

2. Introduction

2.1 Purpose of the Environmental Impact Report

The California Environmental Quality Act (CEQA) requires that all state and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority prior to taking action on those projects. This Draft EIR has been prepared to satisfy CEQA, as set forth in the *Public Resources Code* §21000, et seq., and the CEQA Guidelines, 14 *California Code of Regulations*, §15000, et seq. The EIR is the public document designed to provide decision makers and the public with an objective analysis of the environmental effects of the proposed Project, to indicate possible ways to reduce or avoid potential environmental impacts and to identify alternatives to the Project. The EIR must also disclose significant environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; and significant cumulative impacts of all past, present, and reasonably foreseeable future projects.

The City of Brea is the Lead Agency under CEQA and has the principal responsibility for approval of the La Floresta Development Proposal. Pursuant to CEQA §21067, the Lead Agency means "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment. The intent of the EIR is to provide sufficient information on the potential environmental impacts of the proposed La Floresta Development Proposal to allow the City of Brea to make an informed decision regarding approval of the Project. Specific discretionary actions to be considered by the City are described later in Section 2.4 - Intended Uses of this EIR.

This EIR has been prepared in accordance with requirements of the:

- California Environmental Quality Act (CEQA) of 1970, as amended October 6, 2005 (*Public Resources Code* §21000, et seq.)
- State Guidelines for the Implementation of the CEQA of 1970 (herein referenced as CEQA Guidelines), as amended October 6, 2005 (*California Code of Regulations* §15000, et seq.) and
- City of Brea Guidelines for the implementation of CEQA.

The overall purpose of this EIR is to inform the lead agency, responsible agencies, decision makers and the general public of the environmental effects of the development and operation of the proposed La Floresta Development Proposal. This EIR addresses the potential environmental effects of the Project, including effects that may be significant and adverse, evaluates a number of alternatives to the Project and identifies mitigation measures to reduce or avoid adverse effects.

2.2 Notice of Preparation and Initial Study

The City of Brea determined that an EIR would be required and issued a Notice of Preparation (NOP) and Initial Study on December 19, 2005. Comments were received during the public review period, which extended from December 19, 2005 to January 18, 2006. Copies of this NOP and Initial Study are contained in Appendix A.

The NOP process is used to help determine the scope of the environmental issues to be addressed in the EIR. Based on this process and the Initial Study for the Project, certain environmental categories were identified as having the potential to result in significant impacts. Issues considered potentially significant are addressed in this EIR. Most issues identified as having a less than significant impact are not addressed beyond the discussion contained in the Initial Study. A few issues have, however, been further investigated during EIR preparation in cases where additional information suggested potentially significant impacts might occur. Issues screened out in the Initial Study are listed below. Please refer to the revised Initial Study in Appendix A for discussion of how these determinations have been made.

2.3 Issues Found to Have “No Impact” or Not to Be Applicable to the Project

- Conflicts with or obstructions of zoning for agricultural use or a Williamson Act Contract;
- Changes in the existing environment which could result in the conversion of farmland to non-agricultural use;
- Substantial adverse effects on a federally protected wetland;
- Substantial interference with the movement of a native resident, migratory fish or wildlife species or migratory corridor;
- Conflicts with any local policies or ordinances protecting biological resources;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan;
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;

- Be located on a site included on a list of hazardous materials sites compiled pursuant to *Government Code* §65962.5 and, as a result, create a significant hazard to the public or the environment;
- Be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, and as such, result in a safety hazard for people residing or working in the project area;
- Be within the vicinity of a private airstrip, and as such, result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are subject to urbanized areas or where residences are intermixed with wildlands;
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- Physically divide an established community;
- Conflict with any applicable habitat conservation plan or natural community conservation plan;
- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state;
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan;
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels;
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels;

- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere;
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere;
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;

2.4 Issues Found to Be Less than Significant

- Have a substantial effect on a scenic vista;
- Create objectionable odors affecting a substantial number of people;
- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Otherwise substantially degrade water quality;
- Inundation by seiche, tsunami or mudflow;
- Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks);

2.5 Scope and Format of this EIR

2.5.1 EIR Scope

Based on the results of the Initial Study and consideration of the comments received during the scoping process, a number of environmental issues were found to have Potentially Significant Impacts requiring more detailed review in this EIR. The following is a list of broad categories and specific topical issues addressed in Section 5.0 - Environmental Analysis. In addition, consistency with applicable plans and regulations is addressed under each impact topic.

- Aesthetics
 1. Substantially degrade the existing visual character or quality of the site and its surroundings;
 2. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
 3. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area;
 4. Construction-related aesthetics impacts.
- Agricultural Resources
 1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Air Quality
 1. Conflict with or obstruct implementation of the applicable air quality plan;
 2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
 3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
 4. Expose sensitive receptors to substantial pollutant concentrations.
- Cultural Resources
 1. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5;

2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5;
 3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
 4. Disturb any human remains, including those interred outside of formal cemeteries.
- Geology and Soils
 1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Strong seismic ground shaking;
 - Ground rupture;
 - Groundwater;
 - Soil erosion; and
 - Seismic-related ground failure, including liquefaction.
 2. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
 3. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risk to life or property;
 - Hazards and Hazardous Materials
 1. Impacts due to previous oil production and industrial uses.
 - Hydrology and Water Quality
 1. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
 2. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff;
 3. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
 - Land Use and Planning
 1. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or

- zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
2. Cumulative land use impacts at intersections affected by traffic mitigation measures.
- Noise
 1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
 2. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
 3. Substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
 - Population and Housing
 1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
 - Public Services
 1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - Fire protection;
 - Police protection;
 - Schools;
 - Parks and recreation services
 - Library services;
 - Other public facilities
 - Recreation
 1. Would the project 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;
 2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
 - Transportation/Traffic

1. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways;
 2. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections);
 3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
 4. Result in inadequate emergency access;
 5. Result in inadequate parking capacity.
- Utilities and Service Systems
 1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
 2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
 3. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
 4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;
 5. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
 6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs;
 7. Comply with federal, state, and local statutes and regulations related to solid waste.

2.5.2 EIR Format

This Draft EIR has been formatted as described below.

Section 1.0 – Executive Summary

This section summarizes the characteristics of the proposed La Floresta Development Proposal, project objectives, and summarizes the potential environmental impacts and mitigation measures for the Project. It also lists significant unavoidable impacts identified in the EIR, project alternatives considered, issues to be resolved, and any areas of known controversy at the time of publication of the Draft EIR.

Section 2.0 – Introduction

This section describes the purpose of the EIR; the Notice of Preparation/Initial Study process; the scope and format of the Draft EIR; the intended uses for this EIR; identifies those documents incorporated by reference; the Final EIR certification process; the mitigation monitoring program to be prepared, and defines terms used throughout the EIR to refer to the La Floresta Development Proposal and its components.

Section 3.0 – Environmental Setting

The purpose of this section is to provide a description of the physical environmental conditions in the vicinity of the Project, as they exist at the time the Notice of Preparation was published, from both local and regional perspectives. The environmental setting provides a general baseline of physical conditions from which the lead agency determines the significance of environmental impacts resulting from the proposed Project. Each impact section of the EIR identifies a more specific baseline setting pertinent to the individual topics as well. This section also provides an overview of the Project history.

Section 4.0 – Project Description

This section provides a detailed description of the project location; the objectives of the Project from both the applicant's and Lead Agency's perspective; and approvals anticipated to be included as part of the Project EIR.

Section 5.0 – Environmental Analysis

This section provides a description of the methodology to identify and evaluate the potential impacts of the Project; a description of the existing physical and regulatory setting for each topical issue; thresholds used to determine if a significant impact would occur; an evaluation of the potential adverse and beneficial effects of the Project; cumulative impacts; the level of impact significance before mitigation; the mitigation measures for the proposed Project; and the level of significance of the adverse impacts of the Project after mitigation for each environmental issue analyzed.

Section 6.0 – Long-Term Implications of the Proposed Project

This section describes the potential growth inducing impacts associated with the proposed Project; provides a summary of potential cumulative impacts; and lists unavoidable and irreversible significant impacts associated with the long-term operation of the proposed Project.

Section 7.0 - Alternatives

This section describes a range of reasonable alternatives to the proposed Project, including No Project Alternatives and a Reduced Development Alternative along with a more general discussion of the environmental impacts associated with each alternative as compared to the proposed Project.

Section 8.0 – Organizations and Individuals Contacted

This section lists the people and organizations who were contacted during the preparation of the Draft EIR for the proposed La Floresta Development Proposal.

Section 9.0 – Report Preparation Personnel

This section lists the people who contributed to the preparation of the Draft EIR for the proposed Project.

Section 10.0 – Bibliography

This section is a bibliography of the technical reports and other documentation used in the preparation of the Draft EIR for the proposed Project. (These documents are available for review through the City of Brea Planning Department.)

Section 11.0 – List of Acronyms and Abbreviations

This section provides a list of commonly used acronyms and abbreviations used in the field of environmental planning and in associated technical disciplines, and which may appear in this EIR.

Appendices

The appendices in this document contain supporting documents and other material too detailed and voluminous to be included in the body of the EIR. The following appendices are contained in this EIR:

2.6 Intended Uses of This EIR

Development of the site as proposed would involve a number of both discretionary and ministerial approvals by the City of Brea. La Floresta LLC is the project applicant and proponent. This EIR will be used by the City and responsible agencies, in connection with their consideration of the following actions and approvals for the proposed Project.

- Certification of Environmental Impact Report # 06-01 (State Clearinghouse # 2005121093).
- General Plan Amendment: A General Plan Amendment is necessary to amend the current designation on the site from the Birch Hills Specific Plan to the appropriate land use designations.
- Specific Plan Amendment: A Specific Plan Amendment may be necessary to amend the Birch Hills Specific Plan to remove the site from the document.
- Approval of Development Agreement: A Development Agreement is proposed to implement transfer of the Birch Hills Golf Course to the City and to implement design guidelines and development standards on both sites.
- Approval of Zone Changes: New High Density Residential (R3) and Public Facility (PF) zoning designations for the Birch Hills site to reflect the appropriate zoning for the proposed Project.
- Tentative Tract Maps #16933 and #16934: Tentative Tract Maps or parcel maps to be approved concurrent with the Development Agreement and Zone Change actions for both sites.
- Precise Development Plans: Precise Development Plans will require additional discretionary action by either the City Development Services Department or the Planning Commission for each of the 12 Planning Areas in the La Floresta Development Proposal.
- Conditional Use Permit: A Conditional Use Permit is required for the Assisted Living Facility proposed for Planning Area 9 on the La Floresta Village Site.
- Final Tract Maps;
- Grading permits;
- Building permits.

Additional approvals may be required by other agencies for Project implementation include, but may not be limited to:

- Regional Water Quality Control Board-Santa Ana Region - National Pollutant Discharge Elimination System (NPDES) Permits, Stormwater Pollution Prevention Plan (SWPPP) and Monitoring Program Plan (MPP), both sites.
- Brea-Olinda Unified School District – Potential annexation of a portion of the La Floresta Village site.

- Placentia-Yorba Linda Unified School District – Potential de-annexation of a portion of the La Floresta Village site.
- Caltrans / District 12 – Improvements on Imperial Highway and Valencia Avenue (La Floresta Village site).
- California Division of Oil, Gas and Geothermal Resources (DOGGR); La Floresta Village site - oil well abandonment.
- Army Corp. of Engineers – Connection to storm drain channel at Imperial Highway (La Floresta Village site).
- Orange County Flood Control District – Connection to storm drain channel at Imperial Highway (La Floresta Village site), and to the Loftus Channel (Birch Hills site).
- Orange County Sanitation District – Connection to Rose Drive trunk sewer (La Floresta Village site).
- Metropolitan Water District – Grading within an MWD easement (La Floresta Village site).
- Southern California Edison – approval of utility connections and proposed undergrounding of an existing 66KV overhead transmission line on the La Floresta Village site.
- Southern California Gas – approval of utility connections.

This EIR is intended to allow the decision-makers and the public to understand what, if any, significant environmental impacts would be associated with the proposed Project. This EIR may also serve as the environmental documentation for approvals by other responsible agencies noted above.

2.7 Incorporation by Reference

The following documents are incorporated by reference in this EIR, consistent with Section 15150 of the State CEQA Guidelines, and are available for review at the City of Brea. Where appropriate, these plans are also discussed in the relevant sections of this EIR.

City of Brea General Plan (August 2003)

- Community Development Element
- Circulation Element
- Housing Element
- Community Resources Element

- Public Safety Element
- Community Services Element
- Implementation Guide
- Urban Design Principles
- EIR for the Update of the City of Brea General Plan (February 2003)
- Birch Hills Specific Plan (September 19,1995)
- EIR for the Birch Hills Specific Plan, (September 19,1995)

2.8 Final EIR Certification

This Draft EIR is being circulated for public review for a period of 45 days. Interested agencies and members of the public are invited to provide written comments on the accuracy of the analysis contained in the Draft EIR to the City at the address shown on the title page. Upon completion of the 45-day review period, the City of Brea will review all written comments received and prepare written responses for each comment on the EIR. A Final EIR will then be prepared incorporating all of the comments received, responses to the comments, and any changes to the Draft EIR that result from the comments received. This Final EIR will then be presented to the City of Brea for certification. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearings to be held by the Planning Commission and City Council.

2.9 Mitigation Monitoring

Public Resources Code Section 21081.6 requires that agencies adopt a monitoring or reporting program for any project for which it has made findings pursuant to *Public Resources Code* §21081 or adopted a Negative Declaration pursuant to §21080(c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Mitigated Negative Declaration.

The Mitigation Monitoring Program for the La Floresta Development Proposal will be completed as part of the Final EIR prior to a final decision on the Project by the City Council.

2.10 Important Terms

Throughout this EIR a variety of terms are used to refer to the La Floresta Development Proposal and its components, as well as the project applicant. These key terms are defined below:

1. "La Floresta Development Proposal": the development of the Birch Hills Site and the La Floresta Village Site as illustrated and described in Section 4.0 – Project Description."
2. "Project": The development of the Birch Hills Site and The La Floresta Village Site as illustrated and described in Section 4.0 – Project Description"
3. "Birch Hills Site": The approximately 91-acre site located on the south side of Birch Street at the intersection of Kraemer Boulevard in the City of Brea, currently known as the Birch Hills Golf Course.
4. "La Floresta Village Site": The approximately 119-acre site bounded by Imperial Highway, Valencia Avenue, and Rose Drive in the City of Brea, formerly the headquarters of Union Oil of California.
5. "Birch Hills Development": the reconfiguration of the Birch Hills Golf Course and the development of a public community facility (including a clubhouse) and 247 high density residential dwellings, including a portion devoted to "workforce" housing.
6. "La Floresta Village Development": the development of 1,088 residential units, 156,800 square feet of mixed use commercial space and 3.27 acres devoted to an active adult recreation center for residents of the La Floresta Village Development.
7. "La Floresta, LLC": Also referred to as the Project Proponent or the Project Applicant throughout the EIR. The limited liability corporation (LLC) composed of Union Oil of California and Standard Pacific Development of Orange County to develop the La Floresta Village Development.
8. "Birch/Kraemer LLC": A limited liability corporation of the Chevron Land and Development Company created to develop the Birch Hills Development.