

State Clearinghouse Number 2008121065

***CENTRAL PARK VILLAGE BREA
GENERAL PLAN AMENDMENT***

Final Environmental Impact Report No. FEIR No. 11-01

Volume 4 of 4

*CITY OF BREA
Community Development Department
Planning Division
Brea, California*

*SID LINDMARK, AICP
Planning. Environmental. Policy
April 24, 2012*

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**STATEMENT OF OVERRIDING CONSIDERATIONS
CENTRAL PARK VILLAGE BREa GENERAL PLAN AMENDMENT
FINAL EIR (SCH 2008121065)**

BACKGROUND

The Central Park Village Brea General Plan Amendment project (the “Project”) is a mixed-use development on the former Brea Hospital site, which is located south of Central Avenue and Site Drive in the Northwest Neighborhoods Focus Area. The Final EIR for the Project identified one potential unavoidable adverse environmental impact that may result from the implementation of the Project, as explained below.

Implementation of the mitigation measures required in the *Mitigation Monitoring Program* will avoid, or substantially reduce all but one of the significant impacts identified in the Central Park Village Brea General Plan Amendment Final EIR (SCH 2008121065). The Project may contribute to a significant cumulative adverse traffic impact at the SR-57 freeway ramps at Lambert Road if ramp improvement construction do not occur concurrent with or in advance of Project occupancy.

As mitigation for the Project’s impacts to traffic at the SR-57 ramps, the applicant will be required to pay its fair share of ramp improvement costs to either the City of Brea Nexus Program or to the Capital Improvement Program. Depending on the implementation agreement with the California Department of Transportation-District 12 (“Caltrans”), the completion of the required ramp improvements may or may not coincide with construction and occupancy of the early phases of the Project. If the required SR-57 freeway ramp improvements at Lambert Road occur before or concurrently with Project occupancy, no unavoidable adverse impact will occur. However, if the SR-57 freeway ramp improvements are not completed prior to Project occupancy, an unavoidable adverse impact will occur. Therefore, the Final EIR states that the Project may have a significant and unavoidable traffic impact.

California CEQA Guidelines Section 15093 states:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'

(b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency must state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Therefore, when a public agency approves a project that will result in significant impacts that cannot be

avoided or substantially reduced, as identified in the Final EIR, the agency must state in writing specific reasons supporting its decision. (CEQA Guidelines, Section 15093 (b).) The Planning Commission of the City of Brea hereby adopts the following Statement of Overriding Considerations.

STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission of the City of Brea has balanced the economic, legal, social, technological and other benefits of the Project against the Project's unavoidable, but significant environmental impacts. Based on substantial evidence in the whole of the administrative record, the Planning Commission hereby determines that the unavoidable impacts of the Project are acceptable in light of the following specific economic, legal, social, technological or other Project benefits. Each benefit set forth below constitutes an overriding consideration independent of the other benefits, despite any potential unavoidable impact.

1. The Project will provide affordable housing units that assist the City in meeting the goals of the City's Housing Element. Specifically, the Project will provide 45 multi-family affordable rental units to moderate income households for 55 years. If converted to for-sale condominiums, the 45 units must be sold to moderate income buyers (with first option to the existing tenants) with a new 45-year "ownership" covenant. The Project also adds a total of 452 dwelling units to the City's housing stock, which will aid the City in meeting its total housing development goals.
2. The Project will participate in a Community Facilities District, thereby contributing funding to support the City's public services.
3. The Project will result in new commercial and medical office services in the Northwest Neighborhoods Focus Study Area.
4. The Project will result in reuse of an underutilized site. The existing medical offices on the Project site are less than 50 percent occupied and the remaining hospital foundation pad and adjacent parking areas have been undeveloped since the hospital closure in 2005.
5. The Project will fund circulation improvements at the Site Drive and Central Avenue intersection, at Lambert Road and State College Boulevard, and at the SR-57 ramps at Lambert Road.
6. The Project will fund its fair share of sewer capacity upgrades downstream from the Project site.
7. The Project will provide Sustainable Design Strategy elements that will contribute toward energy conservation and reduced water usage.
8. The Project will provide a mixture of housing types and sizes in a mixed-use development with onsite recreational amenities near onsite commercial and medical office uses.
9. The Project will provide public access to the onsite private park, onsite shared bicycle route, onsite walkability paths, and periodic community events. The park will be privately-owned and maintained in perpetuity by the applicant or its various owners' association.
10. The Project will provide recreational and social opportunities for onsite residents and residents of the Northwest Neighborhoods.

As described above, the Planning Commission finds that there are economic, legal, social, technological, or other benefits resulting from the Project that serve to override and outweigh the Project's unavoidable significant environmental impact, and thus, the adverse environmental effects of the Project are considered acceptable.

MITIGATION MONITORING PROGRAM

Central Park Village Brea General Plan Amendment (SCH 2008121065)

Mitigation Measures and Timing	Implementing Agency	Reporting Division
LAND USE		
<p>1. Prior to issuance of a grading permit, the applicant shall submit additional plans for physical features, future uses, and community efforts that promote an active street environment along the West Central Avenue frontage and the internal street environment surrounding the Central Park, and plans to promote activity centers for seniors (e.g. rental of the clubhouse or pool/spa quarterly to community groups). The rental plans shall be developed in conjunction with the Community Services Department. These requirements shall be incorporated into the Joint Owners and Tenants Association regulations. The rental plans shall be complete prior to issuance of a Certificate of Occupancy for Building 2. Community Development (Planning Division) and the Community Services Department shall ensure compliance.</p>	City of Brea	Planning Division and Community Services Department
TRAFFIC/PARKING		
<p>2. Prior to issuance of a building permit for Building 2, the applicant shall pay their fair share (10 percent) to restripe the southbound lanes from dual southbound left, two southbound through lanes to allow dual left-turn lanes, shared left/through lane, and shared through/right-turn lane at the Lambert Road and State College intersection. The fair share shall be paid through the City's Nexus Program. Public Works (Traffic Division) shall monitor compliance.</p>	City of Brea	Public Works/Traffic Division
<p>3. The project has a significant impact at the SR-57/Lambert Road interchange in 2017 and 2025. The City has an approved Project Study Report for the SR-57 at Lambert Road interchange. The Department of Transportation, District 12 is the responsible agency for funding and implementation. The project's contribution to a significant cumulative impact at this interchange will be made by its</p>	California Department of Transportation – District 12	Public Works/Engineering Division

<p>payment into the City of Brea Nexus Program or the Capital Improvement Program. The Nexus Program fees must be paid prior to issuance of a building permit. Ramp projects are implemented when included in the State Transportation Improvement Program (STIP) or implemented by local funds (e.g., Measure M).</p>		
<p>4. Prior to issuance of a building permit for Building 1, the applicant shall submit engineering plans for review and approval, fund the reconstruction of the lengthened left-turn pocket westbound on Central Avenue at the project entrance, reconstruct the existing raised median, and modify the existing traffic signal to include east-west left-turn phasing and a video detection system. All improvements shall be consistent with Figure 5-3 in Appendix C and consistent with the final improvement plans received and approved by Public Works (Engineering Division). Public Works (Engineering Division) shall ensure compliance.</p>	<p>City of Brea</p>	<p>Public Works/Engineering Division.</p>
<p>AIR QUALITY</p>		
<p>5. The applicant and their contractors shall comply with all feasible Best Available Control Measures (BACM) included in Rule 403 included in Table 1: Best Available Control Measures Applicable to All Construction Activity Sources. In addition, the project shall comply with at least one of the following Track-Out Control Options: (a) Install a pad consisting of washed gravel (minimum-size: one inch) maintained in a clean condition to a depth of at least six inches and extending at least 20 feet wide and 50 feet long, (b) Pave the surface extending at least 100 feet and a width of at least 20 feet wide, (c) Utilize a wheel shaker/wheel spreading device consisting of raised dividers (rails, pipe, or grates) at least 24 feet long and 10 feet wide to remove bulk material from tires and vehicle under carriages before vehicles exit the site, (d) Install and utilize a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the site, (e) Any other control measures approved by</p>	<p>City of Brea</p>	<p>Public Works/Engineering Division</p>

<p>the Executive Officer and the U.S. EPA as equivalent to the methods specified items (a) through (d) above. Grading onsite is limited to a maximum of 5,000 cubic yards per day. Individual BACM in Table 1 that are not applicable to the project or infeasible, based on additional new project information, may be omitted only if Public Works (Engineering Division) specifies in a written agreement with the applicant that specific BACM measures may be omitted. Any clarifications, additions, selection of alternative measures, or specificity requires to implement the required BACM to the project shall be included in the written agreement. The written agreement shall be completed prior to issuance of a demolition and/or grading permit for the project. Public Works (Engineering Division) shall include the written agreement within the Mitigation Monitoring Program for the project and ensure compliance.</p>		
<p>6. To reduce VOC emissions, the applicant shall use paint with low ROG emissions (VOC/ROG emission rate of less than 0.80 pounds per gallon), limit painting to eight hours per day, use paint thickness of 0.75 millimeters or less, use water-based and low-VOC coatings with ROG emissions of less than 8.0 pounds per 1,000 square feet of painted surface, and use high-volume, low pressure sprayers. Community Development (Building Division) shall ensure compliance.</p>	<p>City of Brea</p>	<p>Building Division</p>
<p>CLIMATE CHANGE</p>		
<p>7. The applicant shall implement all aspects for landscaping, structure, site, building performance, systems, finishes and furnishings, included in the Final Sustainable Design Strategies as approved by Community Development (Planning and Building Divisions), to reduce energy use, air pollutant emissions and the generation of project greenhouse gas emissions. The applicant shall also implement the eleven measures listed below to reduce the project's contribution to cumulative GHG emissions. The measures, which are identified by the Code in Appendix A4 for</p>	<p>City of Brea</p>	<p>Building Division</p>

Residential Uses and Appendix A5 for Non-residential uses are listed in the 2010 California Green Building Standards Code:

Residential (Appendix 4A)

1. Turf areas onsite shall be limited to less than 25 percent (A4.106.3).

2. Not less than 20 percent of the total parking, walking or patio surfaces shall be permeable. This requirement does not include parking garages (A4.106.4).

3. Roof covering shall have a minimum 3-year aged solar reflectance and thermal emittance or minimum reflectance index (SRI) greater than or equal to the values specified in Table A4.106.5 (A4.106.5).

4. Duct leakage testing shall be performed to verify a total leakage rate of less than 6 percent of total fan flow (A4.207.8).

5. The Energy Factor (EF) for gas fired tankless water heaters shall be 0.80 or higher (A4.208.2).

6. The maximum flow rate at kitchen sink faucets shall not be greater than 1.5 gpm at 60 psi (A4.303.1).

7. Construction waste generated at the site diverted to recycle or salvage shall be at least a 65 percent reduction in waste flows (A4.408.1).

Non-Residential (Appendix 4B)

1. Each appliance provided by builder/lessee shall meet the Energy Star rating if an Energy Star designation is applicable to that appliance (A5.204.1).

2. Plumbing fittings and fixtures shall provide an overall potable water use savings of 30 percent (A5.303.2.31).

3. Resilient flooring systems (80% of floor area) shall comply with VOC emitting limits defined in 2009 CHPS criteria (A5.504.4.7).

<p>4. Insulation, acoustical ceiling and wall panels shall comply with VOC emitting limits defined in 2009 CHPS criteria (A5.504.4.8, an A5.504.4.9).</p> <p>Community Development (Building Division) shall ensure compliance through third party contract or in-house inspection.</p>		
NOISE		
<p>8. Prior to the issuance of building permits, a comprehensive building attenuation study, based on architectural plans and the final grading plan for each building, shall be prepared by a qualified acoustical professional and submitted by the applicant to Community Development (Building Division). Existing noise conditions shall be monitored for a minimum of 24 hours. Each building attenuation study shall meet the standards in the Mixed-Use Zoning District (MU-II) and specify the noise reduction measures required so that all dwelling units onsite will meet the 45 CNEL interior standard for all dwelling units locations for a timeframe ten years beyond the date of building permit submittal. All retail commercial buildings must meet the 55 CNEL interior standards and offices a 50 CNEL interior standard. Community Development (Planning Division and Building Division) shall ensure compliance.</p>	City of Brea	Planning Division and Building Division
<p>9. The applicant shall submit a Material Reuse Plan to identify any equipment used to grind or crush existing roadway and surface parking materials and concrete for reuse onsite. The plan shall identify equipment used, proposed location and timeframes for the operations. The applicant shall implement all requirements specified by Community Development to reduce noise and air quality impacts on adjacent offsite and onsite land uses. Community Development (Planning and Building Divisions) shall ensure compliance.</p>	City of Brea	Planning Division and Public Works/Engineering Division
<p>10. Prior to issuance of a building permit for construction of Phase 3 and Phase 4, the applicant shall submit an acoustical study prepared by a qualified professional assessing</p>	City of Brea	Planning Division and Building Division

<p>the type of noise barrier required along the southern project perimeter to comply with the exterior daytime and nighttime noise standards of Section 8.20.050 of the Noise Ordinance. Existing noise conditions shall be monitored for a minimum of 24 hours. The exact barrier location, height, material and noise attenuation characteristics of the barrier shall be based on the final grading plan and detailed architectural plans. The barrier study must be approved by Community Development (Building Division) prior to issuance of a building permit. Community Development (Planning and Building Divisions) shall ensure compliance.</p>		
HAZARDS		
<p>11. Prior to issuance of a demolition permit for the existing five medical buildings onsite, the applicant shall submit a sampling report(s) for asbestos contaminated building materials (ACBM). The applicant shall implement all recommendations consistent with OSHA and SCAQMD regulations included in the approved final report. Community Development (Building Division) shall ensure compliance.</p>	City of Brea	Building Division
<p>12. Construction contracts shall require construction contractors to dispose of all hazardous or solid waste and debris encountered or generated onsite during site clean-up, demolition and construction in accordance with all applicable federal, state and local laws and regulations. The applicant shall submit evidence of same to Public Works (Engineering Division) and Community Development (Building Division) prior to issuance of a demolition or grading permit.</p>	City of Brea	Public Works/Engineering and Building Division
<p>13. The applicant shall submit a Hazardous Materials Contingency Plan addressing the potential for discovery of unidentified USTs, hazardous materials, petroleum hydrocarbons, or hazardous or solid waste encountered during construction. The Contingency Plan shall address UST decommissioning, field screening and materials testing methods, mitigation and contamination management requirements and</p>	City of Brea	Fire Services Department and Public Works/Engineering Division

<p>health and safety requirements. The Plan shall be reviewed by the Fire Services Department and Public Works (Engineering Division) prior to issuance of a grading permit. The Fire Services Department and Public Works (Engineering Division) shall ensure compliance.</p>		
<p>14. The applicant shall submit all available information to the Fire Services Department regarding the former 500-gallon UST located on the west side of the hospital that was removed in 1994. If the applicant cannot provide any documentation of the UST closure with agency oversight and associated subsurface testing in accordance with current standards and regulations (including sampling for MTBE), the applicant shall submit a proposal to the Fire Services Department to locate the UST or UST excavation using geophysical methods. The Orange County Health Agency (OCHA) shall independently review the applicant's proposed sampling and testing program prior to initiation. If based on the results of the geophysical survey, the UST is still present it shall be closed under the oversight of the OCHA. If soil or contamination is found onsite, the applicant shall prepare and submit its findings to OCHA. OCHA will likely request a Work Plan for additional assessment or remediation. All requirements of a OCHA approved Work Plan shall be implemented and evidence of same submitted to the Fire Services Department. If the UST was removed, soil in the vicinity of the UST backfill shall be assessed under the oversight of OCHA and case closure obtained. All sampling, testing and approval of procedures and reports shall be completed by the applicant prior to issuance of a grading permit. The Fire Services Department shall ensure implementation of this measure.</p>	<p>Orange County Health Care Agency and City of Brea</p>	<p>Orange County Health Care Agency and the Brea Fire Services Department</p>
<p>WATER SUPPLY</p>		
<p>15. The applicant shall install a potable water use system onsite for irrigation purposes with dual main supply valves to the water supply system; one valve for potable water</p>	<p>City of Brea</p>	<p>Building and Public Works/ Engineering Divisions</p>

<p>and a second alternative valve for non-potable water if and when it becomes available in the future. Public Works (Engineering Division) shall specify the location for the valves and Community Development (Building Division) shall specify the requirements for the internal irrigation system. Irrigation plans shall be submitted with each building permit application. Public Works (Engineering Division) and Community Development (Building Division) shall ensure compliance.</p>		
SEWER CAPACITY		
<p>16. The applicant shall fund its fair share of \$46,704 for the design, construction and administration of replacing 74-feet of the linear reach of the 12-inch diameter wastewater line located across West Lambert Road, 194-feet of the linear reach of the 15-inch diameter wastewater line located west of Brea Canyon Channel and just south of west Lambert Road, and 381-feet of the linear reach of the 15-inch diameter wastewater line located west of Brea Canyon Channel and just north of Imperial Highway. The applicant shall also prepare the improvement plans and the cost estimate for approval by the City Engineer. The plans and cost estimate shall be submitted prior to issuance of a Building Permit for Phase 2 Construction. Construction of the required improvements shall be completed prior to issuance of a Certificate of Occupancy for Phase 3 or when Public Works (Engineering Division) specifies that flow monitoring indicates the improvements are required. The applicant shall provide the improvement bond for fair share funding and the two studies listed above, acceptable to the Engineering Division, prior to recordation of the Subdivision Map. Public Works (Engineering Division) shall ensure compliance.</p>	<p>City of Brea</p>	<p>Public Works/Engineering Division</p>
PUBLIC SERVICES		
<p>17. Prior to final map approval, the applicant shall agree to the formation of a Communities Facilities District (CFD) for the project, and the CFD shall be in</p>	<p>City of Brea</p>	<p>Administrative Services, Public Works, Community Development, Fire Services and Community Services Departments</p>

<p>place or to an alternate funding mechanism acceptable to the City. Any CFD shall meet all City and State requirements for CFDs and have the approval of the Administrative Services, Public Works, Community Development, Fire Services and Community Services Departments. Public Works (Engineering Division) and Community Development (Planning Division) shall ensure compliance.</p>		
City of Brea, Planning Division, April 2012		

Response to Comments

State Clearinghouse Number 2008121065

***CENTRAL PARK VILLAGE BREA
GENERAL PLAN AMENDMENT***

Final Project EIR NO. 11-01

Volume 3 of 3

RESPONSE TO PUBLIC COMMENTS

*CITY OF BREA
Community Development Department
Planning Division
Brea, California*

*SID LINDMARK, AICP
Planning . Environmental . Policy
March 1, 2012*

FINAL PROJECT EIR NO. 11-01
VOLUME 3 of 3: RESPONSE TO PUBLIC COMMENTS

CENTRAL PARK VILLAGE BREA
GENERAL PLAN AMENDMENT

SCH 2008121065

March 1, 2012

Prepared for:

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Section 10.0: Response to Public Comments

Section 10.1: Public Notices

The Central Park Village Brea General Plan Amendment Draft *EIR* (SCH 2008121065) was circulated for local public review from June 1, 2011 to July 15, 2011. The *Notice of Completion of an Environmental Impact Report and Public Hearing* (“*Notice of Completion*”) was filed with the State Clearinghouse and posted on the City’s website. The Governor’s Office of Planning and Research correspondence of July 15, 2011 indicates the City has complied with the State Clearinghouse’s CEQA review requirements. Copies of the *Notice of Availability* were forwarded to over forty local agencies and citizens and to the City of Brea Public Library. The *Notice of Availability* was published in the Brea Star Progress and Proof of Publication for the notice is included herein. The Notice of Availability of the Draft EIR was posted at City Hall, at the project site, and on the City’s website, www.cityofbrea.net. Copies of Draft EIR No. 11-01 on CD-R disks were available at the Planning Division, on the City’s website and at the local library.

Section 10.2: Public Comments on the Draft EIR and Responses by the City of Brea (e.g. Lead Agency

Comments on the Draft EIR were received from four public agencies and five other parties (residents or companies). Two public notices and the comment letters received on the Draft EIR are included below, along with the City’s response to the public comments. City responses to environmental issues raised in the correspondence are included below and were addressed consistent with CEQA Guidelines Sections 15088, 15132, and 15204.

1. California Department of Transportation, District 12, June 24, 2011 – Page 4
2. Governor’s Office of Planning and Research, July 15, 2011 – Page 9
3. City of La Habra, June 23, 2011– Page 10
4. Inoka Khalid, 824 Atkins Lane, Brea, California, July 6, 2011 – Page 13
5. Jeffrey R. Maisch, Jr., Aera Energy LLC, July 8, 2011 – Page 14
6. Jeffrey R. Maisch, Project Manager, Aera Energy LLC, July 15, 2011 – Page 14
7. Sheila and Art Groscost, 352 Trabuco Canyon Way, Brea, CA, July 13, 2011 – Page 16
8. Peggy Llewellyn, 370 Trabuco Canyon Way, Brea, CA, July 15, 2011 - Page 17
9. Sapetto Group Inc., 231 E. Memory Lane, Santa Ana, CA (July 15, 2011) - Page 18 - 25
10. Native American Heritage Commission (June 14, 2011) - Page 26
11. Orange County Sanitation District (July 14, 2011) - Page 27
12. Orange County Public Works (July 18, 2011) - Page 29
13. Notice of Completion of a Draft EIR, May 26, 2011- Page 32
14. Notice of Availability and Proof of Publication: Brea Star Progress, May 26, 2011 - Page 34

1. **California Department of Transportation, District 12 (June 24, 2011).**

1-1 The introductory paragraph summarizes the project and no response is required. Comments 1, 3 – 6 in the correspondence are informational and so noted. No new environmental issues are raised by these comments.

An HCM analysis for the freeway intersections was included in Appendix D: HCM Calculations in the current traffic study. The project will not impact the SR-57 mainline, as stated in Comment 1. The traffic study provided a freeway mainline analysis in Table 4-6, p. 4-12, and concluded the project had a Less than Significant Impact on the mainline freeway.

Austin-Foust Associates has provided responses to all other Caltrans comments in the enclosed memorandum dated September 16, 2011 (AFA01 – AFA06).

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF TRANSPORTATION
District 12
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PLANNING DIVISION

File your power!
Be energy efficient!

FAX & MAIL

June 24, 2011

Adrienne Gladson, AICP, Senior Planner
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Community Development 3rd Floor
1 Civic Center Circle
Brea, CA 92869

File: IGR/CFQA
SC1#: 2008121065
Log #: 2176-A & B
SR-57

Subject: Central Park Village Mixed Use Project Draft EIR

Dear Ms. Gladson,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) on the Central Park Village Mixed Use Project**. The proposed project includes demolition of five existing medical office buildings totaling 89,000 square feet and removal of Brea Community hospital pad onsite. The project proposes 30,000 square feet of commercial uses, 35,000 square feet of medical offices, and 452 dwelling units. The residential component includes 83 single family attached townhomes and 369 multi-family rental apartments. The apartments will be converted to condominiums at a later date. The project is located at West Central and Tamarack Avenue in the city of Brea. The nearest state route to the project site is SR-57.

The Department of Transportation (Department) is a commenting agency on this project and has the following comments:

1. This project will impact the SR-57 mainline, ramps and intersections. Impacts of development causing operating conditions to deteriorate to deficient levels of service, or impacts adding to an existing deficient level of service condition require mitigation.
2. The Department has interest in working cooperatively to establish a Traffic Impact Fee (TIF) program to mitigate such impacts on a "fair share" basis. Local development project applicants would pay their "fair share" to an established fund for future transportation improvements on the state highway system. If there is an existing TIF program, it can be amended to include mitigation for the state highway system or a new TIF program may be considered. The Department requests the opportunity to participate in the TIF for state highway improvements development process.
3. The Department requests to participate in the process to establish and implement "fair share" mitigation for the aforementioned project impacts. The Department has an established methodology standard used to properly calculate equitable project share

"Caltrans improves mobility across California."

CALTRANS01



MEMORANDUM

TO: Sid Lindmark
FROM: Cassandra Carlin
DATE: September 16, 2011
SUBJECT: RESPONSE TO CALTRANS/AERA COMMENTS ON EIR

Austin-Foust Associates, Inc. has prepared the following response to comments received from Caltrans and Aera:

CALTRANS COMMENTS OF 6/24/2011

Response to Caltrans Item 1: The traffic study analyzes the project impacts for the SR-57 mainline, ramps and intersections for two timeframes: 2017 and 2025. The project has impacts, as disclosed in the DEIR. The Project impacts are for two ramp locations: SR-57 southbound off-ramp at Lambert Road, and the SR-57 northbound on ramp at Lambert Road.

Response to Caltrans Item 2 and 3: The City is updating the Transportation Improvement Nexus Program. The update includes a contribution of \$10,000,000 towards the rebuilding of the SR-57/Lambert interchange.

Response to Caltrans Item 4: The currently on-going PA/ED study for the interchange is the mechanism for proceeding with the construction of mitigation measures, advancement of funds and the identifying the areas where acquisition of rights-of-way will be needed.

Response to Caltrans Item 5: There are no specific Caltrans criterion for mainline impacts, and the City will coordinate with Caltrans with respect to on-going improvement projects on portioning the State Highway system within the City.

Response to Caltrans Item 6: Comment noted. Memo dated September 16, 2011 (p. 2)

contribution. This can be found in Appendix B of the Department's Guide for the Preparation of Traffic Impact Studies which is available at:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

4. The Department, in accordance with Section 130 of the California Streets and Highways Code, may enter into a contract with the lead agency to provide the mitigation measures listed in the EIR. This may include construction of the mitigation measures, the advancement of funds (proportional to the fair-share cost) to pay for mitigation measures, or the acquisition of rights-of-way needed for future improvements to the state highway system.
5. For CEQA purposes, the Department does not consider the Congestion Management Plan (CMP) significance threshold of an increase in v/c more than 1% ramps or 3% for mainline appropriate. For analysis of intersections connecting to State facilities, ramps and freeway mainline, we recommend early coordination occur to discuss level of significance thresholds related to traffic and circulation.
6. The Department supports General Plans that foster efficient land-use pattern that (a) support improved mobility and reduced dependency on single-occupant vehicle trips, (b) accommodates an adequate supply of housing for all incomes, (c) reduce impacts on valuable habitat, productive farmland, and air quality, (d) increase resource use efficiency, and (e) result in safe and vibrant neighborhoods. The Department recognizes that non-motorized travel is a vital element of the transportation system and therefore, encourages communities to make pedestrian and bicycle activity possible, thus expanding transportation options, and creating a streetscape that better serves a range of users: pedestrians, bicyclists, transit riders, and automobiles.
7. The Department's Traffic Operations Branch requests all applicants to use the method outlined in the latest version of the Highway Capacity Manual (HCM) when analyzing traffic impacts on State Transportation Facilities. The use of HCM is preferred by the Department because it is an operational analysis as opposed to the Intersection Capacity Utilization (ICU) method, which is a planning analysis. In the case of projects that have direct impacts on State Facilities, the Department recommends that the traffic impact analysis be based on HCM method. Should the project require an encroachment permit, Traffic Operations may find the Traffic Impact Study based on ICU methodology inadequate resulting in possible delay or denial of a permit by the Department. All input sheets, assumptions and volumes on State Facilities including ramps and intersection analysis should be submitted to the Department for review and approval. The EIR should include appropriate mitigation measures to offset any potential impacts. The traffic impact on the state transportation system should be evaluated based on the Department's Guide for the Preparation of Traffic Impact Studies which is available at:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>
8. Analysis provides a volume to capacity analysis for freeway on and off ramps. A density analysis is requested. Provide ramp merge/diverge analysis for ramps along SR-57 and Lambert Road.
9. Provide a queue analysis for intersections at SR-57 and Lambert Road. The concern is the possible spilling of vehicles onto the freeway mainline.

Memo dated September 16, 2011 (p. 2)

Response to Caltrans Item 7: The HCM worksheets can be found in Appendix D. The mitigation measures are identified on page 4-15 of the traffic study.

Response to Caltrans Item 8: Table 4-5 of the traffic study provides a volume to capacity analysis for the on/off ramps and Table 4-6 provides a volume to capacity analysis for the freeway mainline. A density analysis was also performed and the results are shown in Table 1. As can be seen, there are no significant impacts.

Response to Caltrans Item 9: The queue analysis was performed and the results are summarized here in Table 2. As shown, there is enough storage on the ramp to accommodate the with-project conditions for all timeframes analyzed.

Response to Caltrans Item 10: The PHF factors were calculated from the actual counts per request. The AM PHF ranges from .90 to .92 and the PM PHF factors range from .96 to .97. The traffic study results are based on a global PHF of .95, consistent with procedures for future volumes on state and local highway facilities. The supporting back-up data is enclosed here (page 7 and 8).

Response to Caltrans Item 11: There is no reduction in volumes due to RTOR. The ICU calculations and the Synchro HCM calculations apply a capacity allowance for such turns.

Response to Caltrans Item 12: Per the City Traffic Engineer, the existing cycle length is 110 seconds and is anticipated to be 120 seconds in the future.

Response to Caltrans Item 13: The internal trips are removed before the pass-by trip reduction factor is applied. The footnote (**) referring to the pass-by factor contained an error, which has been corrected. The correct pass-by factor is .40 and the attached Table 3-1 is revised accordingly. The corrected footnote now reads: "*** To account for trips that come from the everyday traffic stream (existing traffic on Central Ave), a 40% retail pass-by reduction was used for the PM peak hour and daily trips based on the 2nd edition Trip Generation Handbook rate."

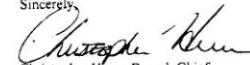
Response to Caltrans Item 14: The trip distribution is taken directly from the Brea Area Traffic Model (BATM), which is a subarea model based on the parent OCTAM model. As such, it uses the same distribution as used for all local and regional analyses in Orange County.

Response to Caltrans Item Response 15: The currently on-going PA/ED for the SR-57/Lambert interchange is evaluating the alternatives.

10. The use of Peak Hour Factors (PHF) derived from actual count data is requested rather than a global value of 0.95.
11. Provide actual count data for The Department of Transportation facilities that substantiates the Right Turn On Red (RTOR) volume reductions.
12. Verify with The Department of Transportation Electrical Systems that the cycle lengths used in the analysis of 120 seconds are the actual cycle lengths.
13. Per the ITE Trip Generation Handbook, "Pass-by trips are only applicable to trips that enter or exit the site, not internal trips." The pass-by trip reduction row from Table 3-1 does not remove the internal trips before applying the pass-by trip reduction.
14. The proposed project will be in close proximity to SR-57. As such it is expected a greater number of project generated traffic will be using SR-57. Therefore, it is expected that the trip distribution rates should be greater east of the project and greater along SR-57 than what is presented in the analysis.
15. Detail and analyze the proposed improvements from the stated Project Study Report that will provide adequate capacity for future volumes at the impacted SR-57/Lambert Road ramps.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

Sincerely,


Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

Table 1: Year 2025 Merge/Diverge Analysis

Location	AM Peak Hour				PM Peak Hour				
	Volumes		Density	LOS	Volumes		Density	LOS	
	Fwy.	Ramp			Fwy.	Ramp			
SR-57 at Lambert Road									
No Project	NB Diverge	10,350	1,453	44.8	E	10,880	1,232	45.3	E
	NB Merge	8,897	860	40.6	F*	9,648	1,948	51.6	F
	SB Diverge	15,240	2,114	97.2	F	12,360	1,017	70.8	F
	SB Merge	13,126	995	78.6	F	11,343	1,375	52.5	F
With Project	NB Diverge	10,350	1,480	44.9	E	10,880	1,260	45.5	E
	NB Merge	8,870	880	40.7	F*	9,620	1,960	51.6	F
	SB Diverge	15,240	2,120	97.2	F	12,360	1,040	70.8	F
	SB Merge	13,120	1,020	78.8	F	11,342	1,340	52.2	F

LOS Criteria based on Density (pc/mi/ln):
 A ≤ 10 D > 28 - 35
 B > 10 - 20 E > 35
 C > 20 - 28 F Demand exceeds capacity

Bold = Level of service (LOS) "E" or "F"

*Volume in right two lanes (V₁₂) exceeds maximum desirable volume of 4,400 vph for diverge locations.

4

Table 2: Year 2025 SR-57 at Lambert Road Interchange Queue Analysis

Location	Northbound Ramps			Southbound Ramps		
	AM Queue ⁽¹⁾	PM Queue ⁽¹⁾	Ramp Storage ⁽²⁾	AM Queue ⁽¹⁾	PM Queue ⁽¹⁾	Ramp Storage ⁽²⁾
2025 No Project	538'	530'	1,000'	895'	420'	1,770'
2025 With Project	538'	542'	1,000'	907'	428'	1,770'

Notes:
 (1) Queue length is 95th percentile queue as measured from the intersection.
 (2) Storage is length of off-ramp past the diverge point to the intersection.

Bold = queue exceeds storage length

5

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AFA03

AERA ENERGY COMMENTS OF 7/15/2011

Item 1: The AFA traffic study omits the proposed Aera Master Planned Community from the Cumulative Projects considered in the 2025 traffic model.

AFA Response: The existing and future land use assumptions in the traffic model were recently updated and supplied to us by the City in November 2009. The land use update was performed for the Nexus update and those land uses were also used in the Central Park Village traffic study. Although the Aera project does not show up in the traffic zones within the City of Brea, the traffic model retains the parent model's (OCTAM) land use assumptions for LA County area, which may account for a majority of the Aera project. Any traffic from this development directly accessing Brea Canyon Road is not accounted for and will be part of the FIR for that development.

Item 2: Neither the traffic study nor the EIR section includes a discussion of Brea Canyon Road capacity or impacts of adding Project traffic to that roadway.

AFA Response: Brea Canyon Road is not addressed in this traffic study because the proposed project will add 125 daily trips to this roadway, which is 0.625 percent of the total forecast volume (2025 volume is 20,000 ADT). The trip distribution of three percent is applied to the total project increment. The trip distribution is taken directly from the Brea Area Traffic Model (BATM), which is a subarea model based on the parent OCTAM model. As such, it uses the same distribution as used for all local and regional analyses in Orange County. Trips on this roadway are destined for LA County, which has few destination areas (e.g., employment) within close proximity, particularly given the large number of destinations in Brea and the surrounding part of Orange County.

Item 4: We question whether CEQA allows the City to continue to approve mitigation of specific project impacts relying on a Nexus Program that is 1) many years out of date, 2) that may not reflect current General Plan assumptions, 3) that when updated, may require improvements that are either not feasible or result in significant environmental impacts themselves, and 4) is assessing fees that may not be consistent with the costs of implementing an updated program of improvements.

AFA Response: (1) The City of Brea has performed an update of the Nexus Program, and is finalizing the cost assumptions. A draft dated May 19, 2011 is under review by the City and is targeted for adoption by the City Council by the end of this year.

(2) The current General Plan assumptions are incorporated into the most recent version of the BATM.

(3) The improvements identified in the currently circulating draft are feasible and do not result in significant environmental impacts themselves. It is suggested that Aera contact the City directly to discuss a possible review of the proposed mitigation measures.

(4) The updated fees are consistent with the costs of implementing an updated program of improvements. Again, it is suggested that Aera contact the City directly in order to discuss data that is not yet publicly available.

6

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AFA04

TRAFFIC DATA SERVICES, INC.
(714) 541-2228
Summary of Vehicular Turning Movements

N/S ST: SR-57 SB ON/OFF RAMPS
E/W ST: LAMBERT RD
CITY: BREA

FILENAME: 0381102
DATE: 4/15/2008
DAY: TUESDAY

PERIOD BEGINS	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			Total
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
LANES:	X	X	X	1.5	X	1.5	X	2.5	1.5	2	3	X	
7:00 AM				181		107		299	201	60	390		1238
15 AM				191		93		242	156	78	405		1165
30 AM				261		120		363	175	79	467		1465
45 AM				246		135		417	158	60	574		1590
8:00 AM				240		132		294	179	81	500		1426
15 AM				219		110		270	156	90	422		1267
30 AM				195		122		226	189	79	376		1187
45 AM				214		153		207	184	71	366		1195

PEAK HOUR BEGINS AT: 7:30 AM PHF: 0.9
VOLUMES = 966 497 1344 668 310 1963 5748

FILENAME: 0381102P
DATE: 4/16/2008
DAY: WEDNESDAY

PERIOD BEGINS	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			Total
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
4:00 PM				73		129		302	220	63	334		1121
15 PM				113		194		321	176	61	349		1214
30 PM				111		151		295	227	77	420		1281
45 PM				120		141		332	224	68	350		1235
5:00 PM				101		126		317	271	102	414		1331
15 PM				93		150		318	245	95	438		1339
30 PM				108		142		279	251	57	368		1205
45 PM				114		165		297	204	70	371		1221

PEAK HOUR BEGINS AT: 1:30 PM PHF: 0.97
VOLUMES = 425 568 1262 967 342 1622 5186

COMMENTS:

AFA05

TRAFFIC DATA SERVICES, INC.
(714) 541-2228
Summary of Vehicular Turning Movements

N/S ST: SR-57 NB ON/OFF RAMPS
E/W ST: LAMBERT RD
CITY: BREA

FILENAME: 0381103A
DATE: 4/15/2008
DAY: TUESDAY

PERIOD BEGINS	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			Total
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
LANES:	2	X	1	X	X	X	2	3	X	X	2.5	1.5	
7:00 AM	174		67				74	352		346	91	1104	
15 AM	250		96				76	387		297	98	1204	
30 AM	252		147				73	555		304	112	1443	
45 AM	288		114				79	563		314	69	1427	
8:00 AM	224		91				65	451		352	74	1257	
15 AM	232		75				75	403		325	68	1178	
30 AM	278		109				63	340		261	102	1153	
45 AM	212		98				71	325		199	61	966	

PEAK HOUR BEGINS AT: 7:15 AM PHF: 0.92
VOLUMES = 1014 448 293 1956 1267 353 5331

FILENAME: 0381103P
DATE: 4/15/2008
DAY: TUESDAY

PERIOD BEGINS	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			Total
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
4:00 PM	140		86				76	262		278	157	999	
15 PM	157		75				96	273		289	171	1061	
30 PM	165		73				105	301		283	198	1125	
45 PM	109		67				95	286		284	176	1017	
5:00 PM	198		67				88	281		362	190	1186	
15 PM	163		70				102	307		315	210	1167	
30 PM	167		68				106	323		300	149	1113	
45 PM	198		88				89	301		290	132	1098	

PEAK HOUR BEGINS AT: 1:00 PM PHF: 0.96
VOLUMES = 726 293 385 1212 1267 681 4564

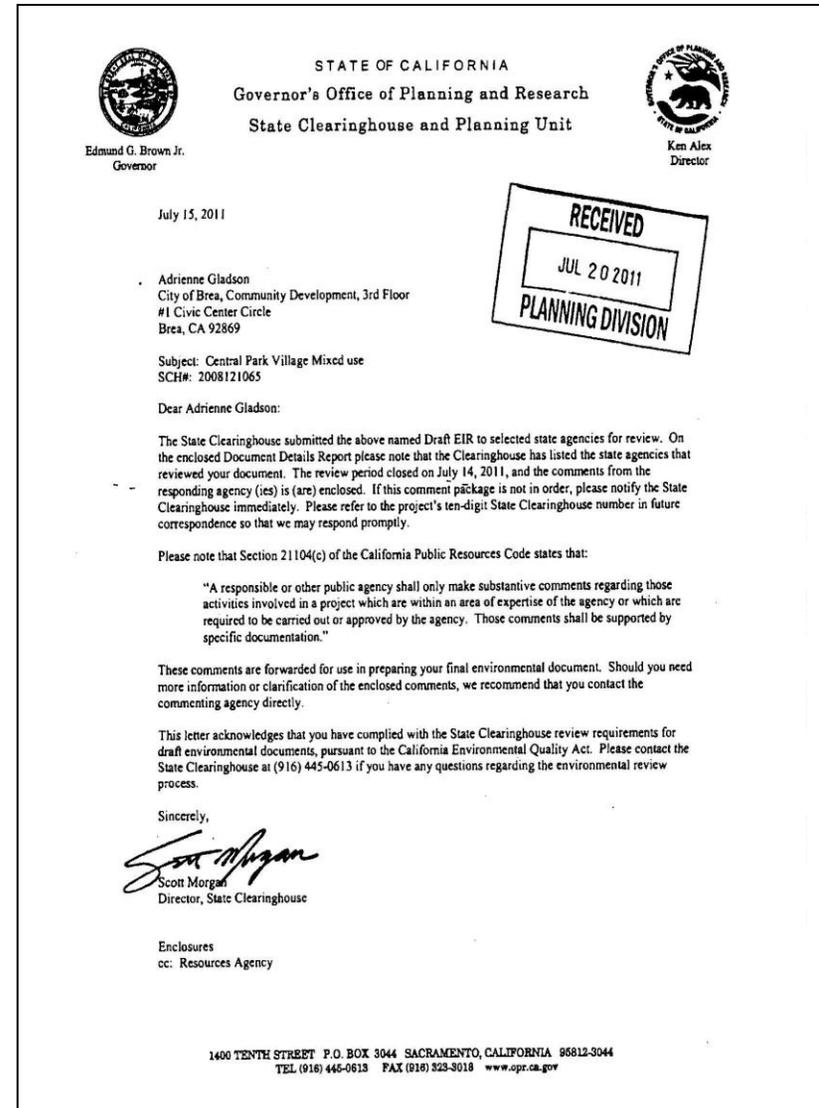
COMMENTS:

AFA06

2. **Governor's Office of Planning and Research (July 15, 2011).**

2-1 The OPR correspondence acknowledges that the City has complied with the State Clearinghouse CEQA review requirements and that the state public review period closed on July 14, 2011. (The local review period also closed on July 15). Since the OPR comments do not raise any new environmental issues, no further response is necessary.

Two state agencies, the California Department of Transportation-District 12 (see Letter No. 1) and the Native American Heritage Commission (see Letter No. 10) submitted comments.



OPR01

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008121065
Project Title Central Park Village Mixed use
Lead Agency Brea, City of

Type EIR Draft EIR
Description The project includes demolition of five existing medical office buildings totaling 89,000 sf and the removal of the former Brea Community Hospital pad onsite. The hospital was closed in April 2005 and demolished in March 2006. The project proposes 31,000 sf of commercial uses, 45,000 sf of medical offices and 540 dwelling units. The residential component includes 96 single-family attached townhomes (condominiums) and 444 multi-family rental apartments. The apartments will be converted to condominiums at a later date.

Lead Agency Contact
Name Adrienne Gladson
Agency City of Brea, Community Development, 3rd Floor
Phone (714) 990-7674 **Fax**
email
Address #1 Civic Center Circle
City Brea **State** CA **Zip** 92869

Project Location
County Orange
City Brea
Region
Lat / Long
Cross Streets W. Central Avenue & Tamarack Avenue
Parcel No. 296-241-03, -04, -05
Township **Range** **Section** **Base**

Proximity to:
Highways SR 57
Airports
Railways
Waterways
Schools
Land Use GP: Light Industrial
 Z: M-P, Planned Industrial

Project Issues Aesthetic/Visual; Air Quality; Economics/Jobs; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Landuse

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Department of Housing and Community Development; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; Statewide Health Planning

Date Received 05/31/2011 **Start of Review** 05/31/2011 **End of Review** 07/14/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

OPR2

STATE OF CALIFORNIA Edward G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
 016 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5300
 Web Site www.nahc.ca.gov
 e-mail: da_nahc@pacbell.net

CLBZ
 7/14/11
 June 14, 2011



Ms. Adrienne Gladson, AICP
CITY OF BREACOMMUNITY DEVELOPMENT DEPARTMENT
 1 Civic Center Circle
 Brea, CA 92869

Re: Tribal Consultation Per Government Code §§ 65092, 65351, 65352.3, 65352.4, 65560 and 65562.5 (SB 18) for General Plan for Central Park Village - Mixed-Use," SCH#2008121065 draft Environmental Impact Report (DEIR); City of Brea, Los County, California

Dear Ms Gladson:

Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. The Native American Heritage Commission is the state "trustee agency" designated for the protection of Native American Cultural Resource pursuant to CA Public Resources Code §21070. Attached is a consultation list of tribes with traditional lands or cultural places located within the Project Area of Potential Effect (APE). The tribal entities on the list are for your guidance for government-to-government consultation purposes. Pursuant to CA Public Resources Code §5097.95, please provide pertinent project information to the tribal consulting parties.

The NAHC did perform a Sacred Lands File search of the project location and Native American cultural resources were not identified by the USGS coordinates provided. Also, the NAHC Sacred Lands inventory is not exhaustive; cultural resources may be discovered during construction ground-breaking activity. Please contact the Native Americans on the attached list to determine, from their knowledge, if the proposed changes might impact on Native American cultural resources. In order to see if your proposed project might impact Native American cultural resources that may be affected by the proposed action. If so, Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "substantial," and Section 2183.2 requires documentation, data recovery of cultural resources identified.

The Native American Heritage Commission works with Native American tribal governments regarding its identification of 'Areas of Traditional Use.' The Commission may adjust the submitted data defining the 'Area of Traditional Use' in accordance with generally accepted ethnographic, anthropological, archeological research and oral history.

If you have any questions, please contact me at (916) 653-6251.

Sincerely,

 Dave Singletary
 Program Analyst

Cc: State Clearinghouse

Attachment: Native American Tribal Consultation List

OPR3/NAHC1

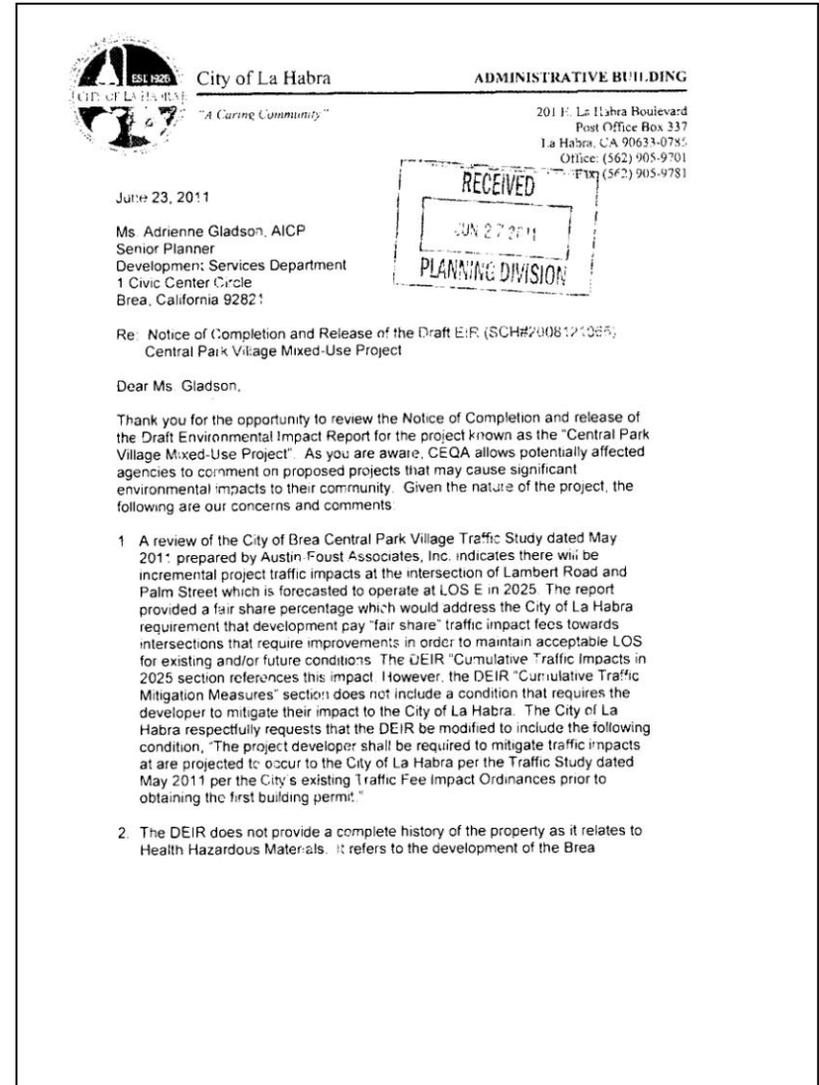
3. City of La Habra (June 23, 2011).

3-1 Comments related to the traffic study are noted. The traffic study (p. 5-10) acknowledges that any ICU increase at intersections operating at LOS E and F within the City of La Habra and would be subject to the City of La Habra's Citywide Fee and Phasing Ordinance. Fair share contributions are required even if the project impacts are less than significant (.010). The intersection of Palm Street at Lambert Road meets the criterion and the fair share percentage was calculated in Table 5-4 in Appendix C. Since the project has a Less than Significant Impact at this location, mitigation is not required.

However, the City of La Habra's concerns are being addressed by a required Condition of Approval for the project:

1. Prior to issuance of a building permit, the applicant shall provide evidence to the City of Brea Building Division that project fees required in the City of La Habra Citywide Fee and Phasing Ordinance have been paid. The Building Division shall ensure compliance.

3-2 The Draft EIR discusses the removal of the 500-gallon UST removed in 1994 on page 127 and states "there is no current evidence that the case was closed with the appropriate regulatory agency, the Orange County Health Agency." Mitigation Measure 4 on page 128 of the Draft EIR requires the additional sampling, test and documentation to ensure the case is properly closed. No additional requirements are needed.



LAHABRA01

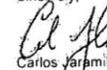
Ms. Gladson
6/23/11
Page 2

Community Hospital at the site and an underground storage tank without a comment as to whether a closure document has been obtained. If prior site uses do not involve hazardous materials, the Los Angeles County Fire Department, Health Hazardous Materials Division has no objections to the proposed project. However, if hazardous materials were used on-site or it was used as an oil field, the property is to be assessed and mitigated under oversight of a State or local agency prior to grading/construction. This becomes essential for the safety of firefighters should the Los Angeles County Fire Department be requested to provide mutual aid to the City of Brea Fire Department at the subject site.

We are prepared to assist you in addressing the above concerns. We would request that a copy of any revisions to the draft environmental impact report be forwarded to the City of La Habra for review. Additional comments may be generated based on that review.

If you should have any questions, please feel free to contact me at (562) 905-9724.

Sincerely,



Carlos Jaramillo
Deputy Director of Community Development

cc: Don Hannah, City Manager
Jennifer Cervantez, Assistant City Manager
Michael Haack, Director of Community Development
Nelson Wong, Traffic Manager

LAHABRA02

4. **Inoka Khalid, 824 Atkins Lane, Brea, California 92821 (July 6, 2011)**

The concerns regarding traffic, congestion, noise and air pollution related to the project are noted. Section 5 of the DEIR includes analysis of five project alternatives, including a single-family and business park alternative and three mixed-use projects with fewer units than the proposed project (Table 5.0-1, p. 182).

The recommendation for an all medical office alternative is noted. Please note that medical offices only, assuming an FAR of 0.25 on 15.4 acres and a trip rate of 36.13 per thousand square feet (Table 3.2-3), would generate 6,089 ADT, which is 6 percent greater than the proposed project, which generates 5,725 ADT.

The project has minimal impact on the local circulation system, and circulation improvements are required to reduce the cumulative project impact in 2025 at the State College Boulevard and Lambert Road intersection (see p. 63 of the DEIR). The comments on allergies are noted. Allergies are a regional issue related to plant materials and wind patterns, and are not directly related to vehicular air pollutants. The project will have minimal impact on offsite allergy impacts but will expose new residents to existing allergy causing materials.

centralparkvillage@cityofbrea.net

Reporting-MTA: dns:proteus.ci.brea.ca.us Received-From-MTA: dns;barracuda.ci.brea.ca.us Arrival-Date: Wed, 6 Jul 2011 22:16:00 -0700 Final-Recipient: rfc822; centralparkvillage@cityofbrea.net Action: failed Status: 5.1.1urged.

To Whom It May Concern,

I live in the north part of brea not far from where the proposed project is. I have some serious concerns about the impact on traffic and congestion this mixed used project is going to entail. Currently the surrounding area is nice and free of major traffic, etc. While i understand the need for economic development perhaps the area could be used for the medical offices only and not blend in a residential Component. I also think there are already enough apartment buildings in brea. The addition of over 400 new apartments does not seem necessary.

Looking at the report by the city planner I have major concerns about the impact of the air quality. Allergies, etc that will be aggravated by this new project are a good reason to reduce the size of this proposal. The other concern is the traffic, central ave. And the surrounding streets don't seem likely to handle so much new traffic. D

The noise, air pollution, and traffic are going to have a big impact on this area and that is why I think that only the medical portion should be considered and the residential portion eliminated.

Thank you,
Inoka Khalid

Sent from my iPad

KHALID01

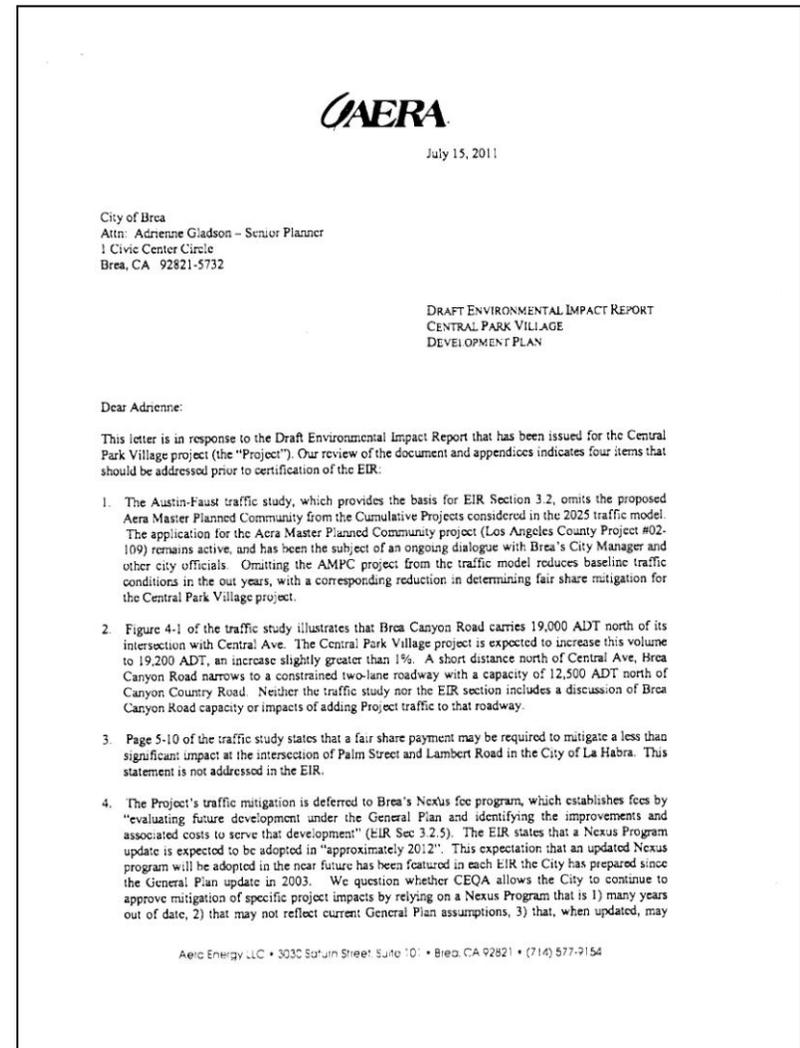
5. Jeffrey Maisch, Jr., Aera Energy
(jmaisch@aeraenergy.com) (July 8, 2011)

The comment requested a copy of Appendix C: Traffic Study. The study was forwarded to Mr. Maisch by e-mail as an attachment by Adrienne Gladson on July 11, 2011.

6. Jeffrey R. Maisch, Project Manager, Aera Energy LLC.
(July 15, 2011)

For informational purposes and geographical orientation, Aera Energy LLC originally filed a project application (Project 02-109) with the County of Los Angeles Regional Planning Department for 3,600 dwelling units and 300,000 gsf of mixed use commercial and office use on 2,935 acres north of the City of Brea.

Aera later withdrew the initial application and resubmitted the project to the City of Diamond Bar with a request for annexation. The City of Diamond Bar issued a Notice of Preparation for the Aera Master Plan on May 2, 2007. A pre-annexation agreement with the City of Diamond Bar may result in 2/3 of the project (1,940 acres) being annexed to the City of Diamond Bar. It is the City of Brea's understanding that the Aera Energy application has been withdrawn. The NOP described a project of 2,800 dwelling units, 200,000 square feet of commercial space, parks and open space. The original project included most of the unincorporated Orange County land north of the City of Brea west of SR-57. The original project proposed direct access to Harbor Boulevard in Rowland Heights and Brea Canyon Road. The proposed mixed-use planning area was located adjacent to Tonner Canyon Road and Brea Canyon Boulevard. No Draft EIR has

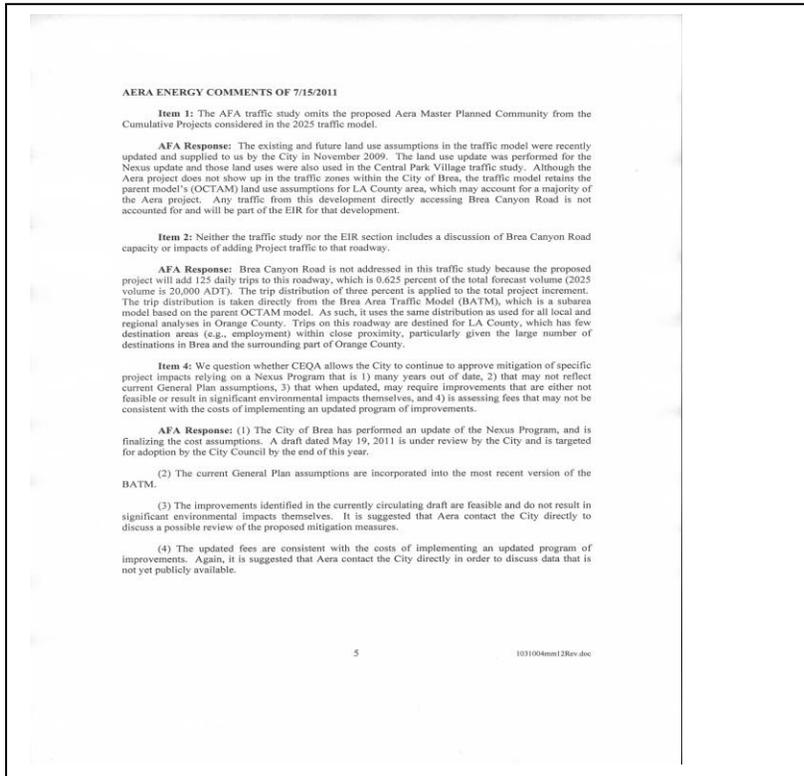


AERA01

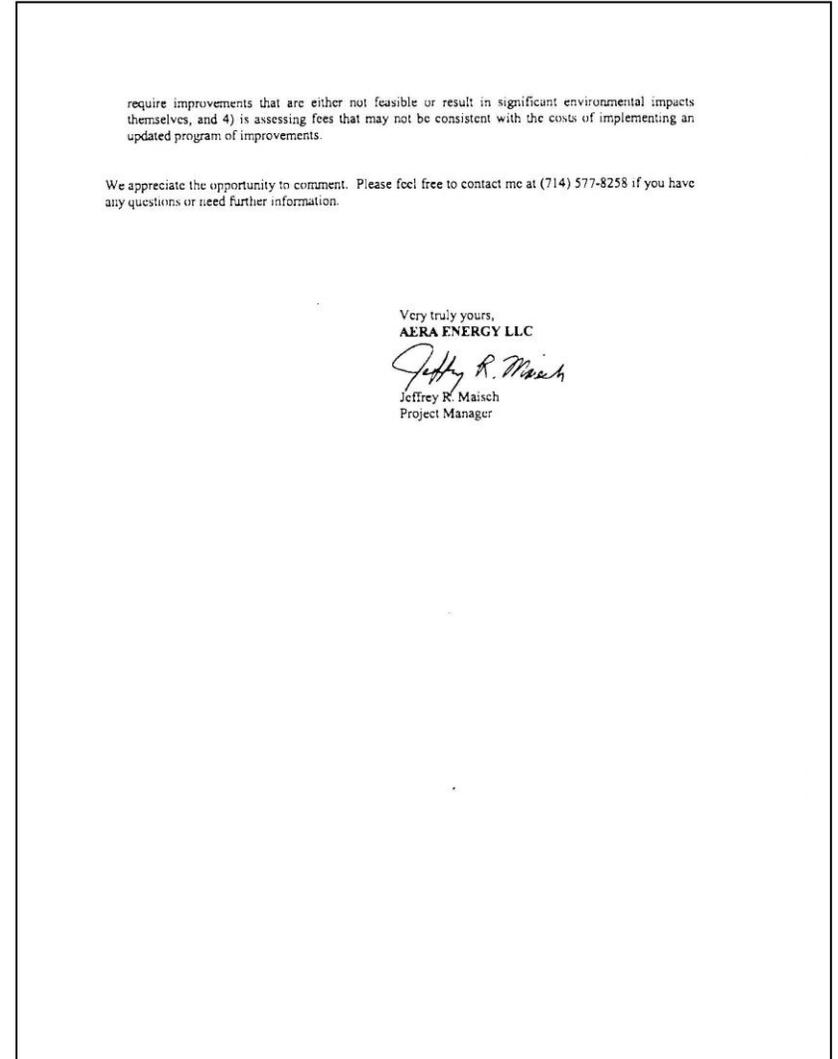
been circulated to date. Given the unknowns surrounding the proposal, it is too speculative to include the Aera project in this environmental analysis at this time.

Austin-Foust Associates has provided a direct response to the Aera Energy LLC comments in the prior memorandum dated September 16, 2011 (AFA05), which is repeated below and in Stantec01 to 06 in Section 10.4 (pp. 38-42).

Item 2 was previously addressed in Response 3-1.



AFA04



AERA02

7. **Sheila and Art Groscost, 352 Trabuco Canyon Way, Brea, CA (July 13, 2011)**

The concerns related to the magnitude of the proposed project and recommendation for less than 452 dwelling units are noted. Your concerns for the project and cumulative impacts of current and future projects in the City related to air quality, traffic congestion, noise levels and overload on schools are also noted. These project and cumulative environmental issues are addressed in the Final EIR. All potential project impacts, other than the project cumulative impacts on the SR-57 ramps at Lambert Road, are mitigated to Less than Significant with Mitigation Incorporated. The impact of the project on local schools is mitigated by school impact fees.

The concern related to rental properties onsite is noted. Please note that only the multifamily apartments are being processed as rental units, with the option to convert to condominiums later. The proposed townhomes are single-family attached units are for sale units and are not proposed as rental townhomes.

Sheila & Art Groscost
352 Trabuco Canyon Way
Brea, CA 92821

July 13, 2011

To: City Council, Brea, CA.
Subject: Central Park Village

We are very concerned at the magnitude of the Central Park Village and it's impact on Brea and it's residents. The medical facilities and urgent care center are good but the 452 - unit complex is too many! (369 apartments should be considerably less)

Brea has done a great job for the most part with Redevelopment over the past years but there comes a time when it becomes destructive. It is hard to keep up with all the housing projects that have been going up in Brea.

The Central Park Village seems like the straw that broke the Camels back considering completed housing projects, those in progress and any that might begin soon.

We are very concerned about the long lasting effect of this project on air quality, pollution, traffic congestion, noise levels and overload on schools. Combine all these recent housing projects with those currently being built and any possible future projects will greatly impact Brea residents.

In reading the JH Real Estate Partners Inc. plan, it also bothered us that they got the permit for townhomes but will begin with rentals. This is very vague and what will happen there if built?

These projects are always evaluated separately but together they add up to trouble, especially this massive housing project.

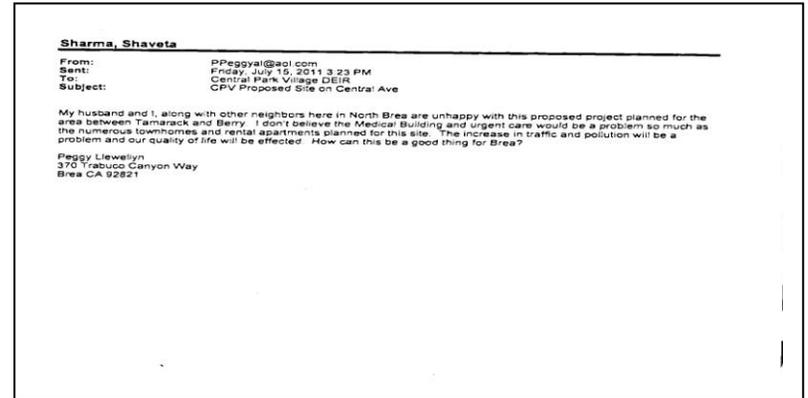
Thank you for your consideration.

Art & Sheila Groscost

GROSCOST01

8. Peggy Llewellyn, 370 Trabuco Canyon Way, Brea, CA
(July 15, 2011)

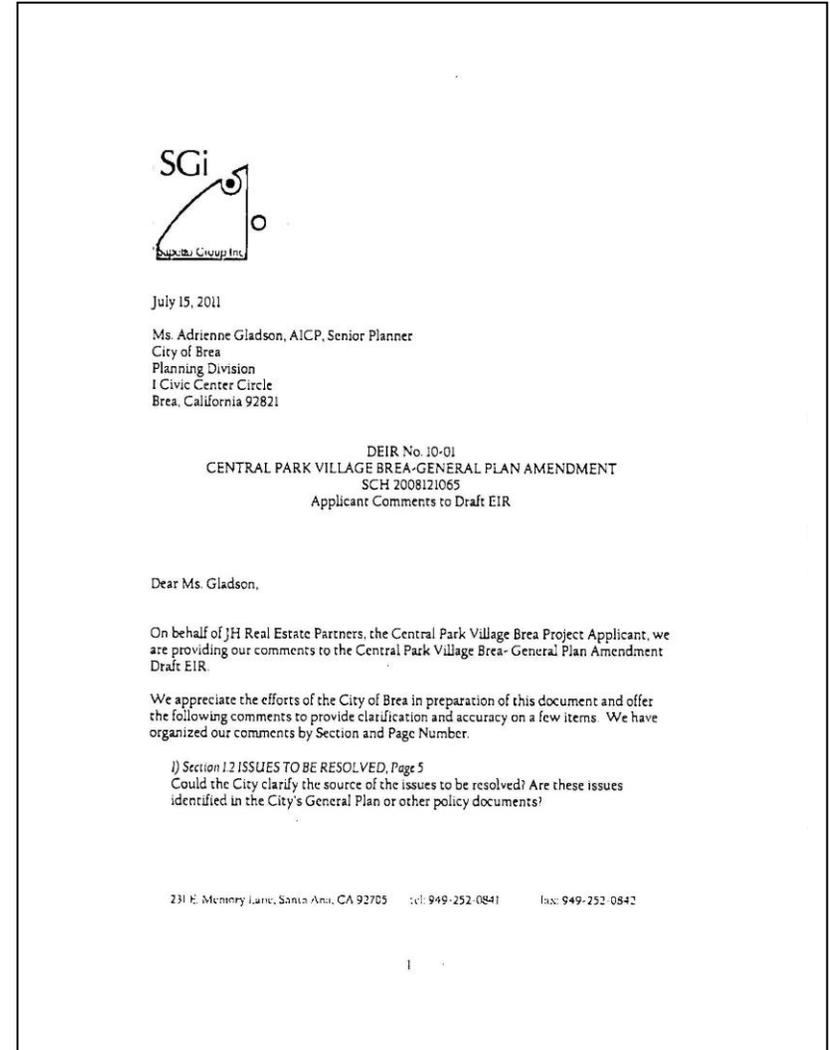
The concerns regarding the numerous townhomes and rental apartments planned for the project site, increased traffic and pollution are noted. All potential project impacts, other than the project cumulative impacts on the SR-57 ramps at Lambert Road, are mitigated to Less than Significant with Mitigation Incorporated.



LLEWELLYN01

9. **Sapetto Group Inc., 231 E. Memory Lane, Santa Ana, CA (July 15, 2011)**

1. The issues identified to be resolved in the Draft EIR were identified from the project application, the Scoping Session, the Initial Study, discussions with City staff and in review of the technical studies for the project.
2. The comments regarding Caltrans agreements and the State Transportation Improvement Program (STIP) are noted. Discussions with the applicant regarding payment for ramp impacts have been on-going since receiving Caltran's comments. The City is updating its Traffic Impact Nexus Fee Program to include ramp improvements and this update is anticipated to be approved by the City Council prior to action on the Central Park Village project. Absent his update, payment of impact fees related to future ramp improvements will be via a Condition of Approval and separate agreement. Payment of fees for SR-57 ramp improvements for mitigation on cumulative project impacts would result in a Less than Significant Impact With Mitigation Incorporated.
3. A video detection system controls signal operation based on vehicle location and number near a signalized intersection. An approximate cost is \$25,000 but the final cost cannot be specified until a contract is issued. The maximum 5,000 cubic yards per day criteria is recommended to reduce particulate impacts upon the adjacent multifamily properties located east of the project.
4. Yes, the California Green Building Standards Code (CGBS) has been adopted. The word, Draft, does not appear as cited in the comment in the Draft EIR.



SAPETTO01

5. Yes, both a building attenuation study and an acoustical study are required. An attenuation study projects the interior noise level of building units for compliance with State noise interior standards. The acoustical study measures existing noise levels onsite from existing offsite sources for onsite uses and makes recommendations of the height and materials for a sound barrier onsite along the southern property boundary.
6. The comments regarded phasing of the project are noted. The mitigation requirement applies to all phases of the project, whether non-potable water is or is not available at the time of phase submittals. An irrigation system that will accommodate non-potable water is required for each phase. The fair share methodology used is included in Table 4 of Appendix G.
7. The concerns regarding the financial viability of the project if a Community Facilities District (CFD) is required are noted. The City has initiated a CFD study for the project and the projected costs will be known prior to issuance of a building permit.
8. The description of trees on page 23 of the Draft EIR is consistent with the Landscape Plan submitted with the project application. The comments regarding changes in the species included in the final Landscape Plan submittal are noted.
9. The comments indicating the projected population projection of 1,307 persons is high are noted. City staff projected the project population based on bedroom counts, and not on building units. The persons per dwelling unit factors ranges from 1.5 to 3.5 for the apartment units and 3.0 to 4.5 for townhomes. The resulting average persons/dwelling unit for

2) Section 1.3 SUMMARY OF IMPACTS, Page 8
Project Mitigation 3.b, 4.b. As described in this section of the EIR, the Nexus Program and the programming of the SR 57 in the STIP by Caltrans have both still not occurred. Because of this uncertainty, the most equitable procedure would be to require a fee for SR 57-Lambert ramps is to be paid only if 1. City or Caltrans has a fee program in place which includes funding for these ramps, and 2. If Caltrans includes the intersection in its State Transportation Program. If Caltrans does not include the intersection in its Program by the time the last building permit is pulled for the project, and JH has paid a fee, the money shall be returned to JH

3) Section 1.3 SUMMARY OF IMPACTS, Page 8-9
Project Mitigation 5.b. Could the City clarify what a video detection system is and its cost?
Project Mitigation 6.b. Are these standard air quality mitigations, including the maximum grading cap per day of 5,000 cubic yards?

4) Section 1.3 SUMMARY OF IMPACTS, Page 10
Project Mitigation 8.b. Has the Draft 2010 California Green Building Standards Code been adopted yet?

5) Section 1.3 SUMMARY OF IMPACTS, Page 12
Project Mitigation 11.b. Is this acoustical study in addition to the Building Attenuation Study?

6) Section 1.3 SUMMARY OF IMPACTS, Page 13
Project Mitigation 16.b. Does the City have any idea of when non-potable water will become available? Additionally, it should be noted that the project is being phased and only plans for each phase will be submitted at a time. All irrigation plans for the entire project will not be submitted with the first building permit.
Project Mitigation 17.b. Please explain how the City is calculating fair share contribution. According to the technical analysis, the existing condition plus project is not deficient.

7) Section 1.3 SUMMARY OF IMPACTS, Page 14
Project Mitigation 18.b. The applicant has serious concerns regarding the financial viability of the project if a CFD is required. Notwithstanding this concern, specific analysis of project impact to city services is needed to justify the CFD and cannot be an appropriate mitigation without this analysis.

8) Section 2.2 PROJECT CHARACTERISTICS, Page 23
List of Proposed Trees. Please note the species type may change to conform to CAL-IBC (Non-Invasive, native and Water Conserving) and Build It Green.

2

SAPETTO2

the apartments was 2.67 persons per dwelling unit and the average persons per dwelling unit for the townhomes was 3.89 persons per dwelling unit. Sixty-three of the 83 townhomes have three or four bedrooms per unit. More generalized population factors are used to calculate the project's park fees.

10. The project has the potential for indirect minor land use impacts on adjacent properties (e.g. noise and air quality). These issues are considered in the traffic, air quality and noise sections of the document and are not addressed on page 48 of the Draft EIR.
11. The comments regarding affordable housing are noted. The housing costs, apartment rents, and affordable guidelines were consistent with the available information at the time the Draft EIR was written. The City's Affordable Housing Ordinance is applicable to the project and an affordable housing agreement will be finalized or conditioned prior to Council action on the project.
12. The attachment is included below as SAPETTO07. The LOS is hereby revised in the FEIR. As stated on page 56, the traffic study was completed in April 2011.
13. The comment regarding when a significant project impact occurs is noted. The quoted text on page 58 is hereby revised in the Final EIR as follows: A significant project impacts occurs in the City of Brea when a project contributes 0.01 or more to an ICU when the performance standard of LOS D is

9) Section 3.1.2: LAND USE, Project Land Use Impacts, Page 47

The fifth paragraph states: "The project will also add an estimated 1,307 persons and 202 employees to a projected 4,790 population and 6,680 employees respectively in the Northwest Neighborhood Focus Area (2006 OCP Census)"

We believe this population estimate to be overstated since it is using an occupancy ratio of 2.9 per unit. A more appropriate occupancy ratio for multi-family development at approximately 29.35 dwelling units per acre is between 1.3 to 1.5 occupants per household. This ratio is commonly used in surrounding jurisdictions in Orange County such as Cities of Irvine and Anaheim. Additionally, the Brea Municipal Code, to determine parks and recreation impacts, uses a density factor of 2.0 persons per dwelling unit for Multi-Family units. (Brea Code section 18.64.080)

10) Section 3.1.2 LAND USE, Project Land Use Impacts, Page 48

Finding 3: We don't find substantiation in the document that the project will have any detrimental effect, even minor, on existing land uses in adjacent off site areas.

11) Section 3.1.2 LAND USE, Project Land Use Impacts, Page 54

The affordable housing discussion on this page is not consistent with existing city policy. Also, it is questionable whether the City can impose any affordable housing requirement on the project, due to the Palmer case, which prohibits cities from imposing affordable housing units or imposing an in lieu fee on rental units, based on a violation of the Costa Hawkins Act. Also, the city has not demonstrated that there is a nexus between the project and affordable housing, i.e., the development of the project actually does not create an impact on negative impact on provision of affordable housing. Actually, the project creates a positive impact on affordable housing, as the project will increase the city housing stock by creating 452 units, on a site where previously there was no housing.

12) Section 3.2 TRAFFIC AND PARKING, Page 56

It should be clarified when the study was conducted. Please see the attached comments from our traffic engineer, Linscott, Law and Greenspan.

13) Section 3.2 TRAFFIC AND PARKING, Traffic Thresholds of Significance, Page 58

In the fifth paragraph, it states "A significant project impact occurs when the ICU value increases by greater than 0.01 and achieves LOS E or LOS F", however the traffic study correctly indicates in Table 1-1 on page 1-3 that "Project causes a significant impact if it contributes 0.2 (not 0.01) or more to an ICU when the performance standard is exceeded for the City of Brea"

14) Section 3.2 TRAFFIC AND PARKING, Project Impacts at SR 57 Ramps

Page 65 - Table 3.2-7 and Page 76 - Table 3.2-15. See attached errata mark up of Tables 3.2-7 & 3.2-15. It should be noted that it doesn't affect the results of the traffic study, but should be corrected nevertheless.

exceeded. Please note that this threshold does not apply to the SR-57 Ramps. A V/C contribution of 0.01 or more is the significance threshold when a ramp is deficient (V/C > 1.00). The conservative approach (per Caltrans) is that when a ramp is deficient, adding any additional traffic causes a significant impact.

14. No attached errata mark up is included with the comments.
15. The comment regarding the need for a discussion of the jobs/housing balance in the text is noted. This information is included in Table 5.0-1: Project Alternative Comparison Matrix on page 182 of the Draft EIR. The Industrial alternative would have a jobs/housing ratio of 500/0, the proposed project of 202/452.
16. The comments regarding the need for a discussion of the jobs/housing balance, AB32 and SB375 are noted. The Global Warming Solutions Act of 2006 (AB32) is discussed on page 84 of the Draft EIR and the Draft EIR discusses the greenhouse gases related to the project on pages 92-93. The Sustainable Communities and Climate Protection Act (SB375) is discussed on page 95 of the Draft EIR. No specific sub-regional emission thresholds have been adopted to implement SB375 to date. However, as noted on page 95, SCAG has adopted greenhouse reduction targets for the region for 2020 and 2035.
17. Yes, the comments quoted apply to the current application.

15) Section 3.3 AIR QUALITY/CLIMATE CHANGE, Light Industrial Alternative, page 91.
The jobs/housing balance should be discussed here.

16) Section 3.3 AIR QUALITY/CLIMATE CHANGE, Implications of General Plan Amendment for Air Quality/Climate Change, Page 93. The jobs/housing balance should be discussed here as well as the benefits of the project in support of AB32 and SB 375

17) Section 3.6 STREETScape VIEWSHED, 3.6.2, Project Streetscape View shed Impacts, Page 132

"While the differing roof lines, building insets, differing colors and materials tend to break up this linear space, there is still a strong linear component to Building 2 that needs diverse design, materials, colors and textures to provide fenestration and visual relief. The overall façade is rectangular, regular and overshadows the proposed street trees along West Central Avenue (bronze loquat trees)."

Could you clarify if this comment was based on the new revised plan?

18) Section 3.9 PUBLIC SERVICES, Existing Public Services Conditions, Page 159, and Cumulative Impacts for Public Services, page 163

There is no specific project analysis to substantiate the statement that the project "does have a significant contribution to a cumulative effect on public services." Additionally the population projection is overstated since it is using an occupancy ratio of 2.9 per unit. A more appropriate occupancy ratio for multi-family development at approximately 29.35 dwelling units per acre is between 1.3 to 1.5 occupants per household. The Natelson Dale Fiscal Impacts Report shows that the project has a positive net income effect on the City's fiscal status.

19) Section 3.9 PUBLIC SERVICES, Fire Protection, Page 159.
What will the fire impact fees be used for?

20) Section 3.9 PUBLIC SERVICES, Parks, Page 160 and 161.

This section states "The project is anticipated to have a Less than Significant Impact on existing offsite parks because of the onsite Central Park and recreational facilities". It also states "The project is not anticipated to generate the need for new parks" We agree with these statements. There is no logical link to then conclude "The project is required to pay park-in-lieu fees (Quimby Act) for the 15.4 acre site", when a park is being provided on-site.

21) Section 3.9 PUBLIC SERVICES, Schools, Page 161.

This discussion should acknowledge that the payment of school impact fees under CEQA is deemed to constitute full mitigation. Additionally, there is a mathematical error in the student generation ratios and an incorrect assumption. This project is not proposing any single family detached units so it is inappropriate to use sfd student generation ratios

18. The comments regarding cumulative effects on public services and the projected population estimate are noted. The population estimate for the project was discussed above in Response 9. Although it contains useful information, the Natelson Dale FIR does not address the current application and is outdated. Support for the conclusion that the project has a significant contribution to cumulative public service impacts within the City is not confined to Table 3.9-1, but is also discussed in the following four sections for fire protection, public services, landscaping services and maintenance services on pages 163, 164 of the Draft EIR.
19. Fire impact fees are used to fund the cost of building fire stations and to purchase new fire engines and equipment required to serve new development.
20. The proposed park onsite is not a publicly owned park and the park does not include park service needs identified in the City's Master Plan for Parks and Recreation. All projects are required to comply with City ordinances based on the Quimby Act.
21. The comments are noted. Student generation factors are used to project enrollment and are not used to calculate school impact fees. The District levels a fixed fee for residential and commercial/industrial uses based on square footage. The current District fee is \$2.97 per square foot for residential uses and \$0.47 per square foot for commercial uses.
22. The City has completed a Community Facilities District study for the project. The study is available for public review at the

22) Section 3.9.5 PUBLIC SERVICES, Existing Cumulative Conditions for Public Services, Page 163.

We do not believe this is adequate justification for requiring a CFD. Specific project impact analysis must be conducted and is not a proper subject for EIR mitigation. The Natelson study which is referenced in this section is out of date and even so, is not an appropriate analysis to justify a CFD.

23) Section 3.9.6 PUBLIC SERVICES, Cumulative Impacts for Public Services, Page 163.

"The proposed project comprises a significant proportion of the total population dwelling units in the City". We don't believe this statement is justified when the project only comprises 3% of the total population of dwelling units in the City according to table 3.9.1.

24) Section 3.9.6 PUBLIC SERVICES, Cumulative Impacts for Public Services, Page 163.

Use of the 2008 Natelson Dale Group study is misleading. The costs were based on the prior version of the project which was proposed for a higher density, and there was no inclusion of project revenues.

25) Section 3.9.6 PUBLIC SERVICES, Cumulative Impacts for Public Services, Fire Protection, Page 163. Does the City have a fire impact fee in place?

26) Section 3.9.6 PUBLIC SERVICES, Cumulative Impacts for Public Services, Landscaping Services, Page 164.

The provision of the on-site park should be discussed and credited as a contribution towards meeting the parks and park services need. The discussion in this section is contrary to the parks analysis section. Also the 1,307 population number appears to be inconsistent. As discussed above, this number is misleadingly high, a more accurate population number for the project is 1,207.

27) Section 3.10.7 EFFECTS FOUND NOT TO BE SIGNIFICANT, Recreation, Page 169.

This discussion should acknowledge the park impacts that are being addressed by the project which do not need to be mitigated through payment of in lieu fees.

28) 4.0 UNAVOIDABLE ADVERSE IMPACTS, Page 175.

Direct payment to Caltrans has never been discussed as an option with the applicant. There is no guarantee that those funds would be used for the SR-57 improvements. Please see my discussion above.

29) Section 5.0 ALTERNATIVES TO THE PROJECT, Page 176.

Is the Gobar report available for review?

30) Section 5.1 ALTERNATIVE I: NO PROJECT, Page 177.

It should be acknowledged this alternative does not provide a park, community facilities, and increase in housing stock or affordable units and does not promote a jobs/housing balance.

Planning Division and has been provided to the applicant.

23. The comments are noted. A single project that constitutes 2.9 percent of the total current population of the City is a significant proportion. At buildout, the project is anticipated to include a population of 1,307 persons.
24. The comments are noted. The discussion accurately portrays project costs based on the prior fiscal impact report. The per capita factors quoted may be regarded as minimum costs since the study was completed in 2008.
25. Yes, fire impact fees are assessed currently. They are currently \$1,029 per single family unit, \$731 per multifamily unit, \$191 per thousand square feet of commercial use and \$267 per thousand square feet for office uses. The fees are periodically updated and these fees may be revised before future building permits are issued.
26. The comments are noted. The population estimate was discussed in Response 9. More generalized population factors are used to calculate project park fees. The park credit agreement terms are included in the Development Agreement.
27. The comments are noted. See Response 20 regarding the payment of park fees for the project.
28. The comments are noted. Discussions with the applicant regarding payment for ramp impacts have been on-going since receiving Caltran's comments. The City is updating its Traffic Impact Nexus Fee Program to include ramp improvements and this update is anticipated to be approved by the Council prior to action on the Central Park Village project. Absent this

31) Section 5.3 ALTERNATIVE 3: DESIGN A (86% Project DU), 5.4 ALTERNATIVE 4: DESIGN b (71% Project DU), 5.5 ALTERNATIVE 5: DESIGN C (55% Project DU), 5.6 ALTERNATIVE 6: R-2-SINGLE FAMILY DETACHED (33% Project DU) Pages 178 - 181. These alternatives assume an increase in open space on-site. This is not necessarily so because of the economic infeasibility of providing more open space. Also, these alternatives will have less housing, no community park or facilities. Also the single family alternative will have no sales tax and generate reduced property taxes.

32) Section 5.7 PROJECT ALTERNATIVES CONCLUSIONS, Page 186
Please refer to our comments made in #s 29 and 30. In addition, these alternatives would not meet the project objective of providing a community park and a community facility.

33) Section 5.7 PROJECT ALTERNATIVES CONCLUSION, Page 183
In this discussion, reference is made to the FIR and Table 8, but we could not locate that table. Also, the FIR did not assume cost of mitigation nor a CFD.

If you have any questions regarding our comments, please do not hesitate to give me a call.

Sincerely,



Pamela Sapetto
Principal
Sapetto Group, Inc
psapetto@sapettogroup.com

cc: Mr. Ernie Rivas
Mr. John Condas
Mr. Keil Maberry
Mr. David Crabtree

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6

SAPETTO6

update, payment of impact fees related to future ramp improvements will be via a Condition of Approval and separate agreement.

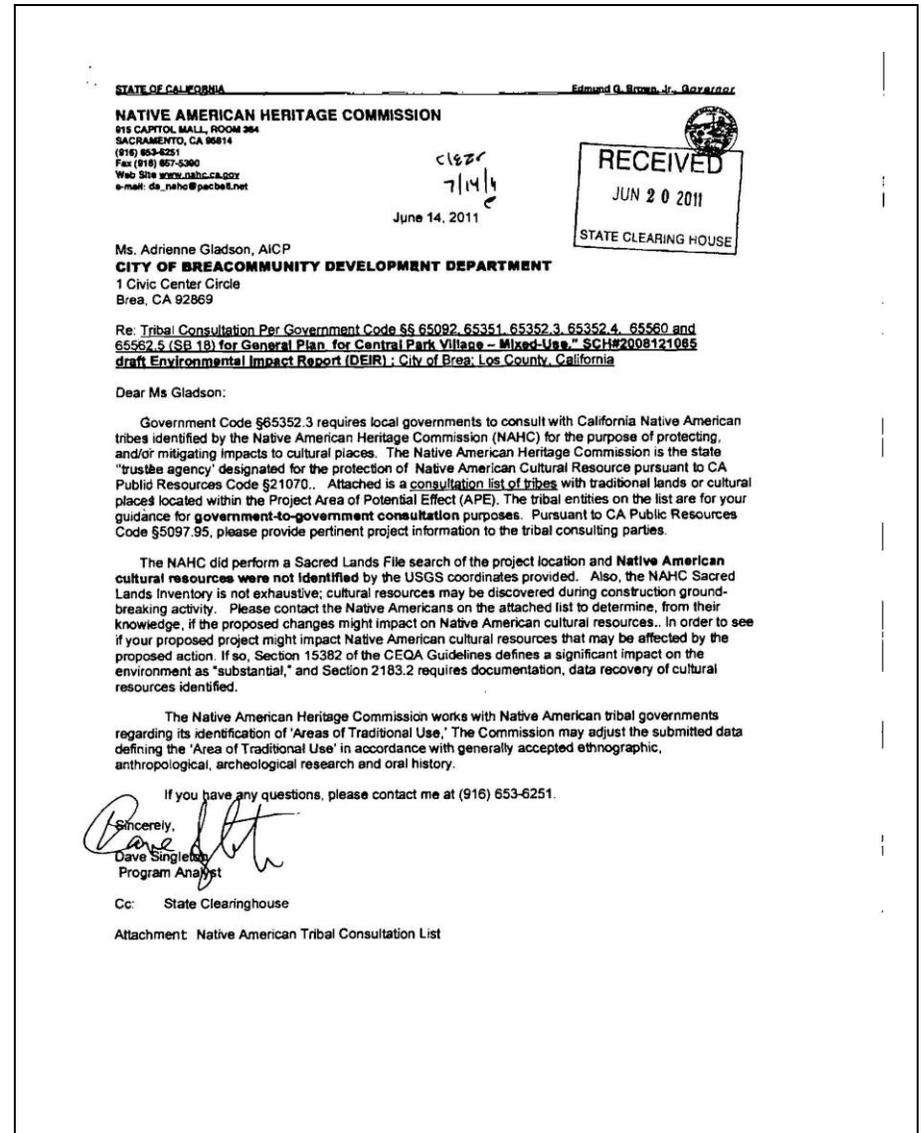
29. The May 2006 Gobar Report is available for review at the Planning Department.
30. The comments are noted. No additions are recommended for the text since the no-build alternative includes no new uses.
31. The comments are noted. The primary purpose of project alternatives in a Draft EIR is to identify other projects with less environmental impacts than the proposed project. The project alternative analysis is not a project feasibility analysis.
32. The comments are noted. Project alternatives that include fewer residential units may result in greater open space, which could be used for a community park or community facility. The amount of park space or open space is not specified for Alternatives 3-6 in Table 5.0-1: Project Alternatives Comparison Matrix.
33. The comments are noted. The fiscal impact report did not include the cost of mitigation measures or include Community Facilities District costs. A fiscal impact report discusses revenues and expenditures for the City only. Table 8: Calculation of Property Tax Base is included in the Fiscal Impact Report (February 4, 2008).

Table 4-1
EXISTING-PLUS-PROJECT ICU SUMMARY

Location *	Existing (No-Project)				Existing-Plus-Project			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS
City of Brea								
1. Puente & Central Ave	.63	B	.62	B	.63	B	.62	B
2. Berry & Central Ave	.63	B	.51	A	.68	B	.57	A
3. Brea Blvd & Central/State College	.57	A	.64	B	.60	A	.68	B
4. Puente & Lambert Rd	.49	A	.53	A	.49	A	.54	A
5. Berry & Lambert Rd	.48	A	.55	A	.50	A	.57	A
6. Brea Blvd & Lambert Rd	.69	B	.65	B	.70	B	.66	B
7. State College & Lambert Rd	.66	B	.78	C	.73	<i>W</i>	.61	<i>E B</i>
8. SR-57 SB Ramps & Lambert Rd	.73	C	.60	A	.73	C	.60	A
9. SR-57 NB Ramps & Lambert Rd	.73	C	.62	B	.74	C	.64	B
11. Associated & Lambert Rd	.64	B	.46	A	.65	B	.46	A
14. Brea Blvd & Birch St	.46	A	.62	B	.47	A	.63	B
16. State College Blvd & Birch St	.39	A	.52	A	.39	A	.53	A
17. Associated (S) & Birch St	.51	A	.44	A	.51	A	.45	A
18. Associated (N) & Birch St	.52	A	.49	A	.52	A	.49	A
22. Berry St & Imperial Highway	.66	B	.61	B	.66	B	.62	B
38. Tamarack & Central Ave	.63	B	.69	B	.64	B	.73	C
39. Tamarack & Lambert Rd	.53	A	.66	B	.53	A	.66	B
City of La Habra								
184. Harbor Blvd & La Habra Blvd	.606	B	.605	A	.609	B	.611	B
192. Palm & La Habra Blvd	.617	B	.712	C	.619	B	.718	C
193. Palm & Lambert Rd	.686	B	.756	C	.691	B	.762	C
Level of service ranges: .00 - .60 A .61 - .70 B .71 - .80 C .81 - .90 D .91 - 1.00 E Above 1.00 F								

10. Native American Heritage Commission (June 14, 2011)

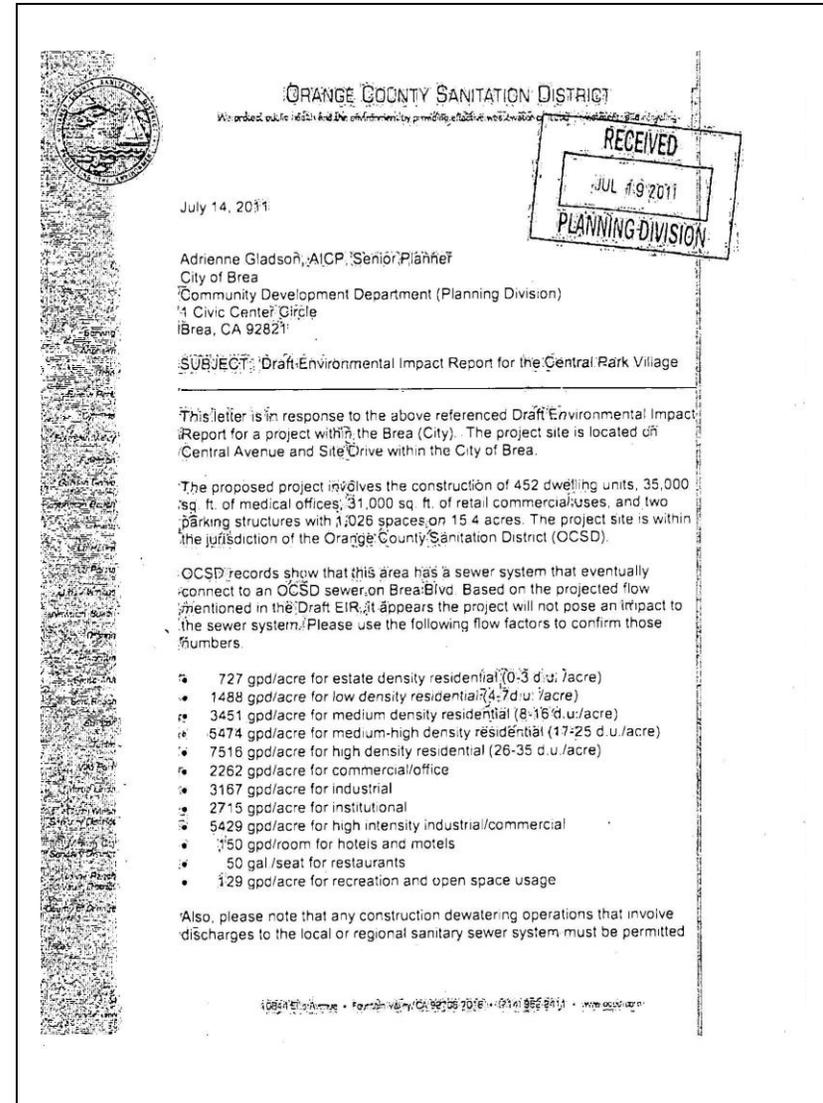
The comments regarding consultation and CEQA requirements for cultural resources are noted. As noted, the Sacred Lands File search of the project location and Native American cultural resources were not identified by the USGS coordinates for the project.



NAHC01

11. Orange County Sanitation District (July 14, 2011)

The comments that the project will not pose an impact to the sewer system, the recommended flow factors, and the information that construction dewatering operations may require an OCSD permit are noted.



OCSD01



Adrienne Gladson
Page 2
July 14, 2011

by OCSD prior to discharges. OCSD staff will need to review/approve the water quality of any discharges and the measures necessary to eliminate materials like sands, silts, and other regulated compounds prior to discharge to the sanitary sewer system.

Thank you for the opportunity to comment on the proposed development. If you have any questions regarding sewer connection fees, please contact Wendy Smith at (714) 593-7880. For planning issues regarding this project, please contact Jim Burror at (714) 593-7335.

Daisy Covarrubias, MPA
Staff Analyst

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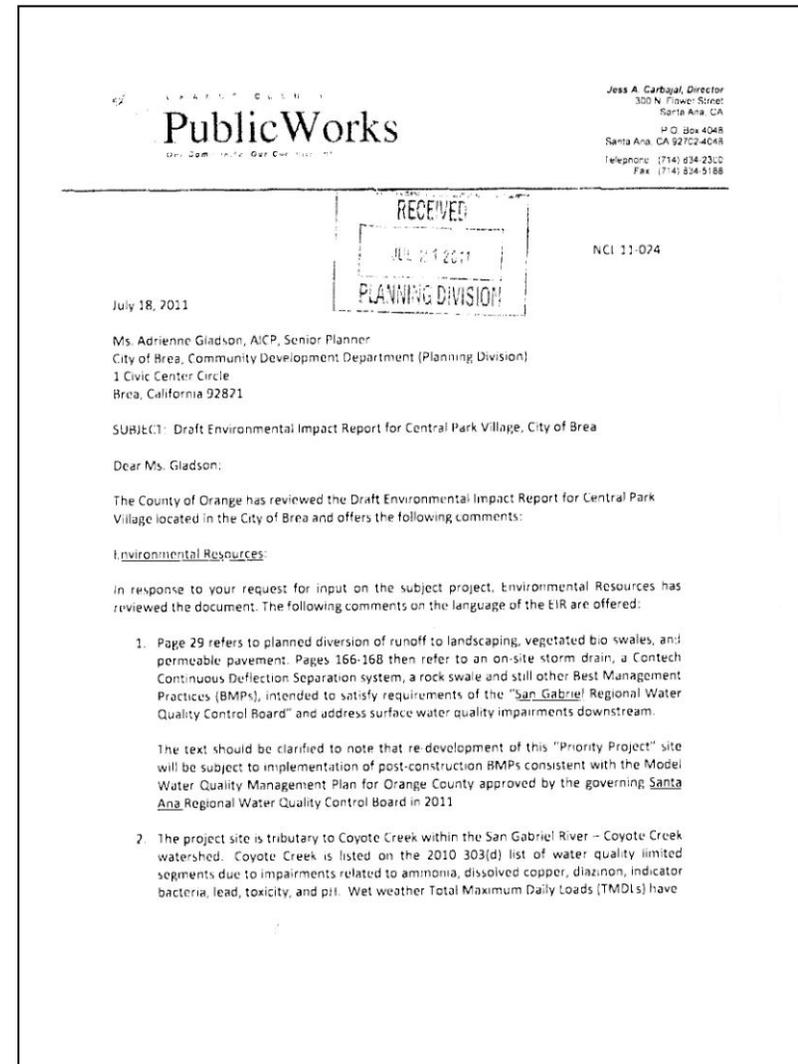
12. **Orange County Public Works (July 18, 2011)**

Environmental Resources

1. The comments referring to page 29 and 166-168 are noted. The reference to San Gabriel Regional Water Quality Control Board is hereby changed to Santa Ana Regional Water Control Board on p. 167 in Section 3.10.4: Hydrology/Water Quality. The project will comply with BMPS consistent with the Model Water Quality Management Plan for Orange County approved by the Santa Ana Regional Water Quality Control Board in 2011.
2. The comments relative to the Total Maximum Daily Loads for Coyote Creek and the requirements that the project not create additional loading of these constituents with established wasteload allocations are noted. The requirements will be met with approval of the Water Quality Management Plan for the project prior to issuance of the final grading permit.

Flood Programs

1. The Draft EIR adequately identifies regional and sub-regional drainage facilities owned and operated by Orange County Flood Control District and the County of Orange in the vicinity of the project area including Brea Canyon Channel (Facility No. A04) and Memory Garden Storm Channel (Facility No. A04S01). The relevant information on project impacts to these facilities are disclosed in Section 3.10.4 and in the Draft Water Quality Management Plan for Brea Central Tract No. 39-35 & 70-04, APN 296-241, 340-420 West Central Avenue, Brea, California (Saxon Engineering Service, January 27, 2009). The report is available upon request. To summarize, the project improves discharge conditions to these two facilities because at buildout the project considerably reduces the percentage of impervious areas on-site.



OCPW01

The existing impervious area of the site covers approximately 85-90 percent while the project improves conditions because it increases (down approximately 21 to 26 percent) the permeable (additional open space and use of new permeable areas) surfaces on-site. The City is not aware of existing deficiencies to convey 100-year discharges to either of the two identified storm water facilities plus we note due to project design and the use of structural BMPs future storm flows from the project will improve and are anticipated to be significantly less than the current storm flows. A hydrology study and hydraulic analysis is required to be submitted for Public Works review concurrently with the grading and drainage plan prior to permit issuance. The project is required to address any deficiencies identified in these studies as part of the final Public Works submittal.

2. The comments regarding pre- and post-project discharges from the site are noted. The project is conditioned to perform proper engineering analysis to fully demonstrate and confirm that discharges on and off-site are essentially the same. The hydrology study is required to be submitted for Public Works review concurrently with the grading and drainage plan prior to permit issuance. See Response 1.
3. The comments regarding the hydrological and hydraulic analyses requirement are noted.
4. The comments regarding the Orange County Hydrology Manual and the Orange County Flood Control Design Manual are noted. A hydrology study is required as a Condition of Approval and is submitted concurrently with the preliminary grading and drainage plan.

Adrienne Gladson, City of Brea
 July 11, 2011
 Page 2

been established for copper, lead, and zinc in area stormwater runoff. In addition, a dry weather "nuisance flow" wasteload allocation was established for total copper to comply with a dry weather TMDL for the downstream San Gabriel River Estuary. "The project will need to demonstrate to the City of Brea and the Orange County Flood Control District that neither stormwater nor dry weather runoff will create additional loadings of these constituents with established wasteload allocations."

3. Projects that disturb one or more acres of soil (or disturb less but are part of a larger common plan of development that disturbs one or more acres), are required to obtain coverage under the statewide General Permit for Discharges of Storm Water Associated with Construction Activity, Order 2009-0009-DWQ, adopted September 2, 2009.

If you require any additional information, please contact Grant Sharp at (714) 955-0674.

Flood Programs:

In response to your request dated June 14, 2011, Hydrology Subunit reviewed the subject document and offers the following comments:

1. The EIR should identify regional and subregional drainage facilities owned and operated by Orange County Flood Control District (OCFCD) and/or County of Orange (OC) in the vicinity of the project area including Brea Canyon Channel (Facility No. A04) and Memory Garden Storm Channel (Facility No. A04S01). Please note that these channels may be deficient and may not have the capacity to convey the 100-year discharges as determined by OCFCD's current criteria.
2. For the future projects in this General Plan Amendment for Central Park Village area, City of Brea should ensure that engineering analyses are performed to demonstrate that pre and post-project discharges from the site are essentially the same and no discharges in addition to the existing are delivered to the downstream regional and sub-regional facilities.
3. Should the hydrologic and hydraulic analyses indicate that upstream and/or downstream conditions are worsened, appropriate mitigation measures should be proposed in consultation with OC Public Works/Flood Programs.
4. All hydrologic and hydraulic studies need to conform to the current guidelines and criteria as specified in the Orange County Hydrology Manual (OCHM), Addendum No. 1 to the OCHM and the Orange County Flood Control Design Manual.

OCPW02

5. The need for an OPW encroachment permit for any improvements within Orange County Flood District (OCFD) right-of-way is noted.

Adrienne Gladson, City of Brea
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Page 3

5. All work (if any) within OCFCD right-of-way will require encroachment permits from OCPW/Property Permits Section. For information regarding permit application, please visit our web site <http://www.ocplanning.net/>. Technical reviews and approvals for the proposed work will be accomplished within the permit process.

If you have any questions regarding these comments, please contact Anna Brzezicki at (714) 647-3989.

Sincerely,



Michael Balsamo
Manager, OC Communities Planning
OC Public Works/OC Planning
300 North Flower Street
Santa Ana, California 92702 4048
Michael.Balsamo@ocpw.ocgov.com

MB/mmc

cc: Mehdi Sobhani, Flood Programs
Chris Crompton, Environmental Resources

13. Notice of Completion of a Draft EIR (May 26, 2011)

A copy of the NOC is provided herein as a matter of public record.

	CITY OF BREA COMMUNITY DEVELOPMENT DEPARTMENT Transmittal
<hr/>	
TO:	State Clearinghouse 1400 Tenth Street Sacramento, CA 95812-3044
FROM:	Adrienne Gladson, AICP, Senior Planner <i>AG</i> City of Brea 1 Civic Center Circle Brea, CA 92821 Phone: 714/990-7674 Email: adrienneg@cityofbrea.net
DATE:	May 26, 2011
SUBJECT:	Notice of Completion and Release of the Central Park Village Mixed Use Project Draft EIR (SCH#2008121065) for public comment
<p>Enclosed for distribution to State agencies are 20 printed copies of the Executive Summary and 20 copies of the Draft Environmental Impact Report on two compact discs (Draft EIR is on Volume 1 and the Appendices in Volume 2) for the Central Park Village Mixed Use project. The 45-day review period for the DEIR commences on June 1, 2011 and will end at 5:00 pm on July 15, 2011.</p>	

NOC01

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 1044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery: Street Address 1400 11th Street, Sacramento, CA 95814

SCH # 2008121065

Project Title: Industrial Park Village Mixed-Use
Lead Agency: City of Brentwood
Contact Person: Adrienne Gladwin, AICP
Mailing Address: 1400 11th Street, Sacramento, CA 95814
Phone: 916/490-7674

Project Location: County: Contra Costa
City/State of Community: Brentwood
City Code: 94727
Map Sheet: West Central and East Central
Longitude/Latitude (degrees, minutes and seconds): 38° 05' 00" N, 122° 04' 00" W
Total Acres: 15.4 gross acres

CEQA: NEPA NOI Joint Document
 Initial EIR Supplement Subsequent EIR Final Document
 Neg. Dec. (Prior SCH No.) Definitive Other

Local Action Type: General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 Regional Plan Element Planned Unit Development Fee Permit Council Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other

Development Type: Residential - Single-Family Office Industrial Educational Recreational
 Water Facilities Type: MCO

Project Issues Discussed in Document: Aesthetic/Visual Agricultural Land Air Quality Archeological/Historical Biological Resources Cultural Zone Drainage/Erosion Economic Jobs Flood Plain Flooding Forest/Land Use Hazard Geological/Seismic Materials Noise Population/Housing/Habitat Public Services/Facilities Recreation/Park Schools/Universities Sewer Systems Soil Erosion/Compaction/Grading Solid Waste Toxic/Hazardous Traffic/Circulation Vegetation Water Quality Water Supply/Groundwater Wetland/Riparian Cumulative Impacts Land Use Cumulative Effects Other

Present Land Use/Zoning/General Plan Designation: General Plan: Light Industrial, Zoning: M P, Planned Industrial

Project Description: (please use a separate page if necessary)
The project includes demolition of five existing medical office buildings totaling 89,000 sq. ft. and the removal of the former Beza Community Hospital parcel. The hospital was closed in April 2005 and demolished in March 2006. The project proposes 30,000 sq. ft. of commercial uses, 35,000 sq. ft. of medical offices and 457 townhome units. The residential component includes 83 single-family attached townhomes and 369 multi-family rental apartments. The apartments will be converted to condominiums at a later date.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project or a Notice of Preparation or previous draft document please fill in. Revised 2/08

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

- Air Resources Board
- Boating & Waterways, Department of
- California Highway Patrol
- Caltrans District #12
- Caltrans Division of Aeronautics
- Caltrans Planning
- Central Valley Flood Protection Board
- Coachella Valley Mtns. Conservancy
- Coastal Commission
- Colorado River Board
- Conservation, Department of
- Corrections, Department of
- Delta Protection Commission
- Education, Department of
- Energy Commission
- Fish & Game Resources
- Food & Agriculture, Department of
- Forestry and Fire Protection, Department of
- General Services, Department of
- Health Services, Department of
- Housing & Community Development
- Integrated Waste Management Board
- Native American Heritage Commission
- Office of Emergency Services
- Office of Historic Preservation
- Office of Public School Construction
- Parks & Recreation, Department of
- Pesticide Registration, Department of
- Public Utilities Commission
- Regional WQCB # 7
- Resources Agency
- S.F. Bay Conservation & Development Comm.
- San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
- San Joaquin River Conservancy
- Santa Monica Mtns. Conservancy
- State Lands Commission
- SWRCB: Clean Water Courts
- SWRCB: Water Quality
- SWRCB: Water Rights
- Tahoe Regional Planning Agency
- Toxic Substances Control, Department of
- Water Resources, Department of
- Other: SCAQMD
- Other:

Local Public Review Period (to be filled in by lead agency)
Starting Date: June 1, 2011
Ending Date: July 15, 2011

Lead Agency (Complete if applicable):
Consulting Firm: S/O LINDMARK, AICP
Address: 10 Aspen Creek Lane
City/State/Zip: Sausalito, CA 94965
Contact: Sidney Allan Lindmark
Phone: 949/855-0416
Applicant: JD Real Estate Partners
Address: 500 Newport Center Drive
City/State/Zip: Newport Beach, CA 92660
Phone: 949/723-8989

Signature of Lead Agency Representative: Adrienne Gladwin
Date: 5/12/11

A chronology of Section 21083, Public Resources Code, Reference: Section 21161, Public Resources Code

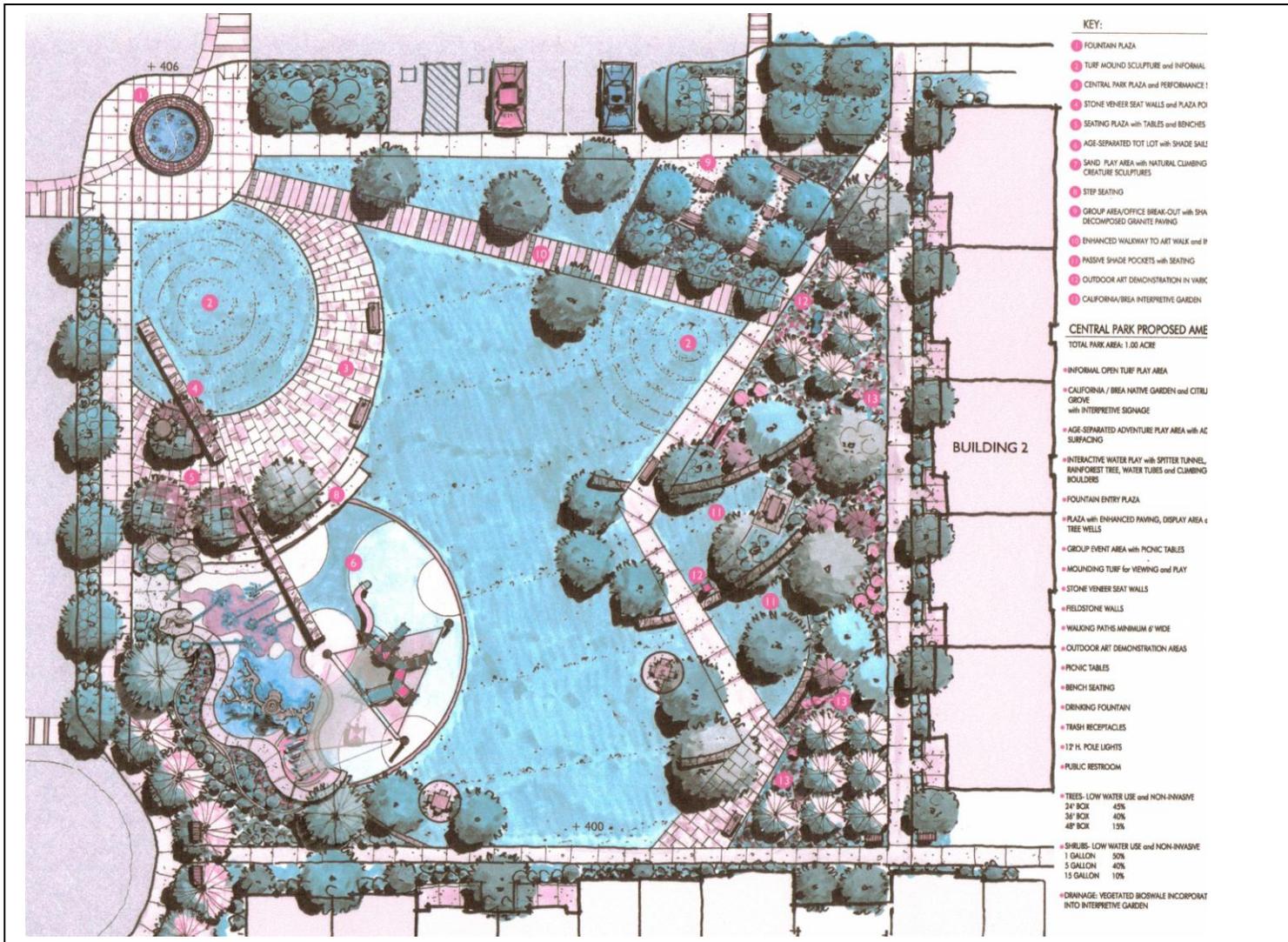
Section 10.3: Revisions to the Draft EIR

1. In Table 3.2-14 in the Draft EIR and in Table 4-1 in Appendix C, the Level of Service designations for the State College & Lambert Road Existing-Plus-Project scenario are incorrect. The LOS for the am peak hour is C and the LOS for the pm peak hour is B. The revised information does not result in any new significant effect and does not alter the discussion in the text.
2. The text on page 58 is hereby revised in the Final EIR as follows: A significant project impacts occurs in the City of Brea when a project contributes 0.02 or more to an ICU when the performance standard of LOS D is exceeded.
3. The reference to San Gabriel Regional Water Quality Control Board on page 167, Section 3.10.4, is hereby changed to Santa Ana Regional Water Control Board.
4. As stated in Austin-Foust Associates memorandum dated September 16, 2011, Response to Item 13 on page 3, the footnote in Table 3-1, on page 3-3 of the traffic study in Appendix C is revised to state: “a 40% retail pass-by reduction was used” instead of the stated “34%.retail pass-by reduction.” The same revision is required on page 61 in the Draft EIR for the footnotes for Table 3.2-3.
5. The project site location and facilities meet the objectives of an Activity Node, as defined in the General Plan in the Community Development Element. Activity Nodes were discussed in the Draft EIR on page 39 and their objectives include being a major center of public life, including main street commercial or village concepts, including streetscape amenities and public places for pedestrians. Exhibit 3-4: Urban Design Map indicated the existing Activity Node in the Northwest Neighborhoods was located at West Central Avenue and Puente Street (page 40 of Draft EIR). The project site will become an Activity Node for the Northwest Neighborhood and if the project is approved, the Activity Node in the General Plan will be moved from its existing location to the project site. This requires a change in the Urban Design Map in the Community Development Element, deletion of the first paragraph of the Draft EIR on page 52 and a corresponding deletion in Exhibit 3-4 in the Draft EIR
6. See the revised Central Park plan on page 37 which shows several modified physical features to the park including a splash pad, fountain plaza, outdoor art walk, shade pockets, children play area, walk path, and introspective garden. The revised plan includes open space amenities that are in response to Mitigation Measure 1.b in order to provide opportunities for park usage by all ages, not only for residents living within the project, but for those in Northwest Brea that reside nearby.

Section 10.4: New Material Added in the Final EIR

The following materials clarify and provide further explanation of issues discussed and evaluated in the Draft EIR. The new material added to the Final EIR merely clarifies and amplifies the Draft EIR and does not constitute significant new information that would trigger recirculation under CEQA Guidelines, Section 15088.5. The materials added to the Final EIR include:

1. The Responses provided by Austin-Foust Associates (July 28, 2011) on traffic comments provided by Caltrans and Aera Energy (i. e. Comment Letters 1, 6 above) are hereby added to the Final EIR. The responses do not identify new significant project impacts.
2. The applicant has submitted a revised plan for Central Park. The revisions primarily increase the number of park activities for children and provide two turf mound areas, more seating areas and more landscaping, as opposed to a single turf area in the initial plan. The revised park plan replaces Exhibit 2-7: Central Park on page 23 of the DEIR. No new significant environmental impacts result from the revised park plan.
3. The project is required to provide 45 multi-family affordable rental units restricted to moderate income for 55 years. If converted to for-sale condos then 45 units must be sold to moderate income buyers (with first option to the existing tenants) with a new 45-year “ownership” covenant. This information is hereby added to the discussion of affordable housing in Section 3.1.2 on page 54 of the Draft EIR.



Revised Central Park Plan

4. Several comments were raised during the Study Session before the Planning Commission on August 23, 2011:

Comment 4.1. Neither the traffic study nor the EIR section includes a discussion of Brea Canyon Road capacity or impacts of adding project traffic to that roadway.

Response 4.1 by Austin-Foust Associates Response. Brea Canyon Road is not addressed in this traffic study because the proposed project will add 125 daily trips to this roadway, which is 0.625 percent of the total forecast volume (2025 volume is 20,000 ADT). The trip distribution of three percent is applied to the total project increment. The trip distribution is taken directly from the Brea Area Traffic Model (BATM), which is a subarea model based on the parent OCTAM model. As such, it uses the same distribution as used for all local and regional analyses in Orange County. Trips on this roadway are destined for LA County, which has few destination areas (e.g., employment) within close proximity, particularly given the large number of destinations in Brea and the surrounding part of Orange County.

Comment 4.2. Is the Aera Energy project included in the traffic model?

Response 4.2. See the enclosed Memorandum below addressed to David Crabtree from Cassandra Carlin of Austin-Foust Associates Inc. dated October 11, 2011.



MEMORANDUM

TO: David Crabtree, City of Brea

FROM: Cassandra Carlin

DATE: October 11, 2011

SUBJECT: AERA LAND USE ASSUMPTIONS FOR CENTRAL PARK VILLAGE

Austin-Foust Associates, Inc. (AFA) has reviewed the land use assumptions for Aera in the Brea Area Traffic Model (BATM). The BATM assumes 168 hillside residential homes in the traffic zones for the portion of the Aera project located in unincorporated Orange County. These zones load down into Brea, as illustrated in Figure 1. The land use assumptions in Los Angeles (LA) County show an increase of 3,686 residential units and 304 employees for an area that includes the Aera project and part of the City of Rowland Heights. This is taken directly from OCTAM, and this zone loads out to the north. Therefore, the BATM does assume some land uses for the Aera project, however it is difficult to determine how much growth is attributable to the Aera project within LA County.

The attached Figure 2 illustrates the Aera project boundary overlaid with the BATM traffic zones. Table 1 summarizes the land uses for the four traffic zones that share jurisdiction with unincorporated Orange County and the Aera project. Figure 3 illustrates the Aera project boundary overlaid with the traffic zone system for the LA County area. As shown, Aera comprises about 50 percent of the area within the traffic zone. Table 2 summarizes the land use assumptions for TAZ 988, which contains the Aera project that is within LA County.

In conclusion, the BATM assumes 168 homes for Aera within Orange County and an unknown proportion of the 3,686 homes within Los Angeles County.

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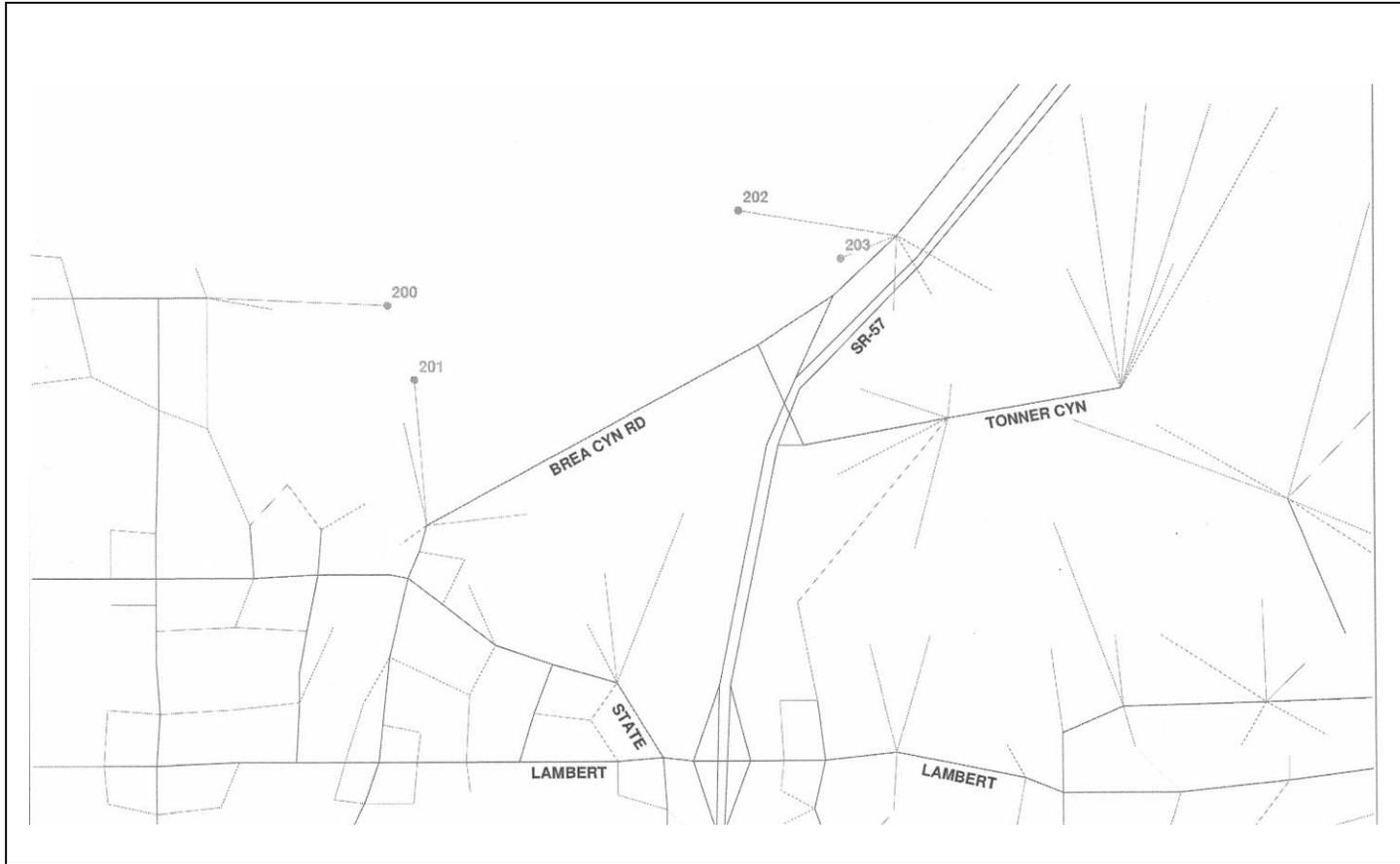
Table 1
NCSAM/BATM – LAND USE SUMMARY

Zone		Land Use Type	Units	Existing Amount	2025 Amount	Difference
200	1	Single Family Residential	DU	0	36	36
201	1	Single Family Residential	DU	0	10	10
202	1	Single Family Residential	DU	0	72	72
203	1	Single Family Residential	DU	0	50	50
Total	1	Single Family Residential	DU	0	168	168

Table 2
NCSAM/BATM – LAND USE SUMMARY

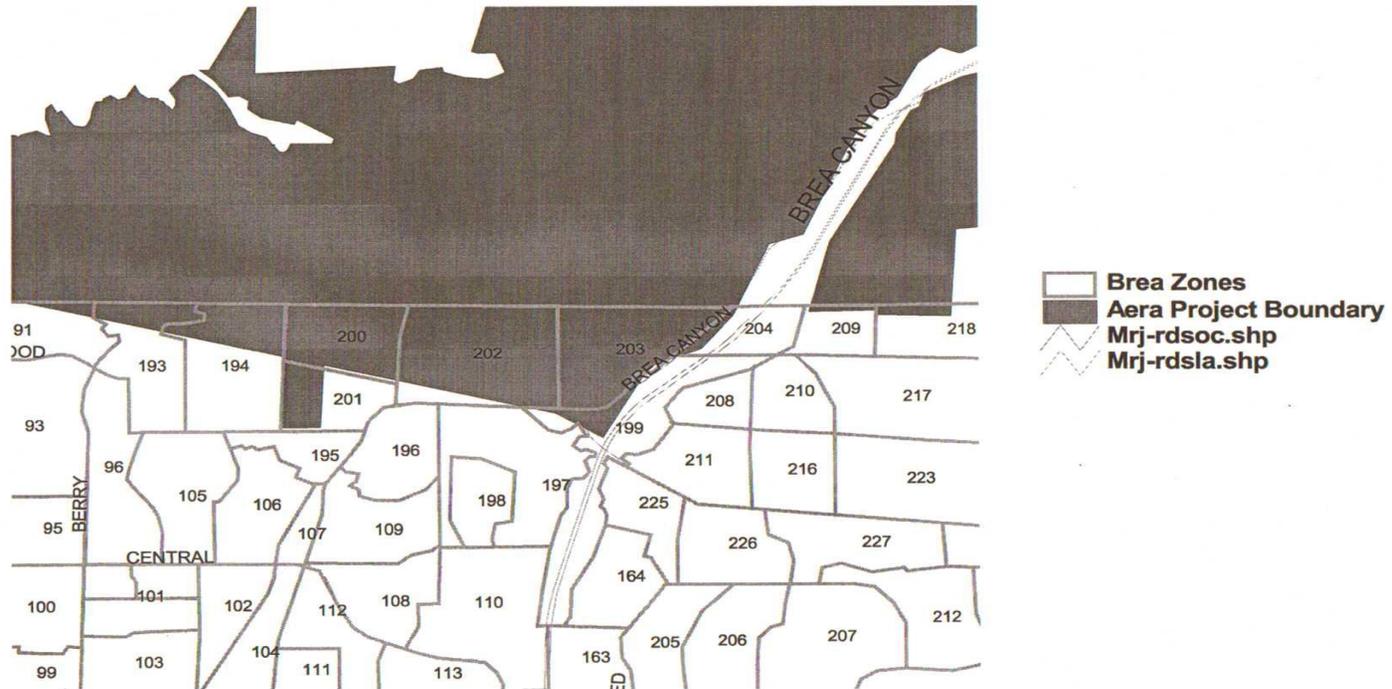
Zone		Land Use Type	Units	Existing Amount	2025 Amount	Difference
988	1	Single Family Residential	DU	6,697	8,144	1,447
	2	Multi-Family Residential	DU	2,825	5,064	2,239
	3	Population	Pop	32,712	38,235	5,523
	4	Employed Residents	E-R	13,537	15,208	1,671
	6	Retail Employment	Emp	1,858	1,877	19
	7	Service Employment	Emp	2,510	2,941	431
	8	Other Employment	Emp	958	812	-146
	9	High School	STU	5,525	6,225	700
Total		Total Residential	DU	9,522	13,208	3,686
		Total Employment	Emp	5,326	5,630	304

AFA08



AFA09

Detailed Map of Zones within City of Brea



AFA10

OCTAM 3.3 Zone System

Legend

- Aera Project Boundary
- TAZ_Draft1_Oct2009
- OCTAM33Region



Section 10.5: Additional Materials from Public Hearings

None to date.