

October 2021 | Final Environmental Impact Report
State Clearinghouse No. 2020079022

BREA PLAZA EXPANSION PROJECT

City of Brea

Prepared for:

City of Brea

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Table of Contents

Section	Page
1. INTRODUCTION.....	1-1
1.1 INTRODUCTION.....	1-1
1.2 FORMAT OF THE FEIR.....	1-1
1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES	1-2
2. RESPONSE TO COMMENTS	2-1
2.1 LIST OF COMMENTERS	2-1
2.2 BREA PLANNING COMMISSION STUDY SESSION.....	2-4
2.3 COMMENT LETTERS AND RESPONSES	2-4
3. REVISIONS TO THE DRAFT EIR	3-1
3.1 INTRODUCTION.....	3-1
3.2 DEIR REVISIONS.....	3-1

Table of Contents

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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.).

According to the CEQA Guidelines, Section 15132, the FEIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- (b) Comments and recommendations received on the DEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies comments on the DEIR;
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for the Brea Plaza Expansion Project during the public review period, which began August 5, 2021, and closed September 20, 2021. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR; copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (A1 through A3 for letters received from agencies and organizations, and R1 through R78 for letters received from residents). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

1. Introduction

Section 3. Revisions to the Draft EIR. This section contains revisions to the DEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the DEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the FEIR. The City of Brea staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

Written responses are prepared consistent with Section 15088 of Title 14 of the California Code of Regulations. Pursuant to this section, the level of detail contained in the response may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (City of Brea) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written responses received on the DEIR and the City of Brea's responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

2.1 LIST OF COMMENTERS

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period.

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
Agencies			
A1	Gabrieleno Band of Mission Indians – Kizh Nation, Andrew Salas, Chairman	August 26, 2021	2-5
A2	Orange County Transportation Authority (OCTA), Charlie Larwood, Manager, Transportation Planning	September 17, 2021	2-9
A3	California Department of Transportation (Caltrans), Scott Shelley, Branch Chief, Regional-IGR, Transit Planning	September 20, 2021	2-13
Residents & Organizations			
R1	Brea Glenbrook Club	August 11, 2021	2-19
R2	Christine Denbo	August 11, 2021	2-23
R3	Terri Daxon	August 13, 2021	2-27
R4	Alli Savino	August 16, 2021	2-31
R5	David and Christine Eckman	August 16, 2021	2-35
R6	Ted	August 16, 2021	2-39
R7	Christine Denbo	August 17, 2021	2-43
R8	Cynthia Hyatt	August 17, 2021	2-47
R9	Eric Small	August 17, 2021	2-51
R10	Georgina Hewison	August 17, 2021	2-55
R11	Linda Chapman	August 17, 2021	2-59
R12	Michael	August 17, 2021	2-63

2. Response to Comments

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
R13	Nancy Burd	August 17, 2021	2-67
R14	Robert and Kimberly Ramos	August 17, 2021	2-71
R15	Wesley and Donna Mask	August 22, 2021	2-75
R16	Donald Minck	August 23, 2021	2-79
R17	Eric Small	August 23, 2021	2-83
R18	Nancy Burd	August 23, 2021	2-87
R19	Amanda Casey	August 24, 2021	2-91
R20	Barbara Sideri	August 24, 2021	2-95
R21	Holly McKnight	August 24, 2021	2-99
R22	Marilyn Broady	August 24, 2021	2-103
R23	Marilyn Dielmann	August 24, 2021	2-107
R24	Michael and Robbi Price	August 24, 2021	2-111
R25	Frank Morrow	August 25, 2021	2-115
R26	Jan Picardy	August 25, 2021	2-119
R27	Frank Morrow	August 27, 2021	2-123
R28	Terri Daxon	August 27, 2021	2-127
R29	Craig Farris	August 27, 2021	2-131
R30	Brea Country Hills PTA	September 10, 2021	2-137
R31	Lozeau Drury LLP on behalf of Supporters Alliance for Environmental Responsibility (SAFER), Richard Drury	September 15, 2021	2-141
R32	Arthur Rubin	September 19, 2021	2-145
R33	Cindy Goldsmith	September 19, 2021	2-149
R34	Corey Ryan	September 19, 2021	2-153
R35	Debbie and Mark Heuck	September 19, 2021	2-157
R36	Deborah Eliason	September 19, 2021	2-161
R37	Helen Taylor	September 19, 2021	2-165
R38	Barbara and Jack Sorter	September 19, 2021	2-169
R39	Julie McCarthy	September 19, 2021	2-173
R40	Kirsteen Gallacher-Ang	September 19, 2021	2-177
R41	Linda Chapman	September 19, 2021	2-181
R42	Linda Diane Colvin	September 19, 2021	2-185
R43	Liebrecht	September 19, 2021	2-189
R44	Marilyn Dielmann	September 19, 2021	2-193
R45	Mary Bradish	September 19, 2021	2-197
R46	Nancy Burd	September 19, 2021	2-201

2. Response to Comments

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
R47	Robert Carroll	September 19, 2021	2-205
R48	Susan Pechan	September 19, 2021	2-209
R49	Tamara Roe	September 19, 2021	2-213
R50	Ted Gribble	September 20, 2021	2-217
R51	Babok and Robinson, LLC on behalf of Mercury Insurance	September 20, 2021	2-235
R52	Barbara McDaniel	September 20, 2021	2-295
R53	Scott and Bridget Steffensen	September 20, 2021	2-299
R54	Catalina Escobar	September 20, 2021	2-305
R55	Cherie Besemer	September 20, 2021	2-309
R56	Christine Denbo	September 20, 2021	2-313
R57	Cierra Chavez	September 20, 2021	2-328
R58	Dan and Sue Vanderwall	September 20, 2021	2-333
R59	Darcie Giacchetto	September 20, 2021	2-337
R60	Florine and Gary Miller	September 20, 2021	2-341
R61	Gloria Sc	September 20, 2021	2-345
R62	Hal and Kathy Harkness	September 20, 2021	2-349
R63	Joy Bermudez	September 20, 2021	2-353
R64	Joy Walter	September 20, 2021	2-357
R65	Kevin and Marilyn Broady	September 20, 2021	2-361
R66	Kevin Odom	September 20, 2021	2-365
R67	Leo Burke	September 20, 2021	2-371
R68	Linda Henderson	September 20, 2021	2-375
R69	Marne Bourgeois	September 20, 2021	2-379
R70	Michael and Robbi Price	September 20, 2021	2-383
R71	Mitchell Tsai on behalf of SWRCC	September 20, 2021	2-387
R72	Moneque Pratt	September 20, 2021	2-467
R73	Oscar Sanchez	September 20, 2021	2-471
R74	Rhonda Ross	September 20, 2021	2-475
R75	Robin Rinear	September 20, 2021	2-479
R76	Scott Singletary	September 20, 2021	2-483
R77	Suzette Honore	September 20, 2021	2-487
R78	Doug and Joyce Matthews	September 20, 2021	2-491

2. Response to Comments

2.2 BREA PLANNING COMMISSION STUDY SESSION

A City of Brea Planning Commission Study Session for the proposed project was held on August 24, 2021, in-person and via Zoom. The public commented during this time, and individuals had comments on the following topics:

- **Traffic** (Congestion on Imperial Highway, Associated Road, Birch Street; Cars cutting through Glenbrook; Congestion within the project site; School bus access within the project site; Request for traffic light on Birch Street; Parking)
- **Public Services/ Recreation** (School capacity; Pocket Park for service animals; More green space; Community amenities; Water supply and drought)
- **Land Use/Aesthetics** (Precedent setting; Building height; Architectural style; Workforce housing; Affordable housing/density bonus; Subterranean parking vs. aboveground parking)
- **Air Quality/Noise** (New sensitive receptors near the freeway; Sustainability features)

Comments raised and questions asked at the Planning Commission Study Session did not raise any substantive environmental issues relative to the CEQA analysis in the DEIR. Responses to written comments received from the public can be found in responses R1 through R78.

2.3 COMMENT LETTERS AND RESPONSES

2. Response to Comments

LETTER A1 – Gabrieleno Band of Mission Indians – Kizh Nation, Andrew Salas, Chairman (1 page)



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

August 26, 2021

Project Name: Brea Plaza Expansion Project

Dear Juan Arauz,

Thank you for your letter dated August 5, 2021 regarding the project above. This is to concur that we are in agreement with the General Plan, Zone Change. However, our Tribal government would like to request consultation for any and all future projects within this location.

A1-1

Sincerely,



Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
1(844)390-0787

Andrew Salas, Chairman
Albert Perez, treasurer I

Nadine Salas, Vice-Chairman
Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary
Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

www.gabrielenoindians.org

admin@gabrielenoindians.org

2. Response to Comments

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2. Response to Comments

A1. Response to Comments from Gabrieleno Band of Mission Indians – Kizh Nation, Andrew Salas, Chairman, dated August 26, 2021.

A1-1 The commenter's agreement with the General Plan Amendment and Zone Change, as well as request for consultation on all future projects at the project site is noted.

As identified in Section 5.12, *Tribal Cultural Resource*, in accordance with Senate Bill 18 and Assembly Bill 52, on July 9, 2020, the City notified local tribes about the proposed project to determine the potential for tribal cultural resources on-site and to determine if local knowledge of Tribal Cultural Resource is available about the project site and surrounding area. In response to this request, the City of Brea consulted with the Gabrieleno Band of Mission Indians – Kizh Nation on September 24, 2020, at 4:30 PM via conference call. In June 2021, the City of Brea followed up with the Tribe, via email. In response, the Tribe provided a list of mitigation measures on July 2, 2021, which were integrated into the DEIR, at the Tribe's request. Tribal consultation in accordance with Senate Bill 18 and Assembly Bill 52 concluded on July 2, 2021.

The City of Brea will conduct Tribal Consultation with the Gabrieleno Band of Mission Indians – Kizh Nation for future projects in accordance with Assembly Bill 52 and/or Senate Bill 18.

2. Response to Comments

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2. Response to Comments

LETTER A2 – Orange County Transportation Authority (OCTA), Charlie Larwood, Manager, Transportation Planning (1 page)



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Darrell E. Johnson
Chief Executive Officer

September 17, 2021

Mr. Juan Arauz, Senior Planner
City of Brea – Planning Division
1 Civic Center Circle
Brea, CA 92821

Subject: **Brea Plaza Expansion Project Draft Environmental Impact Report**

Dear Mr. Arauz:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Draft Environmental Impact Report (DEIR) for the Brea Plaza Expansion Project. The following comments are provided for your consideration.

- Section 5.11.3 ('Plans, Programs and Polices'), PPP Traf-3 identifies bicycle safety improvements and restriping of the west leg at the intersection of South Associated Road at Birch Street to provide an exclusive eastbound right-turn pocket with 150-feet of storage and a 4-foot bike lane located to the left of the turn pocket. Please note that Birch Street is designated as a Primary Arterial (4-lane, divided) roadway on the Master Plan of Arterial Highways (MPAH). Consistency with the MPAH is a prerequisite for local agencies to be eligible for Measure M2 Net Revenues, as well as programs – including the Orange County Comprehensive Transportation Funding Program. For any potential changes to the Circulation Element in relation to arterials on the MPAH please: initiate an MPAH amendment request with OCTA, coordinate with impacted agencies, and conduct a traffic analysis using an OCTA certified model.
 - o More information and the MPAH guidelines may be accessed online here: <http://www.octa.net/News-and-Resources/Open-Data/MPAH-Overview/>

A2-1

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5683 or at clarwood@octa.net.

Sincerely,

Charlie Larwood
Manager, Transportation Planning

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)

2. Response to Comments

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2. Response to Comments

A2. **Response to Comments Orange County Transportation Authority (COTA), Charlie Larwood, Manager, Transportation Planning, dated September 17, 2021.**

A2-1 Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project.

Birch Street from just west of State Route 57 (SR-57) to Associated Road is identified on the Master Plan of Arterial Highways (MPAH). Restriping improvements identified under PPP TRAF-3 would provide a dedicated east-bound turn lane. Restriping for the dedicated turn lane would not reduce the number of existing or planned through-lanes on Birch Street; and therefore would not affect the existing or planned carrying capacity on a MPAH. Birch Street will remain designated as a Primary Arterial after the installation of improvements at the intersection of South Associated Road at Birch Street. Therefore, an amendment to the MPAH is not recommended or required.

2. Response to Comments

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2. Response to Comments

LETTER A3– California Department of Transportation (Caltrans), Scott Shelley, Branch Chief, Regional-IGR, Transit Planning (4 page)

<p>STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY</p> <p>DEPARTMENT OF TRANSPORTATION DISTRICT 12 1750 EAST 4TH STREET, SUITE 100 SANTA ANA, CA 92705 PHONE (657) 328-6000 FAX (657) 328-6522 TTY 711 www.dot.ca.gov/caltrans-near-me/district12</p>	<p>GAVIN NEWSOM, Governor</p>  <p><i>Making Conservation a California Way of Life.</i></p>
<p>September 20, 2021</p>	
<p>Juan Arauz City of Brea 1 Civic Center Circle Brea, CA 92821</p>	<p>File: IGR/CEQA SCH#: 2020079022 IGR LOG #2021-01742 SR-57 SR-90</p>
<p>Dear Mr. Arauz,</p>	
<p>Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report (DEIR) for the Brea Plaza Expansion Project. The proposed project would require the demolition of the 18,450-square-foot Brea Plaza 5 Cinemas (1,110 seats) and 139 surface parking spaces, and subsequent development of a new building on approximately 2.2 acres in the northwestern portion of the 16-acre Brea Plaza Shopping Center site. The proposed building would include a five-story apartment and office building above a three-story parking structure (eight stories total). The proposed project would include a 222,447-square-foot apartment building with 189 units; a 21,355-square-foot co-working office (approximately 4,000 square feet above Grand Salon); and a parking structure (three above-grade levels under the residential building) with up to 397 parking spaces. The proposed project would require a GPA, a zone change from General Commercial (C-G) to Mixed Use I; the applicant would submit a request for a development agreement. The proposed project would result in a net decrease of 2,905 square feet of commercial space and a net increase of 189 residential units at the 16-acre Brea Plaza Shopping Center.</p>	
<p>The proposed project would be on 2.2 acres in the northwest portion of the Brea Plaza Shopping Center-1639 East Imperial Highway-which encompasses approximately 16 acres in Brea. The Brea Plaza Shopping Center is bounded by the Mercury Insurance office development to the north, South Associated Road and a single-family residential neighborhood to the east, Imperial Highway/State Route 90 (SR-90) and commercial development in Fullerton to the south, and State Route 57 (SR-57) to the west.</p>	
<p><i>"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"</i></p>	

INTRO

2. Response to Comments

City of Brea
September 20, 2021
Page 2

Both SR-90 and SR-57 owned and operated by Caltrans. Therefore, Caltrans is a responsible agency on this project, and has the following comments:

INTRO

Transportation and System Planning

1. The project is to construct a mixed-use development, which may increase traffic congestion and number of single occupancy vehicle trips in the surrounding area. As part of the development plan, please consider including a discussion on potentially improving multimodal transportation (i.e., freight, walking, biking, and transit) options to address safety issues as part of the project development. The discussion should incorporate opportunities to support sustainable and multimodal transportation options. The improved multimodal connections to the project site can encourage residents/users to utilize alternative transportation options, thus reducing Green House Gas (GHG) emissions, congestion, and Vehicle Miles Traveled (VMT). The reduction in GHG also improves public health and air quality.
2. Caltrans supports the inclusion of 108 long-term bicycle parking spaces and 22 short-term bicycle parking spaces in the parking structure and transportation demand management measures including: rental cars for the use by apartment residents and office tenants; rideshare waiting area; rental bicycles available for use; and the free Intra-Brea Transportation System to support active transportation and transit use as an alternative to single-occupancy vehicle use/ownership.

A3-1

A3-2

Please consider further discussion and coordination with Caltrans for Complete Streets improvements in the project vicinity. Caltrans supports the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. Improvements may include pedestrian-oriented LED lighting and continental crosswalk striping.

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2. Response to Comments

City of Brea
September 20, 2021
Page 3

Complete Streets improvements also promote regional connectivity, improve air quality and public health, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation.

A3-2
CONT'D

3. Providing adequate wayfinding signage to nearby transit stops within the proposed project, can help improve first-/last mile connects, and help reduce VMT.

A3-3

4. Consider incorporating further discussion regarding electric vehicle charging stations to promote use of EV and Hybrid vehicles. These charging stations can assist residents in switching to EV/Hybrid vehicles and increase the appeal of these vehicles to those commuting to or utilizing commercial services in the area.

A3-4

5. Please consider incorporating designated areas/parking for freight delivery, package pick up and drop off in the site plan design for this project. Also, please consider relegating the parking spaces to the back of the buildings and locate preferential parking for vanpools and carpools, along with, secure, visible, and convenient bicycle parking/racks accessible to the retail and office locations.

A3-5

6. Caltrans recognizes and supports the City of Brea's continued commitment to include development relating to Mixed Use and Affordable Housing for the Community. The Department firmly embraces racial equity, inclusion, and diversity. These values are foundational to achieving our vision of a cleaner, safer, and more accessible and more connected transportation system.

A3-6

Traffic Operations

7. Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. The applicant must submit the signed Standard Encroachment Permit application form TR-0100 along with a deposit payable to Caltrans. The deposit amount will be dependent on when the application is submitted. Public corporations are legally exempt from encroachment permit fees.

A3-7

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2. Response to Comments

City of Brea
September 20, 2021
Page 4

However, contractors working for public corporations are not exempt from fees. Project plans and traffic control plans must be stamped and signed by a licensed engineer. For all plans, please show Caltrans Right-of Way lines, the north arrow, the edge of pavement, and edge of the sidewalk, if applicable. For specific details on Caltrans Encroachment Permits procedure, please refer to Caltrans Encroachment Permits Manual. The latest edition of the Manual is available on the website at <https://dot.ca.gov/programs/traffic-operations/ep>

8. Please submit all applications and associated documents/plans via email to D12.Permits@dot.ca.gov. When submitting the application, please incorporate Environmental Documentation as needed, relevant design details including design exception approvals, traffic control plans, and any letter of authorizations. Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (657) 328-6553. Early coordination with Caltrans is strongly advised for all encroachment permits.

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

Sincerely,



Scott Shelley
Branch Chief, Regional-IGR-Transit Planning
Caltrans, District 12

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

A3-7

CONT'D

2. Response to Comments

A3. Response to Comments from California Department of Transportation (Caltrans), Scott Shelley, Branch Chief, Regional-IGR, Transit Planning, dated September 20, 2021.

INTRO Responses to comments from the California Department of Transportation (Caltrans) are provided in response to Comments R3-1 through R3-7.

A3-1 Improvements to multimodal transportation options as part of the proposed project will be relayed to the project applicant for consideration. It is noted that the project's proposed parking demand strategies, which include provision of rideshare amenities, subsidizing car sharing for the residents, providing the majority of residential parking in unreserved parking spaces, and the provision of short-term and long-term bicycle parking, would reduce VMT and moderate parking demand (see Appendix K to the DEIR). Further, some can be considered as "multimodal amenities" to encourage alternative modes of transportation consistent with the commenter's recommendation.

A3-2 Coordination with Caltrans for Complete Streets improvements, such as the provision of high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities, in the project vicinity will be relayed to the project applicant for consideration. Existing pedestrian connectivity for Brea Plaza is provided and the existing sidewalk system in the area. This system provides access to and from the project site and is adequate, and would continue to serve the proposed project. The proposed project would protect the existing sidewalks and, if required by the City, would also repair or construct new sidewalks along the project site frontage.

In addition to pedestrian connectivity, an existing Class II bike lane is provided along South Associated Road, which connects to other nearby bicycle facilities including the existing Class II bike lane on Birch Street as well as the Class I bike trail (The Tracks at Brea Trail). Furthermore, the General Plan identifies an extension of the Class II bike lane along Birch Street, west of State College Boulevard, as well as the installation of a Class II bike lane along State College Boulevard.

A3-3 Installation of wayfinding signage to nearby transit stop within the proposed project will be relayed to the project applicant for consideration.

A3-4 California's Green Building Standards (CALGreen) Code requires all new nonresidential buildings with 10 or more parking spaces to install EV Capable infrastructure in approximately 6 percent of parking spaces (Nonresidential Mandatory Measures Section 5.106.5.3). The proposed project would provide 64 electric vehicle charging stations.

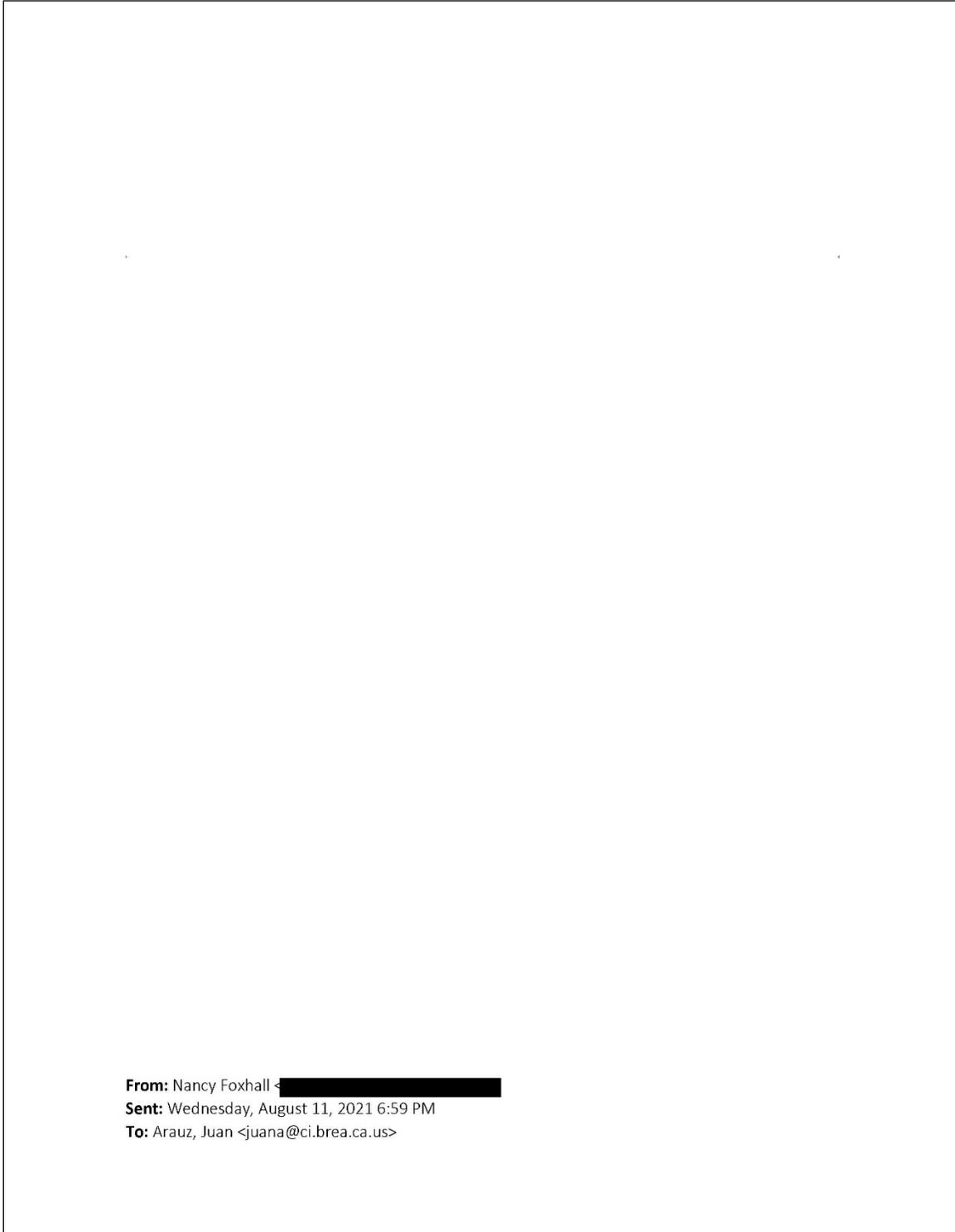
A3-5 Figure 3-4, *Conceptual Site Plan*, in Chapter 3, *Project Description*, shows the locations of the truck loading areas – to the west of the eastern retail buildings and to the north of northern retail buildings.

2. Response to Comments

- A3-6 As indicated in PPP E-2 in Section 13.4, *Energy*, of the DEIR, new buildings are required to adhere to CALGreen requirements to provide bicycle parking for new nonresidential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2). The proposed project would provide 108 long-term bicycle parking spaces and 22 short-term bicycle parking spaces in the parking structure. Additionally, CALGreen Section 5.106.5.2 requires that new projects provide designated parking for any combination of low-emitting, fuel-efficient, and carpool/van pool vehicles; at least 8 percent of the total number of parking spaces (for 201+ parking spaces) are required to be designated for low-emitting, fuel-efficient, and/or carpool/van pool vehicles.
- A3-7 Caltrans statement that work required within Caltrans right-of-way (ROW) requires an encroachment permit is noted. The proposed project does not include any improvements within the Caltrans' ROW.

2. Response to Comments

LETTER R1 – Brea Glenbrook Club (2 pages)



2. Response to Comments

Subject: Brea Glenbrook Club

Dear Juan Arauz,

My name is Nancy Foxhall, manager of the Brea Glenbrook Club. I have a concern with the Notice of Availability of a Draft Environmental Impact Report for the Brea Plaza Expansion Project sent to myself and the residents of Glenbrook. The access link for the document does not work so none of the residents are able to review the draft.

I am asking for this Notice to be redone and sent to **all** the residents of Glenbrook with an extended comment period of 2 additional weeks.

I hope to hear from you soon with a response to my request.

Have a wonderful day,
Nancy Foxhall
Manager
Brea Glenbrook Club
[REDACTED]

R1-1

2. Response to Comments

R1. Response to Comments from Brea Glenbrook Club, dated August 11, 2021.

R1-1 The DEIR was posted on the City's "Projects in Process" webpage on August 4, 2021, as noted in the Notice of Availability. Additionally, copies of the document were made available for public viewing at the City of Brea Planning Department and Brea Public Library as well as online on the Governor's Office of Planning and Research CEQAnet website. No unusual circumstances arising from this project justify extending the review period above the State mandated 45-day review period under Section 15105 of the CEQA Guidelines. City staff followed up with the commenter and confirmed that the commenter was incorrectly typing in the web address, which was correctly typed in the Notice of Availability, and the link was working properly. It should be noted that for projects that do not require State agency approval, the public comment period can be reduced from 45 days to 30 days, according to Assembly Bill 819. No time extension is warranted for the proposed project's public comment period as the DEIR was made available on the City's website at the start of the public review period.

2. Response to Comments

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2. Response to Comments

LETTER R2 – Christine Denbo (1 page)

From: [Christine Denbo, BGST](#)
To: [Killebrew, Jason](#); [Arauz, Juan](#)
Subject: Brea Plaza Project Inquiry
Date: Wednesday, August 11, 2021 2:03:11 PM

Hi Jason and Juan,

My name is Christine Denbo and I am on the Brea Glenbrook HOA Board of Directors. I received the EIR and thumb drive for the Brea Plaza Project last week. Our residents received their letters as well. Last night we had our monthly meeting where 40 (give or take) residents showed up to find out what they could do to stop this project. For reference, maybe 1 person attended our meetings monthly for matters from the audience. Though the scope was reduced somewhat to delete the hotel, it has now grown from a 5 story development to an 8 story development and to put it mildly, they are not happy and are even talking about seeking legal representation.

I emailed Waad to see if he might be willing to host some sort of town hall meeting at Glenbrook for our residents to educate the members on his vision for the project and maybe explain the changes in layman's terms. He was open to it.

I was wondering in addition the City of Brea might consider helping to facilitate an additional public workshop or town hall for all interested parties throughout Brea to discuss early concerns with residents. I know you wouldn't "host" an event of this type, but possibly you can request it be added?

Maybe education on both sides can help make a project (hopefully of reduced scope) successful for all.

Thanks for your help!

Christine Denbo
Brea Glenbrook Homeowners Association
Secretary/ Management Liaison
[REDACTED]

R2-1

2. Response to Comments

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2. Response to Comments

R2. Response to Comments from Christine Denbo, dated August 11, 2021.

R2-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. The Notice of Preparation (NOP) for the original project, which included a hotel, was for a 7-story structure, and included a six-story hotel and an apartment building with five levels of residential above two-levels of above-ground parking (7-stories) and two-levels of subterranean parking. Since the NOP was circulated, the project applicant has removed the hotel component and provided updated building plans for the residential component of the proposed project. The proposed project includes an 8-story residential/office building, which includes five levels of residential uses above three-levels of above-ground parking, for a total building height of 89 feet at the top of the parapet. The commenter's objections to the building height are noted. A discussion on consistency of the project buildings with the City of Brea General Plan and Zoning Code can be found in Section 5.6, *Land Use and Planning*, and a discussion on aesthetics can be found in Section 5.1, *Aesthetics*, of the DEIR.

The request for the Glenbrook Homeowner's Association (HOA) Board of Directors to meet with the Applicant has been forwarded. On August 26, 2021, the Applicant's team met with members of the Glenbrook HOA in-person and via Zoom to discuss this project and answer the HOA's questions.

A Planning Commission Study Session was held at 6:00 PM on Tuesday, August 24, 2021. The Glenbrook HOA is included on the mailing list for the Brea Plaza Expansion Project. The Glenbrook HOA will be notified of upcoming Planning Commission and City Council hearings regarding the proposed project in accordance with City's procedures.

2. Response to Comments

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2. Response to Comments

LETTER R3 – Terri Daxon (1 page)

From: [Terri Daxon](#)
To: [Jasmine Osman](#)
Subject: Re: Notice of Availability (NOA) for the Brea Plaza Expansion Project DEIR
Date: Friday, August 13, 2021 1:49:57 PM
Attachments: [image001.png](#)

Jasmine,

I saw the the proposed hotel has been eliminated and wonder Buca di Beppo will remain in their present location or move elsewhere in the Brea Plaza?

Terri Daxon
OC Journalist/Columnist

R3-1

2. Response to Comments

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2. Response to Comments

R3. Response to Comments from Terri Daxon, dated August 13, 2021.

R3-1 The original proposal, as described in the 2020 Notice of Preparation, included a hotel that would have been built on the Buca Di Beppo location. However, the current proposal, which no longer includes a hotel, would not demolish Buca Di Beppo, and the restaurant would remain in place.

2. Response to Comments

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2. Response to Comments

LETTER R4 – Alli Savino (1 page)

Jasmine Osman

From: Alli Savino [REDACTED]
Sent: Monday, August 16, 2021 9:51 PM
To: Planning
Subject: Brea Plaza Expansion Project - August 24th Meeting

Good Evening,

I wanted to reach out to express my opposition to the Brea Plaza Expansion Project.

I live in Glenbrook and travel the intersection of the 57 Freeway exit and Imperial Highway many times a day. As it stands now, traffic in that particular section is a nightmare (to put it lightly). Adding in apartments or a hotel is really going to negatively impact the quality of life for residents such as myself in this area. Not only will it cause MORE of a headache to enter and exit our neighborhoods, but I will certainly question leaving my house as often as I'd like just to enjoy shopping and dining out in my city. That fact alone, to me, will only push me to move away from this city. I don't want to live in an overcrowded space. I love Brea and one of its perks is that it is a smaller city with SO much to offer.

R4-1

I enjoy upgrades and new businesses in the area, but stacking apartments or hotels into such an already small, congested space is absolutely horrendous to imagine.

Please also consider that there is a huge apartment building project being built off of Birch and St. College just down the street from Glenbrook, which is also going to add to traffic in our area once completed. PLEASE do not approve this project! This is too much in one area and is unfair for those of us in the area currently.

Thank you so much for your time and consideration.

Best,

Alli Savino

Sent from my iPhone

2. Response to Comments

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2. Response to Comments

R4. Response to Comments from Alli Savino, dated August 16, 2021.

R4-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. Additionally, Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections, which include SR-57 Ramps at Imperial Highway, are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions.

Section 4.4, *Assumptions Regarding Cumulative Impacts*, identifies the cumulative setting for the proposed project. As identified in Table 4-1, *Locations and Descriptions of Cumulative Projects*, the Brea Place (Avalon) is considered in the cumulative analysis for the proposed project. The Traffic Circulation Analysis (Appendix J2 to the DEIR) included cumulative traffic conditions as a result of these projects.

2. Response to Comments

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2. Response to Comments

LETTER R5 – Davis and Christine Eckman (1 page)

Jasmine Osman

From: Christine Eckman <[REDACTED]>
Sent: Monday, August 16, 2021 9:23 PM
To: Planning
Subject: Brea Plaza Expansion

I would like to state my opposition to the expansion of Brea Plaza. The intersection of Imperial Highway and the 57 freeway is already overcrowded and will be impacted by that huge apartment complex being built on Birch and State College. All those residents will be using that off-ramp to get to their residence and you want to add even more traffic to that area? As a resident, that is our closest access to the freeway and I do not want to see any more development that will impact an area that is already overcrowded. Have you done your due diligence and projected what impact that huge apartment complex by the mall will have on our traffic? Adding another huge project to the area does not seem in the best interest of the residents of Brea.
Thank you for your consideration,
David and Christine Eckman

R5-1

2. Response to Comments

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2. Response to Comments

R5. Response to Comments from David and Christine Eckman, dated August 16, 2021.

R5-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. Additionally, Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections, which include SR-57 Ramps at Imperial Highway, are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions.

Section 4.4, *Assumptions Regarding Cumulative Impacts*, identifies the cumulative setting for the proposed project. As identified in Table 4-1, *Locations and Descriptions of Cumulative Projects*, the Brea Place (Avalon) and Brea Mall Mixed-Use Project are both identified and considered in the cumulative analysis for the proposed project. The Traffic Circulation Analysis (Appendix J2 to the DEIR) included cumulative traffic conditions as a result of these projects. As stated in Section 5.2, *Air Quality*, according to South Coast AQMD methodology, any project that does not exceed or can be mitigated to less than the daily threshold values would not add significantly to a cumulative impact. As such, additional traffic and air quality studies are not warranted.

2. Response to Comments

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2. Response to Comments

LETTER R6 – Ted (1 page)

Jasmine Osman

From: Tang, Linda
Sent: Tuesday, August 17, 2021 7:42 AM
To: Arauz, Juan
Cc: Killebrew, Jason
Subject: FW: New idea added on Share Your Ideas!

From: Shape Brea
Sent: Monday, August 16, 2021 10:49 PM
To: Tang, Linda
Subject: New idea added on Share Your Ideas!

Hi Linda Tang

You have received a new contribution on the Ideas tool, **Share Your Ideas!** on project **Housing Element Update** on your site,

Don't rezone Brea Plaza

-

Brea Plaza is already one of the busiest shopping centers with the worst ingress/egress in the city. Don't make it worse by adding 190 dwelling units. Terrible idea.

-

Added by **Ted**

[Click here](#) to view the idea

This is an auto-generated email sent when a contribution is added to your site on EngagementHQ. If you do not wish to receive this email in the future, you can configure your tool to not send emails.

R6-1

2. Response to Comments

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2. Response to Comments

R6. Response to Comments Ted, dated August 16, 2021.

R6-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater and addition of 189 residential units. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R7 – Christine Denbo (2 pages)

From: Christine Denbo, BGST [REDACTED]
Sent: Tuesday, August 17, 2021 9:48 AM
To: Killebrew, Jason <jasonk@ci.brea.ca.us>; Arauz, Juan <juana@ci.brea.ca.us>
Subject: Re: Brea Plaza Project Inquiry

Hi Jason and Juan,

I just noticed that the schedule in the draft housing element says next Tuesday 8/24/21 it may be scheduled to be submitted for approval. Inside the draft housing element, I also see it lists Brea Plaza as an opportunity housing site and is already included. When did this happen? How long ago was it added to the draft housing element?

R7-1

I'm sure during COVID you sent out general notices to residents regarding the draft housing element, but how come our neighborhood wasn't specifically notified of this site's unapproved project being included in the draft housing element? We were told we would be notified of any progress or activity on the project and do not remember ever being told it would be included in any other major city document or discussion forum on which a vote could impact the future of the project.

R7-2

2. Response to Comments

This appears, in my opinion, to give the Brea Plaza Project more clout- and that re-zoning and approval of this project is all but a forgone conclusion. If this is included in the draft housing element and is approved, this amends the housing element part of the General Plan and make it one step closer to approving this project as is, right? Or if I am misinformed, please explain further.

R7-3

Thanks for your time,
Christine Denbo
Brea Glenbrook Homeowners Association
[REDACTED]

2. Response to Comments

R7. Response to Comments from Christine Denbo, dated August 17, 2021

- R7-1 The comment is regarding the Brea Housing Element Update and does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R7-2 The comment is regarding the Brea Housing Element Update does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R7-3 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. The comment is regarding the project's inclusion in the Brea Housing Element Update and does not raise any issues related to the proposed project's impact on the physical environment under CEQA.

2. Response to Comments

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2. Response to Comments

LETTER R8 – Cynthia Hyatt (1 page)

Jasmine Osman

From: Tang, Linda
Sent: Tuesday, August 17, 2021 7:42 AM
To: Arauz, Juan
Cc: Killebrew, Jason
Subject: FW: New comment on Don't rezone Brea Plaza

LINDA SOK TANG

From: Shape Brea
Sent: Tuesday, August 17, 2021 6:03 AM
To: Tang, Linda
Subject: New comment on Don't rezone Brea Plaza

Hi

The following Idea received new comment **Don't rezone Brea Plaza** on your site,

-

Totally against this . Bottom line this is not good of will benefit Brea and the people who live here

R8-1

-

Added by **Cynthia Hyatt**

[Click here](#) to view the comment .

2. Response to Comments

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2. Response to Comments

R8. Response to Comments from Cynthia Hyatt, dated August 17, 2021.

R8-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.

2. Response to Comments

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2. Response to Comments

LETTER R9 – Eric Small (1 page)

From: Eric Small [REDACTED]
Sent: Tuesday, August 17, 2021 11:15 AM
To: Olmos, Tony <tonyo@ci.brea.ca.us>
Subject: Traffic commission stance on the Brea plaza

What is the traffic committee's stance on the apartments to be built in the Brea plaza.

I for one think this is ludicrous. Traffic on imperial at imperial and associated is already bad. And now they want to add 189 apartments with almost 400 underground parking spots.

This needs to not be built.

Eric small

The Applicant is requesting is requesting a General Plan Amendment (GPA), Zone Change (ZC), Conditional Use Permit (CUP), and a Development Agreement (DA) to allow the following at 1639 East Imperial Highway:

- To change the General Plan Land Use designation of the site from General Commercial (C-G) to Mixed-Use I (MU-I); and
- To change the zoning of the site from C-G to MU-I; and
- To allow the demolition of an 18,450 square-foot theater and adjacent surface parking lot; and
- To allow the construction of an eight-story, mixed-use building containing 189-residential dwelling units, 21,355 square-feet of office space, a three-level parking garage with 397 parking spaces, and modification to the Brea Plaza comprehensive sign program (the "Project").

R9-1

--
Eric
Wear a mask save a life
Sent from Gmail Mobile

2. Response to Comments

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2. Response to Comments

R9. Response to Comments from Eric Small, dated August 17, 2021.

R9-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

The proposed project does not include subterranean parking spaces. Table 3-4, *Brea Plaza Surface and Structure Parking*, of the DEIR, identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project.

2. Response to Comments

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2. Response to Comments

LETTER R10 – Georgina Hewison (1 page)

Jasmine Osman

From: Georgina Hewison <[REDACTED]>
Sent: Tuesday, August 17, 2021 8:58 AM
To: Planning
Subject: Brea Expansion

This is so wrong! We stay out of Los Angeles for a reason. Please don't turn our beautiful area into an over crowded Los Angeles!
Imperial Highway, Yorba Linda Blvd., the 57 and 91 freeways are now nightmares! So jam packed!
Isn't that monstrosity on the corner of State and Birch more than enough?!?!?
Please don't do it!
I oppose this expansion!
Georgina Hewison
Sent from my iPhone

R10-1

2. Response to Comments

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2. Response to Comments

R10. Response to Comments from Georgina Hewison, dated August 17, 2021.

R10-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R11 – Linda Chapman (1 page)

Jasmine Osman

From: Tang, Linda
Sent: Tuesday, August 17, 2021 7:42 AM
To: Arauz, Juan
Cc: Killebrew, Jason
Subject: FW: New comment on Don't rezone Brea Plaza

LINDA SOK TANG

From: Shape Brea
Sent: Tuesday, August 17, 2021 3:44 AM
To: Tang, Linda
Subject: New comment on Don't rezone Brea Plaza

Hi

The following Idea received new comment **Don't rezone Brea Plaza** on your site,

-

Absolutely am opposed to adding housing at Brea Plaza! I already won't exit heading north from the center onto Associated for fear of being hit! The parking there is difficult many times of day, it makes no sense to add another three hundred cars! We need the city of Brea to actually LISTEN to the residents. You want to add housing? Fine. Use the mall, but don't build ugly stack and pack apartments that block our views of the hills! The apartments at Birch and State College are just plain ugly and not what WE want for Brea.

R11-1

-

Added by **Linda Chapman**

[Click here](#) to view the comment .

2. Response to Comments

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2. Response to Comments

R11. Response to Comments from Linda Chapman, dated August 17, 2021.

R11-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. Table 3-4, *Brea Plaza Surface and Structure Parking*, of the DEIR, identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. The proposed project is adjacent to State Route 57, south of the Mercury Insurance site, and would be 89 feet tall at the top of the parapet. Section 5.1, *Aesthetics*, did not identify any impacts to the viewsheds in Brea, including the hills to the northeast.

2. Response to Comments

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2. Response to Comments

LETTER R12 – Michael (1 page)

Jasmine Osman

From: Tang, Linda
Sent: Tuesday, August 17, 2021 9:50 AM
To: Arauz, Juan
Subject: Fwd: New comment on Don't rezone Brea Plaza

From: Shape Brea
Date: August 17, 2021 at 9:43:21 AM PDT
To: "Tang, Linda"
Subject: **New comment on Don't rezone Brea Plaza**
Reply-To: notifications@engagementhq.com

Hi

The following Idea received new comment **Don't rezone Brea Plaza** on your site,

-

The proposed design layout will adversely affect the adjacent Glenbrook homes. Parking structure will place the automobile noise,alarms in a direct path to disturb the current established residents. 24 hours a day 7 days a week 365 days a year...Adding this to the already conjested corner will have a direct impact on degrading the surrounding homes. Devaluing the homes and increasing potential crimes.

R12-1

-

Added by **Michael**

[Click here](#) to view the comment

2. Response to Comments

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2. Response to Comments

R12. Response to Comments from Michael, dated August 17, 2021.

R12-1 As substantiated in Section 5.7, *Noise*, of the DEIR, mechanical noise, outdoor common area noise, noise from loading and deliveries, and traffic noise would be not result in a significant impact to the closest sensitive receptors to the site, which are the single-family homes to the north and east, approximately 500 to 550 feet, respectively. The proposed building would be located at the northwest portion of the site; the Mercury Insurance building to the north and the adjacent building east of the proposed building would provide substantial acoustical shielding to residential receptors to the north and east.

Pursuant to Section 15126.2 of the CEQA Guidelines, in assessing the environment impact of the proposed project on the environment, the Lead Agency should limit its examination to changes in the baseline physical environmental conditions and not economic or social impacts of project (see also Section 15131 of the CEQA Guidelines). CEQA does not require an EIR to address economic impacts associated with a proposed project, which by themselves do not cause or contribute to physical impacts on the environment. Specifically, the CEQA Guidelines state that "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires" (CEQA Guidelines, Section 15131). Further, the Guidelines state that the "Economic and social effects of a project shall not be treated as significant effects on the environment" (Section 15131[a]). The intent of CEQA is to evaluate and mitigate physical impacts on the environment. The comment regarding project impacts on property values is acknowledged. This issue, however, is not within the purview of the environmental review of the project per CEQA.

There is no relationship between housing density and crime rates.¹ As substantiated in Section 5.9, *Public Services*, the payment of dispatch fees as well as more-specific consideration of police services and any desired augmentation to achieve best performance goals set by the police department may be considered part of the project review process and any conditions of approval for the project.

¹ Urban Land Institute. Higher-Density Development, Myth and Fact. https://uli.org/wp-content/uploads/ULI-Documents/HigherDensity_MythFact.ashx_.pdf

2. Response to Comments

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2. Response to Comments

LETTER R13 – Nancy Burd (1 page)

Jasmine Osman

From: Tang, Linda
Sent: Tuesday, August 17, 2021 8:24 AM
To: Arauz, Juan
Subject: FW: New comment on Don't rezone Brea Plaza

LINDA SOK TANG

From: Shape Brea
Sent: Tuesday, August 17, 2021 8:21 AM
To: Tang, Linda
Subject: New comment on Don't rezone Brea Plaza

Hi

The following Idea received new comment **Don't rezone Brea Plaza** on your site,

-

More traffic, more pollution, more overcrowding. As a resident of Glenbrook, I vehemently oppose this project! | R13-1

-

Added by **Nancy Burd**

[Click here](#) to view the comment .

2. Response to Comments

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2. Response to Comments

R13. Response to Comments from Nancy Burd, dated August 17, 2021.

R13-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. Section 5.2, *Air Quality*, identifies that the proposed project would reduce the amount of criteria air pollutants generated, which would be a project benefit, and would not exceed the South Coast AQMD significance thresholds for project operations.

As indicated in Section 5.8, *Population and Housing*, the proposed population and employment increase as a result of the project would not exceed the Southern California Association of Government's (SCAG) population and employment projections for the City of Brea.

2. Response to Comments

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2. Response to Comments

LETTER R14 – Robert and Kimberly Ramos (1 page)

Jasmine Osman

From: Robert Ramos [REDACTED]
Sent: Tuesday, August 17, 2021 10:55 AM
To: Planning
Cc: Kim Ramos [REDACTED]
Subject: Re: Brea Plaza Expansion Project

I just noticed that I had not provided my address and personal information. See below. You have my approval to read my comments aloud at the commission meeting. Let me know if you have any questions. Thanks.

Robert and Kimberly Ramos

[REDACTED]
Brea, CA 92821
[REDACTED]

From: Robert Ramos
Sent: Tuesday, August 17, 2021 10:49 AM
To: planning@cityofbrea.net
Cc: Kim Ramos [REDACTED]
Subject: Brea Plaza Expansion Project

Please provide me the details to join this meeting via Zoom.

I live across the street in Glenbrook and oppose this monstrosity that will surely create massive congestion to our small corner area. It is already busy enough as it is with Mercury employees taking shortcuts and zipping through our neighborhoods in their attempts to avoid the congestion. I also see countless people running red lights at Glenbrook and Associated, so clearly the City is not paying attention to this area.

I implore you to rethink the size and scope of this project! Thanks.

Rob Ramos

R14-1

2. Response to Comments

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2. Response to Comments

R14. Response to Comments from Robert and Kimberly Ramos, dated August 17, 2021.

R14-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R15 – Wesley and Donna Mask (1 page)

Jasmine Osman

From: Ace Mask [REDACTED]
Sent: Sunday, August 22, 2021 6:35 PM
To: Planning
Subject: OBJECTION - Brea Plaza Expansion Project

We have been residents of Brea for over 46 years. Please note we are STRONGLY opposed to the Brea Plaza Expansion Project. R15-1

A RIDICULOUS IDEA!

Wesley Mask and Donna Mask

[REDACTED]
Brea

2. Response to Comments

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2. Response to Comments

R15. Response to Comments from Wesley and Donna Mask, dated August 22, 2021.

R15-1 The comment does not raise any issues related to the proposed project's impacts on the physical environment under CEQA. The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

2. Response to Comments

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2. Response to Comments

LETTER R16 – Donald Minck (1 page)

Jasmine Osman

From: Tang, Linda
Sent: Monday, August 23, 2021 5:08 PM
To: Arauz, Juan
Subject: FW: New comment on Don't rezone Brea Plaza

LINDA SOK TANG

From: Shape Brea
Sent: Monday, August 23, 2021 5:07 PM
To: Tang, Linda
Subject: New comment on Don't rezone Brea Plaza

Hi

The following Idea received new comment **Don't rezone Brea Plaza** on your site,

-

As a Glenbrook Resident we oppose this rezoning and additional housing/development. Too much traffic already!!!! | R16-1

-

Added by **donald minck**

[Click here](#) to view the comment .

2. Response to Comments

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2. Response to Comments

R16. Response to Comments from Donald Minck, dated August 23, 2021.

R16-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R17 – Eric Small (1 page)

Jasmine Osman

From: Eric Small [REDACTED]
Sent: Monday, August 23, 2021 5:42 PM
To: Arauz, Juan
Subject: Re: Traffic commission stance on the Brea plaza

They should review this as it affects traffic with 189 apartments and 300 plus parking

I along with an entire glenbrook neighborhood will be at the planning meeting to oppose this building

Eric

R17-1

2. Response to Comments

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2. Response to Comments

R17. Response to Comments from Eric Small, dated August 23, 2021.

R17-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. A Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Transportation impacts are identified in Section 5.11, *Transportation*, in the DEIR.

2. Response to Comments

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2. Response to Comments

LETTER R18 – Nancy Burd (1 page)

Jasmine Osman

From: Nancy Burd [REDACTED]
Sent: Monday, August 23, 2021 6:36 PM
To: Planning
Subject: Brea plaza project

As a long time resident of the Glenbrook community, I strongly object to the Brea Plaza project. With the completion of the monstrosity at State College and Birch, and the new one across from there, I am extremely concerned about adding even MORE density with the Brea Plaza expansion. Our city resources are already stretched thin. More residents and guests will magnify the problems. Fire, police and city services will all be overwhelmed. And the traffic will be horrendous! I urge you to disapprove this project as it will denigrate our beautiful city!

R18-1

2. Response to Comments

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2. Response to Comments

R18. Response to Comments from Nancy Burd, dated August 23, 2021.

R18-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

The DEIR evaluates the additional density associated with the Brea Plaza Expansion Project in addition to cumulative development in the City of Brea. Section 4.4, *Assumptions Regarding Cumulative Impacts*, identifies the cumulative setting for the proposed project. As identified in Table 4-1, *Locations and Descriptions of Cumulative Projects*, the Brea Place (Avalon) and Brea Mall Mixed-Use Project are both identified and considered in the cumulative analysis for the proposed project. The Traffic Circulation Analysis (Appendix J2 to the DEIR) included cumulative traffic conditions as a result of these projects.

As substantiated in Section 5.9, *Public Services*, with the payment of development impact fees, dispatch fees, and fire impact and service fees, impacts to public services would be less than significant. More specific consideration of these services and any desired augmentation to achieve best performance goals may be considered as part of the project review process and any conditions of approval for the project.

2. Response to Comments

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2. Response to Comments

LETTER R19 – Amanda Casey (2 pages)

Hello, my name is Amanda Casey. I am 16 years old and have grown up in Brea my entire life. Both my parents also grew up here, I'm choosing to share this today because I am extremely disappointed in the Brea planning commission. Brea has never felt like a big city or like it was trying to be, however it feels like that now.

When I was younger, everyone used to come over to my house, because Brea had quite a few things to do, we could go to the mall, we could go to the movie theater, downtown Brea, etc. Not only that but my house has a very large backyard that I used to spend hours in. I understand that some of those things are not under your control, however, you played a part in what they are like now. I no longer really enjoy sitting in my backyard most of the time due to the construction noise from down the street. The movie theater that I grew up going to, that I have endless memories in, you're now tearing down.

I get that my opinion doesn't affect you, or that this letter most likely will not change your minds. But what you see as a space for apartments and more money, I see as my childhood. I can now only think of a few places that I either enjoy now or grew up going to that aren't near construction or are torn down already. It isn't fun to hear loud construction constantly. It no longer feels like a small welcoming city, it feels industrial and overpopulated. There has not been a substantial gap between new construction near me in years, I've grown used to seeing all of the places that I grew up enjoying being torn down or closing. That shouldn't be something that a small city like Brea is letting happen.

Maybe your goal is to 'get Brea on the map' but I can assure you that

R19-1

2. Response to Comments

adding a bunch of apartments isn't going to help you. The residents that used to speak highly of the atmosphere Brea had, now talk poorly about the amount of people and noise. I now hang out with my friends where they live, like Anaheim Hills, Yorba Linda, La Habra, etc. They are not constantly surrounded by construction and their city looks almost identical to Brea.

So I don't know what your goal is, if you're trying to make a large city that everyone knows, or if you're just trying to get more money. Please do not approve this proposed project and help to keep Brea closer to the city it once was that residents loved.

R19-1
CONT'D

2. Response to Comments

R19. Response to Comments from Amanda Casey, dated August 24, 2021.

R19-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

As substantiated in Section 5.7, *Noise*, of the DEIR, the proposed project would result in temporary construction noise increases. A maximum of 150 daily vendor and worker trips would be generated during trenching; the proposed project would generate a maximum of 114 daily haul trips during demolition debris haul for two workdays. The increase in haul trucks and construction vehicles would result in a negligible noise increase of less than 1 dBA CNEL when compared to existing average daily trips. Additionally, as shown in Table 5.7-5, *Project-Related Construction Noise*, construction-related noise levels would not exceed the 80 dBA $L_{eq(8hr)}$ threshold at the nearest sensitive receptors. There are no cumulative projects in the immediate vicinity (i.e., 1,000 feet or less) of the project site, and the proposed project would not contribute to a significant cumulative construction noise impact.

The Brea Plaza Shopping Center began operations in the early 1980s and is not a historic resource. Based on the results of the records search (see Chapter 8 in the DEIR), the project site is not listed on a national, state, or local historic registry. Demolition of the movie theater would not impact historic resources in the City.

As indicated in Section 5.8, *Population and Housing*, the proposed project would add up to 405 residents. The proposed project would result in less than 1 percent increase in Brea's population and growth accommodated by the proposed project is within the population projections for the City of Brea.

As described in Section 5.1, *Aesthetics*, the new development planned for the site is not a dramatic departure from what currently exists within the larger City of Brea. However, the proposed eight-story structure would be substantially taller than the structures in the nearby single-family residential areas to the north and east. Despite the height of the proposed structure, the proposed project is not anticipated to result in significant aesthetic impacts because the residential uses to the north are buffered by the existing two-story Mercury Insurance building and three-level Mercury Insurance parking structure, and the expansion area is over 550 feet away from residential areas. The residential neighborhood to the east is across Associated Road, over 650-feet from the proposed structure. To minimize aesthetic impacts and ensure that the proposed project would be compatible with the surrounding development, the higher density eight-story, 89-foot tall structure would be placed on the far northwestern corner of the project site, directly adjacent to the freeway; behind the Mercury Insurance building; and connected with the existing retail onsite.

2. Response to Comments

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2. Response to Comments

LETTER R20 – Barbara Sideri (1 page)

Jasmine Osman

From: barbara sideri [REDACTED]
Sent: Tuesday, August 24, 2021 3:27 PM
To: Planning
Subject: comments for tonight's 7:00 planning meeting

PLEASE DIRECT MY COMMENTS DIRECTLY TO THE PLANNING COMMISSIONERS BEFORE 4:00 THIS AFTERNOON.

Dear planning commissioners!

As a long-time Brea voter and resident, I want to go on the record as an opponent to the proposed re-development & EXPANSION of Brea Plaza.

PUBLIC SAFETY SHOULD BE YOUR NUMBER ONE CONCERN

A. The additional traffic on Birch Street has proven to be immense when the 57 freeway has been shut down a number of times due to fires either on the freeway or North of us. I live on the side of Glenbrook that is bordered by Birch Street, Imperial Highway & Associated Road. When a high volume of vehicles travel onto Birch St. & Associated Road in order to get out to Imperial Highway, it is near impossible for any cars inside the proposed expansion area to get out.

R20-1

B. The new development along St. College & Birch street will surely add to traffic congestion in a similar fashion.

C. I am aware that my home is considered close enough to the 57 freeway to be considered in an unsafe air quality location. The proposed Expansion at Brea Plaza will also fall into **THE SAME CATEGORY!**

R20-2

D. Our entire state is facing a prolonged drought. The Colorado River is low and will not be delivering the same amount of water to California as in the past. California now has an extended fire season & residents have been asked to reduce their use of water. How do you justify building additional floors (eight of them) for water using tenants? What has the Fire Department said about supply & demand of Water & Personnel during this critical time? If I believed that any of the apartments being built or meant to be built near me were to satisfy people other than the land owner, the builder, or the City. I might be persuaded to temper my objections. This does not seem to be doing the most good for the most people. The City should do better & I believe it can!

R20-3

2. Response to Comments

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2. Response to Comments

R20. Response to Comments from Barbara Sideri, dated August 24, 2021.

R20-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

A. Public Safety. As indicated in Section 5.9, *Public Services*, PPP PS-3 would be implemented which would require the Brea Fire Department to approve the building plan and emergency access for the project site, as well as approve the fire master plan. Furthermore, as indicated in Section 5.11, *Transportation*, Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, and Table 5.11-6, *Year 2045 Peak Hour Intersection Queuing Analysis*, show that queues for the nine study intersections are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions and under the Year 2045 General Plan Buildout Traffic Conditions and Year 2045 General Plan Buildout Plus Project Traffic Conditions, respectively. The project site would continue to be served by the existing Brea Plaza driveways; emergency vehicles would be able to continue to access the site and surrounding properties during and after construction. The proposed project would not result in inadequate emergency access.

B. Traffic Congestion. Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. Additionally, Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections, which include SR-57 Ramps at Imperial Highway, are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions.

R20-2 C. Air Quality. Impacts of the environment on a project are not CEQA impacts (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, Case No. S213478). However, the California Building Code (Title 24), Part 6 (California Building and Energy Efficiency Standards) as well as Part 11 (California Green Building Standards Code [CALGreen]) has standards for enhanced filtration for multi-family residential buildings. Under Title 24, Part 6, Section 120.1(b)(1)(C) and Part 11 (Section 5.504.5.3), multifamily residential buildings that are four stories or higher are required to use Minimum Efficiency Reporting Value (MERV)-13 filters. As a result, compliance with existing regulations is sufficient to ensure a healthy indoor air quality environment.

2. Response to Comments

R20-3 D. Water Supply. As substantiated in Section 5.11, *Utilities and Service Systems*, the proposed project would result in a net increase of 50.5 acre-feet per year of water usage, which would represent 0.5 percent of the water demand for the City in 2045. The projected water demand is very conservative because it is based on wastewater generation factors from the sewer study and does not account for a reduction in indoor water use for new construction that complies with CALGreen standards and water conservation features. The City is projected to meet all water demands through 2045, during normal, single dry, and multiple dry years, according to the 2020 Urban Water Management Plan, due to the diversified supply and conservation measures. Therefore, the City would be able to meet the water demands of the proposed project in addition to existing and cumulative demands.

Moreover, the City prepared the 2020 Water Shortage Contingency Plan in June 2021, which is the City's operating manual that is used to prevent catastrophic service disruptions through proactive management. The Water Shortage Contingency Plan provides a structured guide for the City to deal with water shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a catastrophic supply interruption. If and when shortage conditions arise, pre-determined steps to manage a water shortage can be identified and efficiently implemented.

Regarding the Fire Department, the project applicant will pay dispatch impact fees, fire impart fees, and fire service fees. In addition, the City of Brea Fire Department will review the fire master plan during the building plan check to ensure there is sufficient water supply and pressure for fire hydrants and fire water service. The impact fees will be used to finance future fire protection facilities, fire service connections, and upgrades to the police and fire dispatch systems. Therefore, the proposed development will not adversely affect the ability of the Brea Fire Department to provide adequate service.

2. Response to Comments

LETTER R21 – Holly McKnight (1 page)

Jasmine Osman

From: Holly McKnight [REDACTED]
Sent: Tuesday, August 24, 2021 11:47 AM
To: Planning
Subject: Brea Plaza Expansion Project

I am a very concerned citizen and homeowner in Glenbrook. I believe the subject project, even at the current size, will cause too many problems for the homeowners and others using the streets in this area. The traffic from the 57 exits can already be too congested, even at 'low traffic' times of the day. This project will add too many cars for the design of the freeway intersection and the Associated & Imperial Highway intersection and will definitely cause more accidents. R21-1

Adding more population at this corner will lower property value on the west side of Glenbrook, especially on the southern end of the development. Brea has already had many, many units added within a mile or so of this proposed development that include the ones on Kraemer just north of WalMart and on the corner of State College and Birch. The population addition will already be high enough in this area. R21-2

If you can't stop the Brea Plaza project, please lessen the number of units even more. Continue to make Brea a place that people look up to and want to live in. Do not lessen our quality of life with more additions. Take a stand against this for the citizens of Brea. This is a nightmare.

Holly McKnight
[REDACTED]
Glenbrook
Brea

2. Response to Comments

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2. Response to Comments

R21. Response to Comments from Holly McKnight, dated August 24, 2021.

R21-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

Table 5.11-2, *Intersection Accident History*, in the DEIR indicates that the study intersections along Imperial Highway have generally declined within the last five years. Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety.

R21-2 Pursuant to Section 15126.2 of the CEQA Guidelines, in assessing the environment impact of the proposed project on the environment, the Lead Agency should limit its examination to changes in the baseline physical environmental conditions and not economic or social impacts of project (see also Section 15131 of the CEQA Guidelines). CEQA does not require an EIR to address economic impacts associated with a proposed project, which by themselves do not cause or contribute to physical impacts on the environment. Specifically, the CEQA Guidelines state that "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires" (CEQA Guidelines, Section 15131). Further, the Guidelines state that the "Economic and social effects of a project shall not be treated as significant effects on the environment" (Section 15131[a]). The intent of CEQA is to evaluate and mitigate physical impacts on the environment. The comment regarding project impacts on property values is acknowledged. This issue, however, is not within the purview of the environmental review of the project per CEQA.

Chapter 7, *Alternatives to the Proposed Project*, includes an evaluation of a Reduced Density Alternative, which halves the residential density on the project site.

2. Response to Comments

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2. Response to Comments

LETTER R22 – Marilyn Broady (1 page)

Jasmine Osman

From: marilyn broady [REDACTED]
Sent: Tuesday, August 24, 2021 11:09 AM
To: Planning
Subject: Increased neighborhood traffic

What plans do you have to keep traffic flow through the Glenbrook neighborhoods to a minimum? We already have many people cutting through our streets from Imperial onto Castlegate and onto Associated Road. We are VERY concerned that many more cars will be cutting through and turning left onto Associated Road from Greenbriar Street. Perhaps traffic could be reconfigured like it was on Santa Fe and Carbon Canyon Road.

Thank you,
Marilyn Broady

Sent from my iPhone
Marilyn Broady

R22-1

2. Response to Comments

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2. Response to Comments

R22. Response to Comments from Marilyn Broady, dated August 24, 2021.

R22-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic.

While it is a possibility that a few residents might cut through the Glenbrook neighborhood, that path would require five turning movements to reach the site and take a considerably higher amount of time than continuing westbound on Imperial to turn right into the site (one turn) or to northbound Associated Road to turn left into the site (two turns). Driving through the Glenbrook neighborhood would not be a shortcut; and therefore, is unlikely to be used as a regular access route by residents. Furthermore, reconfiguring the westbound Greenbriar Lane approach to Associated Road to a right-turn only, similar to Santa Fe and Carbon Canyon Road, would create a significant inconvenience for residents of Glenbrook because it would reduce access to Imperial Highway and State Route 57 for residents and increase the amount of vehicle miles traveled within the Glenbrook neighborhood from residents detouring to Castlegate Lane or to Chevy Chase Drive to exist the neighborhood and go south or west.

2. Response to Comments

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2. Response to Comments

LETTER R23 – Marilyn Dielmann (1 page)

Jasmine Osman

From: Marilyn Dielmann [REDACTED]
Sent: Tuesday, August 24, 2021 10:05 AM
To: Planning
Subject: Planning Commission Meeting

I am requesting the zoom link to access the meeting this evening. I am strongly opposed to the Brea Plaza Expansion Project as it will negatively influence traffic on Imperial Highway. As it stands now it is difficult to easily access 57 south onramp. Thanks. R23-1

2. Response to Comments

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2. Response to Comments

R23. Response to Comments from Marilyn Dielmann, dated August 24, 2021.

R23-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R24 – Michael and Robbi Price (1 page)

Jasmine Osman

From: Michael Price [REDACTED]
Sent: Tuesday, August 24, 2021 8:41 AM
To: Planning
Subject: Brea Plaza expansion project

To Whom It May Concern,

We oppose and strongly recommend reconsideration of the proposed 8-story building planned for the Brea Plaza Shopping Center. We live in the Glenbrook neighborhood adjacent to Brea Plaza and have already seen the effects of the traffic from the current construction of the Brea Plaza Shopping Center. An additional structure so large will inevitably create gridlock through the Associated / Imperial Intersection as well as surrounding areas. Coupled with the large housing construction at Birch and State College, Brea residents will no longer be able to move freely about the city without becoming entangled in the traffic jams sure to follow. Again, we strongly recommend the City of Brea reconsider the 8-story building project at the Brea Plaza Shopping Center.

R24-1

Sincerely,

Michael and Robbi Price
[REDACTED]
Brea, CA 92821

Sent from my iPhone

2. Response to Comments

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2. Response to Comments

R24. Response to Comments from Michael and Robbi Price, dated August 24, 2021.

R24-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R25 – Frank Morrow (1 page)

Jasmine Osman

From: [REDACTED]
Sent: Wednesday, August 25, 2021 9:56 AM
To: Planning
Cc: 'Christine Denbo'
Subject: Brea Plaza Public Comments from 8/24/2021

Dear Brea Planning Staff & Commissioners:

I attended the meeting on 8/24/2021 last night and didn't get the opportunity to make a Public Comment on the Proposed Project.

Let me say you need to check the work of Place Works who put together the Draft EIR report.

I didn't want to get into the weeds by addressing this Matters from the Audience but it needs to be investigated,

Section 5 Environmental Analysis – Traffic.

In Table 5.11-3 and 5.11-4 they list the new Net Number of trips to have a **NET decrease** by 2024 the completion of the project. R25-1

I fundamentally disagree with the data that shows a **NET decrease** in trips into and out of the project.

A negative -2,282 and -489 are not possibly correct. -13,659 and -210.95 VMT is incorrect to say the least.

How do you plan on building 222,000 sq./ft, with 189 residential apartments and over 400 new residents and NOT EXPECT A NET INCREASE in trips.

This finding defies all common sense logic.

Respectfully,

Frank Morrow
[REDACTED]
Glenbrook Resident

2. Response to Comments

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2. Response to Comments

R25. Response to Comments from Frank Morrow, dated August 25, 2021.

R25-1 A Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. The Traffic Circulation Assessment was prepared in consultation with the City of Brea's traffic engineering staff. A Memorandum of Understanding (MOU) between the City of Brea and the transportation consultant was prepared prior to initiating the traffic study for the proposed project (see Appendix A, Traffic Study Scope of Work, to Appendix J2 of the DEIR). As shown in Table 5.11-3 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. While the proposed project results in an increase in residential use onsite, the proposed project results in a reduction in retail use, specifically the movie theater.

2. Response to Comments

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2. Response to Comments

LETTER R26 – Jan Picardy (1 page)

From: Janice Picardy [REDACTED]
Sent: Wednesday, August 25, 2021 2:09 PM
To: Planning <Planning@ci.brea.ca.us>
Subject: Fw: Failure Notice questions regarding Brea Plaza Expansion

[Sent from AT&T Yahoo Mail for iPad](#)

Begin forwarded message:

On Wednesday, August 25, 2021, 11:03 AM, MAILER-DAEMON@yahoo.com wrote:

Sorry, we were unable to deliver your message to the following address.

<wnadir@bos.com>:

550: 5.4.1 Recipient address rejected: Access denied. AS{201806281}
[DM3NAM02FT037.eop-nam02.prod.protection.outlook.com]

----- Forwarded message -----

1. Could the Castlegate entrance to the Glenbrook track from Imperial be closed to all but emergency vehicles? We already have too many cars cutting through to avoid the Imperial traffic and the expansion would significantly increase this problem.

R26-1

2. Is there going to be another air quality and traffic impact study for our area completed after the Avalon apartments are filled and the Mall apartment expansion is completed and filled?

R26-2

Thank you,
Jan Picardy

2. Response to Comments

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2. Response to Comments

R26. Response to Comments from Jan Picardy, dated August 25, 2021.

- R26-1 A Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. There is no direct connectivity of the project site to Castlegate Lane. Vehicles associated with the proposed project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbrier Lane. Closing the Castlegate Lane entrance would create a significant inconvenience for residents of Glenbrook wishing to access Imperial Highway and State Route-57 and would increase the amount of vehicle miles traveled within the Glenbrook neighborhood and surrounding streets from Glenbrook residents having to detour to other neighborhood access points. Furthermore, before the City would consider any change in the Castlegate Lane access there would have to be a traffic study performed to document any potential impacts, general consensus on the proposed change from Glenbrook residents, and concurrence from Caltrans.
- R26-2 Section 4.4, *Assumptions Regarding Cumulative Impacts*, identifies the cumulative setting for the proposed project. As identified in Table 4-1, *Locations and Descriptions of Cumulative Projects*, the Brea Place (Avalon) and Brea Mall Mixed-Use Project are both identified and considered in the cumulative analysis for the proposed project. The Traffic Circulation Analysis (Appendix J2 to the DEIR) included cumulative traffic conditions as a result of these projects. As stated in Section 5.2, *Air Quality*, according to South Coast AQMD methodology, any project that does not exceed or can be mitigated to less than the daily threshold values would not add significantly to a cumulative impact. As such, additional traffic and air quality studies are not warranted.

2. Response to Comments

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2. Response to Comments

LETTER R27 – Frank Morrow (1 page)

From: [Arauz, Juan](#)
To: [Nicole Vermillion](#)
Cc: [Jasmine Osman](#)
Subject: FW: Brea Plaza Public Comments from 8/24/2021
Date: Friday, August 27, 2021 3:07:57 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

From: [REDACTED]
Sent: Friday, August 27, 2021 10:32 AM
To: Arauz, Juan <juana@ci.brea.ca.us>
Cc: [REDACTED]
Subject: RE: Brea Plaza Public Comments from 8/24/2021

Hello Juan,

How do I email each Planning Commissioner about my views on the proposed Zoning Change from C-G to M-U 1 and what I think that each Commissioner should consider?

Could I ask for each of the Commissioners E-Mail address?

Lastly, I attended the "Town Hall Meeting" on Thursday at the Glenbrook Clubhouse. This presentation was informative but lacked many answers that the Developer couldn't answer.

Additional Question

-
1. Did the City Planning Department examine the above Grade Parking to be changed to below grade parking? Costs permits etc. | R27-1
 2. Did the Planning Department consider different development plans consistent with C-G Zoning before accepting a Mixed use plan requiring M-U-1 designation? | R27-2
-

2. Response to Comments

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2. Response to Comments

R27. Response to Comments from Frank Morrow, dated August 27, 2021.

R27-1 The proposed project includes an above-ground parking structure to accommodate vehicle parking for the proposed residential and office uses, plus additional vehicle parking to accommodate the existing commercial uses once the Memorandum of Understanding (MOU) between Brea Plaza and Mercury Insurance expires in April 2026, and the Mercury Insurance parking lot no longer is available to patrons of Brea Plaza.

R27-2 Chapter 7, *Alternatives*, of the DEIR, analyzed an Existing Zoning Alternative which would result in construction of 21,355 square feet of office space, but not the 189 residential units. This alternative would also retain the movie theater.

2. Response to Comments

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2. Response to Comments

LETTER R28 – Terri Daxon (1 page)

From: [Arauz, Juan](#)
To: [Nicole Vermillion](#)
Cc: [Jasmine Osman](#)
Subject: FW: Quick question?
Date: Friday, August 27, 2021 4:03:33 PM

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

From: Terri Daxon [REDACTED]
Sent: Friday, August 27, 2021 12:19 PM
To: Arauz, Juan <juana@ci.brea.ca.us>
Subject: Quick question?

Hi Juan,

With our drought and being told to further conserve water, where is all the water going to come from to keep taps flowing in the Avalon Bay developments and the proposed Brea Plaza 189 apartments plus office space plus to all the residents and businesses already in Brea?

R28-1

Terri Daxon
OC Journalist/Columnist
[REDACTED]

2. Response to Comments

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2. Response to Comments

R28. Response to Comments from Terri Daxon, dated August 27, 2021.

R28-1 As substantiated in Section 5.11, *Utilities and Service Systems*, the proposed project would result in a net increase of 50.5 acre-feet per year of water usage, which would represent 0.5 percent of the total water demand for the City in 2045. The City is projected to meet all water demands through 2045, during normal, single dry, and multiple dry years, according to the 2020 Urban Water Management Plan, due to the diversified supply and conservation measures. Therefore, the City would be able to meet the water demands of the proposed project in addition to existing and cumulative demands.

The City of Brea is almost completely built out and its population is projected to increase by only 0.23 percent per year, for a population increase of 2,607 people by 2045. The water demand for this project and other City projects that are currently under construction, approved for entitlement, or under review were included in the 2020 Urban Water Management Plan. The increased water demand in 2045 is 199 acre-feet per year, which is only a two percent increase from the current water demand. As stated previously, the City is projected to meet all water demands through 2045 during normal, single dry, and multiple dry years.

Moreover, the City prepared the 2020 Water Shortage Contingency Plan in June 2021, which is the City's operating manual that is used to prevent catastrophic service disruptions through proactive management. The Water Shortage Contingency Plan provides a structured guide for the City to deal with water shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a catastrophic supply interruption. If and when shortage conditions arise, pre-determined steps to manage a water shortage can be identified and efficiently implemented.

2. Response to Comments

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2. Response to Comments

LETTER R29 – Craig Farris (2 pages)

To: Juan Arauz – AICP, Senior Planner JuanA@CityofBrea.net
Cc: City of Brea Planning Commission

RE: Brea Plaza Shopping Center Expansion Project – Request for Mixed Use Zoning Change
1639 E. Imperial Highway Brea, CA 92821

August 27, 2021

Dear Senior Planner Arauz,

Please accept my following comments on the DEIR report Brea Plaza Expansion State Clearinghouse No. 2020079022 dated August 2021. The proposed DEIR fails to adequately address concerns important to me as a resident of the Glenbrook neighborhood.

I would like to request another traffic study to ensure that the numbers are not reflective of the 2020 pandemic year where transportation volumes dropped significantly. I would like to add the awareness of a need for a vehicle traffic signal on Birch Street at the intersection of Redbay Ave. for the cause of public safety with an increase of traffic flow along these sections of Birch Street. It is my request that the city make considerations to place a traffic light at the intersection of Redbay Ave., Birch Street, and the ingress and egress of Birchwood Village Apartments.

R29-1

In addition, I would like to suggest a vehicle speed sensor along Associated Road to help mitigate and slow down the rate of speed approaching south on Associated before Greenbriar Lane. This would slow the rate of speed also approaching the Brea Plaza area.

R29-2

In my final comments, I have voiced my opinion that the elevation view of the eight-story building is lacking architecture appeal on the side facing the 57 freeway. I have estimated that over 150,000 vehicles pass through this area each day. All sides of a development must be considered when applied to construction within our beautiful City of Brea. To allow the lack of architectural design to a potential of over 150,000 vehicles / potential residents to our city is a mistake that should not be allowed. I would like to request the owner consider keeping the similar architecture design to the side facing the 57 freeway.

R29-3

Sincerely,
Craig Farris
[REDACTED]
Brea, CA 92821 (Glenbrook resident)
[REDACTED]
[REDACTED]

Brea resident since 1971
Brea Envisions Committee Member
La Floresta Master Homeowners Association Past President 2015 to 2020
Past Brea Business Owner

2. Response to Comments

Bullet Point considerations:

- Impact of transportation congestion is disputed. | R29-4
- Safety aspect of school bus / fire department vehicles. | R29-5
- Use of transportation calming devices within the local residential areas. | R29-6
- Park or additional use of a green space within the scope of development for service animals. | R29-7
- Is the parking buildings residential only or open to the public. | R29-8
- Adequate parking for public and private use. | R29-9
- Exterior ground level lighting and pathways for nighttime beautification. | R29-10
- Aesthetically keeps same architectural standards facing 57 freeway. | R29-11
- Location of the dump waste stations out of public sight. | R29-12
- Service times for the dump waste stations to be dumped to not disturb the local residential communities. | R29-13
- Recycling program for residents. | R29-14
- Hydro-Study about below ground water tables. | R29-15
- Adding specimen trees to proposed zoning change community. | R29-16
- Use of modern construction materials for a “Green” development. | R29-17

2. Response to Comments

R29. Response to Comments from Craig Farris, dated August 27, 2021.

R29-1 The measures put into place to slow the spread of COVID-19 resulted in significant changes in human activity and vehicle miles traveled (VMT). Most notable are the temporary reductions in both heavy-duty and light-duty VMT across the state's highways and local roads, and the resulting temporary emission reductions. In California, VMT fell to its lowest point in early- to mid-April, with an approximately 25 percent reduction in heavy-duty VMT and 50 to 60 percent reduction in light-duty VMT. Since that time, both heavy-duty and light-duty VMT have steadily increased, with heavy-duty VMT returning to pre-COVID-19 levels in early June.² COVID-19 stay-at-home orders and related closures are temporary measures.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. Based on project's contribution to traffic at this intersection, no significant deterioration at the intersection of Birch Street and Redbay Avenue was identified. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

As identified in the Traffic Circulation Assessment (see Appendix J2 to the DEIR), the traffic circulation analysis considered the general decrease in traffic as a result of the COVID-19 pandemic. Section 3.4, Existing Traffic Volumes, in Appendix J2 details the methodology used to determine the existing traffic volumes in the project vicinity. Five of the six study intersections had historic Year 2018/2019 traffic counts available, which were utilized and conservatively grown an additional 1.0 percent per year to establish pre-pandemic baseline traffic conditions. An additional growth factor of 1.0 percent per year was then applied to the Year 2018/2019 pre-pandemic baseline to establish Year 2021 pre-pandemic baseline traffic conditions at the study intersection. Furthermore, existing ingress and egress volumes at the four Brea Plaza Driveways and the west leg of South Associated Road at Greenbriar Lane were based on forecasted trips for the existing Brea Plaza Center and Mercury Insurance building rather than applying adjustments to existing traffic counts.

² California Air Resources Board. 2021, April 23. Revised Draft 2020 Mobile Source Strategy
https://ww2.arb.ca.gov/sites/default/files/2021-04/Revised_Draft_2020_Mobile_Source_Strategy.pdf

2. Response to Comments

With regards to the intersection of Redbay Avenue at Birch Street, it is our understanding that some employees of the Mercury Insurance building may currently utilize the intersection and travel via Redbay Avenue, Eucalyptus Street, and Aurora Avenue to access their site. The proposed project does not contribute traffic to this route; and therefore, this is considered an existing issue unrelated to the proposed Project. However, it should be noted that the proposed project will construct an exclusive eastbound right-turn pocket at the intersection of South Associated Road at Birch Street as an intersection safety enhancement, as well as intersection capacity improvement. This improvement would help facilitate traffic flow through the intersection while increasing bicycle safety, and with improved traffic flow could potentially discourage Mercury Insurance employees that may be cutting through the Glenbrook neighborhood to utilize S. Associated Road instead. The request to install a traffic signal on Birch Street and Redbay Avenue has been forward to Public Works for their consideration.

- R29-2 See response to Comment R29-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. The proposed project would result in a net decrease in daily vehicle trips and AM peak hour trips and a small increase in AM peak hour trips. The request to install a vehicle speed sensor along Associated Road to encourage vehicles to slow down before Greenbrier lane has been forwarded to Public Works for their consideration.
- R29-3 Section 5.1, *Aesthetics*, of the DEIR, did not identify any significant impacts associated with the design of the building adjacent to State Route 57. PPP AES-7 and PPP AES-8 requires that the design be consistent with the City's Specific Development Standards for Mixed-Use Projects.
- R29-4 See response to Comment R29-1. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR.
- R29-5 See Section 5.9, *Public Services*, of the DEIR, regarding school services and Section 5.11, *Transportation*, regarding transportation and the intersection safety evaluation and emergency access. The project site would continue to be served by the existing Brea Plaza driveways; vehicles would be able to continue to access the site with no issues. The proposed project would not result in inadequate emergency access or safety issues.
- R29-6 See response to Comment R29-1 and R29-2.
- R29-7 See Section 5.10, *Recreation*, of the DEIR.
- R29-8 The proposed parking structure would accommodate residential and commercial uses.
- R29-9 CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's

2. Response to Comments

Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, *Brea Plaza Surface and Structure Parking*, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU will expire in April 2026. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.

- R29-10 See Section 5.1, *Aesthetics*, of the DEIR, regarding project lighting and PPP AES-2 and PPP AES-3.
- R29-11 See Section 5.1, *Aesthetics*, of the DEIR, regarding project design adjacent to State Route 57. PPP AES-7 and PPP AES-8 requires that the design be consistent with the City's Specific Development Standards for Mixed-Use Projects.
- R29-12 As indicated in Section 5.1, *Aesthetics*, of the DEIR, PPP AES-6 would ensure recycling and refuse facilities would be located as far as possible from residential units and be completely screened from view from the residential portion of the project and streets; the location and design of trash enclosures shall mitigate nuisances from odors when residential uses might be impacted. Based on the site plan, the trash and recycling is in an enclosed area that is accessed through the loading docks on the northeastern portion of the building.
- R29-13 The service times for trash and recycling service would be determined by the service provider and would occur at the same time of existing trash and recycling service onsite.
- R29-14 In accordance with Assembly Bill 341 the project will include recycling service (see PPP USS-7).
- R29-15 As substantiated in Chapter 8, *Impacts Found Not to be Significant*, of the DEIR, the project does not propose groundwater wells that would extract groundwater from the aquifer, nor would the proposed project affect recharge capabilities for the Orange County subbasin, as the site is fully developed as the Brea Plaza Shopping Center.
- R29-16 See Section 5.1, *Aesthetics*, of the DEIR, and PPP AES-1, the proposed project is required to provide a landscaped coverage of 15 percent of the net area.
- R29-17 The project would be required to adhere to the 2019 California Green Building Standards Code (CALGreen), which ensures are energy-efficient and reduce environmental impacts during and after construction. See also response to Comment R29-11.

2. Response to Comments

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2. Response to Comments

LETTER R30 – Brea Country Hills PTA (1 page)



PTA
everychild.onevoice®

September 1, 2021

City of Brea
1 Civic Center Circle
Brea, CA 92821

Re: Brea Plaza Expansion Project

To Whom it May Concern,

I write to you on behalf of the Brea Country Hills Elementary School Parent Teacher Association (BCH PTA). We have recently become aware of the proposed Brea Plaza Expansion project (The Project) currently under consideration by the City of Brea. This project would add 189 residential units to the Brea Plaza (NW corner of Imperial Highway and S Associated Road), an area whose assigned public schools are Brea Country Hills Elementary School, Brea Junior High School, and Brea Olinda High School.

Per the Project's Draft Environmental Impact Report (DEIR), the Project is expected to generate 57 new students. The DEIR allocates one-third of these students to each of the three campuses. While this calculus is suspect when assuming, as one must, that these students will be evenly distributed across grades rather than schools, this does not change our concerns regarding the project. R30-1

Brea Country Hills Elementary School and Brea Junior High School are both already at/or over their student population capacity. The additional students the Project would generate will force our class sizes to be increased to levels which will certainly diminish the quality of education received by the existing students. This outcome is simply not acceptable to the BCH PTA.

The DEIR also wrongly concludes that payment of the impact fees under SB 50 would mitigate the negative impacts at affected schools to an acceptable level. As stated, there is no acceptable impact when it comes to the quality of education of our students. Additionally, the Brea Olinda Unified School District's own Annual Developer Fee and Five Year Report (current revision, as adopted by the School Board) states plainly that "the fee does not adequately address all the growth needs of the district." R30-2

The high quality of our schools has been instrumental in the success of the City of Brea and it should be a universally accepted imperative that this be maintained. Our City depends on it, but more importantly we owe our students the absolute best education opportunities we can provide.

For this reason, at our meeting on August 30th, 2021, the BCH PTA has voted to oppose the Brea Plaza Expansion project until and unless the School District, the Project's developer, and/or the City of Brea can establish a mutually-agreeable means for the School District to be compensated an amount that reflects the actual costs of expanding and improving school sites to accommodate the children generated by the Project. R30-3

We respectfully ask that you take whatever action necessary to delay approval of the Project until this concern can be addressed.

Thank you,

Kendee Gardner
Parliamentarian
Brea Country Hills Elementary School PTA

Nicole Repp
Vice President of Membership
Brea Country Hills Elementary School PTA

2. Response to Comments

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2. Response to Comments

R30. Response to Comments from Brea Country Hills PTA, dated September 1, 2021.

- R30-1 The quality of education is not a physical impact to the environment. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R30-2 Pursuant to Education Code Section 17620 and Government Code Sections 65995 and 66000 (Assembly Bill 1600), school districts are authorized to conduct a nexus fee study to adopt updated development impact fees to fund the proportion of new development's share of required K-12 school and support facilities. As identified in Section 5.9, *Public Services*, in the DEIR, the proposed project would generate up to 57 additional students (19 elementary school, 19 junior high, and 19 high school) within the Brea-Olinda Unified School District (BOUSD). Pursuant to California Government Code Section 65995(h), the payment of impact fees fully mitigates impacts to an increased demand for school facilities. Additionally, it should be noted that future development projects would also be required to pay fair-share payments to the City for increased resources which would help offset physical impacts to school facilities.
- R30-1 The commenter's objection to the proposed project, unless the District can be compensated an amount that reflects actual costs of expanding schools, is noted and has been forwarded to decision-makers for their review and consideration. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.

2. Response to Comments

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2. Response to Comments

LETTER R31 – Lozeau Drury LLP on behalf of Supporters Alliance for Environmental Responsibility (SAFER), Richard Drury (1 page)



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email

September 15, 2021

Juan Arauz, AICP, Senior Planner
Community Development Department
City of Brea
1 Civic Center Circle
Brea, CA 92821
juana@ci.brea.ca.us

Re: Comment on Draft Environmental Impact Report, Brea Plaza Expansion Project (SCH 2020079022)

Dear Mr. Arauz:

I am writing on behalf of Supporters Alliance For Environmental Responsibility (“SAFER”) regarding the Draft Environmental Impact Report (“DEIR”) prepared for the Brea Plaza Expansion Project (SCH 2020079022), including all actions related or referring to the proposed development of an eight-story, mixed-use building with 189 residential units, approximately 21,355 square-feet of office space, and 397 parking spaces, located on a 2.2 acre portion of the Brea Plaza Shopping Center at 1639 East Imperial Highway in the City of Brea (“Project”).

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. SAFER requests that the Community Development Department address these shortcomings in a revised draft environmental impact report (“RDEIR”) and recirculate the RDEIR prior to considering approvals for the Project.

We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

R31-1

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Drury", is written over a light blue rectangular background.

Richard Drury

2. Response to Comments

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2. Response to Comments

R31. Response to Comments from Lozeau Drury LLP on behalf of Supporters Alliance for Environmental Responsibility (SAFER), Ruchard Drury, dated September 15, 2021.

R31-1 The comment does not raise specific issues related to the proposed project's impact on the physical environment under CEQA. The commenter's letter has been forwarded to decision-makers for their review and consideration.

2. Response to Comments

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2. Response to Comments

LETTER R32 – Arthur Rubin (1 page)

From: [Arthur Rubin](#)
To: [Arauz, Juan](#)
Subject: Proposed Brea Plaza Expansion Plan EIR
Date: Sunday, September 19, 2021 3:01:59 PM

All analyses of the "No Project" option are seriously flawed, in that they assume that the movie theater will reopen.

In my opinion, that error is sufficient to require a rewrite of all comparison sections of the document, and a new public comment period.

In particular, the question of whether the reduced parking will be adequate for the *increased* traffic needs to be revisited.

In my opinion, although I'm almost sure there will not be adequate parking, there isn't enough information for an informed opinion.

--

Arthur Rubin [REDACTED]

R32-1

2. Response to Comments

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2. Response to Comments

R32. Response to Comments from Arthur Rubin, dated September 19, 2021.

R32-1 The No Project Alternative uses the existing conditions as a baseline. As the movie theater is leasable space, it is considered in the No Project Analysis. Furthermore, it is unknown if the movie theater would stay closed or reopen at a later date.

CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, *Brea Plaza Surface and Structure Parking*, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU will expire in April 2026. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.

2. Response to Comments

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2. Response to Comments

LETTER R33 – Cindy Goldsmith (1 page)

From: [cindy.goldsmith](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Expansion
Date: Sunday, September 19, 2021 6:02:41 PM

I am against the Brea Plaza Expansion...
I moved to this city 20 years ago because of the schools and a quaint little city.
In Brea, there have been too many housing developments built, and the traffic is becoming worse and worse ..
The school are overcrowded.
There has been more crime, Brea NEVER used to be like this at all...
I vote NO for any more expansion in Brea..

R33-1

[Sent from Yahoo Mail on Android](#)

2. Response to Comments

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2. Response to Comments

R33. Response to Comments from Cindy Goldsmith, dated September 19, 2021.

R33-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.

2. Response to Comments

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2. Response to Comments

LETTER R34 – Corey Ryan (1 page)

From: [Corey Ryan](#)
To: [Arauz, Juan](#)
Subject: The Brea Plaza Project
Date: Sunday, September 19, 2021 5:56:08 PM

I can't believe the city of Brea is going to build even more multiple living Monstrosities, the traffic impact will be enormous. It's hard enough to get in and out of Glenbrook as it is. Even before you build the two crappy monstrosities where the old high school used to be. The crime rate will go up and the city will suffer. All because of greedy City council members. How much kick back are the builders giving you.

R34-1

Sent from my iPhone

2. Response to Comments

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2. Response to Comments

R34. Response to Comments from Corey Ryan, dated September 19, 2021.

- R34-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.

2. Response to Comments

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2. Response to Comments

LETTER R35 – Debbie and Mark Heuck (1 page)

From: [Debbie Heuck](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Project
Date: Sunday, September 19, 2021 3:30:56 PM

We would like to voice strong opposition to this project. There are numerous, numerous reasons, but one of the biggest concerns would occur on a daily basis and involves the ingress and egress on this property. Please, just go observe most any day of the week, most any time of the day, the traffic there is horrendous already. In the driveway off of Associated Road, there is back up that goes into the center as cars try to leave, and accidents occur nearly monthly on Associated Road north of Imperial with cars leaving the center. Exiting onto Imperial is equally as disastrous with the 57N freeway onramp so close and in-a-hurry drivers who attempt to turn right on the red signal. Again, there is also backup into the center with cars trying to exit onto Imperial.

The entry/exit driveway off Associated by the riverbed, which exits only southbound is also well used, then people make a U-turn at the signal at Imperial/Associated to go northbound on Associated, that is, if they can due to the gridlock in the intersection, again, a nearly daily occurrence.

Whoever thought this was a good plan for Brea clearly does not frequent this center, or even the surrounding area, to experience the impact there already is at this location for the stores, our Breans, visitors to our city (which will surely decrease due to the mess), our roads and to the safety of our pedestrians who frequent the center from surrounding neighborhood.

In relation to the ingress and egress issues at the property, there is a secondary issue of cut-through traffic in the surrounding neighborhood of Glenbrook. We already have cars cutting thru onto Castlegate and thru the neighborhood from westbound Imperial or Placentia Ave to get to Associated Road; this will surely increase as people will want to avoid Imperial/Associated intersection. This becomes a safety issue for our children and to residents trying to drive through our own neighborhood without more rude, hurried drivers tailgating us and wanting to get thru the tract. It will probably affect Gingerwood also, again, with drivers wanting to avoid the Imperial/Associated intersection.

We appreciate the opportunity to voice our opposition.

Debbie and Mark Heuck

R35-1

2. Response to Comments

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2. Response to Comments

R35. Response to Comments from Debbie and Mark Heuck, dated September 19, 2021.

R35-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. There's no direct connectivity of the project site to Castlegate Lane. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbrier Lane.

Additionally, as indicated in Section 5.11, *Transportation*, of the DEIR, a queuing evaluation was completed to address potential safety hazards. Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions, and therefore, no significant safety impacts were identified. Moreover, Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety.

2. Response to Comments

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2. Response to Comments

LETTER R36 – Deborah Eliason (1 page)

From: [Deborah Eliason](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza
Date: Sunday, September 19, 2021 3:22:19 PM

I am writing with my concerns for making an 8 story high rise building in a small neighborhood community. I have lived in Glenbrook for over 36 years. I am a believer in improving and beautifying our city. I am not in favor of a large building that will change the entire dynamic of the Brea Plaza, Glenbrook and the surrounding area

First of all, the building will be so tall that guests will be able to look in our backyards. I am on a hill in Glenbrook and find that our privacy will be lost.

Second, the amount of traffic in the Brea Plaza is already congested. If we add this apartment and offices it will only increase the traffic. People will not ride bikes or take UBER.

I know the owner of the Brea Plaza is trying to convince us otherwise but this is only a business venture for him. To me, this is my home and my community.

Please consider my concerns and do not change the zoning in this area.

Thank you,
Deborah Eliason
[REDACTED]
Brea, Ca. 92821

R36-1

2. Response to Comments

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2. Response to Comments

R36. Response to Comments from Deborah Eliason, dated September 19, 2021.

R36-1 As identified in Section 5.1, *Aesthetics*, of the DEIR, the residential uses to the north are buffered by the existing two-story Mercury Insurance building and two-story (three level) Mercury Insurance parking structure, and located over 550 feet away from the project structure; the residential neighborhood to the east is across Associated Road over 650 feet from the proposed structure. Therefore, despite the height of the proposed structure and density of residential uses proposed on the site, significant aesthetic impacts are not anticipated to occur.

The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbrier Lane.

2. Response to Comments

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2. Response to Comments

LETTER R37 – Helen Taylor (1 page)

Sept 20,2021

Juan Arauz AICP Senior Planner
City of Brea Planning Division

Subject: Brea Plaza Expansion Project

Mr Arauz:

My name is Helen Taylor. I live at [REDACTED] which is located in the Glenbrook Homes. I've been a resident since 1987. Brea has changed considerably in that time frame and I think it's been mostly for the better. The city must change with the times and I understand the need for more housing. The project at Brea Plaza may give us more problems than it solves.

I'm only going to address my biggest concern and try to be brief. Our neighborhood cannot absorb any more traffic. It is extremely difficult to make a left turn from RedBay onto Birch going west. When the new apartments open at Brea Place, and a new hotel is built, the traffic will increase even more. Because the traffic on Imperial Highway is so congested, I avoid it as much as possible by taking Birch. Many others do the same. When more housing is built at Birch and Rose Drive, Birch will become a major thoroughfare. There is no way that you can build 189 more units at Brea Plaza and expect no more traffic. Four young people that share an apartment will each own a car. That's reality.

Brea Plaza is already a parking nightmare. I know many shoppers, including myself, that rarely go there any more. It would be nice if the zoning was kept for commercial only. Add more business and add more parking. If the zoning is changed to mixed use, there would be the threat that Mercury Insurance could sell their property and build more housing there. Since we have only two ways into and out of Glenbrook (on the west side of Associated) , the congestion on Greenbriar would be horrible.

Thank you for listening to the community.

Helen Taylor

R37-1

2. Response to Comments

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2. Response to Comments

R37. Response to Comments from Helen Taylor, dated September 19, 2021.

R37-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. Based on project's contribution to traffic at this intersection, no significant deterioration at the intersection of Birch Street and Redbay Avenue was identified. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater and addition of 189 residential units. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R38 – Barbara and Jack Sorter (1 page)

From: [Jack Sorter](#)
To: [Arauz, Juan](#)
Date: Sunday, September 19, 2021 5:30:49 PM

My wife and I have lived in Glenbrook Brea for over 50 years and we strongly oppose this development.
STRONGLY! Barbara and Jack Sorter [REDACTED]

R38-1

2. Response to Comments

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2. Response to Comments

R38. Response to Comments from Barbara and Jack Sorter, dated September 19, 2021.

R38-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

2. Response to Comments

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2. Response to Comments

LETTER R39 – Julie McCarthy (1 page)

From: [Julie McCarthy](#)
To: [Arauz, Juan](#)
Cc: [Planning](#)
Subject: Brea Plaza Expansion
Date: Sunday, September 19, 2021 3:56:19 PM

Dear Juan,

I am very opposed to the Brea Plaza Project (Imperial and Associated) that is being presented to the City of Brea.

My home is on Devonshire Dr, so I am always driving around Imperial Highway, Associated Road and Birch Street. Traffic is already a nightmare especially during rush hour, it can take as long as 20 minutes due to car volume to go from Kraemer Blvd to the 57 Freeway. During the holidays, Birch is backed up due to holiday lights which pushes more traffic onto Imperial. On top of that we have yet to see what the new buildings at Birch and State College will do to traffic in the area.

There is also a concern of more pollution, lack of water supply, electrical grid issues.

If you're going to add any more buildings to Brea, it should be schools, not more shopping centers.

Thank you for your time,

Julie McCarthy
[REDACTED]

R39-1

2. Response to Comments

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2. Response to Comments

R39. Response to Comments from Julie McCarthy, dated September 19, 2021.

R39-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. There's no direct connectivity of the project site to Castlegate Lane. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbrier Lane.

Section 5.2, *Air Quality*, Section 5.4, *Energy*, and Section 5.13, *Utilities and Service Systems*, discuss impacts associated with air quality, electricity, and water supply. However, no significant impacts were identified.

2. Response to Comments

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2. Response to Comments

LETTER R40 – Kirsteen Gallacher-Ang (1 page)

From: [Kirsteen Gallacher-Ang](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Proposal
Date: Sunday, September 19, 2021 3:12:46 PM

As a long time Brea resident and Glenbrook homeowner, I am adamantly opposed to the new proposed expansion at Brea Plaza. Brea does not need another multi storey building. The monstrosities on State College are an eyesore and detract from the small town feel. I do not want the added traffic, pollution, or noise that the proposed development would bring. This is not a good idea for Brea.
Kirsteen Gallacher-Ang

R40-1

2. Response to Comments

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2. Response to Comments

R40. Response to Comments from Kirsteen Gallacher-Ang, dated September 19, 2021.

R40-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. As substantiated in Section 5.2, *Air Quality*, Section 5.7, *Noise*, and Section 5.11, *Transportation*, air quality, noise, and transportation impacts would be less than significant.

2. Response to Comments

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2. Response to Comments

LETTER R41 – Linda Chapman (1 page)

From: [linda_chapman](#)
To: [Arauz, Juan](#)
Subject: Comments regarding Brea Plaza Expansion
Date: Sunday, September 19, 2021 3:39:35 PM

Hi, I'm Linda Chapman, Brea resident. I live in the Glenbrook community and I'm vehemently opposed to the proposed apartments. I often have difficulty parking in that center as it is, and take my life in my hands trying to exit onto Associated road. It is FOLLY to think that many apartment units and cars can be added with no signal at Associated, without dire consequences.

Our Country Hills school doesn't have the resources to add all those students. The PTA of Country Hills opposes the expansion. And of course the Jr. High and High School are also lacking the funds and infrastructure to add students. A one time injection of money from the developer isn't going to solve this problem!

I find the style of these ugly "stack and pack" apartments abhorrent. This is BREA not L.A. People moved here to live in a suburban environment, we pay tons of taxes and shouldn't be railroaded into accepting high rises and more multi-family buildings, and yes I realize the State has something to say about it too. The apartments at Birch and State College block the view of the hills and are way too much, now you want to add more???

We are experiencing a drought. NO new housing should be built when there's a water shortage.

Thanks for reading.

--
Linda

R41-1

2. Response to Comments

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2. Response to Comments

R41. Response to Comments from Linda Chapman, dated September 19, 2021.

R41-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. Parking is not a physical impact on the environment. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.

A Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic.

Additionally, as shown in Section 5.11, *Transportation*, Table 5.11-2, *Intersection Accident History*, indicates that the study intersections along Imperial Highway have generally declined within the last five years. Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety. Additionally, a queuing evaluation was completed to address potential safety hazards. Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions, and therefore, no significant safety impacts were identified.

Pursuant to California Government Code Section 65995(h), the payment of impact fees fully mitigates impacts to school facilities. Additionally, it should be noted that future development projects would also be required to pay fair-share payments to the City for increased resources which would help offset physical impacts to school facilities. See response to Comment Letter R30.

As substantiated in Section 5.11, *Utilities and Service Systems*, the proposed project would result in a net increase of 50.5 acre-feet per year of water usage, which would represent 0.5 percent of the water demand for the City in 2045. The projected water demand is very conservative because it is based on wastewater generation factors from the sewer study and does not account for a reduction in indoor water use for new construction that complies with the California Green Building Standards Code (CALGreen) standards and water conservation features. The City is projected to meet all water demands through

2. Response to Comments

2045, during normal, single dry, and multiple dry years, according to the 2020 Urban Water Management Plan, due to the diversified supply and conservation measures. Therefore, the City would be able to meet the water demands of the proposed project in addition to existing and cumulative demands. Moreover, the City prepared the 2020 Water Shortage Contingency Plan in June 2021, which is the City's operating manual that is used to prevent catastrophic service disruptions through proactive management. The Water Shortage Contingency Plan provides a structured guide for the City to deal with water shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a catastrophic supply interruption. If and when shortage conditions arise, pre-determined steps to manage a water shortage can be identified and efficiently implemented.

As discussed in Section 5.1, *Aesthetics*, building pop-outs, variations in building rooflines, material colors, and landscaping would be added and modulated to offset the building's massing, provide human scale, promote visual interest and articulation, and provide relief to and variation in the building form and style. To minimize aesthetic impacts and ensure that the proposed project would be compatible with the surrounding development, the higher density eight-story, 89-foot tall structure would be placed on the far northwestern corner of the project site, directly adjacent to the freeway; behind the Mercury Insurance building; and connected with the existing retail onsite. This placement would buffer the higher density mixed-use building from the lower density, single-family residential neighborhoods. As a result, the proposed project would not conflict with existing development in the City of Brea and the appearance and character of the proposed structures would be aesthetically compatible with adjacent land uses and land uses in the surrounding vicinity.

2. Response to Comments

LETTER R42 – Linda Diane Colvin (1 page)

From: [Linda Colvin](#)
To: [Arauz, Juan](#)
Subject: Re-development Brea Plaza
Date: Sunday, September 19, 2021 7:20:12 PM

Mr. Juan Arauz,

My name is Linda Diane Colvin and my husband and I have been residents of the Brea Glenbrook housing development since 1973. During the past 48 years, which is our time living in Glenbrook, we have seen numerous changes at the corner of Associated Road and Imperial Highway . In 1973 that plot of ground was nothing but an open field that we used to exercise our hunting dogs in. Then it was developed and I began shopping at the Albertson's Market that was an anchor store in the Plaza at that time. . We finally got a signal to control traffic at the Greenbriar and Associated Road intersection so I stopped worrying so MUCH when my three girls would walk to the Plaza for double scoop ice cream cones at the Thrifty Drug. Later the owner of the property added more business' and eateries and the traffic got worse and worse.

Please, Mr. Arauz, do not allow the current owner to put in an 8 story apartment building in the Brea Plaza. There is no reason for a multi-use zoning change. We are almost prisoners' in our homes now from November to January 15th due to the terrible traffic at all hours. There are accidents almost weekly at the Plaza exit onto Associated. In fact there has been a fatality where a woman lost her life due to a wrong way driver coming from an exit in the not to distant past. The impact of adding Studio, 1, 2, 3, and 4 bedrooms apartments in the Plaza is ludicrous. The impact of the traffic is a MAJOR concern even though the traffic studies done by the city don't agree with my thoughts but what about the impact on our already overcrowded schools? There is no reason or need for these changes to be made at the Brea Plaza except for enhancement to the Owner's bank account, which only benefits him and his family but the negatives that will be put on residents of Glenbrook and the entire city of Brea need to be considered.

I PLEAD with you PLEASE do not approve the zoning change at the Brea Plaza.

Respectfully,

Linda Diane Colvin
Glenbrook resident

████████████████████
Brea, CA 92821
Sent from [Mail](#) for Windows

R42-1

2. Response to Comments

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2. Response to Comments

R42. Response to Comments from Linda Diane Colvin, dated September 19, 2021.

R42-1 A Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic.

Additionally, as shown in Section 5.11, *Transportation*, Table 5.11-2, *Intersection Accident History*, indicates that the study intersections along Imperial Highway have generally declined within the last five years. Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety. Additionally, a queuing evaluation was completed to address potential safety hazards. Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions, and therefore, no significant safety impacts were identified.

Pursuant to Education Code Section 17620 and Government Code Sections 65995 and 66000 (Assembly Bill 1600), school districts are authorized to conduct a nexus fee study to adopt updated development impact fees to fund the proportion of new development's share of required K-12 school and support facilities. As identified in Section 5.9, *Public Services*, in the DEIR, the proposed project would generate up to 57 additional students (19 elementary school, 19 junior high, and 19 high school) within the Brea-Olinda Unified School District (BOUSD). Pursuant to California Government Code Section 65995(h), the payment of impact fees fully mitigates impacts to an increased demand for school facilities. Additionally, it should be noted that future development projects would also be required to pay fair-share payments to the City for increased resources which would help offset physical impacts to school facilities.

2. Response to Comments

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2. Response to Comments

LETTER R43 – Llebrecht (1 page)

From: [llebrecht](#)
To: [Arauz, Juan](#)
Subject: I oppose the Brea Plaza Project. A Glenbrook Resident
Date: Sunday, September 19, 2021 2:44:06 PM

| R43-1

[Sent from the all new AOL app for iOS](#)

2. Response to Comments

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2. Response to Comments

R43. Response to Comments from Llebrecht, dated September 19, 2021.

R43-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

2. Response to Comments

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2. Response to Comments

LETTER R44 – Marilyn Dielmann (1 page)

From: [Marilyn Dielmann](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Expansion Project
Date: Sunday, September 19, 2021 7:45:20 PM

I want to add my opposition to this project that will directly affect the residents living in Glenbrook. Right now there is too much traffic on Imperial Highway and this will only add to congestion. This plaza area is much too small to accommodate this high rise building. Please reconsider. Thank you.

R44-1

2. Response to Comments

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2. Response to Comments

R44. Response to Comments from Marilyn Dielmann, dated September 19, 2021.

R44-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic.

2. Response to Comments

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2. Response to Comments

LETTER R45 – Mary Bradish (1 page)

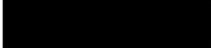
From: [Mary Bradish, PHR](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza
Date: Sunday, September 19, 2021 8:39:27 PM

To whom it may concern:

My family has owned our home on East Chevy Chase since it was built. We moved in when Brea Plaza was a field. As Brea has grown so has traffic. One of the great things about where I live in Glenbrook is the ease to get to everything, especially the freeway from Imperial Hwy. When Mercury moved in traffic on Associated increased. It increased through Brea Plaza from the freeway. There have been times I have waited on Associated Rd and Imperial for up to 20 minutes to turn and get passed the freeway. Adding more living spaces will mean more traffic. You have just added apartments to Birch and State College. Traffic has already been impacted on Associated, Imperial, Birch and State College. You may be adding tax revenue to our city but will be ruining Glenbrook and it's residents peace and safety.

R45-1

Do not continue with the proposed project.

Mary Bradish


Sent from my Verizon, Samsung Galaxy smartphone

2. Response to Comments

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2. Response to Comments

R45. Response to Comments from Mary Bradish, dated September 19, 2021.

R45-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. There's no direct connectivity of the project site to Castlegate Lane. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbrier Lane.

2. Response to Comments

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2. Response to Comments

LETTER R46 – Nancy Burd (1 page)

From: [Nancy Burd](#)
To: [Arauz, Juan](#)
Subject: Brea plaza development
Date: Sunday, September 19, 2021 3:08:43 PM

This project will undermine all the things we love about Brea!
More density, more traffic, more stress on our already overloaded infrastructure, more kids in our schools that are already over capacity! The cell block at Birch and St. College is already going to impact all these things.
DO NOT APPROVE THIS PROJECT!

R46-1

2. Response to Comments

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2. Response to Comments

R46. Response to Comments from Nancy Burd, dated September 19, 2021.

R46-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. Section 5.6, *Land Use and Planning*, Section 5.9, *Public Services*, Section 5.11, *Transportation*, Section 5.13, *Utilities and Service Systems*, and Appendix J2, *Traffic Circulation Analysis*, of the DEIR, address density, schools, traffic, and infrastructure.

2. Response to Comments

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2. Response to Comments

LETTER R47 – Robert Carroll (1 page)

From: [Robert J. Carroll](#)
To: [Arauz, Juan](#)
Subject: Proposed Brea Plaza Expansion Project
Date: Sunday, September 19, 2021 4:14:02 PM

Mayor/City Council Members /Planning Commissioners -

Please consider this as my stated opposition to the proposed development project. Most of us moved to Brea because of the quaint, quiet qualities that come with living in a small community. Don't ruin it.

47-1

No amount of additional services/revenue will outweigh the additional traffic and crowds that this additional development will bring. I already have everything I need within a short drive. Listen to your constituents and control development. Keep Brea small.

Robert J. Carroll
[REDACTED] Brea

2. Response to Comments

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2. Response to Comments

R47. Response to Comments from Robert Carroll, dated September 19, 2021.

R47-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbrier Lane.

2. Response to Comments

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2. Response to Comments

LETTER R48 – Susan Pechan (1 page)

From: [Susan Pechan](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza proposal
Date: Sunday, September 19, 2021 9:10:47 PM

My comments and concerns echo that of many others ... the project as proposed is too much; an 8 story apt. building does not fit in Brea Plaza; parking at Brea Plaza is already impossible; exiting onto Imperial Highway as currently designed will create nothing but traffic jams if residential housing is added inside Brea Plaza. Imperial, Associated, Birch, Greenbriar, and Redbay will all be affected by more traffic and congestion. Do not change the zoning at Brea Plaza. Keep it commercial. "Good ol' Brea" is slowly disappearing.
Susan Pechan, Brea Glenbrook resident, 47 years. "

R48-1

Sent from my iPhone

2. Response to Comments

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2. Response to Comments

R48. Response to Comments from Susan Pechan, dated September 19, 2021.

R48-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding (MOU) of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed Project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbriar Lane.

CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, *Brea Plaza Surface and Structure Parking*, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU will expire in April 2026. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.

As indicated in Section 5.1, *Aesthetics*, of the DEIR, to minimize aesthetic impacts and ensure that the proposed project would be compatible with the surrounding development, the higher density eight-story, 89-foot tall structure would be placed on the far northwestern corner of the project site, directly adjacent to the freeway; behind the Mercury Insurance building; and connected with the existing retail onsite. This placement would buffer the higher density mixed-use building from the lower density, single-family residential neighborhoods.

2. Response to Comments

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2. Response to Comments

LETTER R49 – Tamara Roe (1 page)

From: [Tamara Roe](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Expansion Project
Date: Sunday, September 19, 2021 3:53:34 PM

I am not in support of ANY EXPANSION PROJECT including housing! We already have too many people and cars on the road, along with crime. | R49-1

Tamara Roe
Brea Resident

2. Response to Comments

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2. Response to Comments

R49. Response to Comments from Tamara Roe, dated September 19, 2021.

R49-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbrier Lane.

Refer to Section 5.9, *Public Services*, for a discussion on police protection services.

2. Response to Comments

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2. Response to Comments

LETTER R50 – Ted Gribble (10 pages)

██████████
Brea, CA 92821

September 20, 2021

RE: Comments on Brea Plaza Expansion Project Draft Environmental Impact Report - State Clearinghouse No. 2020079022

Juan Arauz, AICP
City of Brea
1 Civic Center Circle
Brea, CA 92821

Mr. Arauz,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the proposed Brea Plaza Expansion Project (hereinafter referred to as Project). I have numerous concerns about the quality and completeness of the analysis performed as part of the Draft EIR for the proposed Project. I have provided the details of those concerns below. My comments are grouped into six main topics, each containing one or more specific concerns. At the end of this letter I have provided explicit questions that the City should answer in addition to any other responses warranted by the comments in the six topics. You will find that given the inadequate and/or incorrect analysis throughout the Draft EIR as described in these comments, the Draft EIR and its Appendices need to be updated and recirculated to ensure the public and decisionmakers are appropriately informed of all environmental impacts of the proposed Project.

INTRO

1. Parking

I am a resident of Brea who frequently visits the Brea Plaza for various shopping needs. The Brea Plaza offers a diverse selection of retail and dining experiences, and is often quite crowded. Even during the current Covid-19 pandemic, it is not uncommon to find the existing 739-space surface parking lot nearly completely full. The Project proposes the addition of 189 apartments, resulting in the need for 396 additional parking spaces, per the Brea Municipal Code (BMC) Section 20.08.040 which establishes the minimum off-street parking requirements for land uses within the City of Brea. The Project as-proposed includes a 3-story parking structure containing 397 parking spaces. However, 139 *existing* surface parking spaces will be removed to clear space for construction of the new building. The entire Brea Plaza site, after the proposed construction, will contain 997 parking spaces, a net increase of only 258 spaces.

R50-1

When considering why Brea Plaza is already stressed for parking, one needs look no further than the BMC itself. The Brea Plaza, in its current size of 165,329 square feet (sf), requires 909 parking spaces (5.5 spaces per 1000 sf - BMC § 20.08.040), 170 spaces more than are currently available. The Project does propose to demolish 18,450 sf of the existing shopping center, reducing the 909 required spaces to only 808 for the shopping center itself and *still* 69

1

2. Response to Comments

spaces more than currently available. Historically, a parking easement with the Mercury Casualty Insurance property to the north of Brea Plaza has been able to serve as overflow parking. However, as mentioned in the Draft EIR, this easement will be expiring in the next several years with no plans to renew.

Appendix K of the Draft EIR is a parking study performed by environmental consulting firm LSA for the owner of the Brea Plaza Shopping Center. This parking study, commissioned by the Project's developer with a clearly biased objective, attempts to overcome the parking deficiency outlined above in two separate ways: the first is by completely mis-applying the requirements of BMC § 20.08.040, and the second is by cherry picking numbers from studies or standards not even endorsed by the BMC.

The study correctly points out that the vacant 18,450 sf building to-be-demolished is currently configured as a 1,100 seat movie theater. Even though BMC § 20.08.040 is clear that the sum of individual uses within a shopping center is NOT to be used when determining the parking requirements for the shopping center, the study chooses to do this in order to effectively "credit" or "offset" the existing and future parking space deficiencies of the Brea Plaza. What is even more egregious is the parking study's calculation of the amount of this credit. BMC § 20.08.040 plainly states that the minimum parking space requirement for theaters is "One (1) per three (3) fixed seats or one (1) per thirty-five (35) square feet **where there are no fixed seats**" (emphasis added). If parking requirements were allowed to be counted separately for shopping centers (which they are not), this would result in 367 parking spaces for the theater due to it having 1,100 fixed seats. The parking study incorrectly, and conveniently given its targeted outcome, uses the 1 space per 35 sf requirement to result in a 527 space credit to the Project.

As any Brea resident can attest, the movie theater in question has been in decline for several years. Even the property owner/project developer openly cites this as the reason for the tenant leaving. Yet, the parking lot at Brea Plaza is frequently crowded even during the Covid-19 pandemic where many potential customers of the restaurant and retail offerings of the Brea Plaza are choosing to stay home. It is clear why: the available parking is insufficient for the shopping center's current needs, and the situation will only get worse if 139 existing surface parking spots are removed to accommodate 189 apartments, 21,355 sf of office space, and all of the vehicles that come with.

The study then seeks to reinforce its faulty conclusion by referring to two separate standards from the Urban Land Institute and Institute of Transportation Engineers. Using these documents, the parking study concludes that the parking generation rates that are quite low for both shopping centers at 2.17 spaces per 1000 sf compared to BMCs 5.5 per 1000 sf, and for dwelling units at 1.40 spaces per studio and one-bedroom, and 1.90 spaces per two-bedroom compared to BMCs 1.7 per studio, 1.95 per one-bedroom, and 2.2 per two-bedroom. By cherry picking beneficial numbers from industry references not adopted by the BMC, the study concludes that somehow Brea Plaza has an excess of parking spaces available. As previously mentioned, it simply takes one visit to the plaza during lunch or dinner hours to realize this is not truly the case. Notably missing from the parking study are actual real-world counts of available

R50-1
CONT'D

2. Response to Comments

parking. This real-world data is necessary to inform the assumptions in the parking study and resulting conclusions in the Draft EIR. The Draft EIR fails to describe why such a study could not be performed.

R50-1
CONT'D

2. Traffic

The traffic study performed by Linscott, Law & Greenspan (LLG 2021) to support the Draft EIR concludes that compared to the existing Brea Plaza, proposed Project will “result in 1,680 fewer weekday daily trips, [...] as well as 2,282 fewer Saturday daily trips.” A study that concludes the addition of 189 apartments will result in a reduction in vehicle trips to the location where the apartments are built is clearly disconnected from reality. When investigating how the study supports this conclusion, a familiar faulty assumption is used: the reduction in daily vehicle trips resulting from the demolition of the movie theater more than offsets the added daily vehicle trips taken by 300+ new permanent residents and employees of the 21,355 sf of added office space.

R50-2

The movie theater in question has been completely closed for over a year, and attendance was in steep decline for many years prior to that. The study attributes 1,936 daily weekday vehicle trips and 2,464 daily Saturday vehicle trips to the theater. This is based on the Land Use 444 trip rate contained in the 10th Edition of *Trip Generation*, published by the Institute of Transportation Engineers. It states that movie theaters will have 1.76 trips per seat each weekday, and 2.24 trips per seat each Saturday. Assuming the the 1,100 seat theater had an average of 3 screenings each weekday, and 4 screenings each Saturday on each of its 5 screens, the attributed weekday vehicle trips would indicate that every screening was nearly 60% full. While I was not able to obtain actual ticket sales data from the theater’s management company (Tristone Cinemas), it has been many years since this movie theater saw that kind of attendance levels; if it did, it would probably still be in business today. In consideration of this, the only conclusion is that the trip generation rate assumed by LLG 2021 for this movie theater is incorrect.

R50-3

This faulty conclusion that the Project will result in less vehicle trips than the current Brea Plaza propagates through to the rest of the analysis in LLG 2021 and thus undermines the other conclusions in the document pertaining to intersection capacity, intersection queuing, intersection safety, site access, as well as its conclusion that a Congestion Management Program analysis is not required. When adjusted for real world conditions, it is clear that the proposed project will generate significantly more than 110 daily vehicle trips and thus its impact is not “less than significant” as concluded in the Draft EIR. The entire LLG 2021 study should be revised to account for the actual increased daily vehicle trips that will be generated by the addition of 189 apartments and 21,355 sf of office space. It is impossible for the City of Brea to know the true impact the Project will have until such an action is complete.

R50-4

Even before LLG 2021 is revised as described above, it is clear that the increased traffic will have a significant negative impact on the surrounding roadways. For example, on Saturday September 4th 2021, I witnessed a serious vehicle collision at the S Associated Rd at Greenbriar Ln intersection. A vehicle travelling north on S Associated Rd failed to stop at a red

R50-5

2. Response to Comments

signal on Greenbriar Ln and collided with the vehicle of a resident of the Glenbrook neighborhood who was turning left from Greenbriar Ln to southbound S Associated Rd, causing the Glenbrook resident's vehicle to roll onto its side and significant injury to the resident. Additional traffic on S Associated Rd will only increase the frequency of this kind of collision. As another example, on the morning of Wednesday September 15th 2021, I witnessed the aftermath of a collision between two tractor trailers that had exited SR-57 northbound at Imperial Highway and were turning onto eastbound Imperial Highway. The entangled tractor trailers blocked all 3 eastbound lanes of Imperial Highway and half of the SR-57 northbound exit lanes. The resulting congestion on SR-57 and Imperial Highway was significant and likely had a measurable negative economic impact for many affected parties. With additional vehicles using these facilities, this impact will only be increased. These two events occurred in just the last two weeks before this letter was submitted.

R50-5
CONT'D

LLG 2021 also makes an error in the methodology used to establish its Existing Year 2021 pre-Covid-19 baseline traffic conditions. The study develops a ratio between traffic data measured in 2018/2019 and traffic counts collected at two study intersections during 2020 (i.e. during COVID-19 "stay at home" orders) and then uses that ratio and 2020 measurements to back-calculate a pre-Covid-19 baseline for the remaining one intersection for which 2018/2019 data was not available. While this methodology has merit, it relies on the fundamental assumption that the relative change in traffic between 2018/2019 and 2020 is consistent among the intersections being studied. The two study intersections used to develop the ratio were S Associated Road at Imperial Highway, and Castlegate Lane/Placentia Avenue at Imperial Highway. While both of these intersections surely saw some decrease in traffic due to Covid-19 stay at home orders, they were likely not nearly as significant as the decrease seen at the target intersection of S Associated Rd and Greenbriar Lane. Greenbriar Lane is used primarily by the 499 homeowners and guests of the Glenbrook neighborhood as well as the employees of Mercury Insurance. During the Covid-19 stay at home orders, almost 100% of Mercury Insurance employees began telecommuting. This means hundreds of vehicle movements per day through the S Associated Rd at Greenbriar Lane intersection were not occurring when the 2020 measurements were taken. This reduction in traffic flow is much more significant than the reduction at the two intersections along Imperial Highway since much of the commercial traffic along Imperial Highway did not cease during the stay at home orders. Given the vehicle collision history at this intersection (as described above), it is essential that a more accurate study of this intersection be performed.

R50-6

While LLG 2021 includes a total of nine intersections as part of its study, there is a tenth intersection that deserves study. Due to the congestion already present at some of the other study intersections, it is common for vehicles to use the Glenbrook neighborhood as a "short cut." One route often used, especially but not exclusively by employees of Mercury Insurance seeking to avoid the intersection of S Associated Road at Imperial Highway is Greenbriar Ln to E Birch St via Aurora Ave, E Eucalyptus St, and Rebay Ave. While employees are physically present at Mercury Insurance, increased traffic can be readily observed along this route during morning and evening commute hours, as well as during the lunch hour. This contributes to significant congestion at the Redbay Ave and E Birch St intersection. Since, per LLG 2021 and

R50-7

2. Response to Comments

the Draft EIR, the proposed Project will remove the cross-access between Mercury Insurance and Brea Plaza, even more of the employees Mercury Insurance may seek to utilize this route through a residential neighborhood. Due to this increase, the Redbay Ave and E Birch St intersection should require study and potential addition of a traffic signal to reduce congestion.

R50-7
CONT'D

3. Schools

The Brea Olinda Unified School District (BOUSD) is a highly desirable school district that is a key attractor of new, young families to Brea. The district consists of six elementary schools, one junior high school, and two high schools (one high school campus is a continuation school). It is indisputable that the continued success of BOUSD is critical to the continued success of the City of Brea. The City itself touts its "award-winning schools" as a key feature of its goal to maintain Brea as a "premier city for future generations".

Unfortunately, BOUSD is in the midst of significant funding challenges. The district has numerous deferred maintenance expenses in the queue that will eventually drain all of its available non-operational funds. The district is also facing the need to expand school sites to accommodate student population growth from Brea's existing housing stock as more young families with school-aged children move to the city and displace Brea's more senior citizens. While in some ways healthy and increasing attendance is a good thing, the BOUSD currently has very little funds available for the capital investments that will be necessary.

The proposed Project would compound this issue by adding 57 students to the school district. The Draft EIR states that the impact to schools would be mitigated by payment of the California Statutory School Development Fee of \$4.08 per sf for new residential development and \$0.66 per sf for new commercial development. While this may satisfy the legal requirements, these development fees are woefully inadequate when compared to the actual costs of expanding and improving school facilities. Placeworks, on behalf of the City, provided a questionnaire to BOUSD about the impact to schools from the proposed Project. In response to the question "would these schools be able to accommodate a potential increase in enrollment?" BOUSD Assistant Superintendent Richard Champion states "Each of the [schools have] significant needs for reconstruction to ensure [they] are available to accommodate student enrollment from the Proposed Project."

R50-8

BOUSD commissioned a Residential and Commercial/Industrial Development School Fee Justification Study in May 2020 which evaluates the actual number and cost of new facilities required to house students generated from future residential development within the school district. The study concluded that the actual cost impacts per square foot of new multi-family attached residential development is \$7.29. The actual cost impacts per square foot of new office space is \$1.795. Since the statutory school development fee is currently capped at \$4.08/sf for residential and \$0.66/sf for commercial, it is clear that the funds generated by the fee will not be sufficient to expand and improve the school facilities to accommodate the new students generated by the development. BOUSD's December 10, 2020 Annual Developer Fee and Five Year Reporting Report concludes that "the fee does not adequately address all the growth

2. Response to Comments

needs of the district". Similarly, Mr. Champion comments on the questionnaire: "these fees are not adequate to fully mitigate the impact of such construction".

There are not many other modes of funding available to BOUSD. The citizens of Brea voted not to approve Measure G in March 2020 which would have issued bonds to help fund the necessary school improvements. The vote against Measure G was effectively also a vote against further residential development in the city, since given the aforementioned budget situation, there is no way to acceptably accommodate additional students at the existing school sites.

It is important to recognize that the proposed Project is not the only proposed residential development in the City of Brea. The impact on BOUSD described above from the proposed Project will only be compounded by the other planned developments. While payment of the inadequate development fee may satisfy the legal obligations of the developer, the cumulative impact to the school district by cramming additional students into existing classrooms before school expansions can be funded and built will shift all of the burden onto the educators, which will inevitably result in lower quality of education and declining school performance. Besides the negative impacts this will have for the future of the City of Brea, the negative impacts for Brea's students are not acceptable.

4. Public Services (Police & Fire)

As described in the Draft EIR, the Project will pay one-time fees meant to offset the cost of additional facilities and equipment required to provide Police and Fire Department protection of the added residences and offices. However, the perpetual ongoing incremental cost to maintain the existing quality of police and fire service to Brea is only described in the Draft EIR as being offset by increased property taxes that the property owner will need to pay once the Project is completed.

In the Adopted Operating Budget for Fiscal Year 2021-22 (City Budget), the City of Brea presents its fiscal policies. One such policy is "All future developments will be analyzed for their fiscal impact on the City. Fiscal impacts include both ongoing revenue and expenditure and capital improvements and facilities required directly or indirectly as a result of the new development. Developments will be required to either have a positive or neutral fiscal impact. Developments which are determined to have a negative fiscal impact will be required to provide nexus related fees or charges to eliminate the negative impacts." Unfortunately, this fiscal impact analysis is not provided in the Draft EIR. The developer (not the City) has purportedly performed a fiscal analysis, but the City has not made it available for public review despite formal requests to do so.

Even without seeing the fiscal analysis, we can see evidence in the City Budget that historical developments have indeed required additional funding beyond property taxes to offset their negative impacts to the city. This evidence is in the form of City Facility Districts (CFDs) also known as Mello-Roos taxes levied on the owners of the developments (e.g. Blackstone, Olinda

R50-8
CONT'D

R50-9

2. Response to Comments

Ranch, La Floresta, etc). The City must provide additional information on how the proposed Project will offset these outsized impacts to all public services, including Police and Fire, especially since it is difficult to envision how a CFD could be applied to an apartment building.

R50-9
CONT'D

5. Land Use, Resident Health, and Safety

The proposed Project is situated on a parcel immediately adjacent to two busy highways: SR-57 and Imperial Highway. In the Draft EIR, the health risks associated with air pollutants are well documented, but the impact analysis in the Air Quality is limited to only the effects of the proposed project on the environment, not on the effects of the environment on the proposed project (also known as Reverse CEQA).

In their comments on the Notice of Preparation, the Southern California Air Quality Management District (SCAQMD) recommends the City perform a mobile source health risk assessment so that the potential health risks to the Project's future residents may be known. SCAQMD and the California Air Resources Board studies have shown that diesel particulate matter drops off exponentially in relation to the distance from the edge of a freeway. However, since the proposed Project's western edge essentially is SR-57, the Project's nearest residents will have virtually the same exposure to diesel particulate matter that they would if they lived on top of the freeway itself. The Draft EIR cites existing 2015 case law (*California Building Industry Association v. Bay Area Air Quality Management District*) as legal precedent to not perform this health risk assessment in the Air Quality section of the DEIR.

R50-10

The City of Brea is authorized by California state law to create and enforce Zoning Regulations in order to, above all other reasons, protect the health, safety, and welfare of its citizenry. And so, while it may not be required in the Air Quality section of the EIR per CEQA, a mobile source health risk assessment should be performed by the City of Brea in support of the EIR's review of the land use of the Project. If the city does not require such a study to be performed, it is showing a blatant disregard for the health of the future residents of the Project and its own citizenry.

In lieu of performing an actual health risk assessment, the Draft EIR states the project will incorporate MERV 13 air filters per the California Green Building Code to reduce resident's exposure to particulates. However, without understanding the baseline exposure, it's impossible to know if higher efficiency filtration would be warranted. Also, the Project's apartments will have windows and balconies and the building incorporates open-air recreational space that obviously do not have the benefit of high efficiency air filters.

Besides this air quality issue, there is another component of the proposed Project with potential safety implications that are not discussed in the Draft EIR. As part of the Project, the existing easement between the Brea Plaza and the Mercury Insurance property to the north will be removed. This is discussed in the Draft EIR in more than one place: reduced parking availability for Brea Plaza, reduced vehicle trips due to cross-access between the properties being removed, and possibly others. However, what is not noted is that the removal of this easement

R50-11

2. Response to Comments

will also restrict the egress for the Mercury Insurance property to only the Greenbriar Ln route. In the event of an emergency, this could have significant negative safety impacts on the employees of Mercury Insurance. At the very least this deserves further study as part of the EIR process.

R50-11
CONT'D

6. Project Alternatives

The proposed Project would be 8 stories high and 89 feet tall, making it the tallest residential structure in Brea measured both by stories and by feet. The three lower stories are proposed to be a parking structure, and the top 5 stories are proposed as residential use. In the project alternatives section of the Draft EIR, there is no proposed alternative in which the parking structure is placed below grade, and no explanation for the absence of such an alternative. At a town hall meeting hosted by the Brea Glenbrook Homeowners Association, the developer of the Project stated that putting the parking structure below grade was not possible because “the property serves as the retaining wall for the freeway.” However, this fact is not included in any of the reports provided as part of the Draft EIR, and nothing of the sort is mentioned by the California Department of Transportation in their comments on the Notice of Preparation of the EIR.

R50-12

Placing the parking structure below grade would still meet all of the stated objectives of the Project, and would result in a much shorter structure overall, more in-line with the aesthetic of existing structures in Brea. This type of alternative is well within CEQA’s requirement for a range of reasonable alternatives to the Project.

Itemized Questions

Below I have provided a list of questions for the city to respond to. The comments above provide the context and support for the questions.

1. Parking

- 1.1. How many parking spaces are required for the proposed Brea Plaza Expansion Project per Brea Municipal Code?
- 1.2. How many parking spaces will be available at the Brea Plaza after the expansion?
- 1.3. Assuming the answer to 1.1 is greater than 1.2 as I explain in above comments, how will the parking space deficiency of the Brea Plaza, and thus not “less than significant impact” be mitigated?
- 1.4. Why were no real-world parking counts performed at Brea Plaza to support the development of the Draft EIR?

R50-13

R50-14

R50-15

R50-16

2. Traffic

- 2.1. How can the addition of 189 apartments and 21,355 sf of office space possibly result in less daily vehicle trips than exists today?
- 2.2. What were the ticket sales of the Brea 5 Cinema over the last five years that justify the vehicle trip generation rates assumed in the Draft EIR?

R50-17

R50-18

2. Response to Comments

2.3.	What are the impacts on Transportation (congestion, vehicle collisions, etc) after the true additional vehicle trips are accounted for?	R50-19
2.4.	What is the actual pre-Covid-19 traffic condition at the S Associated Rd and Greenbriar Ln intersection?	R50-20
2.5.	What are the impacts of the proposed Project on the Redbay Ave at E Birch St intersection?	R50-21
3.	Schools	
3.1.	How does the City intend to support the continued success of BOUSD so that Brea can remain a premier city for future generations?	R50-22
3.2.	When considering all of the proposed residential development in the City of Brea, what is the cumulative impact on the school district and how will that impact be mitigated?	R50-23
3.3.	How can BOUSD repair and expand its facilities to accommodate additional students generated by the proposed Project considering the statutory school fee is capped at \$4.08 per sf but the actual costs of repairs and expansions warrant a fee of at least \$7.29 per sf?	R50-24
3.4.	When the residents of Brea declined to fund necessary school improvements and expansions by not approving Measure G in March 2020, did they also effectively say that they do not support further residential development within the City?	R50-25
3.5.	Does the City of Brea consider reduced quality of education at BOUSD an appropriate sacrifice as long as the city meets its housing targets?	R50-26
4.	Public Services (Police & Fire)	
4.1.	How much incremental property tax revenue or other ongoing revenue to the City is expected due to the proposed Project?	R50-27
4.2.	How much incremental ongoing operating costs are expected for both the Police and Fire Departments to maintain or improve the quality of service to Brea residents once the proposed Project is built?	R50-28
4.3.	Assuming the answer to 4.1 is lower than the answer to 4.2 as is likely based on my comments above, how will the city ensure, per it's adopted fiscal policy, that the negative fiscal impacts will be mitigated?	R50-29
5.	Land Use, Resident Health, and Safety	
5.1.	What is the health risk to residents of the proposed Project due to the proximity to busy transportation corridors SR-57 and Imperial Highway?	R50-30
5.2.	How will the City of Brea enforce its Zoning Regulations to protect the health, safety, and welfare of these residents given the risk identified in 5.1?	R50-31
5.3.	How will safe egress be ensured for the Mercury Insurance property given that the existing easement between it and the Brea Plaza will no longer be available if the proposed Project is built?	R50-32
6.	Alternatives	
6.1.	Why don't any of the project alternatives include building the Project's parking structure below grade?	R50-33
6.2.	Is the property the retaining wall for SR-57?	R50-34
6.3.	If the answer to 6.2 is yes, is it therefore not allowed for digging to occur on the property? If the answer to 6.2 is no, why did the developer say that it was?	R50-35

2. Response to Comments

As I have performed significant research and spent a lot of my personal unpaid time developing these comments and questions, I respectfully request that city staff provide greater than one word or one sentence responses to each question.

Thank you,



Ted Gribble, PE

2. Response to Comments

R50. Response to Comments from Ted Gribble, dated September 20, 2021.

INTRO The commenter broadly asserts that the Draft EIR is inadequate. Pursuant to CEQA Guidelines Section 15088.5, a Draft EIR is required to be recirculated only when “significant new information” is added to the EIR after circulation of the Draft EIR. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” The proposed project’s EIR was prepared in accordance with CEQA Guidelines. The DEIR complies with the CEQA requirements and is sufficient as an informational document. The Draft EIR comprehensively assesses the significant environmental effects of the project, provides a reasonable range of alternatives to the proposed project, and feasible mitigation measures to reduce and avoid potentially significant environmental impacts. No “significant new information” has been added to the Draft EIR; and therefore, the Draft EIR is not inadequate and does not need to be recirculated (See responses to comments R50-1 through R50-35).

R50-1 CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City’s Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, *Brea Plaza Surface and Structure Parking*, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the Memorandum of Understanding (MOU) will expire in April 2026. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City’s policies on parking.

R50-2 Section 5.11, *Transportation*, describes the CEQA baseline used to identify transportation impacts of the project. While the environmental setting normally constitutes the baseline physical conditions by which a lead agency determines whether an impact is significant (CEQA Guidelines Section 15125(a)), the *North County Advocates v. City of Carlsbad (2015) 241 Cal.App. 4th 94*, identify that lead agencies have discretion to consider conditions over a range of time periods to account for a temporary lull or spike in operations. As with any regional shopping center, the Brea Plaza experiences periodic transitions in tenants and occupancy. The movie theater was in continuous operation from the 1976 until the COVID-19. Therefore, this EIR considers full occupancy associated with historical operations of the movie theater as the baseline for the transportation analysis. The traffic study assumes typical operations based on pre-pandemic conditions in which the movie theater was operating similar to other typical theaters. The movie theater was fully operational during the time the traffic counts were collected in Year 2018/2019. As such, the trip generation rates used for establishing the trip generation of the existing movie theater are considered to be appropriate and is consistent with standing engineering

2. Response to Comments

practices. Therefore, no changes to the study are recommended and it is concluded that the proposed project's traffic related impacts as evaluated in the Traffic Circulation Assessment are valid.

R50-3 See response to Comment R50-2 regarding trips associated with the existing movie theater.

R50-4 See response to Comment R50-2 regarding trips associated with the existing movie theater. Comments related to level of service (e.g., intersection capacity, intersection queuing) are not the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 in the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As identified in Section 5.11, Transportation, in the DEIR the proposed project would not generate a net increase in daily vehicle trips. Existing and project-related trip generation assumptions were based on the Scoping Agreement with the City of Brea (see Appendix A to Appendix J2).

R50-5 See response to Comment R50-2 regarding trips associated with the existing movie theater. Section 5.11, *Transportation*, did not identify any significant impacts related to transportation safety. The crash being described at Associated Road and Greenbriar Lane is related to an illegal maneuver by a vehicle running a red light. The assumption that the added project trips would increase illegal activity in the area has zero basis and should be discounted all together

As identified in the DEIR, the proposed project would result in a net decrease in daily and PM peak hour traffic. An intersection safety evaluation was completed for intersections along Imperial Highway which analyzed five-years of collision history. Table 5.11-2 indicates that the study intersections along Imperial Highway have generally declined within the last five years. Additionally, Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety. The proposed project would not exacerbate hazardous conditions in the project vicinity.

R50-6 The Notice of Preparation was circulated in 2020 and reflects the CEQA baseline for the project site (CEQA Guidelines Section 15125). The methodology for which existing volumes were developed is consistent with the standard practices used industry wide due to the COVID-19 pandemic. Additionally, Caltrans Traffic Operations Policy Directive 20-04 documents the validity of this approach. Therefore, no changes to the study are recommended. Furthermore, existing ingress and egress volumes at the four Brea Plaza Driveways and the west leg of South Associated Road at Greenbriar Lane were based on forecasted trips for the existing Brea Plaza Center and Mercury Insurance building rather

2. Response to Comments

than applying adjustments to existing traffic counts. Therefore, existing traffic counts at the intersection of South Associated Road at Greenbriar Lane are reflective of pre-pandemic traffic conditions.

R50-7 It is our understanding that some employees of the Mercury Insurance building may currently utilize the intersection Redbay Avenue at Birch Street and travel via Redbay Avenue, Eucalyptus Street, and Aurora Avenue to access their site. The proposed project does not contribute traffic to this route and therefore this is considered an existing issue unrelated to the proposed project. However, it should be noted that the proposed project will construct an exclusive eastbound right-turn pocket at the intersection of South Associated Road at Birch Street as an intersection safety enhancement, as well as intersection capacity improvement. This improvement will help facilitate traffic flow through the intersection while increasing bicycle safety, and with improved traffic flow could potentially discourage Mercury Insurance employees that may be cutting through the Glenbrook neighborhood to utilize South Associated Road instead.

The commenter's request for a traffic signal at the Redbay Avenue/Birch Street intersection to reduce congestion at this existing unsignalized intersection has been forwarded to the decision-makers for their review and consideration.

R50-8 Pursuant to Education Code Section 17620 and Government Code Sections 65995 and 66000 (Assembly Bill 1600), school districts are authorized to conduct a nexus fee study to adopt updated development impact fees to fund the proportion of new development's share of required K-12 school and support facilities. As identified in Section 5.9, *Public Services*, in the DEIR, the proposed project would generate up to 57 additional students (19 elementary school, 19 junior high, and 19 high school) within the Brea-Olinda Unified School District (BOUSD). Pursuant to California Government Code Section 65995(h), the payment of impact fees fully mitigates impacts to an increased demand for school facilities. Additionally, it should be noted that future development projects would also be required to pay fair-share payments to the City for increased resources which would help offset physical impacts to school facilities.

R50-9 In addition to paying development impact fees, the proposed project would be reviewed by the fire and police departments as part of the project review process where conditions of approval and specific condition of these services and desired augmentation to achieve best performance goals would be determined, as necessary. For example, PPP PS-5, of Section 5.9, *Public Services*, in the DEIR, states that additional design features such as funding for a new ladder truck, will be incorporated as conditions of approval for the project in order to provide adequate protection.

R50-10 Impacts of the environment on a project are not CEQA impacts (*California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369, Case No. S213478*). As described in Section 5.2, *Air Quality*, the California Building Code (Title 24),

2. Response to Comments

Part 6 (California Building and Energy Efficiency Standards) as well as Part 11 (California Green Building Standards Code [CALGreen]) has standards for enhanced filtration for multi-family residential buildings. Under Title 24, Part 6, Section 120.1(b)(1)(C) and Part 11 (Section 5.504.5.3), multifamily residential buildings that are four stories or higher are required to use Minimum Efficiency Reporting Value (MERV)-13 filters. As a result, compliance with existing regulations is sufficient to ensure a healthy indoor air quality environment.

R50-11 The expiration of the Memorandum of Understanding (MOU) would not hinder Mercury Insurance employees from utilizing the existing ingress/egress points off of South Associated Road. The connectivity between the project site and the Mercury Insurance property is maintained. There are no changes to emergency access. The proposed project site plan does not eliminate the internal driveways; and therefore, cross-access circulation between the two sites is still available. However, taking into consideration the new proposed project layout, with the construction of the new parking structure, as well as the expiration of the MOU, the Mercury Insurance employees/patrons would be travel either through or around the parking structure in order to access their site, which is considered less favorable and not as convenient when compared to existing conditions. Therefore, it has been assumed that the Mercury Insurance employees/patrons will primarily utilize the driveway on Greenbriar Lane because it is a more direct route rather than cutting through Brea Plaza. Comments related to level of service (congestion and intersection queuing) are not issues related to the proposed project's impact on the physical environment under CEQA. However, the Traffic Circulation Assessment (Appendix J2) evaluated the project's effect on the local transportation network relative to the City of Brea's transportation policies.

R50-12 The existing Embassy Suites Hotel to the west of the project site, near the Brea Civic Center and Brea Mall is currently the tallest building in the City of Brea at 88 feet tall, eight stories, and two levels of below-grade parking. The proposed project would be a similar height as the existing Embassy Suites. The proposed project includes an 8-story residential/office building, which includes five levels of residential uses above three-levels of above-ground parking, for a total building height of 89 feet at the top of the parapet. As identified in Section 5.6, *Land Use and Planning*, the Mixed Use I (MU-I) use allows up to 100 feet. The proposed project is within the maximum height limitations of the MU-I use.

The DEIR included a reasonable range of alternatives. The DEIR did not identify significant unavoidable impacts associated with the building height (see Section 5.1, *Aesthetics* and Section 5.6, *Land Use and Planning*). The "Reduced Density Alternative" considered an alternative that reduced the residential density to 95 units and a decreased building height to four stories, resulting in a reduced height.

2. Response to Comments

- R50-13 As shown in Table 5.6-1, *Brea Plaza Required Parking per Municipal Code*, in Section 5.6, *Land Use and Planning*, of the DEIR, a total of 1,289 spaces (396 residential spaces and 893 non-residential spaces) are required per the Brea Municipal Code.
- R50-14 Table 3-4, *Brea Plaza Surface and Structure Parking*, in Chapter 3, of the DEIR, indicates that the total number of parking spaces after buildout would be 997 spaces.
- R50-15 See response to Comment R50-1 regarding parking. Parking is not a physical impact on the environment. As stated in Section 5.6, *Land Use and Planning*, despite the deficiency in parking spaces, the parking demand strategies proposed for the project, such as providing a lounge for rideshare drivers, subsidizing car sharing for residents, providing the majority of residential parking in unreserved parking spaces, providing short-term and long-term bicycle parking, VMT would be reduced, and parking demand would be moderated.
- R50-16 See response to Comment R50-1. Parking is not a physical impact on the environment. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.
- R50-17 See response to Comment R50-2 regarding trips associated with the existing movie theater. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic.
- R50-18 Ticket sales for the Brea 5 Cinema are not available. See response to Comment R50-2 regarding trips associated with the existing movie theater. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic.
- R50-19 See response to Comment R50-2 regarding trips associated with the existing movie theater. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Comments related to level of service (congestion and intersection queuing) are not issues related to the proposed project's impact on the physical environment under CEQA. However, the Traffic Circulation Assessment (Appendix J2) evaluated the project's effect on the local transportation network relative to the City of Brea's transportation policies.
- R50-20 See response to Comments R50-2 and R50-6. The measures put into place to slow the spread of COVID-19 resulted in significant changes in human activity and vehicle trips and vehicle miles traveled (VMT). Most notable are the temporary reductions in both heavy-duty and light-duty VMT across the state's highways and local roads, and the

2. Response to Comments

resulting temporary emission reductions. In California, VMT fell to its lowest point in early- to mid-April, with an approximately 25 percent reduction in heavy-duty VMT and 50 to 60 percent reduction in light-duty VMT. Since that time, both heavy-duty and light-duty VMT have steadily increased, with heavy-duty VMT returning to pre-COVID-19 levels in early June.³ COVID-19 stay-at-home orders and related closures are temporary measures. While there is potential for changes made during this time to have far-reaching implications for transportation mode choice, shared mobility, vehicle choice, and trips/VMT into the future, the medium- or long-term effects of the COVID-19 on trips/VMT are uncertain at this point in time, and it would be speculative to estimate any potential long-term or permanent changes. Predicting the proposed project's physical impacts on the environment without firm evidence based on facts to support the analysis would require an engagement in speculation or conjecture that is inappropriate for an EIR. Accordingly, the transportation impact analysis presented in this EIR is generally based on the assumption that general behavior would be similar to conditions prior to the start of COVID-19 stay-at-home orders.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (Appendix J2) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbrier Lane.

- R50-21 See response to Comment R50-7.
- R50-22 See Response to Comment R50-8.
- R50-23 See Response to Comment R50-8.
- R50-24 See Response to Comment R50-8.

³ California Air Resources Board. 2021, April 23. Revised Draft 2020 Mobile Source Strategy
https://ww2.arb.ca.gov/sites/default/files/2021-04/Revised_Draft_2020_Mobile_Source_Strategy.pdf

2. Response to Comments

- R50-25 The comment does not raise issues related to the proposed project's impact on the physical environment under CEQA. The commenter's letter has been forwarded to decision-makers for their review and consideration.
- R50-26 See response to Comment R50-8.
- R50-27 The comment does not raise issues related to the proposed project's impact on the physical environment under CEQA. The commenter's letter has been forwarded to decision-makers for their review and consideration.
- R50-28 The comment does not raise issues related to the proposed project's impact on the physical environment under CEQA. The commenter's letter has been forwarded to decision-makers for their review and consideration.
- R50-29 The comment does not raise issues related to the proposed project's impact on the physical environment under CEQA. The commenter's letter has been forwarded to decision-makers for their review and consideration.
- R50-30 See response to Comment R50-10.
- R50-31 See response to Comment R50-10.
- R50-32 The proposed project would not affect ingress/egress associated with the Mercury Insurance use. The internal driveways between Mercury Insurance and Brea Plaza would remain open, despite the expiration of the parking agreement expiring in April 2025.
- R50-33 The DEIR included a reasonable range of alternatives. The DEIR did not identify significant unavoidable impacts associated with the building height (see Section 5.1, *Aesthetics* and Section 5.6, *Land Use and Planning*). The "Reduced Density Alternative" considered an alternative that reduced the residential density to 95 units and a decreased building height to four stories.
- R50-34 The proposed project does not include a retaining wall along the SR-57. The improvements for the new mixed-use building would be east of the Caltrans easement.
- R50-35 See response to Comments R33 and R34.

2. Response to Comments

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2. Response to Comments

LETTER R51 – Babok and Robinson, LLC, on behalf of Mercury Insurance (56 pages)



4484 Wilshire Blvd
Los Angeles, CA 90010
(323) 937-1060

September 20, 2021

By Electronic Mail

Juan Arauz, AICP
Senior Planner
City of Brea – Planning Division
juana@ci.brea.ca.us

RE: Draft Environmental Impact Report for the proposed Brea Plaza Expansion Project

Dear Mr. Arauz,

This letter is in response to the Notice of Availability of a Draft Environmental Impact Report (the “DEIR”) for the Brea Plaza Expansion Project (the “Project”) from the City of Brea dated August 5, 2021 (the “NOA”). As you are aware, Mercury Casualty Company owns land adjacent to the Project and could be materially impacted by the proposed Project.

Mercury’s main concern is the impact the Project may have on parking and traffic circulation. In that regard, Mercury retained KOA Corporation to review the DEIR and provide comments relating to the parking and traffic circulation aspects of the DEIR. KOA has significant expertise in this area and is highly qualified to evaluate these matters. Attached is a report from KOA dated September 17, 2021 that summarizes Mercury’s concerns and comments concerning the Project’s potential impacts on traffic and parking the Project could have in the area (the “KOA Report”). The KOA Report should be considered as Mercury’s comments to the content of the DEIR as solicited by the NOA.

We also note that in Section 1.4 of the Existing Land Use section of the DEIR, reference is made to an easement the applicant has for parking spaces on Mercury’s property. As Mercury pointed out in its response to the Notice of Preparation, Mercury does not agree that such easement allows the applicant to use 180 of Mercury’s parking spaces during business hours and all Mercury’s surface parking spaces after 5:00 p.m. and on weekends. Mercury acknowledges that such easement does provide the applicant certain parking rights but disputes that the scope is as broad as indicated in the DEIR. If the existing easement was that broad, Mercury would experience significant adverse impacts to its operations.

INTRO

R51-1

2. Response to Comments

City of Brea
September 20, 2021
Page 2

Thank you for considering Mercury's comments and we look forward to participating in the City's evaluation and consideration of the Project as the application process proceeds.

R51-1
CONT'D

Very Truly Yours,



Ted Stalick
S.V.P and C.F.O

cc: James D. Robinson, Esq.

2. Response to Comments

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MONTEREY PARK ORANGE ONTARIO SAN DIEGO



TECHNICAL MEMORANDUM

Date: September 17, 2021
To: Mercury Insurance Corporation
From: KOA Corporation
Subject: Review of Brea Plaza Expansion Project Draft Environmental Impact Report (DEIR) Parking Study

KOA Corporation (KOA) is pleased to submit this technical memorandum to Mercury Insurance (Mercury) documenting the findings of an independent parking analysis and review of the Brea Plaza Mixed-Use (BPMU) site. Mercury retained the services of KOA Corporation (KOA) to conduct a peer review and evaluation of a Parking Study prepared by LSA for the Brea Plaza's Mixed-Use Expansion Project (BPEP), dated April 13, 2021. The LSA Parking Study aims to address issues related to potential parking impacts of the proposed Project on the project site area.

Presently, the City of Brea has released and circulated a Draft Environmental Impact Report (DEIR) of the proposed expansion project, dated August 2021. Public comments on the DEIR are due by September 20, 2021. Once public comments have been collected and distributed by the City to the applicant, the applicant's environmental team will address the comments and incorporate the responses into the Final EIR, which will be prepared and released to the public for final comment and inquiry.

Based on the findings of the independent study and review, a brief summary of pivotal issues is listed below which KOA believes should be more adequately addressed/represented in the Parking Study, and incorporated into the Final EIR. These and other additional items are described in further detail in the following section:

1. In order to determine the realistic shared parking impacts and implications of the BPEP, KOA strongly recommends that the applicant include in his Parking Study an "existing parking utilization analysis" which examines and verifies the pre-project (or, ideally, pre-pandemic) parking accumulation conditions at the site. Establishing the existing parking demand of the retail/commercial businesses on the basis of empirical parking data, rather than parking demand rates, would serve as a more accurate and acceptable baseline indicator for the shopping center's potential to benefit from the level of shared parking that is assumed in the Study.

Due to the project's inability to satisfy the City Parking Code requirement, KOA does concur with the impetus for the shared parking analysis. However, since the shopping center parking demand is readily available and measurable, it should be used in lieu of parking rate estimations. Some local agencies in Orange County utilize a shared parking methodology that applies City Parking Code rates as the base parking demand ratios. Please coordinate with City of Brea staff to verify the City's preferred approach for the shared parking analysis.

2. Based on KOA's parking analysis it was determined that the Brea Plaza Mixed-Use project generates a cumulative parking space requirement (per City Code) that is not satisfied by the proposed site, nor can be fully accommodated in an overflow capacity by the neighboring Mercury site. Supporting documentation and empirical

R51-2

2. Response to Comments



on-site parking data is available upon request demonstrating Mercury's limited capacity to hand excessive parking overflows from the proposed project during the weekday hours. KOA assessed the option for full closure of the internal driveways, and it was determined that while this would minimize the parking overflow impacts, it would also result in adverse and unacceptable AM and PM peak hour traffic queueing conditions on the Mercury site, and Associated Road at the Greenbriar intersection.

It is therefore recommended that the City coordinate with the applicant to ensure that no such permanent closure of the two internal driveways will be included as part of the project, and that the driveways be maintained in place and kept open for two-way traffic following the expiration of the shared parking agreement. A specified cap on the maximum number of shared parking spaces should be determined and implemented through coordinated discussions between the applicant and Mercury.

3. KOA recommends that the applicant work with the City of Brea to develop a comprehensive Parking Management Plan. As discussed further below, a Parking Management Plan would address the full spectrum of potential parking concerns, minimize parking impacts to the neighboring Mercury Site and surrounding community, and provide strategies to maintain acceptable parking operations at the Brea Plaza Site.

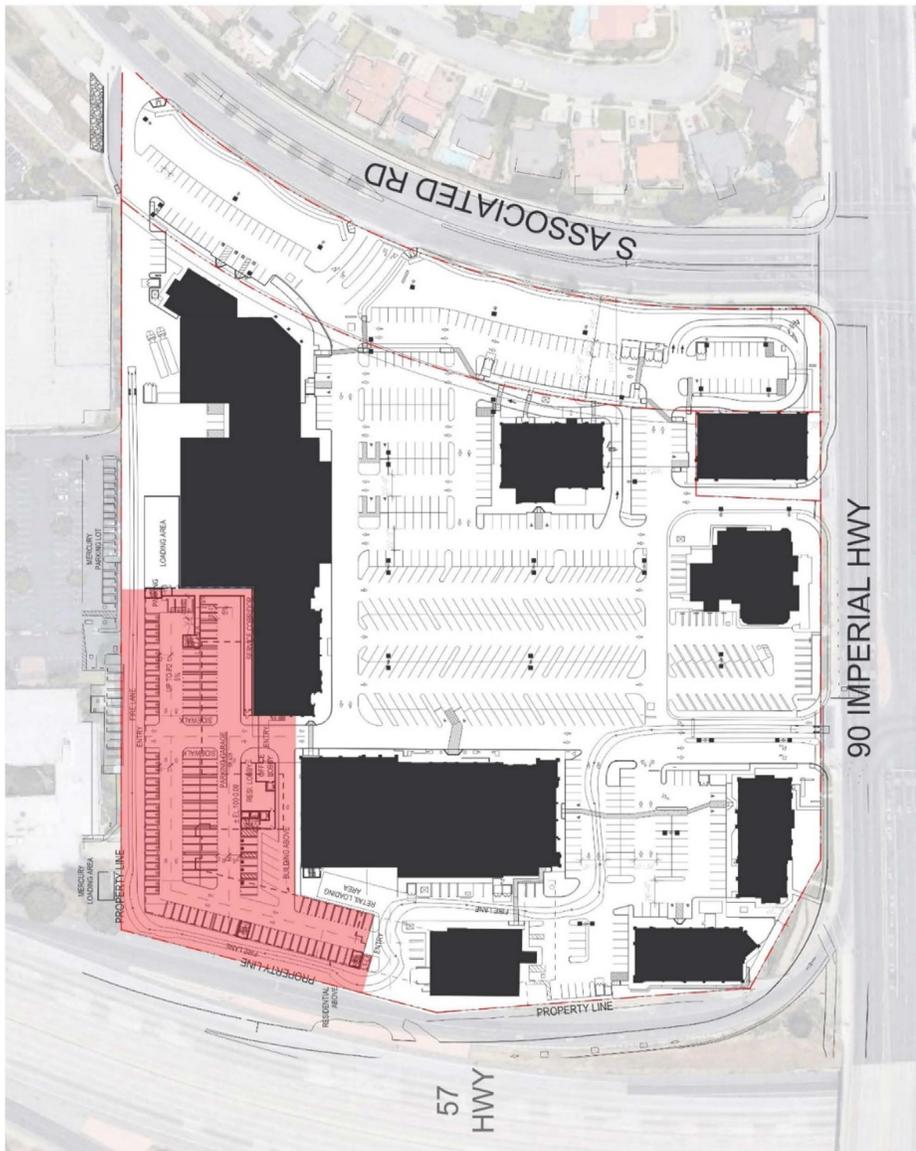
The project vicinity is shown in **Figure 1** below, including the BPEP project limits within the overall Brea Plaza Mixed Use site, the adjacent Mercury site to the north, and the locations of recent turning movement traffic volume counts collected in the field and analyzed by KOA. The BPEP is located along the north side of Imperial Highway, between the State Route 57 (SR-57) freeway (to the west) and Associated Road (to the east) in Brea, California. The proposed project would demolish an existing 18,450-square foot (SF) movie theater and some existing surface parking spaces, and construct in its place a 5-story, 189-unit apartment complex; 21,255 SF of new office; and a new 3-story, 397-space parking structure.

Mercury, the neighboring site to the north of the Brea Plaza, is located at the address of 1700 Greenbriar Lane. The Mercury building is a three-story, 164,000 square-foot office, bound by State Route 57 freeway to the west, Associated Road to the east, and Greenbriar Lane (a two-lane residential street) to the north.

2. Response to Comments



Figure 1 – Site Plan



SITE PLAN
SCALE: 1" = 50'-0"

R51-3

90 IMPERIAL HWY

57
HWY

BREA PLAZA MIXED-USE
BREA, CA 92821



Parking Analysis for Mercury Insurance Group
KOA Corporation

Page 3
JC13075

2. Response to Comments



REVIEW OF LSA PARKING STUDY

The following section provides KOA Corporation's comments on the Parking Study for the Brea Plaza Mixed-Use site.

Page K-1, last paragraph - The text states that per the Brea Municipal Code (BMC), "...where uses are combined, the parking requirement is the sum of the requirements of the various uses, except for shopping centers". The study should address more adequately the degree to which the existing and proposed commercial/retail component of the Brea Plaza center should be classified as a traditional "shopping center".

An alternate approach that evaluates, at least in part, the individual land uses and tenants as individual parking generators should be considered and/or the merits of this approach discussed. Based on the numerous anecdotal accounts (including those mentioned on Pages 2-5 through 2-9 of the DEIR) that the existing Brea Plaza regularly experiences congested parking conditions, a "baseline parking utilization" evaluation of the "pre-project" site is highly recommended, and would be warranted given the expressed concerns of public commenters in the DEIR.

An "existing" parking utilization analysis would help the City and applicant understand what are the existing current actual demands of the Brea Plaza site, prior to developing the new residential/office units, and whether the summation of individual tenant parking requirements would be more appropriate than to consider the Brea Plaza as a singular and centrally-planned/managed "shopping center" unit.

R51-3

Note that in the Institute of Transportation Engineers' (ITE) "*Parking Generation*", the average reported shopping center size—based on a national survey of over 100 sites—is 242,000 square feet of gross commercial area, which is 44 percent larger than the existing 169,000-SF footprint for the existing Brea Plaza site. KOA therefore recommends that the parking study include an "existing conditions" parking utilization study to verify the applicability of "Shopping Center" parking rates. This evaluation would ideally be based on historical parking accumulation data collected during a time at which the Brea Plaza center, including movie theater, was in full operation.

Alternatively, the "existing" parking utilization could also be derived by observing current parking demands and patterns during the typical weekday and weekend, provided that pre/post-pandemic traffic and parking conditions are reflected in the data or can otherwise be accounted for.

The BMC further states in Section 20.08.040(B)(2)(c) also states that in accordance with the calculation of required off-street parking spaces for "Shopping Centers", "All required parking spaces for individual tenants of shopping centers, shall have his or her required parking within a two hundred (200) foot radius of the main entrance [to the tenant's business]". KOA would also suggest that in estimating the potential for the BPMU to operate as and retain the shared parking benefits of a traditional shopping center, the study provide a supplemental analysis demonstrating that the 200-foot parking stall radius (i.e., door-to-door distance) is provided for each individual tenant's parking need under the proposed condition, including outparcels.

Page K-2, Table A: Municipal Code Parking Rates – Table A lists the Municipal/Zoning Code parking rate for Auditoriums/Theaters as "1 space per 3 fixed seats, or 1 space per 35 sf"; however, per §20.08.040(D) of the City Code, the

R51-4

2. Response to Comments

<p>full description for the minimum parking stalls requirement should also be included, which states, "...where there are no fixed seats."</p>	<p>R51-4 CONT'D</p>
<p>Page K-2, Table B: Existing Municipal Code Parking Requirement – Table B shows the calculated off-street parking requirement for the existing Brea Plaza site. KOA estimated that the cumulative effective building area for the existing site considered as a singular "shopping center" is approximately 169,000 square feet (a difference of ±3,300 sf), as summarized by tenant in Table 1. Please verify (e.g., via Existing Site Plan tabulation, by tenant space) that all existing uses have been included in the calculation of required parking spaces in Table B, and re-calculate with the correct square footage if necessary.</p>	<p>R51-5</p>
<p>Page K-3, Table D: Future Municipal Code Parking Requirement – KOA recommends re-calculating the future parking space requirement using the correct square footage for the "shopping center" portion, if necessary. As shown on Table 4, KOA estimates this value to be approximately 1,307 total spaces including separately the addition of new office and residential parking-generating land uses.</p>	<p>R51-6</p>
<p>Page K-4, Table E: Comparison of Individual Parking Spaces – Table E compares the future uses proposed to be added to the site (i.e., offices and apartments) with the existing movie theater use being removed/replaced, indicating that per City Code the net effect of the project is -46, i.e., the new site would require 46 less parking spaces. Since the number of fixed seating within the existing movie theater is known at 1,100 seats, the theater's parking rate should be calculated using a rate of 1 space per 3 fixed seat, rather than based on the 18,450-sf area of the theater. The resulting Code-based parking requirement for the existing theater should therefore be 367 spaces, and thus the Parking Code balance between future and existing uses should be -114 spaces (i.e., require 114 additional spaces more than the existing site requires by Code).</p>	<p>R51-7</p>
<p>Page K-4, second paragraph (typical comment throughout report)</p> <ul style="list-style-type: none"> The Mercury parking supply should be listed as 442 spaces, not 443. This section states that the parking study "demonstrates that the project will not rely on the Mercury Insurance parking lot to satisfy typical daily or weekend parking". This statement should be revised to indicate a less certain conclusion; rather, it should clarify instead that the project "is not anticipated to rely on the Mercury Insurance parking lot...", since it remains to be seen whether actual parking overflow onto Mercury occurs once the BPEP project is completed. The shared parking analysis indicates that typical/Non-December weekday and weekend shared parking demands would not exceed 965 and 979 parking spaces, respectively. These values, however, yield a parking surplus of only 3% on weekdays and 2% weekends. Given that this projected shared parking surplus (1) is less than the commonly recommended 5-10 percent buffer to accommodate surge parking and minimize search time for available spaces, and (2) includes both surface stalls and any available parking spaces within the 3-story parking structure, KOA believes that the potentiality for overcrowded parking conditions should be addressed more adequately. The study should also address (in both the Parking Supply section and others) the applicant's proposed plan to accommodate the identified weekday and weekend parking shortages during the holiday season. Table M: Future December Time of Day Parking Demand indicates that the shared parking demand for the proposed site is 1,079 parking spaces, which exceeds the proposed demand by 80 spaces (8% parking shortfall). Table M: Future December Time of Day Parking Demand indicates that the shared parking demand would be 1,079 parking spaces, which exceeds the proposed parking supply by 80 spaces. 	<p>R51-8</p>
<p>Parking Analysis for Mercury Insurance Group KOA Corporation</p>	<p>Page 5 JC13075</p>

2. Response to Comments



Page K-6, second paragraph – The study states that "Residents and guests would park in the parking structure." Please confirm if the applicant plans to enforce resident/guest-only parking in the parking structure, or, conversely, "no resident parking" within surface lot areas at the BPMU. It is important for the study to consider that if spaces are reserved for specific users, they cannot be shared with other land uses. For example, if it is assumed that residential spaces would be shared with commercial/retail users, the study should include supporting information from the applicant that the future residential leasing plan(s) developed later in the process would not include separated, dedicated/reserved stalls within the new parking structure for resident-only parking needs. Otherwise, a shared parking analysis would not yield a reliable estimation of the cumulative parking impact across the site, and would underrepresent the realistic shared parking capacity of the BPMU.

R51-9

If the proposed office and commercial retail employees/patrons will not be permitted to access the residents' parking structure, then please describe how the remaining surface parking supply (602 spaces) at the BPMU will be able to accommodate the projected remaining shared parking demand of 838 spaces for non-residents. If non-residents will be permitted to park in the multi-story structure, then revise the language in this paragraph to reflect the potential for residents to parking within surface lot areas during the peak shared parking hour, due to either (1) the parking structure reaching full capacity as a result of shared/non-resident use, or (2) the basic convenience of open-air parking for residents near the ground level.

Page K-5, third paragraph (typical comment throughout report) – The proposed parking supply for the Brea Plaza Mixed Use site is listed as 997 spaces; however, by KOA's calculation and review of the latest Project Site Plan the total proposed parking supply should be 999 spaces. Please confirm the correct number.

R51-10

Page K-6, Institute of Transportation Engineers Parking Rates – The table provides published national weekday parking rates for the various proposed land uses. Since the Brea Plaza Mixed Use site is anticipated to experience weekday peak hour parking activity during the mid-day "lunch hour" period (rather than during Friday evening hours, which commences the weekend), it would be more appropriate to analyze Friday shared parking conditions as the critical weekday parking scenario. In this case, the average and upper confidence interval values listed in Table G should be updated to reflect Friday parking rates in ITE Parking Generation (e.g., 2.61 and 2.83 spaces per TSF for Shopping Centers, instead of 1.95 and 2.17 spaces per TSF).

R51-11

Page K-13 through K-16 – The Parking Study provides some ideas for parking management; however, a more detailed parking plan should be proposed to address in more sufficient detail the concerns discussed above. This may include, for example:

- Identifying a proposed or otherwise designated number of parking stalls within the neighboring Mercury site (i.e., "remote" or "off-site" parking) to remain available to BPMU employees and/or customers during the weekdays, or weekends, in order to achieve the goal of:
 - (1) maintaining at least a 10% parking supply buffer at the BPMU; while
 - (2) affording the Mercury site a sufficient remaining supply of parking spaces within its site during the weekdays for its own on-site needs.
- Consideration of valet parking services.
- Improving information and marketing of the site's parking facilities, using maps, signs, informational brochures to residents, and internet/website resources.

R51-12

2. Response to Comments



- Enforcement plan, to ensure that parking regulations are clearly defined, and are enforced on an efficient, consistent and fair basis.
- Consider deployment of parking management, information and enforcement technology, such as:
 - License plate recognition technology
 - Parking space sensors
- Develop an “overflow parking plan” to manage occasional peak parking demands during special events.
- Smart Parking technology – Consider implementing real-time guidance to available spaces, particularly within the proposed parking structure, to increase the convenience of parkers, and reduce the potential for cruising for parking.

R51-12

CONT'D

ADDITIONAL COMMENTS – KOA PARKING ANALYSIS

OBJECTIVE, NEED, SCOPE AND METHODOLOGY

In addition to the independent review of the LSA Parking Study report, KOA prepared a separate parking study in order to assist Mercury, City staff and public and private citizens with:

1. Peer-validating the findings and conclusions of the LSA Parking Study report;
2. Identifying and calling attention to any immediate and long-term parking needs of the adjacent Mercury site, in conjunction with the BPEP as it is proposed in the DEIR; and
3. Improving the overall understanding of the potential parking impacts of the proposed project, in the interests of the surrounding community.

Due to an existing shared parking agreement between the properties, Brea Plaza tenants and customers are permitted full access to the Mercury surface parking lot, on an as-needed basis. The existing Brea Plaza Center includes various stores and restaurants, as summarized in **Table 1**, below. Due to the regular occurrence of near-capacity parking conditions on this site, Mercury has expressed concerns that the proposed BPEP may generate an additional overflow parking demand which cannot be accommodated by Mercury’s parking facilities.

R51-13

KOA collected parking and traffic counts at the existing Mercury site and access driveways. A parking analysis was then conducted to assess the following:

- Off-Street Parking Requirements (Existing Conditions) per City Code for:
 - Mercury site;
 - Brea Plaza Center
- Off-Street Parking Requirements (Proposed Condition) per City Code for:
 - Proposed Brea Plaza Mixed-Use site; and
- Off-Street Parking Demand, based on empirical parking generation estimations
 - Existing Mercury site;
 - Existing Brea Plaza Center;
 - Proposed Brea Plaza Mixed-Use site

2. Response to Comments



PARKING SUPPLY

Brea Plaza and Mixed-Use Project

The existing and proposed off-street/on-site parking supply for the Brea Plaza site is summarized below in **Tables 2a, 2b and 2c**. Based on a review of the existing and proposed site plan, the existing Brea Plaza provides 733 parking spaces, while the Brea Plaza Mixed-Use project site proposes a total of 999 parking spaces. This estimate includes both surface parking lot and proposed future parking structure stalls (a difference of 266 additional spaces).

Table 1 – Existing Brea Plaza Site Land Use Breakdown

Tenant ^[1]	Land Use ^[2]	Size ^[3]	
Sit-Down & Drive-Through Restaurants			
Lucille's Smokehouse	Sit-Down Restaurant	10,450 s.f.	
Buca Di Beppo		8,060 s.f.	
Pho'Ha/EatSighting Tokyo		3,990 s.f.	
Chick-fil-A	Drive-through	2,980 s.f.	
Café / Quick Service Restaurant			
Starbucks Coffee	Café/Quick Service Restaurant	1,720 s.f.	
Creamistry		1,350 s.f.	
Coldsun Café Brea		830 s.f.	
Jax Donuts		450 s.f.	
Fast Casual Restaurant			
CA Fish Grill/ Z Pizza/Panera	Fast Casual Restaurant	8,750 s.f.	
Which Wich Superior Sandwiches		1,240 s.f.	
Chipotle		810 s.f.	
General Retail			
DSW Designer Shoe Warehouse/DXL XL Mens Apparel	General Retail	28,650 s.f.	
Total Wine & More		20,580 s.f.	
Mother's Market & Kitchen		12,960 s.f.	
Carter's Babies & Kids		4,080 s.f.	
AT&T		6,530 s.f.	
Jared The Galleria Of Jewelry		6,130 s.f.	
FedEx		3,930 s.f.	
The Butchery		3,210 s.f.	
Judy's Pet Grooming		2,590 s.f.	
Friar Tux		1,030 s.f.	
Mail Center		710 s.f.	
Beauty Parlor			
Papillon Lounge & Nails		Beauty Parlor	2,550 s.f.
Eyebrow Beauty	1,270 s.f.		
European Wax Center	970 s.f.		
Other Uses			
Tristone Cinemas ^[7]	Theater	17,660 s.f.	
The Grand/AJliss	Health Spa	8,790 s.f.	
Custom Comfort Mattress	Store ^[6]	3,780 s.f.	
Dentist	Dental office	900 s.f.	
The Joint	Medical Clinic	450 s.f.	
Fibo Art	Day Nursery	400 s.f.	
Brea Plaza	Shopping	167,800 s.f.	

R51-14

2. Response to Comments



Table 2a. Existing Parking Supply – Brea Plaza

Parking Stall Type	Quantity
Standard Parking	580 spaces
<i>Perpendicular</i>	<i>365 spaces</i>
<i>Angled</i>	<i>203 spaces</i>
<i>Reserved</i>	<i>12 spaces</i>
Accessible Parking	32 spaces
<i>Perpendicular</i>	<i>29 spaces</i>
<i>Angled</i>	<i>3 spaces</i>
Miscellaneous	121 spaces
<i>Compact</i>	<i>94 spaces</i>
<i>Time-Limited Angled</i>	<i>12 spaces</i>
<i>Time-Limited Standard</i>	<i>15 spaces</i>
Total Existing Parking Supply	733 spaces

Table 2b. Proposed Parking Supply – Brea Plaza Mixed-Use CUP

Parking Stall Type	Quantity
Surface Lot	602 spaces
Standard Parking	577 spaces
<i>Perpendicular</i>	<i>357 spaces</i>
<i>Angled</i>	<i>218 spaces</i>
<i>Loading</i>	<i>2 spaces</i>
Accessible Parking	25 spaces
<i>Perpendicular</i>	<i>22 spaces</i>
<i>Angled</i>	<i>3 spaces</i>
Parking Structure	397 spaces
Standard Parking	268 spaces
Accessible Parking	9 spaces
Miscellaneous	120 spaces
<i>Compact</i>	<i>110 spaces</i>
<i>Tandem</i>	<i>10 spaces</i>
Total Existing Parking Supply	999 spaces

R51-14

CONT'D

2. Response to Comments



Mercury Office

KOA staff visited the Mercury Office site in June 2021 and collected an inventory of the existing off-street parking supply. The site provides a total of 907 parking spaces, including 465 covered spaces within the on-site parking structure and 442 parking spaces within the existing surface parking lot.

Table 2c. Existing Parking Supply – Mercury Office

Parking Stall Type	Quantity
Surface Lot	442 spaces
Standard Parking	428 spaces
<i>Perpendicular</i>	197 spaces
<i>Loading Zone</i>	11 spaces
<i>Time-Limited</i>	145 spaces
<i>Reserved</i>	71 spaces
<i>Parallel (Reserved)</i>	4 spaces
Accessible Parking	14 spaces
Parking Structure	465 spaces
Standard Parking	447 spaces
Accessible Parking	10 spaces
Reserved	8 spaces
Total Existing Parking Supply	907 spaces

Table 2d. Parking Supply Analysis Comparison

Site/ Condition	Parking Supply					
	LSA			KOA		
Ex. Brea Plaza	739	Surface		733	Surface	
Prop. BPMU	997	600	Surface	999	602	Surface
		397	Pkg Structure		397	Pkg Structure
Mercury	908	443	Surface	907	442	Surface
		465	Pkg Structure		465	Pkg Structure

Table 2d summarizes the KOA's evaluation of the parking supply information for each site. Based on this assessment, the proposed BPMU project should reflect a parking supply of 999 spaces (602 surface lot, 397 parking structure), and the Mercury site should reflect a parking supply of 907 spaces (442 surface lot, 465 parking structure).

R51-15

2. Response to Comments



PARKING CODE ANALYSIS

Brea Plaza – Existing vs. Proposed Mixed-Use Project

To evaluate the base number of parking spaces required for the Brea Plaza site, KOA applied the minimum off-street parking stall supply requirements listed under §20.08.040 of the Brea Municipal Code. A variety of retail and service tenants currently operate within the existing Brea Plaza site. The proposed Mixed-Use project will continue the operation of these existing uses, plus an additional residential component. For comparative purposes, the parking supply requirement for the existing Brea Plaza was determined using two methods: (1) by totaling the individual parking requirements for each tenant by their respective land use; and alternatively, (2) by computing the parking requirement of the Brea Plaza site as a singular “shopping center”. See **Tables 3 and 4** below illustrating the calculated parking requirement for the existing Brea Plaza site and proposed Brea Mixed-Use site, respectively.

R51-16

Mercury Office

KOA also evaluated the parking adequacy of the neighboring Mercury Office parking supply conditions, in relation to the City Code. As shown in **Table 5**, the resulting parking requirement for Mercury is 820 spaces, based on an office building size of 164,000 square feet.

R51-17

Parking Adequacy per City Code

Table 6 summarizes the parking code compliance of (1) the existing Brea Plaza, (2) the proposed Brea Plaza Mixed Use site, (3) the Mercury Office site, and (4) two sites as one parking supplier under the existing and proposed conditions.

Existing Brea Plaza Site – Brea Plaza provides a total of 733 parking spaces, all within surface parking lot areas located around the existing commercial center. KOA determined that the Brea Plaza is currently over-parked, in terms of meeting the City of Brea’s off-street parking requirements. The existing site requires a total of 826 parking spaces when considering its tenants as a singular “shopping center”, and 1,634 parking spaces when considering each tenant as an individual land use parking generator. The resulting analysis therefore finds that the existing Brea Plaza site fails to meet the City’s Parking Code requirement by on average of 13% (when classified as a “shopping center”) and 123% (based on cumulative land uses).

R51-18

Proposed Brea Plaza Mixed-Use Site – Based on a review of the Brea Plaza Mixed-Use Conditional Use Permit (CUP) Package, dated April 14th, 2021, KOA’s understanding is that the proposed project plans to develop 189 apartment units of various sizes, and 21,355 square feet of new office use. The Project also plans to remove and add parking spaces within the existing Brea Plaza site to provide a net on-site total of 999 parking spaces, inclusive of 602 surface lot spaces and 397 covered stalls within a proposed new multi-level parking structure. An evaluation of the City’s off-street parking requirements shows that the proposed Brea Plaza Mixed-Use site calls for a total of 1,307 parking spaces, when considering the commercial tenants as a singular “shopping center”, and 1,744 parking spaces when considering each tenant as an individual land use parking generator. The resulting analysis therefore finds that the proposed Brea Plaza Mixed-Use site fails to meet the City’s Parking Code requirement by 31% (shopping center) and 75% (cumulative land uses).

2. Response to Comments



Table 3 – Existing Required Parking Supply (per City Code) – Brea Plaza (1 of 2)

Tenant ^[1]	Land Use ^[2]	Size ^[3]	Parking Rate ^[4]	Parking Requirement ^[5]
Sit-Down & Drive-Through Restaurants				
Lucille's Smokehouse Bar-B-Que	Sit-Down Restaurant	10,450 s.f.	1 for each 75 square feet of gross floor area, up to 6,000 square feet, plus 1 for each 55 square feet over 6,000 square feet.	220
Buca Di Beppo		8,060 s.f.		145
Pho'Ha/EatSighting Tokyo		3,990 s.f.		53
Chick-fil-A	Drive-through Restaurant	2,980 s.f.		40
Café / Quick Service Restaurant				
Starbucks Coffee	Café/Quick Service Restaurant	1,720 s.f.	1 for each 75 square feet of gross floor area, up to 6,000 square feet, plus 1 for each 55 square feet over 6,000 square feet.	23
Creamistry		1,350 s.f.		18
Coldsun Café Brea		830 s.f.		11
Jax Donuts		450 s.f.		10
Fast Casual Restaurant				
CA Fish Grill/ Z Pizza/Panera	Fast Casual Restaurant	8,750 s.f.	1 for each 75 square feet of gross floor area, up to 6,000 square feet, plus 1 for each 55 square feet over 6,000 square feet.	167
Which Wich Superior Sandwiches		1,240 s.f.		17
Chipotle		810 s.f.		11
Notes:				
[1] - Based on field visit observations on 6/22/2021.				
[2] - Corresponding to designated land use types in the City of Brea's Off-Street Parking Code (MC 20.08.040).				
[3] - S.F.: square feet, based on diagrammatically measured approximation of gross areas of individual tenant spaces.				
[4] - Based on "minimum parking stalls required" in the City of Brea's Off-Street Parking Code (MC 20.08.040(D)).				
[5] - Per MC 20.08.040(B)(3), required parking spaces for any single land use is calculated to the nearest whole space.				
[6] - Land Use: "Stores, solely for the sale of furniture and appliances"				

R51-18
CONT'D

2. Response to Comments



Table 3 – Existing Required Parking Supply (per City Code) – Brea Plaza (2 of 2)

Tenant ^[1]	Land Use ^[2]	Size ^[3]	Parking Rate ^[4]	Parking Requirement ^[5]		
General Retail						
DSW Designer Shoe Warehouse/ DXL XL Mens Apparel	General Retail	28,650 s.f.	1 per 200 square feet.	143		
Total Wine & More		20,580 s.f.		103		
Mother's Market & Kitchen		12,960 s.f.		65		
Carter's Babies & Kids		4,080 s.f.		20		
AT&T		6,530 s.f.		33		
Jared The Galleria Of Jewelry		6,130 s.f.		31		
FedEx		3,930 s.f.		20		
The Butchery		3,210 s.f.		16		
Judy's Pet Grooming		2,590 s.f.		13		
Friar Tux		1,030 s.f.		5		
Mail Center		710 s.f.		4		
Beauty Parlor						
Papillon Lounge & Nails		Beauty Parlor		2,550 s.f.	1 per 250 square feet.	10
Eyebrow Beauty	1,270 s.f.		5			
European Wax Center	970 s.f.		4			
Other Uses						
Tristone Cinemas ^[7]	Theater	1,110 seats	1.00 per 3 fixed seats	370		
The Grand/Ajliss	Health Spa	8,790 s.f.	1 per 150 square feet of gross floor area. (Including swimming pools and spas)	59		
Custom Comfort Mattress	Store ^[6]	3,780 s.f.	1 per 500 square feet.	8		
Dentist	Dental office	900 s.f.	5.5 spaces per 1,000 square feet	5		
The Joint	Medical Clinic	450 s.f.	5.5 spaces per 1,000 square feet	3		
Fibo Art	Day Nursery	400 s.f.	1 per 200 square feet.	2		
Brea Plaza	Shopping Center	150,140 s.f.	5.5 per 1,000 square feet.	826		
Total Required Parking Spaces - based on "Shopping Center" use				826		
Total Required Parking Spaces - based on individual tenant uses				1,634		
Notes:						
[1] - Based on field visit observations on 6/22/2021.						
[2] - Corresponding to designated land use types in the City of Brea's Off-Street Parking Code (MC 20.08.040).						
[3] - S.F.: square feet, based on diagrammatically measured approximation of gross areas of individual tenant spaces.						
[4] - Based on "minimum parking stalls required" in the City of Brea's Off-Street Parking Code (MC 20.08.040(D)).						
[5] - Per MC 20.08.040(B)(3), required parking spaces for any single land use is calculated to the nearest whole space.						
[6] - Land Use: "Stores, solely for the sale of furniture and appliances"						

R51-18
CONT'D

2. Response to Comments



Table 4 – Proposed Required Parking Supply (per City Code) – Brea Plaza Mixed Use (1 of 2)

Tenant ^[1]	Land Use ^[2]	Size ^[3]	Parking Rate ^[4]	Parking Requirement ^[5]
Brea Plaza Mixed-Use - Residential				396 spaces
Apartments	Bachelor Units	16 Units	1.5 spaces per unit, of which 1 space shall be located within a garage or 3 sided carport.	24
	1 Bedroom Units	109 Units	1.75 spaces per unit, of which 1 space shall be located within a garage or 3 sided carport.	191
	2 Bedroom Units	44 Units	2 spaces per unit, of which 1 space shall be located within a garage or 3 sided carport.	88
	3+ Bedroom Units	20 Units	2.5 off-street parking spaces per dwelling unit, of which 2 spaces must be covered for each dwelling unit, plus 0.5 off-street parking spaces must be provided for each bedroom in excess of 3.	55
	Guest Parking	189 Units	Additional two-tenths (0.2) off-street parking spaces per dwelling unit	38
Brea Plaza Mixed-Use - Office				85 spaces
Office*	Office	21,355 s.f.	1 per 250 square feet.	85
Sit-Down & Drive-Through Restaurants				
Lucille's Smokehouse Bar-B-Que Buca Di Beppo Pho'Ha/EatSighting Tokyo	Sit-Down Restaurant	10,450 s.f.	1 for each 75 square feet of gross floor area, up to 6,000 square feet, plus 1 for each 55 square feet over 6,000 square feet.	220
		8,060 s.f.		145
		3,990 s.f.		53
Chick-fil-A		2,980 s.f.		40
Café / Quick Service Restaurant				
Starbucks Coffee Creamistry Coldsun Café Brea Jax Donuts	Café/Quick Service Restaurant	1,720 s.f.	1 for each 75 square feet of gross floor area, up to 6,000 square feet, plus 1 for each 55 square feet over 6,000 square feet.	23
		1,350 s.f.		18
		830 s.f.		11
		450 s.f.		10
Fast Casual Restaurant				
CA Fish Grill/ Z Pizza/Panera Which Wich Superior Sandwiches Chipotle	Fast Casual Restaurant	8,750 s.f.	1 for each 75 square feet of gross floor area, up to 6,000 square feet, plus 1 for each 55 square feet over 6,000 square feet.	167
		1,240 s.f.		17
		810 s.f.		11
Notes: * Includes 18,147-SF leasable offices #1 (two-story) and #2 (one-story), plus 3,208-SF lobby and vestibule areas (various levels). ** Includes existing commercial tenants, plus proposed new offices. [1] - Based on field visit observations on 6/22/2021. Proposed condition assumes full and total removal of 1,110-seat movie theater. [2] - Corresponding to designated land use types in the City of Brea's Off-Street Parking Code (MC 20.08.040). [3] - S.F.: square feet, based on diagrammatically measured approximation of gross areas of individual tenant spaces. [4] - Based on "minimum parking stalls required" in the City of Brea's Off-Street Parking Code (MC 20.08.040(D)). [5] - Per MC 20.08.040(B)(3), required parking spaces for any single land use is calculated to the nearest whole space.				

R51-18
CONT'D

2. Response to Comments



Table 4 – Proposed Required Parking Supply (per City Code) – Brea Plaza Mixed Use (2 of 2)

Tenant ^[1]	Land Use ^[2]	Size ^[3]	Parking Rate ^[4]	Parking Requirement ^[5]		
General Retail						
DSW Designer Shoe Warehouse/ DXL XL Mens Apparel	General Retail	28,650 s.f.	1 per 200 square feet.	143		
Total Wine & More		20,580 s.f.		103		
Mother's Market & Kitchen		12,960 s.f.		65		
Carter's Babies & Kids		4,080 s.f.		20		
AT&T		6,530 s.f.		33		
Jared The Galleria Of Jewelry		6,130 s.f.		31		
FedEx		3,930 s.f.		20		
The Butchery		3,210 s.f.		16		
Judy's Pet Grooming		2,590 s.f.		13		
Friar Tux		1,030 s.f.		5		
Mail Center		710 s.f.		4		
Beauty Parlor						
Papillon Lounge & Nails		Beauty Parlor		2,550 s.f.	1 per 250 square feet.	10
Eyebrow Beauty	1,270 s.f.		5			
European Wax Center	970 s.f.		4			
Other Uses						
The Grand/Ajliss	Health Spa	8,790 s.f.	1 per 150 square feet of gross floor area. (Including swimming pools and spas)	59		
Custom Comfort Mattress	Store ^[6]	3,780 s.f.	1 per 500 square feet.	8		
Dentist	Dental office	900 s.f.	5.5 spaces per 1,000 square feet	5		
The Joint	Medical Clinic	450 s.f.	5.5 spaces per 1,000 square feet	3		
Fibo Art	Day Nursery	400 s.f.	1 per 200 square feet.	2		
Brea Plaza	Shopping Center**	170,995 s.f.	5.5 per 1,000 square feet.	940		
Total Required Parking Spaces - Brea Plaza Mixed Use						
Based on non-residential as "Shopping Center" use**				1,336		
Based on non-residential as individual tenant land use types				1,744		
Notes:						
* Includes 18,147-SF leasable offices #1 (two-story) and #2 (one-story), plus 3,208-SF lobby and vestibule areas (various levels).						
** Includes existing commercial tenants, plus proposed new offices.						
[1] - Based on field visit observations on 6/22/2021. Proposed condition assumes full and total removal of 1,110-seat movie theater.						
[2] - Corresponding to designated land use types in the City of Brea's Off-Street Parking Code (MC 20.08.040).						
[3] - S.F.: square feet, based on diagrammatically measured approximation of gross areas of individual tenant spaces.						
[4] - Based on "minimum parking stalls required" in the City of Brea's Off-Street Parking Code (MC 20.08.040(D)).						
[5] - Per MC 20.08.040(B)(3), required parking spaces for any single land use is calculated to the nearest whole space.						

R51-18
CONT'D

2. Response to Comments



Table 5 – Existing/Proposed Required Parking Supply (per City Code) – Mercury Office

Tenant ^[1]	Land Use ^[2]	Size ^[3]	Parking Rate ^[4]	Parking Requirement ^[5]
Financial Offices				
Mercury Insurance	Financial Office	164,000 s.f.	1 per 200 square feet	820
Total Required Parking Spaces - based on individual tenant uses				820
Notes:				
[1] - Based on field visit observations on 6/22/2021.				
[2] - Corresponding to designated land use types in the City of Brea's Off-Street Parking Code (MC 20.08.040).				
[3] - S.F.: square feet, based on diagrammatically measured approximation of gross areas of individual tenant spaces.				
[4] - Based on "minimum parking stalls required" in the City of Brea's Off-Street Parking Code (MC 20.08.040(D)).				
[5] - Per MC 20.08.040(B)(3), required parking spaces for any single land use is calculated to the nearest whole space.				

Table 6 – Parking Code Compliance Summary

Parking Adequacy	Site/Condition				
	Brea Plaza (Existing)	Brea Plaza Mixed Use (Proposed)	Mercury Office	TOTAL	
				Existing	Proposed
Off-Street Parking Supply					
Total Provided	733	999	907	1,640	1,906
Surface	733	602	442	1,175	1,044
Covered	0	397	465	465	862
Parking Code Evaluation*					
Required	826 (1634)	1,307 (1744)	820	1,646 (2454)	2,127 (2564)
Balance	-93 (-901)	-308 (-745)	87	-6 (-814)	-221 (-658)
Adequacy	13% shortage (123% shortage)	31% shortage (75% shortage)	10% surplus	0.37% shortage (50% shortage)	12% shortage (35% shortage)

R51-18
CONT'D

Table 6a – Parking Code Compliance Comparison

Site/Condition	Parking Code Requirement					
	LSA			KOA		
Ex. Brea Plaza	909	Shopping Center		927	Shopping Center	
				1,634	Individual Land Uses	
Prop. BPMU	1,289	808	Shopping Center	1,307	826	Shopping Center
		85	Offices		85	Offices
		396	Apartments		396	Apartments
Mercury	-	-		820	Office	

- Note: LSA did not conduct a parking code analysis for the Mercury site

2. Response to Comments



Mercury Office – The neighboring Mercury Office site and parking lot is located on an adjacent parcel, just north of the Brea Plaza site. KOA understands that Mercury is presently not planning any future modifications to its existing office building area or parking layout/configuration; therefore, it is assumed that the existing off-street parking supply will equal the parking supply represented in the proposed Brea Plaza Mixed-Use condition. An evaluation of the Mercury off-street parking requirement shows that the office building calls for 820 parking spaces. Based on the existing parking supply of 907 parking spaces, it was determined that the site currently satisfies the City’s off-street parking requirement with a parking surplus of ten percent (10%).

Brea Plaza Mixed-Use Site + Mercury Office – The Brea Plaza and Mercury sites are currently engaged in a shared parking easement, by which a portion of the Mercury Office surface parking lot areas, driveways and ingress-egress points for parking purposes are available for non-exclusive, on-demand use by Brea Plaza property tenants and occupant employees. The existing memorandum of understanding for the shared parking agreement is set to expire in April 2026, at which time—withstanding renewal or amendment—the Brea Plaza will be required to accommodate 100% of its employee/tenant parking on-site, and not be permitted to allow overflow parking activities onto the Mercury Site. Combined, the two sites provide a total of 1,640 parking spaces under existing conditions (55% on Mercury property + 45% on Brea Plaza property), and 1,906 parking spaces under the proposed conditions (48% on Mercury property + 52% on Brea Plaza property).

An evaluation of the off-street parking requirement for the Mercury Office and Brea Plaza shopping center considered jointly shows that together, the two sites call for 1,646 parking spaces under existing conditions. Under the proposed condition with the development of the Brea Plaza Mixed-Use Project, the combined parking requirement for the two sites increases to 2,127 total parking spaces. The resulting parking balance indicates that the existing Brea Plaza Project induces a parking code deficiency on the Mercury site of 6 spaces (<1% combined site shortage) under existing conditions, and a 221-space parking code deficiency (12% shortage) under the proposed conditions. When considering the Brea Plaza tenants as individual land use parking generators, the parking code requirement for Brea Plaza increases and therefore the combined parking requirement also increases. The parking balance under this assumption yields an 814-space deficiency (existing 50% combined site shortage), and a 658-space deficiency (35% shortage) under the proposed conditions.

R51-19

PARKING DEMAND ANALYSIS

Parking Generation

The Brea Plaza Mixed-Use Project parking requirement per City code is not met; therefore, a parking generation analysis was conducted to estimate the probable parking demand generated by the subject site(s), and to compare this estimate against the City Code requirement. Parking generation rates for the existing and proposed condition land uses were obtained from the Institute of Transportation Engineers (ITE) *Parking Generation Manual, 5th Edition* to determine the estimated parking need. KOA reviewed the estimated parking demand both during a typical “weekday” and a typical “weekend” for non-December conditions, as applicable. Where published Friday parking rates were available, KOA utilized these in lieu of Monday-Thursday rates for the estimated “Weekday” condition. Saturday parking rates were used to estimate the “Weekend” condition. Where no published weekend parking rates were available, KOA used the

R51-20

2. Response to Comments



most appropriate parking rate between the weekday data or an assumed “zero” parking generation (e.g., office uses and/or other businesses closed on weekends). Tables 7 and 8 below summarize the parking generation analysis.

Table 7 – Weekday Parking Generation Summary – Brea Plaza Mixed Use (1 of 2)

Tenant	Land Use ^[1]	Size ^[2]	Parking Rate ^[3]	Parking Demand ^[4]
Brea Plaza Mixed-Use - Residential				
Apartments	Multifamily Housing (Mid-Rise)	189 Units	1.31 per Dwelling Unit	248
Brea Plaza Mixed-Use - Office				
Office*	Single Tenant Office Building	21,355 s.f.	3.10 per 1,000 Sq. Ft. GFA	66
Sit-Down & Quality Restaurants				
Lucille's Smokehouse	Quality Restaurant	10,450 s.f.	14.84 per 1,000 Sq. Ft. GFA	155
Buca Di Beppo		8,060 s.f.		120
Pho'Ha/EatSighting Tokyo	Sit-Down Restaurant	3,990 s.f.	11.33 per 1,000 Sq. Ft. GFA	59
Bread/Donut/Bagel Shop & Coffee/Donut Shop without Drive-Through Window				
Starbucks Coffee	Coffee/Donut Shop Without Drive-Through Window	1,720 s.f.	10.49 per 1,000 Sq. Ft. GFA	18
Jax Donuts		450 s.f.		5
Coldsun Café Brea		830 s.f.		9
The Butchery	Bread/Donut/Bagel Shop without Drive-Through Window	3,210 s.f.	8.00 per 1,000 Sq. Ft. GFA	26
Creamistry		1,350 s.f.		11
Fast Casual Restaurant & Fast Food Restaurant with Drive-Through Window				
CA Fish Grill/ Z Pizza/Panera	Fast Casual Restaurant	8,750 s.f.	9.93 per 1,000 Sq. Ft. GFA	87
Which Wich Superior		1,240 s.f.		12
Chipotle		810 s.f.		8
Chick-fil-A	Fast Food Restaurant with Drive-Through Window	2,980 s.f.	12.41 per 1,000 Sq. Ft. GFA	37
Apparel Store				
DSW Designer Shoe Warehouse/ Carter's Babies & Kids	Apparel Store	28,650 s.f.	1.13 per 1,000 Sq. Ft. GFA	32
Jared The Galleria Of Jewelry		4,080 s.f.		5
Friar Tux		6,130 s.f.		7
		1,030 s.f.		1
Notes:				
* Includes 18,147-SF leasable offices #1 (two-story) and #2 (one-story), plus 3,208-SF lobby and vestibule areas (various levels).				
** Includes existing commercial tenants, plus proposed new offices.				
[1] - Based on land use codes in the latest Institute of Transportation Engineers' (ITE) <i>Parking Generation Manual</i> (5 th Edition, January 2019).				
[2] - S.F.: square feet, based on diagrammatically measured approximation of gross areas of individual tenant spaces; Units: dwelling unit.				
[3] - Sq. Ft. GFA: square feet of gross floor area. Friday parking demand rates used for weekday parking demand, where applicable.				
[4] -Parking demand calculated to the nearest whole space.				

R51-20
CONT'D

2. Response to Comments



Table 7 – Weekday Parking Generation Summary – Brea Plaza Mixed Use (2 of 2)

Tenant	Land Use ^[1]	Size ^[2]	Parking Rate ^[3]	Parking Demand ^[4]
Medical-Dental Office Building				
Papillon Lounge & Nails	Medical-Dental Office Building	2,550 s.f.	3.23 per 1,000 Sq. Ft. GFA	8
Eyebrow Beauty		1,270 s.f.		4
European Wax Center		970 s.f.		3
The Grand/Ajliss		8,790 s.f.		28
The Joint		450 s.f.		1
Dentist		900 s.f.		3
United States Post Office				
FedEx	United States Post Office	3,930 s.f.	33.20 per 1,000 Sq. Ft. GFA	130
Mail Center		710 s.f.		24
Other Uses				
Fibo Art	Day Care Center	400 s.f.	2.45 per 1,000 Sq. Ft. GFA	1
Total Wine & More	Liquor Store	20,580 s.f.	1.72 per 1,000 Sq. Ft. GFA	35
Judy's Pet Grooming	Pet Supply Superstore	2,590 s.f.	0.66 per 1,000 Sq. Ft. GFA	2
AT&T	Electronics Superstore	6,530 s.f.	2.02 per 1,000 Sq. Ft. GFA	13
Custom Comfort Mattress	Furniture Store	3,780 s.f.	0.48 per 1,000 Sq. Ft. GFA	2
Mother's Market & Kitchen	Supermarket	12,960 s.f.	4.59 per 1,000 Sq. Ft. GFA	59
Brea Plaza	Shopping Center	150,140 s.f.	2.61 per 1,000 Sq. Ft. GFA	392
Total Weekday (Mon-Fri) Parking Demand - Brea Plaza Mixed Use				
Based on commercial uses as "Shopping Center"				706
Based on commercial uses as individual tenant land use types				1,612
Notes:				
* Includes 18,147-SF leasable offices #1 (two-story) and #2 (one-story), plus 3,208-SF lobby and vestibule areas (various levels).				
** Includes existing commercial tenants, plus proposed new offices.				
[1] - Based on land use codes in the latest Institute of Transportation Engineers' (ITE) <i>Parking Generation Manual</i> (5 th Edition, January 2019).				
[2] - S.F.: square feet, based on diagrammatically measured approximation of gross areas of individual tenant spaces; Units: dwelling unit.				
[3] - Sq. Ft. GFA: square feet of gross floor area. Friday parking demand rates used for weekday parking demand, where applicable.				
[4] -Parking demand calculated to the nearest whole space.				

R51-20
CONT'D

2. Response to Comments



Table 8 – Weekend Parking Generation Summary – Brea Plaza Mixed Use (1 of 2)

Tenant	Land Use ^[1]	Size ^[2]	Parking Rate ^[3]	Parking Demand ^[4]
Brea Plaza Mixed-Use - Residential				
Apartments	Multifamily Housing (Mid-Rise)	189 Units	2.05 per Dwelling Unit	387
Brea Plaza Mixed-Use - Office				
Office*	Single Tenant Office Building	21,355 s.f.	n/a	0
Sit-Down & Quality Restaurants				
Lucille's Smokehouse	Quality Restaurant	10,450 s.f.	17.00 per 1,000 Sq. Ft. GFA	178
Buca Di Beppo		8,060 s.f.		137
Pho'Ha/EatSighting Tokyo	Sit-Down Restaurant	3,990 s.f.	12.28 per 1,000 Sq. Ft. GFA	68
Bread/Donut/Bagel Shop & Coffee/Donut Shop without Drive-Through Window				
Starbucks Coffee	Coffee/Donut Shop Without Drive-Through Window	1,720 s.f.	14.44 per 1,000 Sq. Ft. GFA	25
Jax Donuts		450 s.f.		6
Coldsun Café Brea		830 s.f.		12
The Butchery	Bread/Donut/Bagel Shop without Drive-Through Window	3,210 s.f.	9.78 per 1,000 Sq. Ft. GFA	31
Creamistry		1,350 s.f.		13
Fast Casual Restaurant & Fast Food Restaurant with Drive-Through Window				
CA Fish Grill/ Z Pizza/Panera	Fast Casual Restaurant	8,750 s.f.	8.75 per 1,000 Sq. Ft. GFA	77
Which Wich Superior		1,240 s.f.		11
Chipotle		810 s.f.		7
Chick-fil-A	Fast Food Restaurant with Drive-Through Window	2,980 s.f.	9.18 per 1,000 Sq. Ft. GFA	27
Apparel Store				
DSW Designer Shoe Warehouse/ DXL XL Mens Apparel	Apparel Store	28,650 s.f.	2.66 per 1,000 Sq. Ft. GFA	76
Carter's Babies & Kids		4,080 s.f.		11
Jared The Galleria Of Jewelry		6,130 s.f.		16
Friar Tux		1,030 s.f.		3

R51-20
CONTD

Notes:

* Includes 18,147-SF leasable offices #1 (two-story) and #2 (one-story), plus 3,208-SF lobby and vestibule areas (various levels).

** Includes existing commercial tenants, plus proposed new offices.

[1] - Based on land use codes in the latest Institute of Transportation Engineers' (ITE) *Parking Generation Manual* (5th Edition, January 2019).

Note: In cases where weekend parking generation rates apply but are not available, the weekday parking generation rate was used.

[2] - S.F.: square feet, based on diagrammatically measured approximation of gross areas of individual tenant spaces; Units: dwelling unit.

[3] - Sq. Ft. GFA: square feet of gross floor area. Friday parking demand rates used for weekday parking demand, where applicable.

[4] - Parking demand calculated to the nearest whole space.

2. Response to Comments



Table 8 – Weekend Parking Generation Summary – Brea Plaza Mixed Use (2 of 2)

Tenant	Land Use ^[1]	Size ^[2]	Parking Rate ^[3]	Parking Demand ^[4]
Medical-Dental Office Building				
Papillon Lounge & Nails	Medical-Dental Office Building	2,550 s.f.	0.56 per 1,000 Sq. Ft. GFA	1
Eyebrow Beauty		1,270 s.f.		1
European Wax Center		970 s.f.		1
The Grand/Ajliss		8,790 s.f.		5
The Joint		450 s.f.		0
Dentist		900 s.f.		1
United States Post Office				
FedEx	United States	3,930 s.f.	33.20 per 1,000 Sq. Ft. GFA	130
Mail Center	Post Office	710 s.f.		24
Other Uses				
Fibo Art	Day Care Center	400 s.f.	2.45 per 1,000 Sq. Ft. GFA	1
Total Wine & More	Liquor Store	20,580 s.f.	1.23 per 1,000 Sq. Ft. GFA	25
Judy's Pet Grooming	Pet Supply Superstore	2,590 s.f.	1.17 per 1,000 Sq. Ft. GFA	3
AT&T	Electronics Superstore	6,530 s.f.	2.02 per 1,000 Sq. Ft. GFA	13
Custom Comfort Mattress	Furniture Store	3,780 s.f.	1.43 per 1,000 Sq. Ft. GFA	5
Mother's Market & Kitchen	Supermarket	12,960 s.f.	3.64 per 1,000 Sq. Ft. GFA	47
Brea Plaza	Shopping Center	150,140 s.f.	2.91 per 1,000 Sq. Ft. GFA	437
Total Weekend (Saturday) Parking Demand - Brea Plaza Mixed Use				
Based on commercial uses as "Shopping Center"				824
Based on commercial uses as individual tenant land use types				1780
Notes:				
* Includes 18,147-SF leasable offices #1 (two-story) and #2 (one-story), plus 3,208-SF lobby and vestibule areas (various levels).				
** Includes existing commercial tenants, plus proposed new offices.				
[1] - Based on land use codes in the latest Institute of Transportation Engineers' (ITE) <i>Parking Generation Manual</i> (5 th Edition, January 2019).				
Note: In cases where weekend parking generation rates apply but are not available, the weekday parking generation rate was used.				
[2] - S.F.: square feet, based on diagrammatically measured approximation of gross areas of individual tenant spaces; Units: dwelling unit.				
[3] - Sq. Ft. GFA: square feet of gross floor area. Friday parking demand rates used for weekday parking demand, where applicable.				
[4] -Parking demand calculated to the nearest whole space.				

R51-20
CONT'D

2. Response to Comments



Proposed Brea Plaza Mixed-Use Site

Based on the parking generation analysis, it is estimated that the proposed Brea Plaza Mixed-Use site will generate a minimum parking demand for 706 weekday and 824 weekend spaces. This estimate assumes that the parking demand for the Brea Plaza's commercial retailers and businesses exhibits characteristics of a "shopping center" model. Alternatively, when considering each commercial tenant as an individual land use parking generator, the parking demand for the Brea Plaza Mixed-Use site increases to 1,612 weekday and 1,780 weekend spaces.

Parking Adequacy per Parking Demand Generation

Parking facilities in general are typically perceived as full at somewhat less than their actual capacity, generally in the range of 85 to 95 percent, depending on various factors. For this reason, industry practice in parking facility planning advises that an on-site parking supply buffer of at least a ten percent (10%) be provided to provide some flexibility in handling demand fluctuations, and to minimize the time spent by drivers circulating to find a parking space. Since the Brea Plaza Mixed-Use Project is proposing to provide 999 off-street parking spaces, the estimated parking demand should therefore not exceed 900 parking spaces on any given weekday or weekend day.

Based on the parking generation analysis, the proposed Brea Plaza Mixed-Use site—including the additional new offices and residential units—would generate a parking demand between 706 (weekday) and 824 (weekend) spaces, which can be accommodated by the proposed parking supply. The resulting surplus would be 29% (293 spaces) on weekdays and 18% (175 spaces) on weekends. This estimate assumes that the Brea Plaza commercial tenants generate a parking demand characteristic of an ideal "shopping center". Based on a land use model that considers the Brea Plaza commercial tenants as individual parking generators, the proposed Brea Plaza Mixed-Use site would generate a parking demand that exceeds the available proposed supply, with a parking deficiency of 61% on weekdays (613 spaces) and 78% on weekends (781 spaces). Table 9 summarizes the results of the parking generation analysis.

R51-21

Table 9 – Parking Generation Demand Analysis Summary*

Parking Supply: 999	Weekday	Weekend
Required	706 <i>(1612)</i>	824 <i>(1780)</i>
Balance	293 <i>(-879)</i>	175 <i>(-781)</i>
Adequacy (100%)	29% surplus <i>(61% shortage)</i>	18% surplus <i>(78% shortage)</i>
Adequacy (90%)**	21% surplus <i>(79% shortage)</i>	8% surplus <i>(98% shortage)</i>
* Values in <i>(parentheses)</i> indicate the parking requirement based on non-residential tenants of the Brea Plaza site as being individual land use parking generators, as opposed to a homogeneous/centrally-managed "shopping center" parking generator.		
** Accounts for a 10% buffer in the effective parking supply.		

2. Response to Comments



ACCESS AND CIRCULATION

Existing Mercury Site –Weekday Peak Hour Traffic

To understand the potential impact of the Brea Plaza Mixed-Use Project on the Mercury site’s internal circulation, KOA collected typical weekday traffic volumes at key access points to the Mercury property. The following locations were visited during the peak 6-hour period from 7-9AM, 11AM-1PM and 4-6PM on June 23, 2021:

#	Location	Control
1.)	S. Associated Road at Greenbriar Lane	Signalized 4-way intersection
2.)	Greenbriar Lane at Mercury Insurance NE driveway	Two-way stop-controlled 3-way intersection
3.)	Brea Plaza driveway at Mercury SE driveway	One-way stop-controlled 4-way intersection
4.)	Brea Plaza driveway at Mercury SW driveway	One-way stop-controlled 3-way intersection

Figures 2 through 4 illustrate singular morning (AM), mid-day and evening (PM) period peak-hour traffic volumes for the intersection/access driveways around the Mercury site, derived from the 6-hour traffic data:

Figure 2 – Existing Weekday AM Peak Hour Traffic Volumes at Mercury Office



R51-22

2. Response to Comments



Figure 3 – Existing Weekday Mid-Day Peak Hour Traffic Volumes at Mercury Office



R51-22

Figure 4 – Existing Weekday PM Peak Hour Traffic Volumes at Mercury Office



CONT'D

2. Response to Comments



The inbound and outbound traffic volume turning movements illustrated in Figures 2-4 indicate the following:

- The majority of site traffic is currently accessing the Mercury lot via the northeast driveway (45%) at Greenbriar Lane, followed by the southeast driveway near the parking structure (41%), and the southwest driveway behind the existing movie theater building (14%).
- Most peak hour inbound traffic is accessing the Mercury lot via the southeast driveway (48%), followed by the northeast (40%) and southwest (14%) driveways.
- Most peak hour outbound traffic is exiting the Mercury lot via the northeast driveway (51%), followed by the southeast (34%) and southwest (15%) driveways.

R51-22

CONT'D

Mercury also provided KOA with documented parking counts and information regarding the joint use of its parking facilities spanning over the course of 335 days during the years of 2017 (112 days observed), 2018 (133 days) and 2019 (90 days). An analysis of the 3-year historical on-site parking data showed that Mercury's weekday surface parking lot surplus is sufficient to accommodate some, but not all, of the anticipated parking overflow that would occur from this project.

In light of the forthcoming expiration of the shared parking agreement between Mercury and the Brea Plaza in the next five years, KOA analyzed the potential effects of closing the internal driveway access between the two sites. The traffic data described above, combined with additional data provided by Mercury on its Greenbriar office employment and staffing, enabled KOA to develop a traffic simulation model of the signalized intersection and driveway entrance into the Mercury site at Greenbriar Lane. The existing lane geometries, driveway distances, traffic controls and traffic volumes were entered into the model to represent the existing conditions (with Mercury in full operation), and used to estimate the potential impacts of the internal driveway closure between the Brea Plaza and Mercury sites.

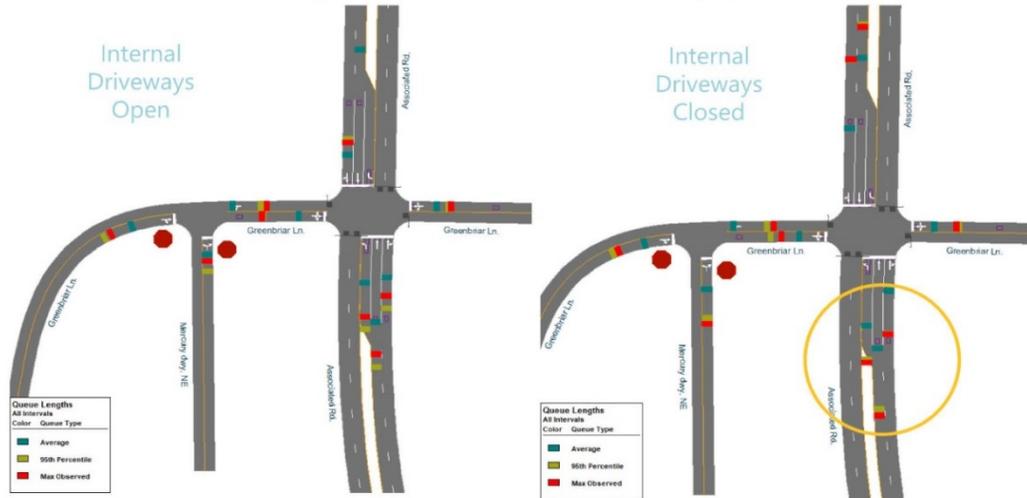
R51-23

Figures 5 and 6 illustrate the AM and PM peak hour conditions, respectively, at the northeast access point to the Mercury site, comparing traffic queueing with the internal driveways open versus when they are closed. Closure of the internal driveways would force inbound and outbound traffic to divert to the only remaining driveway entry point to the site, located on Greenbriar Lane just west of Associated Road.

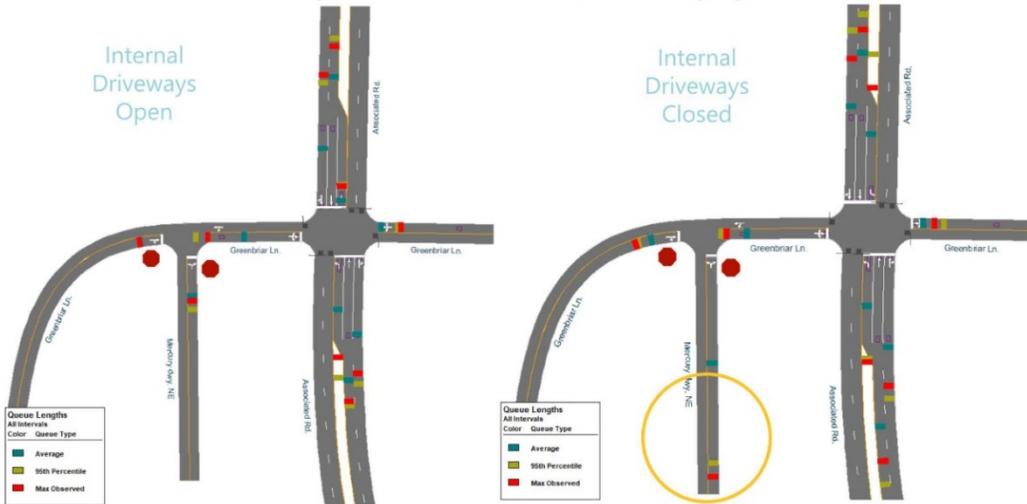
2. Response to Comments



**Figure 5 – Weekday AM Peak Hour Traffic Queuing at Associated/Greenbriar:
Comparison with and without internal driveways open**



**Figure 6 – Weekday PM Peak Hour Traffic Queuing at Associated/Greenbriar:
Comparison with and without internal driveways open**



R51-23
CONT'D

2. Response to Comments



Figure 5 shows that the increase in Mercury site traffic diverted from the southerly driveway closure to the Associated/Greenbriar traffic signal would impact traffic queues on both the southbound and northbound approaches on Associated Road. Inbound traffic which would normally enter the Mercury site via the southerly internal driveways would be added to the approach lanes at the traffic signal, extending queues in both directions. Based on the queuing simulation, AM peak hour traffic queues in the northbound left-turn lane would be extended beyond the capacity of the existing left-turn pocket and experience some spillover into the adjacent #1 travel lane.

R51-23

CONT'D

The impact of internal driveway closure during the weekday PM peak hour is illustrated in Figure 6. The key result of this scenario would be that employees attempting to exit the Mercury site in the PM peak hour would experience heavy on-site queuing which would extend from Greenbriar Lane 350 feet southerly to the entrance of the parking structure. Since there would be no alternative driveway outlets handling traffic egress from the Mercury site, this alternative would significantly impact the Mercury site by generating additional queues within the drive aisles and surface parking lot.

Access Recommendation

Full closure of the internal driveways would eliminate the anticipated overflow parking impacts of the Brea Plaza on Mercury's site. Based on the findings of the weekday AM and PM peak hour microsimulation analysis, however, it is estimated that this option would create an adverse impact on ingress/egress patterns and may also generate significant traffic queuing impacts at the adjacent signalized intersection at Associated Road/Greenbriar Lane, located within the City right-of-way. It is therefore recommended that the following site access options be pursued in conjunction with the Brea Plaza Expansion Project:

1. Maintain two-way internal driveway access between the Mercury and Brea Plaza sites. Keep open each of the southwest and southeast driveways during all times of the day.
2. Allow for a specified maximum number of shared-use parking spaces for the Brea Plaza on the Mercury site, determined mutually through continued discussions between Mercury and the project applicant, and based on (but not limited to) the actual number of available surface lot parking spaces derived from Mercury's empirical parking accumulation records.
3. Implement a shared parking plan to minimize impacts to the Mercury site, and ensure that the Brea Plaza does not exceed the shared parking limit:
 - a. Prohibit new residents from parking on the Mercury Site during weekdays
 - b. Install revised parking signage and markings, as needed, within the parking lot and at each internal driveway location
 - c. Deploy parking enforcement staff to monitor the number of shared parking spaces used by Brea Plaza patrons and/or employees

R51-24

2. Response to Comments

INTERSECTION TURNING MOVEMENT COUNTS													
PREPARED BY: AimID LLC, tel: 714 253 7888 cs@aimid.com													
DATE: Wed, Jun 23, 21	LOCATION: NORTH & SOUTH: EAST & WEST:				Brea Associated Greenbriar				PROJECT #: LOCATION #: CONTROL:				SC2965 1 SIGNAL
NOTES:													
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; padding: 2px;"> Add U-Turns to Left Turns </div> <div style="text-align: center;"> ▲ N ◀ W ▶ E S ▼ </div> </div>													
LANES:	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			TOTAL
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
7:00 AM	3	45	1	2	64	3	3	0	9	9	1	0	140
7:15 AM	6	58	0	2	74	2	1	1	4	3	1	4	156
7:30 AM	2	74	2	0	80	4	1	1	7	6	3	6	186
7:45 AM	6	95	1	1	90	9	1	1	6	8	1	7	226
8:00 AM	8	53	2	2	97	11	12	2	10	4	0	2	203
8:15 AM	3	72	3	4	84	0	2	0	4	8	1	8	189
8:30 AM	3	63	0	1	68	2	2	0	5	4	0	3	151
8:45 AM	4	57	3	1	75	1	2	0	6	9	0	3	161
VOLUMES	35	517	12	13	632	32	24	5	51	51	7	33	1,412
APPROACH %	6%	92%	2%	2%	93%	5%	30%	6%	64%	56%	8%	36%	
APP./DEPART	564	/	575	677	/	734	80	/	29	91	/	74	0
BEGIN PEAK HR	7:30 AM												
VOLUMES	19	294	8	7	351	24	16	4	27	26	5	23	804
APPROACH %	6%	92%	2%	2%	92%	6%	34%	9%	57%	48%	9%	43%	
PEAK HR FACTOR	0.787												
APP./DEPART	321	/	334	382	/	404	47	/	18	54	/	48	0
11:00 AM	9	65	3	2	65	2	2	1	3	5	1	3	161
11:15 AM	6	59	4	3	95	3	5	1	7	4	1	6	194
11:30 AM	4	70	5	3	112	2	4	2	8	5	0	6	221
11:45 AM	7	103	5	1	82	2	1	2	4	6	1	4	218
12:00 PM	4	96	1	2	139	3	3	3	2	3	1	5	262
12:15 PM	1	99	3	3	110	2	1	0	2	7	2	7	237
12:30 PM	8	102	3	2	103	2	1	2	2	4	1	3	233
12:45 PM	5	103	4	3	91	0	7	1	14	9	4	6	247
VOLUMES	44	697	28	19	797	16	24	12	42	43	11	40	1,773
APPROACH %	6%	91%	4%	2%	96%	2%	31%	15%	54%	46%	12%	40%	
APP./DEPART	769	/	762	832	/	885	78	/	58	94	/	68	0
BEGIN PEAK HR	12:00 PM												
VOLUMES	18	400	11	10	443	7	12	6	20	23	8	21	979
APPROACH %	4%	93%	3%	2%	96%	2%	32%	16%	53%	44%	15%	40%	
PEAK HR FACTOR	0.949												
APP./DEPART	429	/	433	460	/	487	38	/	27	52	/	32	0
4:00 PM	7	110	5	3	121	1	5	1	8	2	1	2	266
4:15 PM	8	115	4	5	117	1	5	1	5	2	3	13	279
4:30 PM	9	101	7	4	112	1	1	1	11	6	3	5	261
4:45 PM	4	147	3	4	127	1	1	0	8	3	3	11	312
5:00 PM	7	137	4	4	145	1	5	3	4	2	1	8	321
5:15 PM	6	121	4	3	121	1	2	1	6	3	2	13	283
5:30 PM	6	151	7	2	93	0	2	0	5	1	1	3	271
5:45 PM	16	133	4	2	111	1	1	2	3	5	2	5	285
VOLUMES	63	1,015	38	27	947	7	22	9	50	24	16	60	2,278
APPROACH %	6%	91%	3%	3%	97%	1%	27%	11%	62%	24%	16%	60%	
APP./DEPART	1,116	/	1,100	981	/	1,025	81	/	71	100	/	82	0
BEGIN PEAK HR	4:45 PM												
VOLUMES	23	556	18	13	486	3	10	4	23	9	7	35	1,187
APPROACH %	4%	93%	3%	3%	97%	1%	27%	11%	62%	18%	14%	69%	
PEAK HR FACTOR	0.910												
APP./DEPART	597	/	602	502	/	521	37	/	34	51	/	30	0

Associated

← NORTH SIDE →

Greenbriar WEST SIDE EAST SIDE Greenbriar

← SOUTH SIDE →

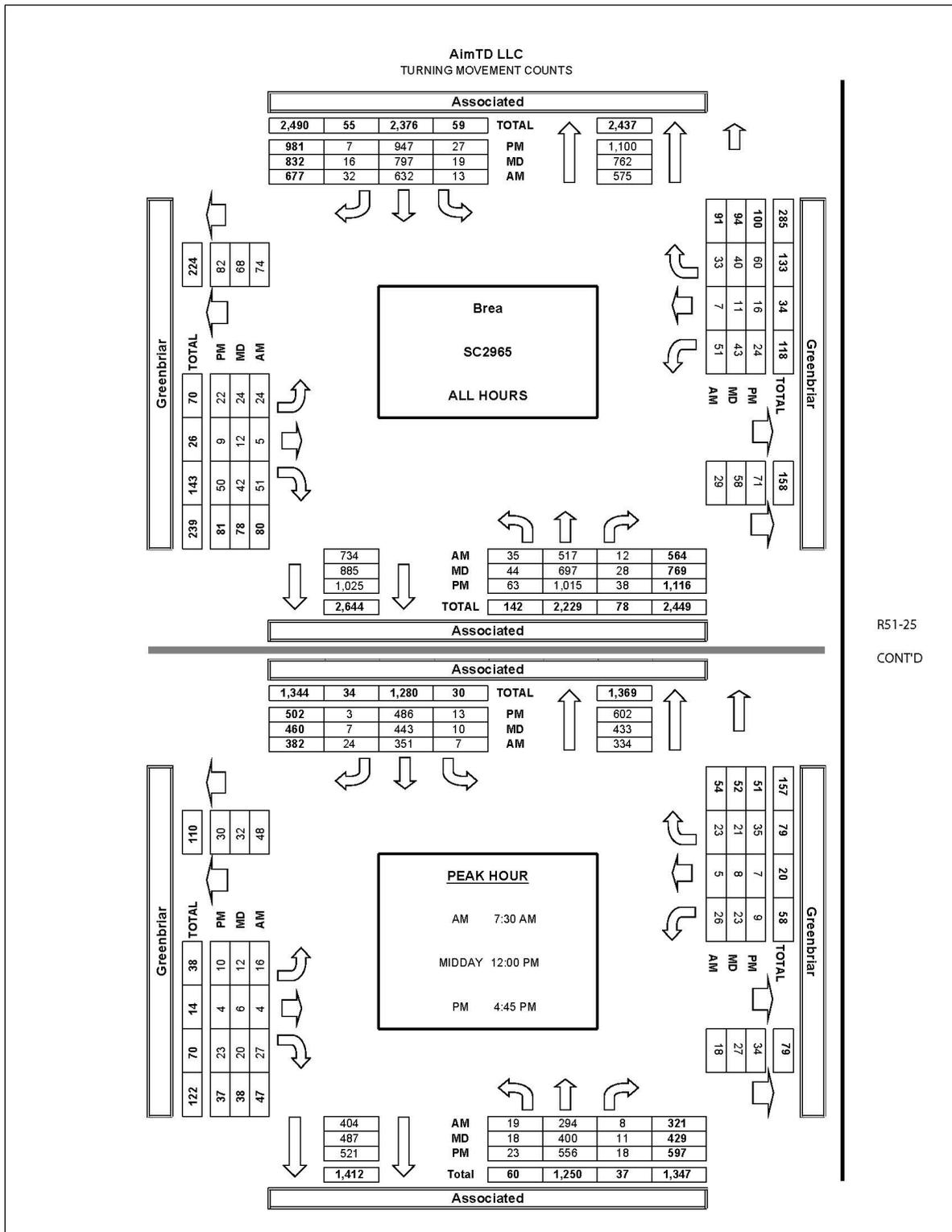
Associated

	PEDESTRIAN + BIKE CROSSINGS					PEDESTRIAN CROSSINGS					BICYCLE CROSSINGS				
	N SIDE	S SIDE	E SIDE	W SIDE	TOTAL	N SIDE	S SIDE	E SIDE	W SIDE	TOTAL	NS	SS	ES	WS	TOTAL
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

T816

R51-25

2. Response to Comments



R51-25
CONT'D

2. Response to Comments

INTERSECTION TURNING MOVEMENT COUNTS															U-TURNS				
PREPARED BY: AimID LLC, tel: 714 253 7888 cs@aimid.com DATE: Wed, Jun 23, 21 LOCATION: Brea NORTH & SOUTH: Parking Dwy EAST & WEST: Greenbriar PROJECT #: SC2965 LOCATION #: 2 CONTROL: STOP ALL															T816 Add U-Turns to Left Turns				
NOTES:																			
NORTHBOUND SOUTHBOUND EASTBOUND WESTBOUND																			
LANES:																			
NL NT NR SL ST SR EL ET ER WL WT WR 0 X 0 0 X X X X 1 0 1 1 1 X																			
7:00 AM 7:15 AM 7:30 AM 7:45 AM 8:00 AM 8:15 AM 8:30 AM 8:45 AM VOLUMES APPROACH % APP/DEPART BEGIN PEAK HR VOLUMES APPROACH % PEAK HR FACTOR APP/DEPART																			
11:00 AM 11:15 AM 11:30 AM 11:45 AM 12:00 PM 12:15 PM 12:30 PM 12:45 PM VOLUMES APPROACH % APP/DEPART BEGIN PEAK HR VOLUMES APPROACH % PEAK HR FACTOR APP/DEPART																			
4:00 PM 4:15 PM 4:30 PM 4:45 PM 5:00 PM 5:15 PM 5:30 PM 5:45 PM VOLUMES APPROACH % APP/DEPART BEGIN PEAK HR VOLUMES APPROACH % PEAK HR FACTOR APP/DEPART																			
7:00 AM 7:15 AM 7:30 AM 7:45 AM 8:00 AM 8:15 AM 8:30 AM 8:45 AM VOLUMES APPROACH % APP/DEPART BEGIN PEAK HR VOLUMES APPROACH % PEAK HR FACTOR APP/DEPART															NB SB EB WB TTL				
11:00 AM 11:15 AM 11:30 AM 11:45 AM 12:00 PM 12:15 PM 12:30 PM 12:45 PM VOLUMES APPROACH % APP/DEPART BEGIN PEAK HR VOLUMES APPROACH % PEAK HR FACTOR APP/DEPART															NB SB EB WB TTL				
4:00 PM 4:15 PM 4:30 PM 4:45 PM 5:00 PM 5:15 PM 5:30 PM 5:45 PM VOLUMES APPROACH % APP/DEPART BEGIN PEAK HR VOLUMES APPROACH % PEAK HR FACTOR APP/DEPART															NB SB EB WB TTL				

Parking Dwy

NORTH SIDE

Greenbriar WEST SIDE

SOUTH SIDE

Parking Dwy

←

→

←

→

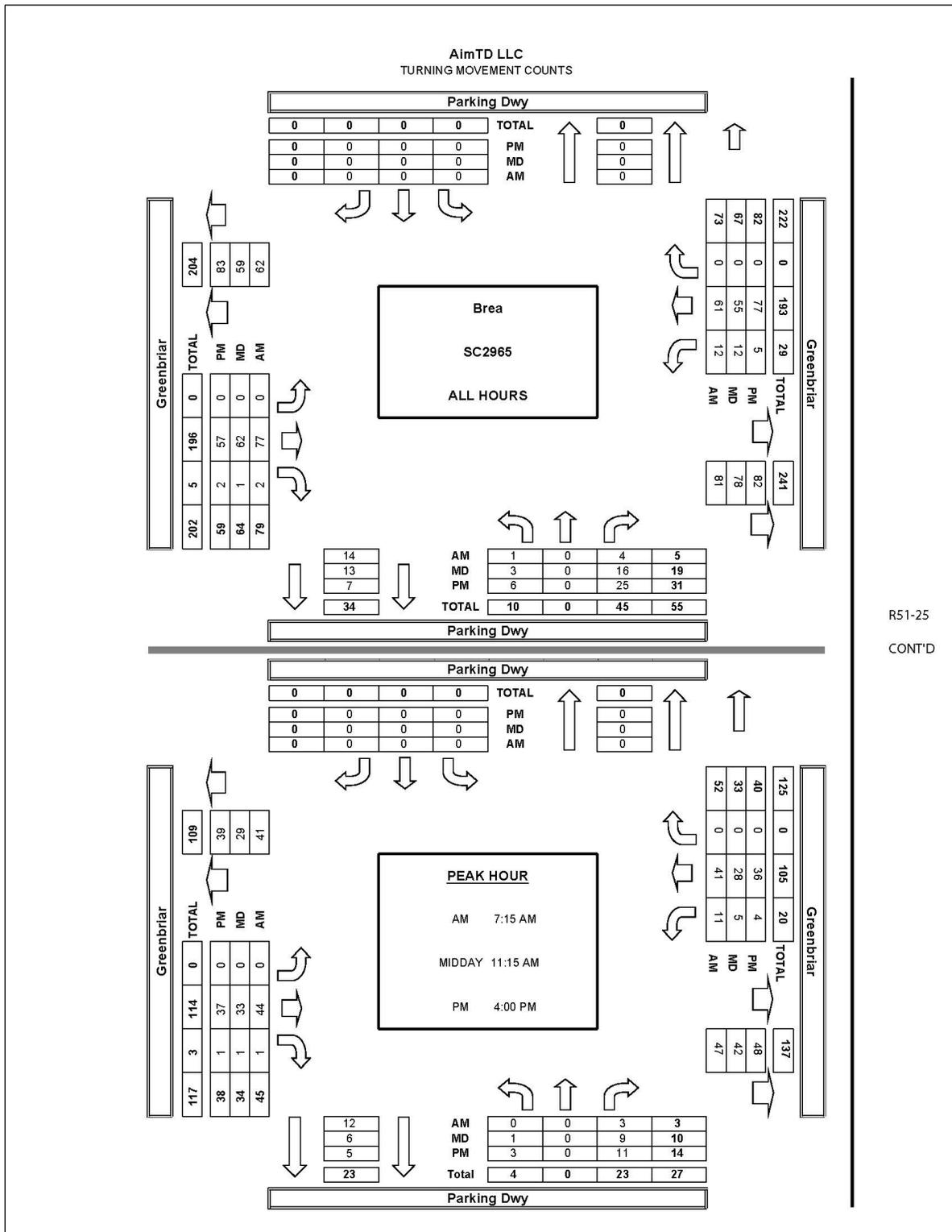
Greenbriar EAST SIDE

Parking Dwy

	PEDESTRIAN + BIKE CROSSINGS					PEDESTRIAN CROSSINGS					BICYCLE CROSSINGS				
	N SIDE	S SIDE	E SIDE	W SIDE	TOTAL	N SIDE	S SIDE	E SIDE	W SIDE	TOTAL	NS	SS	ES	WS	TOTAL
AM	7:00 AM					7:00 AM					7:00 AM				
AM	7:15 AM					7:15 AM					7:15 AM				
AM	7:30 AM					7:30 AM					7:30 AM				
AM	7:45 AM					7:45 AM					7:45 AM				
AM	8:00 AM					8:00 AM					8:00 AM				
AM	8:15 AM					8:15 AM					8:15 AM				
AM	8:30 AM					8:30 AM					8:30 AM				
AM	8:45 AM					8:45 AM					8:45 AM				
AM	TOTAL					TOTAL					TOTAL				
MIDDAY	11:00 AM					11:00 AM					11:00 AM				
MIDDAY	11:15 AM					11:15 AM					11:15 AM				
MIDDAY	11:30 AM					11:30 AM					11:30 AM				
MIDDAY	11:45 AM					11:45 AM					11:45 AM				
MIDDAY	12:00 PM					12:00 PM					12:00 PM				
MIDDAY	12:15 PM					12:15 PM					12:15 PM				
MIDDAY	12:30 PM					12:30 PM					12:30 PM				
MIDDAY	12:45 PM					12:45 PM					12:45 PM				
MIDDAY	TOTAL					TOTAL					TOTAL				
PM	4:00 PM					4:00 PM					4:00 PM				
PM	4:15 PM					4:15 PM					4:15 PM				
PM	4:30 PM					4:30 PM					4:30 PM				
PM	4:45 PM					4:45 PM					4:45 PM				
PM	5:00 PM					5:00 PM					5:00 PM				
PM	5:15 PM					5:15 PM					5:15 PM				
PM	5:30 PM					5:30 PM					5:30 PM				
PM	5:45 PM					5:45 PM					5:45 PM				
PM	TOTAL					TOTAL					TOTAL				

R54-25
CONT'D

2. Response to Comments



R51-25
CONT'D

2. Response to Comments

INTERSECTION TURNING MOVEMENT COUNTS															U-TURNS				
PREPARED BY: AimID LLC, tel: 714 253 7888 cs@aimid.com DATE: Wed, Jun 23, 21 LOCATION: Brea NORTH & SOUTH: Parking Dwy EAST & WEST: Brea Plaza Dwy PROJECT #: SC2965 LOCATION #: 3 CONTROL: STOP S															T816 Add U-Turns to Left Turns				
NOTES: 																			
LANES:	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			TOTAL	U-TURNS					
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR		NB	SB	EB	WB	TTL	
7:00 AM	0	0	0	0	0	0	0	0	0	0	1	1	2	0	0	0	0	0	
7:15 AM	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	
7:30 AM	0	0	0	0	0	0	0	2	0	2	1	0	5	0	0	0	0	0	
7:45 AM	0	0	2	0	0	0	2	1	0	0	1	2	8	0	0	0	0	0	
8:00 AM	0	0	0	0	0	0	0	1	1	1	1	1	5	0	0	0	0	0	
8:15 AM	0	0	0	0	0	0	1	2	1	0	2	1	7	0	0	0	0	0	
8:30 AM	0	0	0	0	0	1	1	1	1	0	0	0	3	0	0	0	0	0	
8:45 AM	0	0	0	0	0	0	0	1	1	0	1	0	3	0	0	0	0	0	
VOLUMES	0	0	2	0	0	2	6	7	2	3	7	5	34	0	0	0	0	0	
APPROACH %	0%	0%	100%	0%	0%	100%	40%	47%	13%	20%	47%	33%							
APP/DEPART	2	/	11	2	/	5	15	/	9	15	/	9	0						
BEGIN PEAK HR	7:30 AM			8:00 AM			8:15 AM			8:30 AM									
VOLUMES	0	2	0	0	0	1	4	5	1	3	5	4	25						
APPROACH %	0%	0%	100%	0%	0%	100%	40%	50%	10%	25%	42%	33%							
PEAK HR FACTOR	0.250			0.250			0.833			1.000			0.781						
APP/DEPART	2	/	8	1	/	4	10	/	7	12	/	6	0						
11:00 AM	1	0	0	1	0	0	1	1	0	1	4	1	10	0	0	0	0	0	
11:15 AM	0	0	0	1	0	1	0	1	0	0	1	1	5	0	0	0	0	0	
11:30 AM	0	0	1	2	0	0	2	4	0	0	6	1	16	0	0	0	0	0	
11:45 AM	0	0	0	3	0	1	1	3	2	0	3	1	14	0	0	0	0	0	
12:00 PM	0	0	0	2	0	1	2	6	0	0	3	2	16	0	0	0	0	0	
12:15 PM	0	0	0	2	0	0	0	2	0	0	3	0	7	0	0	0	0	0	
12:30 PM	0	0	0	0	0	1	1	2	0	0	6	2	12	0	0	0	0	0	
12:45 PM	0	1	0	0	0	0	1	2	0	0	4	2	10	0	0	0	0	0	
VOLUMES	1	1	1	11	0	4	8	21	2	1	30	10	90	0	0	0	0	0	
APPROACH %	33%	33%	33%	73%	0%	27%	26%	68%	6%	2%	73%	24%							
APP/DEPART	3	/	19	15	/	3	31	/	33	41	/	35	0						
BEGIN PEAK HR	11:30 AM			12:00 PM			12:15 PM			12:30 PM									
VOLUMES	0	0	1	9	0	2	5	15	2	0	15	4	53						
APPROACH %	0%	0%	100%	82%	0%	18%	23%	68%	9%	0%	79%	21%	0.828						
PEAK HR FACTOR	0.250			0.688			0.688			0.679			0.828						
APP/DEPART	1	/	9	11	/	2	22	/	25	19	/	17	0						
4:00 PM	0	0	0	2	0	0	0	4	1	0	2	2	11	0	0	0	0	0	
4:15 PM	1	0	1	0	0	2	0	3	1	0	3	3	13	0	0	0	0	0	
4:30 PM	0	0	0	1	0	1	2	3	1	0	1	1	10	0	0	0	0	0	
4:45 PM	0	0	0	0	0	1	0	4	0	0	4	1	10	0	0	0	0	0	
5:00 PM	2	0	1	0	0	1	3	5	0	0	3	1	16	0	0	0	0	0	
5:15 PM	0	0	0	2	0	3	3	1	0	0	2	0	11	0	0	0	0	0	
5:30 PM	0	0	0	0	0	1	0	5	0	0	1	1	8	0	0	0	0	0	
5:45 PM	0	0	0	1	0	0	2	2	0	1	1	0	7	0	0	0	1	1	
VOLUMES	3	0	2	6	0	9	10	27	2	1	17	9	86	0	0	0	1	1	
APPROACH %	60%	0%	40%	40%	0%	60%	26%	69%	5%	4%	63%	33%							
APP/DEPART	5	/	19	15	/	2	39	/	36	27	/	29	0						
BEGIN PEAK HR	4:15 PM			4:30 PM			4:45 PM			5:00 PM									
VOLUMES	3	0	2	1	0	5	5	15	1	0	11	6	49						
APPROACH %	60%	0%	40%	17%	0%	83%	24%	71%	5%	0%	65%	35%	0.766						
PEAK HR FACTOR	0.417			0.750			0.636			0.708			0.766						
APP/DEPART	5	/	11	6	/	1	21	/	18	17	/	19	0						

Parking Dwy

← NORTH SIDE →

← Brea Plaza Dwy WEST SIDE →

← SOUTH SIDE →

Parking Dwy

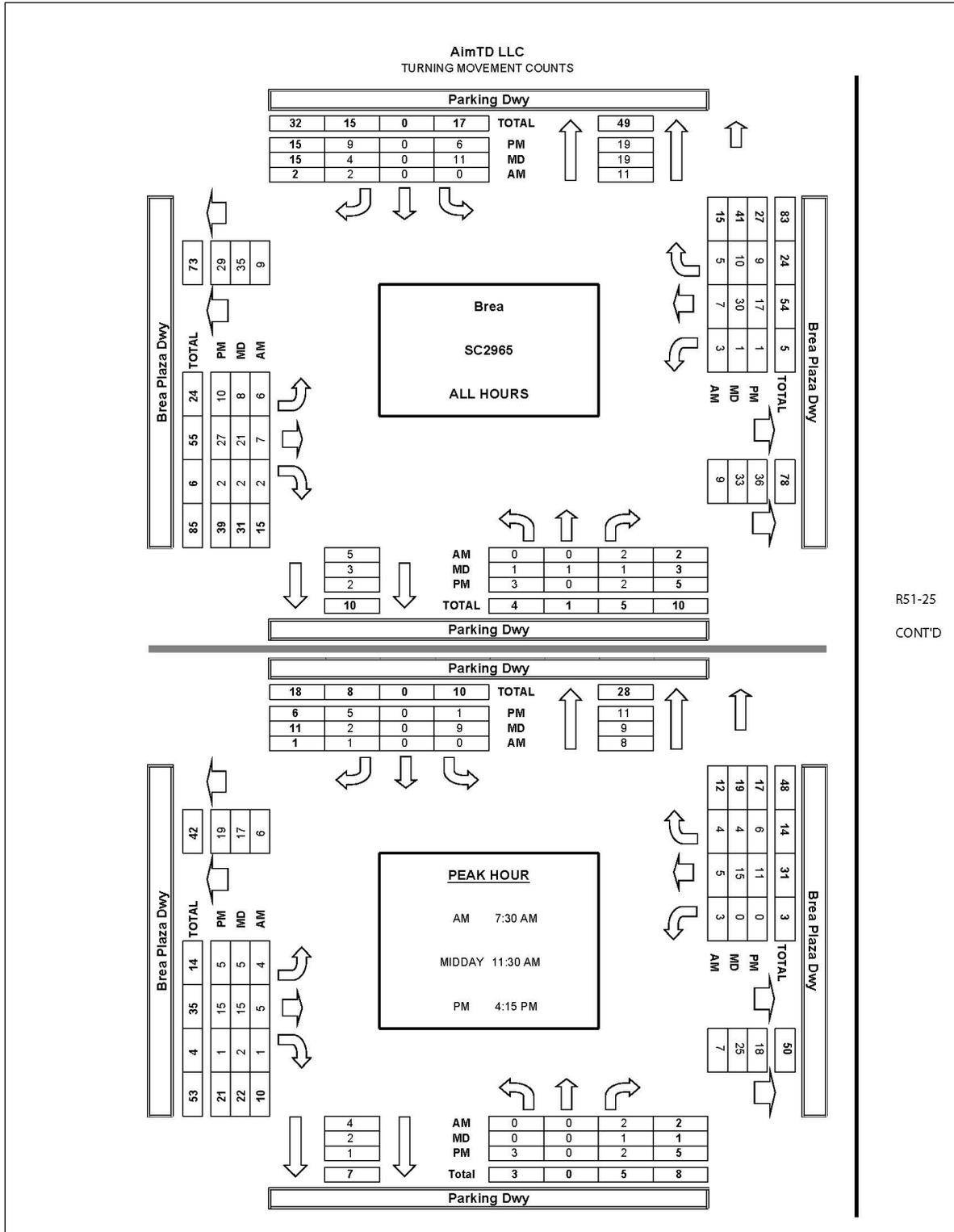
← EAST SIDE →

← Brea Plaza Dwy →

	PEDESTRIAN + BIKE CROSSINGS					PEDESTRIAN CROSSINGS					BICYCLE CROSSINGS				
	N SIDE	S SIDE	E SIDE	W SIDE	TOTAL	N SIDE	S SIDE	E SIDE	W SIDE	TOTAL	NS	SS	ES	WS	TOTAL
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

R51-25
CONT'D

2. Response to Comments



R51-25
CONT'D

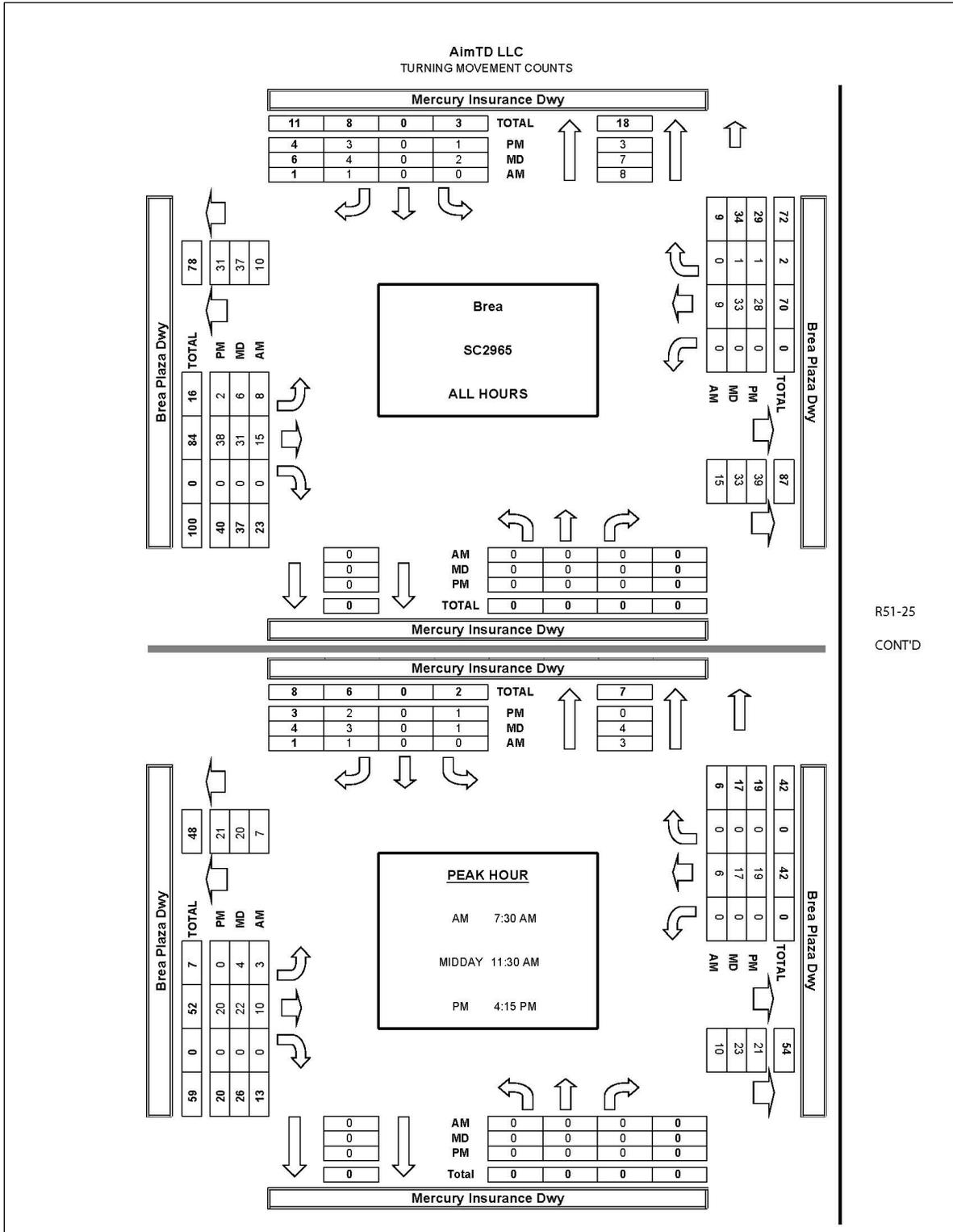
2. Response to Comments

INTERSECTION TURNING MOVEMENT COUNTS														U-TURNS				
PREPARED BY: AimID LLC, tel: 714 253 7888 cs@aimid.com DATE: Wed, Jun 23, 21 LOCATION: Brea NORTH & SOUTH: Mercury Insurance Dwy EAST & WEST: Brea Plaza Dwy PROJECT #: SC2965 LOCATION #: 4 CONTROL: STOP S														T816 Add U-Turns to Left Turns				
NOTES: 																		
LANES:	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			TOTAL	U-TURNS				
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR		NB	SB	EB	WB	TTL
7:00 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	
7:15 AM	0	0	0	0	0	0	3	2	0	0	0	0	0	0	0	0	0	
7:30 AM	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	
7:45 AM	0	0	0	0	0	1	2	3	0	0	1	0	0	0	0	0	0	
8:00 AM	0	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	0	
8:15 AM	0	0	0	0	0	0	1	4	0	0	2	0	0	0	0	0	0	
8:30 AM	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	
8:45 AM	0	0	0	0	0	0	2	2	0	0	1	0	0	0	0	0	0	
VOLUMES	0	0	0	0	0	1	8	15	0	0	9	0	0	0	0	0	0	
APPROACH %	0%	0%	0%	0%	0%	100%	35%	65%	0%	0%	100%	0%						
APP/DEPART	0	0	8	1	0	0	23	15	0	9	10	0						
BEGIN PEAK HR	7:30 AM			8:00 AM			8:15 AM			8:30 AM								
VOLUMES	0	0	0	0	0	1	3	10	0	0	6	0	0	0	0	0	0	
APPROACH %	0%	0%	0%	0%	0%	100%	23%	77%	0%	0%	100%	0%						
PEAK HR FACTOR	0.000	0.000	0.250	0.250	0.250	1.000	0.650	0.650	0.000	0.750	0.750	0.000						
APP/DEPART	0	0	3	1	0	0	13	10	0	6	7	0						
11:00 AM	0	0	0	0	0	0	0	2	0	0	5	0	0	0	0	0	0	
11:15 AM	0	0	0	1	0	0	0	0	0	0	2	0	0	0	0	0	0	
11:30 AM	0	0	0	0	0	0	1	6	0	0	6	0	0	0	0	0	0	
11:45 AM	0	0	0	0	0	1	1	6	0	0	3	0	0	0	0	0	0	
12:00 PM	0	0	0	0	0	2	1	9	0	0	5	0	0	0	0	0	0	
12:15 PM	0	0	0	1	0	0	1	1	0	0	3	0	0	0	0	0	0	
12:30 PM	0	0	0	0	0	0	1	4	0	0	6	0	0	0	0	0	0	
12:45 PM	0	0	0	0	0	0	1	3	0	0	3	1	0	0	0	0	0	
VOLUMES	0	0	0	2	0	4	6	31	0	0	33	1	0	0	0	0	0	
APPROACH %	0%	0%	0%	33%	0%	67%	16%	84%	0%	0%	97%	3%						
APP/DEPART	0	0	7	6	0	0	37	33	0	34	37	0						
BEGIN PEAK HR	11:30 AM			12:00 PM			12:15 PM			12:30 PM								
VOLUMES	0	0	0	1	0	3	4	22	0	0	17	0	0	0	0	0	0	
APPROACH %	0%	0%	0%	25%	0%	75%	15%	85%	0%	0%	100%	0%						
PEAK HR FACTOR	0.000	0.000	0.500	0.500	0.500	1.000	0.650	0.650	0.000	0.708	0.708	0.000						
APP/DEPART	0	0	4	4	0	0	26	23	0	17	20	0						
4:00 PM	0	0	0	0	0	0	1	5	0	0	2	0	0	0	0	0	0	
4:15 PM	0	0	0	0	0	1	0	3	0	0	6	0	0	0	0	0	0	
4:30 PM	0	0	0	0	0	0	0	6	0	0	2	0	0	0	0	0	0	
4:45 PM	0	0	0	1	0	1	0	3	0	0	5	0	0	0	0	0	0	
5:00 PM	0	0	0	0	0	0	0	8	0	0	6	0	0	0	0	0	0	
5:15 PM	0	0	0	0	0	0	0	4	0	0	4	1	0	0	0	0	0	
5:30 PM	0	0	0	0	0	0	0	5	0	0	2	0	0	0	0	0	0	
5:45 PM	0	0	0	0	0	1	1	4	0	0	1	0	0	0	0	0	0	
VOLUMES	0	0	0	1	0	3	2	38	0	0	28	1	0	0	0	0	0	
APPROACH %	0%	0%	0%	25%	0%	75%	5%	95%	0%	0%	97%	3%						
APP/DEPART	0	0	3	4	0	0	40	39	0	29	31	0						
BEGIN PEAK HR	4:15 PM			4:30 PM			4:45 PM			5:00 PM								
VOLUMES	0	0	0	1	0	2	0	20	0	0	19	0	0	0	0	0	0	
APPROACH %	0%	0%	0%	33%	0%	67%	0%	100%	0%	0%	100%	0%						
PEAK HR FACTOR	0.000	0.000	0.375	0.375	0.375	1.000	0.625	0.625	0.000	0.792	0.792	0.000						
APP/DEPART	0	0	0	3	0	0	20	21	0	19	21	0						

	PEDESTRIAN + BIKE CROSSINGS					PEDESTRIAN CROSSINGS					BICYCLE CROSSINGS				
	N SIDE	S SIDE	E SIDE	W SIDE	TOTAL	N SIDE	S SIDE	E SIDE	W SIDE	TOTAL	NS	SS	ES	WS	TOTAL
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

R51-25
CONT'D

2. Response to Comments



R51-25
CONT'D

2. Response to Comments

CHAPTER 20.08: DEVELOPMENT STANDARDS

Section

- [20.08.010](#) Lot area and dimensions
- [20.08.020](#) Yards
- [20.08.030](#) Outdoor living space
- [20.08.035](#) Small lot development standards
- [20.08.040](#) Off-street parking and loading
- [20.08.050](#) Transportation demand management requirements
- [20.08.060](#) Corner cut-off areas
- [20.08.070](#) Utility service lines — underground
- [Appendix:](#) Parking standards; Diagrams A through F

§ 20.08.010 LOT AREA AND DIMENSIONS.

A. *Area accepted as the required area.* The minimum area and/or dimensions of a lot or parcel of land shall not be less than the minimum area and dimensions indicated by the zoning symbol except under the following special conditions:

1. *Subdivision.* Lots which are substandard in area and/or dimension created by recorded subdivision prior to establishment of the zone shall be accepted as conforming subject to all other development standards of the zone and, shall not be reduced below the area or dimensions set forth on the recorded map.

2. Any lot which is substandard in area and/or dimension and which is of record prior to the adoption of this zoning code shall be accepted as conforming subject to all other development standards of the zone and shall not be reduced below the area or dimensions set forth on the recorded map.

B. *Required area and/or dimensions reduced by public use.* Where a lot or parcel of land has its area and/or dimensions(s) reduced by yielding land for public use in any manner including, but not limited to, dedication, condemnation or purchase, the gross area prior to said reduction may be used in calculations of density. The remaining lot or parcel of land shall be accepted as a conforming lot provided that the area and/or dimensions are not reduced below eighty percent (80%) of the minimum requirements of the zone.

(Ord. 425, passed 10-14-68)

§ 20.08.020 YARDS.

A. *General conditions.*

R51-25

CONT'D

2. Response to Comments

1. Yards shall be measured perpendicular to the property line or from a future street or highway line as shown on the General Plan or established as a special setback provision of this title.

2. Yard provisions shall apply to both main and accessory structures unless otherwise specified.

3. Required yard or other open space around an existing building or any building hereafter erected shall not be considered as providing a yard or other open space for any other building on an adjoining lot or building site.

B. Permitted projections into required yards.

1. Landscape architectural features, including uncovered patios, open air grills, fountains, sculptures, and similar features, and guard railings for safety protection around depressed ramps may be located in any front or side yard, provided the height does not exceed thirty (30) inches and within any rear yard, provided the height does not exceed six (6) feet. Swimming pool equipment or similar mechanical equipment may be located within the rear yard area, provided it is a minimum of five (5) feet from any property line and is screened from view of adjoining properties. The combined coverage by the main building, accessory buildings and accessory features and equipment shall not exceed twenty-five percent (25%) of the required rear yard area.

2. Fire escapes may extend or project into any yard not more than four (4) feet, provided, however, that the yard shall not be reduced to less than three (3) feet in clear width.

3. Cornices, canopies, eaves, belt courses, sills, and other similar architectural features may extend or project into a required front yard not more than four (4) feet, and may extend into a required side yard on the street side of a corner or reversed corner lot or rear yard not more than six (6) inches for each foot of required yard width.

4. Uncovered porches, platforms, or landing places which do not extend above the level of the first floor of the building may extend into any front yard a distance of not more than twenty percent (20%) of such front yard, and in no instance more than five (5) feet and may extend into rear yard of side yard on street side of a corner or reversed corner lot not more than four (4) feet. An openwork railing may be installed or constructed on any such porch, platform or landing place provided it does not exceed thirty (30) inches in height.

5. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than four (4) feet.

6. No projections shall be permitted into any required side yard except that a fireplace may extend not more than six (6) inches and eaves may extend not more than eighteen (18) inches into said required yard.

7. Accessory recreational uses, such as outdoor tennis courts shall be permitted within the rear yard area, subject to the provisions of § [20.408.040](#) of this title and the following performance standards:

R51-25

CONT'D

2. Response to Comments

a. Fencing shall be open work (not less than ninety percent (90%) open) and shall be a maximum of twelve (12) feet in height. Translucent backdrops or windscreens may be attached to such fencing.

b. Lighting shall be mounted a maximum of ten (10) feet above court level and designed so as to confine direct rays to the court. Lighting shall be operative only between the hours of dusk to 11:00 p.m.

c. Said courts shall not be located closer than twenty-five (25) feet to any existing dwelling on adjacent property.

C. *Yard requirements - special conditions.* Churches, schools, institutions or other similar uses when permitted in any R Zone shall be located not less than twenty (20) feet from all common property lines not less than fifty (50) feet from the front property line and not less than twenty-five (25) feet from any side property line on a street.

(Ord. 425, passed 10-14-68; Am. Ord. 616, passed 2-1-77; Am. Ord. 965, passed 4-4-95)

§ 20.08.030 OUTDOOR LIVING SPACE.

The following provisions shall apply to the outdoor living space required in residential zones:

A. Required outdoor living space may include those portions of the side and rear yards which are contiguous with and designed as an integral part of the common area and are usable. The front yard shall not, however, be considered in calculating required outdoor living space.

1. *Single family.* The required outdoor living space provided for single family dwelling shall be a single common area with a minimum dimension of twenty-five (25) feet.

2. *Two (2) family.* The outdoor living space may be provided in two (2) private areas with a minimum dimension of fifteen (15) feet.

3. *Multiple family, three (3) units and more.* Not more than fifty percent (50%) of the total required outdoor living space serving a multiple family development shall be provided in a common area with a minimum dimension of twenty-five (25) feet. The remaining outdoor living space requirement may be provided in private spaces on or above ground level (balconies, roof tops). Individual areas shall not be less than one hundred (100) feet in area and the minimum dimension shall not be less than eight (8) feet.

B. *Elements excluded.* The following elements shall not constitute outdoor living space and shall not be included in calculating the required space:

1. Driveways and parking spaces for vehicles.
2. Covered pedestrian access ways.
3. Utility areas, drying yards and areas for storage of trash.

R51-25
CONT'D

2. Response to Comments

C. *Elements included.* The following elements may be constituted as outdoor living space and included in calculating the required space:

1. Swimming pools and pool decks.
2. Paved recreation areas.
3. Landscaped area, garden, *etc.*
4. Uncovered patios and balconies.

§ 20.08.035 SMALL LOT DEVELOPMENT STANDARDS.

The following development standards apply to residential developments with lot sizes less than 5,000 square feet which are approved through Development Agreements or other specific review and do not otherwise have prescribed development standards.

A. *Uses expressly prohibited.* All uses as set forth is § [20.212.030](#) of this title.

B. *Minimum dwelling unit area.* Each dwelling unit shall have a livable gross floor area of not less than one thousand (1,000) square feet. Computation of gross floor area shall not include the garage square footage.

C. *Setbacks.* The following minimum standards shall apply:

1. The minimum building setback for residential units having side yards on a public or private street shall be eight (8) feet from the property line.

2. The minimum building setback for residential units fronting either on a private street, a public street, or a pedestrian access paseo shall be eight (8) feet from the property line.

3. The minimum rear and side yard setbacks shall be three (3) feet from the property line.

4. All setbacks not addressed in this section shall be as reviewed and interpreted by the City Planner.

D. *Projections into required yards.* Architectural features and projections which are part of the dwelling unit such as eaves, cornices, awnings, chimneys, rain gutters and other similar features may project into setback areas one (1) foot. Projection issues not addressed by this Section shall be as reviewed and interpreted by the City Planner.

E. *Room additions and expansions.* Proposed room additions and expansions to the main building shall be subject to Plan Review procedures as set forth in § [20.408.040](#) of the Brea Zoning Ordinance. The Plan Review procedures shall be used to determine that any proposed room addition or expansion to the main building complies with the standards described herein.

F. *Accessory structures.* Accessory structures incidental to single family detached dwelling units are permitted. These structures include patios, gazebos, arbors, trellis work and other similar structures. The minimum standards for open accessory structures are as follows:

R51-25
CONT'D

2. Response to Comments

1. All open accessory structures shall maintain a minimum setback of three (3) feet from all property lines. No projections shall extend into this three foot setback.

2. All accessory structures detached from the main building shall not exceed fifteen (15) feet in height.

3. Setbacks for covered structures shall follow the building setback requirements. For the purpose of this Section, a covered structure shall be defined as "being less than fifty (50) percent open free and clear to the sky."

G. *Lot coverage.* Each lot shall have a maximum building coverage of sixty (60) percent.

1. The dwelling unit, garage, plus any additions and expansions, covered patios, and balconies shall be calculated as lot coverage.

2. Open patios, ground level decks, terraces, trellis work and other similar structures intended for outdoor living shall not be included in the lot coverage requirement.

H. *Property maintenance.* The property shall be maintained as required in § [20.208.040](#)E.1.b., 2.c., and 3.b. of this title.

(Ord. 998, passed 9-2-97)

§ 20.08.040 OFF-STREET PARKING AND LOADING.

A. *Intent and purpose.* These regulations are established to provide for on-site maneuvering and parking of motor vehicles that are attached to and generated by land uses within the city. The parking requirements contained herein are assumed to be minimums only. It is the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking and maneuvering facilities. The following requirements are designed to lessen traffic congestion and contribute to public safety by providing sufficient on-site parking facilities.

B. *General requirements.*

1. *Application.*

a. These standards shall apply when:

(1) A main building is constructed.

(2) An existing building is enlarged for any purpose.

(3) The occupancy or use of any premises is changed to a different use or occupancy.

b. Parking (or additional parking) to meet the requirements of this section shall be provided for:

(1) An existing building that is enlarged.

R51-25

CONT'D

2. Response to Comments

(2) When the category of use listed in paragraph D. of this section is changed to a different category of use.

c. Where insufficient parking is serving a building or use existing at the time this zoning code became effective, said building may be enlarged only if adequate parking is provided for the total building in accordance with the requirements of this section. If the category of use is listed in paragraph D. of this section, changes to a category of use which requires more parking stalls, additional parking stalls must be provided meeting all requirements of this section.

2. *Location.*

a. All required parking spaces and garages shall be located on the same lot, or the same building site in the case of a shopping center. Where a parking lot owned by the city is located within four hundred (400) feet of the front door or main entry of the building, parking requirements listed in paragraph D. of this section may be reduced as determined by the Development Services Director.

b. All required parking spaces shall be located not more than two hundred (200) feet from the building or use to be served. Buildings with floor area in excess of ten thousand (10,000) square feet shall be exempt from this requirement except that all required parking shall be located on the same or contiguous lots.

c. All required parking spaces for individual tenants of shopping centers, shall have his or her required parking within a two hundred (200) foot radius of the main entrance. Parking immediately in front of a tenant space, if not required for fire access, may be reserved for customers of that tenant.

3. *Computation of required parking.* Whenever the computation of the number of off-street parking spaces required by this section results in a fractional parking space, one (1) additional parking space shall be required for one-half ($\frac{1}{2}$) or more fractional parking space, and any fractional space less than one-half ($\frac{1}{2}$) of a parking space shall not be counted.

a. All access to a parking area from a public street, alley or highway shall be designed so that motor vehicles leaving the driveway or parking area will enter the highway traveling in a forward direction. This shall not apply to single family subdivisions, or multiple family residential properties serving four (4) units or less.

b. The parking area shall be designed so that a vehicle within the parking area will not have to enter a public street to move from one location to any other location within the parking area.

c. Vehicular access to arterial streets and highways will be permitted only in accordance with driveway locations and access design to be approved by the Traffic Engineer of the city.

4. *Surfacing.* All parking spaces, driveways, and maneuvering areas shall be paved and permanently maintained with asphaltic concrete or cement concrete, with a structural section to be approved by the City Engineer.

R51-25

CONT'D

2. Response to Comments

5. *Striping.* All parking stalls and directional arrows and instructions shall be delineated with paint, as required by the Traffic Engineer.

C. *Design.*

1. *Maximum grades permitted.*

a. Entrance - four (4) or less dwelling units. The driveway or accessway shall have a maximum grade of plus fifteen percent (+15%) or minus six percent (-6%) measured along the driveway centerline, for a distance of not less than twenty (20) feet from the ultimate right-of-way line of the street or alley.

b. Entrance - five (5) or more dwelling units, industrial, commercial, office and parking areas serving buildings or recreation areas owned or operated by any governmental agency. The driveway or accessway shall have a maximum grade of plus fifteen percent (+15%) or minus two percent (-2%), measured along the driveway centerline, for a distance not less than twenty (20) feet from the ultimate right-of-way line of the street or alley.

c. *Parking spaces.* All parking spaces and abutting access aisle shall have a maximum grade of five percent (5%), measured in any direction.

d. *Interior driveways.* Ramps or driveways within the interior of a parking area (beyond twenty (20) feet from ultimate right-of-way line) shall have a maximum grade of twenty percent (20%). If such a ramp or driveway exceeds ten percent (10%), the ramp or driveway design shall include transitions (at each end of the ramp) not less than eight (8) feet in length, having a slope equal to one-half (½) the ramp or driveway slope.

2. *Parking spaces.*

a. All parking stalls shall be double or "hairpin" striped. ([Please see Diagram "A" in the Appendix following this chapter.](#))

b. *Sizes.*

(1) Perpendicular or angular stalls.

(a) *Residential.*

(i) Covered - ten (10) feet wide by twenty (20) feet long (interior clear dimension to be nine (9) feet wide by nineteen (19) feet long), minimum seven (7) feet height clearance.

(ii) Uncovered - nine (9) feet wide by nineteen (19) feet long.

(b) *Commercial and office uses and community facilities.* Nine and one-half (9½) feet wide by nineteen (19) feet long, minimum eight (8) feet height clearance.

(c) *Industrial uses.* Nine (9) feet wide by nineteen (19) feet long.

(2) *Parallel stalls.* Eight (8) feet wide by twenty-three (23) feet long.

(3) *Handicapped stalls.* Nine (9) feet wide by nineteen (19) feet long with a minimum five (5) foot ramp at the side and front of the stall.

R51-25
CONT'D

2. Response to Comments

(4) Compact stalls shall be a minimum of eight (8) feet wide by sixteen (16) feet long.

(a) Compact stalls may be permitted in multiple family residential projects of five (5) or more units in accordance with the provisions of this paragraph C.

(b) Compact stalls may be permitted in commercial and industrial projects requiring a minimum of forty (40) parking spaces in accordance with the following conditions:

(i) A maximum of fifteen percent (15%) of the required number of parking spaces may be compact stalls.

(ii) The maximum number of compact parking stalls may be increased upon approval of a conditional use permit, but in no event shall the number of compact stalls exceed thirty percent (30%).

(iii) Each compact stall approved hereunder shall be individually designated as a compact stall per the City of Brea Public Works Standards.

(c) All parking areas containing compact stalls shall be approved by the Development Services Director and the City Traffic Engineer.

(5) *Overhang*. Parking stall lengths, except parallel spaces, may be reduced by two (2) feet [seventeen (17) feet for standard size stalls; fourteen (14) feet for compact stalls] where the front of the parking stall abuts a landscaped area or sidewalk which is a minimum of four (4) feet clear. Said landscape area shall be enclosed with a minimum of six (6) inch high curb and no trees or shrubs shall be planted in the two (2) foot reduced area.

R51-25
CONT'D

c. *Locations*.

(1) The point of exit or entry from any off-street parking space shall not be closer than fifteen (15) feet from the ultimate right-of-way line of a street and five (5) feet in the case of an alley.

(2) Industrially zoned facilities on arterial streets and commercially zoned facilities providing parking for fifty (50) or more vehicles shall be designed with access driveways which shall not be intersected by a parking aisle, parking space, or another access driveway for a minimum distance of fifty (50) feet from the street right-of-way line. (*Please see Diagram "C" in the Appendix following this chapter.*)

(3) Required off-street parking in residential zones shall not be provided in areas required for ingress and egress to other parking spaces; no tandem parking is permitted, except with properties associated with an accessory dwelling unit pursuant to the standards as set forth in Section [20.208.040](#) of this title.

(4) Off-street parking spaces when located below living quarters shall be provided in garages.

3. *Driveways and parking aisles*.

2. Response to Comments

- a. *Driveway approaches (curb cuts).*
- (1) *Residential.*
- (a) One way - sixteen (16) feet minimum, twenty-four (24) feet maximum.
- (b) Two way - twenty-four (24) feet minimum, forty (40) feet maximum.
- (2) *Commercial/Office/Industrial.* Refer to City of Brea Public Works Standards 210-A.

b. *Access driveways.* Access driveways shall have a minimum width of twenty-eight (28) feet. Access driveways are defined as those that provide access into and through a parking area from a street access point providing access to the parking aisles, and those driveways providing interior circulation between parking areas. ([Please see Diagram "C" in the Appendix following this chapter.](#))

c. *Parking aisles.* Parking aisles are defined as driveways which have parking spaces taking access from either or both sides and which are intended primarily to provide direct access to parking spaces. Parking aisles shall be designed in accordance with Diagrams "A" and "B" in the Appendix following this chapter.

4. *Screening.* Open parking spaces and parking structures shall be screened with a solid wall, mounded landscaping or evergreen shrubs of not less than three (3) feet nor more than three and one-half (3½) feet in height whenever such parking is adjacent to a street right-of-way. Walls shall be located adjacent to the inside edge of any required boundary landscaping and to the outside edge of the paved parking area when there is no landscaping. When evergreen shrubs are used as a screen they shall be planted in quantity and location so as to form a screen which is a minimum of seventy-five percent (75%) opaque within eighteen (18) months after installation. It shall be the responsibility of the owner to maintain such shrubbery so that it does not exceed three and one-half (3½) feet in height, nor encroach into limited use areas outlined in § [20.08.060](#) of this chapter.

5. *Lighting.*

a. All off-street parking areas within commercially zoned projects shall be provided with exterior lighting meeting the following minimums:

- (1) The equivalent of one (1) foot candle of illumination shall be maintained on the average throughout the parking area.
- (2) All lighting shall be on a time-clock or photo-sensor system.
- (3) All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted.
- (4) Parking lot luminaries shall be high pressure sodium vapor with ninety degree (90°) horizontal cut-off flat lenses.

b. All off-street parking areas within industrially zoned areas shall meet all standards in paragraph C.5.a. of this section, except that the equivalent of three fourths

R51-25

CONT'D

2. Response to Comments

(0.75) foot candle of illumination shall be maintained on the average throughout the parking area.

R51-25

CONT'D

D. *Parking space requirements.* All land uses shall provide off-street parking in conformity with the following requirements, unless otherwise modified by the provisions contained herein.

Use	Minimum Parking Stalls Required
<u>Commercial</u>	
Automobile service stations	A minimum of five (5) parking spaces per use plus an additional space for each service bay.
Automobile washing and cleaning establishments (not self-service)	Minimum twenty (20) queuing spaces; minimum ten (10) parking stalls; plus two (2) stalls per detail bay; minimum seventeen (17) drying stalls (drying stalls shall be a minimum ten (10) foot by twenty (20) foot clear area).
Banks, savings and loans, other financial institutions and related offices	One (1) per two hundred (200) square feet (may include stacking credit for drive-through window on the basis of one (1) car for every twenty-three (23) lineal feet of striped stacking lanes). A maximum credit not to exceed thirty percent (30%) of the total required parking for the site or no more than twenty (20) spaces for stacked credit, whichever is less. Drive through lanes shall provide a minimum of one hundred fifteen (115) feet per lane for required stacking space.
Barbershops and beauty parlors	One (1) per two hundred fifty (250) square feet.
Coin-operated laundromats Coin-operated dry cleaning	One (1) per two hundred (200) square feet.
Contractor's storage yards and other storage and salvage yards	One (1) per three thousand (3,000) square feet of lot area
General retail, except as otherwise specified herein	One (1) per two hundred (200) square feet.
Lumberyards and building materials	One (1) per five hundred (500) square feet of retail area and one (1) per one-thousand (1,000) square feet of storage area.
Mortuaries, crematories, and funeral homes	One (1) per three (3) fixed seats or one (1) per twenty-five (25) square feet of assembly area, where there are no fixed seats.
Motels and hotels	One (1) per guest unit.
Motor vehicle sales	One (1) per four hundred (400) square feet.
Motor vehicle repair	One (1) per two hundred fifty (250) square feet.
Offices, except as otherwise specified herein	One (1) per two hundred fifty (250) square feet.
Self-service car wash	Two (2) per wash bay.

2. Response to Comments

	R51-25 CONT'D
Stores, solely for the sale of furniture and appliances	One (1) per five hundred (500) square feet.
Shopping centers	Five and one-half (5½) for each one thousand (1,000) square feet.
Trade schools, business colleges, and commercial schools	One (1) per thirty-five (35) square feet in instruction areas, one (1) per two hundred fifty (250) square feet in office areas.
<u>Commercial Recreation</u>	
Bowling alleys	Four (4) per alley plus spaces for uses in building.
Billiard and pool halls	Two (2) per table.
Commercial stables and riding clubs	Not less than one (1) space for every five (5) horses kept on the premises or facilities therefore, plus required spaces for additional uses.
Golf driving ranges	One (1) per tee, plus spaces required for additional uses on-site.
Golf courses	Eight (8) per hole, plus spaces required for additional uses on-site.
Handball/racquetball facility	One and one-half (1½) for each court, plus spaces required for additional uses on-site.
Pitch and putt and miniature golf courses	Three (3) per hole, plus spaces required for additional uses on-site.
Skating rinks/ice rinks or roller rinks	One (1) per one-hundred (100) square feet of gross floor area, plus spaces required for additional uses on-site.
Swimming pool (Commercial)	One (1) per five hundred (500) square feet of enclosed area, plus spaces required for additional uses on-site.
Tennis facility	Three (3) per court, plus spaces required for additional uses on-site.
<u>Health</u>	
Medical, dental, veterinary clinics or offices.	Five and one-half (5½) spaces per one thousand (1,000) square feet.
Hospitals (general medical)	One and three-quarter (1¾) per bed.
Sanitariums, asylums, residential care facilities, convalescent and nursing homes, homes for the aged, rest homes	Five and one-half (5½) spaces per one thousand (1,000) square feet.
Health studios and spas	One (1) per one hundred fifty (150) square feet of gross floor area (including swimming pools and spas).
<u>Manufacturing</u>	
Industrial uses of all types, except a building used exclusively for warehouse or storage purposes	One (1) per five hundred (500) square feet.
Warehouse/storage buildings or structures exclusively for storage	One (1) per one thousand (1,000) square feet.

2. Response to Comments

R51-25	
CONT'D	
Wholesale establishments and warehouses not used exclusively for storage	One (1) per one thousand (1,000) square feet, plus one (1) per each two hundred fifty (250) square feet of office or sales area.
<u>Public Assembly</u>	
Cafes, "sit down" restaurants, "drive-in" restaurants, "drive-through" restaurants, nightclubs, taverns, lounges or other establishments for the sale and consumption on the premises of food or beverages	Minimum of ten (10) or one (1) for each seventy-five (75) square feet of gross floor area, up to six thousand (6,000) square feet, plus one (1) for each fifty-five (55) square feet over six thousand (6,000) square feet or one (1) for every three (3) seats, whichever is greater. "Drive through" or "Drive in" restaurants shall also provide a minimum of one hundred sixty (160) feet of stacking space, as measured from the pick up window, for each drive through lane.
Auditoriums, theaters, sports arenas, stadiums	One (1) per three (3) fixed seats or one (1) per thirty-five (35) square feet where there are no fixed seats.
Dance floors, discotheques	One (1) per seven (7) square feet of dance floor area plus one (1) per thirty-five (35) square feet of assembly area.
Emergency shelters	One (1) per four (4) beds or one-half (1/2) per bedroom designated for family units with children plus one (1) per staff member.
Libraries	One (1) per three hundred (300) square feet.
Private clubs, lodge halls, union headquarters	One (1) per seventy-five (75) square feet.
Churches, religious institutions and similar places of assembly	One (1) per three (3) fixed seats or thirty-five (35) square feet where there are no fixed seats; eighteen (18) inches of bench shall be considered a fixed seat. For worship seating areas with three hundred (300) seats or above shall require a parking study. Any off-site parking shall be within one thousand (1,000) feet of the site it serves, as measured from closest property line.
Day nurseries	One (1) per two hundred (200) square feet of office and classroom area.
<u>Residential</u>	
Single family dwellings	Two (2) covered parking spaces for each unit.
Attached single family	Two (2) covered parking dwellings spaces for each unit, plus one-half (1/2) uncovered parking spaces for each dwelling unit.
Two (2) or more dwelling units on one building site or lot:	
Bachelor unit	One and one-half (1½) spaces per unit, of which one (1) space shall be located within a garage or three (3) sided carport.
One (1) bedroom units	One and three-quarter (1¾) spaces per unit, of which one (1) space shall be located within a garage or three (3) sided carport.

2. Response to Comments

R51-25

CONT'D

Two (2) bedroom units	Two (2) spaces per unit, of which one (1) space shall be located within a garage or three (3) sided carport.
Three (3) bedroom or more dwelling units	Two and one-half (2½) off-street parking spaces per dwelling unit, of which two (2) spaces must be covered for each dwelling unit, plus one-half (½) off-street parking spaces must be provided for each bedroom in excess of three (3).
All building sites or lots containing five (5) or more units	Two-tenths (0.2) guest parking space shall be provided for each dwelling unit, in addition to the required number of parking spaces stated above. A maximum of twenty-five percent (25%) of the required uncovered parking spaces may be of compact car size, provided such spaces are clearly and individually marked.
Combination of uses	Sum of the requirements for the various uses, except shopping centers.

E. *Truck loading and maneuvering area.*

1. All industrial and commercially zoned developments shall be designed so as to prevent truck back-up maneuvering within public right-of-way.

2. a. All industrial and commercially zoned developments designed with dock high approaches and/or truck wells shall be provided with at least one (1) back-up area to said dock or well in accordance with the below schedule. The driveway aisle between parking stalls may be used for said approach provided the forty-eight (48) foot wheel track turning radius is maintained, as outlined in Diagrams "E" and "F" in the Appendix following this chapter.

Berth or Aisle Width (feet)	Dock Approach (feet)
10	120
12	117
14	113

b. The dock approach may not be encumbered by parking stalls or physical obstructions and shall be measured perpendicular to the dock or door as shown in accompanying Diagram "E" in the Appendix following this chapter. The minimum dock or door overhead clearance (excluding pipes, lights, etc.) is twelve (12) feet.

3. Unless otherwise provided for in paragraph E.2. above, all commercial and industrially zoned buildings must provide at least one (1) identified loading area (twelve (12) feet by twenty (20) feet with ramp). Access to said loading area must be designed as a minimum to provide a forty-eight (48) foot wheel track turning radius for a fifty-five (55) foot long semitrailer truck maneuvering, in accordance with Diagram "F" in the Appendix following this chapter. Parking aisles and access driveways adjacent to loading doors without dock high approaches or truck wells shall have a minimum width of eight (8) feet plus the aisle width required in Diagram "B" in the Appendix following

2. Response to Comments

this chapter, except for ninety degree (90°) parking in which the parking aisle shall be thirty-two (32) feet minimum. Designated fire lanes shall provide fire ladder truck maneuvering in accordance with Diagram "G" in the Appendix following this chapter.

4. All developments zoned commercial and industrial shall be designed with the following:

a. At least one (1) driveway approach capable of accommodating a forty-eight (48) foot wheel track turning radius. *(Please see accompanying Diagram "D" in the Appendix following this chapter.)*

b. At least one (1) on-site maneuvering area which provides a forty-eight (48) foot turning radius wheel track through the parking area. *(Please see accompanying Diagram "E" in the Appendix following this chapter.)*

c. All loading doors shall not be visible from a public street.

F. *Exceptions or modifications to off-street parking requirements.* The provisions of this section are intended to meet the minimum design needs for off-street parking under most conditions. Where, because of the use involved or other relevant circumstances, the requirements of this section are considered to be excessive, exceptions and modifications to these provisions may be approved in accordance with the following procedure provided such exceptions and modifications are consistent with the purpose and intent of this section:

1. Any property owner, his or her authorized agent or the city may apply for exceptions to, or modifications of, the off-street parking regulations.

2. a. Exceptions to, or modifications of the off-street parking requirements as they relate to shared parking and/or the location of off-street parking may be permitted subject to the approval of a conditional use permit application in accordance with the provisions of § [20.408.030](#) of this title.

b. If parking space requirements for any specific use are not contained herein, the Planning Commission, upon recommendation of the city staff, shall determine the parking requirements for said use. There shall be no application fee for this procedure.

(Ord. 425, passed 10-14-68; Am. Ord. 707, passed 12-23-80; Am. Ord. 708, passed 1-20-81; Am. Ord. 720, passed 10-6-81; Am. Ord. 741, passed 6-21-83; Am. Ord. 782, passed 10-15-85; Am. Ord. 916, passed 2-18-92; Am. Ord. 965, passed 4-4-95; Am. Ord. 1092, passed 5-16-06; Am. Ord. 1128, passed 10-20-09; Am. Ord. 1154, passed 6-21-11; Am. Ord. 1203, passed 2-20-18)

§ 20.08.050 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS.

A. The provisions of this section are intended to meet the requirements of Cal. Gov't Code § 65089(b)(3) which requires development of a trip-reduction and travel-demand element to the Congestion Management Plan, and Cal. Gov't Code § 65089.3(b) which requires adoption and implementation of Trip-Reduction and Travel-Demand Ordinance. New commercial, retail, office, manufacturing, industrial, mixed-use

R51-25
CONT'D

2. Response to Comments

R51-25

CONT'D

development including employment centers of fifty (50) persons or more may adversely impact existing transportation and parking facilities, resulting in increased motor vehicles emissions, deteriorating levels of service, and possibly significant additional capital expenditures to augment and improve the existing transportation system. In order to more efficiently utilize the existing and planned transportation system and to reduce vehicle emissions, it is the policy of the city to:

1. Promote and encourage the use of alternative transportation modes such as ridesharing, carpools, vanpools, public bus, rail transit, bicycles, and walking, as well as those facilities that support such modes.
2. Promote coordinated implementation of strategies on a countywide basis to reduce transportation demand.
3. Recommend and encourage membership in the North Orange County Transportation Management Association.

B. *Applicability.* For purposes of determining whether a new development project is subject to this section, the total employment figure will be determined as follows:

1. Employment projections developed by the project applicant, subject to approval by the city; or
2. Employment projections developed by the city, using the following employee generation factors by type of use.

Land Use Category	Gross Sq. Ft./Employee
Commercial	
Regional	500
Community	500
Neighborhood	500
Office/Professional	250
Industrial	525
Hotel	0.8-1.2/room

* The employment projection for a development of mixed- or multiple-uses shall be calculated on a case-by-case basis based upon the proportion of development devoted to each type of use.

C. *Facility standards.*

1. All applicable developments shall be reviewed to determine whether application of each of the facility standards specified in this section is appropriate. This determination, and any revisions to requirements within each standard, shall be made by the Development Services Director, or his or her designee, based upon review of the

2. Response to Comments

R51-25

CONT'D

design characteristics and other features of the project as proposed in the site development plan. Improvements needed to meet those standards shall be incorporated into the site development plan.

2. *Preferential parking for carpool/vanpool vehicles.*

a. Using the specified percentages and dates below, employee parking spaces shall be reserved and designated for carpool or vanpool vehicles by marking such spaces "carpool only" or "vanpool only."

Eight percent (8%) until 1992

Ten percent (10%) until 1994

Twelve percent (12%) after 1994

b. The total number of employee parking spaces shall be determined using the following factors by type of use as specified in § [20.08.040.D.](#) of this chapter.

Type of Use	Percent of Total Parking Devoted to Employee
Commercial	
- Regional	30%
- Community	30%
- Neighborhood	30%
Office/Professional	85%
Industrial	90%
Hotel	30%

c. Carpool spaces shall be used only by carpool vehicles in which at least two (2) of the persons are employees or tenants of the proposed project.

d. Vanpool spaces shall be used by vanpool vehicles serving the employees or tenants of the proposed project. The vanpool parking space shall be a minimum of nine and one-half (9½) feet wide and nineteen (19) feet long.

e. Where applicable, vanpool accessibility shall include a minimum of eight-foot vertical clearance for those parking spaces and ramps to be used by such vehicles.

f. Such carpool/vanpool spaces shall be located near the building's employee entrance(s) or at other preferential locations within the employee parking areas as approved by the Development Services Director, or his or her designee.

3. *Bicycle parking, shower, and locker facilities.*

a. Bicycle parking shall be provided in a secure location for use by employees or tenants who commute to the site by bicycle. The number of bicycle storage spaces

2. Response to Comments

shall be a minimum of five (5) bicycle storage spaces. Additional bicycle storage spaces shall be provided as needed.

b. Locker facilities shall be provided for tenants or employees who ride bicycles at the rate of at least two (2) lockers for every two hundred fifty (250) employees.

c. A minimum of two (2) shower facilities shall be provided, one (1) each for men and women, after two hundred fifty (250) employees. These facilities shall be available to all building employees.

d. These locker, shower, and bicycle storage facilities should be provided in a central location for use by the employees/tenants of the building(s).

4. *Rideshare vehicle loading areas.* The need for design and location of passenger loading areas to embark and disembark passengers from rideshare vehicles shall be reviewed by the Development Services Director, or his or her designee. Generally, the passenger loading areas shall be located as close as possible to the building's employee entrance(s), and should be designed in a manner that does not impede vehicular circulation in the parking area.

5. *Bus stop improvements.*

a. Bus stop improvements including bus pullouts, bus pads, and right-of-way for bus shelters shall be required for all applicable developments that are located along established bus routes.

b. Bus stop improvements shall be determined in conformance with standard traffic engineering principles including, but not limited to, the following:

- (1) The frequency and relative impact of blocked traffic due to stopped buses.
- (2) The level of transit ridership at the location.

6. *Information on transportation alternatives.*

a. A commuter information area shall be provided that offers employees appropriate information on available transportation alternatives to the single-occupancy vehicle. This area shall be centrally located and accessible to all employees or tenants.

b. Information in the area shall include, but not be limited to, the following:

- (1) Current maps, routes, and schedules for public transit.
- (2) Available employee incentives.
- (3) Ridesharing promotional material.

D. *Ordinance implementation and monitoring.* Plan review.

1. During the plan review process for all site plans, compliance with facility standards as defined in this section shall be reviewed.

2. All facility standards required by this section shall be completed prior to issuance of building permits.

R51-25

CONT'D

2. Response to Comments

3. Periodic checks of the applicable developments shall be made after completion of the projects to ensure continued compliance with this section.

(Ord. 905, passed 5-21-91)

§ 20.08.060 CORNER CUT-OFF AREAS.

The following regulations shall apply to all intersections of streets, alleys, and private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions within the cut-off areas established herein.

A. There shall be a corner cut-off area at all intersecting and intercepting streets or highways. The cut-off line shall be in a horizontal plane, making an angle of forty-five degrees (45°) with the side, front, or rear property line, as the case may be. It shall pass through the points located on both side and front (or rear) property lines at a distance of thirty (30) feet from the intersection of such lines at the corner of a street or highway.

B. There shall be a corner cut-off area on each side of any private driveway intersecting a street or alley. The cut-off lines shall be in a horizontal plane, making an angle of forty-five degrees (45°) with the side, front or rear property line, as the case may be. They shall pass through a point not less than ten (10) feet from the edges of the driveway where it intersects the street or alley right-of-way.

C. There shall be a corner cut-off area on each side of any alley intersecting a street or alley. The cut-off lines shall be in a horizontal plane, making an angle at forty-five degrees (45°) with the side, front, or rear property line, as the case may be. They shall pass through a point not less than ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.

D. Where, due to an irregular lot shape, a line at a forty-five degree (45°) angle does not provide for intersection visibility, said corner cut-off shall be defined by a line drawn from a point on the front (or rear) property line that is not less than thirty (30) feet from the intersection of the side and front (or rear) property lines and through a point on the side property line that is not less than thirty (30) feet from said intersection of the side and front (or rear) property lines.

(Ord. 425, passed 10-14-68)

§ 20.08.070 UTILITY SERVICE LINES — UNDERGROUND.

In those areas zoned industrial, all utility service lines for any utility service to any lot from the distribution line of the utility in any street or easement area shall be underground, including, but not limited to, electricity, gas, water, telephone and cable TV. The provisions hereof shall apply notwithstanding whether said distribution lines in the public streets or other easements are or are not underground, but as to existing developed properties already having the particular utility service, the requirements of this section shall apply only when and as there is an addition of building area of twenty-five percent (25%) or more, or the requirement is otherwise imposed pursuant to other provisions of law or ordinance.

R51-25
CONT'D

2. Response to Comments

(Ord. 531, passed 12-4-73)

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R51-25

CONT'D

2. Response to Comments

R51. Response to Comments from Babok and Robinson, LLC on behalf of Mercury Insurance, dated September 20, 2021.

INTRO The comment serves as an introduction to the comments that follow. Please see response to Comments R51-1 through R51-24.

R51-1 A description of the Memorandum of Understanding (MOU) with Mercury Insurance is provided on page 3-2. As stated in the DEIR, use of Mercury Insurance parking lots for retail use is limited to weekends and after 5:00 PM on weekdays. CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, *Brea Plaza Surface and Structure Parking*, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU would remain in effect until April 2026, unless an extension is agreed upon by the applicant and Mercury Insurance. While the shared parking with Mercury Insurance would no longer be available for Brea Plaza residents, employees, and patrons, if the MOU is not renewed, the proposed project is designed to meet the parking demand onsite without reliance on the Mercury parking lot. Pursuant to City regulations, the City would review the shared parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking. Additionally, as shown on Figure 3-4, *Conceptual Site Plan*, in Chapter 3, *Project Description*, of the DEIR, internal driveways would not result in the permanent closure of internal driveways upon the expiration of the Memorandum of Understanding; the use of these internal driveways would continue even after the Memorandum of Understanding expires.

R51-2 See response to Comment R51-1. The measures put into place to slow the spread of COVID-19 resulted in significant changes in human activity and vehicle miles traveled (VMT). Most notable are the temporary reductions in both heavy-duty and light-duty VMT across the state's highways and local roads, and the resulting temporary emission reductions. In California, VMT fell to its lowest point in early- to mid-April, with an approximately 25 percent reduction in heavy-duty VMT and 50 to 60 percent reduction in light-duty VMT. Since that time, both heavy-duty and light-duty VMT have steadily increased, with heavy-duty VMT returning to pre-COVID-19 levels in early June.⁴ COVID-19 stay-at-home orders and related closures are temporary measures. As identified in the Traffic Circulation Assessment (see Appendix J2 to the DEIR), pre-COVID counts were available at five of the study intersections for year 2018 and 2019.

⁴ California Air Resources Board. 2021, April 23. Revised Draft 2020 Mobile Source Strategy
https://ww2.arb.ca.gov/sites/default/files/2021-04/Revised_Draft_2020_Mobile_Source_Strategy.pdf

2. Response to Comments

- Section 3.4, Existing Traffic Volumes, in Appendix J2 details the methodology used to determine the existing traffic volumes in the project vicinity.
- R51-3 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-4 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-5 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-6 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-7 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-8 See response to Comment R51-1. The incorrect parking count is listed in the parking study prepared by LSA (see Appendix K of the DEIR) is noted. This number is not cited in the DEIR; therefore, no revisions to the DEIR are needed.
- R51-9 See response to Comment R51-1. The parking structure is open to both residents and retail uses. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-10 See response to Comment R51-1. The DEIR identifies the number of existing and proposed parking spaces within Brea Plaza in Table 3-4.
- R51-11 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-12 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-13 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-14 See response to Comment R51-1. The project site currently has 739 surface parking spaces, not 733 parking spaces.
- R51-15 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-16 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.

2. Response to Comments

- R51-17 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-18 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-19 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-20 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-21 See response to Comment R51-1. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R51-22 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. Although the MOU would remain in effect until April 2026, unless an extension is agreed upon by the Applicant and Mercury Insurance, the proposed project does not include any barriers that would prevent cut-through traffic from Mercury Insurance employees through the Brea Plaza project site. The driveways between Brea Plaza and Mercury Insurance would remain open.
- R51-23 See response to Comment R51-22. It is our understanding that Mercury Insurance employees/patrons currently utilize the Brea Plaza Driveways, primarily Brea Plaza Driveway 1, to travel through the Brea Plaza site to access the internal driveways. Additionally, based on the existing MOU and shared parking agreement, Mercury Insurance employees/patrons also currently utilize the Brea Plaza driveways to park in the existing parking spaces within Brea Plaza, located in the north end of the site.

The proposed project site plan does not eliminate the internal driveways; and therefore, cross-access circulation between the two sites is still available. However, taking into consideration the new proposed project layout, with the construction of the new parking structure, as well as the expiration of the MOU, the Mercury Insurance employees/patrons would be travel either through or around the parking structure in order to access their site, which is considered less favorable and not as convenient when compared to existing conditions. Therefore, it has been assumed that the Mercury Insurance employees/patrons will primarily utilize the driveway on Greenbriar Lane because it is a more direct route rather than cutting through Brea Plaza.

2. Response to Comments

The northbound left-turn queuing assessment along South Associated Road identified in the KOA Study, which uses June 2021 existing traffic counts plus additional data provided by Mercury, appears to have some type of error and/or anomaly and cannot be validated. The existing volumes with the proposed shift would not exceed 32 AM trips, 44 Midday trips and 43 PM trips. Applying a typical design queue estimate of one foot per vehicle would result in a queue of no more than 2 vehicles. Additionally, the LLG Traffic Circulation Analysis has a reported queue of no greater than 1 vehicle.

R51-24 See response to Comments R51-22 and R52-23. Although the MOU would remain in effect until April 2026, unless an extension is agreed upon by the Applicant and Mercury Insurance, the proposed project does not include any barriers that would prevent cut-through traffic from Mercury Insurance employees through the Brea Plaza project site. The driveways between Brea Plaza and Mercury Insurance would remain open.

R51-25 The Appendix files provided by KOA are noted. No response is needed.

2. Response to Comments

LETTER R52 – Barbara McDaniel (1 page)

From: [Barbara McDaniel](#)
To: [Foxhall, Nancy](#); [Arauz, Juan](#)
Subject: Proposed Brea Plaza Project
Date: Monday, September 20, 2021 1:27:05 AM

I live in the Glenbrook tract near Brea Plaza & feel that the currently proposed redevelopment of that plaza shopping area is overly ambitious for the space available. We don't need a hotel there and it is not at all a good location for family housing. We already have an enormous apartment complex (and will all too soon have a large hotel) going up at the corner of State College and Birch which will increase city congestion. The Brea Plaza is not the right location for more of the same.

R52-1

Barbara McDaniel



2. Response to Comments

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2. Response to Comments

R52. Response to Comments from Barbara McDaniel, dated September 20, 2021.

R52-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. The Notice of Preparation (NOP) for the original project, which included a hotel, was for a 7-story structure, and included a six-story hotel and an apartment building with five levels of residential above two-levels of above-ground parking (7-stories) and two-levels of subterranean parking. Since the NOP was circulated, the project applicant has resubmitted the development application which removed the hotel component and included updated building plans for the residential component of the proposed project.

2. Response to Comments

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2. Response to Comments

LETTER R53 – Scott and Bridget Steffensen (3 pages)

From: [Bridget Steffensen](#)
To: [Arauz, Juan](#)
Subject: Regarding Brea Plaza Project DEIR
Date: Monday, September 20, 2021 4:33:54 PM

Dear Juan,

My husband and I live in Glenbrook (Cross streets Associated and Imperial). I moved here approximately 30 years ago. I moved to Brea because Brea in this area was quiet and felt in a way like living on an island. It was a safe place to raise children. I raised 5 children here on my own for 12 1/2 years right here in Glenbrook. It truly felt safe. It is starting to not feel very safe and it is because of all the traffic that comes through here.

Since I moved in so much has changed. We are very very concerned about the building going on at State College and Birch. We have so much traffic already without the apartments even being occupied yet. There is so much traffic and I am hearing about more accidents. When our children were young they could walk to the clubhouse. There is no way we would allow our Grandchildren to walk to the clubhouse because of the traffic. THERE IS SO MUCH TRAFFIC WHY are you wanting to create even more traffic? We hear that you have commented that all the people moving in won't affect the traffic very much, maybe they will be bikers. That is a ridiculous thought and chances are that we will be swamped with many more cars. This will be the death nail of another beautiful bedroom community. We know that taxes are important to our community, but swamping the city with thousands more residents is not a good solution to that problem because of the loss of quality of life here. We like Brea how it is. We don't want to be another Fullerton. There are many moving out of Brea just knowing about the project on State College and Birch.

R53-1

With your proposed Brea Plaza project, we won't be as safe due to many using our little neighborhood to drive through. They are already using our neighborhood to cut through Imperial and Castlegate and Associated and Greenbriar, and Redbay and Birch. These streets are being used by others who do not live in our community to try and cut through traffic (which is going to be so much worse from the project on State College and Birch ... and then multiply that by all the units you want to add to Associated and Imperial.

At Christmas time here with the mall and the freeway you can't even get out

2. Response to Comments

of the neighborhood right away at certain times. I shudder to think if there was an emergency and someone had to go to the hospital, or if the police or firemen had to come into the neighborhood and because of traffic someone lost their life. This will only be a glimpse of what it will be like ALL THE TIME.

R53-1
cont'd

Just Sunday there was stopped traffic on Imperial that went from Kramer all the way to the West of the Mall. It took a very long time to just get to Associated to get to my home. And this was on a Sunday, with no holiday.

We strongly vote NO to this project or any projects like this.

Please Please don't destroy our community and the safety of all of us.

Scott and Bridget Steffensen



LOVE TO ALL !

If you would like exclusive access to the MLS database,
Please use this link to download our app to your phone and use code 58010946
<https://mls-client.com/58010946>



~Bridget and Scott Steffensen~



Helping home buyers and sellers buy or sell their home for the best price, in the quickest time possible.

Be the Best you that you can be and be happy with that!

2. Response to Comments

 TOUGH TIMES DO NOT LAST
TOUGH REALTORS DO!!!
RESULTS IN ANY MARKET

2. Response to Comments

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2. Response to Comments

R53. Response to Comments from Scott and Barbara Steffensen, dated September 20, 2021.

R53-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. There's no direct connectivity of the project site to Castlegate Lane. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbrier Lane.

Section 5.11, *Transportation*, regarding transportation and the intersection safety evaluation and emergency access. The project site would continue to be served by the existing Brea Plaza driveways; vehicles would be able to continue to access the site with no issues. The proposed project would not result in inadequate emergency access or safety issues. Table 5.11-2, *Intersection Accident History*, in the DEIR indicates that the study intersections along Imperial Highway have generally declined within the last five years. A queuing evaluation was completed to address potential safety hazards. Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions, and therefore, no significant safety impacts were identified. Moreover, Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety.

2. Response to Comments

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2. Response to Comments

LETTER R54 – Catalina Escobar (1 page)

From: [Catalina Escobar](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Project- DEIR
Date: Monday, September 20, 2021 10:29:03 AM

I am a resident of Glenbrook. I, as well as the rest of my family members, disapprove of the Brea Plaza project. We feel that there is no need for residential housing of any type. There are so many apartments, lofts, etc. which have already been built around Brea that are not even fully occupied and some which are currently in the process of being erected like that monstrosity of a building on State College and Birch. That building is an eye soar. I don't understand the need to make Brea more populated and the traffic that comes along with it. I have lived here for 24 years and have seen the traffic congestion increase. There is no need for these residential buildings. Brea used to feel like a small town. Please STOP building residential developments!

R54-1

Thank you,
Catalina Escobar

2. Response to Comments

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2. Response to Comments

R54. Response to Comments from Catalina Escobar, dated September 20, 2021.

R54-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

2. Response to Comments

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2. Response to Comments

LETTER R55 – Cherie Besemer (1 page)

From: [Cherie Besemer](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Project
Date: Monday, September 20, 2021 3:57:14 PM

As a Glenbrook resident for 50 years I would like to say this project would bring way too many people in a small area. I feel Brea has more than their share of new apts. hotel and condos.

Thank you
Cherie Besemer

Brea CA 92821

Sent from my iPhone

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R55-1

2. Response to Comments

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2. Response to Comments

R55. Response to Comments from Cherie Besemer, dated September 20, 2021.

R55-1 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. The Notice of Preparation (NOP) for the original project, which included a hotel, was for a 7-story structure, and included a six-story hotel and an apartment building with five levels of residential above two-levels of above-ground parking (7-stories) and two-levels of subterranean parking. Since the NOP was circulated, the project applicant has resubmitted the development application which removed the hotel component and included updated building plans for the residential component of the proposed project.

2. Response to Comments

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2. Response to Comments

LETTER R56 – Christine Denbo (7 pages)

From: [Christine Denbo, BGST](#)
To: [Arauz, Juan](#)
Cc: [Christine Denbo](#); [Christine Denbo](#)
Subject: Brea Plaza Draft EIR Comments
Date: Monday, September 20, 2021 5:23:24 PM

Planning Department September 20, 2021
City of Brea
1 Civic Center Circle
Brea, CA 92821

Brea Plaza Expansion Project Draft EIR Comments
State Clearinghouse No. 2020079022

Thanks for taking the time to allow comment on the proposed Brea Plaza Expansion Project Draft EIR. I am sending this to you on behalf of myself and many of the residents of the Glenbrook neighborhood. Together we have numerous concerns about this project and hope that the City, the Planning Commissioners and the City Council will take note of the many Breans that are opposed in one way or another to this project.

INTRO

I will start with some of my personal questions, some that were presented at the Town Hall Meeting a few weeks ago and some new ones as well.

- Is the only way in or out of the apartment building through the plaza parking lot?
- Will there be EV charging stations? Solar? What is being done for greenscaping?
- Why does the project have to be so much taller than anything around it?
- Why was below grade parking not proposed as part of the design of the project? Since the proposed project is all at/above grade parking, why was below grade parking with an overall lower building height not included in the DEIR as an Alternative? Inclusion of a lower building height Alternative by placing the parking levels below grade would still meet all of the project objectives, not create the need for additional mitigation already in place to address paleo/archeo/tribal cultural resources, and would be more in keeping with the character of the surrounding neighborhood which is composed of buildings no more than about 3 stories in height. Additionally, even if the construction noise is increased for construction of below grade parking, it would be considered

R56-1

R56-2

R56-3

R56-4

R56-5

2. Response to Comments

exempt per the Brea Municipal Code Section 8.20.070 (as stated in the regulatory section of the Project DEIR), provided no construction work occurred within the specified hours of 7pm-7am and construction noise would be temporary in nature. To reduce any increase in construction noise that may occur as a result of construction for below grade parking (instead of all above grade parking), construction noise barriers can be placed around the perimeter of the Project Site during construction to reduce construction noise by a certain amount of dBA and all construction equipment can be equipped with noise muffling pieces/apparatuses, all of which would reduce any potential noise impacts associated with construction of below grade parking to a level of less than significant. This type of Alternative is well within CEQA's requirement for a range of reasonable alternatives to the Project that would be feasible, and would not substantially increase any of the impacts analyzed in the DEIR.

R56-5
CONT'D

- Another concern is increased neighborhood traffic with new residents/occupants of the Project Site cutting through neighborhoods to get around the Imperial Highway/Associate Road intersection and the Birch Street/Associated Road intersection. Additional traffic cutting through neighborhoods to skip these busy intersections would increase traffic related noise in the neighborhoods, which the City of Brea General Plan has as specific Goals and Policies aimed at reducing such noise types. What restrictions/measures/community assurances will be made to keep this type of neighborhood traffic noise from occurring in the surrounding neighborhoods?

R56-6

- Have there been any off-site community amenities discussed as part of the project? One such off-site community amenity could be the addition of a new traffic light at Birch Street and Redbay Avenue (similar to the type of pedestrian light that was installed where the Brea Tracks cross State College Boulevard, or a flashing red light for east/west traffic along Birch Street), for vehicles and pedestrians, to help facilitate the increased traffic at that location, even though the Transportation Impact Analysis in the DEIR resulted in a less than significant impact for Transportation. The Birch Street/Redbay Avenue intersection should have also been included as one of the study intersections in the Revised Traffic Circulation Analysis for the Project. A vehicle/pedestrian light of this type could be incorporated as part of the Area-Wide Traffic Improvements or an off-site community amenity, as this intersection is already extremely difficult for neighborhood residents to turn in and out of (for both the apartment and single-family residents along Birch Street between Associated Road and State College Boulevard) at peak traffic times.

R56-7

2. Response to Comments

<ul style="list-style-type: none"> • Have you really given consideration for all of the infrastructure requirements for adding residences to a business zoned area, such as utilities, water usage, air, electricity, school transportation, pets, traffic congestion and park areas? Every major street that could be a route to get to the center should be studied. 	R56-8
<ul style="list-style-type: none"> • Have you studied the traffic at Redbay/Birch? Have speed bumps been considered on Aurora since it is a high speed straight away cut through route for Brea Plaza/Mercury traffic? 	R56-9
<ul style="list-style-type: none"> • Have any considerations been made for residents that live in Glenbrook such as sound walls for all of the residences that back up to Associated from Birch to Imperial? 	R56-10
<ul style="list-style-type: none"> • Has the City considered installing sound walls for the homes that back up to Birch as well due to the increased traffic from the Brea Place Project, Brea Plaza Project and all the other building going on in Brea? 	R56-11
<ul style="list-style-type: none"> • Has the developer already discussed these plans with Mercury and how do they feel about this explosion in this center? Knowing that Mercury uses Brea Plaza for their in and out access, if they are not cooperative could the developer cut off access through his shopping center and have all the cars use the side exit, greatly impacting the west side of Glenbrook? 	R56-12
<ul style="list-style-type: none"> • What percentage of the apartments will be work force housing. We do not want to see another Hines catastrophe with no affordable housing for Breans. City mandate is 10%. Let's pick a number such as 15% and fight hard to get more for our children and Breans. 	R56-13
<ul style="list-style-type: none"> • Why does he need an 8 story apartment complex knowing full well we now have too many apartment buildings and more to come at the Brea Mall and other areas of Brea? 	R56-14
<ul style="list-style-type: none"> • If this project does not get approved, is he planning on selling to foreign money and walking away from Brea as we know he no longer lives in California? 	R56-15
<ul style="list-style-type: none"> • How many additional parking spaces is he claiming we will gain with this new 	R56-16

2. Response to Comments

build as on the weekends it is almost impossible to park?	R56-16 CONTD
<ul style="list-style-type: none">I'm concerned about the growing amount of apartments being squeezed into such a small city area, the impact that this will have on traffic, smog, crime, etc. Brea is already building a massive apartment complex near the Target center, which should support thousands of families. Do we really need to continue to add more people to our already crowded space, with such limited resources?	R56-17
<p><i>Below is a compilation of some of the additional comments and concerns from Glenbrook homeowners since the DEIR was published. They are being submitted on their behalf, at their request.</i></p>	
<ul style="list-style-type: none">Table 5.11-3 and Table 5.11-4 both show a NET decrease in vehicular trips in 2024 after the project is built and finished.	
Q1 : Please explain how the data was collected for the draft EIR for Tables 5.11-3 and 5.11-4. Please expand on the when, where, and how the study was done? Did it factor in the vehicle trips attributable to the new project on St. College & Birch? Was data collected during COVID-19 shut down?	R56-18
Q2: Please explain how Tables 5.11-3 and 5.11-4 both show a NET decrease in trips when you're adding 222,000 sq./ft. of residential space and 189 apartments with over 400 NEW residents with a majority of those residents having a car. This doesn't pass the vision test or the smell test. It defies common sense logic?	R56-19
Q3: How can you guarantee that Table 5.11-5 #8 South Associated Rd NB Left Turn, EB Left Turn and EB Right Turn won't become overly congested (backed up) and interfere with Left Turn Imperial Hwy & NB Associated turn signal pocket backing up?	R56-20
Q4: How can you guarantee that Brea Plaza Driveway #2 and Brea Plaza Driveway #3 won't back up and cause gridlock inside the parking lot near Mother's Market area?	R56-21
<ul style="list-style-type: none">Have the project designers visualized who the apartments are being designed for? (Roommates, families with children, etc.)	R56-22
<ul style="list-style-type: none">	

2. Response to Comments

What is the average square footage & the approximate monthly rent range for these apartments?	R56-23
• Will there be leases or month to month contracts? Trying to get an idea of how much turnover to expect.	R56-24
• Since renters do not pay property taxes, will the property owner be paying a significant tax burden to offset the City services that homeowners pay for? (police & fire department, school taxes, sewers, etc.?)	R56-25
• My biggest concern is public safety—traffic, air quality & evacuations from fires & natural disasters. I did send an email to the planning commission yesterday outlining how Glenbrook is nearly impossible to exit when the 57 freeway is shut down from fires or accidents either on the freeway or to the North of us. Does the developer/city have an emergency evacuation plan for the Plaza/Glenbrook area or has that been studied in depth?	R56-26
• My comments and concerns echo that of many others ... The project as proposed is too much; an 8 story apt. building does not fit in Brea Plaza; parking at Brea Plaza is already impossible; exiting onto Imperial Highway as currently designed will create nothing but traffic jams if residential housing is added inside Brea Plaza. Imperial, Associated, Birch, Greenbriar, and Redbay will all be affected by more traffic and congestion. Do not change the zoning at Brea Plaza. Keep it commercial. "Good ol' Brea" is slowly disappearing. Please preserve the beauty of our town and don't turn it into a metropolitan city.	R56-27
• I'd like to say that my family, as many other local residents, are opposed to the project. It introduces too much traffic to the already congested area, can have a huge environmental impact and disrupts the aesthetics of the area by adding visual obstructions (tall building). Questions are as follow:	R56-28
a) What benefits can this project possibly bring to the current residents (outside of the tax revenues to the city)?	
b) Will the project include office space? If so, why add office space that may go unused? With so many businesses moving towards remote working it doesn't seem very efficient.	R56-29
c) If the project comes to fruition, how does the project company propose to	R56-30

2. Response to Comments

manage the traffic within the parking lot? Will the parking lot be re-designed? As we all know, there are only 2 entrances on the east side facing Associated (aside from the Imperial entrance) . The Chick-fil-A drive through already creates gridlock as it is. If a building of that size is built, hundreds of new cars will be introduced causing further traffic issues within the parking lot alone, not to mention surrounding streets.

R56-30
CONT'D

d) If the project moves forward, have the developers considered a smaller project? A high level building will obstruct the view of the many beautiful homes overlooking the plaza . This can have a huge impact on the property values.

R56-31

- Has the developer/city contacted Mercury Insurance regarding this project? If not-then why?

R56-32

- If yes-what are their main concerns?

R56-33

- Who benefits from having this area rezoned and this project going forward, other than you?

R56-34

- Do you realize what an eyesore an 8-story building would be in the City of Brea?

R56-35

- Do you really think that all of those residential properties will be occupied?

R56-36

- Have you considered the traffic congestion that trucks and other construction vehicles would create havoc at an already busy plaza?

R56-37

- Have you considered keeping the Plaza business properties only?

R56-38

- What is the purpose of rezoning and adding more residential units and obvious congestion?

R56-39

Thank you for you time,
Christine Denbo

2. Response to Comments

Brea Resident
Glenbrook Homeowner

[REDACTED]
[REDACTED]

2. Response to Comments

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2. Response to Comments

R56. Response to Comments from Christine Denbo, dated September 20, 2021.

- INTRO Response to comments from the Glenbrook neighborhood can be found in response to Comments R56-1 through R56-39.
- R56-1 Access to the proposed parking structure would be accessible through Brea Plaza from the existing driveways at Imperial Highway and South Associated Road.
- R56-2 California’s Green Building Standards (CALGreen) Code requires all new nonresidential buildings with 10 or more parking spaces to install EV Capable infrastructure in approximately 6 percent of parking spaces (Nonresidential Mandatory Measures Section 5.106.5.3). The proposed project would provide 64 electric vehicle charging stations. The proposed project would include solar panels on the roof of the proposed building to offset building energy use. See Section 5.1, *Aesthetics*, of the DEIR, and PPP AES-1, the proposed project is required to provide a landscaped coverage of 15 percent of the net area.
- R56-3 Chapter 7, *Alternatives to the Proposed Project*, of the DEIR, analyzed a Reduced Density Alternative which evaluated a four-story, 95-unit building. It was determined that this Alternative would result in similar impacts to aesthetics, cultural and paleontological resources, and tribal cultural resources; however, population and housing impacts would be greater. This Alternative would meet all of the project objectives, but to a lesser extent.
- R56-4 The DEIR included a reasonable range of alternatives. The DEIR did not identify significant unavoidable impacts associated with the building height (see Section 5.1, *Aesthetics* and Section 5.6, *Land Use and Planning*). The “Reduced Density Alternative” considered an alternative that reduced the residential density to 95 units and a decreased building height to four stories.
- R56-5 The comment is noted that there are potential construction noise reduction measures for the below grade parking alternative that the commenter is suggesting. However, it would be speculative to predict construction noise levels or comment on the potential need for additional mitigation since this alternative is not proposed.
- R56-6 As discussed in Section 5.7, *Noise*, of the DEIR, traffic noise from implementation of the proposed project would be less than significant on study roadway segments in the project area. Roadway segment ADT volumes were provided by Linscott Law & Greenspan Engineers (LLG, see Appendix J2, of the DEIR). To determine the project-related traffic noise increase, the Existing with Project ADT volumes were compared to the Existing no Project ADT volumes, as shown in Table 5.7-6, Summary of Traffic Noise Increases, of the DEIR. As a result of the decrease in vehicle trips from removal of the movie theater, the project would result in a net decrease in ADT volumes on most study roadway segments, resulting in a decrease in traffic noise levels in some cases. In all cases, the

2. Response to Comments

project noise increase would be negligible (i.e., less than 0.1 dBA CNEL) along study roadway segments.

- R56-7 A Traffic Circulation Assessment (Appendix J2 of the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. It is our understanding that some employees of the Mercury Insurance building may currently utilize the intersection and travel via Redbay Avenue, Eucalyptus Street, and Aurora Avenue to access their site. The proposed project does not contribute traffic to this route; and therefore, this is considered an existing issue unrelated to the proposed project. However, it should be noted that the proposed project would construct an exclusive eastbound right-turn pocket at the intersection of South Associated Road at Birch Street as an intersection safety enhancement, as well as intersection capacity improvement. This improvement would help facilitate traffic flow through the intersection while increasing bicycle safety, and with improved traffic flow could potentially discourage Mercury Insurance employees that may be cutting through the Glenbrook neighborhood to utilize South Associated Road instead.

When assessing the potential need for signalization at an unsignalized location, one of the first steps is to assess the crash history at the location. Per the Manual on Uniform Traffic Control Devices (MUTCD), an intersection will meet signal warrant if there are five or more crashes (of types susceptible to correction by a traffic signal) within a 12 month period. As a result, five years of crash data at Redbay Avenue and Birch Street has been research via the Statewide Integrated Traffic Records System (SWITRS). Review of the crash data shows that there were four crashes over this five year period. However, none of the crashes are correctible via signalization. Therefore, the crash data does not meet the signal warrant criteria noted in the MUTCD. The request to install a traffic signal on Birch Street and Redbay Avenue has been forward to Public Works and other City decision-makers for their consideration.

- R56-8 The DEIR includes an analysis of these topics. See Section 5.2, *Air Quality*, Section 5.4, *Energy*, Section 5.10, *Recreation*, and Section 5.11, *Transportation*, for a discussion on air quality, electricity, parks, and transportation, respectively.
- R56-9 See response to Comment R56-7. The request for speed bumps on Aurora Avenue has been forwarded to decision-makers for their considerations. However, as identified in Appendix J2 of the DEIR project-related traffic is not anticipated to drive through the residential neighborhoods.
- R56-10 As discussed under Impact 5.7-2 for the DEIR, operational stationary noise sources and project traffic noise would be less than significant without mitigation. Therefore, no

2. Response to Comments

- mitigation measures such as sound walls are warranted for noise impacts to residents that live in Glenbrook or residences that back up to Associated from Birch to Imperial.
- R56-11 As discussed under Impact 5.7-2 for the DEIR, operational stationary noise sources and project traffic noise would be less than significant without mitigation. Therefore, no mitigation measures such as sound walls are warranted for noise impacts to homes that back up to Birch.
- R56-12 The project applicant and Mercury Insurance have been in communication with each other about the proposed project. Mercury Insurance employees would be able to continue to access the Mercury Insurance site through the existing driveways and access points.
- R56-13 The proposed project would comply with the City's Affordable Housing Ordinance, which requires most new residential developments to provide at least 10 percent of their units for sale at affordable below-market prices to qualified buyers. The proposed project would include 19 affordable housing units ranging from studios to 3-bedroom units.
- R56-14 The commenter's objections to the project's building height are noted. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R56-15 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R56-16 Table 3-4, *Brea Plaza Surface and Structure Parking*, identifies the existing and proposed parking within the Brea Plaza site. CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, *Brea Plaza Surface and Structure Parking*, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU would remain in effect until April 2026, unless an extension is agreed upon by the Applicant and Mercury Insurance. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.
- R56-17 The commenter's objections to the project density are noted. The DEIR evaluated potential impacts on traffic, air quality, and public services in Section 5.11, *Transportation*, Section 5.2, *Air Quality*, and Section 5.9, *Public Services*.

2. Response to Comments

R56-18 See response to Comment R56-7. The Traffic Circulation Assessment (Appendix J2 to the DEIR) identified that the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. Existing and project-related trip generation assumptions in Tables 5.11-3 and 5.11-4 were based on the Scoping Agreement with the City of Brea (see Appendix A to Appendix J2). The trip generation forecast was estimated using trip rates contained in the 10th Edition of Trip Generation, published by the Institute of Transportation Engineers (ITE) (2017), which is an industry standard source.

The traffic analysis for future (Year 2024) and General Plan Buildout (Year 2045) includes vehicle trips for the proposed Brea Place Project located at State College Boulevard and Birch Street.

The traffic circulation analysis considered the general decrease in traffic as a result of the COVID-19 pandemic. Five of the six study intersections had historic Year 2018/2019 traffic counts available, which were utilized and conservatively grown an additional 1.0 percent per year to establish Year 2021 pre-pandemic baseline traffic conditions. One study intersection did not have historic data available, therefore, Year 2020 COVID-19 counts were collected at the study location, as well as the intersections adjacent to the missing location, in order to estimate Year 2018/2019 pre-pandemic baseline. An additional growth factor of 1.0 percent per year was then applied to the Year 2018/2019 pre-pandemic baseline to establish Year 2021 pre-pandemic baseline traffic conditions at the study intersection. Furthermore, existing ingress and egress volumes at the four Brea Plaza Driveways and the west leg of South Associated Road at Greenbriar Lane were based on forecasted trips for the existing Brea Plaza Center and Mercury Insurance building rather than applying adjustments to existing traffic counts.

R56-19 See response to Comment R56-7. The net decrease of project trips during the daily and PM peak hours is due to the removal of the existing movie theater. The traffic study assumes typical operations based on pre-pandemic conditions in which the movie theater was operating similar to other typical theaters. Furthermore, the movie theater was fully operational during the time the traffic counts were collected in Year 2018/2019. As such, the trip generation rates used for establishing the trip generation of the existing movie theater are considered to be appropriate and is consistent with standing engineering practices. Therefore, no changes to the study are recommended and it is concluded that the proposed project's traffic related impacts as evaluated in the Traffic Circulation Assessment are valid.

R56-20 Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (Appendix J2) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's

2. Response to Comments

transportation policies. The intersection queuing evaluation was completed for Year 2024 and General Plan Buildout (Year 2045) traffic conditions at the two unsignalized Brea Plaza driveways located on South Associated Road. The queuing evaluation at unsignalized intersections are based on 95th Percentile methodology which is considered an industry standard. The queuing evaluation indicates that the internal queues and queues along South Associated Road at the two project driveways are not anticipated to exceed more than one vehicle during the AM and PM peak hours, under both Year 2024 and General Plan Buildout (Year 2045) traffic conditions.

- R56-21 See response to Comment R56-20. The queuing evaluation at unsignalized intersections are based on 95th Percentile methodology which is considered an industry standard. The queuing evaluation indicates that the internal queues and queues along South Associated Road at the two project driveways are not anticipated to exceed more than one vehicle during the AM and PM peak hours, under both Year 2024 and General Plan Buildout (Year 2045) traffic conditions.
- R56-22 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R56-23 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R56-24 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R56-25 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. Impacts to public services and utilities and service systems are evaluated in Section 5.9, *Public Services*, and Section 5.13, *Utilities and Service Systems*.
- R56-26 As indicated in Section 8.4, *Hazards and Hazardous Materials*, and Section 5.11, *Transportation*, of the DEIR, the proposed project would not conflict with adopted emergency response or evacuation plans. The surrounding roadways would continue to provide emergency access to the project site and surrounding properties during construction and postconstruction. The proposed project would comply with zoning, building, and fire codes, and the project applicant is required to submit appropriate plans for plan review prior to issuance of a building permit. Adherence to these requirements would ensure that the proposed project would not have a significant impact on emergency response and evacuation plans. As identified in response to Comment R56-7, the proposed project would result in a decrease in daily and PM peak hour trips and a slight increase in AM peak hour trips. Table 5.11-2, *Intersection Accident History*, in the DEIR indicates that the study intersections along Imperial Highway have generally declined within the last five years. Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities

2. Response to Comments

Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety.

- R56-27 The commenter's objections to the proposed project and zone change are noted and have been forwarded to the decision-makers for their review and consideration. See also response to Comment R56-26, a Traffic Circulation Assessment (see Appendix J2) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. Figures 5-1 through 5-4 in the Traffic Circulation Assessment depict the existing and the anticipated project trip distribution. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Additionally, it should be noted that because the Memorandum of Understanding (MOU) of the Brea Plaza site with Mercury Insurance expires in April 2026 the Mercury Insurance parking lot would no longer be available for Brea Plaza residents, employees, and patrons. As a result, vehicles associated with the proposed Project would access the site via Imperial Highway or Associated Road and would not cut through the Mercury Insurance parking lot to reach Greenbriar Lane.
- R56-28 The commenter's objections to the proposed project and building height are noted and have been forwarded to the decision-makers for their review and consideration. See response to Comment R56-7 regarding traffic. A discussion on consistency of the project buildings with the City of Brea General Plan and Zoning Code can be found in Section 5.6, *Land Use and Planning*, and a discussion on aesthetics can be found in Section 5.1, *Aesthetics*, of the DEIR. Section 5.1, *Aesthetics*, of the DEIR, did not identify any significant impacts associated with the design of the building adjacent to State Route 57. PPP AES-7 and PPP AES-8 requires that the design be consistent with the City's Specific Development Standards for Mixed-Use Projects.
- Section 3.3, *Statement of Objectives*, in Chapter 3, *Project Description*, of the DEIR, includes a list of the project's objectives which include increasing housing (including affordable housing) and job supply and providing a free intra-bus transportation system that would include stops at various locations.
- R56-29 As described in Chapter 3, *Project Description*, the proposed project includes 21,355 square feet of office uses. The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R56-30 Section 5.11, *Transportation*, of the DEIR, identified that project site would continue to be served by the four existing Brea Plaza driveways. As there are no proposed changes to the driveways, access to the site would remain the same. Additionally, the overall layout does not create any unsafe vehicle-pedestrian conflict points, and the driveway throating is

2. Response to Comments

- sufficient to prevent internal vehicle queuing/stacking from affecting access to parking spaces.
- R56-31 Chapter 7, *Alternatives to the Proposed Project*, of the DEIR, analyzed a Reduced Density Alternative which evaluated a four-story, 95-unit building. It was determined that this Alternative would result in similar impacts to aesthetics, cultural and paleontological resources, and tribal cultural resources; however, population and housing impacts would be greater. This Alternative would meet all of the project objectives, but to a lesser extent.
- R56-32 See response to Comment R56-12.
- R56-33 See comment letter R51 provided on behalf of Mercury Insurance.
- R56-34 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. See Section 3.3, *Statement of Objectives*, in Chapter 3, *Project Description*, of the DEIR, includes a list of the project's objectives which include increasing housing (including affordable housing) and job supply and providing a free intra-bus transportation system that would include stops at various locations.
- R56-35 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R56-36 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R56-37 See response to Comment R56-27.
- R56-38 Chapter 7, *Alternatives to the Proposed Project*, of the DEIR, analyzed an existing zoning alternative which would construct the 21,355 square feet of office space but would not develop the 189 residential uses and would not demolish the movie theater. This alternative would increase impacts to long-term air quality, construction-related noise, population and housing, and transportation. It would also result in a net increase of 208 daily vehicle trips; and therefore, likely result in a new significant and unavoidable miles traveled impact under the City's Senate Bill 743 impact criteria.
- R56-39 See response to Comment R56-34.

2. Response to Comments

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2. Response to Comments

LETTER R57 – Cierra Chavez (2 pages)

From: [Cierra Chavez](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Project - Concern
Date: Monday, September 20, 2021 10:22:58 AM

RE: Comments on Brea Plaza Expansion Project Draft Environmental Impact Report - State Clearinghouse No. 2020079022

Juan Arauz, AICP
City of Brea
1 Civic Center Circle
Brea, CA 92821

Mr. Arauz,
My family of 5 resides in Brea within the Glenbrook community. We are very concerned about the new Brea Plaza Development that is proposed.

1. There is a new apartment development on the corner of Birch and St College along with a new hotel in the works at that same intersection. The traffic on Birch, State College, Lambert and Imperial will all GET WORSE if we continue to grow this area that doesn't have room for growth. You're putting more strain on our streets, what happens when there is a terrible accident on Birch/Redbay because there is no light but there is more traffic. I come and go off of Redbay/Birch multiple times per day to transport my children to and from school and see close accidents crossing that intersection often.

Have you driven to Brea High School in the mornings and afternoon? HOW CAN THAT SCHOOL POSSIBLY accommodate more kids and more traffic? What about Country Hills traffic - won't those kids that are proposed to live in this new Development go to Country Hills? If you combine the traffic from Country Hills and the High School, you're putting lives at risk by increasing time and traffic.

2. Parking at the Brea Plaza is already difficult, I often go to the Starbucks and Groomer and there are times that there is already no parking. So if you had more homes, more people - how can they be accommodated in that parking lot? Those businesses will suffer if clients can not get to them, have trouble parking or just don't want to enter a parking lot that is difficult and crowded.

3. Safety, before we continue to grow the area around downtown Brea can't we see how the other 2 new developments on State College/Birch will impact the overall safety of Brea. How will the police and fire be able to handle more residents? We don't know the impact without these developments finished and inhabited.

R57-1

2. Response to Comments

Thank you for listening to our concerns, I bought a home in Brea 2 years ago for the safety, schools and quiet neighborhood and really hope to see it stay the same.

R57-1
cont'd

Chavez Family

2. Response to Comments

R57. Response to Comments from Cierra Chavez, dated September 20, 2021.

R57-1 Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. Based on project's contribution to traffic at this intersection, no significant deterioration at the intersection of Birch Street and Redbay Avenue was identified. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

With regards to the intersection of Redbay Avenue at Birch Street, it is our understanding that some employees of the Mercury Insurance building may currently utilize the intersection and travel via Redbay Avenue, Eucalyptus Street, and Aurora Avenue to access their site. The proposed project does not contribute traffic to this route and therefore this is considered an existing issue unrelated to the proposed project. However, it should be noted that the proposed project will construct an exclusive eastbound right-turn pocket at the intersection of South Associated Road at Birch Street as an intersection safety enhancement, as well as intersection capacity improvement. This improvement will help facilitate traffic flow through the intersection while increasing bicycle safety, and with improved traffic flow could potentially discourage Mercury Insurance employees that may be cutting through the Glenbrook neighborhood to utilize South Associated Road instead. The request to install a traffic signal on Birch Street and Redbay Avenue has been forward to Public Works for their consideration.

Pursuant to Education Code Section 17620 and Government Code Sections 65995 and 66000 (Assembly Bill 1600), school districts are authorized to conduct a nexus fee study to adopt updated development impact fees to fund the proportion of new development's share of required K-12 school and support facilities. As identified in Section 5.9, *Public Services*, in the DEIR, the proposed project would generate up to 57 additional students (19 elementary school, 19 junior high, and 19 high school) within the Brea-Olinda Unified School District (BOUSD). Pursuant to California Government Code Section 65995(h), the payment of impact fees fully mitigates impacts to an increased demand for school facilities. Additionally, it should be noted that future development projects would also be required to pay fair-share payments to the City for increased resources which would help offset physical impacts to school facilities.

2. Response to Comments

CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, *Brea Plaza Surface and Structure Parking*, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU will expire in April 2026. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.

The DEIR evaluated potential impacts to police and fire services in Section 5.9, *Public Services*. As identified in this section, in addition to paying development impact fees and property taxes, the proposed project would be reviewed by the fire and police departments as part of the project review process where conditions of approval and specific condition of these services and desired augmentation to achieve best performance goals would be determined (see PPP PS-3, PPP PS-5, and PPP PS-7). As a result, the proposed project would not adversely affect the Brea Police Department's or the Brea Fire Department's ability to provide adequate service.

The commenter's concerns regarding the project are noted and have been forwarded to the decision-makers for their review and consideration.

2. Response to Comments

LETTER R58 – Dan and Sue Vanderwall (1 page)

September 20, 2021

Mr. Juan Arauz, AICP
Senior Planner
City of Brea-Planing Division

Dear Mr. Arauz:

I attended the City Planning meeting on August 24 as an interested party. I have lived in Brea for 45 years, have been a volunteer at the Brea Senior Center for five years, have worked the Country Fair and the Concerts in the Park. I've met most of the City Council members. I have loved living in Brea—until recently.

I wish the City would take into account the desires of its residents and push back on all this new development. Is more low-income housing needed? Yes it is. But can you tell me what percentage of the new units being added are low-income? From what we've seen so far, the new apartments added to Brea like Avalon Place are certainly NOT for moderate income residents.

What is being done to this city is shameful. Why do I say this?

- The high-rise complexes are changing the complexion of our town. What evidence is there that all these apartments will be filled? And at the rents being indicated?
- The lack of consideration for the traffic conditions current residents are facing, let alone the impact of adding 2,000+ new units over the next several years. If you really think residents are going to bike or take buses to get around, I have some property.....etc. That is just not reality. The 8-story apartment projected for the Brea Plaza area is disgusting! I'm appalled that the City would even consider adding such a project to that area. No wonder the residents are so upset.
- The water shortage is a real issue and no evidence was presented to justify that this additional population can be accommodated—at least not at the cost of putting additional restrictions on the entire city population.

Please, protect our town and listen to your residents rather than giving in to the demands of the state. Stand up for your City!!

Dan and Sue Vanderwall

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R58-1

2. Response to Comments

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2. Response to Comments

R58. Response to Comments from Dan and Sue Vanderwall, dated September 20, 2021.

R58-1 The proposed project would include 19 affordable housing units ranging from studios to 3-bedroom units. As addressed in Section 5.8, *Population and Housing*, according to Regional Housing Needs Assessment (RHNA) for the 2014-2021 housing element, cycle, the City's share of regional housing needs was 1,851 new units between 2014 and 2021. The proposed project would increase the number of housing units in the City by 189 units, thereby increasing the City's housing supply.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

The proposed project includes an 8-story residential/office building, which includes five levels of residential uses above three-levels of above-ground parking, for a total building height of 89 feet at the top of the parapet. The commenter's objections regarding the building height are noted. A discussion on consistency of the project buildings with the City of Brea General Plan and Zoning Code can be found in Section 5.6, *Land Use and Planning*, and a discussion on aesthetics can be found in Section 5.1, *Aesthetics*, of the DEIR.

As substantiated in Section 5.11, *Utilities and Service Systems*, the proposed project would result in a net increase of 50.5 acre-feet per year of water usage, which would represent 0.5 percent of the water demand for the City in 2045. The projected water demand is very conservative because it is based on wastewater generation factors from the sewer study and does not account for a reduction in indoor water use for new construction that complies with the California Green Building Standards Code (CALGreen) standards and water conservation features. The City is projected to meet all water demands through 2045, during normal, single dry, and multiple dry years, according to the 2020 Urban Water Management Plan, due to the diversified supply and conservation measures. Therefore, the City would be able to meet the water demands of the proposed project in addition to existing and cumulative demands. Moreover, the City prepared the 2020 Water Shortage Contingency Plan in June 2021, which is the City's operating manual that is used to prevent catastrophic service disruptions through proactive management. The Water Shortage Contingency Plan provides a structured guide for the City to deal with water

2. Response to Comments

shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a catastrophic supply interruption. If and when shortage conditions arise, pre-determined steps to manage a water shortage can be identified and efficiently implemented.

The commenter's concerns regarding the project are noted and have been forwarded to the decision-makers for their review and consideration.

2. Response to Comments

LETTER R59 – Darcie Giacchetto (1 page)

From: [Darcie Giacchetto](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza expansion project
Date: Monday, September 20, 2021 12:40:59 PM

Hi Juan – I wanted to reach out regarding the Brea Expansion project. As a nearby neighbor (we live at [REDACTED]) myself and family totally oppose this project. An eight story multifamily apartment building has absolutely no business being located at one of the busiest intersections in Brea. It will be an eyesore and it will block the views of a number of residents. No other buildings in Brea except one in an office park out of the way is 8 stories. It does not fit in with the aesthetic of the City.

While the DEIR states there will be no more traffic impact with this project, I say that is completely impossible. The entire DEIR should be redone with a different company – at that point, the project would be deemed a no-go. While it has been said that the DEIR was conducted by a third party company, there is something wrong with the reporting. It was also done during the height of COVID and while it was supposed to factor into the numbers of normal traffic it couldn't have. I think the report should be deemed invalid. There is no way that there will be the same amount of traffic now as there will be after the proposed project is built. The residents and workers will have cars and there is NO way you can guarantee that the "proposed" shuttle services and ride sharing services will be utilized and if they were – they would not cut down on all new traffic. There is a high frequency of accidents on Associated and Greenbriar Road and those will increase with more people living at Brea Plaza. This is a MAJOR public safety issue. The land should not be rezoned.

This project is a money grab and irresponsible. There are other places you can build multifamily projects that would be out of the way. Shame on Brea for even considering this project. Also – shame on Brea for allowing that monstrosity of Avalon to be built on State College and Birch. It is a constant reminder that Brea Plaza multifamily would be an enormous mistake. Stop degrading our beautiful city. Stop the money grab and stop ruining your current residents' quality of life.

Thank you, Darcie Giacchetto

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R59-1

2. Response to Comments

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2. Response to Comments

R59. Response to Comments from Darcie Giacchetto, dated September 20, 2021.

R59-1 The commenter's objections regarding the building height are noted and have been forwarded to the decision-makers for their review and consideration. A discussion on consistency of the project buildings with the City of Brea General Plan and Zoning Code can be found in Section 5.6, *Land Use and Planning*, and a discussion on aesthetics can be found in Section 5.1, *Aesthetics*, of the DEIR. Section 5.1, *Aesthetics*, of the DEIR, did not identify any significant impacts associated with the design of the building adjacent to State Route 57. PPP AES-7 and PPP AES-8 requires that the design be consistent with the City's Specific Development Standards for Mixed-Use Projects.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. Additionally, Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections, which include SR-57 Ramps at Imperial Highway, are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions.

The measures put into place to slow the spread of COVID-19 resulted in significant changes in human activity and vehicle miles traveled (VMT). Most notable are the temporary reductions in both heavy-duty and light-duty VMT across the state's highways and local roads, and the resulting temporary emission reductions. In California, VMT fell to its lowest point in early- to mid-April, with an approximately 25 percent reduction in heavy-duty VMT and 50 to 60 percent reduction in light-duty VMT. Since that time, both heavy-duty and light-duty VMT have steadily increased, with heavy-duty VMT returning to pre-COVID-19 levels in early June.⁵ COVID-19 stay-at-home orders and related closures are temporary measures. As identified in the Traffic Circulation Assessment (see Appendix J2 to the DEIR), pre-COVID counts were available at five of the study intersections for year 2018 and 2019. Section 3.4, Existing Traffic Volumes, in Appendix

⁵ California Air Resources Board. 2021, April 23. Revised Draft 2020 Mobile Source Strategy
https://ww2.arb.ca.gov/sites/default/files/2021-04/Revised_Draft_2020_Mobile_Source_Strategy.pdf

2. Response to Comments

J2 details the methodology used to determine the existing traffic volumes in the project vicinity.

Additionally, as indicated in Section 5.11, *Transportation*, of the DEIR, a queuing evaluation was completed to address potential safety hazards. Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions, and therefore, no significant safety impacts were identified. Moreover, Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety.

The commenter's objections to the project are noted and have been forwarded to the decision-makers for their review and consideration.

2. Response to Comments

LETTER R60 – Florine and Gary Miller (1 page)

From: [Florine](#)
To: [Arauz, Juan](#)
Subject: BREA PLAZA PROJECT
Date: Monday, September 20, 2021 12:41:12 PM

We are opposed to this project for many reasons, but here are a few:
Traffic is already heavy in this area of Brea. This project will significantly add to the problem.
Schools have not been improved in this area for decades. Incoming students will impact the quality of education our existing students receive.
We moved to Brea in the 70's to get away from an apartment lifestyle. Unfortunately, Brea is becoming what we moved away from. We are concerned that this will affect not only the resale price of our property but will significantly affect the lifestyle we desire.
PLEASE DO NOT APPROVE THIS OR FURTHER PROJECTS OF THIS TYPE

R60-1

Florine and Gary Miller



2. Response to Comments

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2. Response to Comments

R60. Response to Comments from Florine and Gary Miller, dated September 20, 2021.

R60-1 The commenter's objections to the proposed project are noted and have been forwarded to the decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

Pursuant to Education Code Section 17620 and Government Code Sections 65995 and 66000 (Assembly Bill 1600), school districts are authorized to conduct a nexus fee study to adopt updated development impact fees to fund the proportion of new development's share of required K-12 school and support facilities. As identified in Section 5.9, *Public Services*, in the DEIR, the proposed project would generate up to 57 additional students (19 elementary school, 19 junior high, and 19 high school) within the Brea-Olinda Unified School District (BOUSD). Pursuant to California Government Code Section 65995(h), the payment of impact fees fully mitigates impacts to an increased demand for school facilities. Additionally, it should be noted that future development projects would also be required to pay fair-share payments to the City for increased resources which would help offset physical impacts to school facilities.

2. Response to Comments

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2. Response to Comments

LETTER R61 – Gloria SC (1 page)

From: [Gloria Sc](#)
To: [Arauz, Juan](#)
Subject: Public Comments -Proposed project Imperial & Associated
Date: Monday, September 20, 2021 2:49:32 PM

Hello. I'd like to submit a few questions. Like many other local residents, I am opposed to the project. It introduces too much traffic to the already congested area, will have a huge environmental impact, contrary to the information provided during public meetings and would disrupt the aesthetics of the area by adding visual obstructions higher than any other immediate building.

Questions are as follow: 1) What benefits can this project possibly bring to the current residents in the immediate surrounding areas (outside of the tax revenues to the city)?

2) Will the project include long term office space in addition to the proposed shared offices? If so, With so many businesses moving towards remote working , it doesn't seem aligned with the current work trends

3) If the project comes to fruition, how does the project company propose to manage the traffic within the parking lot? Will the parking lot be re-designed?

As we all know, there are only 2 entrances on the east side facing Associated (aside from the Imperial entrance) . The Chick-fil-A drive through already creates gridlock as it is. If the building of that size is built, hundreds of new cars will be introduced causing further traffic issues within the parking lot alone, not to mention surrounding streets.

4) If the project moves forward, have the developers considered a smaller project? A high level building will obstruct the view of the many beautiful homes overlooking the plaza. It is really concerning as to the impact on the property values.

In regards to the project idea of shared living units and shared work space, my concern is that it would introduce high rates of transiency and individuals with no vested interest in the community.

While I agree that some updates & developments may be good for the community, the proposed idea is too large and unnecessary. .

Thanks.

[Sent from Yahoo Mail for iPhone](#)

R61-1

2. Response to Comments

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2. Response to Comments

R61. Response to Comments from Gloria Sc, dated September 20, 2021

R61-1 The commenter's objections to the proposed project are noted and have been forwarded to the decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

A discussion on consistency of the project buildings with the City of Brea General Plan and Zoning Code can be found in Section 5.6, *Land Use and Planning*, and a discussion on aesthetics can be found in Section 5.1, *Aesthetics*, of the DEIR. Section 5.1, *Aesthetics*, of the DEIR, did not identify any significant impacts associated with the design of the building adjacent to State Route 57. PPP AES-7 and PPP AES-8 requires that the design be consistent with the City's Specific Development Standards for Mixed-Use Projects.

The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. The proposed project would increase housing (including affordable housing) and job supply in the City, and provide a free intra-bus transportation system that would include stops at various locations. The proposed project would include 21,355 square feet of co-working office space.

Section 5.11, *Transportation*, of the DEIR, evaluated internal circulation. The project site would continue to be served by the four existing Brea Plaza driveways. As there are no proposed changes to the driveways, access to the site would remain the same. Additionally, the overall layout does not create any unsafe vehicle-pedestrian conflict points, and the driveway throating is sufficient to prevent internal vehicle queuing/stacking from affecting access to parking spaces.

Chapter 7, *Alternatives to the Proposed Project*, of the DEIR, analyzed a Reduced Density Alternative which evaluated a four-story, 95-unit building. It was determined that this Alternative would result in similar impacts to aesthetics, cultural and paleontological resources, and tribal cultural resources; however, population and housing impacts would be greater. This Alternative would meet all of the project objectives, but to a lesser extent.

2. Response to Comments

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2. Response to Comments

LETTER R62 – Hal and Kathy Harkness (1 page)

From: [Hal Harkness](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Project
Date: Monday, September 20, 2021 12:26:43 PM

Juan,

My wife and I are 52 year residents of Glenbrook on Castlegate Lane. In the long period of time, we have witnessed the growth of Brea from a sleepy hamlet into a bustling, vibrant town.

This project is totally unlike any other I can name in that over five decade period. If one searched far and wide, you couldn't have selected a worse parcel of land to place this development on. If the over-riding consideration is new tax revenue for the City of Brea, it's perfect. If the over-riding consideration is the well being of the citizens surrounding this project, it couldn't be worse.

The City hit a "home run" when it approved the original Plaza Project years ago for retail and then again with the expansion and covering of the storm drain to add more retail and parking.

Negatives:

It is totally "land locked" behind existing retail stores and restaurants and parking lots, that are already over taxed during peak hours. The impact of turning left into the parcel from Imperial Highway will be extreme during most of the day, as well as the additional cars filling the exit lanes from the 57 freeway.

There is only one exit to Association, reachable through the existing retail parking lots. It would be necessary to put a traffic signal there as it is already very dangerous to turn left to travel north on Associated from there. On the south side to Imperial High, there is no opportunity to turn left and right turns are prohibited on red signals. Think what the backup will be in the current retail parking lots waiting to turn right on Imperial.

Eight story buildings would be the tallest in Brea and visible from a long way, it would be taller than either of the Avalon Complexes at St. College and Birch. Not compatible with Brea standards.

The renderings shown at the Planning Commission Hearing last month showed the freeway side of the buildings with tiny, single windows. This of course is to minimize the impact of the freeway directly behind. The Los Angeles Times published a study indicating residences constructed immediately next to freeways were dangerous to the occupants in terms for very, very poor air quality. It also appeared that these windows might be permanent and unable to open.

R62-1

2. Response to Comments

This leads to two more potential areas of concern. One the strain on the electric grid, which is often over burdened on hot days as there will be no cross-ventilation in these units and A/C will be needed for climate control. The other major issue to consider is where the water is coming from for all the massive projects?

R62-1
cont'd

It is very difficult to imagine what positive effect this project brings to any area that is already bulging at the seams with a massive freeway entry/exit and a major east/west artery in North Orange County.

Thank you and the Planning Commission for you consideration.

Hal and Kathy Harkness

2. Response to Comments

R62. Response to Comments from Hal and Kathy Harkness, dated September 20, 2021

R62-1 The commenter's objections to the proposed project are noted and have been forwarded to the decision-makers for their review and consideration.

A discussion on consistency of the project buildings with the City of Brea General Plan and Zoning Code can be found in Section 5.6, *Land Use and Planning*, and a discussion on aesthetics can be found in Section 5.1, *Aesthetics*, of the DEIR. Section 5.1, *Aesthetics*, of the DEIR, did not identify any significant impacts associated with the design of the building adjacent to State Route 57. PPP AES-7 and PPP AES-8 requires that the design be consistent with the City's Specific Development Standards for Mixed-Use Projects. The closest residential areas to the expansion area are the single-family homes to the north and east, approximately 500 to 550 feet, respectively. Section 5.1, *Aesthetics*, did not identify any impacts to the viewsheds in Brea, including the hills to the northeast.

As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. As indicated in Section 5.11, *Transportation*, of the DEIR, a queuing evaluation was completed to address potential safety hazards. Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions, and therefore, no significant safety impacts were identified. Moreover, Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety.

The existing Embassy Suites Hotel to the west of the project site, near the Brea Civic Center and Brea Mall is currently the tallest building in the City of Brea at 88 feet tall, eight stories, and two levels of below-grade parking. The proposed project would be a similar height as the existing Embassy Suites. The proposed project includes an 8-story residential/office building, which includes five levels of residential uses above three-levels of above-ground parking, for a total building height of 89 feet at the top of the parapet. As identified in Section 5.6, *Land Use and Planning*, the Mixed Use I (MU-I) use allows up to 100 feet. The proposed project is within the maximum height limitations of the MU-I use.

Impacts of the environment on a project are not CEQA impacts (*California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369, Case No. S213478*). However, the California Building Code (Title 24), Part 6 (California Building

2. Response to Comments

and Energy Efficiency Standards) as well as Part 11 (California Green Building Standards Code [CALGreen]) has standards for enhanced filtration for multi-family residential buildings. Under Title 24, Part 6, Section 120.1(b)(1)(C) and Part 11 (Section 5.504.5.3), multifamily residential buildings that are four stories or higher are required to use Minimum Efficiency Reporting Value (MERV)-13 filters. As a result, compliance with existing regulations is sufficient to ensure a healthy indoor air quality environment. The project would be required to adhere to the 2019 California Green Building Standards Code (CALGreen), which ensures are energy-efficient and reduce environmental impacts during and after construction.

Section 5.4, *Energy*, did not identify any significant impacts related to energy use. The proposed project would be required to comply with the Building Energy Efficiency Standards and CALGreen to minimize energy use and would not result in significant impacts to the Southern California Edison energy grid.

As substantiated in Section 5.11, *Utilities and Service Systems*, the proposed project would result in a net increase of 50.5 acre-feet per year of water usage, which would represent 0.5 percent of the water demand for the City in 2045. The projected water demand is very conservative because it is based on wastewater generation factors from the sewer study and does not account for a reduction in indoor water use for new construction that complies with CALGreen standards and water conservation features. The City is projected to meet all water demands through 2045, during normal, single dry, and multiple dry years, according to the 2020 Urban Water Management Plan, due to the diversified supply and conservation measures. Therefore, the City would be able to meet the water demands of the proposed project in addition to existing and cumulative demands. Moreover, the City prepared the 2020 Water Shortage Contingency Plan in June 2021, which is the City's operating manual that is used to prevent catastrophic service disruptions through proactive management. The Water Shortage Contingency Plan provides a structured guide for the City to deal with water shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a catastrophic supply interruption. If and when shortage conditions arise, pre-determined steps to manage a water shortage can be identified and efficiently implemented.

2. Response to Comments

LETTER R63 – Joy Bermudez (1 page)

From: [Joy Bermudez](#)
To: [Arauz, Juan](#)
Cc: [Joy Bermudez](#)
Subject: Brea plaza project
Date: Monday, September 20, 2021 9:23:39 AM

The Brea Plaza Project is very close to residential areas that are now very impacted by dense traffic. The parking lot is always very crowded and accidents are frequent on Associated. Imperial Hwy always very congested and adding more apts and more vehicles is common sense that the traffic will increase. This puts safety for all residents and commuters at risk. The new apts on St. College and Birch are right behind the Brea Glenbrook neighborhood as well which again brings more traffic to a already busy Birch Street by the Brea Mall and Target and path to the 57 fwy. There are also apts on Birch behind the Glenbrook neighborhood which increase traffic. The traffic now is very dense which makes coming and going in and out of the neighborhood very difficult. More parks and outdoor space would help make the community better. I oppose this project.
A concerned Brea resident, homeowner, and tax payer. Sincerely, Joy Bermudez [REDACTED]
Sent from my iPhone

R63-1

2. Response to Comments

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2. Response to Comments

R63. Response to Comments from Joy Bermudez, dated September 20, 2021

R63-1 Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. As indicated in Section 5.11, *Transportation*, of the DEIR, a queuing evaluation was completed to address potential safety hazards. Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions, and therefore, no significant safety impacts were identified. Moreover, Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety.

The DEIR includes an analysis parks in Section 5.10, *Recreation*.

2. Response to Comments

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2. Response to Comments

LETTER R64 – Joy Walter (1 page)

From: [walterfive](#)
To: [Arauz, Juan](#)
Date: Monday, September 20, 2021 2:24:15 PM

Dear Mr. Arauz,

My name is Joy Walter, and I have lived in Brea Glenbrook for the past 36+ years. I love my city! I have seen lots of changes: some good, some bad. I believe the proposed Brea Plaza expansion project to be a very poor proposal! There is just too much being added to a very small area. Regardless of the studies done, I firmly believe that the resulting traffic will be horrendous! The resulting congestion will lower the quality of life for us all. Schools will also be adversely affected. Being a retired teacher, this resonates strongly with me.

R64-1

Please do your part to look out for the best interests of all our citizens, and vote no on this proposal.

Thank you!
Joy Walter
[REDACTED]

Brea

[Sent from the all new AOL app for iOS](#)

2. Response to Comments

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2. Response to Comments

R64. Response to Comments from Joy Walter, dated September 20, 2021

R64-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

Pursuant to Education Code Section 17620 and Government Code Sections 65995 and 66000 (Assembly Bill 1600), school districts are authorized to conduct a nexus fee study to adopt updated development impact fees to fund the proportion of new development's share of required K-12 school and support facilities. As identified in Section 5.9, *Public Services*, in the DEIR, the proposed project would generate up to 57 additional students (19 elementary school, 19 junior high, and 19 high school) within the Brea-Olinda Unified School District (BOUSD). Pursuant to California Government Code Section 65995(h), the payment of impact fees fully mitigates impacts to an increased demand for school facilities. Additionally, it should be noted that future development projects would also be required to pay fair-share payments to the City for increased resources which would help offset physical impacts to school facilities.

2. Response to Comments

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2. Response to Comments

LETTER R65 – Kevin and Marilyn Broady (1 page)

From: [marilyn_broady](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Project
Date: Monday, September 20, 2021 2:13:57 PM

Dear Juana,
My husband and I live in the Glenbrook neighborhood. We are opposed to the Brea Plaza project. We already have enough cars cutting through our neighborhood and this will only make the problem worse. In addition, there is already too much traffic in Brea and this will only make it worse, especially with other housing projects finishing and in the works for the future. We vote no on this project.

Sincerely,
Kevin and Marilyn Broady
Sent from my iPhone
Marilyn Broady

R65-1

2. Response to Comments

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2. Response to Comments

R65. Response to Comments from Kevin and Marilyn Broady, dated September 20, 2021

R65-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R66 – Kevin Odom (4 pages)

From: [Kevin Odom](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Building Project Comments
Date: Monday, September 20, 2021 8:47:18 AM

The Brea Plaza project is a bad project in several areas and I do not want, and the city does not need, this project. Please do not approve this building project. As a homeowner in the Glenbrook neighborhood I am writing to voice my many concerns about this flawed project and its many negative impacts to the surrounding homeowners and community. I participated in a Zoom meeting with the Brea Plaza owner and our Glenbrook homeowners and I couldn't even tell you his name as everything has been verbal and I have not received any written documentation as promised from the Brea Plaza owner. In this meeting we were all put on mute so we could not ask any follow up questions. There were many, many questions in the meeting and most questions were not answered and we were told he would get us the answers but to this point that has not happened and today seems to be the last day to provide the City with comments so I have no faith or trust in anything the Brea Plaza owner has verbalized in this sham of a meeting with our Homeowners Association.

R66-1

Areas of concern are Parking, Traffic, the need for new Office/Residential space and High Rise Expansion blight.

PARKING

The Brea Plaza project has a woeful lack of parking space. I performed a comparison of the Brea Plaza planned project and compared it to the Brea Place project currently under construction at St. College and Birch St. This is the most current similar and closest project to Brea Plaza. In addition I determined the parking requirement for the planned Restaurant based on a general restaurant average researched on Google. Calculation bases are Brea Place has 1 parking space for each 197 sq ft of office space and 2.01 parking spaces for each residence. Standard calculations for a restaurant should be based on sq ft of restaurant to determine how many guests it will seat and provide one space per two guests.

Brea Plaza Project will have:

- 5,000 sq ft of Restaurant Space
- 21,355 sq ft of Office Space
- 189 Residential Apartments.

Restaurant – A 5,000 sq ft restaurant will seat 116 guests. 1 car per 2 guests results in a need for 58 spaces.

Office - For the 21,355 sq ft office space you need one space for every 197 sq ft of space (based on Brea Place) this results in a need for 108 spaces.

R66-2

Apartments – 189 units @ 2.01 spaces per unit (based on Brea Place) results in a need for 380 spaces.

New building space will result in a loss of 139 spaces.

Added together there is a minimum of 685 additional spaces required. The Project plan adds 397 new spaces not even close to the spaces needed. There is a shortfall of 288 spaces. Even if you remove the 139 lost spaces from the equation there is still a need for an additional 139 parking spaces.

Weekday and possibly weekends days/afternoons will need simultaneous parking for

2. Response to Comments

all three (office/restaurant/apartment) segments. This will force cars to overflow and park onto adjacent streets in Glenbrook housing neighborhoods. This overflow parking is going to impact Glenbrook housing which is already has many cars parking on street day and night.

The Brea Plaza project is attempting to use some deceptive creative efforts (I cannot define these as I have not been provided any written information, only what was told to us over a Zoom conference call that was often hard to hear. The expectation is that people who live in these apartments will be working in the new office space so minimal travel will impact both parking and traffic. I do not believe any of this will actually occur. The Brea Plaza owner relies on the Environmental Impact Report (EIR) that the owner paid to an agency that will provide the owner with the numbers that best represents their own interest (not the homeowners or communities interests). Based on the discrepancy between parking spaces required versus what spaces are being built, I do not trust or believe the EIR is accurate since it only supports the owners needs.

R66-2
CONT'D

TRAFFIC

This proposed project building site is located at Imperial Hwy and Associated Rd. During the afternoon drive time (3-7pm) the WB Imperial traffic flow regularly backs up on Imperial all the way back near the Home Depot shopping center and often blocks the Castlegate/Imperial intersection. The Castlegate/Imperial intersection is the primary entrance into and out of the Glenbrook housing tract. As a homeowner in this community I already try to avoid travel on W Imperial Hwy as well as this intersection. With that addition of another 600+ vehicles travelling in and out of Imperial and Associated this is going to make an already bad situation so much worse it will really be horrible for the existing homeowners. Not to mention the Glenwood homeowners near Imperial and Associated behind the Edison Substation. The owners of the Brea Plaza shopping center live out of state and have NO IDEA about the impact of traffic to the community and homeowners in this area. The only response they provide when asked is that the EIR shows little to no impact. Again, I have not been able to see the EIR and have little trust in what has been verbalized by the owner about what is stated in the EIR.

R66-3

Already have backup on WB Imperial hwy at Associated (the major cross street signal for at this site which already impacts local homeowners) for this signal that backs up and regularly blocks the Castlegate/Imperial intersection during busiest afternoon drivetime. Adding Residential,

Parking spaces don't generate revenue, office space and residential space and commercial business space does generate revenue. My MBA has taught me that the main purpose of a true capitalist is to try and minimize non revenue and maximize revenue generation. Is that really what we want in our homeowner living neighborhoods?

COVID IMPACT

The new normal over the past 12 to 24 months that many service oriented businesses are learning is that 'working from home' is a viable way for many segments of their business to operate. The resulting impact that is currently on the

R66-4

2. Response to Comments

rise is commercial real estate is losing tenants that are either closing businesses or ongoing businesses are renewing their contracts for smaller amounts of leased space. Both of these are driving current lease space prices downward (a "buyers market") in order to keep clients and at least generate some revenue. Travelling around our city you can see this empty space in almost every existing office and shopping space. This new normal is not a good environment to be expanding community office space. If you look at existing commercial office space in our city does it make sense to be increasing that square footage? What impact will that have on the already existing surplus space in our city? Is it 'good government' to approve an increase in lease space that will continue to dilute revenue for existing lease space in a declining market? Economically the answer would be a big NO. Who in our community is responsible for regulating the overall economy in this market? If not the local government then who? The appropriate due diligence for approval of development of additional lease space in a downward market would be to deny the project and that is what I am asking you to do.

R66-4
CONT'D

I believe if you performed an actual survey of homeowners in Glenbrook and Glenwood (the most adjacent residential property to the Brea Plaza) if they want the city to approve this project you would get a large majority that would say NO. So why doesn't the city do this simple survey? Who is going to defend the hundreds of homeowners against the desires of the single capitalist?

RESIDENTIAL SPACE

There are several residential apartments currently in progress in this area of Brea with the following planned:

Brea Mall remodel – 312 apartments

Brea Place Development – 653 apartments

Mercury Apartments Development – 114 apartmen

R66-5

With 1,390 apartments coming do we really need another 189 apartments? Well, 188 since the owner indicates he is going to have one of these units become his part-time personal family residence.

HI RISE EXPANSION

Currently there is only a 3 story structure on the Brea Plaza site. This project request will create an 8 story monster structure on this site which will be an eyesore for Glenbrook residence most of which will have views of this huge unwanted structure. This structure will negatively impact sight lines for homeowners as well as unsightly storage on the patios and balconies by residences. In addition this will increase audible noise based on higher locations of residence windows, patios, balconies, and plant equipment for both each unit and entire structures on roofs. This will become the tallest building in Brea. Why does this not exceed the limit on structure height in Brea? Does the Fire Department have enough appropriate equipment to provide fire, evacuation and search protection for a structure this size? The 5 story structures being built at Brea Place I can now see from my bedroom windows. I had no idea this would affect my sightline until now it is being built and too late to do anything about it. Shouldn't this project owner have to build a stringed sightline structure to see

R66-6

2. Response to Comments

what impact this structure will have on surrounding homes before it is approved? I know communities (Malibu and Calabasas) that have required this so residences can see the impact and comment before it is approve and built.

Again, based on the many erroneous calculations and negative impacts to the neighboring residential communities, I urge you to decline this building project.

Thank You,

Kevin Odom, a Glenbrook Resident.

R66-6

CONT'D

2. Response to Comments

R66. Response to Comments from Kevin Odom, dated September 20, 2021

- R66-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.
- R66-2 CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, *Brea Plaza Surface and Structure Parking*, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU will expire in April 2026. Pursuant to City regulations, the City would review the LSA parking study (Appendix K of the DEIR) and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking. The proposed project would not include a new restaurant.
- Table 3-4, *Brea Plaza Surface and Structure Parking*, of the DEIR, identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project.
- R66-3 Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5-1 of the Traffic Circulation Assessment, implementation of the proposed project would result in a reduction of daily traffic and PM peak hour traffic and a slight increase in AM peak hour traffic. Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections, which include Placentia Avenue/Castlegate Lane at Imperial Highway, are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions.
- R66-4 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA. The measures put into place to slow the spread of COVID-19 resulted in significant changes in human activity and vehicle miles traveled (VMT). However, COVID-19 stay-at-home orders and related closures are temporary measures.
- R66-5 As addressed in Section 5.8, *Population and Housing*, according to Regional Housing Needs Assessment (RHNA) for the 2014-2021 housing element, cycle, the City's share of regional housing needs was 1,851 new units between 2014 and 2021. The proposed project would increase the number of housing units in the City by 189 units. Growth associated with the proposed project is consistent with regional growth projections.

2. Response to Comments

R66-6 The commenter's objections to the building height are noted. A discussion on consistency of the project buildings with the City of Brea General Plan and Zoning Code can be found in Section 5.6, *Land Use and Planning*, and a discussion on aesthetics can be found in Section 5.1, *Aesthetics*, of the DEIR. The existing Embassy Suites Hotel to the west of the project site, near the Brea Civic Center and Brea Mall is currently the tallest building in the City of Brea at 88 feet tall, eight stories, and two levels of below-grade parking. The proposed project would be a similar height as the existing Embassy Suites. The proposed project includes an 8-story residential/office building, which includes five levels of residential uses above three-levels of above-ground parking, for a total building height of 89 feet at the top of the parapet. As identified in Section 5.6, *Land Use and Planning*, the Mixed Use I (MU-I) use allows up to 100 feet. The proposed project is within the maximum height limitations of the MU-I use. The closest residential areas to the expansion area are the single-family homes to the north and east, approximately 500 to 550 feet, respectively. Section 5.1, *Aesthetics*, did not identify any impacts to the viewsheds in Brea, including the hills to the northeast.

As substantiated in Section 5.7, *Noise*, of the DEIR, mechanical noise, outdoor common area noise, and noise from balconies is required to meet the City of Brea Municipal Code noise standards. Additionally, noise-sensitive receptors are 500 to 550 feet away from the proposed residential units. No significant impacts to the noise-sensitive receptors were identified.

As indicated in Section 5.9, *Public Services*, PPP PS-3 would be implemented which would require the Brea Fire Department to approve the building plan and emergency access for the project site, as well as approve the fire master plan. Therefore, the proposed development will not adversely affect the ability of the Brea Fire Department to provide adequate service.

2. Response to Comments

LETTER R67 – Leo Burke (1 page)

From: leob@pacbell.net
To: [Arauz, Juan](#)
Subject: Brea Plaza Project
Date: Monday, September 20, 2021 10:02:01 AM

Juana,

We already have high density housing soon coming on board in this neighborhood. This particular location occupies a hotspot in vehicular traffic and the addition of more such housing there will make the situation untenable. I strongly disagree with the plan.

Leo

burke

R67-1

2. Response to Comments

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2. Response to Comments

R67. Response to Comments from Leo Burke, dated September 20, 2021

R67-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R68 – Linda Henderson (1 page)

From: [Linda Henderson](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza project
Date: Monday, September 20, 2021 10:36:35 AM

I wish to voice my opinion on the Brea Plaza Project DON'T DO IT!!!!!!!!!!!!!! The traffic in this area is already BAD and with all those apartments on State College, it will be gridlock day and night. To many people in less then a mile radius. DON'T DO IT!!!!!!

R68-1

2. Response to Comments

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2. Response to Comments

R68. Response to Comments from Linda Henderson, dated September 20, 2021

R68-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R69 – Marne Bourgeois (1 page)

From: [Marne Bourgeois](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Project
Date: Monday, September 20, 2021 10:44:15 AM

Good Morning,

I want to let you know that I have serious concerns about the Brea Plaza Project. The parking and traffic at this center is already an issue; adding a large office/residential complex is going to magnify the parking and traffic problems. Also, what is being done by the developer and/or the city to help the school district with the increase of student population. Many of the schools have reached their capacity and also need to be remodeled and improved. While the state may cover day to day costs with per pupil funds they do not provide for facility improvements. Are the developer and/or the city planning to help improve our school facilities? This project is far too large in scope and I am strongly opposed to this project.

R69-1

Sincerely,

Marne Bourgeois
Glenbrook Resident

2. Response to Comments

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2. Response to Comments

R69. Response to Comments from Marne Bourgeois, dated September 20, 2021

R69-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, Brea Plaza Surface and Structure Parking, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU will expire in April 2026. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

Pursuant to Education Code Section 17620 and Government Code Sections 65995 and 66000 (Assembly Bill 1600), school districts are authorized to conduct a nexus fee study to adopt updated development impact fees to fund the proportion of new development's share of required K-12 school and support facilities. As identified in Section 5.9, *Public Services*, in the DEIR, the proposed project would generate up to 57 additional students (19 elementary school, 19 junior high, and 19 high school) within the Brea-Olinda Unified School District (BOUSD). Pursuant to California Government Code Section 65995(h), the payment of impact fees fully mitigates impacts to an increased demand for school facilities. Additionally, it should be noted that future development projects would also be required to pay fair-share payments to the City for increased resources which would help offset physical impacts to school facilities.

2. Response to Comments

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2. Response to Comments

LETTER R70 – Michael and Robbi Price (2 pages)

From: [Michael Price](#)
To: [Arauz, Juan](#)
Subject: Fwd: Brea Plaza expansion project
Date: Monday, September 20, 2021 3:08:21 PM

Sent from my iPhone

Begin forwarded message:

From: Michael Price
Date: September 20, 2021 at 3:05:07 PM PDT
To: juana@ci.ca.us
Subject: Fwd: Brea Plaza expansion project

Sent from my iPhone

Begin forwarded message:

From: Michael Price
Date: August 24, 2021 at 8:41:21 AM PDT
To: Planning@cityofbrea.net
Subject: Brea Plaza expansion project

To Whom It May Concern,

We oppose and strongly recommend reconsideration of the proposed 8-story building planned for the Brea Plaza Shopping Center. We live in the Glenbrook neighborhood adjacent to Brea Plaza and have already seen the effects of the traffic from the current construction of the Brea Plaza Shopping Center. An additional structure so large will inevitably create gridlock through the Associated / Imperial Intersection as well as surrounding areas. Coupled with the large housing construction at Birch and State College, Brea residents will no longer be able to move freely about the city without becoming entangled in the traffic jams sure to follow. Again, we strongly recommend the City of Brea reconsider the 8-story building project at the Brea Plaza Shopping Center.

R70-1

Sincerely,

Michael and Robbi Price
[REDACTED]
Brea, CA 92821

2. Response to Comments

Sent from my iPhone

2. Response to Comments

R70. Response to Comments from Michael and Robin Price, dated September 20, 2021

R70-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R71 – Mitchell Tsai on behalf of SWCC (72 pages)

<p>P: (626) 381-9248 F: (626) 389-5414 E: info@mitchtsailaw.com</p>	 <p>Mitchell M. Tsai Attorney At Law</p>	<p>139 South Hudson Avenue Suite 200 Pasadena, California 91101</p>
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VIA E-MAIL

September 20, 2021

Juan Arauz, Senior Planner
City of Brea, Planning Division
1 Civic Center Circle
Brea, CA 92821
Em: juana@ci.brea.ca.us

RE: Brea Plaza Expansion Project (SCH No. 2020079022) – Comments on Draft Environmental Impact Report

Dear Juan Arauz,

On behalf of the Southwest Regional Council of Carpenters (“**Commenters**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Brea’s (“**City**” or “**Lead Agency**”) Draft Environmental Impact Report (“**DEIR**”) (SCH No. 2020079022) for the proposed Brea Plaza Expansion Project (“**Project**”).

The City proposes to adopt the Project, which calls for the demolition of the Brea Plaza 5 Cinemas to allow for the development of an eight-story structure housing 222,447 square feet of residential uses, 21,355 square feet of office space, and 397 parking spaces in a three-level parking structure. Among other things, the Project would require the City to approve a general plan amendment; a zoning change to designate the Project area for “Mixed Use I” uses; a development agreement with the Project applicant; a building plan check; and building and grading permits.

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens*

INTRO

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 2 of 33

for *Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v. City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq.*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

INTRO

R71-1

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 3 of 33

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

R71-1
CONT'D

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

R71-2

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

R71-3

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

R71-4

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at <https://laborcenter.berkeley.edu/wpcontent/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, available at <http://www.aqmd.gov/docs/defaultsource/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, available at https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 4 of 33

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

R71-4
CONT'D

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

R71-5

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents,

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.haywardca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 5 of 33

especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

R71-5

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“CCR” or “CEQA Guidelines”) § 15002(a)(1).⁸ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“Berkeley Jets”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

R71-6

⁸ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq.*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 6 of 33

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is

R71-6
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 7 of 33

made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

R71-6

CONT'D

B. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

R71-7

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 8 of 33

is required to revise and recirculate that information as part of the environmental impact report.

R71-7

CONT'D

C. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁹

R71-8

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.

⁹ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, *available at* <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 9 of 33

- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.

R71-8
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 10 of 33

- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DIHS will instruct the individual that he/she will not be allowed to enter the Project Site. DIHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.¹⁰

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

D. The DEIR Fails to Properly Incorporate Documents by Reference as Required under CEQA

¹⁰ See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

R71-8

CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 11 of 33

Section 15150 of the CEQA Guidelines permits CEQA environmental documents to incorporate documents by reference if such documents are “made available to the public for inspection at a public place or a public building.” CEQA requires that the environmental document “state where the incorporated documents will be available for inspection.” Moreover, Section 15150 provides that “[w]here an agency incorporates information from an EIR that has been previously been reviewed through the state review system, the state identification number of the incorporated document should be included.” The DEIR simply states that the documents incorporated by reference are “available for review at the City of Brea.” (DEIR, 2-11.) This incorporation by reference is incomplete and must be revised.

R71-9

E. The DEIR Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the DEIR but found to be insignificant with or without mitigation in the DEIR’s analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

R71-10

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1; see also *Ebbetts Pass Forest Watch v. Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 12 of 33

herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

R71-10

CONT'D

1. *The DEIR Fails to Support its Findings on Greenhouse Gas and Air Quality Impacts with Substantial Evidence.*

CEQA Guidelines § 15064.4 allow a lead agency to determine the significance of a project's GHG impact via a qualitative analysis (e.g., extent to which a project complies with regulations or requirements of state/regional/local GHG plans), and/or a quantitative analysis (e.g., using model or methodology to estimate project emissions and compare it to a numeric threshold). So too, CEQA Guidelines allow lead agencies to select what model or methodology to estimate GHG emissions so long as the selection is supported with substantial evidence, and the lead agency "should explain the limitations of the particular model or methodology selected for use." CEQA Guidelines § 15064.4(c).

CEQA Guidelines sections 15064.4(b)(3) and 15183.5(b) allow a lead agency to consider a project's consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

R71-11

CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) make clear qualified GHG reduction plans or CAPs should include the following features:

- (1) **Inventory:** Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);
- (2) **Establish GHG Reduction Goal:** Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
- (3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 13 of 33

project-by-project basis, would collectively achieve the specified emissions level;

- (5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

Here, the DEIR’s analysis of Air Quality and GHG impacts is unsupported by substantial evidence, as it relies on outdated modeling. The DEIR’s analysis of Air Quality and GHG impacts throughout the DEIR relies on data created using CalEEMod version 2016.3.2.25. (See, e.g., DEIR, 5.2-24 and DEIR, 5.5-21). A newer version of this software (currently CalEEMod version 2020.4.0) became available prior to the release of the DEIR. The DEIR provides no discussion or justification for use of the outdated 2016 version of the software. The use of outdated modeling software may result in underestimation of the Project’s GHG emissions, calling the DEIR’s conclusions into question.

The DEIR’s reliance on inaccurate modeling also affects its analysis of air quality impacts and transportation impacts. The DEIR potentially vastly undercounts the Project’s air pollutant emissions.

Moreover, the DEIR’s GHG emissions impact analysis does not analyze the *Project’s* greenhouse gas emissions, but rather takes the position that the GHG analysis should be analyzed as a whole with the rest of the existing Brea Plaza. (DEIR, 5.5-22.) The DEIR then concludes that, since the Project includes demolition of a movie theater, and the Project will presumably have a lower trip generation rate than the movie theater, the net change in GHG emissions for the Brea Plaza as a whole will decrease and the Project will have no negative impact, but rather an environmental benefit. (DEIR, 5.5-22.) The DEIR’s analysis should analyze the direct impacts caused by the Project, not simply compare them to the Brea Plaza as a whole.

R71-11
CONT'D

R71-12

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 14 of 33

Even when treating the movie theater as the baseline for determining significance of impact, the Project’s GHG emissions must be compared to actual existing conditions, not hypothetical maximum conditions. (*Communities for a Better Env’t v. South Coast Air Quality Mgmt. Dist.*, 48 Cal. 4th 310 (2010).) The DEIR’s analysis relies on projections of trip generation rates instead of an analysis of the theater’s actual historic activity. The DEIR’s flawed GIIG analysis also affects its conclusions regarding consistency with SCAG’s RTP/SCS. The City should reevaluate the DEIR’s analysis of GHG emissions and Air Quality impacts and recirculate the DEIR.

R71-12
CONT'D

2. *The DEIR Fails to Support with Substantial Evidence its Findings Regarding Lighting Impacts*

The DEIR’s analysis of the Project’s impacts on lighting and glare are inadequate. The Project is significantly taller than others in the immediate area, which is mainly composed of one- or two-story single family residences, the Brea Plaza, and the two-story Mercury Insurance campus. (DEIR, 5.1-7). The Project, in contrast, is an 89-foot tall, eight-story building with digital signage. The DEIR relies on Plans, Programs, and Policies (“PPP”) AES-2 and PPP AES-3 to conclude that there will be a less-than-significant impact on nighttime light and glare caused by the Project; however, compliance with these PPPs does not automatically result in a less-than-significant impact.

A determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal.App.4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. There is no analysis in the DEIR connecting the effect of compliance with regulatory requirements such that the impacts could be determined to be less than significant. The DEIR and its appendices do not include any lighting study. The City is essentially requesting a good-faith assumption that regulatory compliance will serve as a backstop without fully analyzing the impact or developing any mitigation measures. The City must identify potential impacts and mitigations; sufficiency cannot be assumed based on compliance alone.

R71-13

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 15 of 33

3. *The DEIR Fails to Support with Substantial Evidence its Findings Regarding the Emission or Handling of Hazardous Materials Within One-Quarter Mile of an Existing School*

The DEIR recognizes that North Fullerton KinderCare is located within 0.25 miles of the Project, but states only that “Operation of the proposed project would not generate hazardous emission or require the handling of acutely hazardous materials, substances, or waste.” (DEIR, 8-8). The DEIR fails to consider the potential impacts construction may have on the sensitive receptors located at the childcare facility. These potential impacts should be analyzed, and the DEIR should be revised.

R71-14

F. *CEQA Bars the Deferred Development of Environmental Mitigation Measures*

CEQA mitigation measures proposed and adopted into an environmental impact report are required to describe what actions that will be taken to reduce or avoid an environmental impact. CEQA Guidelines § 15126.4(a)(1)(B) [providing “[f]ormulation of mitigation measures should not be deferred until some future time.”]. While the same Guidelines section 15126.5(a)(1)(B) acknowledges an exception to the rule against deferrals, but such exception is narrowly proscribed to situations where “measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.” (Id.) Courts have also recognized a similar exception to the general rule against deferral of mitigation measures where the performance criteria for each mitigation measure is identified and described in the EIR. *Sacramento Old City Ass’n v. City Council* (1991) 229 Cal.App.3d 1011.

R71-15

Impermissible deferral can occur when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal. App. 4th 260, 281 [city improperly deferred mitigation to butterfly habitat by failing to provide standards or guidelines for its management]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 671 [EIR failed to provide and commit to specific criteria or standard of performance for mitigating impacts to biological habitats]; see also *Cleveland Nat’l Forest Found. v San Diego Ass’n of Gov’ts* (2017) 17 Cal. App. 5th 413, 442 [generalized air quality measures in the EIR failed to set performance standards]; *California Clean Energy Comm. v City of*

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 16 of 33

Woodland (2014) 225 Cal. App. 4th 173, 195 [agency could not rely on a future report on urban decay with no standards for determining whether mitigation required]; *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal. App. 4th 681, 740 [agency could not rely on future rulemaking to establish specifications to ensure emissions of nitrogen oxide would not increase because it did not establish objective performance criteria for measuring whether that goal would be achieved]; *Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1119 [rejecting mitigation measure requiring replacement water to be provided to neighboring landowners because it identified a general goal for mitigation rather than specific performance standard]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777, 794 [requiring report without established standards is impermissible delay].

Here, the DEIR defers the development of the following mitigation measures for potentially significant environmental impacts:

- MM CUL-1 calls for the retention of an archaeologist in the event of inadvertent discovery of cultural resources. The archaeologist’s evaluation may determine that “additional work such as data recovery excavation may be warranted and reported to the city.” (DEIR, 5.3-10.) However, this mitigation measure fails to detail any specific plan that would be established using a generally accepted performance criteria or standard.
- MM CUL-2 proposes mitigation for impacts on paleontological resources that relies on retention of a qualified paleontologist without specifying any specific qualifications or criteria used in the selection of the paleontologist. This mitigation measure also does not specify any specific plan for mitigation established using generally accepted performance criteria or standards.

It is important to note that there are well developed professional protocols that could easily be integrated into the aforementioned mitigation measures to provide enforceable performance standards for the aforementioned mitigation measures.

R71-15
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 17 of 33

As to MM CUL-1, the United States Department of the Interior has specific guidelines for evaluation and treatment of archaeological resources.¹¹ Further, the paleontologist retained to conduct monitoring of the Project's excavation activities pursuant to MM CUL-2 should meet the requirements for a "qualified professional paleontologist" pursuant to the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology (attached). The EIR should be modified to require that mitigation and monitoring efforts comply with the aforementioned guidelines.

R71-15
CONT'D

The DEIR needs to be amended to include specific mitigation measures with any applicable performance standards. The DEIR needs to be revised to specify what the plan is and what performance standard or measure will be used that complies with any rule or regulation cited.

G. The DEIR Fails to Demonstrate Consistency with SCAG's RTP/SCS Plans

Senate Bill No. 375 requires regional planning agencies to include a sustainable communities strategy in their regional transportation plans. Gov. Code § 65080, sub.(b)(2)(B). CEQA Guidelines § 15125(d) provides that an EIR "shall discuss any inconsistencies between the proposed project and... regional plans. Such regional plans include... regional transportation plans." Thus, CEQA requires analysis of any inconsistencies between the Project and the relevant RTP/SCS plan.

In April 2012, SCAG adopted its 2012-2035 RTP/ SCS ("2012 RTP/SCS"), which proposed specific land use policies and transportation strategies for local governments to implement that will help the region achieve GHG emission reductions of 9 percent per capita in 2020 and 16 percent per capita in 2035.

R71-16

In April 2016, SCAG adopted the 2016-2040 RTP/SCS ("2016 RTP/SCS")¹², which incorporates and builds upon the policies and strategies in the 2012 RTP/SCS¹³, that will help the region achieve GHG emission reductions that would reduce the region's per capita transportation emissions by eight percent by 2020 and 18 percent by 2035.¹⁴

¹¹ U.S. Department of the Interior, National Park Service (2000) Guidelines for Evaluating and Registering Archeological Properties, available at <https://www.nps.gov/subjects/nationalregister/upload/NRB36-Complete.pdf>.

¹³ SCAG (Apr. 2016) 2016 RTP/SCS, p. 69, 75-115.

¹⁴ *Id.*, p. 8, 15, 153, 166.

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 18 of 33

SCAG’s RTP/SCS plan is based upon the same requirements outlined in CARB’s 2017 Scoping Plan and SB 375.

On September 3, 2020, SCAG adopted the 2020 – 2045 RTP / SCS titled Connect SoCal (“2020 RTP/ SCS”).¹⁵ The 2020 RTP / SCS adopts policies and strategies aimed at reducing the region’s per capita greenhouse gas emissions by 8% below 2005 per capita emissions levels by 2020 and 19% below 2005 per capita emissions levels by 2035.¹⁶

For both the 2012 and 2016 RTP/SCS, SCAG prepared Program Environmental Impact Reports (“PEIR”) that include Mitigation Monitoring and Reporting Programs (“MMRP”) that list project-level environmental mitigation measures that directly and/or indirectly relate to a project’s GIIG impacts and contribution to the region’s GIIG emissions.¹⁷ These environmental mitigation measures serve to help local municipalities when identifying mitigation to reduce impacts on a project-specific basis that can and should be implemented when they identify and mitigate project-specific environmental impacts.¹⁸

Here, the DEIR fails to analyze the Project’s consistency with SCAG’s 2012 and 2016 RTP/SCS Plans. The DEIR must demonstrate that the Project is consistent with the RTP/SCS Plans’ *project-level* goals, including:

Land Use and Transportation

- Providing transit fare discounts¹⁹;
- Implementing transit integration strategies²⁰; and
- Anticipating shared mobility platforms, car-to-car communications, and automated vehicle technologies.²¹

¹⁵ SCAG (Sept 2020) Connect SoCal: The 2020 – 2045 Regional Transportation Plan / Sustainable Communities Strategy of the Southern California Association of Governments, available at https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176

¹⁶ *Id.* At xiii.

¹⁷ *Id.*, p. 116-124; see also SCAG (April 2012) Regional Transportation Plan 2012 – 20135, fn. 38, p. 77-86 (attached as Exhibit E).

¹⁸ SCAG 2012 RTP/SCS, p. 77; see also SCAG 2016 RTP/SCS, fn. 41, p. 115.

¹⁹ SCAG 2016 RTP/SCS, pp. 75-114

²⁰ *Id.*

²¹ *Id.*

R71-16
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 19 of 33

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GHG Emissions Goals²²

- Reduction in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines,²³ such as:
 - Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
 - The potential siting, orientation, and design to minimize energy consumption, including transportation energy.
 - The potential for reducing peak energy demand.
 - Alternate fuels (particularly renewable ones) or energy systems.
 - Energy conservation which could result from recycling efforts.
- Off-site measures to mitigate a project's emissions.

R71-16

CONT'D

²² SCAG 2012 RTP/SCS (Mar. 2012) Final PEIR MMRP, p. 6-2—6-14 (including mitigation measures (“MM”) AQ3, BIO/OS3, CUL2, GEO3, GHG15, HM3, LU14, NO1, POP4, PS12, TR23, W9 [stating “[l]ocal agencies can and should comply with the requirements of CEQA to mitigate impacts to [the environmental] as applicable and feasible ... [and] may refer to Appendix G of this PEIR for examples of potential mitigation to consider when appropriate in reducing environmental impacts of future projects.” (Emphasis added)]); see also id., Final PEIR Appendix G (including MMs AQ1-23, GHG1-8, PS1-104, TR1-83, W1-62); SCAG 2016 RTP/SCS (Mar. 2016) Final PEIR MMRP, p. 11-63 (including MMs AIR-2(b), AIR-4(b), EN- 2(b), GHG-3(b), IYD-1(b), IYD-2(b), IYD-8(b), TRA-1(b), TRA-2(b), USS-4(b), USS-6(b)).

²³ CEQA Guidelines, Appendix F-Energy Conservation, available at https://resources.ca.gov/CNRA/legacyfiles/ceqa/docs/2016_CEQA_Statutes_and_Guidelines_Appending_F.pdf.

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 20 of 33

- Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:
 - Use energy and fuel-efficient vehicles and equipment;
 - Deployment of zero- and/or near zero emission technologies;
 - Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
 - Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;
 - Incorporate design measures to reduce energy consumption and increase use of renewable energy;
 - Incorporate design measures to reduce water consumption;
 - Use lighter-colored pavement where feasible;
 - Recycle construction debris to maximum extent feasible;
- Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs.
- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;
- Land use siting and design measures that reduce GHG emissions, including:
 - Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and

R71-16
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 21 of 33

- Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.

Hydrology & Water Quality Goals

- Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating water quality/supply requirements, such as:
 - Reduce exterior consumptive uses of water in public areas, and should promote reductions in private homes and businesses, by shifting to drought-tolerant native landscape plantings(xeriscaping), using weather-based irrigation systems, educating other public agencies about water use, and installing related water pricing incentives.
 - Promote the availability of drought-resistant landscaping options and provide information on where these can be purchased. Use of reclaimed water especially in median landscaping and hillside landscaping can and should be implemented where feasible.
 - Implement water conservation best practices such as low-flow toilets, water-efficient clothes washers, water system audits, and leak detection and repair.
 - Ensure that projects requiring continual dewatering facilities implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project. Comply with appropriate building codes and standard practices including the Uniform Building Code.
 - Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality,

R71-16
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 22 of 33

- reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimized new impervious surfaces to the greatest extent possible, including the use of in-lieu fees and off-site mitigation.
- Avoid designs that require continual dewatering where feasible.
 - Where feasible, do not site transportation facilities in groundwater recharge areas, to prevent conversion of those areas to impervious surface.
 - Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating and enforcing water quality and waste discharge requirements, such as:
 - Complete, and have approved, a Stormwater Pollution Prevention Plan (“SWPPP”) before initiation of construction.
 - Implement Best Management Practices to reduce the peak stormwater runoff from the project site to the maximum extent practicable.
 - Comply with the Caltrans stormwater discharge permit as applicable; and identify and implement Best Management Practices to manage site erosion, wash water runoff, and spill control.
 - Complete, and have approved, a Standard Urban Stormwater Management Plan, prior to occupancy of residential or commercial structures.
 - Ensure adequate capacity of the surrounding stormwater system to support stormwater runoff from new or rehabilitated structures or buildings.
 - Prior to construction within an area subject to Section 404 of the Clean Water Act, obtain all required permit approvals and certifications for construction within the vicinity of a

R71-16
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 23 of 33

- watercourse (e.g., Army Corps § 404 permit, Regional Waterboard § 401 permit, Fish & Wildlife § 401 permit).
- Where feasible, restore or expand riparian areas such that there is no net loss of impervious surface as a result of the project.
 - Install structural water quality control features, such as drainage channels, detention basins, oil and grease traps, filter systems, and vegetated buffers to prevent pollution of adjacent water resources by polluted runoff where required by applicable urban stormwater runoff discharge permits, on new facilities.
 - Provide structural stormwater runoff treatment consistent with the applicable urban stormwater runoff permit where Caltrans is the operator, the statewide permit applies.
 - Provide operational best management practices for street cleaning, litter control, and catch basin cleaning are implemented to prevent water quality degradation in compliance with applicable stormwater runoff discharge permits; and ensure treatment controls are in place as early as possible, such as during the acquisition process for rights-of-way, not just later during the facilities design and construction phase.
 - Comply with applicable municipal separate storm sewer system discharge permits as well as Caltrans' stormwater discharge permit including long-term sediment control and drainage of roadway runoff.
 - Incorporate as appropriate treatment and control features such as detention basins, infiltration strips, and porous paving, other features to control surface runoff and facilitate groundwater recharge into the design of new transportation projects early on in the process to ensure that adequate acreage and elevation contours are provided during the right-of-way acquisition process.

R71-16

CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 24 of 33

- Design projects to maintain volume of runoff, where any downstream receiving water body has not been designed and maintained to accommodate the increase in flow velocity, rate, and volume without impacting the water's beneficial uses. Pre-project flow velocities, rates, volumes must not be exceeded. This applies not only to increases in stormwater runoff from the project site, but also to hydrologic changes induced by flood plain encroachment. Projects should not cause or contribute to conditions that degrade the physical integrity or ecological function of any downstream receiving waters.
- Provide culverts and facilities that do not increase the flow velocity, rate, or volume and/or acquiring sufficient storm drain easements that accommodate an appropriately vegetated earthen drainage channel.
- Upgrade stormwater drainage facilities to accommodate any increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce flow velocities, including expansion and restoration of wetlands and riparian buffer areas. System designs shall be completed to eliminate increases in peak flow rates from current levels.
- Encourage Low Impact Development (“LID”) and incorporation of natural spaces that reduce, treat, infiltrate and manage stormwater runoff flows in all new developments, where practical and feasible.
- Incorporate measures consistent with the provisions of the Groundwater Management Act and implementing regulations, such as:
 - For projects requiring continual dewatering facilities, implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the

R71-16

CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 25 of 33

- greatest extent possible, adverse impacts on groundwater for the life of the project, Construction designs shall comply with appropriate building codes and standard practices including the Uniform Building Code.
- Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimize to the greatest extent possible, new impervious surfaces, including the use of in-lieu fees and off-site mitigation.
 - Avoid designs that require continual dewatering where feasible.
 - Avoid construction and siting on groundwater recharge areas, to prevent conversion of those areas to impervious surface.
 - Reduce hardscape to the extent feasible to facilitate groundwater recharge as appropriate.
 - Incorporate mitigation measures to ensure compliance with all federal, state, and local floodplain regulations, consistent with the provisions of the National Flood Insurance Program, such as:
 - Comply with Executive Order 11988 on Floodplain Management, which requires avoidance of incompatible floodplain development, restoration and preservation of the natural and beneficial floodplain values, and maintenance of consistency with the standards and criteria of the National Flood Insurance Program.
 - Ensure that all roadbeds for new highway and rail facilities be elevated at least one foot above the 100-year base flood elevation. Since alluvial fan flooding is not often identified on FEMA flood maps, the risk of alluvial fan flooding should be evaluated and projects should be sited to avoid alluvial fan flooding. Delineation of floodplains and alluvial

R71-16

CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 26 of 33

fan boundaries should attempt to account for future hydrologic changes caused by global climate change.

Transportation, Traffic, and Safety

- Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.
- Create a ride-sharing program by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Provide a vanpool for employees.
- Provide a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use, including:
 - Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement.
 - Direct transit sales or subsidized transit passes.
 - Guaranteed ride home program.
 - Pre-tax commuter benefits (checks).
 - On-site car-sharing program (such as City Car Share, Zip Car, etc.).
 - On-site carpooling program.
 - Distribution of information concerning alternative transportation options.
 - Parking spaces sold/leased separately.

R71-16
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 27 of 33

- Parking management strategies; including attendant/valet parking and shared parking spaces.
- Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.
 - Encourage the use of public transit systems by enhancing safety and cleanliness on vehicles and in and around stations, providing shuttle service to public transit, offering public transit incentives and providing public education and publicity about public transportation services.
 - Build or fund a major transit stop within or near transit development upon consultation with applicable CTCs.
 - Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.
 - Purchase, or create incentives for purchasing, low or zero-emission vehicles.
 - Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.
 - Promote ride sharing programs, if determined feasible and applicable by the Lead Agency, including:
 - Designate a certain percentage of parking spaces for ride-sharing vehicles.
 - Designate adequate passenger loading, unloading, and waiting areas for ride-sharing vehicles.
 - Provide a web site or message board for coordinating shared rides.
 - Encourage private, for-profit community car-sharing, including parking spaces for car share vehicles at convenient locations accessible by public transit.

R71-16

CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 28 of 33

- Hire or designate a rideshare coordinator to develop and implement ridesharing programs.
- Support voluntary, employer-based trip reduction programs, if determined feasible and applicable by the Lead Agency, including:
 - Provide assistance to regional and local ridesharing organizations.
 - Advocate for legislation to maintain and expand incentives for employer ridesharing programs.
 - Require the development of Transportation Management Associations for large employers and commercial/ industrial complexes.
 - Provide public recognition of effective programs through awards, top ten lists, and other mechanisms.
- Implement a “guaranteed ride home” program for those who commute by public transit, ridesharing, or other modes of transportation, and encourage employers to subscribe to or support the program.
- Encourage and utilize shuttles to serve neighborhoods, employment centers and major destinations.
- Create a free or low-cost local area shuttle system that includes a fixed route to popular tourist destinations or shopping and business centers.
- Work with existing shuttle service providers to coordinate their services.
- Facilitate employment opportunities that minimize the need for private vehicle trips, such as encourage telecommuting options with new and existing employers, through project review and incentives, as appropriate.
- Organize events and workshops to promote GHG-reducing activities.

R71-16
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 29 of 33

- Implement a Parking Management Program to discourage private vehicle use, including:
 - Encouraging carpools and vanpools with preferential parking and a reduced parking fee.
 - Institute a parking cash-out program or establish a parking fee for all single-occupant vehicles.

Utilities & Service Systems

- Integrate green building measures consistent with CALGreen (Title 24, part 11), U.S. Green Building Council’s Leadership in Energy and Environmental Design, energy Star Homes, Green Point Rated Homes, and the California Green Builder Program into project design including, but not limited to the following:
 - Reuse and minimization of construction and demolition (C&D) debris and diversion of C&D waste from landfills to recycling facilities.
 - Inclusion of a waste management plan that promotes maximum C&D diversion.
 - Development of indoor recycling program and space.
 - Discourage exporting of locally generated waste outside of the SCAG region during the construction and implementation of a project. Encourage disposal within the county where the waste originates as much as possible. Promote green technologies for long-distance transport of waste (e.g., clean engines and clean locomotives or electric rail for waste-by-rail disposal systems) and consistency with SCAQMD and 2016 RTP/SCS policies can and should be required.
 - Develop ordinances that promote waste prevention and recycling activities such as: requiring waste prevention and recycling efforts at all large events and venues; implementing recycled content procurement programs; and developing

R71-16

CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 30 of 33

- opportunities to divert food waste away from landfills and toward food banks and composting facilities.
- Develop alternative waste management strategies such as composting, recycling, and conversion technologies.
 - Develop and site composting, recycling, and conversion technology facilities that have minimum environmental and health impacts.
 - Require the reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
 - Integrate reuse and recycling into residential industrial, institutional and commercial projects.
 - Provide recycling opportunities for residents, the public, and tenant businesses.
 - Provide education and publicity about reducing waste and available recycling services.
 - Implement or expand city or county-wide recycling and composting programs for residents and businesses. This could include extending the types of recycling services offered (e.g., to include food and green waste recycling) and providing public education and publicity about recycling services.

R71-16

CONT'D

The DEIR fails to mention or demonstrate consistency with the above listed measures and strategies of the SCAG RTP/SCS Plans. The DEIR should be revised to indicate what *specific project-level* mitigation measures that will be followed to demonstrate consistency with the RTP/SCS Plans.

II. THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY'S GENERAL PLAN

A. Background Regarding the State Planning and Zoning Law

Each California city and county must adopt a comprehensive, long-term general plan governing development. *Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors*

R71-17

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 31 of 33

(2001) 91 Cal.App.4th 342, 352, citing Gov. Code §§ 65030, 65300. The general plan sits at the top of the land use planning hierarchy, and serves as a “constitution” or “charter” for all future development. *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773; *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.

General plan consistency is “the linchpin of California’s land use and development laws; it is the principle which infused the concept of planned growth with the force of law.” See *Debottari v. Norco City Council* (1985) 171 Cal.App.3d 1204, 1213.

State law mandates two levels of consistency. First, a general plan must be internally or “horizontally” consistent: its elements must “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” See Gov. Code § 65300.5; *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal.App.3d 698, 704. A general plan amendment thus may not be internally inconsistent, nor may it cause the general plan as a whole to become internally inconsistent. See *DeVita*, 9 Cal.4th at 796 fn. 12.

Second, state law requires “vertical” consistency, meaning that zoning ordinances and other land use decisions also must be consistent with the general plan. See Gov. Code § 65860(a)(2) [land uses authorized by zoning ordinance must be “compatible with the objectives, policies, general land uses, and programs specified in the [general] plan.”]; see also *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184. A zoning ordinance that conflicts with the general plan or impedes achievement of its policies is invalid and cannot be given effect. See *Lesher*, 52 Cal.3d at 544.

State law requires that all subordinate land use decisions, including conditional use permits, be consistent with the general plan. See Gov. Code § 65860(a)(2); *Neighborhood Action Group*, 156 Cal.App.3d at 1184.

A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is “fundamental, mandatory, and clear,” regardless of whether it is consistent with other general plan policies. See *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 782-83; *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1341-42 (“FUTURE”). Moreover, even in the absence of such a direct conflict, an ordinance or development project may not be approved if it interferes with or frustrates the general plan’s policies and objectives. See *Napa Citizens*, 91 Cal.App.4th at 378-79; see also *Lesher*, 52

R71-17
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 32 of 33

Cal.3d at 544 (zoning ordinance restricting development conflicted with growth-oriented policies of general plan).

As explained in full below, the Project is inconsistent with the City's General Plan. As such, the Project violates the State Planning and Zoning law.

B. The Project Fails to Demonstrate Consistency with the City's Affordable Housing Ordinance and the City's Housing Element

As noted in the DEIR itself, (DEIR, 5.8-4), the City of Brea has enacted an Ordinance requiring affordable housing under §§ 20.40.010-080. Any residential development of 20 or more units must either set aside 10% of those units for affordable housing upon a determination there would be no economic burden on the developer; or a project applicant must pay fees with the approval of the Planning Commission in lieu of the housing set asides for a project. (City of Brea Ord. 934; §§ 20.40.010-080.) The DEIR fails to demonstrate that this Project provides the minimum 10% set-aside for affordable housing units and did not appear to have received permission from the Planning Division to pay a fee in lieu of the set-aside. Thus, the Project is in direct violation of the City's Affordable Housing Ordinance.

Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California's local governments meet this requirement by adopting Housing Elements as part of their General Plan. General Plans serve as the local government's "blueprint" for how the city and/or county will grow and develop and include seven elements: land use, transportation, conservation, noise, open space, safety, and housing. California's housing-element law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain), housing development. As a result, housing policy in California rests largely on the *effective implementation* of local general plans and, in particular, local housing elements.

The only indication in the DEIR of the number of affordable housing units the Project will have is a chart related to parking demand which does not actually list the number of low- or moderate-income units the Project will make available. (DEIR, 5.6-8.) Without more information, it is impossible to determine the Project's consistency with the City's Housing Element and RHNA requirements. As of the last City of Brea

R71-17
CONT'D

2. Response to Comments

City of Brea – Brea Plaza Expansion Project DEIR
September 20, 2021
Page 33 of 33

Housing Element Progress Report, the City is clearly behind providing housing for very low and low income residents.²⁴ Therefore, the Project is inconsistent with the City's RHINA allocation numbers and affordable housing should be provided so that the City can meet its targets.

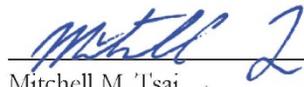
Further, though the DEIR mentions the City's present housing element, the City will soon be required to revise its housing element for the October 15, 2021 through October 25, 2029 planning period. As development of the Project area will take place during the upcoming planning period and not the current period, the DEIR should include an analysis of the Project's consistency with the upcoming Housing Element update and its various policies and programs.

R71-17
CONT'D

III. CONCLUSION

Commenters request that the City revise and recirculate the Project's DEIR and/or prepare an environmental impact report which addresses the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B);

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C); and

2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology (Exhibit D)

²⁴ City of Brea Housing Element, Annual Progress Report, available at: <http://www.ci.brea.ca.us/DocumentCenter/View/10203/Attachment-C---Housing-Element-Annual-Progress-Report-2019>.

2. Response to Comments

EXHIBIT A

2. Response to Comments



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March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”¹ CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.³

¹ “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

² “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

³ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

2. Response to Comments

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$$

Where:

n = Number of land uses being modeled.”⁵

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{Running,pollutant}}$$

Where:

Emissions_{pollutant} = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

EF_{Running,pollutant} = emission factor for running emissions.”⁶

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the

⁴ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.

⁵ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.

⁶ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

R71-18
CONT'D

R71-19

2. Response to Comments

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

R71-19
CONT'D

⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.agmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.agmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.agmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.

¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.agmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.

¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.agmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

2. Response to Comments

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

R71-19
CONT'D

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

R71-20

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

¹⁴ "Appendix D Default Data Tables." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

2. Response to Comments

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

R71-20

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

2. Response to Comments

EXHIBIT B

2. Response to Comments



SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
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Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

R71-21

2. Response to Comments

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

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Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

R71-21

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2. Response to Comments

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Hensley, A.R. A. Scott, J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (McI) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

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Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office, Publications Clearinghouse (MS-6)*, Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

R71-21

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2. Response to Comments

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

2. Response to Comments

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. *The 23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APIA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

R71-21

CONT'D

2. Response to Comments

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants.* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld, P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

R71-21

CONT'D

2. Response to Comments

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

R71-21
CONTD

2. Response to Comments

Deposition and/or Trial Testimony:

- In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019
- In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Macrsk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19
- In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018
- In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017
- In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017
- In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017
- In The Superior Court of the State of California, For The County of Los Angeles
Warn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018
- In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

R71-21
CONT'D

2. Response to Comments

- In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017
- In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015
- In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015
- In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action NO. 14-C-30000
Rosenfeld Deposition, June 2015
- In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward
DeRuyter, Defendants
Rosenfeld Deposition: July 2015
- In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015
- In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014
- In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

R71-21

CONT'D

2. Response to Comments

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and
on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

R71-21
CONT'D

2. Response to Comments

EXHIBIT C

2. Response to Comments



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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 – 2003);

R71-21

CONT'D

2. Response to Comments

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

R71-21

CONT'D

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

2. Response to Comments

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

R71-21

CONT'D

2. Response to Comments

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

R71-21

CONT'D

2. Response to Comments

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

R71-21

CONT'D

2. Response to Comments

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab) and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

R71-21

CONT'D

2. Response to Comments

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

R71-21
CONT'D

2. Response to Comments

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

R71-21

CONT'D

2. Response to Comments

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

R71-21

CONT'D

2. Response to Comments

EXHIBIT D

2. Response to Comments



Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources

Society of Vertebrate Paleontology
Impact Mitigation Guidelines Revision Committee

Abstract

Fossils are nonrenewable paleontological resources that are subject to impacts from land development. Procedures are presented for evaluating the potential for impacts of a proposed action on paleontological resources and for mitigating those impacts. Impact mitigation includes pre-project survey and salvage, monitoring and screen washing during excavation to salvage fossils, conservation and inventory, and final reports and specimen curation. The objective of these procedures is to offer standard methods for assessing potential impacts to fossils and mitigating these impacts.

Introduction

Fossils are nonrenewable paleontological resources that are afforded protection by federal, state, and local environmental laws and regulations. The Paleontological Resources Preservation Act (PRPA) of 2009 calls for uniform policies and standards that apply to fossils on all federal public lands. All federal land management agencies are required to develop regulations that satisfy the stipulations of the PRPA. Section 6302 of the PRPA mandates that federal agencies "*shall manage and protect paleontological resources on Federal land using scientific principles and expertise.*" Thus, federal agencies need the help of the professional paleontological community in the formulation and implementation of these PRPA-mandated policies and regulations. The potential for destruction or degradation of paleontological resources on both public and private lands selected for development under the jurisdiction of various governmental planning agencies is recognized. The standard procedures below are intended to be applicable to both private and public lands under the jurisdiction of local, city, county, regional, state, and federal agencies. Protection of paleontological resources includes: (a) assessment of the potential for land to contain significant paleontological resources which could be directly or indirectly impacted, damaged, or destroyed by proposed development and (b) formulation and implementation of measures to mitigate these adverse impacts, including permanent preservation of the site and/or permanent preservation of salvaged fossils along with all contextual data in established institutions.

R71-22

Assessment of the Paleontological Potential of Rock Units

Rock units are described as having (a) high, (b) undetermined, (c) low, or (d) no potential for containing significant paleontological resources.

High Potential

Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered are considered to have a high potential for containing additional significant paleontological resources. Rocks units classified as having high potential for producing paleontological resources include, but are not limited to, sedimentary formations and some volcanoclastic formations (e. g., ashes or tephtras), and some low-grade metamorphic rocks which contain significant paleontological resources anywhere within their geographical extent, and sedimentary rock units temporally or lithologically suitable for the preservation of fossils (e. g., middle Holocene and older, fine-grained fluvial sandstones, argillaceous

2. Response to Comments

and carbonate-rich paleosols, cross-bedded point bar sandstones, fine-grained marine sandstones, etc.). Paleontological potential consists of both (a) the potential for yielding abundant or significant vertebrate fossils or for yielding a few significant fossils, large or small, vertebrate, invertebrate, plant, or trace fossils and (b) the importance of recovered evidence for new and significant taxonomic, phylogenetic, paleoecologic, taphonomic, biochronologic, or stratigraphic data. Rock units which contain potentially datable organic remains older than late Holocene, including deposits associated with animal nests or middens, and rock units which may contain new vertebrate deposits, traces, or trackways are also classified as having high potential.

Undetermined Potential

Rock units for which little information is available concerning their paleontological content, geologic age, and depositional environment are considered to have undetermined potential. Further study is necessary to determine if these rock units have high or low potential to contain significant paleontological resources. A field survey by a qualified professional paleontologist (see "[definitions](#)" section in this document) to specifically determine the paleontological resource potential of these rock units is required before a paleontological resource impact mitigation program can be developed. In cases where no subsurface data are available, paleontological potential can sometimes be determined by strategically located excavations into subsurface stratigraphy.

Low Potential

Reports in the paleontological literature or field surveys by a qualified professional paleontologist may allow determination that some rock units have low potential for yielding significant fossils. Such rock units will be poorly represented by fossil specimens in institutional collections, or based on general scientific consensus only preserve fossils in rare circumstances and the presence of fossils is the exception not the rule, e. g. basalt flows or Recent colluvium. Rock units with low potential typically will not require impact mitigation measures to protect fossils.

No Potential

Some rock units have no potential to contain significant paleontological resources, for instance high-grade metamorphic rocks (such as gneisses and schists) and plutonic igneous rocks (such as granites and diorites). Rock units with no potential require no protection nor impact mitigation measures relative to paleontological resources.

Discussion

It is extremely important to distinguish between archaeological and paleontological resources (see "[definitions](#)" section in this document) when discussing the paleontological potential of rock units. The boundaries of an archaeological resource site define the areal/geographic extent of an archaeological resource, which is generally independent from the rock unit on which it sits. However, paleontological sites indicate that the containing rock unit or formation is fossiliferous. Therefore, the limits of the entire rock unit, both areal and stratigraphic, define the extent of paleontological potential.

It is also important to ascertain if the paleontological resources are uniformly distributed throughout a rock unit or if they are confined as localized concentrations to specific members or facies. Using this information, paleontologists can develop maps which suggest areas that are likely to contain paleontological resources. These maps (Paleontological Resource Potential Maps) form the basis for preliminary planning decisions on which areas require a detailed paleontological resource impact assessment by a qualified professional paleontologist and which areas do not. Lead agency evaluation of a proposed project relative to such paleontological resource potential maps should trigger a "request for

R71-22

CONT'D

2. Response to Comments

opinion” from a qualified professional paleontologist, state paleontological clearing house, or an accredited institution with an established paleontological repository housing paleontological resources from the region of interest.

The determination of the paleontological resource potential of an area proposed for development is first founded on a review of pertinent geological and paleontological literature, geological maps, and on records in fossil locality databases of paleontological specimens deposited in institutions (e. g., museums and universities). This preliminary review may clearly indicate that particular rock units have known high potential. If the paleontological resource potential of a rock unit cannot be delimited from the literature search and specimen records, a field survey by a qualified professional paleontologist will be necessary to determine the fossiliferous potential and the distribution or concentrations of fossils within the extent of the rock units present in a specific project area. The field survey may need to extend outside the defined project limits to areas where the relevant rock units are better exposed. If the rock units in an area are determined to have a high potential for containing paleontological resources, a program to mitigate impacts to fossil resources must be developed. In areas containing rock units with high potential, a preconstruction survey (intensive reconnaissance) may be necessary to locate surface concentrations of fossils which might require salvage in advance of excavations to avoid delays to construction schedules.

Measures to Mitigate Adverse Impacts from Development

Measures for adequate protection or salvage of significant paleontological resources are applied to areas determined to contain rock units that have either a high or undetermined potential for containing significant fossils. The Paleontological Resource Preservation Act of 2009 establishes a uniform code for decision-making on all federal lands. Specific mitigation measures generally need not be developed for areas of low paleontological potential. Developers (public and private) and contractors should be made aware, however, that if there is not an on-site monitor it will be necessary to contact a qualified professional paleontologist if fossils are unearthed in the course of excavation. This contingency should be planned for in advance. In order to save time and project delays, in the advance planning phases of a project the developer should contact a qualified professional paleontologist and arrange for the salvage of any unanticipated fossils. The paleontologist will then salvage the fossils and assess the necessity for further mitigation measures, if applicable. Decisions regarding the intensity of the paleontological resource impact mitigation program will be made by the project paleontologist on the basis of the significance of the paleontological resources, and their biostratigraphic, biochronologic, paleoecologic, taphonomic, and taxonomic attributes, not on the ability of a project proponent to fund the paleontological resource impact mitigation program.

In areas determined to have high or undetermined potential for significant paleontological resources, an adequate program for mitigating the impact of development must include:

1. an intensive field survey and surface salvage prior to earth moving, if applicable;
2. monitoring by a qualified paleontological resource monitor (see “[definitions](#)” section in this document) of excavations in previously undisturbed rock units;
3. salvage of unearthed fossil remains and/or traces (e. g., tracks, trails, burrows, etc.);
4. screen washing to recover small specimens, if applicable;

R71-22
CONT'D

2. Response to Comments

5. preparation of salvaged fossils to a point of being ready for curation (i. e., removal of enclosing matrix, stabilization and repair of specimens, and construction of reinforced support cradles where appropriate);
6. identification, cataloging, curation, and provision for repository storage of prepared fossil specimens; and
7. a final report of the finds and their significance.

All phases of mitigation must be supervised by a qualified professional paleontologist who maintains the necessary paleontological collecting permits and repository agreements. All field teams will be supervised by a paleontologist qualified to deal with the significant resources that might be encountered. The lead agency must assure compliance with the measures developed to mitigate impacts of excavation. To assure compliance at the start of the project, a statement that confirms the site's paleontological potential, confirms the repository agreement with an established public institution, and describes the program for impact mitigation, must be deposited with the lead agency and contractor(s) before any ground disturbance begins. In many cases, it will be necessary to conduct a salvage program prior to grading to prevent damage to known paleontological resources and to avoid delays to construction schedules. The impact mitigation program must include preparation, identification, cataloging, and curation of any salvaged specimens. All field notes, photographs, stratigraphic sections, and other data associated with the recovery of the specimens must be deposited with the institution receiving the specimens. Since it is not professionally acceptable to salvage specimens without preparation and curation of specimens and associated data, costs for this phase of the program must be included in the project budget. The mitigation program must be reviewed and accepted by the lead agency. If a mitigation program is initiated early during the course of project planning, construction delays due to paleontological salvage activities can be minimized or even completely avoided.

R71-22
CONT'D

2. Response to Comments

Standard Procedures

These standard procedures for paleontological resource impact assessment and mitigation are designed to apply to areas containing rock units with high, low, and undetermined paleontological resource potential.

Assessment before Construction Starts

An adequate preconstruction paleontological resource impact assessment is the key to developing an adequate paleontological resource impact mitigation program. Only a professional paleontologist is qualified to prepare a paleontological resource impact assessment. An adequate assessment of potential impacts typically includes all the following elements:

1. Literature Search—A review of the pertinent paleontological, geological, geotechnical, and environmental literature provides an information baseline for evaluating the extent of previous paleontological work in an area. Such a review also provides a fundamental basis for formulating mitigation plans and for understanding the significance of paleontological resources. The preconstruction assessment should also include examination of geotechnical reports, borehole logs, and geologic cross sections to address whether project excavations will impact rock units with high potential.
2. Records Search—A review of institutional localities and specimen records provides a means for determining the extent of previous fieldwork and fossil recovery in, and adjacent to, an area of interest. This task can be accomplished either by sending a written request for information to the relevant institution(s) or visiting the institution to review the records directly. A simple, on-line search of an institution's records is often incomplete and inadequate for determining the number and extent of known fossil localities in an area.
3. Consultation with Others—The preconstruction assessment should include consultation with geologists and paleontologists knowledgeable about the paleontological resource potential of rock units present in the vicinity of the proposed project.
4. Field Survey—The assessment should include a field survey by a qualified professional paleontologist and approved staff, as needed, to determine the paleontological potential of each rock unit, to re-examine any known fossil localities on or near the project, to search for unknown fossil localities, and to delimit the specific boundaries of rock units within the project area.
5. Reports—A paleontological resource impact assessment report and a project-specific paleontological resource impact mitigation program should be prepared based upon data gathered during the assessment.
6. Agency Confirmation—Prior to ground disturbance, the lead agency should review the paleontological resource impact assessment and proposed mitigation program to determine the adequacy of the proposed program.
7. Repository Agreement—The project paleontologist should have a repository agreement arranged prior to the start of earth-moving for the project.
8. Pre-excavation meetings—The project paleontologist should hold pre-excavation meetings with representatives of the lead agency, the developer or project proponent, and contractors to

R71-22

CONT'D

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2. Response to Comments

explain the importance of fossils, the laws protecting fossils, the need for mitigation, the types of fossils that might be discovered during excavation work, and the procedures that should be followed if fossils are discovered. Defining the process of salvaging fossils will reduce project delays.

Paleontological Resource Mitigation Plan

Prior to any ground disturbance at the project site, a paleontological resource mitigation plan should be prepared by a qualified professional paleontologist, who then will implement the plan as the project paleontologist, program supervisor, and principal investigator. The paleontological resource mitigation plan establishes the ground rules for the entire paleontological resource mitigation program.

Excavations at the project site may reveal conditions unanticipated when the paleontological resource mitigation plan was prepared. These conditions may require additional tasks not described in the previously prepared project impact mitigation plan. The project paleontologist should be the person who makes these project-specific modifications to the paleontological resource mitigation program in consultation with representatives of the lead agency and project proponent.

Adequate Monitoring

For excavations in rock units of known high potential, the project paleontologist or paleontological monitor will need to be present initially during 100% of the earth-moving activities. After 50% of excavations are complete in either an area or rock unit and no fossils of any kind have been discovered, the level of monitoring can be reduced or suspended entirely at the project paleontologist's discretion. For excavations in rock units with high or undetermined potential, it is never acceptable to have excavation monitoring done by construction workers, engineers, or persons who are not qualified paleontological resource monitors (see "[definitions](#)" section below). For excavations in rock units determined by a qualified professional paleontologist to have low potential, non-paleontologists may monitor for fossils. If potential paleontological resources are discovered during excavations in a rock unit with low potential, all ground disturbance in the vicinity of the find should stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate salvage, treatment, and future monitoring and mitigation.

Paleontologists who monitor excavations must be experienced in locating and salvaging fossils, and collecting necessary associated critical data. The paleontological resource monitor must be able to document the stratigraphic context of fossil discovery sites. Paleontological resource monitors must be properly equipped with tools and supplies to allow rapid removal of specimens. The monitor must be empowered to temporarily halt or redirect the excavation equipment away from fossils to be salvaged. Some lead agencies require that paleontological monitors be approved prior to performing any field work.

To reduce potential delays to excavation schedules, provision must be made in the mitigation program for additional assistants to monitor or help in removing large or abundant fossils. If many pieces of heavy equipment are in use simultaneously but at diverse locations, each location will need to be individually monitored.

Macrofossil Salvage

Many specimens recovered from excavations are readily visible to the eye and large enough to be easily recognized and removed. Upon discovery of such macrofossils, the monitor will flag the fossiliferous area for avoidance until the project paleontologist can evaluate the resource and develop plans for removal/salvage of these specimens. Some fossil specimens may be fragile and require consolidation

R71-22

CONT'D

2. Response to Comments

with archival quality media (e. g., Acryloid, Butvar, or Vinac) before moving. Others may require protection by encasing them within a plaster jacket before removal to a laboratory for later preparation and conservation. Occasionally specimens encompass all or much of a skeleton and will require moving either as a whole or in multiple blocks for later preparation. Such specimens require time to excavate and strengthen with a hardening solution before removal and the patience and understanding of the contractor to recover the specimens properly. It is thus important that contractors and developers are fully aware of the importance and fragility of fossils for their recovery to be undertaken with the optimum chances of successful extraction.

Avoidance and Site Protection

In exceptional instances the process of preconstruction assessment or construction monitoring itself may reveal a fossil occurrence of such importance that salvage or removal is unacceptable to all concerned parties. In such cases, the project design may need to be modified to avoid, protect and/or exhibit the fossil occurrence, e. g., in the floor or wall of a museum or as a basement exhibit in a mall. Under such circumstances, the site may be declared and dedicated as a protected resource of public value. Associated fossil fragments salvaged from such a site should be placed in an approved institutional repository. Federal land managers have the ability to set aside such exceptional areas providing documentation supports special management considerations.

Microfossil Salvage

Many significant vertebrate fossils (e. g., small mammal, bird, reptile, amphibian, or fish remains) are too small to be readily visible within the sedimentary matrix and are referred to as "microvertebrates". Small fossils also include non-vertebrate paleoenvironmental indicators (e. g., foraminifers, small gastropods, and plant seeds). Fine-grained sedimentary horizons (e. g., mudstones and paleosols) most often contain such fossils, which are typically recovered through a process of bulk matrix sampling followed by screen washing through 20 and/or 30 mesh screens. If indicators of potential microvertebrate fossils are found (e. g., plant debris, abundant mollusks, clay clasts, carbonate-rich paleosols, or mudstones) screening of a "test sample" (0.4 cubic yard/meter, ~600 lbs) may produce significant returns and indicate whether or not a larger sample needs to be screen washed. An adequate sample (standard sample) consists of approximately 4.0 cubic yards/meters (6,000 lbs or 2,500 kg) of matrix from each site, horizon, or paleosol. However, the uniqueness of the microvertebrate fossils recovered may justify screen washing even larger amounts. With this possibility in mind, two standard samples (~8.0 cubic yards/meters) or more as determined by the project paleontologist should be collected when the discovery is first made and set aside in case processing of a larger sample is later determined to be necessary. The developer must recognize that funding must be available to process these bulk matrix samples, thereby reducing volume to facilitate cost-effective storage of fossil specimens.

To avoid construction delays, samples of matrix may need to be removed from the project site and processed elsewhere. Chemicals (e. g., detergents, weak acids, orange oil, etc.) may be necessary to facilitate the breakdown of matrix. In some cases the concentrate will need to be further processed using heavy liquids (e. g., zinc bromide, polytungstate, or tetrabromide) to remove mineral grains and create a concentrate enriched with microvertebrate bones and teeth. The concentrate should be directly examined under a microscope to locate and remove individual microfossils.

Samples

To place fossils within a temporal context, dating of rock units may be necessary. If available, samples of volcanic ash and organic carbon should be collected for radiometric and/or thermoluminescence dating.

R71-22

CONT'D

2. Response to Comments

When appropriate, oriented samples should also be collected for paleomagnetic analysis. In addition, samples of fine-grained matrices should be collected from measured stratigraphic sections for microfossil (e. g., pollen, spores, dinoflagellates, ostracodes, diatoms, foraminifers, etc.) analyses. Other matrix samples may need to be collected and retained with the samples submitted to the repository institution for future analysis, for clast source analysis, or as witness to the source rock unit and possibly for procedures not yet envisioned. The project paleontologist should determine which of these samples should be immediately processed and which samples can be stored for later processing. Many museums will not accept such rock or sediment samples for curation and storage.

Preparation

Salvaged specimens must be prepared for identification and curation (not exhibition). This means removal of all or most of the enclosing sediment to reduce the specimen volume, increase surface area for the application of consolidants/preservatives, provide repairs and stabilization of fragile/damaged areas on a specimen, and allow identification of the fossils. Large specimens may require construction of reinforced plaster or fiberglass cradles. Removal of excess matrix from macrofossils during the preparation process will facilitate identification, reduce storage space, and reduce the cost of storage. Project paleontologists need to be aware that many museums will not accept specimens that are not fully prepared for permanent curation.

Identification and Cataloging

Specimens must be identified by competent qualified paleontological specialists to the lowest taxonomic level possible. Ideally, identification of individual specimens will be to genus and species and to skeletal element. Specimens must be cataloged and a complete list of specimens to be accessioned into the collections must be prepared for the curator of the repository institution. Batch identification and batch numbering (e. g., "mammals, 75 specimens") is unacceptable.

R71-22

CONT'D

Analysis

Although academic research questions should dictate the field methods and types of data recorded, the overall goal of a paleontological resource mitigation program is not to conduct research but rather to discover and salvage significant fossil remains, record relevant stratigraphic and taphonomic data, and curate and permanently house the salvaged fossil remains for future study. However, before salvaged specimens are curated, either the project paleontologist or a competent qualified paleontological specialist should determine the significance and importance of the salvaged specimens and this information should be included in the final report.

Storage

Adequate curation and storage of salvaged specimens in an approved repository institution is an essential goal of the paleontological mitigation program. Adequate storage must include curation of individual specimens into the collections of a recognized, not-for-profit repository with a permanent curator, such as a museum or a university (institution). A complete set of GPS data, field notes, photographs, locality forms, and stratigraphic sections must accompany the fossil collections. Specimens must be stored in a fashion that allows retrieval of specific, individual specimens by future researchers.

Specific requirements of the designated repository must be established prior to the start of the project, field salvage work, and laboratory analysis. Adequate advance notice of funds required by the repository for curation is needed for the benefit of project funding. Costs of the project should cover the necessary curatorial supplies such as, but not limited to, trays, vials, foam, and storage cabinets or shelves to provide for the appropriate curation of the specimens.

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2. Response to Comments

Reporting

1) Interim report

At the close of the excavation phase of a project, an interim report should be prepared. This interim report should summarize exceptional fossil discoveries, note areas where monitoring occurred and fossils were collected, and list tasks remaining for preparation, identification, and curation of the salvaged specimens. In the interim report, the preconstruction repository agreement should be appended and any additional repository considerations and costs should be described.

2) Final report

After preparation, identification, analysis of significance, and curatorial inventory of the salvaged specimens is complete, a final report must be prepared by the project paleontologist including a summary of the field and laboratory methods, site geology and stratigraphy, faunal/floral list(s), and a brief statement of the significance and relationship of the fossils discovered to similar fossils found elsewhere. The final report should emphasize the discovery of any new or rare taxa, or paleoecological or taphonomic significance. A complete set of field notes, geologic maps, stratigraphic sections, and a list of identified specimens must be included in or accompany the final report. This report should be finalized only after all aspects of the mitigation program are completed, including preparation, identification, cataloging, and curatorial inventory.

The final report (with any accompanying documents) and repository curation of specimens and samples constitute the goals of a successful paleontological resource mitigation program. Full copies of the final report should be deposited with both the lead agency and the repository institution with the request that all locality data remain confidential and not made available to the general public.

Compliance

From the beginning of the project, the lead agency should assure compliance with measures to protect fossil resources by:

1. requesting during initial planning phases an assessment and program for impact mitigation that is consistent with these SVP Standard Procedures;
2. ensuring the adequacy of the proposed mitigation measures;
3. acknowledging arrangements for salvaged specimens to be permanently housed in an institutional paleontological repository;
4. ensuring that the paleontological resource mitigation program is supervised by a qualified professional paleontologist;
5. ensuring that all monitoring for paleontological resources is performed by qualified paleontological resource monitors;
6. inspecting the monitoring program in the field periodically during project construction;
7. ensuring that specimens are prepared, identified, cataloged, and properly curated;
8. requiring an interim and final report before issuing final occupancy permits or equivalent documents; and

R71-22

CONT'D

2. Response to Comments

9. ensuring that the final report is complete and adequately describes the methods and results of the mitigation program.

The project paleontologist should be responsible for:

1. assessing potential impacts to paleontological resources and developing a program for impact mitigation during initial planning phases;
2. obtaining a repository agreement, and ensuring repository acceptance of specimens;
3. ensuring implementation of the mitigation measures; and
4. preparing the interim and final reports.

Acceptance of the final report by the lead agency signifies completion of the program of mitigation for the project. Review and approval of the final report by a qualified professional paleontologist designated by the lead agency will determine the effectiveness of the program and adequacy of the report. Inadequate performances in either area comprise noncompliance, and may result in the lead agency removing the project paleontologist from its list of qualified professional paleontological consultants.

Definitions

A QUALIFIED PROFESSIONAL PALEONTOLOGIST (Principal Investigator, Project Paleontologist) is a practicing scientist who is recognized in the paleontological community as a professional and can demonstrate familiarity and proficiency with paleontology in a stratigraphic context. A paleontological Principal Investigator shall have the equivalent of the following qualifications:

1. A graduate degree in paleontology or geology, and/or a publication record in peer reviewed journals; and demonstrated competence in field techniques, preparation, identification, curation, and reporting in the state or geologic province in which the project occurs. An advanced degree is less important than demonstrated competence and regional experience.
2. At least two full years professional experience as assistant to a Project Paleontologist with administration and project management experience; supported by a list of projects and referral contacts.
3. Proficiency in recognizing fossils in the field and determining their significance.
4. Expertise in local geology, stratigraphy, and biostratigraphy.
5. Experience collecting vertebrate fossils in the field.

PALEONTOLOGICAL RESOURCE MONITORS shall have the equivalent of the following qualifications:

1. BS or BA degree in geology or paleontology and one year experience monitoring in the state or geologic province of the specific project. An associate degree and/or demonstrated experience showing ability to recognize fossils in a biostratigraphic context and recover vertebrate fossils in the field may be substituted for a degree. An undergraduate degree in geology or paleontology is preferable, but is less important than documented experience performing paleontological monitoring, or
2. AS or AA in geology, paleontology, or biology and demonstrated two years experience collecting and salvaging fossil materials in the state or geologic province of the specific project, or
3. Enrollment in upper division classes pursuing a degree in the fields of geology or paleontology and two years of monitoring experience in the state or geologic province of the specific project.

R71-22

CONT'D

2. Response to Comments

4. Monitors must demonstrate proficiency in recognizing various types of fossils, in collection methods, and in other paleontological field techniques.

ASSOCIATED CRITICAL DATA includes adequate field notes, sketches of stratigraphic sections, geologic maps, and site and specimen photos. Associated critical data may also include samples of organic carbon and volcanic ash for radiometric dating, oriented samples for paleomagnetic analysis, samples for microfossil analysis, and samples for determining the sediment source.

A **PALEONTOLOGICAL REPOSITORY** is a not-for-profit museum or university approved by the lead agency and employing a permanent curator responsible for paleontological records and specimens. Such an institution assigns accession, locality, and/or catalog numbers to individual specimens that are stored and conserved to ensure their preservation under adequate security against theft, loss, damage, fire, pests, and adverse climate conditions. Specimens will be stored in a stable environment away from flammable liquids, corrosive chemicals, organic materials subject to mildew, and sources of potential water damage. Specimens must have all modifications, preparation techniques, etc. documented and linked with the specimen. The repository will also archive lists of collected specimens, and any associated field notes, maps, photographs, diagrams, or other data. The repository must have procedures for tracking specimens removed from storage for study, preparation, exhibit, or loan. The repository must make its collections of cataloged specimens available for study by qualified researchers.

ARCHAEOLOGICAL RESOURCES are human remains and items or artifacts associated with human cultures. If paleontological resources are determined to be in close stratigraphic association with human remains or human manufactured items, or if fossils can be demonstrated to be intentionally modified by humans, they are also considered archaeological resources.

SIGNIFICANT PALEONTOLOGICAL RESOURCES are fossils and fossiliferous deposits, here defined as consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information. Paleontological resources are considered to be older than recorded human history and/or older than middle Holocene (i. e., older than about 5,000 radiocarbon years).

A **LEAD AGENCY** is the agency responsible for addressing impacts to resources that a specific project might cause, and for ensuring compliance with approved mitigation measures.

PALEONTOLOGICAL POTENTIAL is the potential for the presence of significant paleontological resources. All sedimentary rocks, some volcanic rocks, and some low-grade metamorphic rocks have potential to yield significant paleontological resources. Paleontological potential is determined only after a field survey of a rock unit in conjunction with a review of available literature and relevant paleontological locality records.

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R71-22

CONT'D

2. Response to Comments

R71. Response to Comments from Mitchell Tsai on behalf of SWCC, dated September 20, 2021

INTRO Responses to comments provided on behalf of the Southwest Regional Council of Carpenters (Southwest Carpenters) are provided in responses R71-2 through R71-22. At the request of Southwest Carpenters, the City will include Mitchell M. Tsia and the Southwest Carpenters on the project mailing list.

The request for the Applicant to require construction workers who have graduated from a Joint Labor Management apprenticeship and are registered apprentices will be forwarded to the Applicant.

The comment serves as an introduction to the comments that follow. Please see response to Comments R71-1 through R71-22.

R71-1 The comment related to requiring local hire and paying prevailing wages is noted and will be forwarded to the City's decision makers prior to approval of the proposed project. However, the comment does not address the inadequacy of the DEIR and this is not a CEQA comment. No further response is necessary .

R71-2 See response to Comment R71-1

R71-3 See response to Comment R71-1.

R71-4 See response to Comment R71-1.

R71-5 See response to Comment R71-1.

R71-6 The commenter broadly asserts that the Draft EIR is inadequate. Pursuant to CEQA Guidelines Section 15088.5, a Draft EIR is required to be recirculated only when "significant new information" is added to the EIR after circulation of the Draft EIR.

The California Court of Appeal in its decision in *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal App 5th 358 stated the general rules governing CEQA, its requirements regarding EIRs and when a Negative Declaration or Mitigated Negative Declaration are appropriate. The court pointed out that for CEQA purposes "substantial evidence":

...means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the

2. Response to Comments

environment does not constitute substantial evidence. (Cal. Code Regs., tit. 14, § 15384(a); see also § 21082.2.)

CEQA Guidelines Section 15204 (c) advises that: “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”

Finally, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to potentially significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the environmental document. (14 CCR § 15204(a)).

The proposed project’s EIR was prepared in accordance with CEQA Guidelines. The DEIR complies with the CEQA requirements and is sufficient as an informational document. The Draft EIR comprehensively assesses the significant environmental effects of the project, provides a reasonable range of alternatives to the proposed project, and feasible mitigation measures to reduce and avoid potentially significant environmental impacts. No “significant new information” has been added to the Draft EIR; and therefore, the Draft EIR is not inadequate and does not need to be recirculated (See responses to comments R71-1 through R71-22).

R71-7 See response to Comment R71-6. None of this material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in CEQA Guidelines Section 15088.5.

R71-8 The comment asserts that public health risks related to COVID-19 to construction workers is considered a substantial adverse effect on human beings, and the City must adopt a mandatory finding of significance. The comment also recommends that additional CEQA mitigation measures are adopted to mitigate health risks from construction activities to the workers. Pursuant to the decision in *California Building Industry Association (CBLA) v. Bay Area Air Quality Management District (BAAQMD)* (Case No. S213478), CEQA evaluates a project's impact on the environment, not the environment's impact on a project. Potential health impact on the construction workers from COVID-19 is an impact of the environment on the project, therefore, while it is important to take precautions and provide safe work environment, this is not a CEQA issue that needs to be evaluated in the

2. Response to Comments

DEIR. Furthermore, construction contractors in Orange County would be required to comply with the COVID-19 mandates and directives set forth by OC Health Care Agency.

- R71-9 The commenter did not specify what reference they are requesting. With regard to the comment that the DEIR includes incomplete technical reports; technical reports relating to environmental features are to be cited in the EIR but not included (Title 14, California Code of Regulations, Section 15148). “Source documents” for an EIR are ordinarily not included in the administrative record. There is no legal requirement to make technical references or underlying studies available through the EIR comment process. The means to obtain such information from public agencies is through a request under the Public Resources Act pursuant to Title 1, Division 7, Chapter 3.5 of the Government Code.
- R71-10 See response to Comment R71-6. None of this material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in CEQA Guidelines Section 15088.5. Specific comments on the EIR’s adequacy are addressed in Comments R71-11 through R71-14.
- R71-11 The Air Quality and Greenhouse Gas (GHG) Emissions analysis in the DEIR evaluates the project’s cumulative contribution to air quality impacts. The impact analysis is based on the significance thresholds of the South Coast AQMD. Modeling was conducted for the Proposed Project using CalEEMod Version 2016.3.2.25; which was the latest modeling tool available at the time of the analysis. CalEEMod Version 2020 was released in June 2020. The primary difference between CalEEMod 2016 and CalEEMod 2020 is that on-road emissions are based on the newer EMFAC2017 model runs. Modeling for this project utilizes the EMFAC2017 rates; calculated adjustments may be seen on Pages C1-38 through C1-43 for Year 2021 and Pages C1-44 through C1-49 for Year 2024. Additionally, modeling compares the net increase in emissions to the South Coast AQMD thresholds (see Appendix C to the DEIR). Thus, the DEIR provides substantial evidence on the basis of cumulative air quality impacts.
- R71-12 Modeling conducted using CalEEMod is based on the Traffic Circulation Analysis prepared by Linscott, Law and Greenspan Engineers (LLG, Appendix J to the DEIR). As identified in Appendix J, the Proposed Project would generate a total of 7,283 weekday trips and the existing Brea Plaza generates 8,963 weekday trips, for a net decrease of 1,680 weekday trips.

Section 5.11, Transportation, describes the CEQA baseline used to identify transportation impacts of the project. While the environmental setting normally constitutes the baseline physical conditions by which a lead agency determines whether an impact is significant (CEQA Guidelines Section 15125(a)), the *North County Advocates v. City of Carlsbad (2015)*

2. Response to Comments

241 *Cal.App. 4th 94* identifies that lead agencies have discretion to consider conditions over a range of time periods to account for a temporary lull or spike in operations. As with any regional shopping center, the Brea Plaza experiences periodic transitions in tenants and occupancy. The movie theater was in continuous operation from the 1990s until the COVID-19. Therefore, this EIR considers full occupancy associated with historical operations of the movie theater as the baseline for the transportation analysis. Furthermore, the movie theater was fully operational during the time the traffic counts were collected in Year 2018/2019. As such, the estimation of trips for the existing movie theater based on ITE's trip generation rates is valid.

The CEQA baseline for the proposed project was modeled and the results may be seen on pages C1-180 through C1-447 of Appendix C. The modeling is internally consistent with the Traffic Circulation Analysis; and therefore, the Commenter is incorrect that the DEIR underestimates the mobile source emissions

R71-13 The proposed building is not adjacent to sensitive receptors and would not cause significant light and glare impacts. Perimeter landscaping and the implementation of PPP AES-2 and AES-3 would further reduce the less than significant light and glare impacts.

R71-14 As described in the DEIR, *Air Quality*, page 5.2-28, health risks were determined from project construction emissions to nearby residences approximately 525 feet to the north and to the east of the project site. The results of the health risk assessment (HRA) show the incremental cancer risk and non-cancer risk to the nearest off-site sensitive receptors (i.e., residences) would be below South Coast AQMD's thresholds and, therefore, less than significant.

The commenter is correct that the North Fullerton KinderCare facility is located over 1,000 feet south from the construction area for the proposed project. In general, day care or school-based sensitive receptors would be present on-site fewer hours per day (i.e. typically 8 hours per day) as compared to residential receptors (i.e. 24 hours per day) and would therefore be exposed to less construction emissions compared to residents. In addition, the prevailing wind direction in the vicinity of the project is toward the northeast and construction emissions would blow away from the North Fullerton KinderCare facility to the south. The wind rose is provided in DEIR Appendix C. As the North Fullerton KinderCare facility is further from the proposed project compared to the evaluated off-site residences, would have reduced exposure compared to residential receptors, and the predominant wind direction is to the northeast and away from the childcare facility, impacts to the North Fullerton KinderCare facility would be lower than the presented less-than-significant risks determined to off-site residents in the construction HRA and presented in the DEIR, and would also be less than significant.

2. Response to Comments

R71-15 As stated in Chapter 5.3, *Cultural Resources*, the potential to uncover sensitive archeological or paleontological resources is low because the project site has been previously graded and the proposed project does not include substantial landform modification. Mitigation Measures CUL-1 and CUL-2 ensures that in the unlikely event that resources are uncovered at the project site during construction activities, that they would be recovered. Pursuant to the CEQA Guidelines Section 15126.4(a)(1)(B), mitigation measures may specify performance standards for mitigating a significant impact when it is impractical or infeasible to specify the specific details of mitigation during the EIR review process, provided the lead agency commits to implement the mitigation, adopts the specified performance standard, and identifies the types of actions that may achieve compliance with the performance standard. In this case, the nature or extent of mitigation that may be required depends on what is uncovered during construction. Mitigation Measure CUL-1 and CUL-2 lays out clear performance standards for what would happen in the event construction activities would uncover cultural resources. At the request of the Commenter, Mitigation Measure CUL-1 and CUL-2 have been amended to include additional information (see Chapter 3, *Revisions to the Draft EIR*). CUL-1 and CUL-2 is not improper deferral.

R71-16 The comment describes Senate Bill 375 (SB 375) and policies under the 2020-2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS or Connect SoCal) and asserts that the DEIR fails to analyze the proposed project's consistency with the Connect SoCal and that the proposed project fails to consider or adopt the specific strategies from the Connect SoCal.

Additionally, as discussed in Section 5.8, *Population and Housing*, of the DEIR, although the proposed project would add new dwelling units and contribute to new residents in the City, the increase is minimal compared to the anticipated citywide growth projections.

It should be noted that a CEQA impact would only occur if inconsistency with a plan would result in environmental impacts. SCAG RTP/SCS focuses on transit, transportation, and mobility and protection of the environment and health of residents. State law does not require perfect conformity between a proposed project and the SCAG RTP/SCS. Thus, a policy-by-policy evaluation with the measures in Connect SoCal is not required in order for the City to determine if the proposed project would conflict with Connect SoCal. For instance, the project applicant cannot anticipate shared mobility platforms, car-to-car communications, and automated vehicle technologies; and cannot institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.

As described in the DEIR, Connect SoCal is a long-range vision plan for Southern California to improve mobility options and achieve a more sustainable growth pattern. The "Core Vision" in Connect SoCal includes "...locating housing, jobs, and transit closer together..." The project applicant would include rental cars for use by residents and office

2. Response to Comments

tenants, create a rideshare waiting area, have rental bicycles for available use, and include a free Intra-Brea Transportation System for use by all people in Brea. The proposed project would include high density residential near Brea Downtown and major employers. The proposed project's location and land use and transportation features would reduce the proposed project's less-than-significant greenhouse gas emissions. Thus, housing opportunities, like the proposed project, are key to implementing the Core Vision of Connect SoCal.

Additionally, the proposed project would be required to comply with local, state, and federal regulations governing water quality, and would not impact hydrology as substantiated in Chapter 8, *Impacts Found Not to be Significant*. As indicated in Section 5.13, *Utilities and Service Systems*, the proposed project would be required to comply with the California Green Building Standards Code, which requires recycling and/or salvaging for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste generated during most new construction projects, and during operations, the proposed project would comply with AB 341 and AB 1826 which requires commercial and multifamily residential land uses to have recycling and organic waste recycling.

R71-17 Under the Planning and Zoning Law (Government Code Sections 65000–66499.58), strict conformity of a project with all aspects of a general plan is not required. A proposed project is considered to be consistent with the general plan if it furthers one or more policies and does not obstruct other policies. Chapter 5.7, Land Use and Planning, provides supporting evidence that the project is generally consistency with the goals and policies of City's General Plan. Furthermore, it should be noted that an inconsistency between a proposed project and an applicable plan is a legal determination, not a physical impact on the environment.

The project Applicant will be required to comply with the City of Brea's Affordable housing Ordinance, which requires the project to set aside 10 percent of the 312 units for affordable housing. As the project would comply with this requirement, the project would not conflict with the City's Affordable Housing Ordinance.

R71-18 The comment related to requiring local hire is noted and will be forwarded to the City's decision makers prior to approval of the proposed project. However, the comment does not address the inadequacy of the DEIR and this is not a CEQA comment. No further response is necessary .

R71-19 See response to Comment R71-18.

R71-20 See response to Comment R71-18.

2. Response to Comments

- R71-21 The comment does not raise any issues related to the proposed project's impacts on the physical environment under CEQA. The commenter details the educational background and work experience of the preparers (Paul Rosenfeld, Ph.D., and Matthew F. Hagemann, P.G., C.Hg., QSD, QSP) of the analyses included in the comment letter.
- R71-22 See response to Comment R71-15.

2. Response to Comments

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2. Response to Comments

LETTER R72 – Moneque Pratt (1 page)

From: [Moneque Pratt](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza building Project-Draft EIR
Date: Monday, September 20, 2021 2:00:46 PM

Juan Arauz, AICP, Senior Planner for City of Brea:

My name is Moneque Pratt and I reside on Associated Rd, across the street from the proposed Project. My concerns are many due to the already increased traffic congestion on Imperial/AssociatedRd/57Freeway and all the New building and proposed building within a two mile area. I have lived in Brea for over 35years and there have been lots of changes. This project does not seem to take into consideration the already, congestion from the trash trucks, shopping congestion of Mall and normal congestion from the freeway entry and exits. The constant back up of traffic on Imperial is resulting in cars driving through our neighborhoods and putting our kids at risk! Your studies of traffic patterns, air pollution, noise, accidents, water and electric use were done before all the new multi story apartment complexes were completed and occupied on Birch/St. College. I can't believe that an addition of 800 plus will not only increase noise pollution but also air pollution. I feel that all your studies need to be redone after the exiting units are done and open and before Plaza Project can be considered to see what the impact is on an already crowded area.

R72-1

Next concern is parking. The Plaza already has parking issues. 189 apartment Units are not just going to have one car per Unit. if you have family living there you will have the minimal of 2 cars and if there are teenagers or multi families there will be more cars. Where are they going to park? No matter what you think, California is a driving state and all families have multiple cars. They will use up spaces for businesses and the businesses will not survive.

Can you assure me that if this Project gets built, that Mercery will not sell that property to another builder to put in MORE apartments?

What is your definition of AFFORDABLE HOUSING? I've looked into apartment costs in Brea, my son could not afford to live here!

Moneque E Pratt
[REDACTED]

2. Response to Comments

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2. Response to Comments

R72. Response to Comments from Moneque Pratt, dated September 20, 2021

R72-1 Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

Additionally, as indicated in Section 5.11, *Transportation*, of the DEIR, a queuing evaluation was completed to address potential safety hazards. Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions, and therefore, no significant safety impacts were identified. Moreover, Caltrans has implemented several improvements that have improved safety along Imperial Highway, including traffic signal and American Disabilities Act improvements. Improvements implemented at these intersections have played a role in reducing the collision frequency and has generally improved safety.

Section 4.4, *Assumptions Regarding Cumulative Impacts*, identifies the cumulative setting for the proposed project. As identified in Table 4-1, *Locations and Descriptions of Cumulative Projects*, the Brea Place (Avalon) is considered in the cumulative analysis for the proposed project. The Traffic Circulation Analysis (Appendix J2 to the DEIR) included cumulative traffic conditions as a result of these projects. As stated in Section 5.2, *Air Quality*, according to South Coast Air Quality Management District methodology, any project that does not exceed or can be mitigated to less than the daily threshold values would not add significantly to a cumulative impact. Section 5.4, *Energy*, Section 5.7, *Noise*, and Section 5.13, *Utilities and Service Systems*, also included cumulative analyses, and found that impacts would be less than significant. As such, additional traffic, air quality, noise, energy, and water studies are not warranted.

CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, *Brea Plaza Surface and Structure Parking*, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU will expire in April 2026. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed

2. Response to Comments

project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.

The city has in effect an Affordable Housing Ordinance, which requires most new residential developments to provide at least 10 percent of their units for sale at affordable below-market prices to qualified buyers. The proposed project would comply with the City's affordable housing requirements.

2. Response to Comments

LETTER R73 – Oscar Sanchez (1 page)

From: [Bonita Sanchez](#)
To: [Arauz, Juan](#)
Cc: [Nancy Foxhall](#)
Subject: Please nix the Brea Plaza Project. We've lived in Brea for 34 years; this was before the Embassy Suites were built and now building and population is out of control.
Date: Monday, September 20, 2021 8:01:39 AM

Thank you for acting favorably for all Breans.
Sincerely,
Oscar S. Sanchez [REDACTED]

| R73-1

Sent from my iPad

2. Response to Comments

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2. Response to Comments

R73. Response to Comments from Oscar Sanchez, dated September 20, 2021

R73-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

2. Response to Comments

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2. Response to Comments

LETTER R74 – Rhonda Ross (1 page)

From: [Rhonda Ross](#)
To: [Arauz, Juan](#)
Subject: Proposed Brea Plaza Expansion Project Draft EIR
Date: Monday, September 20, 2021 7:54:28 AM

Juan Arauz
AICP, Senior Planner
City of Brea-Planning Division

I respectfully submit my absolute opposition to the plaza project expansion. The extra traffic in the city of Brea and specifically around the Glenbrook track and the Associated and Greenbriar intersection is a major concern.

I have lived in the city of Brea now for 45 years and have always appreciated the view of the rolling hills and the suburban atmosphere. We are not an urban city and do not wish to have high-rise apartment buildings in our city.

Again I respectfully submit my absolute opposition to the Brea Plaza project. I would also urge the city planners to look at refurbishing of older neighborhoods and populating the existing vacant buildings in the city of Brea.

Sincerely,
Rhonda Ross

Brea

Sent from my iPad

R74-1

2. Response to Comments

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2. Response to Comments

R74. Response to Comments from Rhonda Ross, dated September 20, 2021

R74-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

2. Response to Comments

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2. Response to Comments

LETTER R75 – Robin Rinear (1 page)

From: [Robin Rinear](#)
To: [Arauz, Juan](#)
Subject: Proposed Brea Plaza Expansion Project
Date: Monday, September 20, 2021 9:15:23 AM

Proposed Brea Plaza Expansion Project

I object to this project. I see no benefit to the project. What I do see is parking and traffic chaos.

Respectfully,

Robin Rinear

Homeowner in Glenbrook

Sent from [Mail](#) for Windows

R75-1

2. Response to Comments

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2. Response to Comments

R75. Response to Comments from Robin Rinear, dated September 20, 2021

R75-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. The EIR included an evaluation of parking based on a consistency analysis with the City's Zoning requirements in Section 5.6, *Land Use and Planning*, of the DEIR. Table 3-4, Brea Plaza Surface and Structure Parking, in the DEIR identifies the total number of parking spaces (surface and structured parking) at buildout of the proposed project. This table does not include the shared parking with Mercury Insurance since the MOU will expire in April 2026. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.

2. Response to Comments

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2. Response to Comments

LETTER R76– Scott Singletary (1 page)

From: [Scott Singletary](#)
To: [Arauz, Juan](#)
Subject: Brea Plaza Project
Date: Monday, September 20, 2021 10:37:49 AM

Juana,

I want to take this opportunity to express my concern and **opposition to the Brea Plaza Project**. I am already concerned with the amount of traffic that will be generated with all the new apartments that have been built on Birch Street. The last thing Brea needs is further development and congestion around the area. We have owned a home in Brea down the street from this proposed development for over 20 years. We love Brea and while I am not opposed to some development - we have had enough if we hope to have a place we can all enjoy without more parking issues and more congestion.

R76-1

Scott Singletary

[REDACTED]
Brea, Ca 92821
[REDACTED]

2. Response to Comments

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2. Response to Comments

R76. Response to Comments from Scott Singletary, dated September 20, 2021

R76-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment (see Appendix J2 to the DEIR) has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips.

CEQA does not require an evaluation of parking impacts because the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. Pursuant to City regulations, the City would review the parking study and may impose additional conditions to ensure that the parking demand of the proposed project is satisfied. Review by the City would ensure that the project would provide adequate parking and ensure consistency with the City's policies on parking.

2. Response to Comments

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2. Response to Comments

LETTER R77– Suzette Honore (1 page)

From: [Suzette Honore](#)
To: [Arauz, Juan](#)
Cc: [Suzette Honore](#)
Subject: BREA PLAZA PROJECT
Date: Monday, September 20, 2021 9:05:55 AM

I am a resident of Glenbrook and am in **opposition** to the Brea Plaza Project. | R77-1

Thank you,

Suzette Honore'

[REDACTED]

Brea, 92821

2. Response to Comments

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2. Response to Comments

R77. Response to Comments from Suzette Honore, dated September 20, 2021

R77-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.

2. Response to Comments

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2. Response to Comments

LETTER R78 – Doug and Joyce Matthews (4 pages)

Mr. Arayz,

I understand that you are the resource for the city of Brea, receiving responses from the community with regard to the Plaza proposal. Frankly, I wrote to you last night in this regard. I have reason to suspect that my missive never reached your office. Excuse me, if I am being redundant, if you did receive that which I wrote. The matter is of such compelling, even urgent, nature to us, I wish our view to be known. By 'our' I refer to both myself and my wife, Joyce. We have lived in Glenbrook for nearly 45 years. We are now retired. I must say at the outset, that revelation of the proposed 8 story project was, and from the start, on a continuum, as welcome as something between teenage acne and a heart attack, both known too well in my lifetime. Also, to be clear, our bottom line is that we emphatically and deeply deplore the proposed project. At best, it is a red wine, e.g., Silver Oak, poured before its time. Therefore, not at this time!

There are reasons undergirding our thinking, both micro and macro. Certainly distinction between affairs of our town (local) and those of California, and even the nation/ world (macro) are artificial. But, I will try to

R78-1

2. Response to Comments

articulate and/or enumerate them in a manner that can be understood.

R78-1
CONT'D

I am proud to live in our little town, a veritable patchwork quilt blending old and new. Perhaps our greatest immediate and personal concern is simply that the streets – thinking especially of Associated and Imperial cannot be widened to support building on such a grand scale. Already, even with Brea Place (Avalon, to you) still in construction and Marriot Hotel (Birch and State College) yet to add their daily vehicle deposits, our streets are overburdened. With the traffic congestion comes the search for apt parking in lots too crowded. How many times must I slowly move forward in 'Chick Filet A' (Brea Plaza, currently) line to know that this is so, just for one example. As a young lad, I enjoyed playing 'Drop the Handkerchief' in recess; but, I do not enjoy driving around and around in search of and competing with others for a decent opening for my car – even now in the in the Brea Plaza. New construction at the Brea Plaza? Not now! Not at this time!

R78-2

A necessary admission. There is not traffic and/or parking lot congestion every time I travel local streets. However, compare traffic getting into the parking lot for a quick latte at Brea Plaza Starbucks and it is 4 times what it once was years ago, at 7 a.m. Change is a relative term. More, in my experience, and relevant here as an aside: it is not change, itself, but the velocity of change that can be so deleterious. (Look at how we are handling the sudden influx of immigrants from Haiti and their catastrophe. Such disruption breeds disorganization, even dissolution.) Excuse the leap from micro to macro, please... Still, in terms of the Brea Plaza Project, not at this time!.

Continuing at the local level, issues that matter to us, besides traffic and parking lot congestion are electricity demands – goodness, who has not received warnings from SCE, along with numbers for impending brown or black outs? – And, potential crises in electrical supply, so easily taken for granted, are themselves related to water or lack of same. For some time, I have followed the reports, sometimes daily, of the water levels in our system of reservoirs. (I have been particularly interested in the Shasta Reservoir in Northern California, having known the shock of driving on the 5 Freeway, coming around the bend, to suddenly see the great (365 mile reservoir reduced to a virtual puddle, a gigantic empty bathtub of nature.) It has not been that many years, when you had to ask for a glass of water when dining at a local restaurant. Now, we cannot ignore the precarious plight of the Colorado River, as never before in memory. No, new construction, new 8 story residential/commercial construction, no way. Not at this time!

R78-3

Well, how about protective services, fire and policed? Years ago, in Spring of 1977, as a matter of fact, on a Sunday night, our dishwasher caught on fire, with flames leaping a foot off the counter top. I would learn later that I was wise not to use the water hose with the kitchen sinks (it could have

R78-4

2. Response to Comments

proved a fatal shock). The firemen were there in minutes. Likewise, when our pool was being built and a big 'Cat', with driver in a hurry to get to his next job, knocked over our gas line. In minutes, the fire department folk were there, even having to threaten the driver who insisted that he start up his Cat, the next job couldn't wait. Well, thanks to that fire chief, there was not explosion, but that sound of gushing gas could be heard all the way to the top of Hill Haven Drive. When our home was assaulted by a thievery team, the Brea P.D. could not have been more helpful. All of this said to underscore the increased (change velocity) of demand on our Police and Fire Departments. To the Brea Plaza Project? Not at this time!...

R78-4
CONT'D

Then there is the infrastructure issue of sewers, and the world of happenings under our feet that we do not have to pay attention to, because they, the utilities, do. Again, personal experience informs. Last year, an upstairs toilet problem led not just to a new toilet (Togo!) but to new sewer line with 'clean out' installed that never existed before. It was then that we learned that we were responsible, as home owners, for the sewer line out to the middle of our street. Here, though, the point and/or question, do we really have wherewithal for sewer and underground utilities for an 8 story proposed project? I think not. Not at this time!

R78-5

We are great grandparents. Although ours are living as far as Texas and as close as Corona, our next door households, however, have many youngsters, adding joyous spice to our community. Issues of education and our children's future is certainly going to be a challenge with the Avalon (nee Brea Place Development), alone, coming on line. What will happen to class size? Teacher to student ratio is so important a factor in productive education. Are facilities current capable of handling the influx of America's future? I am skeptical, though without expertise in the education arena. Still, I say, 'Not at this time!'.

R78-6

Finally, I want to make passing comment. We, as Nation, have been in a state of siege at multiple and interacting levels. I write today, thankfully, the smoke of January 6 Insurrection is behind; I suggest that the fires are not. Witness, the Recall election this week. A truly significant and vocal minority seems committed to emotional course, coming at expense of both evidence and reason, rejecting protective mask wearing and/or vaccination. The consequences of the COVID 19 have been immense and continuing, challenging systems extant. With it has come reflection and question heretofore never known. People are grappling with their career identities, e.g., supplanting home den for office desk. Just down the street from our home, Mercury Insurance, once daily filling the expansive parking lot, is essentially empty. Will Mercury call back its workers to their employ here in East Brea as they are in the Western office (or so I believe)? Debatable decisions out of the White House have fueled discontent, more than mitigated... In this state of eerie flux, of economic, even cultural, and medical/health uncertainty, is this a propitious time for the Brea Plaza Proposal, 8 stories worth?. Not at this time!

R78-7

2. Response to Comments

In conclusion, admittedly eliding other concerns, I conclude that for us, it is an impassioned, 'No, not at this time!' It may well be, 'Never!!' for us.

Sincerely,

Doug Matthews, Ph.D.
Joyce Matthews
Brea Glenbrook residents
Brea, CA.

P.S. My wife hates long dissertations such as this, though she is in full accord with me. Frankly, she would cringe were she to know the length of this missive. I would add two matters. How did it happen that the Kaiser Foundation was refused a second story on the clinic at Lambert and Associated Road just a few years ago, and, now, the proposal – without historical precedent – for an 8 story structure? Lastly, and I have no answer for this, are we not putting a great deal of energy and human resource into this Plaza Proposal, rather than addressing issues of homelessness abounding?

R78-7

CONT'D

R78-8

2. Response to Comments

R78. Response to Comments from Doug and Joyce Matthews, dated September 20, 2021

- R78-1 The commenter's objection to the proposed project is noted and has been forwarded to decision-makers for their review and consideration.
- R78-2 Under Senate Bill 743 level of service metrics may no longer constitute the sole basis for determining transportation impacts under CEQA. However, a Traffic Circulation Assessment has been prepared for the proposed project to address the project's effect on the local transportation network relative to the City of Brea's transportation policies. The Traffic Circulation Assessment is included as Appendix J2 to the DEIR. Recommendations included in the Traffic Circulation Assessment are included as Conditions of Approval for the proposed project. As shown in Table 5.11-3, *Existing and Proposed Trip Generation Summary*, and Table 5.11-4, *Existing and Proposed VMT*, of the DEIR, the proposed project would result in a net decrease in daily trips and AM peak hour trips generated due to the demolition of the movie theater. During the AM peak hour, the proposed project would result in a slight increase in AM peak hour trips. Additionally, Table 5.11-5, *Year 2024 Peak Hour Intersection Queuing Analysis*, shows that queues for the nine study intersections, which include SR-57 Ramps at Imperial Highway, are considered adequate under the Year 2024 Cumulative Traffic Conditions and Year 2024 Cumulative Plus Project Traffic Conditions.
- R78-3 As addressed in Section 5.4, *Energy*, while the proposed project would generate new energy demand on-site, it would be required to comply with the current Building Energy Efficiency Standards and the California Green Building Standards Code (CALGreen). Therefore, it would not result in wasteful or unnecessary electricity demands. The proposed project would not result in a significant impact related to electricity.
- As substantiated in Section 5.11, *Utilities and Service Systems*, the proposed project would result in a net increase of 50.5 acre-feet per year of water usage, which would represent 0.5 percent of the water demand for the City in 2045. The projected water demand is very conservative because it is based on wastewater generation factors from the sewer study and does not account for a reduction in indoor water use for new construction that complies with CALGreen standards and water conservation features. The City is projected to meet all water demands through 2045, during normal, single dry, and multiple dry years, according to the 2020 Urban Water Management Plan, due to the diversified supply and conservation measures. Therefore, the City would be able to meet the water demands of the proposed project in addition to existing and cumulative demands. Moreover, the City prepared the 2020 Water Shortage Contingency Plan in June 2021, which is the City's operating manual that is used to prevent catastrophic service disruptions through proactive management. The Water Shortage Contingency Plan provides a structured guide for the City to deal with water shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a

2. Response to Comments

catastrophic supply interruption. If and when shortage conditions arise, pre-determined steps to manage a water shortage can be identified and efficiently implemented.

- R78-4 The DEIR evaluated potential impacts to police and fire services in Section 5.9, *Public Services*. As identified in this section, in addition to paying development impact fees and property taxes, the proposed project would be reviewed by the fire and police departments as part of the project review process where conditions of approval and specific condition of these services and desired augmentation to achieve best performance goals would be determined (see PPP PS-3, PPP PS-5, and PPP PS-7). As a result, the proposed project would not adversely affect the Brea Police Department's or the Brea Fire Department's ability to provide adequate service.
- R78-5 Section 5.13, *Utilities and Service Systems*, of the DEIR, indicated that all the existing sewer lines have adequate capacity to convey the proposed project's wastewater flows in addition to existing flows, and that there is adequate residual wastewater treatment capacity in the region for the wastewater generated by the proposed project.
- R78-6 Pursuant to Education Code Section 17620 and Government Code Sections 65995 and 66000 (Assembly Bill 1600), school districts are authorized to conduct a nexus fee study to adopt updated development impact fees to fund the proportion of new development's share of required K-12 school and support facilities. As identified in Section 5.9, *Public Services*, in the DEIR, the proposed project would generate up to 57 additional students (19 elementary school, 19 junior high, and 19 high school) within the Brea-Olinda Unified School District (BOUSD). Pursuant to California Government Code Section 65995(h), the payment of impact fees fully mitigates impacts to an increased demand for school facilities. Additionally, it should be noted that future development projects would also be required to pay fair-share payments to the City for increased resources which would help offset physical impacts to school facilities.
- R78-7 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.
- R78-8 The comment does not raise any issues related to the proposed project's impact on the physical environment under CEQA.

3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the DEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of DEIR publication; and/or (3) typographical errors.

None of the revisions to the DEIR require recirculation of the document. Recirculation is only required when significant new information is added. Information is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect. Recirculation is not required where the new information merely clarifies, amplifies, or makes insignificant modifications. (CEQA Guidelines § 15088.5.) As explained below, none of the changes adds any new significant information and recirculation is not required.

Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

3.2 DEIR REVISIONS

The following text has been revised in response to comments received on the DEIR.

Page 5.3-10, Section 5.3, *Cultural Resources*. The following text has been in response to Comment R71-15

CUL-1 If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall cease, and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work, such as data recovery excavation and the preparation of an Archaeological Resources Treatment Plan prepared by the qualified archaeologist in consultation with the City, may be warranted and will be reported to the City.

CUL-2 Monitoring of mass grading and excavation activities in the areas identified as likely to contain paleontological resources by a qualified paleontologist who meets the standards of the Society of Vertebrate Paleontology. A paleontologist shall be on call in the event that paleontological resources are found during ground-disturbing activities. The paleontologist shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossils. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant or

3. Revisions to the Draft EIR

large specimens in a timely manner, and comply with the standard procedures listed by the Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee.

Page 5.6-5, Section 5.6, *Land Use and Planning*. The following text has been revised to fix a typographical error.

City of Brea General Plan

The General Plan land use designation for the site is General Commercial with a floor area ratio (FAR) of 0.5. The General Commercial designation creates areas where a broad range of retail, office, and service-oriented business activities can locate. The proposed project would require a general plan amendment to a ~~Mixed Use~~ Mixed Use I designation, which allows the coordinated development of urban villages with a diverse range of complementary land uses in close proximity to one another. The proposed project would be consistent with the Brea General Plan policies pertaining to mixed-use projects. For example, Policies CD-1.2 and HE-6.6 call for a balance between the provision of jobs and housing as well as a closer link between housing and jobs, and the proposed project would include office and residential uses in an area surrounded by commercial and residential uses. The proposed project would also be consistent with Policy HE-3.3, which calls for the efficient use of land by encouraging commercial and residential uses on the same property.

3. Revisions to the Draft EIR

Page 1-26, Chapter 1, *Executive Summary*. The following text has been in response to Comment R71-15

5.3 CULTURAL AND PALEONTOLOGICAL RESOURCES			
Impact 5.3-1: Development of the project could impact an identified historic resource.	No Impact.	No mitigation measures are required.	No Impact.
Impact 5.3-2: Development of the project could impact archaeological resources.	Potentially Significant.	CUL-1 If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall cease, and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation <u>and the preparation of an Archaeological Resources Treatment Plan prepared by the qualified archaeologist in consultation with the City,</u> may be warranted and will be reported to the City.	Less Than Significant Impact.
Impact 5.3-3: Grading activities could potentially disturb human remains, but compliance with existing regulations would ensure that impacts are less than significant.	Less Than Significant Impact.	No mitigation measures are required.	Less Than Significant Impact.
Impact 5.3-4: Development of the project could impact paleontological resources or unique geologic features.	Potentially Significant Impact.	CUL-2 Monitoring of mass grading and excavation activities in the areas identified as likely to contain paleontological resources by a qualified paleontologist <u>who meets the standards of the Society of Vertebrate Paleontology.</u> A paleontologist shall be on call in the event that paleontological resources are found during ground-disturbing activities. The paleontologist shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossils. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner, <u>and comply with the standard procedures listed by the Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee.</u>	Less Than Significant Impact.

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