June 2022 | Final Environmental Impact Report
State Clearinghouse No. 2018121035

BREA 265 SPECIFIC PLAN

for City of Brea

Prepared for:

City of Brea
Contact: Jason Killebrew, Community Development Director
Community Development Department
1 Civic Center Circle
Brea, California 92821
714.990.7758

Prepared by:

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PLACEWORKS

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APPENDICES

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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 265 Specific Plan during the public review period, which began March 8, 2022, and closed April 22, 2022. 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 A8 for letters received from government agencies, and R1 through R3 for letters received from residents and interested parties). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

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."

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'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.

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

2. Response to Comments

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2.1 GOVERNMENT AGENCY COMMENTS

2. Response to Comments

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LETTER A1 – Los Angeles County Fire Department (2 pages)

COUNTY OF LOS ANGELES
FIRE DEPARTMENT
1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401
www.fire.lacounty.gov

"Proud Protectors of Life, Property, and the Environment"

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

BOARD OF SUPERVISORS
HILDA L. SOLIS
FIRST DISTRICT
HOLLY J. MITCHELL
SECOND DISTRICT
SHEILA KUEHL
THIRD DISTRICT
JANICE HAHN
FOURTH DISTRICT
KATHRYN BARGER
FIFTH DISTRICT

A1

March 25, 2022

Wayne Carvalho, Senior Planner
City of Brea
Planning Division
1 Civic Center Circle
Brea, CA 92821

Dear Mr. Carvalho:

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT, "BREA 265 SPECIFIC PLAN" PROPOSES A MASTER PLANNED RESIDENTIAL COMMUNITY OF LOW AND MEDIUM-DENSITY RESIDENTIAL NEIGHBORHOODS, PARKS, RECREATIONAL AMENITIES, AND OPEN SPACE LINKED TOGETHER BY AN EXTENSIVE TRAIL NETWORK THAT CONNECTS TO THE TRACKS AT BREA AND OTHER REGIONAL SYSTEMS, CITY OF BREA, FFER 2022002762

The Notice of Availability of a Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

The following are their comments:

PLANNING DIVISION:

We have no comments.

For any questions regarding this response, please contact Kien Chin, Planning Analyst, at (323) 881-2404 or Kien.Chin@fire.lacounty.gov. A1-1

LAND DEVELOPMENT UNIT:

This project is located entirely in the City of Brea therefore, the City of Brea Fire Department has the jurisdiction concerning this project and will be setting conditions. A1-2

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY
CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY
DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENDORA
HAWAIIAN GARDENS
HAWTHORNE
HERMOSA BEACH
HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRWINDALE
LA CANADA-FLINTRIDGE
LA HABRA
LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWNDALE
LOMITA
LYNWOOD
MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA
POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA
SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
VERNON
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

2. Response to Comments

This project is in close proximity to the jurisdictional area of Los Angeles County Fire Department; however, this project is unlikely to have an impact that necessitates a comment concerning general requirements from the Land Development Unit of the Los Angeles County Fire Department.

A1-2 (Cont'd)

For any questions regarding the report, please contact FPEA, Claudia Soiza at (323) 890-4243 or claudia.soiza@fire.lacounty.gov

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

A1-3

Under the Los Angeles County Oak Tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage, or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.

If Oak trees are known to exist in the proposed project area further field studies should be conducted to determine the presence of this species on the project site.

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

For any questions regarding this response, please contact Forestry Assistant, Nicholas Alegria at (818) 890-5719.

HEALTH HAZARDOUS MATERIALS DIVISION:

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no jurisdiction in the City of Brea.

A1-4

Please contact HHMD senior typist-clerk, Perla Garcia at (323) 890-4035 or Perla.garcia@fire.lacounty.gov if you have any questions.

Very truly yours,

RONALD M. DURBIN, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

RMD:jl

A1. Response to Comments from Ronald M. Durbin, Chief, Forestry Division, Prevention Services Bureau, County of Los Angeles Fire Department, dated March 25, 2022.

A1-1 The Planning Division of the County Fire Department has no comment.

A1-2 The Land Development Unit of the County Fire Department has no comment.

A1-3 An oak tree is not known to exist in the project site. Additionally, the project site is not within the jurisdiction of the Los Angeles County, and the County's Oak Tree Ordinance would not be applicable. No further response is necessary.

A1-4 The Health Hazardous Materials Division of the County Fire Department has no jurisdiction in the City of Brea. No comment is provided.

2. Response to Comments

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LETTER A2 – Orange County Local Agency Formation Commission (1 page)

ORANGE COUNTY LAFCO

A2

2677 North Main Street | Suite 1050
Santa Ana, CA 92705
Phone: 714.640.5100 | **Fax:** 714.640.5139

March 31, 2022

Wayne Carvalho, Senior Planner
City of Brea- Planning Division, Level 3
1 Civic Center Circle
Brea, CA 92821

Subject: Draft Environmental Impact Report for the Brea 265 Specific Plan

Dear Mr. Carvalho:

Thank you for the additional opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Brea 265 Specific Plan. OC LAFCO previously submitted a letter regarding the Notice of Preparation of a Draft Environment Impact Report for Brea 265 Specific Plan on January 16, 2019. We acknowledge that the Draft EIR identifies the City of Brea as the provider of the municipal services to the project area, which includes police protection, fire protection, solid waste, library, animal control, code enforcement, maintenance of public facilities (e.g., roads, landscaping, street sweeping) and general government services. Therefore, OC LAFCO does not have any further comments at this time. A2-1

If you have any questions or concerns regarding this response, please contact Policy Analyst Gavin Centeno at (714)640-5100 or gcenteno@oclafco.org.

Best Regards,

Carolyn Emery
Executive Officer

2. Response to Comments

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A2. Response to Comments Carolyn Emery, Executive Officer, dated March 31, 2022.

A2-1 The comment acknowledges that the Draft EIR identifies the City of Brea as the provider of the municipal services to the project area, which includes police protection, fire protection, solid waste, library, animal control, code enforcement, maintenance of public facilities (e.g., roads, landscaping, street sweeping) and general government services. No further comment is provided.

2. Response to Comments

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LETTER A3 – Department of California Highway Patrol (1 page[s])

A3

State of California—Transportation Agency GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Santa Ana Area
2031 East Santa Clara Avenue
Santa Ana, CA 92705
(714) 567-6000
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

April 13, 2022

File No.: 675.14775.16749

State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

RE: SCH# 2018121035

The Santa Ana Area office of the California Highway Patrol (CHP) received the "Notice of Completion" of the environmental impact document for the proposed project site for the "Brea 265 Specific Plan," in the City of Brea and the City's sphere of influence (SOI). After our review, we have some concerns with the potential impact this project could have on traffic congestion. A3-1

Our concerns relate to the potential impact on departmental operations, with primary emphasis on increased traffic and changes in traffic congestion patterns. Additionally, anticipated increased response times are a concern. The proposed project would have an adverse impact on Area operations due to the increased traffic congestion, which would necessitate the need for additional traffic control measures to mitigate the potential increase in traffic collisions.

If you have any questions regarding these concerns, please contact Sergeant J. Beam, #15159, at (714) 567-6000.

Sincerely,

M. E. HARRIS, Captain
Commander
Santa Ana Area

Cc: Border Division
Special Projects Section

Safety, Service, and Security *An Internationally Accredited Agency*

2. Response to Comments

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A3. Response to Comments from M.E. Harris, Captain, Commander, Santa Ana Area, Department of California Highway Patrol, dated April 13, 2022.

A3-1 As part of the traffic circulation analysis (Appendix N to the Draft EIR) any intersection that is forecast to operate at an adverse service level, intersection improvements are identified for implementation to maintain adequate traffic flow and to mitigate the impact of the project, thereby off-setting the potential traffic impact of the project on traffic congestion.

2. Response to Comments

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LETTER A4 – Orange County Transportation Authority (1 page)

A4

OCTA

AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency

April 20, 2022

Mr. Wayne Carvalho
Senior planner
City of Brea – Planning Division, Level 3
1 Civic Center Circle
Brea, CA 92821

Subject: **Brea 265 Specific Plan Draft Environmental Impact Report (State Clearinghouse No. 201812103)**

Dear Mr. Carvalho:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Draft Environmental Impact Report for the Brea 265 Specific Plan (Project). The following comment is provided for your consideration:

- Please note, Lambert Road, Carbon Canyon Road, and Kraemer Boulevard are designated as Major (six-lane, divided) Arterials; and Rose Drive is designated as a Primary (four-lane, divided) Arterial per the Master Plan of Arterial Highways (MPAH). The Project should not preclude the buildout of these facilities as it relates to potential future right-of-way needs. A4-1

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. A4-2

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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A4. Response to Comments from Charlie Larwood, Manager, Transportation Planning, Orange County Transportation Authority, dated April 20, 2022.

A4-1 It is noted that Lambert Road, Carbon Canyon Road, and Kraemer Boulevard are designated as Major (six-lane, divided) Arterials, and Rose Drive is designated as a Primary (four-lane, divided) Arterial per the Master Plan of Arterial highways (MPAH). The proposed project would not preclude the buildout of these facilities as it relates to potential future right-of-way needs.

A4-2 As requested, the lead agency will continue to communicate with OCTA.

2. Response to Comments

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LETTER A5 – Orange County Parks (2 pages)

A5

From: Levin, Shannon
Sent: Thursday, April 21, 2022 12:44 PM
[redacted]
Subject: CEQA Brea 265 Specific Plan
Importance: High

CEQA Brea 265 Specific Plan

Thank you for allowing OC Parks to comment on the EIR for the Brea 265 Specific Plan. Comments to the EIR are listed below. We are available for questions or comments related to this submittal. Moving forward, the OC Parks contacts will be Cece Varela (Cecilia.Varela@ocparks.com) and Paw Passow (Pam.Passow@ocparks.com).

5.5 Cultural Resources

- The project area includes historical archaeological features mostly from oil drilling operations from the late 19th to early 20th centuries. One of these sites – P-30-120002 – borders the eastern boundary of the project area and lies within Carbon Canyon Regional Park. It is a historical refuse scatter associated with the drilling. There is a high chance of disturbing these resources within the project area. As P-30-120002 overlaps the project area and our park, it is possible that important subsurface contextual information could be impacted by soil disturbance activities which relate directly to known archaeological features on parks' property. The report includes detailed industry standard recommendations to mitigate for these resources, and is done in a satisfactory manner to ensure their protection. Pursuant to policies set forth by the Orange County Board of Supervisors in Resolutions 77-866, 82-583, 86-684, and 87-516, OC Parks archaeologists will review for accession any archaeological or historical resources recovered during mitigation. If significant discoveries are made, OC Parks will provide accession and catalog numbers, as well as donation forms, for accession into the County's collection, and charge a yet to be determined price per box of materials.

A5-1

2. Response to Comments

5.7 Geology and Soils

- The geology of the project area features some fossiliferous stratigraphy, most notably the Puente Formation Sycamore Canyon Member Conglomerate (Tpscc).
- Although the report states that there are no known fossil localities within a mile radius of the project area, OC Parks Specify records show nine localities in that radius from the Fernando Formation Lower Member (Tfl) and Fernando Formation Upper Member Conglomerate (Tfuc).
- Any fossils discovered within the project area may be informative relative to stratigraphy within Carbon Canyon Regional Park.
- The proposed fossil mitigation plan is in line with industry standards, though the project paleontologists should take note of Fernando Formation deposits in light of the nine localities known within one mile from that formation.
- Pursuant to policies set forth by the Orange County Board of Supervisors in Resolutions 77-866, 82-583, 86-684, and 87-516, OC Parks paleontologists will review for accession any paleontological resources recovered during mitigation. If significant discoveries are made, OC Parks will provide accession and catalog numbers, as well as donation forms, for accession into the County's collection, and charge a yet to be determined price per box or equivalent cubic metric of materials.

A5-2

5.16 Recreation

- Increased numbers of recreational users may impact OC Parks operations and maintenance within Carbon Canyon Regional Park and nearby trails. Request coordination of developer with OC Parks Operations group to ensure public safety, operations and maintenance.
- Fencing along the park boundary shall be approved by OC Parks.

A5-3

A5-4

Shannon Levin
Development Manager
Entitlement & Permitting
OC Parks
13042 Old Myford Road
Irvine, CA 92602
949-923-3796

A5. Response to Comments from Shannon Levin, Development Manager, Entitlement & Permitting, OC Parks, dated April 12, 2022.

A5-1 The comment states that the Draft EIR includes detailed industry standard recommendations to mitigate for these resources, and is done in a satisfactory manner to ensure their protection. The City acknowledges that if any resources are identified during mitigation, OC Parks archaeologists will review for accession any archaeological or historical resources recovered.

A5-2 The comment indicates that while the Draft EIR states that there are no known fossil localities within a mile radius of the project site, OC Parks records show there are nine localities within a mile radius from the Fernando Formation lower Member (Tfl) and Fernando Formation Upper Member Conglomerate (Tfuc). The comment further states that any fossils discovered within the project area may be informative relative to stratigraphy within Carbon Canyon Regional Park. However, the comment indicates that the proposed fossil mitigation plan is in line with industry standards, the Draft EIR should take note of Fernando Formation deposits in light of the nine localities. The comment is noted and Section 5.7, Geology and Soils, of the DEIR has been modified to include the additional information (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).

A5-3 The project applicant has been coordinating with OC Parks and will continue to coordinate to ensure public safety, operations, and maintenance.

A5-4 As requested, fencing along the Carbon Canyon Regional Park will be reviewed and approved by OC Parks.

2. Response to Comments

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LETTER A6 – Brea-Olinda Unified School District (5 pages)

Brea Olinda Unified School District

A6
1 Civic Center Circle, Level II
P.O. Box 300
Brea, CA 92822-0300
(714) 990-7800
Fax: (714) 529-2137
www.bousd.us

April 22, 2022

By Email: jasonk@ci.brea.ca.us

Mr. Jason Killebrew
Community Development Director
City of Brea - Planning Division
1 Civic Center Circle, Level 3
Brea, CA 92821

Re: CEQA Brea 265 Specific Plan

Dear Mr. Killebrew,

Thank you for providing the Brea Olinda Unified School District the opportunity to review the Draft Environmental Impact Report and Notice of Public Hearing (Draft DEIR) for the proposed BREA 265 SPECIFIC PLAN (Project). The Brea Olinda Unified School District has reviewed the provided Draft DEIR for the proposed Project and has the following comments below.

Background

The project site is bordered by Lambert Road/Carbon Canyon Road to the north, Rose Drive to the south, Carbon Canyon Regional Park to the east, and residential uses and Valencia Avenue to the west, as shown on Figure 3-2, Local Vicinity Map, and Figure 3-3, Aerial Photograph. The project Page 1-4 PlaceWorks BREA 265 SPECIFIC PLAN DRAFT EIR CITY OF BREA 1. Executive Summary March 2022 Page 1-5 site is bisected by Valencia Avenue, which runs in a north-south direction, and by Lambert Road, which runs in an east-west direction. The Project is currently within the following District school site boundaries: Olinda Elementary, Brea Junior High School, and Brea Olinda High School. A6-1

The Project is a phased, master-planned residential community of low and medium-density residential neighborhoods. The Project proposes parks and recreational amenities, and open space areas linked with a trail network that connects to the Tracks at Brea and other regional systems. The Project proposes up to 1,100 residential dwelling units over a 262-acre area, with three (3) planned phased construction stages. Currently the Project is estimated to begin Phase 1 in fiscal year 2024-25, with releases of Phases 2 and 3 in future years. Based on information provided by the Developer, the Project will incorporate 1,100 Dwelling Units (DU) comprising approximately 2,393,359 square feet (SF) of residential space.

Phase #	SFD DU	SFA DU	Total DU	Total Approx Sq Ft
1	111	145	256	584,250
2	131	452	583	1,025,009
3	261	0	261	784,100
Totals	**503**	**597**	**1,100**	**2,393,359**

2. Response to Comments

Student Generation Rates (SGR)

A6-2

Student Generation Rates (SGRs) by school level for each of the residential land use categories were calculated by Cooperative Strategies in the preparation of the District's Developer Fee Justification Study. Cooperative Strategies calculated SGRs for the School District through an analysis which consisted of cross-referencing the School District's actual enrollment data against residential data from the Office of the Assessor for the County Student factor (student generation rate) means the number of students of each grade span (elementary, middle/junior high, high school) that a district determines are typically generated by different dwelling unit types within the district. Listed below is the SRGs for both SFA and SFA residential units:

Schools Levels	Single Family Detached (SFD)	Multi-Family Attached (SFA)
Elementary Schools	0.2351	0.1392
Junior High School	0.0673	0.0415
High School	0.1300	0.0718
Total	**0.4324**	**0.2525**

Source: Table 5, Pg 14: Adjusted Student Generation Factors (Residential and CID Development School Fee Justification Study May 2020)

Based upon the information provided by the Developer at this date of the letter, we have estimated the students generated by this Project district-wide to be approximately 369 students. Note, due to the fact that this Project is currently located in the boundary of Olinda Elementary School, it is estimated that 202 students will attend this school.

School Level	503 SFD (Proposed)	597 SFA DU (Proposed)	Total SGR
Elementary School (Olinda)	118	83	202
Junior High School	34	25	59
High School	65	43	108

School Enrollment and Capacity (Project Impact)

Based upon the 2021-21 enrollment average enrollment history less the site capacity, we have estimated the Project impact on site capacity with the addition of new students generated.

School	Enrollment 20-21[1]	Capacity[2]	Available Capacity	Estimated Project Student Generation	Available Capacity with Project Student Generation Incorporated
Olinda Elementary	601	675[2]	74	202	<128>
Brea Junior High	929	1,055	126	59	67
Brea Olinda High	1758	2,359	601	108	493

(1) https://www.ed-data.org/district/Orange/Brea--Olinda-Unified Data collected by the California Department of Education (CDE) through the California Longitudinal Pupil Achievement Data System (CALPADS). Aggregate data files are provided by the CDE – Data Reporting Office at

http://www.cde.ca.gov/ds/sd/sd/filesenr.asp. Counts of students in charter schools and traditional district schools were taken from the FRPM data file at https://www.cde.ca.gov/ds/ad/filessp.asp.

(2) Developer Fee Justification Report, Page 10, Table 1: Existing School Facilities and Student Enrollment
Olinda Elementary 27 Classrooms x 25 (state load factor)=675 capacity: Does not include the new Universal Transitional mandate
https://www.dgs.ca.gov/-/media/Divisions/OPSC/Services/Guides-and-Resources/SFP_Hdbk_ADA.pdf?la=en&hash=B871984008A7D2E35D16DB50DDE0C87791C294A7

A6-2 (Cont'd)

School Enrollment and Capacity (District-wide Impact)

A6-3

As noted in the District's School Fee Justification Study (May 2020) the District anticipates that an estimated 371 unhoused elementary school students and 19 unhoused junior high school students are anticipated to be generated from Future Units. The District is projecting an increase of enrollment attributable to 2,035 new housing units in future years. This projected growth 2,035 total units within the District's boundaries through the year 2035 based on data provided by the Southern California Association of Governments (SCAG) and 678 projected new students district-wide.

Land Use	Total Projected Future Units[1]	Projected Student Enrollment from Future Units[2]
Single Family Detached (SFD)	916	396
Multi-Family Attached (SFA)	1,119	282
Total Projected Units	2,035	678

[1]Source: Table 2, Pg 11: Adjusted Student Generation Factors (Residential and CID Development School Fee Justification Study May 2020)
[2]Source: Table 6, Pg 14: Adjusted Student Generation Factors (Residential and CID Development School Fee Justification Study May 2020)

Developer Fees

By way of background, developer fees are fees that may be levied or imposed in connection with or made conditions of any legislative or adjudicative act by a local agency involving planning, use, or development of real property. (Ed. Code § 17620.) "Level 1" developer fees are levied against residential and commercial or industrial developments on a price per square foot basis. If a district is able to establish a sufficient "nexus" between the expected impacts of residential and commercial development and the district's needs for facilities funding, then the district may charge up to $4.08 per square foot (sf) of residential development, and up to $0.66 per sf of commercial development, which maximum amounts may be increased every two years based on the statewide cost index for class B construction. Note, the Governing Board of the District recently took action to increase the per square foot charge to $4.79 per SF on residential development and up to $0.78 per SF on commercial development beginning June 6, 2022.

From a practical standpoint, the amount of developer fees received by school districts typically fall woefully short of alleviating the impacts caused by development. This is due largely to the facts that: (1) statutory developer fee amounts fail to acknowledge the differences in costs of school construction from one district to another, which particularly burdens school districts in Orange County, where both land and construction costs exceed other parts of the state; (2) the developer fee amounts fail to contemplate the special facilities needs of those districts experiencing rapid growth, such as the need for portables; and (3) the adjustment formula for developer fees is based on a "construction cost index" and does not include indexing related to the increases in land costs, resulting in actual costs of facilities (i.e. land and improvements) increasing at a greater rate than the adjustment.

The inadequacy of developer fees as a source of funding for school facilities has forced school districts to rely increasingly on other sources of funding, primarily including local bond funds and State bond funds administered under the State's School

2. Response to Comments

Facilities Program (SFP). However, these sources of funds can be equally unreliable. Local bond funds are difficult to generate, as local bonds are subject to school district bonding capacity limitations and voter approval. State funds are also unreliable and take considerable time to obtain, especially during this time of funding uncertainty caused by the outbreak of COVID-19. Either way, the funding formula was never intended to require the State and local taxpayers to shoulder a disproportionate portion of the cost of school facilities.

A6-3 (Cont'd)

Conclusion

The DEIR, section 5.15.3.1 outlines the regulatory background of AB 2926 (enacted 1986) and AB 1600 (enacted 1987) authorizes the levy of impact fees (developer fees) on new residential and commercial development. Additionally, SB 50 (enacted 1998) which, among reforms for statewide ballot for bond issuance, authorizes districts "to collect fees to offset the costs associated with increasing school capacity as a result of development and related population increases. The funding goes to acquiring school sites, constructing new school facilities, and modernizing existing school facilities." The DEIR states "According to Section 65996 of the California Government Code, development fees authorized by SB 50 are deemed to be "full and complete school facilities mitigation." However, California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than impacts "on school facilities" caused by overcrowding. (Chawanakee Unified Sch. Dist. v. Cty. of Madera (2011) 196 Cal.App.4th 1016 ("Chawanakee"). In Chawanakee, the Court of Appeal rejected the notion that payment of School Fees satisfies all obligations to consider and mitigate school related impacts in an environmental impact report ("EIR"). In order to address the significant impacts resulting from the Project, the Project EIR or Draft EIR should include a plan for, as well as an analysis of, the School Facilities necessitated by the Project, and the indirect environmental impacts of those School Facilities.

A6-4

Furthermore, the existing capacities of the Olinda Elementary School, Brea Junior High School, and Brea Olinda High School do not take into account the reconstruction needs that have been identified in the School District's 2018 Facilities Master Plan. Each of the schools has significant needs for reconstruction to ensure the facilities are available to accommodate student enrollment from the proposed project and other future developments. https://www.bousdplan.org/

In conclusion, the estimated development fees to be generated by the Project and the cost for provision of capital facilities will not adequately mitigate the impacts of this proposed Project. The District is interested in, and has had multiple conversations with the Developer, various alternative mitigation measures to address impacts related to schools in addition to the statutory fees allowed. Such requests, but not limited to,

A6-5

1. Voluntary monetary increase to the published Level 1 developer fee for duration of the Project,
2. Access to Developer's land north of Olinda Elementary to stage and store for construction activities if needed,
3. Use of technical plans (I.e.architectural and engineering plans) paid by Developer,
4. Coordination of entry point north of Olinda Elementary from proposed parking turnabout on expanded sportspark,
5. Assistance with City of Brea to establish an MOU in regards to #3,
6. Accelerated payment of impact fees due to match the three (3) phases upon release,
7. Educational and employment opportunities to students at Brea Olinda High School involved in the Building Industry Technology Academy (BITA), providing students with the opportunity to develop their talents with hands-on projects while exploring the construction trades.

The District aims to ensure high-quality K-12 public education in superior and accessible facilities throughout the community, and collaborating with the Project would further this goal, which similarly benefits the Project. Mitigation agreements have proven to

be successful methods of furthering similar goals and policies, and mitigating funding shortfalls to school districts. The impact on the District resulting from the Project may be partially mitigated by a similar mitigation agreement to fund the School Facilities necessitated by the Project, subject to the concurrence of the District's Superintendent and Board of Education. A6-5 (Cont'd)

Thank you again for providing the Brea Olinda Unified School District with the opportunity to comment on the proposed Project. These comments are set forth to strengthen the ability of the Project and the District to provide high quality K-12 education for the community. The District submits this comment letter as part of its efforts to work with the developer towards reaching an agreement that will provide students, parents, faculty, staff, and property owners with the School Facilities they require and deserve, and to avoid significant adverse impacts on the existing educational facilities of the District.

The District does reserve the right for future comments on this project furthering discussions specifically addressing additional mitigation measures. The Brea Olinda Unified School District looks forward to partnering with the Developer and the City of Brea on this Project.

Sincerely,

Richard Champion
Assistant Superintendent, Business Services

Cc: Brinda Leon, Deputy Superintendent
Governing Board of Trustees, Brea Olinda Unified School District

2. Response to Comments

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A6. Response to Comments from Richard Champion, Assistant Superintendent, Business Services, Brea-Olinda Unified School District, dated April 22, 2022.

A6-1 The comment is correct in stating that the proposed project would provide a total of 1,100 dwelling units. However, distribution of single family detached and single family detached units per phase stated in the comment is incorrect. As show below, the proposed project would provide 450 low density residential and 650 medium density residential units. These two land use categories allow both single-family attached and detached product types; therefore, the exact number of single family attached or detached units and the total square footages of those units are unknown, and have not yet been finalized.

Phase	Low Density Residential	Medium Density Residential	Total Dwelling Units
1	210	143	353
2	105	507	612
3	135	0	135
Total	**450**	**650**	**1,100**

A6-2 Comments related to student generation rates and impacts on the District schools are noted. The comment indicated that the district-wide student impact from the proposed project is estimated to be 369 students. The DEIR estimated district-wide impacts to be 359 students. While there is a slight discrepancy of 10 students, the development is anticipated to be developed in phases, and the total attached and detached product type would be determined at the time of impact fee payment. It is also noted that while there are adequate capacities to accommodate junior high and high school students generated from the proposed project, there is inadequate capacity for elementary school students. Section 5.15.3, Public Services, School Facilities, has been modified to reflect the updated information (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).

A6-3 The comment indicates that the District is projecting an increase of enrollment attributable to 2,035 new housing units in future years with an estimated 371 unhoused elementary school students and 19 unhoused junior high school students. While the inadequacy of developer fees as a source of funding for school facilities is noted, as stated in the DEIR Section 5.15.3, School Services, compliance with the funding program pursuant to SB 50 has been found to be full and complete mitigation of the impacts. And the City also acknowledges that the maximum Level I school fee assessment will increase to $4.79 per square foot for residential development beginning June 6, 2022, an increase from the previous $4.08 per square foot. The project applicant would be required to pay the applicable school impact fees as full and complete mitigation of the school impacts.

A6-4 The DEIR is accurate in stating that development fees authorized by SB 50 are deemed to be full and complete school facilities mitigation. The Court of Appeal's decision on Chawanakee Unified School Dist. v. County of Madera (2011) 196 Cal.App.4th 1016 (Chawanakee) did not reject the notion that payment of school fees satisfies all obligations

to consider and mitigate school related impacts in an EIR. The Court of Appeal concluded that other impacts of the project on school facilities, such as traffic, noise, and dust impacts, are "indirect" impacts and thus not excused by SB 50 that must be analyzed and mitigated in an EIR. The Chawanakee case found that SB 50 does not eliminate the need for an EIR to analyze and mitigate a project's environmental impacts on the physical environment surrounding a school. The proposed project would result in increased enrollment at District schools, although the District's 2018 Facilities Master Plan identifies various facilities needs at Olinda Elementary, Brea Junior High, and Brea Olinda High Schools. However, those facilities needs are not necessitated by the proposed project. Direct impacts from the proposed project would be mitigated by compliance with SB 50. The proposed project is not anticipated to result in substantial indirect environmental impacts such as traffic, noise, and dust, because the students would be housed within the existing schools, and Brea Junior High and Brea Olinda High Schools have adequate enrollment capacity to serve the proposed project. Although Olinda Elementary School would provide inadequate enrollment capacity to serve the proposed project, the enrollment fluctuates, and the 2018 Facilities master Plan did not identify any need for new or modernized classroom buildings. Therefore, it would be speculative to analyze and mitigate indirect environmental impacts from the proposed project.

A6-5 The project applicant had multiple conversations with the District and would continue to coordinate with the District related to the request list included in the comment letter. However, payment of SB 50 school impact fees is a full and complete mitigation for direct impacts of the proposed project. There is no substantial evidence that the listed items requested as mitigation for school impacts pertain to physical environmental impacts of the projects pursuant to CEQA and would reduce any indirect environmental impacts on the physical surrounding of a school. No additional mitigation measures are required under CEQA. However, as a partner in providing high-quality educational environment for the proposed project, the project applicant will coordinate with the District.

LETTER A7 – California Department of Transportation (6 pages)

A7

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, G

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
1750 EAST FOURTH 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

Making Conservation a California Way of Life.

April 22, 2022

Mr. Jason Killebrew
Community Development Director
City of Brea
1 Civic Center Cir
Brea, CA 92821

File: LDR/CEQA

12-ORA-2018-01915
SR 142, PM 0.991

Dear Mr. Killebrew,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Brea 265 Specific Plan for the City of Brea (City). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. A7-1

The project proposes a master planning residential community of low-, medium-, and high-density residential neighborhoods, parks, recreational amenities and open space, linked systems. At build-out, the proposed project would provide 301 low density units, 273 medium-density units, and 526 high-density units, totaling, 1.100 units with an overall average density of approximately 4 dwelling units per acre, provide 18.1 acres of parks/recreation uses and 55.7 acres of open space. Regional access to the project is provided by State Route 142 (SR 142/Carbon Canyon Road), State Route 90 (SR 90/Imperial Highway, and State Route 57 (SR 57). Caltrans is a responsible agency for this project and upon review, we have the following comments:

Transportation Planning

1. Caltrans recognizes our responsibility to assist communities of color and under-served communities by removing barriers to provide a more equitable transportation system for all. A7-2

   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.

   Please consider including a discussion on equity.

2. The project is to increase housing and infill development, which may increase traffic congestion and the number of Single Occupancy Vehicle (SOV) trips. As A7-3

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

Caltrans seeks to promote safe, accessible multimodal transportation (i.e. walking, biking, and transit) options, please encourage the use of transit among future residents and visitors of the development. A7-3 (Cont'd)

Providing improved multimodal transportation to housing can encourage residents to utilize alternative transportation options, thus improving public health by reducing Greenhouse Gas (GHG) emissions, reduction to congestion, and Vehicle Miles Traveled (VMT).

3. Caltrans encourages the City to continue coordination with the Orange County Transportation Authority (OCTA) for opportunities to enhance multimodal transit strategies. A7-4

4. We support the City's inclusion of regional connections to bike and pedestrian facilities within the vicinity of the project area including the connection to Tracks at Brea. A7-5

5. Caltrans supports the project's inclusion of bicycle storage facilities. Caltrans recommends that bicycle storage facilities be designed to accommodate a range of bicycle styles, sizes, and weights, particularly with the growing popularity of electric bikes, and cargo/utility bikes (which tend to be bigger and heavier). A7-6

   For additional guidance on providing bike parking for a range of bicycle style & sizes, see the attached "Essentials of Bike Parking" guidance created by the Association of Pedestrian and Bicycle Professionals (link to online PDF: https://www.apbp.org/Publications).

6. Coordination with Caltrans Project Management is required during plan preparations and construction as the project will impact the traffic circulation on SR 142. A7-7

Encroachment Permit

7. Any project work proposed in the vicinity of the State Right-of-Way (ROW) will require discretionary review and approval by Caltrans and an encroachment permit will be required for work within the Caltrans R/W prior to construction. Prior to submitting to Caltrans Permits branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed and the proposed multipurpose trails in Caltrans R/W should be clearly defined and classified per Caltrans manual. Applicant must also ensure that any R/W Certifications and Traffic Signal Warrants be completed, approved, and filed before submitting a permit application. If the new waterline connection is within State R/W, a maintenance agreement is required and shall be in place before permit submittal. A7-8

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8. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at: http://www.dot.ca.gov/hq/traffops/developserv/permits/ A7-9

9. Applicant must submit a signed Standard Encroachment Permit application form TR-0100 along with a deposit payable to Caltrans. Deposit amount will be dependent on when the application is submitted. Public corporations are legally exempt from the encroachment permit fees. However, contractors working for public corporations are not exempt from fees. Please note that all utility work should be disclosed prior to permit submittal, and utility companies are to apply for separate permits for their corresponding work. A7-10

10. Project plans and traffic control plans must be stamped and signed by a licensed engineer. For all plans, including traffic control plans, Caltrans R/W lines should be clearly labeled, which includes existing and proposed (if there are any changes to Caltrans R/W), the north arrow, the edge of pavement, and edge of the sidewalk, if applicable. When submitting the application, please include completed Permit Engineering Evaluation Report (PEER) Form TR-0112, final Environmental Clearance Documentation, relevant design details including design exception approvals and construction and drainage plans, traffic control plans & traffic management plan, any Caltrans R/W certifications, maintenance agreement as needed, shoring plans for any excavation 5-feet or more, ADA certification, and any letter of authorizations. A7-11

11. Please submit all applications and associated documents/plans via email to D12.Permits@dot.ca.gov until further notice. Caltrans Encroachment Permits will be transitioning to an online web portal base for all applications in Summer 2022. Further details to be announced on the Caltrans Encroachment Permits homepage. Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permit Office at (657) 328-6553. For specific details on Caltrans Encroachment Permits procedure and any future updates regarding the application process and permit rates, please visit the Caltrans Encroachment Permits homepage at https://dot.ca.gov/programs/traffic-operations/ep. A7-12

Per our email correspondence on April 22nd, our Traffic Operations Unit has comments forthcoming to be incorporated into this review. A7-13

2. Response to Comments

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Joseph Jamoralin at (657) 328-6276 or Joseph.Jamoralin@dot.ca.gov

A7-14

Sincerely,

SCOTT SHELLEY
Branch Chief, Regional-LDR-Transit Planning
District 12

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

A7

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM., Gc

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Making Conservation a California Way of Life.

April 25, 2022

Mr. Jason Killebrew
Community Development Director
City of Brea
1 Civic Center Cir
Brea, CA 92821

File: LDR/CEQA

12-ORA-2018-01915
SR 142, PM 0.991

Dear Mr. Killebrew,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Brea 265 Specific Plan for the City of Brea (City). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment.

The project proposes a master planning residential community of low-, medium-, and high-density residential neighborhoods, parks, recreational amenities and open space, linked systems. At build-out, the proposed project would provide 301 low density units, 273 medium-density units, and 526 high-density units, totaling, 1.100 units with an overall average density of approximately 4 dwelling units per acre, provide 18.1 acres of parks/recreation uses and 55.7 acres of open space. Regional access to the project is provided by State Route 142 (SR 142/Carbon Canyon Road), State Route 90 (SR 90/Imperial Highway, and State Route 57 (SR 57).

This letter serves to supplement our comment letter sent on Friday, April 22, 2022. Caltrans is a responsible agency for this project and upon review, we have the following comments:

Traffic Operations

1. The change of land use for this proposed project will potentially have a direct traffic impact on SR 142 and SR 90. As such, please coordinate with Caltrans Traffic Operations to help mitigate traffic impacts during peak hour. A7-15

2. Caltrans Safety Monitoring Table C Program has identified high collision hotspots in the project area at 3 locations in the previous 5 years: A7-16

   - Route 90/NB 57 off-ramp intersection
   - Route 90/Associated Road intersection
   - Route 90/Kraemer Blvd Intersection

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2. Response to Comments

Please include safety improvements at these intersections such as modifying traffic signals to increase signal head visibility (add or move heads, place yellow tape around heads, etc). Install additional safety lighting. Install ADA curb ramps to meet current State standard. Also consider capacity increasing improvements such as turn pocket modifications and/or widening of the intersection to reduce congestion related vehicle and pedestrian collisions. A7-16 (Cont'd)

3. Due to the high trip generation and increased volumes of both vehicles and pedestrians, the following improvements should be included in the project: A7-17
   - Eliminate any gaps in the sidewalk system on route 142 and 90 (between 57 and Yorba Linda city limits)
   - Upgrade all non-standard ADA curb ramps to current state standard on route 142 and 90 (between 57 and Yorba Linda city limits)
   - Upgrade all pedestrian signal heads to countdown type where currently not provided on route 142 and 90 (between 57 and Yorba Linda city limits)

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Joseph Jamoralin at (657) 328-6276 or Joseph.Jamoralin@dot.ca.gov A7-18

Sincerely,

SCOTT SHELLEY
Branch Chief, Regional-LDR-Transit Planning
District 12

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

A7. Response to Comments from Scott Shelley, Branch Chief, Regional-LDR-Transit Planning, dated April 22, 2022, and April 25, 2022.

A7-1 Comment provides introduction and description of the proposed project. However, the comment includes project description from the Notice of Preparation (NOP) issued on December 14, 2018, and not the slightly modified project description included in the Notice of Availability (NOA) on March 8, 2022. As stated in the NOA and the Draft EIR, at buildout, the proposed project would provide up to 450 low-density units and 650 medium-density units—a total of 1,100 units with an overall average density of 4.2 dwelling units per acre. The maximum density for Low Density Residential (LDR) would be 6.0 du/ac and for Medium Density Residential (MDR) would be 12.0 du/ac. The maximum of 1,100 residential units would include 76 affordable housing units in accordance with the proposed Development Agreement and 1,024 market rate units. The proposed project also provides up to 15.1 acres of parks/recreations uses, 47.5 acres of open space, and 2.0 acres of rights-of-way.

A7-2 Comment acknowledged. Although the proposed project would provide a gated community east of Valencia Avenue and Rose Drive, the proposed recreational amenities, including the sports park and the staging area park, and an extensive trail network that connects to existing trail and bikeway systems, would be open to the public for a more equitable transportation system for all. The proposed project includes 1,024 market-rate units and 76 affordable housing units. The proposed project would not discriminate against race or other under-served groups. The DEIR provides an assessment of the physical environmental impacts of the proposed project, and including a discussion on equity in the DEIR is not required. However, Caltrans request for the inclusion of an equity discussion within the Brea 265 Specific Plan will be forwarded to the City's decision makers for consideration.

A7-3 Comment acknowledged. OCTA provides multiple transit opportunities in the area. Additionally, the City of Brea provides accessible sidewalks, crosswalks and bike facilities within the vicinity of the site. Therefore, the means for alternative modes of travel are available to this project as well as others in the surrounding community. Currently, there are no OCTA bus service to the Brea 265 site, however, as the proposed project is developed it is expected that routes may be added. The proposed project has identified three (3) potential transit stops, for which the project applicant would be required to work with the City and OCTA to gain approval. These three potential transit stop locations are shown on revised Figure 3-3, *Circulation Plan* (See Appendix A, Updated DEIR Figures in this FEIR). The proposed project would also include a network of trails and bike paths to promote safe and accessible multimodal transportation options.

A7-4 Comment acknowledged. The City of Brea will continue to coordinate with OCTA for opportunities to enhance multimodal transit strategies.

A7-5 Comment acknowledged.

A7-6 Comment acknowledged. The following information regarding "Essentials of Bike Parking" guidance document created by the Association of Pedestrian and Bicycle Professionals (link to online PDF: https://www.apbp.org/Publications) has been forwarded to the project applicant for consideration.

A7-7 Comment acknowledged. The City and the project applicant will coordinate with Caltrans Project Management during the plan preparation and construction of the project to ensure traffic circulation impacts on SR-142 and/or SR-90 are considered and minimized.

A7-8 through 12 Comment noted. The City and the project applicant will be required to comply with Caltrans Encroachment Permit Process and project submittal requirements for improvements within the State Rights-of-Way as described in the comments.

A7-13 Comment noted. A separate comment letter from Traffic Operations Unit has been submitted on April 25, 2022, and is included below.

A7-14 The City will continue to keep Caltrans informed of the project and any future developments that could potentially impact state transportation facilities.

Response to Caltrans Comment Letter Dated April 25, 2022, from Traffic Operations:

A7-15 The traffic study (Appendix N to the DEIR) identifies improvements along SR-142 and SR-90 at intersections and/or roadway segments that the proposed project will either implement traffic-related project design features or have an impact, for which the proposed project may be expected to pay a fair share/local fee to cover the project's fair share of the full construction costs needed to implement these improvements or implement as a condition of approval. These improvements will require Caltrans approval via the existing typical permit process. As such, Caltrans will be made aware and the City and the project applicant will be required to work with Caltrans on implementing these improvements along with any other items Caltrans deems necessary.

A7-16 Based on the HCM method of analysis required by Caltrans when evaluating traffic operations at intersections under the State's jurisdiction, the proposed project will not have an impact on any of the intersections identified in the comment (SR 90/ SR-57 NB offramp intersection, SR-90/Associated Road intersection, and SR 90/Kraemer Blvd intersection). Therefore, no nexus has been established to the requested improvements at the proposed project, and the requested safety improvements at these intersections are not required. However, Caltrans request has been noted and will be forwarded to the City's decision makers for consideration.

A7-17 Comment acknowledged. The proposed project will either maintain and/or construct sidewalks along its project frontage to help eliminate gaps in pedestrian circulation. Additionally, any intersection that has proposed improvements identified will be upgraded

to current ADA standards along with upgrades to pedestrian signal countdown heads. However, the requested sidewalk improvements, non-standard ADA curb ramps and upgrades to pedestrian signal heads to countdown type, where necessary, on Route 142 and Route 90 (between SR-57 and Yorba Linda City limits) were not identified in the traffic study as required improvements to reduce transportation impacts of the proposed project, therefore, no nexus has been established. However, the request has been forwarded to the City's decision makers for consideration.

A7-18 As requested, the City will continue to notify Caltrans of this project and any future developments that could potentially impact state transportation facilities.

2. Response to Comments

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LETTER A8 – City of Yorba Linda (7 pages)

REC'D A8

CITY OF YORBA LINDA

4845 CASA LOMA AVENUE • YORBA LINDA • CALIFORNIA 92886 ENGINEERING DIVISION

April 22, 2022 SENT VIA EMAIL AND REGULAR U.S. MAIL

Mr. Wayne Carvalho, Senior Planner
Brea Planning Division, Level 3
1 Civic Center Circle
Brea, CA 92821

Subject: City of Yorba Linda Comments Regarding the Draft EIR for the Brea 265 Specific Plan Project

Dear Mr. Carvalho:

The City of Yorba Linda previously provided written comments on the Notice of Preparation (NOP) for the Brea 265 Specific Plan Project. In our January 23, 2019, NOP Comment Letter, we suggested consideration of potential for impacts from the project to Yorba Linda within three (3) main areas of study within the Draft EIR, including: 1) Traffic and Circulation, 2) Aesthetics and Landforms and 3) Recreational Resources. The City appreciates coverage of these issues in the Draft EIR and provides the following additional comments:

Vehicle Miles Traveled Analysis (DEIR and Appendix O of the DEIR)

- The energy assessment of the DEIR utilized 32 million VMT per year and was estimated using CalEEMod. Assuming a conversion factor of 300 to convert from annual to daily weekday VMT (which has been applied in the past and developed in other agencies by looking at weekday to annual ramp traffic), the resulting weekday VMT used in the energy assessment is approximately 105,400 VMT per day. However, the VMT utilized in the GHG assessment was estimated (as noted on Page 5.8-22 of the EIR) by using the LLG estimated trips per day and applying an average trip length of 8.95; resulting in a calculated weekday VMT of 83,659. Why are the daily VMT estimates used in the GHG assessment 20% lower than the VMT estimates used in the transportation energy assessment? A8-1a

- The VMT analysis summarized in Appendix O and subsequent conclusions in the DEIR are flawed, as noted below:
  - It appears that the land use for the project was co-mingled with other land use already included in the noted TAZs. As such, the reported VMT is not VMT associated with the project; rather, it is VMT associated with the project and other existing and/or future development in the TAZs. The analysis should have isolated the land use in its own TAZs, so that the conclusions are reported as VMT for the project instead of VMT for the TAZs the project is located in that includes other land uses not associated with the project. Since the project-generated VMT has not been isolated, it is impossible to derive conclusions that the project-generated VMT results in a less than significant impact. The analyst should have isolated the project into its own TAZs and run the assessment accordingly to extract the project-generated VMT from the project (instead of comingling it with other existing and assumed development in the TAZ). A8-1b

BIRTHPLACE OF RICHARD M. NIXON 37TH PRESIDENT OF THE UNITED STATES

- The VMT assessment excludes the soccer fields from the VMT calculation and justifies that it is an appropriate approach since it is a local serving park use. However, there is no substantial evidence provided to support the local serving use claim. Knowing the demand for soccer filed use and the size of this facility (six fields), the facility could host more regional tournament activities and could be a regional draw; not a local serving use. The soccer field use should be better documented within the VMT assessment and evidence should be provided to support the local serving use aspect of the complex. A8-1c
- It appears that VMT associated with the fire station/police station has not been included in the VMT estimates. This omission likely under-estimates VMT for the project. A8-1d
- The VMT assessment claims that the project is "consistent with the RTP/SCS" but no evidence is provided to support that assertation. The DEIR provides a summary of project characteristics and their consistency with SCAG policy directives, but no documentation is provided that states the land use growth assumptions in this area from the RTP/SCS and how it compares to the proposed project. A8-1e
- The project-effect assessment is flawed. The project is located at the boundary of the City. As such, the new VMT generated by the project is being artificially truncated at the City boundary. The City of Brea traffic impact study guidelines, page 22 (footnote 7) states the following, "*Note – for projects near the City boundary, a different boundary may be more applicable to make sure that VMT effects are not artificially truncated at the City boundary*." As such, the boundary method analysis is flawed and should be corrected to address this oversight and inconsistency with City requirements. A8-1f
- Figure 4 illustrates that the project site is located in TAZs 43, 52, 53, and 168. However, the VMT analysis did not include TAZ 168 in their analysis and neither did it explain why it may have been excluded. A8-1g
- As the project site shares the boundary with the City of Yorba Linda, a VMT analysis and/or discussion regarding the City of Yorba Linda TIA Guidelines (May 2020) VMT analysis methodologies should have been incorporated into the analysis to confirm that the project is consistent with the VMT requirements set forth by Yorba Linda and that the VMT effects are not artificially truncated as result of the City boundary. A8-1h

- Mitigation identified for intersections 15 and 18 include the addition of through lanes. Through lanes increase roadway capacity and will induce travel in the area. As such, the secondary impacts associated with the induced travel from the addition of these through lanes should have been identified and documented in the EIR. A8-1i
- A discussion about the infrastructure improvements associated with the Project Design Features (Section 2.3.1 Appendix N) should be incorporate to address whether or not an induced travel analysis is necessary. A8-1j

Traffic Circulation Analysis Brea 265 Specific Plan (LLG, February 8, 2022)

- The project site appears to extend into the City of Yorba Linda in VMT Analysis Figure 1 when it should border the City at Blake Road at the southernmost part. A8-2a
- Since the project site shares its southern boundary with the City of Yorba Linda, a review of the potential impacts to active transportation facilities and public transit should have been incorporated. A8-2b
- The project description states that it "allows for a fire station and police substation on a 1.0-acre site on the northwest corner of Lambert and Valencia." However, the trip generation information associated with the project does not include trips associated with the fire station and/or a police A8-2c

substation. This omission likely under-estimates trips associated with the project as employment-based trips to/from these uses are not reflected in the analysis.

- For a project located adjacent to the City of Yorba Linda, no intersections within the City of Yorba Linda were evaluated. The City of Yorba Linda requires all intersections to which 50 peak hour vehicles are added during the peak hours should be evaluated to identify potential issues related to capacity, including adequacy of turn-pocket storage lengths, to which the project could degrade safety at these locations if it increases demand at these locations. A8-2d

- Exiting intersection operating deficiencies were identified at intersections 5, 8, 14, and 22. Intersections 8, 14, and 22 all are at the east end of Brea prior to project traffic entering the City of Yorba Linda – a clear indication that the project will add traffic to congested locations in the City of Yorba Linda and potentially affect operations and safety at intersections. The study should be revised to evaluate the intersections to which the project will add 50 or more peak hour trips. A8-2e

- Figures 5-6 and 5-7 show the peak hour trip assignment. This graphic shows that, intersection 15 has over 90 peak hour trips and intersection 22 has over 100 peak hour trips from the project that are entering the City of Yorba Linda. Since intersection 22 operates unacceptably and the project adds more than 50 peak hour project trips to this intersection and other intersections in Yorba Linda, additional study facilities should be reviewed in Yorba Linda. Yorba Linda requests that the following intersections be reviewed for operational considerations and safety impacts associated with the project at the following locations: A8-2f
    - Rose Drive and Bastanchury Road
    - Rose Drive and Yorba Linda Boulevard
    - Imperial Highway and Prospect Avenue
    - Imperial Highway and Bastanchury Road
    - Imperial Highway and Valleyview Avenue
    - Any other City of Yorba Linda facility to which the project adds 50 or more peak hour trips

- The traffic study applies a 1% growth rate to year 2018/2019 traffic volumes. The study should justify why 1% is an appropriate growth rate to apply and provide substantial evidence to support this assumption. The City of Yorba Linda would suggest running the OCTAM travel demand forecasting model to estimate the growth rate along key corridors and apply that growth rate to these intersections and roadway segments (which would also affect the noise and air quality sections of the environmental document). A8-2g

- The traffic study should be updated to document assumptions associated with the traffic assessment. Specifically, there is no discussion on assumptions related to peak hour factors (existing and future), heavy vehicle factors, where and how signal timing data was acquired and incorporated into the assessment, etc. These omissions (and lack of substantial evidence to support these assumptions) make it difficult to understand if the analysis results are accurate and appropriate. A8-2h

- The traffic study states that the project trip distribution was based on a variety of factors including a "Project Select Zone model run". However, this Project Select Zone model run was not defined. What model was used for this assessment? How was the project incorporated into A8-2i

the model to estimate the distribution? How were the soccer fields incorporated into the model? All of these should be described in the document.

- The project also applies a "standard" trip distribution for the site as a whole. However, specific components of the project should distribute trips differently (e.g., the household trip distribution would be very different than the distribution of trips associated with the soccer fields). Furthermore, there is limited description provided in the traffic study as to the use of the six soccer fields (e.g., will they serve local leagues or facilitate regional tournaments?). The nature of the soccer field use may have the potential to significantly change travel patterns in the area and affect project trip distributions. A8-2j

- The project distributions for Zone 3A that will have access on Rose Drive (Driveway C) has the same trip distribution percentage south along Rose Drive as Zones 1 and 2A that are located further north and have no direct access to Rose Drive. With the addition of Driveway C, the percentage of project trips in this zone taking Valencia Avenue should be reconsidered. It would seem that more trips would likely take Rose Drive rather than having the same percentage as zones that do not have the convenience of this additional access point along with the consideration of surrounding traffic conditions. A8-2k

- The methodologies portion of the traffic study states that LOS E is acceptable at the SR-57 Ramps with Imperial Highway. Although the City of Yorba Linda agrees that LOS E should be utilized for demonstrating CMP consistency, we are unaware of any such adopted policy by either the City of Brea or Caltrans. In fact, the City of Brea's TIA Guidelines (September 2020) state that the project would cause an "effect on traffic operations...if the project causes one or more study intersection to operate at LOS D or better to degrade to LOS E or LOS F..." Since the City's guidelines identify LOS D as the acceptable operating level, that threshold should have been applied to these noted intersections. A8-2l

- Section 6.2 of the traffic study discusses that approved and pending development was reviewed from "...City of Brea, City of Fullerton, City of Placentia, City of Yorba Linda, and City of Chino Hills." However, the identified 33 related projects are located in Brea (23), Fullerton (2), and Chino Hills (8). The document should be updated to identify why approved and pending development from the cities of Placentia and Yorba Linda were not included in the assessment. A8-2m

- The traffic study discusses using the OCTAM model for the General Plan assessment consistent with City of Brea requirements. However, the traffic study does not document how the raw traffic volume forecasts from the model were adjusted to correct for model error (e.g. was NCHRP 765 methods applied and, if so, which method was applied to correct for model error). This information should be added to the report. In reviewing Appendix E of the traffic study, it appears that link-level adjustments were made using procedures documented in NCHRP 255 (note, NCHRP 255 is outdated and has been replaced by NCHRP 765). The analyst should identify why an outdated forecasting application was applied for this project. A8-2n

- Fair share is calculated for each deficient study location. However, for any impacts caused by the project in the opening year assessment, the full cost of the identified improvement should fall upon the proposed project. A8-2o

- The study did not address several of the City's concerns noted in the letter prepared titled City of Yorba Linda Comments Regarding the Notice of Preparation for the Brea 265 Specific Plan Project dated January 23, 2019. The Project is located on the border and is expected to generate trips that will travel through Yorba Linda. The study addressed concerns of residents in the City of Brea that were not directly located next to the project site, but failed to respond to the concerns of Yorba Linda that shares a border with the project site. The concerns that were not addressed in the study include: A8-2p
    - Did not evaluate/discuss excessive speeding that occurs on Rose Drive at the boundary of Brea/Yorba Linda and potential traffic calming measures.
    - Did not consider how the additional traffic along Rose Drive and in the City of Yorba Linda could be affected by the potential increase in diversions due to the addition of project trips.

Trails Connections

1. The access point from the Carbon Canyon Park to the Vista Del Verde Trail via the Redwood Trail should be evaluated from the Brea 265 development. A8-3a

2. Evaluate how the proposed trail connections will increase traffic on the Vista Del Verde trails from the residents of the Brea 265 Development and any other groups who use the staging areas (amenities) provided by the development.

3. The lack of a programmed access point from the southern side of the development along Blake Rd. to the Vista Del Verde Trails needs to be investigated. The unprogrammed point of connection can/ will cause issues in the future for the City of Yorba Linda. A8-3b

Hydrology & Water Quality (Section 5.10 of DEIR)

- Southeast Drainage Area B flows into Carbon Canyon Channel via Rose Drive. Downstream impacts to City of Yorba Linda facilities along Rose Drive should be discussed. Based on post-project conditions without detention facilities the flow is 115.3 cfs vs existing pre-project condition flow of 90.0. Are there conditions or alternatives that would worsen the impact to storm facilities on Rose Drive downstream (i.e., catch basins, storm drain systems)? City of Yorba Linda recently underwent a Master Plan of Drainage and determined the existing storm drain system at Rose Drive, south of Imperial Highway) is severely deficient. A8-4a

- Confirm existing storm facilities are in good condition prior to conveying additional flows, especially corrugated pipe facilities that typically have less lifespan than reinforced concrete pipes. Under Southeast Drainage Area B, *"runoff produced from subareas B1 through B17a would discharge into the existing 36-inch corrugated metal pipe crossing Rose Drive."* A8-4b

- Project proponent should also obtain approval from County of Orange to outlet flows to Carbon Canyon Channel from Brea 265 development. A8-4c

- Have overflow/ secondary conditions been evaluated for Drainage Management Areas (DMA) that relay on bioretention and biofiltration BMPs prior to discharging to the backbone storm drain systems? Malfunction of these BMPs or failure to maintain such BMPs could lead to future A8-4d

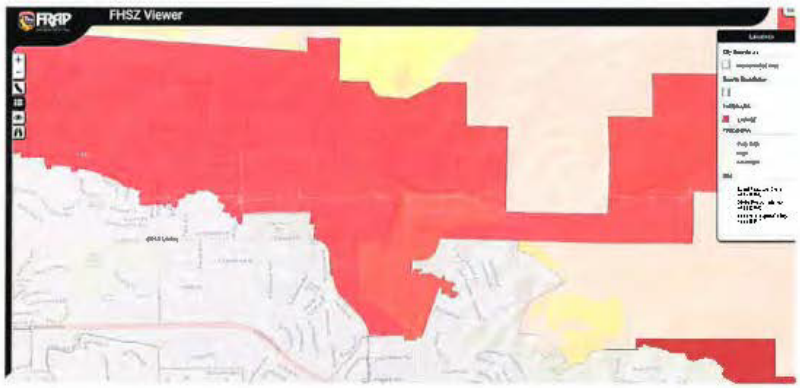
2. Response to Comments

flooding issues or inundate existing storm drain facilities downstream. Per HYD-2 Mitigation Measure, Dam inundation and Emergency Response Plan could impact FEMA floodplain areas.

- The Project proposes to widen Rose Drive and cover Carbon Canyon Channel with an reinforced concrete box. Will runoff volume and time of concentration affect downstream facilities? When is the final Hydrology and Hydraulic report be available for review? The City of Yorba Linda would like to review storm drain design plans and profiles when available with appropriate hydraulic grade line information to ensure downstream facilities are not impacted. A8-4e

Additional Considerations

- The project is in a very high fire hazard severity zone as shown below. The addition of housing in this area will increase traffic during an evacuation event within the City of Yorba Linda, especially during an evacuation event that would require evacuees to travel to the east. The DEIR, under Impact 5.20-1, discusses the response of the project within the City of Brea, but it does not address the potential evacuation needs for the existing residents within the City of Yorba Linda (in fact, it completely ignores the project impact on evacuation within the City of Yorba Linda). Specifically, this project will increase traffic demands within the City of Yorba Linda during an evacuation event that will impact existing residents within Yorba Linda and their ability to evacuate. Furthermore, the need to evaluate the impact the project has on Yorba Linda residents and their ability to evacuate during a fire event should be disclosed in the DEIR consistent with recent CEQA court case rulings and the DEIR should be updated to quantify and disclose the impact to Yorba Linda residents' ability to evacuate due to this new development: A8-5
  - Center for Biological Diversity et al vs. County of Lake (Guenoc Valley case)
  - League to Save Lake Tahoe Mountain Area Preservation Foundation et al vs. County of Placer (Martis Valley case)
  - Newtown Preservation Society et al vs. County of El Dorado et al (Newtown case)



The City of Yorba Linda appreciates the opportunity to comment on the Draft EIR for the Brea 265 Project. We request that the City of Brea provide the City of Yorba Linda with the responses to our comments when they become available for public review. The City of Yorba Linda also requests to be informed of any public meetings and/or public hearings for the project. Should you have any questions regarding the City's comments on the Draft EIR, please contact David Brantley, AICP, Community Development Director at 714/961-7130 or dbrantley@yorbalindaca.gov. A8-6

Sincerely,

David Brantley, AICP
Community Development Director
City of Yorba Linda

c: Yorba Linda City Council Members
Mark Pulone, City Manager
Todd Litfin, City Attorney

2. Response to Comments

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A8. Response to Comments from David Brantley, Community Development Director, City of Yorba Linda, dated April 22, 2022.

A8-1a The vehicle miles traveled utilized in the energy assessment is a value taken directly from the same emissions modeling (CalEEMod) used to quantify the GHG emissions shown in Table 5.8-6 on page 5.8-25 of the DEIR. The 83,659 VMT highlighted by Commenter represents the daily VMT for a weekday only. However, the proposed project would generate different average daily trips (ADT) between a weekday, Saturday, and Sunday, which would also result in different VMT for each of these days. As stated on page 5.8-22 of the DEIR, the proposed project would generate 9,351 weekday ADTs, 12,389 Saturday ADTs, and 10,333 Sunday ADTs. Applying the average trip distance of 8.95 miles per trip results in total daily VMT of 83,659 VMT per weekday, 110,838 VMT per Saturday, and 92,444 VMT per Sunday and annual VMT of 21,751,272 weekday VMT (260 days), 5,763,587 Saturday VMT (52 days), and 4,807,099 Sunday VMT (52 days). The combined total annual weekday, Saturday, and Sunday VMT equates to 32,321,958 VMT per year and is consistent with the VMT used for the energy assessment. Per CalEEMod methodology, the model assumes 260 weekdays, 52 Saturdays, and 52 Sundays per year.

A8-1b The VMT analysis was prepared consistent with the City of Brea adopted VMT analysis methodology as published in the City of Brea Transportation Impact Analysis (TIA) Guidelines (dated September 2020), and based on coordination efforts with City staff, the proposed project's Socio Economic Data (SED) was added on top of the TAZ SED to assess the potential VMT impact of the project. This approach accounts for internal capture and the synergy between all the land uses within the TAZ and is an approved methodology to assess the VMT of Non-Screened Development.

A8-1c Based on discussions with City staff and the project applicant, it was determined that the proposed sports park would be local serving and serve as an extension of the existing Brea Sports Park, which serves the local area on a regular basis. As such, the proposed sport park would screen-out as it falls under the "local park" category. As shown on the DEIR Figure 3-11, *Sports Park*, proposed project includes one new soccer field (225' x 330') and one baseball field (285') as well as other park amenities, however, the traffic study assumed six soccer fields as a conservative analysis. The soccer field also does not provide bleachers to attract a large number of spectators in a regional scale. There is no substantial evidence that this local serving park could be a regional draw hosting regional tournaments.

A8-1d The project description included in the VMT Analysis(Appendix O to the DEIR) states that the project site would allow for a fire station and police substation on a 1.0-acre site on the northwest corner of Lambert Road and Valencia Avenue. The DEIR Chapter 3, *Project Description*, indicates this 1-acre site would be a public safety/civic use. The exact type of land use has not been determined, and it would be a public safety and civic use related uses that would be considered a local serving use. The fire station/police station

or public safety/civic use is a local serving use which falls under the "community institution" category and thus has been screened out of further VMT analysis consistent with the City of Brea TIA Guidelines.

A8-1e As stated in Appendix O, VMT Analysis, the proposed project is consistent the adopted 2020-2045 RTP/SCS. Because the AQMP strategy is based on projections from local general plans, projects that are consistent with the local general plan are considered consistent with the RTP/SCS. Page 5.17-36 of the DEIR (Section 5.17, Transportation) states "The proposed project's consistency with the 2020 SCAG RTP/SCS, *Connect SoCal*, is detailed in Table 5.11-3, *SCAG's Connect SoCal Consistency Analysis,* of Section 5.11, *Land Use and Planning*. The goals of Connect SoCal are related to housing, transportation, technologies, equity, and resilience. As mentioned in Section 5.11, *Land Use and Planning,* the proposed project would result in a walkable community within walking distance to commercial, office, education, and recreational opportunities, and is therefore consistent with *Connect SoCal*."

Furthermore, as described under Impact 5.14-1 (Section 5.14, *Population and Housing*), the anticipated population growth of 3,102 residents associated with the proposed project would be within the assumed population growth under the Brea General Plan. Assuming an average of 2.82 residents per unit, consistent with the household size reported in the City's 2021-2029 housing element, construction of 1,100 units would result in an increase of 3,102 residents. The current population in Brea is 45,629, therefore, the proposed project would increase the city's population to 48,731 residents. The City's General Plan projected that the population in the city may increase to 50,483 at General Plan buildout. Therefore, an increase of 3,102 residents from the existing population would be within the City's planned growth. The City's housing element also considered that the development of 1,100 units on the project site contributed to addressing Brea's housing needs, and the land use element estimated that over 2,500 units can be accommodated in the Brea's sphere of influence. The proposed project would annex 219.1 acres of the city's SOI. Therefore, the proposed project is consistent with the City's General Plan, therefore, is considered consistent with the RTP/SCS.

A8-1f Comment noted. The methodology used is appropriate and consistent with the City of Brea TIA Guidelines since the VMT threshold used is the Citywide VMT. Further, the guidelines don't stipulate using a different boundary, but state "..a different boundary ***may*** [emphasis added] be more applicable."

A8-1g The project site does not extend into the City of Yorba Linda. The entire project site is with the City of Brea. However, as commented, the southern portion of the project site falls within TAZ 168. TAZ 168 is within a low VMT area (0 to 15% below City average) as shown in Appendix A, *City of Brea Low VMT Areas*, which is Attachment C Low VMT Area Map in the City of Brea Transportation Impact Analysis (TIA) Guidelines (dated September 2020). Based on this, the southern portion of the project screens out of a full

VMT analysis. Further, to provide a more conservative analysis, this portion of the project site was included in TAZ 53 and a full VMT analysis was conducted. Based on a full VMT analysis it was determined that there would not be a significant VMT impact. Figure 1 of the VMT Analysis (Appendix O to the DEIR) has been updated to show that the entire project site is in the City of Brea. The updated Figure 1, Vicinity Map, to the VMT Analysis (Appendix O to the DEIR) is included as Appendix B to this FEIR.

A8-1h The project site is in the City of Brea, therefore, as the lead agency, the City used the City's VMT guidelines to address VMT impacts.

A8-1i The recommended addition of travel lanes is consistent with the City's General Plan, thus not requiring additional VMT analyses. Further, since the City of Brea TIA Guidelines do not discuss "Transportation Projects," the OPR Technical Advisory was referenced. According to the OPR Technical Advisory; "Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety" would not likely lead to a substantial or measurable increase in vehicle travel, and therefore should not require an induced travel analysis. It should be noted that recommended through lane improvements at Rose Drive and Vesuvius Drive/Project Driveway D (#15) and Associated Road at Imperial Highway (#18) (PPP T-5 in DEIR Section 5.17, *Transportation*) which would improve travel through these two intersections are less than one mile in length, and hence does not require in induce travel analysis

A8-1j The Project Design Features outlined in Section 2.3.1 of the traffic study (included as Appendix N to the DEIR) are included as PPP T-2 along the frontage of the project site will be less than one mile in length and would improve roadway safety for all users. Therefore, as stated above in Response A8-1i, according to the OPR Technical Advisory, an induced travel analysis into required.

A8-2a The project site does not extend into the City of Yorba Linda. The entire project site is with the City of Brea. Figure 1 of the VMT Analysis (Appendix O to the DEIR) has been updated to show that the entire project site is in the City of Brea. The updated Figure 1, *VMT Analysis Vicinity Map*, to the VMT Analysis (Appendix O to the DEIR) is included as Appendix B to this FEIR.

A8-2b The CEQA process is required to consider VMT for traffic impacts, inclusive of potential impacts to public transit, pedestrian facilities and travel, and bicycle facilities and travel. Given the Project is located within the City of Brea and is the Lead Agency, only an assessment of facilities within the City is required per the City's guidelines; an evaluation of active transportation and public transit facilities outside the City is not necessary to assess the VMT impacts of the Project. Currently, there are no OCTA bus service to the Brea 265 site, however, as the Project is developed it is expected that routes may be added. The proposed project has identified three (3) potential transit stops, for which the project applicant would be required to work with the City and OCTA to gain approval.

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A8-2c The project description included in the Traffic Study (Appendix N to the DEIR) states that the project site would allow for a fire station and police substation on a 1.0-acre site on the northwest corner of Lambert Road and Valencia Avenue. The DEIR Chapter 3, *Project Description*, indicates that this 1-acre site would be a public safety/civic use. The exact type of land use has not been determined and it would be speculative to assess any potential traffic generation from this site. The City of Brea does not currently have any plans to increase its full-time police and/or fire personnel. A separate environmental review will be conducted to determine if the proposed use and development of the site would trigger the need for an LOS study before the 1-acre site is developed. Furthermore, the trips associated with a fire/police substation would generate a nominal number of trips to the street system during the AM and PM peak hours. As such, including these as part of the trip generation would have little to no effect on the findings documented in the traffic study. No change to the traffic analysis is warranted.

A8-2d The CEQA process is required to consider VMT for transportation/traffic impacts; Level of Service (LOS) is specifically not to be the metric by which transportation impacts are to be assessed. For consistency with the City of Brea's General Plan, LOS analysis has been conducted at locations primarily within the City of Brea boundaries per the requirements of the City of Brea. The City does not require LOS analysis at intersections outside of their jurisdiction to confirm another jurisdiction's consistency with their General Plan or identify potential improvements within a neighboring City. Further, the City of Brea has no mechanism for implementing improvements in adjacent jurisdiction. As such, no additional LOS analysis is necessary.

A8-2e See Response to A8-2d.

A8-2f See Response to A8-2d.

A8-2g An annual growth rate of 1% per year is considered to be a typical industry-wide standard used in Orange County. However, review of OCTAM 5.0, the street system within the City of Brea generally falls below 1% per year when comparing existing plots to buildout plots. As such, a 1% annual growth rate per year is considered conservative, therefore, no changes to the traffic study are necessary.

A8-2h Existing peak hour factors (PHF) were applied to existing conditions level of service HCM analysis. Additionally, a heavy vehicle factor of 2% trucks was applied to the HCM methodology.

A8-2i As stated in the traffic report, a select zone model run was prepared at the scoping process with the City of Brea. At that time the most current model was OCTAM 4.0. This select zone was then refined based on discussions with the City of Brea and professional engineering judgment. With the release of the OCTAM 5.0 model the anticipated project distributions are assumed to remain unchanged. Select zone plots can be provided if requested.

A8-2j Comment noted. The use of one blended distribution pattern for the project is consistent with standard engineering practice, especially when there is one use that is substantially larger than the other components. As such, no changes to the distribution pattern are necessary.

A8-2k Project distribution patterns were reviewed by both LLG and the City of Brea traffic department. As such, the identified distribution patterns are considered adequate and representative of the Project, and therefore no changes to the distribution pattern are necessary.

A8-2l As stated in Section 3.6 of the traffic study, LOS E is an acceptable LOS at the SR-57 Ramps and Imperial Highway which is consistent with the OC CMP. However, to be conservative and provide consistency with the City of Brea guidelines, Section 7.0 identifies LOS D as the threshold for comparison. Additionally, the first column of all the LOS tables identifies the minimum acceptable LOS for which to compare against. All locations identify LOS D as the threshold. As such, no changes to the traffic study are necessary.

A8-2m Related project research was completed for development projects within the City of Yorba Linda and City of Placentia. At the time of our research, there were no related projects found within a two-mile radius and/or large enough of a traffic generator that would add a substantial amount of trips within the vicinity of the proposed Project.

A8-2n The purpose of the traffic study is to compare the proposed project against the City of Brea Genera Plan to identify if it's consistent. Therefore, the procedures that were used to develop the General Plan were also used to forecast buildout conditions for a true "apples-to-apples" comparison. Regardless, per Table 1-2 of the NCHRP Report 765, turning movement and directional distribution procedures based off the NCHRP Report 255 are still valid. Therefore, the forecasting application is considered valid and no changes to the traffic study are necessary.

A8-2o Fair share calculations for opening are identified at locations where the pre-project traffic conditions were already operating at adverse levels. As such, the project would contribute to this adverse condition, ultimately requiring the project to pay it's share towards the identified improvements. For the intersection of Associated Road at Imperial Highway the project may be required to pay for the entire improvement. However, it should be noted that this location falls within the jurisdiction of Caltrans and would require coordination between the City of Brea and Caltrans regarding the feasibility of any improvements

A8-2p See Response A8-2d and R4-1. The City of Brea will collaborate with both the City of Yorba Linda and City of Placentia and work collectively towards making improvements along Rose Drive south of Vesuvius Drive to improve traffic flow and enhance safety and accommodate pedestrian and bicycle traffic needs in addition to vehicular traffic needs.

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A8-3a Figure 3-6, *Nonvehicular Circulation Plan*, of the DEIR shows potential future access to the existing trails in the Carbon Canyon Park. Vista Verde Trails would be one of the trails that existing trails in the Carbon Canyon Park could lead to via various other trails. The comment provides no data on existing trail users that access the Vista Verde Tails from the Carbon Canyon Park nor any data on physical impacts from trail users to Vista Verde Trail that could be quantified to establish a nexus to the proposed project. The City of Brea is also unaware of any data that reliably attribute significant impacts to trail or park users in Yorba Linda to visitors from specific geographic regions, such as trail connections in Carbon Canyon Park and the City of Brea. Accordingly, any assertion that the project's proposed increase in future residents might result in significant adverse effects on extra-jurisdictional trails and open space (either directly or indirectly) has no support and would be speculative. The Final EIR need only assess impacts for which substantial evidence exists.

A8-3b The comment does not specify how the lack of a programmed access point from the southern side of the development along Blake Road to the Vista Del Verde Trail will result in adverse physical impacts for Yorba Linda. The comment fails to establish a nexus to the proposed project and lacks substantial evidence to support the claim.

A8-4a As shown in DEIR Section 5.10, *Hydrology and Water Quality*, Table 5.10-2, *Existing and Proposed 10-Year Runoff Conditions*, the proposed 10-year storm runoff with a detention basin discharged to the existing storm drain system is 85.3 cfs, which is below the existing condition level of 90.0 cfs. The proposed project includes detention facilities. There is no reasonable condition that could worsen the impact to stofm facilities on Rose Drive downstream.

A8-4b The existing 36" CMP was designed in 1961 and is currently maintained by the City of Brea. Based on the as-built Carbon Canyon Channel Improvement Plan, sheet 79 of 102, and the current field survey information by Hunsaker and Associates (H&A), the existing 36" CMP has adequate capacity to safely convey the 10-year storm runoff produced from the proposed development.

A8-4c The project applicant contacted the Orange County Public Works (OCPW) and confirmed that segment of E03 is not an Orange County Flood Control District facility and is maintained by the City of Brea. OCPW confirmed that approval from OCPW is not needed.

A8-4d Secondary overflow and maintenance will be provided for all proposed water quality and detention basins.

A8-4e The excess storm runoff produced from the development will be detained in the proposed detention basin to be below the level of existing condition as presented in calculations and exhibits included in the Hydrology Report. The proposed storm runoff produced from the Southeast Drainage Area will be discharged directly to the Carbon

Canyon Channel and not connected to any storm drain system in the City of Yorba Linda, and therefore, there won't be any impact to the existing drainage facilities in the City of Yorba Linda.

A8-5 The project site is located at the edge of the VHFHSZ boundaries bordered by non-VHFHSZ area to the south and west. A wildfire event would likely to start in Chino Hills State Park, in which case Carbon Canyon Road going east would likely to be closed. The City of Yorba Linda is not in the VHFHZ. As stated in DEIR Section 5.20, Wildfire, Impact 520-1, "Although the proposed project would increase the traffic volumes in the area, various roadway improvements would be provided to reduce roadway impacts within the City of Brea's jurisdiction to ensure that increased traffic does not delay traffic in the project area." As part of the traffic circulation analysis (Appendix N to the Draft EIR) any intersection that is forecast to operate at an adverse service level, intersection improvements are identified for implementation to maintain adequate traffic flow and to mitigate the impact of the project, thereby off-setting the potential traffic impact of the project on traffic congestion. Therefore, there is no substantial evidence that the proposed project will significantly impact Yorba Linda residents' ability to evacuate during a fire event. Again, the City of Yorba Linda is not in the VHFHZ, and the proposed project would not exacerbate the existing wildfire evacuation concerns of the Yorba Linda residents.

A8-6 The City of Brea will provide written responses to the City of Yorba Linda's comments no later than 10 days prior to the City Council meeting when the proposed project will be considered for a decision. The City of Brea will also inform any public meetings and/or hearings for the proposed project.

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2.2 RESIDENT AND INTERESTED PARTIES COMMENTS

2. Response to Comments

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LETTER R1 – Dennis Pritchett (2 pages)

R1

Wayne Carvalho

Senior Planner

City of Brea – Planning Division

1 Civic Center Circle

Brea, CA 92821

March 21, 2022

Re: CEQA Brea 265 Specific Plan

Mr. Carvalho:

Thank you for the opportunity to review the DEIR for Brea 265 Specific Plan. I would recommend that the City provide every citizen with a copy of the Executive Summary instead of this 700-page DEIR. Most citizens have neither the time nor inclination to wade through this extensive legal and scientific document and it is so important they have a detailed understanding of the risks of this project.

I have several concerns for this project:

1) As noted in Section 5.8 -1, this project will have a significant impact on the creation of Green House Gases without possibility of mitigation. Climate change is the greatest issue facing our world today and projects like this continue to be developed as though the year is 1950. The developer claims that this issue will be mitigated by the singular use of electricity to power the 1100 homes yet the DEIR states the danger will not be mitigated. The developer cannot ensure that the electricity ultimately used in the homes will be developed without the use of carbon-creating fossil fuels. One would also have to wonder why underground gas pipelines would be installed for a project using only electricity. R1-1

2) 1100 homes will require a huge increase in the use of water. California, partly due to climate change, is in the throes of one of its worst droughts. Plans are currently under review to reduce current water usage by 15-20%. Hotter temperatures and changes in weather patterns created by climate change will only increase and deepen the effects of droughts in the years to come. When we need to conserve water, this project will greatly increase its usage. R1-2

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3) An increase of 9,351 daily vehicular trips will exacerbate an already significant problem of traffic in Brea. There are only three thoroughfares that transverse the 57 freeway which bisects the city of Brea. Imperial Highway, Birch Street, and Lambert Road are already congested throughout much of the day and are a nightmare during 'rush hours.' We have not yet absorbed the increase in traffic from ongoing projects like Brea Place and the transition of the Bank of America site on Valencia to an Amazon distribution site and Brea 265 will substantially increase traffic on those impacted areas. The cities of La Habra, Yorba Linda and Placentia will feel the effects as well. R1-3

4) Certainly, 1100 new homes will increase the need for additional police regardless of the mitigation efforts. R1-4

5) I question whether the elementary school and junior high can accommodate the additional students created by this project. Already parents line up at both schools to pick-up and drop-off their children creating some very challenging traffic situations. Brea 265 will make these situations worse. R1-5

6) Only 64 low-income housing units? You've got to be kidding. One of the biggest housing projects in the city's history and only 5.8% will be dedicated to low-income residents? That is absurd. R1-6

There are more concerns about this project but the six above are the most pressing. Twenty years from now when our children and grandchildren are facing the disastrous effects of climate change, they will look back to the plans approved by the Brea City Council in 2022 and wonder: "What were they thinking?" Did they only want to satisfy a large energy company's greed for more profits? Was the council simply focused on increasing the tax base? Climate change is an existential threat and the time to act is quickly slipping out of our hands. Brea should do its part now, stand up and be a leader. Say NO to BREA 265. R1-7

Dennis Pritchett

761 Oak Knoll St.

Brea, CA 92821

R1. Response to Comments from Dennis Pritchett, no date.

R1-1 As stated in the Draft EIR, the proposed project would result in significant and unavoidable GHG emissions impacts even with incorporation of Mitigation Measures GHG-1 and GHG-2. The language for Mitigation Measure GHG-1 has been revised to state that electricity will be the primary source of energy, not the only source of energy. Therefore, gas meter connection would be provided. The modified mitigation language is to provide an alternative option in case of electricity failures and not to provide permanent energy source. The modified language in Mitigation Measure GHG-1 would not substantially increase the GHG emissions as described in the Draft EIR. A Statement of Overriding Considerations will be prepared in conjunction with the significant and unavoidable GHG emissions impacts. CEQA allows that if the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

R1-2 A water supply assessment (WSA) has been prepared for the project, and is included in Appendix Q to the Draft EIR. As analyzed in Section 5.19, *Utilities and Service Systems*, Impact 5.19-2, there would be sufficient water supplies available to serve the project during normal, dry, and multiple dry years.

R1-3 As discussed in Section 5.17, *Transportation*, pursuant to Senate Bill 743, CEQA evaluates significance of transportation impacts using the vehicle miles traveled (VMT) metrics, not in terms of auto delay (traffic congestion). However, a traffic study has been prepared for the project that reviews level of service (LOS) impacts of the project, and is included in Appendix N to the DEIR. As described in this traffic study, traffic congestion impacts during AM and PM peak hours were evaluated along Imperial Highway, Birch Street, and Lambert/Carbon Canyon Road and various roadway improvements would be provided and traffic impact fees would be paid to minimize traffic congestion resulting from the proposed project. The traffic study accounted for future on-street conditions by including a total of 33 related projects list as shown in Table 6-1, *Location and Description of Cumulative Projects*, and Figure 6-1, *Location of Cumulative Projects*, of the traffic study (Appendix N to the DEIR), and the DEIR Chapter 4, *Environmental Setting*, Table 4-1, *Related Cumulative Projects*. It should be noted that according to the changes to the CEQA Guidelines pursuant to SB 743, automobile delay, as measured by a LOS and other similar metrics, generally no longer constitute a significant environmental impact under CEQA.

R1-4 As discussed in the DEIR Section 5.15.2, Police Protection, the proposed project would result in increased demands for police services, including staffing needs. Therefore, in addition to the required dispatch impact fees and other development impact fees, the project applicant would pay special assessment fees to provide adequate training and equipment for Brea Police Department. The proposed project also reserved a site for new

public safety/civic uses facility to be developed by the City in the future. No further analysis related to police services is necessary.

R1-5 As discussed in the DEIR Section 5.15.3, School Services, the proposed project would increase the number of students attending area schools. However, the increased demand for school facilities would be accommodated through the payment of development fees. The funding program established by SB 50 has been found by the legislature to constitute "full and complete mitigation of the impacts" on the provision of adequate school facilities (Government Code Section 65995(h)). Furthermore, the traffic conditions at each respective schools are managed by the Brea-Olinda Unified School District (BOUSD) and there is no substantial evidence that incremental increase in student enrollments at Olida Elementary, Brea Junior High and Brea Olinda High Schools would create some very challenging traffic situations, making the situation worse. The comment is noted and will be provided to the City's Planning Commission and City Council.

R1-6 The proposed project would provide 76 affordable housing units (6.9 percent) not 64 units (5.8 percent). Pursuant to CEQA Guidelines Section 15126.2 and 15131, CEQA analyzes changes in the baseline physical environment and physical environmental impacts of a project. The number of affordable housing units would not result in substantial physical environmental impacts that require further analysis. The comment is noted and will be provided to the City of Brea Planning Commission and City Council.

R1-7 Comment provides an opinion and no new specific comments pertaining to the DEIR are provided. The comment is noted and will be provided to the City of Brea Planning Commission and City Council.

LETTER R2 – Marjorie Eason (1 page)

R2

-----Original Message-----
From: margie eason <margieeason@mac.com>
Sent: Sunday, March 13, 2022 2:11 PM
To: Carvalho, Wayne <waynec@ci.brea.ca.us>
Subject: "CREQA Brea 265 Specific Plan March 12 th 2022

My name is Marjorie Eason. I reside at 370 Vesuvius Drive, Brea 92823. I have lived in Brea at this address since 1965. There are 65 residential homes in this tract. We have young families, not so young families and, at least, a half dozen widow ladies, like myself, living here.

Vesuvius Drive is the main entrance, and only entrance, to our tract. It is, also, our only exit. Rose Drive, as it is right now, is a daily hazard. We have a signal, but it is often over run by fast moving traffic. There is no left turn arrow from north bound Rose Drive into our tract. Residents can sit there through an endless line of south bound traffic waiting to turn left. The 40 mph is mostly ignored. I try to drive south and make a right turn into Vesuvius, which is much safer. R2-1

I understand Rose Drive will be expanded to 4 lanes. There will be a signal at the entrance to the new housing tract. This will add to the traffic on Rose Drive, making it even more hazardous for our neighborhood. I have seen many changes in our area over the years. We have survived many fires in the Canyon. The latest one in 2008 showed how unprepared the city of Brea was in their ability to evacuate the residents in Harms Way. R2-2

I have supported the City of Brea over the years. I worked at St Jude Medical Center for 53 years. Our neighborhood is very special to all the residents. I am, personally, grateful to La Floresta for being a wonderful neighbor to our small community. The upgrades they did for our tract increased the value of our homes and , of course, , the taxes the city collects from us. R2-3

If I could make miracles happen, I would like the city to recognize the value of its Senior residents and provide affordable housing for them. There is no housing available less than one million dollars. Seniors should not have to leave the city they love in order to have a home. I guess that is for another day.

I looked at the map and I see our area is gray. That means it is not an important area to your planning commission, but it is very important to those of us who have made Brea their home. I hope you will consider how you will handle the traffic to make our lives a little safer. I trust you will think of us as you follow through with your plans. R2-4

Thank You. Marjorie Eason

714-396-8747 { Cell}

2. Response to Comments

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R2. Response to Comments from Marjorie Eason, dated March 13, 2022.

R2-1 When determining the need for protect left-turn phasing along Rose Drive multiple factors come into play such as volumes, accident history and level of service results. Review of the traffic volumes making a left-turn from Rose Drive onto Vesuvius Drive in combination with the conflicting through movement shows that it does not exceed the guidance within the MUTCD for protected phasing. In addition, accident data was reviewed over the past 5 years, of which, only one accident was report that was susceptible to correction via the installation of protect phasing along Rose Drive. Lastly, with the identified improvements at this location, Rose Drive at Vesuvius Drive operates at acceptable service levels with permissive phasing. Based on all of the above information, protected phasing is not required. However, if the City deems it necessary, protected phasing could be implemented along Rose Drive with minimal effects on service levels. Any potential change to the existing traffic signal phasing would be addressed at the design phase of this intersection and would conform to the City's Public Works standards. The commentator's concern is noted and has been forwarded to the City's decision makers for consideration.

R2-2 The proposed expansion of Rose Drive along the project frontage as well as the collaborative efforts between the Cities of Brea, Yorba Linda and Placentia in an effort to achieve a 4-lane cross section would increase flow and help evacuation times. Although the proposed project would increase the traffic volumes in the area, various roadway improvements would be provided to reduce roadway impacts within the City of Brea's jurisdiction to ensure that increased traffic does not delay traffic in the project area. Furthermore, during the development review and permitting process, an overall Fire Master Plan will be prepared and approved by the Brea Fire Department so that adequate emergency access is provided for the proposed project without creating additional hazards to surrounding areas.

R2-3 The proposed project would provide 76 affordable housing within the project site. However, they will not be senior housing. The comment is noted and will be provided to the City of Brea Planning Commission and City Council.

R2-4 On Figure 3-3, *Aerial Photograph*, the surrounding area outside of the project site is shown in gray just to emphasize the boundary of the project site, not to suggest that the area is not important.

2. Response to Comments

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LETTER R3 – Hills for Everyone (43 pages)

R3

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April 21, 2022

Via E-Mail Only

Mr. Wayne Carvalho
Senior Planner
City of Brea
Planning Division, Level 3
1 Civic Center Circle
Brea, CA 92821
E-Mail: waynec@ci.brea.ca.us

Re: Draft Environmental Impact Report for the Brea 265 Specific Plan (State Clearinghouse No. 2018121035)

Dear Mr. Carvalho:

On behalf of Hills For Everyone, we are submitting the comments below regarding the Brea 265 Specific Plan Draft Environmental Impact Report. Hills For Everyone is a non-profit organization that works to protect, preserve, and restore the environmental resources and natural environs of the Puente-Chino Hills and surrounding areas for the enjoyment of current and succeeding generations. The organization has been working in the region since 1978, and was instrumental in the creation and expansion of Chino Hills State Park. R3-1

We submit these comments to express Hills for Everyone's concerns regarding the proposed Project's potentially significant impacts on the area's natural resources. For example, the proposed Project will add a substantial number of people residing immediately adjacent to regional and State parklands. The residents can reasonably be anticipated to increase use of trails and facilities at these parks; the DEIR therefore should evaluate impacts resulting from this increased use.

In another example, the DEIR should provide up-to-date information for Burrowing Owl, a California species of special concern, rather than the outdated survey data and vague and partial habitat information that it presently provides. The DEIR should also provide more specificity in its measures to mitigate identified significant

2. Response to Comments

impacts related to the loss of coastal sage scrub habitat utilized by sensitive bird species, including the coastal California gnatcatcher.[1] The measure calls for establishment or restoration of habitat on the site; it should identify the location of the mitigation site.

Finally, the DEIR must improve its disclosure of significant health and safety impacts from required removal and disposal of contaminated soil. In addition, it should take seriously the Project's proposed installation of artificial turf on sports fields. DEIR at 5.8-24 and 5.8-27. It should discuss this Project feature as part of the Project Description and evaluate its potential environmental and health impacts including off gassing and particulate matter. These aforementioned inadequacies in the DEIR's analysis are discussed in more detail below.

This letter, along with the report prepared by Robert Hamilton, attached as Exhibit A ("Hamilton Report"), constitute Hills for Everyone's comments on the DEIR. We respectfully refer the City to the Hamilton Report, both here and throughout these comments, for further detail and discussion of the DEIR's inadequacies.

I. Introduction and Background

As proposed, the Brea 265 Specific Plan ("Project") would allow 1,100 residential units on a 260-acre site currently used for oil production and agriculture. The Project would construct up to 450 low-density units and 650 medium-density units at an overall average density of 4.2 dwelling units per acre. DEIR at 3-2. The maximum of 1,100 residential units would include 76 affordable units. Id. The Project would also include approximately 15 acres of parks and recreation uses (including trails and a 13-acre sports park) and 47.5 acres of open space. Id. The Project would require a General Plan amendment and rezoning to change the Hillside Residential designation and Single Family Residential zoning to a Brea Specific Plan designation with zoning. The Project also includes the remediation of all oil wells and oil production facilities. DEIR at 3-17.

R3-2

Carbon Canyon Regional Park borders the site to the east and connects via trail to Chino Hills State Park. The proposed Project would create a new trail network connected to this regional system. The DEIR indicates that trails will be maintained by the homeowners association ("HOA"), except for trails within the Sports Park and Staging Area Park.

[1] A federally listed threatened and a California species of special concern.

II. The Project Description Must Provide the Terms of the Development Agreement.

R3-3

The DEIR's Project Description does not include meaningful discussion of the proposed development agreement. It notes that the Project will include a development agreement (*see* DEIR at 1-6, 3-2, 3-59, 3-64), which would vest the applicant's entitlements. It does not, however, provide any information about the conditions, terms, restrictions, and requirements for subsequent actions. The text of this development agreement is not included anywhere in the DEIR, and the development agreement was not included among the publicly available environmental documents for the Project. Without any more detailed information about the terms of the agreement, key elements of the Project Description are omitted and cannot be analyzed in the EIR. CEQA requires more. *See, e.g., Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123 ("*Laurel Heights II*") (the purpose of CEQA "is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made").

This omission is particularly disturbing as development agreements typically seek to "lock in" development rights—including existing regulations and the density and intensity of development—over an extended period of time. Development agreements thus limit the lead agency's permitting authority and ability to impose additional mitigation measures or reduce the intensity of development at later discretionary phases of the Project. This makes the early disclosure of impacts and identification of clear, concrete mitigation measure all the more important. This imperative is undermined where, as here, the development of critical mitigation measures is deferred to the indefinite future. *See, e.g.,* DEIR at 5.9-33 (delaying the assessment and mitigation of methane impacts until future development approvals).

The DEIR's failure to provide any specific details regarding the development agreement constitutes a shortcoming in the Project Description and the subsequent analysis of Project impacts. The DEIR must provide a more detailed description of the development agreement.

III. The DEIR Must Complete Its Analysis and Mitigation of the Project's Impacts.

R3-4

A. Recreation

A potentially significant recreation impact occurs when a project would "increase the use of existing neighborhood and regional parks or other recreational facilities such

that substantial physical deterioration of the facility would occur or be accelerated." CEQA Guidelines, Appendix G § XV. As expressed in comments on the Project's Notice of Preparation process, Hills For Everyone is concerned that such an impact is foreseeable here.

R3-4 Cont'd

The Project proposes to link its neighborhoods together through "an extensive trail network" connected to the regional trail system. DEIR at 1-5. Unofficial "volunteer" trails from Carbon Canyon Regional Park already extend into the Project site. On the other side of the regional park, these trails directly connect to the trail system within Chino Hills State Park. The state park land immediately adjacent to the county park is also part of a Habitat Conservation Plan ("HCP") developed by the Metropolitan Water District of Southern California and Shell Western E&P Inc., which requires an even higher level of care.[2] The HCP was created to protect and restore coastal sage scrub habitat used by the California gnatcatcher.[3]

The Project will introduce thousands of new residents to the area and offer convenient access to both parks. New residents will likely take advantage of the trail connections and explore both the regional park and the state park. As we noted during the public scoping process for this Project, this increase in use could, if not mitigated, overburden the already burdened parks and accelerate their deterioration.

The DEIR, however, does not analyze these potential impacts. Instead, the DEIR concludes that because the proposed Project includes new parks and trails, it would not result in impacts to parks and recreational facilities. DEIR at 5.16-2 to 4. However, the analysis fails to acknowledge reality: new residents will not confine their use to the on-site trails and open space. Instead, they will take advantage of the connections to the extensive existing network in the neighboring parks. In fact, the proximity of these beautiful resources are already a significant selling point for the new development: marketing materials excitedly report that "[s]even miles of new public trails emanate from the trailhead creating linkages to local and regional trail systems within Brea and Carbon Canyon Regional Park." See www.brea265.com.

Hills For Everyone encourages everyone the use of these public spaces, but stresses that they must be kept in good condition. This requires preserving the natural resources the State Park is tasked with protecting. The Project's new residents—like any

[2] Chino Hills State Park General Plan at 39.
[3] *Id.*

sudden addition of many new users-- will make such protective maintenance significantly more difficult and expensive.

R3-4 Cont'd

As we stated in our comments on the Notice of Preparation, the City must consider the funding and staffing situation at Chino Hills State Park. Only six rangers are currently staffed to protect over 14,000 acres and they are also responsible for managing Citrus State Historic Park thirty-one miles to the east. This is barely sufficient to care for the park now; with the increased use from the Project, it will be plainly insufficient. CEQA requires that the DEIR evaluate the Project-related increased use and potential deterioration of the parks and trails, and identify mitigation measures for these impacts.

Hills For Everyone therefore proposes that the City require that the Project pay mitigation fees or create an assessment district to providing funding earmarked specifically for Chino Hills State Park. The City should then work with the California Department of Parks and Recreation to ensure that these fees are used to prevent deterioration of the Park by funding maintenance and improvements, increasing staffing, and providing education about and enforcement of park regulations.

B. Biological Resources

R3-5A

The DEIR presents outdated survey data and incomplete information in its analysis of Project impacts to burrowing owls. Specifically, instead of following the California Department of Fish and Wildlife ("CDFW") recommendations for conducting surveys for special-status bird species, the DEIR relies only on breeding season surveys that were conducted four years ago. Hamilton Report at 3. As explained in detail in the Hamilton Report, this approach is faulty for two reasons. First, the surveys should be updated to ensure accurate data, given that circumstances are likely to have changed in four years. Second, the DEIR failed to include non-breeding surveys. The project site provides suitable wintering habitat; in this situation, the CDFW recommends burrowing owl surveys during both breeding season and non-breeding season. Hamilton Report at 3. Thus, the EIR should include surveys for burrowing owl during the non-breeding season (September 1 to January 31). Id. at 3 and 4.

R3-5B

In addition, the DEIR should analyze the potential impacts of installing "Community Theme Open View Glass Wall/Fences on birds." DEIR at 3-33. The fiberglass walls would be six feet high and would be "located to enhance view opportunities along residential property lines adjacent to parks or open space areas." Id. However, transparent fences have the potential to result in increased bird strikes, particularly given the proposed site's location immediately adjacent to parks and open space lands. The DEIR should analyze this impact and incorporate mitigation, including

required use of bird-safe glass treatments as described by the American Bird Conservancy here: https://abcbirds.org/glass-collisions/products-database/ .

R3-5C

Similarly, the DEIR acknowledges impacts to the Southern California black walnut tree, a sensitive plant species with a California Rare Plant Rank ("CRPR") of 4.2 from the California Native Plant Society, indicating it is a tree with limited distribution, on the watch list, and fairly endangered in California. DEIR at 5.4-26 and 5.4-29. "The Chino Hills are an important distributional center for this species." DEIR at Appendix D, p. D-49. The DEIR specifies that the proposed Project would impact 126 individual specimens scattered throughout the site, but offers no mitigation for this loss. DEIR at 5.4-25 and Figure 5.4-5 Sensitive Floral Species Observation Map.

Instead, the DEIR dismisses impacts to the black walnut trees based on the trees' location and ranking. DEIR at 5.4-40. The DEIR explains that this conclusion is based on: 1) the trees' location in disturbed habitat 2) the black walnut tree CRPR ranking of 4, indicating it is "common throughout its range," and 3) the black walnut tree is not locally rare. Id. Based on this rationale, the DEIR concludes that removal of these trees would be a less than significant impact. Id. However, the DEIR does not support these statements. First, the fact that the site is disturbed does not mean that the trees cannot survive and recover after site remediation. The Southern California black walnut tree is a special-status species and damage or removal of the trees constitutes a significant impact. Second, the CRPR ranking is 4.2: the 0.2 portion of the ranking indicates that black walnut trees are "fairly threatened in California (20-80 percent occurrences threatened / moderate degree and immediacy of threat)." DEIR at 5.5-4. The DEIR must take both parts of the ranking into account. Third, black walnut trees in the area, including in adjacent parks, have been decimated through damage or loss by recent fires. Therefore, a loss of 126 endangered trees results in a significant impact that must be mitigated. At a minimum, it would be appropriate for the City to require the Project to replace the 126 native walnuts to be removed at a 2:1 ratio (252 trees), with the trees to be planted in appropriate locations within land dedicated for mitigation for this Project.

R3-5D

Finally, the DEIR relies on vague measures to mitigate identified significant impacts related to the loss of coastal sage scrub habitat utilized by sensitive bird species, including the coastal California gnatcatcher.[4] The measure appropriately calls for establishment or restoration of habitat to offset the loss of habitat. It should go further and identify the proposed location of the mitigation site and provide specific performance standards for implementation of the measure. Specifically, the City should require that the land dedicated include the eight inholding parcels that Aera owns within Chino Hills

[4] A federally listed threatened and a California species of special concern.

State Park (shown as yellow-highlighted squares labeled "Shell Western E&P Oil Retained" on DEIR Figure 5.4-7 Regional Open Space and Proposed Mitigation Lands Map), and additional acreage in the Shell/Aera Mitigation Bank to the northeast of the proposed Project site. Id. The land dedication should also include a funding mechanism (e.g., an endowment) to ensure adequate funding for maintenance of this land.

C. Soil Contamination

R3-6A

The proposed Project site would be developed on a site with a long history of oil and gas production. Consequently, the site contains contaminated soils. The DEIR acknowledges that the proposed Project "could create a significant hazard to the public or the environment" through foreseeable disturbance of contaminated soil. DEIR at 1-25 and 5.9-30 and 31. The DEIR also acknowledges that the proposed "residential development on a remediated oil field has the potential for hazardous fire conditions due to methane release." DEIR at 5.9-26 and 27. The DEIR further acknowledges several potentially significant impacts resulting from developing the site, including significant hazards to the public due to impacted soils and other hazardous materials and hazardous emissions that could impact Olinda Elementary School. Id. However, rather than thoroughly document the extent of the contamination and analyze the public health risk, the DEIR defers further investigations to a future date. DEIR at 5.9-30 through 5.9-32.

Specifically, the DEIR would allow the Project to move on through Specific Plan approval without an additional Phase II Environmental Site Assessment ("ESA") of the identified areas of potential environmental concern. Id.

R3-6B

The current DEIR discussion does not allow the public and decision makers to know the extent and severity of the site's contamination until further studies are conducted. While the DEIR asserts that the estimated amount of contaminated soil to be removed is approximately 178,000 cubic yards, the DEIR makes clear:

> "The total volume is an estimate only, and *further investigation is necessary* to further define and evaluate the vertical and lateral extent of impacted soils, not only in the historic sumps and drainage channels that were already included in the Focused Phase II ESA, but in other areas of the project site that were identified in the Phase I ESA and the Focused Phase II ESA as potential environmental concerns."

DEIR at 5.9-26; emphasis added.

The additional Phase II ESA should be performed now as part of the CEQA documentation process so that the public and decision makers have complete information before moving forward with approval of the Project. This study is particularly important to complete now because the results of it "would further define the vertical and lateral extent of impacted soils." DEIR at 5.9-31. Moreover, the findings of the deferred analysis could trigger a slew of other activities, impacts and mitigation measures. See proposed mitigation measures at DEIR pages 5.9-30 through 5.9-32. An early Phase II is likely to the Project's advantage as well. We have seen numerous Projects delayed or potentially derailed by potential soil contamination discovered after initial entitlement. All parties would be well served by identifying such issues now.

R3-6B (Cont'd)

The EIR should also evaluate the health risks associated with the site's contamination. The DEIR provides a health risk assessment ("HRA"), but analyzes health risks only for construction period emissions. DEIR at 5.3-28. However, given the extensive contamination on the site, some residual contaminants would likely remain in the soil after construction is completed. People could then be exposed via inhalation of airborne chemical compounds, ingestion of soil (or dust), dermal contact with contaminated soil, or eating vegetables contaminated with chemical compounds present in the soil. Without a health risk assessment, it is not possible to determine whether residual contaminants in the soil and/or groundwater would constitute a public health impact to future residents.

R3-6C

Moreover, as the DEIR acknowledges, methane deep underground "has a tendency to rise from depth to the ground surface where it dissipates into the atmosphere." DEIR at 5.9-26 and 27. Methane is an asphyxiant and is combustible. Id. As the DEIR itself explains, methane can accumulate under an impermeable surface, such as the concrete slab of a home, which can result in methane infiltrating into homes through flooring or cracks and/or cause fire or explosion when an ignition source is present. Id. This hazard must be evaluated now by way of a completed Phase II ESA and an HRA that considers health risks during the operations phase. This analysis would provide the basis for a contingency plan to be implemented if residents are at risk.

D. Air Quality

The DEIR's air quality analysis is inconsistent with its Project Description. Specifically, the DEIR states that the proposed Project includes the removal, treatment, and off-site disposal of 178,275 cubic yards of soil, thereby indicating that *all* of the contaminated soil would be removed and trucked off site. DEIR at 5.9-26. However, the DEIR's air quality analysis assumes that only twenty percent of the excavated

R3-7

contaminated soil would be trucked off-site. DEIR at 5.3-28. If the Project will only remove and transport twenty percent of the contaminated soil off-site, the EIR must explain how the rest will be remediated. If all 178,275 cubic yards of soil is to be removed and transported, the air quality analysis must be revised to account for a minimum of 16,000 truck trips (assuming 25 cubic yards of material per truck and two trips per truck (or roundtrips)) and analyze the impacts from these truck emissions.

E. Synthetic Turf

R3-8

The use of synthetic turf in sports fields has the potential to result in environmental impacts, such as impacts to water quality and air quality, and in public health. Gomes, Filipa O. et al, "A review of potentially harmful chemicals in crumb rubber used in synthetic football pitches," Journal of Hazardous Materials, Vol. 409, May 4, 2021. This is because artificial turf is made from recycled car tires, which are toxic. Shalat, Stuart, "Does playing on artificial turf pose a health risk for your child?" Washington Post, March 18, 2017 ("Shalat Article") available at https://www.washingtonpost.com/national/health-science/does-playing-on-artificial-turf-pose-a-health-risk-for-your-child/2017/03/17/0c61b7b4-0380-11e7-ad5b-d22680e18d10_story.html. Car tires are made from petroleum products and contain harmful metals such as cadmium, lead, which is neurotoxic, and zinc. Id. In addition, some chemicals found in tires, such as dibenzopyrenes, are known carcinogens. Agency for Toxic Substances and Disease Registry, "What are PFAS?" at https://www.atsdr.cdc.gov/pfas/health-effects/overview.html; Kounang, Nadia, "What are PFAS chemicals, and what are they doing to our health?" CNN Health, February 14, 2019 available at https://www.cnn.com/2019/02/14/health/what-are-pfas-chemicals/index.html; Lerner, Sharon, "Toxic PFAS Chemicals Found in Artificial Turf," The Intercept, October 8, 2019 ("Lerner Article") available at https://theintercept.com/2019/10/08/pfas-chemicals-artificial-turf-soccer/; Shalat Article.

"Artificial turf is made up of three major parts: (1) The backing material that will serve to hold the individual blades of artificial grass. (2) The plastic blades themselves. (3) The infill, those tiny black crumbs, that helps support the blades." Shalat Article. It has a useful life of approximately 10 years before it deteriorates and needs to be replaced. As it deteriorates, the tire crumbs can travel via storm water runoff, contaminate area drainages and waterways. Lerner Article.

The EIR must disclose the type of turf that the Project proposes and provide an evaluation of the potential impacts to the environment and to park users, especially impacts to children, who would be using the field the most.

IV. The City Should Consider an Alternative Clustering Development West of Valencia Avenue.

R3-9

The EIR should improve its analysis alternatives to the Project. A major function of the EIR "is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." To fulfill this function, an EIR must consider a "reasonable range" of alternatives "that will foster informed decision making and public participation." CEQA Guidelines § 15126.6(a).

Sound planning principles dictate that the City carefully consider alternatives in the present case because, as the DEIR concludes, the Project would have significant impacts related to, at the least, greenhouse gas emissions. We have described above several instances where the DEIR appears to underestimate impacts. The City should consider the real scope of these potential impact when it evaluates alternatives; this is likely to require consideration of alternatives not yet identified in the DEIR.

In particular, the City should consider an alternative in which fewer acres are devoted to low-density residential housing and more acres are preserved as open space. Additional higher density units could be clustered in the development areas west of Valencia Avenue. While the DEIR's one development alternative proposes higher density west of Valencia Avenue, its density is only 7.9 units per acre. DEIR at 7-18. A more clustered alternative would increase densities in planning areas 1, 7, 8, 9, and 10 (as identified in DEIR Figure 3-4.) to densities of 12 units per acre or higher. Increasing the density in this way would increase the amount of housing west of Valencia from 612 units to 878, with the remainder of the units constructed to the east of Valencia.

Such an alternative would allow much of the area to the east of Valencia, especially area PA3, to be taken out of housing and used for larger tracts of open space (especially in the hillier, north-eastern portion of the site adjacent to Carbon Canyon Regional Park), for agriculture, or for a combination of the two. In addition, such an alternative would avoid impacts to Coastal California gnatcatcher State-designated Critical Habitat, as well as known habitat for multiple sensitive species, including the federally endangered Least Bell's Vireo, and others. DEIR Figure 5.4-2 - Sensitive Faunal Species Observations Map at 5.4-19. This alternative would also avoid impacts to the 126 Southern California black walnut trees discussed above. DEIR at 5.4-40. The City should seriously consider this proposal and/or other solutions that look toward higher-density housing to meet housing demands while preserving Brea's open space and lessening the Project's impacts on recreation, biological resources, and greenhouse gas emissions.

V. Conclusion

Hills For Everyone does not oppose construction of housing on the proposed site. It cannot, however, support the Project as presently presented and analyzed. Brea's people and natural environment will be best served by a Project that acknowledges and mitigates all of its environmental impacts, that provides for the neighboring parks to serve new users with no detriment to resources, and that preserves more open space by concentrating units at higher density. We look forward to working with the City to bring this proposal into a beneficial form. R3-10

Sincerely,

SHUTE, MIHALY & WEINBERGER LLP

Gabriel M.B. Ross
Carmen J. Borg, AICP
Urban Planner

cc: Claire Schlotterbeck, Hills For Everyone

1499528.1

2. Response to Comments

EXHIBIT A

HAMILTON BIOLOGICAL

April 21, 2022

Ms. Carmen J. Borg
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102

**SUBJECT: REVIEW OF BIOLOGICAL RESOURCE ISSUES
DRAFT EIR FOR THE BREA 265 PROJECT
CITY OF BREA, ORANGE COUNTY, CALIFORNIA**

Dear Ms. Borg,

R3-11

At your request, this letter provides the comments of Hamilton Biological, Inc., regarding biological issues associated with the proposed Brea 265 Project. The project site covers 261.2 acres in the City of Brea and its sphere of influence. The proposed actions would establish a total of 1,100 residential units, 15.1 acres of parks/recreations uses, 47.5 acres of open space, and 2.0 acres of rights-of-way. The 47.5 acres of open space include "improved setbacks, trails, and slope areas . . . landscaped slopes and setbacks along arterial streets, water quality features, and fuel modification zones." Hamilton Biological's analysis evaluates the DEIR, including relevant technical appendices.

BURROWING OWL SURVEYS INADEQUATE AND OUTDATED

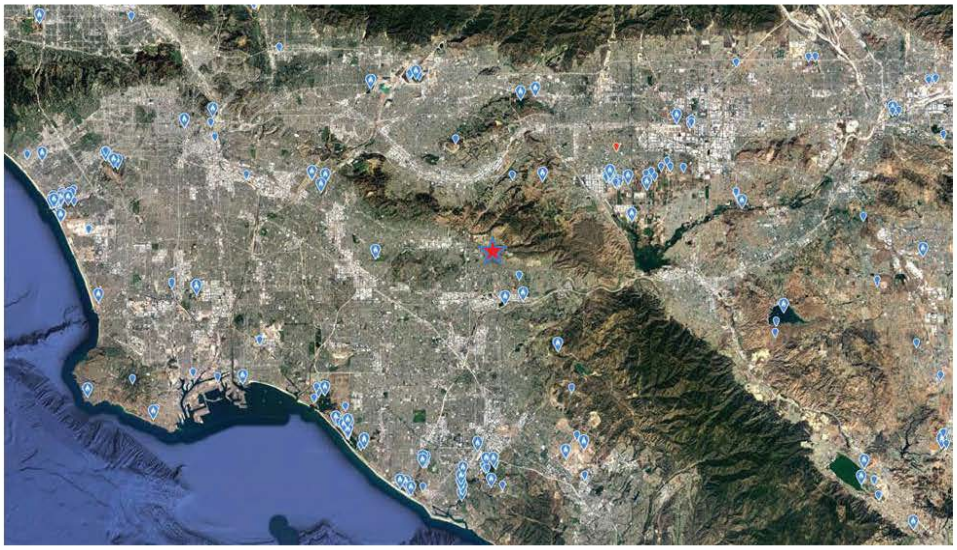
Page 5.4-24 of the DEIR states:

> **Burrowing Owl** (*Athene cunicularia*). Focused surveys for the burrowing owl, a CDFW SSC, were conducted in all suitable habitat areas on the project site. Surveys were conducted in accordance with survey guidelines in the 2012 CDFG Staff Report on Burrowing Owl Mitigation. The species depends on the presence of ground squirrels, whose burrows are used for nesting and roosting. The burrowing owl prefers primarily open areas with short vegetation and bare ground. Portions of the project site west of Valencia Avenue exhibit disturbed, sparse vegetation, providing habitat relatively suitable for the species. However, the protocol surveys did not detect this species, which does not occur on the project site.

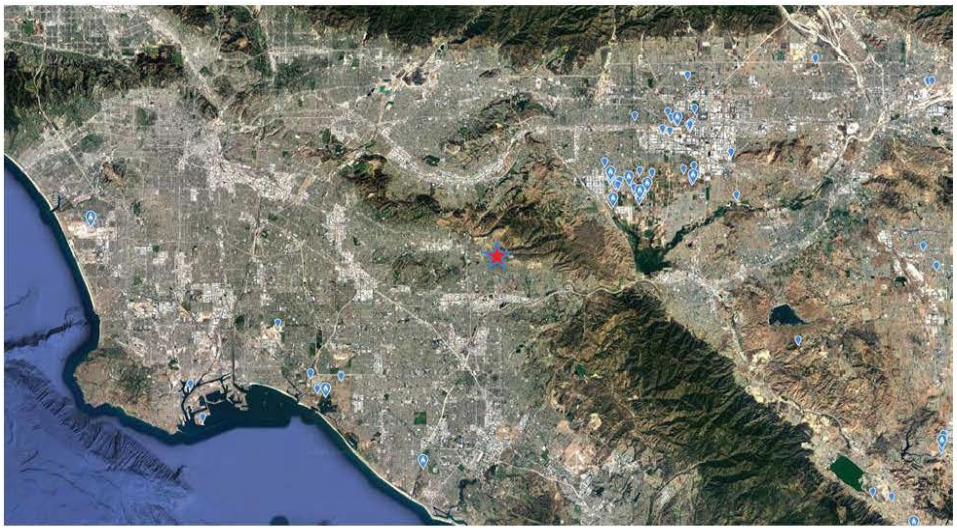
As shown on the following page, Burrowing Owls are much more widespread in our region during fall/winter than in spring/summer. Because of this, the presence or absence of Burrowing Owls in an area of suitable habitat surveys can only be determined through focused owl surveys conducted outside of the breeding season.

316 Monrovia Avenue ~ Long Beach, CA 90803 ~ 562-477-2181 ~ robb@hamiltonbiological.com

2. Response to Comments



Mapping of eBird records of Burrowing Owl in coastal southern California, 2012 to 2022 (www.ebird.org). September–March above; April–August below. Blue icons represent Burrowing Owl records; red star represents the project site. Because surveys conducted during the April–August period are very unlikely to detect Burrowing Owls in areas where they regularly winter, surveys conducted during the September–March period are necessary to determine this species' status in areas of potentially suitable habitat, such as the project site.



R3-11
(Cont'd)

The California Department of Fish and Wildlife (CDFW) provides its recommendations for conducting surveys for special-status bird species at the following web page:

R3-11 (Cont'd)

https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds

Three survey protocols and guidelines are recommended:

- Burrowing Owl Survey Protocol and Mitigation Guidelines (The California Burrowing Owl Consortium, 1993).
- Staff Report on Burrowing Owl Mitigation (CDFW, 1995).
- Staff Report on Burrowing Owl Mitigation (CDFW, 2012).

Each of these guidelines includes a provision for non-breeding-season surveys. Page 3 of the 1993 Protocol states:

> Survey for Winter Residents (non-breeding owls). Winter surveys should be conducted between December 1 and January 31, during the period when wintering owls are most likely to be present. Count and map all owl sightings, occupied burrows, and burrows with owl sign.

Page 4 of the 1995 CDFW staff report states:

> Burrowing owl and burrow surveys should be conducted during both the wintering and nesting seasons, unless the species is detected on the first survey. If possible, the winter survey should be conducted between December 1 and January 31 (when wintering owls are most likely to be present) and the nesting season survey should be conducted between April 15 and July 15 (the peak of the breeding season).

Page 6 of the 2012 CDFW staff report states:

> Non-breeding season (1 September to 31 January) surveys may provide information on burrowing owl occupancy, but do not substitute for breeding season surveys because results are typically inconclusive. Burrowing owls are more difficult to detect during the non-breeding season and their seasonal residency status is difficult to ascertain. Burrowing owls detected during non-breeding season surveys may be year-round residents, young from the previous breeding season, pre-breeding territorial adults, winter residents, dispersing juveniles, migrants, transients or new colonizers. In addition, the numbers of owls and their pattern of distribution may differ during winter and breeding seasons. However, on rare occasions, non-breeding season surveys may be warranted (i.e., if the site is believed to be a wintering site only based on negative breeding season results). Refer to Appendix D for information on breeding season and non-breeding season survey methodologies.

In this case, the project site provides large expanses of open habitat suitable for Burrowing Owls, and could definitely be "a wintering site only based on negative breeding season results." Therefore, non-breeding season surveys are required to determine the owl's wintering status on the project site. Also, given that the Burrowing Owl surveys were conducted four years ago, in 2018, the surveys should have been updated in 2019, 2020, 2021, and/or 2022.

The project biologists of Glenn Lukos Associates are well acquainted with non-breeding season surveys for this species, having conducted many such surveys for other projects in and around Orange County. This includes multiple years of winter surveys at Aera Energy's Banning Ranch in Newport Beach, where Burrowing Owls were found to occur consistently during fall and winter (September–March) but not in spring and summer (April–August). Given the Brea 265 project site's suitability as a wintering habitat for Burrowing Owls, the project biologists should have conducted the fall/winter surveys required to determine whether or not the species occurs on the site.

R3-11 (Cont'd)

Because the DEIR relies on outdated surveys from 2018, and because the surveys were conducted outside the September–March period when Burrowing Owls can be found in many areas where the species does not remain to breed, the statement on page 5.4-34 of the DEIR that the Burrowing Owl "does not occur on the Site" is not adequately supported by facts. In the absence of current and adequate survey data, a potentially significant impact to the Burrowing Owl and its habitat should be identified, and mitigation should be provided to reduce these potential impacts to below the level of significance.

The revised impact analysis and mitigation measure could be conditioned upon the results of adequate fall/winter surveys to be conducted in 2022/2023. These surveys should not only cover proposed grading areas, but also any potential habitat restoration areas.

INADEQUATE INFORMATION ON HABITAT RESTORATION

R3-12

Pursuant to CEQA Guidelines Section 15121, the EIR is primarily an informational document intended to inform the public agency decision-makers and the general public of the potentially significant effects of a proposed project. An EIR is required to disclose all known potentially significant impacts, and to identify feasible means to minimize or mitigate those effects. Mitigation Measures BIO-2 and BIO-3 state that the applicant shall establish or restore 20.66 acres of coastal sage scrub and 2.74 acres of blue elderberry scrub somewhere within the 52.86 acres proposed for dedication within and immediately adjacent to the existing Puente-Chino Hills wildlife corridor. Because the DEIR fails to identify the location(s) where these project actions would take place, however, readers of the DEIR have no way of evaluating the appropriateness of the restoration site(s).

Furthermore, the project biologists have not analyzed the biological effects of replacing 23.40 acres of existing plant communities with coastal sage scrub and elderberry scrub. For example, replacing an area of open grassland occupied by wintering Burrowing Owls (a species for which the current status on the project site is unknown) with coastal sage scrub or elderberry scrub would represent a potentially significant impact to the Burrowing Owl, which requires grasslands or other open habitats.

Adequate mitigation measures BIO-2 and BIO-3 would (a) identify the 23.40 acres proposed for habitat restoration/establishment; (b) identify and quantify the plant communities that occupy the 23.40 acres proposed for restoration; (c) discuss any special-status

plant or wildlife species potentially present in the proposed restoration area(s), as determined through current and adequate biological surveys of the existing conditions; (d) evaluate whether project actions could result in potentially significant impacts to existing resources; and (e) describe, in general terms, the ecological costs and benefits that would result from converting each proposed restoration site from whatever ecological community exists there to coastal sage or elderberry scrub. Without this basic level of information, the EIR fails to satisfy Section 15121 of CEQA.

BIRD-SAFE MATERIALS REQUIRED FOR PROPOSED GLASS WALL/FENCE

R3-13

Page 3-33 of the DEIR's Project Description states:

> **Community Theme Open View Glass Wall/Fence.** This is a six-foot-tall slump-block wall with glass view fence. It would be located to enhance view opportunities along residential property lines adjacent to parks or open space areas while serving the function of fuel modification for fire protection where applicable.

A recent comprehensive study concluded that collisions with windows or other structures results in mortality of between 100 million and one billion migratory songbirds each year in the United States[1]. Daytime bird collisions typically occur either because (a) glass reflects the surrounding habitat, or (b) glass is transparent, and birds see through it to appealing objects on the other side. To reduce this important source of migratory songbird mortality, many jurisdictions in California and elsewhere routinely require projects proposing installation of glass to take appropriate measures to reduce the incidence of bird-strikes.

In 2007, a glass wall similar to that proposed in the DEIR was installed near the Bolsa Chica Ecological Reserve in Huntington Beach. As described in the Los Angeles Times[2]:

> In recent weeks, two harrier hawks, a mourning dove, a yellow rumped warbler and a hummingbird, are among those that have died after flying into the see-through wall, conservationists said. "You could not build a better passive bird killer in a better spot than they did here," said Scott Thomas, conservation director for Sea & Sage Audubon, an Orange County chapter of the Audubon Society. He is offering walking tours of what conservationists have dubbed "the wall of death."
>
> . . .
>
> The reflection of nearby trees on the glass, not its transparency, is most likely what is confusing the birds, said Gary Langham, director of bird conservation for Audubon California. "It's a mirage, basically, because birds think they're flying into the reflection. They think they're going to a safe haven, and they're just slamming into this wall." Langham suggested etching designs in the glass, frosting it, or dangling metal spinners or netting from it to make the glass less reflective.

---

[1] Loss, S.R., Will, T., Loss, S.S., and Marra, P.P. 2014. Bird-building collisions in the United States: Estimates of annual mortality and species vulnerability. *The Condor* 116:8–23.

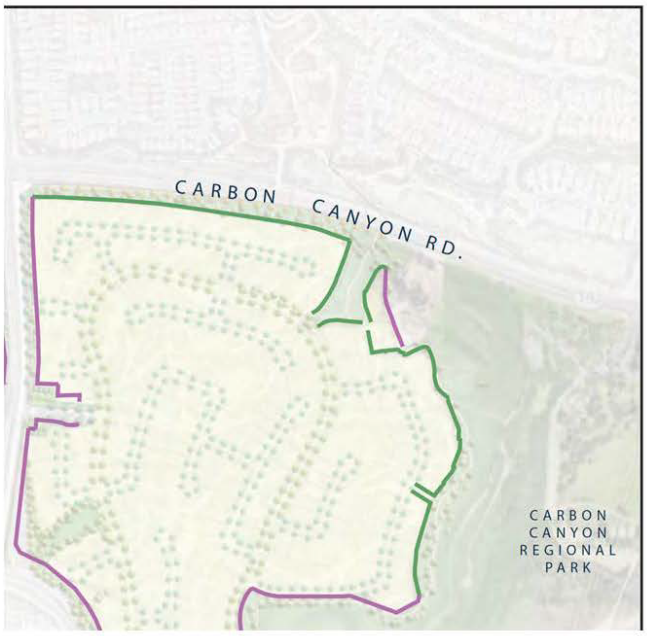
[2] https://www.latimes.com/archives/la-xpm-2007-nov-27-me-bolsa27-story.html

2. Response to Comments

Figure 3-13 on page 3-31 of the DEIR shows the locations proposed for the glass wall/fence (see excerpt below).

R3-13 (Cont'd)

Figure 3-13 - Wall and Fencing Locations
3. Project Description



Excerpt from DEIR Figure 3-13. Green lines represent locations where the "open view glass wall/fence" is proposed.

Installing a glass wall/fence adjacent to Carbon Canyon Regional Park can be expected to result in substantial numbers of birds striking the glass and perishing or becoming injured when they fly out of Carbon Canyon Regional Park to the west. The DEIR does not acknowledge this potentially significant impact of the proposed project.

Based upon field research at Powdermill Nature Reserve[3], the American Bird Conservancy (ABC) has identified the bird-strike "Threat Factors" to indicate the relative ability of different types of glass and other materials to reduce bird collisions, and the ABC maintains an extensive online inventory of products designed to reduce or eliminate bird-strikes[4].

[3] https://powdermillarc.org/research/flight-tunnel-at-powdermill-avian-research-center-parc/

[4] https://abcbirds.org/glass-collisions/products-database/

Products with lower Threat Factors are considered more effective at preventing collisions. According to the ABC, a Threat Factor of 30 "should reduce collisions by at least 50 percent." A 50 percent level of mortality would be unacceptable for installation of an ornamental glass wall facing out onto Carbon Canyon Regional Park. Threat Factors of 10 or less can be readily achieved by applying specially designed tapes or decals, or by etching a pattern into the glass to increase visibility. Research has demonstrated that most migratory songbirds avoid glass with the following characteristics:

R3-13 (Cont'd)

- Vertical and horizontal stripes spaced two inches apart in both directions.
- Stripes at least a quarter-inch wide.
- Generally, white stripes perform better, as they are visible against more backgrounds.

To reduce the potentially significant impact of installing a glass wall/fence around any part of the project exterior, the materials used should conform to these recommended standards, and should represent a Threat Factor of 10 or less, per the ABC's scale.

REPLACEMENT OF NATIVE WALNUT TREES

R3-14

The Southern California Black Walnut (*Juglans californica*) is a native tree with Rank 4.2 by the California Native Plant Society, referring to "species of limited distribution or infrequent throughout a broader area in California, whose status should be monitored regularly; moderately threatened in California." On page 5.4-40 of the DEIR, the project biologists conclude that removing 126 of these trees from the project site would not represent a potentially significant impact to this species, in part because "the black walnut tree has a CRPR ranking of 4, which is still common throughout its range." According to the California Native Plant Society, however, Rank 4 plants refer to "species of limited distribution or infrequent throughout a broader area in California, whose status should be monitored regularly." Contrary to the DEIR's assertion, designation of Rank 4 does not imply that the species is "still common throughout its range."

The impact analysis also notes that "the adjacent Chino Hills and nearby Puente and Whittier Hills, much of which is dedicated open space, support large numbers of California walnuts." While this is true, recent wildfires have burned large numbers of walnuts in these areas. In the context of recent losses of walnuts to fire, proposed removal of an additional 126 native walnuts should be regarded as a cumulatively considerable loss of this special-status species in the Chino Hills and wider region.

Policy CR-10.3 in the City's General Plan states, "Manage stands of mature trees, particularly native species, as unique and visual resources." To comply with this policy, the 126 mature native walnuts removed for the project should be replaced at a 2:1 ratio (252 trees) within the 52.86 acres proposed for dedication within and immediately adjacent to the existing Puente-Chino Hills wildlife corridor, as outlined in Mitigation Measure

2. Response to Comments

BIO 1. Some of the 252 trees could be incorporated into the 2.74 acres of "Blue Elderberry Scrub Establishment" already proposed under Mitigation Measure BIO-3.

R3-14 (Cont'd)

CONCLUSION

I appreciate the opportunity to evaluate the CEQA documentation for this important project. Please call me at 562-477-2181 if you have questions or wish to further discuss any matters; you may send e-mail to robb@hamiltonbiological.com.

Sincerely,

Robert A. Hamilton, President
Hamilton Biological, Inc.
http://hamiltonbiological.com

EVALUATION OF THE COAL CANYON BIOLOGICAL CORRIDOR

Reed Noss, Department of Fisheries and Wildlife, Oregon State University, Corvallis OR 97331 nossr@ ccmail.orst.edu

Paul Beier, Associate Professor of Wildlife Ecology, School of Forestry, Northern Arizona University, Flagstaff AZ 86011-5018 paul.beier@ nau.edu

William Shaw, Chair, Department of Wildlife and Fisheries Science, University of Arizona, Tucson, AZ 85721 wshaw@ ag.arizona.edu

There are no hopeless cases, only people without hope and expensive cases.

Michael Soulé, Viable Populations for Conservation, p.181

Executive Summary

The Santa Ana Mountains and the Puente-Chino Hills together encompass about 511,000 acres of wildlands containing biological resources of statewide and worldwide significance. The habitat linkage between these two areas, once several miles wide, is now narrow and tenuous due to the Riverside Freeway and associated urban development. Loss of the linkage would have greatest impact on species that exist in low numbers. In the Puente-Chino Hills we expect that at least 21 vertebrate species have populations below 500, and that at least 4 of these populations probably number fewer than 50 breeding adults; these would be vulnerable to extirpation if the corridor is lost. The linkage also benefits the Santa Ana Mountains (where grasslands are rare) because the Puente-Chino Hills may harbor source populations of grassland specialists such as American badger, black-tailed jackrabbit, and grasshopper sparrow. If large carnivores were to become extinct or significantly reduced in the Puente-Chino Hills, populations of medium sized predators would probably increase, with potentially profound impacts on bird communities.

R3-15

We predict that, after restoration of the underpass area, the Coal Canyon Biological Corridor will allow inter-range travel by most terrestrial vertebrates, by plant seeds and other propagules that depend on mammals or birds for dispersal, and by habitat specialist birds such as the California gnatcatcher. Such travel would be precluded by urbanization of the corridor properties. In addition to its functions as a biological linkage, the corridor would make possible a trail connecting these two important natural areas. If uses of the underpass are limited to carefully managed, non-motorized activities such as hiking, mountain biking, and equestrian uses, this trail connection should be compatible with the biological functions of the corridor.

Fortunately, the opportunity remains to not only protect this natural linkage, but to improve it dramatically. We strongly urge purchase of the properties for preservation, and prompt restoration of the underpass area to natural vegetation. Restoring a natural linkage in what is now a roaded underpass would set a global

2. Response to Comments

precedent. We are aware of no other restored biological corridor of this type and scale. Conservation-minded citizens throughout the world could look to Coal Canyon as an inspiring example of how an ecological error was corrected through thoughtful public action.

R3-15 Cont'd

Introduction

Conservation biologists agree that "hotspots" of biodiversity deserve special attention, as do regions at great risk of biodiversity loss. Southern California is both kinds of region. The southwest ecoregion of southern California contains a greater diversity of vegetation types, vertebrate species, and endemic species (i.e. species not found elsewhere) than any other area of comparable size in the United States (Wilson 1988). This region is also one of the global epicenters of extinction risk, consistently ranking in the top 4 regions of the United States in terms of its number of species and ecosystems at risk of extirpation (Flather et al. 1995, Noss et al. 1995, Noss and Peters 1995, Dobson et al. 1997). One plant community alone (southern California coastal sage scrub) contains over 35 species of plants, 2 insects, 7 reptiles, 4 birds, and 7 mammals that, as of 1993, were either listed or candidates for listing under the federal Endangered Species Act (Noss et al. 1995: Appendix D). Set in the heart of this region of diversity and danger, the Santa Ana Mountains and the Puente-Chino Hills together encompass about 511,000 acres of wildlands (Beier 1993). These particular 511,000 acres contain biological resources of statewide and worldwide significance, including several rare and endemic communities (Table 1).

Table 1. Some of the rare communities and ecosystems in the 511,000 acres of wildlands in the Santa Ana Mountains and Puente-Chino Hills. References in Noss et al. (1995), Burkett (1989), and Beier and Barrett (1993).

Community or Species	Notes
Coastal Sage Scrub	70-90% lost
Alluvial Sage Scrub	Rare and declining plant community; present in Coal Canyon Biological Corridor
Grasslands	Statewide over 99% of native grasslands have been lost. Chino Hills State Park, with the largest protected (ungrazed by livestock) grasslands in southern California, is the most promising reintroduction site for pronghorn in the region.
Vernal pools	▸95% loss in San Diego County
Southern California walnut woodland	Southern limit occurs in Chino Hills State Park, less than 1 mile from Coal Canyon.
Tecate cypress forest	Endangered. The species' northernmost stand (in Coal Canyon) contains the world's oldest and largest trees of this species.

3

Big-cone Douglas-fir forest	Endemic
Engelmann oak woodlands	The largest remaining woodlands occur in the southern Santa Anas
Santa Margarita River	The least impacted River System in southern California
San Mateo Creek	The only perennial stream between Santa Barbara and the Mexican border that is wild throughout the entire watershed.

R3-15
Cont'd

The habitat linkage between the Santa Ana Mountains and the Puente-Chino Hills, once several miles wide, is now narrow and tenuous due to the Riverside Freeway (State Route 91) and associated urban development. The northernmost protected parcels in the Santa Ana Mountains (Trabuco Ranger District of Cleveland National Forest, CDFG Tecate Cypress Reserve, and Irvine Company NCCP lands) are separated from the southernmost protected parcel in the Chino Hills (Chino Hills State Park) by private land parcels, all of which have Freeway frontage and potential for urban development. Conservation agencies (including CDFG, California State Parks) and organizations (including Friends of Tecate Cypress, Hills for Everyone, Sierra Club, Mountain Lion Foundation) have called for acquiring and preserving a portion of those private lands as a habitat corridor, with the Coal Canyon watershed as the defining topographic feature of the corridor. The proposed acquisition area consists of approximately 653 acres on the south side of the freeway (Saint Claire Property) and 32 acres on the north side of the freeway (Mancha Property).

Small reserves benefit from linkage to larger wildlands through a "rescue effect," whereby animals dispersing into the reserve bolster populations, provide new genetic material, and help prevent local extinctions. Some of these benefits may also accrue to plants. Because the Puente-Chino Hills-Prado Basin area (about 40,000 acres) is much smaller than the Santa Ana Mountains (about 473,000 acres), it would receive a larger benefit from maintaining a

2. Response to Comments

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connection between the 2 areas. However, even the Santa Ana Mountains are small relative to the needs of some of its species (see "Costs of losing the corridor" below); hence, the Santa Anas would certainly benefit from maintaining and enhancing the connection to the Puente-Chino Hills. At present, almost half of the wildlands in the Puente-Chino Hills are in protected status, representing a public investment of over $100 million (California Department of Parks and Recreation is developing an accurate estimate). About 63% of the Santa Ana Mountains is protected (Beier 1993), obviously representing a much larger public investment. The cost of acquiring the Coal Canyon Biological Corridor must be evaluated in light of these investments and the benefits of connectivity to these investments. Although wildland acquisitions are usually evaluated in terms of content ("What scenic, recreational, or wildlife values exist on the parcel?"), the Coal Canyon Biological Corridor, quite correctly, is being evaluated primarily in terms of context ("How does this parcel enhance the biodiversity and recreational values of the larger landscape?").

The Wildlife Corridor Conservation Authority (WCCA) is a joint powers authority recently created expressly to maintain connectivity among the protected parcels in the Whittier-Puente-Chino Hills and northern Santa Ana Mountains. Its members include local governments, public representatives, the Santa Monica Mountains Conservancy, the California Department of Fish and Game, and the California Department of Parks and Recreation (CDPR). In cooperation with WCCA, local government entities have recently completed several key land purchases which contribute to this effort, including the acquisition of Powder Canyon. WCCA is currently negotiating additional acquisitions, including acquiring property in upper Tonner Canyon from the Boy Scouts. In addition, the CDPR recently acquired over 900 acres encompassing portions of Sonome Canyon which provides a habitat linkage between the State Park and Tonner Canyon.

In this report, we evaluate the importance of the Coal Canyon Biological Corridor to conservation of plant species, animal species, and ecosystems in the Puente-Chino Hills and

R3-15
Cont'd

5

Santa Ana Mountains. We considered the scientific basis for the utility of corridors, current and potential levels of movement in the corridor, possible alternative corridors, the biological costs of losing the corridor, and social benefits of enhancing the corridor.

R3-15
Cont'd

The Scientific Basis for the Utility of Corridors

Scientists have long recognized that larger habitat areas have more species than small areas. Early work on oceanic islands showed that across taxa (including beetles, reptiles, amphibians, birds, and mammals), smaller islands contained fewer species than large islands. Darlington (1957) examined species lists for Caribbean islands and calculated that the number of species doubled as island size increased 10-fold. MacArthur and Wilson (1967) hypothesized that an island's size controlled its extinction rate, and its distance from the mainland controlled the rate of colonization; together these 2 rates determine the number of species expected on the island. Historical evidence analyzed by Diamond (1975, 1984) and Jones and Diamond (1976) supported MacArthur and Wilson's hypothesis that extinction rate depends on island size, and showed that extinction rates are highest for the smallest populations. Rare species are the most likely to be lost as area decreases because small populations depend on immigrants from other areas. The importance of immigration in avoiding extinction of populations on real and virtual islands was dramatically illustrated in a population model by Brown and Kodric-Brown (1977), who coined the term rescue effect.

Habitat fragments on continents manifest similar patterns of extinction as oceanic islands, with fewer species supported on smaller fragments once they become isolated from larger habitat areas. Brown (1971) studied mammals in forest remnants on mountain tops ("sky islands") in the desert southwest and found many fewer species on the smallest mountaintops. The desert between the islands created a nearly absolute barrier to movement of small mammals. This has obvious implications for habitats fragmented and isolated by urban areas.

2. Response to Comments

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Soulé et al. (1988) studied rapid extinctions of chaparral birds in canyon fragments in San Diego County. They found that extinction risk was strongly related to size of fragment and time since isolation. Surprisingly, extinction risk was not related to how far the fragment was from nearby suitable habitat, apparently because many birds were unable to disperse through even 100m of urban landscape. Soulé et al. (1988) also concluded that habitat corridors can counteract the effects of fragmentation.

R3-15 Cont'd

Nature reserves by definition are islands of protection in an ocean of lands managed for other purposes; this makes them vulnerable to isolation and subsequent ecosystem decay. Newmark (1987) researched historical species lists of western national parks and noted that mammalian extinctions were related to Park size, with smaller parks (Zion, Bryce, Mount Lassen) losing forty percent of their larger mammal species, while larger parks had suffered few losses. Newmark concluded that the parks had experienced a mammalian faunal collapse, most likely caused by insularization.

Mammalian carnivores are particularly vulnerable to extinction due to fragmentation because they live at low density and their populations require large land areas (Shaffer 1983, Beier 1993, Noss et al. 1996). Top predators such as mountain lions, coyotes, and bobcats are most likely to disappear from fragmented systems. The disappearance of top predators can cause a cascade of effects in the ecosystem. Dominant carnivores can suppress smaller carnivores through competition and predation (Sargeant et al. 1987, Harrison et al. 1989). Conversely, the loss of top predators may lead to large increases in smaller predators (mesopredators) such as gray foxes, raccoons, striped skunks, opossums, and domestic cats, a phenomenon known as "mesopredator release." Larger numbers of such mesopredators, in turn, can cause decline and even extinction of some prey species, especially birds (Soulé et al. 1988). This occurs because the mesopredators are particularly effective predators on birds and bird nests, which are largely ignored by the larger predators.

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Although a paper by Simberloff et al. (1992) is often cited as "refuting" the utility of corridors, these authors do nothing of the sort. Indeed, they strongly agree that landscape connectivity is important in maintaining biodiversity and ecosystem function. They simply argue that a better strategy than corridors is to manage "the entire landscape... as a matrix supporting the entire biotic community" (Simberloff et al 1992:500). We fully agree. However, in urban areas in general, and in the Coal Canyon area in particular, this is impossible. Our only choice is between habitat fragmentation (which Simberloff et al. agree is disastrous) or a corridor.

R3-15
Cont'd

Simberloff et al. (1992) also claimed that few empirical studies demonstrate that narrow habitat corridors provide connectivity on a landscape, i.e., that animals will actually use corridors. However, Beier and Noss (in prep.) reviewed 31 empirical studies and concluded that the preponderance of empirical evidence supports the hypothesis that animals can and do use corridors in a way that reduces risk of extinction and/ or promotes recolonization of habitat patches. Nonetheless, Simberloff et al. (1992) and Beier and Loe (1992) correctly point out that, for most species, we do not know what corridor traits (length, width, adjacent land uses, etc.) are required for a corridor to be useful. In the case of the Coal Canyon Corridor, questions concerning optimal width and length are somewhat moot because the feasible options are already extremely limited (in terms of remaining habitats or potentially restorable vegetative communities). The issue here is not how wide an ideal corridor should be but whether the extremely limited options that remain are adequate to provide a functional biological linkage. Our review focuses on this critical question.

Current and Potential Levels of Movement in the Corridor

We evaluated the potential for animal and plant movement through the Coal Canyon Biological Corridor in light of several important facts. Although these are self-evident truths to biologists, they may not be as obvious to our audience, and therefore we emphasize them here:

2. Response to Comments

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The Coal Canyon Biological Corridor includes the entire Coal Canyon watershed north from the Tecate Cypress Reserve, the entire Mancha Property at the mouth of Coal Canyon, and the southern slopes of Scully Hill in effect virtually all of the currently unprotected land between the Tecate Cypress Reserve and Chino Hills State Park. We caution against equating the biological corridor with its most degraded section, namely the box culvert and vehicle underpass under State Route 91. We emphatically reject the notion that a development project can "protect" the "corridor" simply because it does not occlude the box culvert and leaves vegetation along Coal Canyon wash.

1 The potential for plant and animal movement will be far greater after restoration of the area than it is today. Current usage of the culvert and underpass area (the most degraded portion of the corridor) should be taken as a very minimal estimate of the potential for movement.

1 We evaluated this corridor as a biological linkage between the Chino Hills and the Santa Ana Mountain Range for the largest possible suite of species, not just carnivores. Although (as noted above) corridors are important for large carnivores, and loss of carnivores can have cascading effects on biodiversity, clearly Coal Canyon is the last possible linkage for all plants and animals. Similarly, although Beier's 5-year telemetry study provides data on mountain lion use of the corridor, our ignorance of how other species may use it does not make this solely a "mountain lion corridor." Although the cougar provides useful information on the importance of the corridor, its location, and the minimum width needed to serve one species, we base our recommendations on the fact that this is the last best linkage for all species.

The most recent (1997) study of animal use of the corridor has focussed on carnivore use of the most degraded portions of the corridor, namely the Riverside Freeway and Santa Ana River. Nonetheless, this estimate of minimum movement potential is encouraging. Chris Haas

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and Kevin Crooks (UC Santa Cruz, personal communication) have documented use of the Coal Canyon Biological Corridor by coyotes, bobcats, skunks, raccoons, opossums, foxes, and cougars. Their most recent cougar detection was on May 20 1997 (memo from Chris Haas to Andrea Gullo, June 1997). Earlier, Beier (1993, 1995) documented that 3 different mountain lions used the Coal Canyon Biological Corridor to cross between the Santa Ana Mountains and the Chino Hills during 1990-1992. One mountain lion (Male # 6) used the Corridor 22 times, splitting his home range between the two areas.

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On our field visit to the site (December 15-16 1997) we noted 2 pairs of California gnatcatchers on the Saint Claire property, including one pair within 50 ft of the Freeway interchange. Because California gnatcatchers are extreme habitat specialists with poor dispersal ability, Coal Canyon could provide a critical stepping stone in maintaining connectivity for this species between the Santa Ana Mountains and areas to the north. In addition, deer use this parcel, but fences prevent them from reaching the underpass at the Riverside Freeway. The deer population in the Puente-Chino Hills is apparently small at present. Without a functional corridor for deer to provide a rescue effect, deer in the Puente-Chino Hills could be extirpated, especially if urbanization continues and if a series of wildfires converts much of the remaining woodland and shrubland to grassland.

We are unable to directly assess plant movement through the corridor. To the extent that plant seeds and propagules are transported via the fur and feces of mammals, or via the feces of birds, we expect that the Coal Canyon Biological Corridor will greatly facilitate interchange of plant material between the Santa Ana Mountains and the Puente-Chino Hills. The corridor may also facilitate dispersal via downstream flow of seeds in the Coal Canyon drainage. For instance, Coulter's Matilija poppy occurs at several locations in upper Coal Canyon, and also on the Mancha property in locations where its seeds may have been transported by streamflow.

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For this corridor to realize its full potential for plant and animal movement, the bottleneck at the Riverside Freeway must be improved. Although mountain lions, coyotes, skunks, and raccoons can and do use culverts, most other organisms (including deer, rabbits, rodents, and birds) usually will not do so. We predict that many of these other species would use the vehicle underpass if the underpass and its approaches are improved. The following enhancements are critically important:

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Use fencing to direct animals that approach the freeway toward the underpass. The underpass not the culvert should be the focal point of the fencing.

Remove most or all of the pavement in the underpass, and plant woody and herbaceous vegetation in the underpass.

Remove lighting from the underpass and the approach to the underpass. Prohibit night-time traffic in the vehicle underpass.

South of the Riverside Freeway, restore native vegetation to the area between the Coal Canyon sediment basin and the underpass. North of the Freeway, restore native vegetation throughout the Mancha parcel

Consult a hydrologist and civil engineer to evaluate the feasibility of re-routing at least half of the Coal Canyon water flow through the underpass.

Consult an acoustical engineer to evaluate the feasibility of building a sound wall to reduce traffic noise in the area approaching the underpass.

We predict that, after restoration of the underpass area, the Coal Canyon Biological Corridor will:

Allow inter-range travel by most terrestrial vertebrates. Such travel would be precluded by development of the Saint Clair and Mancha properties. Field evidence clearly shows that, even in its current degraded state, the corridor enables inter-range travel by top carnivores

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such as mountain lions, bobcats, and coyotes. We have every reason to believe that with restoration it would also serve other mammal, reptile, and amphibian species.

Allow inter-range travel by plant seeds and other propagules that are depend on mammals or birds for dispersal. Such travel would be precluded by development of the Saint Clair and Mancha properties.

Facilitate inter-range travel by avian species such as California gnatcatchers. Such travel would be impeded by development of the Saint Clair and Mancha properties, with the greatest impediment facing sedentary habitat specialists like the federally-listed California gnatcatcher.

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Possible Alternative Corridors

Our inspection from the ground and air suggests only one potential alternative inter-range corridor besides Coal Canyon. This potential corridor would consist of (south of the Riverside Freeway) the canyon 1 mile east of Coal Canyon ("Mindermann Ranch" on the USGS maps) and (north of the Freeway) the Green River Golf Courses.

This canyon is clearly inferior to Coal Canyon in terms of watershed size (about 10% that of Coal Canyon), proximity to urban development, inclusion of a golf course, and reliance on a freeway underpass that is much smaller (about 6 x 6 feet in cross section) than the Coal Canyon vehicle underpass. Furthermore the value of this canyon as a corridor would be greatly diminished by urban development of the Saint Claire parcel. For instance, Beier and Barrett (1993) documented that most cougars accessed Mindermann canyon via the Saint Claire parcel in Coal Canyon. We conclude that there is no practical alternative to the Coal Canyon Biological Corridor for maintaining and enhancing plant and animal movement between the Santa Ana Mountains and the Puente-Chino Hills.

We also attempted to assess whether portions of the Mancha or Saint Claire properties might

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be excluded from the Coal Canyon Biological Corridor. We strongly believe that the entire Mancha property must be included in the corridor, with no urban use beyond possible highway or commercial signage. We believe that urban use of the westernmost portion of the Saint Claire parcel would have minimal impact on the biological corridor, as long as the entire Coal Canyon watershed, extending at least 100 m west of the Coal-Gypsum ridgeline, is included in the protected corridor. Additional westward offset would likely be needed to accommodate fire control buffers, urban lighting, and human access (roads and trailheads).

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Costs of Losing the Corridor.

Because the Puente-Chino Hills are approximately one-tenth the size of the current regional wildlands (i.e., the greater Santa Ana Mountains including the Puente-Chino Hills), loss of the Coal Canyon Corridor would create 2 islands, with the smaller island about one-tenth the size of the current single entity. The observations and inferences of Darlington (1957), Brown (1971), Williamson (1981), and Wilson (1992) suggest that half the species in the Puente-Chino Hills may become extinct as a result of fragmentation. We are reluctant to make such a dire prediction based on these results, because each case is unique, making it difficult to extrapolate to a particular case. Nonetheless, over time, isolation of the Chino-Puente Hills from the Santa Ana Mountains will probably trigger substantial extinctions in the smaller area, and quite possibly in the Santa Anas as well. The species most likely to be lost are those species most vulnerable to small population size or inbreeding.

Although identifying such species is an imprecise science, in Table 2 and Table 3 we list those species expected to be most at risk, following two rules of thumb known as the "Rule of 50" and the "Rule of 500." The Rule of 50 reflects the fact that chance variation in birth and death rates, or in sex ratios, is likely to cause rapid extinction in populations of fewer than 50 breeding individuals (Frankel and Soulé 1981: Chapter 6). Many detailed single-species models (e.g. Shaffer 1983, Beier 1993) and several empirical studies (e.g., Berger 1990)

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have confirmed this rule. According to the Rule of 500, populations with an effective population size of fewer than 500 individuals will suffer loss of genetic information over time, eventually leading to inbreeding depression and increased risk of extinction (e.g., Lande and Barrowclough 1987:98). In either case, a corridor, by effectively creating a larger population, would reduce extinction risk. We emphasize that these rules of thumb represent only crude estimates for short time spans (10-100 years). We would prefer a viability analysis for each species, because each species is different, but such an effort would go far beyond the scope of this report. We offer this species list not to predict population viability or extinction risk for any particular species, but to illustrate the magnitude of what is at stake. These tables may well underestimate the number of species at risk in that even relatively abundant species like shrews and ground squirrels can become extinct on habitat islands similar in size to the Puente Chino Hills (Brown 1971).

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Table 2. Estimated population sizes (numbers of breeding adults) for selected vertebrate species in the Santa Ana Mountains (SAM) and Puente-Chino Hills (PCH), calculated by multiplying estimates of density (adults per 100 acres) by the wildland acreage in SAM or PCH. Our calculations optimistically assume that all 38,000 acres of wildlands in PCH will be preserved, and that 526,000 acres will be preserved in the SAM (the current 299,000 acres of protected land plus half [227,000 of 454,000 acres] of the currently-unprotected wildlands). These calculations also assume that our study area has densities similar to those in published studies, which may not be the case.

Species	Santa Ana Mountains	Puente-Chino Hills	Citations on animal density
Southwestern pond turtle	?	<100	Beier, personal observation
California spotted owl	2-10 pairs	<3, likely 0	Beier, personal observation
Black-tailed jackrabbit	low	low	Beier, personal observation
Mule deer	4,000	400	Beier and Barrett 1993 (for SAM and PCH)
Raccoon	>500	200	Fritzell 1978a, Fritzell 1978b
American badger	<500	100-250 [a]	Hein and Andelt 1995, Lindzey 1971, Messick and Hornocker 1981, Clark et al. 1982;
Striped skunk [b]	>500	150	Storm 1972
Long-tailed weasel	>500?	<100?	no density estimates available.
Mountain lion	15-20	1-2	Beier 1993 (for SAM and PCH)
Bobcat	<500	<50	Jones and Smith 1979, Lawhead 1984, Rolley 1985, Rucker et al. 1989
Gray fox	large	<200	Fritzell and Haroldson 1982
Coyote	>500	60	Pyrah 1984, Gese et al. 1989, Babb and Kennedy 1989

[a] assumes PCH grasslands are better badger habitat than SAM chaparral and woodland.

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[9] No density estimate available. Therefore we used home range estimates and assumed 50% home range overlap within sex, and 100% overlap between sexes.

Based on estimated densities and habitat areas, we expect that the Puente-Chino Hills have at least 21 vertebrate species with populations below 500, and that at least 4 of these populations probably number fewer than 50 breeding adults (Tables 1, 2). Risk to all of these species would increase in the absence of a corridor. Beier (1993) demonstrated that even rare immigration, as low as one individual per decade, can dramatically reduce the extinction risk for small populations. The Coal Canyon corridor would allow at least this level of immigration for many species. Although most bird species can travel across inhospitable habitat, many of these sensitive birds are habitat specialists and would certainly benefit from stepping stones of suitable habitat within the Coal Canyon Biological Corridor.

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The corridor would also benefit the Santa Ana Mountains, where at least 4 species number fewer than 500 adults, and at least 2 species (mountain lion and California spotted owl) number fewer than 50. Indeed some species, namely those that specialize in grasslands, are probably more abundant (or have more productive populations) in the Puente-Chino hills than in the Santa Ana Mountains. Because grasslands occur in less than 3300 acres of the Trabuco Ranger District (Burkett 1989), the Puente-Chino Hills may well represent source populations for grassland specialists such as American badger, black-tailed jackrabbit, kangaroo rat, horned lark, grasshopper sparrow, tricolored blackbird, northern harrier, and black-shouldered kite. For instance, in 5 years of field-work, Beier and his field crews (personal observation) never observed a single jackrabbit in the Trabuco Ranger District; a few individuals were observed on Fallbrook Naval Weapons Station, a grassland-dominated area (similar to much of the Chino Hills) south of the Trabuco Ranger District. As urbanization of the region continues, preservation of the Coal Canyon Biological Corridor will become increasingly crucial for the Santa Ana Mountain Range, second in importance only to the connection between the Santa Ana Mountains and the Palomar Range south of Temecula

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(Beier 1993, Beier and Barrett 1993).

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Table 3. Threatened, endangered, rare, or sensitive vertebrate species likely to exist in small numbers in the Puente-Chino Hills and Santa Ana Mountains, but for which no quantitative estimates are possible. Names in **bold** indicate species that may exist in higher numbers in the Puente-Chino Hills than in the Santa Ana Mountains, such that the Santa Ana Mountains would benefit from any immigration via the Coal Canyon Biological Corridor. Scott and Cooper (1997) mapped distribution of several of the bird species in the Puente-Chino Hills.

Species
San Diego horned lizard
Western spadefoot toad
Arroyo southwestern toad
Arroyo chub
California horned lark
California gnatcatcher
San Diego cactus wren
Yellow warbler
Grasshopper sparrow
Yellow-breasted chat
Least Bell's vireo
Southern California rufous-crowned sparrow
Bell's sage sparrow
Tricolored blackbird
Northern harrier
Black-shouldered kite
San Bernardino and Stephens' kangaroo rats

The mountain lion and bobcat (and possibly coyote) would be expected to feel the loss of the Coal Canyon Biological Corridor first and most severely. After a 5 year study that included population viability modeling and intensive radio tracking, Beier concluded that Coal Canyon was the only viable linkage between the Santa Ana Mountains and the Puente-Chino Hills for mountain lions (cougars): "The Chino Hills cannot support a population of cougars if it were to become isolated (from the Santa Ana Mountains). Quite simply, if there is no corridor, then there will be no cougars in the Chino Hills" (Beier and Barrett 1993). The City of Anaheim similarly concluded, regarding a proposed urban development on the Saint Claire parcel (then the Hon Company parcel), that "[the project would] result in the loss of potential for a cougar

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population to occur in the Chino Hills." Beier (1993) also concluded that the cougar population in the Santa Ana Mountains was so small that the additional habitat provided by a linkage to the Chino Hills would enhance the prospect for survival of mountain lions in the Santa Ana Mountains. Conversely, loss of the Puente-Chino Hills, eight percent of the total mountain range, could "push the cougar population to the steeply rising part of the extinction curve."

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Of the 3 carnivores, coyotes are so adaptable that urbanization of the corridor might not entirely preclude immigration (McClure, Smith and Shaw 1996). With an estimated carrying capacity of 60 adults, the Puente-Chino Hills might maintain a coyote population even if isolated. However, after isolation (especially if high-density urban development encircles the Puente-Chino Hills) the coyote population might decrease so that it would be less effective in controlling smaller predators. If large carnivores were to become extinct or significantly reduced in the Puente-Chino Hills, mesopredator release would follow, with profound impacts on bird communities (Soulé et al. 1988).

The Coal Canyon Biological Corridor is the only route available for transport of plant seeds that depend on mammals for their dispersal. The corridor, by providing stepping stones of suitable habitat for birds, will also facilitate seed dispersal by birds. Dispersal of seeds by animals is an important ecological process. The seeds of over 60% of tree species in the temperate zone are dispersed by animals (Perry 1994), and 49 to 66% of woody shrubs and trees in scrublands produce seeds and fruits that are dispersed by animals (Herrera 1984). In a review of recent literature, Fleming and Sosa (1994) conclude that mammals are important in pollination and seed dispersal of plants, but that "the population and genetic benefits of such dispersal are just beginning to be investigated." Although we cannot assign an extinction risk to any plant species due to loss of this corridor, clearly Coal Canyon represents our last best chance to maintain this connectivity.

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Although we have stressed the value of the Coal Canyon Biological Corridor in terms of its context, not its content, the 2 parcels contain significant biological resources, including two federally listed species (the California gnatcatcher, and Braunton's Milk-vetch), a rare and 75%-extirpated plant community (Riversidian alluvial sage scrub), and 20 acres of Tecate cypress. With restoration, the endangered least Bell's vireos also might occupy the site. However, the most important value of the land is in providing a biological linkage between two large and critically important wildland areas. The value of the acquisition is far greater than the net acreage and its on-site resources.

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Social and Economic Benefits

While the primary goal of this paper is to evaluate the biological significance of the Coal Canyon Corridor, we would be remiss not to address the socio-economic importance of these two major open spaces and the linkage connecting them.

Access to nature is an important amenity for many cities. Indeed, communities throughout the U.S., Europe, and elsewhere are increasingly recognizing the importance of integrating conservation considerations into metropolitan planning (Shaw et al. 1992, Barker 1997). Many Americans place a high value on access to wildlife near their homes (Shaw et al. 1985, Harris and Shaw 1997). The importance of wildlife viewing opportunities is well evidenced in a recent national survey conducted by the U.S. Fish and Wildlife Service (1996) which found that nationally, 60.8 million Americans 16 years and older participated in some form of wildlife watching or enjoyment near their homes in 1996. This amounts to about 30% of total U. S. population 16 years or older.

Fortunately, conservation planning in metropolitan environments is frequently synonymous with good urban planning when a long term perspective is taken (Porter 1997.) In addition to providing a critical refuge for the region's indigenous biota, the Puente-Chino Hills and Santa

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Ana Mountains perform a host of functions that enhance the quality of the area as living space for humans. These benefits include watershed protection, air quality enhancement, scenic beauty, outdoor educational opportunities and recreational open space.

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Of these benefits, opportunities for environmental education and nature-oriented recreational experiences are tied to the Coal Corridor in two ways. As explained in previous sections of this report, a functional biological linkage is critical for maintaining the communities of native plants and animals found on these lands. This biodiversity is one of the features that makes this area attractive for participants in outdoor educational and recreational activities. The linkage is essential for maintaining the full potential of these lands for outdoor recreation because in addition to its functions as a biological linkage, the corridor would make possible a trail connecting these two important natural areas. If uses of the underpass are limited to carefully managed, non-motorized activities such as hiking, mountain biking, and equestrian uses, this trail connection should be largely compatible with the biological functions of the corridor.

With this linkage, outdoor enthusiasts could hike, or ride mountain bikes or horses from Tonner Canyon in Los Angeles County, continue through San Bernardino County (Chino Hills) and cross via the corridor into Orange and Riverside Counties, continuing on to San Diego County. Along the way, they would experience rare endemic plant communities that include the walnut groves of Tonner Canyon and Chino Hills State Park (totally absent south of the Santa Ana River), southern California's last remaining large grasslands in the Chino Hills, the rare groves of Tecate Cypress in the northern Santa Anas, endemic conifers such as big-cone Douglas-fir and knobcone pine in the central Santa Anas, stands of pure coastal sage scrub in Orange County, and the largest remaining Engelmann Oak woodlands and vernal pools of the Santa Rosa Plateau. These wildlands also include San Mateo Creek, the only 100% wild watershed with a perennial stream between Santa Barbara and Mexico. Indeed, this region

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contains greater diversity of vegetation types than any other area of comparable size in the entire United States. Future generations of hikers and equestrians should be able to experience this *world-class* treasure of biological diversity as an unbroken chain. The only paved roads one would cross in this 5-county trip would be Carbon Canyon Road, the Riverside Freeway, and the Ortega Highway.

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The Puente-Chino Hills/ Santa Ana Mountains complex comprise an archipelago of natural open space thrust into one of the world's largest metropolitan areas. As such, their value for biodiversity conservation, environmental education, outdoor recreation, and scenic beauty are immense. Furthermore, this contiguous chain of natural open space could form the foundation of a comprehensive interconnected system of natural space. throughout Southern California. In the interest of environmental quality, many cities are investing huge amounts to restore habitat linkages and provide a scenic network of natural open spaces within the urban matrix. Although it may seem far-fetched to many, it is not unrealistic to envision a future system of natural and restored opens spaces that connects the Puente-Chino Hills/ Santa Ana Mountains with the San Gabriel and Santa Monica Hills through restored habitat linkages. The chances of realizing this vision however, are significantly lessened if the Coal Canyon Corridor is not protected and habitat fragmentation continues.

Conclusion

Coal Canyon clearly represents the last viable opportunity to maintain and enhance a critical ecological linkage between the Puente-Chino Hills and the Santa Ana Mountains. These two areas are naturally connected; indeed, they are fundamentally one ecological system. It is only the very recent, intensive, and unsustainable activities of humans in this region that threaten to sever this natural connection. If such a severance is allowed to proceed, the biological, ecological, educational, recreational, and spiritual impacts will be substantial. We have reviewed some of the expected consequences of severing the Coal Canyon corridor in this

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report. Suffice it to say that both humans and nonhuman species in the region will be worse off. Some species may become locally or regionally extinct.

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Fortunately, the opportunity remains to not only protect this natural linkage, but to improve it dramatically. We strongly urge that the State of California purchase the properties involved and proceed with restoration of the underpass area to natural vegetation. It must be understood that the value of Coal Canyon and the proposal to acquire and restore a habitat corridor here extend well beyond the local area and the southern California region. As reviewed at the outset of this report, this region is of global significance in terms of its biodiversity. Moreover, restoring a natural linkage in what is now a roaded underpass would set a global precedent. We are aware of no other restored biological corridor of this type and scale. Conservation-minded citizens throughout the world could look to Coal Canyon as an inspiring example of how an ecological error was corrected through thoughtful public action. It will be money well spent.

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R3. Response to Comments from Gabriel M.B. Ross, Carmen J. Borg, AICP, Urban Planner, Shute, Mihaly & Weinberger LLP for Hills for Everyone, dated April 21, 2022.

R3-1 The comment provides an overview of the comments included in the letter. The concerns regarding the increased use of the State's parkland is addressed in Response R3-4; the concern regarding the project's impact on bio resources including Burrowing Owls and the loss of coastal sage scrub habitat are addressed Response R3-5; and the concerns regarding the removal and disposal of contaminated soils are addressed in Response R3-6 and R3-7.

R3-2 The comment provides introduction and background. No specific comments are provided and no response is necessary.

Project Description in Terms of the Development Agreement

R3-3 Under CEQA, an agency must consider the environmental effects of a project before it grants approval. As noted on Page 3-59 of the Draft EIR, the applicant and the City are seeking to enter into a development agreement which "establishes vesting of development rights and entitlements and identifies project improvements, timing of improvements, and the responsibilities and rights of both the City and the project applicant." Requirements of the development agreement that could result in physical impacts on the environment, such as expansion of the Sports Park and other infrastructure improvements, have been appropriately addressed throughout the EIR. Other provisions, such as payment of fees, or general provisions which have not adequately been defined or designed, have not been addressed because it would be too speculative to do so at this time. However, those provisions will be subject to CEQA review before they can be implemented. This approach is consistent with relevant case law on the subject. [see Concerned McCloud Citizens v. McCloud Community Services District (Jan. 2, 2007) 147 Cal.App.4th 181] In Concerned McCloud Citizens, the court decided a CEQA challenge to an agency's agreement with Nestle for future sale of spring water and development of a water bottling facility. In approving the agreement with Nestle, the agency did not apply CEQA, although the agreement itself provides numerous terms for the financing of facilities, volumes of water to be sold, and related details of the project. The agency relied on a section of the agreement which expressly stated that each parties' obligations were "conditioned on [the agency] and [Nestle] completing...proceedings under CEQA for the Project...." Thus, the agency argued that CEQA compliance could be deferred until the details of the project were finalized according to the agreement's terms.

While the plaintiffs argued that such deferral violated CEQA's requirement that environmental review be applied "as early in the planning process as possible," the third appellate district disagreed. The court held that CEQA could be deferred until further details of the project were determined, such as final design for facilities, facility locations, and similar project elements. Such elements would be reviewed in conjunction with

Nestle's applications for permits and entitlements, and need not be reviewed in connection with the agency's approval of the agreement.

This result provides flexibility for agencies, allowing them to finalize agreements with developers and property owners while deferring actual CEQA review to later stages, when actual permit applications are filed for development. In addition, this result allows agencies to "lock in" their agreement over key terms for a project without having to apply CEQA, leaving the "details" open for future discussion and CEQA review.

It should be noted that the Draft Development Agreement is available for review at the City of Brea Community Development Department, 1 Civic Center Cir, Brea, CA 92821.

Recreation

R3-4 Impacts to Recreation related to the proposed project are fully analyzed in Section 5.16 of the Draft EIR. As noted therein, the proposed project would add approximately 3,102 residents to the city, creating demands for various recreational facilities such as neighborhood and regional parks. However, the proposed project includes construction of a 13-acre sports park and 2.1-acre staging area park, a network of bicycle and pedestrian trails, and 47.5 acres of open space and trails, for a total of 62.6 acres of park/recreation and open space area. The proposed project would provide adequate parklands within the project site to minimize additional demands to the existing recreational facilities within the city.

The Brea Municipal Code Section 18.64.080 establishes the subdivision regulations for the provision of park and recreational facilities through land dedication, installation of improvements, payment of in-lieu fees, or a combination. Municipal Code Section 18.64.080 requires the land dedication ratio of 5 acres per 1,000 population and sets the population density at 3.5 persons per single-family dwelling unit and 2.0 persons per multifamily dwelling unit.2 The proposed project would provide 450 Low Density Residential (LDR) units at a density range of 1.0 to 6.0 dwelling units per acre (du/ac) and 650 Medium Density Residential (MDR) units at a density range of 6.1 to 12 du/ac, including 76 affordable housing units. Based upon the proposed 1,024 single-family residential units and 76 multifamily residential units, a minimum of 18.68 acres of parks and recreational facilities are required to be provided in Brea 265 to satisfy the dedication requirement of 5 acres per 1,000 population.

The proposed project would provide 15.1 acres of park and recreation areas and 47.5 acres of open space and trails. Therefore, the proposed project would exceed the minimum requirement of 18.68 acres of parks and recreation facilities (PPP REC-1). The 13-acre Sports Park amenities are illustrated on Figure 3-11, *Sports Park*, which includes a lighted baseball field, soccer field, tennis courts, a full basketball court, warmup field, and restrooms with a drinking fountain. The 2.1-acre Staging Area Park is illustrated on Figure 3-10, Staging Area Park, and it accommodates a dual-tread multipurpose trail, shade

structure with picnic tables, restroom with drinking fountain, parking, and bike racks. The proposed parks and trails in the open space areas would be publicly accessible and privately maintained by HOAs. Other recreational facilities such as clubhouses and swimming pools would be privately accessible and maintained. The publicly accessible parks and trails in the open space areas will receive 100 percent credit toward fulfilling the parkland dedication requirement, and the privately accessible recreational facilities will receive 50 percent credit.

Overall, the proposed project would add an additional 62.6 acres of public parks, open space, and trails to the city, providing parklands and open space that exceeds the established parkland standard of 5 acres per 1,000 population. The city already provides 21.48 acres of parkland and recreational facilities per 1,000 population, and the proposed project would not adversely affect this ratio.

With regards to potential impacts to regional and state facilities, the comment provides no data on physical impacts from recreational visitor use to open space areas that establishes a nexus to the proposed project, nor does the comment identify a means by which mitigation for such impacts, if any, of the proposed project could be quantified. The City of Brea is unaware of any data that reliably attribute significant impacts to Chino Hills State Park to visitors from specific geographic regions, such as the City of Brea. Accordingly, any assertion that the project's proposed increase in future residents might result in significant adverse effects on extra-jurisdictional open space (either directly or indirectly) has no support and would be speculative. The Final EIR need only assess impacts for which substantial evidence exists.

Biological Resources

R3-5A The comment asserts that the DEIR presents outdated survey data and incomplete information in its analysis related to Burrowing Owls, therefore the surveys should be updated to ensure accurate data and include non-breeding surveys.

Additional Surveys for Burrowing Owl were not conducted due to lack of suitable burrows on the site. During the focused surveys conducted during the breeding season in 2018, no burrows were detected within the survey area. Burrowing owl require ground squirrel or other similar sized (minimum of four-inch diameter) burrows or artificial structures such as culverts in the absence of other suitable animal burrows for refugia and breeding. Burrows or similar structures are necessary for burrowing owl during both the breeding-season survey and winter-season. The DEIR Section 5.4, *Biological Resources*, Table 5.4-1, *Summary of Biological Surveys for the Project Site*, indicated that focused Burrowing Owl surveys were conducted on April 9, May 25, and July 3, 2018 by Jeff Ahrens from Glenn Lukos Associates (GLA). The absence of burrows was confirmed through a review of GLA field notes from April 9, 2018, which indicated that the site contained no burrows as excerpted from the following entry in the field notes: "Largely unvegetated flats. No

burrows." The lack of burrows on the site renders the site unsuitable for burrowing owl and thus it was not necessary to conduct additional surveys, including winter season surveys. In addition to the lack of burrows, a number of other factors also render the site generally unsuitable for burrowing owl specifically, the limited area of unvegetated flats and the fact that the site is fully surrounded by development including two significant roadways, one of which is a SR 142/Lambert Road, that bisects the survey area and which exhibits substantial vehicle traffic.

Extent of Unvegetated Flats

Below Exhibit A, *Burrowing Owl Survey Area Map*, depicts the burrowing owl survey area of which approximately 78 acres represents unvegetated flats that would be suitable for burrowing owl based on topography and vegetative cover; however, as noted, the area lacks burrows which renders that site unsuitable. As discussed below, an area of approximately 78 acres, that is surrounded by development or other land cover types not suitable for burrowing owl, is not sufficient for long-term persistence of burrowing owl.

Exhibit A

Specifically, studies conducted on burrowing owl home ranges indicate territories are much larger than the project site which covers approximately 78 acres. Dr. Peter Bloom, in addressing burrowing owl territorial requirements summarized the results of studies conducted in central and northern California (Rosenberg and Haley 2004) and Rosenberg

et al. 2009) respectively. Dr. Bloom reported that mean breeding home ranges, when converted to acres total 437 acres (or 177 hectares) and 467 acres (or 189 hectares).[1] In a memorandum prepared in support of the Coastal Commission Staff Report for Newport Banning Ranch, Dr. Dixon concurred with Dr. Bloom's analysis, noting the following:

> *In considering burrowing owl's dependence on suitable foraging habitat, we recognize that Banning Ranch, in its current state as open space with active oil operations, with approximately 122 acres of open grassland and ruderal areas, does not support the estimated amount of foraging acreage (approx. 300 to over 400 acres) needed for adult male burrowing owls.*[2]

Thus, for any site to have conservation value for the burrowing owl, it must be substantially larger than 78 acres, ranging between 300 and 400 acres or have suitable conserved areas adjacent or in proximity. When considered in the context of the surrounding land uses, it can be concluded that there are no other large areas for foraging adjacent to or within proximity to the site. Combined with the lack of burrows, it is concluded that the site is not suitable for burrowing owl and the project does not exhibit potential for significant impacts to this species.

Nevertheless, while no significant impacts to burrowing owl have been identified for the project, in order to ensure that there are no potential impacts, pre-construction surveys will be implemented as conditions of approval where grading occurs within the areas depicted on Exhibit A. Additionally, the following condition of approval will be included:

> Pre-construction surveys for burrowing owl shall be conducted prior to the start of ground disturbing activities (grading, grubbing, and construction) at the project site. The surveys shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). Two surveys shall be conducted, with the first survey being conducted between 30 and 14 days before initial ground disturbance, and the second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls and/or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the project site during the survey and impacts to those features are unavoidable, consultation with the CDFW shall be conducted and the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012) for avoidance and/or passive relocation shall be followed. A report of the findings prepared by a qualified biologist shall be submitted to the City of Brea's Community Director prior to ground disturbing activities.

[1] Bloom, Peter. June 24, 2016. Letter addressed to Dr. John Dixon of the California Coastal Commission with Subject: Review of Burrowing Owl Issues, Banning Ranch Project, Newport Beach, CA.

[2] Dr. John Dixon and Dr. Jonna Engel. August 25, 2016. Memorandum: Site-specific analysis of wetlands and ESHA on Banning Ranch.

2. Response to Comments

R3-5B The DEIR describes two "Community Theme Open View" fence types in Chapter 3, Project Description, Section 3.3.1.5, *Walls and Fencing*, the Open View Glass Wall/Fence and the Open View Fence. The Open View Glass Wall/Fence is a six-foot tall low slump block wall with glass view fence and the Open View Fence is a painted six-foot tall tubular steel fence that will be located to enhance view opportunities while preventing access to adjacent slopes or properties. These fence types are described in detail on page 4-29 of the Specific Plan. The DEIR Chapter 3, Figure 3-13, *Walls and Fencing Locations*, shows the locations of Community Themed Open View Glass/Fence, allowing both types to be used at the locations shown. With the use of "Open View Fence" the proposed project would not result in increased bird strikes. Therefore, to the extent feasible, the "Open View Fence" with painted tubular steel fence will be used to enhance view opportunities. Tubular steel paint color will be SW 7048 "Urban Bronze" or SW 7062 "Rock Bottom" (or equal). And where the "Open View Glass Wall" is incorporated, the project will be designed to conform to the bird-safe glass treatments as described by the American Bird Conservancy (ABC) so that the design would present a Threat Factor of 10 or less, in accordance with ABC's scale. Therefore, significant impacts related to bird strike would not occur, and additional analysis is not necessary.

As part of the conditions of approval, prior to approval of fencing plans, the project applicant will be required to submit plans for perimeter fencing showing either tubular steel fencing (or equivalent) or glass fencing with stripes and/or etching that meets the ABC scale (i.e., standards) that represent a Threat Factor of 10 or less.

In order to achieve a Threat Factors of 10 or less where glass is used in perimeter fencing, specially designed tapes or decals, or etching with patterns into the glass to increase visibility will be implemented. Research has demonstrated that most migratory songbirds avoid glass with the following characteristics:

- Vertical and horizontal stripes spaced two inches apart in both directions.
- Stripes at least a quarter-inch wide.
- Generally, white stripes perform better, as they are visible against more backgrounds.

R3-5C The comment asserts that impacts to 126 southern California walnuts are significant. Page 5.4-40 of the DEIR Section 5.4.4.2, Impact Analysis, provides a detailed analysis of the proposed impacts, portions of which are excerpted below that determined that loss of 126 California walnuts is not significant:

> Section 5.4.4.2, Sensitive Plant Impact Subheading: "However, direct impacts to the Southern California black walnut would be considered less than significant because 1) except for black walnut trees within 0.07 acre of walnut woodland, which would not be impacted, *individual black walnut trees are commonly associated with disturbed habitat and areas of nonnative vegetation and do not*

> *exhibit functions that are typically associated with walnut woodland* [emphasis added]…"

This is an important consideration and is clearly the case for the proposed project. Biologically the walnut trees on the site consist of individuals that are embedded in a mosaic of non-native woodlands and forest dominated by blue-gum eucalyptus and Peruvian peppers, which are sometimes mixed with native laurel sumac scrub, which while it is a common native species is not definitive of California walnut woodland. This factor supports the DEIR's conclusion of "less than significant impact."

> 2) the black walnut tree has a CRPR ranking of 4, which is still common throughout its range; and 3) the black walnut tree is not locally rare, and the adjacent Chino Hills and nearby Puente and Whittier Hills, much of which is dedicated open space, support large numbers of California walnuts, ensuring that the population in north Orange County and adjacent areas of Los Angeles County are sustainable.

The comment concurs that California black walnuts are common within the Chino Hills and nearby Puente and Whittier Hills but asserts that recent fires have had an adverse impact on walnuts in the region by stating "The impact analysis also notes that 'the adjacent Chino Hills and nearby Puente and Whittier Hills, much of which is dedicated open space, support large numbers of California walnuts' While this is true, recent wildfires have burned large numbers of walnuts in these areas."

However, the comment does not reference any specific fires and it is not clear to which fires the commentator may be alluding. The Esperanza Hills site in Yorba Linda burned in the 2008 Freeway Complex fire, which burned many California walnuts; however, these have generally exhibited full recovery based on direct observations during the past 14 years. Following from this observation, it is important to note that wildfire is a common occurrence within southern California and California black walnuts are well-adapted to fire and resprout from the root crown following such events. According to the U.S. Forest Service, California walnuts are very-well adapted to fire:

> *Southern California walnut recovers well from fire. It sprouts vigorously from the trunk and root crown when top-killed by fire* [emphasis added], but does not produce seedlings, an indication that most seeds are killed by fire. In Los Angeles County, 10-year-old southern California walnuts were severely burned. Sprouts from the root crowns reached 5 feet (1.5 m) during postfire year 1. Southern California walnut was sprouting from the root crown 3 years and 8 months after a fire in Big Sycamore Canyon, Ventura County, in the fall of 1973.

> Several hundred trees were burned in July 1989 at California State Polytechnic University. One year after fire there was no evidence of dead trees, even though most of the branches and stems had been top-killed. Almost all of the trees sprouted from the root crown within 6 weeks of the fire.[3]

Thus, any potential cumulative effects from fire are not of concern and the commentor is not correct that fire has any adverse impacts on the California walnut in the region. In fact, over time, fire-adapted plants like California walnuts, actually benefit from wildfire, which maintain such communities in healthy cycles of succession.

Finally, it is important to note that in addition to the CRPR ranking of 4.2, the CNDDB Rarity Ranking is S4 meaning that as a species California walnut is considered "secure" in California, thus the conclusion that the impacts to this species would not be significant is accurate and mitigation for this species is not required for the variety of factors noted above.

The proposed project would have the following beneficial impacts to California walnut trees as follows:

- Preservation of 245 individual walnuts within the SWEPI Parcels which are a component of the project mitigation for loss of California gnatcatcher critical habitat.
- Planting of 82 walnuts within 2.74-acre riparian mitigation site.
- Incorporation of California Walnuts in the project landscaping as provided in the project Specific Plan. Therefore, the loss of 126 walnut trees within the project site would not result in a substantial adverse impact to this species. Impacts would be less than significant.

The proposed project would have less than significant impacts related to Southern California Black Walnuts. No further response is necessary.

R3-5D The comment asserts that the DEIR relies on vague measures to mitigate identified significant impacts related to the loss of coastal sage scrub habitat and states that the DEIR should identify the proposed location of the mitigation site and provide specific performance standards for implementation of the measure. The DEIR does not rely on vague mitigation measure to reduce impacts related to the loss of coastal sage scrub habitat. The DEIR Section 5.4, Biological Resources, Figure 5.4-7, *Regional Open Space and Proposed Mitigation Lands Map*, depicts areas where project mitigation would occur by way of a combination of habitat restoration and preservation/dedication. Coastal sage scrub restoration and/or preservation/dedication would occur within a 20.66-acre area that is

[3] US. Department of Agriculture, Forest Service, https://www.fs.fed.us/database/feis/plants/tree/jugcal/all.html#FIRE%20ECOLOGY

currently dominated by dense areas of black mustard, non-native grassland, and Peruvian pepper trees. The 2.74-acre riparian restoration consists of a canyon that supports non-native vegetation including black mustard and Peruvian pepper trees. The proposed restoration and/or preservation/dedication areas do not exhibit any suitable conditions for burrowing owl of other special-status species and there would be no potentially significant impacts to species status plants, animals, or vegetation alliances with implementation of habitat restoration at this location. It is also important to note that as part of the regulatory permitting process, the project applicant has been in coordination with the U.S. Fish and Wildlife Service, California Department of Fish and Game regarding the proposed mitigation sites.

Soil Contamination

R3-6A Page 5.9-30 and 5.9-31 of the DEIR Section 5.9.6, *Hazards and Hazardous Materials*, *Level of Significance Before Mitigatio*n, states that without mitigation, the following impact would be potentially significant:

- **Impact 5.9-2:** The project site contains hazardous materials impacted soils that require further investigation, which could create a significant hazard to the public or the environment without mitigation.

- **Impact 5.9-3:** The project site is an active oil field, and the proposed project could result in hazardous emissions and handle hazardous wastes that could adversely impact Olinda Elementary School.

- **Impact 5.9-4:** The project site is located on number of hazardous materials sites that could potentially create a significant hazard to the public or the environment.

These statements are based on Appendix G of the CEQA Guidelines checklist questions and the statements summarize the analyses for these impacts provided in Section 5.9.4, *Environmental Impacts*. The extent of the contamination within the project site are documented Section 5.9.1.3, *Existing Conditions*, and in Section 5.9.4, *Environmental Impacts*. The Phase I Environmental Site Assessment (ESA) and the Focused Phase II ESA for the project site are both included in Appendix H and Appendix I of the DEIR. The DEIR identified and characterized the impacts to the property through the study of historic photographs, records research, and environmental field soil samples submitted to third-party state-certified laboratories.

Section 5.9.3, *Plans, Programs, and Policies*, provides existing regulatory requirements (PPP HAZ-1 through PPP HAZ-7) for the proposed project to comply with to remediate the site. And Mitigation Measures HAZ-1 through HAZ-2 further provide performance standards for hazardous materials remediation. As required in Mitigation Measure HAZ-1, an additional Phase II ESA is required to better define and evaluate the vertical and lateral extent of impacted soils, and as required in Mitigation Measure HAZ-3, if

additional Phase II ESA testing from Mitigation Measure HAZ-1 reveals concentrations of contamination, a remedial action plan is required, which will be reviewed and approved by the Orange County Health Care Agency (OCHCA) prior to issuance of a grading permit. As such, protective soil cleanup levels will be determined by the OCHCA, and as an element of an OCHCA approved Remedial Action Plan (RAP), all environmental impacts within the project area will be fully remediated to these protective levels, confirmed by third-party state-certified laboratories, and documented for review and approval by OCHCA before any habitable structures are permitted. Mitigation Measure HAZ-6 requires review and approval by the California Department of Conservation, Geologic Energy Management Division (CalGEM) for any oil wells that have not previously been abandoned to be properly abandoned, and Mitigation Measures HAZ-11 and HAZ-12 require the proposed project to implement the Brea's Combustible Soil Gas Guideline's methane mitigation methods.

The mitigation measures outlined in the DEIR are mandatory and substantial evidence has been provided that these regulatory processes would achieve the required performance standards. Therefore, the DEIR adequately addressed the potential impacts and properly deferred further investigations to a future date.

R3-6B As required in Mitigation Measures HAZ-1 and HAZ-2, additional Phase II ESA will be performed as existing operations are removed, and adequate remediation will be provided according to the OCHCA-approved remedial action plan (RAP). The RAP, as required by Mitigation Measure HAZ-3, will outline the remedial method. According to the project applicant, the remediation and restoration of the areas contaminated with petroleum hydrocarbons would use "bio-remediation" or similar clean up process that involves a process in which the contaminated soil is spread, mixed with water, and aerated. This remediation practice adds nutrients to promote the growth of bacteria that consume hydrocarbons. When existing operations are removed and contaminated areas are discovered during grading, contaminated soils would be excavated and moved to on-site remedial area. The remediation area will be compacted to prevent leaching and bermed to prevent runoff. The remediated soils would be used within the project site and would not require offsite transport. The remediated soils would be used to fill under roads, and would not be placed under homes and/or parks/recreation areas. Because petroleum hydrocarbons are heavy rather than volatile and would not dissipate into the air. Preparation of additional Phase II ESA and subsequent remedial work per the RAP using the bio-remediation method will be conducted in compliance with a series of state laws and regulations relating to the identification and treatment of hazardous materials as discussed in Response R3-6A and in the DEIR Section 5.9, Hazardous and Hazardous Materials, 5.9.1, Environmental Setting. No further response is necessary.

R3-6C The comment states "given the extensive contamination on the site, some residual contamination would likely remain in the soil after construction is completed." This assertion is not supported by any substantial evidence. The proposed project is required

to comply with the City of Brea's Combustible Soil-Gas Guideline to properly mitigate any residual methane emissions. No further analysis or mitigation is required.

Air Quality

R3-7 The proposed remediation efforts would not require off-site disposal of soil as described in Response R3-6B by using the bio-remediation or similar cleanup process. Thus, because the proposed remediation efforts would not result in the off-site transport of soil, the assumption taken by the emissions modeling that 20 percent of soil would be removed results in a conservative estimate for emissions generated from project-related construction activities.

R3-8 Comments related to synthetic turf fields are noted. The City acknowledges there are various researches that document the harmfulness of synthetic fields made of crumb rubber from recycled car tires. However, according to the US Environmental Protection Agency (EPA), studies to date have not shown an elevated health risk from playing on fields with tire crumb rubber, but the existing studies have been limited[4].

A multi-agency research effort that included the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry (CDC/ATSDR) and the U.S. Environmental Protection Agency (EPA), in collaboration with the Consumer Product Safety Commission (CPSC), known as the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds (FRAP), was established to address the concerns in February 2016. This coordinated FRAP report has four parts:

- Literature Review/Gap Analysis (EPA and CDC/ATSDR)
- Recycled Tire Crumb Characterization (EPA and CDC/ATSDR)
- Exposure Characterization Study (EPA and CDC/ATSDR)
- Playground Study (Consumer Product Safety Commission)

This multi-agency effort is still on-going. However, the study has been temporarily postponed due to COVID-19 that mandated social distancing, as it required collection of data from field users. The EPA's website for this task force stated the following:

> "Based upon available literature, this research effort represents the largest tire crumb rubber study conducted in the United States. While this report is not a risk assessment, the information and results from the effort will fill specific data gaps about the potential for human exposure to chemical constituents associated with tire crumb rubber used in synthetic turf fields. In general, the findings from the report support the premise that while chemicals are present as expected in the tire crumb rubber,

[4] US Environmental Protection Agency(EPA). 2022, May 2 (accessed). Federal Research on Recycled Tire Crumb Used on Playing Fields. https://www.epa.gov/chemical-research/federal-research-recycled-tire-crumb-used-playing-fields

human exposure appears to be limited based on what is released into air or simulated biological fluids (gastric fluid, saliva and sweat)."

The California Office of Environmental Health Hazard Assessment (OEHHA) has also formed the Synthetic Turf Scientific Advisory Panel (Advisory Panel) to characterize the exposures and health risks from playing on synthetic turf and playground mats made from recycled tire materials. The first meeting was held in February 2016. The scientific study by this groups is on-going but the group was not able to meet since October 2019.

Therefore, while there are concerns and questions about the safety of the artificial turf, including reference materials included in the comment, various government agencies are still assessing the impacts, and a definitive answer related to its safety has not been made.

The DEIR does not specify the type of fields to be installed at the Sports Park, and the decision has not been finalized. There are different artificial turf field product types and maintenance practices that could result in different environmental impacts. The final decision on the type of field material to be installed will require review and approval by the Community Development Director as a condition of approval. Prior to grading of the sports park, the project developer will be required to demonstrate, based on the available scientific data from reputable sources, that the proposed turf fields, artificial or natural, will not result in health risk and other harmful environmental impacts, including water quality impacts.

R3-9 Section 15126.6[f] of the CEQA Guidelines states the range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The DEIR Section 7.6, Higher Density Development Alternative provides an alternative that clusters development west of Valencia Avenue, thereby preserving the 99.6-acre on the east side of Valencia Avenue. This alternative would develop Phase 2 area on the west side of Valencia Avenue with 747 units, combining units proposed for Phase 2 (612 units) and Phase 3 (135 units), to increase density to 7.9 dwelling units per acre. The 68-acre, Phase 1 portion of the project site would be developed with 353 units, a density of 5.2 units per acre. This alternative would reduce the significant operational air quality and GHG emissions impacts. And this alternative would also lessen environmental impacts for aesthetics, biological resources, cultural resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, noise, transportation, and tribal cultural resources, as discussed in Section 7.6 of the DEIR. The Higher Density Alternative is similar to the alternative proposed in the comment letter and would lessen impacts to Coastal California gnatcatcher, Least Bell's Vireo, and Southern California black walnut trees. The clustering development alternative identified in the comment letter would not lessen additional environmental topics that would not be lessened by the Higher Density Alternative. The Higher Density Alternative represents a reasonable range of alternatives for inclusion in the EIR.

R3-10 Comment noted. Comments will be forwarded to the City's decision makers for consideration.

R3-11 See Response R3-5A.

R3-12 See Response R3-5D.

R3-13 See Response R3-5B.

R3-14 See Response R3-5C.

R3-15 For impacts to individual walnuts see Response A3-5C. Regarding impacts to California walnut woodland, the proposed project contains 0.07 acre of walnut woodland that would not be impacted by the proposed project as shown in the DEIR Section 5.4, *Biological Resources*, Figure 5.4-6, *Vegetation Communities Impact Map*; thus, there would be no impacts to this special-status vegetation alliance. It should be noted that the reference cited by the commentator that there are no areas of walnut woodland south of the Santa Ana River is not accurate. Based on personal observations from Tony Bomkamp from Glenn Lukos Associates, a biologist who conducted biological surveys for the proposed project, there are small pockets of California walnut woodland occur in the Central Coastal NCCP/HCP lands within areas such as Santiago Canyon.

2. Response to Comments

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LETTER R4 – Vesuvius Neighborhood Community (1 page)

R4

April 25, 2022

Vesuvius Neighborhood Community
Brea, California 92823

Brea Planning Commission
Brea 265 Project

Re: Brea 265 Project

We are writing to express our concerns about the traffic implications of this project on Rose Drive.

1) Rose Drive significantly narrows south of Vesuvius Drive at Blake Road – this makes it very dangerous for pedestrians and cyclist in this area. If there is even more traffic coming south on Rose Drive due to this project, it will make the safety problems worse. R4-1

2) If Rose Drive is widened between Vesuvius Drive and Valencia Avenue per the Brea 265 plan, this may improve conditions north of Vesuvius but do nothing to fix the problems south of Vesuvius. R4-2

3) Currently, when commuting traffic is heavy, northbound vehicles on Rose Drive approaching Valencia Avenue back up all the way past Vesuvius Drive. This impacts our neighborhood's ability to safely enter Vesuvius from Rose. R4-3

We implore the Brea 265 developers and the city of Brea to work together on solving these traffic issues during the planning process. R4-4

We are also officially requesting a traffic study be completed on the number of vehicles using Rose Drive during commuting periods. This will serve to illuminate the traffic issues we see when attempting enter and exit our neighborhood during those hours. R4-5

Vesuvius Neighborhood Community @VesuviusNeighborhoodAlliance

Michael Martinez & Maryanne McMillan
Frank Alvarez
Melissa & Bill Weingart
Michelle & Chris Duke
Beth & Craig Hechanova
Marisa & Eduardo Alaniz
Martha & Paul Milton
Michele & Jim Lawson

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2. Response to Comments

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R4. Response to Comments from Vesuvius Neighborhood Community, dated April 25, 2022.

R4-1 Rose Drive south of Vesuvius Drive at Blake Road is not within the jurisdictional boundary of the City of Brea. The area south of Blake Road and east of Rose Drive is in the City of Yorba Linda, and the area immediately west of Rose Drive is in the City of Placentia. The City has contacted the Cities of Yorba Linda and Placentia to work collectively towards making improvements along Rose Drive south of Vesuvius Drive to improve traffic flow and enhance safety. The Cities of Brea, Yorba Linda and Placentia along with the MPAH all identifies Rose Drive between Valencia Avenue and Imperial Highway as a four-lane roadway. Therefore, it is anticipated that Rose Dive will be improved in the future to its final roadway design capacity in compliance with established roadway design guidelines and traffic safety standards. Collectively, the Cities are working together to identify a solution to achieve these goals and accommodate pedestrian and bicycle traffic needs in addition to vehicular traffic needs.

R4-2 See Response R4-1.

R4-3 As part of the project, Rose Drive will be widened to two northbound through lanes along the project frontage. This proposed widening will help to alleviate congestion traveling northbound along Rose Drive. In addition, as a part of the project's proposed access on Rose Drive, opposite Vesuvius Drive, the intersection signing and striping, as well as traffic signal operations, are expected to be modified to accommodate not only access to the project site but also to maintain access residents who use Vesuvius Drive. It is expected that any potential change to the existing traffic signal phasing would be addressed at the design phase of this intersection and would conform to the City's Public Works standards.

R4-4 The City and the project applicant coordinated throughout the planning process to identify and evaluate traffic issues. If the project is approved, the project applicant will continue to work with the City during the design phase through the required permit process to ensure that safety concerns are addressed.

R4-5 The Traffic Study (Appendix N to the DEIR) evaluated traffic impacts using the number of vehicles using Rose Drive during AM and PM peak hours. Figures 6-4 through 6-11 provide AM peak, PM peak, and daily cumulative traffic volumes along Rose Drive and at the intersections of Rose Drive and Vesuvius Drive (#15) and Rose Drive and Imperial Highway (#22) at project buildout.

2. Response to Comments

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2.3 LATE COMMENTS FROM RESIDENTS AND INTERESTED PARTIES

The following comments were received after the close of the 45-day public review period.

2. Response to Comments

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LETTER R5 – Southwest Regional Council of Carpenters (SWRCC) (5 pages)

R5

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139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

May 23, 2022

Planning Division
City of Brea
1 Civic Center Circle,
Brea, CA 92821-5732
Em: planning@cityofbrea.net

Jason Killebrew, Community Development Director
City of Brea
1 Civic Center Circle,
Brea, CA 92821-5732
Em: jasonk@ci.brea.ca.us

RE: May 24, 2022, City of Brea Planning Commission Meeting Agenda Item No. 6 Brea 265 Specific Plan

Dear Chair Gary Brattain, Honorable Planning Commissioners, Planning Division and Jason Killebrew,

On behalf of the Southwest Regional Council of Carpenters ("**Southwest Carpenter**" or "**SWRCC**"), my Office is submitting these comments for the City of Brea's ("**City**") Tuesday, May 24, 2022, Planning Commission meeting for the Brea 265 Specific Plan ("**Project**"). R5-1

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including California, 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.

SWRCC expressly reserves 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*

2. Response to Comments

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. R5-1 (Cont'd)

SWRCC incorporates 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, SWRCC requests that the City 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. R5-2

The City should require the use of a local skilled and trained workforce to benefit the community's economic development and environment. 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. R5-3

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: R5-4

> [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.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

R5-4 (Cont'd)

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:

> . . . 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]

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area's jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. 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]

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

[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/wp-content/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/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10.

achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions."[3]

R5-4 (Cont'd)

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]

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

[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.
[4] City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* https://www.hayward-ca.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.

trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

> 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, 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.

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.

R5-4
(Cont'd)

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); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

2. Response to Comments

NOTE: Due to its size, attachments to this comment letter (Exhibit A) to Late Comment Letter R5 is provided as Appendix G of this FEIR.

R5. Response to Comments from Mitchell M. Tsai on Behalf of the Southwest Regional Council of Carpenters, dated May 23, 2022.

R5-1 Comment acknowledged. This comment summarizes the Southwest Regional Council of Carpenters (SWRCC) organization and reserves their right to supplement their comments prior to public hearings on the proposed project. This comment does not provide a specific comment regarding the DEIR and no further response is needed.

R5-2 This comment requests that the SWRCC be included on notification lists and receive notices related to the proposed project. The commenter, Mitchell M. Tsai, Attorney at Law, has been added to the distribution list for project updates and hearings.

R5-3 The commenter recommends that the City require local hire and use of skilled and trained workforce to build the proposed project. The comment does not provide a specific comment regarding the DEIR, and therefore no further response is required. The comment will be forwarded to decision-makers for consideration.

R5-4 This comment summarizes various sources to support the recommendation that the City implement policies to utilize a skilled and trained workforce for project construction. The comment asserts that these requirements would generally result in economic benefits to the local area as well as mitigate greenhouse gas, air quality, and transportation impacts. However, the comment does not contain any specific concerns related to the adequacy or accuracy of the environmental analysis in the DEIR or explain how such measures relate specifically to the proposed project and the CEQA environmental analysis; therefore, no additional analyses or changes to the DEIR are required.

The commentator references other cities that have implemented programs to hire local and trained work forces, and references publications to support economic and environmental benefits of these practices. The commentator, however, does not identify any analysis deficiencies or inaccuracies in the proposed project's DEIR. The referenced letter from Soil Water Air Protection Enterprise (SWAPE) dated March 8, 2021 (Exhibit A of the Late Comment Letter R5 included as Appendix G to the FEIR) indicated that 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. It further states that the example provided in the letter serves only as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, and it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. The comment does not quantify the project-specific GHG emission reduction that would result from the local hire requirements. As the anticipated decreased worker trip length would vary based on the location and urbanization level of the project site, the potential benefits of the recommended requirements are speculative and not supported by

substantial evidence. Furthermore, as noted in the City of Hayward example, such policies have been promoted in general plans and municipal codes (not as CEQA mitigation).

The DEIR analyses were conducted in accordance with the impact methodologies described in the South Coast Air Quality Management District's (AQMD) Air Quality Significance Thresholds and Localized Significance Thresholds for evaluating both short-term construction emissions and long-term operational emissions from a proposed project. The DEIR determined that operational air quality impacts would be significant and unavoidable even with implementation of the mitigation measures primarily due to the area and transportation sources. However, construction-related air quality impacts were determined to be less than significant with mitigation. The DEIR found project-related GHG emissions impacts to be significant and unavoidable even with incorporation of mitigation measures. Construction-related GHG emissions alone would not exceed the South Coast AQMD's Bright-line threshold of 3,000 MTCO2e and it was amortized over a 30-year project lifetime together with other GHG Emission sources. Construction emissions represented approximately 2 percent of the project's total GHG emissions. The VMT analysis was based on the City's VMT thresholds adopted on October 6, 2020. The DEIR did not identify a significant impact related to VMT analysis or other transportation impacts. Thus, no mitigation was required and project impacts were considered less than significant.

The comment does not specify how requiring local hire or the other recommendations would achieve further reductions in GHG emissions during construction, nor does the comment explains whether it is feasible or identify evidence supporting any implied conclusion that reductions would be achieved. For instance, the comment does not provide any evidence that construction worker trip distance would be reduced through the implementation of such measures. It should also be noted that, operationally, the proposed project would have lower VMT per service population compared to the City's VMT threshold, which is the City of Brea General Plan buildout VMT per service population. Thus, the comment does not present any evidence or assertions that undermine the analysis or conclusions of the DEIR.

However, the comment is acknowledged and will be taken into consideration by the City's decision makers as part of the FEIR.

LETTER R6 – Hills for Everyone (7 pages)

R6

From: Claire Schlotterbeck
To: Killebrew, Jason; Planning
Subject: Brea 265 Project Comments
Date: Tuesday, May 24, 2022 12:17:29 PM
Attachments: Fire Frequency Near Chino Hills State Park (1914-2018).pdf

Hills For Everyone Comments for the 5/24/22 Planning Commission Hearing
Brea 265 Project

1)Conservation Land.
Mitigation Measure BIO-1 provides that the applicant will conserve a minimum of 52.86 acres of open space lands offsite to offset Project impacts to special status species and habitat. DEIR at Table 1-2 and p. 1-14. The measure provides that "[T]he proposed land conservation shall be offered to the Chino Hills State Park for consideration of acquisition." We request that the City revise this measure as follows: R6-1

a) Revise the sentence "The proposed land conservation shall be offered to the Chino Hills State Park for consideration of acquisition" to read "The proposed land conservation shall be offered to the Chino Hills State Park and/or to another appropriate conservation entity for consideration of acquisition." This revision would ensure that the conserved land serves its purpose even if the State Parks agency cannot immediately acquire it.

2) Impacts to Parks.
The EIR limits its analysis of the Project's impacts on recreational resources to the new residents' use of neighborhood pocket parks and sports facilities. While the EIR acknowledges the trails and connectivity to the adjacent regional and State park as amenities of the Project DEIR at p. 5.16-3 stating "the proposed trails would connect to the existing trails near Carbon Canyon Regional Park, Chino Hills State Park, Brea Sports Park, and the Tracks via the Brea Trail Route, thereby providing a better connectivity for the rest of Brea from and to these recreational facilities"), it dismisses comments about the impacts of a substantial increase in use of these parks by Project residents. The Project will construct trails for the express purpose of allowing thousands of residents to access parks and open space; this will obviously result in increased use of those parks, which will cause additional wear, along with other impacts, and increase the need for maintenance. CEQA and good sense requires that the EIR evaluate and mitigate these impacts. R6-2

These new park users will enter Chino Hills State Park and Carbon Canyon Regional Park without paying the standard entrance or parking fees, but they will add to the need for park staff time and resources (e.g., trash clean-up and pick-up, availability and maintenance of restrooms, etc.). The City should require an annual user fee of $10 per household (equivalent to a single day's fee at the State Park to help cover these costs. The revenue would defray maintenance costs at the two parks. The fee can be collected and administered through the various HOAs and sent to the non-profit Chino Hills State Park Interpretive Association and the appropriate regional park partner on a yearly basis to assure its local implementation.

3) Impacts to California Black Walnut.
The Project as proposed would result in unmitigated impacts to the Southern California Black Walnut. The FEIR dismisses the impacts of removing 126 individual specimens of this species and concludes that related impacts would be less than significant. In response to our comments that the California Black Walnut populations in the adjacent Chino Hills and nearby Puente and Whittier Hills have been significantly impacted by fires and drought in recent years, the R6-3

2. Response to Comments

EIR responds that this species is well-adapted to fire so that they can be expected to recover. FEIR at RTC R3-5C at pdf pages 2-118 and 2-119.

R6-3 (Cont'd)

The parklands of Puente-Chino Hills are subject to increasingly frequent wildfires that make it difficult for even fire-adapted species to recover and thrive. A study of fires in the area dating from 1914 to 2018 found that during this period there have been more than 150 fires. https://www.hillsforeveryone.org/PDFs/news/hfe-publications/2018-Wildfire-Study.pdf

In more recent years, the Canyon Fire in 2017, the Blue Ridge Fire in 2020, and the Freeway Complex Fire of 2008, which burned approximately 95% of the Chino Hills State Park and many acres outside of the park, have all taken their toll on the California Black Walnut and other species. (See, https://voiceofoc.org/2020/12/chino-hills-state-park-battered-from-recent-flames-in-blue-ridge-fire-this-year/). In addition, many smaller fires occur on a regular basis. As the attached map shows, park areas near the proposed Project site, are subject to fires with regular frequency. (See attached map entitled "Fire Frequency Near Chino Hills State Park (1914-2018)"

The attached photos illustrate the effect of these fires on California Black Walnut and other species. The photos depict a hill in Carbon Canyon about 3 miles to the east of the Brea 265 project south of Olinda Village that was subjected to multiple fires and drought and the changes in the number of trees over a period of 23 years. The acreage is part of a protected preserve (Eagle Ridge) owned by OCTA, but it is not protected from periodic fires. The photos show that the number of trees on this hill has declined over time. The evidence contradicts the EIR's approach of ignoring impacts to California Black Walnut because the species is fire-adapted. This adaption is not sufficient for the trees to withstand multiple, frequent, intense fires.

For these reasons, the City should require mitigation in the form of replacement plantings at a 2:1 ratio in an appropriate location in the State Park to compensate for the removal of 126 California Black Walnut trees on the Project site. Alternatively, the applicant should contribute $500 per tree or $63,000 [based on the cost of a 24-inch box tree costing $330 at an online nursery, plus shipping and planting costs] to the Chino Hills State Park Interpretive Association for planting replacement trees in the park.

4) Impacts to Public Health from Artificial Turf.

R6-4

The EIR indicates that the "City acknowledges there are various researches (sic) that document the harmfulness of synthetic fields made of crumb rubber from recycled car tires," and that there are ongoing studies about the potential health risks to playing on such surfaces. FEIR at RTC R3-8 at pdf page 2-123 and 2-124. However, because there is not a "definitive answer" to questions about public health risks, the City is deferring any further analysis of this issue.

The EIR indicates that the City will impose a Condition of Approval tasking the Community Development Director with the responsibility of approving an artificial turf that "will not result in health risk and other harmful environmental impacts, including water quality impacts." This condition could prove to be an impossible task given that such a surface may not exist. In addition to the health risks associated with the degradation of crumb rubber, "studies have shown abrasions, "turf burns," lower-leg injuries and infections are more common on artificial surfaces, which are also harder than grass, leading to fatigue." https://www.latimes.com/sports/soccer/la-sp-soccer-baxter-20141026-story.html;

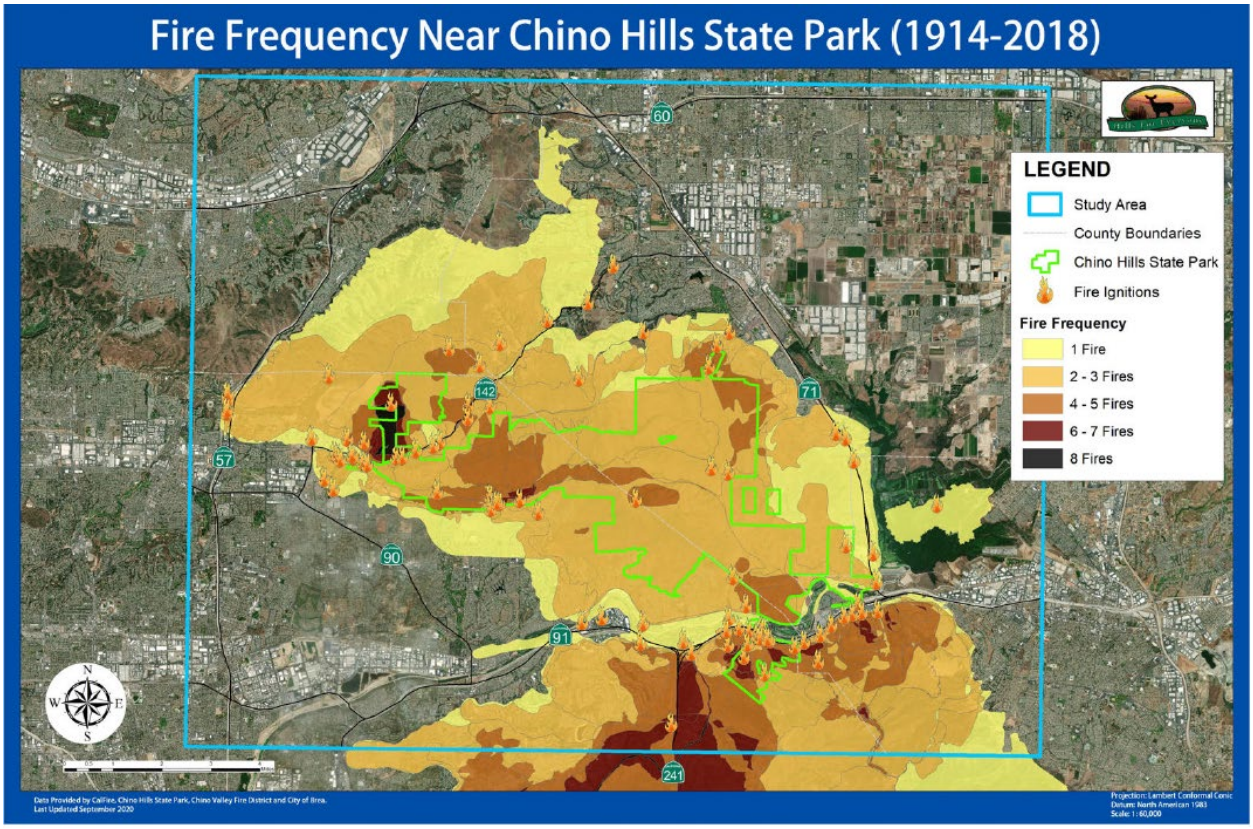
https://spectrumnews1.com/ca/la-west/la-times-today/2022/05/19/u-s--soccer-reaches-equal-pay-agreement-for-men-s-and-women-s-teams# Grass fields are not only healthier for park users and the environment, they are also less costly to install and replace. To best serve the community and the environment, the City should simply require that the Project implement natural grass on the sports fields.

R6-4
(Cont'd)

To ensure that the Project's water use does not increase, the Planning Commission could accompany this direction with a requirement that the Project reduce its water use by the amount required to maintain the grass fields. This could be done in a variety of ways, including by reducing landscaped area, requiring drought-tolerant plantings, implementation of a gray-water system to water landscaping, or a combination of these approaches.

Claire Schlotterbeck
Executive Director
Hills For Everyone

2. Response to Comments



2. Response to Comments

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R6. Response to Comments from Claire Schlotterbeck on Behalf of the Hills for Everyone, dated May 24, 2022.

R6-1 Conservation Land – Per the comment, Mitigation Measure BIO-1 has been modified to state "The proposed land conservation shall be offered to the Chino Hills State Park and/or to another appropriate conservation entity for consideration of acquisition."

R6-2 Impacts to Parks – The recreation impact question asks if the project would result in "substantial physical deterioration of the facility." As stated R3-4 of the FEIR, there is no data on physical impacts from recreational visitor use to open space areas that establishes a nexus to the proposed project. Carbon Canyon Regional Park and Chino Hills State Park are regional and state parks that are intended for a larger population at a regional and state level. The City and the project applicant have been in contact with OC Parks and will continue to coordinate with OC Parks to ensure public safety, operations, and maintenance of Carbon Canyon Regional Park. OC Parks' comments on the DEIR are included in A5-1 through A5-4. Furthermore, the City is unaware of any data that reliably attribute physical impacts to Chino Hills State Park to visitors from specific geographic regions or aware of any City that imposes an annual user fee based on its proximity to Chino Hills State Park. Any assertion that the project's proposed increase in future residents might result in significant adverse effects on extra-jurisdictional open space (either directly or indirectly) has no support and would be speculative.

R6-3 California Black Walnut – Per the comment, a condition of approval has been included to reduce impacts to mature trees on-site, including California Black Walnut trees. Such condition prohibits removal of mature trees without prior review and approval of the City, and requires that any mature trees removed be replaced in-kind on-site with a tree from the Specific Plan plant palette with a minimum box size of 36".

R6-4 Impacts to Public Health from Artificial Turf – As discussed in Response R3-8, EPA is still researching the topic of the health risk of playing on artificial turf fields. The sports park would be developed as part of Phase 2, and is not anticipated to occur until late 2024 or beyond. Although the DEIR analyzed a buildout construction schedule of seven years for the Specific Plan as a conservative estimate, a more realistic schedule for the phased development would occur over a 20- to 25-year period. Therefore, it would be speculative to decide on the type of fields to be installed at the sports park. The City's preference is to install artificial turf fields for a variety of reasons. However, as a condition of approval, the type of field material will be required to be reviewed and approved by the Community Development Director and will be required to demonstrate, based on available scientific data from reputable sources, that the proposed field materials will not result in health risks or other harmful environmental impacts.

It should also be noted that ordinary CEQA analysis is concerned with a project's impact on the environment, rather than with the environment's impact on a project and its users.

Therefore, while the City's decision-makers will consider the comment related to elevated risks for injuries for the users on the artificial turf field, no further analysis is necessary.

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. This section also includes modified language for Mitigation Measure GHG-1 per city staff recommendation that would achieve the similar GHG emissions reduction as the original language contained in the DEIR. The project applicant has updated the Brea 265 Specific Plan since the circulation of the DEIR per city staff recommendations. The updated DEIR figures based on the updated Brea 265 Specific Plan area listed below and are included in Appendix C to this FEIR.

- Figure 3-3 Aerial Photograph
- Figure 3-4 Brea 265 Land Use Plan
- Figure 3-5 Parks and Open Space Plan
- Figure 3-6 Nonvehicular Circulation Plan
- Figure 3-7 Existing and Proposed General Plan Land Use Designations
- Figure 3-8 Existing and Proposed Zoning Designations
- Figure 3-9 Master Landscape Plan
- Figure 3-10 Staging Area Park
- Figure 3-11 Sports Park
- Figure 3-12 Primary Entry Plan
- Figure 3-13 Wall and Fencing Locations
- Figure 3-14 Circulation Plan
- Figure 3-15 Street Section: Carbon Canyon and Lambert Roads and Valencia Avenu7
- Figure 3-16 Streetscape: Lambert Road and Carbon Canyon Road
- Figure 3-17 Streetscape: Valencia Avenue and Rose Drive
- Figure 3-18 Street Section: Rose Drive, Blake Road, and Enhanced Interior Local Collectors
- Figure 3-19 Street Section: Enhanced Interior Local Streets, Entry Drives, and Alley
- Figure 3-20 Conceptual Water System
- Figure 3-21 Conceptual Sewer System
- Figure 3-22 Conceptual Drainage System
- Figure 3-23 Annexation Areas
- Figure 3-24 Conceptual Phasing Plan
- Figure 4-1 Project Site Existing Conditions
- Figure 4-2 Surrounding Land Uses and Densities

The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the DEIR. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in <u>underlined text</u> to signify additions.

3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR.

Page 1-14, Section 1.8, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*, Table 1-2, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*, 5.4, *Biological Resources*. The following mitigation measure has been modified per comment.

Page 1-23, Section 1.8, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*, Table 1-2, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*, 5.8, *Greenhouse Gas Emissions*. The following mitigation measure has been modified per City staff recommendation.

5.4. BIOLOGICAL RESOURCES				
Impact 5.4-1: The proposed project could have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	Potentially significant impact.	BIO-1	The project applicant shall provide a minimum of 52.86 acres of open space lands offsite within and immediately adjacent to the existing Puente-Chino Hills wildlife corridor as determined by the U.S. Fish and Wildlife Service, which may include properties owned by SWEPI/Aera Energy that are within or adjacent to the Chino Hills State Park. The proposed land conservation shall be offered to the Chino Hills State Park and/or another appropriate conservation entity for consideration of acquisition. See Figure 5.4-7, *Regional Open Space and Proposed Mitigation Lands Map*.	Less than significant

5.8 GREENHOUSE GAS EMISSIONS				
Impact 5.8-1: Buildout of the proposed project would generate a substantial increase in GHG emissions compared to existing conditions and would have a significant impact on the environment.	Potentially significant impact.	GHG-1	The project developer(s) shall design and build all residential homes to meet/include the following: a) Tier 2 requirements for Division A4.1, Planning and Design, as outlined under Section A4.203.1.2.2 of Appendix A4 Residential Voluntary Measures of the 2019 California Green Building Standards Code. b) Tier 2 requirements for Division A4.2, Energy Efficiency, as outlined under Section A4.203.1.2.2 of Appendix A4 Residential Voluntary Measures of the 2019 California Green Building Standards Code. c) Tier 2 requirements for Division A4.3, Water Efficiency and Conservation, as outlined under Section A4.601.5.2 of Appendix A4 Residential Voluntary Measures of the 2019 California Green Building Standards Code; comply with at least three elective measures selected from Division A4.3 of Appendix A4 Residential Voluntary Measures of the 2019 California Green Building Standards Code. d) No wood-burning or gas-powered fireplaces shall be installed in any of the dwelling units. e) Install a home battery storage unit (e.g., Tesla Powerwall) for all single-family units that are fitted with a solar photovoltaic generation system. ~~At minimum~~To the maximum extent feasible, ~~all~~ the builder installed battery storage units shall meet the requirements in Reference Joint Appendix 12 of the 2022 Building Energy Efficiency Standards. At a minimum, the builder shall pre-wire the single-family dwelling units for battery storage that meet the requirements established in Reference Joint Appendix 12 of the 2022 Building Energy Efficiency Standards or superior requirements at the time of building permit issuance.	Significant and unavoidable.

		f) Install a battery storage unit(s) (e.g., Tesla Powerwall) for all multifamily residential buildings that are fitted with a solar photovoltaic generation system. At minimum, all installed battery storage units shall meet the requirements in Reference Joint Appendix 12 of the 2022 Building Energy Efficiency Standards or superior requirement at the time of building permit issuance. g) All buildings ~~will~~shall be ~~all~~ electric, meaning that electricity is the ~~only~~ primary permanent source of energy for water heating; mechanical; heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling); cooking; and clothes-drying~~, and there is no gas meter connection~~. All major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) provided/installed shall be electric-powered EnergyStar-certified or of equivalent energy efficiency, where applicable. Prior to the issuance of building permits for new development projects within the project site, the project developer(s) shall show provide documentation (e.g., building plans) to the City of Brea Building Division official or his/her designee, to verify implementation of the of the design requirements listed above in this mitigation measure. Prior to the issuance of the certificate of occupancy, the City of Brea shall verify implementation of the design requirements specified above.	
		GHG-2 The project developer shall design public-use parking lots that: a) Provide electric vehicle (EV) charging stations. At minimum, the number of EV charging stations shall equal the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2. b) Provide parking for low-emitting, fuel-efficient, and carpool/van vehicles. At minimum, the number of preferential parking spaces shall equal the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.1.2 Prior to the issuance of building permits for new development projects within the project site, the project developer(s) shall provide documentation (e.g., site plans) to the City of Brea Building Division official or his/her designee, to verify implementation of the of the design requirements specified above in this mitigation measure. Prior to the issuance of the certificate of occupancy, the City of Brea shall verify implementation of the design requirements specified above.	

Page 1-5, Chapter 1, Executive Summary, Section 1.4, *Project Summary*. The following table has been modified based on the updated Brea 265 Specific Plan dated May 2022.

Table 1-1 Proposed Land Use Summary

Land Use	Gross Area (Acres)	Dwelling Units
Residential[1]		
Low Density Residential (LDR)	~~134.6~~ 135.1	1.0–6.0
Medium Density Residential (MDR)	62.9	6.1–12.0
Residential Subtotal	**~~197.5~~198.0**	
Nonresidential		
Park/Recreation (PR)	15.1	—
Open Space (OS)[2]	47.~~5~~0	—
Master Plan Right-of-Way	2.0	—
Nonresidential Subtotal	**64.~~6~~1**	**—**
Total	**262.1 acres**	**4.2**

[1] Units may be transferred between density designations and locations.
[2] Open Space category does not include private open space and recreation areas.

Pages 3-3 and 3-4, Chapter 3, *Project Description*, 3.3.1. *Description of the Project*. The following table and the text has been modified based on the updated Brea 265 Specific Plan dated May 2022.

Table 3-1 Proposed Land Use Summary

Land Use	Gross Area (Acres)	Density Range (DU/AC)	Dwelling Units
Residential[1]			
Low Density Residential (LDR)	~~134.6~~ 135.1	1.0–6.0	450
Medium Density Residential (MDR)	62.9	6.1–12.0	650
Residential Subtotal	**~~197.5~~198.0**		**1,100**
Nonresidential			
Park/Recreation (PR)	15.1	—	—
Open Space (OS)[2]	47.~~5~~0	—	—
Master Plan Right-of-Way	2.0	—	—
Nonresidential Subtotal	**64.~~6~~1**	**—**	**—**
Total	**262.1 acres**	**4.2**	**1,100 units**

[1] Units may be transferred between density designations and locations.
[2] Open Space category does not include private open space and recreation areas.

Table 3-2, *Proposed Land Category Statistical Summary by Planning Area*, provides detailed land use information for each PA. The proposed project includes development regulations and standards for the proposed land uses. Brea 265 is divided into 13 PAs. Each PA belongs to one of five land use categories:

- **Residential.** The proposed project would provide two residential categories—Low Density Residential (LDR) and Medium Density Residential (MDR)—and include 450 LDR units and 650 MDR units totaling 1,100 units, with an overall average density of 4.2 dwelling units per acre at buildout.

  - *Low Density Residential (LDR): Planning Areas 3, 9, 10, and 11*. The LDR category includes 450 dwelling units within four planning areas on approximately ~~134.6~~135.1 acres at a target density of 3.3 dwelling units per acre. The LDR category provides for development of detached and attached single-family dwellings. The lower-density range is intended to complement the surrounding open space areas and existing landforms to create neighborhoods that respond to the existing slopes and topography.

  - *Medium Density Residential (MDR): Planning Areas 1, 7, and 8*. The MDR category includes 650 dwelling units within three planning areas on approximately 62.9 acres at a target density of 10.3 dwelling units per acre. The MDR category provides for development of detached and attached single-family homes, townhouses, condominiums, and duplexes. The MDR planning areas are east of Rose Drive in the southern portion of the Brea 265 site, and to the west of Valencia Avenue and south of Lambert Road.

- **Open Space (OS): Planning Areas 5 and 13.** The proposed project includes approximately 47~~.5~~ acres of land under the Open Space (OS) land use category, which allows for slopes and landscaping as well as passive outdoor activities such as walking trails, mountain biking, and nature viewing. Open space is the existing or undeveloped area that includes improved setbacks, trails, and slope areas. Landscaped open space includes the landscape improvement areas that enhance the overall character of the Specific Plan community. The OS planning areas include steep slopes (over 30 percent) in the eastern portion of the project site, landscaped slopes and setbacks along arterial streets, water quality features, and fuel modification zones. Figure 3-5, *Parks and Open Space Plan*, illustrates OS planning areas within the project site.

- **Parks/Recreational (PR): Planning Areas 2 and 6.** The PR category totals 15.1 acres, including a 13-acre sports park to the west of Valencia Avenue and a 2.1-acre staging area park to the east of Rose Drive. The PR areas are intended to provide recreational amenities, gathering areas, and focal points and to facilitate trail connections between Brea 265, the greater Brea community, and Carbon Canyon Regional Park. In addition to the PR planning areas, a planned pedestrian and bicycle trail network linking homes to parks and open space areas within and outside the Brea 265 community will promote walking and cycling as an appealing and practical mode of mobility (see Figure 3-6, *Nonvehicular Circulation Plan*).

- **Right-of-Way (ROW): Planning Areas 4 and 12.** The proposed project includes approximately 1.2 acres along Carbon Canyon Road and 0.8 acre along Lambert Road under the ROW land use category.

Table 3-2 Proposed Land Use Category Statistical Summary by Planning Area

Planning Area (PA)	Land Use Category	Gross Area (AC)	Density Range (DU/AC)[1]	Target Density (DU/AC)[2]	Dwelling Units (DU)[3]
1	MDR	13.9	6.1–12.0	10.3	143
2	PR	2.1	—	—	—
3	LDR	~~109.4~~109.9	1.0–6.0	~~3.2~~3.1	345
4	ROW	1.2	—	—	—

Table 3-2 Proposed Land Use Category Statistical Summary by Planning Area

Planning Area (PA)	Land Use Category	Gross Area (AC)	Density Range (DU/AC)[1]	Target Density (DU/AC)[2]	Dwelling Units (DU)[3]
5	OS	40.5	—	—	—
6	PR	13.0	—	—	—
7	MDR	23.2	6.1–12.0	~~12.0~~7.7	278
8	MDR	25.8	6.1–12.0	8.9	229
9	LDR	14.3	1.0–6.0	3.8	54
10	LDR	9.9	1.0–6.0	5.2	51
11[4]	LDR	1.0	1.0–6.0	—	—
12	ROW	0.8	—	—	—
13	OS	6.5	—	—	—
	Specific Plan Total	**262.1 acres**		**4.2**	**1,100**

[1] Density Range is the range between the minimum and maximum number of dwelling units per acre permitted for the planning area's land use designation, as defined by the ~~Orange County~~ City of Brea General Plan.

[2] Target Density is the number of dwelling units per acre for the planning area as proposed by the Brea 265 Specific Plan and described in Table 3-2 of the Brea 265 Specific Plan). The proposed number of dwelling units in an implementing subdivision application may exceed the target density specified in any planning area without necessitating the preparation of a Specific Plan Amendment or Substantial Conformance provided that: 1) the proposed density transfer in the implementing subdivision application is within the density range for the planning area as described in Table 3-2 of the Brea 265 Specific Plan; and 2) the maximum number of 1,100 dwelling units for the entire Specific Plan is not exceeded.

[3] Transfer of dwelling units from one residential planning area to another within a residential land use category is permitted pursuant to the provisions in Section 6.3, Density Transfer, of the Brea 265 Specific Plan, provided that the maximum total of 1,100 dwelling units within the Brea 265 area is not exceeded.

[4] PA 11 provides for a reserved site for a public safety/civic uses within the time frame described in the Brea 265 Development Agreement. See Section 5.4.1 of the Brea 265 Specific Plan for permitted uses in the LDR residential category.

Page 3-33, Chapter 3, *Project Description*, 3.3.1.6. *Circulation Improvements*. The following text has been modified to correct an editorial error.

Lambert Road, Major Arterial (120-foot right-of-way). Lambert Road runs in an east-west direction and is designated as a Major Arterial in the City of Brea General Plan's Master Plan of Roadways. It provides direct access to the western portion of the project site. Lambert Road currently has two travel lanes in each direction and would be improved to Major Arterial Highway Standards per City Standard 10~~9~~8-0, with three travel lanes in each direction. The sidewalk location would be modified to be located at the outside of the street right-of-way.

Page 3-34, Chapter 3, *Project Description*, 3.3.1.6. *Circulation Improvements*. The following text has been modified for clarification.

Rose Drive, Primary Arterial (50-foot right-of-way on the east side). Rose Drive runs in a north-south direction and is designated a Primary Arterial in the General Plan's Master Plan of Roadways. It provides direct access to the project site from the south. Currently, Rose Drive includes two travel lanes in each direction for the majority of the project site frontage. Rose Drive would be improved to Primary Highway Standards on the east side of the street, per City Standard 109-0. Due to width limitations on the west side of Rose Drive, modifications to the center median standard may be needed to fit an additional southbound through lane.

Rose Drive would include a 50-foot right-of-way on the east side (measured from the street centerline) that consists of a 6-foot median, two 11-foot travel lanes, a 5-foot ~~landscaped parkway~~bike lane, and a portion of a 20-foot, dual-tread, multipurpose trail. The area outside the street right-of-way would include a portion of a 20-foot, dual-tread, multipurpose trail and landscaped slope of varying widths on the east side. Collectively, the landscaped parkway, the trail, and landscaped slope would form a 55-foot-wide minimum landscape setback from the face of the street curb to the residential property line on the east side of Rose Drive. See Figure 3-18, *Street Section: Rose Drive, Blake Road, and Enhanced Interior Local Collectors*.

Page 3-45, Chapter 3, *Project Description*, 3.3.1.6. *Circulation Improvements*. The following text has been modified based on the updated Brea 265 Specific Plan dated May 2022.

Blake Road (29-foot right-of-way on the north side). Blake Road would include a 29-foot right-of-way on the north side (measured from the street centerline), which consists of a 20-foot travel lane and a ~~4-foot sidewalk~~5-foot landscaped parkway. ~~The area outside the street right-of-way would include a~~A 20-foot, dual-tread, multipurpose trail would be provided on the north side. See Figure 3-18.

Enhanced Private Interior Local Collector: A and W Streets (64-foot right-of-way with 40-foot curb-to-curb width). The interior local collector traverses the eastern portion of the project site. 'A' Street is a loop street with a 64-foot right-of-way that consists of a 20-foot travel lane in each direction (total curb-to-curb width of 40-foot), a 6-foot landscaped parkway adjacent to the curbs on one side, and a 10-foot landscaped parkway and an 8-foot sidewalk on the other side. Street parking is allowed on the interior loop streets subject to the City's parking limits. Outside the street right-of-way, landscaped slopes of varying widths would be provided on one or both sides, depending on the location. Collectively, the landscaped parkway, sidewalk/multipurpose trail, and landscaped slopes would form a 20-foot-wide minimum landscape setback from the face of the street curb to the residential property line on at least one side of the interior loop street. 'W' Street would provide a 64-foot right-of-way that consists of a 20-foot travel lane in each direction (total curb-to-curb width of 40 feet), a 10-foot landscaped parkway on one side, a 6-foot parkway and an 8-foot sidewalk on one side. See Figure 3-18.

Enhanced Interior Local Streets (~~58~~60-foot right-of-way with 40-foot curb-to-curb width). Interior local streets are pedestrian oriented, incorporate traffic-calming measures, and support both front-loaded and rear-loaded homes. They provide access to individual properties and driveways within the residential neighborhoods and connect to the interior loop street and arterial streets. See Figure 3-19, *Street Section - Enhanced Interior Local Streets, Entry Drives, and Alley.*

The interior local streets are Enhanced Local Streets with a ~~58~~60-foot right-of-way that consists of a 20-foot travel lane in each direction (total curb-to-curb width of 40 feet), a 5-foot-wide curb-adjacent landscaped parkway, and a ~~4~~5-foot-wide sidewalk on both sides. In some instances where warranted, interior local street parkways may be constructed wider than 6 feet to accommodate bio-swales. These streets are private Streets "C" through "O", private streets "Q" through "V", private "X" through "Z", public Streets "DD" through "GG" and "II", and public Streets "JJ", "KK" and "NN." Private "GG" Street is for emergency only.

Public MM and CC ~~Drive~~ Street has a ~~58~~60-foot right-of-way that consists of a 20-foot travel lane in each direction (total curb-to-curb width of 40 feet); a 5-foot-wide curb-adjacent landscaped parkway and a ~~4~~5-foot-wide sidewalk on one side; and a 5-foot-wide curb-adjacent landscaped parkway and a 14-foot-wide multipurpose trail on the other side. Street parking is allowed on the interior local streets subject to City's parking limits.

Public LL ~~Drive~~Street has a ~~58~~60-foot right-of-way that consists of a 20-foot travel lane in each direction (total curb-to-curb width of 40-foot); a 5-foot-wide curb-adjacent landscaped parkway and a ~~4~~5-foot-wide sidewalk on one side; and a 14-foot-wide, multipurpose trail on the other side. Street parking is allowed on the interior local streets subject to City's parking limits.

Interior Alleys. Private interior alleys provide access to garages that are located away from interior local streets. Interior alleys will be 24 feet wide between curb lines with no parking, and garage doors will be set back a minimum of 3 feet from the edge of the curb line. See Figure 3-19.

Entry Drives at Lambert Road, Valencia Avenue, Rose Drive, and Blake Road. Community entries are located on Lambert Road, Valencia Avenue, Rose Drive, and Blake Road, as indicated on Figure 3-14. There would be no entry into the community on Carbon Canyon Road. The private B Street entry drive from Valencia Avenue has a 98-foot right-of-way that consists of 48-foot roadway pavement, a 5-foot sidewalk on one side of the entry drive, and an 8-foot trail on the other side. Public HH Entry Drive from the west side of Valencia Avenue would have a 66-foot right-of-way that consists of 48-foot roadway pavement, ~~4~~5-foot sidewalk, and 5-foot landscaped parkway on both directions. Public AA Street entry drive at Vesuvius Drive across Rose Drive would have an 80-foot right-of-way that consists of 40-foot roadway pavement, an 8-foot meandering trail on one side of the entry drive, and a ~~4~~5-foot meandering sidewalk on the other side. Private P Street entry drive from Rose Drive would have a 108-foot to 124-foot right-of-way that consists of ~~37~~24-foot to ~~70~~40-foot roadway pavement, an 8-foot meandering trail on one side of the entry drive, and 13-foot to 30-foot pavement and 5-foot sidewalk on the other side. NN Drive at Lambert Road has ~~and GG Street at Blake Road would have~~ the same cross-section as the interior local street~~s~~, with a ~~4~~5-foot sidewalk and 5-foot landscaped parkway on each side of the street. See Figure 3-19. Each entry drive would incorporate special landscaped entry treatments, as shown on Figure 3-12.

Page 3-49, Chapter 3, *Project Description*, Section 3.3.1.8, *Transit*. The following text has been modified based on the updated Brea 265 Specific Plan dated May 2022.

Orange County Transit Authority (OCTA) provides public bus service to the City of Brea. Currently, there is no OCTA bus service to the Specific Plan area. An established network of bus routes provides access to employment centers, shopping, and recreational areas in the City. Currently, there is no OCTA bus service to the Brea 265 Site. OCTA continually modifies the bus routes in order to meet the needs of its riders. As Brea 265 is developed, routes may be added. The Specific Plan identifies three potential transit stops as shown on Figure 3-14. One potential transit stop is at Rose Drive, just north of Vesuvius Drive adjacent to the staging area park, and one northbound and one southbound at Valencia Avenue near east and west project entries. The project applicant is required to cooperate with the City for expanded bus services to serve the development. ~~If~~

~~a route is added in the future, t~~The design of bus shelters, if any, would be reviewed for compatibility with the community aesthetics and approved by the City and OCTA.

Page 3-49, Chapter 3, *Project Description*, Section 3.3.1.9, *Infrastructure Improvement*. The following text has been modified based on the updated Brea 265 Specific Plan dated May 2022.

The proposed project would provide water, sewer, drainage, gas, electricity, and telecommunication infrastructure within the project site to serve the project.

Water System. The City would provide water services to the project site. Connections would be made to the existing 790 Zone 12-inch water line in Lambert Road and ~~24~~12-inch water line in Valencia Avenue with reduced pressure for the project site west of Valencia Avenue. The northern portion of project site east of Valencia Avenue would also connect to the existing 790 Zone ~~24~~12-inch water line in Valencia Avenue. For the southern portion of the project site east of Valencia Avenue, looped connections to the 605 Zone 12-inch water line in Rose Avenue would be made. The proposed water system is shown on Figure 3-20, *Conceptual Water System*.

Sewer System. All sanitary sewer infrastructure would be publicly maintained by the City. The project site west of Valencia Avenue falls within Region 8 of the City of Brea Sewer Master Plan, and a new sewer line would be constructed under Lambert Road to convey flows from the project site north of Lambert Road to the project site south of Lambert Road. Sewer from the south would connect to the existing 8-inch sewer stub at the north end of the Brea Sports Park. Sewer in the north would be connected to the existing Valencia Avenue sewer stub to the north of Lambert Road. The project site east of Valencia Avenue falls within Region ~~9~~11 of the City of Brea Sewer Master Plan. Sewer within the eastern portion would connect to the existing 33-inch Orange County Sanitation District Carbon Canyon Dam interceptor sewer. See Figure 3-21, *Conceptual Sewer System*.

Drainage System. Water quality and detention basins would be provided to treat the first flush and detain excess peak storm runoff. Where practical, water quality treatment areas have been designed to be utilized as open space for passive recreation. See Figure 3-22, *Conceptual Drainage System*.

Natural Gas System. The Southern California Gas Company (SoCalGas) would provide natural gas services to the project site. All new gas lines would be placed underground. An existing 30-inch high-pressure steel gas main traverses the ~~southern~~eastern portion of the project site east of Valencia Avenue. A portion of this gas main may be relocated within Rose Drive through the landscape setback areas and between the proposed lots, per SoCalGas standards.

Electricity. Southern California Edison (SCE) would provide electrical services to the proposed project. SCE would install necessary distribution facilities to serve the proposed project, and all new distribution electricity lines would be placed underground. Existing SCE transmission lines on Valencia Avenue and Lambert Road will remain.

Page 5.4-51, Section 5.4, *Biological Resources*, 5.4.7. *Mitigation Measures*. The following mitigation measure has been modified per comment.

Impact 5.4-1

BIO-1 The project applicant shall provide a minimum of 52.86 acres of open space lands offsite within and immediately adjacent to the existing Puente-Chino Hills wildlife corridor as determined by the U.S. Fish and Wildlife Service, which may include properties owned by SWEPI/Aera Energy that are within or adjacent to the Chino Hills State Park. The proposed land conservation shall be offered to the Chino Hills State Park and/or another appropriate conservation entity for consideration of acquisition. See Figure 5.4-7, *Regional Open Space and Proposed Mitigation Lands Map*.

Pages 5.8-21 and 22, Section 5.8, *Greenhouse Gas Emissions*, 5.8.3. *Plans, Programs, and Policies*. The following plans, programs, and policies have been modified per updated information.

PPP GHG-7 On January 18, 2007, Governor Arnold Schwarzenegger issued Executive Order S-1-07 requiring the establishment of a Low Carbon Fuel Standard (LCFS) for transportation fuels. The LCFS was ~~amended in 2011 and~~ readopted in 2015 and amended in 2018 and 2019. This statewide goal ~~required~~ currently requires that California's transportation fuels reduce their carbon intensity by at least ~~10~~20 percent by ~~2020~~2030.

PPP GHG-8 The 2007 Energy Bill created new federal requirements for increases in fleetwide fuel economy for passenger vehicles and light trucks under the Federal Corporate Average Fuel Economy Standards. The federal legislation requires a fleetwide average of ~~35~~49 miles per gallon to be achieved by ~~2020~~2026. The National Highway Traffic Safety Administration is directed to phase in requirements to achieve this goal. ~~Analysis by CARB suggests that this will require an annual improvement of approximately 3.4 percent between 2008 and 2020.~~

Page 5.8-28, Section 5.8, *Greenhouse Gas Emissions*, 5.8.7. *Mitigation Measures*. The following mitigation measure has been modified per City staff recommendation.

Impact 5.8-1

GHG-1 The project developer(s) shall design and build all residential homes to meet/include the following:

a) Tier 2 requirements for Division A4.1, Planning and Design, as outlined under Section A4.203.1.2.2 of Appendix A4 Residential Voluntary Measures of the 2019 California Green Building Standards Code.

b) Tier 2 requirements for Division A4.2, Energy Efficiency, as outlined under Section A4.203.1.2.2 of Appendix A4 Residential Voluntary Measures of the 2019 California Green Building Standards Code.

c) Tier 2 requirements for Division A4.3, Water Efficiency and Conservation, as outlined under Section A4.601.5.2 of Appendix A4 Residential Voluntary Measures of the 2019 California Green Building Standards Code; comply with at least three elective measures selected from Division A4.3 of Appendix A4 Residential Voluntary Measures of the 2019 California Green Building Standards Code.

d) No wood-burning or gas-powered fireplaces shall be installed in any of the dwelling units.

e) Install a home battery storage unit (e.g., Tesla Powerwall) for all single-family units that are fitted with a solar photovoltaic generation system. ~~At minimum~~To the maximum extent feasible, ~~all~~ the builder installed battery storage units shall meet the requirements in Reference Joint Appendix 12 of the 2022 Building Energy Efficiency Standards. At minimum, the builder shall pre-wire the single-family dwelling units for battery storage that meet the requirements established in Reference Joint Appendix 12 of the 2022 Building Energy Efficiency Standards or superior requirements at the time of building permit issuance.

f) Install a battery storage unit(s) (e.g., Tesla Powerwall) for all multifamily residential buildings that are fitted with a solar photovoltaic generation system. At minimum, all installed battery storage units shall meet the requirements in Reference Joint Appendix 12 of the 2022 Building Energy Efficiency Standards or superior requirement at the time of building permit issuance.

g) All buildings ~~will~~shall be ~~all~~ electric, meaning that electricity is the ~~only~~ primary permanent source of energy for water heating; mechanical; heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling); cooking; and clothes-drying~~, and there is no gas meter connection~~. All major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) provided/installed shall be electric-powered EnergyStar-certified or of equivalent energy efficiency, where applicable.

Prior to the issuance of building permits for new development projects within the project site, the project developer(s) shall show provide documentation (e.g., building plans) to the City of Brea Building Division official or his/her designee, to verify implementation of the design requirements listed above in this mitigation measure. Prior to the issuance of the certificate of occupancy, the City of Brea shall verify implementation of the design requirements specified above.

Page 5.15-14, Section 5.15.3. *School Services*, 5.15.3.1, *Environmental Setting*, *Enrollment Capacity*. The following table has been modified per comment A6-2 from Brea Olinda Unified School District.

Table 5.15-2 School Enrollment and Capacity

School and Location	Enrollment (7-year average)	Total Capacity	Remaining Capacity
Olinda Elementary School	623	~~850~~ 675	~~227~~ 52
Brea Junior High School	909	~~1,248~~ 1,055	~~339~~ 146
Brea Olinda High School	1,806	~~2,720~~ 2,359	~~914~~ 553

Source: PlaceWorks 2021; CDE 2021.

Page 5.15-15, Section 5.15.3. *School Services*, 5.15.3.4, *Environmental Impacts*. The following table has been modified per comment A6-2 from Brea Olinda Unified School District.

Table 5.15-3, *Student Generation Summary*, shows the anticipated number of students generated by the proposed project. There are no students under the existing condition, and implementation of the proposed project would generate approximately 196.3 elementary students, 57.3 middle school students, and 105.2 high school students, a total of 359 additional students. As shown in Table 5.15-2, the existing school facilities are anticipated to have adequate capacity for the additional students generated by the proposed project for middle and high schools without having to build new or expanded school facilities. However, additional elementary school facilities could be needed to accommodate the proposed project. It should be noted that the enrollment fluctuates annually, and the actual impact on existing school facilities could change.

Page 5.16-2, Section 5.16. *Recreation*, 5.16.4.1, *Impact Analysis*. The following text has been modified based on the updated Brea 265 Specific Plan dated May 2022.

The proposed project would add approximately 3,102 residents to the city, creating demands for various recreational facilities such as neighborhood and regional parks. However, the proposed project includes construction of a 13-acre sports park and 2.1-acre staging area park, a network of bicycle and pedestrian trails, and 47~~.5~~ acres of open space and trails, for a total of 62.~~6~~1 acres of park/recreation and open space area. The proposed project would provide adequate parklands within the project site to minimize additional demands to the existing recreational facilities within the city.

Page 5.16-3, Section 5.16. *Recreation*, 5.16.4.1, *Impact Analysis*. The following text has been modified based on the updated Brea 265 Specific Plan dated May 2022.

The proposed project would provide 15.1 acres of park and recreation areas and 47~~.5~~ acres of open space and trails. Therefore, the proposed project would exceed the minimum requirement of 18.68 acres of parks and recreation facilities (PPP REC-1). The 13-acre Sports Park amenities are illustrated on Figure 3-11, *Sports Park*, which include a lighted baseball field, soccer field, tennis courts, a full basketball court, warmup field, and restrooms with drinking fountain. The 2.1-acre Staging Area Park is illustrated on Figure 3-10, *Staging Area Park*, and it accommodates a dual-tread multipurpose trail, shade structure with picnic tables, restroom with drinking fountain, parking, and bike racks. The proposed parks and trails in the open space areas would be publicly accessible and privately maintained by HOAs. Other recreational facilities such as clubhouses and swimming pools would be privately accessible and maintained. The publicly accessible parks and trails in the open space areas will receive 100 percent credit toward fulfilling the parkland dedication requirement, and the privately accessible recreational facilities will receive 50 percent credit.

As shown on Figure 3-5, *Parks, Recreation, and Open Space Plan*; Figure 3-6, *Nonvehicular Circulation Plan*; and Figure 4-4, *The Tracks at Brea Trail*, the proposed trails would connect to the existing trails near Carbon Canyon Regional Park, Chino Hills State Park, Brea Sports Park, and the Tracks via the Brea Trail Route, thereby providing a better connectivity for the rest of Brea from and to these recreational facilities.

3. Revisions to the Draft EIR

In addition to the park and recreation areas, approximately 47~~.5~~ acres of open space and trails would be provided in Brea 265. Therefore, the proposed project would provide more recreational space than the standard established under the City's General Plan and would result in beneficial impact to the city and surrounding community residents.

Appendix P, *Water System Analysis*, has been updated per staff comments from the City of Brea Public Works Department.

See Appendix D, *Updated Water System Analysis (Appendix P to the DEIR)*, to this FEIR.

Appendix Q, *Water Supply Assessment*, has been updated per staff comments from the City of Brea Public Works Department.

See Appendix E, *Updated Water Supply Assessment (Appendix Q to the DEIR)*, to this FEIR.

Appendix R, *Sewer System Analysis,* has been updated per staff comments from the City of Brea Public Works Department.

See Appendix F, *Updated Sewer System Analysis (Appendix R to the DEIR)*, to this FEIR.

Appendix A. City of Brea Low VMT Areas

Appendix

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Appendix B. VMT Analysis Figure 1 Vicinity Map

Appendix

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Appendix C. Updated DEIR Figures

Appendix

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Appendix D. Updated Water System Analysis (Appendix P to the DEIR)

Appendix

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Appendix E. Updated Water Supply Assessment (Appendix Q to the DEIR)

Appendix

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Appendix F. Updated Sewer System Analysis (Appendix R to the DEIR)

Appendix

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Appendix G. Exhibit A – Attachment to Late Comment Letter R5 from Southwest Regional Council of Carpenters

Appendix

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