PLANNING COMMISSION AGENDA

Tuesday, April 25, 2017

Study Session 6:00 p.m.
Planning Commission Hearings 7:00 p.m.

***James McGrade**, Chair* ***Art Willis**, Vice Chair*
***Pat Fox**, Commission Member* ***Melanie Schlotterbeck**, Commission Member* ***Jim Grosse,** Commission Member*

This agenda contains a brief general description of each item the Commission will consider. All Planning Commission decisions may be appealed to the City Council within ten (10) calendar days of the meetings. Please contact the City Clerk at (714) 990-7756 for further information about filing an appeal or obtaining an appeal application.

The Planning Department has on file copies of written documentation relating to each item of business on this Agenda available for public inspection. Contact the Planning Department's Office at (714) 990-7674 or view the Agenda and related materials on the City's website at www.cityofbrea.net. Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Planning Department's Office at 1 Civic Center Circle, Brea, CA during normal business hours. Such documents may also be available on the City's website subject to staff's ability to post documents before the meeting.

Procedures for Addressing the Commission

The Commission encourages free expression of all points of view. For record keeping purposes, if you wish to make a statement regarding any item on the agenda, please complete the form located on the podium and deposit it with the secretary.**To allow all persons the opportunity to speak, please keep your remarks limited to five (5) minutes**. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Commission rules prohibit clapping, booing or shouts of approval or disagreement from the audience. ***PLEASE SILENCE ALL PAGERS, CELL PHONES AND OTHER ELECTRONIC EQUIPMENT WHILE COMMISSION IS IN SESSION***

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department's Office at (714) 990-7674. Notification 48 hours prior to the meeting will enable City staff to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)

ALL PLANNING COMMISSION DECISIONS MAY BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS OF THE MEETING. PLEASE CONTACT THE CITY CLERK AT (714) 990-7756 FOR FURTHER INFORMATION ABOUT FILING AN APPEAL OR OBTAINING AN APPEAL APPLICATION.

STUDY SESSION

6:00 p.m. - Executive Conference Room, Level 3

CALL TO ORDER / ROLL CALL

1. **Matters from the Audience**
2. **Agenda Items / Clarify Regular Meeting Topics**
3. **Informational / Project Updates**

PLANNING COMMISSION
PUBLIC HEARINGS

7:00 p.m. - Council Chambers, Plaza Level

4. **CALL TO ORDER / ROLL CALL - COMMISSION**
5. **INVOCATION -** Ryan H. Turner, Elders Quorum President
   Church of Jesus Christ of Latter Days Saints--Brea Hills Ward
6. **PLEDGE OF ALLEGIANCE**
7. **MATTERS FROM THE AUDIENCE**
8.

   Approval of Planning Commission Meeting Minutes of March 28, 2017.

CONTINUED PUBLIC HEARING

9. CONSIDERATION OF ADDENDUM NO. 16-01, TENTATIVE PARCEL MAP NO. 2016-178, PRECISE DEVELOPMENT NO. 16-04, CONDITIONAL USE PERMIT NOS. 16-10 AND 16-11 FOR A PROPOSED MIXED USE, IN-FILL DEVELOPMENT INCLUDING 747 RESIDENTIAL APARTMENTS, 16,900 SQUARE FEET OF COMMERCIAL TENANT SPACE AND A 150-ROOM HOTEL LOCATED ON AN APPROXIMATELY THIRTY-ACRE SITE AT THE NORTHWEST AND NORTHEAST CORNERS OF BIRCH STREET AND STATE COLLEGE BOULEVARD.

PUBLIC HEARING

10. CONDITIONAL USE PERMIT NO. CUP 17-03 – TO ALLOW A TACTICAL DEFENSE TRAINING BUSINESS IN AN EXISTING OFFICE AND WAREHOUSE BUILDING LOCATED AT 615 NORTH BERRY STREET, SUITE I IN THE M-1, LIGHT INDUSTRIAL ZONE

NEW BUSINESS

11. FISCAL YEAR 2017/18 CAPITAL IMPROVEMENT PROGRAM FINDING OF CONFORMANCE WITH THE GENERAL PLAN

ADMINISTRATIVE ITEMS

12. **COMMITTEE REPORTS**
13. **INFORMATIONAL / PROJECT UPDATES**
14. **ADJOURNMENT**

City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

DATE: 04/25/2017

SUBJECT: **APPROVAL OF MINUTES**

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

Attachments

3.28.17 Minutes

PLANNING COMMISSION MEETING MINUTES
STUDY SESSION
March 28, 2017

STUDY SESSION

6:30 p.m. - Executive Conference Room, Level 3

CALL TO ORDER / ROLL CALL

Chair McGrade called the meeting to order at 6:30 pm.

Roll call: James McGrade, Art Willis, Pat Fox, Jim Grosse, Melanie Schlotterbeck. All members present.

1. **Matters from the Audience**

   Opened/Closed

2. **IT Training**

   City Planner Lilley introduced Randy Hornsby, IT Manager, to answer any IT questions that the Commission would have. He went on to answer a few technical questions regarding Dropbox and email. Mr. Hornsby offered one-on-one training to any Commissioner interested.

3. **Agenda Items / Clarify Regular Meeting Topics**

   Chair McGrade asked the Commission if anyone had any questions for staff. Questions were asked about the format of the Public Hearing.

4. **Informational / Project Updates**

   None.

PLANNING COMMISSION
PUBLIC HEARINGS
7:00 p.m. - Council Chambers, Plaza Level

5. CALL TO ORDER / ROLL CALL - COMMISSION

Chair McGrade called the meeting to order at 7:10 pm.

Roll call taken.

Present: Jim Grosse, James McGrade, Pat Fox, Melanie Schlotterbeck, Art Willis

6. INVOCATION - Pat Hauser, Vicar at Christ Lutheran Church

7. PLEDGE OF ALLEGIANCE

Commissioner Schlotterbeck led the Pledge of Allegiance

8. MATTERS FROM THE AUDIENCE

Opened/Closed

9. APPROVAL OF MINUTES

Motion to approve minutes from February 28, 2017 made by Chair Willis, seconded by Commissioner Grosse.

AYES: James McGrade, Art Willis, Pat Fox, Melanie Schlotterbeck, and Jim Grosse.
Approval of February 28, 2017 Planning Commission Minutes.

City Planner Lilley announced that the requested administrative correction to the minutes of January 24, 2017 brought forth by Commissioner Fox had been made.

PUBLIC HEARINGS

10. CONSIDERATION OF ADDENDUM NO. 16-01, TENTATIVE PARCEL MAP NO. 2016-178, PRECISE DEVELOPMENT NO. 16-04, CONDITIONAL USE PERMIT NOS. 16-10 AND 16-11 FOR A PROPOSED MIXED USE, IN-FILL DEVELOPMENT INCLUDING 747 RESIDENTIAL APARTMENTS, 16,900 SQUARE FEET OF COMMERCIAL TENANT SPACE AND A 150-ROOM HOTEL LOCATED ON AN APPROXIMATELY THIRTY- ACRE SITE AT THE NORTHWEST AND NORTHEAST CORNERS OF BIRCH STREET AND STATE COLLEGE BOULEVARD.

City Planner Lilley provided a brief summary and went on to clarify the format of the meeting.

Presentation made by Hines Development team.

The Commission asked the following questions of the Applicant:

- **Jim Grosse**: Do employees have access to building A? Where is shipping/receiving location? Explain shared parking with Marketplace not related to legal right but usage. Further explain of hotel operatations. Explain traffic shuttle.

- **Melanie Schlotterbeck**: Explain accessible guest parking. Electronic vehicle charging stations? Address pedestrian traffic. Is there back-up emergency power?: Bike access on Paseo? Bike lane improvements on St. College and Birch? Will tree growth be affected by building shadow? Are pedestrian connections open or gated?Explain safety inside parking structures. Confirm windows facing west let light in but are high enough for privacy. How do project residents get out in an emergency?
- **Art Willis:** Has the project considered Imperial Hwy traffic impacts? Has the project considered Lambert/57 improvements? Confirm traffic pattern, improvements traveling south on St. College?
- **James McGrade**: Confirm bus turn outs north and south on St. Collage and Birch. Consider meridian improvements on St. College. Confirm landscaping adjacent to Claim Jumper. All landscape maintained by Hines? Architect to work on the massing to soften North West Corner of St. College.
- **Pat Fox**: Confirm traffic mitigation and improvements complete before occupancy: Consider after hours security/gating from trail to Paseo. Consider softening height of the north building; Soften view of the structure from residents. Ensure overflow parking convenient parking for guests?
- **Jim Grosse:** Will parking be assigned? Confirm accessible handicap parking on all levels.
- **Melanie Schlotterbeck**: Consider where bus pick up will be for schools. Will the project provide childcare?

A ten minute recess was called at 9:03pm. Meeting resumed at 9:15 pm and Chair McGrade announced because of the number of speakers, speaking time would be limited to 3 minutes to give everyone an opportunity to speak.

Speaker 1: Dr. Jim Schlott What would Brea be today without progressive development? Isn't redevelopment a good thing?
Speaker 2: Bryan Starr, Supports project given it provides needed housing.
Speaker 3: Anthony Kuo, Urges support of project
Speaker 4: Todd Mobraten, Supports project,offering affordable housing with access to their interests and a live, work, play environment.
Speaker 5:John Drachman, Supports project to be able to attract and offer high quality jobs in Brea.
Speaker 6: Barry Friedman, Feels numbers are incorrect. EIR needed. Not enough parking. Shadow created on residents property. Too dense. Reduce by half to 500 units. Keep parking structure as is. Concern for property values and environmental impacts. Suggested to move forward with the hotel. Insist on a new EIR. No construction to occur until after 57 Freeway improvements are complete.
Speaker 7: Zim Walker, Concerns with traffic. How was Chamber of Commerce able to get a consensus? Adaptive traffic controls don't work.
Speaker 8: Sue Chen, Encourages support of project. Believes project will benefit the community and their customers and employees.
Speaker 9: William Beeson, Doesn't feel housing is affordable. Crime will increase and wants PD doubled. EIR is outdated. Traffic will increase. Project will bring cultural change.
Speaker 10: Barbara McDaniel, Feels traffic is horrible but is in favor of project.
Speaker 11: Matt Anderson, In favor of project. Appreciates innovative technology to find solutions.
Speaker 12: Bill Murray**,** endorses project. Believes property owners have the right to develop their property. Will have a positive long term impact.
Speaker 13: Tim Scott, concerned with adaptive technology for traffic. Wonders how trees will be watered?
Speaker 14: James Harnish, traffic concerns, wants to keep small town atmosphere, impacts of density
Speaker 15: Jason Kraft, Questions the peak hours in traffic study. How does project impact school traffic? Concerns related to density, EIR, height of buildings. Will there be IT security

for traffic technology? The density is exceeded based on his calculations. Reduce to 432 units.
Speaker 16: Judy Scott, Concerned hotel will bring crime. Concerns with traffic construction, parking, bus exhaust, bus pull outs, adaptive lighting and bike storage,
Speaker 17: Chris Reyes, Feels we are trying to turn Brea into an "Irvine". Quality of life. Wants a dog park. Concerns with parking structure loitering and noise. Feels resources will be impacted
Speaker 18: Tom Lawless, read letter of support.
Speaker 19: Dwight Manley, spoke out against the Chambers involvement with the project. Feels it's a beautiful project but not the right project as it is for Brea. Has concerns with services, water and freeway impacts. Questions the math for the income to the City.
Speaker 20: Sean Ross, supports the project. Worked on similar project in Fullerton and there were no significant impacts, Feels mixed use project will help reduce crime.
Speaker 21: Keith Fullington, Feels the supporters of the project work for Hines. Don't need more cars. Concerns with Chamber supporting the project.
Speaker 22: Drew Huffman, speaking on behalf of Waad Nadir, in favor of project. A great compliment to the city. Conforms to the General Plan.
Speaker 23: Christine Perez, can't afford to live in Brea. Grandmother lives behind Hines and is affected by noise and fallen trees.
Speaker 24: Scott Peterson on behalf of Jonathan Eckno, supports project and feels that Hines has taken neighbors concerns into consideration.
Speaker 25: Ken Salazar, Wants a full EIR. Wants a smaller development below 500, that includes condos for sale and apartments. Lower the height two to three stories. Keep parking structure at two stories.
Speaker 26: Doug Matthews, liked the presentation. Has concerns about water and infrastructure. Stands opposed.
Speaker 27: Terry Salinski, wants to lessen impact for neighbors. Precedent is two-three stories maximum.
Speaker 28: Katherine Ingersoll**,** Speaking on behalf of a former Planning Commissioner, Ralph Heiman, he was involved in the approval of the 2003 General Plan and accepted the accompanying EIR. He said the Commission made a tradeoff and accepted higher density here for lower densities on the hillsides. A good compromise at the time and still holds true today. Opposed to revisiting the EIR. Supports the project.
Speaker 29: Maaka Nua, Concerns about traffic volume and capacity. Wants smaller project.
Speaker 30: Anita Cruz, Concerned by five story project, shadows, privacy, noise and property values. Urges changes to be made for the Commission to approve.
Speaker 31: Bill Madden, EIR, CO2 hotspot, suggests long term monitoring system established by the City.
Speaker 32: Joanie Bozzone, Speaking on behalf of Joseph Carbello. Brea needs more housing and hotel and conference space. Ideal location for mixed use project
Speaker 33: John O'Malley on behalf of David S. George, Supports project, much needed housing, multi-use aspects will enhance quality of life. Conforms to land use guidelines.
Speaker 34: John Koos, He recalls the City Council and Planning Commission in 2003 set forth the land use designation for this property. City Leaders have been planning on this for 20 years.

Hines Development Team responded to questions from the Commission and provided a rebuttal in response to comments:

Shade study prepared for Fall, Winter, Spring and Summer;
There have not been multiple community meetings canceled by Hines;
Rents will range from $1300 to $3000;
To ensure safety and reduce crime, robust security will be on site;
There will be irrigation and maintenance for trees;
CC & R's and on-site management will ensure balconies are used appropriately

$2.1 million in income to the City each year; and
The height has been reduced to three-story closest to neighbors on Avocado.

City Planner Lilley asked the Chair if the Commission would please submit any new questions within the week to allow staff time to research any new details and report back.

Chair McGrade made a motion to close public hearing and continue the item for deliberations to the next regularly scheduled meeting on April 25, 2017. Commissioner Schlotterbeck seconded. The motion passed with a unanimous vote of 5-0.

John Erskine asked the Chair if they could request a resolution be brought to the next meeting. Assistant City Attorney Flower stated the Commission would need to deliberate prior to any resolutions being presented.

ADMINISTRATIVE ITEMS

11. COMMITTEE REPORTS

None.

12. INFORMATIONAL / PROJECT UPDATES

City Planner Lilley stated that any comments or letters that were given to the Commission this evening would be part of the public record and available upon request as well as on the City website.

13. ADJOURNMENT

Chair McGrade made a motion to adjourn at 10:52 pm.

Respectfully submitted,

_____
Jennifer A. Lilley, City Planner

The foregoing minutes are hereby approved this ____ day of _____

_____
James McGrade, Chair

City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

FROM: Jennifer Lilley,

DATE: 04/25/2017

SUBJECT: CONSIDERATION OF ADDENDUM NO. 16-01, TENTATIVE PARCEL MAP NO. 2016-178, PRECISE DEVELOPMENT NO. 16-04, CONDITIONAL USE PERMIT NOS. 16-10 AND 16-11 FOR A PROPOSED MIXED USE, IN-FILL DEVELOPMENT INCLUDING 747 RESIDENTIAL APARTMENTS, 16,900 SQUARE FEET OF COMMERCIAL TENANT SPACE AND A 150-ROOM HOTEL LOCATED ON AN APPROXIMATELY THIRTY- ACRE SITE AT THE NORTHWEST AND NORTHEAST CORNERS OF BIRCH STREET AND STATE COLLEGE BOULEVARD.

BACKGROUND/DISCUSSION

BACKGROUND

The Planning Commission received the staff report, associated materials and a staff presentation regarding the proposed Brea Place project and related actions at the February 28, 2017 meeting. The Commission received public testimony and continued the public hearing to March 28, 2017. At this meeting, the Planning Commission received a written staff report, the applicant's presentation, public testimony, the applicant's rebuttal and responses to initial questions. The Commission closed the public hearing and continued the item to April 25, 2017 to commence its deliberations on the project.

DISCUSSION

To assist with the Commission's deliberations the following is a summary of information previously provided or additional information related to the components of the review and consideration for this application. Staff has provided the information in the order the Commission could review and act on these matters. The remaining tasks for the Commission include:

• Provide direction for the environmental clearance;
• Review the additional questions Commissioners and posed to Staff and determine if further information is needed;
• Commission deliberation;
• Confirm desired action for project;
• Direct staff regarding required findings for proposed actions; and
• Direct staff to finalize any desired conditions of approval, if project approval is contemplated.

Environmental Analysis: Clarification and information has been provided related to the environmental clearance for the project. A memorandum, dated March 16, 2017 was provided to the Commission and has been attached to this report, see Attachment 1. Additionally, the City Attorney has provided a legal review and determination related to on-going questions and concerns regarding the process and environmental approach and that memorandum is attached to this report, see Attachment 2.

Additional Questions from the Commission: The Commission had questions related to the project following the March 28 meeting. The following provides those questions and the support information or responses from our technical team.

1. PREVIOUS ENTITLEMENTS

a. What was approved to be built on the north parcel for Lowe Development Co. Property through prior entitlements?

The Development Agreement 89-2 approved a four-story or 72 foot tall office building including

approximately 90,000 square feet of leasable area and a 55 foot tall, 6,000 square foot restaurant building.

2. BUS ROUTES

a. What and how many bus routes from Orange County Transportation Authority (OCTA) or others go by/stop at the Hines (Brea Place) project on Birch Street or State College Boulevard?

There are three lines which go by/stop at the Hines (Brea Place) project. These include: Routes 129, 143 and 213. Foothill Transit also has one line stopping at the Hines project. This is Route 286.

b. How many buses from OCTA or others stop at the Birch or State College bus stops each day.

There are approximately 55 total buses stopping at the project site per day. The 129 makes 19 stops per day, the 143 makes 15 stops per day and the 213 makes 4 stops daily at this location. The Foothill Transit line makes 17 stops per day.

3. BUS DIESEL EMISSIONS/ AIR QUALITY:

a. I know OCTA has been converting its fleet to CNG. Are all of them converted on the routes by the Hines Project?

Yes. OCTA completed the process of converting its active bus fleet to CNG Winter 2016 for commuter buses. This includes all buses operating in Brea. They still have some LNG buses in their fleet but those are not used in Brea.

b. What about the other bus lines from non-OC based transportation agencies (i.e. LA. Metro, SBCTA)?

Foothill Transit uses CNG buses. There are no LA Metro or SBCTA lines using these stops at this time.

c. If they are diesel buses are there idling standards in the City of Brea?

The buses are no longer diesel.

d. Are there any CO mitigation measures that could be considered to reduce the hotspot at Lambert and State College? I'm thinking specifically of the CAPCOA list.
Brea Place will comply with the 2003 General Plan EIR Mitigation Measures 1, 2, 4 and 5 for air quality which are:

Mitigation Measure 1. The City shall reduce vehicle emissions caused by traffic congestion by implementing transportation systems management techniques that include synchronized traffic signals and limiting on-street parking.

A draft condition of approval has been added for consideration to implement management techniques including signalization adaptive controls, improvements to the intersections, addition of dedicated turning lanes, traffic management techniques, wayfinding and other congestion management strategies.

Mitigation Measure 2. The City shall encourage major employers, tenants in business parks and other activity centers, and developers of large new developments to participate in transportation management associations.

A draft condition of approval could be added for consideration to require the participation in a transportation management association that could include transportation shuttles, vehicle share programs, carpooling and other transportation solutions.

Mitigation Measure 4. The City will encourage the incorporation of energy conservation techniques (i.e. installation of energy saving devices, construction of electric vehicle charging stations, use of sunlight-filtering window coatings or double-paned windows, utilization of light-colored materials as opposed to dark-colored roofing materials, and placement of shady trees next to habitable structures) in new developments.

A draft condition of approval has been added for consideration to include the installation of electric vehicle

charging stations, modified materials and color palate and California native plantings to conserve energy and resources.

Mitigation Measure 5. The City will encourage the incorporation of bus stands, bicycle racks, bicycle lanes, and other alternative transportation related infrastructure in new developments.

A draft condition of approval has been added for consideration to improve bus shelters, install bicycle racks, improve bike lanes, pedestrian paths and incorporate shuttle operations to encourage alternative transportation.

At the time of this publication, staff is awaiting additional information from the California Air Pollution Controls Officers Association. Staff will provide this information as soon as it is available.

Finally, the CO hotspot was discussed in detail as part of the Addendum. A response was provided by the technical team regarding this issue. In summary, the Air Quality Master Plan has shown emissions have continued to decline since 2003 (the time of the latest AQMP hot spot analysis and the City of Brea General Plan EIR). According to ground-level emissions concentration data collected by the California Air Resources Board, 8-hour CO emissions have declined at the La Habra Monitoring Station to below 3.0 parts per million (ppm) (the State and Federal Ambient Air Quality Standard for 8-hour CO is 9 ppm). Due to these declines, CO is no longer monitored at this station or at any other monitoring stations in the Basin. For additional information, please see Attachment 3.

4. ADAPTIVE TRAFFIC CONTROL

a. Does the ATC technology require investment in resources by the City? (i.e. new software/hardware, staffing, training)

The ATC technology requires acquisition of new software, new hardware and training of City staff. No new staff will be necessary.

b. If so, is the applicant paying for this investment and training?

Yes. A draft condition has been included to require the applicant/property owner to fund all costs associated with the ATC system. This would include any potential software, hardware, maintenance and staff training.

c. A speaker Tuesday night mentioned the ATC being only on State College and not responding to the “side” traffic from say Avocado. Is this accurate?

No, this is not accurate. The system will allow for full coordination with side street/Avocado timing and traffic control.

d. Urban Infill projects tend to have a lower traffic generation if they include mixed uses in/nearby. In other built MU-1, 2 or 3 areas, how have the traffic projections compared to the actual traffic?

The City of Brea does not have comparisons of traffic projections to actual traffic. While we have several traffic studies to forecast project volumes for mixed use projects addressing the “real life” condition once a project is built is not an industry practice. Instead, the Institute of Transportation Engineers (ITE) manual provides actual monitoring data to validate trip generation rates for land use types. These studies provide factual comparisons of projections and trip data collected from developed land use projects. So the best data and the Best Industry Practice is to use the ITE to determine actual trips and traffic. All the tested, real life, observational data goes into the ITE used in modeling for the Traffic Impact Analysis prepared for the Hines Addendum to not only model this project but to assess comparisons with actual traffic data.

5. 57 FREEWAY PROJECT:

a. We heard the 57 Freeway was in the design phase? Is it entirely funded yet by OCTA?

The 57 Freeway is in the plans and engineers specifications review phase, this means there is a full set of plans and specifications. The project will be funded by State funding via the State Transportation Improvements Program, Measure M funds through OCTA and Brea Traffic Impact fees (57/Lambert Road

Interchange Project, CIP 7251). Based on our current CIP budget projections, Brea's portion will be fully funded by 2020/21.

6. PARKING

a. For other projects of similar size/scope/density, what have the parking space averages been (what are the projects/locations/parking allocations)?

The following table provides a comparison of similar projects. It is important to note that each project is unique and may not be an exact comparison to the project or the context. Also it is important to note the numbers provided below are from the approved plans, entitlement records and parking studies prepared for projects as applicable. It is possible there is variation with what was built. However, for the purpose of responding to the question above, this is the most accurate information of record.

Constructed and Occupied Apartments	Project Location	Unit Count	Unit Breakdown	Parking Stalls/Unit	Parking Stalls Provided
Birch Hills Apartments	255 S Kraemer	115	1bd = 19% 2bd = 41% 3bd = 40%	2	230
Downtown Brea Lofts	215 S Brea Blvd, 260 W Birch St, 330 W Birch St	62	Studios = 90% 1bd = 10%	1.22	76
Olen Pointe Apartments	100 S Pointe Dr	260	1bd = 56% 2bd = 44%	2.06	536
Bonterra Apartments	401 Discovery Ln	94	1bd = 22% 2bd = 36% 3bd = 42%	1.7	160
Under Construction Apartments	**Project Location**	**Unit Count**	**Unit Breakdown**	**Parking Stalls/Unit**	**Parking Stalls Provided**
Central Park Village	340 - 420 W Central	369	1bd = 32% 2bd = 61% 3bd = 7%	1.75	646
Pearl	420 La Crescenta	204	1bd = 59% 2bd = 41%	1.64	335
Proposed	**Project Location**	**Unit Count**	**Unit Breakdown**	**Parking Stalls/Unit**	**Parking Stalls Provided**
Brea Place	Birch St & State College Blvd	747	Studios = 11% 1bd = 55% 2bd = 34%	1.78	1,327

b. The applicant notes the Hines Project is at 1.78 spaces on average. Is this accurate?

Yes, there are 1,327 parking spaces provided for the residential portion of the project resulting in 1.78 spaces per unit.

7. POLICE AND FIRE SERVICES:

a. We heard testimony that additional police/fire protection was needed. What have the assessments by Brea Police/Fire been of the additional demand this project adds to their ability to meet the needs of the City?

The 2003 General Plan EIR and the subsequent EIR Addendum prepared for the proposed Hines project

identified that development would place additional demands upon Police and Fire resources. Both Departments routinely manage resources and work programs to assure appropriate levels of service will be maintained for current development and residents together with any new development demands. The City has also adopted and implements a Nexus Fee Program that requires all new development to pay its pro-rata share toward Fire Department related impacts and costs of providing additional facilities, equipment, etc. to serve the community. In summary, the proposed project would not exceed the buildout projections of population or overall housing units identified in the General Plan such that a significantly increased need for police or fire services would occur.

b. In other MU-1, 2 or 3 projects statistically how do they compare to residential neighborhoods with crime rates?

Crime and service call demand is highly dependent on many factors. Determining whether or not a specific type of development will lead to an increase in crime is complex. To simply state that any apartment building will always create a dramatic increase in crime is problematic. An FBI report has been attached, see Attachment 4, explaining the variables affecting crime and caution related to ranking or using data to compare or contrast crime.

8. WATER SUPPLY:

a. I recall that this project (at the higher density) was included in the City's Water Plan. Is that true?

Yes. The Water Master Plan takes into account all land uses assumed and considered by the 2003 General Plan Update. The EIR Addendum additionally reviewed the current water demand and supply to update data from the 2003 General Plan EIR. In summary, the analysis found the City's Urban Water Master Plan (UWMP) remains viable and documents the City's projected potable water demand and supply, including accommodating the Brea Place project.

9. NOISE

a. I recall that this project estimated its noise to be within the City's standards (both the General Plan and the Municipal Code). Is that true?

Yes. Brea Place is required to comply with the Brea Municipal Code and General Plan Noise and Land Use Compatibility Guidelines as described in pages 6-36 to 6-47 of the General Plan. The applicant has also presented a management and security plan to ensure loitering, noise translating to nuisance and other noise issues will be addressed and managed to ensure compliance with City standards.

b. Are there any conditions on other MU-1, 2, or 3 projects about noise or retail activity?

We do not know of any conditions on other projects related to noise the residential component would have on adjacent land uses. There are several examples of noise impacts from external factors on residential mixed use development. And there are examples of limiting loading and receiving supplies at retail businesses within mixed use development. This would include La Floresta, Gateway and Birch Street Promenade.

Project Analysis: The Commission has received a full technical review of the project included in previous staff reports and presentations. The project is found to be in compliance with the General Plan and the Zoning standards for this property. The project has been recommended for approval. This information can be found in the Commission packets from the February and March public hearings.

Correspondence Received: All correspondence received from March 28, 2017 to date have been included as Attachment 5 and include emails or letters received by staff.

Resolution/Findings/Conditions of Approval: The Commission will need to provide direction to prepare Resolutions for the project. Findings for the various entitlements are attached to this report for your consideration, see Attachment 6. Preliminary conditions of approval have been drafted and were previously provided for the Commission's consideration. During the Commission's discussion during the March 28, 2017 hearing several comments or suggestions were raised by Commissioners which potentially lend themselves to adding to or refining these conditions of approval. The original list of conditions have been attached to this report, see Attachment 7. Staff awaits direction form the Commission for additions or refinements to finalize this

list.

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

Attachments

ATTACHMENT 1.ENVIRONMENTAL MEMORANDUM, MARCH 16, 2017

ATTACHMENT 2. RWG MEMORANDUM, APRIL 13, 2017

ATTACHMENT 3. CARBON MONOXIDE HOTSPOT MEMORANDUM

ATTACHMENT 4. FBI VARIABLES AFFECTING CRIME MEMORANDUM

ATTACHMENT 5. CORRESPONDENCE

ATTACHMENT 6. FINDINGS

ATTACHMENT 7. CONDITIONS OF APPROVAL

ATTACHMENT 1

CITY OF BREA

Community Development

Building & Safety
Economic Development
Planning

MEMORANDUM

TO: **Planning Commission**

FROM: David Crabtree, AICP, Community Development Director

BY: Jennifer A. Lilley, AICP, City Planner

CC: Steven Flower, Deputy City Attorney

DATE: March 16, 2017

SUBJECT: **CEQA PROCESS CLARIFICATIONS REGARDING THE PROPOSED BREA PLACE PROJECT**

This memorandum clarifies California Environmental Quality Act (CEQA) related items in general and specifically addressed in the Brea Place project staff report dated 2.28.17. It is being provided in advance of the Commission's next meeting to assist you in your review of the CEQA analysis and project materials. In summary, the environmental checklist process, the requirement for new and updated technical studies to assess impacts and the expanded review process for the Hines application serve to respect the legal requirements of CEQA as well as the City's commitment to informing the public beyond the legal minimum.

What is the purpose of CEQA?

- Inform decision makers and the public about the potential environmental effects of proposed projects.
- Identify ways environmental impacts can be avoided or reduced.
- Prevent significant environmental impacts by requiring mitigation measures where feasible.

Decision-makers must consider the environmental analysis as part of their process but are not bound to approve or deny a project based on the findings of the CEQA analysis. CEQA is an informational and disclosure process designed to assist in the consideration of projects.

Why Addendum and not a new EIR?

- CEQA requires consideration of any prior EIRs relevant to proposed development projects, if any such EIRs exist.
- CEQA requires review of new evidence to determine if changes in the project or its circumstances require changes to the EIR due to new information that shows there will be new or greater impacts.
- When considering prior EIRs, CEQA does not require a new initial study.

- In this case, the initial study environmental checklist and new technical studies were used to evaluate potential environmental impacts that could arise based on new information .

The 2003 General Plan EIR analyzed the environmental impacts for changes considered at that time, including the Brea Place mixed use site. This EIR is relevant for the Hines project and must be considered based on environmental practice, legislation, and applicable case law.

Does the environmental analysis rely on outdated data?

- The Addendum does not rely solely on 2003 technical studies prepared for the General Plan, but the 2003 EIR does provide the baseline for the current CEQA analysis.
- The Addendum also relies on new technical studies, including a new Traffic Impact Study, to assess whether changes to the project or its circumstances might result in new or greater impacts than were previously analyzed.

The Addendum prepared for the Hines project includes current technical studies considering existing environmental conditions. For example, a new traffic impact analysis was prepared and peer reviewed by third party experts. Focused studies/analyses including hydrology, water quality, sewer capacity and air quality were also performed and are attachments to the Addendum.

Was an Initial Study prepared?

The February 28 Staff Report noted the preparation of an "Initial Study". CEQA generally defines an Initial Study as:

> "…*a preliminary analysis prepared by the lead agency to determine whether an EIR or a negative declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR*."

CEQA does not require a formal "initial study" when a prior EIR has been prepared that may be applied to a project.

As provided by CEQA, a step in this analysis is to determine whether a previously approved EIR could be used with the project.

- In order to confidently determine whether an Addendum would be appropriate, the Addendum follows the environmental checklist and new technical studies were prepared and analyzed.
- As explained by the Deputy City Attorney during the staff presentation, the "initial study" referred to in the staff report was the environmental check list process outlined in CEQA.

Does an Addendum eliminate the CEQA Public Review process?

- An Addendum is a public document and must be considered by the Commission during the public hearing, but CEQA does not require a formal public circulation of an Addendum.
- The City has made the Addendum and all related studies available to the public and the Planning Commission for review and consideration prior to the public hearing and any action on the proposed project.
- The Planning Commission has continued its consideration of the Addendum and project entitlements 30 days to allow for more complete review and understanding of the Addendum and other project information.
- The public has been encouraged to ask questions, identify any concerns and provide information on the project prior to the Planning Commission's decision.
- Staff has been working to address questions and clarify information.

CITY OF BREA
OFFICE OF THE CITY ATTORNEY
Number One Civic Center Circle, Brea, California 92821
Telephone 714.990.7600 Facsimile 714.990.2258

MEMORANDUM

TO: Bill Gallardo, City Manager

CC: David Crabtree, Community Development Director, Terence Boga, Deputy City Attorney, Craig Fox, Deputy City Attorney

FROM: James L. Markman, City Attorney
Steven L. Flower, Deputy City Attorney

DATE: April 13, 2017

SUBJECT: Environmental Review of Brea Place Project

Summary

For all of the reasons expressed in this memo, we have concluded that City Staff has processed and continues to process the Hines application legally, that no staff member engaged in any form of corruption, collusion or misconduct, and that any accusation of the occurrence of misconduct is baseless and reckless.

We prepared this memorandum in response to unsupported claims recently made on social media that the City Staff's decision to prepare an addendum to the 2003 General Plan Environmental Impact Report ("EIR") for the Brea Place mixed-use project ("Project") violates the California Environmental Quality Act ("CEQA"). It also was inferred that that decision was the result of "collusion and corruption" on the part of City officials without any indication of the motive for or method of the same. As stated above, in our opinion, the CEQA claim itself is without merit and the inference of misconduct by any City official is spurious and bordering on reckless.

The Project falls within the scope of the sort of mixed-use development that was previously analyzed in the 2003 General Plan EIR and the 2013 Housing Element Addendum. CEQA therefore prohibits the City from requiring a subsequent or supplemental EIR unless specific conditions are present. If none of these conditions are met, CEQA requires the City to prepare an addendum to the General Plan EIR that explains its decision not to prepare a subsequent or supplemental EIR. *See* 14 C.C.R. § 15164.

The City's decision to hire Kimley-Horn and Associates ("KHA") to prepare an addendum was entirely consistent with CEQA. Of the two proposals to provide environmental consulting services for the Project that the City received, only KHA's included a process to consider whether there was evidence to trigger any of the conditions that would allow preparation of a subsequent or supplemental EIR, while notably allowing for the possibility that a subsequent or supplemental EIR might still be required. In contrast, the other proposal presumed a subsequent EIR would be required. In light of CEQA's legal mandate that the City consider whether any of the threshold conditions for requiring a subsequent or supplemental EIR had been met, the City chose KHA.

Members of the public may rightly have strong opinions regarding the merits of the Project and are free to express those opinions through available means, including social media. Spurious claims of official misconduct are a different matter, however. There is no evidence to support claims of collusion or corruption by any City official and we can only conclude such claims are based on a fundamental misunderstanding of the law, bad faith, or both.

Discussion

1. The City's decision to hire KHA to prepare an addendum for the Project was consistent with the legal requirements of CEQA.

In the typical course of the CEQA process, a lead agency examines the potential environmental impact of a proposed project in an appropriate CEQA document such as an EIR or negative declaration, and if the agency approves the project, it is carried out as proposed. In some cases, however, a lead agency may be asked to consider approving a project that has already undergone CEQA review. This occurs, for example, where a developer wants to change the project after it has received approval from the lead agency. It also occurs where a project requires multiple discretionary approvals and its impacts were examined as part of an earlier approval.

In such situations, the lead agency's ability to require additional CEQA review is significantly limited. Under Section 21166 of the Public Resources Code, once an EIR has been approved for a project, the lead agency responsible for approving the project may not require preparation of a subsequent or supplemental EIR unless one of three triggering conditions are met:

1. Substantial changes are proposed that will require major revisions to the prior EIR;

2. Substantial changes have occurred to the circumstances under which the project will be undertaken that will require major revisions to the EIR; or

3. There is new information of substantial importance to the project that was not known and could not have been known at the time the prior EIR was certified.

Examples of a substantial change would include a proposed use of land on the site which differs from that specified in the subject General Plan, newly acquired knowledge of seismic activity which could affect structures placed on the site or the intervening approval or build out of projects which already have created physical impacts not considered in the original EIR.

This rule is also found in Section 15162 of the CEQA Guidelines, which further explains what constitutes substantial changes and information of substantial importance and expands the rule to prior negative declarations. Under Section 15162, a lead agency shall not require a subsequent or supplemental EIR when an EIR or negative declaration has previously been adopted for a project unless there is substantial evidence in light of the whole of the record of any of the following:

1. Substantial changes in the project that will require major revisions to the EIR or Negative Declaration due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur in the circumstances under which the project is being undertaken that will require major revisions to the EIR or Negative Declaration due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows the following:

   A. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

   B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   C. Mitigation measures or alternatives previously found to be infeasible would be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative; or

   D. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

See 14 C.C.R. § 15162(a).

Agencies are prohibited from requiring further CEQA review unless these conditions are met. *See Melom v. City of Madera*, 183 Cal. App. 4th 41 (2010). This rule embodies the strong presumption in CEQA against requiring any further environmental review once an EIR has been certified or a negative declaration adopted for a project. The California Supreme Court has said, "[t]hese limitations are designed to balance CEQA's central purpose of promoting consideration of the environmental consequences of public decisions with the interests in finality and efficiency." *Friends of the College of San Mateo Gardens v. San Mateo Cmty. College Dist.*, 1 Cal.5th 937, 949 (2016).

Indeed, the presumption is so strong that once the statute of limitations for challenging the prior EIR or negative declaration has passed, neither the legal adequacy nor age of the prior CEQA document is deemed relevant if none of the triggers for further environmental review are met.

See Moss v. Co. of Humboldt, 162 Cal. App. 4th 1041, 1049 (2008); *Citizens for a Megaplex-Free Alameda v. Preservation Society of Alameda*, 149 Cal. App. 4th 91, 110 (2007); *Snarled Traffic Obstructs Progress v. City and Co. of San Francisco*, 74 Cal. App. 4th 79 (1999).

Under Section 15164 of the CEQA Guidelines, if a lead agency determines that none of the triggers for further environmental review have been met, but some minor changes or additions to the prior environmental document as still necessary, it must prepare an addendum to the prior document. *See* 14 C.C.R. § 15164(a). The addendum should contain a brief explanation of the decision not to prepare a subsequent or supplemental environmental document supported by substantial evidence in the administrative record. *See* 14 C.C.R. § 15164(c). An addendum therefore simultaneously: (1) embodies the process used to determine whether any of the conditions that would allow a subsequent or supplemental EIR have been met; and (2) is the result of that process.

CEQA does not require a lead agency to provide public notice or opportunity for public comment when solely considering an addendum. *See* 14 C.C.R. § 15164; *Fund for Environmental Defense v. Co. of Orange*, 204 Cal. App. 3d 1538 (1988); *Bowman v. City of Petaluma*, 185 Cal. App. 3d 1065 (1986). However, CEQA does mandate that if a public hearing is otherwise required before approving a project, the hearing should include a hearing on the City's environmental review. *See* 14 C.C.R. § 15202(b). Best practices therefore dictate that an addendum be considered at any such hearing and that legal mandate and practice were followed in this matter.

The subject Project is the proposed development of properties located on either side of State College Boulevard, north of Birch Street, including 747 apartments and 16,900 square feet of commercial space distributed between two mixed use buildings, expansion of an existing parking structure from two levels to four levels, and a 150-room hotel. Although consistent with the General Plan land use designation and zoning, the project still requires approval of a precise development plan, related conditional use permits, and a tentative parcel map.

The 2003 General Plan EIR did not expressly consider the Project, but it did consider the impacts associated with changing the land use designation of the property to mixed-use development. Additionally, the 2013 Housing Element Addendum considered the possible development of the Project site with mixed uses, including the development of multifamily housing.

In recognition of these facts, the City's Community Development Director, David Crabtree, and City Planner, Jennifer Lilley, with advice from our office, conducted a preliminary review to consider whether any of the conditions that would allow requiring a subsequent or supplemental EIR for the Project were met. Their preliminary determination was that there was a sufficient basis to consider the use of an addendum and that the City should retain the services of an environmental consultant to analyze whether any of the conditions were met that would allow or require a subsequent or supplemental EIR.

In selecting a consultant for such purposes, the City is not required to either engage in a formal bidding process or necessarily award a contract based on the lowest bid. It may instead hire a consultant through an informal process and pay the consultant such compensation as it deems appropriate for the services rendered. *See* Gov. Code §§ 37103, 53060; *see also* Brea Municipal Code § 3.24.040 (contracts for professional services exempt from centralized purchasing). In Brea, City Staff directly supervises the consultant. Some cities allow developers to employ such consultants with the City only peer reviewing the work instead of supervising it directly.

In all cases, the cost of hiring an environmental consultant is born by the applicant. City Staff therefore discussed with the Project applicant the option of either issuing a formal request for proposals ("RFP") or informally soliciting proposals from two environmental consultants with whom the City had prior experience. The Project applicant agreed to the latter.

City Staff therefore simultaneously solicited proposals for CEQA review of the Project from two environmental consultants, KHA and ICF International ("ICF"), both of whom were advised that the City Staff had preliminarily determined that the Project might be covered by the prior EIR and that an addendum might therefore be appropriate.

Of the two proposals the City received, only KHA's included consideration of whether there was evidence to trigger any of the conditions that would allow preparation of a subsequent or supplemental EIR. KHA also proposed that the City's review include technical studies of specific resource area impacts such as air quality and traffic to make sure that the decision to use an addendum would be adequately supported by substantial evidence. *See* Professional Services Agreement with KHA, exhibit A (Scope of Work), page 2. Even then, however, KHA's proposal recognized that the City's decision to prepare an addendum was merely preliminary and that:

> "...should the facts including the technical documentation find that the project will have one or more significant effects not discussed in the previous EIR or significant effects previously examined will be substantially more severe than shown in the previous EIR, then an Addendum would not be appropriate and either an Initial Study leading to a Mitigated Negative Declaration (IS/MND) or an EIR would be required."

Professional Services Agreement with KHA, exhibit A (Scope of Work), page 1.

In contrast, ICF's proposal presumed that a subsequent EIR would be required, notwithstanding the requirements of CEQA that the City must consider the prior EIR, and that an addendum would be inappropriate.

City Staff reviewed the proposals and consulted with our office to evaluate the differing approaches presented by KHA and ICF. That consultation led to the conclusion that the legally and fiscally prudent option would be to evaluate whether a subsequent or supplemental EIR

could be required through the preparation of an addendum supported by a thorough update of necessary technical studies, while recognizing that a subsequent or supplemental EIR might ultimately be required if the technical studies resulted in substantial evidence of new or substantially more severe significant impacts than were found in the prior EIR or new information of substantial importance. City Staff shared that conclusion with the Project applicant, and the applicant agreed with the approach.

Accordingly, City Staff prepared a professional services agreement with KHA consistent with its proposed scope of work. The agreement was presented to and approved by the City Council on March 1, 2016.

The result of KHA's work was a draft addendum over 1,000 pages in length, inclusive of the technical studies. The document does not rely solely on the 2003 General Plan EIR, but includes current technical studies covering air quality, geotechnical issues, phase I environmental review, drainage, water quality management, traffic impacts, and wastewater. It concludes there is no substantial evidence that any of the conditions that would allow the City to legally require a subsequent or supplemental EIR have been met and that an addendum is therefore appropriate under the requirements of CEQA.

As the City's review of the adequacy of the addendum is ongoing, this memorandum does not address the ultimate merits of the conclusions made in the Project addendum. The subject of this memorandum is rather the City's decision to prepare the addendum in the first place, which based on the reasons discussed above, was entirely appropriate and, in fact, the best approach according to legal principles. That said, we are as yet unaware of any substantial evidence that has been presented to contradict the addendum's conclusions that the conditions that would allow for a subsequent or supplemental EIR have not been met.

2. There is no evidence of collusion or corruption in the City's decision to hire KHA to prepare an addendum for the Project.

As discussed in the preceding section of this memorandum, the City's decision to hire KHA to prepare an addendum for the project is fully consistent with CEQA. The more serious inference is that this decision was the result of an identified form of official misconduct. We believe that this accusation is patently false and could without basis tarnish well earned impeccable professional reputations.

The claim of misconduct is belied by both the sound legal basis for the decision discussed above and the extent to which the City has far exceeded the procedural requirements for public review of the Project addendum.

As explained above, CEQA does not require a formal public notice or comment period on an addendum. Nevertheless, City Staff in this case made the draft addendum available for public review and comment on February 25, 2017 prior to the Planning Commission's first public

hearing on February 28, 2017. At that hearing, the City Planner expressly stated that the staff was asking for the Commission to continue the hearing to allow the public further opportunity to review the addendum and provide further comment about it and the Project. The public received a further opportunity to comment on the addendum and the Project at the continued hearing held on March 28, 2017. That night, the Commission concluded the hearing but continued its deliberations on the Project until April 25, 2017. Although no further public hearing will be held at that time, members of the public can still submit written comments to the Commission any time prior to its deliberations.

This timeline shows that the addendum will have been publicly available for review and comment for a period of at least 61 days, which exceeds the length of public review periods that CEQA mandates for EIRs. *Cf.* 14 C.C.R. § 15105 ("Review periods for draft EIRs should not be less than 30 days nor longer than 60 days from the date of the notice except in unusual situations"). This backdrop shows that the charge that the City has not been transparent is specious.

We are also aware that social media statements falsely accuse City Staff of improperly discarding ICF's proposal to provide environmental consulting services for the Project in order to avoid a disclosure that that ICF believed that a new EIR is required. In reality, City Staff regularly discards rejected proposals to provide professional services to the City. In other words, rejected proposals are not considered permanent City records customarily retained in the ordinary course of City business. This is because rejected proposals for professional services do not serve any ongoing use for the City and often contain consulting fee structures and other information that could be used by competitors to gain a competitive business advantage if collected pursuant to the Public Records Act.

The City's retention policy does require the retention of "bid" documents for two years after opening, but this has always been interpreted by City Staff to apply only to projects subject to the formal public bidding process such as construction projects. Retaining rejected bids in those cases ensures that bidders and the public can evaluate whether the City properly awarded the construction contract to the lowest responsible bidder. As explained above, professional service contracts are not subject to this same requirement. Retaining rejected proposals would therefore not serve the same purpose as retaining rejected bids.

It also should be noted that the fact that ICF's proposal suggests that a full EIR should be prepared did not compel the City's Staff or the City's attorneys to concur in that conclusion, and as explained above, they had good reasons for not doing so in this case. ICF is not a law firm equipped to offer legal opinions on CEQA. It is therefore ludicrous to suggest that the City discarded ICF's proposal to hide ICF's nonbinding conclusion that a new EIR was required.

For all of the reasons stated above, this office finds the use of terms such as "collusion" and "corruption" on social media to characterize the conduct to date of City Staff on the Project to be spurious and bordering on reckless.

Conclusions

In sum, the facts and circumstances pertinent to the Project compel the conclusion that the City's decision to hire KHA to prepare an addendum for the Project was consistent with CEQA, and was not the result of official misconduct.

Please contact me at your convenience if you have any questions or concerns regarding the contents of this memorandum.

Carbon Monoxide Hotspots

Carbon monoxide (CO) emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (i.e., adversely affecting residents, school children, hospital patients, the elderly, etc.). The SCAQMD requires a quantified assessment of CO hotspots when a project increases the volume-to-capacity ratio (also called the intersection capacity utilization) by 0.02 (two percent) for any intersection with an existing level of service LOS D or worse. Because traffic congestion is highest at intersections where vehicles queue and are subject to reduced speeds, these hot spots are typically produced at intersections.

The South Coast Air Basin (Basin) is designated as an attainment/maintenance area for the Federal CO standards and an attainment area for State standards. There has been a decline in CO emissions even though vehicle miles traveled on U.S. urban and rural roads have increased. On-road mobile source CO emissions have declined 24 percent between 1989 and 1998, despite a 23 percent rise in motor vehicle miles traveled over the same 10 years. California trends have been consistent with national trends; CO emissions declined 20 percent in California from 1985 through 1997 while vehicle miles traveled increased 18 percent in the 1990s. CO emissions have continued to decline since this time. The Basin was re-designated as attainment in 2007, and is no longer addressed in the SCAQMD's Air Quality Management Plan (AQMP). Three major control programs have contributed to the reduced per-vehicle CO emissions: exhaust standards, cleaner burning fuels, and motor vehicle inspection/maintenance programs.

A detailed CO analysis was conducted in the *Federal Attainment Plan for Carbon Monoxide* (CO Plan) for the SCAQMD's *2003 Air Quality Management Plan*. The 2003 *Air Quality Management Plan* is the most recent AQMP that addresses CO concentrations. The locations selected for microscale modeling in the CO Plan are worst-case intersections in the Basin, and would likely experience the highest CO concentrations. Thus, CO analysis within the CO Plan is utilized in a comparison to the proposed Project, since it represents a worst-case scenario with heavy traffic volumes within the Basin.

Of these locations, the Wilshire Boulevard/Veteran Avenue intersection in Los Angeles experienced the highest CO concentration (4.6 parts per million [ppm]), which is well below the 35-ppm 1-hr CO Federal standard. The Wilshire Boulevard/Veteran Avenue intersection is one of the most congested intersections in Southern California with an average daily traffic (ADT) volume of approximately 100,000 vehicles per day. As the CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection (one of the busiest intersections in the Basin), it can be reasonably inferred that CO hotspots would not be experienced at any intersections within the City of Brea near the project site. Therefore, impacts would be less than significant in this regard.

Additionally, emissions have continued to decline since 2003 (the time of the latest AQMP hot spot analysis and the City of Brea General Plan EIR). According to ground-level emissions concentration data collected by the California Air Resources Board, 8-hour CO emissions have declined at the La Habra Monitoring Station to below 3.0 parts per million (ppm) (the State and Federal Ambient Air Quality Standard for 8-hour CO is 9 ppm). Due to these declines, CO is no longer monitored at this monitoring station or at any other monitoring stations in the Basin.

The General Plan EIR identified potential impacts associated with CO hot spots at the Central Avenue/Puente Street, Central Avenue/Berry Street, Brea Boulevard/Imperial Boulevard, and Lambert Road/SR-57 intersections. Mitigation measures were identified to reduce these impacts;

however, the EIR conservatively determined that impacts would remain significant and unavoidable due to the uncertain nature of the future uses. The proposed project is located at the intersection of State College Boulevard and Birch Street and does not place sensitive receptors in proximity to potential CO hotspots (i.e., the project is not located near any of the intersections identified in the General Plan EIR).

Additionally, according to the project Traffic Impact Analysis, impacts to intersections would be less than significant with the implementation of the recommended mitigation measures (i.e., restriping and signalization of the project driveways) and the project would not cause increase the volume-to-capacity ratio (also called the intersection capacity utilization) by 0.02 (two percent) for any intersection with an existing level of service LOS D or worse. Therefore, a CO hot spot impact would not occur.

ATTACHMENT 4

Caution against ranking

Variables Affecting Crime

Each year when *Crime in the United States* is published, many entities—news media, tourism agencies, and other groups with an interest in crime in our Nation—use reported figures to compile rankings of cities and counties. These rankings, however, are merely a quick choice made by the data user; they provide no insight into the many variables that mold the crime in a particular town, city, county, state, region, or other jurisdiction. Consequently, these rankings lead to simplistic and/or incomplete analyses that often create misleading perceptions adversely affecting cities and counties, along with their residents.

Consider other characteristics of a jurisdiction

To assess criminality and law enforcement's response from jurisdiction to jurisdiction, one must consider many variables, some of which, while having significant impact on crime, are not readily measurable or applicable pervasively among all locales. Geographic and demographic factors specific to each jurisdiction must be considered and applied if one is going to make an accurate and complete assessment of crime in that jurisdiction. Several sources of information are available that may assist the responsible researcher in exploring the many variables that affect crime in a particular locale. The U.S. Census Bureau data, for example, can be used to better understand the makeup of a locale's population. The transience of the population, its racial and ethnic makeup, its composition by age and gender, educational levels, and prevalent family structures are all key factors in assessing and comprehending the crime issue.

Local chambers of commerce, government agencies, planning offices, or similar entities provide information regarding the economic and cultural makeup of cities and counties. Understanding a jurisdiction's industrial/economic base; its dependence upon neighboring jurisdictions; its transportation system; its economic dependence on nonresidents (such as tourists and convention attendees); its proximity to military

installations, correctional facilities, etc., all contribute to accurately gauging and interpreting the crime known to and reported by law enforcement.

The strength (personnel and other resources) and the aggressiveness of a jurisdiction's law enforcement agency are also key factors in understanding the nature and extent of crime occurring in that area. Although information pertaining to the number of sworn and civilian employees can be found in this publication, it cannot be used alone as an assessment of the emphasis that a community places on enforcing the law. For example, one city may report more crime than a comparable one, not because there is more crime, but rather because its law enforcement agency, through proactive efforts, identifies more offenses. Attitudes of the citizens toward crime and their crime reporting practices, especially concerning minor offenses, also have an impact on the volume of crimes known to police.

Make valid assessments of crime

It is incumbent upon all data users to become as well educated as possible about how to understand and quantify the nature and extent of crime in the United States and in any of the more than 18,000 jurisdictions represented by law enforcement contributors to the Uniform Crime Reporting (UCR) Program. Valid assessments are possible only with careful study and analysis of the various unique conditions affecting each local law enforcement jurisdiction.

Historically, the causes and origins of crime have been the subjects of investigation by many disciplines. Some factors that are known to affect the volume and type of crime occurring from place to place are:

- Population density and degree of urbanization.
- Variations in composition of the population, particularly youth concentration.
- Stability of the population with respect to residents' mobility, commuting patterns, and transient factors.
- Modes of transportation and highway system.

- Economic conditions, including median income, poverty level, and job availability.
- Cultural factors and educational, recreational, and religious characteristics.
- Family conditions with respect to divorce and family cohesiveness.
- Climate.
- Effective strength of law enforcement agencies.
- Administrative and investigative emphases of law enforcement.
- Policies of other components of the criminal justice system (i.e., prosecutorial, judicial, correctional, and probational).
- Citizens' attitudes toward crime.
- Crime reporting practices of the citizenry.

Crime in the United States provides a nationwide view of crime based on statistics contributed by local, state, tribal, and federal law enforcement agencies. Population size and student enrollment are the only correlates of crime presented in this publication. Although many of the listed factors equally affect the crime of a particular area, the UCR Program makes no attempt to relate them to the data presented. ***The data user is, therefore, cautioned against comparing statistical data of individual reporting units from cities, counties, metropolitan areas, states, or colleges or universities solely on the basis of their population coverage or student enrollment.*** Until data users examine all the variables that affect crime in a town, city, county, state, region, or other jurisdiction, they can make no meaningful comparisons.

Hosozawa, Carrie

From: Schlotterbeck, Melanie
Sent: Tuesday, April 11, 2017 10:18 AM
To: Ken
Cc: Hosozawa, Carrie
Subject: RE: Hines Project Place

Ken,

Apologies for a delayed response. Thank you for submitting your comments to me.

I wanted to be sure that you've sent them to the City for inclusion in the public record on the project. I've cc'd Carrie Hosozawa with the City as she is accepting the comments for this project.

Thanks and I appreciate your thoughtful comments on the Hines project.

My best,

Melanie

From: Ken [kens@keneva-ins.com]
Sent: Tuesday, April 04, 2017 12:36 PM
To: Schlotterbeck, Melanie
Subject: Hines Project Place

I have been very active with this project since Feb. 2016 and have tried to get myself educated as to the process of evaluating how to get a project either approved, altered/approved or denied.
I started with the council that were in office in 2016 and met with only four of the members. The other member had scheduling conflicts , so we never met. I was surprised of the very little information that they were able to share regarding the project. It had always been my belief the council should have complete knowledge of any and all projects especially on how it would affect the public.
Recently, through the effort of a former member of planning commission I am what I believe more knowledgeable of the process to get a project approved.
Here are some activities I have been involved with the past year:
> Hines Meetings-- I guess I can be considered one of the neighbor leaders since I have met with them along with others at least 6 to 7 times. The meetings were about details regarding the building of the project and other issues (traffic, air quality, parking, visual impact, lighting and shadows, noise and site alterations). I think we help get the North Building altered to step down height, cutout on Birch and State College and some reduction in the number of units to name a few.
> Neighbor Meetings-- There have been at least 8 meetings since Feb. 2016 with neighbors in Avocado Area both East and West and neighbors west of the Brea Project
Closer to the current parking structure. There has never been a consensus of what the design should be for the Brea Place Project, but all did agree the design of this project should be like downtown Birch street. (2 stories)
> Spreading the Word-- There were flyers pass out in several neighbors and even at the Brea Fest Event regarding the Hines Project. Also there were a few meetings with some council members , but no direction was offered on how to make sure the project met with public approval.
> Traffic-- All the meetings held with Hines turn to traffic and the number of apartments. If you use the 747 apartments as the sample size that will lead to an additional 1600 cars. We did see at several meetings Adaptive Traffic Control, but still

feel not enough and needs to be a significant part of the planning commission responsibility to evaluate in order to avoid adding to the already present traffic problems.
> Lack of Knowledge on the Approval Process-- All of my neighbors including myself had no idea a year ago as to what the project was to get it approved. But, now we understand we the public feel the CEQA process that will developed a full EIR is unquestionably the only process to use to evaluate a project of this magnitude.
> Loss of Quaint Brea and Personality-- The meetings with Hines always went back to the 2003 plan stating the project is fulfilling that plan. I guess the council of 2003 and planning commission had a different perception for the future of Brea in lieu definition of quaint?
> Other Projects-- There are still open items with other projects like parking , traffic, and air quality still needing correction why take on more problems until resolved?
Do you as the current planning commission want your name on this project without a complete EIR?
Please take the necessary steps and require that there be a full CEQA process resulting in an EIR for this project.

Sent from my iPad

April 7, 2017

Commissioner Melanie Schlotterbeck
Brea Planning Commissioners
1 Civic Center Circle
Brea, CA 92821

Commissioner Schlotterbeck,

I have been a resident of Brea for 33 years, live at 815 Palmetto Place and have seen an extensive amount of growth and changes within our great city. My family moved here as many have, to raise our family because of the "small town" atmosphere. Well, that atmosphere is long gone. The purpose in writing is to discuss the Brea Place (Hines) Development. After observing the March 28, 2017 Planning Commission Meeting, I felt compelled to share my feelings and ideas regarding this mega mixed residential/retail complex being built just south of my neighborhood. To keep it simple, I will use a bullet form with some explanation if needed.

- The current 2003 EIR for the project is out of date. A new EIR is needed.
- Any tax revenue benefit to the City will be going toward new Public Services (Fire/Police, etc). The Hines tax revenue projection is inflated and manipulated.
- Surrounding property values (the two neighborhoods north of the project) will certainly decrease. Never has an apartment complex near single family homes, helped increase their value.
- Do not the La Floresta and Central Park Village developments fulfill the current City of Brea redevelopment residential yearly growth plan requirement?
- I imagine you are aware of College Town at California State University Fullerton that is currently in the planning stages. 13,000 new housing units, including the closure of Nutwood Avenue as part of this 84 acre development will surely change traffic patterns on St. College Boulevard and the 57 Freeway affecting Brea and the Brea Place project.
- The Yorba Linda Main Street retail shops and theatre development will certainly draw patrons eastward, away from our Birch Street shopping and theatres. Why fight the traffic to Birch Street when you can visit the Land of Gracious Living?
- Are more retail spaces needed? There is plenty of current retail space not leased throughout Brea. On that note, it was despicable for a Brea Chamber of Commerce Board member to speak for all board members and endorse the Brea Place project at the February 28, 2017 Planning Commission meeting having only viewed the submitted plans for one week.
- A Brea redevelopment precedent was set with the 3-story height limitation for mixed-use retail/residential development on Downtown Birch Street and at the Central Park Village. Just because Hines is constructing their building next to a 6-story office high-rise, what gives them or the City, authority to build a 5-story apartment complex and not adhere to the precedent?
    - Please do not allow the 3 to 5-story tiered apartment complex to be built overlooking single family residences. I am certain you would not want this in your backyard.

- I believe the Hines Building 'A' and Building 'B' are completely different heights. If this Brea Place eye sore is to be built, swap their locations and place the lower buildings at the north end of the development.
- Better yet, as part of the Tracks at Brea, a park and parking lot should be constructed at the old Lowe Field location. Open space in Brea is going away. Our neighborhood built in 1964 was constructed prior to the open space requirement. Give us a gift here.

- It was questioned at the meeting whether enough parking was part of this plan. I guarantee you that the Market Place parking will suffer due to this development. During the holiday season, it will be a disaster. This is the current parking trend each season now.
- The traffic plan Hines proposes will not work. If this Integrated Traffic Management System is the savior, the City should implement it now and test it under current traffic conditions for the 25% reduction. Do not wait until the additional traffic is upon us Breans after any selected option for the site is complete.
  - Send Hines' traffic plan to Brea's Traffic Committee for evaluation. Is that not one of their functions?
  - Hines stated a right-turn pocket lane will be added southbound to westbound St. College Boulevard and Birch Street. To facilitate the flow of traffic in and out of Brea Place, this right-turn lane should run the entire length of the project to expedite the turning traffic off of St. College Boulevard into each driveway or at the signal south of the Tracks at Brea. Additionally, the right-turn lane should continue westbound Birch Street to the Pei Wei parking entrance for the same reason. You must get traffic out of the flow of traffic and into Brea Place and Marketplace as quickly and safely as possible. Without dedicated turn lanes both north and southbound St. College, drivers use all lanes to make their turn, stopping the flow of through traffic.
- With the widening of Lambert Avenue in the near future, we will once again suffer the inconveniences and have traffic moved closer to our residences.

In closing, please vote against this current proposal for Brea Place. This is a **QUALITY OF LIFE ISSUE** for the affected residents and a **QUALITY OF LIFE ISSUE** for ALL who travel through Brea to live, shop or play. My family did not move to "Good Old Brea" to live in "Any Town USA."

Thank you for your time and consideration in this important matter.
Sincerely,

Robyn R. Bjorklund

Robyn R. Bjorklund
815 Palmetto Place
Brea, CA 92821

Hosozawa, Carrie

To: matthew vidovich
Subject: RE: Brea Place Project

From: matthew vidovich [mailto:matthewvidovich@gmail.com]
Sent: Tuesday, March 28, 2017 6:18 PM
To: Hosozawa, Carrie <carrieho@ci.brea.ca.us>
Subject: Brea Place Project

Dear Planning Commission,

I'm writing this message to support the Brea Place project. I don't know if you've noticed, but we don't have very many places to rent in Brea. People my age, who can't afford to buy a house yet, have a hard time finding nice places to live in Brea, and even in this area of Orange County.

We need the apartments included in this project. It looks like a great place to live, with the pools, places to walk, and I like that people will be able to walk to eat out, go out for a drink, or something else.

I hope you'll approve this plan.

Thank you,

Matt Vidovich

Date: March 27, 2017

To: Members of the Brea Planning Commission

From: James McGrade, Planning Commissioner

Re: Brea Chamber of Commerce Board Position regarding the Brea Place Project

On February 28, 2017, the City of Brea Planning Commission held a Public Hearing regarding the Brea Place project being developed by the Hines Corporation. During the hearing, the Brea Chamber of Commerce President, Heidi Gallegos, spoke in support of the Brea Place project.

I am writing to assure my fellow Planning Commissioners and the members of the public that I was not aware of and did not take any part in the Chamber's decision to come out in support of the project.

Although I am a current member of the Brea Chamber Board, I have not been involved in any subcommittee or discussions regarding the project. I have always recused myself from any discussions at the Chamber regarding any matters related to the project and was not even aware the Chamber was going to take a position on the project until the public hearing.

As Planning Commissioner, it is my responsibility to gather all the information on any project that is before the commission and deliberate on the merits with my fellow commissioners within the public hearing process. I will maintain an open mind about the project and will not take a position, either for or against the project, until after I have heard all the evidence at the public hearings.

My goal with this disclosure is to put to rest any perceived conflicts of interest regarding this project.

Respectfully,

James G. McGrade

From: Janice Govaerts [mailto:mjlgova@verizon.net]
Sent: Wednesday, March 29, 2017 3:43 PM
To: McDaniel, James <JamesM@ci.brea.ca.us>; arthurw@cityofbrea.net; Fox, Pat <patf@ci.brea.ca.us>; Schlotterbeck, Melanie <melanies@ci.brea.ca.us>; Grosse, Jim <jimg@ci.brea.ca.us>; Crabtree, David <DAVIDC@ci.brea.ca.us>; Lilley, Jennifer <JenniferL@ci.brea.ca.us>
Subject: PUBLIC HEARINGS FROM AUDIENCE March 28, 2017 Meeting

For future city council meetings, it should **NOT** be allowed to read a letter and speak on behalf of an individual not present that cannot attend the meeting.

All of the letters read at the meeting on the evening of March 28th were very slick and all had the same sound and wording to them. They were **UNDOUBTABLY** ficticious letters written by the Hines Corporation and the names of the Brea "residents" and "business owners" very in favor of this horrific building proposal in our city were clearly and completely made up. It was too much of a coincidence that they all sounded the same, were way too pro-Hines to the point of being fake, and ironically could all not attend the meeting on the same night.

You are all bright people, surely you realized this. Please give consideration to the negative impact these monstrosity buildings will be on us long-time, law-abiding, tax-paying, Brea citizens will be and put our needs first over those of a greedy, money-hungry, profit-seeking corporation.

*****I would prefer my name not be shown and this letter not be printed or included in the printed packet of the Planning Comission Hearing Meeting of March 28, 2017.**

From: Dwight Manley [mailto:dmanleyinc@aol.com]
Sent: Thursday, March 30, 2017 12:14 PM
To: Harris-Neal, Lillian <lillianhn@ci.brea.ca.us>; cthupp@earthlink.net; mslj@roadrunner.com; Parker, Glenn <GlennP@ci.brea.ca.us>; stevenv@ci.brea.us; Marick, Christine <christinemarick@gmail.com>
Cc: Gallardo, Bill <BILLGA@ci.brea.ca.us>; Crabtree, David <DAVIDC@ci.brea.ca.us>; McGrade, James <james.mcgrade@ii-hpa.com>; dorothy-art@sbcglobal.net
Subject: Hines public comment

Dear City of Brea Leadership,

I am writing you of something that is of vital importance. After participating and attending the planning commission meeting two days ago, I witnessed an unmitigated hijacking of the democratic process. Due to the Hines Corporation's efforts to have all of their out of town paid
consultants, as well as the now corrupted Chamber of Commerce's leadership's efforts to have letters read into the record, the planning commission summarily reduced the public comment time limit from five minutes to three. Compounding this, the commission chose to forego open
discussion prior to the public's comments, depriving the public of the commissions thoughts. If the commission wisely chooses to take up to a week to formulate their thoughts and questions, why is are the actual people they are supposed to represent forced to do any differently?
Are we now in a world in Brea that if one wants to silence the actual resident, you just have to pay outsiders to show up and babble about millennials?

As an example of what I did not have time to ask; Hines stated six months ago they spent $10,000,000,000 improving the property, and now they say $30,000,000-receipts please? They claimed six months ago that the rents would be 2500-3000, and we heard 1300-1400 at rebuttal-show us the actual pro
forma rental charts they are using. Where are the sight and sound studies on the roof top pools? Show us pictures of the west side that we now hear supposedly has a window that can't be used to escape an emergency, and are too high to see down into the homes yard next door. Six months ago the
Hotel had a kitchen for room service only-now there is a full restaurant and bar-how many seats, what hours of service, menu example, hours of operation? Should that not have the same scrutiny as all the existing Brea eateries have? Is a hotel lounge bar appropriate there? Hines claims $1,600,000 annual tax revenue to Brea
from this. Show me the math-the property would have to be assessed at over $1,000,000,000 (one billion) to net that much for us. Hines lawyer claims the parking agreement with Regency is void. I detected some deception in the ladies voice, and read this as they want it to be void. Was the theater lease assumed by 24 Hour gym?
The parking for the gym/rear of Regency, which the school district has a financial interest in, should be of top priority in whatever happens with Hines-in the Hines plans, it is an afterthought.

In closing, I urge you to not let Brea democracy be corrupted by billion dollar hedge funds or paid lackeys. Put the Brea resident first, and let actual Brea citizens have their full opportunity to be heard after the commission has publicly discussed this as has been done in Brea for 100 years.

Sincerely, Dwight Manley, a Brean since 1966

From: Doug Matthews <Doctordrm@att.net>
Date: March 30, 2017 at 3:11:43 PM PDT
To: <jenniferl@cityofbrea.net>
Subject: reflections post Planning Commissin meeting March 28

Ms. Lilley,

Living in Glenbrook since 1977, I never attended local civic meeting. With advent of the Hines proposal, I was drawn out of the Brea 'woodwork', attending Tuesday night's meeting. You may or may not recall, I wrote brief note to you, as well as to the other members of the Commission, about a month ago. I understand that your title is "Planner for the Project'. Observing you through the course of the evening, I am still not quite sure your role in this civic drama. You spoke infrequently, though with authority, when you did. 'Serene, engaged, controlled': terms most apt capturing you from my vantage point.

Inexperienced in local public matters, I was eager for this meeting, given import/impact portended. From the start, I was struck by the phalanx of Brea Place supporters, filling the auditorium seats. Daunting. With relatively few of us sporting red shirts, indicating loyal opposition, it seemed that we were the David -- a motley crew of locals, enjoined only by central passion for Brea, otherwise, having no cohesive organization or 'game plan' – dwarfed by the Hines Goliath. (Certainly brings to mind, George Washington's impossible circumstance in New York, summer of 1776, chronicled especially well by historian Joseph Ellis.)

If there had been a Vin Skully or Dick Enberg to call, it would have seemed a contest with each side having its momentum moments, as it played out. Now, the 'suits' (Brea Place) rock. Then, the 'rag tags' roll, an ebb and flow. Exhausting. Well, for me, especially having to stand for the first 2 hours. As the 11 p.m. hour neared, it seemed that most were growing weary.

A couple of reflections:

This was my first such experience. It is likely that input that I would want -- had it already been introduced or considered, e.g. February 28. Tuesday night, Hine's began with overview of their work across the land, wending to Orange County in their discussion, assisted by power point graphics. Glory's of Hines rang. For me, it was a minor clang. I will accept that they are a ubiquitous presence across our great land. I had no idea of the number of developments just in Orange County, either extant or in planning stages, as in Brea. I found this intriguing, more than compelling, however. For an instance, they invited us to consider their 'success' in Irvine. A close friend of mine, a physical scientist, who works in Irvine and lives in Tustin, rues the development that Hine's praised. At coffee, yesterday, he smiled, shaking his head, when I shared my experience from Tuesday night in Council chambers; from his perspective, Irvine, especially, but also Tustin, has become a nightmare, barely fit for human habitation and (his view again) the city fathers are 'crooks'. He referred to developments such as Hines.

The proposed buildings, themselves: I would hate to be a tenant in such an apartment or condo. Thinking of new condo developments in Brea, how dreadful traipsing across the grounds from garage to living unit, with groceries or arm load of purchased goods. Then, take those steep steps. (No thanks, here.) Unpleasant in days the sun shines. Miserable in the rain.

my realities in this town that I love and where I have lived so long...I was not going to speak. After all, everyone seemed to be getting tired, not just me. Besides, and holy cow! People were reading from script that they had prepared beforehand. I had nothing in my hands to share. Just fuming thoughts in my head. That is when an experience from long ago emerged from my memory. And so, I shared a parcel of that memory, slimmest of moments from that visit to Universal Studios, then, newly opened. A tram tour of the studio, was the occasion. At one point, the tram took us down a lovely street, reminding me of those in posh San Marino. I think that it was 'Elm' Street. The tram slowly coursed under the umbrella of tree arbor, providing shade from withering sun that day, gliding past magnificent homes, that could only be called mansions, on either side. At the end of the long block, the tram turned, continuing on its course. And here the point, the shock. Those were no mansions. Rather, they were elaborate facades, make believe structures held up by long metal poles, disguised from the Elm Street view.

The point, thus far, Hines 'Brea Place' has been oodles of attractive promise, without fulfillment. The presentation strikes me as about as genuine as my Collier Encyclopedia marketing pitch when I was young undergrad and sales trainee, i.e. 'bad means to good ends makes for bad ends' or so my seminary professor would stammer years later...'Meretricious', a word that comes to mind, though, more the phrase, 'all that glitters is not...'.

Ms. Lilley, I thank you, again, for 'hearing me out'. I believe that this missive will be rightly place with those in the 'skeptical' file, when it comes to Brea Place. I wish I had more open mind. Alas, I shudder.

Sincerely,

Doug Matthews, Ph.D.

doctordrm@att.net
Brea, CA (Glenbrook)

P.S. Count me with those who have not heard anything from Hines, nothing beyond the original glossy brochure (sent before Christmas?).

From: William Madden <williamdmadden@me.com>
Date: April 2, 2017 at 9:00:24 PM PDT
To: "Crabtree, David" <DAVIDC@ci.brea.ca.us>
Subject: Letter to Planning Commission

David:

Attached is the full text of my testimony before the Planning Commission meeting on March 28. Please pass it to the commissioners.

I have mixed feeling about the development. While I believe the project has merit and a project here has the potential for good City growth, in my opinion it's size and impacts have not been adequately addressed particularly with respect to traffic. For those of us living here it is difficult to accept the finding of the traffic study. When we cannot access our homes from St. College or exit our tracts due to traffic queuing at the Lambert and St. College intersection, the descriptions of LOS of C reduced to D does not reflect our experiences.
At the end of the day, a 30 % reduction in project size would better reflect the transition from suburban to urban and the character of Brea.

Thanks,

Bill

March 28, 2017

Chairman McGrade, Vice Chair Wiilis,
Members of the Planning Commission:

I would like to preface my remarks by acknowledging that the traffic studies in the Addendum do in fact take into consideration pedestrian traffic at the Birch and State College intersection. For those who know me, I am always in favor and supportive of pedestrians and walking.

Hines has responded to some of my and my neighbors concerns while retaining their overall plan for the project. The reduction in the initial height of the north building facing the Tracks (a tiering of the structure with three floors rising to 5), and a subsequent reduction in the number of total units (c. 285 in Building B and 747 in total) is positive. Overall, however, I am disappointed we have not been able to move the project to a more appropriate size configuration (a 30% reduction) that would more closely reflect the character of Brea.

The promise of screening by planting trees along the Avocado St. side of the Tracks to reduce the visual impact to our homes is also welcome. I suggest this be continued to the east side of State College on the north side of the Tracks.

The construction of a turning pocket for south-bound vehicles at St. College and Birch will improve traffic flow for vehicles turning right. Likewise the elimination of a traffic signal at the south driveway on St. College will reduce potential impacts there as well as a right-in and right-out restriction for vehicles entering or departing the project. However, being unable to turn left (north) onto St. College from that driveway will likely force drivers to make a U-turn at the St. College and Birch intersection to travel north to access the 57 Freeway. This will slow traffic at this intersection. This has been addressed in the Addendum.

The east turning pocket on Birch that provides a left turn into the Hines property at Pei Wei is too small (4-5 vehicles) for project traffic and will block east-bound through traffic on Birch when waiting for the light . Traffic eastbound on Birch will be limited to only one lane if the number of vehicles waiting to turn is exceeded. Further traffic delays on Birch would likely discourage residents from accessing the Downtown, Marketplace, and Civic Center. This has also not been addressed in the Addendum.

Otherwise, the benefits from the addition of an adaptive traffic control system from Lambert and St. College to St. College and Imperial are speculative with are have yet to be determined. The examples shown by Hines' traffic consultant appear to be of roadways that do not mirror the seasonal mall traffic or episodic traffic flows due to freeway congestion and subsequent driver avoidance that impact our surface streets.

to the this report, people who live within 500 feet of freeways suffer from a higher rate of asthma, pre-term births, and a growing list of other health problems

Air quality has a significant impact on human health in so far as it ranks higher as a cause of mortality than alcohol and obesity. As more information accrues on the harmful effects of poor air quality, cities and other agencies need to consider monitoring (both indoor and outdoor) so as to take into consideration air quality in project siting and traffic patterns (see LA Times 3/6/17 and 3/25/17 re health and housing - risks to residents living near freeways).

I would suggest that a long-term monitoring program be instituted by the City to examine the areal extent of CO (and by extension other vehicle exhaust gases) in and around residences within 500 feet of these hot spots. This would be the first step in developing guidelines and changes in building standards and design, project siting, retrofitting of windows in older homes that can not be opened, physical barriers, tree planting, and installing air filtration in impacted homes.

Brea needs to confront and take steps to mitigate these significant impacts to ensure a quality of life for all residents.

Sincerely yours,

Bill Madden
830 Avocado St.
Brea, CA 92821
714-256-1982

From: Jacquelyn Guss [jcqlynguss@icloud.com]
Sent: Monday, March 27, 2017 4:08 PM
To: Hupp, Cecilia; Simonoff, Marty; Vargas, Steven; Parker, Glenn; Marick, Christine
Subject: Hines Project

Dear Madam Mayor and City Council Members,

This is just a quick note from a very concerned resident of Brea for the last 52 years. My husband and I live on the inside corner of Avocado and Woodland Avenue and we and our neighbors on both sides of State College are absolutely opposed to the Hines Project at Market Place. You've heard from most of us why - increased traffic, increased pollution, heavy density, inadequate parking, loss of daylight (the buildings are too tall), loss of privacy, an institutional rather than residential appearance, the need for a current EIR, etc. - but I would like to emphasize one particular issue that hasn't been mentioned much, and that is THE DEVALUATION OF PROPERTY VALUES.

We know for certain that these negative influences are in direct correlation with decreases in existing property values. In our last couple of refinancings there is a clause stating that due to our close proximity to the 57 Freeway and its associated noise and pollution, our property is devalued by 10%. Is that what we can all expect if the Hines Project is approved by the Planning Commission? Another devaluation? How much this time? 10%? 15%? More?

It has been rumored that if the Planning Commission approves the Hines Project tomorrow night that there is no recourse for the residents of Brea, and that there is no need for City Council approval. Somehow, I can't believe this is all true. The residents of Santa Monica successfully defeated a Hines Project for many of the same reasons, after it was approved by their Planning Commission, through a referendum.

There will be another standing-room-only crowd tomorrow evening at the Planning Commission meeting. It is our sincere desire, in the best interest of the future of our beautiful city, that good judgement will be exercised, and at the very least, the Hines Project at Market Place will be recommended for further study.

Most sincerely,
Jacquelyn and Robert Guss
303 Woodland Avenue
Brea, CA 92821
714-883-7093

Sent from my iPhone
Jacquelyn Guss

Hosozawa, Carrie

From: Teri SCHULTZ <spddmnss@hotmail.com>
Sent: Tuesday, April 04, 2017 9:11 AM
To: Hosozawa, Carrie
Subject: Fw: Development in Brea.

I had planned on reading this at the last commission meeting but it was mostly expressed by the many speakers that night, but did want to send this to your attention.

The development we are debating here today represents a scenario that is being contested throughout the developing world. The exponential growth of the population is a serious problem that no one appears to be ready or willing to address. The policy of growth mandated by the government which is said to be necessary to ensure a strong economy, in this case, needs to be reevaluated, taking in to consideration the exponential rate at which the population is increasing.
The city of Brea has been pursuing development at an alarming rate and has disregarded the negative impact it is having on quality of life of its current residents. This unchecked development is occurring everywhere, not just here in Brea. Development is not necessary at the same scale and frequency as it was 30 years ago. The old mentality of growth is archaic and even dangerous. It doesn't take in depth observations to see that the development in Southern California and throughout the world has reached a critical point and needs to be severely reduced or even suspended. Look at any freeway, highway or street, at any time of the day or night. The level of congestion speaks for itself. We have reached the maximum level of capacity that should logically be allowed.
When considering development we must also take into consideration the resources and infrastructure needed to support it. Electricity, water, sewage treatment and disposal, pollution, schools and traffic impacts are just a few of the more critical areas of concern. These areas are touched upon but never in a realistic and honest way. Let's be honest, our resources are being taxed to their limit. Our infrastructure is crumbling. Space for our kids in a classroom or just open space in general are disappearing at an alarming rate.
It is time for a change. Somewhere, at sometime, someone's going to have to say "enough is enough". Why not let it be right here, right now and let it be us who starts this new trend.

Brea is a progressive city. Why not set the example for the rest of the world. Why not use the knowledge and intelligence we have gained from the past to create a new way to approach responsible controlled development.
Currently Developers see any piece of open land as a piece of land that must be developed. Their only real consideration is money. There is never any meaningful thought as to the impacts it will have on the people who live and work in the effected areas. Take control of the land by any means and fill it with as many paying body's per square foot as possible. Their tactics for obtaining permission to develop are virtually always suspect and questionable. The results have for the most part always been the same. The developers win out. But not without the duplicity of the governing municipality's. We need to change that. We need to have the outcome be decided by the local residents and the only way for that to have a chance is with transparency

of the process, timely and thorough notification to the public and a unified organization of resistance to unwarranted and unwanted development. This is not happening here and appears to be the results of a standard tactical processes implemented by the developers. This is a process that fails to properly notify all of the local residents in a timely manner and usually supplies them with insufficient, inaccurate and misleading information about the projects real impacts.
Some evidence of this is the environmental impact report being used. It is not representative of the current time and did not originally include residential zoning considerations which completely changes the scope of the project. A new current comprehensive report is needed and should be demanded. The way in which they are trying to manipulate this outdated report is very possibly illegal. Why would they resurrect an EIR report 14 yrs old that never had 750 residential spaces packed in it. Why do they try to cover the fact that there is no room for the new residents vehicles with this so called "Shared parking proposal?
Because they do not want the EIR to reflect the real facts which are, this project will definitely and severely impact the environment in a negative way and that there is no room for them to park, and if there is no room to park then there is no reason to build.

The EIR and parking issues are only two of many reasons, some of which have been voiced here, that validate the reasons for stopping this project and any further similar projects.

It is the maximum density residential buildings that are creating the real problems of over crowding. It is the maximum density residential property which was never part of the original EIR that is the reason they are trying to shoehorn into place a 14 year old modified EIR. I believe their suspicious strategy violates legal statutes and guidelines set forth in the procedural process of obtaining EIR's. I am certain it violates moral and ethical ones.

This project and its negative impacts are not right for the local residents. It not right for the people of Brea in general. You represent the residents of this city and are supposed to protect the the interests of it's people. Do the right thing and put a stop to this unwanted project.
Thank you.

David Schultz
920 Ethelinda Way
Brea, CA 92821

Hosozawa, Carrie

From: David SCHULTZ <96ssimpala@msn.com>
Sent: Tuesday, April 04, 2017 9:07 AM
To: Hosozawa, Carrie
Subject: [!!Spam]Brea Place.

After attending the last two meetings discussing the potential Brea Place development I came away with a sense of astonishment at just how deceptive and untruthful the representatives of The Hines company were. A list of these deceptions follows.
First the issue of the amount of vehicles said to be added to reflect the new apartment complex tenants. It is likely to be from a low estimate of 750 to a more realistic number of 1000 to 1500. This does not include the retail owners, employees and customers which must add at least 100+ more cars. The hotel over flow the other retail from the mall and guests of the apartment tenants add even more. The statement from the Hines representative stating that there were from 100 to 300 "extra" parking spaces available is ridiculous. The shared parking structure said to be able to handle all overflow parking based on the mythical best case scenarios presented by Hines is under estimated by hundreds of cars. Hoping tenants will not have two or possibly more cars per unit is not realistic considering current realities such as the fact that currently most residences have many more occupants than they are designed for.
Second the presumption (by Hines) that adding from 750 to 1500+ vehicles into a traffic scenario, that is already at maximum capacity, will not only not negatively affect traffic but will reduced congestion by 25 to 50 percent by simply changing traffic light timing is and squeezing in one or two turning lanes without widening the streets a flat out lie. Hines is making statements as if they are facts when in reality they are unfounded and mathematically impossible. Also the scenarios they are using as comparisons are nothing near the reality of this specific project and environment present today. Verify the revenue projections especially the property tax revenue as Orange County is a disproportionate county so how much would the City of Brea receive? Was the $1.6M projection the total cost to the developer not what the City of Brea would see in their coiffure to offset the increase to city services such as public safety including impacts to emergency services. Look at impacts to emergency responders with the added congestion, this project would put lives at stake do they have the resources to meet this increased demand. If you allow the introduction of that many vehicles into the already overburdened traffic situation we currently have it would be extremely irresponsible and detrimental to us all. Most importantly the impact which will most assuredly happen will be irreversible if you allow this project to proceed or proceed without severely reducing the residential spaces proposed. If you were to put single family homes on the same footprint as the apartment building the numbers equate like so. 750 units, 750 to 1500+ cars, 750 to 1500+ people. Or 10 to 15 +- single family homes, 20 to 30+ cars, 20 to 50+ people. A much more realistic and manageable scenario. Remember these factors, water, electricity, traffic, schools, pollution, impact in general on our infrastructure. The current proposed project is untenable and just wrong minded in every way.
Please think this proposal through carefully and logically. Consider the wants and needs of the residents of this city over the need for money of the developers and most importantly weigh the questionable statements made by Hines to confirm the truth or falsity of their assertions and act accordingly with regards to any false or misleading statements. You represent the people of Brea and are here to protect us and our interests. Do the moral and ethical "right thing". Thank you. Sincerely Teri and Dave Schultz. Long time Brea residents.
Sent from my iPhone

ATTACHMENT 6

Findings for proposed actions – To assist the Commission in its deliberations, Staff has provided an outline of the specific findings the Commission must consider in order to act upon the various entitlements associated with the proposed project. These findings must be backed by facts. Facts may be provided within written reports, staff presentations, applicant presentations, public testimony, technical studies and analysis and other aspects of the hearing.

Precise Development: This is an administrative action by the Planning Commission. Per City Code, the intent and purpose is to ensure objectives of the land use designation of the General Plan and the development standards of the Zone are met.

Findings: When determining a Precise Development application, the Planning Commission must find if additional requirements or conditions are appropriate or needed to further the objectives of the General Plan or as needed to protect the public safety and general welfare of the community.

Conditional Use Permit: The Conditional Use Permit is intended for land uses which require special consideration in a particular zone or in the city as a whole. The Planning Commission must consider the land use or operations and ensure compatibility with the zone and the adjacent properties and to add conditions of approval to improve the manner in which the use interacts with surrounding land uses.

Findings: When determining a Conditional Use Permit, the Commission shall make the following findings:

1. That the use(s) applied for at the location set forth in the application is properly one(s) for which a Conditional Use Permit is authorized by this title.

2. That said use(s) with any conditions to be imposed is necessary or desirable for the development of the community, in harmony with the various elements or objectives of the General Plan, and not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use(s) is to be located.

3. That the site is adequate in size and shape to accommodate the proposed development and all of the yards, setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the neighborhood.

4. That the proposed site relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed development.

5. That with the conditions stated in the permit, the uses will not adversely affect the public health, safety, or general welfare. Such conditions may include, but are not limited to:

    a. Special setbacks, yards, open spaces and buffers;
    b. Fences and walls;
    c. Lighting;
    d. Surfacing of off-street parking and loading areas;
    e. Requiring street dedications and street improvements, including service roads and alleys when necessary and practical;
    f. Regulations of points of vehicular ingress and egress;

g. Regulation of signs;
h. Regulation of time for certain activities;
i. Requiring landscaping and maintenance thereof;
j. Requiring maintenance of grounds;
k. Regulation of noise, vibration, odors, dust;
l. Time period within which the proposed use shall be developed;
m. A bond for removal of such use within a specified period of time; and
n. Such other conditions as are necessary to protect existing or potential users in the area.

Tentative Parcel Map: The intent and purpose of a tentative parcel map is to ensure that subdivisions of land into four residential parcels or fewer, or for commercial or industrial purposes, are consistent with the General Plan, Zoning and the California Subdivision Map Act. The Planning Commission reviews a map request to determine the land is suitable for the subdivision, consistent with local and State land use law and in compliance with the subdivision map act and the City's subdivision ordinance.

Findings: As required in the City Municipal Code 18.60.030., the Planning Commission shall make the following findings when determining the map request:

1. The proposed map is consistent with applicable general and specific plans;

2. The design or improvement of the proposed subdivision is consistent with applicable general aid specific plans;

3. The site is physically suitable for the type of development;

4. The site is physically suitable for the proposed density of development;

5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially unavoidably injure fish or wildlife, or their habitat;

6. The design of the subdivision or type of improvements is likely to cause serious public health problems;

7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

ATTACHMENT 7

DRAFT CONDITIONS OF APPROVAL

Staff have identified draft conditions of approval which are recommended to be included within any project approval by the Planning Commission. Condition language would be finalized and incorporated within resolution(s) of any Commission action at the conclusion of any project approval.

Voluntary Traffic Improvement Measures -

Adaptive Traffic Control System: The system provided technology for the signalized intersections along State College Boulevard from Imperial Highway to Lambert Road. Benefits are described as including:

- Reductions in number of stops
- Smoothing of average travel speed
- Reduction of greenhouse gases
- Reduction in number of crashes

Connected Vehicle Technology Infrastructure: This system is utilized to improve commute times as well as enhance driver safety on the roadways via information transmission technology as well as communication between vehicle and traffic signal. Benefits include:

- Allow a traffic signal to communicate with the driver to provide timing on green, yellow, and red status
- Provides travel time information to allow drivers to operate in a more efficient manner
- Alternate routes can automatically be provided in vehicles that have the technology to improve commute times
- Travel times along State College Blvd. and Imperial Hwy & Lambert Rd. can be provided to drivers and the system can be set up to where alternate routes are immediately published to provide alternative route options to the driver

Wayfinding and Congestion Avoidance Program: Signage and circulation management and communication plan to direct people on-site to specific entrances or exits during peak periods to reduce congestion.

Holiday Traffic Parking & Shuttle Plan: Will serve to coordinate with Simon Properties and potential other nearby commercial properties to facilitate a holiday season overflow parking area on Brea Place surface parking, and providing a passenger shuttle program to reduce traffic on City streets during the busy November and December holiday season.

Dedicated Right Turn Lane: Applicant will provide for the construction of a free-flowing lane for southbound traffic on State College to make the west bound right turn movement on to Birch Street.

Relocation and related improvements for Transit Stops on State College Blvd.: These improvements shall provide for bus loading and unloading without impeding the traffic movement in the travel lane.

Modify existing signal phasing: On State College Boulevard and Birch Street within the project vicinity to provide optimal traffic movement.

Increased width for project entry driveways on State College Blvd. and Birch Street: This improvement will allow for reduced deceleration and acceleration needs within the travel lanes of these streets, reducing traffic flow impacts.

Tree Planting on Tracks: Planting and maintenance of specimen sized screening trees within the Tracks at Brea trail area adjacent to the project.

Landscape Improvements: Specific review and improvements for final landscape and outdoor amenities plans for common areas.

Hotel Operator: Insuring the proposed Hotel is afforded quality facilities and operational characteristics.

Universal Design: Including Universal Design features within the residential units.

The complete list of draft conditions of approval is provided below:

PD & CUPs

a. Development shall occur in substantial conformance with the plans and specifications submitted to the Planning Commission and dated February 28, 2017; site plan, floor plans, elevations, conceptual architectural elevations and associated details, conceptual landscape plans, conceptual wall and fence elevations, HWA Parking study, Sustainable Plan, etc. are all on file in the Planning Division, the conditions contained herein, and all applicable City regulations.

b. The Project Proponent shall prepare a digital copy (suitable for archival storage) of the plans and specifications noted in Condition “a.” This product shall be received by the Brea Planning Division prior to the issuance of any building permits for the development.

COMMERCIAL USE

c. Commercial uses within Buildings A and B shall fundamentally be project and neighborhood serving, and aligning with the project descriptions, characterizations, and vision statements expressed by the applicant and conveyed within the staff report, the presentation to the Planning Commission, the plans and specifications and the whole of the record, subject to the review and approval of the City Planner. Nothing in this condition shall be construed to limit commercial customers to be generated from on-site, but shall generally achieve the goal to focus on uses aligned with Mixed Use principals for services

and retail uses in convenient proximity to residences and offices for use by residents and office workers.

HOTEL RELATED

d. The approved hotel shall include architecture, public and guest room amenities, and features and operational characteristics consistent with the specifications and descriptions contained in the exhibits and information provided by the applicant. Said architecture, amenities, features and operational characteristics shall include:

    1. Separate dining and bar areas with full meal and alcoholic beverage service
    2. Conference meeting room, available to hotel guests and outside groups with a capacity conducive to use for local service clubs.
    3. Public room/lobby area(s) with features promoting guest gathering in a comfortable and inviting design with amenities and features such as conversation seating, wi-fi service, reading areas, fireplace, food and beverage service, etc.
    4. Improved and enhanced public guest amenities including swimming pool, health club/spa, outdoor seating and gathering areas with fire pit, bocce court, or similar features.
    5. Exterior and interior architectural design incorporating a local Brea/Orange County/Southern California, inspired and comprehensive design approach which provides the building and facilities a distinction from generic hotel branding and design features.

    Final consistency with this condition shall be subject to the review and approval of the City Planner prior to the issuance of construction permits.

ARCHITECTURE, LANDSCAPE AND DESIGN AND OPERATIONS

e. Final Architectural plans and details shall be provided for the review and approval of the City Planner prior to the issuance of a construction permit. Architecture and design features shall be consistent with the specifications and details provided to the Planning Commission and shall include high quality materials, finishes, with complementing color palette. Any use of stucco surfacing within the development shall be smooth finished and final specifications and field samples shall be provided.

f. Final architectural and landscape design options for Building A and for Site 1 and respective design and details near the NWC of Birch Street and State College Blvd shall return for the administrative review and approval of the Planning Commission within a Study Session meeting prior to the issuance of a construction permit.

g. Final details regarding all window glazing and potentially reflective building surfaces shall be provided for the review and approval of the City Planner prior to the issuance of a construction permit. Said glazing and surfacing shall be treated or designed in a manner to reduce glare impacts to adjacent uses, motorists, pedestrians and wildlife (e.g. to reduce bird window strikes).

h. The project shall include Universal Design features for residential units. These features include physical improvements that make a dwelling unit more accessible to older or physically challenged tenants. The goal of this condition shall be to provide for as many

universal design features as possible as contained and described within the City's Universal Design checklist. The Project Proponent shall submit details for its Universal Design Program for the review and approval of the City Planner prior to the issuance of a construction permit.

i. Final landscape, hardscape, and outdoor lighting plans and details shall be provided for the review and approval of the City Planner prior to the issuance of a construction permit. Said landscaping plan shall include water conserving irrigation meeting applicable City of Brea standards. Approved landscaping and irrigation shall be installed prior to any building occupancy. Said plan details shall include:

1. Screening quality landscape treatments shall be incorporated along the western property line, adjacent to the parking garage. The screening shall additionally serve the paseo area adjacent to the east elevation of the parking garage.

2. Details for decorative paving, hardscape, outdoor furniture, lighting and associated features. Outdoor amenities for the residential and commercial areas shall incorporate seating amenities, tables, planters and similar details as generally depicted within the concept plans and specifications provided to the Planning Commission.

3. Open space areas along Birch Street shall be provided with plazas, courtyards, street furniture, outdoor dining, lounge areas and similar details to activate the Birch Street frontage which shall be available for general use by patrons of the businesses and pedestrians. Gates, fencing or similar materials restricting public access to the commercial frontage shall be prohibited to insure that areas are open and available for general use.

4. Project bicycle racks with unique design attributes, similar to depictions within the concept plans and specifications provided to the Planning Commission.

5. The number of trees, shrubs, groundcover and vines provided shall not be less than the amount depicted on the conceptual landscape plans contained within the Plans and Specifications.

6. Details shall include the quantity, size, species type and placement of final trees for all trail locations and linear park and common open space areas for each planning area of the project.

7. A landscape installation phasing plan which provides for select, initial placement and planting of trees and shrubs prior to building construction with a goal to provide visual softening of the site from adjacent neighborhoods and public view areas.

8. Final outdoor lighting details incorporating designs and fixtures consistent with the concept plans and specifications provided to the Planning Commission.

9. Wall & Fencing details with construction materials which are decorative and enduring such as Gabion, split-face, decorative masonry or of similar caliber.

All low walls adjacent to the city trail shall be Gabion walls.

j. The applicant shall provide final detailed plans and associated agreements to construct and install a decorative pedestrian path/bridge within Tracks at Brea to connect the project to the trail, subject to the review and approval of the City Planner and City Engineer prior to the issuance of a construction permit.

k. The applicant shall provide for the plans and details and Installation of mature, specimen quality and sized (e.g. 60" box) trees within the Tracks at Brea site adjacent to the project site and modification of existing irrigation system in Tracks at Brea to irrigate the proposed trees, subject t the review and approval of the City prior to the issuance of any occupancy.

l. Applicant shall enter into a Maintenance and Reimbursement Agreement ("MRA") with the City for the improvements within the Tracks at Brea. The MRA shall be recorded prior to any occupancy. The MRA shall state that the Project Proponent(s) or Project Proponent's Association (POA) shall be responsible to fund, maintain, repair and reconstruct the proposed pedestrian path/bridge connections to the trails and shall reimburse City for the on-going maintenance cost of the proposed trees.

m. All landscaped areas shall be kept free from weeds and debris, maintained in a healthy growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Unhealthy, dead or damaged plant materials shall be removed and replaced within thirty (30) days following written notice from the City Planner.

TRAFFIC AND PARKING RELATED

n. The applicant shall provide plans for the review of voluntary traffic Improvements consistent with representations provided to the Planning Commission, as memorialized at the public hearing, and subject to the further definition and review and approval of the City Planner and City Engineer prior to the issuance of any construction permit for the project. Implementation of said plans shall occur prior to any occupancy. Said improvements shall include:

    1. Adaptive Traffic Signal Control System for the signalized intersections on State College Blvd between Imperial Highway and Lambert Road.

    2. Connected Vehicle Technology infrastructure for roadways and signals in the project vicinity.

    3. Wayfinding and Congestion Avoidance program for the on-site circulation system.

    4. Holiday Traffic Parking & Shuttle Plan to serve the Brea Mall and Marketplace shopping center during peak November and December holiday season.

    5. A dedicated right turn lane improvement for southbound State College Blvd to west bound Birch Street.

    6. Relocation and related improvements for transit stops on north and south

bound State College Blvd along the project frontage. Said improvements shall provide for bus loading and unloading without impeding vehicles in the travel lane, subject to coordination with OCTA.

7. Increased width of project driveways beyond minimum City standard to facilitate optimal and more efficient ingress and egress of the site.

8. Modification of existing traffic signal synchronization phasing for signalized intersections near the project site.

o. The applicant shall provide a plan for the programming of the flexible parking/event space at the office buildings on Site 1. Said plan shall include the proposed types of events, number of events, schedule of events, maintenance of event site, parking management and similar operational details for this flexible parking/event space feature. All gathering space details shall be included in the Brea Place conditions, covenants and restrictions. Final operational details, design, colors, materials and finishes shall be subject to the review and approval of the City Planner prior to the issuance of construction permits.

p. Final plans for the details for the expansion of the existing parking garage structure shall be provided for the review and approval of the City Building and Safety Manager prior to the issuance of a construction permit. Said plans shall provide for structural retrofitting to meet current structural design standards per 2016 CA Building Code or an alternative method of means that is deemed structurally acceptable by the Building and Safety Manager. Final parking stall inventory shall be consistent with the findings and recommendations of the parking analysis provided for the project, including any applicable review recommendations from Gibson Transportation, as contained as exhibits to the staff report.

q. Final parking plans and details for Sites 1 and 2 shall be consistent with the findings and recommendations of the parking analysis provided for the project, including any applicable review recommendations from Gibson Transportation, as contained as exhibits to the staff report. Any reduction of on-site parking, change of tenant spaces/uses, restriping or circulation modifications shall be reviewed and approved by the City Planner prior to any modifications.

r. The applicant shall provide a Parking Management Plan (PMP) for the review and approval of the City Planner prior to the issuance of any occupancy for the new buildings. Said PMP shall:

1. Address the use of all on-site parking details and operations and shall incorporate management strategies to maximize the use of available parking (i.e. parking time limitations and transition from a day time use of the office building to a night time need for other uses).

2. Identify a process and central contact to address and resolve any on-site parking discrepancies or issues in a timely fashion.

3. Provide strategies to assure that on-site uses maintain on-site parking and preclude the potential for off-site parking impacts to the adjacent residential neighborhoods.

4. Include a process by which the City of Brea is afforded the ability to require the ownership to provide additional parking analysis and amendments to the PMP to provide for new or modified parking management or solutions should the City of Brea identify any future parking shortfall or problems at the site.

s. The use of the integrated parking garages for Buildings A and B shall be limited to the parking of operable, resident owned, motor vehicles (i.e. cars, trucks, SUV's, motorcycles). The parking or storage of recreational vehicles is prohibited.

t. The final configuration for vehicle parking design, layout and any other applicable garage or surface parking area, shall be subject to the review and approval of the City Planner prior to issuance of construction permits.

u. A recorded reciprocal access and parking agreement between and among Site 1 and Site 2, and parcels within the sites, shall be executed to the satisfaction of the City Attorney, City Planner and City Engineer and implemented by the applicant prior to final occupancy. This agreement shall be included in the CC&Rs and recorded against all parcels subject to the agreement.

CCRS

v. Covenants, Codes and Restrictions (CC&R's) shall be provided for the review and approval of the City prior to the issuance of any construction permits. The CC&R's shall address the common area, including but not limited to the maintenance and responsibility on-site art piece(s), site drainage, fire service lines, uses, and associated piping and appurtenances, lighting, on-site landscaping, off-site: bio-swale, bridges, improvements and tree grove within the public right-of-way maintained by the Project Proponent.

1. The CC&R's shall include a list of acceptable and/or prohibited uses for the commercial space. Said uses shall be consistent with the project descriptions and vision provided to the Planning Commission through the project entitlement process and reflected within the staff reports, presentations, and specifications.

2. The CC&R's shall require: that parking garages are utilized for the parking of vehicles at all times; and include provisions for the creation of an on-site association/property management; establishment and use of patios/balconies, including but not limited to, storage and permitted outdoor furniture.

3. CC&R's shall be recorded within 30 days of the approved final tract map for Tentative Parcel Map No. 2016-178. A copy of the recorded CC&R's shall be provided to the Community Development Department within thirty (30) days of recordation.

4. All residential and commercial tenants shall be informed of the CC&Rs. A copy of the recorded CC&Rs shall be provided to each residential and commercial tenant upon signature agreement of lease contract.

TRASH

w. A final trash removal service plan shall be submitted for the review and approval of the City Planner prior to first occupancy. Said plan shall provide for and limit trash removal vehicles and servicing of facilities in a manner to reduce associated noise and nuisance impacts to on-site and off-site residents.

x. All outdoor trash facilities shall be shielded from view within a decorative enclosure with walls a minimum six (6) feet in height and provided with metal gates. The design of enclosures shall be in a manner consistent with the architecture used for the buildings and shall require a separate review and approval by the City Planner prior to the issuance of a construction permit.

MISC

y. The applicant shall provide a final construction phasing plan and a timeline of each phase planned in project implementation for the review and approval of the City Planner prior to the issuance of each construction permit.

z. The applicant shall provide a comprehensive sign program subject to the review and approval of the City Planner prior to the issuance of any sign permits. Said program shall include pertinent details regarding residential entry signage, commercial space and project wayfinding. Details shall include the maximum sign area, letter sizes, location, and number of signs, lighting techniques and associated details. Deviations from the signage criteria of the zoning ordinance may be considered within the Sign Program, subject to the review and approval of the City Planner. Signage shall be designed to minimize aesthetic and light and glare impacts to the residential units within and surrounding the project.

aa. The applicant shall provide final plans for surface treatments for any underground electrical vaults and screening treatments for above ground vaults shall be subject to the review and approval of the City Planner and Edison prior to the issuance of a construction permit.

bb. Hold Harmless: To the fullest extent permitted by law, the applicant shall indemnify, defend and hold the City, its elected officials, officers, contractors serving as City officers, agents, and employees (“Indemnitees”) free and harmless from: (i) any and all claims, liabilities and losses whatsoever occurring or resulting to any and all persons, firms, entities, or corporations furnishing or supplying work, services, materials, or supplies in connection with, or related to, the performance of work or the exercise of rights authorized by approval of Precise Development No. 16-04 and Conditional Use Permit Nos. 16-10 and 16-11; and (ii) any and all claims, lawsuits, liabilities, and/or actions arising out of, or related to the approval of the Precise Development and Conditional Use Permits or the granting or exercise of the rights authorized by said approval; and (iii) from any and all claims, liabilities and losses occurring or resulting to any person, firm, entity, corporation for property damage, personal injury, or death, arising out of or related to the approval of, or exercise of rights granted by, this Precise Development and Conditional Use Permit. Project Proponent's obligation to indemnify, defend, and hold the Indemnitees free and harmless as required hereinabove shall include, but is not limited to, paying all fees and costs incurred by legal counsel of the Indemnitees’ choice in representing the Indemnitees in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit

or action.

MAP

a. Development shall occur in substantial conformance with the plans and specifications submitted to the Planning Commission and dated February 28, 2017; site plan, conceptual grading plans, tentative maps, utility plans conceptual landscape plans and associated details are all on file in the Planning Division, the conditions contained herein, and all applicable City regulations.

b. The applicant shall prepare a digital copy (suitable for archival storage) of the plans and specifications noted in Condition "a." This product shall be received by the Brea Planning Division and the Engineering Division prior to the issuance of any building permits for the development.

PRIOR TO FINAL MAP

c. Applicant shall submit Final Map (Parcel Map 2016-178) for the property area located on the west side of State College Boulevard, prepared by a Licensed Surveyor or Registered Civil Engineer authorized to practice land surveying in the State of California for review and approval.

d. The following easements shall be vacated by City of Brea:

    1. Existing 10-ft wide City of Brea Water Easement, except for the existing 12" water line located along the southwest corner of the property proposed to remain.

    2. Existing 30-ft wide City of Brea Storm Drain Easement along the northerly property line.

e. The following easement shall be dedicated to the City of Brea:

    1. Public water easement for the proposed domestic water services and fire services location within the property along the first reach of northerly and southerly driveways on State College Boulevard. The exact width and limit of the easement shall be determined at the time of improvement plan review and approval process.

    2. Additional public right-of-way dedication for the proposed right-turn only lane on the west side of State College Boulevard at Birch Street. The exact width and limits of dedication, which includes the corner cut-off, shall be determined at the time of improvement plan review and approval process.

f. Applicant shall prepare water easement abandonment and dedication documents for the relocation of the existing 8" public water line within the proposed hotel site (Site 2) located on the east side of State College Boulevard. These documents shall be prepared by a Licensed Surveyor or Registered Civil Engineer authorized to practice land surveying in the State of California for review and approval.

g. Applicant shall conduct a detailed operational analysis of the proposed traffic signals at the proposed driveway (Project Driveway C) on Birch Street prior to design of any improvements. The purpose of the operational analysis will be to demonstrate that fully actuated traffic signal can be satisfactorily incorporated into the City's regional traffic corridor signal synchronization systems on Birch Street without creating vehicle queues that would potentially block or disrupt the efficient operation of the other traffic signals on Birch Street corridor. It is anticipated that incorporation of the new traffic signals will incorporate the installation of adaptive traffic control technology, as such, the operational analysis shall be based on an adaptive traffic control system compatible with existing City equipment and incorporating up to a total of ten signalized intersections on State College Boulevard and Birch Street, as recommended by the Project Proponent and approved by the City Engineer.

h. Applicant shall submit public and private improvement plans, final sewer study and final drainage study for review and approval by City Engineer. Said plans and studies shall be prepared by a Registered Civil Engineer. The public improvements shall include, but are not limited to, the following:

    1. Widening of the west side of State College Boulevard to accommodate the right-turn only lane. Project Proponent shall be responsible to remove, relocate, modify and reconstruct any existing improvements, including the traffic signal, impacted by the proposed improvement.

    2. Relocation of existing on-site 60" public storm drains along the northerly property line into the City owned property (APN 319-022-28), also identified as Tracks at Brea. Project Proponent is responsible to replace all damaged or disturbed portion of the existing improvements (including the bio-swale) in the Tracks at Brea in-kind.

    3. Removal of existing on-site 8" public water line, located in the apartment site west side of State College Boulevard, interfering with the proposed improvements. Project Proponent could reuse and/or reconstruct the remaining portion of the existing water line for private fire water line purposes per Fire Department review and approval.

    4. Relocation of existing on-site 8" public water line, located in hotel site east of State College Boulevard, interfering with the proposed improvements. Project Proponent shall submit public water easement abandonment and dedication documents for review and approval by City Engineer. These documents shall be prepared by a Licensed Surveyor or Registered Civil Engineer authorized to practice land surveying in the State of California.

    5. Relocation of the existing water quality monitoring station on the existing 8" water line located in the southwest corner of the project. The new location shall be determined by City Engineer at the time of improvement plan review and approval process.

    6. Upsizing the existing connector pipe between the catch basins on State College Boulevard and Birch Street (at the south east corner of the development area

located on the west side of State College Boulevard), if the final drainage study indicates that the existing connector pipe is deficient to accept the proposed on-site runoff

7. Proposed improvements at Project Driveway A (existing northerly signalized driveway) on State College Boulevard are as follow:

    i. Restriping to provide an exclusive left turn lane and a right and through combination lane in the eastbound direction and modification of the existing signal heads as necessary to accommodate the restriping.

8. Proposed improvements at Project Driveway B (existing southerly non-signalized driveway) on State College Boulevard are as follow:

    i. Construction of a raised center median on State College Boulevard to allow right turns in and out of the driveway, as shown in the Traffic Impact Analysis (TIA). The exact length and width of the raised median to be determined by City Engineer at the time of improvement plan review and approval process.

9. Proposed improvements at Project Driveway C (existing non-signalized driveway) on Birch Street are as follow:

    i. If the traffic operational analysis is demonstrated to the satisfaction of the City Engineer that the proposed traffic signal at Project Driveway C can be incorporated into the City's signal synchronization system, then design of the traffic signal can proceed. Additionally, the Project Proponent shall include an adaptive traffic control system in the Birch Street corridor.

    ii. The Project Proponent shall monitor and report on the traffic signal synchronization operation of the Birch Street corridor on a regular basis during the course of the construction and occupancy of the project up to 100% occupancy and for a period of two (2) years after 100% occupancy; and, to make improvements to the traffic signals on the Birch Street corridor, as required by the City Engineer, to ensure that the traffic signal synchronization continues to operate at an optimal level of service. For the purposes of the monitoring, it shall be the Project Proponent's obligation to retain a traffic engineering consultant qualified to conduct the monitoring and approved by the City Engineer.

    iii. However, if the traffic operational analysis does not demonstrate to the satisfaction of the City Engineer, that the proposed traffic signal at Project Driveway C can be incorporated into the City's signal synchronization system, then further analysis shall be conducted at the Project Proponent's expense by a qualified Traffic Engineer approved the City Engineer to

determine an alternative traffic mitigation solution acceptable to the City Engineer shall be provided.

i. Applicant shall complete the required improvements or enter into a Subdivision Improvement Agreement with the City. All public improvements required to construct within these Conditions of Approval, including proposed trees and irrigation modification improvements in Tracks at Brea, shall be guaranteed to be installed by providing bonds or sureties (cash deposit) for both Faithful Performance and Labor and Materials as required by the Subdivision Map Act in a form approved by the City Attorney. The bonds shall also include the costs associated with monthly traffic monitoring and reporting based during the course of the construction and occupancy of the project up to 100% occupancy and for a period of two (2) years after 100% occupancy.

j. Applicant shall submit a Baseline Traffic Monitoring Report. Applicant shall consult with City Traffic Engineer for the monitoring and the report format. The monitoring and report shall be conducted by a traffic engineering consultant qualified to perform the monitoring and approved by the City Traffic Engineer.

k. Applicant shall provide CC&Rs for the review and approval of the Public Works Department, Fire Department, Community Development Department and City Attorney. The CC&Rs shall address the common areas, including but not limited to the maintenance and responsibility: site drainage; shared utility lines and associated piping and appurtenances; lighting; on-site landscaping & irrigation maintained by the Project Proponent and/or Project Proponent's Association (POA). This requirement shall be included in the CC&Rs as described for the Precise Development No. 16-04 and Conditional Use Permit Nos. 16-10 and 16-11.

l. Said CC&R shall include a statement that "the recorded copy of the Maintenance and Reimbursement Agreement entered into by the Project Proponent and City is made a part of these CC&R's thereof."

Prior to issuance of any grading permit:

m. Applicant shall submit final Water Quality Management Plan for review and approval.

n. Applicant shall submit grading and demolition plans as prepared by Registered Civil Engineer for review and approval by the City Engineer and Building Official.

Upon the issuance of first construction (demo, grading or building) permit:

o. Applicant shall start the regular Traffic Monitoring Report process. Applicant shall consult with City Traffic Engineer for the monitoring and the report format. The monitoring and report shall be conducted by a traffic engineering consultant qualified to perform the monitoring and approved by the City Traffic Engineer and submit the report on a regular basis.

Prior to issuance of residential (non-parking structure) building permit for building fronting Birch Street or Hotel Site:

p. Applicant shall complete the construction of the following required improvements to the satisfaction of City Engineer:

   i. Raised center median on State College Boulevard at Project Driveway B.

   ii. Traffic signal and adaptive traffic system or alternately approved traffic mitigation on Project Driveways C.

Prior to issuance of building permit of the proposed structures fronting the Tracks at Brea:

q. Applicant shall complete the construction of the following required improvements to the satisfaction of City Engineer:

   i. Restriping and signal modification at Project Driveway A.

   ii. Relocation of 60" storm drain line.

   iii. Installation of tree and irrigation in the Tracks at Brea.

Prior to release of all Faithful Performance Bond:

r. Applicant shall provide regular Traffic Monitoring Report through the course of construction and up to a minimum of 24 months (2 years) from the time of 100% occupancy of the project. If the installed traffic signal on Project Driveway C is determined to not function to the satisfaction of the City Engineer, then the traffic signal shall be removed and an alternative traffic mitigation solution acceptable to the City Engineer shall be provided.

s. All improvements shall be completed and accepted by the City and warranty bond shall be provided in accordance with the Subdivision Improvement Agreement.

t. Hold Harmless: To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold the City, its elected officials, officers, contractors serving as City officers, agents, and employees ("Indemnitees") free and harmless from: (i) any and all claims, liabilities and losses whatsoever occurring or resulting to any and all persons, firms, entities, or corporations furnishing or supplying work, services, materials, or supplies in connection with, or related to, the performance of work or the exercise of rights authorized by approval of Tentative Parcel Map No. 2016-178; and (ii) any and all claims, lawsuits, liabilities, and/or actions arising out of, or related to the approval of this Tentative Parcel Map and/or the granting or exercise of the rights authorized by said approval; and (iii) from any and all claims, liabilities and losses occurring or resulting to any person, firm, entity, corporation for property damage, personal injury, or death, arising out of or related to the approval of, or exercise of rights granted by, this Tentative Parcel Map. Project Proponent's obligation to indemnify, defend, and hold the Indemnitees free and harmless as required hereinabove shall include, but is not limited to, paying all fees and costs incurred by legal counsel of the Indemnitees' choice in representing the Indemnitees in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.

City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

FROM: Jennifer Lilley,

DATE: 04/25/2017

SUBJECT: CONDITIONAL USE PERMIT NO. CUP 17-03 – TO ALLOW A TACTICAL DEFENSE TRAINING BUSINESS IN AN EXISTING OFFICE AND WAREHOUSE BUILDING LOCATED AT 615 NORTH BERRY STREET, SUITE I IN THE M-1, LIGHT INDUSTRIAL ZONE

REQUEST

The application is a request for a Conditional Use Permit to allow a tactical defense training business in an existing office and warehouse building in the M-1, Light Industrial zone.

RECOMMENDATION

Staff recommends the Planning Commission approve Conditional Use Permit No. CUP 17-03, subject to the conditions in the draft Resolution.

BACKGROUND/DISCUSSION

Mr. Bryan McKenrick, owner of American Tactical Defense, is requesting a Conditional Use Permit to open a tactical defense training business. The business will provide personal and home defense training geared toward parents, homeowners, renters and law enforcement agencies for training purposes. The applicant is a Federally Certified Firearms Instructor and currently supervises, instructs and trains nearly 1,000 Federal Officers annually in his capacity as a Federal Law Enforcement Officer. A full description of the business background and operations is included in Attachment 5. Commercial trade schools, including those offering non-degree subjects and specialized programs in personal growth and development, are permitted in the M-1 zone subject to Planning Commission review and approval of a Conditional Use Permit.

FIGURE 1 - AERIAL

American Tactical Defense proposes to locate in Suite I of the business park at 615 North Berry Street. The Suite currently includes two levels totaling 1,200 square feet, see Attachment 4. This space will be modified to create a simulation of a two-story single-family home. The ground level will also include a check-in area and a conference room for training and briefing activities. The applicant proposes to operate the business from 8:00 a.m. to 5:00 p.m. Monday to Friday and from 9:00 a.m. to 4:00 p.m. on Saturday and Sunday. A maximum of two employees will be on-site at any given time and up to eight customers per training on weekdays and

ten customers per training on weekends are expected.

Each customer will participate in a three-hour training session consisting of a safety briefing, training session and a scenario-based simulation using non-lethal training ammunition. To ensure safety, the business will include a “semi-safe zone” in the lobby and a “safe zone” inside the scenario training area. In the semi-safe zone, customers will be searched for firearms, ammunition and other items that could pose a safety threat prior to entering the safe zone. All customers and employees will be required to wear full-face, neck and body protective gear. The applicant will also require customers to complete a questionnaire to verify they are legally authorized to possess a firearm prior to scheduling a training session. These operations are detailed in the Project Business Plan in Attachment 5. A condition of approval has been added requiring the business to operate in substantial conformance with this proposal.

From a parking and operational standpoint, the most similar type of businesses are small dance and martial arts schools, tutoring centers, fitness uses and uses offering specialized training programs where groups of individuals participate together in an activity. Many of these businesses operate successfully in business parks throughout the city in a manner that does not impact and complements surrounding uses.

The American Tactical Defense site is currently developed with a multi-tenant office and warehouse complex totaling 17,528 square feet at 615 North Berry Street in addition to an 8,762 square foot single-tenant warehouse building directly to the west at 720 Challenger Street. These two buildings include a combination of small-scale office and industrial uses which operate during the typical 8:00 a.m. to 5:00 p.m. business hours. The site includes a total of 67 parking spaces shared by tenants of both buildings. The Zoning Code requires 50 parking spaces for the office/warehouse uses. American Tactical Defense will require a maximum of 10 parking spaces on weekdays and 12 parking spaces on weekends. The parking supply is adequate to support the proposed use. These operations are also detailed in the Project Business Plan. The applicant will be required to operate the business in substantial conformance with this proposal to ensure an adequate parking supply on site.

Should operations intensify in the future (i.e. increased number of employees, increased number of clients served at a time), staff has added a condition to require review of the intensification in use for compatibility and parking. Given the limited number of trainers and customers, the indoor nature of the business, thorough safety precautions, compliance with Federal regulations and adequate parking on site, the use is anticipated to operate in a consistent manner with the business park, and is not expected to have a negative impact on the business park or adjacent tenants.

ENVIRONMENTAL ASSESSMENT

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of Title 14, Chapter 3, Article 19 of the California Code of Regulations.

TECHNICAL BACKGROUND	
Case Nos:	Conditional Use Permit No. CUP 17-03
Property Location:	615 North Berry Street, Suite I
Applicant:	American Tactical Defense, Bryan McKenrick
Property Owner:	Albany Synergistics, 1102 East Chestnut Avenue, Orange, CA 92867
General Plan Designation:	Light Industrial
Zoning Designation:	M-1 Light Industrial

Lot Size:	1.42 acres
Adjacent Zoning/Land Uses	
North:	M-1 Light Industrial / office and warehouse developments
South:	M-1 Light Industrial / Brea Olinda Unified School District bus lot
East:	M-1 Light Industrial / office and warehouse developments
West:	M-1 Light Industrial / office and warehouse developments
Site and Neighborhood Characteristics:	The site consists of an office and warehouse complex. The surrounding uses consist of similar office and warehouse uses on the North, East and West sides, in addition to a bus lot to the South.
Public Hearing Notices:	Legal notices was published in the *Brea Progress* on April 6, 2017 and 26 notices were sent to property owners within a 500-foot radius of the subject property.

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

Prepared by: Fang-zhou Zhou, AICP, Assistant Planner

Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Draft Resolution
4. Plans & Desricption
5. Project Business Plan

ATTACHMENT 1

SUBJECT PROPERTY
AND VICINITY MAP

DATE: APRIL 25, 2017

CASE NO:
CONDITIONAL USE PERMIT NO. CUP 17-03

N

CITY OF BREA

notice of public hearing

TO: **Property Owners within a 500-Foot Radius**

FROM: **City of Brea, Community Development Department**

SUBJECT: **CONDITIONAL USE PERMIT NO. CUP 17-03**

NOTICE IS HEREBY GIVEN, pursuant to State Law, that a public hearing will be held by the Planning Commission to determine whether or not the subject request shall be approved under the provisions of State Law and the Brea City Code as follows:

DATE AND TIME OF HEARING: **Tuesday, April 25, 2017, 7:00 p.m.**
All interested persons may appear and be heard at that time.

PLACE OF HEARING: Brea Civic & Cultural Center, Council Chambers
1 Civic Center Circle, Brea, CA 92821

REQUEST: A request to allow a tactical defense training business in an existing office and warehouse building located at 615 North Berry Street, Suite I, in the M-1 Light Industrial zone in accordance with Chapters 20.252 and 20.408.030 of the Brea Zoning Code. The proposed site is legally described as Map Book 296, Page 22, Block 221, Parcel 18, as shown in the latest records of the County of Orange Tax Assessor.

PROPERTY INVOLVED: 615 North Berry Street
Brea, CA 92821

APPLICANT: American Tactical Defense, Bryan McKenrick
585 Bonita Canyon Way
Brea, CA 92821

PROPERTY OWNER: Albany Synergistics
1102 East Chestnut Avenue
Orange, CA 92867

ENVIRONMENTAL INFORMATION: The City of Brea has determined that the proposed project is exempt from requirements of the California Environmental Quality Act, pursuant to Section 15301 of said Act.

AREA MAP:

IF YOU CHALLENGE THIS CONDITIONAL USE PERMIT NO. CUP 17-03 AND RELATED ENVIRONMENTAL DETERMINATIONS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE, DELIVERED TO THE COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

FOR FURTHER INFORMATION ON THIS SUBJECT, PLEASE CONTACT THE PLANNING DIVISION AT (714) 990-7674.

COMMUNITY DEVELOPMENT DEPARTMENT

Jennifer A. Lilley, AICP
City Planner

legalnot.CUP 17-03.ph

ATTACHMENT 3

RESOLUTION NO. PC 2017-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA APPROVING CONDITIONAL USE PERMIT NO. 17-03 – TO ALLOW A TACTICAL DEFENSE TRAINING BUSINESS LOCATED AT 615 NORTH BERRY STREET, SUITE I, IN THE M-1 LIGHT INDUSTRIAL ZONE SUBJECT TO THE CONDITIONS AS SET FORTH HEREIN

A. RECITALS:

(i) The Planning Commission of the City of Brea has heretofore held a duly noticed public hearing, as required by law, on Conditional Use Permit No. 17-03 to allow a tactical defense training business.

(ii) The property owner is Albany Synergistics, 1102 East Chestnut Avenue, Orange, CA 92867.

(iii) The project proponent is Bryan McKenrick, American Tactical Defense, 585 Bonita Canyon Way, Brea, CA 92821.

(iv) The subject property is located at 615 North Berry Street, Suite I, and further legally described as a portion of Map Book 296, Page 22, Block 221, Parcel 18, as shown in the latest records of the County of Orange Assessor's Office.

(v) The property is zoned M-1 Light Industrial and designated Light Industrial in the General Plan Land Use Element.

(vi) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION:

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Brea, as follows:

1. In all respects as set forth in Recitals, Part A, of this Resolution.

2. The Planning Commission hereby finds the project identified above in this Resolution is exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder pursuant to Section 15301 of Title 14, Chapter 3, Article 19 of the California Code of Regulations.

3. The Commission further finds in consideration of Conditional Use Permit No. 17-03 as follows:

a. Finding: The use applied for at the location set forth in the application is one for which a Conditional Use Permit is authorized by this title.

Fact: The subject site is zoned M-1 Light Industrial. Commercial trade schools, including those offering non-degree subjects and specialized programs in personal growth and development, are permitted in the M-1 zone subject to Planning Commission review and approval of a Conditional Use Permit.

b. Finding: The proposed project, with conditions as imposed, is necessary or desirable for the development of the community, in harmony with the various elements or objectives of the General Plan and not detrimental to existing uses or uses permitted in the zone.

Fact: The proposed use is located within an existing building. General Plan Goal CD-1 and Policy CD-1.11 encourage providing a balance of land uses to meet the needs of all residents and provide for a mixture of businesses and service uses within the community. This use will offer a niche business by offering parents, homeowners, renters, and law enforcement

agencies advanced tactical defense training and simulations, thereby supporting General Plan Goal CD-1 and Policy CD-1.11.

c. Finding: The site is adequate in size and shape to accommodate the proposed development and to accommodate the proposed use.

Fact: The proposed tactical defense training business will be located within an existing industrial business park. The site is mainly comprised of office and warehouse uses and the subject site was approved in accordance with the City's zoning requirements to accommodate such uses. The site has an adequate parking supply and given the proposed business' limited operations and occupancy, no negative impacts are anticipated.

d. Finding: The proposed site relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated.

Fact: Vehicular access will be provided from Berry Street and Challenger Street. Berry Street is designated as a Secondary Arterial by the General Plan and is properly designed and improved to carry traffic generated by the proposed use. The proposed use is not expected to have a significant impact on traffic generation.

e. Finding: That with the conditions stated in the permit, the uses will not adversely affect the public, health, safety, or general welfare.

Fact: The project has been conditioned to require substantial conformance with the applicant's business plan and to ensure the

use of adequate safety precautions. The business will also be required to comply with all applicable Federal regulations pertaining to firearms training. The business will also be required to comply with applicable Building and Fire Code requirements. These measures will ensure the use will not adversely affect the public health, safety, and welfare.

4. Conditional Use Permit No. 17-03 is hereby approved, subject to conditions as set forth herein:

a. Business operations must occur in substantial conformance with the site plan, floor plan, and project description submitted to the Planning Commission and dated April 25, 2017, on-file in the Planning Division, the conditions contained herein, and all applicable Federal, State and City regulations. Any modification to the approved use must require the review and approval of the City Planner prior to alteration.

b. Should the business intensify (extended hours, more students, more instructors, expanded space, etc.) the tenant shall submit revised business operations for the review and consideration of the City Planner related to parking and compatibility and conformance with this CUP.

c. Proposed business activities and operations must be conducted entirely indoors.

d. Prior to occupancy, the applicant must demonstrate compliance with Fire Department and Building & Safety Division codes and standards.

e. To the fullest extent permitted by law, the applicant must indemnify, defend and hold the City, its elected officials, officers, contractors serving as City officers, agents, and employees (“Indemnitees”) free and harmless from: (i) any and all claims, liabilities and losses whatsoever occurring or resulting to any and all persons, firms, entities, or corporations furnishing or supplying work, services, materials, or supplies in connection with, or related to, the performance of work or the exercise of rights authorized by approval of this Conditional Use Permit No. 17-03; and (ii) any and all claims, lawsuits, liabilities, and/or actions arising out of, or related to the approval of this Conditional Use Permit and/or the granting or exercise of the rights authorized by said approval; and (iii) from any and all claims, liabilities and losses occurring or resulting to any person, firm, entity, corporation for property damage, personal injury, or death, arising out of or related to the approval of, or exercise of rights granted by, this

Conditional Use Permit. Applicant's obligation to indemnify, defend, and hold the Indemnitees free and harmless as required hereinabove must include, but is not limited to, paying all fees and costs incurred by legal counsel of the Indemnitees' choice in representing the Indemnitees in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.

5. The Secretary of this Commission must certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 25th day of April, 2017.

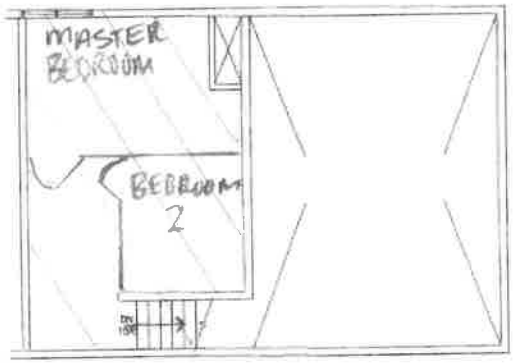
_____
Chairman, Planning Commission

I, Jennifer A. Lilley, Secretary to the Planning Commission of the City of Brea, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Brea held on the 25th day of April, 2017, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 25th day of April, 2017, by the following votes:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

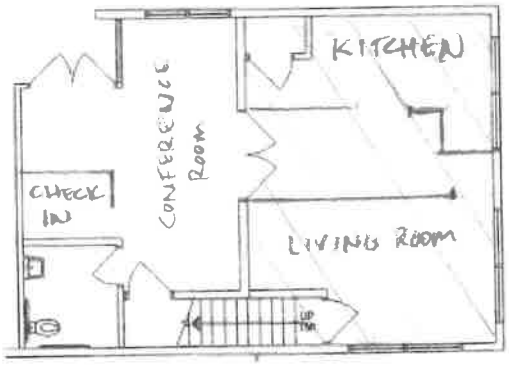
ATTEST: _____
Secretary, Planning Commission

MODIFIED RESIDENTIAL MOCK UP



2ND FLOOR

SAFETY ZONE SCENARIO AREA



1ST FLOOR

1ST FLOOR OFFICE	360 S.F.
2ND FLOOR OFFICE:	394 S.F.
OFFICE:	446 S.F.
TOTAL:	1,200 S.F.

NORTH

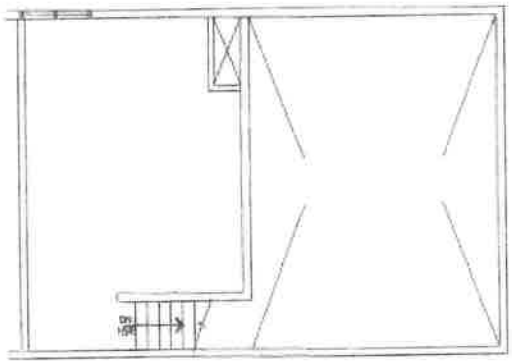
scale: 1/8" = 1'-0" IRV08-5016430

As-Built Plan

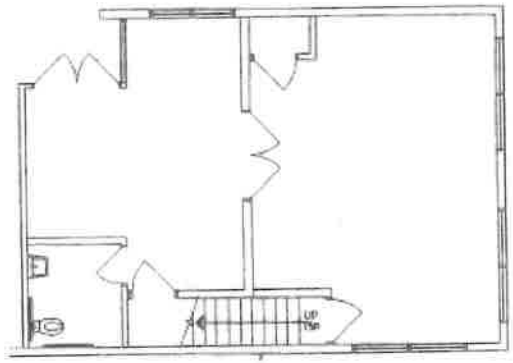
Bldg. 615

Berry Business Park, 615 Berry Street, Suite #1
Brea, CA

AS IS LAYOUT



2ND FLOOR



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TOTAL:		1,200 S.F.

scale: 1/8" = 1'-0" IRV08-5015-410 NORTH

As-Built Plan

Bldg. 615

Berry Business Park, 615 Berry Street, Suite #I

Brea, CA

Business Project

American Tactical Defense, LLC

615 N. Berry St. Suite I
Brea, Ca 92821

Karla Rivera/Bryan McKenrick, Owner

October 18, 2016

1. EXECUTIVE SUMMARY

Product

To provide all law abiding American Citizens with training involving tactics, methods and means of protecting themselves from today's criminals and random acts of violence within their residences. Our training service is designed for realistic scenario based training utilizing real firearms with Non-Lethal Training Ammunition. We will provide role players with a brick and mortar mocked home located in an Office space.

Customers

This training's demographic consists of all residents in Southern California. We will advertise to parents, homeowners and renters that own or are interested in owning a firearm for protection. All customers will be required to be the ages of 21 or over.

2.. COMPANY DESCRIPTION

Mission Statement

"Empowering the Innocent" No more victims!

American Tactical was created to provide our communities with methods and options for protecting themselves from violent criminals. We refuse to stand by and witness our law-abiding citizens continue to be victims of crime within their own homes.

When Police are minutes away and seconds count, it is entirely up to you whether or not you choose to be a helpless victim or protect your loved ones and yourself.

We pledge to dedicate all our time and efforts into valuing innocent people and training them with a skill set of defending themselves and their loved ones.

Principal Members

Owner - Karla Rivera/Bryan McKenrick

Chief Executive Officer (CEO) - Karla Rivera

Responsible for growth, development, strategic planning and overall guidance of the business.

Chief Operations Officer (COO) - Bryan McKenrick

Responsible for all creation of training, implementation of training programs, inventory and oversight of daily operations.

Legal Structure

American Tactical will be a Limited Liability Corporation

3. MARKET RESEARCH

Industry

In my capacity as a Federally Certified Firearms Instructor, I have clear understanding of the nature of this training service in regards to subject matter, safety and operations thereof. My current career as a Federal Law Enforcement Officer for U.S. Customs and Border Protection has provided me extensive training, experience and certifications in the following:

· Firearms Instructor

· Active Shooter Response Instructor

· California Peace Officer Standards in Training (POST) Academy Instructor

· Use of Force

I currently Supervise, instruct and train about 1,000 Federal Officers four times per year. I Supervise all Law Enforcement training including, Customs and Border Protection Tactical Team, Firearms, Active Shooter and Use of Force training. In addition, I train LAPD in Active Shooter training.

I am certified in numerous Active Shooter Programs and train every day.

Competitors

This training service is one of a kind. There are not any other businesses around the Los Angeles or Orange County area with this type of training utilizing non-lethal training ammunition. NLTA training has been regarded by all Law Enforcement as the most realistic training short of using real firearms and live ammunition.

The closest training found during the market research is all live fire either at a shooting range or outside in open areas.

This training service that American Tactical is truly a ground-breaking business service.

Competitive Advantage

Compared to any other competitors, the advantages of this business are many.

· Safer training

· Non-lethal training ammunition

· Familiar environment (home setting)

· 3-hour training sessions

· Located within a community

· Training is flexible

· Environmental advantages (non-toxic and lead free)

· Marking Cartridges are easily cleaned with soap and water

· No hearing protection needed

Regulation

American Tactical must meet all Federal and State regulations concerning this training. Specifically, under the Gun Control Act title 18 USC 922(g). American Tactical will not train any person who is not legally authorized to possess a firearm that includes, a convicted felon, fugitive from justice, a person who is addicted to any controlled substance, a person who has been adjudicated as a mental defective or who has been committed to any mental institution, who is an illegal alien, a person who has been dishonorably discharged from the Armed Forces, a person who has renounced his or her US citizenship, a person who is subject to a court order

restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner or who has been convicted of a misdemeanor crime of domestic violence.

American Tactical will require customers to fill out an online questionnaire before scheduling them for a training session. If customers answer that they do not fall into the specific categories above, they will be scheduled. Once they arrive for their scheduled training, the customer will again have to physically answer and sign the questionnaire. We will also require customers to provide their photo ID, address, phone number and email to verify identity.

American Tactical Home Defense will provide three-hour training sessions to our customers. Our customers-needs will be met by placing them into realistic scenario based training utilizing real role players that will play the part of either criminals such as intruders, home invaders, robbers, rapist, murderers or as non-threatening persons such as a family member, police, fire fighter or family friend.

The following will be provided during the three-hour training session:

· Classroom safety briefing

· Power point presentation

· Home defense tactics and legal responsibility

· Reality based training involving threatening situations and non-threatening situations

· Final close out and debriefing of the scenarios

Product/Service Life Cycle

Services are ready to be offered to clients, pending construction of mock home and city inspection.

Prospects

Our service will be marketed as a one of a kind training service that was developed by law enforcement for all law-abiding citizens

American Tactical Defense, LLC

Monday – Thursday (Tentatively) **Hours of Operation: 8:00 am – 5:00 pm**

- Tenant will have a class of 7-8 Law Enforcement Officers for approximately 2 hours on an infrequent, reoccurring basis (e.g. a 2 hour class, once every 2 weeks on a Tuesday)
- Tenant is requesting 3-4 parking spaces and will encourage clients to carpool. If the parking clients exceed 3-4 spaces, they will park off-site.

Friday **Hours of Operation: 8:00 am – 5:00 pm**

- Tenant will have 7-8 Customers for 8 hours on an infrequent basis (e.g. an 8 hour class One-Friday per month for Security Company Training
- Tenant is requesting 3-4 parking spaces and will encourage clients to carpool. If the parking clients exceed 3-4 spaces, they will park off-site.

Saturday **Hours of Operation: 9:00 am – 12:00 pm**

- Tenant will have 7-8 Customers for a 3 hour class every Saturday.
- Tenant is requesting 7–10 parking spaces and will encourage clients to carpool. If the parking clients exceed 3-4 spaces, they will park off-site.

Saturday **Hours of Operation: 1:00 pm – 4 pm**

- Tenant will have 7-8 Customers for a 3 hour class every Saturday.
- Tenant is requesting 7–10 parking spaces and will encourage clients to carpool. If the parking clients exceed 3-4 spaces, they will park off-site.

Sunday **Hours of Operation: 9:00 am – 12:00 pm**

- Tenant will have 7-8 Customers for a 3 hour class every Sunday.
- Tenant is requesting 7–10 parking spaces and will encourage clients to carpool. If the parking clients exceed 3-4 spaces, they will park off-site.

Sunday **Hours of Operation: 1:00 pm – 4 pm**

- Tenant will have 7-8 Customers for a 3 hour class every Sunday.
- Tenant is requesting 7–10 parking spaces and will encourage clients to carpool. If the parking clients exceed 3-4 spaces, they will park off-site.

MAXIMUM OCCUPANCY

10 Customers per Class

2 Instructors per Class

SAFETY ISSUES

We are training home invasion scenarios and self-defense scenarios involving Non-Lethal Training Ammunition. That said, we will utilize numerous layers of safety. Prior to the scenarios being conducted, we will inspect the training areas for any safety issues e.g. tripping hazards, checking all customers for any live ammunition or firearms with a metal detector and physical inspection. There will be a Safe Zone inside the scenario training area and a Semi-Safe Zone immediately outside the scenario training area all requiring safety checks. All persons involved in the training scenarios will wear personal protective equipment consisting of Full Face Masks/Helmet, neck protector and full body suit that will protect them. Before each training class we will conduct a safety briefing with all Customers covering all safety issues and objectives. Safety is paramount always.

City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

FROM: Jennifer Lilley,

DATE: 04/25/2017

SUBJECT: FISCAL YEAR 2017/18 CAPITAL IMPROVEMENT PROGRAM FINDING OF CONFORMANCE WITH THE GENERAL PLAN

REQUEST

Review the list of proposed Public Works projects recommended for planning, initiation or construction during the 2017/2018 year and report to the City Council as to conformity with the General Plan.

BACKGROUND/DISCUSSION

BACKGROUND

Government Code Section 65401 requires the Planning Commission review the list of proposed projects in the Fiscal Year 2017/18 Capital Improvement Program (CIP) and verify conformance with the General Plan. Subsequent to the Planning Commission's adoption of the Resolution for CIP general conformance, the City Council will then adopt the proposed CIP budget which is anticipated to occur in June 2017.

DISCUSSION

The goals of the CIP are to enhance the quality of life in the community, maintain the City's infrastructures and improve traffic systems within the City. There are nine (9) new projects proposed in the Fiscal Year 2017/18 CIP, as well as fifty two (52) carryover projects in various stages of completion determined to be in conformance with the General Plan in prior years. The new projects proposed in the Fiscal Year 2017/18 CIP are listed below:

New CIP Projects for FY 2017-18

Street Improvements	
7308	Birch Street & Brea Boulevard Intersection Rehabilitation
7320	Alley Pavement Rehab w/o Sycamore between Elm & Date Streets
Water Improvements	
7458	Napoli Tract Water Main Replacement
7466	South Brea Neighborhood Water Main Replacement
Facility Improvements	
7940	Arovista Park (west) Restroom Repairs
7941	Fire Station 3 Metal Roof Replacement
7942	Selected HVAC Component Replacement at Civic Center
7943	Brea Fitness Center Flooring Replacement
7944	Senior Center Kitchen Enhancements

The environmental documentation and/or clearance for most projects has been completed. Environmental documentation for the remaining projects will be prepared or initiated prior to the start of construction. The Resolution attachment lists all the projects in the CIP for the next year and a summary of the status of their environmental clearance. This conformance is ministerial and as such is exempt from the requirements of California Environmental Quality Act (CEQA) per Section 15268 (a).

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

Attachments

1. Draft Resolution
2. General Plan Conformance
3. Exhibit A
4. General Plan Applicable Excerpts of Goals and Policies Descriptions

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RESOLUTION NO. PC 17 -__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA FINDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE GENERAL PLAN PURSUANT TO SECTION 65401 OF THE GOVERNMENT CODE.

A. RECITALS.

(i) The Planning Commission of the City of Brea has heretofore reviewed, as required by Section 65401 of the Government Code, a list of projects being planned or constructed in the 2017 - 2018 Fiscal Year (FY) by the Capital Improvement Program (CIP) for conformity with the General Plan.

(ii) All projects, as listed in Exhibit A, are located in the City of Brea and are consistent with policies of the City.

(iii) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Brea as follows, that:

1. In all respects as set forth in the Recitals, Part A, of this Resolution.

2. The 2017 - 2018 FY CIP as contained in the Draft Seven-Year CIP has been reviewed with particular regard to its conformity with the General Plan.

3. Said 2017 - 2018 FY CIP is in conformity with the General Plan, pursuant to Section 65401 of the Government Code. The proposed CIP has been found to serve the implementation of various goals and policies of the General Plan as specifically outlined within the staff report and the accompanying list of projects.

4. This Resolution shall constitute this Commission's report and recommendation to the City Council as required by the Government Code.

5. The Planning Commission also finds and determines that the projects identified in Exhibit A, Section III are categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder pursuant to Section 15301 and 15262 of Division 6 of Title 14 of the California Code of Regulations.

6. The Secretary of this Commission shall certify to the adoption of this Resolution and forthwith transmit a certified copy to the City Council, as the report required to meet California Government Code 65401.

ADOPTED AND APPROVED this 25th day of April 2017.

_____
Chairman, Planning Commission

I, Jennifer A. Lilley, Secretary to the Planning Commission of the City of Brea, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Brea held on the 25th day of April 2017, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 25th day of April, 2017, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST:_____
Secretary, Planning Commission

GENERAL PLAN CONFORMANCE MATRIX
2017/18 CAPITAL IMPROVEMENT PROGRAM

PROJECT NUMBER	DESCRIPTION	COMMUNITY DEVELOPMENT	COMMUNITY RESOURCES	PUBLIC SAFETY
	STREET IMPROVEMENTS			
7219	Traffic Calming Improvements	CD 2.3, 6.4, 11.5		PS 3.1
7251	57 Freeway/Lambert Road Interchange	CD 10.1, 11.1, 11.6, 27.1, 28.1	CR 13.1	PS 3.1
7278	Imperial Hwy & Berry Street Intersection Improvements	CD 11.1, 11.2		
7288	Randolph Avenue Rehabilitation	CD 11.1		
7305	Brea Boulevard Widening	CD 10.3, 10.4, 10.5, 27.2		PS 3.1
7306	Imperial Hwy /SR-57 Interchange Improvements	CD 10.1, 11.1, 11.6, 27.1, 28.1	CR 13.1	PS 3.1
7308	Birch Street & Brea Boulevard Intersection Rehabilitation	CD 4.3		PS 3.1
7309	North Brea Boulevard Underground Utility District	CD 4.2,	CR 10.1	
7310	Central Ave & Tamarack Ave Intersection Improvements	CD 11.1, 11.6		
7312	Citywide Slurry Seal Program	CD 1.12, 27.2		
7313	Citywide Sidewalk Replacement	CD 2.4, 13.2		PS 3.1
7316	Alley Pavement Rehab – e/o Puente, n/o Joyce	CD 1.12, 11.1		
7317	Cliffwood Industrial Park Pavement Rehabilitation	CD 2.5, 11.1, 27.2		
7318	Kraemer Blvd & Lambert Road Rehabilitation (phase 3)	CD 11.1, 27.2	CR 13.2	
7319	Alley Pavement Rehab – w/o Flower n/o Imperial Hwy.	CD 1.12, 11.1, 27.2		
7320	Alley Pavement Rehab w/o Sycamore btwn Elm & Date	CD 1.12, 11.1, 27.2		
	STORM DRAIN IMPROVEMENTS			
7522	Randolf Creek Restoration	CD 15.1	CR 9.2, 9.3, 10.5, 12.1	PS 7.1
7524	Catch Basin Inserts	CD 15.2	CR 11.6, 12.2	

Shaded Area = New Project

PROJECT NUMBER	DESCRIPTION	COMMUNITY DEVELOPMENT	COMMUNITY RESOURCES	PUBLIC SAFETY
	TRAFFIC SAFETY ENHANCEMENTS			
7212	Illuminated Street Name Sign Upgrade	CD-17		
7218	Traffic Signal Controller Upgrade	CD 2.3, 4.3, 11.1	CR 13.1	
7702	Regulatory Sign Replacement	CD 2.3, 4.3, 11.1, 11.5		
7703	Street Name Sign Replacement	CD-17		
7704	Emergency Changeable Message Signs	CD 11.6		
7708	Central/State College Traffic Synchronization	CD 2.3, 10.3, 11.1, 11.6	CR 13.1	PS 1.2, 1.5
7709	Birch Street Traffic Signal Synchronization	CD 2.3, 10.3, 11.1, 11.6	CR 13.1	PS 1.2, 1.5
7710	Kraemer Boulevard Traffic Signal Synchronization	CD 2.3, 10.3, 11.1, 11.6	CR 13.1	PS 1.2, 1.5
7714	Imperial Highway Traffic Signal Synchronization	CD 2.3, 10.3, 10.4, 11.6	CR 13.1	PS 1.2, 1.5
7890	Opticom Traffic Control System	CD 2.3, 10.3, 11.1, 11.6	CR 13.1	PS 1.2, 1.5
	WATER IMPROVEMENTS			
7442	Miscellaneous Water Improvement Program	CD 1.12, 13.2, 14.2		
7452	Glenbrook Tract Waterline Improvements	CD 1.12, 13.2, 14.2		
7453	Brea Financial Center Waterline Improvements	CD 1.12, 2.5, 13.2, 14.2		
7454	Walnut-Orange Waterline Improvements	CD 1.12, 13.2, 14.2		
7457	Pleasant Hill Tract Water Improvements	CD 1.12, 13.2, 14.2		
7458	Napoli Tract Water Improvements	CD 1.12, 13.2, 14.2		
7461	Cliffwood Tract Water Improvements	CD 1.12, 13.2, 14.2		
7471	Construction of Carbon Canyon Booster Station 3	CD 1.12, 13.2, 14.2		
7473	Valencia Reservoir Repainting	CD 27.2		
7466	South Brea Neighborhood Water Main Replacements	CD 1.12, 13.2, 14.2		
7474	Automated Meter Reading Upgrade	CD 1.12, 14.2		

Shaded Area = New Project

PROJECT NUMBER	DESCRIPTION	COMMUNITY DEVELOPMENT	COMMUNITY RESOURCES	PUBLIC SAFETY
	SEWER IMPROVEMENTS			
7617	Sewer Main Relining	CD 14.2		
7621	Randolf/Imperial & Lambert/St. College Sewer Mains	CD 14.2, 27.2		
7624	Briarwood Sewer Lift Station Rehabilitation	CD 14.2, 27.2		
7626	South Brea Sewer Repairs	CD 14.2, 27.2		
7627	Central Avenue 8" Sewer Main Upsize	CD 14.2, 27.2, 27.3		
	FACILITY IMPROVEMENTS			
7873	Tracks at Brea	CD 1.7, 11.3, 12.5, 13	CR 1.6, 3.5, 6, 7, 13.5	
7891	Civic Center Improvements	CD 27.2		
7903	Super Block 1 Parking Structure	CD 4.2, 26.1	CR 13.4	PS 3.1
7909	ADA Strategic Plan for Public Facilities			
7914	Skate Park Upgrades	CS 1.1	CR 1.1, 1.6	
7922	Arovista Park Slope Repair	CD 1.12, 27.2		
7929	Lagos De Moreno Park Upgrades	CD 9.6	CR 3.2	
7931	Civic Center 3rd Floor Remodel	CD 18, 20, 23.6		
7932	Reclaimed Water Conversion Project	CD 14.1, 14.2, 23.6	CR 11.4, 13.2	
7935	New Sports Park Playground	CD 9.6	CR 1.1, 2.2, 3.6	
7936	Landscape Improvements at City Facilities & Medians	CD 14.2	CR 11.4, 11.5, 12.2	
7939	Playground Surfacing at 9 Parks	CD 9.6, 27.2		
7940	Arovista Park (West) Restroom Repairs	CD 1.12		
7941	Fire Station 3 Metal Roof Replacement	CD 1.12, 27.2		
7942	HVAC Component Replacement at Civic Center	CD 27.2	CR 13.2	
7943	Brea Fitness Center Flooring Replacement	CD 27.2		
7944	Senior Center Kitchen Enhancements	CD 27.2		

Shaded Area = New Project

EXHIBIT A

Section I

Environmental Findings Completed

7212	Illuminated Street Name Sign Upgrade	Categorical Exempt
7218	Traffic Signal Controller Upgrade	Categorical Exempt
7219	Traffic Calming Improvements	Categorical Exempt
7251	57 / Lambert Road Interchange	Mitigated Negative Declaration
7288	Randolph Avenue Rehabilitation	Categorical Exempt
7309	North Brea Boulevard Underground Utility District	Categorical Exempt
7312	Citywide Slurry Seal Program	Categorical Exempt
7313	Citywide Sidewalk Replacement	Categorical Exempt
7318	Kraemer Blvd/Lambert Rd Pavement Rehabilitation	Categorical Exempt
7453	Gemini Ave, Steele Drive Water Improvements	Categorical Exempt
7454	Walnut & Orange Avenue Water Improvements	Categorical Exempt
7457	Pleasant Hill Water Improvements	Categorical Exempt
7461	Cliffwood Tract Water Improvements	Categorical Exempt
7522	Randolph Creek Restoration	Categorical Exempt
7524	Catch Basin Inserts	Categorical Exempt
7617	Sewer Main Relining	Categorical Exempt
7621	Randolph/Imperial & Lambert/State College Sewer Main Replacements	Categorical Exempt
7627	Central Avenue 8” Sewer Main Upsize	Categorical Exempt
7704	Emergency Changeable Message Signs	Categorical Exempt
7873	Tracks at Brea	Negative Declaration
7890	Opticom Traffic Control	Categorical Exempt
7903	Super Block 1 parking Structure	Mitigated Negative Declaration
7935	New Sports Park Playground	Categorical Exempt
7936	Landscape Improvements at Facilities & Medians	Categorical Exempt

Section II

Environmental Findings To Be Done

7305 Brea Boulevard Widening
7306 Imperial Hwy / SR 57 Interchange Improvements
7310 Central Ave & Tamarack Ave Intersection Improvements
7316 Alley Rehabilitation East of Puente North of Joyce
7317 Cliffwood Industrial Park Pavement Rehabilitation
7473 Valencia Reservoir Repainting
7624 Briarwood Sewer Lift Station Rehabilitation
7932 Reclaimed Water Conversion Project

EXHIBIT A

Section III

Categorical Exempt Projects

		Section 15301
7278	Imperial Hwy & Berry Street Intersection Improvements	Class 1
7308	Birch St. & Brea Blvd Intersection Rehabilitation	Class 1
7319	Alley Pavement Rehab – w/o Flower n/o Imperial Hwy	Class 1
7320	Alley Pavement Rehab w/o Sycamore btwn Elm & Date	Class 1
7442	Miscellaneous Water Improvement Program	Class 1 (c & d)
7452	Glenbrook Tract Water Line Improvement	Class 2
7458	Napoli Tract Water Main Replacement	Class 2
7466	South Brea Neighborhood Water Main Replacement	Class 2
7471	Construct Carbon Canyon Booster Station 3	Class 2
7474	Automated Meter Reading Upgrade	Class 2
7626	South Brea Sewer Repairs	Class 1 (b)
7702	Regulatory Sign Replacement	Class 1 (a)
7703	Street Name Sign Replacement	Class 1 (a)
7708	Central State College Traffic Signal Synchronization	Class 2
7709	Birch Street Traffic Signal Synchronization	Class 1
7710	Kraemer Blvd Traffic Signal Synchronization	Class 1
7714	Imperial Highway Traffic Signal Synchronization	Class 1 (c)
7891	Civic Center Improvements	Class 1
7914	Skate Park Upgrades	Class 2
7922	Arovista Park Slope Erosion Control	Class 7
7929	Lagos De Moreno Park Upgrades	Class 1 (d)
7931	Civic Center 3rd Floor Remodel	Class 1
7939	Playground Surfacing at 9 Parks	Class 2
7940	Arovista Park (west) Restroom Repair	Class 2
7941	Fire Station 3 metal Roof Replacement	Class 2
7942	Select HVAC Component Replacement at Civic Center	Class 2
7943	Brea Fitness Center Flooring Replacement	Class 2
7944	Senior Center Kitchen Enhancements	Class 2

Statutory Exempt Project

7909	ADA Public Facilities Upgrade Strategic Plan	**Section 15262**

Goals and Policies

The following goals and policies address issues first of a citywide relevance and then those pertaining to specific focus areas within the planning area.

Citywide

Brea is a diverse community. To continue this diversity, new development must be compatible with the established urban fabric. Residential, commercial, industrial, parks, and open space are to provide a balance and mixture of uses, not only complementing the existing community, but accommodating future needs and desires of the community.

Goal CD-1	**Provide a balance of land uses to meet the present and future needs of all residents.**
Policy CD-1.1	Create neighborhoods that effectively integrate single-family and multi-family housing with convenience and neighborhood shopping centers, park and recreation areas, and other uses appropriate for the neighborhoods.
Policy CD-1.2	Maintain a land use structure that balances the provision of jobs and housing with available infrastructure and public and human services.
Policy CD-1.3	Endeavor to create a mixture of employment opportunities for all economic levels of citizens.
Policy CD-1.4	Ensure that the City maintains a balance among residential, commercial, and industrial land uses.
Policy CD-1.5	Provide opportunities for development of housing that responds to diverse community needs in terms of density, size, location, design, and cost.
Policy CD-1.6	Accommodate a broad range of business uses that provide employment at all income levels and that make a positive contribution to the City's tax base.

Policy CD-1.7	Create and maintain linked open spaces and pedestrian access that serve the entire community.
Policy CD-1.8	Connect, where possible, all neighborhoods of the community and surrounding areas located with the City and Sphere of Influence with greenways and well-planned, well-located park areas. Maximize connections to hillside and open space areas.
Policy CD-1.9	Encourage new development that is organized around compact, walkable, mixed-use neighborhoods and districts to conserve open space resources, minimize infrastructure costs, and reduce reliance on the automobile.
Policy CD-1.10	Preserve open space wherever possible, especially in the hillside areas.
Policy CD-1.11	Maintain a mixture of business and retail uses within the community.
Policy CD-1.12	Preserve existing older but well-maintained neighborhoods.
Policy CD-1.13	Address "mansionization" in the community.
Policy CD-1.14	Update and enforce the Neighborhood Preservation Ordinance.
Policy CD-1.15	Strongly encourage the master planning of any large contiguous land holdings.
Policy CD-1.15	Strongly encourage the prezoning and annexation of unincorporated properties in the City of Brea in order to avoid the creation of new County islands.

Implementation Guide

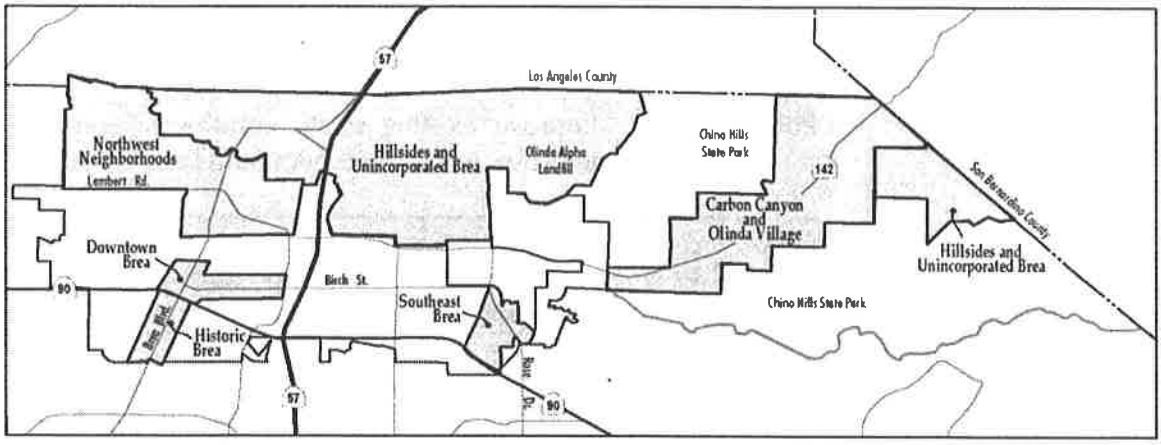
See Section I of the Implementation Guide for action programs.

Focus Areas

Specific goals and policies have been developed for six distinct areas (Figure CD-5) that need special planning attention:

- Northwest Neighborhoods
- Downtown Brea
- Historic Brea
- Carbon Canyon and Olinda Village
- Hillsides and Unincorporated Brea
- Southeast Brea

Figure CD-5 Focus Areas



Northwest Neighborhoods

The northwest corner of Brea contains a mix of residential neighborhoods, including several senior housing developments. The edges of several northern neighborhoods abut undeveloped open space in unincorporated Orange County. Most of the homes were built between the 1950s and 1970s, with some newer tracts built in the 1980s and 1990s. Given the age of the homes, focused attention will be required to maintain the quality of the neighborhoods.

A key opportunity exists to revitalize aging commercial strips with either new neighborhood-serving commercial centers or mixed-use developments that provide both needed housing and local commercial shops and services.

Goal CD-2	**Preserve and enhance the character of neighborhoods in northwest Brea.**
Policy CD-2.1	Ensure that the design of new residential developments is sensitive to the character of existing neighborhoods.

Policy CD-2.2	Ensure that new developments are integrated with established neighborhoods through a network of street and pedestrian connections.
Policy CD-2.3	Pursue circulation improvements that promote safe vehicle speeds. Utilize creative methods to reduce speeds, and improve circulation such as timed traffic lights and traffic calming devices.
Policy CD-2.4	Preserve existing neighborhood characteristics, including tree-lined streets, sidewalks, and building orientation.
Policy CD-2.5	Improve existing small, commercial centers to improve access, aesthetics, and business success.
Goal CD-3	**Improve access to transportation, shopping, and community services throughout existing neighborhoods.**
Policy CD-3.1	Promote greater mobility through pedestrian improvements and improved transit access.
Policy CD-3.2	Increase the number and variety of services, transportation access, and activity centers for seniors.
Policy CD-3.4	Encourage local retail businesses to serve the Northwest area.
Policy CD-3.5	Provide visual links between the Northwest area Downtown Brea.
Policy CD-3.6	Provide appropriate and accessible public transportation service to the Northwest neighborhoods.

Downtown Brea

The success of Downtown can be attributed to its integration of residential and commercial land uses. Brea residents and visitors from surrounding communities enjoy the shopping, entertainment, and dining available within a compact, pedestrian-friendly area. Linking surrounding neighborhoods to Downtown Brea is vital to the continued success of Downtown.

Goal CD-4	**Maintain and improve the vitality, economic strength, accessibility, and livability of Downtown.**
Policy CD-4.1	Explore economic and employment opportunities to diversify the business mix in Downtown.
Policy CD-4.2	Improve transportation, pedestrian, and visual connections between Downtown and the rest of the community.
Policy CD-4.3	Utilize traffic calming measures as appropriate to improve safety and access.
Policy CD-4.4	Extend mixed-use development from Downtown along the Brea Boulevard and Birch Street corridors.
Policy CD-4.5	Create large interactive and inviting public spaces.
Policy CD-4.6	Build linkages between Downtown and the Civic Center/Brea Mall area.
Policy CD-4.7	Encourage the use of historic features in the Downtown area.
Policy CD-4.8	Explore the use of a trolley system to serve Downtown and surrounding areas.

Historic Brea

Neighborhoods in southwest Brea contain a concentration of homes dating to the early twentieth century. City Hall Park is a unique and treasured community resource, containing Brea's Old City Hall, the Brea Plunge, and the Old American Legion Hall. The South Walnut residential neighborhood surrounding City Hall Park contains many structures 80 to 90 years old that have not been properly repaired and are in danger of ruin. Many of these structures exhibit craftsmanship characteristic of their era and incorporate unique materials.

South Brea Boulevard serves as the primary arterial for the neighborhoods to the east and west of it. While the street is primarily oriented toward automobile uses, its current mix of

Goal CD-6	**Provide for the revitalization of the South Brea Boulevard Core.**
Policy CD-6.1	Encourage redevelopment of South Brea Boulevard properties through economic development.
Policy CD-6.2	Where housing is a component of a project within properties in the Mixed Use III area, the development of ownership housing opportunities shall be encouraged.
Policy CD-6.3	Ensure that traffic generated by new development along South Brea Boulevard, particularly where that traffic generated by new residential development, takes ingress/egress from South Brea Boulevard and is not directed into neighborhood streets.
Policy CD-6.4	Develop programs, such as traffic calming, that discourage use of neighborhood streets for regional cut-through traffic.
Policy CD-6.5	Encourage the inclusion of open spaces, linkage parks, street trees, and enhanced pedestrian amenities on South Brea Boulevard.

Carbon Canyon and Olinda Village

Carbon Canyon contains important biological habitat. Prior community visioning programs have emphasized the community's ideas regarding resource preservation. Olinda Village is a distinct residential neighborhood within Carbon Canyon. The rural character of the area, together with the development constraints imposed by topography, geologic conditions, and the configuration of Carbon Canyon Road, a State highway, may limit land use opportunities within Carbon Canyon.

Goal CD-7	**Create an environment in Carbon Canyon that balances the community's long-term housing needs with community open space, habitat conservation, and public safety goals.**
Policy CD-7.1	Base allowable development on the ability of infrastructure, landforms, physical constraints, and emergency response capabilities to support new development.

Goal CD-9	**Create a dynamic, mixed-use urban village that integrates a range of housing types (including senior housing), moderate-intensity commercial uses, educational and public uses, and parks.**
Policy CD-9.1	Ensure that new commercial uses complement rather than compete with businesses along Imperial Highway and in Downtown.
Policy CD-9.2	Accommodate emerging housing trends, and encourage pedestrian linkage to surrounding neighborhoods and activity centers.
Policy CD-9.3	Encourage the establishment of community recreation and park facilities in the area.
Policy CD-9.4	Support efforts to establish quality, community institutions in the area.
Policy CD-9.5	Provide quality, affordable housing that would accommodate young families, college students, and educators.
Policy CD-9.6	Preserve open space within this area, and provide outdoor recreation facilities.
Policy CD-9.7	Strongly encourage the master planning of any large contiguous land holdings in this area.
Policy CD-9.8	Strongly encourage the prezoning and annexation of the unincorporated properties in this area into the City the Brea in order to avoid the creation of new County islands.

Implementation Guide

See Section I of the Implementation Guide for action programs.

Parking

Parking typically is considered a separate issue from vehicle circulation. However, the presence of on-street parking has a direct effect on roadway capacity. In addition, off-street parking deficiencies can cause vehicles to re-circulate on public streets, which also increases traffic volumes and congestion by reducing capacity for through traffic.

The City's zoning ordinance includes parking requirements to ensure that adequate number of spaces are provided on-site for most uses, as well as minimum stall dimensions that are consistent with current standards for other jurisdictions. These regulations apply to all new developments and may be applied to existing uses that are modified or expanded.

Goals and Policies

The following goals and policies ensure that Brea maintains a safe and efficient transportation network, and that a variety of mobility choices are available throughout the community.

Regional Transportation Facilities

Transportation in Brea is directly related to an overall transportation network for the four-county area. Roadway facilities in Brea accommodate regional traffic resulting from congestion on State Route 57 and limited access between San Bernardino and Riverside counties to Orange and Los Angeles counties. Planning for the needs of the community necessarily includes recognition of the related transportation needs and planning efforts of the surrounding communities, County, and region. With that recognition is the need for the City to actively monitor transportation planning in the surrounding area and strongly encourage regional transportation improvements.

Goal CD-10:	**Maintain an effective regional transportation network.**
Policy CD-10.1	Work continually with Caltrans to improve access to and from State Route 57.
Policy CD-10.2	Support efforts to establish rail travel connections with a regional network.

Policy CD-10.3	Cooperate with surrounding jurisdictions to ensure the efficient operation of the arterial network system.
Policy CD-10.4	Work with Caltrans, the Orange County Transportation Authority, and surrounding jurisdictions to provide adequate capacity on regional routes for through traffic and to minimize cut-through traffic on the local street system.
Policy CD-10.5	Work with Orange County Transportation Authority to ensure that the County Master Plan of Arterial Highways is consistent with the City's Master Plan of Roadways.
Policy CD-10.6	Recognize that Carbon Canyon Road will continue to serve high volumes of regional traffic despite its designation as a Modified Commuter. Thus, examine design solution alternatives that can improve the safety and efficiency of Carbon Canyon Road.
Policy CD-10.7	Continue to work with the Four Corners Group to explore regional solutions to the four-county area.

Local Circulation System

A well-designed local roadway system is needed to provide safe and convenient access to activities in Brea. The local roadway serves the community's primary need for mobility and includes a hierarchy of city streets to meet that need.

Goal CD-11	**Provide a safe and efficient circulation system that meets the needs of the community.**
Policy CD-11.1	Maintain a circulation system that is based upon and is in balance with the Land Use Element of the General Plan.
Policy CD-11.2	Establish Level of Service goals for designated City streets, and ensure that new development maintains these service levels.

Policy CD-11.3	Plan neighborhood streets, pedestrian walks, and bicycle paths as a system of fully connected routes throughout the City.
Policy CD-11.4	Protect residential streets from arterial street traffic.
Policy CD-11.5	Use traffic calming measures in residential neighborhoods where warranted and appropriate to enhance safety for pedestrians.
Policy CD-11.6	Utilize creative methods to reduce congestion and improve circulation.
Policy CD-11.7	Maintain the existing width of streets and roads that serve Olinda Village.
Policy CD-11.9	Consider establishing landscaped center medians on arterial streets such as Imperial Highway, Birch Street, and South Brea Boulevard.
Policy CD-11.10	Work with the Brea Olinda Unified School District to establish safe routes to all schools and to facilitate better circulation surrounding schools in the A.M. and P.M. peak traffic periods.
Policy CD-11.11	Examine alternative methods such as traffic calming, landscaping, provision of bike/transit lanes to slow traffic, improve street capacity, and increase safety.

Public Transportation System

To maximize use of the existing public transportation facilities and services, there is a need to increase the availability and use of public transit and non-vehicular methods of travel.

Goal CD-12	**Promote and support an efficient public transportation system.**
Policy CD-12.1	Support transit providers such as the Orange County Transportation Authority in granting additional service routes within the City as needed.

Policy CD-12.2	Promote and market the regional transportation network to encourage transit use.
Policy CD-12.3	Study the transportation need of seniors. Plan for transit that suits the daily needs of Brea residents.
Policy CD-12.4	Implement local transit or paratransit service to provide efficient connections from residential neighborhoods to and among urban centers and Downtown.
Policy CD-12.5	Require new developments to incorporate transit-oriented design features, as appropriate.
Policy CD-12.6	Balance accommodations for automobiles, transit, bicycles, and pedestrians in the design of new streets and streetscape improvements.

Pedestrian and Bicycle Facilities

Non-vehicular methods of travel, such as walking or bicycling, can also reduce demands on the roadway system where necessary improvements exist to promote those methods. It is important that facilities are in place to make walking and biking easy, comfortable, convenient, and safe. Together, public transit and non-vehicular modes can provide healthy and environmentally conscience modes of travel than to the automobile.

Goal CD-13	**Provide for an extensive, integrated, and safe bicycle, hiking, and pedestrian network throughout the community, and make Brea a pedestrian-friendly community.**
Policy CD-13.1	Develop and maintain a comprehensive and integrated system of bikeways that promotes bicycling riding for commuting and recreation.
Policy CD-13.2	Provide for safe and convenient pedestrian connections to and from Downtown, other commercial districts, neighborhoods, and major activity centers within the City.

Policy CD-13.3 Establish the Birch Street corridor between Downtown Brea and the Civic and Cultural Center/Brea Mall as a pedestrian and bicycle-friendly travel way.

Policy CD-13.4 Require new developments to provide for the use of alternative modes of transit via internal trails or travel ways – public or private – for pedestrians and vehicles other than cars. New developments shall include such features as well-designed sidewalks and parkways, bike lanes and paths, and dedicated bus turn-outs.

Implementation Guide

See Section II of the Implementation Guide for action programs.

participates in the NPDES permit program via a partnership consisting of the County, all cities within Orange County, and the County Flood Control District.

Goals and Policies

Goal CD-14	**Provide sufficient levels of water, sewer, and storm drain service throughout the community.**
Policy CD-14.1	Coordinate the demands of new development with the capacity of water and sewer systems.
Policy CD-14.2	Implement the City's water and sewer master plans to correct known deficiencies.
Policy CD-14.3	Require that new developments fund fair-share costs associated with City provision of water, sewer, and storm drain service.
Policy CD-14.4	Work with developers to ensure that adequate funding and support for required infrastructure is provided or ensured via bonds.

Goal CD-15	**Minimize damage to the wastewater collection and treatment systems by preventing discharge of materials that are toxic or which would obstruct flows.**
Policy CD-15.1:	Pursue treatment and disposal methods which, to the maximum extent feasible, provide for further beneficial use of wastewater and allow beneficial uses of land or water receiving the effluent.
Policy CD-15.2:	Continue to investigate and carry out cost-effective methods for reducing storm water flows into the wastewater system.
Policy CD-15.3:	Update and enforce Brea's standards for the quality of wastewater discharged to the system.

The citywide urban design objectives and design guidelines for districts and neighborhoods have been crafted around the following five overarching goals:

Goal CD-17	**Promote and maintain a distinct community identity and sense of place that include the presence of identifiable districts and neighborhoods.**
Goal CD-18	**Emphasize the use of public spaces and pedestrian and transit use throughout the community.**
Goal CD-19	**Encourage active and inviting street environments that include a variety of uses within Commercial and Mixed-Use areas.**
Goal CD-20	**Encourage site planning within Commercial and Mixed-Use districts that functionally and visually integrates on-site facilities and uses, including buildings, services, access, and parking.**
Goal CD-21	**Integrate residential development with its built and natural surroundings, and in particular, encourage a strong relationship between dwellings and the street.**
Goal CD-22	**Encourage the use of native plant palettes in the creation of landscaping plans used to establish a sense of place in neighborhood identification efforts.**

Implementation Guide

See Section III of the Implementation Guide for action programs.

- **Housing availability.** Available and affordable housing must be accommodated as Brea continues to expand economically. In the 1990s, the Economic Development Department and the Redevelopment Agency participated in several projects that created new affordable housing opportunities. Brea has identified a need not just for affordable housing but also for homes priced above $500,000 that establish a move-up market for executives and other high wage earners who wish to remain in Brea as their earning power increases.

Goals and Policies

The Economic Development goals and policies call for continued economic successes and outline strategies the City will pursue keep Brea on track as a community that experiences a comfortable quality of life.

Tax Base Revenue Growth

Economic growth can bring many benefits to the community, including jobs, housing, and new revenue. New growth will lead to higher tax revenue, thus benefiting residents and the community directly by enhancing many of the public services the City provides. The City will collaborate with the business community to facilitate growth, development, and infrastructure improvements that benefit residents and businesses alike.

Goal CD-23	**Encourage and facilitate activities that expand the City's revenue base.**
Policy CD-23.1	Encourage a broad range of business uses that provide employment at all income levels and that make a positive contribution to the City's tax base.
Policy CD-23.2	Provide opportunities for mixed-use, office, manufacturing, and retail development that respond to market and community needs in terms of size, location, and cost.
Policy CD-23.3	Track retail trends, and tailor regulations to respond to market changes, maximize revenue, and maintain the appropriate business mix.

Policy CD-23.4	Encourage new development along highly visible corridors that is pedestrian oriented and includes a mixture of retail, residential, and office uses.
Policy CD-23.5	Use the City's redevelopment authority to create opportunities for businesses to establish in Brea and bring high-skill and professional jobs and new revenue sources into the community.
Policy CD-23.6	Examine options for the development of new infrastructure for new technologies and businesses that use those technologies.
Policy CD-23.7	Recognize the need of the work force to have convenient access to safe, affordable, and quality child care.

Diversity

Brea understands that part of its economic stronghold stems from its employment diversity of office, retail, manufacturing, and industrial businesses. Retaining and expanding these businesses will continue the economic benefits the City maintains, as well as those seeking employment opportunities in Brea.

Goal CD-24	**Maintain and expand the City's diverse employment base, including office, retail, manufacturing, and industrial businesses.**
Policy CD-24.1	Engage in activities that promote Brea as a good place to work and develop a business.
Policy CD-24.2	Identify opportunities to assist under-performing office and employment centers to restructure their tenant mix, market assists, and improve individual customer bases to remain competitive in today's changing market place.
Policy CD-24.3	Support training and educational opportunities in the City to develop a highly trained and professional work force, and encourage local business to hire local residents.

Policy CD-24.4	Work with organizations such as the Chamber of Commerce to implement marketing programs that identify economic opportunities in the City.
Policy CD-24.5	Continue to work with surrounding cities to strengthen North Orange County Regional Economic Development.

Expansion of Downtown Brea

To continue the successes of Downtown Brea, expanding similar uses in areas adjacent to downtown can help revitalize underutilized and struggling properties.

Goal CD-25	**Extend the visual identity, mixture of land uses, and fiscal success of Downtown Brea into adjacent areas, including North/South Brea Boulevard.**
Policy CD-25.1	Coordinate development of residential, office, small retail centers, and similar uses that would serve local residents and would also benefit from the high visibility and access from Downtown Brea.
Policy CD-25.2	Reconfigure parcels that have poor visibility from the street and are difficult to access by car or through walking.

Revitalization of Aging Business Centers

Brea recognizes the need to revitalize its older commercial areas and support reinvestment and business growth in these areas. Encouraging economic growth can also help meet identified community needs.

Goal CD-26	**Revitalize aging business centers with uses that bring jobs, housing, and new revenues into the community.**
Policy CD-26.1	Continue to use the City's redevelopment authority to facilitate revitalization of blighted and economically struggling business centers and neighborhoods.

Policy CD-26.2	Provide low-interest property rehabilitation loans to Brea businesses through Economic Development Department programs.
Policy CD-26.3	Explore opportunities for mixed-use development projects on sites historically supporting commercial centers.

Implementation Guide

See Section V of the Implementation Guide for action programs.

6) **Adopt a Transportation Demand Management Ordinance** or alternative mitigation to reduce single-occupancy automobile travel.

Southern California Association of Governments

The Southern California Association of Governments, or SCAG, has adopted a Growth Management Plan that applies to the six-county SCAG region (Orange, Los Angeles, San Bernardino, Riverside, Ventura, and Imperial counties). This plan recommends ways that cities and counties can redirect regional growth to minimize traffic congestion and improve environmental quality. A key goal of SCAG's Growth Management Element is to better balance jobs and housing within subregions.

The South Coast Air Quality Management District supports the SCAG Growth Management Plan through implementation of the Air Quality Management Plan (AQMP). The AQMP mandates a variety of measures to reduce traffic congestion and improve air quality. To comply with the AQMP, Brea has adopted an Air Quality Implementation Plan to meet the requirements for local jurisdictions as identified in the regional AQMP. New development in the City must comply with the Air Quality Implementation Plan.

Goals and Policies

Inherent in the Land Use and Infrastructure sections of this Chapter is the goal to balance growth with infrastructure and services. The following goals and policies tie together all development goals under the unifying theme of growth management, and indicate Brea's commitment to continue to work with other jurisdictions to address regional concerns.

Goal CD-27	**Promote balanced growth with supporting public services infrastructure.**
Policy CD-27.1	Integrate land use and transportation planning to provide adequate transportation system service standards.
Policy CD-27.2	Monitor and maintain service levels standards for public services and infrastructure.
Policy CD-27-3	Ensure that new development is in balance with the provision of services and/or funding.

Policy CD-27.4	Explore infill development opportunities wherever possible as open space becomes more limited.
Policy CD-27.5	Support programs that match Brea residents with local jobs to reduce long commutes.
Goal CD-28	**Assist in the provision of adequate regional and local transportation facilities.**
Policy CD-28.1	Cooperate with other agencies to address regional issues and opportunities related growth, transportation, infrastructure, and other planning issues.
Policy CD-28.2	Promote the expansion and development of alternative methods of transportation.
Policy CD-28.3	Encourage the development of housing within close proximity to jobs and services.

Implementation Guide

See Section VI of the Implementation Guide for action programs.

Parks and Recreation

To meet park facility needs of future Breans, new parks and land will need to be acquired incrementally. New park facilities will be designed to allow for changing community needs. Ensuring adaptability in park design in response to demographic shifts allows for greater options and flexibility. Upgrading and maintaining existing parks is vital for their long-term usability. The City is committed to continued investment in its parks as resources are available. The City is also committed to providing new facilities, especially in underserved areas or new types of facilities such as a sports park.

Goal CR-1 **Provide a variety of parks and recreation facilities that meet the diverse needs and interests of the community.**

Policy CR-1.1 Develop a high-quality network of parks and recreational facilities that meet the needs of families, young adults, seniors, children, and disabled individuals.

Policy CR-1.2 Provide similar or equal levels of parks and recreational facilities to all areas of the community.

Policy CR-1.3 Use the following as standards for park development, recognizing that the function of a particular park also affects classification within the system:

Type of Park	Size and Service Area
Smaller green spaces in urban areas (mini, tot lots, and/or pocket parks)	0.5 to 5 acres, with a ¼ mile service area radius in residential setting
Neighborhood Park	5-10 acres, with a ¼- to ½-mile service area radius
Community or Sports Park	20-50+ acres, with a ½- to three-mile service area radius
Regional Park	50 acres or larger

Policy CR-1.4 Incorporate into large-scale residential developments small neighborhood parks and greens suitable for unstructured play and passive recreation.

Policy CR-1.5 Develop, wherever possible, recreation facilities that have multi-use capabilities and high degree of adaptability to more intensive use or uses as recreation demand changes and/or population density increases.

Policy CR-1.6 Provide similar or equal attention to the development of facilities for individualized activities (casual park use, bicycling, walking, running, skating and riding) as is given to organized recreation and sports.

Policy CR-1.7 Locate and develop a sports park that combines intensive-use lighted sports facilities with shared support facilities such as ample parking, concessions, and restrooms.

Goal CR-2 Protect and preserve existing parks and recreation facilities.

Policy CR-2.1 Protect existing public parks and open space areas from non-recreational uses.

Policy CR-2.2 Ensure that sports facilities for organized sports do not displace existing casual use facilities and parks.

Goal CR-3 Maximize use of open space areas capable of supporting park-type activities.

Policy CR-3.1 Maximize use of available facilities through careful scheduling.

Policy CR-3.2 Continue the school/park joint use concept for increased recreational resources and year-round use of these facilities.

Policy CR-3.3 Use Carbon Canyon Regional Park, Craig Regional Park, and Army Corps of Engineer properties to satisfy some of the City's recreational demands, particularly as they pertain to facilities that require large, relatively level land, such as sports park fields.

Policy CR-3.4 Explore the recreational potential of publicly owned lands and utility rights-of-way.

Policy CR-3.5 Coordinate efforts with other public agencies regarding State and federal programs for existing and potential trail systems, recreational facilities, and recreation programs.

Policy CR-3.6 Encourage the development of recreational facilities by the private sector, including small parks and large-scale facilities requiring a high level of supporting services, supplies, and maintenance. Recreational facilities should be available to all members of the public.

Policy CR-3.7 Develop parks and recreation facilities in a manner that ensures that a minimum of damage to the environment occurs, while still providing a high quality recreation experience.

Implementation Guide

See Section VI in the Implementation Guide.

Open Space

"Open space is a defining characteristic of Brea. The prominent ridgelines and hillsides to the north of Brea form a dramatic backdrop to the entire community. Moreover, many of these ridgelines and hillsides are connected by expansive open spaces. Although not all pristine, these open spaces are valued by Breans and yet these lands are owned by others. Many believe that open space is one reason why Brea remains so special."
– Final Report of the Open Space Task Force, June 1994

Goal CR-4 **Preserve open space aggressively for diverse purposes – as a visual and scenic resource, for habitat conservation, to protect watersheds, and for recreation.**

Policy CR-4.1 Protect and preserve open space wherever possible.

Policy CR-4.2 Select areas for open space preservation using an evaluation system that incorporates the following selection criteria: connectivity, access/recreations, sensitive areas, natural features, subdivision pattern, and buffer zones.

Special design studies of Birch Street will be conducted to determine an appropriate mixed-use path that links Downtown to the Civic and Cultural Center and Brea Mall, and neighborhoods east of SR-57 to the new sports park and middle school.

Flood control rights-of-way represent additional areas where trails can be established, where it is safe to do so. The Trails Master Plan (Figure CR-2) incorporates channels.

Trees and other landscaping provide a pleasant atmosphere for the pedestrian.

Bikeways

Bikeways form an important component of Brea's recreation and circulation system. The Circulation section of the Community Development Chapter addresses bicycle paths.

Goals and Policies

All types of trails will work together to allow easy transition from urban trails to wilderness trails and back again. New developments will require incorporation into the trail system and removal of potential barriers to the trail network.

Goal CR-6	**Provide an extensive trail system that links all areas of Brea.**
Policy CR-6.1	Create linkages to trails within Carbon Canyon and Chino Hills State Park existing and proposed trail system.

Policy CR-6.2 Coordinate trails placement with landowners and conservation biologists knowledgeable of the area.

Policy CR-6.3 Provide a useful, enjoyable, safe, and efficient trail system for equestrians and hikers, with the following objectives and standards:

- Provide multi-purpose trails, where possible, to serve hikers, bicyclers, and horseback riders
- Link trails with adjacent City, County, and State trail systems
- Maintain trail areas in good condition, and free of litter and debris
- Design trails to be flexible and site-specific to minimize the impact on adjacent property and fragile habitats
- Provide a trail system with both short and long hikes/rides and serve the needs of both beginning and advanced hikers/riders
- Utilize citizen volunteers to assist in the development, maintenance and operation of trails and facilities
- Keep citizens aware of the trail system through publication of a trails map which also notes safety and courtesy tips
- Separate trails from automobile traffic when possible in order to provide safe conditions for riders and walkers
- Provide appropriate signs to mark all trails
- Design trails entrances to prevent unwanted trail usage by motorized vehicles
- Locate trails to provide linkages between open space and the City greenway system

Policy CR-6.4 Work to incorporate recreational amenities such as trail systems, bike paths, and jogging paths with existing drainage ways, open-space corridors, and utility rights-of-way so that natural resources are retained as assets in the community's recreational system and natural environment.

Policy CR-6.5 Coordinate efforts with other public agencies regarding State and federal programs for existing and potential trail systems, recreational facilities, and recreation programs.

Policy CR-6.6 Develop the trail system illustrated in Figure CR-2.

Policy CR-6.7 Require new developments to provide access and linkage to the citywide trail system.

Goal CR-7 Encourage an urban and walkway trail system within the urban areas of the City.

Policy CR-7.1 Encourage the development of landscaping, walkways, and bike trails that provide direct pedestrian access between work places and residential neighborhoods.

Policy CR-7.2 Provide shielded safety lighting along trails and other public and private walkways separated from a street.

Policy CR-7.3 Acquire abandoned rail rights-of-way to create a continuous multi-purpose trail through Brea. Encourage the creation of small parks, rest rooms, and recreational facilities such as picnic tables and basketball courts along the trail system.

Implementation Guide

See Section VII in the Implementation Guide.

Goal CR-10	**Pursue aggressively the preservation and protection of scenic resources.**
Policy CR-10.1	Create and enforce special standards for development occurring within potential scenic highway corridors.
Policy CR-10.2	Identify streets with unique man-made or natural characteristics for special consideration as scenic routes.
Policy CR-10.3	Manage stands of mature trees, particularly native species, as unique and visual resources.
Policy CR-10.4	Preserve major rock outcroppings as unique landmarks and visual resources to the maximum extent possible.
Policy CR-10.5	Preserve stream courses in their natural state, as they represent a recreation resource, provide community identity, and serve as unifying corridors in the planning area.
Policy CR-10.6	Work aggressively with Orange County, Los Angeles County, State, and other appropriate public agencies, private entities and landowners to conserve, protect and enhance natural resources, particularly within the sphere of influence.

Implementation Guide

See Section IX in the Implementation Guide.

Policy CR-11.5 Utilize design techniques that conserve natural resources and preserve natural terrain, drainage, and vegetation.

Policy CR-11.6 Cooperate with regional agencies, such as the Regional Water Quality Control Board, in their efforts to improve surface and groundwater water quality for all Southern Californians.

Goal CR-12 Protect the beneficial uses of ground and surface waters.

Policy CR-12.1 To the maximum extent practicable, adopt and enforce regulations and engage in educational efforts to eliminate pollution from urban runoff.

Policy CR-12.2 Evaluate development projects for compliance with NPDES requirements, aiming toward reducing pollutant loads in stormwater runoff, minimizing impervious surface areas, and minimizing peak flows.

Implementation Guide

See Section X in the Implementation Guide.

Motor vehicles represent the major source of regional emissions throughout the Basin and within Brea. Land use patterns which poorly disperse housing densities, employment centers, and mass transit facilities lead to excessive automobile usage. Most pollution control strategies have aimed at reducing vehicle usage and using cleaner-burning fuels. Other sources of air pollution include auto repair businesses, dry cleaners, and businesses that regularly use chemicals solvents. Common sources of PM_{10} include road dust, construction activity, grading, and wood-burning stoves and fireplaces. Brea has continued to work with the South Coast Air Quality Management District and in accordance with the Air Quality Management Plan to improve the regional transportation system and regional air quality.

Energy conservation is strategy for improving air quality. Air pollutants are generated by the combustion of fossil fuels to produce electricity, and by the combustion of natural gas. Reducing energy usage decreases the amount of pollutants generated. Energy requirement can be diminished through innovative architectural design, building construction, structural orientation, and landscaping.

Goals and Policies

Cooperation among all agencies in the Basin is necessary to achieve desired improvements to air quality. Brea can participate and contribute its share to those efforts by proper planning and participation in regional air quality management programs.

Goal CR-13	**Improve air quality.**
Policy CR-13.1	Implement City-wide traffic flow improvements.
Policy CR-13.2	Promote energy conservation and recycling by public and private sectors.
Policy CR-13.3	Integrate air quality planning with land use, economic development, and transportation planning.
Policy CR-13.4	Encourage the expansion and retention of local-serving retail businesses (e.g., restaurants, family medical offices, drug stores) to reduce the number and length of automobile trips to comparable services located in other jurisdictions.

Policy CR-13.5	Encourage alternative modes of transportation, such as walking, biking, and public transportation to reduce emissions associated with automobile use.
Policy CR-13.6	Cooperate with the South Coast Air Quality Management District and Southern California Association of Governments in their efforts to implement the regional Air Quality Management Plan.
Policy CR-13.7	Work with other responsible federal, State, and County agencies to decrease air pollution emissions occurring within the air basin.
Policy CR-13.8	Cooperate and participate in regional air quality management planning, programs, and enforcement measures.

Implementation Guide

See Section XI in the Implementation Guide.

Emergency Preparedness Program

Brea is well prepared to respond to all types of emergencies. The City's Emergency Preparedness Program addresses appropriate responses to major earthquakes, hazardous materials accidents, wildfire, and dam failure. The program describes how emergency response will be coordinated and how evacuation of residents will proceed. Program objectives include injury reduction and avoiding loss of life and property damage through effective management of emergency forces.

Goals and Policies

Brea aims to build on its proven safety record by fostering safer neighborhoods through demand-responsive police and fire services, active enforcement, community involvement, and continued proactive public safety planning.

Goal PFS-1	**Ensure that City public safety services are of the highest quality.**
Policy PS-1.1	Work with the Police Department to determine and meet community needs for law enforcement services.
Policy PS-1.2	Provide up-to-date technology to the Brea Police and Fire Department.
Policy PS-1.3	Continue to maintain and develop a community-based police strategy compatible with the needs and size of the community.
Policy PS-1.4	Work with the Fire Department to determine and meet community needs for fire protection and related emergency services. Ensure that sufficient stations, personnel, and equipment are provided to meet growth needs in the City.
Policy PS-1.5	Maintain a maximum 4 to 6 minute emergency response time for fire safety services. Maintain a 3 to 5 minute response time from emergency police response services. Require that all new development be able to meet established standards for such response.
Policy PS-1.6	Impose special conditions as needed on development projects to ensure that adequate fire protection measures are in place and maintained.

Policy PS-1.7 Incorporate the tenets of Community Oriented Policing into the design of crime prevention and enforcement programs.

Policy PS-1.8 Use technology to improve crime prevention efforts.

Policy PS-1.9 Maintain and update, as appropriate, the City's emergency preparedness programs, plans, and procedures to ensure the health and safety of the community in the event of a major disaster.

Policy PS-1.10 Initiate annual public information programs that explain the City's Emergency Preparedness Program and other emergency preparedness programs.

Policy PS-1.11 Support volunteer programs, after school activities such as DARE, police activities within high schools, and Neighborhood Watch programs.

Policy PS-1.12 Ensure that local authorities have the necessary tools and education to cite and correct problems before they becomes safety issues.

Implementation Guide

See Section XVIII in the Implementation Guide.

Crime Prevention through Environmental Design (CPTED)

Secure streets and public places reduce the potential for criminal activity. One method of addressing crime prevention is defensible space planning. Defensible space planning uses design techniques, building orientation, and features of the built environment to deter criminal activity and positively influence human behavior and the perception of safety. Defensible space planning is a key element in a local comprehensive crime prevention and safety plan. CPTED techniques look to incorporate four key considerations into site planning and architectural design: territoriality, natural surveillance, activity support, and access control.[1]

[1]Basics of Crime Prevention Through Environmental Design. www.ncpc.org

Goal PS-2	**Improve community safety and reduce opportunities for criminal activity through appropriate physical design.**
Policy PS-2.1	Develop defensible space guidelines to be used in the review of development proposals.
Policy PS-2.2	Maximize natural surveillance through physical design features, including well-lighted driveways, walkways, and exteriors; visible entryways from surrounding structures and businesses; well-defined walkways and gates; and landscaping that does not obscure visibility.
Policy PS-2.3	Ensure that community areas and amenities such as transit stops, sidewalks, plazas, and parks are appropriately lighted, free of hidden spaces, and patrolled.
Policy PS-2.4	Practice active surveillance measures in certain areas such as parking structures.

Implementation Guide

See Section XIX in the Implementation Guide.

Pedestrian Safety

Hand-in-hand with the goal of creating a walkable city is the goal of creating safe streets and travelways. People need to feel safe in their environment if they are to be encouraged to use trails, pedestrian paths, and sidewalks to move about the community.

Goal PS-3	**Provide safe pedestrian environments citywide.**
Policy PS-3.1	Ensure that pedestrian safety is enhanced and maintained through the inclusion of well-designed streets, sidewalks, crosswalks, traffic control devices, and school routes throughout Brea.
Policy PS-3.2	Require all developments to provide adequate safety lighting in pedestrian areas and parking lots.

Dam and Reservoir Failure

The two dams located within the Brea planning area, Carbon Canyon Dam and Orange County Reservoir, provide valuable flood control and water storage functions. Carbon Canyon Dam retains water over a 221-acre area and has a capacity of 7,033 acre-feet.[3] Carbon Canyon Dam is vital for the flood protection of portions of the coastal plains in Orange County, including the cities of Fullerton, Placentia, and Anaheim. The U.S. Army Corps of Engineers is responsible for the dam's safety and conducts inspections on a regular basis. In the unlikely event of dam failure due possibly to an earthquake, areas below the dam would be flooded to the extent illustrated in Figure PS-3.

Orange County Reservoir, used for water storage, is owned by the cities of Brea (40%), La Habra (20%), and Fullerton (40%), and is operated by the Metropolitan Water District. The reservoir covers 7 acres and has a capacity of 217 acre-feet. Like Carbon Canyon Dam, this dam receives periodic inspections. The flood inundation path (Figure PS-3), should the dam fail, would affect largely residential properties.

Five reservoir tanks in the hills above Brea contain a total of 67.3 million gallons of domestic-use water. All but the Valencia reservoir have been built consistent with up-to-date seismic codes.

Goals and Policies

Brea will strive to protect residents and the community at large from flood hazards.

Goal PS-7:	**Reduce the risk to the community from flooding hazards.**

Policy PS-7.1: Cooperate and work with the Orange County Flood Control District to ensure District flood control facilities are well maintained and capable of accommodating, at a minimum, 100-year storm flows.

Policy PS-7.2: Require that new developments minimize stormwater and urban runoff into drainage facilities by incorporating design features such as detention basins, on-site water features, or other strategies.

[3] One acre-foot equals 325,851 gallons.

Policy PS-7.3: Maintain an active storm drain inspection program.

Policy PS-7.4: Protect critical facilities located within areas subject to flooding.

Policy PS-7.5: Evaluate and monitor water storage facilities to determine which facilities are not self-contained and might pose an inundation hazard to downstream properties.

Policy PS-7.6: Employ strategies and design features that will reduce the amount of impervious surfaces (i.e. paved area) for new development projects.

Implementation Guide

See Section XXI of the Implementation Guide for action programs.