RESOLUTION NO. 2010-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BREA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LA FLORESTA DEVELOPMENT PROPOSAL AND ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE LA FLORESTA DEVELOPMENT PROJECT

The City Council of the City of Brea hereby finds and resolves as follows:

SECTION 1. Formal applications were submitted by La Floresta LLC (the "Applicant") to permit development of the La Floresta Development Proposal (the "Project"), on two non-contiguous sites within the City of Brea, the La Floresta Village Site, which is 119.0 acres in size, and the Birch Hills Site, which is 91.3 acres in size. The Project proposed on the La Floresta Village Site totals 1,110 residential units, 156,800 square feet of mixed-use commercial, and 53.27 acres devoted to an active adult community with a recreation center for project residents. The Project as proposed on the Birch Hills Site is 75.60 acres of open space, a community facility with a clubhouse located in the open space, and 247 high-density residential dwellings, including workforce housing.

SECTION 2. The entitlements required for the Project include: (1) A General Plan Amendment for the Birch Hills Site; (2) A Specific Plan Amendment for the Birch Hills Site; (3) A Development Agreement for the Project; (4) Zone Changes for the Project; and (5) Tentative Tract Map Numbers 16933 (for Birch Hills Site) and 16934 (for La Floresta Village Site).

SECTION 3. A Draft Environmental Impact Report (the "Draft EIR") dated December 2006 was prepared for the Project. In accordance with the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §21000 *et seq.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 *et seq.*) promulgated with respect thereto, the City analyzed the Project's potential impacts on the environment.

SECTION 4. Pursuant to Section 15063 of the Guidelines, the City first prepared and published an Initial Environmental Study (the "Initial Study") for the Project in December of 2005.

SECTION 5. Pursuant to Guidelines Sections 15064 and 15081, and based upon information contained in the Initial Study, the City ordered the preparation of a Draft Environmental Impact Report ("EIR") for the Project. The City contracted with various independent consultants for the preparation of the technical studies for the EIR and on December 19, 2005 prepared and sent a Notice of Preparation to responsible, trustee, and other interested agencies and persons in accordance with Guidelines Section 15082(a).

SECTION 6. The City completed the Draft EIR, together with those certain technical appendices (the "Appendices"), on December 6, 2006. The City circulated the Draft EIR and the Appendices for the Project to the public and other interested parties between December 8, 2006, and January 22, 2007, for a 45-day comment period, consistent with the 45-day public comment period required by Guidelines Sections 15087(c) and 15105. Following the end of the 45-day public review and comment period, a total of thirty-three (33) letters or

other written comments were received.

SECTION 7. The City prepared written responses to all comments received on the Draft EIR, and those responses to comments are incorporated into the Final EIR. The Responses to Comments was distributed to all public agencies that submitted comments on the Draft EIR, and were made available for more than 60 days prior to the start of public hearings.

SECTION 8. Since the release of the Draft EIR, the Applicant has made minor modifications to the proposed Project that include increasing the number of residential senior units on the La Floresta Village Site by 22, for a total of 222 units. This adjustment is considered minor and is in conformance with the project objectives. Further, this increase in units will not materially alter the physical design of the Project or result in any changes in the conclusions made in the EIR with regard to environmental impacts, and will not require the recirculation under CEQA Guideline Section 15088.5 as this information does not constitute significant new information requiring recirculation.

SECTION 9. The Final Environmental Impact Report (the "Final EIR") is comprised of the Draft EIR, including Appendices, dated December 4, 2006; the Comments and Response to Comments on the Draft EIR; Errata Corrections to the Draft EIR; and the Mitigation Monitoring and Reporting Program.

SECTION 10. The findings made in this Resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence which has been presented at the Hearings and in the record of the proceedings. The documents, staff reports, technical studies,

appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at the City of Brea. Each of those documents is incorporated herein by reference.

SECTION 11. The Planning Commission concluded its deliberations on the Certification of the Final EIR on September 23, 2008, and certified the document consistent with its findings contained in Planning Commission Resolution No. PCR 08-17.

SECTION 12. The City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the EIR and the Project.

SECTION 13. The City Council has independently reviewed and considered the contents of the Final EIR prior to deciding whether to approve the Project. The City Council hereby finds that the Final EIR reflects its independent judgment. The City Council further finds that the additional information provided in the staff reports, in the responses to comments received during circulation of the Draft EIR does not constitute new information requiring additional circulation of the EIR under CEQA. None of the information presented to the City Council has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.

SECTION 14. The City Council finds that the comments regarding the Draft EIR and the responses to those comments have been received by the City; that the City Council received public testimony regarding the adequacy of the EIR; and that the City Council, in its decision making capacity regarding the project entitlements, has reviewed and considered all such documents and testimony prior to making its decision on the Project. The City Council, pursuant to Guidelines Section 15090, hereby certifies that the Final EIR has been completed in compliance with CEQA.

SECTION 15. Based upon the Final EIR and the record before the City Council, the City Council finds, that the Project will not cause any significant environmental impacts after mitigation except in the areas of Air Quality (Project Specific Construction Impact, Operational Mobile-Source Emissions Impact, and Cumulative Air Quality Impact). Explanations for why the impacts other than the foregoing were found to be less than significant are contained in the Environmental Findings set forth in Exhibit A to this Resolution and more fully described in the EIR and the Initial Study which is included as Appendix A to the EIR.

SECTION 16. Based upon the Final EIR and record before the City Council, the City Council finds that the Project will create significant unavoidable impacts to Air Quality (Project Specific Construction Impact, Operational Mobile-Source Emissions Impact, and Cumulative Air Quality Impact). These significant impacts are further described in the "Findings and Facts in support of Findings," set forth in Exhibit A, which is attached hereto and incorporated herein by this

reference, and in the Final EIR. The findings in Exhibit A explain that all feasible mitigation have been incorporated to reduce the level of impact, but that even after mitigation the impacts remain significant.

SECTION 17. The EIR describes and the City Council has fully considered a reasonable range of alternatives to the Project. These alternatives include Alternative A - No Project/No Development Alternative, Alternative B – No Project/Existing General Plan Entitlements Alternative, and Alternative C – Reduced Development Alternative. With respect to each of the alternatives analyzed in the EIR, the City Council hereby makes the findings set forth in Exhibit A, which is attached hereto and incorporated by reference.

SECTION 18. The City Council hereby acknowledges that a "Mitigation Monitoring and Reporting Program," as set forth in Exhibit B which is hereby incorporated by reference, is adopted for the Project, and all mitigation measures will be made enforceable through conditions of approval imposed upon the Project.

SECTION 19. The City Council hereby adopts the Statement of Overriding Considerations, attached hereto as Exhibit "C" and incorporated herein as set forth in full, for the Project. For the reasons set forth in Exhibit "C", the City Council finds that each overriding benefit of the Project, by itself, justifies proceeding with the Project despite the significant and unavoidable impacts identified in the Final EIR or alleged to be significant in the records of proceedings. Each benefit of the Project outweighs the Project's significant and unmitigable environmental impacts to air quality (Project Specific Construction Impact,

Operational Mobile-Source Emissions Impact, and Cumulative Air Quality Impact).

SECTION 20. The City Clerk shall certify to the adoption of this Resolution, and shall cause this Resolution and his certification to be entered into the Book of Resolutions of the City Council of the City.

APPROVED AND ADOPTED this 18th day of May, 2010.

Mayor

I, Lucinda Williams, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brea held on the 18th day of May, 2010 by the following vote:

AYES: COUNCIL MEMBERS: Beauman, Schweitzer, Simonoff, Moore, Garcia

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ATTEST: _____
City Clerk

EXHIBIT A

FINDINGS AND FACTS IN SUPPORT OF FINDINGS

I. Introduction.

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (the "Guidelines") provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings:

A. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

B. Such changes or alterations are within the responsibility of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

C. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.[1]

Pursuant to the requirements of CEQA, the Planning Commission hereby makes the following environmental findings in connection with the proposed La Floresta Development Proposal (the "Project"), as more fully described in the EIR. These findings are based upon evidence presented in the record of these proceedings, both written and oral, the original Draft EIR, the modifications to the proposed Project as addressed in the Final EIR, and all of their contents, the Comments and Responses to Comments on the EIR, and staff and consultants' reports presented through the hearing process.

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[1] Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091.

II. Project Objectives.

As set forth in the EIR, the proposed Project is intended to achieve a number of objectives (the "Project Objectives") as follows:

Objectives of the Project Applicant:

A. To build a community where residents can live, work, shop, play and relax within an intimate, "small town" setting that is rich in architectural and landscape forms reflective of Brea's heritage and to provide a communitywide amenity for all residents of the City to enjoy.

B. To provide further housing opportunities in the central portion of the City near employment and retail centers.

C. To redevelop the former Unocal Research and Development site and transform it into an aesthetically pleasing multi-generational living, working, and shopping environment.

D. To intensify the Birch Hills Golf Course site by introducing multi-unit residential uses and a community facility to create a unique recreational and living environment.

E. To create a community that embraces aspects of good urban design, including considerations for functionality, social needs, economic viability, respect for the environment, and aesthetic qualities.

F. To provide for a range of housing opportunities responsive to local needs, including the increasing demand for high-quality, active adult and senior residential products.

G. To provide a planning framework that responds to the physical and market driven aspects of future development opportunities.

H. To implement a cohesive landscape and architectural design program unique to each site

I. To establish a sensitive pedestrian and bikeway system that provides public access to regional and community trail connections, together with other onsite recreational amenities.

J. To establish a compatible interface and harmonious relationships with surrounding uses through sound planning principles and attention to sensitive design choices.

K. Implementation of a development project that is consistent with all policies, plans and regulations.

L. Implementation of a development project that benefits the community at large and enhances the quality of life by providing well planned and designed housing that meets the needs of broad segments of the community

M. Implementation of a development project that provides convenient and appropriate supportive commercial uses and recreational amenities while minimizing impacts to the physical environment.

III. Effects Determined to be Less Than Significant/No Impact in the Initial Study/Notice of Preparation.

The City of Brea conducted a Notice of Preparation (NOP) and Initial Study on December 19, 2005 to determine significant effects of the project. In the course of this evaluation, certain impacts of the Project were found to have no impact due to the inability of a Project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following effects were determined not to be significant or less than significant for the reasons set forth in the Initial Study, and were not analyzed in the EIR because they require no additional analysis to determine whether the effects could be significant.

A. AESTHETICS

1. The Project will not have a substantial effect on any scenic vista.

B. AGRICULTURAL RESOURCES

1. The Project will not conflict with existing zoning for agricultural use, or a Williamson Act Contract.

2. The Project does not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

C. AIR QUALITY

1. The Project will not create objectionable odors affecting a substantial number of people.

D. BIOLOGICAL RESOURCES

1. The Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

2. The Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

3. The Project will not have a substantial adverse effect on a federally protected wetland.

4. The Project will not cause a substantial interference with the movement of a native resident, migratory fish or wildlife species or migratory corridor.

5. The Project will not conflict with any local policies or ordinances protecting biological resources.

6. The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

E. GEOLOGY AND SOILS

1. The Project will not rupture a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault.

2. The Project will not cause landslides.

3. The Project will not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

F. HAZARDOUS AND HAZARDOUS MATERIALS

1. The Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

2. The Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

3. The Project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.

4. The Project is not located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, and thus the Project would not result in a safety hazard for people residing or working in the Project area.

5. The Project is not located within the vicinity of a private airstrip, and thus would not result in a safety hazard for people residing or working in the Project area.

6. The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

7. The Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are subject to urbanized areas or where residences are intermixed with wildlands.

G. HYDROLOGY AND WATER QUALITY

1. The Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

2. The Project will not cause or be impacted by inundation by seiche, tsunami, or mudflows.

3. The Project will not substantially degrade water quality.

4. The Project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

5. The Project will not place within a 100-year flood hazard area structures that would impede or redirect flood flows.

H. LAND USE

1. The Project will not physically divide an established community.

2. The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan.

I. MINERAL RESOURCES

1. The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

2. The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

J. NOISE

1. The Project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels.

2. The Project is not located within an airport land use plan or within two miles of a public airport or public use airport, and thus would not expose people residing or working in the Project area to excessive noise levels from airport activities.

3. The Project is not located within the vicinity of a private airstrip, and thus would not expose people residing or working in the Project area to excessive noise levels from airstrip activities.

K. POPULATION AND HOUSING

1. The Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

2. The Project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

L. TRANSPORTATION/TRAFFIC

1. The Project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

2. The Project will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

IV. Effects Determined to be Less Than Significant Without Mitigation in the EIR.

The EIR found that the proposed Project would have a less than significant impact without the imposition of mitigation on a number of environmental topic areas listed below. A less than significant environmental impact determination was made for each of the following topic areas listed below, based on the more expansive discussions contained in the EIR.

A. AESTHETICS

1. The proposed Project will be consistent with all applicable plans and regulations that apply in the area of aesthetics.

2. The Project will not cause a significant impact on scenic resources on a project specific basis or on a cumulative basis.

3. No significant impacts have been identified to the existing visual character and quality of the site and its surroundings as a result of the proposed operation of the Project, except with regard to any potential impact on the La Floresta Village Site as further discussed in Section V below.

4. No new sources of substantial light or glare would adversely affect day and nighttime views in the area as a result of the operation of the Project, on a project specific basis or on a cumulative basis.

B. AGRICULTURAL RESOURCES

1. The proposed Project will be consistent with all applicable plans and regulations that apply in the area of agricultural resources as more fully detailed in the EIR

2. The Project will not result in a loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

C. AIR QUALITY

1. The proposed Project will be consistent with all applicable plans and regulations that apply in the area of air quality as more fully detailed in the EIR.

2. The proposed Project will not cause any construction air quality impacts specific to those associated with fill trucks hauling fill material away from the Project sites. However, construction related air quality impacts in general would be significant and unavoidable as discussed in Section VI below.

3. The proposed Project will not cause any microscale CO hot spot impacts.

D. CULTURAL RESOURCES

1. The proposed Project on the La Floresta Village Site will be consistent with all applicable plans and regulations that apply in the area of cultural resources as more fully detailed in the EIR.

2. The proposed Project will not cause a substantial adverse change in the significance of any historical resource on the La Floresta Village Site, on a project specific basis or on a cumulative basis.

E. GEOLOGY AND SOILS

1. Development of the Project will not expose people or structures to a substantial adverse effect from the rupture of a known earthquake fault as depicted on an Alquist-Priolo Earthquake Fault Zoning Map.

2. Development of the Project will not cause any impacts related to ground rupture or liquefaction, but has the potential to cause impacts related to ground shaking, landslides, soil stability, settlement, groundwater, and soil expansion as discussed in Section V below.

F. HAZARDS AND HAZARDOUS MATERIALS

1. The Project will not create a significant hazard to the public or the environment through the release of chemicals from the acid treatment process associated with the former oil wells and production on the proposed La Floresta Village site.

2. The Project will not create a significant hazard to the public or the environment through the release of pesticides associated with the former nursery and agricultural areas on the proposed La Floresta Village site.

3. The Project will not create a significant hazard to the public or the environment through the release of lead-based paint associated with the demolition of existing buildings on the La Floresta Village site.

4. The Project will not create a significant hazard to the public or the environment through the release of waste oil from the previous above ground storage tanks and underground storage tanks that previously were on the proposed Birch Hills Site.

5. The Project will not create a significant hazard to the public or the environment through the release of pesticides associated with the former golf course operations on the proposed Birch Hills Site.

6. The Project will not create cumulative impacts associated with any of the previous oil production and industrial use on either the La Floresta Village site or the Birch Hills site.

G. HYDROLOGY AND WATER QUALITY

1. The Project will not cause a cumulative substantial degradation in water quality.

2. The proposed Project would not cumulatively expose people or structures to a significant risk of loss, injury or death from flooding.

3. The proposed Project would not cumulatively expose people or structures to a significant risk of loss, injury or death from dam failure inundation from the Carbon Canyon Dam.

H. LAND USE

1. The proposed Project will not be inconsistent with the City of Brea General Plan or the Birch Hills Specific Plan, particularly as proposed to be amended as part of the Project.

2. The proposed Project will not be inconsistent with the City of Brea Zoning Ordinance, particularly as proposed to be amended as part of the Project. .

I. NOISE

1. The proposed Project will be consistent with all applicable plans and regulations that apply to noise as more fully detailed in the EIR.

2. The Project will not cause significant noise impacts associated with construction fill hauling trips (on a project specific basis or on a cumulative basis), but does have the potential to generate construction noise impacts on-site as discussed in Section V below.

3. The proposed Project will not cause long-term operational project generated vehicular noise impacts on surrounding areas, on either a project specific basis or a cumulative basis.

4. The proposed Project will not cause cumulative construction noise impacts.

J. POPULATION AND HOUSING

1. The proposed Project will be consistent with all applicable plans and regulations that apply in the area of population and housing as more fully detailed in the EIR.

2. The proposed Project will not induce growth in the area in excess of that which is already anticipated by the City in its adopted forecast.

K. PUBLIC SERVICES

1. New construction or expansion of existing park facilities and recreational services beyond those contemplated by the Project will not be required as a result of the proposed Project.

2. The Project will not have a significant effect on the ability of the Orange County Integrated Waste Management Department at the Olinda Alpha Landfill to provide solid waste disposal services.

3. The proposed Project will not have an impact on trail facilities and will be consistent with the City of Brea's trail policies and plans.

4. The proposed Project will not have an impact on bike plans or bike paths and will be consistent with the City of Brea's General Plan Bike Plan.

5. The Project will not result in substantial physical deterioration of any parks or recreational facilities.

6. The Project will not cause a cumulative impact with regard to fire protection services, police protection, school services, park facilities and recreation, library services, wastewater treatment, water supply, or solid waste disposal.

L. TRAFFIC

1. The proposed Project will be consistent with all applicable plans and regulations that apply in the area of traffic as more fully detailed in the EIR.

2. Inadequate emergency access will not result from the proposed Project.

3. The Project will not result in inadequate parking capacity.

4. The proposed Project will not cause a significant traffic impact on Carbon Canyon Road between Olinda Drive and the Los Angeles County line.

V. Potentially Significant Environmental Impacts Determined to be Mitigated to a Less Than Significant Level.

The EIR identified the potential for the Project to cause significant environmental impacts in the areas of aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, and traffic. With the exception of those specific impacts to air quality as discussed in Section VI below, measures were identified that would mitigate all of these impacts to a less than significant level.

The Planning Commission finds that the feasible mitigation measures for the Project identified in the Final EIR would reduce the Project's impacts to a less than significant level, with the exception of those unmitigable impacts discussed in Section VI below. The Planning Commission will adopt all of the feasible mitigation measures for the Project described in the Final EIR as conditions of approval of the Project and incorporate those into the Project if approved.

A. AESTHETICS

1. Visual Character and Quality – La Floresta Village Site

The development of the La Floresta Village Site is not anticipated to cause any significant visual quality impacts as stated in the EIR. However, to ensure the views of the residences in the Vesuvius neighborhood to the east of the Project site are not impacted, the following finding is provided.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential visual quality impact from the Vesuvius neighborhood. Specifically, the following mitigation measure is imposed upon the Project to ensure a less than significant impact:

> **AES-1:** The proposed linear park on the La Floresta Village site, running along the easterly property line, shall be fully implemented, consistent with final Landscape Plans, concurrently with the construction of any planned adjacent development within the Project.

Facts in Support of Findings

Implementation of the proposed La Floresta Village development would remove any visually degraded conditions on-site that exist as a result of the recent removal of structures, rough grading, and ongoing remediation of hazardous materials. The majority of the La Floresta Village site has been previously disturbed and contains limited native vegetation. The La Floresta development plan incorporates a 50-foot linear park setback along the easterly boundary with the Vesuvius residential neighborhood perimeter, landscaping along other edges, as well as a system of trails through the La Floresta Village site. The La Floresta Village development also incorporates a 3.27-acre "Active Adult Recreation Center" to be located in Planning Area 11. A second, smaller Recreation Center is also to be located within Planning Area 8. As described in the preceding discussion of scenic resources, existing mature, healthy trees are to be retained to the extent feasible, particularly along the easterly boundary with the Vesuvius residential neighborhood. A variety of architectural styles are proposed to include Mediterranean, French, Tuscan, Colonial, Cape Cod, English Country, and Cottage, as well contemporary architecture styling planned for the commercial structures, as encouraged by General Plan's Urban Design policies. These aspects of the proposed La Floresta Village plan would minimize any adverse impacts on the existing visual character and quality of the site. Although the proposed development would substantially alter the intensity of development on the site and substantially change the visual character of the site, these changes are not considered adverse relative to the existing conditions on the site. The character and intensity of residential and commercial development proposed is also consistent with other recent development in the City of Brea.

Viewpoints One through Four

Aesthetics impacts would be greatest to those receptors with unobstructed views in closest proximity to the La Floresta Village site, which are shown in the visual simulations for Viewpoints 1 through 4 on Exhibit 5.1-2b through Exhibit 5.1.5e. as depicted in the EIR. These views are from the nearby commercial and office uses, or from passing motor vehicles. As shown in Exhibits Exhibit 5.1.5b through Exhibit 5.1.5e in the EIR, the foreground views would change from essentially vacant land to a developed character. Multi-story commercial structures to be located in Planning Area

5 and shown in Exhibit 5.1.5b in the EIR would also generally block any middle ground and background views that exist from structures located across Imperial Highway and Valencia Avenue. The same condition would occur from Viewpoints 2 through 4, as shown in Exhibit 5.1.5c through Exhibit 5.1.5e in the EIR. Commercial and office uses that are located along these frontages are not considered "sensitive viewers." In addition, both Imperial Highway and Valencia Avenue are major arterials and act to significantly distance and separate these uses from the La Floresta Village site, both in a physical as well as visual sense. As noted previously, the character and intensity of residential and commercial development proposed is also consistent with other recent development in the City of Brea, and the area generally surrounding the La Floresta Village site. In consideration of the preceding factors, no significant adverse impacts to views from vantage points 1 through 4 are anticipated.

Viewpoint Five

The perimeter wall of the neighborhood as well as a dense tree row that follows the easterly La Floresta Village boundary largely obstructs existing views from the Vesuvius residential development. Exhibits RTC 7.0, 8.0, and 9.0 in the FEIR illustrates the existing public view looking west toward the La Floresta Village site from a cul-de-sac within the Vesuvius residential neighborhood. As shown in the EIR, intervening structures and trees block all views of the La Floresta Village site from this location. Some residences located immediately on the neighborhood edge may, however, have partial views from upper story rear windows. The more typical condition is represented in Exhibits RTC 7.0, 8.0, and 9.0 provided in the FEIR. The La Floresta Village site plan includes a 50-foot landscaped linear park setback along the easterly site boundary with the Vesuvius neighborhood as previously mentioned. In addition, the character and intensity of residential and commercial development proposed are consistent with other recent development in the City of Brea, and the area generally surrounding the La Floresta Village site. In consideration of the preceding factors, no significant adverse impacts to views from vantage point 5 are anticipated. However, to ensure this impact will remain less than significant, AES-1 is required of the Project to ensure the linear park is developed concurrent with Project development.

2. Construction Related Impacts

Construction activities related to the development of the Project have the potential to cause significant aesthetic impacts during the construction phase.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant construction-related aesthetic impacts. Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels.

AES-2: Construction contractors shall use non-glare, directional lighting to minimize potential and glare impacts when lights are necessary for nighttime safety and security in the construction area. Spillage shall be controlled to the maximum extent feasible and shall not exceed 0.5 foot candles at any property line, consistent with the level of lighting determined necessary for safety and security purposes on the Project sites.

AES-3: Temporary construction screening shall be utilized throughout the construction process in all areas where a solid visual barrier does not exist between adjacent uses or roadways on both the La Floresta Village and Birch Hill sites. Barriers shall be installed in such a manner as to not adversely affect traffic safety in any adjacent area.

Facts in Support of Findings

Construction activities during the build-out of both Project sites, such as grading, building construction, and the movement of construction equipment throughout the site and on and off-site, could impact receptors with foreground views of the site and those who travel through the Project vicinity by automobile. Night lighting could be necessary for security in active construction areas. Light and glare related to construction activities could potentially affect surrounding residences in close proximity to either Project site and could be potentially significant if not properly screened and controlled. To mitigate these concerns, construction contractors shall be required to use non-glare directional lighting when lights are required for safety and security in construction areas. These construction-related impacts on aesthetics would be temporary, occurring over a period of approximately 60 months, but are potentially significant as there are sensitive receptors in proximity to both of the Project sites. Construction activities would also be highly visible to motorists traveling on surrounding streets. Implementation of AES-2 and AES-3 will ensure that construction related visual impacts would be less than significant.

B. CULTURAL RESOURCES

The following cultural resources impacts have the potential to rise to a level of significance, but can be mitigated to ensure a less than significant impact.

1. Consistency with Applicable Plans, including the City of Brea General Plan

Remnants of the Pacific Electric Railway tracks on the Birch Hills Project site could pose a significant impact of the Project if affected by the development of the Project.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potentially significant impacts related to the development of the Project on the Birch Hills Site, which could possibly affect the Pacific Electric Railway tracks. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **CR-1:** Pacific Electric Railway Tracks, Birch Hills Site – Subsequent Precise Development Plans to be reviewed and approved by the Development Services Department of the City of Brea for the implementation of the proposed Birch Hills project shall 1) acknowledge the existing railroad bed alignment to the fullest extent possible 2) retain the embedded rails in the golf cart road and as many other historic-age features as possible (palm trees, drainage pipes, roadbed profile), and 3) interpret the Pacific Electric railroad at appropriate public viewing areas at the property with durable plaques and/or kiosks preferably along the proposed public recreational trail adjacent to the railroad alignment.

Facts in Support of Findings

On the Birch Hills Project site, field reconnaissance conducted by SWCA in July 2006 suggested that remnants of the Pacific Electric Railway tracks through the property may be of local historical interest and historically significant. SWCA recommended that further research and recordation of the Pacific Electric Railway tracks be conducted to evaluate their historical significance.

This additional research was conducted in September 2006. Additional investigation and field reconnaissance determined that the Pacific Electric roadbed segment through the Birch Hills Golf course meets the California Registry of Historic Resources (CRHR) criterion for association with historic events and is eligible for listing in the California Register of Historical Resources. Under CEQA Guidelines, this would be considered a "significant resource" requiring mitigation. A community trail link is proposed to run through the site and would generally follow the path of the old Pacific Electric Railway, linking up with the former rail line off-site. An accurate alignment will be determined during Precise Development Plan review. However, mitigation measure CR-1 is required of the Project to ensure no significant impact occurs.

2. Archeological Resources

Both the La Floresta Village Site and the Birch Hills Site both have the potential to contain archaeological material, but with the incorporation of mitigation, any potential impact will be reduced to a level of less than significance.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potentially significant impact related to archeological resources on both the La Floresta Village Site and the Birch Hills Site. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

> **CR-2:** Archeological Monitor - An Orange County certified archaeologist monitor shall be present during all ground-disturbing construction activities occurring in native sediments/soils. In the event that cultural resources are exposed during construction the monitor shall be empowered to temporarily halt activities in the immediate vicinity of the discovery while it is evaluated for significance. If the archeologist determines that they are unique archeological resources as defined by criteria for listing in the California Register of Historical Resources, then the archeologist shall conduct additional excavations to avoid impacts to these resources by the development. If they are not "unique," then no further mitigation would be required.
>
> **CR-3:** Disposition of Any Human Remains - If previous human remains are uncovered during site preparation, grading, or excavation, the archeologist monitor shall have the authority to temporarily halt or divert grading in the immediate area of the discovery, and shall notify the County Coroner within 24 hours of the discovery. If the Coroner determines that the remains are not recent, the Coroner shall notify the Native American Heritage Commission. The project applicant shall comply with the procedures set forth in §5097.98 of the California Public Resources Code and shall consult with the most likely descendant designated by the Native American Heritage Commission to obtain recommendations on the treatment and disposition with appropriate dignity of the human remains and associated grave goods.

Facts in Support of Findings

Field investigations conducted in 2004 and 2006 did not reveal any archaeological or historic cultural resources on the La Floresta Village Site. Because of the potential for archaeological material to be located within the La Floresta Village development site area, however, it is recommended by the project archaeologist that a qualified monitor be present during any future ground–disturbing activities in native soils/sediments. In the event that cultural resources are exposed during construction, the monitor must be empowered to temporarily halt activities in the immediate vicinity of the discovery while it is evaluated for significance. Construction activities could, however, continue in other areas. If the discovery proves to be significant, additional analysis such as evaluation and recovery excavation may be warranted.

The Birch Hills site is considered to have the potential for buried archaeological resources, although none were observed during field investigations due to groundcover and other improvements and structures. The project archaeologist recommended that a qualified archaeologist monitor all ground disturbing construction activities occurring in native sediments/soils. In the event that cultural resources are exposed during construction, the monitor must be empowered to temporarily halt activities in the immediate vicinity of the discovery while it is evaluated for significance. Construction activities could, however, continue in other areas. If the discovery proves to be significant, additional analysis such as evaluation and recovery excavation may be warranted.

With the incorporation of mitigation measures CR-2 and CR-3 any potential impact will be less than significant.

3. Paleontological Resources

The La Floresta Village Site and the Birch Hills Site are considered to have the potential for paleontological resources as discussed more fully in the EIR.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potentially significant impacts related to paleontological resources on both the La Floresta Village Site and the Birch Hills Site. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

CR-4: Paleontological Monitor - All construction-related ground disturbance related to the Hartley Center– La Floresta Village development project that could potentially impact the paleontologically sensitive Quaternary Older Alluvium shall be monitored by a qualified paleontological monitor on a full-time basis. Ground disturbances in Holocene-age alluvium shall be monitored on a part-time basis to ensure that underlying paleontologically sensitive sediments are not impacted.

CR-5: Paleontological Mitigation Plan - An Orange County Certified Paleontologist shall be retained to supervise monitoring of construction excavations and to produce a mitigation plan for the proposed La Floresta Village development project. Paleontological monitoring shall include inspection of exposed rock units during active excavations. The monitor shall have authority to temporarily divert grading away from exposed fossils in order to professionally and efficiently recover the fossil specimens and collect associated data.

CR-6: Progress Reports - The Certified Paleontologist shall prepare monthly progress reports to be filed with the client and the lead agency.

CR-7: Recordation of Fossil Localities - At each fossil locality, pertinent geologic data shall be recorded on field data forms, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis.

CR-8: Recovery of Fossils - Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and reposited in a designated paleontological curation facility. Potential repositories include the Natural History Museum of Los Angeles County and the San Bernardino County Museum.

CR-9: Final Monitoring and Mitigation Report - The Certified Paleontologist shall prepare a final monitoring and mitigation report to be filed with the client, the lead agency, and the repository.

Facts in Support of Findings

The La Floresta Village site and the Birch Hills site are considered to have the potential for paleontological resources as more fully discussed in the EIR. Pre-construction excavations on the project sites are considered "highly likely" to result in adverse impacts to significant paleontological resources unless proper mitigation measures are implemented due to the presence of paleontologically sensitive geologic sediments throughout the general vicinity. With the incorporation of mitigation measures CR-4 through CR-9, any impact to paleontological resources will be considered less than significant.

4. Human Remains

Although no evidence was provided by any Native tribes regarding the existence of burial grounds on the Project sites, the potential still exists for a significant impact to human remains because the area may have been inhabited by Native Americans in the past.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potentially significant impact related to human remains. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

CR-2: Archeological Monitor - An Orange County certified archaeologist monitor shall be present during all ground-disturbing construction activities occurring in native sediments/soils. In the event that cultural resources are exposed during construction the monitor shall be empowered to temporarily halt activities in the immediate vicinity of the discovery while it is evaluated for significance. If the archeologist determines that they are unique archeological resources as defined by

criteria for listing in the California Register of Historical Resources, then the archeologist shall conduct additional excavations to avoid impacts to these resources by the development. If they are not "unique," then no further mitigation would be required.

CR-3: Disposition of Any Human Remains - If previous human remains are uncovered during site preparation, grading, or excavation, the archeologist monitor shall have the authority to temporarily halt or divert grading in the immediate area of the discovery, and shall notify the County Coroner within 24 hours of the discovery. If the Coroner determines that the remains are not recent, the Coroner shall notify the Native American Heritage Commission. The project applicant shall comply with the procedures set forth in §5097.98 of the California Public Resources Code and shall consult with the most likely descendant designated by the Native American Heritage Commission to obtain recommendations on the treatment and disposition with appropriate dignity of the human remains and associated grave goods.

Facts in Support of Findings

The City of Brea has consulted with the Native American Heritage Commission to request a Sacred Lands File Search and a Native American Contact List. (Appendix C of the EIR contains the contact letter sent and a distribution list of tribes to which it was sent.) No responses to correspondence seeking additional information from area tribes were received. Native Americans may, however, have inhabited the Project area in prehistoric times; therefore, cultural resources may exist in the vicinity. During grading operations, it is possible that human remains could be discovered. Mitigation Measures CR-2 and CR-3 above would reduce potential impacts to a less than significant level by ensuring that an archeologist monitors the site during project construction and that measures are in place to properly dispose of any human remains discovered on the Project sites.

5. Cumulative Impact - Consistency with Applicable Plans, including the City of Brea General Plan, and Impact on Significance of a Historical Resource

Although a potentially significant cumulative impact is possible with regard to inconsistency with the City of Brea General Plan, Community Resources Element on Historical Resources, that may also cumulatively impact the significance of a historical resource, any potential cumulative impact will be less than significant with the incorporation of mitigation.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potentially significant cumulative impact related to the development of the Project on the Birch Hills Site, which could possibly affect the Pacific Electric Railway tracks, and the cumulative development of other

Projects in the vicinity of the Project which may also affect the Pacific Electric Railway Tracks. Specifically, the following mitigation measure is imposed upon the Project and other Projects to be developed in the region to mitigate any potential cumulative impacts to less than significant levels:

> **CR-1:** Pacific Electric Railway Tracks, Birch Hills Site – Subsequent Precise Development Plans to be reviewed and approved by the Development Services Department of the City of Brea for the implementation of the proposed Birch Hills project shall 1) acknowledge the existing railroad bed alignment to the fullest extent possible 2) retain the embedded rails in the golf cart road and as many other historic-age features as possible (palm trees, drainage pipes, roadbed profile), and 3) interpret the Pacific Electric railroad at appropriate public viewing areas at the property with durable plaques and/or kiosks preferably along the proposed public recreational trail adjacent to the railroad alignment.

Facts in Support of Findings

Investigation and field reconnaissance determined that the "Pacific Electric" roadbed segment through the Birch Hills Golf course meets the California Registry of Historic Resources (CRHR) criterion for association with historic events and is eligible for listing in the California Register of Historical Resources. Under CEQA Guidelines, this would be considered a "significant resource" requiring mitigation. Mitigation Measure CR-1 requires the preservation of remaining artifacts and features related to the former "Pacific Electric" rail line. This measure would reduce potential project specific impacts to cultural resources to a less than significant level. A similar mitigation measure is required of other development projects under CEQA where cultural resources are identified. In consideration of the preceding factors, the contribution of the Birch Hills development project to cumulative impacts to historical resources would be rendered less than considerable, and therefore, less than cumulatively significant.

The preceding discussion of consistency with General Plan Historical Resources goals and policies addresses the potential for historical resources on the Birch Hills site and identifies the appropriate mitigation measure CR-1. This measure would reduce potential project specific impacts to cultural resources to a less than significant level. A similar mitigation measure is required of other development projects under CEQA where cultural resources are identified. In consideration of the preceding factors, the contribution of the Birch Hills development project to cumulative impacts to historical resources would be rendered less than considerable, and therefore, less than cumulatively significant.

C. GEOLOGY AND SOILS

1. Consistency with Applicable Plans and Regulations – City of Brea General Plan, Public Safety Element

The public safety element of the City of Brea General Plan requires that geological and geotechnical investigations and studies be produced of all new developments, as well as site-specific evaluations based on these studies. Mitigation is required of the Project in order to ensure that no significant impact results from project inconsistency with these General Plan requirements.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid any potential impact from Project inconsistency with the Brea General Plan, Public Safety Element. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **GEO-1:** Geotechnical Investigation - Prior to approval of a final subdivision map or issuance of a grading permit the applicant shall submit a site-specific geotechnical investigation report prepared by a licensed engineering geologist in conformance with the City Grading and Excavation Code and meeting the approval of the City Engineer. All recommendations of the report shall be based on surface and subsurface mapping, laboratory testing, and analysis, and shall be incorporated into the final grading plans. The report shall address the following issues:
>
> • Site clearing and preparation
>
> • Identification of faults and traces
>
> • Full characterization of on-site soils
>
> • Mitigation options for removal of in-ground improvement (or structure design mitigation) of uncompacted fill, compressible soils, expansive soils, corrosive soils, and liquefiable soils
>
> • Foundation design
>
> • Slope stability
>
> • Subdrains

Facts in Support of Findings

Existing law requires that all grading and construction comply with Uniform Building Code standards for seismic safety. In addition, detailed geotechnical studies have been conducted for both sites, and findings are summarized extensively in the EIR. Mitigation Measure GEO-1 would require that these studies be reviewed and approved by the City Engineer and all recommendations from these studies be incorporated into

grading and building plans. With the incorporation of measure GEO-1, the Project will not be inconsistent with the City of Brea General Plan, Public Safety Element, and a less than significant impact will result.

2. Impacts Related to Ground Shaking, Landslides, Soil Stability, Settlement, Groundwater and Soil Expansion

The Project has the potential to cause significant impacts with regard to ground shaking, landslides, soil stability, settlement, groundwater, and soil expansion. However with the incorporation of measure GEO-1, any potential impact will be less than significant.

Findings

Changes or alterations have been required in, or incorporated into the Project that avoid any potential impacts related to ground shaking, landslides, soil stability, settlement, groundwater, and settlement. Specifically, the following mitigation measure is imposed upon the Project to mitigate these potential impacts to less than significant levels:

> **GEO-1:** Geotechnical Investigation - Prior to approval of a final subdivision map or issuance of a grading permit the applicant shall submit a site-specific geotechnical investigation report prepared by a licensed engineering geologist in conformance with the City Grading and Excavation Code and meeting the approval of the City Engineer. All recommendations of the report shall be based on surface and subsurface mapping, laboratory testing, and analysis, and shall be incorporated into the final grading plans. The report shall address the following issues:
>
> • Site clearing and preparation
>
> • Identification of faults and traces
>
> • Full characterization of on-site soils
>
> • Mitigation options for removal of in-ground improvement (or structure design mitigation) of uncompacted fill, compressible soils, expansive soils, corrosive soils, and liquefiable soils
>
> • Foundation design
>
> • Slope stability
>
> • Subdrains

FACTS IN SUPPORT OF FINDINGS

Ground Shaking

The Project sites are located in a seismically active area that has historically been affected by moderate to occasionally high levels of ground motion. The sites lie in relatively close proximity to several active faults; therefore, during the life of the proposed development, the properties will probably experience moderate to occasionally high ground shaking from these fault zones, as well as some background shaking from other seismically active areas of the southern California region. Design of proposed structures in accordance with the current Uniform Building Code as required by Measure GEO-1 is anticipated to mitigate potential impacts from ground shaking to a level that is less than significant.

Landsliding

No conditions were observed that would suggest the Project sites are prone to landsliding. The sites are not located within an area identified by the California Geologic Survey (CGS) as having potential for seismic slope instability. Geologic hazards associated with landsliding are not anticipated at the sites. Proposed grading of the sites is unlikely to expose adverse geologic conditions. However, adverse geologic conditions could be readily mitigated with stabilization and/or buttress fills. All grading and construction must conform to the requirements of the Uniform Building Code, with any locally adopted amendments. Mitigation Measure GEO-1 would also require a detailed geotechnical investigation prior to construction, and would reduce this potential impact to a level that is less than significant.

Slope Stability

Based on experience with earth materials encountered within the Project sites and adjacent properties and considering the maximum slope ratio and height of proposed slopes, proposed cut and fill slopes are generally anticipated to be grossly and surficially stable under static and seismic conditions. All grading and construction must conform to the requirements of the Uniform Building Code, with any locally adopted amendments. In addition, Mitigation Measure GEO-1 would also require a detailed geotechnical investigation prior to construction, and would reduce this potential impact to a level that is less than significant.

Settlement

Based on a review of previous site investigations within and near the sites, as well as experience with similar projects, the artificial fill, topsoil, colluvium, recent alluvium, and the upper portion of older alluvium within the sites would undergo significant settlement due to the weight of new fills and introduction of water. Settlement from these materials would likely exceed 1 inch, of which significant portions of settlement could occur after construction of proposed structures. These materials are not suitable

to be left in-place within the influence of proposed fills and improvements. This condition can be readily mitigated by removal of these materials and replacing them as engineered fill. Long-term settlement of proposed fills and underlying competent earth materials is anticipated to be within tolerable limits. All grading and construction must conform to the requirements of the Uniform Building Code, with any locally adopted amendments. Mitigation Measure GEO-1 would also require a detailed geotechnical investigation prior to construction, and would reduce this potential impact to a level that is less than significant.

Groundwater

Groundwater and surface water conditions in the future may vary substantially from those observed within the sites as a result of seasonal variations of rainfall and future development and irrigation. The relatively low permeability characteristic of portions of the soil beneath the sites may increase the potential for localized groundwater ponding subsequent to development. Provided appropriate remedial grading measures and subsurface drainage devices are incorporated into the construction of the Project, adverse effects from future groundwater conditions are not anticipated. All grading and construction must conform to the requirements of the Uniform Building Code, with any locally adopted amendments. Mitigation Measure GEO-1 would also require a detailed geotechnical investigation prior to construction, and would reduce this potential impact to a level that is less than significant.

Soil Expansion

Based on laboratory test results and the USGS visual manual classification, the near surface soils within the La Floresta Village site are generally anticipated to possess a Very Low to High expansion potential and the soils within the Birch Hills site are generally anticipated to possess a Low to Medium expansion potential. Additional testing for soil expansion will be required subsequent to rough grading and prior to construction of foundations and other concrete work to confirm these conditions. Adverse effects from expansive soils can be readily mitigated through the use of well reinforced foundations, post-tension slabs, and pre-moistening of supporting surface soils prior to construction. All grading and construction must conform to the requirements of the Uniform Building Code, with any locally adopted amendments. Mitigation Measure GEO-1 would also require a detailed geotechnical investigation prior to construction, and would reduce this potential impact to a level that is less than significant.

D. HAZARDS AND HAZARDOUS MATERIALS

1. Impacts Related to Previous Oil Production and Industrial Use

The La Floresta Village site includes the former Unocal Hartley Research Center, a petroleum research and development facility, a plant nursery adjacent to the north, and an orange grove adjacent to the east, all of which encompass about 120 acres. The northern portion of this site formerly included oil production activities (part

of the Brea-Olinda Oil Field). Three abandoned oil wells are located within this site. A fourth well, which has not been located, is suspected to be within Rose Drive near the boundary of the site. The Birch Hills site includes the existing Birch Hills Golf Course. This site occupies a portion of the former Union Collier Chemical Plant located at 2601 East Imperial Highway. All of these previous uses have the potential to pose a significant hazard to the public or the environment through the release of hazardous materials.

Findings

Changes or alterations have been required in, or incorporated into the Project that avoid any potential impacts related to the previous oil production and industrial uses on the site. Specifically, the following mitigation measures are imposed upon the Project to mitigate these potential impacts to less than significant levels:

HAZ-1: Underground Storage Tanks - Prior to final certification of grading or issuance of a building permit (whichever occurs first) for any structure within 300 feet of a former UST location, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA.

HAZ-2: Above-Ground Storage Tanks - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by ASTs, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA.

HAZ-3: Drum Storage Areas - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by former drum storage areas, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA.

HAZ-4: Wastewater Sump Area - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by the former wastewater sump, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA and the RWQCB.

HAZ-5: Oil Wells and Methane Gas -

a. Oil Well Abandonment. Prior to final certification of grading or issuance of any building permit, the applicant shall submit evidence acceptable to the Brea Fire Chief demonstrating that the locations of all known wells on site have been reviewed by the California Division of Oil,

Gas and Geothermal Resources (DOGGR) and that all well abandonment requirements, including gas leakage testing, have been completed according to DOGGR specifications. All abandoned wells shall be vented according to Brea Fire Department guidelines.

b. Soil Gas Survey. Prior to final certification of grading or issuance of any building permit, a soil gas survey shall be conducted in accordance with the Brea Fire Department guidelines to determine whether or not there is methane and/or other combustible soil gases at concentrations of concern at the site. The survey shall evaluate the areas around the old, abandoned wells as well as any and all locations identified by the City's combustible soil gas consultant. Samples shall also be collected at depth below final design grades as determined by a registered professional engineer with experience in the field of combustible soil gas control and mitigation systems. Said survey is subject to third party review by the City's combustible soil gas consultant. A workplan and appropriate mitigation measures will be required if methane gas at concentrations over 5,000 parts per million is detected at the site, in accordance with the guidelines established by the City of Brea Fire Department, as appropriate.

c. Soil Gas Mitigation. Prior to issuance of a grading permit, site development plans must comply with the Brea Fire Department's requirements for the investigation, mitigation, and remediation of combustible soil gases. These requirements are outlined in the City of Brea Fire Department "Combustible Soil Gas Mitigation System Installation and Inspection Requirements." In addition, if hydrocarbon concentrations in excess of 20,000 parts per million are left in place below 10 feet below grade surface, the City Fire Department will require documentation that shows that the contamination will not create a methane gas problem. Mitigation measures regarding combustible soil gases shall be provided in accordance with City of Brea Fire Department's requirements. They may include but may not be limited to: sub-slab passive venting systems, sub-slab membranes, bottoms mitigation measures and venting of abandoned wells. This program shall be submitted to the Director or designee, Development Services Department within 60 days of completion of grading for review/approval.

d. Grading Protocol. Prior to issuance of a grading permit, the applicant shall submit a description of the oil well protocols to be followed during grading operations. The protocols shall describe the methods for searching for unknown oil wells and the procedures to be followed in the event that a well is discovered, in compliance with Fire Department and DOGGR regulations. The Grading Protocol shall be subject to review and approval by the Fire Marshall and the Building Official.

e. Grading Monitor. Prior to issuance of a grading permit, the applicant shall retain a grading monitor to observe all grading operations to ensure that the approved Grading Protocol is implemented. The monitor shall be selected by the City Fire Marshall and shall have the authority to halt grading operations and immediately notify the Fire Marshall if an oil well is discovered.

f. Residential Structure Setbacks. Prior to issuance of any building permit for residential structures, the applicant shall provide evidence acceptable to the Building Official that a setback of at least 10 feet from an abandoned well or 100 feet from an operating well shall be maintained.

HAZ-6: Nursery Area Arsenic - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by the former nursery area, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA and the RWQCB.

HAZ-7: Electrical Transformer Area - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by the former electrical transformer area, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA.

HAZ-8: Asbestos Pipe - Prior to final certification of grading or issuance of any building permit (whichever occurs first), the applicant shall provide evidence acceptable to the City Building Official and Fire Marshall that asbestos remediation has been completed in accordance with EPA and SCAQMD protocols.

HAZ-9: Hydrogen Sulfide - Prior to final certification of grading or issuance of any building permit (whichever occurs first), the applicant shall provide evidence acceptable to the City Building Official and Fire Marshall that site remediation for H2S has been completed and approved by OCHCA.

HAZ-10: Groundwater Remediation -

a. Groundwater Monitoring Reports. All groundwater monitoring reports for the Birch Hills property shall be submitted to the City Fire Marshall at the same time they are submitted to the RWQCB.

b. Groundwater Remediation. Prior to issuance of a building permit, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall demonstrating that neither groundwater

contamination nor remediation activities present any significant health risk to construction workers or project occupants.

HAZ-11: Railroad Right-of-Way - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas containing railroad ROW, the applicant shall provide evidence acceptable to the City Building Official and Fire Marshall that site remediation (if necessary) has been completed and approved by OCHCA.

FACTS IN SUPPORT OF FINDINGS

La Floresta Village Site

Underground Storage Tanks (USTs)

All underground storage tanks have been removed and the areas assessed. Documentation regarding the removal and agency closure could not be located for all the tanks. Seven soil samples were collected from these areas in 1995/1996. Two soil vapor samples were collected in December 2003. No significant concentrations of TPH (>50ppm) were detected in the soil samples. No VOCs were detected in the soil vapor samples. The former UST locations without complete documentation will be further assessed and, if necessary, remediated during grading. Any impacted soil shall be remediated to the satisfaction of the regulatory agencies. With the incorporation of Measure HAZ-1, this impact will be reduced to a less than significant level.

Above-Ground Storage Tanks (ASTs)

Soil contamination was detected in soil at the K-1 tank block and in one five-foot-deep sample at the Y2 tank block. All ASTs have been removed and a remediation workplan was reviewed and approved for the K-1 tank block by OCHCA (March 1, 2005). The diesel-affected soil has not yet been remediated. Both areas will be addressed during site grading activities to the satisfaction of Orange County Health Care Agency in accordance with the approved workplan. With the incorporation of Measure HAZ-2, this impact will be less than significant.

Drum Storage Areas

An assessment found elevated levels of petroleum hydrocarbons at the drum storage area near the Y2 tank block. However, with the incorporation of Measure HAZ-3, any potential impact will remain at a less than significant level.

Wastewater Sump

An assessment was conducted, and soil sampling revealed elevated arsenic levels throughout the upper four feet of soil in the wastewater basin area. Preliminary

discussions with Orange County Health Care Agency have indicated that it will be acceptable to bury the contaminated soil beneath 10 feet of "clean" fill (Regional Water Quality Control Board approval will also be required). A Soil Management Plan (SMP) will be required to ensure that the affected soil will be properly monitored and its location and depth documented. The SMP will be submitted to OCHCA and RWQCB for review and approval. If this method is not acceptable to the agencies, other methods such as removal and disposal will be performed. Mitigation Measure HAZ-4 will ensure this impact remains less than significant.

Oil Wells and Methane Gas

As discussed previously, three inactive oil wells are located on the northern portion of the La Floresta site and one well is believed to be located under Rose Drive adjacent to the northeastern portion of the site. Each of the wells will be re-abandoned in accordance with Division of Oil & Gas regulations and no structures will be located directly above any abandoned wells. Structures located near abandoned wells must meet the soil gas mitigation requirements and procedures outlined in the City of Brea Fire Department Combustible Soil Gas Mitigation Requirements. One additional well, which is known to be east of the site, is outside of the development area. Any impacted soil associated with the wells must be remediated to the satisfaction of Orange County Health Care Agency and the Regional Water Quality Control Board. With the incorporation of Mitigation Measures HAZ-5, this impact will remain less than significant.

Nursery Area

During additional assessment of the nursery area in 2005 and 2006, elevated levels of arsenic were detected in two surface soil samples. Additional assessment will be required to evaluate the extent of arsenic concentrations in the soil. Any soil requiring remediation must be addressed to the satisfaction of Orange County Health Care Agency and the Regional Water Quality Control Board during site grading. Mitigation Measure HAZ-6 will ensure a less than significant impact.

Electrical Transformer Area

Elevated levels of PCBs were detected in the soil at one of 14 transformer locations tested in December 2003. The PCB-affected soil was removed and disposed of offsite at an appropriate facility in accordance with the approved workplan under the oversight of Orange County Health Care Agency. Laboratory results of soil confirmation samples have demonstrated that cleanup of the area has been completed in accordance with the approved workplan. No further work is deemed necessary; however the final report, OCHCA review and case closure are pending. Mitigation Measure HAZ-7 requiring the applicant to provide evidence of site remediation will ensure a less than significant impact.

Asbestos

Assessment of asbestos-containing materials (ACMs) was conducted. ACMs included pipe insulation, window putty, floor tile and mastic, roofing, transite panels, and transite pipe. ACMs contained in building materials were removed per EPA protocols. Approximately 7,200 linear feet of underground piping containing asbestos was removed. Approximately 800 linear feet of asbestos piping remains under debris stockpiles. This additional pipe must be removed per EPA and SCAQMD protocols after the stockpiles are removed and evidence of such remediation will be required to be provided by Mitigation Measure HAZ-8, ensuring a less than significant impact.

Hydrogen Sulfide

Low concentrations of hydrogen sulfide detected during a soil gas survey were determined to be the result of plant matter decay. Additional assessment will be required to evaluate the presence of H2S concentrations. As necessary, mitigation measures will be implemented to the satisfaction of the Brea Fire Department, and with the incorporation of Mitigation Measure HAZ-9, a less than significant impact will result.

Birch Hills Site

Soil and Groundwater Nitrate

A housing development and shopping center (Brea Union Plaza) were previously built over the plume area. Affected soil was excavated and removed and no further action is required per OCHCA (June 19, 1998). Residual contamination was present in the groundwater. A groundwater remediation system was approved by the RWQCB in 1996. Remediation has been ongoing since 1996 under the oversight of the RWQCB. Two monitoring wells are located on the golf course driving range. The groundwater plume is monitored twice annually. Such monitoring and remediation are required of the Project applicant through Measure HAZ-10, thereby ensuring a less than significant impact.

Union Pacific Railroad Right-of-Way

An assessment conducted in 1999 identified nitrates, petroleum hydrocarbons, pesticides, and metals in the soil along the former rail line. The assessment concluded that contaminants were not toxic, although additional assessment will be performed to confirm the previous study prior to development. With the incorporation of Measure HAZ-11, a less than significant impact will result.

2. Hazardous Materials Within One-Quarter Mile of a School

A significant impact can result if the Project or Project construction emits hazardous emissions or handles hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. A

future school is planned in the region, less than one-quarter mile from the La Floresta Village development Project site.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impacts. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

HAZ-1: Underground Storage Tanks - Prior to final certification of grading or issuance of a building permit (whichever occurs first) for any structure within 300 feet of a former UST location, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA.

HAZ-2: Above-Ground Storage Tanks - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by ASTs, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA.

HAZ-3: Drum Storage Areas - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by former drum storage areas, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA.

HAZ-4: Wastewater Sump Area - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by the former wastewater sump, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA and the RWQCB.

HAZ-5: Oil Wells and Methane Gas -

a. Oil Well Abandonment. Prior to final certification of grading or issuance of any building permit, the applicant shall submit evidence acceptable to the Brea Fire Chief demonstrating that the locations of all known wells on site have been reviewed by the California Division of Oil, Gas and Geothermal Resources (DOGGR) and that all well abandonment requirements, including gas leakage testing, have been completed according to DOGGR specifications. All abandoned wells shall be vented according to Brea Fire Department guidelines.

b. Soil Gas Survey. Prior to final certification of grading or issuance of any building permit, a soil gas survey shall be conducted in accordance with the Brea Fire Department guidelines to determine whether or not there is methane and/or other combustible soil gases at concentrations of concern at the site. The survey shall evaluate the areas around the old, abandoned wells as well as any and all locations identified by the City's combustible soil gas consultant. Samples shall also be collected at depth below final design grades as determined by a registered professional engineer with experience in the field of combustible soil gas control and mitigation systems. Said survey is subject to third party review by the City's combustible soil gas consultant. A workplan and appropriate mitigation measures will be required if methane gas at concentrations over 5,000 parts per million is detected at the site, in accordance with the guidelines established by the City of Brea Fire Department, as appropriate.

c. Soil Gas Mitigation. Prior to issuance of a grading permit, site development plans must comply with the Brea Fire Department's requirements for the investigation, mitigation, and remediation of combustible soil gases. These requirements are outlined in the City of Brea Fire Department "Combustible Soil Gas Mitigation System Installation and Inspection Requirements." In addition, if hydrocarbon concentrations in excess of 20,000 parts per million are left in place below 10 feet below grade surface, the City Fire Department will require documentation that shows that the contamination will not create a methane gas problem. Mitigation measures regarding combustible soil gases shall be provided in accordance with City of Brea Fire Department's requirements. They may include but may not be limited to: sub-slab passive venting systems, sub-slab membranes, bottoms mitigation measures and venting of abandoned wells. This program shall be submitted to the Director or designee, Development Services Department within 60 days of completion of grading for review/approval.

d. Grading Protocol. Prior to issuance of a grading permit, the applicant shall submit a description of the oil well protocols to be followed during grading operations. The protocols shall describe the methods for searching for unknown oil wells and the procedures to be followed in the event that a well is discovered, in compliance with Fire Department and DOGGR regulations. The Grading Protocol shall be subject to review and approval by the Fire Marshall and the Building Official.

e. Grading Monitor. Prior to issuance of a grading permit, the applicant shall retain a grading monitor to observe all grading operations to ensure that the approved Grading Protocol is implemented. The monitor shall be selected by the City Fire Marshall and shall have the authority to halt grading operations and immediately notify the Fire Marshall if an oil well is discovered.

f. Residential Structure Setbacks. Prior to issuance of any building permit for residential structures, the applicant shall provide evidence acceptable to the Building Official that a setback of at least 10 feet from an abandoned well or 100 feet from an operating well shall be maintained.

HAZ-6: Nursery Area Arsenic - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by the former nursery area, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA and the RWQCB.

HAZ-7: Electrical Transformer Area - Prior to final certification of grading or issuance of any building permit (whichever occurs first) for areas affected by the former electrical transformer area, the applicant shall provide evidence acceptable to the City Building Official and the Fire Marshall that site remediation has been completed and approved by OCHCA.

HAZ-8: Asbestos Pipe - Prior to final certification of grading or issuance of any building permit (whichever occurs first), the applicant shall provide evidence acceptable to the City Building Official and Fire Marshall that asbestos remediation has been completed in accordance with EPA and SCAQMD protocols.

HAZ-9: Hydrogen Sulfide - Prior to final certification of grading or issuance of any building permit (whichever occurs first), the applicant shall provide evidence acceptable to the City Building Official and Fire Marshall that site remediation for H2S has been completed and approved by OCHCA.

Facts in Support of Findings

A future school site is located near the northwest corner of Birch Street and Valencia Avenue, less than one-quarter mile from the La Floresta Village development. The requirements and mitigation measures HAZ-1 through HAZ-9 discussed above would reduce any potential impacts from hazardous materials to the future school below the level of significance.

E. HYDROLOGY AND WATER QUALITY

1. Violation of Water Quality Standards

The proposed grading and construction of the Project on both Project sites would alter drainage patterns, increase impervious surfaces, and potentially increase erosion and sedimentation. In addition, conversion of undeveloped areas to urban uses would be expected to introduce new sources of pollution such as oil,

grease, pesticides and herbicides, heavy metals, paints and household chemicals, and pet wastes into storm water runoff if not properly mitigated.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impacts involving any potential violation of water quality standards. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

HYD-1: NPDES Compliance - Prior to issuance of a grading permit for each site, the project proponent shall apply for coverage for discharge under the General Construction Permit by submitting a Notice of Intent (NOI) for coverage, developing a Storm water Pollution Prevention Plan (SWPPP) and implementing Best Management Practices (BMPs) to address construction site pollutants. Separate coverage shall be obtained for each site. The Storm Water Pollution Prevention Plan (SWPPP) shall: 1) require implementation of BMPs so as to prevent a net increase in sediment load in storm water discharges relative to preconstruction levels; 2) prohibit discharges of storm water or non-storm water at levels that would cause or contribute to an exceedance of any applicable water quality standard contained in the regional basin plan; 3) discuss in detail the BMPs for the project related to control of sediment and erosion, non-sediment pollutants, and potential pollutants in non-storm water discharges; 4) describe post-construction BMPs for the project; 5) explain the monitoring and maintenance program for the project BMPs; 6) require reporting of violations to the RWQCB; and 7) list the parties responsible for SWPPP implementation and BMP maintenance both during and after construction. Upon acceptance of the NOI by the State Board, the project proponent shall implement the SWPPP and will modify the SWPPP as directed by the Storm Water Permit.

HYD-2: Water Quality Management Plan - Prior to issuance of building permits for each site, the project proponent shall prepare a Water Quality Management Plan (WQMP) meeting the approval of the City Engineer. The WQMP shall: 1) describe the routine and special post-construction BMPs to be used at the proposed development site (including both structural and non-structural measures); 2) describe responsibility of the initial implementation and long-term maintenance of the BMPs; 3) provide narrative with the graphic materials as necessary to specify the locations of the structural BMPs; and 4) describe effective means to ensure that the WQMP is carried out by all future successors or assigns to the property.

Compliance with NPDES Best Management Practices (BMPs) would substantially reduce the quantity of pollutants that would enter drainage channels. BMPs can be either structural or non-structurai. Structural BMPs could include such things as proper design of trash storage areas, water efficient irrigation systems, detention/ retention basins, grassy swales, porous pavement and sand filters. Examples of non-structural BMPs include public education, street sweeping, landscape management, spill contingency plans, housekeeping of loading docks and activity restrictions. With the incorporation of Mitigation Measures HYD-1 and HYD-2, which implement BMPs, any potential impact with regard to a violation of water quality standards would be less than significant.

2. Alteration of Drainage Patters in a Manner that Would Result in Substantial Erosion or Siltation On-Site or Off-Site

The Project would alter drainage patters on both the La Floresta Village Site and the Birch Hills Site, which has the potential to result in erosion or siltation.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impacts involving the alteration of drainage patterns. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

> **HYD-1:** NPDES Compliance - Prior to issuance of a grading permit for each site, the project proponent shall apply for coverage for discharge under the General Construction Permit by submitting a Notice of Intent (NOI) for coverage, developing a Storm water Pollution Prevention Plan (SWPPP) and implementing Best Management Practices (BMPs) to address construction site pollutants. Separate coverage shall be obtained for each site. The Storm Water Pollution Prevention Plan (SWPPP) shall: 1) require implementation of BMPs so as to prevent a net increase in sediment load in storm water discharges relative to preconstruction levels; 2) prohibit discharges of storm water or non-storm water at levels that would cause or contribute to an exceedance of any applicable water quality standard contained in the regional basin plan; 3) discuss in detail the BMPs for the project related to control of sediment and erosion, non-sediment pollutants, and potential pollutants in non-storm water discharges; 4) describe post-construction BMPs for the project; 5) explain the monitoring and maintenance program for the project BMPs; 6) require reporting of violations to the RWQCB; and 7) list the parties responsible for SWPPP implementation and BMP maintenance both during and after construction. Upon acceptance of the

NOI by the State Board, the project proponent shall implement the SWPPP and will modify the SWPPP as directed by the Storm Water Permit.

HYD-2: Water Quality Management Plan - Prior to issuance of building permits for each site, the project proponent shall prepare a Water Quality Management Plan (WQMP) meeting the approval of the City Engineer. The WQMP shall: 1) describe the routine and special post-construction BMPs to be used at the proposed development site (including both structural and non-structural measures); 2) describe responsibility of the initial implementation and long-term maintenance of the BMPs; 3) provide narrative with the graphic materials as necessary to specify the locations of the structural BMPs; and 4) describe effective means to ensure that the WQMP is carried out by all future successors or assigns to the property.

Facts in Support of Findings

The Project would alter drainage patterns for both sites. Proposed hydrology plans for the La Floresta and Birch Hills sites are shown in Exhibits 5.7-5 and 5.7-6 of the EIR, respectively. Although the proposed grading and drainage alterations could result in an increase in erosion or siltation, Mitigation Measures HYD-1 and HYD-2, above, would require compliance with BMPs and preparation of a Water Quality Management Plan for each site. These requirements would reduce potential impacts to a level that is less than significant.

3. Alteration of Drainage Patterns in a Manner That Would Exceed Drainage Capacity or Result in Flooding On-Site or Off-Site

As previously mentioned, the Project on both Project sites involve grading and construction, which would alter drainage patterns, increase impervious surfaces, and potentially increase peak storm water runoff from the sites. City policy requires that local storm drain systems be designed for a 25-year storm frequency for purposes of street flow and 100-year frequency for protection of structures. This means that during a 100-year storm, local streets and possibly private yards may be flooded but building floor elevations would remain above the floodwaters. A detailed hydrology study will be required to demonstrate compliance with this policy, and the necessary drainage improvements must be installed concurrent with project construction.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impacts involving the alteration of drainage patterns exceeding drainage capacity or result in flooding. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

HYD-3: Hydrology Study and Drainage Improvements -

a. Prior to approval of any final subdivision map or issuance of a building permit for the La Floresta Village development, the project proponent shall submit a detailed hydrology study for review and approval by the City Engineer. The study shall demonstrate that the backbone mainline drainage system shall be designed to convey the 100-year design flow. The on-site non-mainline drainage system shall be designed to pick up and convey the 25-year storm flow.

b. Prior to issuance of any occupancy permit, all drainage improvements shall be completed in a manner meeting the approval of the City Engineer.

HYD-4: Runoff Management Plan -

a. Prior to approval of any final subdivision map for the La Floresta Village development (except for financial purposes) a detailed Runoff Management Plan (RMP) shall be developed and submitted for the review and approval of the City Engineer. The RMP shall include comprehensive runoff management and water quantity/quality control measures in order to address the multiple objectives of the development consistent with the project EIR mitigation measures.

b. Prior to the issuance of any grading permits for phased improvements, applicant shall submit drainage calculations indicating the proposed drainage improvements are adequate to mitigate for project impacts as stated in the Runoff Management Plan to the City Engineer for review and approval.

HYD-5: Drainage System Maintenance -

The City shall maintain the underground mainline storm drain. Prior to recordation of any subdivision map for the La Floresta Village development the applicant shall, in a manner meeting the approval of the City Engineer, form a Community Service Area covering the same area as the Master Homeowners Association for the purpose of maintaining the detention basins and non-mainline storm drain facilities.

HYD-6: Hydrology Study and Drainage Improvements -

a. Prior to any grading permit issuance or final map approval in the Birch Hills development, whichever occurs first, the final hydrology and hydraulic study and the final hydraulic analysis of the Loftus Diversion Channel shall be submitted to the City and County of Orange for review and comment, and the detailed drainage studies shall confirm that the project runoff is adequately accommodated. Drainage systems shall be

engineered and designed so that post-development site runoff is conveyed to pre-development surface water conveyance features. Design and engineering must ensure that post development peak flows from the site will not exceed peak flow currently exiting the site, or otherwise negatively impact the Loftus Channel. The studies shall demonstrate that the project shall be protected from the Q100 High Confidence Storm Event.

b. Project plans shall incorporate detention basin(s) and storm drain facilities sufficient to maintain project flows to the channel at or below existing conditions to the satisfaction of the City Engineer, prior to issuance of grading permits for the Birch Hills development.

c. Prior to any final map approval for the Birch Hills development, the applicant/owner shall consult with the Orange County Flood Control District (OCFCD) to identify the requirements for the provision of project-related facilities within the OCFCD channel easement. Such improvements shall be constructed to the satisfaction of the OCFCD and the City Engineer.

d. Prior to issuance of any occupancy permit, all drainage improvements required shall be installed in a manner meeting the approval of the City Engineer.

HYD-7: Runoff Management Plan -

a. Prior to approval of any final subdivision map in the Birch Hills development (except for financial purposes) a detailed Runoff Management Plan (RMP) shall be developed and submitted for the review and approval of the City Engineer. The RMP shall include comprehensive runoff management and water quantity/quality control measures in order to address the multiple objectives of the development consistent with the project EIR mitigation measures.

b. Prior to the issuance of any grading permits for phased improvements, applicant shall submit drainage calculations indicating the proposed drainage improvements are adequate to mitigate for project impacts as stated in the Runoff Management Plan to the City Engineer for review and approval.

HYD-8: Drainage System Maintenance - The City shall maintain the underground storm drain and detention basin within the golf course. The Developer shall be responsible for maintaining all other on-site drainage infrastructure.

FACTS IN SUPPORT OF FINDINGS

La Floresta Village Site

The La Floresta Development is designed to incorporate adequate storm drain facilities (see Exhibit 5.7-5 of the EIR). The general existing drainage pattern will be retained in conjunction with the implementation of the La Floresta Specific Plan. Storm water will be primarily directed into a closed drainage system and held in a detention basin in the northeastern portion of the site, prior to discharging into Carbon Creek Channel. This detention basin will require routine maintenance for the life of the project. Typically, the maintenance includes regular removal of vegetation and trash that could clog the outlets and less frequently removal of silts and sands that have settled in the basin. The drainage system for the site will include a combination of surface drainage and underground storm drain system, such that post-project conditions will not impact downstream facilities. Mitigation Measures HYD-3 through HYD-5 will ensure a less than significant impact on the La Floresta Village Site.

Birch Hills Site

The proposed hydrological conditions for the Birch Hills site are shown in Exhibit 5.7-6 of the EIR. A Preliminary Hydraulic Analysis has been prepared by Hunsaker & Associates, Inc. for the Loftus Diversion Channel (Hunsaker, November 10, 2006). The study utilized the 100-year high confidence (HC) and expected value (EV) storm frequencies to determine the before and after flow conditions within the channel. The report indicates that both the existing Q100 HC and EV storm event flows would exceed the existing capacity of the channel through the development. In the event of a Q100 EV storm, for both existing and post-Project conditions, channel flows are expected to flow across Kraemer Blvd. Within the Birch Hills Project limits, flows are expected to be contained within the limits of the maintenance roads on either side of the Channel. The Birch Hills development plan proposes to intercept the existing off-site flows from the City 48-inch storm drain and capture this and the run-off from the portion of the project northerly of the Loftus Channel in a retention basin. The retention basin would effectively reduce the peak flow into the channel from 236 cubic feet per second (cfs) to 21 cfs. This post-project reduction in runoff would reduce the Q100 EV discharge in the channel to such that the channel would have the capacity to convey the Q100 EV discharge. No capacity improvements are proposed for the Loftus Channel, since flow to the channel would not be increased as a result of this project. In addition, the project proposes to elevate all residential pads to a minimum of 1 foot above the potential flooding from the Loftus Channel during the Q100 HC storm event. Although no channel improvements are proposed at this time, the Hunsaker study indicates that the Birch Hills development would maintain adequate right of way for the ultimate improvement of the Loftus Channel to handle the 100-year storm. HYD-6 through HYD-8 would reduce potential impacts on the Birch Hills Site to a level that is less than significant.

4. Significant Risk Due to Failure of a Levee or Dam

The La Floresta Village site is within the Dam Failure Inundation Pathway for the Carbon Canyon Flood Control Dam (see Exhibit 5.7-3 – Dam Inundation Map on page 5.7-7 of the EIR).

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impacts involving the risk for failure of the Carbon Canyon Flood Control Dam. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **HYD-9:** Potential Dam Failure Emergency Response Plan - Prior to approval of any final subdivision map or issuance of a building permit for the La Floresta Village development, the project proponent shall submit an Emergency Response Plan meeting the approval of the Brea Fire Department. The Plan shall provide emergency response protocols and shall also demonstrate compliance with the dam failure inundation buyer notification provisions of state law.

Facts in Support of Findings

The Potential Flooding - Dam Inundation Act (California Government Code §8589.4) requires owners of dams to prepare maps showing potential inundation areas in the event of dam failure. A dam failure inundation zone is different from a flood hazard zone under the National Flood Insurance Program (NFIP). NFIP flood zones are areas along streams or coasts where storm flooding is possible from a "100-year flood." In contrast, a dam failure inundation zone is the area downstream from a dam that could be flooded in the event of dam failure due to an earthquake or other catastrophe. Dam failure inundation maps are reviewed and approved by the California Office of Emergency Services (OES). Sellers of real estate within inundation zones are required to disclose this information to prospective buyers.

The La Floresta Village site is within the Dam Failure Inundation Pathway for the Carbon Canyon Flood Control Dam (see Exhibit 5.7-3 – Dam Inundation Map on page 5.7-7 of the EIR). Policy PS-7.5 calls for the City to "Evaluate and monitor water storage facilities to determine which facilities are not self-contained and might pose an inundation hazard to downstream properties." The "Flood Emergency Plan, Carbon Canyon Dam, General Report, December 1985" was prepared by the U.S. Army Corps of Engineers and is on file with the City of Brea Emergency Preparedness Coordinator and Orange County Sheriff Department. Mitigation Measure HDY-9 would reduce potential impacts to a level that is less than significant.

F. NOISE

1. Construction Noise

Noise generated from construction activities has the potential to cause a significant impact. However, mitigation has been required of the Project to ensure a less than significant impact.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant construction noise impacts. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **N-1:** Construction Noise Mitigation - In addition to compliance with the limits on construction hours set forth in the Municipal Code, the applicant shall adhere to the following requirements, which shall also be placed as conditions on any grading or building permit:
>
> a. All construction staging areas shall be located as far as feasible from existing residences or other noise-sensitive uses.
>
> b. All construction equipment shall be fitted with properly operating mufflers.

Facts in Support of Findings

Temporary construction noise impacts vary markedly because the noise level of construction equipment ranges widely as a function of the equipment used and its activity level. Short-term construction noise impacts tend to occur in discrete phases dominated initially by earth-moving sources, then by foundation and parking area construction, and finally for finish construction.

Exhibit 5.9-3 in the EIR shows the typical range of construction activity noise generation as a function of equipment used in various building phases. The earth-moving sources are seen to be the noisiest with equipment noise ranging up to about 90 dBA at 50 feet from the source. Several pieces of equipment operating in close proximity may create a combined noise level of around 93 dB. Spherically radiating point sources of noise emissions are atmospherically attenuated by a factor of 6 dB per doubling of distance, or about 20 dB in 500 feet of propagation. The loudest earth-moving noise sources will therefore sometimes be detectable above the local background beyond 1,000 feet from the construction area. An impact radius of 1,000 feet or more pre-supposes a clear line-of-sight and no other machinery or equipment noise that would mask project construction noise. With buildings and other barriers to interrupt line-of-sight conditions, the potential "noise envelope" around individual

construction sites is reduced. Construction noise impacts are, therefore, somewhat less than that predicted under idealized input conditions.

Because of proximity, construction noise impacts would most likely affect the exterior nearby residential uses to the south and southeast of the La Floresta Village site, and to the north and west of the Birch Hills site. Construction noise from the La Floresta Village site will be masked to some extent by roadway traffic noise on Imperial Highway. Traffic noise on Birch Street will mask the Birch Hills site construction noise, but perhaps not as substantially as along Imperial Highway.

The City of Brea Noise Code limits construction activity noise generation to the hours of 7 a.m. to 7 p.m. on Monday through Saturday, with no construction on Sundays or Federal Holidays. These hours are included as conditions on any grading permits and these limits will serve to minimize any adverse construction noise impacts. In addition, Mitigation Measure N-1 would further reduce impacts from construction noise to a level that is less than significant.

2. Long-Term Vehicular Noise Impacts on the Project Sites – Exterior Noise Levels

Because both project sites are adjacent to highly traveled and therefore noisy roads, particularly Imperial Highway (SR-90) and Kraemer Avenue, care must be taken in siting residential uses. The City of Brea has established 65 dBA CNEL as the allowable "conditionally acceptable" exterior noise level for residential uses. To ensure that traffic noise will not exceed 65 dBA CNEL at any residential property line, useable outdoor space would need to be set back at the noted distance from the road centerline. If any sensitive receivers (such as residential yards or patios) are sited within these 65 dBA CNEL contours, they would require mitigation of usable outdoor space in order to comply with City standards.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant exterior noise levels from long-term vehicular noise impacts. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **N-2:** Exterior Noise Mitigation - Prior to approval of any final map for property adjacent to a perimeter arterial roadway (except maps for financing purposes only) the applicant shall submit an acoustical analysis demonstrating that noise levels in all outdoor living areas will conform to the City standard of 65 dBA CNEL. If sound attenuation walls are required to satisfy this requirement, the location and design of the walls shall be shown on the map and a note shall be placed on the map stating that an interior acoustical analysis will be required prior to issuance of a building permit for dwellings adjacent to perimeter walls. The analysis

shall be prepared by a qualified noise consultant in a manner meeting the approval of the Building Official.

FACTS IN SUPPORT OF FINDINGS

La Floresta Village Site

The La Floresta Village site is bordered by Valencia Avenue, Rose Drive, and Imperial Highway. As shown in Table 5.9-6 of the EIR, the 65 dB CNEL noise contour along Valencia between Birch and Imperial would be estimated to extend 88 feet from the centerline of the street by the year 2025, assuming regional growth and the La Floresta project. Along Rose Drive south of Birch, this contour lies 139 feet from the centerline, and along Imperial Highway between Valencia and Rose the 65 dB contour is projected to be 220 feet from the centerline. Since residential development is proposed adjacent to each of these streets, significant noise impacts to exterior living areas could occur if these areas are located within the noise contours described above, and therefore mitigation would be necessary. The noise wall analysis summarized in Table 5.9-7 of the EIR indicates that walls ranging from 5.5 feet to 8 feet in height would reduce noise to acceptable levels in these locations. Mitigation Measure N-2 would satisfy this requirement and reduce potential impacts to a level that is less than significant.

Birch Hills Site

The proposed Birch Hills residential development is adjacent to Kraemer Avenue between Birch and Imperial Highway. The existing 65 dBA noise contour along this segment of Kraemer Avenue is approximately 125 feet from the centerline, and by 2025 this contour is estimated to expand to 170 feet as a result of regional traffic increases without the Project. The addition of the proposed Project would be minor in comparison to regional traffic and therefore would not measurably change this noise contour. If outdoor living areas were located further than 170 feet from the centerline, no significant noise impacts would occur. However, if living areas were located within this 170-foot contour, noise mitigation would be required. Table 5.9-7 of the EIR indicates that a sound wall 6.5 feet high located 60 feet from the centerline of the street would reduce the 65 dBA noise impact zone to within 70 feet of the roadway centerline. Therefore, if a wall were built in this location no significant noise impacts would occur to outdoor living areas. Mitigation Measure N-2 would satisfy this requirement and reduce potential impacts to a level that is less than significant.

3. Long-Term Vehicular Noise Impacts on the Project Sites – Interior Noise Levels

Traffic noise from adjacent streets also has the potential to cause interior noise levels to exceed standards. The Project must comply with the City of Brea's 45 dBA CNEL interior residential requirement.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant interior noise levels from long-term vehicular noise impacts. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **N-3:** Interior Noise Mitigation -
>
> a. Prior to issuance of a building permit for any residential structure adjacent to a perimeter roadway, the applicant shall submit an acoustical analysis demonstrating that interior noise levels will conform to the standard of 45 dBA CNEL. The analysis shall describe the structural measures necessary to meet the standard and shall be prepared by a qualified noise consultant in a manner meeting the approval of the Building Official. All required structural noise reduction measures shall be incorporated into building plans and permits in a manner meeting the approval of the Building Official.
>
> b. If determined necessary by the Building Official, prior to issuance of a certificate of occupancy for any structure for which an acoustical analysis was required, field testing shall be conducted by a qualified acoustical consultant to confirm that the required level of noise attenuation has been achieved. If the testing finds that noise levels exceed allowable standards, additional mitigation shall be required prior to issuance of the occupancy certificate, in a manner meeting the approval of the Building Official.

Facts in Support of Findings

Normal noise attenuation within residential structures with closed windows is about 20 dB, an exterior noise exposure of 65 dBA CNEL will typically provide a 45 dBA CNEL interior noise level. If setback distances in Table 5.9-6 of the EIR are not met and noise walls are required, sufficient attenuation would be provided for the first floor residential living space. However, second floor exterior building façades may be exposed to a maximum noise level of greater than 65 dB CNEL and would require more than 20 dB exterior to interior noise reduction. For the setbacks in the perimeter wall analysis, building façade noise levels at proposed homes along Imperial Highway could be as high as 71 dB CNEL. Façade noise levels along less heavily traveled perimeter roadways would be slightly lower. Structural noise reductions of up to 26 dB could therefore be needed to meet interior noise standards. Reductions of up to 26 dB are readily attainable in standard residential construction while still allowing for discretionary window opening. Due to these potential interior noise impacts, a supplemental acoustical analysis will be necessary after final site designs are completed. This analysis must be submitted in conjunction with the building plan check process to verify that adequate structural noise protection exists in perimeter residences to meet the 45 dB CNEL interior standard. Supplemental ventilation (most

likely air conditioning) is required in any livable space where window closure is needed to meet interior standards. If window closure is a necessary condition to meet the interior standard, the building code requires provision of supplemental ventilation. The requirement can be met with a fresh air inlet duct on the return air plenum on the furnace fan. The recommended ventilation rate is 15 cubic feet per minute (CFM) per person of fresh make-up air as per Title 24 of the California Code of Regulations. Code compliance for ventilation must similarly be documented on building plans for any project with residential occupancies abutting arterial roadways. Mitigation Measure N-3 would reduce this impact to a level that is less than significant.

4. Cumulative Long-Term Vehicular Noise Impacts on the Project Sites

The noise analysis in the EIR with regard to long-term vehicular noise impacts on the project sites is applicable to long-term cumulative traffic noise impacts because the analysis is based on traffic projections that include regional growth. Thus, the same mitigation measures will apply to reduce any potential cumulative impact.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially cumulatively significant noise levels from long-term vehicular noise impacts. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

> **N-2:** Exterior Noise Mitigation - Prior to approval of any final map for property adjacent to a perimeter arterial roadway (except maps for financing purposes only) the applicant shall submit an acoustical analysis demonstrating that noise levels in all outdoor living areas will conform to the City standard of 65 dBA CNEL. If sound attenuation walls are required to satisfy this requirement, the location and design of the walls shall be shown on the map and a note shall be placed on the map stating that an interior acoustical analysis will be required prior to issuance of a building permit for dwellings adjacent to perimeter walls. The analysis shall be prepared by a qualified noise consultant in a manner meeting the approval of the Building Official.
>
> **N-3:** Interior Noise Mitigation -
>
> a. Prior to issuance of a building permit for any residential structure adjacent to a perimeter roadway, the applicant shall submit an acoustical analysis demonstrating that interior noise levels will conform to the standard of 45 dBA CNEL. The analysis shall describe the structural measures necessary to meet the standard and shall be prepared by a qualified noise consultant in a manner meeting the approval of the Building Official. All required structural noise reduction measures shall be

incorporated into building plans and permits in a manner meeting the approval of the Building Official.

b. If determined necessary by the Building Official, prior to issuance of a certificate of occupancy for any structure for which an acoustical analysis was required, field testing shall be conducted by a qualified acoustical consultant to confirm that the required level of noise attenuation has been achieved. If the testing finds that noise levels exceed allowable standards, additional mitigation shall be required prior to issuance of the occupancy certificate, in a manner meeting the approval of the Building Official.

Facts in Support of Findings

As previously stated, the noise analysis in the EIR with regard to long-term vehicular noise impacts on the Project sites is applicable to long-term cumulative traffic noise impacts because the analysis is based on traffic projections that include regional growth. Thus, the same mitigation measures N-2 and N-3 will be applicable and will reduce any potentially significant cumulative long-term vehicular noise impacts on the project sites to a less than significant level.

5. On-Site Noise Generation Impacts

The La Floresta Village Site contains residential, commercial, and mixed-use areas and areas where commercial and residential uses share property lines, potential noise sources can impact the residential areas thereby causing a significant impact.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant on-site noise generation impacts. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

N-4: On-Site Noise Mitigation –

a. Prior to approval of any final tract map, conditional use permit or site plan in La Floresta Village that includes non-residential use, the City shall retain an acoustical consultant at the applicant's expense to review the proposed final map or site plan and identify any potential noise conflicts, and provide recommendations for mitigating those conflicts. The analysis and recommendations shall be reviewed and approved by the Building Official and the City Planner, and shall be adopted as conditions of approval. A note shall be placed on the final map or site plan listing all noise mitigation conditions that will be required, as determined by the Building Official and City Planner.

b. Prior to issuance of any building permit for a non-residential structure in La Floresta Village that is adjacent to an existing or planned residential use, the Building Official and the City Planner shall ensure that all feasible noise mitigation measures that were adopted as conditions of approval on the tentative map or site plan have been incorporated into the building plans.

Facts in Support of Findings

The La Floresta Village development contains residential, commercial, and mixed-use areas. In areas where commercial and residential uses share a common property line, or where both commercial and residential uses occupy the same parcel, it is often not the overall magnitude of the noise that leads to conflict. It is more typically some unique aspect of the noise (music, amplified voice, whine or hum, etc.), or, most commonly, the time of day of the noise event that causes conflicts. Early morning deliveries, back-up alarms, rumbling and idling diesel trucks, late night fast-food outlet loudspeakers, young persons assembling in shopping center parking lots with loud car music late in the evening, or very early trash pick-up or parking lot sweeping, are sources that can cause noise conflicts in a mixed-use environment. Since planned commercial activities may be located near residences, nocturnal activities could be audible late at night when background noise levels are lowest.

Since the La Floresta Village development would include both commercial and residential uses, care must be taken to ensure that the residential areas are adequately shielded from the on-site commercial noise. Additionally, precautions must be taken to ensure that adjacent off-site residential areas are protected from noise generated by the proposed commercial development.

Residential uses require sufficient physical separation from commercial buildings to prevent heating, ventilation and air conditioning (HVAC) equipment from being a nuisance. If this is not possible, the equipment will need to be shielded. Loading docks for commercial/retail uses should be situated away from residences and may require time restrictions on deliveries. If fast food restaurants or drive-thru facilities are planned adjacent to residential uses, the sound boards where ordering takes place can be a nuisance, especially at night. Many fast food restaurants keep late hours or are open 24 hours. If the sound boards cannot be oriented away from potential nearby residences then sound walls may be needed around the order boards. Additionally, time restrictions may be necessary.

On all commercial sites, maintenance activities such as refuse collection or parking lot sweeping, or stacking or retrieval of temporary outdoor storage could be a noise nuisance for adjacent residences. Possible mitigation would include time restrictions on these activities or sound walls. With the incorporation of Mitigation Measure N-4, any potential on-site noise generation impacts would be reduced to a level that is less than significant.

6. Cumulative Impacts from On-Site Noise Generation Impacts

The geographic context for on-site noise generation is limited to the Project sites. Thus, although no cumulative impacts for on-site noise generation impacts are expected, mitigation is still recommended.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant cumulative on-site noise generation impacts. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

N-4: On-Site Noise Mitigation –

a. Prior to approval of any final tract map, conditional use permit or site plan in La Floresta Village that includes non-residential use, the City shall retain an acoustical consultant at the applicant's expense to review the proposed final map or site plan and identify any potential noise conflicts, and provide recommendations for mitigating those conflicts. The analysis and recommendations shall be reviewed and approved by the Building Official and the City Planner, and shall be adopted as conditions of approval. A note shall be placed on the final map or site plan listing all noise mitigation conditions that will be required, as determined by the Building Official and City Planner.

b. Prior to issuance of any building permit for a non-residential structure in La Floresta Village that is adjacent to an existing or planned residential use, the Building Official and the City Planner shall ensure that all feasible noise mitigation measures that were adopted as conditions of approval on the tentative map or site plan have been incorporated into the building plans.

Facts in Support of Findings

The geographic context for on-site noise generation is limited to the Project sites themselves. The analysis presented in the EIR for on-site generation noise impacts found that the recommended mitigation measure N-4 would reduce potential impacts to a level that is less than significant. In consideration of the limited area of these potential impacts and the recommended mitigation, no cumulative significant impacts with regard to on-site generation noise impacts would occur.

G. PUBLIC SERVICES AND UTILITIES

1. Fire Services

The Project on both the La Floresta Village Site and the Birch Hills Site has the potential to cause a significant impact to fire services, but not to a level of significance with the incorporation of mitigation.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impact to fire services. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **PS-1:** Fire Protection - Prior to issuance of each Certificate of Occupancy, the applicant shall pay fees to offset its fair-share of the cost of additional Fire Department equipment and personnel needed to ensure adequate service levels. A community facilities district (CFD) may be established for this purpose.

Facts in Support of Findings

The Brea Fire Department provides emergency response to wildland fires, hazardous materials incidents, urban fires, and emergency medical services (EMS). Wildland fire hazards would be less than significant since there is no undeveloped land surrounding the Birch Hills site, and the nearest wildland to the La Floresta Village site is across Rose Drive and the Project would be surrounded by greenbelts and trails. Hazardous materials issues are primarily related to the former oil wells and use of hazardous materials on the sites. These issues are addressed in Section 5.6.

The current response time for fire and paramedic services to both sites is approximately 4 minutes, which meets City standards. However, the proposed Project would increase traffic levels on the surrounding road network, which could cause an increase in emergency response times due to traffic congestion. The Project would also be expected to generate an increase in calls for service, especially EMS since the Project would include senior housing. Older persons typically have a higher rate of medical emergencies, which would result in additional demands on paramedic services. These impacts would be significant, and the provision of an additional engine company would be required on the east side of the City in order to ensure adequate fire protection and EMS. The City currently has no plans or budget for an additional engine company, therefore the Project sponsor would be required to contribute to this expansion on a fair-share basis in order to mitigate this impact. With the incorporation of Mitigation Measure PS-1 any potential impact will be reduced to a level of less than significant.

2. Police Services

The Project on both the La Floresta Village Site and the Birch Hills Site has the potential to cause a significant impact to police services, but not to a level of significance with the incorporation of mitigation.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impact to police services. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **PS-2:** Police Protection - Prior to issuance of each Certificate of Occupancy, the applicant shall pay fees to offset its fair-share of the cost of additional Police Department equipment and personnel needed to ensure adequate service levels. A community facilities district (CFD) may be established for this purpose.

Facts in Support of Findings

Population increases and the addition of businesses typically generate additional calls for service in a community. In 2004, Brea Police Department (PD) responded to 19,233 calls for service. Of those, 6,735 originated from residences and 12,498 were from businesses. Police Department statistics indicate that residential units generate an average of 0.47 calls for service annually, while businesses generate an average of 4.07 calls per year. Based on these figures and an estimated 25 new businesses, the proposed Project would be expected to generate approximately 629 additional calls per year from residences and 102 additional calls from businesses, or a total of 731 annual calls for service.

The current service level is 663 annual service calls per patrol officer; therefore, the proposed Project would be expected to generate a need for one additional patrol officer.

City statistics also show that 0.466 investigative cases are generated for each service call. As a result, 340 additional cases would be expected based on 731 new service calls. The current level of service is 560 cases per investigator; therefore, the proposed Project would be expected to generate a need for 0.6 additional investigators.

Communications personnel are also impacted by increases in calls for service. Each dispatcher currently handles approximately 1,400 calls per year, therefore one additional half-time dispatcher would be needed to maintain current service levels.

Records support personnel handle approximately 800 items per person annually. Records technicians handle arrest packets for submission to the District Attorney,

court filings, citation routing, false alarm permits and billings, and miscellaneous filing and customer service. It is expected that the proposed Project would generate the need for one additional part-time records technician. These impacts would be significant unless additional staffing and equipment were provided. Therefore, the project sponsor would be required to contribute to this expansion on a fair-share basis in order to mitigate this impact. With the incorporation of Mitigation Measure PS-2, the potential impact would be less than significant.

3. School Services

The development of the Project on both Project sites has the potential to cause a significant impact on school services, but not to a level of significance with the incorporation of mitigation.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impact to school services. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

> **PS-3:** School Fees - Prior to issuance of each Certificate of Occupancy, the applicant shall pay school impact fees as negotiated with the Brea Olinda Unified School District to offset its fair share of the cost of additional school facilities determined necessary to serve the portion of the La Floresta Development Proposal located within BOUSD boundaries.
>
> **PS-4:** School Fees - Prior to issuance of each Certificate of Occupancy, the applicant shall pay school impact fees as negotiated with the Placentia Yorba Linda School District to offset its fair share of the cost of additional school facilities determined necessary to serve the portion of the La Floresta Village Development located within the PYLUSD boundaries.

Facts in Support of Findings

La Floresta Village Site and Birch Hills Site

Brea Olinda Unified School District (BOUSD)

The Brea-Olinda Unified School District is proposed to provide educational services to a portion of the La Floresta Village development project and the entire Birch Hills development project. As previously indicated, there are three schools that would serve the Project site including Olinda Elementary School, Brea Junior High School, and Brea-Olinda High School. These schools are currently near or over capacity according to school district officials.

Brea-Olinda Unified School District uses a student generation rate of 0.597 students per residential unit. According to the District's estimates, the portion of the proposed Project within BOUSD District boundaries would generate 197 elementary students, 71 junior high students and 121 high school students.

Current enrollments and capacities for each of the three schools serving the La Floresta Village site are shown in Table 5.11-1 of the EIR. Available capacity is then compared to the District's estimate of student generation. This analysis shows that the current capacity of both elementary and high schools would be exceeded with the proposed Project, while the junior high would remain below capacity (excluding other growth). These estimates include a number of planning areas that may be developed with age-restricted housing. As a result, estimates shown in Table 5.11-1 of the EIR represent a worst-case impact on the Brea Olinda School District.

To offset impacts to school facilities, Government Code §5995 establishes an allowable school impact fee, which is assessed upon new development to offset its impacts to school facilities. Under state law, payment of school impact fees is considered full mitigation for all potential impacts to schools.

As noted above, the southern portion of the La Floresta Village site is within the Placentia- Yorba Linda school district. The Brea-Olinda Unified School district has initiated discussions with the Placentia-Yorba Linda District and the Orange County Committee on School District Organization regarding the realignment of the district boundaries so that the entire La Floresta Village site would be within the Brea-Olinda district. This is not considered a potentially significant impact, but the realignment would enable all La Floresta Village residents to attend the same schools, thereby enhancing community consistency and identity. For purposes of analysis, however, this impact assessment assumes that no change would in school district boundaries. With the incorporation of Mitigation Measure PS-3 this impact would be reduced to a level of insignificance.

La Floresta Village Site

Placentia Yorba Linda Unified School District (PYLUSD)

The Placentia-Yorba Linda Unified School District would provide educational services to a portion of the La Floresta Village development project. As previously indicated, there are three schools that would serve the area of the La Floresta Village site within existing PYLUSD boundaries, including the Rose Drive Elementary School, Yorba Linda Middle School and El Dorado High School. Yorba Linda Middle School and El Dorado High School are currently near or over capacity, according to information provided by school district officials.

The Placentia-Yorba Linda Unified School District uses a student generation rates of 0.5655 students per single family residential unit, and .3919 students per multiple – family residential unit. Utilizing these aggregate factors, it is estimated that the portion of the proposed La Floresta Village development within PYLUSD boundaries would

generate a total of approximately 193 students, as illustrated in Table 5.11-2 of the EIR. Current enrollments and capacities for each of the three schools serving the La Floresta Village site are shown in Table 5.11-3 of the EIR. Available capacity is then compared to the estimate of student generation. Because school district planners provided only aggregate student generation rates by type of dwelling unit, impacts to individual schools cannot be determined. Typically, however, student generation is highest per dwelling unit for the elementary school level and lowest for the high school level. As shown in Table 5.11-3 of the EIR, Rose Drive Elementary School currently has substantial surplus capacity, thus it appears that the proposed La Floresta Village development would not result in the need for the physical expansion of this facility. Surplus capacity at the Yorba Linda Middle School and at El Dorado High School is more limited and the proposed La Floresta Village Development could impact these facilities adversely. As was noted previously, the project applicant has been in discussions with PYLUSD officials about the possibility of de-annexing the portion of the La Floresta Village Development currently within PYLUSD boundaries. In any event, Government Code §65995 establishes an allowable school impact fee, which is assessed upon new development to offset its impacts to school facilities. Under state law, payment of school impact fees imposed by Mitigation Measure PS-4 is considered full mitigation for all potential impacts to schools.

4. Library Services

The development of the Project on both Project sites has the potential to cause a significant impact on library services, but not to a level of significance with the incorporation of mitigation.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impact to library services. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **PS-5:** Library Fees - Prior to issuance of each Certificate of Occupancy, the applicant shall pay library impact fees to offset its fair-share of the City's cost of providing additional resources to Project residents.

Facts in Support of Findings

The La Floresta Development Proposal would increase the library user population by approximately 2,670 persons, according to the Orange County Librarian. The County's service standard is 0.2 square feet of facilities and 1.5 book volumes per capita. The increase in population would require physical expansion of 534 square feet and 4,000 book volumes in order to maintain service standards. No expansion of the branch library is currently planned. Funding would be required to provide the additional books to meet the service standard. This is considered to be a potentially significant impact.

Mitigation Measure PS-5 would reduce this impact to a level that is less than significant.

5. Wastewater Treatment

The development of the Project on both Project sites has the potential to cause a significant impact on wastewater services, but not to a level of significance with the incorporation of mitigation.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impact to wastewater treatment services. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

PS-6: Sewer Facilities -

a. Prior to approval of the first final subdivision map for La Floresta Village (except maps for financing purposes only, the applicant shall submit a sewer system improvement phasing plan for the La Floresta Village development project meeting the approval of the City Engineer and the Orange County Sanitation District.

b. Prior to issuance of a certificate of occupancy, sewer system improvements shall be installed in a manner meeting the approval of the City Engineer and the Orange County Sanitation District.

PS-7: Sewer Facilities -

a. Prior to approval of the first final subdivision map for Birch Hills (except maps for financing purposes only), the applicant shall submit a sewer system improvement phasing plan for the Birch Hills development project meeting the approval of the City Engineer and the Orange County Sanitation District.

b. Prior to issuance of a certificate of occupancy, sewer system improvements shall be installed in a manner meeting the approval of the City Engineer and the Orange County Sanitation District.

Facts in Support of Findings

La Floresta Village Site

Sewer trunk lines and treatment plant capacity are adequate to handle the proposed development. Under current conditions, the Brea and Placentia sewer mains cannot convey the estimated peak flows without upsizing a significant number of segments. A sewer lift station discharging directly into the OCSD trunk line in Rose Drive is

proposed with the La Floresta Village development project. This pump station must be designed and operated so that its peak volume does not exceed the capacity of the trunk line. Approval of OCSD would be required for this connection. Mitigation Measure PS-6 would reduce this impact to a level that is less than significant.

Birch Hills Site

Planning Area 12a would be served by Kraemer Region 8 and Planning Area 12b would be served by Cypress Drainage Region 7. Adequate capacity currently exists in these systems. Mitigation Measure PS-7 would ensure that adequate sewer facilities are provided to the Birch Hills development project and any impact will be reduced to a level of insignificance.

6. Water Supply

The development of the Project on both Project sites has the potential to cause a significant impact on water supply services, but not to a level of significance with the incorporation of mitigation.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant impact to water supply services. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

PS-8: Water Facilities -

a. Prior to approval of the first final subdivision map for either the La Floresta Village or Birch Hills site (except maps for financing purposes only) the applicant shall submit a water system improvement phasing plan for the development involved meeting the approval of the City Engineer.

b. Prior to issuance of a certificate of occupancy, water system improvements shall be installed in a manner meeting the approval of the City Engineer.

Facts in Support of Findings

La Floresta Village Site and Birch Hills Site

As required by state law, a Water Supply Assessment was prepared for the La Floresta Development Proposal, which includes both the planned La Floresta Village and Birch Hills developments (see Appendix I of the EIR). The WSA concluded that the City's water supply and reliability would be sufficient for the La Floresta Development Proposal through the next 20 years during normal, single dry and

multiple dry year scenarios, and that the planned system improvements described in the 2002 Water Master Plan would ensure adequate water service to the sites. Site improvements by the developer will be required to provide service connections to new homes and businesses. With the incorporation of Mitigation Measure PS-8, any potential impact would be reduced to a level of insignificance.

H. TRAFFIC AND CIRCULATION

1. Project Specific Impacts in the Interim Year 2012 Traffic Period

The Interim Year 2012 Traffic analysis in the EIR provided analysis results where project impacts are identified by comparing the No-Project/Existing Conditions scenario to the With Project Scenario. The Project Year 2012 Period will cause one project specific impact to the Kraemer Blvd./Bastanchury Road (Placentia) in the PM Peak Hour.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant traffic project specific impact. Specifically, the following mitigation measures are imposed upon the Project to mitigate impacts to less than significant levels:

> **TR-1:** Payment of Fair Share of Costs for Improvements in Other Jurisdictions – The La Floresta Village Development will be responsible for the payment to the City of Placentia of a fair share of costs of improvements to add a second eastbound left turn lane and a second northbound left-turn lane at the intersection of Kraemer Blvd./Bastanchury Road (Placentia).

Facts in Support of Findings

This section provides analysis where Project impacts are identified by comparing the No-Project/Existing Conditions scenario to the With Project scenario in what is called the interim Year 2012. The interim year examines the impact of the full project only.

The entire proposed Project would result in 15,216 daily trips, 989 in the AM peak hour and 1,465 in the PM peak hour. When the existing uses are accounted for, the increment of added trips is 12,983 daily trips, 711 in the AM peak hour and 1,166 in the PM peak hour. Interim Year ADT volumes for the 2012 circulation system with the proposed Project and without the proposed Project are shown in Exhibit 5.12-5 and Exhibit 5.12-6 of the EIR, respectively. The "with project" volumes include both the Birch Hills and La Floresta Village sites.

Separate trip distribution patterns were derived for the La Floresta Village site and the Birch Hills site, and illustrated in Exhibit 5.12-1 – La Floresta Village: Trip Distribution Patterns and Exhibit 5.12-2 – Birch Hills: Trip Distribution Patterns, respectively (both

contained in the EIR). For the La Floresta Village site, approximately 34% of the project trips are oriented to/from the east on Imperial Highway, and approximately 27% of the trips are oriented to/from the west on Imperial Highway. About 18% of the trips are oriented to/from the south on Valencia Avenue, 8% to/from the north on Valencia Avenue, and about 4% to/from the west on Birch Street. The project trip distribution for the Birch Hills site is approximately 65% to/from the west on Birch Street, 29% to/from the south on Kraemer Boulevard, 4% to/from the east on Birch Street, and 2% to/from the north on Kraemer Boulevard.

A comparison of Interim Year (2012) ICU values for the No Project and the With Full Project conditions is provided in Table 5.12-5 of the EIR. As discussed earlier, a significant Project impact occurs when the ICU value increases by greater than .01 and achieves level of service E or worse. For CMP intersections, the ICU value increases by more than .03 and achieves LOS F. Locations that show a significant Project impact are noted by shading in Table 5.12-5 of the EIR. As shown, a significant Project impact occurs at the intersection of Kraemer Boulevard at Bastanchury Road (Placentia) in the PM peak hour. Mitigation Measures TR-1 shows the Project responsibility is to pay a share of improvements to the City of Placentia. With the incorporation of this mitigation, the project specific impact to the intersection of Kraemer Blvd./Bastanchury Road (Placentia) would be reduced to a less than significant level.

2. Cumulative Impacts – Long Range 2025 Analysis

The long-range traffic analysis presented in the EIR examines the impacts of the Birch Hills and La Floresta Village developments individually, along with the cumulative impact of the full project in the Year 2025, which represents the assumed General Plan build out. Five intersections of the Project will be impacted in the cumulative long range 2025 analysis and they include: (1) Brea – Associated Road/Lambert Road; (2) Brea – Valencia Avenue & Birch Street/Rose Avenue; (3) Kraemer Blvd/Imperial Highway; (4) Placentia – Placentia Avenue/Bastanchury Road; (5) Placentia – Kraemer Blvd./Bastanchury Road.

Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant cumulative traffic impacts. Specifically, the following mitigation measure is imposed upon the Project to mitigate impacts to less than significant levels:

> **TR-2:** Payment of City of Brea NEXUS Fees and Fair Share of Costs for Improvements in Other Jurisdictions – For intersections in the City of Brea, the La Floresta Development Proposal will be responsible for the payment of NEXUS fees to address a fair share of costs for improvements to impacted intersections listed. For intersections in the City of Placentia, the La Floresta Development Proposal will be responsible for the payment to the City of Placentia of a fair share of

costs for improvements to impacted intersections listed. Required roadway improvements with the full project include the following, and can be found in Table 5.12-11 of the EIR: (1) Brea – Associated Road/Lambert Road - Add westbound de facto right turn lane; (2) Brea – Valencia Avenue & Birch Street/Rose Avenue - Provide westbound right-turn overlap with southbound left turn movement.; (3) Brea - Kraemer Blvd/Imperial Highway - Add northbound de facto right turn lane. Add separate eastbound right turn lane; (4) Placentia – Placentia Avenue/Bastanchury Road - Add separate northbound right turn lane; (5) Placentia – Kraemer Blvd./Bastanchury Road - Add third southbound through lane. Add third westbound through lane. Add second eastbound left turn lane. Add second northbound left turn lane.

Facts in Support of Findings

The long-range analysis provides the cumulative setting for identifying project impacts, and the traffic forecasts are based on buildout of the Citywide General Plan and year 2025 demographic forecasts for the remainder of the County and region.

The short-range analysis presented in the Year 2012 traffic analysis contained in the EIR, shows the effect of adding project-related traffic to the existing roadway system, in addition to existing traffic and some ambient growth. When impacts occur solely due to the addition of project related traffic, the Project is fully responsible for mitigation. For impacts that are the result of the cumulative effect of project-related traffic together with cumulative growth, the Project is responsible for a fair share cost of the mitigation. This is the situation at the intersection at Kraemer Boulevard/Bastanchury Road in Placentia, where the Project contributes to a deficiency, but does not cause the deficiency. In the long-range (Year 2025) analysis, the City of Brea Nexus Program assures that all future development contributes to future capacity needs on a fair share basis. The payment of Nexus fees would mitigate the Project impact at affected intersections within the City of Brea.

Within the City of Placentia, the proposed Project contributes to a cumulative impact at one intersection at the Placentia Avenue/Bastanchury Road. The mitigation improvements are necessary under build-out conditions as a result of cumulative traffic growth as well as the proposed Project. The Project is, therefore, responsible for its fair share of the improvements, which would be paid to the City of Placentia towards future improvements to be implemented by that jurisdiction.

For the impact intersections within the City of Brea, the payment of Nexus fees represents the Project obligation for its share of the future deficiencies. Within Placentia, the Project responsibility would be to pay a share of improvements to the City of Placentia, as noted previously.

Table 5.12-12 in the EIR lists the deficient intersection locations and shows the LOS with and without the proposed improvements in both Years 2012 and 2025. As indicated, the proposed improvements result in acceptable levels of service at each

improvement location with two exceptions. For the intersections of Placentia Avenue at Bastanchury Road and Kraemer Boulevard at Bastanchury Road, the mitigation does not allow the intersections to reach an acceptable LOS but it does mitigate the project impact.

For the most part, the proposed mitigation measures can be accommodated within the planned ultimate right-of-way of the roadway arterials. A final determination of potential right-of-way needs is made when the design studies are carried out. For the purposes of this EIR, a preliminary assessment has been made as to where additional right-of-way may be needed. The mitigation of the Placentia Avenue/Bastanchury Road intersection may require additional right-of way, which will require coordination with the City of Placentia. In the City of Brea, the mitigation of Kraemer Boulevard/Imperial Highway may require additional right-of-way.

VI. Environmental Effects that Remain Significant and Unavoidable After Mitigation.

In the environmental areas of air quality there are instances where environmental impacts would remain significant and unavoidable after mitigation. These areas are discussed below.

A. AIR QUALITY

1. Direct Impacts From Construction Emissions

Emissions from Project construction will cause significant and unavoidable air quality impacts.

Findings

Changes or alterations have been required in, or incorporated into the Project that substantially lessen the significant environmental effect as identified in the EIR. Specifically, mitigation measures AQ-1 will reduce the construction emissions impacts of the Project but not to a level of insignificance.

There are no feasible mitigation measures beyond AQ-1 that would reduce the construction emissions impact to a less than significant level. Thus, the impacts are significant and unavoidable.

AQ-1: Construction Air Pollution Control -

a. Prior to the issuance of any grading permits, the Applicant shall prepare and submit for the approval of the Director of Development Services (or his designee) a Fugitive Dust Emission Control Plan in compliance with SCAQMD Rule 403. The Plan shall identify methods to control fugitive dust through implementation of reasonable available control measures in sufficient frequencies and quantities to prevent

visible emissions from crossing the property line of the proposed facility. Provisions of the plan shall include the stipulation that all areas of active grading shall be watered at least twice daily. The plan shall also stipulate that disturbed areas at the construction site shall be treated with dust suppressants when activities have ceased for 30 days as well as control techniques listed below as determined appropriate.

The Building Official shall ensure that the applicant adheres to the following requirements during construction activities, which shall also be placed as conditions on any grading or building permit.

(1) Application of chemical stabilizers to unpaved roads and vehicle parking areas;

(2) Application of sufficient water prior to initiating any earth movement;

(3) Sweeping and/or cleaning streets where vehicles exit construction sites;

(4) Installation of wheel washers where vehicles exit disturbed surface areas onto paved roads;

(5) Paving of construction access roads;

(6) Paving of all roads on a construction site once final elevations have been reached or at the earliest feasible time;

(7) All stockpiles for material export shall be watered twice daily. Stockpiles that may be used for long-term on-site soil storage shall be planted and watered twice daily until such plants take root.

(8) Any other measures as approved by the Planning Department.

a. All heavy equipment shall be maintained in a proper state of tune as per the manufacturer's specifications.

b. Heavy equipment shall not be allowed to remain idling for more than five minutes duration.

c. Trucks equipment shall not be allowed to remain idling for more than two minutes duration.

d. Electric power shall be used to the exclusion of gasoline or diesel generators whenever feasible.

e. The Applicant shall specify that the contractor use only paints and coatings low in Reactive Organic Gas (ROG) content in order to minimize such emissions and vapors.

f. All paints and coatings shall be applied either using high volume, low pressure (HVLP) spray equipment or by hand application in order to minimize dispersion of vapors and spray.

g. All known and observed hazardous materials shall be remediated in accordance with the recommendations included in Section 5.6 of the La Floresta Development Proposal EIR. If locations where spillage of fluids from prior activities or hazardous materials are discovered during construction activities, these construction activities shall be curtailed until the area is evaluated and remediated as determined appropriate by all regulatory agencies. Removal of petroleum contamination will also alleviate the generation of hydrogen sulfide and its attendant odor. These activities would fall under the direction of both local and State agencies that would "sign off" on the remediation effort upon completion.

Facts in Support of Findings

Single-family residential uses adjoin the La Floresta Village site to the south and southeast. A 40-acre site planned for a new K-6 school and sports park are located immediately to the northwest of the La Floresta Village site, at the intersection of Valencia Avenue and Birch Street. The Birch Hills site has single-family and multi-family residential uses to the west and north. The potential air quality impacts to these sensitive receptors during construction are analyzed below.

Dust is normally the primary concern during construction of new buildings and infrastructure. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive emissions." Emission rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). These parameters are not known with any reasonable certainty prior to project development and may change from day to day. Any assignment of specific parameters to an unknown future date is speculative and conjectural.

Because of the inherent uncertainty in the predictive factors for estimating fugitive dust generation, regulatory agencies typically use one universal "default" factor based on the area disturbed assuming that all other input parameters into emission rate prediction fall into midrange average values. This assumption may or may not be totally applicable to site-specific conditions on the sites. As noted previously, emissions estimation for project specific fugitive dust sources is therefore characterized by a considerable degree of imprecision.

Average daily PM10 emissions during site grading and other disturbance are stated in the SCAQMD Handbook to be 26.4 pounds/acre. This estimate is based upon required dust control measures in effect in 1993 when the AQMD CEQA Air Quality Handbook was prepared. Rule 403 was subsequently strengthened to require use of a greater

array of fugitive dust control on construction projects. All construction projects in the Los Angeles Basin are required to use strongly enhanced control procedures. Use of enhanced dust control procedures such as continual soil wetting, use of supplemental binders, early paving, etc. can achieve a substantially higher PM10 control efficiency. Daily emissions with use of best available control measures (BACMs) for PM10 can reduce emission levels to around 10 pounds per acre.

For the proposed Project, the Air Resource Board URBEMIS2002 computer model predicts that 42.5 acres could be under simultaneous heavy construction at some point during the build-out lifetime of the Project. With the use of only minimum construction dust control, daily PM-10 emissions during site grading could reach 1,122 pounds per day (42.5 X 26.4 = 1,122 lb/day). The SCAQMD significance threshold of 150 pounds per day would be exceeded. With the use of Best Available Control Measures (BACM), daily PM-10 emissions are reduced to 425 pounds per day (42.5 X 10 = 425 lb/day), still in excess of allowable standards by 183%.

Use of best available control measures (BACMs) alone would not be able to achieve a less-than-significant dust (PM10) emission rate. Restricting of simultaneous grading activities to smaller parcels would reduce the daily PM10 generation rate, but could extend the project construction period. Grading of smaller parcels over a longer period of time may also entail operation of construction equipment near already completed businesses or homes rather than grading large tracts before any buildings are built/occupied. PM10 grading emissions impacts would thus be significant and cannot be mitigated to less-than-significant levels.

Current research in particulate-exposure health effects suggests that the most adverse effects derive from ultra-small diameter particulate matter comprised of chemically reactive pollutants such as sulfates, nitrates, or organic material. A new national clean air standard for particulate matter of 2.5 microns or smaller in diameter (called "PM2.5) was adopted in 1997. Very little construction activity particulate matter is in the PM2.5 range.

Soil dust is also more chemically benign than typical urban atmospheric PM2.5. Although worst-case, project-related construction activity PM10 is predicted to temporarily exceed the 150-pound/day threshold, the absence of much PM2.5 within this dust generation level suggests a minimal potential health impact despite substantial amounts of PM10.

In addition to fine particles that remain suspended in the atmosphere semi-indefinitely, construction activities generate many larger particles with shorter atmospheric residence times. This dust is comprised mainly of large diameter inert silicates that are chemically non-reactive and are further readily filtered out by human breathing passages. These fugitive dust particles are therefore more of a potential soiling nuisance as they settle out on parked cars, outdoor furniture, or landscape foliage rather than being any adverse health hazard. The deposition distance of most such dust particles is very close to the source (typically 100 feet). There are several

concentrations of dust-sensitive receptors within the primary dust deposition impact zone. Enhanced nuisance control must thus be practiced when grading near existing homes.

Exhaust emissions would also result from on and off-site heavy equipment. The types and numbers of equipment will vary among contractors such that such emissions cannot be quantified with certainty. Equipment exhaust emissions were calculated presuming that grading would be balanced on-site, and that initial heavy grading and infrastructure development would gradually shift toward building construction and then for finish construction, paving, landscaping, etc.

During grading activities, NOX emissions could exceed the SCAQMD significance thresholds by approximately 198%. Mitigation in the form of regular equipment tune-ups and limits in equipment idling can reduce NOX emissions by about 10%, but cannot reduce NOX grading emissions to below threshold standards. Grading activity NOX diesel emissions are a significant, but temporary, impact unless the size of the equipment fleet is reduced. A substantial equipment fleet reduction would reduce NOX emissions, but would require much longer to grade the Project. Nuisance impacts from the dirt spillage, erosion, or blowing dust during windy conditions could offset any NOX emissions reductions benefit from extending the grading duration.

ROG emissions may exceed the SCAQMD threshold by a very minute amount during construction and paving, even with application of low-VOC paintings and coatings. Mitigation of this impact may be accomplished by using pre-coated building materials and using high pressure-low volume (HPLV) paint applicators.

As noted above, PM10 emissions from fugitive dust released during site grading, plus the diesel exhaust particulates, would exceed the SCAQMD CEQA Handbook threshold. During prevailing daytime airflow from the SW to NW there may be residential dust sensitive receptors downwind of the site. Therefore, enhanced dust control measures are needed to mitigate the dispersion of PM10 emissions by atmospheric processes.

Carbon monoxide (CO) levels have dropped dramatically throughout the region over the last several decades. Baseline levels can accommodate substantial local emissions increases without creation of any CO "hot spots," It has been demonstrated in the regional CO attainment/maintenance plan that even the most congested intersection with the highest traffic volumes anywhere in the basin no longer poses any risk of a CO "hot spot." Construction equipment CO exhaust would be spread over a much larger area than those from thousands of vehicles at major congestion nodes. Levels of CO emissions in excess of SCAQMD thresholds during construction therefore do not create any adverse health risks.

Construction equipment exhaust contains carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. Public exposure to heavy

equipment operating in the distance would be an extremely small fraction of the above dosage assumption. Diesel equipment is also becoming progressively "cleaner" in response to air quality rules on new off-road equipment. Diesel exhaust emissions from up to 16 pieces of heavy equipment operating on-site would be somewhat masked by ambient diesel particulate matter (DPM) levels throughout the SCAB, particularly refuse trucks along Imperial Highway and Valencia Avenue delivering to the Olinda-Alpha Landfill site, as well as other industrial area diesel trucks. Any public health risk associated with project related heavy equipment operations exhaust is not quantifiable. However, because of the cumulative impact from elevated ambient levels and equipment exhaust emissions associated with this Project, use of reasonably available control measures to reduce equipment-related ambient diesel particulate matter (DPM) levels throughout the SCAB from project construction equipment is recommended.

Construction activity air quality impacts occur mainly in close proximity to the surface disturbance area. There may, however, be some "spill-over" into the surrounding community. That spill-over may be physical as vehicles drop or carry out dirt or silt is washed into public streets. Passing non-project vehicles then pulverize the dirt to create off-site dust impacts. "Spillover" may also occur via congestion effects. Construction may entail roadway encroachment, detours, lane closures and competition between construction vehicles (trucks and contractor employee commuting) and ambient traffic for available roadway capacity. Emissions controls require good housekeeping procedures and a construction traffic management plan that would maintain such "spill-over" effects at a less-than-significant level.

Imposition of Mitigation Measure AQ-1 would reduce the construction air quality impact to the extent feasible. However, this impact will remain significant and unavoidable.

2. Operational – Mobile Source Emissions

Mobile source emissions of the proposed Project will cause a significant and unavoidable air quality impact that cannot be mitigated to a level of insignificance.

Findings

Changes or alterations have been required in, or incorporated into the Project that substantially lessen the significant environmental operational effects as identified in the EIR. Specifically, mitigation measures AQ-2 and AQ-3 will reduce the operation mobile-source emissions impacts of the Project but not to a level of insignificance.

There are no feasible mitigation measures beyond AQ-2 and AQ-3 that would reduce the operational mobile source emissions impact to a less than significant level. Thus, the impact remains significant and unavoidable.

AQ-2: Trip Reduction Measures - The applicant shall incorporate the following trip reduction measures into the final design of the non-residential portions of the Project to reduce vehicular traffic, energy consumption, and air emissions.

- Preferential carpool and vanpool parking
- Bicycle storage facilities
- Electric vehicle charging stations

AQ-3: Transit Coordination - The applicant shall coordinate with the Orange County Transportation Authority and the City Engineering Department to provide bus turnouts and shelters where appropriate

Facts in Support of Findings

Project-related air quality concerns derive primarily from the mobile source emissions that would be generated from the residential and commercial uses proposed. The air quality analysis is based upon estimated daily trip generation of 15,216 ADT at Project build-out. Project energy demand met by burning fossil fuels in regional power plants would add a small NOX increment from Project operations and add very minute amounts of other pollutants. Residential uses also generate small quantities of organic compounds from cleaning products, personal care products, landscape maintenance, cooking, etc. The individual residential contribution of each such source is small, but becomes significant when summed over the total residential build-out planned in the Project.

Operational emissions for project-related traffic were calculated using a computerized procedure developed by the California Air Resources Board (CARB) for urban growth source emissions. The URBEMIS2002 model was run using the trip generation factors specified by the project traffic consultant for this specific project. Project build-out is anticipated to occur between 2010 and 2015. The computer model was used to calculate area source emissions and the resulting vehicular operational emissions for years 2010 and 2015.

Emissions of CO, ROG, NOX and PM10 are all forecast to exceed their respective SCAQMD significance thresholds by a substantial margin. By Project build-out in 2015, project-related emissions from both sites combined would compare to SCAQMD thresholds as follows:

ROG +310%

NOX +148%

CO +140%

PM10 + 93%

These levels of emissions in excess of standards would presumably occur at other new developments planned in Orange County if not with this Project. While the Project represents a significant regional emissions contributor, it does not generate emissions that have not been adequately anticipated in the regional air quality plan. The Project's level of development has been anticipated in the Brea General Plan and therefore in the Regional Comprehensive Plan, which predicts substantial population growth as well as housing jobs growth in the City of Brea and the Orange County region between 2005 and 2015.

The Project would add 1,335 residential units to Brea housing (1,088 dwelling units from the La Floresta Village Development and 247 dwelling units from the Birch Hills Development). This represents approximately 87% of the total forecast housing growth for Brea between 2005 and 2015. Additionally the Project would add 156,800 square feet of commercial and office space. The typical job creation from commercial uses is 3 jobs per 1,000 square feet. The Project would thus add approximately 470 jobs to the City of Brea. Because Orange County is jobs rich and housing poor, the Project would help to improve the existing jobs/housing imbalance by providing a higher proportion of residential development than employment generating land uses.

Although mobile source emissions from the Project would have a regionally significant and non-mitigable air quality impact, the positive effect on the regional jobs-housing balance would be beneficial to air quality in the basin and would act to partially offset total emissions generated by the Project.

In addition to mobile sources, this Project causes smaller amounts of air pollution to be generated from on-site energy consumption (natural gas combustion) and from other "area source" emissions. Area source emissions for an assumed 2015 Project build-out by themselves would exceed the ROG significance threshold by 81 percent.

The area source emissions calculations do not take into account the on-going programs to reduce area-source emissions from reformulation of cleaning products, hairspray, deodorants, insecticides, herbicides, charcoal starters, spray paint, etc. that have occurred in the last decade and will continue into the future. The actual "area source" emissions would be substantially lower than shown in Table 5.3-7 in the EIR because the URBEMIS2002 computer model has not been updated to keep pace with these developments in area source reductions. Although non-mobile source emissions would be less than shown in Table 5.3-8 in the EIR because of computer model deficiencies, they would nevertheless be far in excess of adopted significance thresholds.

Mitigation Measures AQ-2 and AQ-3 have reduced the mobile source operation air quality impact to the extent feasible. However, this impact will remain significant and unavoidable.

3. Cumulative Air Quality Impacts

Even with implementation of all feasible mitigation measures, the proposed Project would contribute to a cumulative air quality impact.

Findings

Changes or alterations have been required in, or incorporated into the Project that substantially lessen the significant environmental cumulative air quality impacts as identified in the EIR. Specifically, mitigation measures AQ-1, AQ-2 and AQ-3 will reduce the cumulative impacts of the Project but not to a less than significant level.

There are no feasible mitigation measures beyond AQ-1, AQ-2 and AQ-3 that would reduce the cumulative impact to a less than significant level. Thus, the impact remains significant and unavoidable.

Facts in Support of Findings

The context for cumulative impacts to air quality is the South Coast Air Basin, which includes all of Orange County, as well as the greater metropolitan Los Angeles/Riverside/San Bernardino county area. Cumulative projects include local development as well as on-going growth within the basin. The greatest cumulative source of emissions would be from vehicular traffic throughout the region as well as within the local area. From an air quality standpoint, the cumulative effect of other regional growth would affect the project area much more than the development of the proposed Project especially since meteorological patterns could influence emission concentrations.

The Project is located in a non-attainment area for both ozone and PM10 (particulate matter). Construction and operation of cumulative projects would further degrade the local air quality, as well as the regional air quality of the South Coast Air Basin. Air quality would be degraded during construction activities that occur separately or simultaneously, but only for the duration of these activities. A greater cumulative impact on the regional air quality is anticipated from incremental increases in traffic from residential, commercial, and industrial development. Long-term mobile emissions would further exacerbate non-attainment conditions in the South Coast Air Basin.

Mitigation measures identified previously would reduce project-specific impacts and would aid in mitigating cumulative air quality impacts to the extent similar control measures are applied consistently to other new development projects within the region as well. With mitigation measures outlined under Construction-related Impacts, cumulative air quality impacts would be reduced, but remain significant on a project specific basis.

While the overall effectiveness of mitigation measures may in some cases be limited, their aggressive and diligent implementation would reduce the overall regional air quality burden. In accordance with SCAQMD methodology, any project that produces

a significant air quality impact in a non-attainment area adds to the cumulative impact, and is considered potentially significant.

VII. Project Alternatives.

The City considered a range of reasonable alternatives discussed below. In determining what alternatives to analyze, the City considered, but rejected, other potential alternatives including alternative use alternatives, which included such alternative uses as (1) a university satellite complex; (2) an office campus with regional commercial uses; and (3) a sports park with agricultural facilities. Further, an alternative location alternative was also considered.

The university satellite complex option, the office campus option, and the sports park with agricultural facilities option were all rejected because none of these options would meet any of the applicant's objectives for the site, and none of these options would fulfill the overall objectives of the Mixed Use District land use designation in the City of Brea General Plan, or the MU-II zoning designation on the site. Further consideration was therefore not warranted.

With regard to the alternative location alternative, CEQA requires the consideration of alternative locations on which the project could be developed if significant impacts have been identified that could be avoided or substantially lessened if the project were put in another location. The EIR has identified both project-specific and cumulative air quality impacts (both from short-term construction and long-term operational emissions) as the only project impacts that are significant and unavoidable. After consideration of all factors, the City of Brea as lead agency has determined that these air quality impacts would not be avoided or substantially lessened by transferring development to another site, and therefore, consideration of locating the entire Project on an alternative site was not considered in the EIR. Further consideration of the alternative location alternative, therefore, was not warranted.

The Alternatives analyzed in the EIR are discussed below and the basis for rejecting each of these alternatives as infeasible is analyzed.

A. ALTERNATIVE A: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

1. Summary of Alternative

The No-Project Alternative would retain the existing golf course on the Birch Hills site while the La Floresta Village site would remain vacant. None of the infrastructure improvements envisioned with the proposed Project would occur.

2. Reasons for Rejecting Alternative

The No Project/No Development Alternative would eliminate environmental impacts associated with the proposed project. Specifically, this alternative would

reduce all the project impacts but may cause increased impacts to cultural resources and land use and planning.

With regard to cultural resources, although no impacts have been identified by the Project with regard to cultural resources, the Birch Hills development plan would actually result in the enhancement of remaining historical remnants of the Pacific Electric Railway line that traverses the site. Consequently, this Alternative is considered inferior to the proposed Project with respect to cultural resources.

With regard to land use and planning, this alternative would eliminate the proposed affordable workforce housing from the Birch Hills site, which would prevent the City from making progress toward its Housing Element objectives and other land use objectives contained in the General Plan which could be considered a significant impact. Consequently, the No Project/No Development Alternative is considered inferior to the proposed Project with respect to land use and planning impacts.

Finally, because this alternative would not be consistent with any General Plan policies nor would it fulfill any objectives of the project applicant, and it is therefore rejected.

The Planning Commission hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative A as infeasible and by itself, independent of any other reason, would justify rejection of Alternative A as infeasible.

B. ALTERNATIVE B: NO PROJECT/EXISTING GENERAL PLAN ENTITLEMENTS

1. Summary of Alternative

Alternative B describes the level of development that could occur on the sites under the existing General Plan entitlements. The Birch Hills site is designated for High-Density residential uses (12 to 24 units per acre) and 9.46 acres of open space. However, the General Plan EIR assumed 213 Low Density Residential Units; therefore, that assumption is also used for this Alternative.

The La Floresta Village site is designated Mixed-Use II in the General Plan. For purposes of this analysis it is assumed that 646 units of Mixed Use Residential and 515,400 square feet of mixed use commercial could be developed.

With both sites considered, this Alternative would result in 476 fewer residential units (1,335 – 859) but 358,600 square feet more commercial floor area (515,400 – 156,800) than the proposed Project.

2. Reasons for Rejecting Alternative

Alternative "B" (No Project Alternative/Existing General Plan Entitlements) would create greater impacts than the proposed Project in the areas of aesthetics, air

quality, hydrology and water quality, land use and planning, noise, and traffic. Consequently, this Alternative is also rejected.

The Planning Commission hereby finds that because this Alternative B would increase project impacts instead of reducing such impacts, that Alternative B is rejected as infeasible and these reasons by itself, independent of any other reason, would justify rejection of Alternative B as infeasible.

C. ALTERNATIVE C: REDUCED DEVELOPMENT

1. Summary of Alternative

Alternative C – Reduced Density envisions 28 single-family residential units (6 du/gross acre) in Sub-Area 12a of the Birch Hills site rather than 115 very-high-density workforce units. The remaining planning areas on the Birch Hills site would be identical to the proposed Project, with 132 high-density residential units in Sub-Area 12b and a new 20,000-square-foot community center, retention of the existing 5,500-square-foot clubhouse, and 75.6 acres of open space (golf course) in Sub-area 13. It is assumed that preservation of the historical remnants of the Pacific Electric Railway on the Birch Hills site would not occur under Alternative C.

For the La Floresta Village site, the commercial and mixed-use development in Planning Area 5 (156,800 square feet) would be replaced with a public park facility or open space in this Alternative. A total of 938 residential units would be built rather than 1,088 as in the proposed Project. Total residential units for both sites under this alternative would be 966 compared to 1,335 for the proposed Project (a 28% reduction).

2. Reasons for Rejecting Alternative

Alternative C (Reduced Development) could diminish impacts related to hydrology & water quality and traffic. The majority of impacts associated with the proposed Project, however, were not found to be significant. If traffic estimates for Alternative C assumed an active park facility in PA-5 of the La Floresta Village site, traffic impacts could be similar if not greater than the proposed project.

Alternative C, in addition, would not fulfill important General Plan policies such as provision of workforce housing and urban design policies that encourage creation of an "urban village" and a "sense of place" on the La Floresta Village site to the degree that the proposed Project does.

Thus, because this alternative will have similar environmental impacts as the proposed Project. and will not meet many of the project objectives, the Planning Commission rejects this alternative as infeasible.

D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

An EIR must also identify an "environmentally superior" alternative among those examined, and where the No Project Alternative is identified as environmentally superior, the EIR must identify an environmentally superior alternative from among the other alternatives. The environmental impacts of each alternative are compared to the proposed project and evaluated as to whether their impacts would be similar to the proposed project, greater, or less than the proposed project. With respect to the proposed Project, only project impacts involving air quality have been found to be significant and unavoidable, as noted previously.

Neither Alternatives B nor C would avoid or substantially lessen the unavoidable impacts of the proposed Project. In consideration of these factors, none of the development Alternatives is considered to be substantially environmentally superior to the proposed Project.

E. THE PROJECT AS PROPOSED

1. Summary of Project

The Project is described in detail in the EIR.

2. Reasons for Selecting Project as Proposed

The Planning Commission has carefully reviewed the attributes and environmental impacts of all the alternatives analyzed in the EIR and has compared them with those of the proposed Project. The Planning Commission finds that each of the alternatives is infeasible for various environmental, economic, technical, social, or other reasons set forth above. The Planning Commission further finds, for various environmental, economic, technical, social, or other reasons set forth in Exhibit B that the Project as proposed in the Final EIR with the development of a mixed-use design theme that provides residential, retail, office, and entertainment uses in new commercial, residential, recreational, and cultural forms is the best combination of features to serve the interest of the public and achieve the project goals.

EXHIBIT B

Mitigation Monitoring and Reporting Program

(See Final EIR)

EXHIBIT C

Statement of Overriding Considerations

The following Statement of Overriding Considerations is made in connection with the proposed approval of the La Floresta Development Proposal (the "Project").

CEQA requires the decision-making agency to balance the economic, legal, social, technological or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered acceptable. CEQA requires the agency to provide written findings supporting the specific reasons for considering a project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record. The reasons for proceeding with this Project despite the adverse environmental impacts that may result are provided in this Statement of Overriding Considerations.

The City Council finds that the economic, social and other benefits of the Project outweigh the significant and unavoidable construction air quality impact, operational mobile-source emissions air quality impact, and the cumulative air quality impact. In making this finding, the City Council has balanced the benefits of the Project against its unavoidable impacts and has indicated its willingness to accept those adverse impacts. The City Council finds that each one of the following benefits of the Project, independent of the other benefits, would warrant approval of the Project notwithstanding the unavoidable environmental impacts of the Project.

The City Council finds that all feasible mitigation measures have been imposed to either lessen Project impacts to less than significant or to the extent feasible, and furthermore, that alternatives to the Project are infeasible because they generally have similar or greater impacts, or do not provide the benefits of the Project, or are otherwise socially or economically infeasible as fully described in the Statement of Facts and Findings.

1. The La Floresta Development project brings a new focus for the eastern edge of Brea by providing new commercial, residential, recreational, and cultural uses to this portion of the City.

2. The La Floresta Development project utilizes a strong mixed use design theme that provides residential, retail, office, and entertainment uses with easy walking distance (approximately a 10 minute walk) of each other – a resource efficient strategy. Further, the La Floresta Development project features a more urban hierarchy of development, with Planning Area 5 serving as its intensive core, development densities gradually reduce as you move away from this center to other areas which are designated for less intensive residential uses.

3. The La Floresta Development project will provide retention of the Birch Hills Golf Course as a public golf course, the construction of a new club house/community facility, and the golf course ownership will be transferred to the City of Brea.

4. The La Floresta Development project achieves the goal of the General Plan to provide trail linkage through both sites that will improve the alternative transportation connections to many areas of Brea, including Downtown.

5. The La Floresta Development project includes a wide-range of residential opportunities including rental affordable housing, for sale single-family and multi-family in a variety of product types, and for rent and for sale senior housing (including assisted living) in a variety of product types.

6. The La Floresta Development project features a comprehensive landscape and streetscape program that encourages the use of mature canopy trees along the extensive pedestrian network that is a critical component of the project's circulation system. This program includes a plan for the retention of existing on-site trees where appropriate.

7. The La Floresta Development project will contribute $750,000 in funding to the City for community benefit purposes, and will enter into agreements for provisions regarding the transfer of the Birch Hills Golf Course and California Domestic Water Company Stock between the Developer and City.

8. The La Floresta Development project will augment the City's economic base by providing additional property tax revenue to the City of Brea, will provide for infrastructure expansion via payment of Development Nexus Fees, and will offset the costs of City services via the establishment of a Community Facilities District.

The City Council finds that the foregoing benefits provided through approval of the La Floresta Development Proposal Project outweigh the identified significant adverse environmental air quality project specific and cumulative impacts. The City Council further finds that each of the individual La Floresta Development Project benefits discussed above outweighs the unavoidable adverse environmental effects identified in the Final EIR and therefore finds those impacts to be acceptable. The

City Council further finds that each of the benefits listed above, standing alone, is sufficient justification for the City Council to override these unavoidable environmental impacts.