon review and approval of the study, a qualified professional shall identify feasible measures to mitigate potential effects. Compliance with measures like COA-CR-1 would result in less than significant impacts.

I-5-38

These are not strong enough

Policy 2.2 Distinctive and Memorable Places. Support projects, programs, policies and regulations to promote distinctive, high-quality built environments whose form and character respect Fullerton’s historic, environmental and architectural identity and create modern places that enrich community life and are adaptable over time.

No Conflict. Similar to the discussion provided in Goal 2, the Program includes proposed development standards for implementation of future residential and mixed-use development. Moreover, as demonstrated in this Draft PEIR, impacts to cultural resources (including historical resources) were found to be less than significant. See Chapter 5, Other CEQA Considerations, for more discussion. Given this, the Program would not conflict with this policy.

Policy

2.4

Sense of Place. Support projects, programs, policies and regulations to reinforce the character and sense of place of established neighborhoods and districts by preserving and enhancing the attributes which contribute to neighborhood and district identity, vitality and livability.

No Conflict. See discussion for General Plan Goal 2 and Policy 2.2.

Policy

2.8

Responsiveness to Context. Support projects, programs, policies and regulations to respect the local context, including



I-5-39

consideration of cultural and historic resources, existing scale and character and development patterns of the surrounding neighborhood or district.

No Conflict. See discussion for General Plan Policy 2.2. In addition, impacts related to aesthetics were determined to be less than significant. For discussion related to visual compatibility, see Chapter 5, Other CEQA Considerations, of this Draft PEIR. As such, no conflict with this policy.

Policy

4.4

Historic Character and Sense of Place. Support projects, programs, policies and regulations to reinforce the character and sense of place of established neighborhoods and districts by protecting and preserving those elements in both the private and public realms which contribute to the historic character through the use of tools including, but not limited to, preservation overlay zones and landmark districts



I-5-39
Cont.

If paleontological resources are being discussed in impact Geology and Soils 3.7(f), this should likely apply also to paleontological resources in the Cultural Resources factor.



I-5-40

Informal Cemetery areas should be evaluated in advance.



I-5-41

AESTHETICS

This is an area of controversy.



I-5-42

p. 460: Overall, the construction of new residential land uses would change the current character of the City. However, consistent with the compatible development intensities identified in the General Plan's Focus Areas, the proposed Program would introduce a maximum density of 60 du/ac. 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.

The City has designated scenic corridors, as shown in Exhibit 5.3-1 of the General Plan PEIR, as well as rural streets, shown in Exhibit 5.3-2, within the City with the intent to be designed and improved in ways to preserve their aesthetic

value (City of Fullerton 2012b). Various HIOZ parcels are within the vicinity of, or abut, the right-of-way of locally designated scenic corridors, such as Bastanchury Road, State College Boulevard, Harbor Boulevard, Brea Boulevard, Euclid Street, and Rosecrans Avenue. However, the proposed Program would not result in future development along designated rural streets

Goal 2

A positive identity and distinctive image No Conflict. Development standards, including design, are proposed as part of this Program. Moreover, potential impacts related to aesthetics

are analyzed in Chapter 5, Other CEQA Consideration, of this Draft PEIR.

Less than significant impacts would occur. As such, the Program would

not conflict with this goal.

“The Fullerton Plan does not propose any changes to the City's currently designate scenic corridors and rural streets.”

The parcel at Bastanhury and State College is surrounded by 2 scenic corrdors and across te street from an HCP

CEQA EVALUATIONS ARE NEEDED IN ADVANCE

The HIOZ Program is the largest ever change to the city, on par with a new GP – but the encironmental docuemtions is surprisingly sparse

Policy 1.8

Consideration of Neighborhood Impacts. Support projects,

programs, policies and regulations to evaluate and consider short-

I-5-42
Cont.

I-5-43

and long-term impacts of significant planning efforts or developments on nearby neighborhoods.

No Conflict. As demonstrated throughout this Draft PEIR, the potential impacts to the environment, including nearby neighborhoods, is analyzed in compliance with CEQA. Moreover, the City, as the lead agency, hosted a CEQA Scoping Meeting, required under Public Resources Code Section 21083.9, which solicited comment from stakeholders, including the general public. As a result, City residents, for example, commented on the NOP for the proposed Program. See Table 2-1. Notice of Preparation and Comment Letters Summary for details on the comment letters and how this Draft PEIR addresses environmental topic issues raised. Given this, the Program would not conflict with this policy.

I-5-43
Cont.

HAZ in advance

I-5-44

LAND USE, POPULATION

The significant impacts can be avoided wht a new alternative

I-5-45

CUMULATIVE IMPACTS

There should be discussion of the environmental impacts of the density bonuses most HIOZ projects will subsequently be eligible for.

I-5-46

Does evaluation of impacts for CEQA art a certain level of density increase by-right density in an area? If so, this may also exceed expected general Pln buildout. `

I-5-47

Essential inconsistency with GP = unplanned growth – significant and unavoidable (fair share mitigation)

I-5-48

It looks like the proposed GP amendment for Low and Medium Density residential is increasing density to be consistent with HIOZ. Does this raise density

I-5-49

Most of the following are not being met:

A list of the overarching goals are as follows:

- Goal 1: Resilient and vital neighborhoods and districts.
- Goal 2: A positive identity and distinctive image.
- Goal 3: A supply of safe housing ranging in cost and type to meet the needs of all segments of the community.
- Goal 4: Valued and preserved historic resources.
- Goal 5: A balanced system promoting transportation alternatives that enable mobility and an enhanced quality of life.
- Goal 6: A bicycle-friendly city where bicycling is a safe and convenient alternative to motorized transportation and a recreational opportunity for people of all ages and abilities.
- Goal 7: Growth and development aligned with infrastructure capabilities.
- Goal 8: Protection from the adverse effects of noise.

I-5-50

Table 4.5-1. Connect SoCal Conflict Evaluation

TRANSPORTATION

Discuss Impact of higher elevations on emergency access

I-5-51

Some of the transit routes listed have “short turns” in Fullerton, so don’t have nearly the frequency stated.

There is no route 53 in Fullerton. CEQA documents almost always have substantially incorrect transit information. The frequency for Fullerton bus routes is abysmal and not suitable for this level of density. Only 2 routes have even 20 minute service, a few have 30 minutes and many are 40 or 60 minutes or more.

I-5-52

Fullerton Needs More Focus on Integrating Public and Active Transportation

Bus, rail, biking, and walking should be considered an essential part of general civic infrastructure. Asking new developments to pay impact fees to cover the cost of the new demand they induce is an accepted, routine practice for roads, schools, libraries, parks, and parking structures. Transit needs to be a part of the impacts we consider when planning, both for long-term service implementation and short-term construction detours. As part of this standard inclusion, construction projects should discuss their potential impacts on the above transportation modes, both during construction and at the completed project. The fees should include the extra money it costs to provide and to communicate detours to the users of the above modes. The Fair Share Policy is a good start.

I-5-53

Fairshare – at least bus benches, shelters and stop maintenance, but more could be done.

Chapman ped promenade

Using Citywide VMT could average out focus area numbers that actually exceed standards.

The addition of the project in the horizon year causes an increase in the citywide average

total daily VMT per service population calculated with Boundary Method VMT. Did not see an analysis of project effect on VMT in horizon year as the TAPP recommends.

I-5-54

Although the City has chosen citywide VMT as the basis for this threshold because of its comprehensive geography and appropriateness for a City-wide analysis and While only included for informational purposes, it would be valuable to see the TAZ level comparisons in chart form rather than data lists

I-5-55

The tables suggested in the TAPP were not used in this Program analysis (see TABLE 6- 1 PROJECT GENERATED VMT per TAZ and TABLE 6- 2 PROJECT EFFECT ON VMT) Is the baseline 2016 or 2021? Etc?

TRA-1 would the program conflict? Yes, many driveways

“Moreover, the Program would not result in physical changes to the City’s existing transportation network.” Actually, the pedestrian network could be impacted by building with less setbacks and increasingly busy driveways. An inventory of sidewalk should be included in the PDEIR as pedestrian use is a keypart of multi-modal evaluation.

I-5-56

City Mitigation TR-1 states: Prior to approval of any General Plan Amendment and/or Zone Change associated with the focused planning efforts for The Fullerton Plan Focus Areas, the City and/or project proponent shall prepare a detailed multi-modal analysis in order to determine specific impacts associated with the proposed General Plan Amendment and/or Zone Change, and where applicable, identify mitigation measures to reduce impacts to less than significant levels based on City adopted multi-modal thresholds.

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

I-5-57

Construction detours must be handled so as not to decrease these modes’ performance. Current Traffic Control Plans do not include mitigations for impacts to bus, bike and ped construction impacts so the construction impacts conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. COA-AQ-6 is not adequate mitigation.

Fullerton is not meeting its Complete Streets obligations. The availability of Bus stops, benches, shelters and other amenities, has never been methodically analyzed. For example, City Roadway Characteristics maps should note bus, ped, and bike facilities. Development maps, and maps to City facilities should note bus stops, bike facilities, and significant lack of pedestrian facilities, if applicable. Analysis should include mention of High Speed Rail, Measure M “Go Local” bus or rail service, Measure M Community-Based Circulators, College Connector, Measure M Senior Mobility Programs, increased rail service, increased shared ride and taxi service, etc.

I-5-578

City design standards for driveway safety and parking lot pedestrian access are not sufficient so ther are geometric design conflicts and incompatible uses between transportation modes

Impacts on the city’s Bicycle Master Plan must be included.

Increased Hazards Due to a Design Feature or Incompatible Uses:

I-5-59

Since documentation has not been a standard part of city policies for pedestrian gap closure needs and conflict areas with other modes at driveways, parking lots and structures, freeway ramps, intersections, etc., many recent projects have produced increased hazards due to lack of coordination with this mode. ↑ I-5-59
Cont.

P514- Fair Share of Improvements -see also Public Services 3.15 below

This is an important concept. Bus, rail, biking, and walking should be considered part of general civic infrastructure. Asking new developments to pay impact fees to cover the cost of the new demand they induce is an accepted practice and is routine for roads, schools, libraries, parks, and parking structures. Transit needs to be a part of the impacts we consider when planning, both for long-term service implementation and short-term construction detours. As part of this standard inclusion, construction projects should discuss their potential impacts on the above transportation modes, both during construction and at the completed project. The fees should include the extra money it costs to provide bus detours and communicate detours to the users of the above modes. I-5-60

New projects should have transit funding built into the project mitigations instead of depending solely on unreliable transit district, state and federal funds. In outlying areas without bus service, it is fair to have these areas help pay for the new service they induce. While helping to pay for new schools, roads, and parks, neighborhoods that have developed further from existing transit resources have never paid for the new transit service they've induced. OCTA is not able to fund new transit service alone. Anaheim is an example of a city that works with OCTA to provide better bus service, runs its own additional service, and even provides a unique funding source. Other models are Riverside's TUMF fees, and homeowners associations throughout the United States. I-5-60

Transportation 3.17

City Mitigation TR-1 states: Prior to approval of any General Plan Amendment and/or Zone Change associated with the focused planning efforts for The Fullerton Plan Focus Areas, the City and/or project proponent shall prepare a detailed multi-modal analysis in order to determine specific impacts associated with the proposed General Plan Amendment and/or Zone Change, and where applicable, identify mitigation measures to reduce impacts to less than significant levels based on City adopted multi-modal thresholds. I-5-61

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Construction detours must be handled so as not to decrease these modes' performance. Current Traffic Control Plans do not include mitigations for impacts to bus, bike and ped construction impacts so the construction impacts conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. COA-AQ-6 is not adequate mitigation. ↓

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City design standards for driveway safety and parking lot pedestrian access are not sufficient so there are geometric design conflicts and incompatible uses between transportation modes

Increased Hazards Due to a Design Feature or Incompatible Uses:

Since documentation has not been a standard part of city policies for pedestrian gap closure needs and conflict areas with other modes at driveways, parking lots and structures, freeway ramps, intersections, etc., many recent projects have produced increased hazards due to lack of coordination with this mode.

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I-5-61
Cont.

BIOLOGICAL RESOURCES

The scope should include biological resources for the reasons below:

Please remedy the common exclusion of bats from Fullerton CEQA documents, including in the downtown, which was a known habitat for them. Also, pollinators, and a more thorough discussion of migratory and non-migratory birds.

I-5-62

b) Impacts should be analyzed in advance, since current policies continually miss the existence of the mapped riparian areas, including vernal streams. Recent examples: Bastanchury Creek Greenbelt (Bastanchury Creek), Pines at Sunrise (Euclid Creek), Hillcrest Park (Brea Creek and a tributary at the north end), Goodman Logistics (10 acres of historic trees and wildlife habitat). A public noticing process should be initiated so resources won't be lost or compromised

I-5-63

c) Impacts should be analyzed in advance since current mitigations aren't sufficient.

I-5-64

e) Several city tree policies are not included in the Community Forestry ordinance. Also, even though many city trees are landmark-eligible according to the ordinance, not a single one has ever been even nominated as a landmark, so these protections are only theoretical. Trees in scenic corridors are routinely removed.

I-5-65

At the time that The Community Forestry ordinance was adopted the public was promised that trees would be listed in future development proposals so appropriate decisions could be made. Please list potentially landmark-eligible or otherwise noteworthy trees on current HIOZ parcels for evaluation.

The parcel at Bastanchury and State College is across street from "Coyote Hills East Habitat conservation plan" This should be included and evaluated in advance of Program approval. Besides violating the CEQA process, both property owners and the general public, are not able to give meaningful input without this information.

I-5-66

Policy

25.3

Comprehensive Tree Management. Support projects, programs, policies and regulations to comprehensively plan for, manage and promote trees throughout the City.

No Conflict. The Program would not result in significant impacts to natural

resources (i.e., biological resources), as detailed in Chapter 5, Other

CEQA Considerations, of this Draft PEIR. As such, the Program would not

conflict with this policy

I-5-67

b) Impacts should be analyzed in advance, since current policies continually miss the existence of the mapped riparian areas, including vernal streams. Recent examples: Bastanchury Creek Greenbelt (Bastanchury Creek), Pines at Sunrise (Euclid Creek), Hillcrest Park (Brea Creek and a tributary at the north end), Goodman Logistics (10 acres of historic trees and wildlife habitat). A public noticing process should be initiated so resources won't be lost or compromised

I-5-68

c) Impacts should be analyzed in advance since current mitigations aren't sufficient.

e) Several city tree policies are not included in the Community Forestry ordinance. Also, even though many city trees are landmark-eligible according to the ordinance, not a single one has ever been even nominated as a landmark, so these protections are only theoretical. Trees in scenic corridors are routinely removed.

At the time that The Community Forestry ordinance was adopted the public was promised that trees would be listed in future development proposals so appropriate decisions could be made. Please list potentially landmark - eligible or otherwise noteworthy trees on current HIOZ parcels for evaluation.

There are no landmark trees under the Tree Landmark policy in the Community Forestry Ordinance, so the mitigations are inadequate.

I-5-68
Cont.

RIPARIAN AREAS

It is a little known fact that Fullerton is very rich in year-round and vernal creeks. They are so much a part of our local history, that they are still commonly referred to by their name from The Spanish and Mexican eras of California history – Barrancas

A list of parcels both including riparian areas but also *adjacent* to them should be included and evaluated in advance of Program approval and any associated Code or GP changes. Besides violating the CEQA process, both property owners and the general public, are not able to give meaningful input without this information, and the following 3 GP and/or DPEIR statements are incorrect and the DPEIR is inadequate:

P. 461 of DPEIR 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 (USFWS 2023). 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 applicable General Plan PEIR mitigation measures.

Policy 5.2 Waterways Preservation. Support projects, programs, policies and regulations to preserve the City's public creeks and lakes such as Tri City Lake, Bastanchury Greenbelt Creek, and Laguna Lake; pursue collaborative efforts to restore channelized portions of Brea Creek and Fullerton Creek.

No Conflict. The Program would not result in significant impacts to natural resources (i.e., biological resources), as detailed in Chapter 5, Other CEQA Considerations, of this Draft PEIR. Future development projects would not result in the redevelopment of the City's public creeks and lakes. As such, the Program would not conflict with this policy

I-5-69

Policy 25.8

Mitigation of Impacts on Waterways. Support projects, programs, policies and regulations to consider and mitigate project level impacts to public waterways at the site and building design stages.

No Conflict. See the discussion provided under General Plan Policy 25.2 Inadequate

I-5-69
Cont.

AIR QUALITY

The impacts of the AQ issues are understated and there aren't sufficient mitigations.

I-5-70

“The Program Area zip codes (92835, 92831, 92832, and 92801) achieve scores of 10, 10, 23, and 43 on CalEnviroScreen.” The CE maps show large areas within the Program have CalEnviroScreen pollution burdens and levels in the 77th to 92nd percentile rather than the lower counts indicated in the DPEIR text.

I-5-71

The text states that the Program Area is not in a Disadvantaged Community, but California Climate Investments Priority Populations 2024 indicates that there are large swaths of it that are Disadvantaged Communities.

Note: 92801 is a typo that appears several times, and should read 92831

I-5-72

Mobile source emissions may be understated, as substantially increased population will bring more diesel and TRU truck traffic by sensitive receptors such as schools, churches and senior communities. The text indicates this would be less than 100 delivery trucks per day but this cannot be accurate.

I-5-73

The expected reduction in TAC emissions that are expected decades out will not be realized until long after that horizon of this program.

I-5-74

A mitigation to use electric landscaping and blowing or vacuum equipment could be implemented.

I-5-75

No health risk assessment (HRA) and no lists or maps of sensitive receptors has been included in this DPEIR despite thresholds being exceeded. No separate chart of operational emissions was included; only a combined chart of construction and operational emissions. Each type exceeds the thresholds for all contaminants except Sox. It is

I-5-76

stated that Merv -13 filters will result in a substantial reduction of fine particulate matter on-site sensitive receptors but this is not documented properly.

I-5-76
Cont.

COA-AQ-14 New sensitive land uses such as residential, a hospital, medical offices, day care facilities, and fire stations shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week, pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook. If new sensitive land uses cannot meet this setback, they shall be designed and conditioned to include mechanical ventilation systems with fresh air filtration. For operable windows or other sources of ambient air filtration, installation of a central heating, ventilation, and air conditioning (HVAC) system that includes high efficiency filters for particulates (Minimum Efficiency Reporting Value [MERV] 13 or higher) or other similarly effective systems shall be required.

I-5-77

Residential; land uses adjacent to industrial uses not including buffers so appears to not have been evaluated for environmental impacts. These should be mapped, listed, and evaluated in advance.

Air Quality and Climate Change Goal 21

Protection and improvement of air quality. No Conflict. The proposed Program would facilitate future development of housing and mixed-use development, the construction and operation of which would result in effects to local and regional air quality. See Section 4.1, Air Quality, of this Draft PEIR for more discussion. As such, the Program would not conflict with this goal. Inadequate.

I-5-78

Table 4.5-2. General Plan Conflict Evaluation

“As such, implementation of the proposed Program would require a General Plan Amendment to allow residential land uses within and adjacent to Industrial-designated areas.

Given this, the Program would partially conflict with this policy”

I-5-79

The Fullerton Housing Incentive Overlay Zone’s incremental contribution to impacts related to exposure of sensitive receptors to substantial pollutant concentrations from TACs would be cumulatively considerable

I-5-79
Cont.

ODOR AND/OR AIR QUALITY IMPACT

Many new developments in Fullerton have laundry facilities that have exposed air ducts leading to the public right of way, subjecting pedestrians to laundry chemical fumes. Could a previous City Mitigation measure N-6 be adapted to say something like: The City shall require mechanical equipment from future development to be placed as far as practicable from pedestrian right of way and bus stops.

I-5-80

MANDATORY FINDINGS OF SIGNIFICANCE

are not discussed. The California Environmental Quality Act (CEQA) provides that an EIR shall focus on the significant effects on the environment, discussing the effects with emphasis in proportion to their severity and probability of occurrence. Pursuant to CEQA Guidelines Section 15065, an EIR must be prepared if a project may have a significant effect on the environment where any of the following conditions occur.

I-5-81

“a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, . . . or eliminate important examples of **major periods of California history or prehistory**.

The Program could have significant impacts since 3.21 b) predicates its some of its potential analysis on it.

Also, there is potential that the Raytheon parcel near the Bastanchury Creek Greenbelt could contain resources of California history and pre-history based on its very close proximity to resources recovered in a WPA archeological dig and local Rancho Los Coyotes-era adobes. It should be evaluated in advance.

I-5-82

Result in a cumulatively considerable net increase of **any criteria pollutant for which the project region is in nonattainment** under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors);

I-5-83

• **Expose sensitive receptors to substantial pollutant concentrations; or significant adverse affects on human beings**

NOISE

A new City noise ordinance is in process, but is increasing acceptable noise levels – including in commercial zoning that was once C- Neighborhood use zoning. The entire process as completely ignored the existence of the General Plan’s noise element.

I-5-84

WATER

Much of Fullerton in is the toxic plume area. CalEnviroscreen indicates high groundwater threats and drinking water contaminants:

I-5-85

AESTHETICS

The EIR should include Aesthetics impacts:

I-5-86

a) Scenic vistas should be analyzed since City development standards often have not preserved public views and scenic vistas from unreasonable encroachment.

b) Should be included as a potential impact since neither the DPEIR has not recognized the existence of the eligible scenic highway portion that starts on the 57 freeway on the on the City’s northern border.

I-5-87

c) Should be included since the City historically ignores its designated Scenic corridors and rural streets in most project analyses. Recent examples are the Harbor Complete Streets Project whose grant funding application was just approved., Hillcrest Park renovations, the Bastanchury Creek Greenbelt development, and the Pines at Sunrise Village. Trees that are part of scenic corridors are routinely removed without assessment. If handled as it has been historically, this project will conflict with applicable zoning and other regulations governing scenic quality. The included COAs are only for construction impacts.

I-5-88

d)In addition, a way to acknowledge the transition of formerly unique low-massed older neighborhoods abruptly being replaced by higher-rise cookie cutter architecture should be addressed.

I-5-89

A list of parcels both within the scenic corridors (and semi-rural streets) but also *adjacent* to them should be included and evaluated in advance of Program approval and any associated Code or GP changes. Besides violating the CEQA process, both property owners and the general public are not able to give meaningful input without this information.

I-5-90

Fullerton Needs to Do a Better Job of Preserving Scenic Corridors

The city historically ignores its designated scenic corridors and rural streets in most project analyses. Recent examples are the Harbor Complete Streets Project, Hillcrest Park renovations, the Bastanchury Creek Greenbelt development, and the Pines at Sunrise Village. Trees that are part of scenic corridors are routinely removed without assessment.

I-5-90
Cont.

GEOLOGY AND SOILS

The Initial Study Checklist says this factor won't be included in the scope, but has f) marked as potentially significant. Please reinstate. Also add c) regarding liquefaction, landslide, collapse and lateral spreading due to the many slope and subsidence issues Fullerton has had over the years such as Verona, Hillcrest senior condos, Union Avenue., and many others. This might also affect Wildfire 3.20 d) since not all infill lots have been fully disturbed / developed.

I-5-91

RECREATION

The evaluation contradicts what is said in the Public Services letter which says that park space would be less than needed to maintain the City's parks to people ratio and will be accommodated by requiring new developments to allow public access to their recreation facilities.

DPEIR: "it is unknown whether future facilities would be adequate to serve the demands generated by new and existing residents. The HIOZ Program would result in an increased population across the Planning Area which would increase the use of existing recreational parks and facilities such that there would be a need for additional recreational amenities." "As such, upon implementation of City requirements, including the payment of park mitigation fees or the dedication of land for future parks, as well as Fullerton HIOZ-specific goals, policies, and implementation programs, the Program would have a less than significant impact to recreational facilities." This, and several other public services are contradicted by the Public Service Letter.

I-5-92

PUBLIC SERVICES

OCTA should be added to this list as the program induces the need for more bus service but does not evaluate its sufficiency. At the least, OCTA should be consulted as to the likelihood of added new service as need increases. Also see General Plan Fair Share Policy P514. OC SAN's ability to provide should be detailed. The letters from fire, police and library do not indicate funds needed to increase services. Taller buildings increase police and fire response time and so add to cost. Additions to police and library facilities could also affect historic resources but are not evaluated.

I-5-93

GROUP HOMES

The City could devise a new, lower CUP fee structure for large group homes rather than removing the CUP requirement.

I-5-94

PHYSICALLY DIVIDING AN ESTABLISHED COMMUNITY

Large buildings without pedestrian pass-throughs, where small building and surface parking lots once were, divide communities from a pedestrian, disabled person, and sometimes bicycle, perspective. Perhaps the historic concept of pedestrian “arcades” can be revived. At any rate, it’s important to document which means of traversing concerned properties will no longer be as accessible compared with existing. Besides serving as a springboard to develop potential mitigations, it will help in creating the best pedestrian, special needs, and bicycle circulation.

I-5-95

TRANSPARENCY / PUBLIC PARTICIPATION

The GP envisioned: “Community- based planning processes would determine the nature of Change”

Transparency in this process is essential as residents are legitimately concerned about the opaqueness of documents that don’t summarize the substantial impacts, while the HIOZ went from 15 to 759 properties

I-5-96

Themes in Community Input

I’d like to see acknowledgement of the widely held concern about retaining Fullerton’s unique features rather than converting so much of the built environment to architecture that’s indistinguishable from other cities. Not all cities need to shift to citywide high-density; some built areas should be a retreat from that, while still addressing housing affordability

Areas of controversy – CR, Parking, transportation Infrastructure, Public Process, lawsuit precluding public participation, no noticing to property owners, even though not required.

When asking about the Lawsuit, residents were asked to go online to find information and the public was told that HIOZ would be required to meet lawsuit requirements. Study sessions had action items embedded in them that the public was not aware of.

I-5-97

CEQA should be integrated into planning processes and guide development of the plan itself. (Pub.

Resources Code § 21003(a)). Information developed as part of the CEQA process should influence the development of general

plan policies. CEQA should not just be a post hoc rationalization of decisions that have already been made. (Laurel Heights

Improvement Assn. v. Regents of University of California (1988) 47 Cal. 3d 376, 395 (“the later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong

incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project’))

I-5-97
Cont.

The public was never noticed about Housing Champion meetings in their initial phase so that group did not get the benefit of public comment at the initial stages. Even if not legally required, it is important to mail notices to residents throughout the city who live in or own property next to new proposed HIOZ zoning. Also, there should be notification of even proposed by-right development activities so the public can provide relevant information. (See paragraph below that lists missed designated historic resources.)

I-5-98

Policy 18.5 Transparent Government. Support policies, programs and regulations that maintain transparency in municipal operations and

No Conflict. See the discussion provided under General Plan Goal 18.

Table 4.5-2. General Plan Conflict Evaluation

Goals and Policies Conflict Evaluation

decision-making by being clear about City objectives and providing access to information, City staff and decision makers.

I-5-99

18.6 Accessible Participation. Support policies, projects, programs and regulations that take all feasible steps to ensure that everyone interested in participating in community forums has the materials necessary to contribute to informed decisions

Policy 18.5 Transparent Government. Support policies, programs and regulations that maintain transparency in municipal operations and No Conflict. See the discussion provided under General Plan Goal 18.

↑
I-5-99
Cont.

Table 4.5-2. General Plan Conflict Evaluation Goals and Policies Conflict Evaluation decision-making by being clear about City objectives and providing access to information, City staff and decision makers

Can there be a small discussion of why there is no Environmental document for the Housing Element?

I I-5-100

Again, many people feel strongly that everyone should be able to live in a home that is affordably priced, and, at the same time, that Fullerton’s low-massed historic neighborhoods, trees, creeks and open areas that contribute to its unique character, don’t have to be overwhelmed by building new developments in sensitive areas in order to achieve this. We can have both.

I I-5-101

Thank you for your time and attention to these issues,

Sincerely,

Jane Reifer

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