

## Appendices

### **Appendix A: NOP and NOP Comments**

## Appendices

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# **CITY OF BREA NOTICE OF PREPARATION of a DRAFT ENVIRONMENTAL IMPACT REPORT for the BREA MALL MIXED USE PROJECT and NOTICE OF SCOPING MEETING**

**Date:** August 16, 2019

**Subject:** Notice of Preparation (NOP) and Scoping Meeting for the Brea Mall Mixed Use Project Draft Environmental Impact Report

**To:** State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Interested Organizations

**Lead Agency/Sponsor:** City of Brea, Planning Division

**Project Title:** Brea Mall Mixed Use Project

**NOTICE IS HEREBY GIVEN** that the City of Brea will prepare an environmental impact report (EIR) for the Brea Mall Mixed Use Project. The City is the lead agency for the project. The purpose of this notice is to (1) serve as a Notice of Preparation of an EIR pursuant to the California Environmental Quality Act (CEQA) Guidelines § 15082, (2) advise and solicit comments and suggestions regarding the scope and content of the EIR to be prepared for the project, and (3) notice the public scoping meeting.

**NOTICE OF PREPARATION:** The City of Brea, as Lead Agency, requests that responsible and trustee agencies respond in a manner consistent with § 15082(b) of the CEQA Guidelines. Pursuant to CEQA § 21080.4, responsible agencies must submit any comments in response to this notice no later than 30 days after receipt. The public review period will commence on **Friday, August 16, 2019**, and will close on **Monday, September 16, 2019**. A copy of the NOP is available for review at the City of Brea offices and at the Brea Branch of the Orange County Public Library.

City of Brea – Planning Division, Level 3  
1 Civic Center Circle  
Brea, CA 92821

Brea Library  
1 Civic Center Circle, Level 1  
Brea, CA 92821

The document can also be viewed electronically on the City's webpage at: [www.cityofbrea.net/projectsinprocess](http://www.cityofbrea.net/projectsinprocess)

**WRITTEN COMMENTS:** We ask that any person wishing to comment on the NOP provide written comments by the end of the public review period at 5:00 p.m., **Monday, September 16, 2019**, addressed to Jessica M. Magaña, Associate Planner, City of Brea – Planning Division, at [jessicam@ci.brea.ca.us](mailto:jessicam@ci.brea.ca.us), or by mail to the City of Brea at the address above.

**PUBLIC SCOPING MEETING:** The City will hold a scoping meeting in conjunction with this NOP in order to present the project and the EIR process, and to provide an opportunity for agency representatives and the public to assist the lead agency in determining the scope and content of the environmental analysis for the EIR. The meeting will be an Open House format. The public scoping meeting will be held at the time and location listed below:

Date: Wednesday, August 28, 2019  
Time: 5:00 p.m. – 7:00 p.m.  
Location: City of Brea City Hall, Community Room B  
1 Civic Center Circle  
Brea, CA 92821

**PROPERTY LOCATION:** As shown on Figure 1, *Aerial Photograph*, and Figure 2, *Regional Location*, The Brea Mall—1065 Brea Mall, City of Brea—encompasses approximately 74 acres in northeast Orange County. The Brea Mall is west of State Route 57 (SR-57) and is generally bounded by State College Boulevard to the east, Imperial Highway (State Route 91) to the south, South Randolph Avenue to the west, the City of Brea City Hall and Embassy Suites by Hilton to the northwest, and East Birch Street to the north. The project site is generally in the southwest portion of the Brea Mall site formerly occupied by Sears.

**EXISTING CONDITIONS:** The Brea Mall first opened its doors in 1977 with 306,000 square feet of retail space, originally anchored by Sears and May Company California. The mall has been through several expansions since then. The mall currently encompasses approximately 1,291,433 square feet and consists of a central retail core with major department stores (“anchors”), including Nordstrom (west side); JC Penney (north side); Macy’s Men, Children, & Home (northeast side); and Macy’s (southeast side). Surrounding the retail core are several free-standing retail structures along the Brea Mall Circle (referred to as the “outlot” or “out parcels”), including the Olive Garden, Red Lobster, and The Cheesecake Factory.<sup>1</sup> The mall can be accessed from three of the surrounding streets—State College Boulevard, South Randolph Avenue, and Birch Street. Mall parking is provided via surface spaces and three parking structures. On January 4, 2018, Sears (southwest side, former anchor) identified that, as part of a plan to close 103 stores nationwide, the Sears department store would be closing. Sears closed in April 2018. The first floor of the former Sears building is now being leased by a retail store.

**PROJECT DESCRIPTION:** As a result of the recent acquisition of the Sears parcel, the Simon Property Group is proposing redevelopment of the Sears parcel of the Brea Mall. The proposed redevelopment would be on a 17.5-acre area in the southwest portion of the mall site that includes the Sears parcel and adjoining transition areas adjacent to Nordstrom and Macy’s. The proposed project involves demolishing the Sears department store and associated auto center (161,990 square feet) and 12 acres of surface parking in order to allow a mix of uses—including retail, for-rent residential apartments, a resort-type fitness center, and a public gathering space (large “central green” and plaza). Table 2, Brea Mall Mixed Use Project Land Use Summary, identifies the existing and proposed improvements. The project would result in a net increase of 149,625 square feet of retail use and 312 residential units on the approximately 17.5-acre portion of the Sears parcel within the 74-acre Brea Mall site. Figure 3, Conceptual Site Plan, shows the overall conceptual site plan, including both the residential and retail components, and outdoor plazas and gathering spaces. Figure 4, Conceptual Residential Building Site Plan, shows the conceptual site plan for the proposed residential building, and Figure 5, Conceptual Mall Buildings, shows the site plan for the main retail component developed around the outdoor plazas and gathering spaces. The project site is currently designated in the General Plan as Regional Commercial and zoned C-C Major Shopping Center Zone, with a P-D Precise Development overlay. The proposed project would require a General Plan Amendment and zone change to Mixed Use I to accommodate the proposed residential component of the project.

**POTENTIAL SIGNIFICANT EFFECTS:** As authorized by the State CEQA Guidelines, based on preliminary review, the City determined that it would prepare an EIR for the proposed project, and therefore, it is beginning work directly on the EIR process and will focus on potentially significant effects of the proposed project in that EIR, while briefly indicating the reasons that other effects will not be potentially significant. An Initial Study is not required to determine that an EIR will be prepared and is therefore not attached. The City EIR will discuss potential environmental impacts of the proposed project, including potential pre-construction, construction, and operations impacts. The DEIR will analyze potential environmental effects of the project, including: Air Quality, Cultural Resources, Greenhouse Gas Emissions, Land Use and Planning, Population and Housing, Noise, Transportation, and Tribal Cultural Resources. The project site is not on a list compiled pursuant to Government Code section 65962.5.

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<sup>1</sup> There is a BJ’s Restaurant at the corner of Imperial Highway and Randolph; however, the restaurant and its parking lot are a separate parcel not owned by the Simon Property Group or any of the retail anchors. Therefore, they are not considered part of the mall property.

**Table 1 Brea Mall Mixed Use Project Land Use Summary**

Tenant	Existing GLA (sq. ft.)	Demolition (sq. ft.)	New Construction GLA (sq. ft.)	Total Mall GLA (sq. ft.)
<b>Major Department Stores</b>				
Sears	161,990	-161,990	—	0
Macy's <sup>1</sup>	182,360	—	—	182,360
Nordstrom	176,540	—	—	176,540
JC Penny	135,800	—	—	135,800
Macy's Men & Home	192,060	—	—	192,060
<b>Major Department Stores</b>	<b>848,750</b>	<b>-161,990</b>	<b>0</b>	<b>686,760</b>
<b>Small Shops</b>				
Sporting Goods	—	—	50,019	50,019
Fitness Center	—	—	128,000	128,000
Level 1 Mall	224,522	—	123,053	347,575
Level 2 Mall	207,992	—	10,543	218,535
<b>Total Small Shops</b>	<b>432,514</b>	<b>0</b>	<b>311,615</b>	<b>744,129</b>
<b>Outlots<sup>1</sup></b>				
Cheesecake Factory Outlot	10,169	—	—	10,169
<b>Total Mall</b>	<b>1,291,433</b>	<b>-161,990</b>	<b>311,615</b>	<b>1,441,058</b>
<b>Residential</b>				
Medium Density Residential (7-story)	—	—	312 units	312 units
Residential Square Feet	—	—	380,947	
<b>Net Change from Existing</b>	<b>—</b>	<b>—</b>	<b>312</b>	<b>149,625</b>

GLA = gross leasable area

1. Macy's owns the buildings occupied by Red Lobster and Olive Garden; therefore, the GLA for Macy's includes these restaurants. BJ's is not owned by Simon properties; therefore, the square footage for this outlot facility is not included in this table.

Date: August 15, 2019

Signature:

Jessica M. Magaña, Associate Planner

**ATTACHMENTS:**

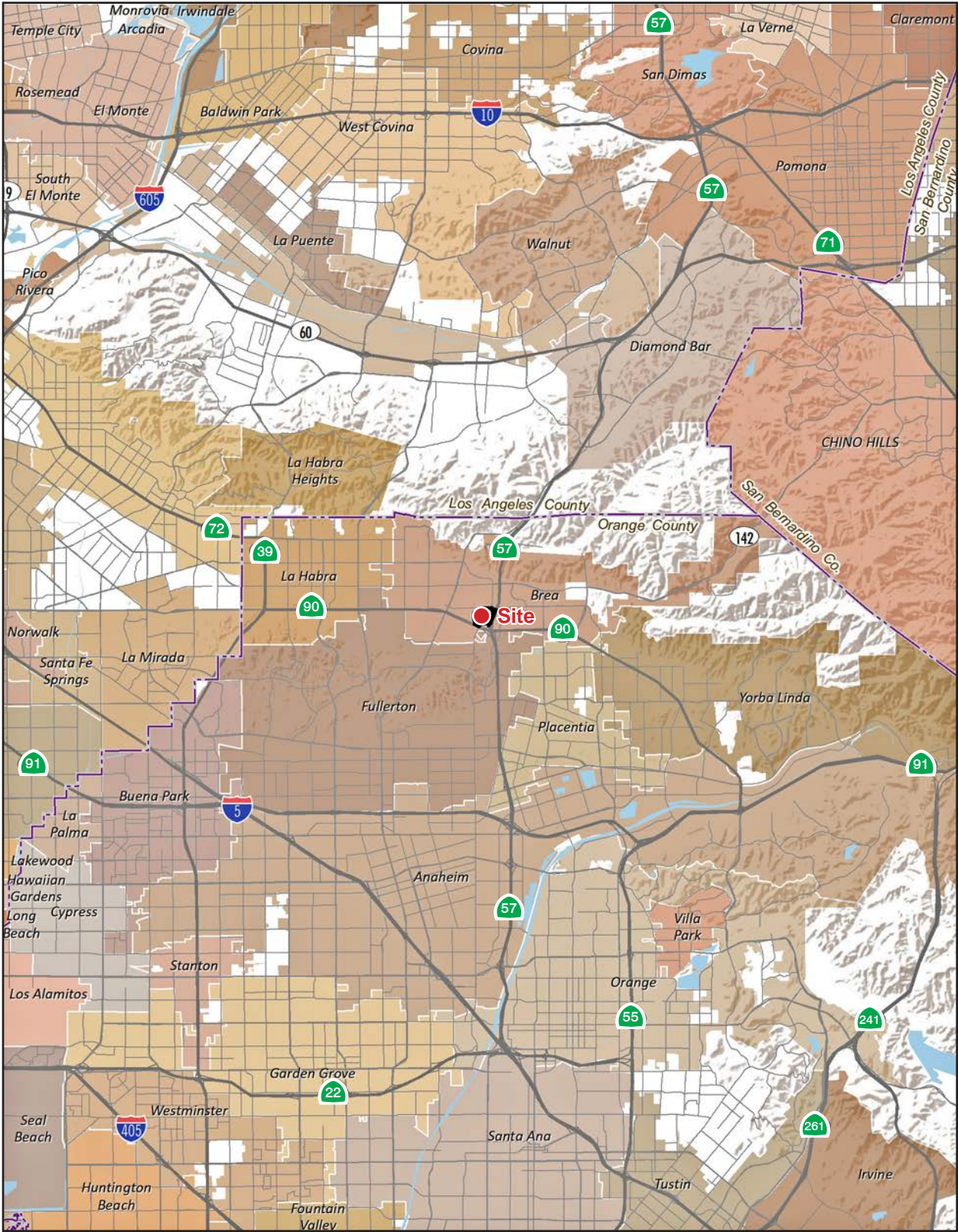
- Figure 1 – Aerial Photograph
- Figure 2 – Regional Location
- Figure 3 – Conceptual Site Plan
- Figure 4 – Conceptual Residential Building Plan
- Figure 5 – Conceptual Mall Buildings Site Plan

Figure 1 - Aerial Photograph





Figure 2 - Regional Location



Note: Unincorporated county areas are shown in white.  
Source: ESRI, 2019



PlaceWorks

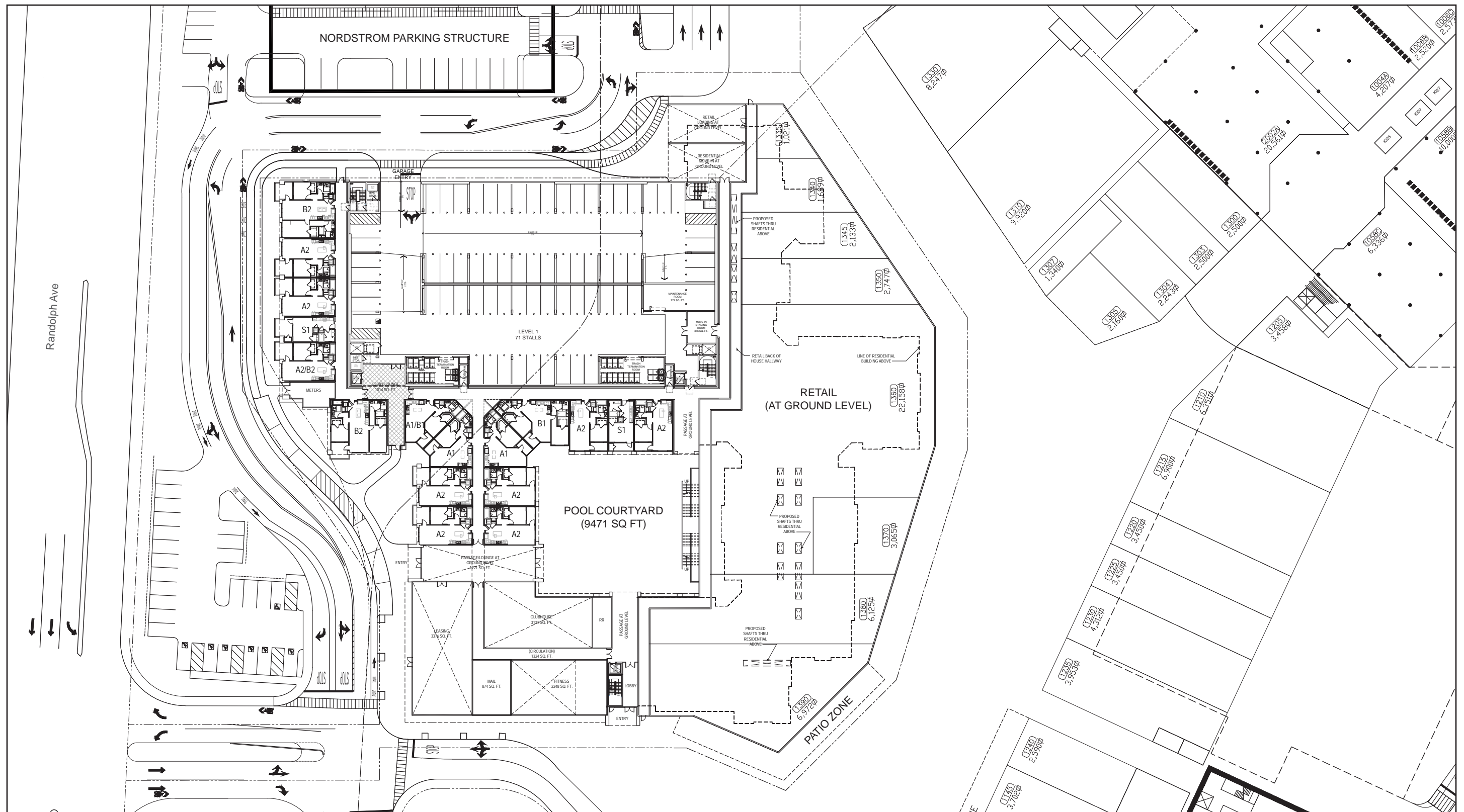


Figure 3 - Conceptual Site Plan





Figure 4 - Conceptual Residential Building Plan



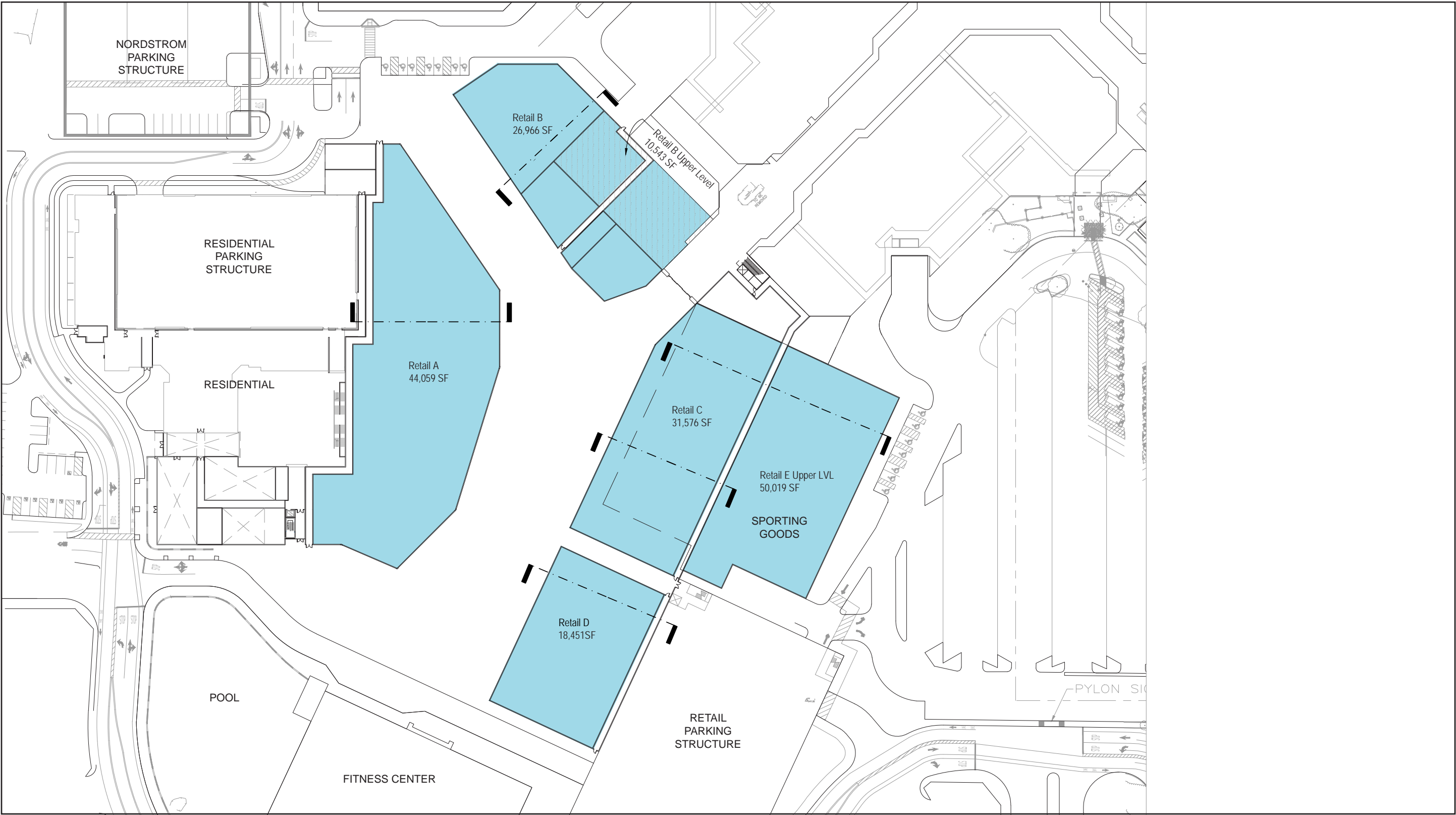
Source: Architects Orange, 2019

0 60  
Scale (Feet)

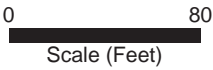


PlaceWorks

Figure 5 - Conceptual Mall Buildings Site Plan



Source: 505 Design, 2019





Gavin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

**Notice of Preparation**

August 16, 2019

To: Reviewing Agencies

Re: Brea Mall Mixed Use  
SCH# 2019080299

Attached for your review and comment is the Notice of Preparation (NOP) for the Brea Mall Mixed Use draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Jessica Magana  
Brea, City of  
1 Civic Center Circle  
Brea, CA 92821**

with a copy to the State Clearinghouse in the Office of Planning and Research at [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov). Please refer to the SCH number noted above in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2019080299/2>.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

cc: Lead Agency



**Notice of Completion & Environmental Document Transmittal**

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

SCH # **2019080299****Project Title:** Brea Mall Mixed UseLead Agency: City of BreaContact Person: Jessica MaganaMailing Address: 1 Civic Center CirclePhone: 714.990.7674City: BreaZip: 92821County: Orange**Project Location:** County: OrangeCity/Nearest Community: BreaCross Streets: Brea Mall, E. Birch St, S.Randolph Ave, State College BlvdZip Code: 92821Longitude/Latitude (degrees, minutes and seconds): -117 ° 53 ' 13.14" N / 33 ° 54 ' 56.39" W Total Acres: 17.5Assessor's Parcel No.: 319-101-26,37,62,63,64,71,73,75,76

Section: \_\_\_\_\_

Twp.: 3SRange: 10W

Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: SR-90, SR-57Waterways: Brea Creek, Fullerton CreekAirports: NARailways: NASchools: Brea Olinda USD**Document Type:**CEQA: ☒ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.) \_\_\_\_\_

☐ Draft EIS

Government Office of Planning &amp; Research

☐ Mit Neg Dec

Other: \_\_\_\_\_

☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☒ Rezone☐ Annexation☒ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☒ Use Permit☐ Coastal Permit☐ Community Plan☒ Site Plan☐ Land Division (Subdivision, etc.)☐ Other: \_\_\_\_\_**Development Type:**☒ Residential: Units 312 Acres 8.75☐ Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_

Employees \_\_\_\_\_

☐ Transportation: Type \_\_\_\_\_☒ Commercial: Sq.ft. 311,615 Acres \_\_\_\_\_

Employees \_\_\_\_\_

☐ Mining: Mineral \_\_\_\_\_☐ Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_

Employees \_\_\_\_\_

☐ Power: Type \_\_\_\_\_

MW

☐ Educational: \_\_\_\_\_☐ Waste Treatment: Type \_\_\_\_\_

MGD

☐ Recreational: \_\_\_\_\_☐ Hazardous Waste: Type \_\_\_\_\_☐ Water Facilities: Type \_\_\_\_\_

MGD \_\_\_\_\_

☐ Other: \_\_\_\_\_**Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☒ Recreation/Parks☒ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☒ Schools/Universities☒ Water Quality☒ Air Quality☒ Forest Land/Fire Hazard☐ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☒ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☒ Minerals☒ Soil Erosion/Compaction/Grading☐ Growth Inducement☐ Coastal Zone☒ Noise☒ Solid Waste☒ Land Use☒ Drainage/Absorption☒ Population/Housing Balance☒ Toxic/Hazardous☐ Cumulative Effects☐ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other: \_\_\_\_\_**Present Land Use/Zoning/General Plan Designation:**General Plan: Regional Commercial; Zoning: Major Shopping Center C-C**Project Description:** (please use a separate page if necessary)

As a result of the recent acquisition of the Sear's parcel, the Simon Property Group is proposing redevelopment of the Brea Mall. The proposed redevelopment would be on a 17.5-acre area in the southwest portion of the mall site. The proposed project involves demolishing the Sears department store and associated auto center (161,990 square feet) and 12 acres of surface parking in order to allow a mix of uses—including retail, for-rent residential uses, a resort-type fitness center, and a public gathering space. The project would result in a net increase of 149,625 square feet of retail use and between 312 residential units on an approximately 17.5-acre portion of the 74-acre Brea Mall site. The proposed project would require a General Plan Amendment and zone change to Mixed Use I to accommodate the proposed residential component of the project

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

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

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District # <u>12</u>	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # <u>8</u>
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

### Local Public Review Period (to be filled in by lead agency)

Starting Date August 16, 2019

Ending Date September 16, 2019

### Lead Agency (Complete if applicable):

Consulting Firm: PlaceWorks

Applicant: Simon Property Group

Address: 3 MacArthur Place

Address: 225 West Washington Street

City/State/Zip: Santa Ana, CA 92707

City/State/Zip: Indianapolis, IN 46204

Contact: Nicole Vermilion

Phone: \_\_\_\_\_

Phone: 714-966-9220

Signature of Lead Agency Representative: 

Date: 8-14-19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

# NOP Distribution List

## Resources Agency

**Resources Agency**  
Nadell Gayou

☐ **Dept. of Boating & Waterways**  
Denise Peterson

☐ **California Coastal Commission**  
Allyson Hitt

☐ **Colorado River Board**  
Elsa Contreras

☐ **Dept. of Conservation**  
Crina Chan

☒ **Cal Fire**  
Dan Foster

☐ **Central Valley Flood Protection Board**  
James Herota

☐ **Office of Historic Preservation**  
Ron Parsons

**Dept of Parks & Recreation**  
Environmental Stewardship Section

☐ **S.F. Bay Conservation & Dev't. Comm.**  
Steve Goldbeck

☒ **Dept. of Water Resources**  
Resources Agency  
Nadell Gayou

## Fish and Wildlife

☐ **Depart. of Fish & Wildlife**  
Scott Flint  
Environmental Services Division

☐ **Fish & Wildlife Region 1**  
Curt Babcock

☐ **Fish & Wildlife Region 1E**  
Laurie Harnsberger

☐ **Fish & Wildlife Region 2**  
Jeff Drongesen

☐ **Fish & Wildlife Region 3**  
Craig Weightman

☐ **Fish & Wildlife Region 4**  
Julie Vance

☒ **Fish & Wildlife Region 5**  
Leslie Newton-Reed  
Habitat Conservation Program

☐ **Fish & Wildlife Region 6**  
Tiffany Ellis  
Habitat Conservation Program

☐ **Fish & Wildlife Region 6 I/M**  
Heidi Calvert  
Inyo/Mono, Habitat Conservation Program

☐ **Dept. of Fish & Wildlife M**  
William Paznokas  
Marine Region

## Other Departments

☐ **California Department of Education**  
Lesley Taylor

☐ **OES (Office of Emergency Services)**  
Monique Wilber

☐ **Food & Agriculture**  
Sandra Schubert  
Dept. of Food and Agriculture

☐ **Dept. of General Services**  
Cathy Buck  
Environmental Services Section

☐ **Housing & Comm. Dev.**  
CEQA Coordinator  
Housing Policy Division

## Independent Commissions, Boards

☐ **Delta Protection Commission**  
Erik Vink

☐ **Delta Stewardship Council**  
Anthony Navasero

☐ **California Energy Commission**  
Eric Knight

County: ORANGE

☒ **Native American Heritage Comm.**  
Debbie Treadway

☐ **Public Utilities Commission**  
Supervisor

☐ **Santa Monica Bay Restoration**  
Guangyu Wang

☐ **State Lands Commission**  
Jennifer Deleong

☐ **Tahoe Regional Planning Agency (TRPA)**  
Cherry Jacques

## Cal State Transportation Agency CalSTA

☐ **Caltrans - Division of Aeronautics**  
Philip Crimmins

☐ **Caltrans - Planning HQ LD-IGR**  
Christian Bushong

☒ **California Highway Patrol**  
Suzann Ikeuchi  
Office of Special Projects

## Dept. of Transportation

☐ **Caltrans, District 1**  
Rex Jackman

☐ **Caltrans, District 2**  
Marcelino Gonzalez

☐ **Caltrans, District 3**  
Susan Zanchi

☐ **Caltrans, District 4**  
Patricia Maurice

☐ **Caltrans, District 5**  
Larry Newland

☐ **Caltrans, District 6**  
Michael Navarro

☐ **Caltrans, District 7**  
Dianna Watson

☐ **Caltrans, District 8**  
Mark Roberts

☐ **Caltrans, District 9**  
Gayle Rosander

☐ **Caltrans, District 10**  
Tom Dumas

☐ **Caltrans, District 11**  
Jacob Armstrong

☒ **Caltrans, District 12**  
Maureen El Harake

## Cal EPA

## Air Resources Board

☐ **Airport & Freight**  
Jack Wursten

☐ **Transportation Projects**  
Nesamani Kalandiyur

☒ **Industrial/Energy Projects**  
Mike Tollstrup

☒ **California Department of Resources, Recycling & Recovery**  
Kevin Taylor/Jeff Esquivel

☐ **State Water Resources Control Board**  
Regional Programs Unit  
Division of Financial Assistance

☒ **State Water Resources Control Board**  
Cindy Forbes - Asst Deputy  
Division of Drinking Water

☐ **State Water Resources Control Board**  
Div. Drinking Water # \_\_\_\_\_

☐ **State Water Resources Control Board**  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality

☐ **State Water Resources Control Board**  
Phil Crader  
Division of Water Rights

☐ **Dept. of Toxic Substances Control Reg. # \_\_\_\_\_**  
CEQA Tracking Center

☐ **Department of Pesticide Regulation**  
CEQA Coordinator

SCH# 2019080299

## Regional Water Quality Control Board (RWQCB)

☐ **RWQCB 1**  
Cathleen Hudson  
North Coast Region (1)

☐ **RWQCB 2**  
Environmental Document Coordinator  
San Francisco Bay Region (2)

☐ **RWQCB 3**  
Central Coast Region (3)

☐ **RWQCB 4**  
Teresa Rodgers  
Los Angeles Region (4)

☐ **RWQCB 5S**  
Central Valley Region (5)

☐ **RWQCB 5F**  
Central Valley Region (5)  
Fresno Branch Office

☐ **RWQCB 5R**  
Central Valley Region (5)  
Redding Branch Office

☐ **RWQCB 6**  
Lahontan Region (6)

☐ **RWQCB 6V**  
Lahontan Region (6)  
Victorville Branch Office

☐ **RWQCB 7**  
Colorado River Basin Region (7)

☒ **RWQCB 8**  
Santa Ana Region (8)

☐ **RWQCB 9**  
San Diego Region (9)

☐ **Other** \_\_\_\_\_

☒ **San Gabriel & Lower LA Conservancy**





NATIVE AMERICAN HERITAGE COMMISSION  
Cultural and Environmental Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691 Phone: (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>



Governor's Office of Planning & Research

August 23, 2019

**AUG 26 2019**

## STATE CLEARINGHOUSE

Jessica Magana  
Brea, City of  
1 Civic Center Circle  
Brea, CA 92821

RE: SCH# 2019080299, Brea Mall Mixed Use Project, Orange County

Dear Ms. Magana:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).



7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Staff Services Analyst

cc: State Clearinghouse



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 12

1750 EAST FOURTH STREET, SUITE 100

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[www.dot.ca.gov](http://www.dot.ca.gov)*Making Conservation  
a California Way of Life.*

September 13, 2019

Jessica Magana  
City of Brea  
Planning Division, Level 3  
1 Civic Center Circle  
Brea, CA. 92821

File: IGR/CEQA  
12-ORA-2019-01200  
Brea Mall Mixed Use

Dear Ms. Magana,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report (DEIR), for the City of Brea. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The proposed Brea Mall Mixed Used Project would be on a 17.5-acre area in the southwest portion of the mall site that includes the Sears parcel and adjoining transition areas adjacent to Nordstrom and Macy's. The proposed project involves demolishing the Sears department store and associated auto center (161,990 square feet) and 12 acres of surface parking in order to allow a mix of uses - including retail, for-rent residential apartments, a resort-type fitness center, and a public gathering space (large "central green" and plaza).

The Brea Mall is less than one eighth of a mile west of State Route 57 (SR 57) and is generally bounded by State College Boulevard to the east, Imperial Highway (also known as SR 90) to the south, South Randolph Avenue to the west, and East Birch Street to the north. The project site is generally in the southwest portion of the Brea Mall site formerly occupied by Sears.

The project site is less than 0.25 of a mile west of SR 57, and less than 0.1 mile north of SR 90. Both SR 57 and SR 90 are overseen by Caltrans, and as a responsible agency, Caltrans has the following comment:

### **Traffic Operations Comments:**

1. The following State facilities are to be analyzed for impacts and mitigation as needed per Caltrans Guide for the Preparation of Traffic Impact Studies:
  - a) Freeway Segments (Basic, Weaving, Merge and Diverge)
  - b) Ramp Terminals.
  - c) Multi-Lane Highways
  - d) Signalized Intersections
2. Analysis of State Facilities within the influence of the project is requested.
3. The Department is concerned with the additional traffic onto freeway off ramps and the queuing effects onto the mainline and the adverse operational and safety impacts. Therefore, a queuing analysis is requested for all off ramps within the study area.
4. The analysis provided for signalized intersections uses the Intersection Capacity Utilization (ICU) method. Traffic Operations requests the use of the latest version of the Highway Capacity Manual (HCM) methodologies when analyzing traffic impacts on State Transportation Facilities.
5. After the Traffic Impact Study is prepared, please submit a copy to Caltrans for review.

### **Systems Planning**

1. The District 4 Bikeways Strategies (2012) identifies the Brea Mall – CSUF – Santa Ana River Regional Bikeway Corridor as a Tier 1 project for OCTA. Tier 1 projects “have been designated as the ‘focus corridors’ for implementation and inclusion in grant funding applications.” Much of the northern portion of this corridor is already built, but a proposed spur would connect from Class II bike lanes on Associated Road, through Craig Regional Park, to the southeast corner of Brea Mall on Imperial Hwy. In further development of bicycle connectivity, consider good connections to both existing and proposed bikeways near the project area. For more information on the OCTA District 4 Bikeways Strategies, please visit: <http://www.octa.net/Bike/Bikeways-Planning/>

2. Consider providing appropriate safety measures for bicyclists and pedestrians in the project area, such as pedestrian-oriented LED lighting, wayfinding signage, and continental crosswalk striping. This encourages residents to utilize bicycling and walking as forms of transportation, thus improving air quality, reducing congestion, and increasing regional connectivity.
  - a. According to the City of Brea's General Plan Circulation Element (2003), there are existing and proposed Class II bicycle lanes on Birch Street and State College Boulevard. Connections to these facilities encourage Active Transportation, improve regional connectivity, and increase safety for residents who bicycle.
  - b. Consider providing connections to The Tracks at Brea, an existing Class I multiuse trail located approximately 0.5 miles north of the project site. Several access points to the trail are in the project vicinity. The trail is also part of the OC Loop, a 66-mile Active Transportation facility running through several cities in Orange County. Ensuring residents have safe access to the trail increases regional connectivity and promotes walking and bicycling. Caltrans also recommends providing wayfinding signage to the trail near the project site to guide users to the trail.
3. Clarify the types of bicycle facilities (i.e., Class II, Class III, etc.) in the project area. According to the site plans in the NOP, it appears that there are proposed Class II and Class III facilities on the project site. Consistency in bicycle facilities are recommended to increase safety for all roadway users, since movements by bicycles and vehicles will be more predictable.
4. Consider providing a larger amount of secure bicycle storage. There will be 312 housing units in the new development and, in the site plans, it appears that only two bicycle storage facilities are available to residents, with each facility holding ten bicycles. Sufficient bicycle storage ensures that there is enough space to accommodate for current and future bicycle demands. Secure storage encourages residents to utilize bicycling to access destinations, thus increasing regional connectivity, improving air quality, and reducing congestion. Multiple destinations and trails are within bicycling distance, such as Downtown Brea, The Tracks at Brea, Craig Regional Park, and Brea Marketplace Shopping Center.
5. Please consider incorporating designated areas/parking for freight delivery, package and transportation network companies pick up and drop off in the site plan design for this project.

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

**Permits:**

- Any project work proposed in the vicinity of the State right of way will require an encroachment permit, and all environmental concerns must be adequately addressed. Please coordinate with Caltrans in order to meet the requirements for any work within or near State Right-of-Way. A fee may apply. If the cost of work within the State right of way is below one Million Dollars, the Encroachment Permit process will be handled by our Permits Branch; otherwise the permit should be authorized through the Caltrans's Project Development Department. When applying for Encroachment Permit, please incorporate all Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, R/W certification and all relevant design details including design exception approvals. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual. The latest edition of the Manual is available on the web site:  
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, do not hesitate to contact Julie Lugaro at 657-328-6368 or [Julie.lugaro@dot.ca.gov](mailto:Julie.lugaro@dot.ca.gov).

Sincerely,



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





# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
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SENT VIA USPS AND E-MAIL:

[jessicam@ci.brea.ca.us](mailto:jessicam@ci.brea.ca.us)

Jessica M. Magana, Associate Planner  
City of Brea, Planning Division  
1 Civic Center Circle  
Brea, CA 92821

September 10, 2019

## Notice of Preparation of a Draft Environmental Impact Report for Brea Mall Mixed Use Project

The South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send South Coast AQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to South Coast AQMD. Please forward a copy of the Draft EIR directly to South Coast AQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files<sup>1</sup>. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, South Coast AQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

### Air Quality Analysis

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on South Coast AQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). South Coast AQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

South Coast AQMD has also developed both regional and localized significance thresholds. South Coast AQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results

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<sup>1</sup> Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, South Coast AQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by South Coast AQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

#### Mobile Source Health Risk Assessment

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways and other sources of air pollution, South Coast AQMD staff recommends that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

When specific development is reasonably foreseeable as result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse health risk impacts using its best efforts to find out and a good-faith effort at full disclosure in the CEQA document. Based on a review of aerial photographs and the Vicinity and Regional Map in the Notice of Preparation, South Coast AQMD staff found that the Proposed Project will be located in proximity to State Route 90 (SR-90), which, in 2013, had 4,118 daily truck traffic with 37% of them being 4- and 5-axle trucks at the intersection of SR-90 and State Route 57 (Post Mile R.5.453)<sup>2</sup>. Because of the proximity to the existing freeway and a potential source of air pollution, residents at the Proposed Project<sup>3</sup> would be exposed to diesel particulate matter (DPM), which is a toxic air contaminant and a carcinogen. Diesel particulate matter emitted from diesel powered engines (such as trucks) has been classified by the state as a toxic air contaminant and a carcinogen. Since future residences at the Proposed Project would be exposed to toxic emissions from the nearby sources of air pollution (e.g., diesel fueled highway trucks), South Coast AQMD staff

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<sup>2</sup> California Department of Transportation. 2013. *Truck Traffic: Annual Average Daily Truck Traffic*. Accessed at: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/2013-aadt-truck-a11y.pdf>.

<sup>3</sup> According to the Project Description in the Notice of Preparation, the Proposed Project would include, among others, a 380,947-square-foot building with 312 residential units on 17.5 acres.

recommends that the Lead Agency conduct a health risk assessment (HRA)<sup>4</sup> to disclose the potential health risks to the residents in the EIR<sup>5</sup>.

Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution

South Coast AQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the South Coast AQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. South Coast AQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. This Guidance Document is available on South Coast AQMD's website at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance<sup>6</sup> on strategies to reduce air pollution exposure near high-volume roadways can be found at: [https://www.arb.ca.gov/ch/rd\\_technical\\_advisory\\_final.PDF](https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF).

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 of South Coast AQMD's CEQA Air Quality Handbook
- South Coast AQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- South Coast AQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- South Coast AQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- California Air Pollution Control Officers Association (CAPCOA)'s *Quantifying Greenhouse Gas Mitigation Measures* available here:

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<sup>4</sup> South Coast AQMD. "Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis." Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>5</sup> South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

<sup>6</sup> In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

### **Health Risk Reduction Strategies**

As stated above, the Proposed Project is located in proximity to SR-90. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

Enhanced filtration systems have limitations. South Coast AQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that South Coast AQMD conducted to investigate filters<sup>7</sup>, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Furthermore, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to toxic emissions.

Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance and monitoring of filters in the Draft EIR. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to SR-90, the Lead Agency should include the following information in the Draft EIR, at a minimum:

- Disclosure on potential health impacts to prospective residents from living and/or working in proximity to freeways, and the reduced effectiveness of air filtration system when windows are open and when tenants are outdoor;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed on-site at the Proposed Project before a permit of occupancy is issued;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency's building and safety inspection unit to provide periodic, regular inspection on filters;
- Provide information and guidance to the Project developer or proponent on the importance of filter installation and ongoing monitoring and maintenance;
- Provide information to residents about where the MERV filters can be purchased;
- Disclosure on increased costs for purchasing enhanced filtration systems to prospective residents;
- Disclosure on increased energy costs for running the HVAC system with MERV filters to prospective residents;
- Disclosure on recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;

<sup>7</sup> This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ccqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.



- Identification of the responsible entity such as residents, tenants, Homeowner's Association (HOA) or property management to ensure filters are replaced on time, if appropriate and feasible;
- Develop ongoing cost sharing strategies between the HOA and residents/tenants, if available, for replacing the enhanced filtration units;
- Set up criteria for assessing progress in installing, replacing, and maintaining the enhanced filtration units; and
- Set up process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

#### **Alternatives**

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a "no project" alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

#### **Permits**

In the event that the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit South Coast AQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

#### **Data Sources**

South Coast AQMD rules and relevant air quality reports and data are available by calling South Coast AQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at South Coast AQMD's webpage at: <http://www.aqmd.gov>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that project air quality impacts are accurately evaluated and any significant impacts are mitigated where feasible. If you have any questions regarding this letter, please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov).

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS  
ORC190816-04  
Control Number



**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: Brea Mall Mixed Use Project  
**Date:** Monday, September 16, 2019 6:06:46 PM

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**From:** Cynthia Lorene [REDACTED]  
**Date:** August 28, 2019 at 8:16:34 PM PDT  
**To:** <[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)>  
**Subject:** Brea Mall Mixed Use Project

Dear Jessica,

Thank you for the opportunity to provide feedback.

I was discussing with another Brea resident the concern regarding the traffic flow to the Brea Mall once this project is complete. On a daily basis, Brea gets considerable traffic on Lambert Rd going to and from Carbon Canyon. Occasionally, Brea gets detoured traffic along Lambert Rd, Brea Blvd, and Imperial Hwy from the 57 freeways due to traffic accidents.. This traffic is caused by rush hour traffic, which could impact traffic traveling within the area of the Brea Mall. Additionally, holiday traffic could be impacted as more visitors are expected to visit the area.

The concern primarily is for the flow of traffic within the mall area and the surrounding areas as people approach and leave the mall. An assessment should be done for daily, workday traffic and weekend traffic (especially with new restaurants coming to The Promenade area and the new comedy club location). Additionally, an assessment should be done to determine if there is adequate parking for the mall traffic, since the new mall project will be taking away parking space, and to ensure traffic flow is sufficient enough for residents and consumers alike.

I have been a Brea resident for over 40 years and am familiar with the traffic situation and hope measures are being taken to ensure that everyone enjoys the new mall development with minimal inconvenience and hindrance.

I look forward to following up on any developments as they occur regarding this project.

Best regards,

Cynthia Lorene

**From:** [Crabtree, David](#)  
**To:** [Lilley, Jennifer](#); [Tinio, Maribeth](#)  
**Subject:** FW: brea mall update  
**Date:** Friday, August 30, 2019 8:10:27 AM

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**From:** Crabtree, David  
**Sent:** Thursday, August 29, 2019 6:09 PM  
**To:** nm45@hotmail.com  
**Cc:** City Council <CityCouncil@ci.brea.ca.us>; Gallardo, Bill <BILLGA@ci.brea.ca.us>  
**Subject:** Fwd: brea mall update

Good Afternoon- Thank you for your email below which was shared with me by our Mayor and City Council for response—most specifically, since we have an active development application for the Brea Mall working its way to Council for public hearing, the Council Members are really precluded from sharing their detailed thoughts on the project with you outside of the formal public process. I'm Dave Crabtree, Community Development Director for the City. Our team in Community Development have been engaging with the Brea Mall owners at Simon regarding their application for new development and I'm happy to provide some information regarding the Simon proposal.

While I certainly won't want to speak too much for Simon, one of their key goals with the proposal is to provide for a new era of evolution for the Mall. This has proven critically important for the retail industry across the country as it faces major societal shifts in how we all shop—most specifically further consumer reliance on the internet and the need to evolve malls and other commercial destination sites to both draw consumers as well as diversify uses. The Simon proposal for Brea Mall seeks to achieve that and other goals, with the inclusion of the Lifetime Fitness use as well as new housing opportunities integrated into the property—and new and improved retail and restaurant space as well.

Will this be the right combination for Brea? That is key—both for Simon as our mall owner and for the City and fit for our community. The Planning Commission and City Council will consider this question and all issues within the public process. That process is underway with the preparation of an environmental impact report for the proposed plans. Once completed, that report will be provided for public review and comment, and eventually the public hearings for the project will commence. We anticipate the EIR to be completed late this year/early 2020, followed by the public hearings early in the new year.

Again, thank you for your early comments and I encourage you to keep updated on the status of the project as it moves forward. To that end, please feel free to contact me regarding any further questions you should have. Regards, David

David Crabtree, AICP  
Community Development Director  
City of Brea  
714.990.7146



Begin forwarded message:

**From:** "Marick, Christine" <[christinem@ci.brea.ca.us](mailto:christinem@ci.brea.ca.us)>  
**Date:** August 29, 2019 at 12:30:48 PM PDT  
**To:** "Gallardo, Bill" <[BILLGA@ci.brea.ca.us](mailto:BILLGA@ci.brea.ca.us)>, "Crabtree, David" <[DAVIDC@ci.brea.ca.us](mailto:DAVIDC@ci.brea.ca.us)>  
**Subject:** Fwd: brea mall update

Begin forwarded message:

**From:** B M [REDACTED]  
**Date:** August 29, 2019 at 11:28:27 AM PDT  
**To:** Undisclosed recipients:;  
**Subject:** RE: brea mall update

I am a long time resident and would like to point out that approving yet another fitness facility near the brea mall would not be an ideal use of very valuable land. There are already 3 or 4 very successful fitness centers within a block or two of the brea mall that more than suffice the needs of the residents in that area. If the case is made that the old 24hour fitness center on Birch get relocated to the Sears location, it would be understandable. But in terms of sales tax revenues for the City, a mixed used development would be ideal and practical. Unfortunately I was unable to attend yesterday's meeting so am not sure what came out of it, but please keep in mind that this area of the City is the epicenter of shopping for the entire north OC region. Well run retailers and restaurants are thriving in that area, so why add housing there?

This front end of the mall should be an entertainment hub for people to come to and spend money. With proper development and an expansion of the parking structure behind nordstoms and macys, I believe there are plenty of better alternatives than a fitness center. If plans are approved to add a state of the art fitness center, the only outcome that I see forthcoming is the facility will hike up the prices for their members in order to recoup the tremendous amount of capital needed to build a new facility at that location. Currently, the fitness 19 and 24 hr fitness and the brea community center are basic and sufficient enough for the average gym goer. If a new facility is added to the mix, monthly dues will increase and could potentially lead to a consolidation of fitness facilities in that area.

If a model similar to that in Santa Ana main place mall is emulated, I do not feel as though it would be ideal for this location. They allowed for a high end 24 hr gym and is doing quite well. The reason for this is that there are no other gyms in the area.

In the case of Brea, there are several gyms. The thing that is keeping the gyms in business these days is that they have realized that Medicare is ready to pay the monthly bill of seniors who sign up for a membership. Regardless of whether the gym charges \$20 per month or \$40 per month, Medicare and several insurance plans cover their costs hoping to keep them from visiting the ER everyday. If a new facility is built and 24 hr fitness does relocate there, the average cost of membership will double for its existing clientele. It is my understanding that they are trying to convert all of their facilities into "Super Sport" so they can double their dues. We, as a community, need more affordable fitness centers rather than a new state of the art gym at the mall. Let's hope the other council members make the right decision and vote to attract more sales tax paying retailers to this location.

I would love to hear your feedback on this matter.

Thank You.

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**From:** B M [REDACTED]  
**Sent:** Friday, August 30, 2019 8:02 AM  
**To:** Crabtree, David <[DAVIDC@ci.brea.ca.us](mailto:DAVIDC@ci.brea.ca.us)>  
**Cc:** City Council <[CityCouncil@ci.brea.ca.us](mailto:CityCouncil@ci.brea.ca.us)>; Gallardo, Bill <[BILLGA@ci.brea.ca.us](mailto:BILLGA@ci.brea.ca.us)>  
**Subject:** Re: brea mall update

Thank you for taking the time to provide further details on the plan. I was not aware of the fact that Lifetime fitness is the party that is interested. Upon doing a quick google search I was able to find out that the one existing location they have in Laguna Niguel is charging \$150-\$180 per month for a luxury fitness center experience which is vastly more than the existing fitness centers in that area. I would like this fact to be highlighted during the public hearing process.

In the similar way that the majority of the high end retail stores that exist at South Coast Plaza in Costa Mesa would not survive very long in Brea, I do not believe a high end fitness center is going to get much traction among our residents. Furthermore, lifetime fitness does not qualify for the seniors Medicare SilverSneakers free fitness program so I would assume that the only people who would be able to afford such exorbitant rates are City of Brea employees.

I would like to see a referral to the Economic Development team to suggest alternatives to

Simon in place of a fitness center that would be more beneficial to the local middle class residents who do not have the disposable income to pay 3 or 4 times the going rate for a typical monthly fitness membership. This area is not Newport Beach or Laguna, it is Brea. Fitness 19, 24 hour fitness, and brea community fitness center cost around \$20-\$30 per month.

After conducting extensive observational research at these gyms, I have found that the average clientele are seniors with nothing much going on in their lives and on a fixed budget or students who are dreaming of joining a professional sports organization. Neither of these groups will be very interested in paying \$150 per month.

Simon will do what is in their best financial interest which is to lease to the highest bidder. That is why it is critical to present strategic alternatives to a fitness center. Looking forward to taking more active participation in future meeting and awaiting your response on a new proposal....



**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: Apartments under construction  
**Date:** Monday, September 16, 2019 6:01:48 PM

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**From:** Jean chung [REDACTED]  
**Date:** August 31, 2019 at 6:02:21 PM PDT  
**To:** <[jessicam@ci.brea.ca.us](mailto:jessicam@ci.brea.ca.us)>  
**Subject:** Apartments under construction

We have so many empty buildings in Brea and way too much traffic on our streets. I am sending this to let you know that I am opposed to the projects at State College and Birch and the one at Berry and Mercury on the basis of the traffic it will put on the streets and the increased pollution, danger to our children with all the additional traffic around schools on Birch and the congestion on our streets

Thank you

Jean Chung

Sent from my iPad

Ms. Jessica Magaña  
Associate Planner  
City of Brea, Planning Division

In reference to the Brea Mall Mixed Use Project NOP, the draft EIR should analyze the following:

Land use. In that the proposed project is located on a parcel zoned CC, and residential units are intended to be constructed thereat, the draft EIR should specifically address (i) why the General Plan should be amended and (ii) why a zoning change should be made with regards to such parcel to allow residential use in an area designated for commercial use. The Brea General Plan has been time tested and proven to be a successful master plan for orderly development in the city of Brea and as such is established precedent that should not be changed without a good and compelling reason.

The trend of slowing retail sales at brick and mortar malls resulting in decreased rental revenue and net income for **private** mall owners is an insufficient reason to justify amendment of the General Plan to allow the development of the proposed project that will have detrimental effects on **public** health and safety. Those detrimental effects should be self-evident in the properly prepared draft EIR. While corporate landowners are stakeholders in Brea, it can't be overemphasized that the residents of Brea will be most affected by the detrimental effects of the proposed project. In addition, it should not be forgotten that the City of Brea has supported the initial development of the mall with a sales tax sharing agreement providing a rebate back to the landowner, and going forward it is neither the City's nor any Brea taxpayer's obligation to provide any financial support to the mall's corporate owner.

A better approach to the problem with respect to decreased demand for retail space is to determine the best use of the subject property that fits within the General Plan. Wouldn't it be better if the mall owner decided to renovate the space and keep it as retail space with lower rents to attract more retail tenants? But then again, if greed is just too tempting why not go for the brass ring and ask for the best and highest use of the land which would be dense residential development 7 stories high, as tall as the Embassy Suites and plan for developing more and more of the mall in the same manner. The mall owner may argue that malls across the country are closing and ending up as blighted areas and that the same might happen to the Brea mall, unless it gets its way. You can't reasonably decide a matter based on "what ifs" or threats, if you want to come to a decision that is in the best interests of all concerned.

A related comment concerns the high debt per capita for Brea relative to other communities in Orange County and the impact it has on land use and development in Brea. Brea elected officials and city managers in the past had become overly reliant on sales taxes revenues to support the ever growing municipal budget, and since retail sales have slowed along with other factors it has become increasingly difficult for Brea to balance its budget. With the city mostly developed and with significant amount of incremental property tax revenues tied to servicing of redevelopment project bonds, there is a tempting solution that would generate more unrestricted property tax revenues and development and CFD fees through increased density development of properties that are currently less densely developed. This would temporarily increase property tax revenues

and other fees, but in the mid and long term would adversely affect the quality of life of Brea residents because of overdevelopment issues, especially environmental issues. We have already seen evidence of this trend with the approval of the Central Park Village and Hines projects, and the proposals of the Brea 265 and Mercury Lane projects. While there is a serious shortage of housing in the metropolitan areas of California, the solution can't simply be solved by overdevelopment without the appropriate infrastructure improvements, especially mass transit which is sorely lacking in Orange County and unlikely to be available in the next decade or more. The disruption of the order set forth in the General Plan will result in the disruption of orderly development in Brea and have an adverse effect of the quality of life for Brea residents.

**Air quality.** In particular, the high density residential structures will result in additional burden to air quality compared to its current zoning with its carbon and nitrogen footprint from car trips generated by residents and workers at the proposed project and the use of carbon fuels for heating water and likely living spaces. Though state mandated solar energy usage for the proposed project will reduce this impact, the net impact still must be determined using reasonable assumptions. While the NOP does not specify the number of parking spaces for the proposed project with respect to the high density residential units, there should be a reasonable estimate of the average of number of cars per unit. In addition, the proximity of the proposed project to the 57 freeway and major arterial roads, State College Boulevard and Imperial Highway subjects and exposes the numerous densely populated proposed residents to much higher concentrations of air pollutants, especially CO, diesel exhaust, and particulate matter.

**Population and housing.** The proposed project will add a proposed 312 new housing units and a related number of residents to the site. Using the "2+1" rule, this proposed project would add over 650 people to the population in Brea. Why should the General Plan be amended or varied to allow such high density residential development when it would be inconsistent with established nonresidential use? While Brea is in need of more housing, the question is what is the impact to the environment due to this increase in residential units and people living therein, especially when the current General Plan specifies no residential use.

**Public Services.** To what extent will the proposed project have on the need for additional public services, the cost of such services, and how those services will be paid for not only in terms of upfront development fees but also long term estimated costs needed to provide future services to the extent not covered by upfront development fees or direct payment through specific funds for such services such as from a CFD for the proposed project?

The additional police, fire, paramedic, traffic and maintenance services required will need to be determined based on the estimated number of additional residents and units. In particular, it is expected that traffic along Imperial Highway, Birch Street, Lambert Road, State College Blvd. and Brea Blvd. will be much heavier and may require more dedicated police services to ensure smooth traffic flow despite certain limited traffic improvements to accommodate increased traffic volume and flow. Residents of Brea are complaining more and more about traffic congestion and about drivers speeding and going through red lights and resulting serious vehicular accidents on major arterial roads. With the tight municipal budget, the police are constrained as to enforcement of traffic laws, and having enough available officers to respond to calls from residents. It was not that long ago that the police chief of Brea requested an additional

half million dollars to its annual budget to fully fund the Brea PD. How will the proposed project further dilute public services on a qualitative and quantitative basis?

Transportation and circulation. The geography of Brea is such that a long range of hills (Puente and Chino) along its northern border. There are only a few north to south highways that go through these hills, namely Brea Canyon Road, the 57, and Carbon Canyon Road. Due to the differential in (1) wages and (2) market value per square foot of residential housing between the Inland Empire and Orange County, many worker-commuters travel southbound in the morning to work and northbound to go home in the evening during rush. While some may argue that many of those worker-commuters may move to the proposed project to shorten their drive, this will be unlikely unless they can afford Brea housing costs and want to pay that price, thus it is more likely there will not be very many of those that will move to the proposed project. There is no indication in the NOP that the proposed project is expected to provide affordable housing, and as such the proposed residential part of the project will be assumed to be premium apartments in line with the nearby Hines project apartments. As such it is unlikely many who work in Brea will be able to afford living in the proposed apartments and reduce traffic congestion in Brea.

In the recent draft EIR for the Mercury Lane proposed project, the impact of traffic was identified as significant. Specifically, it provided that the Level of Service of key intersections in Brea would decline and that the Brea Boulevard and Imperial Highway and State College Blvd. and Imperial Highway would in a year be “D” grade or in simple terms unacceptable. The traffic impact of the proposed project will also likely be significant.

As I previously mentioned in comments for the Brea 265 NOP for the draft EIR. The key intersections in Brea have so much traffic in all directions that little if any efficiency will be gained by developer suggestions or offers to mitigate traffic by providing smart signals using predictive AI and timing differentials to control the order and duration of the different signal lights and arrows. This is especially true when those same intersections are so close to the 57, Imperial Highway and other state controlled intersections where Brea has no jurisdiction to control because traffic flow on state routes is takes precedent over traffic flow on city roads. Gridlock will have a serious and possibly lethal consequence for residents of Brea that will need emergency medical services and are unable to receive those services in a timely manner.

Conclusion. As a longtime resident of Brea, it has been difficult to acknowledge the adverse changes that have resulted from growth in Brea, but growth and change are inevitable. Brea has adopted a General Plan providing for controlled growth in Brea that has served Brea well, and there is no good and compelling reason to change that now.

Tom Kwan  
Brea

**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: Mall Upgrade  
**Date:** Monday, September 16, 2019 5:37:14 PM

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**From:** TedWNewman [REDACTED]  
**Date:** September 12, 2019 at 7:15:30 PM PDT  
**To:** <[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)>  
**Subject:** Mall Upgrade

The overall thrust of the plans seem OK. But, I am very much against a seven story building at that location! I understand packing the density helps pencil out a profit for the companies involved, but that is way too tall for this area. I think 4 stories above ground should be the max.

And some way must be made to make the traffic less of an impact than it already is. Not sure how that can be done, but the goals should be less than it is now!.

Don't pad the estimates with unrealistic ideas of people walking or biking there versus cars. Or, totally off base ideas of Uber or Lyft which logic insists will make things worse. And not counting people who live in the units which would be ridiculously specious.

The parking and traffic at Whole Foods complex was filled with ridiculous optimism. Get it real. It matters.

thanks for your consideration.



**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: Brea mall Reno  
**Date:** Monday, September 16, 2019 5:55:59 PM

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**From:** Danielle Irwin [REDACTED]  
**Date:** September 13, 2019 at 2:01:12 PM PDT  
**To:** <[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)>  
**Subject:** Brea mall Reno

Hello Jessica. I live in the Brea area and although I have felt the entire mall has needed to be renovated for a long time I have definite concerns. One is the traffic is already awful and the mall is ridiculously crowded with teens. But also it sounds like this is being designed strictly around the new apartments to come.

What about the folks that don't live in the apartments and are homeowners in the area? Anything planned for us? And with the crowds from apartments etc would we even try to go there? Thanks for listening to my concerns.

Sent from my iPhone

**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: mall housing and mercury housing  
**Date:** Monday, September 16, 2019 5:41:53 PM

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**From:** [REDACTED]  
**Date:** September 13, 2019 at 8:39:07 AM PDT  
**To:** <[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)>  
**Subject:** mall housing and mercury housing

Good morning Mrs Magana

On both of these projects the people living here in Brea are done with apartments and multi story apt. buildings !!! is this the best the city can do ? my wife is the first owner of our house she bought it in 1974 our kids and grand kids live here.

I am a retired senior building inspector from another city , I have watched city's do what your doing now and the damage it has done to the community . please listen to the community and stop the apts... it's like the city is for sale to the highest bidder and they can do what they want.

You know the district attorneys office has a division just to look at jurisdictions doing what Brea is doing changing zoning commercial to residential , parking issues ,ect. because there is more then likely something else going on, maybe its time they get a call..

Thank you for your time Ed Dougan

**LAW OFFICE**  
**OF**  
**GUY V. WHITWORTH**

**1422 Edinger Avenue  
Suite 150  
Tustin, California 92780**

**Tel: (714) 444-4940 x 224  
guy.whitworth@tfgflp.com**

September 13, 2019

City of Brea Planning Division  
1 Civic Center Circle  
Brea, 92821

Attention: Jessica Magana

RE: Proposed Redevelopment of Brea Mall – Simon Property Group

Dear Ms. Magana:

Over the past decade, I have represented the Brea Downtown Owner's Association ("BDOA") in its dealings with the City of Brea. The recently revised "Amended and Restated Declaration of Covenants, Conditions and Restriction For the Brea Downtown Owners Association" (the "BDOA Agreement") documents, among other items, the investment in and construction and maintenance by, the City of Brea and the BDOA of public parking to accommodate "Brea Downtown". As noted in Recital F of the BDOA Agreement, the City of Brea owns four properties and sits as a voting member of the BDOA and is interested in promoting, together with its other members, the success and prosperity of Brea Downtown. Indeed, Brea Downtown has been specifically designed and operated for a number of years as the primary City of Brea venue for public events, gatherings and entertainment.

I have deep concerns about the proposed redevelopment of the Brea Mall:

1. The City of Brea and the BDOA and its members have invested many millions of dollars in Brea Downtown in reliance and trust on the express and understood purpose of creating a mutually beneficial and vibrant downtown venue for public events, assembly and gatherings. If approved, the proposed redevelopment of the Brea Mall would violate both the letter and spirit of

that trust and purpose.

2. Residents of Brea already enjoy, (due in large part to the construction by the City of Brea of three multilevel parking garages), free parking in Brea Downtown which makes it possible to stage large free special events. No public purpose is served by recreating a second downtown district – it is not needed and could come at considerable expense to Brea taxpayers. Additionally, as mentioned above, it would infringe on the rights and expectations of the BDOA and Brea Downtown merchants who heavily invested in Brea Downtown relying on written and oral representations made by the City of Brea.

The Brea Downtown venue for public gathering, entertainment and dining was carefully thought through, designed, constructed and now benefits the City of Brea and its residents. The BDOA, its members, and merchants will actively oppose the creation of a second public gathering, entertainment and dining venue and believe it is an infringement, violation and breach of the trust and partnership already in place between the City of Brea and the BDOA, its members and merchants.

Regards,

A handwritten signature in black ink, appearing to read 'Guy V. Whitworth'. The signature is stylized with a large, sweeping loop at the end.

Guy V. Whitworth

**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: comments on brea mall proposal  
**Date:** Monday, September 16, 2019 5:55:40 PM

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**From:** Phyllis E. [REDACTED]  
**Date:** September 13, 2019 at 1:34:12 PM PDT  
**To:** "[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)" <[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)>  
**Subject:** comments on brea mall proposal

hello....saw the nice article in the register about the possible plans for part of the mall....

we love the idea of a nice fitness club well maintained and run well and outdoor kids play area

what about an REI store?

a johns incredible pizza restaurant would be a nice family friendly place. !!!! we often visit the one at buena park mall ( to which before or after we stroll along and shop at the stores ) and there is one at the westminster mall as well seems like they mall spaces maybe a good fit for brea ??? might be a nice addition as its way more adult than a chuck-e cheese with real food selections .. but not as bar like as a dave and busters.... buy charging to enter which includes your meal it keeps wondering kids out and encourages families to have good clean family fun....

a fun newer concept is a space like the new "open market OC" ( its in the old macy building at the laguna hills mall) where vintage and crafters rent by the month spaces to sell unique items....( not store bought cheap swap meet toys ) new deco and clothing hand crafter things etc. check out and google " open market OC " and see what its all about... this idea is more about items .... not a lot of food like the anaheim packing house....

like the idea of central outdoor space for free music and or free concert or free fashion shows things to bring community together....

we love the downtown brea once a year country night with dancing and vendors and wrist bands and food samples etc.... maybe this area could have their own yearly event...

any chance of " art style of space" like recording studios and or classes on mosaics or pottery wheel making things etc.... at a reasonable price maybe see if local studios would help sponsor a space to bring awareness to their private business etc

well these were just a few items that popped into our minds see what you think

have a great weekend brea resident



**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: mall  
**Date:** Monday, September 16, 2019 6:01:04 PM

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**From:** Al Holer [REDACTED]  
**Date:** September 16, 2019 at 5:32:21 PM PDT  
**To:** <[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)>  
**Subject:** mall

536 parking spaces is not enough spaces for 300 apartments. When will the city learn. Most couples have 2 cars. on weekends expect guests. If the city were to charge the developer for parking outside the 536 spaces for the life of the development I wonder how many spaces they would provide? Over 600.

Brea has enough Fitness centers. How about a grocery store for the apartment dwellers.

With JC Penney filing chapter 11 u need to think about anchor stores. Saks Fifth Avenue or Neiman Marcus.

Al Holer

**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: Simon Mall project  
**Date:** Monday, September 16, 2019 5:59:40 PM

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**From:** Dwight Manley [REDACTED]  
**Date:** September 16, 2019 at 5:10:23 PM PDT  
**To:** <[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)>, <[guy.whitworth@tfgflp.com](mailto:guy.whitworth@tfgflp.com)>, <[afanticola@tfgflp.com](mailto:afanticola@tfgflp.com)>  
**Subject:** Simon Mall project

To whom it may concern,

I am sending this email with my some of my concerns about what I learned at the scoping meeting for the new mall plans.

- 1) The parking structure has adequate parking for the gym, but where do the rest of the people park for the mall?
- 2) Where is the plaza/open space in the equation for needed parking? Outdoor shopping areas and gathering space will increase the body count well beyond the interior retail square footage. This needs to be accounted for. The same goes for the outdoor pool/gym area.
- 3) What will the parking be for the BJ's after this? As of today, their diners all are parking in the Sears lot.
- 4) The apartments don't show the parking or sizes, and they are looking fair too high for the location. They should be a little smaller than the Avalon Bay project for scale, as the mall is only two stores vs the Hines office buildings which are 98'
- 5) The ingress/egress at Randolph is staying the same? This makes no sense to me, and needs serious study.
- 6) How does an In n Out burger across the street and at a shared intersection affect the mall? This was already approved, so it needs to take priority.
- 7) The entertainment uses proposed art discussed in the recent paper article are not appropriate for the Mall, and as the downtown is the "entertainment zone", whatever is designed needs to stay within the retail and eating category.
- 8) hours of operation were not discussed, but they need to be consistent with the mall's hours today, which closes by 9pm.
- 9) Where is the loading zone and how do all of the trucks that deliver products and services access this area.

10) What happens if gym customers park in the restaurant parking? How will this be managed.

11) How do the interior units in the apartment proposal get serviced by the fire department? It looked impossible to access.

12) Is there a valet location?

There may be more items after reviewing the EIR, but I wanted you to have these both on behalf of myself as a resident, and as a downtown business owner. Also, as a member of the BDOA.

Thank you very much

Dwight Manley

[REDACTED]

**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: Brea Mall Makeover  
**Date:** Monday, September 16, 2019 5:58:30 PM

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**From:** Kevin Gorham [REDACTED]  
**Date:** September 16, 2019 at 11:34:27 AM PDT  
**To:** <[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)>  
**Subject:** Brea Mall Makeover

We need this redo of the mall. Please approve!

Kevin Gorham  
Brea Resident

September 16, 2019

File Number: ORRY-286821

**VIA ELECTRONIC MAIL**

Jessica M. Magaña  
Associate Planner  
City of Brea - Planning Division  
1 Civic Center Circle  
Brea, CA 92821  
E-Mail: jessicam@ci.brea.ca.us

Re: Notice of Preparation for the Brea Mall Mixed Use Project

Dear Ms. Magaña:

We represent Macy's, Inc. ("Macy's") regarding its property located at the Brea Mall. On August, 28, 2019, we attended the scoping meeting held by the City of Brea ("City") for the Brea Mall Mixed Use Project ("Project") proposed by Simon Property Group ("Applicant") to redevelop a 17.5-acre portion ("Sears Parcel") of the land occupied by the Brea Mall. Macy's is a key stakeholder at the Brea Mall and has a vested interest in any redevelopment activities on the Project site. Accordingly, we are submitting comments on the Notice of Preparation ("NOP") for the Draft Environmental Impact Report ("Draft EIR") for the Project.

We understand that the Applicant plans to redevelop its property with a mixed-use project that includes 312 new residential units, 311,615 square feet of new retail use, a resort-type fitness center, and public gathering space, as further described in the NOP. The NOP also states that the Project site includes the Sears Parcel and "adjoining transition areas adjacent to Nordstrom and Macy's." This is a major development adjacent to Macy's land and existing retail operations. As a basic matter, Macy's request that the City and the Applicant carefully consider how construction and operation of the Project could adversely impact Macy's land and ongoing retail operations. There should be special attention paid to those areas where the Project does, or has the potential to, interfere with or encroach upon, Macy's land or leasehold rights.

We recognize that the City decided not to prepare an Initial Study pursuant to the California Environmental Quality Act ("CEQA") as part of its effort to scope the Draft EIR. That makes determining the scope of the Draft EIR difficult at this point. Moreover, there was some inconsistency between the NOP and other materials presented at the scoping meeting regarding what the Draft EIR will analyze. The NOP states that the Draft EIR will analyze Air Quality, Cultural Resources, Greenhouse Gas Emissions, Land Use and Planning, Population and Housing, Noise, Transportation, and Tribal Cultural Resources. The presentation materials from the scoping meeting, however, included a slide that list all of the environmental issue areas in Appendix G of the CEQA Guidelines as topics that will be covered in the Draft EIR. It is



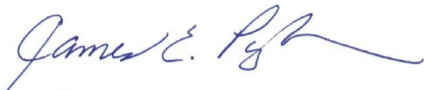
important for Macy's that the Draft EIR contain a robust analysis of the environmental issues that could adversely impact Macy's interests. Thus, the Draft EIR should at a minimum provide a detailed analysis of: Land Use and Planning, Noise and Vibration, Population and Housing, Public Services, Transportation and Circulation, and Utilities and Service Systems. Also, we expect that the Draft EIR will explain, and support with evidence, which environmental effects the City has determined are clearly insignificant and unlikely to occur. These areas of focus are not intended to limit Macy's potential future input on the scope of the Draft EIR.

In addition, an accurate description of the environmental setting is key to adequate impact analysis. CEQA Guidelines Section 15125 provides that the purpose of an accurate environmental setting is to give the public and decision makers the most accurate and understandable picture as possible of the project's likely near-term and long-term impacts. And, where existing conditions may fluctuate over time, the Lead Agency may define conditions expected to occur when the project becomes operational. This concept is also known as a future baseline condition. The Brea Mall is in transition, as evidenced by the Project, and Macy's' interest in redeveloping its land. The Brea Core Plan also illustrates the future land use plans for the Brea Mall. We point this out because it is important for the Draft EIR to consider (and possibly analyze) how the Project may impact, and interact with, the future baseline conditions at the Brea Mall. If Macy's launches its own redevelopment project, then this point becomes particularly relevant because the Macy's project would become an adjacent related project for cumulative impact analysis.

We close by noting that this letter is not adversarial. It is exciting to see the City focused on smart growth at the Brea Mall and in the surrounding Brea Core Plan area. Macy's is optimistic that the Project will be well designed and enhance the Brea Mall. We trust that the Draft EIR will be legally adequate. Please add us to the City's interested stakeholders list so we receive all notices and public information regarding the Project. We look forward to collaborating with the City, and the Applicant, on the Project and Macy's' own potential redevelopment plans at the Brea Mall.

Thank you for considering the points raised in this letter.

Best regards,



James E. Pugh  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4832-2166-1861.3

P: (626) 381-9248  
F: (626) 389-5414  
E: mitch@mitchtsailaw.com



155 South El Molino Avenue  
Suite 104  
Pasadena, California 91101

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**VIA U.S. MAIL & E-MAIL**

September 16, 2019

Jessica M. Magaña, Associate Planner  
City of Brea – Planning Division  
1 Civic Center Circle  
Brea, CA 92821  
Em: jessicam@ci.brea.ca.us

RE: Notice of Preparation of a Draft Environmental Impact Report for the  
Brea Mall Mixed Use Project

Dear Ms. Magaña

On behalf of the Southwest Regional Council of Carpenters and Juan Lepe( “**Commenter**” or “**Carpenters**”), my Office is submitting these comments on the City of Brea’s (“**City**” or “**Lead Agency**”) Notice of Preparation of an Environmental Impact Report (“**NOP**”) (SCH No. 2019080011) for the Brea Mall Mixed Use Project (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including in southern 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, including Juan Lepe, live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenter 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 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.

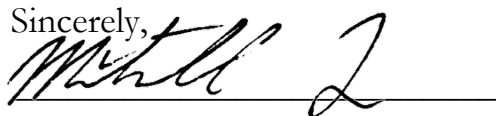
Commenter incorporates by reference all comments raising issues regarding the environmental impact report (“**EIR**”) submitted prior to certification of the EIR for

the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 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, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

If the City has any questions or concerns, feel free to contact my Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", is written over a horizontal line.

Mitchell M. Tsai

Attorneys for Southwest Regional  
Council of Carpenters

**From:** [Magana, Jessica](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#)  
**Subject:** Fwd: Brea Mall makeover - Daily Mall deliveries  
**Date:** Tuesday, September 17, 2019 8:18:44 AM

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**From:** Bob and Amy Rosner [REDACTED]  
**Date:** September 17, 2019 at 1:37:21 AM PDT  
**To:** "[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)" <[jessicam@cityofbrea.net](mailto:jessicam@cityofbrea.net)>  
**Subject:** Brea Mall makeover - Daily Mall deliveries

Hi there Jessica. My name is Bob and I'm the UPS driver for the Brea Mall. I am quite concerned that there won't be ample parking for delivery vehicles when the Brea Mall gets renovated. Right now and for the last 25 years I've used the Nordstrom/Sears truck court for my deliveries. This area has sufficed for delivery purposes over the years but it has now become a constant struggle to park my UPS truck there in a spot, close enough to the mall entry doors, that will not only allow me to do my job but also not contribute to the cluttered logjam of all the other delivery vehicles in that space as well as to appease Mall security who doesn't want any delivery vehicle to remain parked there after 11am. The 11am thing is and has always been an inconceivable joke-I have 5 to 6 hours worth of work to do at the mall every day, but I still get hassled by security when they come around.

Please tell me these concerns will be appropriately addressed during the renovation...the plans that were recently released to the public didn't seem to show ANY delivery areas! We'd also love to be able to park in a covered or semi-covered area to help fight off the blistering summer heat and the winter rain.

Thanks so much for your attention to this matter and I hope to be able to communicate with you more in the future regarding this subject. Have a great day and take care!

-Bob Rosner

Get [Outlook for Android](#)

COMMENT CARDS

August 28, 2019 5:00-7:00 PM – Brea Mall Mixed Use Project Scoping Meeting

Please let us know your comments/concerns regarding the Brea Mall Mixed Use Project EIR  
(please print):

My main concern is with the residential component  
of the project which will increase traffic on  
Imperial and Birch. There are additional  
residential projects at Valencia + Lambert  
as well

Name:

Russ Supple

Address:

Brea 92821

Please return this card to Jessica Magaña, Associate Planner, City of Brea – Planning Division, at the end  
of the Scoping Meeting or mail to:

Place  
Stamp  
Here

City of Brea – Planning Division, Level 3  
Attn: Jessica Magaña  
1 Civic Center Circle  
Brea, CA 92821



COMMENT CARDS

August 28, 2019 5:00-7:00 PM – Brea Mall Mixed Use Project Scoping Meeting

Please let us know your comments/concerns regarding the Brea Mall Mixed Use Project EIR  
(please print):

7 stories should be more in the neighborhood of 4 stories

The Curves of driving within mall having hard turns.

The Apts as shown, show windowless bedrooms on inter?

Name: John Windes

Address:

Please return this card to Jessica Magaña, Associate Planner, City of Brea – Planning Division, at the end of the Scoping Meeting or mail to:

Place  
Stamp  
Here

City of Brea – Planning Division, Level 3  
Attn: Jessica Magaña  
1 Civic Center Circle  
Brea, CA 92821

COMMENT CARDS

August 28, 2019 5:00-7:00 PM – Brea Mall Mixed Use Project Scoping Meeting

Please let us know your comments/concerns regarding the Brea Mall Mixed Use Project EIR  
(please print):

IS THE DEVELOPER CONTRIBUTING TO  
THE COST TO CONSTRUCT THE IMPROVED  
57 / LAMBERT INTERSECTION ?

Name:

HARRY DRAKE

Address:

[REDACTED]

BREA CA 92821

Please return this card to Jessica Magaña, Associate Planner, City of Brea – Planning Division, at the end  
of the Scoping Meeting or mail to:

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City of Brea – Planning Division, Level 3  
Attn: Jessica Magaña  
1 Civic Center Circle  
Brea, CA 92821

COMMENT CARDS

August 28, 2019 5:00-7:00 PM – Brea Mall Mixed Use Project Scoping Meeting

Please let us know your comments/concerns regarding the Brea Mall Mixed Use Project EIR  
(please print):

HAS THE DEVELOPER CONSIDERED THE TRAFFIC  
AND DIFFICULTY RENTERS WILL HAVE  
ACCESSING THEIR APARTMENT PARKING AREA  
DURING CHRISTMAS SHOPPING SEASON  
AT THE MALL?

Name: TERRI DRAKE

Address: [REDACTED] BREA, CA 92821

Please return this card to Jessica Magaña, Associate Planner, City of Brea – Planning Division, at the end  
of the Scoping Meeting or mail to:

Place  
Stamp  
Here

City of Brea – Planning Division, Level 3  
Attn: Jessica Magaña  
1 Civic Center Circle  
Brea, CA 92821

COMMENT CARDS

August 28, 2019 5:00-7:00 PM – Brea Mall Mixed Use Project Scoping Meeting

Please let us know your comments/concerns regarding the Brea Mall Mixed Use Project EIR  
(please print):

Please bring Williams Sonoma back to Brea Mall  
Please make sure adequate parking for 312 apts.  
in structure for apts.

Name: Debbie Louis

Address: [REDACTED], Brea

Please return this card to Jessica Magaña, Associate Planner, City of Brea – Planning Division, at the end  
of the Scoping Meeting or mail to:

Place  
Stamp  
Here

City of Brea – Planning Division, Level 3  
Attn: Jessica Magaña  
1 Civic Center Circle  
Brea, CA 92821

COMMENT CARDS

August 28, 2019 5:00-7:00 PM – Brea Mall Mixed Use Project Scoping Meeting

Please let us know your comments/concerns regarding the Brea Mall Mixed Use Project EIR

(please print): I want to support the housing components. But I want

to stress the need for people who work in the lower-income  
service-sector employment such as in retail and restaurants.  
These units need to be attainable to the local workforce  
who are least able to afford market rate housing. The  
site is near transit and meets city plan for infill and

Name: Susan Perlson

Address: [REDACTED] Brea

mixed-use areas.  
Brea needs more workforce  
housing!

Please return this card to Jessica Magaña, Associate Planner, City of Brea – Planning Division, at the end  
of the Scoping Meeting or mail to:

Thank you.

Place  
Stamp  
Here

City of Brea – Planning Division, Level 3  
Attn: Jessica Magaña  
1 Civic Center Circle  
Brea, CA 92821