

## 1.0 INTRODUCTION

This document comprises portions of the Final Environmental Impact Report for the proposed Fountain Valley Crossings Specific Plan (FVCSP) Project (Project) that have been revised to include new information and are being recirculated for public review (Partial Recirculated Draft EIR). This section discusses:

- The Environmental Impact Report (EIR) background;
- The legal basis for preparing a Partial Recirculated Draft EIR;
- The scope and content of the Partial Recirculated Draft EIR; and
- The environmental review process.

In accordance with CEQA, this Partial Recirculated Draft EIR provides revised portions of the Final Program EIR that was published for public review in April 2017 (“pre-recirculation Final EIR”). The Partial Recirculated Draft EIR and pre-recirculation Final EIR evaluated the potential environmental impacts of the proposed FVCSP for the City of Fountain Valley, California. The proposed FVCSP area roughly bounded by Ward Street to the west, Talbert Avenue to the north, the Santa Ana River to the east, Ellis Avenue to the south, and is bisected by the Interstate 405 (I-405) freeway, which runs diagonally northwest to southeast through the Project area. The Project area covers approximately 0.24 square miles within the 9.03-square mile City. The proposed FVCSP would guide future reuse of the existing industrial business park land uses present within this area, addressing the type, location, intensity, and design of mixed-use buildings, as well as transportation and public infrastructure improvements.

### 1.1 ENVIRONMENTAL IMPACT REPORT BACKGROUND

CEQA requires preparation of an EIR prior to approval or disapproval of a project with potentially significant environmental impacts. The purpose of the EIR is to provide public agencies and the public detailed information about the potential environmental effects of a proposed project; to recommend mitigation measures to lessen or eliminate adverse impacts; and to examine feasible alternatives to the project. The information contained in the EIR is reviewed and considered by the governing agency prior to the ultimate decision to approve, disapprove, or modify the proposed project.

Pursuant to CEQA, a Notice of Preparation (NOP) of a Program EIR for the proposed FVCSP was distributed on October 15, 2015 for agency and public review for a 30-day review period. The NOP was sent to all relevant agencies, neighborhood groups, and owners/occupants in the Project area and within a 1,000-foot radius. The NOP was published on the City’s Planning Department website, and the City held a public Scoping Hearing on October 28, 2015.

A Program Draft EIR for the proposed project (State Clearinghouse Number #2015101042) was circulated for an extended 47-day public review period from January 6, 2017 to February 22, 2017. During the duration of the 47-day public comment period, a total of 44 individual comment

letters as well as oral testimonies from two City Council members and 13 members of the public were received.

Following release of the Program Draft EIR and closure of the public review period in February 2017, the City prepared and released for public review the pre-recirculation Final EIR on April 27, 2017. The full Program Draft EIR and the pre-recirculation Final EIR are available for public review at Fountain Valley Library located at 17635 Los Alamos Street, or the Planning and Building Department office located at 10200 Slater Avenue in Fountain Valley, CA 92708, or online at:

<http://www.fountainvalley.org/341/Fountain-Valley-Crossings-Specific-Plan>.

The City held a Planning Commission public hearing on May 10, 2017 to provide recommendations to the City Council regarding approval or disapproval of the Project at a City Council public hearing held on June 20, 2017. However, following receipt of several letters from members of the public and interested stakeholders on the pre-recirculation Final EIR, the City made the decision to continue consideration of the Project and to amend and recirculate the Program Draft EIR to address public comments and make other revisions.

## **1.2 PURPOSE AND LEGAL AUTHORITY**

To address comments raised during the Draft EIR and pre-recirculation Final EIR public review process, the City of Fountain Valley has prepared this Partial Recirculated Draft EIR in accordance with CEQA Guidelines Section 15088.5. CEQA Guidelines Section 15088.5(a) states the following with respect to recirculation of an EIR:

*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 for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:*

*(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*

*(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*

*(3) A feasible project alternative or mitigation measure considerably different from the others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.*

*(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*

The CEQA Guidelines Section 15088.5(c) further state the following with respect to recirculation of an EIR:

*If the revision is limited to a few chapters or portions of the EIR, the Lead Agency need only recirculate the chapters or portions that have been modified.*

The City has decided to recirculate those sections of the pre-recirculation Final EIR related to revisions to the cumulative impact analysis, revised Transportation Impact Analysis for the FVCSP (September 2017), a new section to address Tribal Cultural Resources, as well as sections which have been revised to provide clarity and transparency in the discussion of the Project's potential environmental effects to address public comments and concerns.

Regarding revisions to the cumulative impact analysis, the Program Draft EIR released on January 6, 2017 included a Cumulative Projects list and Transportation Impact Analysis (Appendix E) that did not include consideration of buildout of the Southpark Specific Plan-Sakioka Site (Sakioka Site), which is not currently developed but has been planned for an additional 1,017,000 square feet of commercial research park uses under the Southpark Development Plan. As agreed upon by the City and Sakioka Farms in a 1989 Development Agreement, the City is required to consider development of the Sakioka Site to be fully developed and built out at the maximum density permitted by the Southpark Development Plan. Many of the sections provided in this Partial Recirculated Draft EIR are focused on providing updates to the analysis of cumulative impacts to include this project as a pending future project. The Sakioka Site is not currently developed and for the purposes of this EIR, is considered a pending project as defined in CEQA Guidelines Section 15130(b). For this reason, buildout of the Sakioka Site is not included in the physical environmental conditions that serve as the baselines for impact analysis, consistent with Section 15125(a) of the CEQA Guidelines. As such, buildout of the Sakioka Site is considered within the cumulative analysis of the Project and does not affect the existing setting of resources analyzed within the EIR.

### **1.3 EIR SCOPE AND CONTENT**

This Partial Recirculated Draft EIR is consistent with the standards provided in CEQA Guidelines Section 15088.5, which set forth the conditions governing the recirculation of an EIR prior to certification. In accordance with CEQA Guidelines Section 15088.5(d), only the portions of the EIR that have been modified need to be recirculated. The sections of the pre-recirculation Final EIR that are being recirculated are described below. Recirculation of an EIR requires

notices pursuant to CEQA Guidelines Section 15087 and consultation pursuant to CEQA Guidelines Section 15086.

This Partial Recirculated Draft EIR includes only those sections of the pre-recirculation Final EIR that would be affected by the changes made in the revised cumulative projects list, changes in the Transportation Impact Analysis, additional analysis of tribal cultural resources in a new Section 3.14, *Tribal Cultural Resources*, and changes made to address concerns raised in public comment letters received on the pre-recirculation Final EIR. Specific sections from the original pre-recirculated Final EIR, which have been modified are summarized below.

- Section 1.0, *Introduction* – The Introduction has been modified to further describe the Partial Recirculated Draft EIR process and related CEQA requirements.
- Section 3.0, *Environmental Impact Analysis* – Section 3.0.3, *Cumulative Impacts Analysis*, has been revised to update the list of pending and future projects and their relation to the proposed Project, including a discussion of the Southpark Specific Plan - Sakioka Site. This section further clarifies the approach to cumulative analysis within the EIR, which uses both the general plan projection method and list method where appropriate to determine the extent of cumulative impacts.
- Section 3.2, *Air Quality* – This section has been modified to update emissions estimates with the latest version of CalEEMod 2016.3.1, provide expanded discussion on the Project's compliance with South Coast Air Quality Management District (SCAQMD) Rules, include discussion of cumulative impacts with respect to updates in the cumulative projects list, as well as revise appropriate sections of the text in response to public comments received on the Draft EIR and pre-recirculation Final EIR. Mitigation measures MM AQ-1a through 1e and MM AQ-2 have been removed in recognition of the fact that these measures are pre-existing requirements of the SCAQMD, California Air Resources Board (CARB), and State Vehicle Code with which all proposed development within the Project area would be required to comply.
- Section 3.4, *Greenhouse Gas Emissions* – This section has been modified to update GHG emissions estimates with the latest version of CalEEMod 2016.3.1, update the list of regulatory policies and programs with those which have been recently approved and adopted, and provide revisions to the text based on comments receive on the Draft and pre-recirculation Final EIR. This section provides expanded discussion on the Project's consistency with applicable GHG reduction strategies, plans, and regulations, including the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, under Impact GHG-2.
- Section 3.5, *Hazards and Hazardous Materials* – Impact HAZ-4 has been expanded to provide revisions to the text based on comments receive on the Draft and pre-recirculation Final EIR regarding the potential presence of hazardous materials within the Project area.

- Section 3.7, *Land Use and Planning* – This section has been modified to include discussion of cumulative impacts with respect to updates in the cumulative projects list, update the list of regulatory policies and programs with those which have been recently approved and adopted, and provide revisions to the text based on comments received on the Draft and pre-recirculation Final EIR. In particular, Impact LU-2 and Table 3.7-1 have been revised to further expand on the Project’s consistency with applicable policies and plans.
- Section 3.8, *Noise* – This section has been modified to include discussion of cumulative impacts with respect to updates in the cumulative projects list and update the analysis or potential impacts from noise generated by the Project and other cumulative development projects to appropriately reflect updates to the Transportation Impact Analysis (TIA).
- Section 3.9, *Population and Housing* – Section 3.9.1.2, *Housing* has been updated to provide additional information regarding affordable housing within the City, including efforts by the Housing Authority to secure a site for affordable housing within the City.
- Section 3.10, *Public Services* – Section 3.10.4.2, *Cumulative Impacts* has been modified to include discussion of cumulative impacts with respect to updates in the cumulative projects list as well as further information about the City’s ability to ensure adequate public services under the cumulative scenario.
- Section 3.11, *Transportation, Circulation, and Traffic* – This section has been rewritten to reflect updates in the revised TIA. Modifications to this section focus primarily on the updated traffic data, additional discussion on construction and operational impacts, an expanded methodology, and the discussion of cumulative impacts and updated cumulative trip data with respect to the updated cumulative projects list, particularly the Southpark Specific Plan – Sakioka Site. Revisions to this section have resulted in the identification of new significant impacts, consistent with the revised TIA. Due to the extent of revisions, this section has been recirculated as a complete “clean” version, and unlike the majority of recirculated sections, revisions to the text in this section have not been shown in ~~strike through~~ or underline format.
- Section 3.12, *Utilities* – This section includes expanded discussion to provide clarity on the availability of projected water supplies and the ability to meet future water demands as well as new mitigation to ensure the adequacy of utility infrastructure.
- Section 3.14, *Tribal Cultural Resources* – This is a new resource section that considers potential impacts to tribal cultural resources consistent with CEQA State Guidelines and Section 21080.4.3 of the PRC, and describes the Native American consultation process pursuant to the requirements of AB 52 and SB 18. This section addresses potential environmental effects of the Project on sensitive known and undiscovered tribal cultural resources that may exist within the Project area. Because this is a new section, the text in this section is provided in its entirety as a “clean” version, i.e., without underline and ~~strike through~~ revisions

- Section 4.0, *Other CEQA* – This section has been modified to provide revisions to the text based on comments received on the Draft and pre-recirculation Final EIR, including those related to the San Diego fairy shrimp (*Branchinecta sandiegonensis*) and Coastal California gnatcatcher (*Polioptila californica californica*), as well as modifications based on preparation and circulation of a new Section 3.14, *Tribal Cultural Resources* (see discussion above).
- Section 5.0, *Alternatives* – This section has been expanded to provide text clarifications based on comments received on the Draft and pre-recirculation Final EIR regarding alternatives considered but discarded, the range of alternatives, and the ability of a feasible alternative to reduce significant traffic impacts.
- Section 7.0, *References* – This section has been revised to include additional references used to inform the revised analysis of the Partial Recirculated Draft EIR.
- Appendix D – Appendix D, *California Emissions Estimator Model Worksheets*, has been modified to provide worksheets and results of the updated emissions model runs using CalEEMod Version 2016.3.1.
- Appendix E – Appendix E, *Fountain Valley Crossings Specific Plan Traffic Study*, has been modified to include the updated TIA with consideration and analysis of the revised list of cumulatively considered projects and has been provided to inform the analysis provided in Section 3.11, *Transportation, Circulation, and Traffic*.
- Appendix F – Appendix F, *Native American Consultation*, has been modified to include additional letters relating to the Native American consultation process initiated and completed by the City in conformance with Assembly Bill 52 and Senate Bill 18, and are provided to assist in public review of a new Section 3.14, *Tribal Cultural Resources*

No revisions to Section 2.0, *Project Description* have been made and accordingly this section is not included as part of the Partial Recirculated Draft EIR. For a full description of the Project, refer to the pre-recirculation Final EIR (SCH# 2015101042) released in April 2017 which is available at the Fountain Valley Library located at 17635 Los Alamos Street, or the Planning and Building Department office located at 10200 Slater Avenue in Fountain Valley, CA 92708, or online at:

<http://www.fountainvalley.org/341/Fountain-Valley-Crossings-Specific-Plan>.

The numbering of chapters in this Partial Recirculated Draft EIR matches that in the previously circulated Draft EIR and pre-recirculation Final EIR. These sections replace in their entirety the corresponding sections of the original pre-recirculation Final EIR. The level of detail contained throughout this Partial Recirculated Draft EIR is consistent with the requirements of CEQA and applicable court decisions. The CEQA Guidelines provide the standard of adequacy on which this document is based. The Guidelines state:

*An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably foreseeable. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure (Section 15151).*

Since the revisions are limited to a few portions of the EIR, only those chapters of the EIR are included in this Partial Recirculated Draft EIR. Pursuant to CEQA Guidelines Section 15088.5(f)(2), the City requests that reviewers limit their comments to the revised chapters or portions that are included in this Partial Recirculated Draft EIR as the City need only respond to comments on the portions of the EIR that are being recirculated. The recirculated portions upon which comments will be accepted are described above.

#### **1.4 ENVIRONMENTAL REVIEW PROCESS**

This Partial Recirculated Draft EIR is being circulated to public agencies and interested individuals for a 45-day public review and comment pursuant to CEQA Guidelines Section 15088.5(c). As stated previously, pursuant to CEQA Guidelines Section 15088.5(f)(2), the City requests that reviewers limit their comments to the revised chapters or portions that are included in the Partial Recirculated Draft EIR. The City also requests that reviewers not make new comments on previous information not included in this Partial Recirculated Draft EIR, as the City need only respond to comments that relate to the recirculated portions of the EIR.

Following the 45-day public review period, the City will prepare responses to the written comments on the Partial Recirculated Draft EIR and will compile the comments and responses into the Revised Final EIR, which will consist of the following:

- 1) Original pre-recirculation Final EIR dated April 2017 (with the exception of the recirculated portions of the Final EIR);
- 2) Recirculated Portions of the Final EIR (these sections supersede the corresponding sections in the original Draft EIR);
- 3) Comments to the original Program Draft EIR, pre-recirculation Final EIR, and the Partial Recirculated Draft EIR received during the public review periods, and responses to (i) comments received during the initial circulation period that relate to chapters or portions of the original Program Draft EIR and the pre-recirculation Final EIR that were *not* revised or recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the pre-recirculation Final EIR that *were* revised and recirculated; and

- 4) Corrections or additions to the pre-recirculation Final EIR and Partial Recirculated Draft EIR in underline and ~~striethrough~~, as necessary.<sup>1</sup>

The Revised Final EIR will be used, in conjunction with the previous environmental documentation, to enable the City and other interested parties to evaluate the significant environmental impacts associated with the proposed project. The process will culminate with City hearings to consider certification of a Revised Final EIR and approval of the Project.

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<sup>1</sup> As previously discussed, Section 3.11, *Transportation, Circulation, and Traffic* and Section 3.14, *Tribal Cultural Resources* have been provided in their entirety as a “clean” version, i.e., without underline and ~~striethrough~~ revisions.