

## 2. Introduction

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### 2.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The California Environmental Quality Act (CEQA) requires that all state and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects. This draft environmental impact report (DEIR) has been prepared to satisfy CEQA and the CEQA Guidelines. The environmental impact report (EIR) is the public document designed to provide decision makers and the public with an analysis of the environmental effects of the proposed project, to indicate possible ways to reduce or avoid environmental damage and to identify alternatives to the project. The EIR must also disclose significant environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; and significant cumulative impacts of all past, present, and reasonably foreseeable future projects.

The lead agency means “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment” (Guidelines § 21067). The City of Brea has the principal responsibility for approval of the Mercury Lane Residential project. For this reason, the City of Brea is the CEQA lead agency for this project.

The intent of the DEIR is to provide sufficient information on the potential environmental impacts of the proposed Mercury Lane Residential project to allow the City of Brea to make an informed decision regarding approval of the project. Specific discretionary actions to be reviewed by the City are described in Section 3.4, *Intended Uses of the EIR*.

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

- California Environmental Quality Act (CEQA) of 1970, as amended (Public Resources Code, §§ 21000 et seq.)
- State Guidelines for the Implementation of the CEQA of 1970 (CEQA Guidelines), as amended (California Code of Regulations, §§ 15000 et seq.)

The overall purpose of this DEIR is to inform the lead agency, responsible agencies, decision makers, and the general public about the environmental effects of the development and operation of the proposed Mercury Lane Residential project. This DEIR addresses effects that may be significant and adverse; evaluates alternatives to the project; and identifies mitigation measures to reduce or avoid adverse effects.

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### 2.2 NOTICE OF PREPARATION AND INITIAL STUDY

The City of Brea determined that an EIR would be required for this project and issued a Notice of Preparation (NOP) on December 13, 2018 (see Appendix A). Comments received during the initial study’s public review period, from December 13, 2018, to January 22, 2019, are in Appendix A.

The NOP process helps determine the scope of the environmental issues to be addressed in the DEIR. Based on this process, certain environmental categories were identified as having the potential to result in significant impacts. Nine agencies/interested parties responded to the NOP. This DEIR has taken those responses into consideration. Table 2-1, *NOP Comment Summary*, summarizes the issues identified by the commenting agencies, along with a reference to the section(s) of this DEIR where the issue is addressed.

**Table 2-1 NOP Comment Summary**

Commenting Agency/Person	Date	Comment Topic	Comment Summary	Issue Addressed In:
Gabrieleño Band of Mission Indians – Kizh Nation (Kizh)	12/18/18	Tribal Cultural Resources	Requests mitigation measures to address tribal cultural resources.	5.9, Tribal Cultural Resources
Native American Heritage Commission (NAHC)	12/27/18	Cultural Resources and Tribal Cultural Resources	Requests that the EIR evaluate whether there are historic resources that could be impacted by the project. Recommends tribal consultation under Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18) pursuant to NAHC’s recommendation for conducting cultural resources assessments.	5.2, Cultural Resources 5.9, Tribal Cultural Resources
South Coast Air Quality Management District (SCAQMD)	1/8/19	Air Quality and Greenhouse Gas (GHG) Emissions	Request that the air quality and GHG emissions impact analysis utilize the SCAQMD’s CEQA Air Quality Handbook, including thresholds of significance. Requests that the General Plan consider SCAQMD’s Guidance Document for Addressing Air Quality Issues in General Plans. Requests evaluation to reduce health risk to sensitive receptors proximate to high volume roadways and other sources of air pollution. Requests that the EIR consider mitigation measures identified by SCAQMD and the California Air Pollution Control Officer’s Association (CAPCOA) to reduce air quality and GHG impacts. Requests that the EIR consider alternatives that reduce or lessen air quality and GHG impacts. Requests that SCAQMD is identified as a Responsible Agency for actions that require a permit from SCAQMD.	5.1, Air Quality 5.3, GHG Emissions
Chris Yelky	1/14/19	Product Type	Requests more of this type of housing.	Not Applicable

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Commenting Agency/Person	Date	Comment Topic	Comment Summary	Issue Addressed In:
Thomas Kwan	1/15/19	Land Use Air Quality Population and Housing Noise Public Services Transportation	<p>Requests an evaluation of the impacts associated with the zone change from industrial to residential use and the densities proposed.</p> <p>Requests an evaluation of potential air quality and GHG impacts associated with energy use and transportation.</p> <p>Requests an evaluation of the number of cars per unit parked on- and off-site.</p> <p>Requests an evaluation on impacts from adding residential on a site that is currently zoned industrial.</p> <p>Request an evaluation of interior noise compatibility.</p> <p>Requests an evaluation of impacts on public services (police, fire, paramedic) from adding additional residences.</p> <p>Requests an evaluation of fire hazards associated with proximity to nearby industrial buildings and fire safety associated with buildings of similar height and density.</p> <p>Requests an evaluation of traffic on Berry Street and at the intersection of Berry Street at Imperial Highway and at Lambert.</p>	<p>Section 5.5, Land Use and Planning</p> <p>Section 5.1, Air Quality</p> <p>Section 5.3, Greenhouse Gas Emissions</p> <p>Section 5.8, Transportation</p> <p>Section 5.6, Noise</p> <p>Section 5.4, Hazards</p> <p>Section 8.1.8, Public Services</p>
County of Los Angeles Fire Department	1/16/19	Fire Hazards	<p>States that the project is not within the response area of the department and will not have an impact on emergency services.</p> <p>States that the County of Los Angeles Fire Department reviews projects in the unincorporated Los Angeles County.</p> <p>Recommends a Phase I Environmental Site Assessment.</p>	Section 5.4, Hazards
City of La Habra	1/18/19	Transportation	<p>Requests evaluation of potential traffic impacts in La Habra.</p> <p>Requests an evaluation of the intersections of Lambert Road at Palm Street, Lambert Road at Harbor Boulevard, and Harbor Boulevard at Imperial Highway.</p> <p>Requests an evaluation of congestion management plan (CMP) impacts on Imperial Highway.</p>	Section 5.8, Transportation

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Commenting Agency/Person	Date	Comment Topic	Comment Summary	Issue Addressed In:
Nixon Peabody (SPX Cooling Technologies, Inc.)	1/22/19	Land Use and Planning Transportation Public Services	<p>Requests an evaluation of land use and planning impacts from placing a residential project in an area dominated by heavy commercial and industrial uses.</p> <p>Requests an evaluation of decline in manufacturing base motivated by the encroachment of incompatible uses.</p> <p>Requests an analysis of whether the project is "Spot Zoning."</p> <p>Requests clarification of whether a General Plan Amendment is needed.</p> <p>Requests an evaluation of the appropriateness of the Planned Community (PC) Zone for a single parcel.</p> <p>Requests that the EIR consider a reasonable range of alternatives that consider the project's current zoning and other potential sites.</p> <p>Requests that the EIR consider compatibility with surrounding land uses and consistency with the City's zoning regulations and General Plan policies, goals, and objectives;</p> <p>Requests that the EIR consider effects of project as compared to the current baseline including current commercial and industrial; and</p> <p>Requests that the EIR consider indirect physical changes in the environment that may result from the economic and social effects of the project .</p> <p>Requests an analysis of growth-inducing impacts.</p> <p>Requests an evaluation of whether the proposed project would exacerbate risk in existing environment.</p> <p>Requests an evaluation of project and cumulative traffic impacts, including existing truck traffic levels, and whether improvements to the Mercury Lane bridge/trail are necessary.</p> <p>Request an evaluation of parking impacts of the project.</p> <p>Requests an evaluation of increased demand on police and emergency services and safety.</p> <p>Requests an evaluation of mitigation measures that could minimize significant adverse impacts.</p> <p>States that the project requires a Master Land Use Development Plan to request reclassification to the PC Zone prior to acceptance of the rezoning petition.</p>	<p>Section 5.5, Land Use and Planning</p> <p>Section 5.8, Transportation</p> <p>Section 5.4, Hazards</p> <p>Section 5.6 Noise (see Sensitive Receptors)</p> <p>Section 8.1.8, Public Services</p> <p>Chapter 7, Alternatives to the Proposed Project</p> <p>Chapter 10, Growth-Inducing Impacts of the Proposed Project</p>

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Commenting Agency/Person	Date	Comment Topic	Comment Summary	Issue Addressed In:
Caltrans	1/23/19	Transportation	Requests an analysis of traffic impacts at Imperial Highway and Berry Street. Identifies the active transportation components of the project (bicycle parking). Requests that there are adequate connections to the bicycle network.	Section 5.8, Transportation

Prior to preparation of the DEIR, a public scoping meeting was held on January 14, 2019, to determine the concerns of responsible and trustee agencies and the community regarding the proposed project. The scoping meeting was held at the City of Brea. However, no environmental issues were raised during the scoping meeting.

### 2.3 SCOPE OF THIS DEIR

The scope of the DEIR was determined based on the CEQA Guidelines Appendix G Checklist, comments received in response to the NOP, and comments received at the scoping meeting conducted by the City. Pursuant to Sections 15126.2 and 15126.4 of the CEQA Guidelines, the DEIR should identify any potentially significant adverse impacts and recommend mitigation that would reduce or eliminate these impacts to a level of less than significant.

The information in Chapter 3, *Project Description*, establishes the basis for analyzing future, project-related environmental impacts. In addition, the DEIR describes a range of reasonable alternatives to the project that could feasibly attain the basic objectives of the project while substantially avoiding or lessening any of the impacts of the proposed project, and evaluates the comparative merits of the alternatives and the proposed project.

#### 2.3.1 Impacts Considered Less Than Significant

The City of Brea determined that 11 environmental impact categories were not significantly affected by or did not affect the proposed Mercury Lane Residential project. These categories are evaluated in Chapter 8, *Impacts Considered Less Than Significant*, in this DEIR.

- Aesthetics
- Agriculture and Forestry Resources
- Biological Resources
- Energy
- Geology and Soils (excluding paleontological resources)
- Hydrology and Water Quality
- Mineral Resource
- Recreation

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- Utilities and Service Systems
- Wildfire

### 2.3.2 Potentially Significant Adverse Impacts

The City of Brea determined that nine environmental factors have potentially significant impacts if the proposed project is implemented, and these are evaluated in Chapter 5, *Environmental Impacts*, of this DEIR.

- Air Quality
- Cultural and Paleontological Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Transportation
- Tribal Cultural Resources

### 2.3.3 Unavoidable Significant Adverse Impacts

Unavoidable adverse impacts may be considered significant on a project-specific basis, cumulatively significant, and/or potentially significant. The City must prepare a “statement of overriding considerations” before it can approve the project, attesting that the decision-making body has balanced the benefits of the proposed project against its unavoidable significant environmental effects and has determined that the benefits outweigh the adverse effects, and therefore the adverse effects are considered acceptable. This DEIR identifies no significant and unavoidable adverse impacts, as defined by CEQA, which would result from implementation of the proposed project.

## 2.4 INCORPORATION BY REFERENCE

Some documents are incorporated by reference into this DEIR, consistent with Section 15150 of the CEQA Guidelines, and they are available for review at the City of Brea.

- **City of Brea General Plan (2003):** The City of Brea General Plan serves as the major tool for directing growth within Brea and presents a comprehensive plan to accommodate the City’s growing needs. The general plan analyzes existing conditions in the City, including physical, social, cultural, and environmental resources and opportunities. The general plan also looks at trends, issues, and concerns that affect the region, includes City goals and objectives, and provides policies to guide development and change. Where applicable, chapters and figures of the City’s general plan are referenced throughout this DEIR.
- **City of Brea Municipal Code (Updated 2019):** The City of Brea Municipal Code identifies land use categories, development standards, and other general provisions that ensure consistency between the

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City's general plan and proposed development projects. Where applicable, chapters and sections of the City's municipal code are referenced and explained throughout this DEIR.

### 2.5 FINAL EIR CERTIFICATION

This DEIR is being circulated for public review for 45 days. Interested agencies and members of the public are invited to provide written comments on the DEIR to the City address shown on the title page of this document. Upon completion of the 45-day review period, the City of Brea will review all written comments received and prepare written responses for each. A Final EIR (FEIR) will incorporate the received comments, responses to the comments, and any changes to the DEIR that result from comments. The FEIR will be presented to the Planning Commission for review and recommendation regarding certification, and then to the City Council for potential certification as the environmental document for the project. All persons who comment on the DEIR will be notified of the availability of the FEIR and the date of the public hearing before the City.

The DEIR is available to the general public for review at various locations:

- City of Brea – Planning Division, 1 Civic Center Circle, Level 3, Brea, CA 92821
- Brea Library – 1 Civic Center Circle, Level 1, Brea, CA 92821
- City of Brea website: [www.cityofbrea.net/projectsinprocess](http://www.cityofbrea.net/projectsinprocess)

### 2.6 MITIGATION MONITORING

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

The draft Mitigation Monitoring Program for the Mercury Lane Residential project is included as Appendix O to this DEIR.

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