



PLANNING COMMISSION AGENDA

Tuesday, April 28, 2020
7:00 p.m. – Public Hearing

James McGrade, Chair

Sara Barnes-Ramos,
Commission Member

Gary Brattain, Vice Chair

Dan Phu,
Commission Member

Melanie Schlotterbeck,
Commission Member

This agenda contains a brief general description of each item the Commission will consider. This agenda contains a brief general description of each item the Commission will consider. The Planning Division 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.

PURSUANT TO THE LOCAL EMERGENCY CONCERNING THE COVID-19 VIRUS DECLARED BY THE BREA CITY COUNCIL ON MARCH 19, 2020 AND EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 18, 2020, THE PLANNING COMMISSION MEETING WILL BE CONDUCTED BOTH IN THE BREA CITY COUNCIL CHAMBERS AND TELEPHONICALLY VIA THE ZOOM TELECONFERENCING PLATFORM. THESE GUIDELINES MAY BE UPDATED UP TO AND DURING THE MEETING AS NEEDED TO IMPLEMENT GUIDANCE AND DIRECTION FROM FEDERAL, STATE, AND LOCAL AUTHORITIES.

Procedures for Addressing the Commission The Commission encourages public participation during Public Hearings and under Matters from the Audience. State Law prohibits the Commission from responding to or acting upon matters not listed on this agenda.

To limit the spread the COVID-19 virus, the Council Chambers will not be open to the public. Public comments will be accepted in in writing, a separate location on-site, and by teleconference. The meeting will also be broadcast live at www.cityofbrea.net.

- Written comments must be to the Planning Division at planning@cityofbrea.net no later than 4:00 p.m. on Tuesday, April 28, 2020. The email subject line should state: "Brea Planning Commission Meeting" followed by the number of the relevant agenda item and/or "Non-Agenda Item." Summaries of all written comments will be read during the meeting by City Staff.
- To provide comments in person, the public must use video conferencing equipment provided in Community Rooms A and B, located on the 2nd Floor of the Brea Civic & Cultural Center at 1 Civic Center Circle.
- To provide comments by teleconference, members of the public must contact City Staff at (714) 990-7674 or planning@cityofbrea.net no later than 12:00 p.m. on Tuesday, April 28, 2020 to obtain the Zoom Meeting ID number. Teleconference participants will be muted until recognized at the appropriate time by the Commission.

Special Accommodations. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division 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.

PLANNING COMMISSION PUBLIC HEARINGS

7:00 p.m.

1. **CALL TO ORDER / ROLL CALL - COMMISSION**
2. **MATTERS FROM THE AUDIENCE**

APPROVAL OF MINUTES

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF FEBRUARY 25, 2020.

PUBLIC HEARINGS

4. CONTINUED FROM FEBRUARY 25, 2020 PLANNING COMMISSION MEETING: ZONE CHANGE NO. ZC 19-01, PLANNED COMMUNITY MASTER PLAN NO. PCMP 19-01, DEVELOPMENT AGREEMENT NO. DA 19-01, AND FINAL ENVIRONMENTAL IMPACT REPORT NO. FEIR 19-01 FOR THE MERCURY RESIDENTIAL DEVELOPMENT PROPOSAL AT THE SOUTHEAST CORNER OF MERCURY LANE AND BERRY STREET
5. PRECISE DEVELOPMENT NO. PD 20-01 – A REQUEST TO CONSTRUCT A NEW INDUSTRIAL BUILDING IN THE M-2 (PD), GENERAL INDUSTRIAL (PRECISE DEVELOPMENT) ZONE
6. GENERAL PLAN AMENDMENT NO. GPA 20-02, ZONE CHANGE NO. ZC 20-02, CONDITIONAL USE PERMIT NO. CUP 20-07, AND CERTIFICATE OF COMPATIBILITY NO. CC 20-01 FOR THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENCE WITH ACCESSORY STRUCTURES AND PRIVATE EQUESTRIAN FACILITIES, AT 109 LILAC LANE

NEW BUSINESS

7. FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM FINDING OF CONFORMANCE WITH THE GENERAL PLAN
8. REVIEW INFORMATION ON THE BREA PORTION OF THE CARBON CANYON CHANNEL CLASS 1 BIKEWAY (OC LOOP) AND MAKE A DETERMINATION REGARDING ITS CONFORMITY WITH CITY'S GENERAL PLAN

ADMINISTRATIVE ITEMS

9. UPDATE TO REGULAR PLANNING COMMISSION MEETINGS
10. **COMMITTEE REPORTS**
11. **INFORMATIONAL / PROJECT UPDATES**
12. **ADJOURNMENT**

City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

DATE: 04/28/2020

SUBJECT: Approval of Planning Commission Meeting Minutes of February 25, 2020.

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

Attachments

1. February 25, 2020 Draft Minutes

DRAFT

PLANNING COMMISSION MEETING MINUTES STUDY SESSION February 25, 2020

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

CALL TO ORDER / ROLL CALL

Chair Schlotterbeck called the Study Session to order at 6:04 p.m. All members were present.

1. MATTERS FROM THE AUDIENCE

None.

2. REORGANIZATION

Commissioner Brattain nominated Vice Chair McGrade as Chair.
Commissioner Phu seconded. There were no other nominations.
Motion carried 5-0.

Chair McGrade nominated Commissioner Brattain as Vice Chair.
Commissioner Barnes-Ramos seconded. There were no other nominations.
Motion carried 5-0.

3. AGENDA ITEMS / CLARIFY REGULAR MEETING TOPICS

City Planner Lilley reported there were non-substantive typographical errors and noted that staff received additional correspondence which were included in a distributed attachment.

Attorney Flower suggested that clarifications for the Mercury Project be answered during the Public Hearing.

4. INFORMATIONAL / PROJECT UPDATES

Assistant Planner Montojo reported that in March 2020, the Planning Commission will discuss approval for precise development and design review for 201 North Berry Street. The applicant is proposing to demolish the existing building and construct a new industrial building approximately 108,000 square feet in size.

Associate Planner Magana provided an update on the Brea Mall project; noting the public comment period ends March 2, 2020; and noted the members of Simon were present with material, elevations and a model related to the project.

Planning Commissioners directed staff to ensure more information on: the reasons for the placement of the residential structure, connectivity to Brea Trails and alignment with Brea Envisions. They also requested copies of the track map, parcel map and Development Agreement.

Chair McGrade adjourned the Study Session at 6:28 p.m.

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

5. CALL TO ORDER / ROLL CALL - COMMISSION

Chair McGrade called the Planning Commission meeting to order at 7:04 p.m.

Present: Chair McGrade; Commissioner Schlotterbeck; Commissioner Barnes-Ramos; Vice Chair Brattain; Commissioner Phu

6. INVOCATION

Pastor Daniel Mendoza from Celebration OC delivered the invocation.

7. PLEDGE OF ALLEGIANCE

Planning Commissioner Schlotterbeck led the Pledge of Allegiance.

8. MATTERS FROM THE AUDIENCE

None.

APPROVAL OF MINUTES

9. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF JANUARY 28, 2020.

Motion was made by Commissioner Schlotterbeck, seconded by Commissioner Barnes-Ramos to approve the January 28, 2020 Planning Commission meeting minutes.

AYES: Chair McGrade, Commissioner Schlotterbeck, Commissioner Barnes-Ramos, Vice Chair Brattain, Commissioner Phu

Passed

PUBLIC HEARINGS

10. CONDITIONAL USE PERMIT NO. CUP 20-03 - 1065 BREA MALL, SUITE 1121A

Contract Planner Sheri Vander Dussen provided a PowerPoint that included the business operations, information about events, and the proposed alcoholic beverage service.

The applicant clarified he is seeking approval for beer and other malt beverage sales only – no wine or spirits. He also clarified that upon approval, the Brea Play Live Nation will be the first California location to serve beer/malt beverages.

Chair McGrade opened the public hearing.

Hearing no testimony, Chair McGrade closed the public hearing.

Staff reported that Condition D on the Resolution has the wrong use permit number which will be corrected.

Motion was made by Commissioner Schlotterbeck, seconded by Vice Chair Brattain to approve On-Site Sale of Beer and Other Malt Beverages at Play Live Nation Brea Located at 1065 Brea Mall, Suite 1121A in the Major Shopping Center Zone (Precise Development), C-C(PD).

AYES: Chair McGrade, Commissioner Schlotterbeck, Commissioner
Barnes-Ramos, Vice Chair Brattain, Commissioner Phu
Passed

11. CONDITIONAL USE PERMIT NO. CUP 20-02 - NO LIMITS LEARNING CENTER

Contract Planner Sheri Vander Dussen provided a PowerPoint that included the project background, location and proposed operations.

The applicant reported that the business has grown tremendously in a short amount of time so she is seeking a larger space to accommodate additional students.

In response to Planning Commissioner's questions, staff clarified that if the business was to cease operation, the 90 parking stalls can be reallocated to the new tenant and also clarified that the proposed project has adequate parking.

Chair McGrade opened the public hearing.

Hearing no testimony, Chair McGrade closed the public hearing.

Motion was made by Vice Chair Brattain, seconded by Commissioner Phu to approve a Conditional Use Permit 20-02 to operate a learning center for adults with minor developmental disabilities within the M-1 (PD) Light Industrial (Precise Development) zone.

AYES: Chair McGrade, Commissioner Schlotterbeck, Commissioner
Barnes-Ramos, Vice Chair Brattain, Commissioner Phu
Passed

12. CONSIDERATION OF CONDITIONAL USE PERMIT NO. CUP 20-01 - SELF STORAGE

Due to a potential conflict, Chair McGrade recused himself and left the Chambers during discussion of this item.

Assistant Planner Montojo presented a PowerPoint that included the project location, background, features, parking analysis, and truck loading information.

In response to Planning Commissioner's questions, staff clarified that based on current practices in the City, the parking is appropriate and noted this hearing is for a parking CUP which does not include design review.

The applicant commended staff for their work, stated that their existing storage facilities have a 95-98% occupancy, and noted that from experience there is adequate parking.

Chair McGrade opened the public hearing.

Hearing no testimony, Chair McGrade closed the public hearing.

Staff reported that there are corrections to the packet related to the CUP citation number and the date of the public hearing.

Commissioner Schlotterbeck disclosed that she visited the project location.

Motion was made by Commissioner Phu, seconded by Commissioner Schlotterbeck to modify off-street parking requirements for the use and to relieve truck loading requirements for a proposed self-storage facility in the M-1 Light Industrial Zone.

AYES: Commissioner Schlotterbeck, Commissioner Barnes-Ramos, Vice Chair Brattain, Commissioner Phu

Other: Chair McGrade (RECUSE)

Passed

13. CONDITIONAL USE PERMITS NO. CUP 20-04 AND CUP 20-05 - RUBY'S DINER LOCATED AT 215 SOUTH BREA BLVD

Associate Planner Magana presented a PowerPoint that included the project location, signage in other cities, existing signs in downtown Brea, Birch Street elevation, location of the primary entrance, Brea Blvd. elevation, design team recommendations, proposal for alcohol, and staff's recommendation.

In response to Planning Commissioner's questions, staff clarified that Birch Street lofts are above the diner and noted that an encroachment permit will be needed to allow the encroachment over the City sidewalk and lot line, which will need approval by the City's Engineering Division.

In response to Planning Commissioner's questions, the applicant clarified that this will be the first Ruby's corner location and that the existing window will be used for food pick-up.

Chair McGrade opened the public hearing

Mike from Craig Realty Group expressed support for the project.

Hearing no further testimony, Chair McGrade closed the public hearing.

In response to Planning Commissioner's questions, staff clarified that the first sentence was stricken from page 5 - item F, discussed adding a statement to Condition D to include that no City tree shall be trimmed/removed or negatively impacted by the project, and stated that it is not necessary/appropriate to add a Condition for the rotating sign.

Motion was made by Vice Chair Brattain, seconded by Commissioner Schlotterbeck to approve Conditional Use Permits No. CUP 20-04 - signs in compliance with the downtown architectural control criteria and 20-05 to allow on-site service of full alcohol for Ruby's Diner located at 215 South Brea Boulevard in the MU-1, Mixed Use I Zone.

AYES: Chair McGrade, Commissioner Schlotterbeck, Commissioner Barnes-Ramos, Vice Chair Brattain, Commissioner Phu

Passed

14. APPEAL OF COMMUNITY DEVELOPMENT DIRECTOR'S DECISION OF CERTIFICATE OF COMPATIBILITY NO. CC 19-02 FOR PROPERTY LOCATED AT 407 S. MAPLE AVE.

Assistant Planner Montojo reported that there were 4 (four) letters of support sent to staff and she provided a PowerPoint presentation that included information about the Certificate of Compatibility; the past hearing summary; project background; proposed site plan; floor plans; development standards; elevations; colors and materials; and findings.

In response to Planning Commissioner's questions, staff stated indemnity clause was omitted by oversight; reported that the water flow requirements are to ensure that there is adequate water to serve both units; confirmed that the property is not historically designated; and explained that all new homes require fire sprinklers.

Chair McGrade opened the public hearing.

Dan Leper, Scott, Sean Paxson, Pat Lastra, Carmen Manostroso, Ron Murdock, Derrick Laughlin, Richard Balum, John Koos, and Brett Murdock expressed support for the project.

The applicant noted that the project complies with all of the requirements, noted that there were letters of support from residents who couldn't attend and stated that he

planted 52 trees around the property for neighbor privacy.

Russ Nowell, Sue Mori, Rana Kim, and Pat Lastra expressed opposition to the project stating privacy issues, economic impact, and on-going civil matter.

Hearing no further testimony, Chair McGrade closed the public hearing.

In response to a public comment about a possible conflict due to one of the Planning Commissioner's living within 1000 feet of the project property, it was noted that all of the Planning Commissioner's live more than 1000 feet of the project property.

In response to the Planning Commissioner's questions, staff stated that the City is not party to the current civil matter so the civil matter will not be discussed.

Motion was made by Vice Chair Brattain, seconded by Commissioner Schlotterbeck to adopt the resolution, denying the appeal and upholding the Community Development Director's approval of Certificate of Compatibility No. CC 19-02.

AYES: Chair McGrade, Commissioner Schlotterbeck, Commissioner Barnes-Ramos, Vice Chair Brattain, Commissioner Phu

Passed

Chair McGrade called a recess at 9:01 p.m.

Chair McGrade reconvened the meeting at 9:20 p.m

15. ZONE CHANGE NO. ZC 19-01, PLANNED COMMUNITY MASTER PLAN NO. PCMP 19-01, DEVELOPMENT AGREEMENT NO. DA 19-01, AND FINAL ENVIRONMENTAL IMPACT REPORT NO. FEIR 19-01 FOR THE MERCURY RESIDENTIAL DEVELOPMENT PROPOSAL AT THE SOUTHEAST CORNER OF MERCURY LANE AND BERRY STREET.

A presentation was given by Senior Planner Tinio to outline the entitlements being considered. She presented a PowerPoint that included parking, residential noise requirements, workforce housing, community benefits, and additional communication received.

In response to Planning Commissioner's questions, staff confirmed that the indemnification clause is included in the Development Agreement; noted that there are conditions highlighted and details missing which will be brought back after Planning Commission direction; stated that language was included to provide what the parking management plan may contain; discussed guest parking; clarified that the overnight parking program was for residential property not for commercial or industrial uses; confirmed that there is no trash truck impact; and added that noise parameters are required.

Chair McGrade opened the public hearing.

Attorney for the applicant stated that they are proposing the Parking Management

plan be completed after approval.

Collette Morse, Morse Planning Group explained that there will be bicycle spaces and EV parking available that will be determined after approval.

Dwight Manley, applicant, expressed concern that the existing codes are only required for certain projects. He discussed the noise, illegal parking of trucks, and the benefits of workforce housing.

In response to Planning Commissioner's questions, the applicant highlighted the benefits of having workforce housing in the City, noted that there will be one year lease terms, and explained a potential bike/car share program to be determined after approval.

Attorney for the applicant explained the process in determining qualifications.

Jeffrey Etnire, attorney for Pacific Plastics, Inc., provided a PowerPoint that included the history of the company, next steps, examples of missing items, and requested recommendation.

Wayland Bueser (Walter's Wholesale) read a letter in support for the project.

SPX employee and Jandro Parducho, COO Pacific Plastics, expressed opposition to the project.

Dwight Manley, Tom, and Andrew expressed support for the project.

Hearing no further testimony, Chair McGrade closed the public hearing.

Staff addressed questions from Planning Commissioners about the Development Agreement, guest parking in the public parking garage, loading zone size, the number of spaces in the parking structure, site specific for the Core Plan, additional parking on Mercury Lane and noise conditions.

Due to the amount of testimonies the Commissioner's received, Chair McGrade requested to continue the item to the next regularly scheduled Planning Commission Meeting in March 2020.

The Commission directed staff to bring back resolutions and conditions of approval.

Motion was made by Commissioner Schlotterbeck, seconded by Commissioner Barnes-Ramos to continue the meeting to the next regularly scheduled meeting on March 24, 2020.

AYES: Chair McGrade, Commissioner Schlotterbeck, Commissioner Barnes-Ramos, Vice Chair Brattain, Commissioner Phu

Passed

ADMINISTRATIVE ITEMS

None.

16. COMMITTEE REPORTS

Vice Chair Brattain reported that the Art in Public Places meeting that was rescheduled.

17. INFORMATIONAL / PROJECT UPDATES

None.

18. ADJOURNMENT

Chair McGrade adjourned the meeting at 11:24 p.m.

Respectfully submitted,

The foregoing minutes are hereby
approved this 25th day of February, 2020.

Jennifer A. Lilley, AICP, City Planner

James McGrade, Chair

City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

DATE: 04/28/2020

SUBJECT: ZONE CHANGE NO. ZC 19-01, PLANNED COMMUNITY MASTER PLAN NO. PCMP 19-01, DEVELOPMENT AGREEMENT NO. DA 19-01, AND FINAL ENVIRONMENTAL IMPACT REPORT NO. FEIR 19-01 FOR THE MERCURY RESIDENTIAL DEVELOPMENT PROPOSAL AT THE SOUTHEAST CORNER OF MERCURY LANE AND BERRY STREET.

REQUEST

APPLICANT REQUEST

The applicant is requesting the following:

- A Zone change from Commercial Industrial to Planned Community; and
- A Planned Community Master Plan setting the development, property management, and implementation standards for a high-density workforce housing project consisting of approximately 114 studio, one bedroom and two-bedroom rental units located on a 1.01-acre parcel; and
- A Development Agreement granting vested rights and requiring certain community benefits; and
- A Final EIR inclusive of all environmental analysis, mitigation measures and findings to address environmental impacts.

More specific information about the project can be found in the staff reports prepared for the Commission's prior meetings on this project, which are included here as attachments.

The Commission's current meeting on the project has been re-noticed for an additional public hearing. The Commission should therefore hold the hearing and then consider the draft resolution attached to this report. If adopted, the resolution would recommend the City Council approve all of the applicant's requests.

BACKGROUND/DISCUSSION

On January 15, 2019, the City Council initiated Zone Change No. ZC 19-01 in response to a request by the applicant to rezone the subject property from Commercial Industrial (C-M) to Planned Community (PC), and the applicant subsequently submitted applications for approval of Planned Community Master Plan No. PCMP 19-01 ("Master Plan"), and Development Agreement No. 19-01 ("Development Agreement") for development of a 5-story building with 114 workforce residential units. Work then begun on an Environmental Impact

Report (“EIR”) for the project pursuant to the requirements of the California Environmental Quality Act (“CEQA”).

On January 28, 2020, the Planning Commission held a public hearing to consider the Project and the Final EIR, and the Planning Commission continued the hearing until February 25, 2020.

On February 25, 2020, the Commission reviewed additional information provided by Staff, received additional public testimony, closed the public hearing, and continued its deliberations until March 23, 2020. The Commission also directed Staff to prepare a draft Resolution with Conditions of Approval to address several remaining issues/concerns. Correspondence received since the February 25, 2020 meeting have been included as Attachment 5 to this report.

The Commission’s March 23, 2020 meeting was later canceled due to the current COVID-19 emergency. The City therefore re-noticed this matter for an additional public hearing before the Commission.

1. Final Environmental Impact Report.

The Final EIR for the Project complies with all of the requirements of CEQA and addresses all of the Project’s significant environmental impacts. It also includes a Mitigation Monitoring & Reporting Program (“MMRP”) (see Attachments 11 & 12 to the January 28, 2020 Staff Report) that specifies the timing and oversight responsibilities for all of the mitigation measures identified in the EIR. Because the Final EIR finds that the Project will have significant unavoidable impacts (i.e., significant impacts that cannot be adequately mitigated), a Statement of Overriding Considerations (“SOC”) is also included with the Final EIR. The SOC lists several community benefits from the Project; including but not limited to provision of affordable housing and a \$10,000 contribution toward traffic improvements that equates to the Project’s fair share toward improvements at three intersections the the EIR finds will be significantly and unavoidably impacted by the Project.

The draft resolution prepared for the Commission’s consideration, if adopted, would recommend that the City Council certify the Final EIR and adopt the MMRP and SOC.

2. Zone Change

The subject property is currently zoned Industrial, which does not allow for the proposed development of high-density workforce housing. The applicant has requested the zoning designation be changed to Planned Community, which would allow for development consistent with an approved Planned Community Master Plan.

The following findings must be made before the approval of any zone change:

1. The Zone Change is in conformity with the General Plan;
2. The subject property is suitable for the development in the Planned Community Zone under the proposed Planned Community Master Plan, in terms of access, size of parcel, relationship to similar or related uses and other considerations; and
3. The proposed change of zone is not detrimental to the use of land in any adjacent zone.

The draft resolution prepared for the Commission's consideration, if adopted, would recommend that the City Council approve the proposed zone change based on these findings and facts about the Project in the record.

3. Planned Community Master Plan

The proposed Planned Community Master Plan sets forth the site-specific development standards, property management, and implementation requirements for the proposed high-density workforce housing project consisting of approximately 114 studio, one bedroom, and two-bedroom rental units on the subject 1.01-acre parcel.

The following findings must be made before approval of the Planned Community Master Plan:

1. The Master Plan is consistent with the General Plan.
2. The Master Plan is consistent with the Brea Envisions Community Strategic Plan.
3. The Master Plan would provide for an innovative development in an area of the city that presents unique planning challenges due to considerations such as geography, topography, and changing patterns of development not otherwise addressed by the city's existing zoning rules.
4. The properties included in the Master Plan are suitable for the proposed uses, in terms of access, size, their relationship to adjacent properties and similar or related uses, and other relevant considerations.
5. The Master Plan is in the best interest of the city as a whole.

The draft resolution prepared for the Commission's consideration, if adopted, would recommend that the City Council approve the proposed Master Plan based on these findings and facts about the Project in the record.

Based on the Commission's previous discussions, it appears that parking and noise are the key remaining issues relevant to whether these findings can be made.

Parking:

As proposed, the Project would provide 118 parking spaces on-site as set forth in the following table:

Table 1 – Proposed Parking

Table 1 – Proposed Parking	
Residential Unit	Mercury PCMP
Studio	1/stall
One Bedroom	1/stall
Two Bedroom	2/stalls
Guest	0
Total of Spaces	118 (including ADA & EV charging spaces)
Size	
Standard	9 ½ x 19
Compact	8 x 16
Max. number allowed w/CUP	30%
Tandem (max 8)	9 ½ x 19

The proposed parking would represent a departure from the City's past practices but the City also has never considered any comparable high-density workforce housing project. Staff is therefore recommending the Commission review the proposed conditions of approval outlined later in this report for consideration and incorporation into the resolution.

The primary concern expressed at the Commission's prior meetings is whether there will be sufficient overflow parking for guests. In staff's opinion, the Commission has three basic options in this regard: (1) accept the parking as proposed, which would mean accepting potential overflow parking on neighboring streets; (2) accept the parking as proposed, but impose conditions to accommodate some or all of the potential overflow; and (3) reject the parking as proposed, which might mean recommending that the Project be denied unless it is revised to provide additional guest parking on-site. The Commission could also recommend that the Project be denied without condition.

Each of these options is discussed below, but regardless of which is chosen, staff is recommending including a condition of approval to require a Parking Management Plan so that the City can continue to monitor the parking situation on site after it is built. The applicant would be required to monitor the on and off-site parking demands within one year of reaching 50% occupancy and continuously for a determined amount of time. The monitoring would identify the actual on-site and off-site parking demand and the efficacy of the parking strategies and Parking Management Plan. Staff would then review the information and determine if additional requirements would be appropriate. Such a condition is included in the draft resolution prepared for the Commission's consideration. **[Proposed condition of approval "g."]**

Option 1: Accept the parking as proposed; unregulated overflow of guest parking.

Under this option, guests traveling by car would likely park as needed on the neighboring streets when and where permitted. Overnight parking is not currently permitted on Mercury Lane. This option would be subject to some or all of the following additional conditions:

- a. Requiring approval of a separate amendment to the City's Overnight Parking Permit Policy and Procedure Manual to allow use of overnight parking permits on neighboring

streets that are not zoned for and occupied as residential use. **[Proposed condition of approval “g.viii.”]**

It should be noted that if the Commission approves this option, the project would be subject to City’s Overnight Parking Permit Policy and Procedure Manual and would potentially allow for 1 parking permit per unit.

Option 2: Accept guest and overflow parking as proposed, with modifications.

Under this option, guests traveling by car would park as needed on the neighboring streets and/or other locations subject to some or all of the following additional conditions:

- a. Requiring approval of a separate amendment to the City’s Overnight Parking Permit Policy and Procedure Manual to allow use of overnight parking permits on neighboring streets that are not zoned for and occupied as residential use. **[Proposed condition of approval “g.viii.”]**

This condition could also include a requirement that the applicant actively manage or coordinate the availability of parking permits for residents to ensure their proper use. The number of permissible permits that could be issued for the project could also be capped. **[Proposed condition of approval “g.viii.”]**

- b. Requiring the applicant to secure an agreement with the City for the dedicated use of the City’s west Downtown parking structure for a specific number of guest vehicles. The number proposed in the draft conditions of approval would be capped at 15, but the Commission could require fewer or more. **[Proposed condition of approval “g.vii.”]**

One obstacle to this condition is the current lack of pedestrian amenities between the Project site and the west Downtown parking structure. The applicant has agreed pursuant to the Development agreement to contribute \$80,000 for pedestrian and bicycle improvements. It is unknown at this time, however, when and if these improvements would be completed, so the proposed condition “g.vii.” specifies that use of the parking structure could not take place until they are completed.

- c. Require the Project to employ alternative transportation and parking strategies to reduce demand, including such things as parking cash-outs and car-share/ vanpool/ride-share/bike-share programs. **[Proposed condition of approval “g.vi.”]**
- d. Require the project to include on-site parking for bicycles to encourage bicycling as an alternative to automobile travel. The number proposed in the draft conditions of approval would be 114, but the Commission could require fewer or more. The draft condition would also allow the applicant reduce the number of bicycle spaces and repurpose the space if justified by future changes in transportation options or parking needs. **[Proposed condition of approval “h.”]**

The Commission may also suggest other conditions, but the staff would need further direction to prepare the necessary language for inclusion in the Commission’s recommendation.

Option 3: Reject the parking as proposed unless Project is revised to provide additional

guest parking on-site.

Under this option, the Commission would recommend denying the Project unless it is redesigned to accommodate adequate guest parking on-site.

Noise:

Because the Project would introduce residential uses to an area where none currently exist, there is concern that it will both subject residents to undue noise impacts from existing uses. Although this is not recognized as an environmental impact for CEQA purposes, it is still something the Commission can address as a matter of land use planning. Furthermore, because the City's noise standards are based on the perceivable noise experienced on residential properties, there is additional concern the Project will subject existing uses to noise standards they are not currently required to meet.

Option 1: Accept noise conditions as proposed.

Under this option, both residents and the neighboring uses would have to accept the Project noise conditions. This would mean that residents might have to accept a certain amount of noise above what is typical of other residential areas of the City; although the City's existing noise standards would still apply. It would also mean that neighboring uses might need to alter their practices if it turns out they exceed the noise standards relative to the new residential use.

Option 2: Accept noise conditions as proposed, with modifications.

Under this option, the Commission could recommend conditions of approval to address potential noise concerns, which could include one or both of the following:

- a. Require additional sound-dampening measures be included in the construction of the project. [No proposed condition has been prepared; further direction from the Commission would be required.]
- b. Require the Master Plan to be amended to designate the subject property as a non-residential use for purposes of the City's noise standards. **[Proposed condition of approval "i."]**

4. Development Agreement

The Municipal Code requires a development agreement for every Planned Community Master Plan to provide the community and applicants the assurance that the proposed development, and its associated community benefits, will be realized by granting the applicant vested rights to develop in accordance with the approved plan.

The decision to approve the Development Agreement ultimately belongs to the City Council, so the key issue for the Commission is whether to recommend approval based on the community benefits that are currently part of the proposed agreement. As proposed, these include:

- a. Revitalization and use of a vacant site consistent with state, regional, and local long-term goals to provide additional housing opportunities and affordable housing.

- Eleven (11) units would be reserved at or below low-income thresholds (as defined by state law) for a minimum of 55 years.
- Six (6) units would have rents of not more than \$1,295
- Six (6) units would have rents of not more than \$1,395

- Six (6) units would have rents of not more than \$1,495
 - Six (6) units would have rents not more than \$1,595 and
 - A total of fifty-six (56) units would have rents not more than \$1,695 and would remain between the low to moderate income threshold (as defined by state law) with an ability to increase rents up to a maximum of 3% annually for a period of 40 years.
- b. Contribution of video surveillance hardware and software to serve traffic circulation and public safety goals for the project area (\$10,000).
- c. Contribution towards future improvements to Imperial Highway (\$10,000), which would be a fair share contribution to mitigation measures that are deemed infeasible in the Final EIR because of Caltrans' jurisdiction over Imperial Highway.
- d. Contributions towards sidewalk and bike lane improvements on Mercury Lane (\$80,000).
- e. Contribution towards the use and maintenance costs of the City's West Downtown Parking Garage. Tenants may elect to utilize the West Downtown parking garage for guest parking and will pay \$25 per space, per month towards said use. The annual payments will be used towards the maintenance, repair, and upkeep of the parking garage.
- f. Alternative transportation options in the City through creation of a car-share and bike-share program to serve the project and provide local shuttle or similar system.

CONCLUSION

Staff recommends that the Commission accept further testimony during the public hearing and then consider whether to adopt the proposed resolution. Given the Commission's prior discussion, staff believes the key remaining issues are guest parking and noise compatibility, which are addressed in proposed conditions of approval "g", "h" and "i".

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner
Prepared by: Maribeth Tinio, Senior Planner

Attachments

1. Draft Resolution
 2. Draft Development Agreement
 3. Staff Report from February 25, 2020
 4. Staff Report from January 28, 2020
 5. Correspondence Recieved
-

RESOLUTION NO. PC 20-

A RESOLUTION OF THE BREA PLANNING COMMISSION REGARDING THE PROPOSED MERCURY RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF MERCURY LANE AND BERRY STREET, RECOMMENDING THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS ON THE PROJECT: CERTIFY FINAL ENVIRONMENTAL IMPACT REPORT NO. 19-01, ADOPT CEQA FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT, AND APPROVE ZONE CHANGE NO. ZC 19-01, PLANNED COMMUNITY MASTER PLAN NO. PCMP 19-01, AND DEVELOPMENT AGREEMENT NO. 19-01

A. RECITALS.

(i) On January 15, 2019, the City Council initiated Zone Change No. ZC 19-01 (“Zone Change 19-01”) in response to a request by Dwight Manley (“Applicant”) to rezone the property described in Exhibit A to this resolution (“Subject Property”) from Commercial Industrial (C-M) to Planned Community (PC), and the Applicant subsequently submitted applications for approval of Planned Community Master Plan No. PCMP 19-01 (“PCMP 19-01”), and Development Agreement No. 19-01 (“DA 19-01”) to develop a 5-story building with 114 workforce residential units pursuant to the proposed Residential Planned Community Master Plan. The proposed zone change, Planned Community Master Plan, and development agreement are collectively referred to herein as “the Project.” Copies of PCMP 19-01 and DA 19-01 are each on file with the City.

(ii) Pursuant to the requirements of the California Environmental Quality Act (“CEQA”), the City prepared Final Environmental Impact Report NO. 19-01 (the “FEIR”) and a related Mitigation Monitoring and Reporting Program (“MMRP”), CEQA Findings of Fact (“CEQA Findings”) and Statement of Overriding Considerations (“SOC”). Copies of the FEIR, the MMRP, CEQA Findings, and SOC are each on file with the City.

RESOLUTION NO. PC-**Page 2****Applicant: Dwight Manley****FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)**

(iii) On January 28, 2020, the Planning Commission held a duly noticed public hearing to consider the Project and the FEIR, at which all persons present had an opportunity to speak on the matter. After considering all of the evidence presented, including but not limited to all written evidence and testimony presented during that hearing, the Planning Commission continued the hearing until February 25, 2020.

(iv) On February 25, 2020, the Planning Commission held a duly noticed continued public hearing to further consider the Project and the FEIR, at which all persons present had an opportunity to speak on the matter. The Planning Commission then closed the public hearing and continued its deliberations on the Project and related CEQA matters until its regular meeting of March 24, 2020.

(v) Due to the COVID-19 emergency, the Commission's meeting of March 24, 2020 was cancelled and notice was published for an additional hearing on the Project at the Commission's regular meeting of March 28, 2020.

(vi) On April 28, 2020, the Planning Commission held a duly noticed additional public hearing to further consider the Project and the FEIR, at which all persons present had an opportunity to speak on the matter. After considering all of the evidence presented, including but not limited to all written evidence and testimony presented during all hearings on the Project, the Planning Commission voted to adopt this Resolution.

(vii) All legal prerequisites to adoption of this Resolution have been met.

RESOLUTION NO. PC-

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Applicant: Dwight Manley

FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)

B. RESOLUTION.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BREA HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The Planning Commission finds that all facts set forth in the Recitals, Part A of this Resolution, are true and correct.

2. Based on its finding in the preceding paragraphs of this Resolution, the evidence presented at the above-referenced public hearings, including but not limited to all written evidence and testimony presented during those hearings, and its own independent judgment, the Planning Commission hereby adopts the CEQA Findings and SOC as its own.

3. Based on its findings in the preceding paragraphs of this Resolution, including but not limited to the CEQA Findings and SOC, and the evidence presented at the above-referenced public hearings, including but not limited to all written evidence and testimony presented during those hearings, the Planning Commission hereby further finds as follows:

a. Finding: The Zone Change is in conformity with the General Plan.

Facts: The Project proposes a planned community master plan for 114 workforce residential units at a low and moderate rental affordability located directly adjacent to Downtown Brea and major commercial and industrial employers within a ¼ to ½ mile biking and walking distance. General Plan Policy HE 3.2 promotes providing opportunities for mixed use and infill housing development opportunities in Downtown Brea as part of the City's ongoing revitalization strategy for the area. General Plan Policy

RESOLUTION NO. PC-**Page 4****Applicant: Dwight Manley****FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)**

CD 1.9 encourages 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-9.2 encourages accommodation of emerging housing trends, and encourage pedestrian linkage to surrounding neighborhoods and activity centers. Policy CD-9.5 promotes providing quality, affordable housing that would accommodate young families, college students, and educators. Finally, the General Plan recognizes the use of Planned Communities as a flexible planning tool for achieving a cohesive land use plan for a property or related properties.

b. Finding: The Subject Property is suitable for the development in the Planned Community Zone under PCMP 19-01, in terms of access, size of parcel, relationship to similar or related uses and other considerations.

Facts: The Subject Property is 1.01 acres in size, which can accommodate the proposed 5-story high density residential apartment building 68-feet in height that would be directly adjacent to Downtown Brea and major commercial and industrial employers within a ¼ to ½ mile biking and walking distance. Access for vehicles can would be provided from Mercury Lane and pedestrian and bicycle access would be ensured by frontage improvements along Berry Street and Mercury Lane. The alternative development guidelines and standards found in PCMP 19-01 regarding building height, setbacks, floor area ratio and other development standards suitable for the development.

RESOLUTION NO. PC-**Page 5****Applicant: Dwight Manley****FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)**

c. Finding: That the proposed change of zone is not detrimental to the use of land in any adjacent zone.

Fact: The project would introduce residential uses into an area currently developed for commercial industrial uses, but will be located on the edge of those uses. Existing commercial industrial uses would be buffered by Berry Street, Mercury Lane, and a parking lot predominantly used for trailer parking. Potential noise problems have been addressed by project features and the required disclosures to future residents. Properties values in adjacent zones will also benefit from the investment in improvements that will accompany and may follow the development of the new residential use.

d. Finding: The Planned Community Master Plan is consistent with the General Plan, inclusive of any amendments proposed and approved as part of the application for the Planned Community Master Plan.

Facts: PCMP 19-01 proposes 114 workforce residential units at a low and moderate rental affordability located directly adjacent to Downtown Brea and major commercial and industrial employers within a ¼ to ½ mile biking and walking distance. General Plan Policy HE 3.2 promotes providing opportunities for mixed use and infill housing development opportunities in Downtown Brea as part of the City's ongoing revitalization strategy for the area. The General Plan Housing Element, Program 9, identified the Mercury Lane Corridor as an area to be further studied as a potential opportunity site for mixed-use or high density residential. Policies HE-2.2 and HE-2.6 supports and encourages the provision of affordable housing and workforce housing and

RESOLUTION NO. PC-**Page 6****Applicant: Dwight Manley****FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)**

Policies HE-6.5 and HE-6.6 encourages a closer link between housing and jobs. General Plan Policy CD 1.9 encourages 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-9.2 encourages accommodation of emerging housing trends, and encourage pedestrian linkage to surrounding neighborhoods and activity centers. Policy CD-9.5 promotes providing quality, affordable housing that would accommodate young families, college students, and educators. Finally, the General Plan recognizes the use of Planned Communities as a flexible planning tool for achieving a cohesive land use plan for a property or related properties.

e. Finding: The Planned Community Master Plan is consistent with the Brea Envisions Community Strategic Plan.

Facts: PCMP 19-01 promotes higher density living, affordable housing, and site specific standards to ensure quality design and rental affordability. The project is located directly adjacent to The Tracks at Brea Trail, Downtown Brea and major employers within a ¼ to ½ mile walking and biking distance. This is consistent with several initiatives in the Brea Envisions Community Strategic Plan, such as: enhancing and promoting pedestrian friendly development throughout our community and within the public spaces and promote the Tracks at Brea as an alternative pathway through the community and calls for planning for additional, safe public pathways for pedestrians and cycling in zoning and development decisions; maintaining a consistent and acceptable balance of both residential and commercial/industrial development and promoting and

RESOLUTION NO. PC-**Page 7****Applicant: Dwight Manley****FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)**

implementing progressive solutions to balance commercial/industrial and residential development, including the possible creation of development zones in the City that would encourage and allow for different uses within each zone; promoting higher density living and mixed affordable housing where appropriate for the existing neighborhood; and promoting a walkable community and safe sidewalks and bike lanes.

f. Finding: Planned Community Master Plan would provide for an innovative development in an area of the city that presents unique planning challenges due to considerations such as geography, topography, and changing patterns of development not otherwise addressed by the Zoning Code.

Facts: PCMP 19-01 provides innovative site specific standards to allow innovative workforce housing at an affordable level in an area uniquely located between, and with pedestrian and vehicle access to, major commercial and industrial employers, which would not be possible under the otherwise applicable provisions of the zoning Code.

g. Finding: The properties included in the Planned Community Master Plan are suitable for the uses specified therein, in terms of access, size, their relationship to adjacent properties and similar or related uses, and other relevant considerations.

Facts: The Project includes a single 1.01-acre parcel that can accommodate the proposed 5-story high density residential apartment building 68-feet in height through the building height, setbacks, floor area ratio and other development guidelines and standards found in PCMP 19-01. It will be directly adjacent to Downtown

RESOLUTION NO. PC-**Page 8****Applicant: Dwight Manley****FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)**

Brea and major commercial and industrial employers within a ¼ to ½ mile biking and walking distance. Access for vehicles can would be provided from Mercury Lane and pedestrian and bicycle access would be ensured by frontage improvements along Berry Street and Mercury Lane. Existing commercial industrial uses would be buffered by Berry Street, Mercury Lane, and a parking lot predominantly used for trailer parking.

h. Finding: The Planned Community Master Plan is in the best interest of the City as a whole.

Fact: PCMP 19-01 provides an emerging residential product not currently provided for by the Zoning Code and provides site specific standards to ensure quality and affordability. The project provides 114 workforce housing residential units at a low and moderate rental affordability. The project also provides priority to Brea employers and employees as opportunity to live, work and play within the City. It further helps fulfill State and Regional housing goals for the City as outlined by the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). It also fulfills goals and Policies of the City's General Plan, Housing Element and the Brea Envisions Community Strategic Plan.

4. Based on its findings in the preceding paragraphs of this Resolution, the Planning Commission hereby recommends that the City Council certify the FEIR and adopt the MMRP, the CEQA Findings, and the SOC.

5. Based on its findings in the preceding paragraphs of this Resolution, the Planning Commission hereby recommends that the City Council approve the Project

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(Zone Change No. ZC 19-01, Planned Community Master Plan No. PCMP 19-01, Development Agreement No. DA 19-01) subject to the requirements of the MMRP, conditions of approval and resolution of the issues set forth respectively in Exhibits B and C to this Resolution, which are hereby incorporated as though set forth in full.

6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 28th day of April, 2020.

James McGrade
Chairperson

I, Jennifer A. Lilley, Secretary to the Planning Commission of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Brea, held on April 28, 2020, by the following votes:

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

ATTEST:

Jennifer A. Lilley
Secretary

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Applicant: Dwight Manley

FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)

EXHIBIT A
ZONE CHANGE NO. ZC 19-01

Proposed Zoning Designation for Property Legally Described as Assessor Parcel Number 296-141-05.

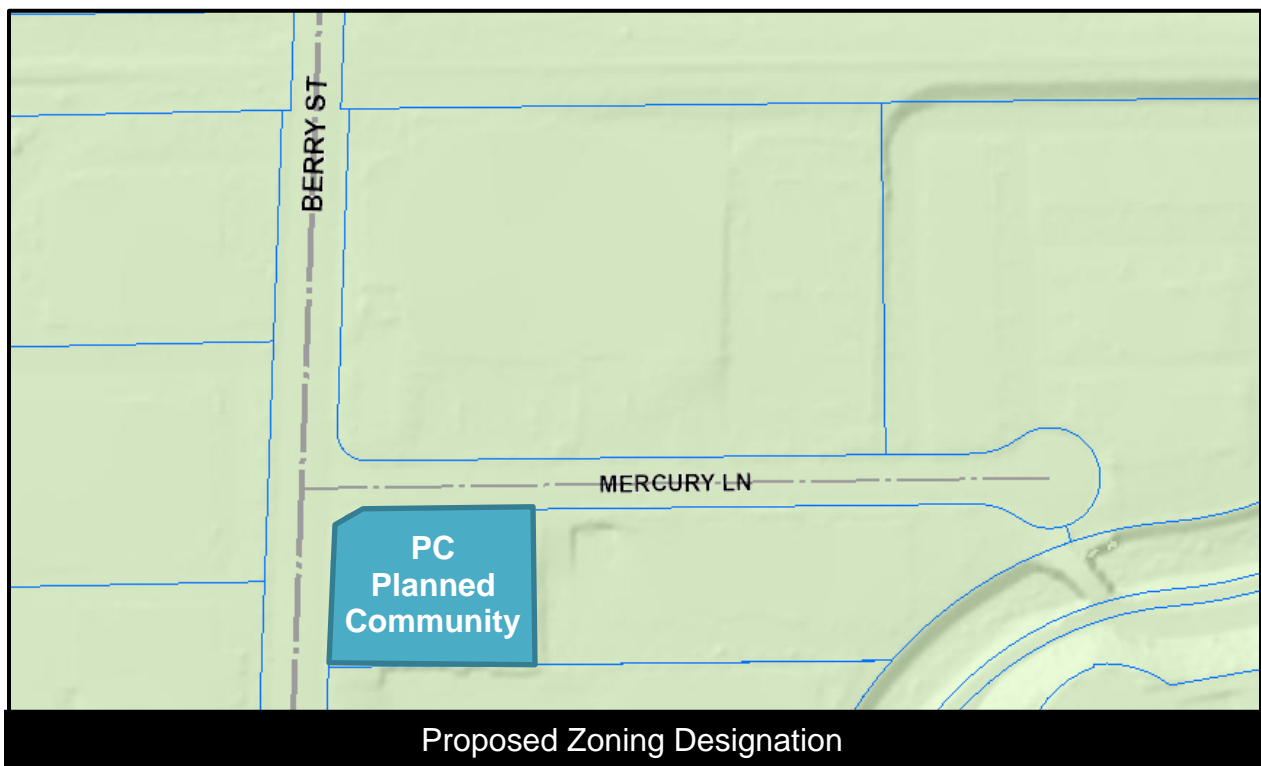
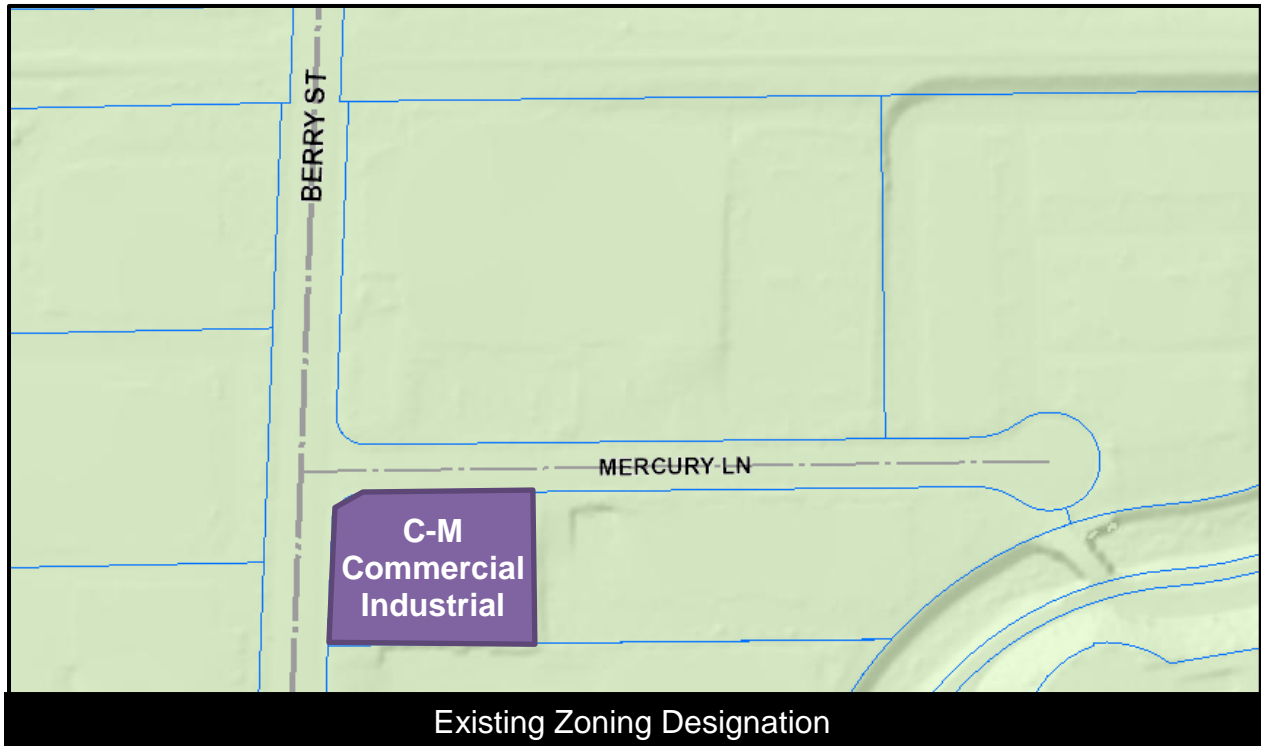


EXHIBIT B
CONDITIONS OF APPROVAL

The Planning Commission is recommending approval of Planned Community Master Plan No. PCMP 19-01 subject of the following conditions to the Project:

- a. Project Plans: Development must occur in substantial conformance with the plans and specifications submitted to the Planning Commission dated February 25, 2020, which includes Planned Community Master Plan No. PCMP 19-01, site plan, conceptual architectural elevations and associated details, conceptual landscape plans on file in the Planning Division, the conditions contained herein, and all applicable City regulations.
- b. Conformance: The Community Development Director's review and approval of all proposed structures for substantial conformance with Planned Community Master Plan No. PCMP 19-01, plans and standards set forth herein as to building location, building square footage, site circulation, signage, and architecture is required prior to the issuance of any building permit. Operation and development of the project shall remain in substantial conformance with Planned Community Master Plan No. PCMP 19-01 in perpetuity. Significant changes to the project may require the amendment to Planned Community Master Plan No. PCMP 19-01.
- c. Mitigation Monitoring and Reporting Program: All Mitigation Measures contained in the Mitigation Monitoring and Reporting Program from Final Environmental Impact Report No. FEIR 19-01 are incorporated herein by reference.
- d. Digital set of plans and exhibits: The applicant must provide a digital copy (suitable for archival storage) of the plans and specification noted in Condition 1 to the Brea Planning Division prior to the issuance of any Building Permits for the development.
- e. Setbacks: Final building location and setbacks must be consistent with the layout shown within Planned Community Master Plan No. PCMP 19-01 as illustrated in the approved plans and specifications of Planning Commission meeting of February 25, 2020. Where the plans and specification do not address setback requirements the standards of the Mixed Use I or R-3, Multi-Family Residential, or most closely applicable zoning district as determined by the City Planner, shall apply.
- f. Parking: Vehicle parking must be provided consistent with the parking details contained in "The Planned Community Master Plan." A minimum of one (1) parking stall per unit must be provided for each studio and one bedroom unit and (2) parking stalls must be provided for each two bedroom unit.
- g. Parking Management Plan: The Applicant must prepare and submit a Parking Management Plan (PMP), prepared by a registered civil/traffic engineer. The

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review and approval of the PMP by the Community Development Director and City Engineer is required prior to issuance of any building permits. The PMP shall be reviewed by the City's parking consultant, time and fees to be paid for by the Applicant, as determined necessary by the City. A key goal of the PMP shall be to limit any potential for off-site parking impacts to the adjacent industrial areas. The PMP must also address the use of all on-site and off-site parking and incorporate management strategies recommended by the peer review conducted by Gibson Transportation. The PMP must also identify a process and central contact to address and resolve any on-site parking discrepancies or issues in a timely fashion. Said strategies shall include but are not limited to:

- i. An outreach plan to tenants indicating optimal parking areas and prohibition of parking on adjacent private property (unless off-site parking agreements are secured) that includes, but is not limited to, a map of the proximity of the Project to Downtown Brea and options and encouragement of alternative transportation.
- ii. Private Enforcement of On-Site & Off-Site Parking. Provisions in the case that any monitoring reveals that the Project's total parking demand consistently exceeds the total provided parking supply (e.g. secure additional parking). Said remedies shall occur in a timely manner subject to the review and approval of the Community Development Director.
- iii. The Applicant must submit a monitoring report of the on- and off-site parking demands within one year of reaching 50% and above occupancy and remain accessible to the City or the purposes of collecting data on the proposed type of residential product or when a complaint threshold is met. The threshold shall be determined by the Director of Community Development. Said monitoring would identify the actual on-site and off-site residential parking demand and the efficacy of the trip/parking reducing measures implemented by the Project.
- iv. The use of structured parking spaces shall be limited to the parking of resident/owners motor vehicles (i.e. cars, trucks, SUV's, motorcycles). Any storage that precludes the parking of vehicles is prohibited. The storage of recreational vehicles in a garage or structured residential vehicle space is prohibited.
- v. Alternative Transportation & Parking strategies to assist in reducing the demand for parking, such as parking cash-outs, car share, carpool/vanpool programs, rideshare or ride-matching, bike share, etc.
- vi. Use of West Downtown Parking Garage. Upon completion of the pedestrian amenities and improvements along Mercury Lane to be provided through the Project Development Agreement, the City may approve an agreement

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with the applicant to dedicate up to 15 spaces in the City's West Downtown Parking Garage by residents and their guests.

- h. Bike Storage: The Applicant must maintain a minimum of 114 bicycle stalls on-site consistent with the "The Planned Community Master Plan" in perpetuity. Should the need for bicycle storage desire to be changed or discontinued, the applicant shall provide a plan and justification indicating purpose of the changing need (e.g. emerging transportation trends, improved use to accommodate parking demand, etc.) and planned use for the space. Said justification and plan are subject to the review and approval of the Community Development Director and the City Engineer. Said plan shall serve to continue to promote alternative transportation and/or help support the parking demand for the project.
- i. Noise: The final text of PCMP 19-01 shall be revised to specify that the project site is designated as "non-residential" for purposes of applying the City's noise standards.
- j. Landscaping: The Applicant must provide a detailed final landscaping and irrigation plan consistent with "The Planned Community Master Plan." Said landscaping and irrigation plan must be reviewed and approved by the City Planner and Public Works Department prior to the issuance of any building permits. Approved landscaping and irrigation shall be installed prior to occupancy. All landscaping and irrigation shall comply with the provisions of the City's Water Conserving Landscape Ordinance. The final landscaping and irrigation plans shall be in accordance with the final site and grading plans and shall include, but not be limited to the following:
 - vii. The number of trees provided shall not be less than the amount depicted on the conceptual landscape plans contained within "The Planned Community Master Plan." A minimum of 75% of the trees shall be a minimum 36-inch boxed size or larger with a minimum trunk height of 8-feet and the balance of the trees shall be a minimum 24-inch boxed size with a minimum trunk height of 8-feet.
 - viii. Details shall include the quantity, species type and placement of final trees.
 - ix. 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 Community Development Department.
- k. Common Open Space and Outdoor Living Areas: Common open space and outdoor living space shall be consistent with the details and specifications in Planned Community Master Plan No. PCMP 19-01. Where any ambiguity in size/area specifications exists the provisions of the Brea Zoning Ordinance most closely matching the issue shall be observed.

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FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)

- I. HVAC and Venting: All HVAC and ground mounted equipment must be depicted in the construction drawings during building plancheck submittal and must be fully screened by landscaping and/or architecturally compatible screening subject to the review and approval of the Planning Division. The location of the HVAC venting and intake must be located in such a way to ensure optimal location for air quality benefits and shall be subject to the review and approval of the Building Official.
- m. Mailboxes: Final mailbox designs and locations shall be reviewed and approved by the Planning Division and United States Postal Service.
- n. Trash and Storage: All trash storage, including bins and containers, must be shielded from public view within a building, garage, or a gated enclosure having walls at least six (6) feet in height. The design of enclosures shall be visually consistent with the architecture used for the building and shall require a separate review and approval of the Planning Division and Public Works prior to installation.
- o. Signs: The Applicant shall provide detailed sign plans consistent with the Sign Criteria outlined in the "The Planned Community Master Plan" subject to the review and approval of the City Planner prior to the approval of any individual sign installation permit. Said plans shall include pertinent details regarding maximum sign area, letter sizes, locations, number, and associated details. Signage shall be designed to minimize aesthetic and light and glare impacts within and surrounding the project.
- p. Utilities, Grading & Site Improvements:
 - i. Prior to issuance of a grading permit, the Applicant shall submit easement document (i.e. legal and plat) of the required dedication for City Engineer's review and approval. The legal and plat shall be prepared by a licensed Land Surveyor. The required dedications are as follow:
 - 1. Berry Street: additional 2-foot right-of-way for 5-foot landscaped parkway and 5-foot sidewalk.
 - 2. Mercury Lane: additional 5-foot right-of-way for 5-foot parkway and 5-foot sidewalk.
 - 3. Corner Cutoff at Berry Street and Mercury Lane per City Code Chapter 20.08.060.
 - ii. Prior to issuance of a grading permit, the Applicant shall submit public improvement plans prepared by a Registered Civil Engineer in accordance with City of Brea Standard Plans and specifications for City Engineer's review and approval. The public improvements, include but are not limited to the following:

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1. Remove and reconstruct the curb and gutter on Mercury Lane fronting the project.
 2. Remove and reconstruct the ADA ramp at the corner of Berry Street and Mercury Lane per latest City standards.
 3. Construction of 5-foot sidewalk on Berry Street and Mercury Lane.
 4. Re-stripe and install street signage (as applicable) on Mercury Lane and Berry Street.
 5. No depressed curb (i.e. curb cuts) shall be permitted on Berry Street. This includes any curb cuts to access the proposed service/maintenance enclosures.
 6. The Loading/Unloading/Rideshare pick-up and drop-off Zone on Mercury Lane shall be placed minimum 60-foot from the Berry Street intersection.
 7. Location of the building doors where the building has less than 5-foot set-back from the property line shall be included in the Civil Plans. The proposed door-swing and landing area for any door openings shall not encroach into the corner cut-off area.
 8. Location of parkway trees shall be included on the Civil Plans per City Code Chapter 12.20.
- iii. Prior to issuance of a grading permit, the Applicant shall submit Solid Waste/Trash Collection Circulation Plan for City Engineer's review and approval. The proposed trash bins shall be moved to the street level through the proposed driveway approach on Mercury Lane. A separate depressed curb/curb cut shall not be permitted for this purpose. The trash bin staging area shall be provided within the private property to minimize the trash collection activities within the street.
- iv. Prior to issuance of a grading permit, any decorative paving proposed in the public right-of-way shall be reviewed and approved by City Engineer. The Applicant shall enter into an Encroachment License Agreement for construction and maintenance of decorative features and proposed landscape and parkway trees by the Applicant.
- v. Prior to issuance of a grading permit, the Applicant shall submit a CCTV video inspection of the existing 8-inch sewer lateral located at the southwest corner of the property to City for review of the existing condition prior to approval to connect. If the existing 8-inch sewer lateral is suitable to connect

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to, the Applicant shall be responsible to construct a sewer lateral for the proposed development.

- vi. All proposed shelters, including benches, for rideshare waiting purpose shall be located within the private property.
- vii. Prior to issuance of a grading permit, the Applicant shall submit final Water Quality Management Plan for review and approval.
- viii. The Applicant shall submit final Hydrology and Hydraulic Study for review and approval. The Hydrology and Hydraulic study shall include but not limited to the following:
 - 1. Any increased runoff from the proposed development shall be detain on-site and the proposed discharge shall be equal or less than the existing conditions in terms of quantity and velocity.
 - 2. The final study must demonstrate that the adjacent properties, streets and existing storm drain system are not negatively impacted by the proposed project.
 - 3. Any proposed storm drain connection shall be constructed as a lateral to the storm drain main. A storm drain connection to the back of existing catch basin shall not be permitted.
 - 4. Project site is designated as Zone X and has tendency to result in shallow flooding with average depths of less than one foot, the final study shall discuss how the proposed development is protected from the shallow flooding.
- ix. The Applicant shall be responsible to prepare document and pay for any publication fee (if applicable) for City to vacate the existing City owned sewer easement located at the south west corner of the property.
- x. The Applicant shall be responsible to obtain the permission to perform any work on the adjacent private properties.
- xi. The Applicant shall be responsible for securing the required encroachment permits or licenses for installation of any structures, piping and landscaping in easements of record on this Project. Said approval from easement holders will be required by the City Engineer prior to the issuance of any permits.
- xii. The Applicant shall completed the construction of all required public improvements, including any field punch list items prior to issuance of building occupancy.

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- q. Fire Master Plan: The Applicant shall prepare and submit a separate Fire Master Plan for the review and approval by the Fire Marshal and Fire Prevention Staff. This plan shall convey all fire and life safety details related include final plans for roadway and fire access, necessary water requirements and supply, conditions for the project, signage and street markings, and other related items as necessary by Fire Services. Upon evaluation of the Fire Master Plan, additional access to the southeast corner of the building shall be reviewed for sufficient ingress/egress.
- r. Wall & Fencing Plan: The design and location for all walls and fences shall be subject to the review and approval of the City Planner. All perimeter walls shall be of a decorative masonry construction with appropriate capstones and columns. A final Wall & Fencing Plan shall be submitted for review and approval prior to the issuance of building permits.
- s. Art in Public Places Program (APP): The Applicant shall be responsible for meeting Brea's Art in Public Places requirement per the current Art in Public Places Policy Manual and Ordinance. The minimum required public art allocation shall be 1% of the total building construction valuation as determined by the International Conference of Building Officials (ICBO) at the time building permits are issued. The Applicant shall adhere to the following:
 - i. Submit Part 1 of the APP application prior to issuance of building permits
 - ii. Submit Part 2 of the APP application and obtain APP Committee approval within six (6) months of building permit issuance
 - iii. Submit Part 3 of the APP application and complete sculpture installation prior to Certificate of Occupancy Issuance
- p. Fees: The Applicant shall pay any and all fees due prior to the issuance of any building permits unless otherwise outlined in Development Agreement No. DA 19-01.
- q. Housing Opportunity: The Applicant shall advertise and provide notice of the housing opportunity presented by the project to City residents and persons working in the City as outlined in Planned Community Master Plan No. PCMP 19-01.
- r. Relationship to the Zoning Ordinance: Development Agreement No. DA 19-01 and Planned Community Masterplan No. PCMP 19-01 augments the development regulations and standards of the Brea Zoning Ordinance. Whenever a question arises regarding implementation of the project that is not addressed in the Development Agreement and/or the Planned Community Master Plan, the regulations of the Zoning Ordinance that are most applicable to the issue, condition or situation shall apply. In the event that the provisions of the Development Agreement and/or Planned Community Masterplan are in conflict with the Zoning Ordinance, the conditions of the Development Agreement and/or Planned

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FEIR 19-01, ZC 19-01, PCMP 19-01, DA 19-01 (Mercury Residential)

Community Masterplan shall prevail. Words, phrases, and terms not specifically defined herein shall have the same definition as provided in the Brea Zoning Ordinance unless it appears from the context that a different meaning was intended.

- s. Interpretation: The Community Development Director shall have the responsibility to interpret the provisions of the Development Agreement, Planned Community Masterplan No. PCMP 19-01, and these conditions of approval, subject to appeal to the Planning Commission.

**RECORDING REQUESTED BY,
AND WHEN RECORDED MAIL
TO:**

**CITY OF BREA
1 CIVIC CENTER CIRCLE
BREA, CALIFORNIA 92821
ATTN: CITY CLERK**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXEMPT FROM RECORDING FEE PER GOVERNMENT CODE SECTION 6103

**DEVELOPMENT AGREEMENT NO. 19-01
REGARDING THE MERCURY LANE RESIDENTIAL PLANNED COMMUNITY,
BREA, CALIFORNIA**

This Development Agreement ("Agreement" or "Development Agreement") is made and entered into as of the "Effective Date" set forth herein, by and between Mercury CXIV, LLC, a California limited liability company ("Developer") and the City of Brea, a California municipal corporation ("City").

RECITALS

1. California Government Code Section 65864, et seq. (the "Development Agreement Statute") authorizes cities to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property.
2. Developer owns that real property located entirely within City, the common and legal descriptions of which is set forth in Exhibit "A" attached hereto and incorporated herein by this reference and hereinafter is referred to as the "Site." Developer intends to construct a work-force housing multi-family residential development, inclusive of a maximum of 114 multi-family rental units ("Rental Units"), on the Site.
3. City and Developer mutually desire to enter into this Development Agreement pursuant to the Development Agreement Statute in order to implement the Project.
4. On _____, 2020, following second reading, the Council adopted Ordinance No. _____, approving Zone Change 19-01 and PC Master Plan 19-01. Ordinance No. _____ and all attachments and exhibits thereto are hereby incorporated by this reference. For purposes of this Agreement, the proposed development as approved and defined by Ordinance _____ is referred to herein as the "Project," and Ordinance _____ is referred to as the "Project Approvals."
5. On _____, 2020, City adopted Ordinance No. _____ (the "Ordinance"), approving this Development Agreement among the City and Developer, which is effective as of _____, _____. All of the requirements of the California Environmental Quality Act have been met with _____.

respect to the Project, Project Approvals, and this Agreement, and this Agreement is consistent with the City's General Plan.

6. As set forth in the Project Approvals and this Agreement, the Project would provide the following community benefits: (i) revitalization and use of the Site consistent with state, regional, and local long term goals to provide additional housing opportunities and affordable housing; (ii) contribution of video surveillance hardware and software to serve traffic circulation and public safety goals for the project area; (iii) contributions to future improvements to Imperial Highway, sidewalk and bike lane improvements on Mercury Lane, and the use and maintenance costs of the City's West Downtown Parking Garage; (iv) alternative transportation options in the City through creation of a car-share and bike-share program to serve the Site and providing a local shuttle or similar system; and (v) creation of local and regional construction jobs and a permanent jobs base within new development.

AGREEMENT

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. Definitions. In this Agreement, unless the context otherwise requires, the following terms shall have the following meaning:

"City" means the City of Brea.

"Developer" means Mercury CXIV, LLC, a California limited liability company.

"Effective Date" shall mean the date that the Ordinance becomes effective.

"Municipal Code" means the Brea Municipal Code, as amended from time to time.

"Ordinance" means Ordinance No. _____, which approved this Agreement.

"Project" means the proposed development of the Site as defined in the Recitals to this Agreement by reference to Ordinance _____.

"Project Approvals" means Ordinance _____, which is also referenced in the Recitals to this Agreement.

"Site" means the real property that is the subject of the Project Approvals and as legally described in Exhibit "A" to this Agreement.

"Term" shall have the meaning ascribed to it in Section 6 below.

"Transfer" means any sale, lease, encumbrance or other transfer of all or any portion of the Project or any interest therein.

"Transferee" means any person who acquires an interest in the Site pursuant to a Transfer and agrees, or is deemed, to assume Developer's obligations hereunder with respect to such interest.

Section 2. Recitals. The recitals are part of this Agreement and shall be enforceable as any other provision of this Agreement.

Section 3. Interest of Developer. Developer warrants and represents that, as of the Effective Date, it has or will have legal title to or an equitable interest in the Site; that it has full legal right to enter into this Agreement; and that the persons executing this Agreement on behalf of each Developer have been duly authorized to do so.

Section 4. Binding Effect of Agreement. Developer hereby subject the Project and the Site to the covenants, reservations, and restrictions as set forth in this Agreement. The City and Developer hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon each of Developer's successors and assigns in title or interest to the Site. Each and every contract, deed, or other instrument hereinafter executed, covering, or conveying the Site or any portion thereof shall conclusively be held to have been executed, delivered, and accepted subject to the covenants, reservations, and restrictions expressed in this Agreement, regardless of whether such covenants, reservations, and restrictions are set forth in such contract, deed, or other instrument.

The City and Developer hereby further declare their understanding and intent that the benefit of such covenants, reservations, and restrictions touch and concern the land by enhancing and increasing the enjoyment and use of the Site by Developer and the future occupants of the Site, the intended beneficiaries of such covenants, reservations, and restrictions, and by furthering the public purposes for which this Agreement is adopted.

Section 5. Relationship of Parties. It is understood that the contractual relationship between City and Developer is such that City and each Developer are each an independent party and neither is the agent or partner of the other for any purpose whatsoever and neither shall be considered to be the agent or partner of the other for any purpose whatsoever.

Section 6. Term of Agreement. The initial term of this Agreement (the "Term") shall commence on the Effective Date and shall expire ten (10) years thereafter.

Section 7. Timing of Development. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that failure of the parties to provide for the timing of development resulting in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the City's and Developer' intent here to cure that deficiency by acknowledging and providing that Developer shall have the right (without obligation), subject to the provisions of this Development Agreement, to complete the Project in such order and at such rate and at such times as Developer deems appropriate within the exercise of their subjective business judgment.

Section 8. Transfers and Assignments.

A. Transfers. Developer may enter into one or more Transfers without the prior consent of City. Developer shall provide City with notice of all Transfers promptly following the consummation thereof. Developer shall remain liable to perform all of the terms and conditions of this Agreement with respect to any portion of, or interest in, the Project that shall be the subject

of a Permitted Transfer unless Developer and the applicable Transferee shall execute and deliver to City an Assignment and Assumption Agreement, in which case Developer shall be released from its obligations with respect to such portion of, or interest in, the Project that was the subject of such Transfer.

B. General Conditions Applicable to Transfers. Notwithstanding whether a Transferee has executed an Assignment and Assumption Agreement, upon a Transfer the Transferee shall be deemed to have assumed all Developer's obligations and been assigned all of Developer's rights under this Agreement, and will be deemed the Developer hereunder. This Agreement may only be transferred to a person who acquires fee title to the entire site. Notwithstanding anything herein to the contrary, in no event shall any Mortgagee have any obligation under this Agreement unless and until such Mortgagee purchases at a foreclosure sale, or accepts a deed in lieu of foreclosure, the portion of the Project that was subject to a Mortgage.

Section 9. General Rights, Standards, and Restrictions. The following specific rights, standards, and restrictions shall apply to the development and use of the Site pursuant to this Development Agreement:

A. Developer shall have the right to develop the Project on the Site in accordance with the terms and conditions of the Project Approvals and this Agreement, and City shall have the right to control development of the Site in accordance with the provisions of the Project Approvals and this Agreement.

B. The type, density, intensity, configuration of uses allowed, size, and location of buildings and other improvements and provisions for the reservation or dedication of land for public purposes, location of public improvements, including, but not limited to landscaping, irrigation, sidewalk, and drive approaches, together with other terms and conditions of development applicable to the Project, shall be as set forth in the Project Approvals and this Agreement.

Section 10. Obligations of City. In consideration of the benefits to the City arising from the development of the Site and the entering into of this Agreement, the City agrees as follows:

A. Upon acceptance by the City, the following items shall be maintained by the City and Developer, subject to City review and approval of a maintenance agreement with the Developer, respectively:

Public Improvements to be maintained by City

1. Concrete curb and gutter.
2. Concrete sidewalk constructed per City standards (non-decorative).
3. Street lights, pull boxes and conduits.
4. Fire hydrants.
5. Water services up to the meter.

Public Improvements immediately adjacent to the Site to be maintained by Developer

1. Landscaping and Irrigation.
2. Parkway Trees.
3. Water service lateral? What does “Fire Water Service” mean?
4. Sewer lateral.
5. Decorative sidewalk.
6. Driveway approach (from curb to Developer property line).

B. With respect to any bonds or similar security (including letters of credit or cash) posted by Developer in connection with the development of the Site in favor of the City, within sixty (60) days after completion or satisfaction of all requirements related to such bonds or other security and the respective Developer's request (or such earlier time as required by law), the City shall cause the release of such bonds.

Section 11. Affordable Housing and Rent Restrictions:

A. Affordable Housing. Developer shall enter into an Affordable Housing Agreement with the City prior to the issuance of any grading or construction permits, which agreement must result in recorded covenants upon the property to assure affordable rents as set forth in this Section for a minimum of fifty-five (55) years following first occupancy and which shall provide terms and procedures and details, including a process for annual compliance reporting to the City. Eleven (11) units shall be reserved at or below the LOW INCOME threshold and for occupancy by qualifying tenants, as defined by applicable State Law. These units constitute a minimum of 10% of the total number of units within the project and shall fulfill the City's 10% Inclusionary Affordable Housing requirement for the project.

B. Work Force Housing. At least eighty (80) of the units shall be rented at a projected rent between \$1,200 to \$1,695 per month within the following rental categories: a minimum of six (6) units shall have rents of not more than \$1,295, six (6) units shall have rents of not more than \$1,395, six (6) units shall have rents of not more than \$1,495, six (6) units shall have rents of not more than \$1,595, and fifty-six (56) units shall have rents of not more than \$1,695, and shall remain between the LOW TO MODERATE INCOME threshold, as defined by applicable State Law, exclusive of utilities, commencing on the Effective Date with an ability to increase rents a maximum amount of three percent (3%) annually for a period of 40 years. Developer shall record a restrictive covenant in a form reasonably approved by the Director and the City Attorney.

C. The Affordable Housing Agreement and the Restrictive Covenant shall also include a program to give priority preference to prospective tenants that work in Brea and shall provide a priority for a minimum of eighty percent (80%) of the units for such tenants (however, Developer is allowed to lease such units to other tenants to the extent such units are available after leasing to all qualified local worker priority tenants).

It is acknowledged that Developer may modify the terms of affordability for the Work Force Housing units described in Section 11.B in the event the State or any other governmental agency enacts any new legislation that causes any increase in property tax (including any special tax or assessment) to be implemented upon the property (*e.g.* modification of Prop 13) but only to the extent reasonably necessary to re-capture any increase in property-related tax. Developer shall notify City of any such adjustment.

Section 12. Developer's Contributions.

A. Contribution of video camera hardware and software. Developer shall provide Ten Thousand Dollars (\$10,000) for the procurement and installation of video surveillance cameras for the Imperial Highway and Berry Street intersection, Berry Street and Mercury Lane, and for Mercury Lane and the West Downtown parking garage. Said cameras shall be integrated into the existing fiber optic system from the West garage connecting to the Civic and Cultural Center, and integrated with the City's existing video surveillance systems, with related details and specifications subject to the review and approval of the City prior to the issuance of any occupancy permits.

B. Contribution to Future Sidewalk and Bike Lane Improvements. Developer shall pay City a financial contribution in the amount of Eighty Thousand Dollars (\$80,000) toward the cost to construct sidewalks and bike lane improvements on Mercury Lane and the parking garage entrance drive area. Developer shall make such payment in full to the City to the satisfaction of the City Manager prior to issuance of any occupancy permits for the project. Said funding shall be used at the sole discretion of the City of Brea and is not subject to timing restrictions for use or refunding to the Developer.

C. Contribution to Future improvements to Imperial Highway. Developer shall pay City a lump sum financial contribution in the amount of Ten thousand Dollars (\$10,000) toward the cost of future improvements to Imperial Highway. Developer shall make such payment in full to the City to the satisfaction of the City Manager prior to issuance of any occupancy permits for the project. Said funding shall be used at the sole discretion of the City of Brea and is not subject to timing restrictions for use or refunding to the Developer.

D. Contribution to Use and Maintenance of West Downtown Parking Garage. Developer may elect to use the West Downtown parking garage (the "Parking Garage") for guest parking of Project residents, provided that the number and location of parking spaces reserved for such use shall be subject to City's reasonable terms and conditions and its advance review and approval on an annual basis; provided that in no event shall the Parking Garage be used by Developer or Project residents for resident parking or vehicle storage. In exchange for such limited use of the Parking Garage, Developer's Tenants shall pay City \$25.00 per space, per month, which amount shall increase annually according to the CPI for the Orange County area.; however, in the event City charges any other person a lower monthly rate, Developer's Tenants shall pay the lower rate. City shall use said annual payments solely the maintenance, repair, and upkeep of the Parking Garage.

E. Car-Share and Bike-Share Program. Developer shall develop and implement car-share and bike-share programs to serve the Project. Developer shall submit a detailed program

implementing these programs for the review and approval of the Community Development Director prior to the occupancy of any residential units. Said program shall provide for the availability of on-site shared automobiles and bicycles for residents and may include appropriate fees for such services.

Section 13. Effect of City Regulations on Development of Project. Except as expressly provided in this Agreement, all substantive and procedural requirements and provisions contained in City's ordinances, specific plans, rules, and regulations, including, but not limited to, the Brea Municipal Code, in effect as of the Effective Date of this Development Agreement, shall apply to the construction and development of the Project and Site.

A. The provisions of this Section shall not preclude the application to the development of the Project and the Site of those changes in City ordinances, regulations, plans, or specifications that are: (i) specifically mandated and required by changes in state or federal laws or regulations as provided in California Government Code Section 65869.5 or any successor provision or provisions; (ii) required to ensure public safety and are made applicable throughout the City; or (iii) are required to ensure access under the Americans with Disabilities Act. In the event such changes prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended or performance thereof delayed, to the extent necessary to comply with such changes in the law.

B. All fees currently charged by the City in connection with the construction of the Project, including land use approvals, development fees, building permits, etc., shall be no higher than those fees in effect at the Effective Date for a period of five (5) years from the Effective Date, subject to the following exceptions:

i. The City's existing development impact fees may increase over time and shall be paid in the amounts in effect at the time application is made for such approvals or permits that require payment.

ii. All City requirements associated with the City's affordable housing requirements are being fully satisfied through the provision of the affordable units provided by the Project pursuant to the Project Approvals and this Agreement. No other fees or exactions shall be charged for Affordable Housing.

iii. All development impact fees shall be due at certificate of occupancy.

C. City may apply to the Project any and all new health and safety regulations (e.g., fire, building, and seismic, plumbing, and electric codes) that become applicable to the City pursuant to State and Federal law as a whole after the Effective Date.

Section 14. Annual Review. During the term of this Development Agreement, City shall annually review the extent of good faith compliance by Developer with the terms of this Agreement. Developer shall file an annual report with the City indicating information regarding

compliance with the terms of this Agreement no later than January 7 for the previous calendar year, commencing January 7, 2021.

Section 15. Indemnification and Legal Challenge. To the maximum extent permitted by law, Developer must defend, indemnify, and hold City and its elected officials, officers, contractors serving as City officials, agents, and employees (“Indemnitees”) harmless from liability for damage and/or claims for damage for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of Developer’s activities in connection with the development and/or construction of the Project, and which may arise from the direct or indirect operations of Developer or those of Developer’s contractors, agents, tenants, employees, or any other persons acting on Developer’s behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims for damage, as described above, regardless of whether or not the City prepared, supplied, or approved the plans, specifications, or other documents for the Project. Developer shall also defend, indemnify, and hold the Indemnitees harmless from and against any and all claims, liabilities, losses, damages, costs, and expenses arising from or related to Developer’s failure, or any of its contractor’s failure, to pay prevailing wages pursuant to Labor Code Section 1720 *et seq.* in connection with construction of the Project and associated public and private improvements.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this Agreement, any of the entitlement documents pertaining to the Project including, without limitation, the City’s General Plan, Zoning Ordinance, or any other supporting document relating to the Project, Developer must indemnify, defend, and hold harmless the Indemnitees, and each of them, with respect to all liability, costs, and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. The City shall have the right to select counsel of its choice. The parties hereby agree to cooperate in defending such action. In the event of any litigation challenging the effectiveness of this Agreement, or any portion hereof, this Agreement shall remain in full force and effect while such litigation, including any appellate review, is pending, unless otherwise ordered by the court. Absent issuance of an injunction, Developer may elect to continue development under this Agreement pending completion of the litigation but it shall do so at its sole risk, and the City shall not be liable for any loss suffered as a result thereof. This Section shall survive the expiration or earlier termination of this Agreement.

Section 16. Amendments. This Agreement may be amended or canceled, in whole or in part, only by mutual written consent of the parties and then in the manner provided for in California Government Code § 65868, *et seq.*, or successor provisions thereto.

Section 17. Enforcement. In the event of a default under the provisions of this Agreement by Developer, City shall give written notice to Developer (or its successor) by registered or certified mail addressed at the address stated in this Agreement, and if such violation is not corrected to the reasonable satisfaction of City within thirty (30) days after such notice is served on Developer, or if not corrected within such reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within said thirty (30) days (provided that acts to cure the breach or default must be commenced within said thirty (30) days and must thereafter be diligently pursued by Developer), then City may, without further notice, declare a default under this Agreement and, upon any such declaration of default, City may bring any action necessary to

specifically enforce the obligations of Developer growing out of the operation of this Development Agreement, apply to any court, state or federal, for injunctive relief against any violation by Developer of any provision of this Agreement, or apply for such other relief as may be appropriate.

Section 18. Event of Default. Developer is in default under this Agreement upon the happening of one or more of the following events or conditions:

A. If a material warranty, representation, or statement made or furnished by Developer to City set forth herein or in any document incorporated by reference herein is false or proved to have been false in any material respect when it was made;

B. If a finding and determination is made by City following an annual review pursuant to this Agreement, upon the basis of substantial evidence, that Developer has not complied in good faith with any material terms and conditions of this Agreement, after notice and opportunity to cure as provided by this Agreement; or

C. A breach by Developer of any of the provisions or terms of this Agreement, after notice and opportunity to cure as provided in this Agreement.

Section 19. No Waiver of Remedies. City does not waive any claim of defect in performance by Developer if on periodic review City does not enforce this Agreement. Nonperformance by Developer shall not be excused because performance by Developer of the obligations herein contained would be unprofitable, difficult, or expensive, or because of a failure of any third party or entity, other than City. Subject to the provisions of Section 22, all other remedies at law or in equity which are not otherwise provided for in this Agreement are available to each party to pursue in the event that there is a breach of this Development Agreement by the other party (subject to applicable notice and cure periods). No waiver by City or Developer of any breach or default under this Development Agreement by the other party shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.

Section 20. City Not Liable For Damages. It is acknowledged by the parties that the City would not have entered into this Agreement if it could be held liable in damages under or with respect to this Agreement or the application thereof. Consequently, and except for the payment of attorneys' fees in accordance with this Agreement, the City shall not be liable in damages to Developer, or to any assignee, transferee, or any other person, and Developer covenants on behalf of itself and its successors in interest not to sue for or claim any damages:

A. For any breach of this Agreement;

B. For the taking, impairment or restriction of any right or interest conveyed or provided hereunder or pursuant hereto;

C. Arising out of or connected with any dispute, controversy, or issue regarding the application or interpretation or effect of the provisions of this Agreement; or

D. For any injury to or interference with the rights of the property owner, allegedly or actually arising out of, or incurred in connection with, the parties entering this Agreement, or their exercise of any rights under this Agreement.

Section 21. Rights of Lenders Under this Agreement. Should Developer place or cause to be placed any encumbrance or lien on the Project, or any part thereof, the beneficiary (“Lender”) of said encumbrance or lien shall have the right at any time during the term of this Agreement and the existence of said encumbrance or lien to:

A. Do any act or thing required of Developer under this Agreement, or cure any default of Developer under this Agreement within the time limits set forth in this Agreement, and any such act or thing done or performed by Lender or cure shall be as effective as if done by Developer;

B. Realize on the security afforded by the encumbrance or lien by exercising foreclosure proceedings or power of sale or other remedy afforded in law or in equity or by the security document evidencing the encumbrance or lien (hereinafter referred to as “a trust deed”);

C. Transfer, convey or assign the title of Developer to the Site to any purchaser at any foreclosure sale, whether the foreclosure sale be conducted pursuant to court order or pursuant to a power of sale contained in a trust deed; and

D. Acquire and succeed to the interest of Developer by virtue of any foreclosure sale, whether the foreclosure sale is conducted pursuant to a court order or pursuant to a power of sale contained in a trust deed.

Should any Lender require or request an amendment of this Agreement in respect of the rights and remedies granted to a Lender, City hereby agrees to consider such an amendment in good faith and in accordance with state and local law so long as the proposed amendment does not materially and adversely affect the rights, powers, and remedies of the City in respect of a default by Developer hereunder.

Section 22. Notice to Lender. City shall give written notice of any default or breach under this Agreement by Developer to Lender (if known by City) simultaneously with such notice of default City gives to Developer and afford Lender the opportunity after receipt of service of the notice to:

A. Cure the breach or default within thirty (30) days after service of said notice, where the default can be cured by the payment of money;

B. Cure the breach or default within thirty (30) days after service of said notice where the breach or default can be cured by something other than the payment of money and can be cured within that time; or

C. Cure the breach or default in such reasonable time as may be required where something other than payment of money is required to cure the breach or default and cannot be performed within thirty (30) days after said notice, provided that acts to cure the breach or default are commenced within a thirty (30) day period after service of said notice of default on Lender by City and are thereafter diligently continued by Lender.

Section 23. Action by Lender. Notwithstanding any other provision of this Agreement, a Lender may forestall any action by City for a breach or default under the terms of this Agreement by Developer by commencing proceedings to foreclose its encumbrance or lien on the Site. The proceedings so commenced may be for foreclosure of the encumbrance by order of court or for

foreclosure of the encumbrance under a power of sale contained in the instrument creating the encumbrance or lien. The proceedings shall not, however, forestall any such action by the City for the default or breach by Developer unless:

A. They are commenced within thirty (30) days after service on Developer (and on Lender if Lender's address is provided by notice to the City pursuant this Agreement) of the notice described hereinabove;

B. They are, after having been commenced, diligently pursued in the manner required by law to completion; and

C. Lender keeps and performs all of the terms, covenants, and conditions of this Agreement requiring the payment or expenditure of money by Developer until the foreclosure proceedings are complete or are discharged by redemption, satisfaction, or payment.

Section 24. Notice. Any notice required to be given by the terms of this Agreement shall be provided by certified mail, return receipt requested, at the address of the respective parties as specified below or at any other such address as may be later specified by the parties hereto.

To Developer.: Mercury CXIV, LLC
330 W. Birch, Suite E
Brea, California 92821
Attention: Dwight Manley

To City: City of Brea
1 Civic Center Circle
Brea, California 92821
Attention: City Manager

With a copy to: Richards, Watson & Gershon
1 Civic Center Circle
P.O. Box 1059
Brea, California 92822-1059
Attention: Brea City Attorney

Section 25. Attorneys' Fees. In any proceedings arising from the enforcement of this Development Agreement or because of an alleged breach or default hereunder, the prevailing party shall be entitled to recover its costs and reasonable attorneys' fees and experts' fees incurred during the proceeding (including appeals) as may be fixed within the discretion of the court.

Section 26. Binding Effect. This Agreement shall bind, and the benefits and burdens hereof shall inure to, the respective parties hereto and their legal representatives, executors, administrators, successors and assigns, wherever the context requires or admits.

Section 27. Applicable Law and Venue. This Agreement shall be construed in accordance with and governed by the laws of the State of California. Venue for any action or litigation brought for breach or to enforce any provision of this Agreement shall be the County of Orange, California.

Section 28. Partial Invalidity. If any provisions of this Agreement shall be deemed to be invalid, illegal, or unenforceable, the validity, legality, or enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.

Section 29. Recordation. The City Clerk shall record this Agreement in the Official Records of the County Recorder of the County of Orange within ten (10) business days following the Effective Date. Upon the expiration of the terms of this Agreement and the request of Developer, the City will execute and deliver, in recordable form, an instrument confirming that this Agreement is terminated and of no further force or effect.

Section 30. Force Majeure. In the event that any party hereto shall be delayed or hindered or prevented from performance of any act required hereunder by reason of acts of God, strikes, lockouts, labor troubles, inability to procure materials, riots, insurrection, terrorism, war or other reason of similar nature not the fault of the party delayed in performing the work or doing the acts required under the terms of this Agreement, then the performance of such act shall be excused for the period of the delay caused by the foregoing. Financial inability shall not be deemed an excuse for delay under this Section.

Section 31. Integrated Agreement. This Development Agreement consists of this Agreement together with all Exhibits attached hereto, and all of the same are hereby incorporated by reference. The provisions of this Agreement shall govern over any inconsistent or conflicting provisions set forth in the Exhibits. No representation or promise, verbal or written, not expressly set forth herein shall be binding or have any force or effect.

Section 32. Headings. Headings used in this Agreement are for reference purposes only and shall not be deemed a part of this Agreement.

Section 33. Time of Essence. Time is of the essence in every provision hereof in which time is a factor.

Section 34. Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between the City and Developer. Refinements to the Project during implementation and development may require clarifications of this Agreement to ensure proper implementation of this Agreement and/or the Project Approvals. If, when, and as it becomes necessary or appropriate to take implementing actions or make such clarifications, the Parties may effectuate such actions, or clarifications through an operating memorandum ("Operating Memorandum") approved by the parties in writing which references this Section. Such Operating Memorandum shall not require public notices and hearings or an amendment to this Agreement unless otherwise required by this Agreement or applicable law. The City Manager shall be authorized, after consultation with and approval of Developer, to determine whether a requested clarification or implementing action: (i) may be effectuated pursuant to this Section and is consistent with the intent and purpose of this Agreement and the Project Approvals; or (ii) is of the type that would constitute an amendment to this Agreement. The authority to enter into such Operating Memorandum is hereby delegated to the City Manager and the City Manager is hereby authorized to execute any Operating Memorandum hereunder without further City Council action.

Section 35. Authority of City Manager. Any consent, approved or other instrument described in this Agreement may be granted, given or executed by the City Manager or designee on behalf of the City and the City Manager or designee shall be authorized to take any other action on behalf of the City without the need for further authorization from the City Council; provided, however that, notwithstanding the foregoing, the City Manager or designee may, in his or her sole discretion, refer to the City Council any item for which the City Manager or designee has authority to act hereunder.

Section 36. Conflicts of Interest; Prohibited Interests.

A. No director, employee or agent of City shall give or receive any commission, fee, rebate, gift or entertainment of significant cost or value, or enter into any business arrangement with any director, employee or agent of a Developer, its affiliates, other than as a representative of a Developer or its affiliates, without prior written notification thereof to such Developer. Any representatives authorized by Developer may audit any and all records of City for the purpose of determining whether there has been compliance with this provision.

B. Developer warrants and maintains that it has no knowledge that any officer or employee of City has any interest, whether contractual, noncontractual, financial, proprietary, or otherwise, in this transaction or in the business of Developer, and that if any such interest comes to the knowledge of Developer at any time during the term of this Agreement, Developer shall immediately make a complete, written disclosure of such interest to City, even if such interest would not be deemed a prohibited “conflict of interest” under applicable laws.

Section 37. Cooperation. Each of the parties shall cooperate with and provided reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, this Agreement has been executed by the parties and shall be effective on the Effective Date set forth hereinabove.

CITY OF BREA,
a Municipal Corporation

MERCURY CXIV, LLC
a California limited liability company

Dated: _____

Dated: _____

Marty Simonoff
Mayor

By: _____

Name: _____

Title: _____

ATTEST:

Lillian Harris-Neal
City Clerk

Approved as to form:

Terence R. Boga
City Attorney

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On _____, before me, _____,
(insert name and title of the officer)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On _____, before me, _____,
(insert name and title of the officer)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On _____, before me, _____,
(insert name and title of the officer)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A
LEGAL DESCRIPTION
OF THE SITE

City of Brea

Planning Commission

Staff Report

Meeting Date: 2.25.2020

TO: Honorable Chair and Planning Commission

FROM: Jennifer A. Lilley, AICP, City Planner

SUBJECT: ZONE CHANGE NO. ZC 19-01, PLANNED COMMUNITY MASTER PLAN NO. PCMP 19-01, DEVELOPMENT AGREEMENT NO. DA 19-01, AND FINAL ENVIRONMENTAL IMPACT REPORT NO. FEIR 19-01 FOR THE MERCURY RESIDENTIAL DEVELOPMENT PROPOSAL AT THE SOUTHEAST CORNER OF MERCURY LANE AND BERRY STREET.

APPLICANT REQUEST

The applicant is requesting the following:

- Change the land use and zoning from Industrial to Planned Community;
- A high density workforce housing project allowing approximately 114 studio, one bedroom and two bedroom rental units located on a 1.01 acre parcel;
- A Planned Community Master Plan setting the development standards, property management, and implementation for the Mercury Development project;
- A Development Agreement encompassing the community benefits for the Mercury Residential development project; and
- A Final EIR inclusive of all environmental analysis, mitigation measures and findings to address environmental impacts for the residential project.

BACKGROUND & DISCUSSION

On January 21, 2020, the Planning Commission reviewed an application to develop the property on the southeast corner of Mercury Lane and Berry Street for a high density workforce housing project for 114 apartment units, full request outlined above. The Commission continued the public hearing and directed staff to prepare a draft resolution, conditions of approval and address several issues/concerns staff has provided the following information to address the questions and requests for information from the Commission.

PARKING

The project provides 114 spaces on site. This includes 5 ADA spaces and 5 electric vehicle charging spaces in compliance with State and Federal standards. This is a parking ratio of 1 space per unit. Typical multifamily projects in Brea provide a range of parking ratios from 1.25 spaces per unit to 2 spaces per unit. A parking study evaluating the parking as proposed in the Planned Community Master Plan (PCMP) recommends the project provide a 1.56 to 1.87 ratio. The additional spaces identified are intended to accommodate flexibility for residential units with more than one vehicle as well as to provide visitor/guest parking on site. The project as proposed does not provide on-site guest parking and instead identifies strategies to address the recommendation for additional parking needs by utilizing on street parking, restricting additional vehicles for tenants and providing parking in the west parking structure in the downtown.

The Commission will need to determine whether the locations and measures proposed in the PCMP are sufficient. Staff has provided clarification and information below to address the items raised and to assist with this consideration.

On Street Parking: Berry Street does not allow on-street parking. Mercury Lane currently allows public parking along both sides of the street (see Figure 1). The street, exclusive of driveways and marked “no parking” areas, has the potential to accommodate approximately 45 cars. This amount may decrease depending on the need for red curb and Fire Department Access, this is typically determined during Building Plancheck submittal of the Final Fire Master Plan. It should also be noted that the Code requires that parking be located within 100-feet of the project site.

The City’s Municipal Code (Section 10.40.040) limits commercial vehicle parking on public streets to one hour. In the past, the Police Department has received complaints and has issued citations for commercial trucks staging/idling on Berry Street. Subsequent to that, it has been observed that commercial trucks park/idle on Mercury Lane. Complaints are not common on Mercury Lane as the area is all industrial and

there does not appear to be existing conflicts. The project as proposed will rely on on-street parking and has the potential for on-street parking conflicts and enforcement issues. The Commission requested information related to some suggestions to address potential future conflicts. The following provides this information.



- 1. Time Limited On-street Parking:** The Commission inquired whether timed parking could be utilized to balance the proposed use and the existing neighborhood. Currently, commercial vehicle parking is limited to one hour and standard vehicles currently do not have time limits but cannot park overnight on Mercury Lane. It has been staff's experience that timed parking can be challenging and does not recommend this strategy as it would be difficult to enforce and requires a high level of staff resources.

Question(s) for the Commission's consideration: Is the Commission recommending to exempt Mercury lane from the on-street parking restrictions? It should be noted that this allowance could set an expectation to allow other developers to apply for similar exemptions.

2. **Overnight Parking:** Overnight parking is not currently permitted on the street. Properties zoned for and occupied as residential use are eligible for overnight parking permits (see Attachment 3 – Overnight Parking Permit Policy and Procedures). This area is zoned C-M, Commercial Industrial and does not currently allow for overnight parking. The zone change is not to a residentially zoned property, it would be Planned Community, for a residential use. The Code allows one overnight parking permit per unit for multi-family projects. Requests for additional permits are evaluated (e.g. more vehicles than number of spaces provided on-site) to establish need unless conditions of approval are provided to either allow or prohibit additional permits. If overnight parking for this project were permitted, the Planning Commission would be recommending the project to be exempt for the current code or modifications to the provisions.

Mercury Lane does not have sidewalks and is not improved to comply with American with Disabilities Act (ADA). The applicant proposes to construct sidewalks along the project frontage. The project proposes to utilize the West Downtown Parking Garage for guest parking. In order for the project to utilize this garage for guest parking, sidewalk and ADA improvements would have to be made in order to be compliant with ADA requirements. Potential improvements could include, but are not limited to, a survey of the project to the garage to determine ADA compliance, construction of sidewalks, and improvement of curb ramps and other access improvements. If these improvements are not feasible for the project or the applicant to complete, other options would need to be considered to accommodate guest parking.

The Downtown Parking Garages allow parking for up to 12 hours with the exception of the reserved spots for the Birch Street Lofts, which were originally

included as part of the Downtown, and for government cars related to the Army Recruiting Office on Brea Boulevard. The Police Department enforces the 12 hour limit and vehicles are cited that are not parked in the marked reserved parking stalls. The Council has been discussing overnight parking restrictions in the Downtown garages.

Questions for the Commission's consideration:

- Is the Planning Commission recommending exemption for overnight parking on the street on Mercury Lane and the West Downtown Parking Garage?
- As proposed, is the project's parking plan and strategies sufficient to support the project?

Clarification on Noise: The project proposes to locate a residential use in an existing industrial area where ambient noise levels are greater than a typical residential neighborhood. The project does not meet the minimum standards for open window conditions under the State and City Noise Regulations. Projects can be reviewed under a "closed window" condition meaning the window must remain closed for noise to be reduced to an appropriate level. To further address noise, the project proposes a number of construction measures outlined in the Noise Study including; a fresh air ventilation system, upgraded windows, sliding glass doors, entry doors, walls, floor and ceiling insulation. Review of projects under a "closed window" condition is typical for projects located adjacent to high noise generating sites such as major streets, freeways, and trains.

The Commission expressed interest in the reduction of noise conflicts between the existing industrial use and the proposed project. Based on how the PCMP is currently written and what is proposed for the project, there remains potential for noise conflicts. Additional language can be included in the noise section of the PCMP to set a different expectation for higher ambient noise levels. Staff recommends the project is designated as "workforce housing in an industrial area" and allow for an alternate maximum threshold or decibel level (e.g. measure the project against commercial/industrial noise standards).

Question for the Commission's consideration: Is the Commission recommending amend the language in the PCMP to set a higher noise level expectation for the project?

Clarification of Project Details: The applicant has provided a response to several of the comments and questions related to project details and is provided in Attachment 4.

Question for the Commission's consideration: Is this information sufficient to support the Planning Commission's recommendation of approval or is additional information and/or Conditions of Approval needed for the project?

Contribution of funds for Imperial Highway: The Commission inquired as to how the applicant contribution for Imperial Highway improvements would be handled. The money collected will become "City money" earmarked for City initiated improvements on Imperial Highway. The City currently has a number of Imperial Highway improvement projects outlined in its Capital Improvement Program. One such on-going project is to widen Imperial Highway at Berry to provide for a new right-turn lane and another is to widen the CA57 Southbound on-ramp. Both projects would provide capacity enhancing improvements to Imperial Highway in the vicinity of the impacted intersections identified in the traffic study for the project. It is envisioned that the funds provided by the applicant can be used for either of on-going projects or be used by the City for a future capacity enhancing project on Imperial Highway.

Letter Received from Pacific Plastics: A letter was submitted to the Planning Commission at the January 21st meeting from Veneable, LLP on behalf of Pacific Plastics. The letter raised several points regarding the environmental process. The City's environmental consultant has prepared a response to that letter for the Commission's review, see Attachment 5. Two additional memos were received from Pacific Plastics, please see Attachments 6 & 7.

CONCLUSION

In response to the Planning Commission's direction, Staff has provided the draft resolution including the findings and supporting facts to recommend approval of the project, the draft Development Agreement (Attachment 2), Conditions of Approval to address some of the items raised at the last meeting (e.g. location of HVAC intake, parking monitoring, disclosures, etc.), see Attachment 1. The Commission will need to provide any further direction if additional Conditions of Approval are needed for the project.

Prepared by:

Maribeth Tinio
Senior Planner

ATTACHMENTS

1. Draft Resolution
2. Draft Development Agreement
3. Overnight Parking Policy & Procedures Manual
4. Applicant Response to Commission Questions from 1.21.2020 Meeting
5. Response to Veneable, LLP Letter
6. Memo Received from Pacific Plastics Regarding Noise - 02.17.2020
7. Memo Received from Pacific Plastics Regarding Parking – 02.18.2020

City of Brea

Planning Commission

Staff Report

Meeting Date: 1.28.2020

TO: Honorable Chair and Planning Commission

FROM: Jennifer A. Lilley, AICP, City Planner

SUBJECT: ZONE CHANGE NO. ZC 19-01, PLANNED COMMUNITY MASTER PLAN NO. PCMP 19-01, DEVELOPMENT AGREEMENT NO. DA 19-01, FINAL ENVIRONMENTAL IMPACT REPORT NO. FEIR 19-01 FOR THE MERCURY RESIDENTIAL DEVELOPMENT PROPOSAL AT THE SOUTHEAST CORNER OF MERCURY LANE AND BERRY STREET.

APPLICANT REQUEST

The applicant is requesting the following:

- Change the land use and zoning from industrial to residential (Planned Community)
- A high density work force housing project allowing approximately 114 studio, one bedroom and two bedroom rental units located on a 1.01 acre parcel.
- A Planned Community Master Plan setting the development standards, property management, and implementation for the Mercury Residential Development project.
- A Development Agreement encompassing the community benefits for the Mercury Residential development project.
- A Final EIR inclusive of all environmental analysis, mitigation measures and findings to address environmental impacts for the residential project.

The City has not had the benefit of the Planned Community process in recent history and the recent updates and refinement to this section of the Code presents new and different information and processes for which this application is the first of its kind. This report will outline the request, present data and analyze the information available to date to provide context and guidance for the Commission to consider.

BACKGROUND

The proposed project is located on the southeast corner of Mercury Lane and Berry Street (See Attachment 1 & 2 – Vicinity Map & Technical Background). The property has a General Plan designation of Light Industrial and is zoned C-M, Commercial Industrial. The property is currently vacant, adjacent to the Downtown and is surrounded by industrial uses (see Figure 1 – Map).



The project proposes to change the land use designation and zoning to allow residential in a historically industrial area. The high density residential apartment complex would include the construction of a 5-story building, 68-feet in height on a 1.01 acre parcel (See Attachment 5 – Plans). The property owner has a vision for a private approach to affordable housing. The project proposes to provide 114 multifamily residential apartments. The units range in size from studios (452-596 square feet), one bedrooms (651-675 square feet) and 2 bedrooms (1,111 square feet). The project identifies these apartments as “workforce” units due to their proximity to major employment centers: Mercury Insurance, Downtown businesses and adjacent commercial and industrial uses. The applicant has also built into the project a plan to offer and maintain affordable rents based on the design, location, size and management of the complex.

KEY QUESTIONS FOR COMMISSION CONSIDERATION

There are several questions related to this development request for the Planning Commission to consider and provide direction to Staff prior to this request moving forward. The following information is not intended to answer the questions for the Commission but rather to provide context, background and technical detail to assist the Commission in their consideration.

1. Change of Zone: *Should the land use pattern change in this specific area of the City from Industrial to Residential?*

The property is currently vacant and is zoned C-M, Commercial Industrial. The site is accessed by Berry Street and Mercury Lane and is located in a thriving industrial area with large industrial businesses located to the north, east and west and industrial condominium located across the flood control channel northeast of the project. Directly south of the site is a major employer, Mercury Insurance. The property is adjacent to Downtown Brea and a pedestrian and vehicle bridge connects the Mercury Lane corridor to the west parking structure. However, given the current industrial neighborhood and limited public awareness of this access, this connection is not highly utilized. The City recently completed improvement of The Tracks along the flood control channel (northeast of the project which has led to more attention of this connection and corridor).

General Plan & Housing Element

The City revitalized its Downtown including commercial and residential uses both vertically and horizontally. The update to the General Plan in 2003, included goals, policies and direction to encourage residential/commercial mixed use in select locations of the Downtown and on larger underutilized sites in the City. The General Plan recognized the key role that mixed use and high-density development could play in helping to address Brea's housing needs in supply, type and affordability. The direction to locate housing in proximity to jobs, services and transit was determined to serve to implement Brea's goals for sustainability and provide jobs housing balance.

In 2013, the City updated and adopted the Housing Element for the 2014-2021 planning period. The Housing Element is the key policy document on housing issues within the

City. It provides policies and programs that address issues such as balance of employment and housing, increasing housing affordability and providing opportunity sites for new housing as Brea's population grows.

The subject area is not an opportunity site. However, the City adopted Policy/Program 9, Mixed Use/High Density Opportunity Sites, which focused on *potential* opportunity sites that could be studied for further mixed used and/or high-density housing. The Mercury Lane corridor, along with 3 other areas – see Figure 2 - was identified as a potential opportunity area due to its proximity and access to the Downtown and major employment centers.

Affordable/Workforce Housing

A key goal of the General Plan and Housing Element is to provide housing options for all income levels. As our population continues to grow, the Federal and State government have continued to mandate requirements and initiate policies to help achieve diverse housing for all income levels (e.g. Regional Housing Needs Assessment (RHNA) allocations, Accessory Dwelling Units, etc.). Brea's strives to meet these goals and has worked to be in compliance with all State and Federal mandates. However, with the elimination of Redevelopment, no city-owned property, limited funding and the continued rising cost of land and construction, impedes progress and compliance for all cities.

Brea has historically always provided for the RHNA allocations in total number of units during each Housing cycle but the City has struggled to meet the requirement for the number of units at each affordable income category. The City has policies, programs and code requirements to work towards this goal, including the Inclusionary Ordinance which requires projects greater than twenty (20) units to provide a minimum of 10% affordable units. The City has partnered with land owners/developers through Development Agreements and Specific Plans to achieve deeper levels of affordability and more units

Figure 2 – Housing Element Excerpt

9. Mixed Use/High Density Opportunity Sites

With adoption of the City's General Plan in 2003, Brea began encouraging residential/commercial mixed use in select locations in the Downtown and on larger underutilized sites. The City continues to recognize the key role that mixed use development can play in helping to address Brea's workforce housing needs, and by locating higher density housing in proximity to jobs, services and transit, can also serve to implement Brea's goals for sustainability. Brea is committed to providing expanded opportunities for mixed use development, and has identified the following opportunity sites for evaluation:

- Mercury Lane corridor
- Brea Mall
- Birch Street/State College Intersection
- Imperial Highway/State College Boulevard intersection

These four sites consist of groupings of vacant and underutilized commercial and light industrial parcels identified as potentially suitable for mixed-use or high-density residential infill development. The two State College sites and the Brea Mall site are all located along OCTA's planned bus rapid transit (BRT) corridor, a 28 mile-fixed route running between the Brea Mall and Irvine Transportation Center. By integrating higher density residential and mixed use along this corridor, Brea is taking a proactive role in implementing the regional SB 375 Sustainable Communities Strategy to reduce greenhouse gas emissions.

2014-2021 Objective: In conjunction with the focused update of Brea's General Plan, evaluate the suitability of re-designating one or more of the four identified opportunity sites for mixed use and high density residential development and/or other sites as may be identified.

than the minimum required. Recent projects that have provided affordable housing at low, very low, or extremely low-income levels include the Birch Hills Apartment (under La Floresta) and Bonterra Apartments (under Blackstone). Recent projects that have constructed affordable units at moderate levels include Central Park Village and Summerwind. Although development projects have provided for their affordable requirement, they typically only meet the moderate income level without City assistance with funding, donating land or other concessions. While the City needs units at this moderate level the challenge is to provide housing for lower income levels.

Brea Envisions

In 2017 the City completed the Brea Envisions process. Led by a citizen committee, the effort culminated in delivery of the Brea Envisions Community Strategic Plan. The recent update to the PC Zone requirements include findings for consistency with the Brea Envision Community Strategic Plan. The following values and initiatives are highlighted from this Plan for your consideration:

Value: Balanced and Responsible Growth

Initiative 3: Enhance and promote pedestrian friendly development throughout our community and within the public spaces.

Promote the Tracks at Brea as an alternative pathway through the community.

Design and develop a plan for additional, safe public pathways for pedestrians and cycling in zoning and development decisions.

Initiative 4: Maintain a consistent and acceptable balance of both residential and commercial/industrial development.

Promote and implement progressive solutions to balance commercial/industrial and residential development. This could involve creation of development zones in the City that would encourage and allow for different uses within each zone.

Value: Workforce Housing Opportunities

Initiative 1: City and community planning will promote higher density living and mixed affordable housing where appropriate for the existing neighborhood.

Staying within public standards and guidelines, planning and development will account for and promote workforce housing solutions at every opportunity.

Value: Healthy, Active & Pedestrian Friendly Community

Initiative 2: Promote a walkable community.

Develop and promote safe sidewalks and bike lanes.

2. Planned Community Master Plan: *Is this project appropriate for development at this location, in this manner? Does the Commission have enough information in order to consider making the supporting findings?*

In order to approve the zone change from Industrial to the PC zone the Commission must make all of the following findings. The Planned Community Master Plan:

- a. is consistent with the General Plan, inclusive of any amendments proposed and approved as part of the application for the Planned Community Master Plan;
- b. is consistent with the Brea Envisions Community Strategic Plan;
- c. would provide for an innovative development in an area of the City that presents unique planning challenges due to considerations such as geography, topography, and changing patterns of development not otherwise addressed by the City's existing zoning rules;
- d. includes properties suitable for the uses specified therein, in terms of access, size, their relationship to adjacent properties and similar or related uses, and other considerations deemed relevant by the City Council; and
- e. is in the best interest of the City as a whole.

Planned Community (PC) Zone

The PC zoning district code was adopted in or around 1968 with the following description and purpose:

"The purpose of this zone is to encourage, preserve and improve the health, safety and general welfare of the community by encouraging the use of contemporary land planning principles. The provisions of this zone are intended to allow diversification of uses, use relationships and heights of buildings, and open spaces in planned building groups while ensuring compliance with the spirit and intent of the zoning code and the City's adopted General Plan."

On January 15, 2019, the City Council considered and adopted an update to the zoning district language, processes and procedures to align the code with contemporary planning practices and provide needed structure to the process. In October 2018, the City Council took the first step in the new PC process to initiate consideration of an amendment to the boundaries of the PC Zone for the Mercury Residential project. It is important to state that the Council's decision to initiate the boundary amendment for this project does not approve or even endorse the project. It merely indicates the Council is willing to consider the project pending its full review and study.

Council members had concerns or questions related to: the workforce housing designation, workforce housing in general, current zoning, sound mitigation, accessibility,

connectivity, implications for adjacent businesses parking, potential for additional housing development in the area, outreach to promote the workforce living to the surrounding businesses, design and community benefits.

Since January of last year, the applicant has been working to develop the content of the Master Plan (see Attachment 4) and all related studies including the Environmental Impact Report (see Attachments 11, 12, 13). Key Elements to the Master Plan include: Land Use, Circulation, Population, and Public Services and Facilities. Critical to the Plan is a requirement for the developer to provide for public outreach. The following provides an overview and summary of the proposed Master Plan.

LAND USE ELEMENT

Workforce Housing

The Planned Community Master Plan (PCMP) indicates the Mercury development is affordable “due to its thoughtful and efficient design. The unit sizes, vehicle parking, bicycle parking and shared common open space and amenities result in fewer construction costs and more affordable rents.”

The intention of the project is to provide housing for individuals that work in Brea. Rents are generally targeted for, but not limited to workers earning between 20 to 51 dollars per hour. Ninety-one units will be identified with a local preference for individuals that work in Brea. This local preference will be used for tenant selection and to create a waiting list. Marketing for unit availability will be through Brea businesses.

The cornerstone of this project is the affordability of the units. The total number of units for the project is 114. Eleven units will be reserved at or below low-income thresholds, as defined by State law, this is the portion of the project intended to meet the applicant's 10 percent inclusionary requirement. However, as previously mentioned it is typical for this 10 percent allocation to be at moderate rather than the proposed low designation. Additionally, 80 units will maintain rents between \$1300 to \$1695 per month (an exact allocation is outlined in the Community Benefits section below). These units will remain between the low to moderate income thresholds, as defined by State law, with an ability to increase rents a maximum of 4% annually for a period of 25 years.

Development Standards

Approval of a project in the PC zone requires the Commission to find the Master Plan provides appropriate alternative standards. To provide context and comparison to the Zoning Code, Table 1 outlines the proposed development standards in the most comparable zones available.

Table 1 - Development Standards			
	Mercury PCMP	MU-I (standalone residential)	R-3 High Density Residential
Minimum Lot/Project Size	1 acre	2500sf	10,000 square feet
Minimum Parcel Depth	120-feet	none	120-feet
Minimum Parcel Width (corner lot)	85-feet	none	85-feet
Maximum Density	114du/acre	12.1 to 50 du/acre	12.1-24.89 du/acre
Floor Area Ratio (FAR)	3.0	3.0	n/a
Building Setbacks Front Side (interior) Side (street) Rear	10-feet 10-feet 10-feet 10-feet	15-feet 5-feet 15-feet 5-feet *Note – structures located on Birch Street & Brea Blvd – no minimum setback required	15-feet 7 ½ - 10 feet 10-feet 15- 20 feet
Maximum Lot Coverage	80%	n/a	60%
Maximum Height	68-feet	100-feet	75-feet
Minimum Dwelling Unit Size Bachelor /Studio One Bedroom Two Bedroom	450sf 595sf 800sf	none	450sf 650 sf 800 sf
Minimum Private Open Space Per Unit	none	75sf	200sf total outdoor living space per du * Not more than 50% of the total sq.ft. can be used for common open space
Minimum Common Space Per Unit	75sf	100sf	

Density

The project proposes a density of 114 dwelling units to the acre. Density for the various zones are outlined in Table 1. Mixed Use zones provide the ability to calculate density

across an entire project. Recent examples including The Pearl at La Floresta and Brea Place at the Hines Development calculate residential density calculated across the whole of the project total acreage rather than solely the parcel the residential project is built within. Comparing this project to a standalone mixed-use residential development is not truly analogous given a traditional mixed-use project typically incorporates multiple parcels.

Architecture, Floor Plan, and Amenities

The project is proposed to be a 5-story building with 2 levels of above ground parking and 3 levels of residential units designed around a courtyard. The project's architectural design is of modern, Art Deco style incorporating a sand plaster finish and metal elements including awnings, balconies, railing and siding. The color palette includes classic hues of sand, taupe, green, silver and gold. To provide visual interest, break up massing, and to provide pedestrian level architecture, the building features column details and alternate color along the base of the building, a decorative stair case, metal siding along the corner and fin details along the top of the building.

Units range in size from 452 square feet for a studio up to 1,111 square feet for a 2 bedroom unit. The project features a center courtyard and includes cantilevered seatwalls, seating and gathering areas, accent wall with outdoor TV, fireplace, table, hammocks/daybeds, tennis, water feature and BBQs. Another key amenity is the corner rooftop terrace with additional café table seating, community tables, sectional seating and a BBQ. A fitness room and flex room is also provided on-site. The flex room could be used as office space and/or a gathering space for residents.

Parking

Parking is provided by a ground level parking structure accessed along Mercury Lane. The structure provides for a total of 118 parking stalls and 114 bicycle parking stalls. A loading zone for tenants moving in and/or rideshare is provided directly in front of the project along Mercury Lane. The project proposes alternative standards for parking under the PCMP. A parking study was prepared by the applicant (Attachment 6) and peer reviewed by the City's Parking Engineering Consultant – Gibson Transportation (Attachment 7). The code requirements and recommendations by the consultant are outlined in Table 2.

The applicant also provides a number of parking strategies within their study to address their proposal for alternative parking standards. This includes:

- The size of the units and the affordable nature of the project,
- Proximity and access to Downtown Brea and other major employment centers.

- Connections to Downtown Brea and employment centers could be accessed by multiple transportation options: walking, bicycle, rideshare, motor vehicles and buses.
- The project provides a secure bicycle storage room which could accommodate 114 bicycles (or a bike space per unit).
- Sidewalk and landscape improvements along the project frontage.
- The applicant's study also recognizes the need for a Parking Management Plan and offers various options that could be included within the plan.

Table 2 – Parking			
Residential Unit	Mercury PCMP	Zoning Code	Parking Consultant Recommendation
Studio	1 stall	1.5 stall	1.56 to 1.87 spaces
One Bedroom	1 stall	1.75 stalls	
Two Bedroom	2 stalls	2 stalls	
Guest	0 on-site Note: Guests may park on street or in West Downtown Parking Structure	0.2 per unit	
Size			N/A
Standard	9 ½ x 19	9 ½ x 19	
Compact	8 x 16	8 x 16	
Max. Compact Allowed w/CUP	30%	30%	
Tandem	9 ½ x 19 (only for 6 spaces)	Not Permitted	
Required # of Spaces	118	202	178 to 213

The City's parking consultant recommends a higher parking ratio for the project. Table 2a outlines the various projects, the comparative ratios and how guest parking functions. The consultant also provides the following strategies that could be incorporated as conditions for the project:

- Accommodation of any remaining parking could be considered off-site as a reserved area in the west Downtown Garage or by other arrangements with adjacent property owners.

- The applicant should provide a monitoring report of the on and off-site parking demands within one year of reaching a threshold of occupancy. The applicant should remain accessible to the City for the purposes of collecting data on the project or when a complaint threshold is met. The monitoring would identify the actual on-site and off-site residential parking demand and the efficacy of the trip/parking reducing measures to be implemented by the project.
- Provide a Parking Management Plan that clearly identifies how proposed strategies will be formulated into the project and how they will be used to prevent impacts to the neighbors and adjacent property owners. The plan should provide provisions and solutions in the case any monitoring reveals the project's parking demand consistently exceeds the parking supply (e.g. secure additional parking to meet demand).

Table 2a – Parking Ratios by Project			
Project	Parking Ratio per Unit Type	Parking Ratio per Unit	Guest Parking Location
Brea Place	Studio 1.0 1bdm 1.5 2bdm 2.0 Guest 0.24	1.85	Parking Garage, overflow office parking garage
The Pearl at La Floresta	1bdm 1.0 2bdm 1.5 Live/Work 2.0 Guest 0.10	1.75	Parking Garage, private streets
The Pointe at Olen Pointe	1bdm 1.0 2bdm 2.0 Guest 0.25	2.06	Parking Garage, overflow surface lot
Downtown Lofts	Loft 1	1.22	Downtown Parking Garages
Calligraphy at CPV	1bdm 1.0 2bdm 2.0 3bdm 2.0 Guest 0.25	1.75	Parking Garage

The City has approved alternate parking standards for projects and has considered varying parking strategies to address potential impacts. A few key differences exist with the other projects such as availability of additional on-street parking, private streets, and single ownership of a project area. Each project has unique parking management depending on site specific issues. The Commission will need to determine if the proposed strategies will be sufficient to support the project. Or if additional conditions should be considered to address any impacts that may occur.

Noise: A Noise Study was prepared for the project (see Attachment 8 – Noise Study) and was reviewed by the Building Official. The study concluded that the existing outdoor noise levels at the project site fall within the “Normally Unacceptable” range for multi-family uses under the General Plan’s Noise and Land Use Compatibility Guidelines. However, with adequate building design and insulation interior noise levels can be reduced to meet the requirements. The study makes a number of recommendations related to construction and design that should be incorporated and memorialized into any conditions for the project. Additional strategies to ensure that noise levels remain appropriate for the development could include additional testing once the project is completed to ensure it meets the recommendations in the report.

Community Outreach: A key component of the PC zone is community outreach. The code requires that the applicant provide a plan for engaging in public outreach with a cross-section of residents, businesses, and other community stakeholders. The applicant has outlined their Public Outreach Plan in Appendix A of the PCMP. It is Staff’s understanding, the applicant met with several of the adjacent property/business owners as well as other major employers within the City. The applicant’s team also held a community open house and provided a scaled project model for viewing with the Brea Chamber of Commerce’s office and other locations. Staff also received letters as part of the environmental process, from various agencies, residents, and adjacent property owners, which can be reviewed within the FEIR and also received a letter opposing the project from Pacific Plastics. A letter was also provided to the Planning Commission from a resident in support of the project. See Attachment 9 – Submitted Correspondence.

3. Community Benefits: *Are the Community Benefits appropriate and sufficient to support the proposed Planned Community Master Plan?*

As part of the request for a PC Zone, a Development Agreement is required. Although the specific deal points and negotiations of the Development Agreement are solely between the City Council and the Developer it is an important aspect of the project as proposed. A Fiscal Impact Study was prepared for the project, see Attachment 10.

It is important for the Planning Commission to receive the following for information purposes only rather than part of their oversight or discretionary review. Unlike Conditions of Approval, community benefits do not have to directly correlate or have a nexus to the project and can range from monetary contributions to physical improvements to anecdotal benefits. The Development Agreement is in draft form and is under continued review and negotiation with the City Council. Key deal points the Developer is proposing are as follows:

- Revitalization and use of a vacant site consistent with state, regional, and local long-term goals to provide additional housing opportunities and affordable

housing. Eleven (11) units will be reserved at or below low-income thresholds (as defined by state law) for a minimum of 55 years and six (6) units will have rents of not more than \$1,295, six (6) units will have rents of not more than \$1,395, six (6) units shall have rents of not more than \$1,495, six (6) units shall have rents not more than \$1,595 and fifty-six (56) units shall not have rents not more than \$1,695 and will remain between the low to moderate income threshold (as defined by state law) with an ability to increase rents a maximum of 4% annually for a period of 25 years.

- Contribution of video surveillance hardware and software to serve traffic circulation and public safety goals for the project area (\$10,000).
- Contribution towards future improvements to Imperial Highway (\$10,000)
- Contributions towards sidewalk and bike lane improvements on Mercury Lane (\$16,000).
- Contribution towards the use and maintenance costs of the City's West Downtown Parking Garage. Tenants may elect to utilize the West Downtown parking garage for guest parking and will pay \$25 per space, per month towards said use. The annual payments will be used towards the maintenance, repair, and upkeep of the parking garage.
- Alternative transportation options in the City through creation of a car-share and bike-share program to serve the project and provide local shuttle or similar system.

4. Environmental: Can you recommend certification of *Final EIR 19-01*? *Certification of the FEIR does not necessitate approval of the project itself—rather it is specific to the adequacy of the environmental analysis contained in the document.*

The DEIR No. EIR 19-01 was circulated for a 45-day public comment period commencing on July 24, 2019. During the public review period, Staff received 9 comment letters and emails. The comments and responses are memorialized in the Draft Final EIR (Attachment 12).

The Draft EIR examined the Mercury Residential project in the context of several issue areas. These areas included aesthetics, biological resources, grading and air quality impacts, geology, hazards, hydrology, traffic/circulation, land use, noise, public services, recreation, utilities, cultural resources, cumulative impacts and growth-inducing impacts. The analysis and the supporting documentation can be found in the DEIR, which the Commission received back in

August 2019. In addition to identifying where significant impacts could occur, the DEIR discusses appropriate mitigation measures that would eliminate or minimize the impacts.

Each of the comment letters and emails have been addressed and responded to in the "Response to Comments" (RTC) section in the Final EIR. Per CEQA requirements, the City sent the Response to Comments document to various resource and public agencies on November 4, 2020. In all, the City directly responded to 9 commenters including resource and public agencies that had commented on the DEIR. To date, the City has not received further questions or comments from any of the public agencies with respect to the FEIR. This delivery timing exceeds the minimum requirements of CEQA which requires that only public agencies be provided responses a minimum of 10 days prior to any final action on the proposed project. The comments and their responses are an integral part of the Final EIR that must be reviewed by the Planning Commission prior to acting on the discretionary applications of the project.

Mitigation and Monitoring Program

A Mitigation and Monitoring Program is included the Draft Final EIR (See Attachment 13). It complies with CEQA requirements to specify the required timing and City staff oversight responsibilities to ensure the successful implementation of all the mitigation measures identified in the Draft Final EIR.

Do the project benefits override the identified unavoidable environmental impacts to justify adoption of a Statement of Overriding Considerations (SOC)? In order to recommend approval of the various project entitlements an SOC must also be adopted, requiring findings of public benefits. Details regarding an SOC are provided later in this report.

The EIR found significant and unavoidable impacts related to transportation (traffic) – See Attachment 13. Three of the studied intersections (Intersection #10 - Berry/Imperial, Intersection #11 – Brea/Imperial, Intersection #13 – SR-57SB Ramp/Imperial) were found to a cumulative significant impact. It should be noted that all the intersections are along Imperial Highway. Applicable mitigation measures would provide improvements to the intersections however Imperial Highway is within the jurisdiction of Caltrans, and not the City. Implementation of mitigation/improvements is not guaranteed as they are subject to Caltrans review and approval. In addition, Caltrans has no mechanism by which projects can contribute fair share fees to offset impacts. Approval of the project will require that the Planning Commission recommend to Council a Statement of Overriding Considerations as part of the EIR certification. In considering the adoption of a Statement of Overriding Considerations, the decision makers are asked to weigh the public benefits that will be derived as a result of the project against any significant unavoidable adverse impacts.

The applicant proposes to contribute \$10,000 towards traffic improvements. This amount would equate to the projects fair share contribution towards the necessary improvements for all three intersections. Staff will need Commission direction regarding project benefits

the Commission feels are appropriate for an SOC should it be your desire to consider any such adoption. Direction should be provided during the Commission's deliberations portion of the public hearing.

CONCLUSION

In order to consider these questions and provide direction to Staff, the Planning Commission would open the public hearing, receive a presentation from the project applicant, receive public comment, close public comment and initiate deliberations. The result of this action will be to provide staff direction specifically related to the proposed entitlement actions and the outlined key policy issues. The Commission would then, continue the hearing to a date certain and direct staff to return a report and, as appropriate, draft resolution(s) for the Commission's consideration, consistent with your policy direction.

Prepared by:

Maribeth Tinio
Senior Planner

ATTACHMENTS

1. Technical Background
2. Vicinity Map
3. Public Hearing Notice

Project Plans & Studies

4. The Mercury Planned Community Master Plan
5. Project Plans
6. Parking Study prepared by the Applicant
7. Gibson Transportation Peer Review of the Parking Study
8. Noise Study
9. Submitted Correspondence
10. Fiscal Impact Study

Environmental Documents

11. Draft EIR Vol. 1 – provided to the Planning Commission at the August 2019 Study Session
12. Draft EIR Vol. 2 - provided to the Planning Commission at the August 2019 Study
13. Final EIR
14. Findings of Fact and Statement of Overriding Considerations
15. Mitigation Monitoring & Reporting Program



101 CALIFORNIA STREET SUITE 3800 SAN FRANCISCO, CA 94111
T 415.653.3750 F 415.653.3755 www.Venable.com

April 18, 2020

408.799.2992
getnire@Venable.com

Via email

Bill Gallardo, City Manager
Tracy Steinkruger, Community Development Director
Brea City Hall
1 Civic Center Circle
Brea, CA 92821

Re: Mercury Lane Proposal
Further public hearings

Dear Mr. Gallardo and Ms. Steinkruger:

On behalf of Pacific Plastics, I am writing to describe certain steps that the City must take before the City schedules the next Planning Commission meeting on the Mercury Lane proposal.

Public Notice Legal requirements

The City must provide written notice to the public at least 10 days in advance of any renewed public hearing.

At the Planning Commission meeting on February 25, 2020, this matter was properly continued to March 24, 2020 (and mailed notices were not required). Brea Municipal Code Section 20.416.030B states that "any hearing on a zoning matter may be continued from time to time and place to place, *provided* the time and place to which continued is announced *prior to adjournment of the meeting from which continued*" (emphasis added).

The Planning Commission did not meet on the March 24 and no continuance was issued. As a result, the City must follow the notice requirements set forth in BMC Section 20.416.020E.

Further, notice should be given because it is very likely that the meeting will involve the re-opening of the public testimony portion of the hearing. The Staff Report for the last Planning Commission meeting included a draft list of the Conditions of Approval (Exhibit B) that expressly omitted large sections on the appropriate Conditions of Approval for 4 critical items: (a) on-street parking, (b) noise, (c) the use of the West Downtown Parking Garage, and (d) public improvements on Mercury Lane. Pacific Plastics has a due process right to be heard on all of these items. Also, it is highly probable (given the long delay) that the Commissioners will have questions and comments at the next meeting, that the applicant will respond, and that Pacific Plastics will exercise its right to speak.

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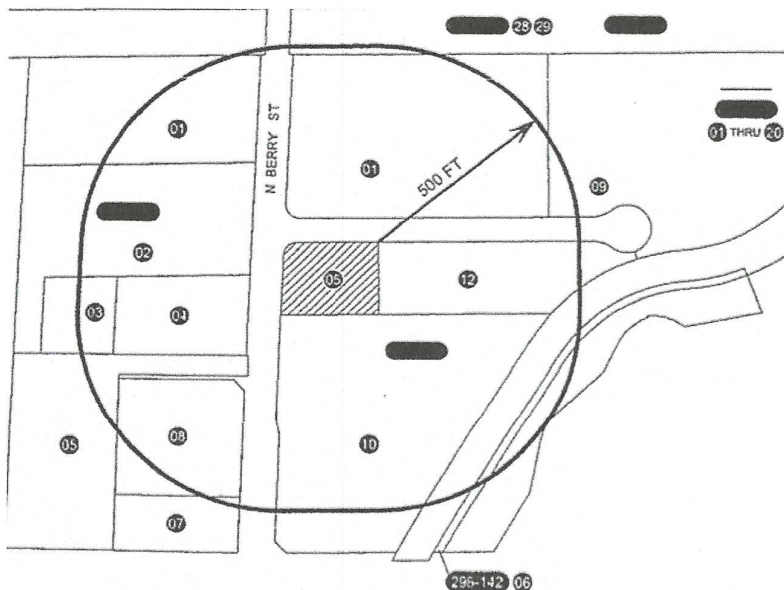
The next Planning Commission meeting must be re-noticed and that notice must indicate that public testimony may be taken at the hearing.

Public Notice **Policy decision**

BMC Section 20.416.020E requires that public notices of the hearing be mailed to all property owners within 500 feet of the project site. This section establishes the legal minimum notice area. The City has the right to require wider notice if, in the judgment of City Staff, such wider notice is reasonably necessary to properly inform those members of the Brea Community who could be directly impacted by a proposed project.

This judgment call on the scope of notice that should be given on this project is not at all difficult. City Staff starts with the legal minimum as a base, then identifies those persons and neighborhoods outside the 500-foot radius who could be directly and particularly impacted by the proposed project. Because of the City's stated (and legally required) commitment to open and transparent government, City Staff should prefer to err on the side of over-noticing, rather than under-noticing.

With that in mind, look at the 500-foot radius map for the Mercury Lane proposal:



This map dramatically illustrates the fact that the legal minimum notice requirements do not result in reasonable notice to those persons who would be directly impacted by the Mercury Lane proposal. Notice to a 500-foot radius might be sufficient in a downtown area

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or a residential neighborhood, but industrial zones have larger parcels – this radius map does not even reach the Imperial Highway! Pacific Plastics is located right across the street from the proposed site and the 500-foot radius takes in only about half of Pacific Plastics property! Clearly, limiting notice to this small area may comply with the technical legal minimum, but it does not provide adequate notice to the public and to impacted persons.

It is quite clear that the Mercury Lane project would have direct, identifiable and measurable impacts on specific people and neighborhoods outside the 500-foot radius. As just one example, this project would have significant and unavoidable impacts on three intersections (Imperial Highway at Berry, Brea, and the SR-57 SB Ramp). Appropriate public notice to those persons who would be directly impacted by LOS F intersections certainly includes, for example, those residents south of the Imperial Highway who drive those intersections every day and whose lives will be adversely impacted. How can City possibly justify adopting a Statement of Overriding Considerations while concealing that action from the neighbors whose interests are most impacted?

Unfortunately, in the history of this application process, the City has consistently acted to limit public notice and involvement of the community. As just one example, the Planning Commission held no less than 5 ostensibly-public “study sessions” that allowed the applicant to tout the project and influence Commissioners - without public notice even to the adjacent property owners. Pacific Plastics would have attended all 5, but was kept in the dark. City Staff and the Commission should have wanted neighboring industrial users and residents to know of these meetings. How can this be lack of transparency be justified? There is a narrow legal excuse for not including adjacent owners in study sessions, but why would the City not affirmatively seek openness?

Pacific Plastics respectfully requests that the City expand the notice area for the next meeting to include the nearby residential areas that would be impacted by the significant and unavoidable impacts on the three intersections on the Imperial Highway. It would be easy to identify the residential neighborhoods most impacted or the City could develop a radius map around those intersections.

Compliance with the Brown Act during the pandemic

The City must comply with the Brown Act, except for the specific exceptions in the Governor’s recent emergency orders. Section 11 of the Governor’s order authorizes cities to hold “public meetings via teleconferencing and to **make public meetings accessible telephonically or otherwise electronically** to all members of the public seeking to **attend and to address** the local legislative body . . .” (emphasis added).

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The emphasized words are not ambiguous – the meetings must be “**accessible telephonically or otherwise electronically**” and must allow the public “**to attend and to address**” the hearing. Almost all cities in Orange County allow the public to “attend address” the hearing through Zoom or other technologies.

The City failed to failed to arrange for the City Council meeting on April 7, 2020 to be “accessible telephonically or otherwise contractually.” The only way a member of the public could “attend and address” that meeting was by physically visiting City Hall and gathering in conference rooms. This is not consistent with the Governor’s order to avoid physical meetings and not consistent with the order that meetings be “**accessible telephonically or otherwise electronically**.” Pacific Plastics is a party in interest in this proceeding, so denying electronic access also violates Pacific Plastics’ due process rights. The owners of Pacific Plastics, who attended the January and February meetings, are in the pandemic’s high-risk category and cannot visit City Hall. I also am in the high-risk category and would have to fly to Southern California if electronic access is not allowed. The very core of the Governor’s order was that electronic attendance must be allowed.

As discussed on the first page of this letter, it is quite possible that, at the next meeting, the applicant will be asked to answer questions or comment on the Conditions of Approval, particularly on those Conditions of Approval which were not presented at the meeting on February 25. The due process rights of Pacific Plastics require that Pacific Plastics be allowed to “attend and address” the Planning Commission.

The City should not schedule another Planning Commission meeting until such time as the City can assure full electronic access to that meeting.

City Response to Public Record Act Requests

Despite the City Clerk’s apparent good faith efforts, the City is seriously delinquent in responding to two Public Record Act requests from Pacific Plastics. The delay appears to be the result of politics and efforts at damage control. The City should not hold a further public hearing on the Mercury Lane proposal until the City has complied with these PRA requests.

PRA Request re Development Agreements

This request is for public records relating to the apparent disappearance of provisions in the Brea Municipal Code relating to Development Agreements. The records requested include, for example, BMC Chapter 20.66 (prior to deletion), Brea Ordinance 1089, and any modification of the provisions approved by Ordinance 1089. The requests are very specific and limited, so compliance would not be burdensome.

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February 14	Date of Request
February 24	Deadline for response / deadline for notice of 14-day extension <i>No response by the City / no request for an extension</i>
March 9	Deadline for response had an extension been requested <i>No response by City</i>
March 16	Reminder set to City with request to comply <i>No response by the City</i>
March 27	Declaration of local emergency

This is a very narrow request and the requested records are essential in determining whether the City and the Planning Commission have properly honored the established law and procedures in handling the application for the Mercury Lane Apartments. **Without these records being exposed to the light of day, Pacific Plastics would be prevented from making the appropriate legal and factual presentation at the next meeting of the Planning Commission.**

PRA Request re ex parte messages

The records requested pertain to texts and messages just before, during and after the February 25 Planning Commission meeting. The requests are very specific and limited, so compliance would not have been burdensome.

March 2	Date of Request
March 12	Deadline for response / deadline for exercise of 14-day extension <i>City responded with notice of 14-day extension</i>
March 26	Extended deadline for response <i>No response by City</i>
March 27	Declaration of local emergency

The public records requested are essential in determining whether there was *ex parte* contact, the substance of those contacts, and whether the last public meeting was subverted by violations of the Brown Act or any other law or ordinance. **Without these records being exposed to the light of day, Pacific Plastics would be prevented from making the appropriate legal and factual presentation at the next meeting of the Planning Commission.**

NOTE: Given that these records, including personal device records, are the subject of a Public Records Request, such records cannot be deleted even "in the normal course." Please take all steps reasonably necessary to assure that all Commissioners and Staff are aware that all such records must be preserved.

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Possible improper conduct

As discussed above with reference to the Public Records Act Request for records of *ex parte* messages before, during and after the February Planning Commission meeting, there is a possibility that the applicant and certain members of the City Staff or Commission may have:

- a) violated applicable ethics rules
- b) infringed procedural due process rights of Pacific Plastics
- c) committed Brown Act violations.

If, for example, the applicant sent *ex parte* messages to either Commissioners or Staff during the public meeting, then the applicant subverted the public process, violated the letter and spirit of California's open meeting laws, and violated the due process rights of Pacific Plastics. A Commissioner who participated or did not immediately disclose receipt of the message would have been complicit. Government Code Section 54950 states that the intent of the Brown Act is to assure that "deliberations be conducted openly."

While we have reason to believe that there was a considerable amount of *ex parte* messaging on this matter, we are not now making any allegations of violations of ethics rules, due process, and the Brown Act. The PRA request is an effort to gather information to shed light on those possibilities.

The only possible "privilege" that the City may assert to justify keeping these texts secret is the "deliberative process" privilege for "pre-decisional" deliberations. That privilege is very narrow and not all *ex parte* messages are "deliberative process" communications. The City has the burden of proof in showing that a message is "deliberative" and that:

"on the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record." [Emphasis added] *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1330

Applying the balancing test to the *ex parte* texts is relatively easy – there is no public interest in covering up conduct that raises questions about possible violations of ethics rules, due process and the Brown Act.

It is clear here that the City has a responsibility beyond the Public Records Act. Given the possibility of improper conduct, the City has an affirmative obligation to conduct an investigation of this conduct and possible violations of ethics, due process and the Brown Act. Pacific Plastics asks that the City initiate this investigation and consider commissioning an outside investigation of these matters.

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Requests by Pacific Plastics

Pacific Plastics respectfully requests the following.

1. The City provide mailed notice for the next Planning Commission meeting.
2. The City provide mailed notice to the residential neighborhoods that would be directly impacted by the Significant and Unavoidable Impacts of this project.
3. The Planning Commission recommend this expanded notice area to the City Council.
4. The City not hold another Planning Commission meeting until the City makes the necessary technological arrangements to allow the public to "address" the Planning Commission. These arrangements should be set forth fully in the meeting notice.
5. The City not hold another Planning Commission meeting until it has fully responded to the Public Record Act Requests.
6. The City honor the balancing test used in the "deliberative process" privilege and turn over all records of the ex parte communications.
7. The City conduct an investigation of the ex parte communications and consider commissioning an independent investigation to assess the possible ethical lapses, violations of the Brown Act, and violation of the due process rights of Pacific Plastics.

Thank you very much for your time and attention.

Sincerely,



Geoffrey C. Etnire

cc by email:

Chair James McGrade
Vice Chair Gary Brattain
Commissioner Melanie Schlotterbeck
Commissioner Dan Phu
Commissioner Sara Barnes-Ramos
Jennifer A. Lilley City Planner
Steven Flower City Attorney

Tinio, Maribeth

Subject: FW: Mercury Lane Residential Project - replacement for David Crabtree

----- Forwarded Message -----

From: bennet/susan perlson <perlsons@sbcbglobal.net>
To: jessicam@cityofbrea.net <jessicam@cityofbrea.net>
Cc: David Crabtree <davidc@ci.brea.ca.us>
Sent: Monday, March 23, 2020, 07:09:54 PM PDT
Subject: Mercury Lane Residential Project

Re: Mercury Lane Residential Project

Dear Jessica and David,

I apologize for my late entry in regards to the Mercury Lane Residential Project. I see that most of the planning was done in 2019 which was not a good year for me healthwise, so I was not able to follow the project.

I am glad to see that the project has been approved for 114 workforce housing units. I support the City of Brea's objective to improve jobs and housing within close proximity to jobs and services. Thank you.

I do have one concern and that involves restricting the units for Brea residents. I'm sure there will be interest from local residents, but what if the economy was such that there was not a strong response - would the units be left vacant waiting for an applicant? That does not seem appropriate at any time given the well-documented demand for affordable housing.

Thank you for accepting my last minute submission!

Sincerely,

Susan Perlson



101 CALIFORNIA STREET SUITE 3800 SAN FRANCISCO, CA 94111
T 415.653.3750 F 415.653.3755 www.Venable.com

March 10, 2020

T 408.799.2992
GEtnire@Venable.com

Ms. Tracy Steinkruger
Community Development Director
City of Brea
Brea City Hall
1 Civic Center Circle
Brea, CA 92821

Re: Planning for the Brea Core and Berry Street development

Dear Tracy:

Welcome to Brea, a great town rich with planning opportunities and challenges! I am writing to you with regard to one of those opportunities -- the Brea Core, including the development proposals now pending and anticipated on Berry Street.

I am writing on behalf of my client, Pacific Plastics, Inc., the advanced manufacturing company located directly across Berry Street from the site of the proposed Mercury Lane Apartments (114 units) and right next do to The Village (949 units). Our perspective is quite different than the perspective promoted by the developer, so I have taken the time to write a lengthy letter.

For many years, there has been an ongoing community dialogue concerning the big-picture opportunities and challenges presented by the Brea Core and Berry Street. I want to make some current observations about the process (and I do hope and expect to be part of the process over the coming years). However, I do not expect you to respond directly to this letter, as I am certain that we will have many opportunities to discuss these issues over time. This letter is just the first step in our dialogue.

The undeniable development pressures on Berry Street

Housing demand, particularly for affordable housing, is growing in the region and in the City of Brea. The economic and social pressures for the redevelopment of the area around Berry Street between the Imperial Highway and the Brea Trail (the "Berry Street Subarea") are clear and significant. The Subarea is near downtown, some of the Subarea is deemed "transitional," and some parcels in the Subarea are underutilized.

Given the need for housing and the location of these properties, all Brea citizens (including Dwight Manley and Pacific Plastics) must recognize the need for a pro-active and thorough planning effort for the Subarea. All Brea citizens must also recognize the significant challenges

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presented by the environmental, planning and policy issues that are inherent in any proposal to reverse the flat prohibition on residential uses in that industrial area. These issues include:

- The Brea General Plan policies protect and preserve the industrial base and there is a General Plan explicit goal of increasing the size of the industrial base by 10%. Should the General Plan policies and goals now be changed?
- The Brea General Plan land use designations specifically require “General Industrial” zones to be limited to those areas with no nearby residential uses in order to protect residential uses from the acknowledged hazards and noise inherent in General Industrial zones. Should this prohibition on housing within a General Industrial Zone now be changed?
- The pending and anticipated developments in the Subarea would:
 - exacerbate the pre-existing negative environmental conditions with regard to traffic, air quality, and noise.
 - cause “significant unavoidable adverse impacts” on three major intersections in the area, reducing these intersections to unacceptable levels of service.
 - overload the existing traffic circulation patterns, mixing the existing tractor-trailer traffic with residential vehicle and foot traffic, including baby-strollers and skateboards, leading, inevitably, to grim accidents.
 - expose the potential residents to exacerbated environmental problems in air quality, traffic, and noise.
 - cause parking conflicts between tractor-trailers and residential vehicles, which conflicts would be exacerbated if residential developers seek permission to disregard the parking requirements in the Zoning Code and to ignore the parking recommendations in independent parking studies.

Should the City study the entire subarea and then seek area-wide solutions and mitigations? Is there any valid rationale for ignoring and not even analyzing these impacts?

The City’s initial response Berry Street development pressures

If there was ever a sub-area that was a “poster child” for the need for an area plan or a Specific Plan, it is the Berry Street Subarea.

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To the credit of the City, the Planning Staff recognized the need to address Brea's core and the Subarea as a whole. Staff began meeting with stakeholders in 2016 (and earlier) and launched a thorough planning process for the area, a process identified as the "Central City Core (CCC) planning process," which is sometimes referenced as the "Brea Core." This CCC planning process was described by the then Community Development Director Crabtree in a 2017 letter to Dwight Manley:

"As we discussed, the City has embarked on process of pro-active, future planning, with the central portion of Brea – the Central City Core (CCC) Planning Process. We've identified this process as the most efficient way for you to advance the three mentioned projects – both for processing costs as well as timing. Specifically, the CCC effort is envisioned to result in a Specific Plan(s) for the area with an ability to consider pending private development projects within this comprehensive planning effort. The scope of work for the CCC planning effort provides for this ability within Task 1 – Specific Site Analysis (see attached)."

Director Crabtree's letter (copy attached) was written after he met with Manley, who was then proposing the Mercury Lane Apartments (114 units) and the Village (949 units), as well as a third project in the CCC. In response to these proposals, the Director recommended that Manley submit his three projects to the Specific Site Analysis process. Manley did submit the Mercury Lane Apartment and The Village (a total of 1,063 units) to that planning process (and paid a fee of \$20,000 to enter that planning process). A copy of that analysis is attached.

Director Crabtree's letter went on to describe the City's planning process in further detail:

"Importantly, the result of this work program is not to realize 'construction documents' but is anticipated to realize concept plans that can fit within the envisioned Specific Plan and associated CEQA analysis to follow this first phase. Currently, that Specific Plan drafting and CEQA analysis is anticipated to move forward as the first phase of the CCC process evolves and concludes (see work scope attached). The resulting Specific Plan is proposed to include a fee program for participating development to pay a pro-rata share of the processing costs incurred to create the plan and to provide for the CEQA analysis.

In sum, Planning Staff saw the concentration of pending and anticipated developments in the Berry Street Subarea and responded in a manner entirely consistent with best practices in community planning. Kudos to Staff for their foresight.

For the record, Pacific Plastics supports that the Specific Plan process as the process most suitable for establishing a plan for the Berry Street Subarea. Pacific Plastics would be pleased to participate in that process and would be willing to make a financial contribution to that process.

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The derailing of the planning process

The anticipated CCC planning process continues to this day, albeit rather slowly. The traffic plan adopted in the Fall of 2019 was part of that process and, according to City Planner Jennifer Lilley, further planning processes, including possible Specific Plans, will be undertaken.

However, this carefully-imagined planning process was subverted. Manley, after participating in the CCC planning process as to both Mercury Lane and The Village (a total of 1,063 units), decided that he would leave 949 units (The Village) within the CCC process, but would peel off 114 units (Mercury Lane Apartments) from that big-picture process and ask the City to isolate and expedite those 114 units, ignoring for a time the balance of the anticipated development.

Developers have a legal right to be impatient (maybe “impatient developer” is a redundant phrase) and the withdrawal of 114 units, by itself, did not necessarily derail the City’s anticipated planning process. Even with the segmentation of this lone project, the City would still have to complete the anticipated area-wide environmental and policy analyses – the only change would be that the City would have to front-end all that analysis onto the very first project in the development pipeline. Manley would have to pay larger fees to cover this level of analysis (the City could allow him reimbursement rights as the other developments came through the process).

The wheels did not come off the planning wagon until the City narrowed the scope of the environmental and planning policy analyses – looking at Mercury Lane as a segmented project isolated from the larger environmental and planning context. It’s understandable that Manley would want the project to be segmented and isolated, but why would the City capitulate? The City, as a matter of principle, should have completed the anticipated area-wide analysis. Instead, the City radically narrowed the scope of the area-wide analysis and treated this single project as a segmented proposal, an island isolated from the larger environmental and planning policy issues in the Subarea. Why would the City risk erring on the side of insufficient analysis?

- Given that CEQA analysis of this segmented project must, by law, consider cumulative impacts and “reasonably anticipated future development, why would the City ignore the proposal for 949 units at The Village, a project that the City had already analyzed?
- Given that the existing General Plan policies, land use designation, and goals prohibit residential uses in the Berry Street industrial area, why would the City not even conduct an environmental, planning, and policy analysis of these changes in policy. Why would the City not require a General Plan Amendment?
- There is a serious legal question of whether the recently-revised PC Zoning scheme properly allows a shortcut to the wholesale modification of General Plan policies, land use designation

March 10, 2020

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and goals. However, even if PC Zoning has the power to eviscerate the General Plan, the City still must still conduct the environmental, planning and policy reviews necessary to justify a City action that is contrary to the existing and General Plan policies, land use designations and goals. This was not done. Staff asserts that the General Plan is not being amended because the changes are being made through PC Zoning (a very circular argument).

- The PC Zoning scheme requires a Planned Community Master Plan, for which the City must make five “findings.” Finding #5 is that the Master Plan is in the interests of the community as a whole (a net benefit analysis). The granting of PC Zoning and the approval of a Master Plan both constitute a “project” under CEQA and, as a result, there must be a full CEQA analysis of the positive and negatives to the community – including the impacts of the invasion of the industrial base and the changes to General Plan policies such as not allowing residential uses in an industrial area.

The Planning Commission and City Council cannot conduct a net benefit analysis when the CEQA analysis and Staff Reports address only one side of the scale (the positives of providing more housing) while ignoring the other side of the scale (the negatives of invasion of the industrial base and the disregarding of General Plan policies and land use designations). This environmental and policy analysis should not be dodged.

It is clear that the segmentation and fast-tracking of the Mercury Lane proposal was made easier by a number of significant legal and process changes. These changes might have been coincidental, but they were promoted by Dwight Manley and appear to be shortcuts deliberately designed to clear the planning path for the Mercury Lane proposal.

1. Up to that point in time, the Mercury Lane proposal would have required a General Plan Amendment (including a change in the land use designation for the area), triggering a lengthy EIR and policy review. In 2018, the PC Zoning provisions were amended with the stated purpose of eliminating the need for a General Plan Amendment (the legality of dodging the requirement for a General Plan Amendment is still contested in this proceeding). This amendment to PC Zoning allowed Manley to argue that the EIR need not include the normal level of policy and environmental review required for actions that conflicted with the General Plan policies, land use designations, and goals.
2. Up to that point, the Brea Municipal Code included provisions governing the processing of applications for Development Agreements. The only surviving mention of Development Agreements in the current BMC comes from the “definitions” section:

“BMC 20.00.070 DEVELOPMENT AGREEMENTS. An agreement duly entered into in compliance with state law (Cal. Gov’t Code Sections 65864 et seq.). See Chapter 20.66 (Development Agreements). (Ordinance 1089, passed 3-7-06).”

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Apparently, BMC Chapter 20.66 was deleted from the BMC sometime in 2018 (with no announcement or explanation). When Code sections are deleted, usually a short explanatory note is left in the text of the Code (for example, those notes often follow this format: "BMC Chapter 20.66 was deleted in its entirety on __/__/2018, Ordinance No. ____"). No such notation appears in the BMC – these Development Agreement provisions were simply ghosted.

This deletion of the provisions may be inconsistent with the requirement in State Law that cities must "establish procedures and requirements for the consideration of development agreements." See Government Code Section 65865.

NOTE: On February 14, 2020, I submitted a Public Records Act Request for all City records pertaining to the changes in BMC with regard to Development Agreements and in the procedures that are being followed. The City has not yet responded to this request.

3. The review and vote on Development Agreements used to follow an established path that included thorough review by the Planning Commission and a public hearing. The Planning Commission's role in that process now appears to be greatly diminished, as a result of actions and for reasons not yet known to us.

As a result of the segmenting and isolation of the 1-acre Mercury Lane proposal, the CEQA analysis on the Mercury Lane Apartments had a very narrow focus and largely ignored regional issues and issues such as land use compatibility and General Plan policies.

Insufficient public notice

Given the broad General Plan policy issues and the regional environmental impacts of projects, the City should wish to give full public notice to the Community, assuring that all Brea citizens who could be impacted by the projects would receive notice and an opportunity to be heard. One would want to err, if at all, on the side of giving broader notice than technically required --- indeed, why would the City (or any city) act aggressively to limit public notice to the absolute minimum necessary notice to avoid violation of the law? Is there any valid reason why the City's the policy should not be that notice must be sufficient to adequately inform the Brea citizens who may be impacted by development proposals?

Take a close look at the public notice that has and has not been given in this matter:

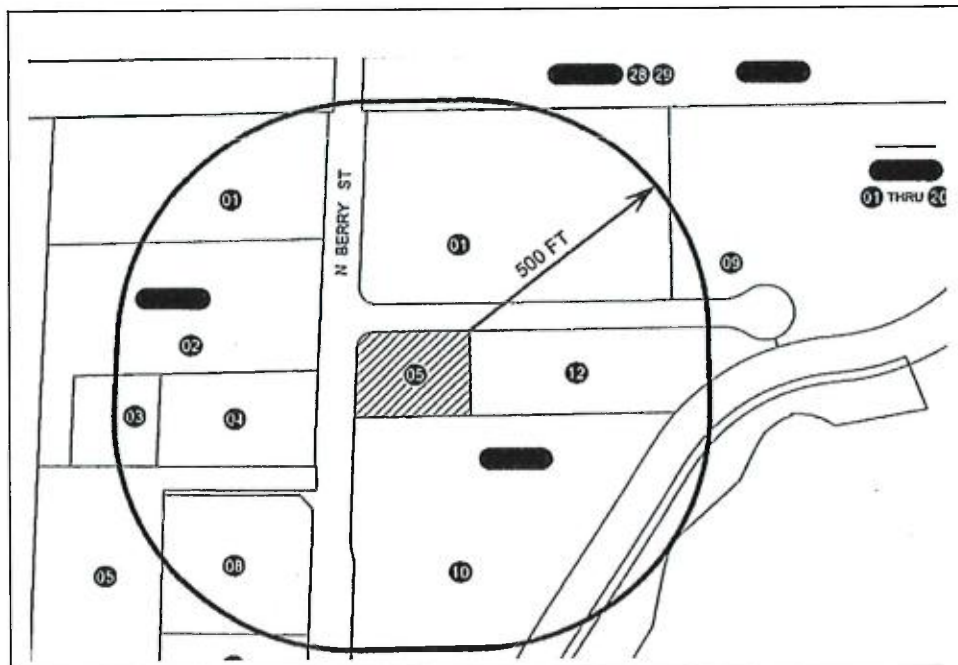
- Manley's "outreach" efforts were token efforts. Pacific Plastics received only single phone call and email in October, nine months after the Notice of Preparation, three months after the

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Notice of Availability, and one month after the public comment period was closed. That amounts to intentional suppression of public involvement.

- The Planning Commission held five Study Sessions on the Mercury Lane proposal (August, September, October, November and December 2019), with no mailed public notice. The Study Sessions were quite substantive, but the City has argued that mailed public notice was not technically required. Why should the City be aggressive in keeping notice to an absolute minimum? Why would the City not want neighbors to have the option of attending?
- Manley and the City assert that mailed notice of the Notice of Preparation and the Notice of Availability were mailed to property owners within 500 feet of the Mercury Lane Apartments. Pacific Plastics and other industrial users did not receive any such notice.
- Note that, even if mailed notice was ever given, it was notice only to owners within 500 feet of the project site. Was this radius adequate to alert and inform the citizens of Brea who could be impacted by the Mercury Lane Apartments and other reasonably anticipated development? Check out the radius map used by the applicant:



How can one not be underwhelmed by the notice anticipated by this radius map? Is that really the level of notice to which the City aspires?

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- The Draft EIR and draft Final EIR identify 3 “significant unavoidable adverse impacts requiring approval of a Statement of Overriding Considerations. The impacts are on three intersections on the Imperial Highway at:

Berry Street
Brea Boulevard
State College Boulevard

The many thousands of Brea citizens who live south of the Imperial Highway and who have to drive these intersections every day of their lives have received zero notice of the Mercury Lane and Berry Street proposals. Even as of the date I write this letter, these residents are being kept in the dark. Why would the City not take action to correct this?

Tellingly, the noticeable lack of public involvement and opposition caused by lack of full public notice was misinterpreted by City Staff in the DEIR. Based on the low turnout, Staff concluded that “there are no specific areas of known controversy concerning the proposed project” and that the City “has no knowledge of expressed opposition to the project.” DEIR at Section 1.7. In fact, there is and will continue to be substantial opposition to the proposals for both the Mercury Lane Apartments and The Village.

Is this really the level of public notice for which Brea should be known? Is this really acceptable practice? Brea can and should do better.

So what can be done now?

This application process started over one year ago, but the City still has an opportunity to make the right choices on upcoming decisions.

1. The City can require expanded public notice to include all of the residents who are likely to be impacted by (a) the reduction of the industrial base and jobs, (b) the increase in traffic, and (b) the “significant unavoidable adverse impacts” on the three identified intersections on the Imperial Highway. We suggest the people within identified neighborhoods be notified, as well as all people within a 1-mile radius of the proposed project.
2. Complete a CEQA analysis of:
 - a. the environmental impacts of acting in manner that is contrary to the existing and General Plan policies, land use designations, and goals.

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- b. the cumulative aspects of this proposed development, including the environmental impacts of The Village (a project which has already been a part of Brea's planning processes) and all other reasonably anticipated future development.
 - c. The environmental impacts on future residents as a result of the project's exacerbation existing air quality and traffic conditions.
3. Proceed with a Specific Plan for the Central City Core and the Berry Street Subarea

Thank you very much for your time and consideration of the contents of this letter.

As I mentioned at the beginning of this letter, I would like this letter to be the start of a dialogue with you over the coming months, but I do not expect a direct response to this letter.

Sincerely,



Geoffrey C. Etnire

Attachment: Letter from David Crabtree to Dwight Manley

cc by email:

Mayor Simonoff and Members of the City Council

Chair McGrade and Members of the Planning Commission

Bill Gallardo
Lillian Harris-Neal
Jennifer A. Lilley
Steven Flower

City Manager
City Clerk
City Planner
City Attorney

May 30, 2017

Dwight Manley
Manley Fanticola
330 W Birch St.
Brea, CA 92821



City of Brea

Dear Mr. Manley:

I am writing to follow up on our recent discussions regarding development concepts for your Mercury Lane site, the acquisition site on Imperial Hwy west of Berry Street ("The Village"), and the effort with potential Jamboree Housing for your Gaslamp Square property on Imperial Highway. Specifically, I wanted to outline for you the next steps toward realizing these development ideas and moving ahead to make them a reality.

As we've discussed, the City has embarked on a process of pro-active, future planning, within the central portion of Brea—the Central City Core (CCC) planning process. We've identified this process as the most efficient way for you to work to advance the three mentioned projects—both for processing costs as well as timing. Specifically, the CCC effort is envisioned to result in a Specific Plan(s) for the area with an ability to consider pending private development projects within this comprehensive planning effort. The scope of work for the CCC planning effort provides for this ability within Task 1—Specific Site Analysis (see attached) and consistent with that process work products for that effort would include:

- Plan Alternatives: not to exceed 2 total for each site
- Urban Design Plan: how the parcels fit into an overall big idea about the CCC and Brea Downtown- improving access, expanding open space, integrating public art, etc.
- Renderings: not to exceed 2 for each site- showing the proposals in three dimensions in the context of Brea Downtown.
- Illustrative Plan: showing key site elements, major spaces, landscape, building entries, demising walls, service areas, etc.
- Plans by Level: of each typical level of development, showing land uses, stairs, entries, amenity areas, elevators, etc.
- Sections: not to exceed two for each site, showing how the site fits into the adjoining streets and buildings
- Yield Summary: and preliminary areas by floor, unit breakdown, etc.
- Design parameters: showing amount of constructed areas, green spaces, etc.
- Parking: provision by floor
- Street sections: showing site interventions to improve walkability, bike access.
- Key open spaces: imagery to support design concept
- Event programming: showing how the spaces could be used throughout the year
- Façade concepts: showing design ideas about scale, character, materials, etc.
- Conceptual elevations: of key facades within project area
- Sustainability concepts: showing approaches to improve solar access, reduce energy, water, transportation, waste management, etc.

City Council

Cecilia Hupp
Mayor

Glenn Parker
Mayor Pro Tem

Christine Marick
Council Member

Marty Simonoff
Council Member

Steven Vargas
Council Member

Each of your three sites have varying degrees of information already available and this too will be folded into the overall effort.

Importantly, the result of this work program is not to realize "construction documents" but is anticipated to realize concept plans which can fit within the envisioned Specific Plan and associated CEQA analysis to follow this first phase. Currently, that Specific Plan drafting and CEQA analysis is anticipated to move forward as the first phase of the CCC process evolves and concludes (see work scope attached). The resulting Specific Plan is proposed to include a fee program for participating development to pay a pro-rata share of the processing costs incurred to create the plan and to provide for the CEQA analysis.

Finally, and to additionally clarify, it is possible to request plan review processing outside the CCC process, with proposed development projects pursuing independent review and analysis (and subsequent CEQA analysis, impact studies, and processing costs). Such process would forego a more comprehensive approach acknowledging "bigger picture" planning for the area and associated benefits to your individual projects, as well as foregoing a more efficient and anticipated cost and time savings to the necessary CEQA review.

At this time we seek any desired application materials from you as well as the necessary \$20,000 per site fee payment to provide for the individual "Specific Site Analysis" outlined in the attached scope of work for the CCC (Task 1) and as further defined in this correspondence. To that end:

- We have previously received your materials for the SEC of Berry/Mercury site, however have not secured the necessary fee payment.
- We have discussed the site goals for the west side of Berry Street site—The Village—for this site we are assuming no initial plan materials are available and we will work to develop those options, as outlined, and need to secure the fee payment and concurrence from the current property owner allowing that work to commence.
- For the Gaslamp site, it is our understanding that concept plans continue to evolve and may soon be ready for submittal and we seek your clarification if Jamboree Housing will advance that effort for the CCC, or how application and fee payment will come forward.

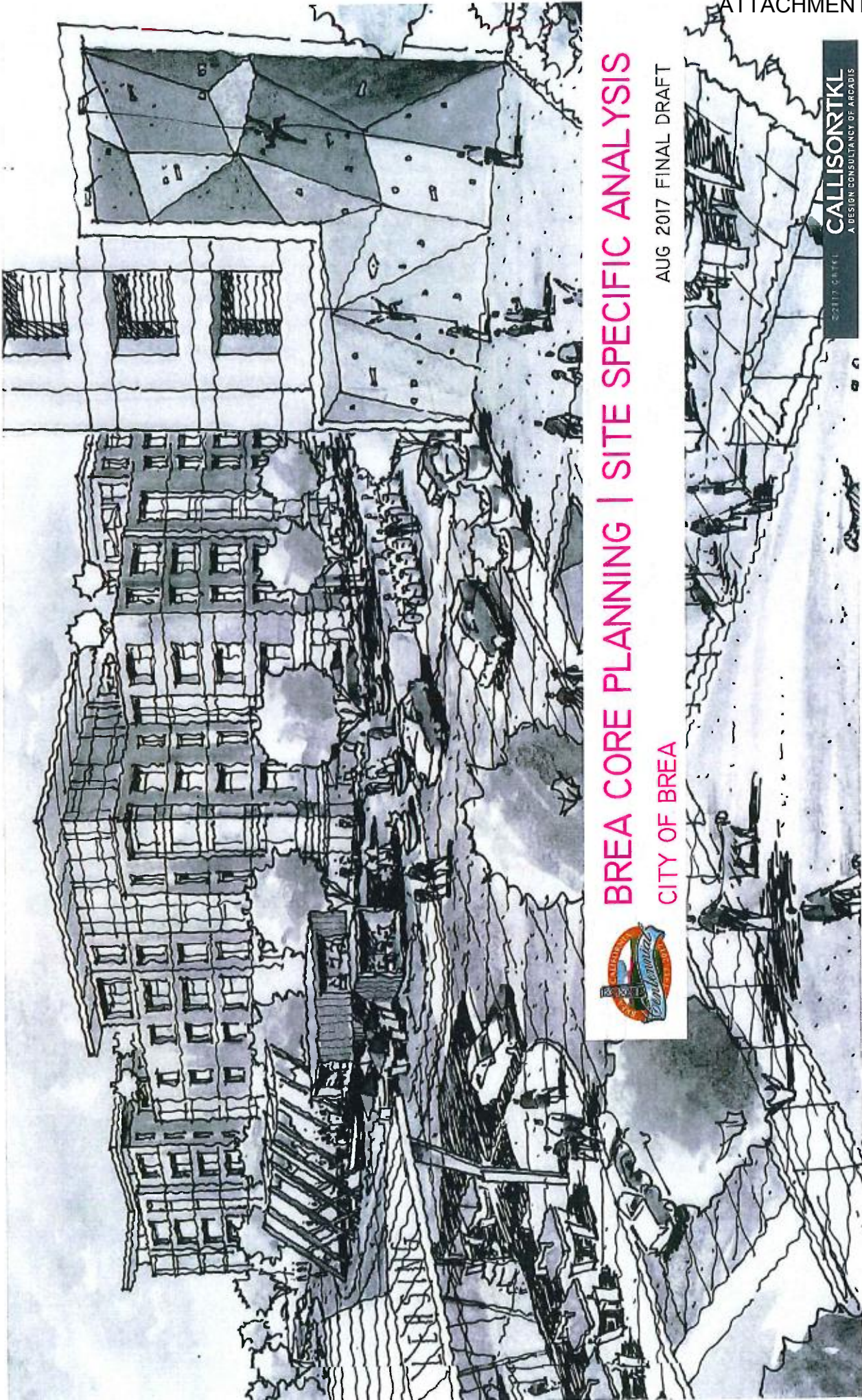
In closing, we look forward to working further on these exciting efforts to help shape Brea's future! Please feel free to reach me if you should have any questions.

Sincerely,



David M. Crabtree, AICP
Community Development Director

CC Jennifer Lilley, AICP, City Planner
Karen Gulley, AICP, Placeworks



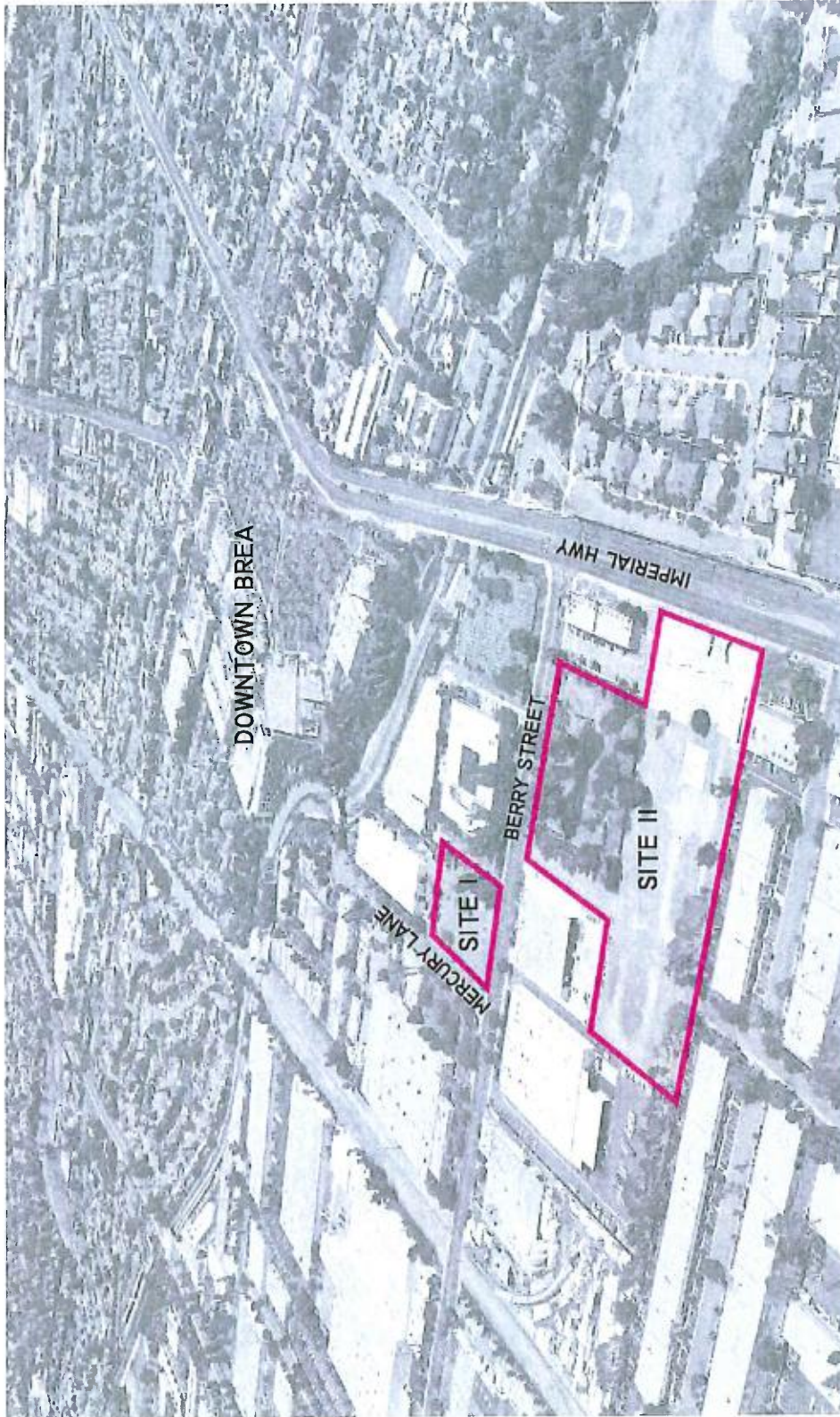
BREA CORE PLANNING | SITE SPECIFIC ANALYSIS
CITY OF BREA

AUG 2017 FINAL DRAFT



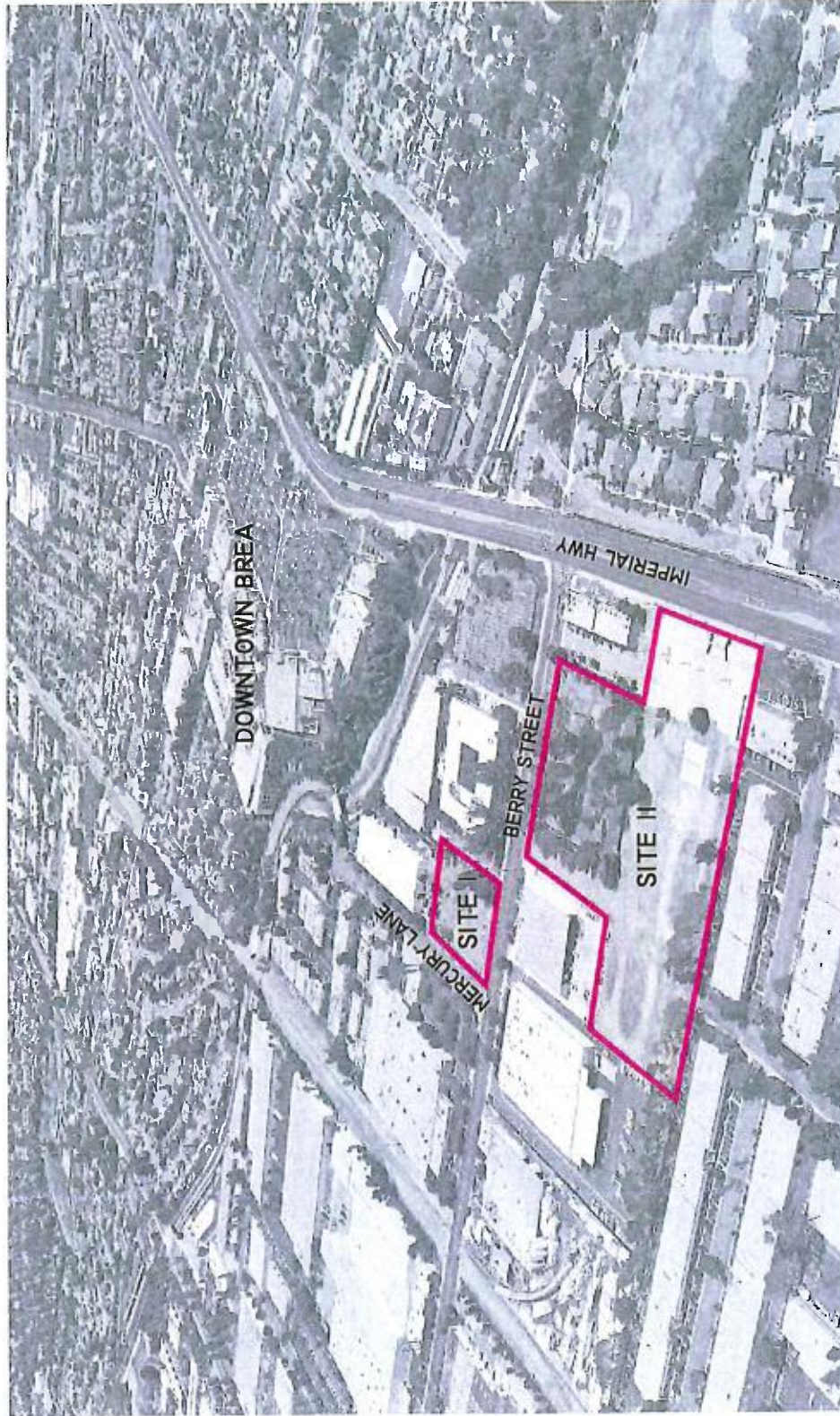
CALLISON|TKL
A DESIGN CONSULTANCY OF ARCADIS

OPPORTUNITY SITE LOCATION



*THESE CONCEPTS ARE TO BE USED AS AN EXPLORATION OF SITE POTENTIAL TOWARD THE CREATION OF A SPECIFIC PLAN FOR THE CENTRAL DISTRICT OF BREA. THESE ARE NOT FINAL APPROVED CONCEPTS FOR ENTIREMENT PURPOSES

OPPORTUNITY SITE LOCATION



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SITE 2 | AERIAL VIEW*



*THESE CONCEPTS ARE TO BE USED AS AN EXPLORATION OF SITE POTENTIAL TOWARD THE CREATION OF A SPECIFIC PLAN FOR THE CENTRAL DISTRICT OF BRE. THESE ARE NOT FINAL APPROVED CONCEPTS FOR ENTIREMENT PURPOSES

SITE 2 | STREET VIEW*



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SITE 2 | ILLUSTRATIVE PLAN*



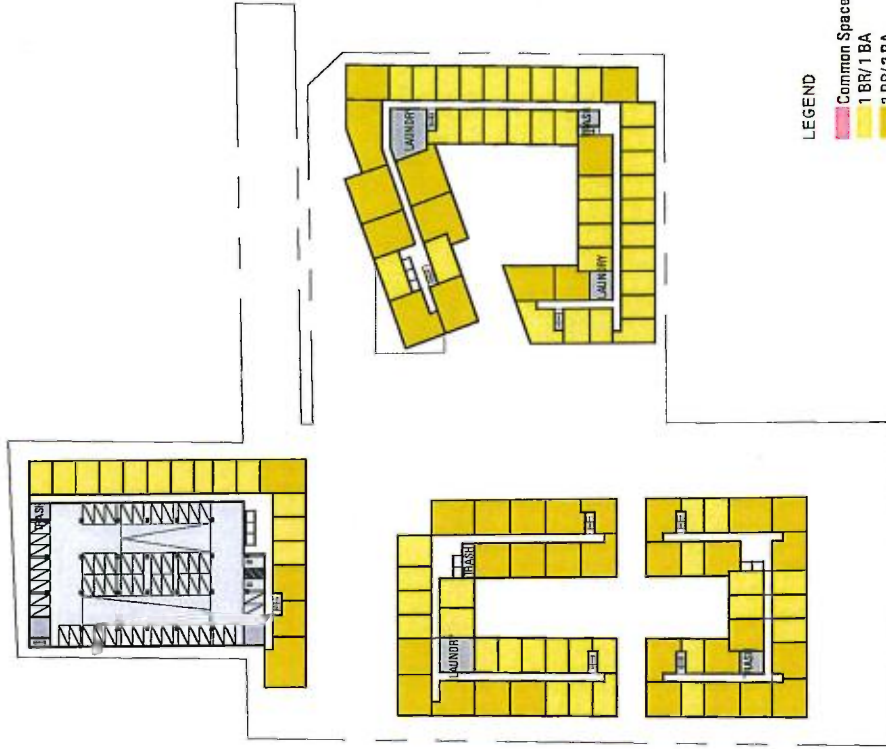
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SITE 2 | PLANS BY LEVEL *



GROUND FLOOR
55 PARKING SPACES
2 HANDICAP SPACES

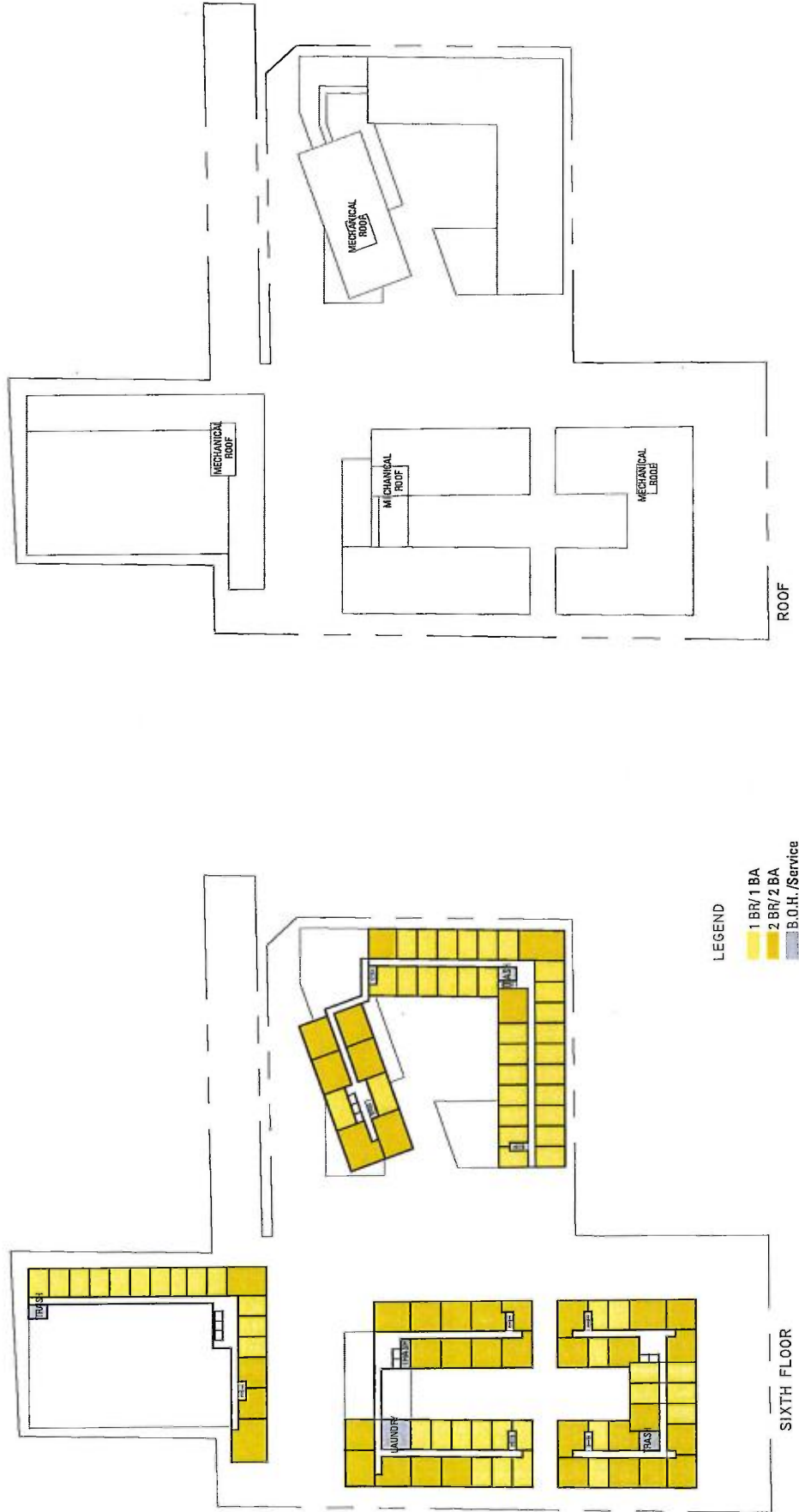
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SECOND - FIFTH FLOOR
55 PARKING SPACES
2 HANDICAP SPACES

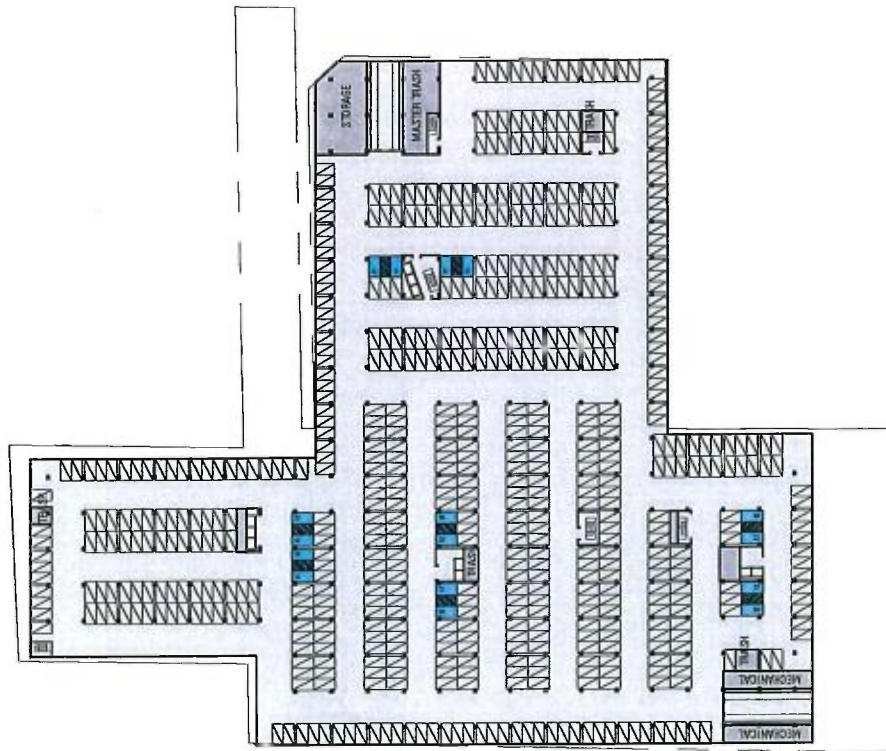
- LEGEND
- Common Space
 - 1 BR/1 BA
 - 2 BR/2 BA
 - B.O.H./Service
 - Parking
 - Pedestrian Street

SITE 2 | PLANS BY LEVEL *



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SITE 2 | UNDERGROUND PARKING*



P1 LEVEL

599 PARKING SPACES

16 HANDICAP SPACES

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LEGEND



SITE 2 | YIELDS*

BERRY & IMPERIAL HWY.
GROSS LAND AREA:
6.66 (+/-ACRES)
TOTAL UNITS:
679 UNITS
GROSS DENSITY:
102 DU/AC

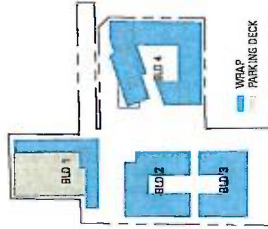
RESIDENTIAL									
BLD	UNIT TYPE	NET SF	BALC / PATIO	GROSS UNIT SF	NO.	TL NET	TL GROSS	EFFICIENCY	PARKING UNITS
BLD 1-wrap	1BR/1BA	580	0	580	682	78	45,240	53,224	0.85
BLD 2-wrap	2BR/2BA	870	0	870	1,024	20	17,400	20,471	0.85
BLD 3-wrap	3BR/3BA	1,260	0	1,260	1,536	30	26,100	30,126	0.85
BLD 4-wrap	4BR/4BA	1,740	0	1,740	2,048	40	36,800	42,848	0.85
Subtotal					679	515,194	606,110		926

COMMON AREA						
BLD	CONCEPT	TL NET	TL GROSS	EFFICIENCY	PARKING UNITS	REQUIRED PARKING
BLD 1	LOBBY	1,950	2,294	0.85		
	ENTERTAINMENT ROOM	730				
	MAIL ROOM + OFFICE	1,100	1,294	0.85	3 PER 1000 SF	3
BLD 2	LOBBY + ENTERTAINMENT	1,915	2,253	0.85		
	RETAIL	870	1,024	0.85	5 PER 1000 SF	4
	DAY CARE	1,600	1,882	0.85		
BLD 3	LOBBY + ENTERTAINMENT	1,885	2,218	0.85		
BLD 4	ENTRY / LEASING CENTER	3,540	4,165	0.85	3 PER 1000 SF	11
	GYM	2,540				
	OFFICE	810				
	BIKE STORAGE	770	906	0.85	3 PER 1000 SF	2
Subtotal		17,710	16,035			21

TOTAL FAR	2.14
TOTAL GFA	622,145

UNIT MIX	NO.	PERCENTAGE
1 BR/ 1 BA	432	63.6%
2 BR/ 2 BA	247	36.4%
TOTAL	679	
PARKING	REQUIRED	ON SITE PROVIDED
Residential	926	935
Other	21	12

Total	947
Surplus	0



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City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

DATE: 04/28/2020

SUBJECT: PRECISE DEVELOPMENT NO. PD 20-01 – A REQUEST TO CONSTRUCT A NEW INDUSTRIAL BUILDING IN THE M-2 (PD), GENERAL INDUSTRIAL (PRECISE DEVELOPMENT) ZONE

REQUEST

HPA Inc. is requesting approval of a Precise Development application to construct a new 108,125 square foot warehouse in the M-2 (PD), General Industrial (Precise Development) Zone

RECOMMENDATION

Staff recommends the Planning Commission approve Precise Development No. PD 20-01, subject to the conditions contained in the Draft Resolution.

BACKGROUND/DISCUSSION

BACKGROUND

The subject property is located at 201 North Berry Street, in the M-2 General Industrial Zone (Figure 1 – Aerial Map). The site is surrounded by other industrial uses including manufacturing, distribution and warehousing to the west, south and east and an office/industrial business park to the north. The site is 4.99 acres in size and is currently developed with a manufacturing and distribution facility for Ameron Protective Lining Products (APLP) totaling 74,000 square feet. Access to the site is provided from Berry Street. The proposed project is permitted under the M-2 General Industrial Zone. This review is for a Precise Development application to ensure the proposed project with the conditions found in the Draft Resolution furthers the objectives of the General Plan, is in harmony with the intent and purpose of the M-2 (PD) General Industrial (Precise Development Zone) and all conditions are deemed essential to protect the public safety and general welfare of the community.



FIGURE 1 – AERIAL MAP

DISCUSSION

The applicant is proposing to demolish the existing buildings and construct a new 108,125

square foot warehouse building (Attachment 5 – Project Plans). The project has been reviewed by staff and meets or exceeds all requirements and development standards of the M-2 General Industrial Zone (see Table 1, Development Standards).

TABLE 1 – DEVELOPMENT STANDARDS, M-2 GENERAL INDUSTRIAL

Standard	Required	Proposed
Side Yard (north side)	50 feet	50 feet
Side Yard (south side)	None	47 feet 3 inches
Front Yard (east side)	10 feet	73 feet 9 inches
Rear Yard (west side)	None	71 feet
Lot Coverage	50%	49.8%
Parking	1 space: 250 sf of office ▪ 5500 sf = 22 spaces 1 space: 1000 sf of warehouse ▪ 102,625 sf = 103 spaces Total required: 125 spaces	129 spaces

The proposed facility will include approximately 5,500 square feet of office including an office mezzanine and 102,125 square feet of warehouse. The concrete tilt-up building will be finished in varying shades of white and gray along with the application of charcoal colored stone veneer. The northeast and southeast corners of the building will be embellished with dark gray basaltina stone tile, glazed windows and canopies along the entryways to create a dynamic street-facing elevation (Figure 2, Berry Street Elevation). The existing trees along Berry Street as well as additional tree plantings interior to the site and along the rear property line will remain.

The site will maintain access from Berry Street on the northeast corner of the property and is proposing an additional driveway on the southeast corner. The Code requires industrial uses to have a minimum of one loading area or dock approach able to accommodate semi-trailer truck turning movements. Twelve (12) loading docks are provided to the rear of the property and can accommodate 55-foot long semi-trailer trucks. As shown on Table 1 – Development Standards, the project meets the parking supply required by the Code. No tenant has been identified for the building and future floor plans may require more office use than currently anticipated. The applicant has provided a potential parking schematic to accommodate 37 additional parking



FIGURE 2 – BERRY STREET ELEVATION

spaces should the need arise in the future. The additional spaces are proposed to be at the rear of the building, resulting in 3 loading dock areas able to accommodate 55-foot long semi-trailer trucks (Attachment 5 – Proposed Plans, sheet A1.1A). To ensure adequate parking for any future tenants, Staff has included Condition C requiring any future tenant improvement plans to demonstrate how adequate parking will be met.

ENVIRONMENTAL ASSESSMENT

In accordance with the California Environmental Quality Act, the proposed project is categorically exempt from the requirement of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 – Infill Development Projects) of said Act.

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

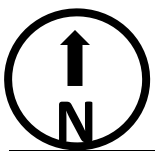
Prepared by: Paige Montojo, Assistant Planner

Attachments

1. Technical Background
 2. Vicinity Map
 3. Public Hearing Notice
 4. Draft Resolution
 5. Project Plans
-

TECHNICAL BACKGROUND

Case No:	Precise Development No. PD 20-01
Property Location:	201 N. Berry Street
Applicant:	HPA, Inc. 18831 Bardeen Avenue Suite 100 Irvine, CA 92621
General Plan Designation:	Light Industrial
Zoning Designation:	M-2 (PD), General Industrial (Precise Development)
Adjacent Zoning	
North:	M-2 (PD), General Industrial (Precise Development)
South:	M-2, General Industrial
West:	M-2 (PD), General Industrial (Precise Development)
East:	M-2, General Industrial
Site and Neighborhood Characteristics:	The subject property is south of Lambert Rd and west of Berry Street. The site is surrounded by other industrial uses including manufacturing, distribution, and warehousing to the west, south and east and an office/industrial business park to the north. It is 4.99 acres in size.
Public Hearing Notices and Outreach:	Legal Notice was published in the Star-Progreses on April 16, 2020 and notices were sent to 36 property owners within a 500-foot radius of the subject property.



SUBJECT PROPERTY AND VICINITY MAP

DATE: April 28, 2020

CASE NO:
PRECISE DEVELOPMENT NO. PD 20-01

TO: Property Owners within a 500-Foot Radius

ATTACHMENT 3

FROM: City of Brea, Community Development Department

SUBJECT: **PRECISE DEVELOPMENT NO. PD 20-01 – A REQUEST TO CONSTRUCT A NEW INDUSTRIAL BUILDING IN THE M-2 (PD), GENERAL INDUSTRIAL (PRECISE DEVELOPMENT) ZONE**

NOTICE IS HEREBY GIVEN, pursuant to State Law, that a public hearing will be held at a Planning Commission meeting 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 28, 2020, 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

PURSUANT TO THE LOCAL EMERGENCY CONCERNING THE COVID-19 VIRUS DECLARED BY THE CITY COUNCIL OF THE CITY OF BREA ON MARCH 19, 2020, AND EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 18, 2020, THE PLANNING COMMISSION MEETING MAY BE CONDUCTED IN WHOLE OR IN PART BY TELECONFERENCE.

FURTHER INFORMATION MAY BE OBTAINED BY CALLING THE PLANNING DIVISION AT (714)990-7674 OR BY EMAILING planning@cityofbrea.net. ALL PERSONS WISHING TO PARTICIPATE BY TELECONFERENCE SHOULD CONTACT THE CITY NO LATER THAN 4 HOURS BEFORE THE HEARING

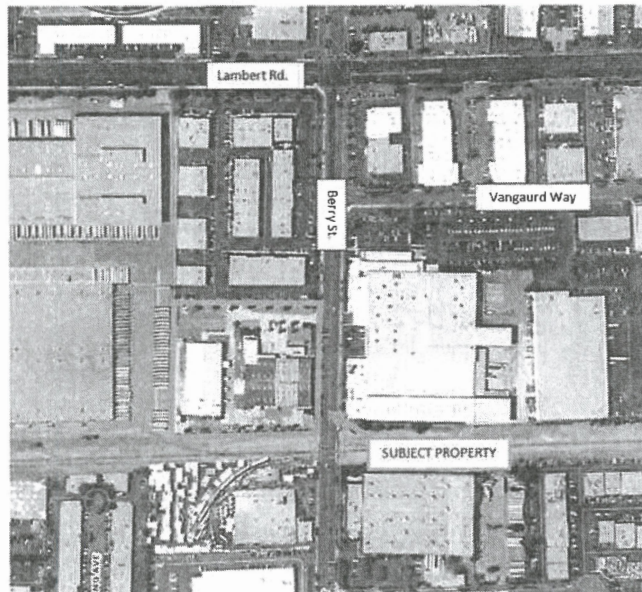
REQUEST: A request to construct a new 108,125 square foot industrial building in the M-2 (PD), General Industrial (Precise Development) Zone.

PROPERTY INVOLVED: 201 N. Berry Street
 Brea, CA 92821

APPLICANT: HPA, Inc.
 18831 Bardeen Ave, Suite 100
 Irvine, CA 92621

PROPERTY OWNER: IDI Logistics
 840 Apollo Street, Suite 343
 El Segundo, CA 90245

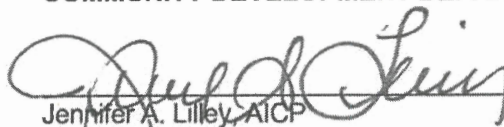
ENVIRONMENTAL INFORMATION: The City of Brea has determined that the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Class 32 of said Act.

AREA MAP:

IF YOU CHALLENGE PRECISE DEVELOPMENT NO. PD 20-01 AND/OR THE RELATED ENVIRONMENTAL DETERMINATIONS FOR THE PRECISE DEVELOPMENT 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 PLANNING 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

RESOLUTION NO. PC 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA APPROVING PRECISE DEVELOPMENT NO. PD 20-01 – A REQUEST TO CONSTRUT A NEW INDUSTRIAL BUILDING IN THE M-2 (PD), GENERAL INDUSTRIAL (PRECISE DEVELOPMENT) ZONE SUBJET TO 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 a Precise Development application No. PD 20-01, a request to construct a new industrial building in the M-2 (PD), General Industrial (Precise Development) Zone.

(ii) The subject property is located at 201 N Berry Street, in the City of Brea, and legally described as a portion of Map Book 296, Page 23, Block 231, Parcel 14, as shown in the latest rolls of the County of Orange Tax Assessor.

(iii) The project proponent is HPA Inc., 18831 Bardeen Avenue Suite 100, Irvine CA 92621

(iv) The property is zoned M-2 (PD), General Industrial (Precise Development) and has a General Plan Land Use Designation of General Industrial.

(v) 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. It is hereby found that the Precise Development application for the location set forth is authorized by sections 20.256 and 20.260 of the Brea Zoning Ordinance, as amended.

3. The Planning Commission further finds as follows:

a. Finding: The use 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 proposed use is to be located.

Fact: The proposed use is permitted under the M-2 General Industrial Zone and aligns with the General Plan Land Use Designation of General Industrial. The subject property is located adjacent to other industrial uses including manufacturing, distribution and industrial warehousing.

b. Finding: 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 of the neighborhood.

Fact: The proposed project meets the City's Zoning requirements and can accommodate a new industrial building. The new construction meets all development standards within the M-2(PD) General Industrial Zone including setbacks, lot coverage, and height.

c. Finding: 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.

Fact: The property is located in a developed industrial area and the streets in this neighborhood are fully improved to accommodate trips generated by manufacturing, warehousing, and distribution. The site is served by along and accessed by Berry Street, a fully improved local street, and is properly designated to carry the traffic generated by the proposed use.

d. Finding: That with the conditions states in the permit, the proposed use will not adversely after the public health, safety, or general welfare.

Fact: The operations of the proposed use will be conducted mainly within the building and the site has been designed to accommodate the loading requirement of an industrial warehouse. With the conditions contained herein, the building will be in compliance with the applicable building and fire code standards assuring the project will not adversely affect the health, safety, and general welfare of the community.

4. The Planning Commission hereby finds and determines that the project identified above in this Resolution is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) of 1970, as amended and the Guidelines promulgated thereunder, pursuant to Section 15332 Class 32 of Division 6 of Title 14 of said Act.

5. Precise Development No. PD 20-01 is hereby approved, subject to the conditions as set forth herein:

- a) The project must occur in substantial conformance with the plans submitted to the Planning Commission and dated March 24, 2020 which includes a site plan, floor plan, architectural elevations, colors and materials, and landscaping plan on file with the Planning Division, the conditions contained herein, and all applicable City regulations.
- b) Prior to the issuance of building permits, the applicant must submit detailed colored elevations for the review and approval of the City Planner. Said elevations must show dual texturing and the addition of stone material along the bottom of the north and south elevations, consistent with the elevations on file with the Planning Division dated March 24, 2020.
- c) Any future tenant improvement and/or construction plans modifying use allocation must demonstrate how minimum parking standards will be met to the satisfaction of the City Planner. Plans must demonstrate parking through methods including but not limited to a parking table, use breakdown, and/or the implementation of additional striping as shown on alternate parking configuration on file with the Planning Division and dated March 24, 2020.
- d) Prior to the issuance of any building permits, the Applicant must submit a detailed final landscaping plan for the review and approval of the City Planner.
 - i. No mature trees shall be removed without prior review and approval of the City Planner. Any mature trees removed shall be replaced in kind on site with a minimum box size of 48" subject to the review and approval of the City Planner and Public Works Department.
 - ii. Final landscaping plan must show all ground mounted utility infrastructure and shall be properly screened by landscaping, paint, and/or screening materials or a combination thereof to be reviewed and approved by the City Planner.
 - iii. Landscaping and irrigation must be installed prior to the issuance of the Certificate of Occupancy.
- e) Prior to the issuance of building permits the Applicant shall submit a photometric plan for review and approval by the Building Official and City Planner. Said plan shall show the location of all exterior lights, a measurement of light throughout the site and include cut/specification sheets for proposed lighting equipment.
- f) Prior to the issuance of grading permits, the Property Owner shall submit final Hydrology and Hydraulic Study for the review and approval of the City engineer. The Hydrology and Hydraulic study shall include but not limited to the following:

- i. Any increased runoff from the proposed development shall be detained on-site and the proposed discharge shall be equal or less than the existing conditions in terms of quantity and velocity.
 - ii. The final study must demonstrate that the adjacent properties, streets and existing storm drain system are not negatively impacted by the proposed project.
 - iii. Any proposed storm drain connection shall be constructed as a lateral to the storm drain main. A storm drain connection to the back of existing catch basin shall not be permitted.
 - iv. No property drainage shall be allowed to cross sidewalks (parkways) or drive approaches. Yard basins, concrete gutters, under sidewalk (parkway) drains and storm drain lines shall be constructed to adequately drain the property.
- g) Prior to the issuance of Grading Permits, the Property Owner shall submit final Water Quality Management Plan for review and approval by the Public Works Environmental Division.
- h) Prior to the issuance of Grading Permits, the Property Owner shall submit an updated sewer information for the sewer letter prepared by Thienes Engineering dated 10/21/2019 based on the final construction plans to demonstrate that the projected sewer flow does not exceed the existing conditions for the review and approval of the City Engineer.
- i) Prior to the issuance of Grading Permits, the Property Owner shall submit a CCTV video inspection of the existing sewer lateral for review and approval of the City Engineer. Said inspection shall demonstrate the existing condition prior to approval to connect. If the existing sewer lateral is not suitable to connect to, the Property Owner shall be responsible to construct a sewer lateral for the proposed development.
- j) Prior to the issuance of Grading Permits, the Property owner shall submit a plan indicating a "No Left-Turn" sign and/or pavement markings at the proposed southerly driveway to indicate that northbound left-turns into Berry Street is prohibited for the review and approval of the Engineering Division.
- k) Prior to the issuance of Grading Permits, the Property owner shall submit public improvement plans for the review and approval of the City Engineer. The improvement plans shall be prepared by a Registered Civil Engineer in accordance with City of Brea Public Works Standards. All public improvement shall be shown on Public Improvement Plans prepared separately from the on-site improvement plans. The public improvements include but are not limited to the following:

- i. Remove all existing sidewalk and construct new 8-ft wide sidewalk fronting the project on Berry Street. The sidewalk replacement shall be replaced from existing joint to joint and the sidewalk panel shall be minimum 5-ft.
 - ii. Remove all existing curb and gutter and construct new curb and gutter fronting the project. Any curb cores for the parkway drain pipes to be abandoned shall be removed and replaced with new curb and gutter.
 - iii. Remove, replace and/or relocate all existing improvements interfering with the proposed improvements. This includes, but not limited to, the relocation of existing power pole, underground utility vaults, vent pipe, catch basin and pavement in Berry Street.
 - iv. The limits of pavement replacement and/or grind and overlay due to catch basin relocation may be to the centerline of the street. The exact limits shall be determined during the construction plan check.
 - v. The radius for the proposed driveway approaches shall be $R=25.0'$ minimum.
 - vi. Any existing water services to be abandoned shall be abandoned at the water main. The existing gate valve and valve can for the fire water service shall be removed and replaced with blind-flange. The existing corporation valves for the domestic and irrigation services shall be removed at the water main and install stainless steel full clamp.
 - vii. No water meters and/or City owned utility vaults shall be located within the driveway approach
- l) Prior to the issuance of occupancy, the Property Owner shall complete the construction of all required public improvements including any outstanding items indicated in the field to the satisfaction of the City Engineer.
- m) A Fire Master Plan shall be submitted for review and approval of the Brea Fire Department prior to the issuance of any building permits. At the time of submittal, said plan shall include the following:
- i. Fire Department access road, gates across access road, location of existing and proposed public and/or on-site fire hydrants, fire lane marking, hose pulls that extend to within 150 feet of all portions of the exterior walls, fire flow requirements based on construction type and square footage of building, and the location of the FDC and Knox Box.

- ii. Aerial Fire apparatus access
 - iii. The installation of an automatic fire sprinkler system designed in accordance with NFPA 13 Figure 16.2.1.3.2(d) curve "G"
- n) The private underground fire service line shall be submitted to the Fire Department for review and approval prior to the issuance of any building permit. Said analysis shall be submitted by a contractor with one of the following licenses: Type A, C-16, C-36, or C-34.
- o) A plan for the removal process of any underground storage tanks shall be submitted to the Brea Fire Department for review and approval prior to the issuance of any building permit. Said plan shall be in accordance with the requirements of the Orange County Environmental Health Agency.
- p) The applicant shall fulfill all Art's in Public Places requirements with the review and approval of the Community Services Department. All site plans shall include the art piece location. The applicant shall reach the following Arts in Public Places milestones:
- i. Submit Part 1 of the APP Application prior to the issuance of building permits.
 - ii. Submit Part 2 of the application and obtain APP Committee approval within 6 months of building permit issuance.
 - iii. Submit Part 3 of the application and complete sculpture installation prior to the issuance of the Certificate of Occupancy.
- q) 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 work or the exercise of rights authorized by the approval of Precise Development No. PD 20-01 and (ii) any and all claims, lawsuits, liabilities, and/or actions arising out of, or related to the approval of the Precise Development action and/or the granting or exercise of the rights authorized by said approvals; 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 the Precise Development application approval. The Applicant'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.

6. The Secretary of this Commission shall certify to the adoption of this Resolution; and forthwith transmit a copy of said Resolution to the City Clerk of the City of Brea.

ADOPTED AND APPROVED this 28th day of April, 2020.

Chairman, Planning Commission

I, Jennifer 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 28th day of April, 2020, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 28th day of April, 2020, by the following votes:

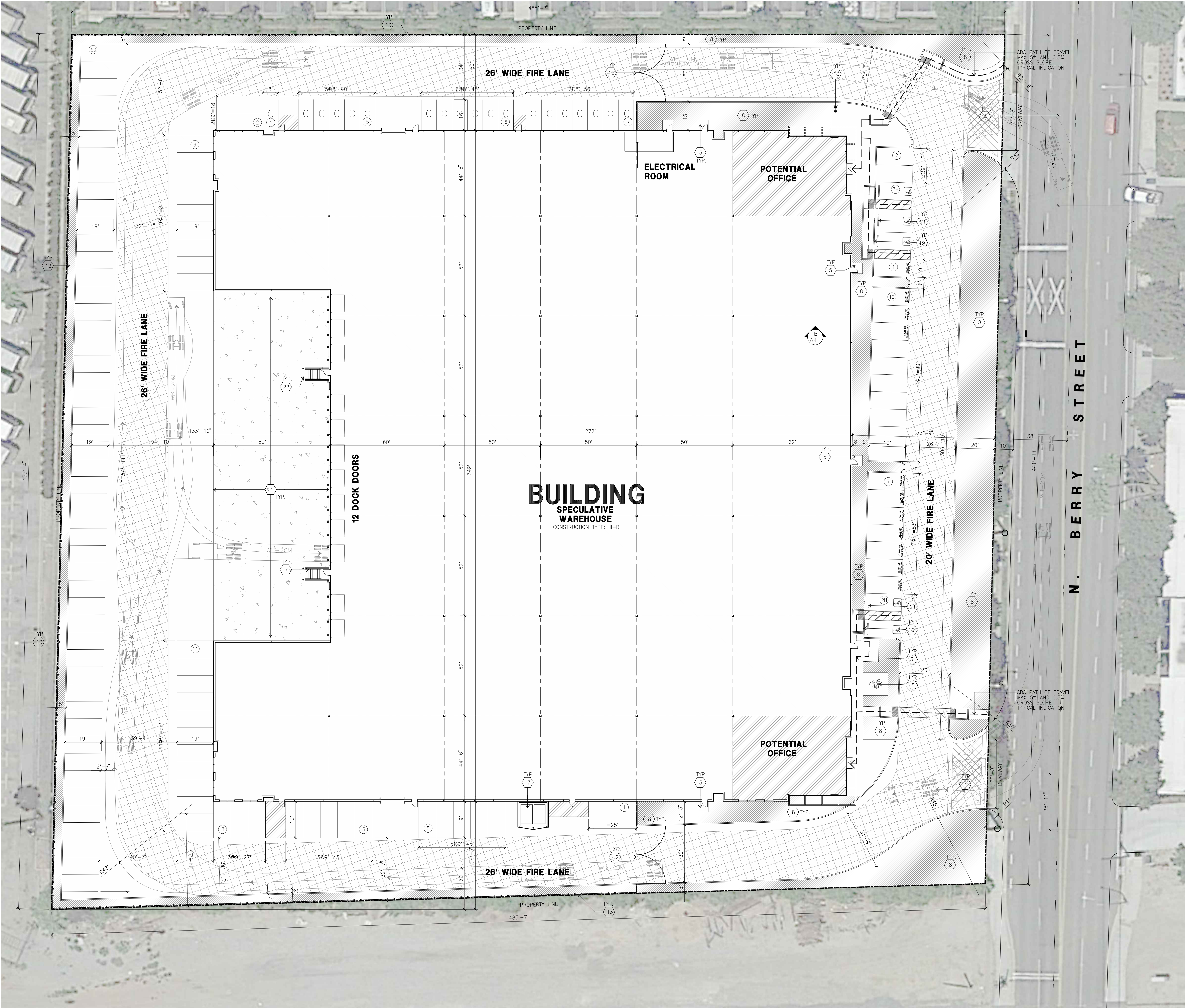
AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST: _____
Secretary, Planning Commission



SITE PLAN KEYNOTES

- 1 HEAVY BROOM FINISH CONC. PAVEMENT.

2 OUTDOOR EMPLOYEE PATIO.

3 CONCRETE WALKWAY

4 DRIVEWAY APRONS TO BE CONSTRUCTED PER "L" DRAWINGS.

5 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.

6 PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.

7 EXTERIOR CONC. STAIR.

8 LANDSCAPE. SEE "L" DWGS.

9 CONCRETE TILT-UP SCREEN WALL

10 BIKE RACK.

11 APPROXIMATE LOCATION OF TRANSFORMER.

12 7"H METAL SWING GATE.

13 7"H WROUGHT IRON FENCE.

14 ELECTRICAL ROOM

15 ART PIECE DESIGNATED AREA.

16 NOT USED.

17 TRASH ENCLOSURE PER CITY STANDARD.

18 NOT USED.

19 HANDICAPPED PARKING STALL SIGN

20 HANDICAPPED ENTRY SIGN

21 PRE-CAST CONC. WHEEL STOP

22 CONC. FILLED GUARD POST "6 DIA. U.N.O. 42"

SITE LEGEND

- LANDSCAPED AREA

PAVING - SEE "C" DRWGS. FOR THICKNESS

CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS (ALL PARKING SHALL BE HAIRPIN STRIPED) STANDARD PARKING STALL (9' X 18')

LANDSCAPE COVERING SEE "L" DRWGS.

20' AND 28' FIRE LANE.

LIGHT STANDARD

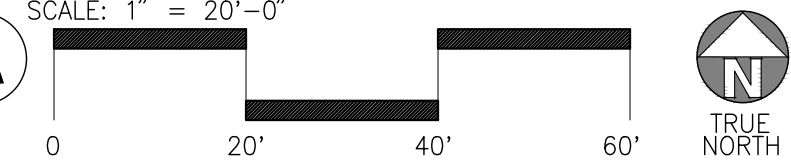
PRIVATE FIRE HYDRANT- APPROXIMATE LOCATION

PROPERTY LINE

(ALL PARKING SHALL BE HAIRPIN STRIPED) HANDICAP PARKING STALL (9' X 18')

SITE PLAN

scale: 1" = 20'-0"



Property Owner

IDI LOGISTICS
840 APOLLO STREET, SUITE 343
EL SEGUNDO, CA 90245
213-330-8030

Address of the Property

201 NORTH BERRY STREET
BREA, CA

Assessor's Parcel Number

-

Zoning

ZONING DESIGNATION-GENERAL INDUSTRIAL (M-2)

Applicant

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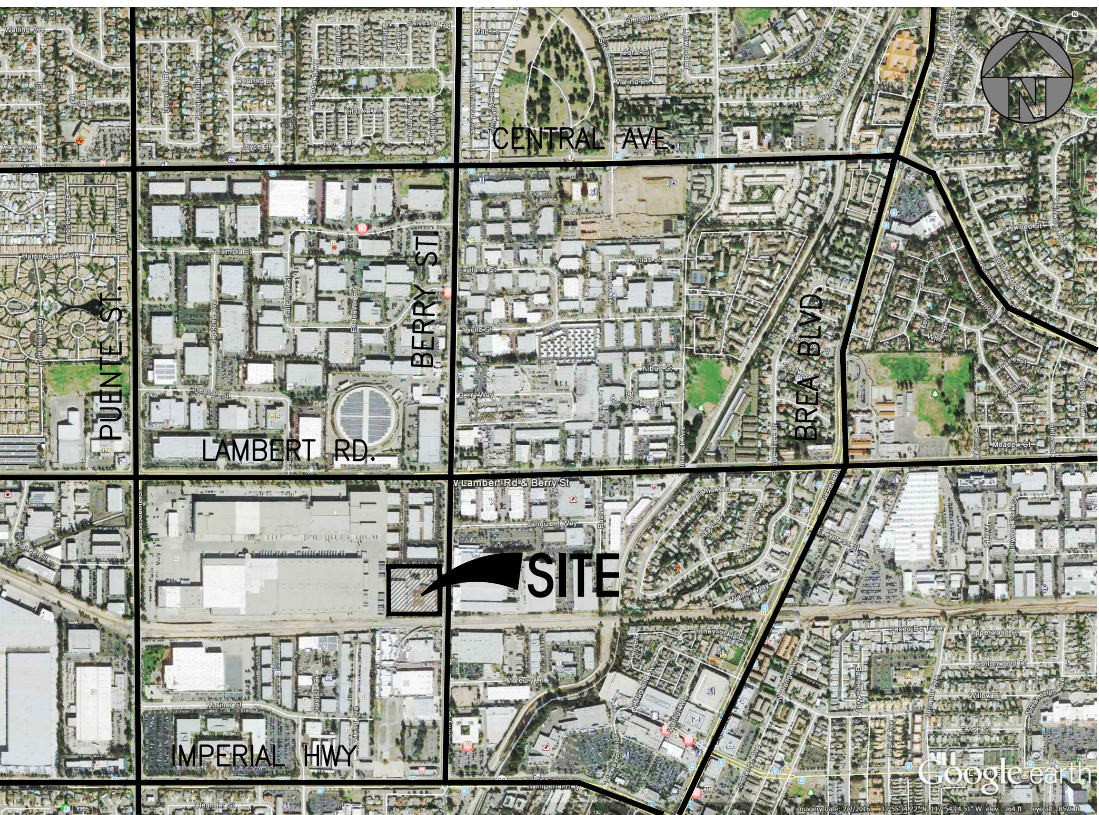
Applicant's Representative

HPA, INC.
18831 BARDEEN AVE SUITE 100
IRVINE CA 92612
TEL: 949-862-2116
ATTN: STEVE HONG

PROJECT DATA

SITE AREA	
In s.f.	217,290 s.f.
In acres	4.99 ac
BUILDING AREA	
Office - 1st floor	2,500 s.f.
Office - Mezzanine	3,000 s.f.
Warehouse	102,625 s.f.
TOTAL	108,125 s.f.
COVERAGE	49.8%
AUTO PARKING REQUIRED	
Office: 1/250 s.f.	22 stalls
Whse: 1/1,000 s.f.	103 stalls
TOTAL	125 stalls
AUTO PARKING PROVIDED	
Standard (9' x 19')	93 stalls
ADA Parking (9' x 19')	5 stalls
Clean Air/Vanpool EV (9' x 19')	11 stalls
Compact (8' x 16') 15% max.	19 stalls
Parallel (8' x 23')	1 stalls
TOTAL	129 stalls
ZONING ORDINANCE FOR CITY	
Zoning Designation - General Industrial (M-2)	
MAXIMUM BUILDING HEIGHT ALLOWED	
Height - 60'	
MAXIMUM FLOOR AREA RATIO	
FAR - 50%	
SETBACKS	
Building	Landscape
Berry St. - 50'	20'
Rear / Side - none	

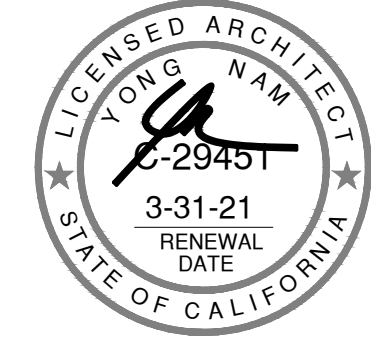
VICINITY MAP



OFFICIAL USE ONLY



hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949-863-1770
fax: 949-863-0851
email: hpa@hparchs.com



Owner:

IDI Logistics

IDI Logistics

840 Apollo Street, Suite 343
El Segundo, CA 90245
tel: 213-330-8030

Project:

NORTH BERRY STREET

201 N. BERRY ST.
BREA, CA 92821

Consultants:

CIVIL	THIENES
STRUCTURAL	-
MECHANICAL	-
PLUMBING	-
ELECTRICAL	-
LANDSCAPE	HUNTER
FIRE PROTECTION	-
SOILS ENGINEER	-



Title: OVERALL SITE PLAN

Project Number: 19445

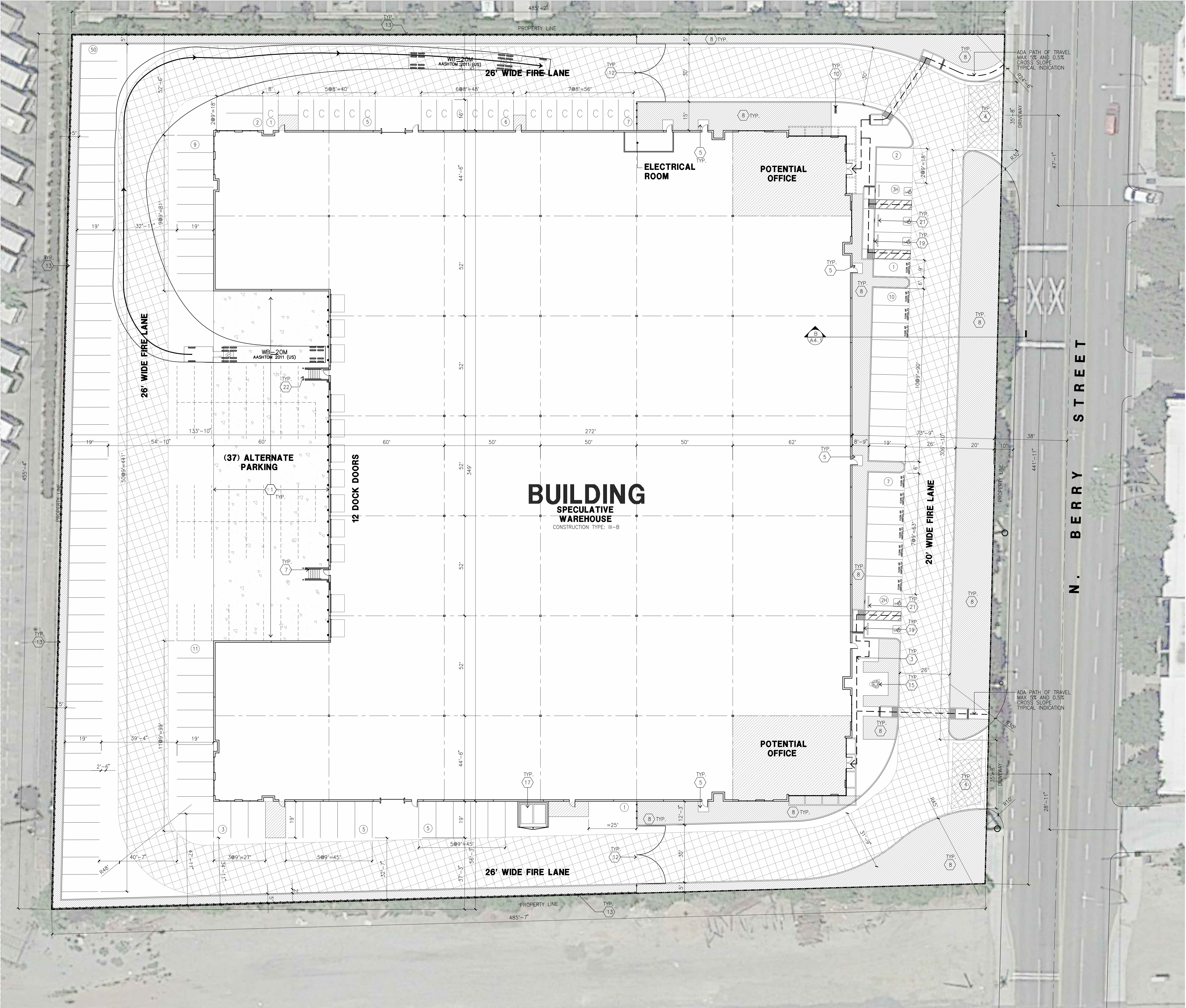
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Date: 02/06/20

Revision:

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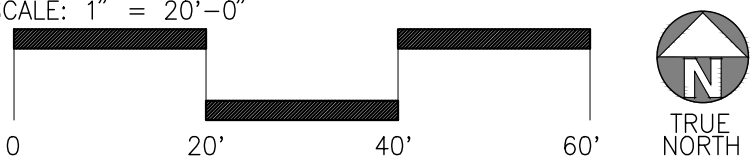
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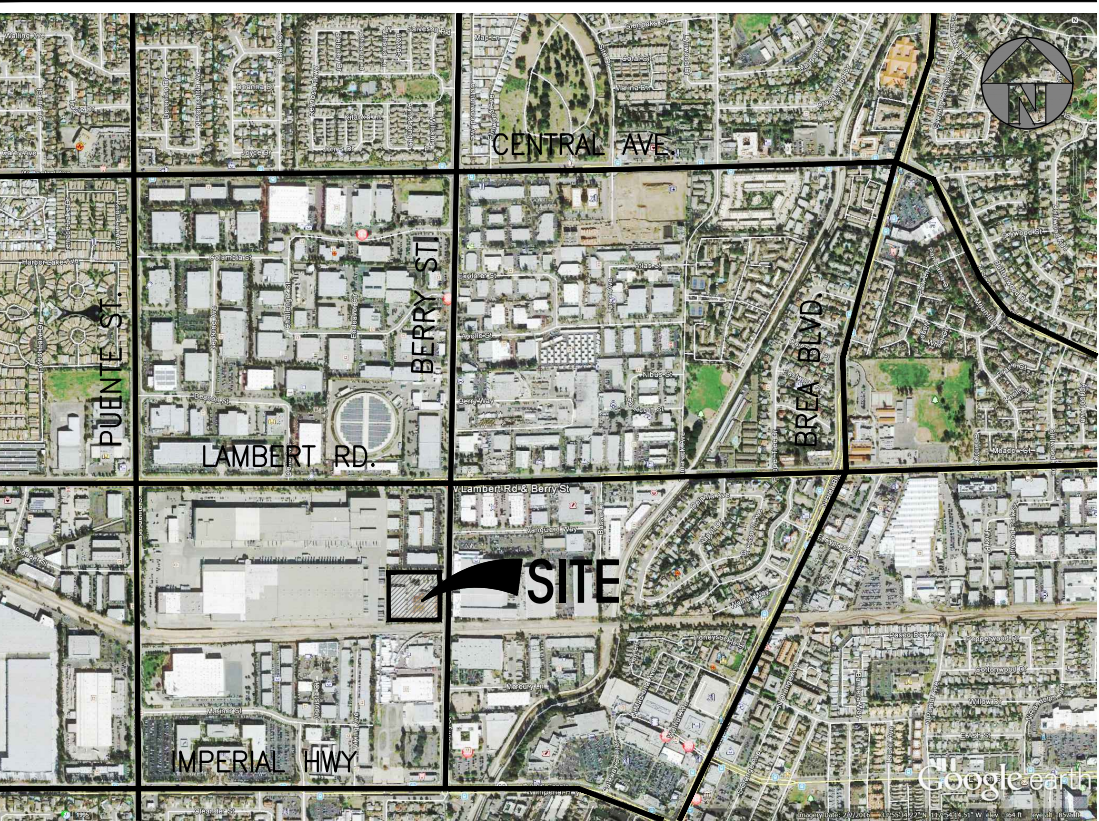
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Parallel (8' x 23')	1 stalls
Alternate Parking (9' x 19')	37 stalls
TOTAL	166 stalls
ZONING ORDINANCE FOR CITY	
Zoning Designation - General Industrial (M-2)	
MAXIMUM BUILDING HEIGHT ALLOWED	
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MAXIMUM FLOOR AREA RATIO	
FAR - 50%	
SETBACKS	
Building	Landscape
Berry St. - 50'	20'
Rear / Side - none	

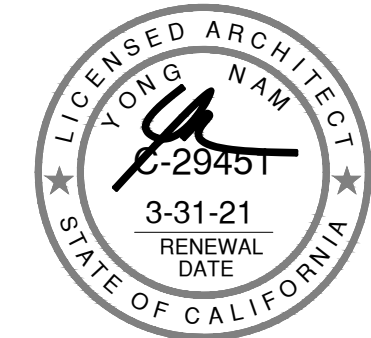
VICINITY MAP



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18831 bardeen avenue, - ste. #100
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tel: 949-863-1770
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Owner:

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840 Apollo Street, Suite 343
El Segundo, CA 90245
tel: 213-330-8030

Project:

NORTH BERRY STREET

201 N. BERRY ST.
BREA, CA 92821

Consultants:

CIVIL	THIENES
STRUCTURAL	-
MECHANICAL	-
PLUMBING	-
ELECTRICAL	-
LANDSCAPE	HUNTER
FIRE PROTECTION	-
SOILS ENGINEER	-

Title: OVERALL SITE PLAN

Project Number: 19445

Drawn by: CR

Date: 02/06/20

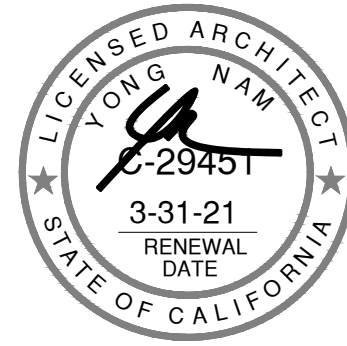
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STRUCTURAL	.
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PLUMBING	.
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SOILS ENGINEER	.

FLOOR PLAN

Project Number: 19445

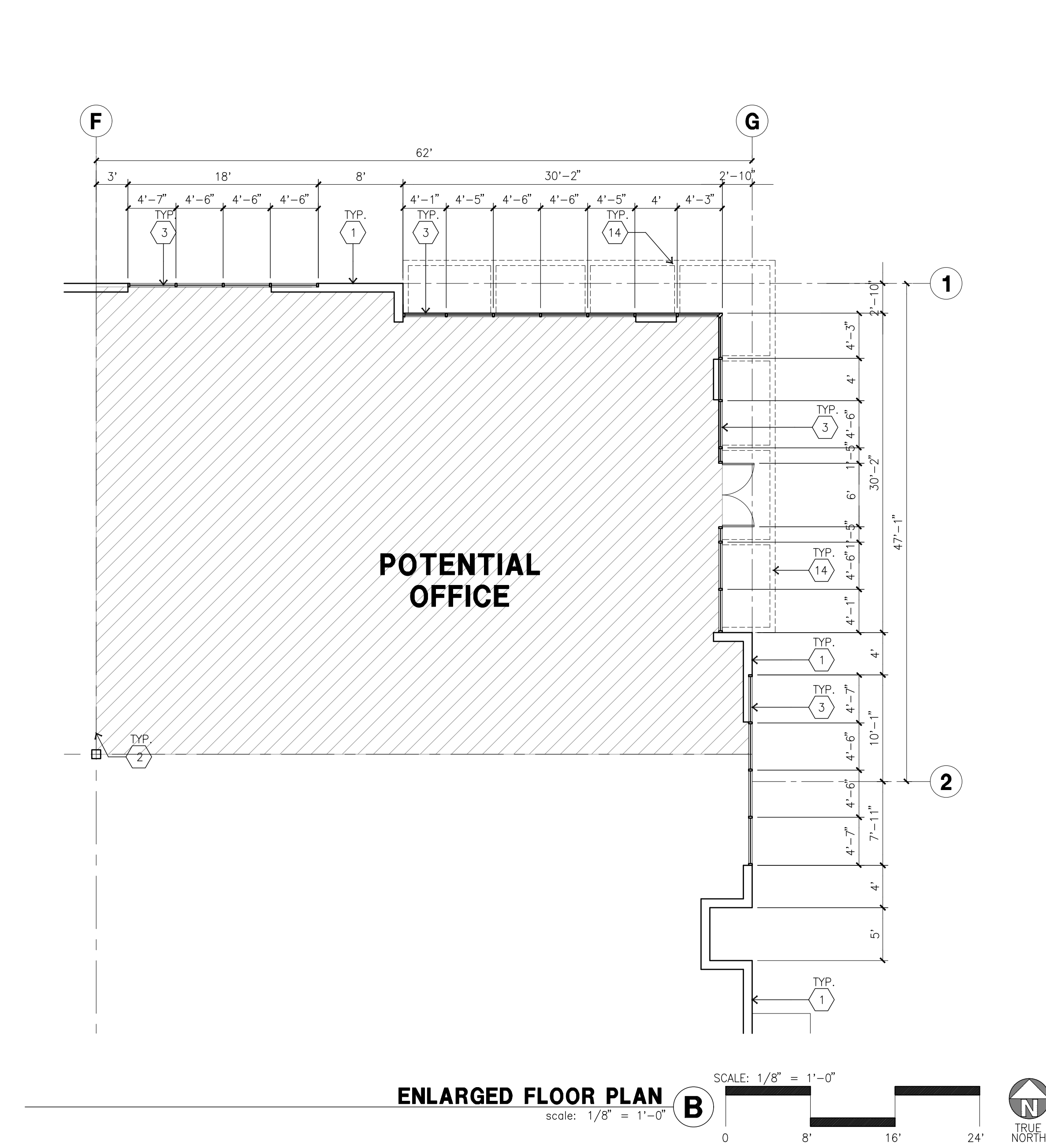
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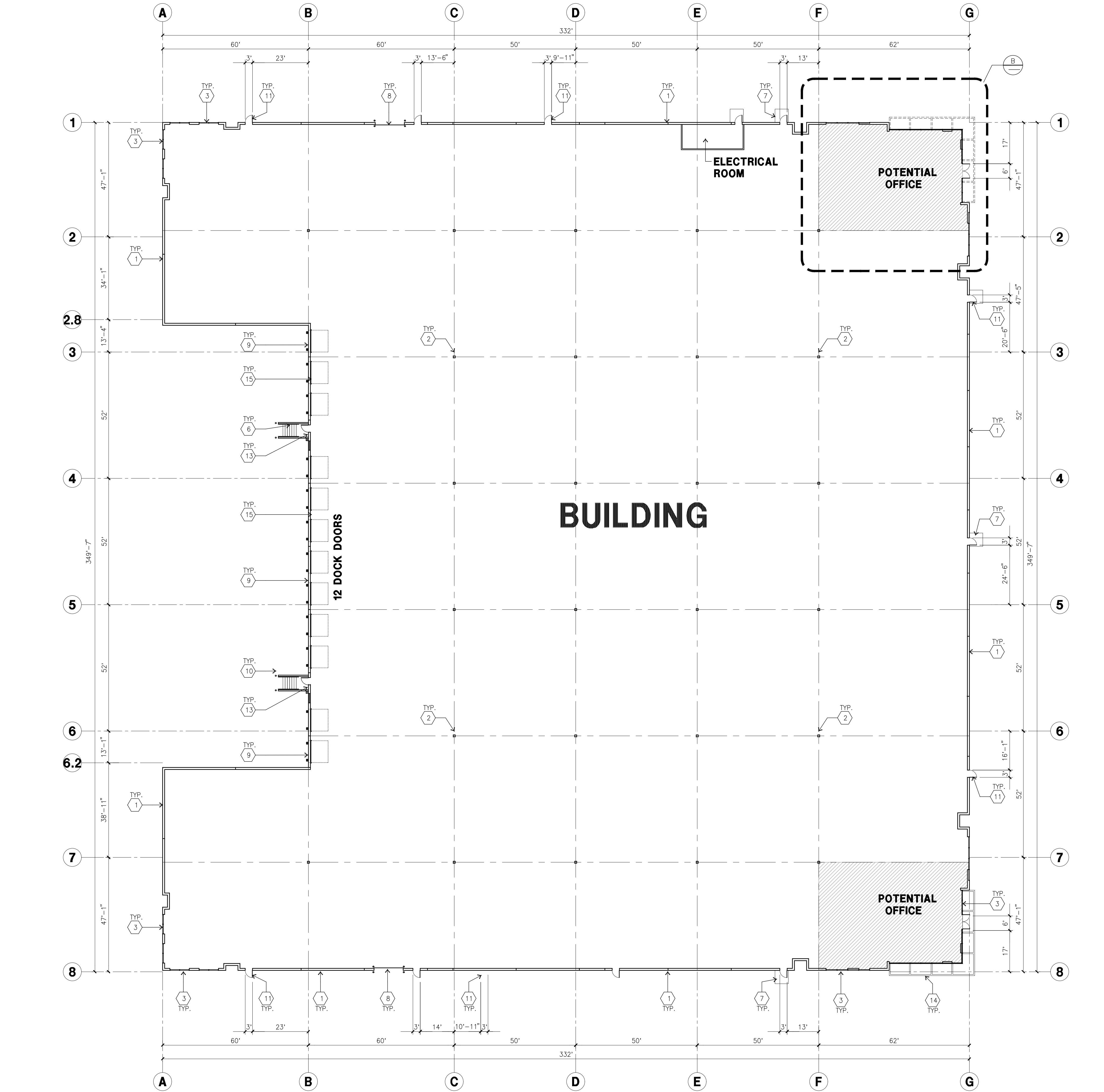


KEYNOTES - FLOOR PLAN

1. CONCRETE TILT-UP PANEL.
2. STRUCTURAL STEEL COLUMN.
3. TYPICAL STOREFRONT SYSTEM WITH GLAZING. SEE OFFICE BLOW-UP AND ELEVATIONS FOR SIZE, COLOR AND LOCATIONS.
4. CONCRETE RAMP W/ 42" HIGH CONC TILT-UP GUARD WALL OR BUILDING WALL ON BOTH SIDE OF RAMP.
5. 9'-0" X 10' TRUCK DOOR, SECTIONAL O'H., STANDARD GRADE.
6. EXTERIOR CONCRETE STAIR
7. 5'-6"x5'-6"x4" THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREA. FINISH TO BE MEDIUM BLOOM FINISH. SLOPE TO BE 1/4" : 12' MAX. PROVIDE WALK TO HARD SURFACE PER CITY REQUIREMENTS.
8. 12' X 14' DRIVE THRU, SECTIONAL O'H., STANDARD GRADE.
9. DOCK DOOR BUMPER
10. CONC. FILLED GUARD POST. 6" DIA. U.N.D., 42"H.
11. 3X7" HOLLOW METAL EXTERIOR MAN DOOR.
12. SOFFIT LINE ABOVE
13. EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPER.
14. TUBE STEEL CANOPY.
15. Z GUARD
16. KNOCK OUT PANEL.

GENERAL NOTES - FLOOR PLAN

- A. THIS BUILDING IS DESIGNED FOR HIGH PILE STORAGE WITH FIRE ACCESS MAN DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/CONVEYER SYSTEMS.
- B. FIRE HOSE LOCATIONS SHALL BE APPROVED PER FIRE DEPARTMENT.
- C. THE BUILDING FLOOR SLAB IS SLOPED, SEE "C" DRAWINGS FOR FINISH SURFACE ELEVATIONS.
- D. NOT USED
- E. WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO RECEIVE PRIMER ONLY. ALL GYP. BD. WALLS IN WAREHOUSE TO RECEIVE 1 COAT OF WHITE TO COVER.
- F. SLOPE POUR STRIP 1/2" TO EXTERIOR AT ALL MANDOOR EXITS. SEE "S" DRAWINGS FOR POUR STRIP LOCATION.
- G. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE PANEL WALL, GRIDLINE, OR FACE OF STUD U.N.D.
- H. SEE CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS.
- I. FOR DOOR TYPES AND SIZES, SEE DETAIL SHEET AD.4. NOTE: ALL DOORS PER DOOR SCHEDULE ARE FINISH OPENINGS.
- J. CONTRACTOR TO PROTECT AND KEEP THE FLOOR SLAB CLEAN. ALL EQUIPMENT TO BE DAWERED INCLUDING CARS AND TRUCKS.
- K. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN. HARDWARE.
- L. HIGHLY FLAMMABLE AND COMBUSTIBLE MATERIAL SHALL NOT BE USED OR STORED IN THIS BUILDING.
- M. EACH EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS "EXIT". THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN.
- N. NON-ACCESSIBLE DOOR, PROVIDE WARNING SIGN LOCATED IN THE INTERIOR SIDE PER CBC 1133B.1.1.1
- O. ALL ROOF MOUNTED MATERIALS SHALL BE FULLY SCREENED FROM PUBLIC VIEW. SEE A/M.1 OFFICE SECTION.



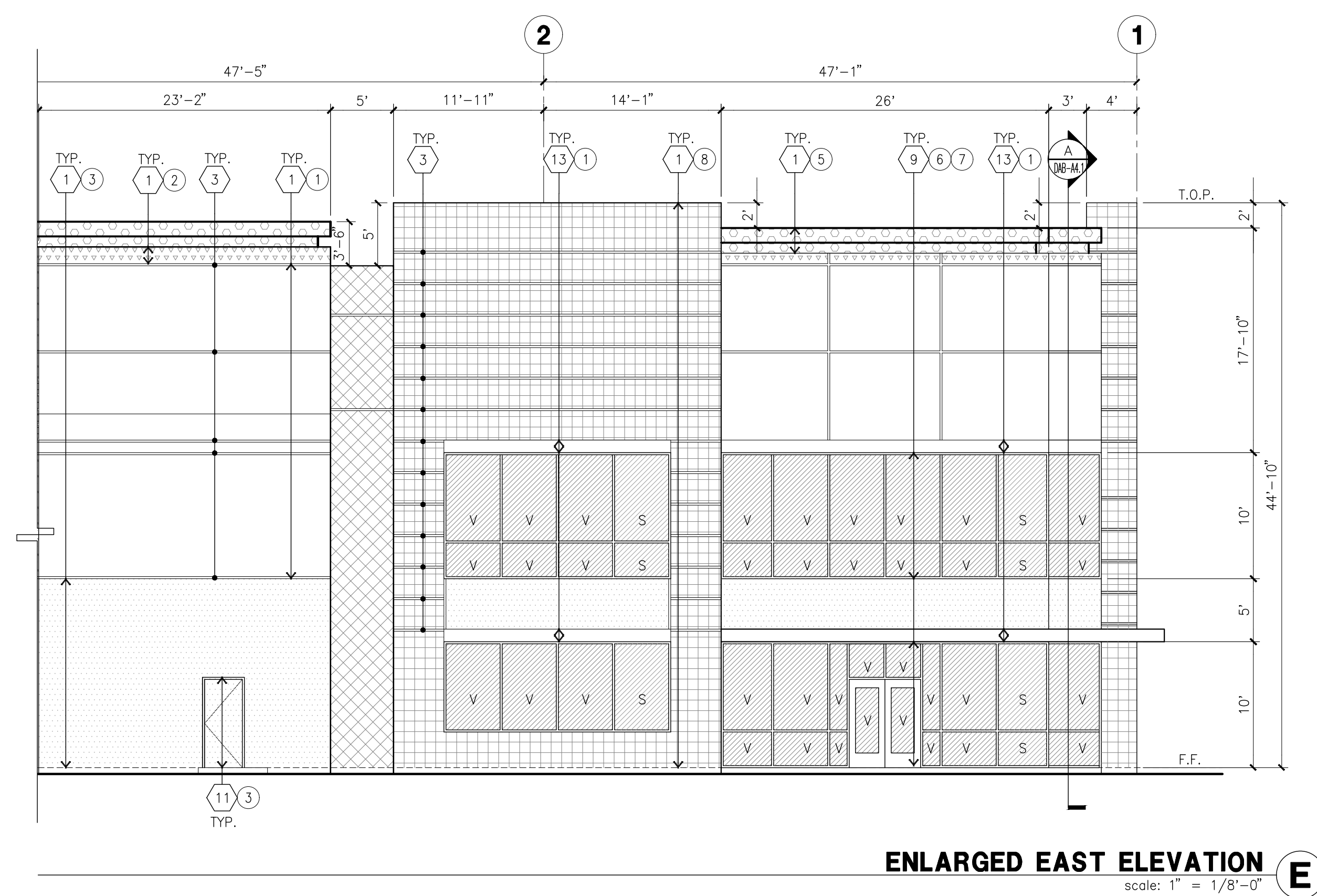
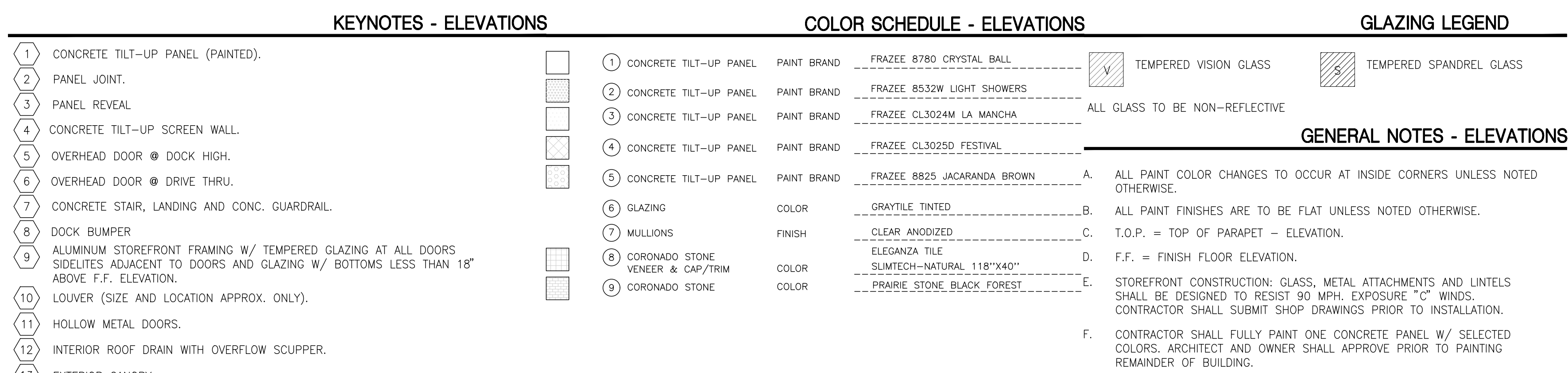
OVERALL FLOOR PLAN A

scale: 1" = 20'-0"

SCALE: 1" = 20'-0"

0 20' 40' 60'







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92612
tel: 949-863-1770
fax: 949-863-0851
email: hpa@hparchs.com



Owner:

IDI Logistics

IDI Logistics

840 Apollo Street, Suite 343
El Segundo, CA 90245
tel: 213-330-8030

Project:

NORTH BERRY STREET

201 N. BERRY ST.
BREA, CA 92821

Consultants:

CIVIL	THIENES
STRUCTURAL	.
MECHANICAL	.
PLUMBING	.
ELECTRICAL	.
LANDSCAPE	HUNTER
FIRE PROTECTION	.
SOILS ENGINEER	.



Title: **SITE SECTION**

Project Number: 19445

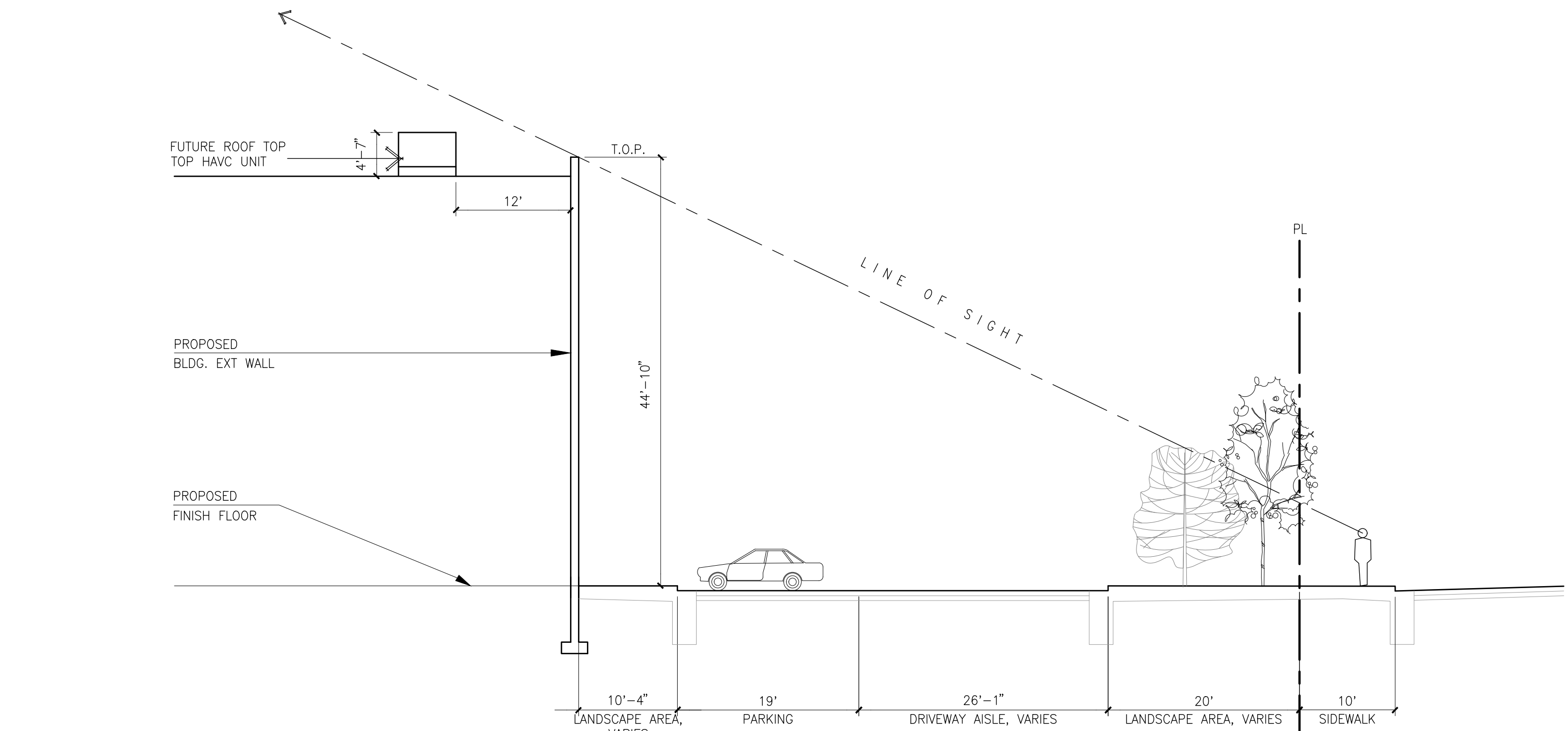
Drawn by: CR

Date: 02/06/20

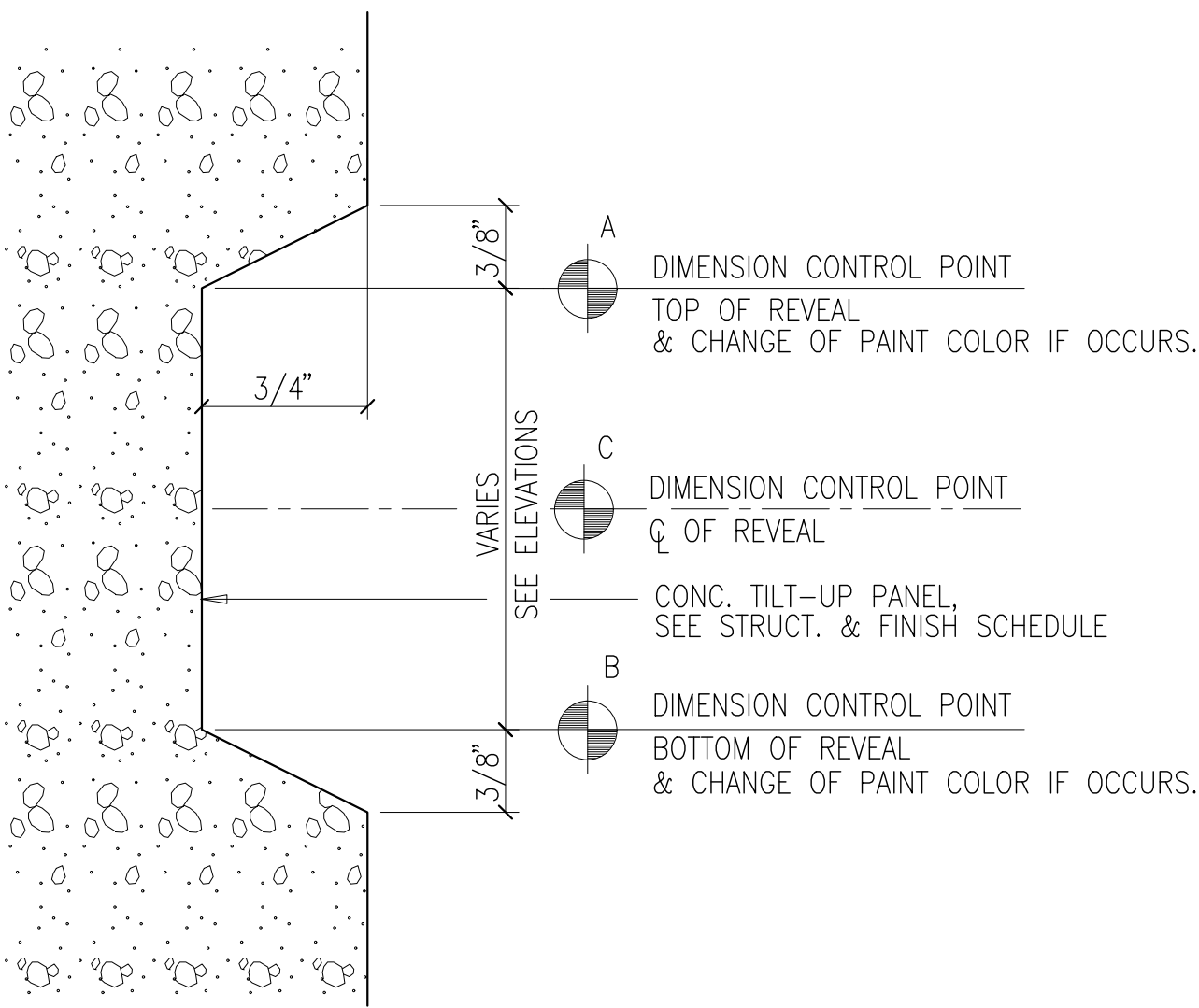
Revision:

Sheet:

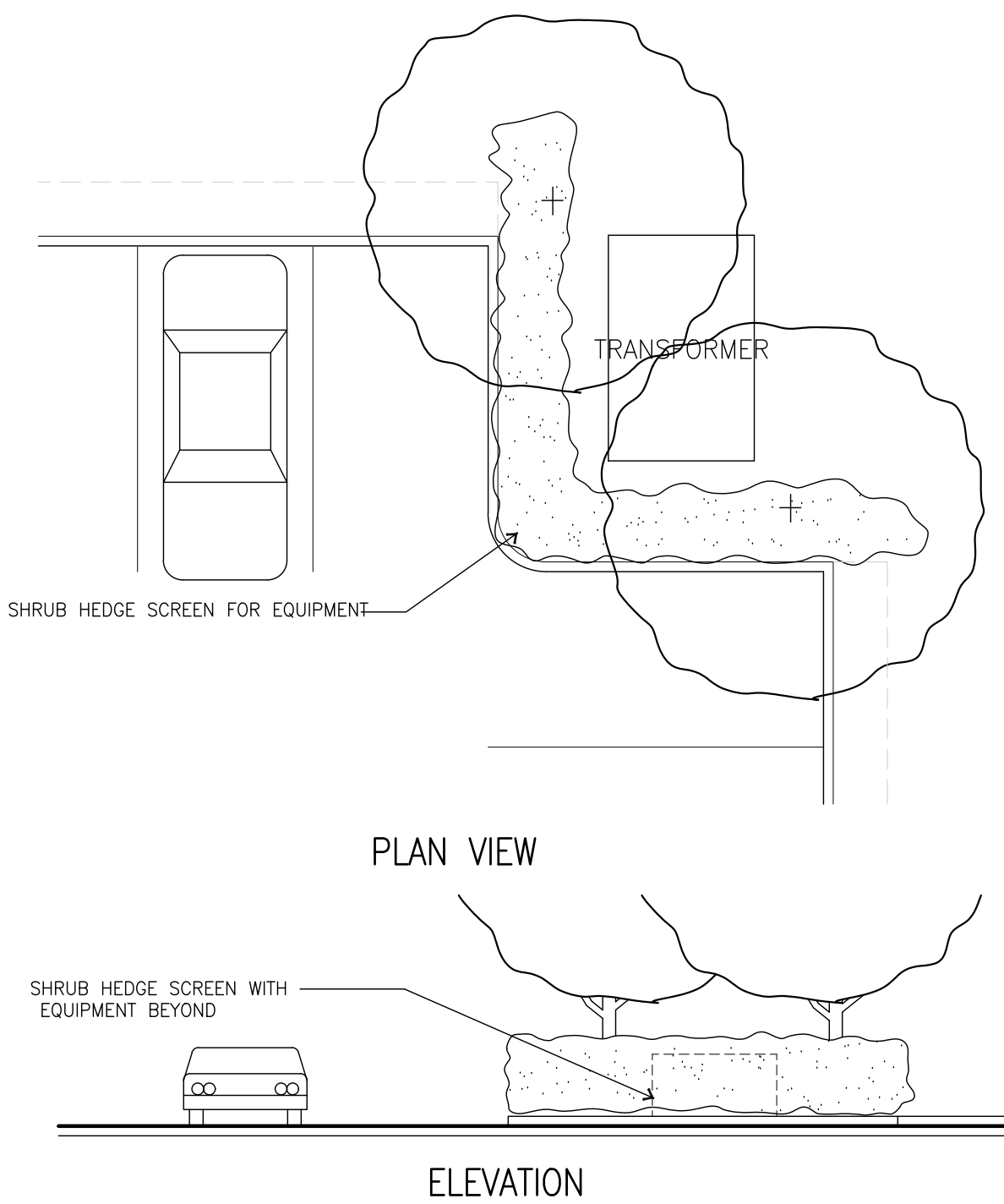
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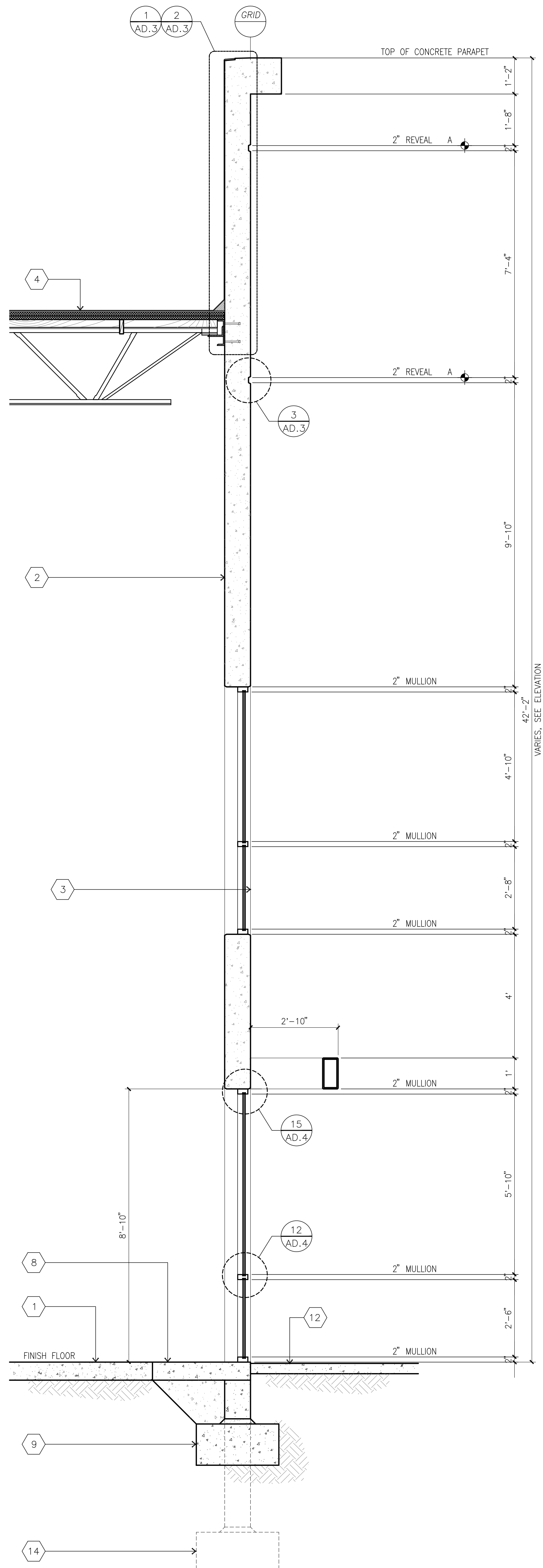
SITE SECTION B
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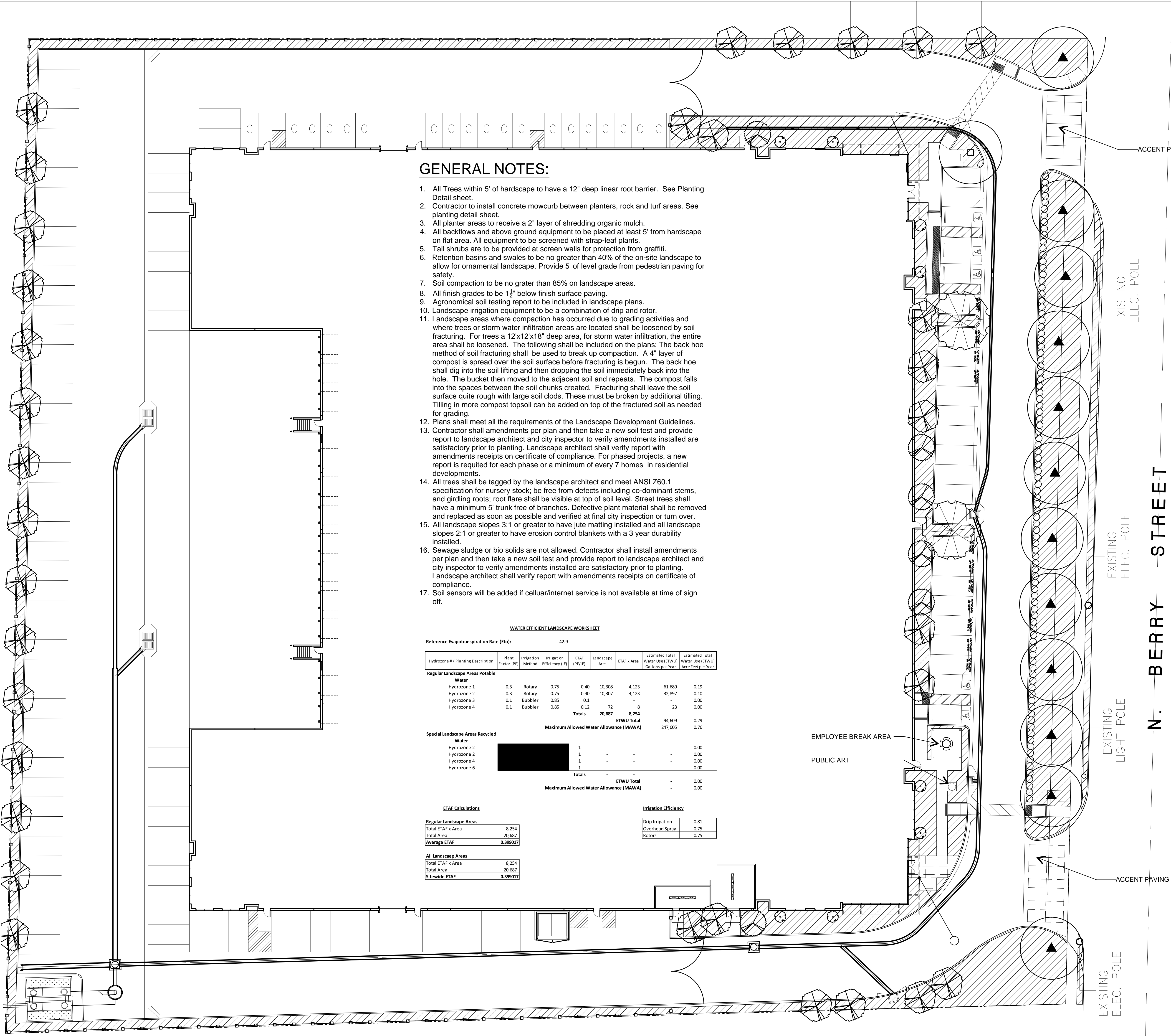
TYP. CONCRETE REVEAL D
scale: N.T.S.



GROUND MOUNTED EQUIPMENT SCREENING, TYP. C
scale: N.T.S.



WALL SECTION @ WINDOWS A
scale: 1/2"=1'-0"



GENERAL NOTES:

1. All Trees within 5' of hardscape to have a 12" deep linear root barrier. See Planting Detail sheet.
2. Contractor to install concrete mowcurb between planters, rock and turf areas. See planting detail sheet.
3. All planter areas to receive a 2" layer of shredding organic mulch.
4. All backflows and above ground equipment to be placed at least 5' from hardscape on flat area. All equipment to be screened with strap-leaf plants.
5. Tall shrubs are to be provided at screen walls for protection from graffiti.
6. Retention basins and swales to be no greater than 40% of the on-site landscape to allow for ornamental landscape. Provide 5' of level grade from pedestrian paving for safety.
7. Soil compaction to be no grater than 85% on landscape areas.
8. All finish grades to be 1 1/2" below finish surface paving.
9. Agronomical soil testing report to be included in landscape plans.
10. Landscape irrigation equipment to be a combination of drip and rotor.
11. Landscape areas where compaction has occurred due to grading activities and where trees or storm water infiltration areas are located shall be loosened by soil fracturing. For trees a 12"x12"x18" deep area, for storm water infiltration, the entire area shall be loosened. The following shall be included on the plans: The back hoe method of soil fracturing shall be used to break up compaction. A 4" layer of compost is spread over the soil surface before fracturing is begun. The back hoe shall dig into the soil lifting and then dropping the soil immediately back into the hole. The bucket then moved to the adjacent soil and repeats. The compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more compost topsoil can be added on top of the fractured soil as needed for grading.
12. Plans shall meet all the requirements of the Landscape Development Guidelines.
13. Contractor shall amendents per plan and then take a new soil test and provide report to landscape architect and city inspector to verify amendents installed are satisfactory prior to planting. Landscape architect shall verify report with amendents receipts on certificate of compliance. For phased projects, a new report is requited for each phase or a minimum of every 7 homes in residential developments.
14. All trees shall be tagged by the landscape architect and meet ANSI Z60.1 specification for nursery stock; be free from defects including co-dominant stems, and girdling roots; root flare shall be visible at top of soil level. Street trees shall have a minimum 5' trunk free of branches. Defective plant material shall be removed and replaced as soon as possible and verified at final city inspection or turn over.
15. All landscape slopes 3:1 or greater to have jute matting installed and all landscape slopes 2:1 or greater to have erosion control blankets with a 3 year durability installed.
16. Sewage sludge or bio solids are not allowed. Contractor shall install amendents per plan and then take a new soil test and provide report to landscape architect and city inspector to verify amendents installed are satisfactory prior to planting. Landscape architect shall verify report with amendents receipts on certificate of compliance.
17. Soil sensors will be added if cellular/internet service is not available at time of sign off.

WATER EFFICIENT LANDSCAPE WORKSHEET									
Reference Evapotranspiration Rate (Eto):				42.9					
Hydrozone # / Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (ETo x IE)	Landscape Area	ETAF x Area	Estimated Total Water Use (ETWU) Gallons per Year	Estimated Total Water Use (ETWU) Acres Feet per Year	
Regular Landscape Areas Potable Water									
Hydrozone 1	0.3	Rotary	0.75	0.40	10,308	4,123	61,689	0.19	
Hydrozone 2	0.3	Rotary	0.75	0.40	10,307	4,123	32,897	0.10	
Hydrozone 3	0.1	Bubbler	0.85	0.1	-	-	-	0.00	
Hydrozone 4	0.1	Bubbler	0.85	0.12	72	8	23	0.00	
				Totals	20,687	8,254	94,609	0.29	
				Maximum Allowed Water Allowance (MAWA)			247,605	0.76	
Special Landscape Areas Recycled Water									
Hydrozone 2				1	-	-	-	0.00	
Hydrozone 2				1	-	-	-	0.00	
Hydrozone 4				1	-	-	-	0.00	
Hydrozone 6				1	-	-	-	0.00	
				Totals	-	-	-	0.00	
				Maximum Allowed Water Allowance (MAWA)			-	0.00	
ETAF Calculations									
Regular Landscape Areas									
Total ETAF x Area				8,254					
Total Area				20,687					
Average ETAF				0.399017					
All Landscape Areas									
Total ETAF x Area				8,254					
Total Area				20,687					
Stewide ETAF				0.399017					
Irrigation Efficiency									
				Drip Irrigation 0.81					
				Overhead Spray 0.75					
				Rotors 0.75					

PLANTING LEGEND

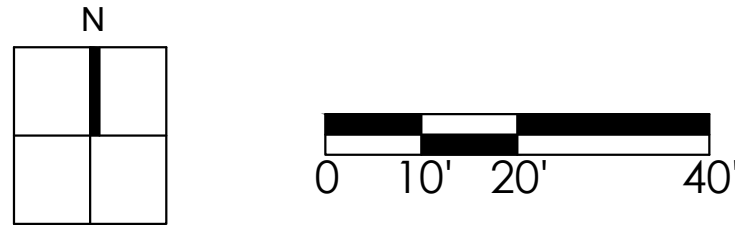
TREES					
SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Chitalpa tashkentensis Chitalpa	24" Box	2	L	Standard
	Juniperus s. 'Skyrocket' Skyrocket Juniper	24" Box	8	M	Standard
	Lagerstroemia i 'Muskogee' Crape Myrtle	24" Box	6	M	Standard
	Rhus lancea African Sumac	24" Box	1	L	Standard
	Tristania conferta Brisbane Box	15 Gal	33	M	Standard

Existing trees to remain in place 3' Screening Hedge

SHRUBS				
SYMBOL	BOTANICAL/COMMON NAME	SIZE	WUCOLS	SPACING
	Acca sellowiana Pineapple Gauva	5 Gal	L	3' OC
	Callistemon 'Little John' Dwarf Bottle Brush	5 Gal	L	3' OC
	Cistus 'Sunset Pink' Sunset Pink Rockrose	5 Gal	L	3' OC
	Elaeagnus pungens Silverberry	5 Gal	L	4' OC
	Ligustrum i. Texanum Texas Privet	5 Gal	M	3' OC
	Rhampholepis l. 'Springtime' Indian Hawthorn	5 Gal	L	3' OC
	Rosmarinus o. 'Tuscan Blue' Rosemary	5 Gal	L	3' OC
	Salvia areggii Autumn Sage	5 Gal	L	3' OC
	Salvia leucantha Mexican Sage	5 Gal	L	4' OC
	Westringia fruticosa Coast Rosemary	5 Gal	L	5' OC

ACCENTS				
SYMBOL	BOTANICAL/COMMON NAME	SIZE	WUCOLS	SPACING
	Agave 'Blue Flame' Blue Flame Agave	5 Gal	L	3' OC
	Agave 'Blue Glow' Blue Glow Agave	5 Gal	L	3' OC
	Agave victoria-reginae Agave	5 Gal	L	3' OC
	Aloe striata Coral Aloe	1 Gal	L	2' OC
	Dasylirion wheeleri Desert Spoon	5 Gal	L	4' OC
	Echeveria 'Ruffles' Ruffles Echeveria	5 Gal	L	1' OC
	Hesperaloe parviflora Red Yucca	5 Gal	L	3' OC

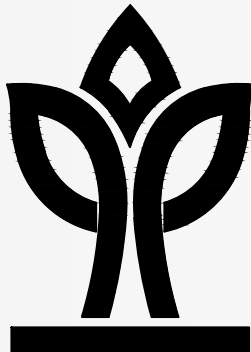
GROUND COVER				
SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS
	Hemerocallis hybridus-Yellow Yellow Day Lily	1 Gal	24" O.C.	M
	Lonicera j. 'Halliana' Hall's Honeysuckle	1 Gal	48" O.C.	L
	Muhlenbergia capillaris Pink Muhly	1 Gal	36" O.C.	L
	Rosa 'Flower Carpet' -Red Red Flower Carpet Rose	1 Gal	30" O.C.	L
	Rosmarinus o. 'Huntington Carpet' Prostrate Rosemary	1 Gal	48" O.C.	L
	Sesleria autumnalis Moor Grass	1 Gal	18" O.C.	M
	Trachelospermum jasminoides Star Jasmine	1 Gal	24" O.C.	M



201 North Berry Street

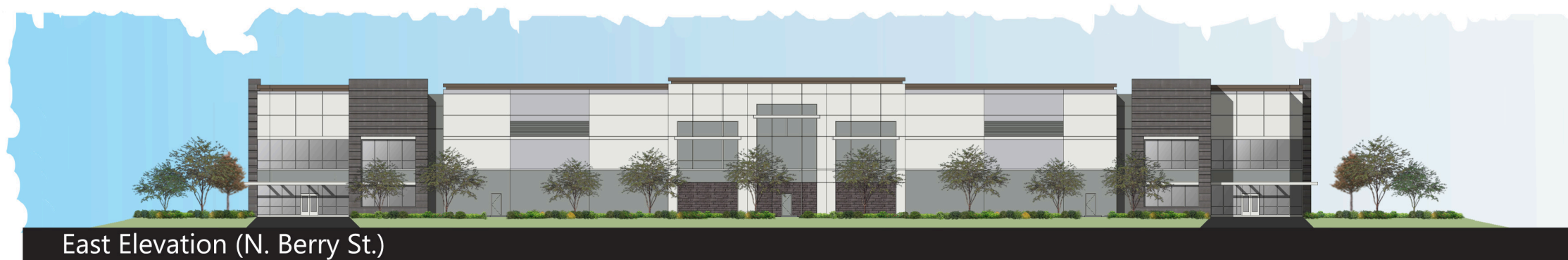
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01.30.20

Brea, California



HUNTER LANDSCAPE

711 FEE ANA STREET PLACENTIA, CA 92870
714.986.2400 FAX 714.986.2408



Conceptual Colored Elevations

Berry Street IDI Logistics, Brea, CA.



West Elevation



East Elevation

- 1



SHERWIN WILLIAMS
SW 7009
PEARLY WHITE
- 2



SHERWIN WILLIAMS
SW 6254
LAZY GRAY
- 3



SHERWIN WILLIAMS
SW 7660
EARL GRAY
- 4



SHERWIN WILLIAMS
SW 7067
CITYSCAPE
- 5



SHERWIN WILLIAMS
SW 7515
HOMESTEAD BROWN
- 6



GRAYLITE TINTED
GLAZING
- 7



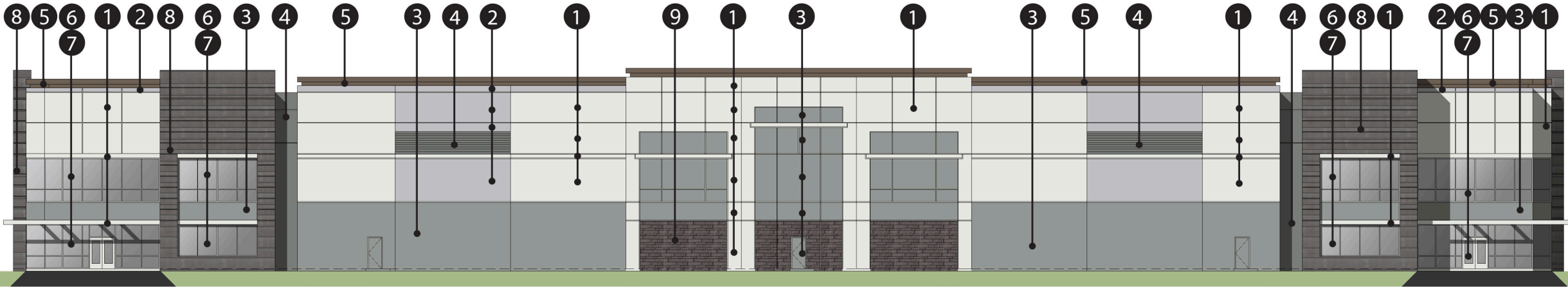
CLEAR ANODIZED
MULLIONS
- 8



ELEGANZA TILE
SLIMTECH-NATURAL
118\"X40\"
- 9



PRAIRIE STONE
MANUFACTURED STONE
BLACKFOREST



Berry Street
CA



City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

DATE: 04/28/2020

SUBJECT: GENERAL PLAN AMENDMENT NO. GPA 20-02, ZONE CHANGE NO. ZC 20-02, CONDITIONAL USE PERMIT NO. CUP 20-07, AND CERTIFICATE OF COMPATIBILITY NO. CC 20-01 FOR THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENCE WITH ACCESSORY STRUCTURES AND PRIVATE EQUESTRIAN FACILITIES, AT 109 LILAC LANE

REQUEST

The applicant is requesting approval of the following applications to construct a single-family residence with accessory structures on a parcel approximately 8.51 acres in size located at 109 Lilac Lane:

- A General Plan Amendment to change the land use designation from Public Facilities to Low Density Residential;
- A Change of Zone from Public Facilities to Single-Family Residential (Equestrian Overlay);
- A Conditional Use Permit to construct an equestrian facility on a site larger than five (5) acres and
- A Certificate of Compatibility for a single-family home and accessory structures.

RECOMMENDATION

Staff recommends the Planning Commission approve General Plan Amendment No. GPA 20-02, Change of Zone No. ZC 20-02, Conditional Use Permit No. CUP 20-07, and Certificate of Compatibility No. CC 20-01, subject to the conditions in the draft Resolutions.

BACKGROUND/DISCUSSION

BACKGROUND

The property located at 109 Lilac Lane (APN 315-011-19) is approximately 8.51 acres (see Figure 1: Vicinity Map). The property has a General Plan designation of Public Facilities and is zoned PF, Public Facilities. The subject property is owned by the Brea Olinda Unified School District. The site was utilized as the Olinda Elementary School prior to its relocation along Birch Street. The District declared the property as surplus and no longer necessary for the District's purposes in 2011 and the buildings were subsequently demolished. The property has since remained vacant. At its meeting of May 6, 2019, the District's Board of Directors approved a Purchase and Sale Agreement to transmit title of the property to Manuel and Donna Perez. The property is currently in escrow.

DISCUSSION

The applicant, Donna Perez, is proposing to change the zoning from Public Facilities to Single-Family Residential with an Equestrian Overlay to allow for the development of the following uses:

- A one-story, single-family residence containing 9,374 square feet
- An accessory dwelling unit (ADU) containing 4,576 square feet;
- Two (2) stables at 1,900 square feet each to accommodate up to 26 horses boarded on the property for private use;
- A combined garage and hay barn containing 5,454 square feet; and
- Enclosed pasture and arena areas for horse training and riding.

The property is located on the northwest corner of Carbon Canyon Road and Olinda Place. The Olinda Village neighborhood, which consists of 1- and 2-story, single-family residences, is directly to the north and east of the property – See Attachment 1, Technical Background.



Figure 1: Vicinity Map

General Plan Amendment

The project proposes to change the land use designation from Public Facilities to Low Density Residential.

This designation is consistent with the use of nearby properties within the Olinda Village neighborhood. The property was designated for Low Density Residential uses prior to 2006, when the City changed the designation to reflect the school use. The change in land use is consistent with the following goals and policies within the Brea General Plan elements:

Policy CD-2.1 Ensure that the design of new residential developments is sensitive to the character of existing neighborhoods;

Policy CD-5.1 Ensure new development is compatible with the style, theme, and design of established structures and neighborhoods; and

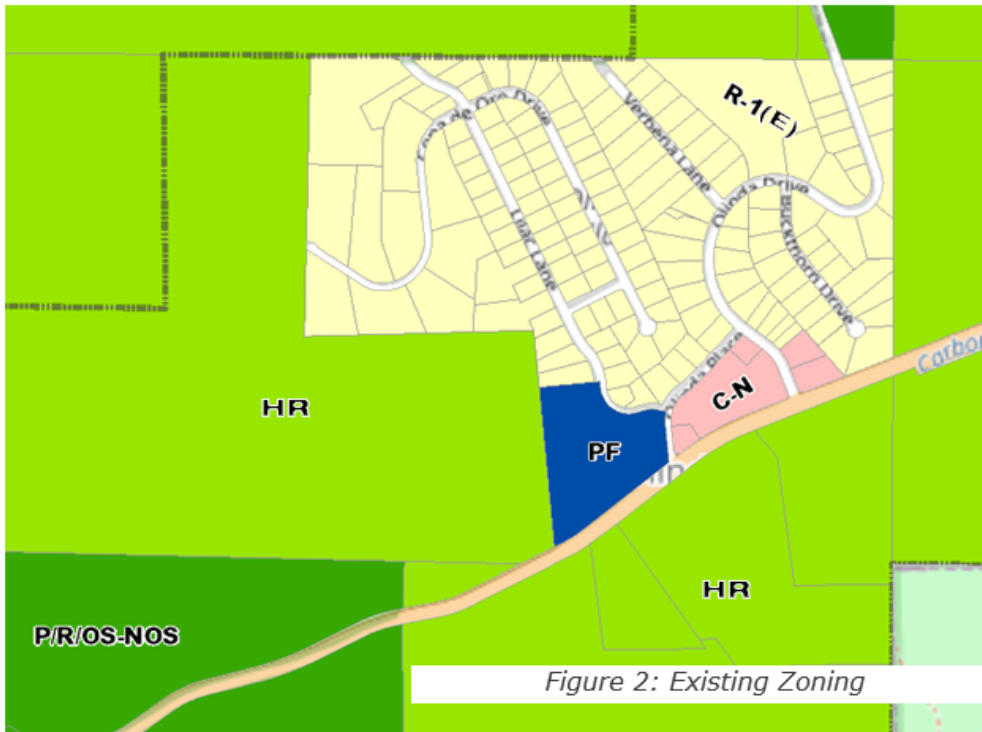
Policy CD 7.6 Preserve a rural atmosphere in Olinda Village.

As addressed in the Certificate of Compatibility section below, the project is similar in size, architectural style, and character with surrounding development within the Olinda Village neighborhood. The low lot coverage, pasture areas, and horse stables further enhance the rural atmosphere of the Olinda Village neighborhood.

Change of Zone

The proposed change in zoning from Public Facilities to Single-Family Residential (Equestrian Overlay) is consistent and compatible with the surrounding uses. The zoning for the surrounding properties is as follows (see Figure 2):

- Single-Family Residential (R-1 (E)) to the north
- Neighborhood Commercial (C-N) to the east
- Hillside Residential to the South and West



The Olinda Village neighborhood to the north is zoned R-1 (E). This neighborhood is a mixture of 1- and 2- story, single-family, detached houses on lots ranging from approximately 9,000 square feet to seven (7) acres. All properties in Olinda Village are located within the Equestrian Overlay Zone with a number of larger properties where horses are boarded.

The proposed zone change to R-1 (E) (Single-Family Residential with Equestrian Overlay) would allow for the development of a single-family residence and accessory dwelling units. Additional accessory structures related to the boarding and maintaining of horses would be allowed through the Conditional Use Permit as outlined below. The property owner has engaged the Olinda Village neighborhood and received correspondence from the Board supporting the project (Attachment 8).

Certificate of Compatibility

The Code requires construction of new single-family homes be reviewed under a Certificate of Compatibility. The Certificate of Compatibility considers the compatibility of residential structures to the existing community character, architecture, aesthetics and cohesiveness within residentially zoned properties in the City. Lots in the Olinda Village neighborhood range from approximately 9,000 square feet to seven (7) acres. The project site would be the largest lot in the neighborhood at 8.51 acres. The project meets all development standards for the R-1 Single Family Residential Zone as demonstrated in Table 1.

Table 1 – R-1 Development Standards

Development Standards	Required	Proposed
Front Yard Setback	25 feet	58 feet
Side Yard Setback	5 feet	31 feet
Rear Yard Setback (Primary Dwelling)	25 feet, main building may project to within ten (10) feet of the rear property line area	125 feet
Rear Yard Setback (ADU)	10 feet	218 feet
Rear Yard Lot Coverage	25% maximum	Less than 25%
Lot Coverage	35% maximum	6.26%
Height	30 feet maximum	Main Residence: 29.47 feet Accessory Dwelling Unit: 25.47 feet Stables 1 and 2: 24.83 feet Hay Barn/Garage: 29.75 feet
Off-Street Parking	2 covered spaces (primary unit), 1 additional space, covered or uncovered (ADU)	8 covered spaces (primary unit), 3 covered spaces (ADU), 3 additional uncovered spaces

The existing neighborhood features a mix of homes in various sizes, including 1- and 2-story structures. There are various architectural styles including Ranch, Bungalow and Spanish style homes (see Figures 3 and 4)



Figure 3: Existing Neighborhood



Figure 4: Existing Neighborhood

The proposed project features a combination of metal and shake shingle roofing, natural wood siding, and wood and stone accent materials. The proposed architectural style is a Farmhouse/Ranch style (see Figure 6).

The ADU is consistent with the color and material finishes of the primary dwelling, incorporating the same roofing, siding, and accent materials and colors (see Figure 5 & 6).

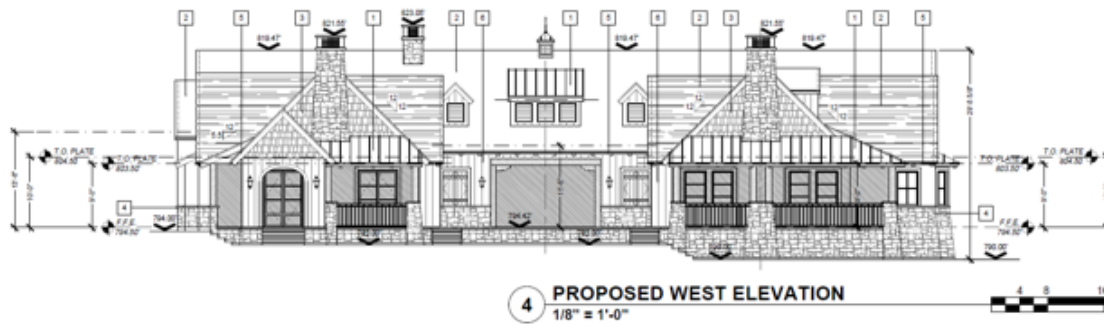


Figure 5: Proposed Elevation (Primary Residence)

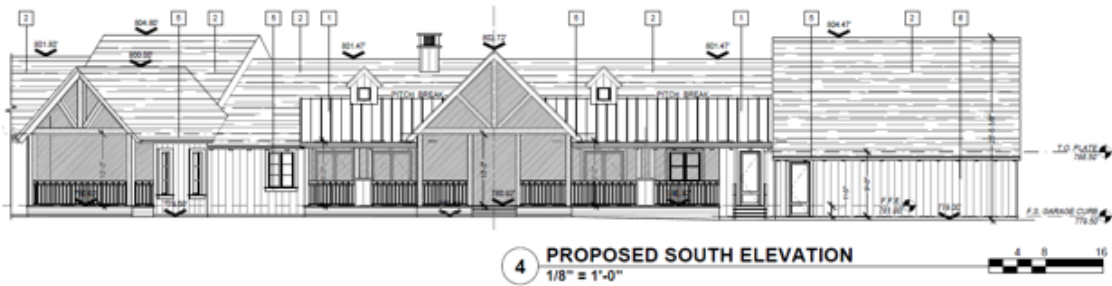


Figure 6: Proposed Elevation (Secondary Residence – ADU)

The garage, barn, and stables are a farmhouse style and consistent with the architectural style of the primary and accessory dwelling unit.

Conditional Use Permit

Equestrian facilities may be allowed on sites larger than five acres within the Equestrian Overlay Zone, subject to approval of a Conditional Use Permit. The proposed project meets the applicable development standards as demonstrated in Table 2.

The proposed equestrian facilities would be owned and operated by the property owner for private boarding and related uses. Commercial use of the property is not proposed as part of the project and not permitted within the Equestrian Overlay zone. Operation of the equestrian facilities will likely require the use of trucks and trailers for transport of animals, supplies, and materials associated with the keeping of horses. The anticipated trips are significantly less than that of a typical school facility, which was the previous use for the site. Additionally, other properties exist within Olinda Village that board horses.

The Equestrian Overlay Zone imposes development standards related to the boarding of horses and other related equestrian uses. Table 2 demonstrates the project either complies with or exceeds the minimum standards as follows:

Table 2 – Equestrian Overlay Zone Development Standards

Development Standards	Required/Allowed	Proposed
Lot Area	1 acre (43,560 square feet)	8.51 acres
Lot Width	Minimum street frontage of 30 feet	450 feet of street frontage on Lilac Lane
Horse Allocation	26 horses (4 horses for the first 1 acre, 1 additional horse for every 15,000 square feet)	26 horses
Setbacks		
<i>Structures used for the housing of horses shall be:</i>	100 feet minimum from any adjacent building used for human habitation not on the subject site	229 feet
	50 feet minimum from any building utilized for human habitation on the same property	53 feet
	25 feet minimum from any property line	152 feet
<i>Pastures and exercise areas for horses shall be:</i>	75 feet minimum from any adjacent building used for human habitation not on the subject site.	84 feet
	35 feet minimum from any building utilized for human habitation on the same property	50 feet
	25 feet minimum from any property line	35 feet

On-site facilities for boarding and other equestrian uses are located in the middle and towards the rear of the property. The two stable buildings are centrally located while the three pastures are located adjacent to the undeveloped hillside residential property and Carbon Canyon Road. The horse arena is adjacent to Carbon Canyon Road and raised approximately 25 feet above the roadway (see Figure 7)

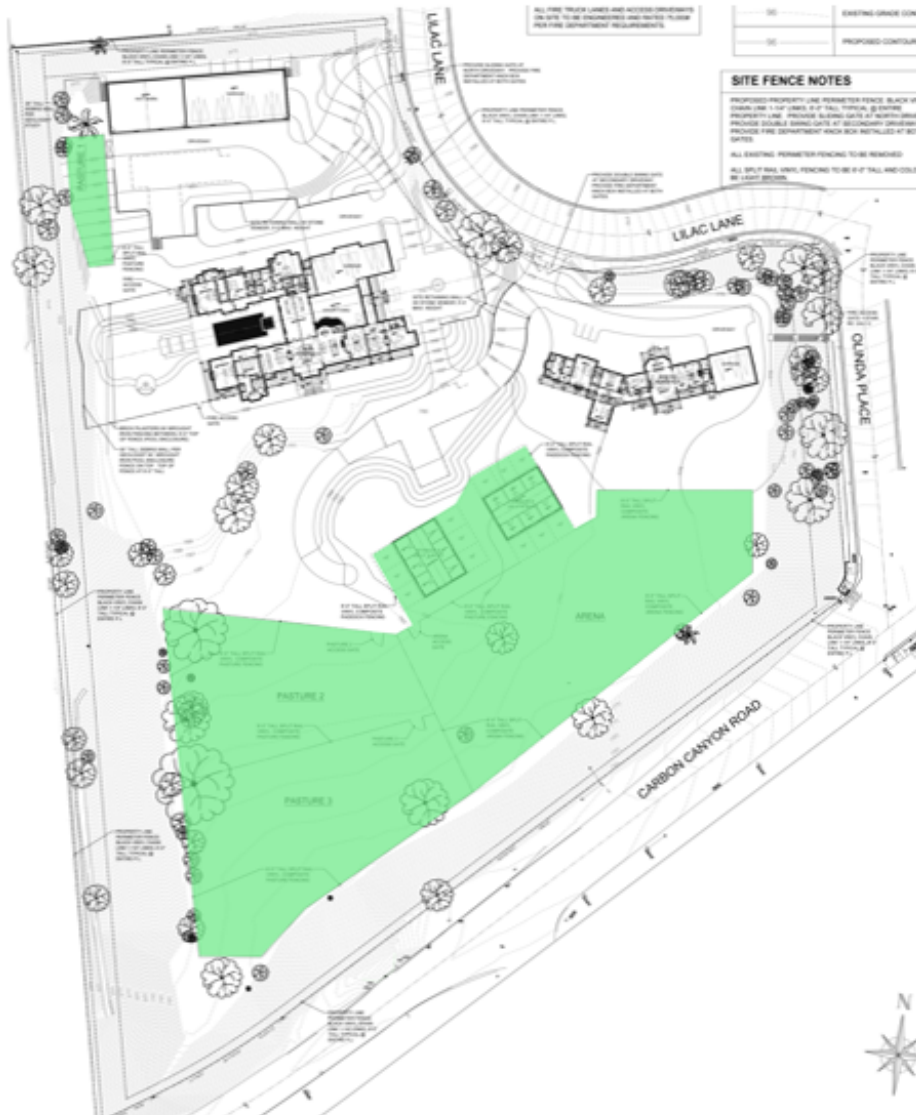


Figure 7: Proposed On-site Equestrian Facilities (Green Areas)

To approve a CUP within the Equestrian Overlay Zone, the Planning Commission must find 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. The project is accessed from Carbon Canyon (State Route 142), a 2-lane paved road with a dedicated left turn lane into Olinda Place. Access to the project is provided on Olinda Place on the east and Lilac Lane to the north. Olinda Place and Lilac Lane are both paved, 2-lane local streets improved with curb, gutter, and sidewalks. These roadways are suitable to handle the typical truck and trailer carrying capacity loads generated by the proposed uses as they currently provide access to the other equestrian properties within the Olinda Village neighborhood.

SUMMARY

The project complies with all applicable development standards for the proposed residential General Plan and Zoning designations. The project is compatible with existing development in the area, which includes many equestrian properties. The Olinda Village Homeowners Association has submitted correspondence indicating its support of the project (Attachment 8).

ENVIRONMENTAL ASSESSMENT

The proposed project is exempt from the requirement of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of Title 14, Chapter 3, Article 19 of the California Code of Regulations.

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

Prepared by: Sheri Vander Dussen, AICP, Contract Planner

Attachments

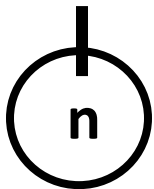
1. Technical Background
 2. Vicinity Map
 3. Public Hearing Notice
 4. Draft Resolution for General Plan Amendment and Zone Change
Draft Resolution for Conditional Use Permit
 6. Project Description
 7. Architectural and Site Plan
 8. Olinda Village Support Letter
-

TECHNICAL BACKGROUND

Case No:	General Plan Amendment No. GPA 20-02, Zone Change No. ZC 20-02, Conditional Use Permit No. CUP 20-07, and Certificate of Compatibility No. CUP 20-01
Property Location:	109 Lilac Lane
Applicant:	Donna Perez 1251 W Valencia Mesa Drive Fullerton, CA 92833
General Plan Designation:	Public Facilities
Zoning Designation:	Public Facilities
Adjacent Zoning	
North:	R-1 (E), Single-Family Residential (Equestrian)
South:	HR, Hillside Residential
West:	HR, Hillside Residential
East:	C-N, Neighborhood Commercial
Site and Neighborhood Characteristics:	The subject property is located to the south of the Olinda Village Neighborhood at the intersection of Carbon Canyon Road and Olinda Place. The neighborhood is rural in nature with a mixture of 1- and 2-story single-family detached houses, several of which are on large lots with equestrian uses.
Public Hearing Notices and Outreach:	Legal Notice was published on April 16, 2020 in the Star-Progress and notices were sent to 127 property owners within a 500-foot radius of the subject property.



SUBJECT PROPERTY AND VICINITY MAP



DATE: April 28, 2020

CASE NO: GPA 20-02, ZC 20-02, CC 20-01, CUP 20-07

TO: Property Owners within a 500-Foot Radius

FROM: City of Brea, Community Development Department

SUBJECT: GENERAL PLAN AMENDMENT NO. GPA 20-02, ZONE CHANGE NO. ZC 20-02, CONDITIONAL USE PERMIT NO. CUP 20-07, AND CERTIFICATE OF COMPATIBILITY NO. CC 20-01

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 requests shall be approved under the provisions of State Law and the Brea City Code as follows:

DATE AND TIME: Tuesday, April 28, 2020, 7:00 p.m.
OF HEARING: 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

PURSUANT TO THE LOCAL EMERGENCY CONCERNING THE COVID-19 VIRUS DECLARED BY THE CITY COUNCIL OF THE CITY OF BREA ON MARCH 19, 2020, AND EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 18, 2020, THE PLANNING COMMISSION MEETING MAY BE CONDUCTED IN WHOLE OR IN PART BY TELECONFERENCE.

FURTHER INFORMATION MAY BE OBTAINED BY CALLING THE PLANNING DIVISION AT (714)990-7674 OR BY EMAILING planning@cityofbrea.net. ALL PERSONS WISHING TO PARTICIPATE BY TELECONFERENCE SHOULD CONTACT THE CITY NO LATER THAN 4 HOURS BEFORE THE HEARING

REQUEST: General Plan Amendment No. GPA 20-02 and Zone Change No. ZC 20-02 are requests to change the land use and zoning designation from Public Facilities, PF to R-1(E), Single Family Residential (Equestrian Overlay). Certificate of Compatibility 20-01 is a request to develop approximately 8.51 acres with a single-family residence with accessory structures. Conditional Use Permit 20-07 would allow the development of private equestrian facilities, including boarding for up to 26 horses, an arena, and pasture areas. The property is located at 109 Lilac Lane, and is legally described as Map Book 315, page 011, parcel 19 as shown in the latest records of the County of Orange Tax Assessor.

PROPERTY INVOLVED: 109 Lilac Lane

APPLICANT: Donna Perez
 1251 W Valencia Mesa Drive, Fullerton, CA 92833

ENVIRONMENTAL INFORMATION: The City of Brea has determined that the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of said act.

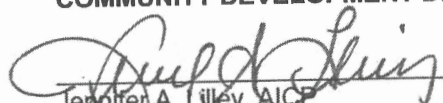
AREA MAP:



IF YOU CHALLENGE THIS GENERAL PLAN AMENDMENT NO. GPA 20-02, ZONE CHANGE NO. ZC 20-02, CONDITIONAL USE PERMIT NO. CUP 20-07, CERTIFICATE OF COMPATIBILITY NO. 20-01 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

CITY OF BREA notice of public hearing

RESOLUTION NO. PC 20-XX

A RESOLUTION OF THE BREA PLANNING COMMISSION REGARDING THE PROPERTY LOCATED AT 109 LILAC LANE, RECOMMENDING THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTION ON THE PROJECT: APPROVE GENERAL PLAN AMENDMENT NO. GPA 20-02, APPROVE ZONING DESIGNATION NO. ZC 20-02 AND CERTIFICATE OF COMPATIBILITY CC NO. 20-01

A. RECITALS:

(i) The Planning Commission of the City of Brea has heretofore held a duly noticed public hearing, as required by law, on a General Plan Amendment No. GPA 20-02 to change the General Plan land use designation on the subject property from Public Facilities to Low Density Residential; Zone Change No. ZC 20-02 to amend the zoning designation on the property from PF (Public Facilities) to R-1 (Single-Family Residential with Equestrian Overlay zone), thus amending Section 20.040.020 of Title 20 of the Brea Municipal Code; and Certificate of Compatibility No. CC 20-01 to allow development of a single-family home and related accessory structures; and recommending to the City Council the adoption of these applications.

(ii) The subject property is owned by the Brea Olinda Unified School District. The District declared the property as surplus and no longer necessary for the District's purposed in 2011. At this meeting of May 6, 2019, the District's Board of Directors approved a Purchase and Sale Agreement to transmit title of the property to Manuel Perez and Donna Perez.

(iii) The proposed General Amendment and related applications are necessary and appropriate to permit the subject property to be used for residential use since the site is no longer necessary for the District's purposes.

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Applicant: Donna Perez
GPA 20-02; ZC 20-02; CC 20-01

(iv) The subject property is located at 109 Lilac Lane, in the City of Brea, and legally described as a portion of Map Book 248, Page 19, Block 191, Parcel 23, as shown in the latest rolls of the County of Orange Tax Assessor.

(v) The project proponent is Donna Perez, 1251 W. Valencia Mesa, Fullerton, CA 92835. The project identified above in the Resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction or Conversion of Small Structures, of Division 6 of Title 14 of the California Code of Regulations.

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

B. RESOLUTION.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BREA
HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:**

1. The Planning Commission finds that all facts set forth in Recitals, Part A, of this Resolution, are true and correct.
2. Based on its findings in the preceding paragraphs of this Resolution, the evidence presented at the above-referenced public hearing, including but not limited to all written evidence and testimony presented during those hearings, and its own independent judgement, the Planning Commission hereby adopts the CEQA Findings as its own.
3. Based on its findings in the preceding paragraphs of this Resolution, including but not limited to the CEQA Findings, and the evidence presented at the above-

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referenced hearing, including but not limited to all written evidence and testimony presented during the hearing, the Planning Commission hereby further finds as follows:

a. The Commission hereby recommends that the City Council of the City of Brea adopt General Plan Amendment No. 20-02, as shown in Exhibit A attached hereto.

b. The Planning Commission further recommends that the City Council of the City of Brea adopt Zone Change No. 20-02, as shown in Exhibit B attached hereto, and Certificate of Compatibility No. CC 20-01, based on the following findings:

Finding: That the proposed change of the zone is in conformity with the General Plan, as amended. Where conflicts exist between the zone change and the General Plan, and it is determined that the proposed change of zone is in the interest of the city, the General Plan may be amended concurrently with the zone change.

Fact: The proposed change of zone is processed concurrently with the General Plan Amendment to modify the Land Use Element of the General Plan. Adoption of this Zone Change is consistent with the proposed General Plan designation of Low Density Residential. The request to change the zoning classification reflects the decision by the Brea Olinda Unified School District to dispose of the property since it is no longer needed for District purposed and is in keeping with the development pattern of the neighborhood. The Zoning Ordinance Amendment fulfills General Plan Housing Element Goal 1.0 by maintaining and improving the quality of existing housing and residential

neighborhoods in Brea; preserving the character, scale and quality of established residential neighborhoods.

Finding: The subject property is suitable for the uses permitted in the zone in terms of access, size of parcel, relationship to similar or related uses and other considerations deemed relevant by the Planning Commission and City Council.

Fact: The proposed project involves the development of a single-family residence, accessory dwelling unit and private equestrian facilities on a parcel of approximately 8.5 acres. The proposed project meets all the development standards of the zone and equestrian facilities have been designated to minimize impacts on adjoining properties. The overall design and appearance of the proposed project is consistent with the appearance of the neighborhood.

Finding: The proposed change of zone is not detrimental to the use of land in any adjacent zone.

Fact: The proposed change of zone will not be materially injurious or detrimental to real property or improvements nor will the zone change result in a significant adverse impact upon the environment, because the proposed amendment allows development of a single family residential home and related accessory uses on this site. The City has established appropriate development standards and imposed appropriate conditions of approval to ensure the proposed residential development is consistent with the surrounding development and will not have negative impacts on the existing uses.

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Finding: That the proposed structure, mobile or manufactured home is properly designated and complies with the requirements of the zone in which it is proposed.

Fact: The applicant has concurrently submitted applications to amend the General Plan and Zoning Code to designate the subject property for single-family residential development. The proposed development meets or exceeds all applicable development standards for the R-1 (E) zone.

Finding: That the proposed structure, mobile or manufactured home, with any conditions to be imposed, is in harmony with the various elements or objectives of the General Plan and is not economically or aesthetically detrimental to existing or previously approved uses, structures or mobile homes within the surrounding area.

Fact: The proposed project involves development of a single-family residence, accessory dwelling unit and private equestrian facilities on a parcel of approximately 8.5 acres. The equestrian facilities have been designed to minimize impacts and adjoining properties. The overall design and appearance of the proposed project is consistent with the appearance of the neighborhood.

Finding: That the proposed structure, mobile or manufactured home is aesthetically compatible with the other uses, structures, and mobile homes in the surrounding area.

Fact: The proposed development has been designed to comply with all applicable development standards, including site coverage, setbacks,

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fencing, fire access in landscaping. The design of the development will harmonize with and compliment development within the surrounding area and the neighborhood.

4. The Planning Commission recommends that the City Council approve General Plan Amendment No. GPA 20-02, Zone Change No. ZC 20-03 and Certificate of Compatibility CC 20-01, subject to conditions as set forth herein:

- a) Development must occur in substantial conformance with the plans and specifications submitted to the Planning Commission dated April 28, which includes a site plan, conceptual architectural elevations, color and materials board, conceptual grading plan and conceptual landscape plans on file in the Planning Division, the conditions contained herein, and all applicable City regulations.
- b) Prior to the issuance of a grading permit comma the property owner shall submit a final Hydrology and Hydraulic Study for review and approval. The Hydrology and Hydraulic study shall include but not limited to the following:
 - i. Any increased runoff from the proposed development shall be detain on site and the proposed discharge shall be equal or less than the existing conditions in terms of quantity and velocity.
 - ii. The final study must be demonstrate that the adjacent properties, streets an existing storm drain system are not negatively impacted by the proposed project.
 - iii. No property drainage shall be allowed to drain over the driveways and slopes. The on-site runoff shall be collected by yard basins, concrete gutters and rain through parkway drains an adequate drain property.
- c) Property owner shall submit improvement plans for review and approval. The improvement plan shall be prepared by a Registered Civil Engineer in accordance with the City of Brea Public Works Standards for public improvements. The property owners shall be responsible for the public improvements including but not limited to the following:
 - i. Abandoned the existing water lines servicing the old school site. The existing water lines shall be abandoned at the water main in Lilac Lane.

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- ii. Remove existing fire hydrant connected to the waterline to be abandoned and construct a new fire hydrate connected directly to the existing water main in Lilac Lanes per latest City of Brea Public Works Standards and per City of Brea Fire Department requirements.
 - iii. Install new water services per latest City of Brea Public Works Standards and pay the water impact and connection fees per latest city of Brea impact fee schedule.
 - iv. Submit a CCTV inspection of the existing ladder to be reused for Engineering Division review and approval prior to the connection. Property owner shall be responsible to abandon any un-used sewer lateral of the sewer main.
 - v. Remove and replace all existing improvements that are in conflict with the proposed improvements. All improvements to be constructed per latest city of Brea Public Works Standards.
- d) Property owner shall prepare and submit a priority Water Quality Management Plan (WQMP) for review and approval by the Public Works Department prior to the issuance of a grading permit. The entire property site shall be treated prior to discharge of the proposed in impervious area is greater than 50% of the proposed area.
- e) All new buildings or additions to be built or installed in areas containing combustible vegetation shall comply with the criteria set forth in the 'Brea Very High Fire Hazard Severity Zone requirements - Technical Design for New Construction Fuel Modification Plans and Maintenance Program.' A fuel modification plans shall be required since this project is in the Very High Fire Hazard Severity Zone (VHFHSZ). The property owner shall submit the Fuel Modification Plan to the Brea fire Department prior to the issuance of permits.
- f) The property shall submit the Fire Master Plan (FMP) to the Brea Fire Department prior to issuance of permits.
- g) Proposed home shall meet the top of slope step back and bottom of slope setback per California Code Chapter 18.
- h) The applicant shall submit to the Building and Safety Division site specific geotechnical investigation (soil report) along with structural calculations for project, in conjunction with submittal of applications for permits.

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- i) Prior to any construction, the applicant shall obtain building permits all structures from the Building and Safety Division. All structure shall comply with the most accurate City adopted codes.
- j) 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 this Conditional Use Permit No. 20-07; 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 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.

6. The Secretary of this Commission shall certify to the adoption of this Resolution; and forthwith transmit a copy of said Resolution to the City Clerk of the City of Brea.

ADOPTED AND APPROVED this 28th day of April, 2020.

Chairman, Planning Commission

I, Jennifer 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

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Applicant: Donna Perez

GPA 20-02; ZC 20-02; CC 20-01

Brea held on the 28th day of April, 2020, and was finally passed at a regular meeting of the Planning

Commission of the City of Brea, held on the 28th day of April, 2020, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST: _____
Secretary, Planning Commission

RESOLUTION NO. PC 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA RECOMMENDING THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS ON THE PROJECT REGARDING 109 LILAC LANE: APPROVE CONDITIONAL USE PERMIT NO. 20-07, ALLOWING THE DEVELOPMENT AND USE OF PRIVATE EQUESTRIAN FACILITIES

A. RECITALS:

(i) The Planning Commission of the City of Brea has heretofore held a duly noticed public hearing, as required by law, on a Conditional Use Permit to allow the development and operation of private equestrian facilities on a site larger than five (5) acres within the Equestrian Overlay Zone.

(ii) The subject property is located at 109 Lilac Lane, in the City of Brea, and legally described as portion Map Book 248, Page 19, Block 191, Parcel 23, as shown in the latest rolls of the County of Orange Tax Assessor.

(iii) The project proponent is Donna Perez, 1251 W. Valencia Mesa, Fullerton, CA 92835.

(iv) The proposed project identified above in this Resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction or Conversion of Small Structures, of Division 6 of Title 14 of the California Code of Regulations.

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

B. RESOLUTION.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
BREA HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:**

1. The Planning Commission finds that all facts set forth in Recitals, Part A, of this Resolution, are true and correct.

2. Based on its findings in the preceding paragraphs of this Resolution, the evidence presented at the above-referenced public hearing, including but not limited to all written evidence and testimony presented during those hearings, and its own independent judgement, the Planning Commission hereby adopts the CEQA Findings as its own.

3. Based on its findings in the preceding paragraphs of this Resolution, including but not limited to the CEQA Findings, and the evidence presented at the above-referenced hearing, including but not limited to all written evidence and testimony presented during the hearing, the Planning Commission hereby further finds as follows:

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

Fact: The applicant has concurrently submitted applications to amend the General Plan and Zoning Code to designate the subject property for single-family residential development. The application includes a request to apply the Equestrian Overlay Zone to the property. Said land use and zoning designations are consistent with the surrounding land uses. Section 20.263.050(B) of the Zoning Code allows the development of private equestrian facilities on sites of five acres or more within the Equestrian Overlay Zone.

b. Finding: That said use 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 the existing uses or to uses specifically permitted in the zone in which the proposed use(s) is located.

Fact: The proposed project involves the development of a single-family residence, accessory dwelling unit, and private equestrian facilities on a parcel of approximately 8.5 acres. The equestrian facilities have been located to minimize impacts on adjoining properties. The overall design and appearance of the proposed project is consistent with the appearance of nearby residence.

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

Fact: The proposed development and equestrian uses have been designed to comply with all applicable development standards, including site coverage, setbacks, fencing, fire access and landscaping. The design of the development will harmonize with and complement development on nearby properties.

d. Finding: That the proposed site relates to street and highways which are properly designated and improved to carry the type and quantity of traffic generated or to be generated by the proposed development.

Fact: The subject property was previously used as a public school by the Brea Olinda Unified School District. The proposed home and private equestrian facility will generate fewer trips than the prior school use. The surrounding streets will not be negatively affected by the proposed use.

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

Fact: The equestrian facilities have been located on the site in compliance with applicable development standards. Adequate provisions have been made to ensure animals can be confined to the site; animal waste can be removed regularly; and that emergency vehicles can access the site. The development is required to meet all development standards, building and fire safety requirements thereby not adversely affecting the public health, safety, or general welfare.

4. The Planning Commission recommends that the City Council approve Conditional Use Permit No. CUP 20-07, subject to the conditions as set forth herein:

- a) Development must occur in substantial conformance with the plans and specifications submitted to the Planning Commission dated April 28, which includes a site plan, conceptual architectural elevations, color and materials board, conceptual grading plan and conceptual landscape plans on file in the Planning Division, the conditions contained herein, and all applicable City regulations.
- b) All exterior light fixtures shall be designed to prevent light spillage beyond the property lines.
- c) The trash bin for horse bio-waste shall be accessed and picked up on the property. No curb cuts on Lilac Lane for trash bin pick up shall be permitted. The property owner shall agree to and sign the liability waiver with the solid waste collection company (Republic Services) for the bio-waste pick up on-site prior to the issuance of a grading permit.
- d) 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 this Conditional Use Permit No. 20-07; 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 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.

6. The Secretary of this Commission shall certify to the adoption of this Resolution; and forthwith transmit a copy of said Resolution to the City Clerk of the City of Brea.

ADOPTED AND APPROVED this 28th day of April, 2020.

Chairman, Planning Commission

I, Jennifer 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 28th day of April, 2020, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 28th day of April, 2020, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST: _____
Secretary, Planning Commission

109 LILAC LANE, BREA, CALIFORNIA, 92823
PROJECT NARRATIVE

Plan Review No. PR 19-10 Conditional use permit for a Single Family Residence and horse facility.

Project Description:

Single family residence with accessory dwelling unit and accessory structures including a second dwelling unit, 2 stables for horses, a hay barn and large garage structure. Corals are also proposed as simple vinyl fences approximately 4 foot 6 inches tall.

The scope of work includes some remedial grading as described in the geotechnical report, as well as some grading to improve drainage and erosion.

The proposed residences are 9,374 square feet and 4,576 square feet including garages. The stables are (2) at 1,900 square feet each and the garage and Hay barn are 5,454 square feet. The total site area is 370,696 square feet or 8.51 acres.

Fire truck access is provided with 2 fire truck rated roads 24 feet wide and engineered to sustain 75,000 # load as well as painted and striped to indicate fire lane use only.

26 horses will be accommodated at any given time on the property, both boarding and using the facility. A proper dumpster for horse biological waste has been set up on Lilac for pick up.

We feel, given the size of the parcel that the density and lot coverage is very low, as well as the grading fairly minor.

We have approached the neighbors and the surrounding community is very much in support of the project, we look forward to your comments.

Thank you for your consideration,

Fabio

PRIVATE RESIDENCE

109 LILAC LANE

BREA

CALIFORNIA

CONSULTANT LIST

OWNER	DONNA AND MANUEL PEREZ 251 W. VALENCIA MESA DRIVE FULLERTON, CA 92835
ARCHITECT	DOMANI ARCHITECTURE + PLANNING, INC. 226 S. BEVERLY DRIVE, SUITE 220 BEVERLY HILLS, CA 90212 PHONE 310.208.7600 FABIO@DOMANIINC.NET
CIVIL ENGINEER	MLB ENGINEERING 404 SOUTH LIVE OAK PARK ROAD FALLBROOK, CA 92028 PHONE 760.731.6603 MLBENESH@PACBELL.NET
LANDSCAPE	DAVID LAFORGA LANDSCAPE ARCHITECTURE 966 THIRD AVENUE LOS ANGELES, CA 90019 PHONE 626.242.3160 DAVID@LAFORGADESIGN.COM
SOILS ENGINEER	COAST GEOTECHNICAL, INC. 1200 WEST COMMONWEALTH FULLERTON, CA 92833 PHONE 714.870.1211 FAX 714.870.1222 COASTGEOTEC@SBCGLOBAL.NET

PROJECT INFORMATION

SCOPE OF WORK	PROPOSED MAIN RESIDENCE, SECOND RESIDENCE, TWO STABLES STRUCTURES AND A HAY BARN/ GARAGE STRUCTURE. SITE IMPROVEMENTS INCLUDE 3 PASTURE AREAS AND A HORSE ARENA.
JOB ADDRESS	109 LILAC LANE BREA, CA 92823
LEGAL DESCRIPTION	TRACT NO. 21815, IN THE CITY OF BREA, ORANGE COUNTY, STATE OF CALIFORNIA
APN	315-011-19
ZONE + TYPE	CURRENTLY ZONE PF (PUBLIC FACILITIES), CHANGE REQUEST TO R-1
TYPE OF CONSTRUCTION	TYPE V-B NON RATED
GROUP OF OCCUPANCY	R-3, U-1
FIRE SPRINKLERS	REQUIRED
LOT SIZE	8.51 ACRES (370,695.6 SQ. FT.)
ALLOWABLE BLDG. COVERAGE	35% OF LOT AREA (129,743.5 SQ. FT.)
GOVERNING CODES	CITY OF BREA MUNICIPAL CODE 2016 CALIFORNIA BUILDING CODE 2016 CALIFORNIA ELECTRICAL CODE 2016 CALIFORNIA PLUMBING CODE 2016 CALIFORNIA MECHANICAL CODE 2014 GREEN BUILDING STANDARDS CODE 2016 CALIFORNIA FIRE CODE CURRENT REQUIREMENTS OF ORANGE COUNTY FIRE CODE 2016 CALIFORNIA ENERGY CODE CURRENT REQUIREMENTS OF ENERGY CODE (TITLE 24)
MAIN RESIDENCE SETBACKS	FRONT YARD: 25'-0" REAR YARD: 25'-0" (BLDG. MAY GO AS CLOSE AS 10' (NOT TO EXCEED 25% OF REQ. YARD)) SIDE YARD: 7'-6" (5'-0" PLUS 2'-6" FOR STRUCTURES OVER 20' TALL) STREET SIDE: 20'-0"
ACCESS. STRUCT. SETBACKS	FRONT YARD: 25'-0" REAR YARD: 5'-0" (MINIMUM TO EAVE) SIDE YARD: 5'-0" (MINIMUM TO EAVE) STREET SIDE: 20'-0"
BUILDING HEIGHT LIMIT	MAXIMUM BUILDING HEIGHT IN R-1 ZONE IS 30'-0": MAIN RESIDENCE HEIGHT: 29.47' SECONDARY RESIDENCE HEIGHT: 25.47' STABLES 1 HEIGHT: 24.83' STABLES 2 HEIGHT: 24.83' HAY BARN / GARAGE: 29.75'

AREA BREAKDOWNS

PROPOSED FLOOR AREAS	
PROPOSED MAIN RESIDENCE AREA:	
CONDITIONED AREA:	7,587.8 SQ. FT.
UNCONDITIONED AREA:	1,786.3 SQ. FT.
TOTAL:	9,374.1 SQ. FT.
PROPOSED SECOND RESIDENCE AREA:	
CONDITIONED AREA:	3,566.6 SQ. FT.
UNCONDITIONED AREA:	1,010.0 SQ. FT.
TOTAL:	4,576.6 SQ. FT.
PROPOSED STABLE 1 AREA:	
CONDITIONED AREA:	0.0 SQ. FT.
UNCONDITIONED AREA:	1,900.0 SQ. FT.
TOTAL:	1,900.0 SQ. FT.
PROPOSED STABLE 2 AREA:	
CONDITIONED AREA:	0.0 SQ. FT.
UNCONDITIONED AREA:	1,900.0 SQ. FT.
TOTAL:	1,900.0 SQ. FT.
PROPOSED HAY BARN / GARAGE AREA:	
CONDITIONED AREA:	0.0 SQ. FT.
UNCONDITIONED AREA:	5,454.3 SQ. FT.
TOTAL:	5,454.3 SQ. FT.
TOTAL CONDITIONED AREA: 11,154.4 SQ. FT.	
TOTAL UNCONDITIONED AREA: 12,050.6 SQ. FT.	
TOTAL CONDITIONED AND UNCONDITIONED AREA COMBINED: 23,205.0 SQ. FT.	

CONSTRUCTION PHASING

CONSTRUCTION PHASING TO BE EXECUTED AS FOLLOWS:

- REMEDIATION GRADING PER THE SOILS REPORT
- BUILD DEBRIS WALLS PER SOILS REPORT
- GRADING PER CIVIL AND SOILS REPORT
- INSTALL PERIMETER FENCE AND GATES
- CONSTRUCTION OF SITE RETAINING WALLS
- CONSTRUCTION OF GARAGE RETAINING WALL
- INSTALLATION OF RIDING ARENA AND PASTURES
- GRADING OF BUILDING PADS
- GRADING OF ROADS
- CONSTRUCTION OF MAIN RESIDENCE
- CONSTRUCTION OF STABLES
- WHEN STABLES ARE COMPLETED, CONSTRUCTION OF GARAGE/HAY BARN BUILDING
- CONSTRUCTION OF SECONDARY DWELLING UNIT (SECOND RESIDENCE)
- COMPLETION OF PROJECT ESTIMATED 36 MONTHS

SHEET INDEX

A-0.0 COVER SHEET

CIVIL

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| 4 OF 5 | GRADING PLAN |
| 5 OF 5 | GRADING PLAN |

DRAINAGE EXHIBITS

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| 1 OF 1 | PROPOSED DRAINAGE PATTERN |

ARCHITECTURAL

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| A-1.1 | PROPOSED PARTIAL SITE PLAN (SCALE 1"=20'-0") |
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LANDSCAPE

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| LP-1 | PLANTING PLAN (PARTIAL SITE) |
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| LI-1 | IRRIGATION PLAN (PARTIAL SITE) |
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| LI-3 | IRRIGATION PLAN (PARTIAL SITE) |
| LI-4 | IRRIGATION PLAN (PARTIAL SITE) |

PLUMBING

- | | |
|-----|---|
| P-1 | EXISTING PLUMBING PLOT PLAN + SCHEDULES |
|-----|---|

PUBLIC OUTREACH CORRESPONDENCE



To: City of Brea
Public Outreach for Proposed Project at 109 Lilac Lane
Plan Review No.: PR 19-10 Second Submittal Comments
Job Address: 109 Lilac Lane, Brea, CA
Date: March 10, 2020

RE: Public Outreach Correspondence

Below please find an email correspondence our client received in January from Olinda Village Homeowners Association showing support for the proposed project.

From: fkreed@msn.com
Sent: 1/5/2020 1:33:57 PM Pacific Standard Time
Subject: Lilac Lane, Olinda Village

Dear Wally,

Thank you for forwarding the proposed home plans for the property at 109 Lilac Lane. We have circulated the plans to all the neighbors who currently belong to the Olinda Village Homeowners Association for their review. (Note: Not all residents belong to our homeowner group). We encouraged anyone with questions or concerns to contact you directly or to convey their thoughts to one of our current board members.

In over a month's time we have met with nothing other than support for the proposed plan. Any questions or concerns have been addressed and as a community within our HOA, we seem to be in agreement that the proposed plans for this site are in keeping with the look and feel of the village and will be an asset to the community.

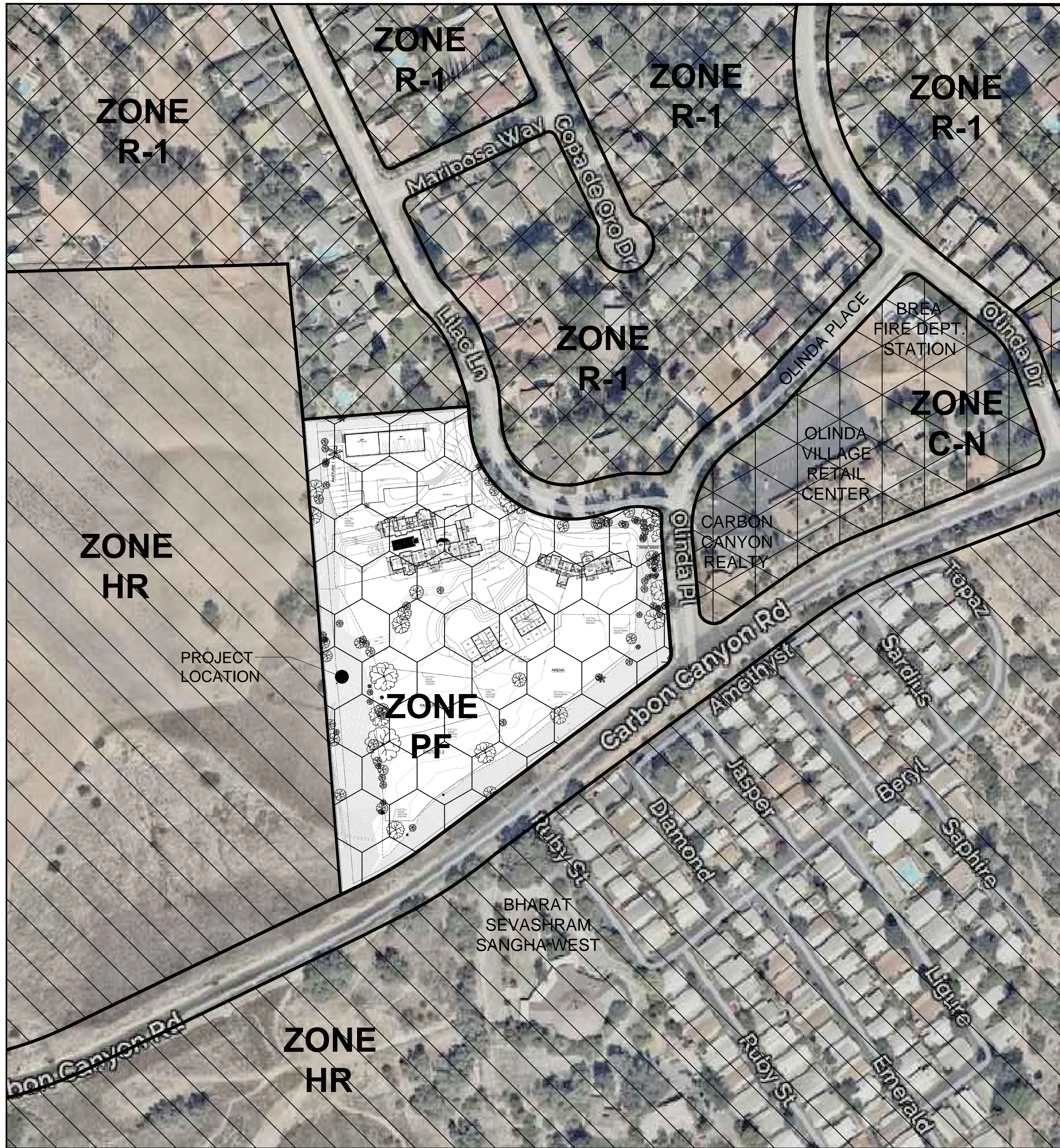
Please feel free to forward my contact information to the new neighbors. I would like to invite them to join our association and include them in our adult social this spring. It would be a wonderful opportunity for them to meet their soon to be community.

Regards,
Kelly Reed
Olinda Village Homeowners Association
Vice President
(714) 388-7969

REVISIONS:

DATE: MARCH 12, 2020
SCALE: N.T.S.
JOB NUMBER: MS-05-16

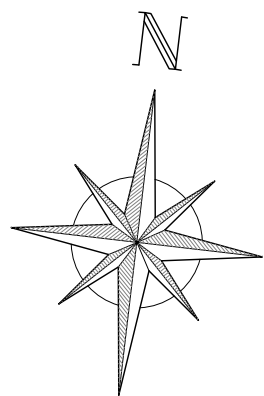
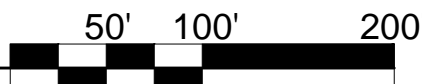




SITE UTILITY MAP LEGEND

	ZONE R-1: SINGLE FAMILY RESIDENTIAL
	ZONE HR: HILLSIDE RESIDENTIAL
	ZONE C-N: NEIGHBORHOOD COMMERCIAL
	ZONE PF: PUBLIC FACILITIES

1 PROPOSED SITE UTILITY MAP
1" = 100'-0"



CITY NOTES

AREAS IDENTIFIED AS HORSE PASTURES AND EXERCISE AREAS SHALL BE SHOWN AND SHALL BE A MINIMUM OF 75'-0" FROM ADJACENT RESIDENTIAL DWELLINGS.

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PRIVATE RESIDENCE
109 LILAC LANE
BREA, CA 92823

PROPOSED
SITE UTILITY MAP

REVISIONS:

DATE: MARCH 12, 2020
SCALE: 1" = 100'-0"
JOB NUMBER: MS-05-16



U-1.0

SITE PLAN LEGEND

	EXISTING GRADE CONTOURS
	PROPOSED CONTOURS

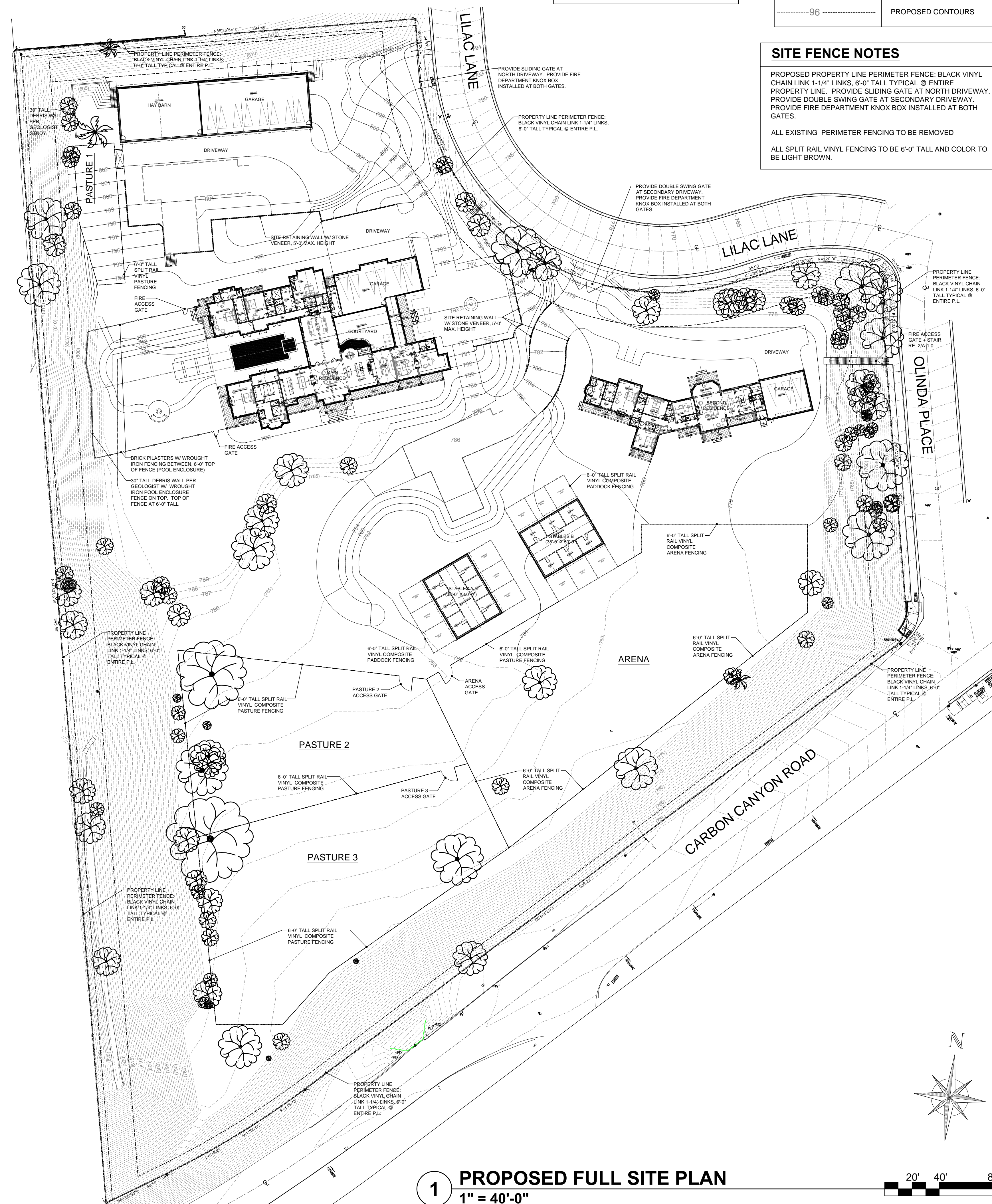
SITE FENCE NOTES

PROPOSED PROPERTY LINE PERIMETER FENCE: BLACK VINYL CHAIN LINK 1-1/4" LINKS, 6'-0" TALL TYPICAL @ ENTIRE PROPERTY LINE. PROVIDE SLIDING GATE AT NORTH DRIVEWAY. PROVIDE DOUBLE SWING GATE AT SECONDARY DRIVEWAY. PROVIDE FIRE DEPARTMENT KNOX BOX INSTALLED AT BOTH GATES.

ALL EXISTING PERIMETER FENCING TO BE REMOVED

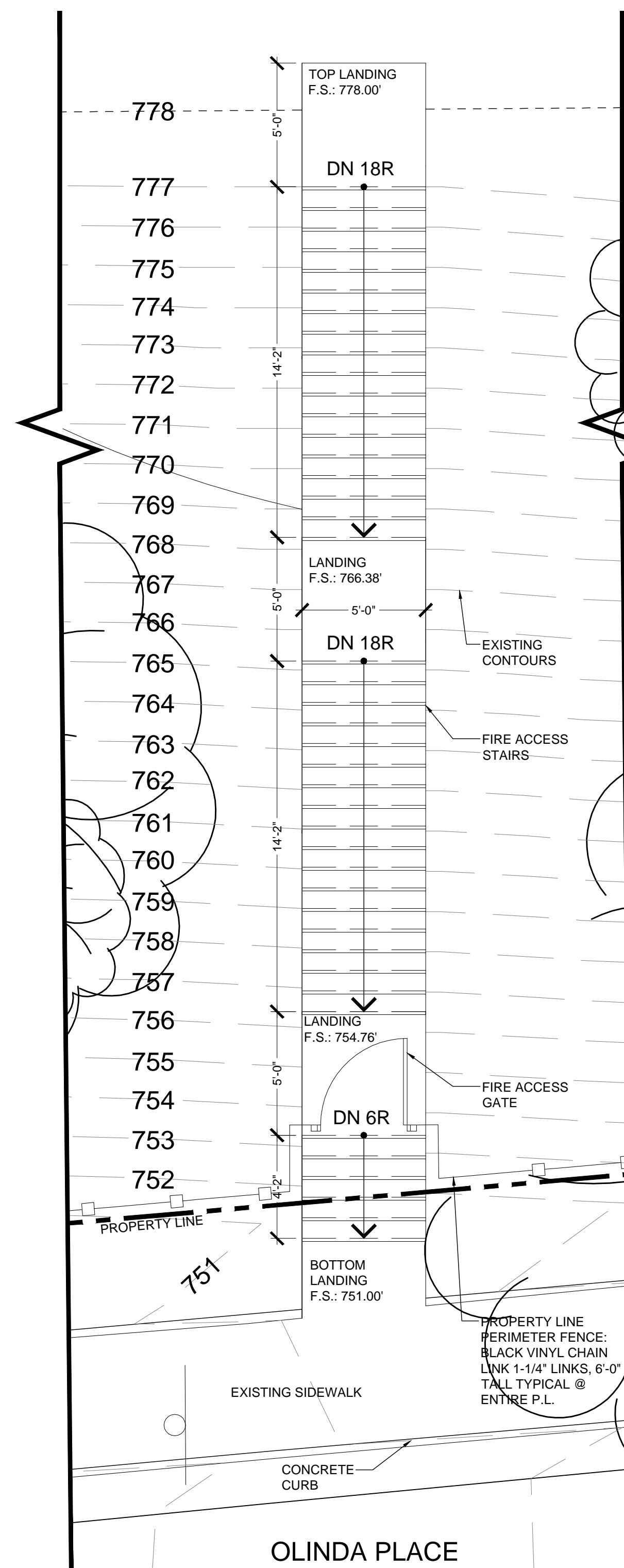
ALL SPLIT RAIL VINYL FENCING TO BE 6'-0" TALL AND COLOR TO BE LIGHT BROWN.

ALL FIRE TRUCK LANES AND ACCESS DRIVEWAYS ON SITE TO BE ENGINEERED AND RATED 75,000# PER FIRE DEPARTMENT REQUIREMENTS.



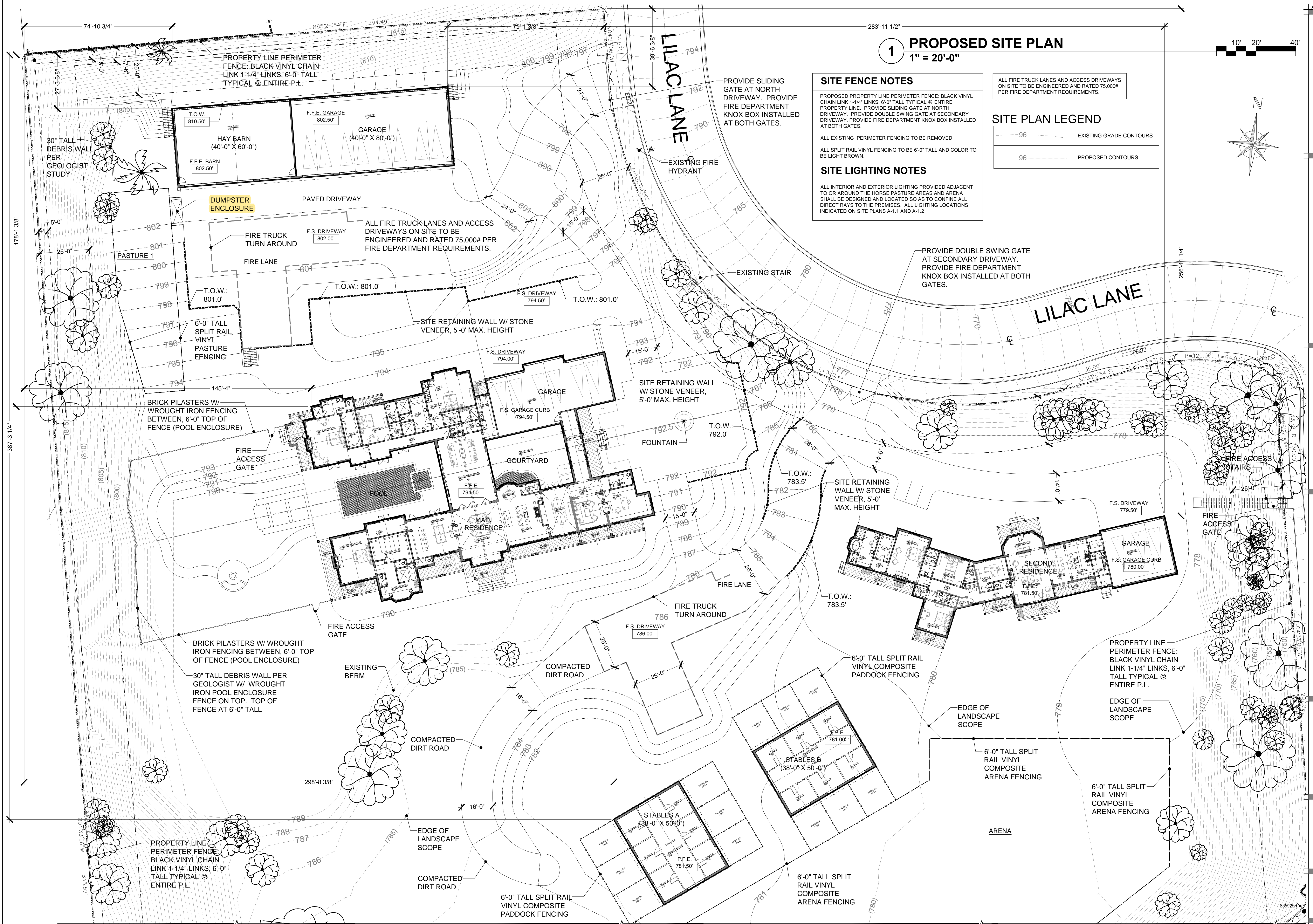
SITE LIGHTING NOTES

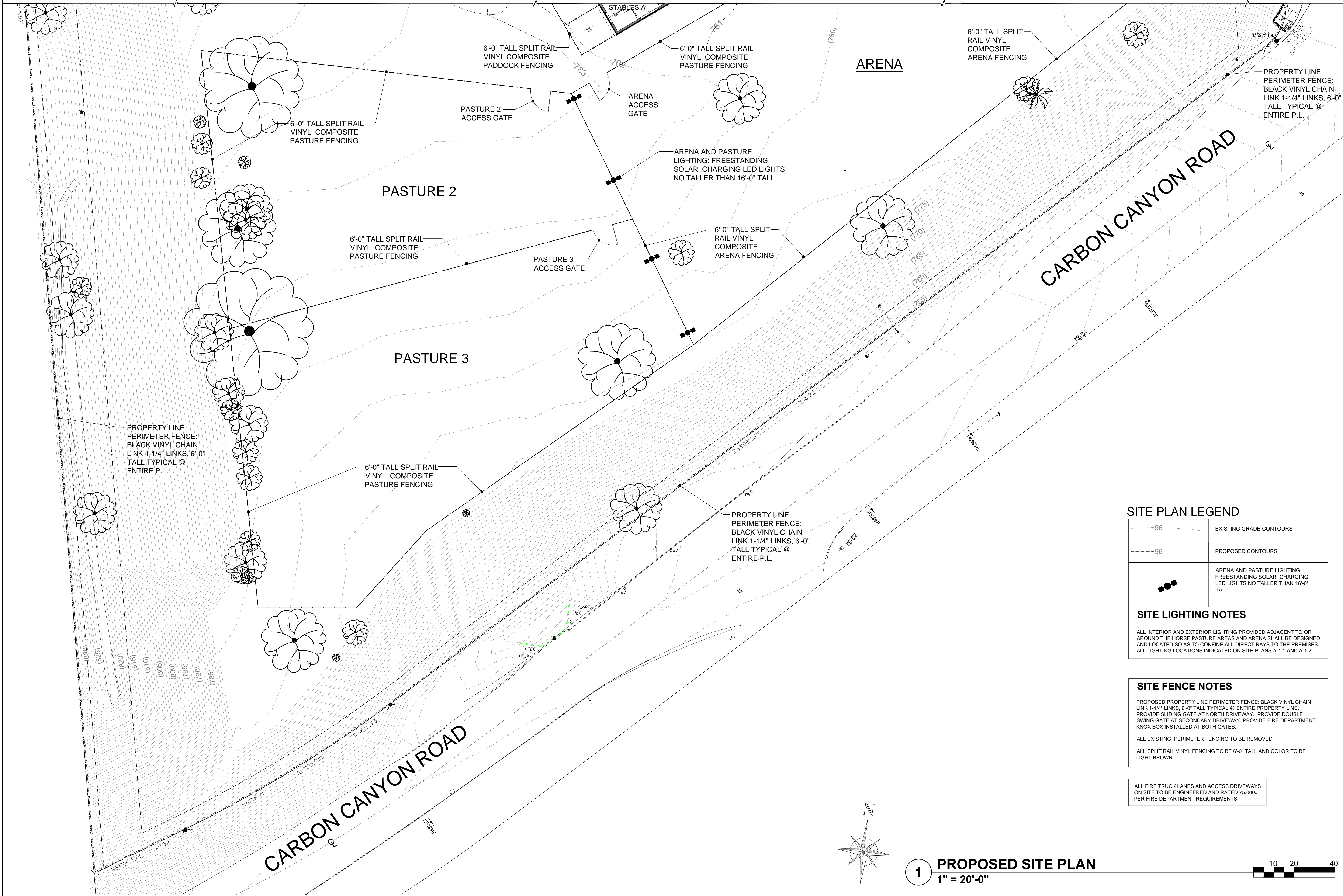
ALL INTERIOR AND EXTERIOR LIGHTING PROVIDED ADJACENT TO OR AROUND THE HORSE PASTURE AREAS AND ARENA SHALL BE DESIGNED AND LOCATED SO AS TO CONFINED ALL DIRECT RAYS TO THE PREMISES. ALL LIGHTING LOCATIONS INDICATED ON SITE PLANS A-1.1 AND A-1.2



2 PROPOSED FIRE ACCESS STAIR @ OLINDA PLACE
1/8" = 1'-0"

1 PROPOSED FULL SITE PLAN
1" = 40'-0"





SITE PLAN LEGEND

	EXISTING GRADE CONTOURS
	PROPOSED CONTOURS
	ARENA AND PASTURE LIGHTING: FREESTANDING SOLAR CHARGING LED LIGHTS NO TALLER THAN 16'-0" TALL

SITE LIGHTING NOTES

ALL INTERIOR AND EXTERIOR LIGHTING PROVIDED ADJACENT TO OR AROUND THE HORSE PASTURE AREAS AND ARENA SHALL BE DESIGNED AND LOCATED SO AS TO CONFINE ALL DIRECT RAYS TO THE PREMISES. ALL LIGHTING LOCATIONS INDICATED ON SITE PLANS A-1.1 AND A-1.2

SITE FENCE NOTES

PROPOSED PROPERTY LINE PERIMETER FENCE: BLACK VINYL CHAIN LINK 1-1/4" LINKS, 6'-0" TALL TYPICAL @ ENTIRE PROPERTY LINE. PROVIDE SLIDING GATE AT NORTH DRIVEWAY. PROVIDE DOUBLE SWING GATE AT SECONDARY DRIVEWAY. PROVIDE FIRE DEPARTMENT KNOX BOX INSTALLED AT BOTH GATES.

ALL EXISTING PERIMETER FENCING TO BE REMOVED

ALL SPLIT RAIL VINYL FENCING TO BE 6'-0" TALL AND COLOR TO BE LIGHT BROWN.

ALL FIRE TRUCK LANES AND ACCESS DRIVEWAYS ON SITE TO BE ENGINEERED AND RATED 75,000# PER FIRE DEPARTMENT REQUIREMENTS.

1 **PROPOSED SITE PLAN**
1" = 20'-0"



ATTACHMENT 7

DOMANI

ARCHITECTURE + PLANNING INC.

FABIO RIGO DE RIGHI | ARCHITECT
228 S. BEVERLY DRIVE | SUITE 220
BEVERLY HILLS | CALIFORNIA | 90212
T: 310.208.7800

PRIVATE RESIDENCE

109 LILAC LANE
BREA, CA 92823

PROPOSED

SITE PLAN (PARTIAL)

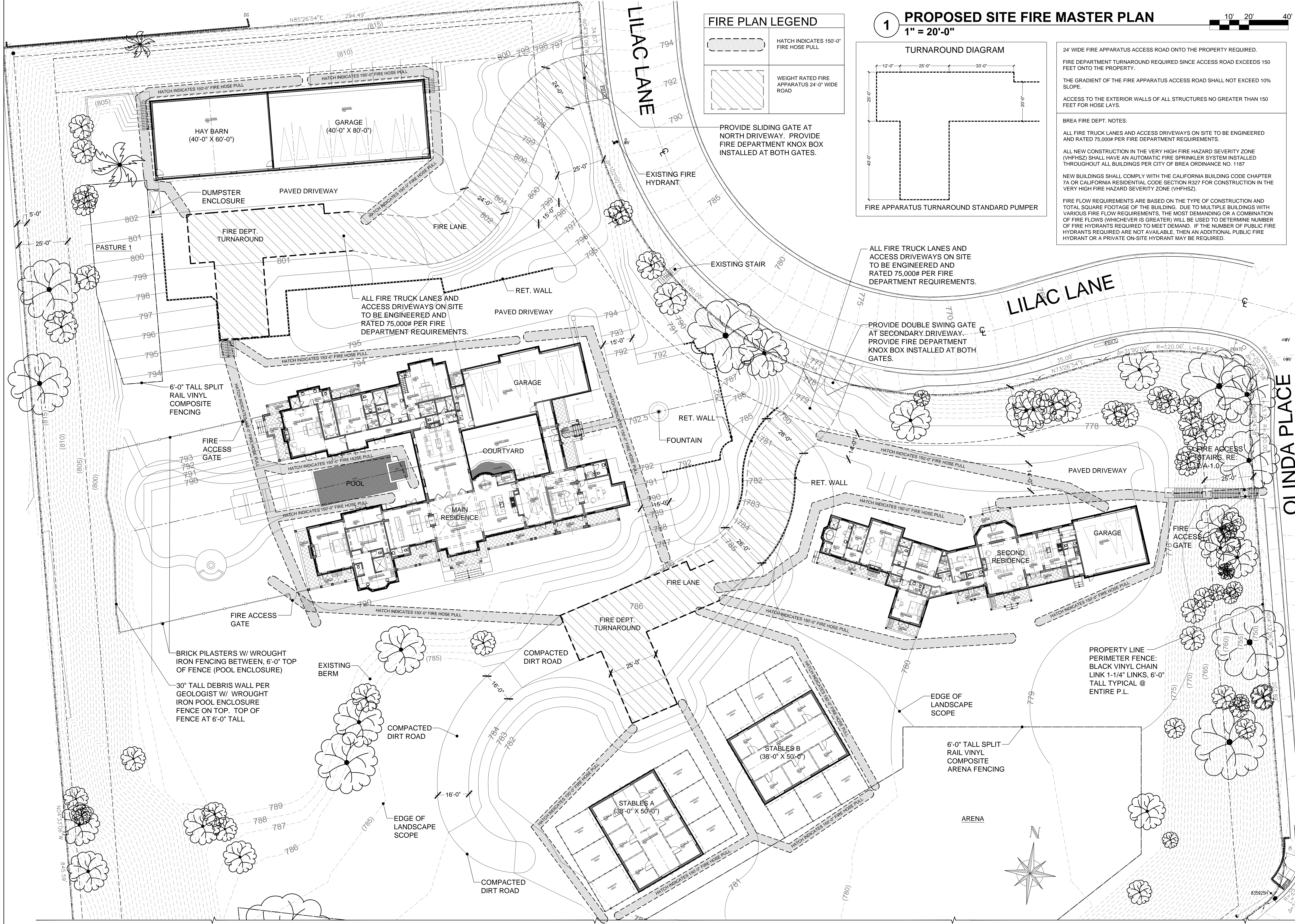
REVISIONS:

DATE: MARCH 12, 2020

SCALE: 1"=20'-0"

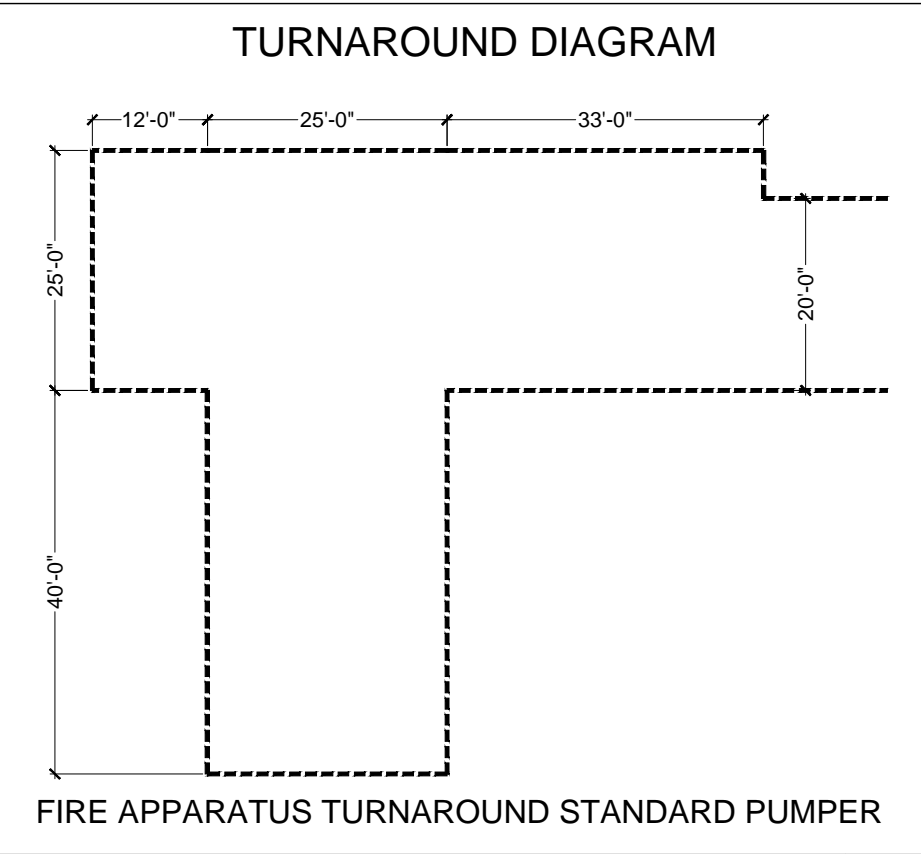
JOB NUMBER:MS-05-16

A-1.2



FIRE PLAN LEGEND	
	HATCH INDICATES 150'-0" FIRE HOSE PULL
	WEIGHT RATED FIRE APPARATUS 24'-0" WIDE ROAD

1 PROPOSED SITE FIRE MASTER PLAN
1" = 20'-0"



24' WIDE FIRE APPARATUS ACCESS ROAD ONTO THE PROPERTY REQUIRED.
FIRE DEPARTMENT TURNAROUND REQUIRED SINCE ACCESS ROAD EXCEEDS 150 FEET ONTO THE PROPERTY.
THE GRADIENT OF THE FIRE APPARATUS ACCESS ROAD SHALL NOT EXCEED 10% SLOPE.
ACCESS TO THE EXTERIOR WALLS OF ALL STRUCTURES NO GREATER THAN 150 FEET FOR HOSE LAYS.

BREA FIRE DEPT. NOTES:
ALL FIRE TRUCK LANES AND ACCESS DRIVEWAYS ON SITE TO BE ENGINEERED AND RATED 75,000# PER FIRE DEPARTMENT REQUIREMENTS.
ALL NEW CONSTRUCTION IN THE VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHSZ) SHALL HAVE AN AUTOMATIC FIRE SPRINKLER SYSTEM INSTALLED THROUGHOUT ALL BUILDINGS PER CITY OF BREA ORDINANCE NO. 1187
NEW BUILDINGS SHALL COMPLY WITH THE CALIFORNIA BUILDING CODE CHAPTER 7A OR CALIFORNIA RESIDENTIAL CODE SECTION R327 FOR CONSTRUCTION IN THE VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHSZ).
FIRE FLOW REQUIREMENTS ARE BASED ON THE TYPE OF CONSTRUCTION AND TOTAL SQUARE FOOTAGE OF THE BUILDING. DUE TO MULTIPLE BUILDINGS WITH VARIOUS FIRE FLOW REQUIREMENTS, THE MOST DEMANDING OR A COMBINATION OF FIRE FLOWS (WHICHEVER IS GREATER) WILL BE USED TO DETERMINE NUMBER OF FIRE HYDRANTS REQUIRED TO MEET DEMAND. IF THE NUMBER OF PUBLIC FIRE HYDRANTS REQUIRED ARE NOT AVAILABLE, THEN AN ADDITIONAL PUBLIC FIRE HYDRANT OR A PRIVATE ON-SITE HYDRANT MAY BE REQUIRED.

ATTACHMENT 7

DOMANI ARCHITECTURE + PLANNING INC.
FABIO RIGO DE RIGHI ARCHITECT
228 S. BEVERLY DRIVE | SUITE 220
BEVERLY HILLS | CALIFORNIA | 90212
T: 310.206.7600

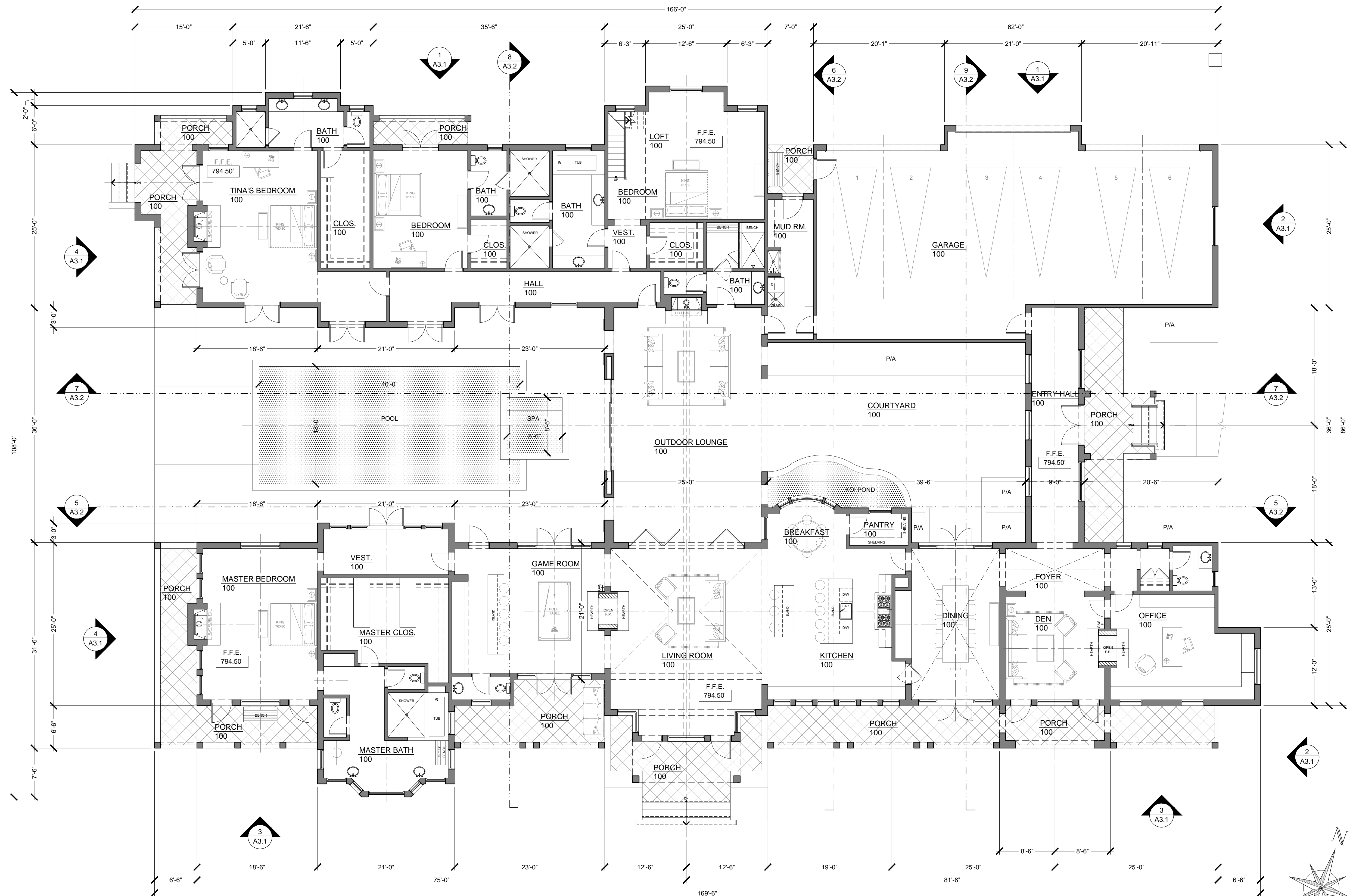
PRIVATE RESIDENCE
109 LILAC LANE
BREA, CA 92823

PRELIMINARY
FIRE MASTER PLAN (FMP)

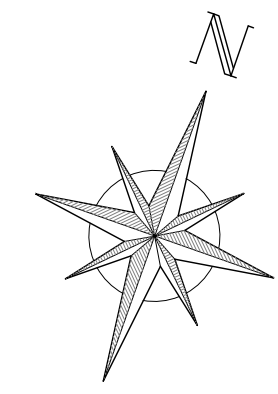
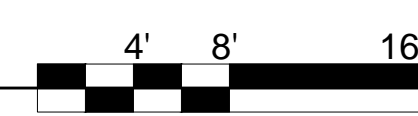
REVISIONS:

DATE: MARCH 12, 2020
SCALE: 1"=20'-0"
JOB NUMBER: MS-05-16

A-1.3



1 PROP. MAIN RESIDENCE FLOOR PLAN
1/8" = 1'-0"



ATTACHMENT 7

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PRIVATE RESIDENCE
109 LILAC LANE
BREA, CA 92823

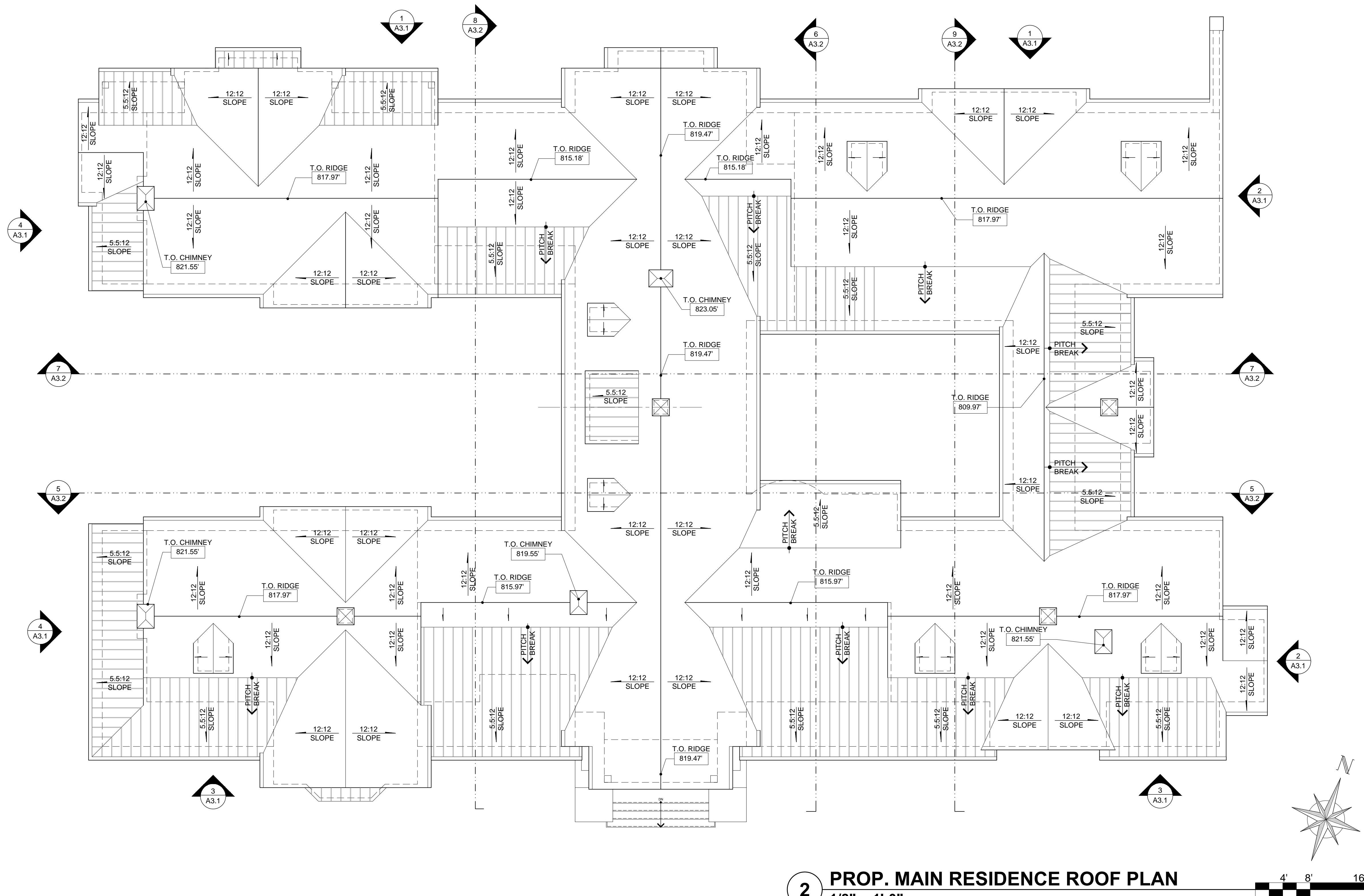
PROP. MAIN RESIDENCE FLOOR PLAN

REVISIONS:

NO.	DATE	DESCRIPTION
1	MARCH 12, 2020	SCALE: 1/8" = 1'-0"
2	JOB NUMBER: MS-05-16	

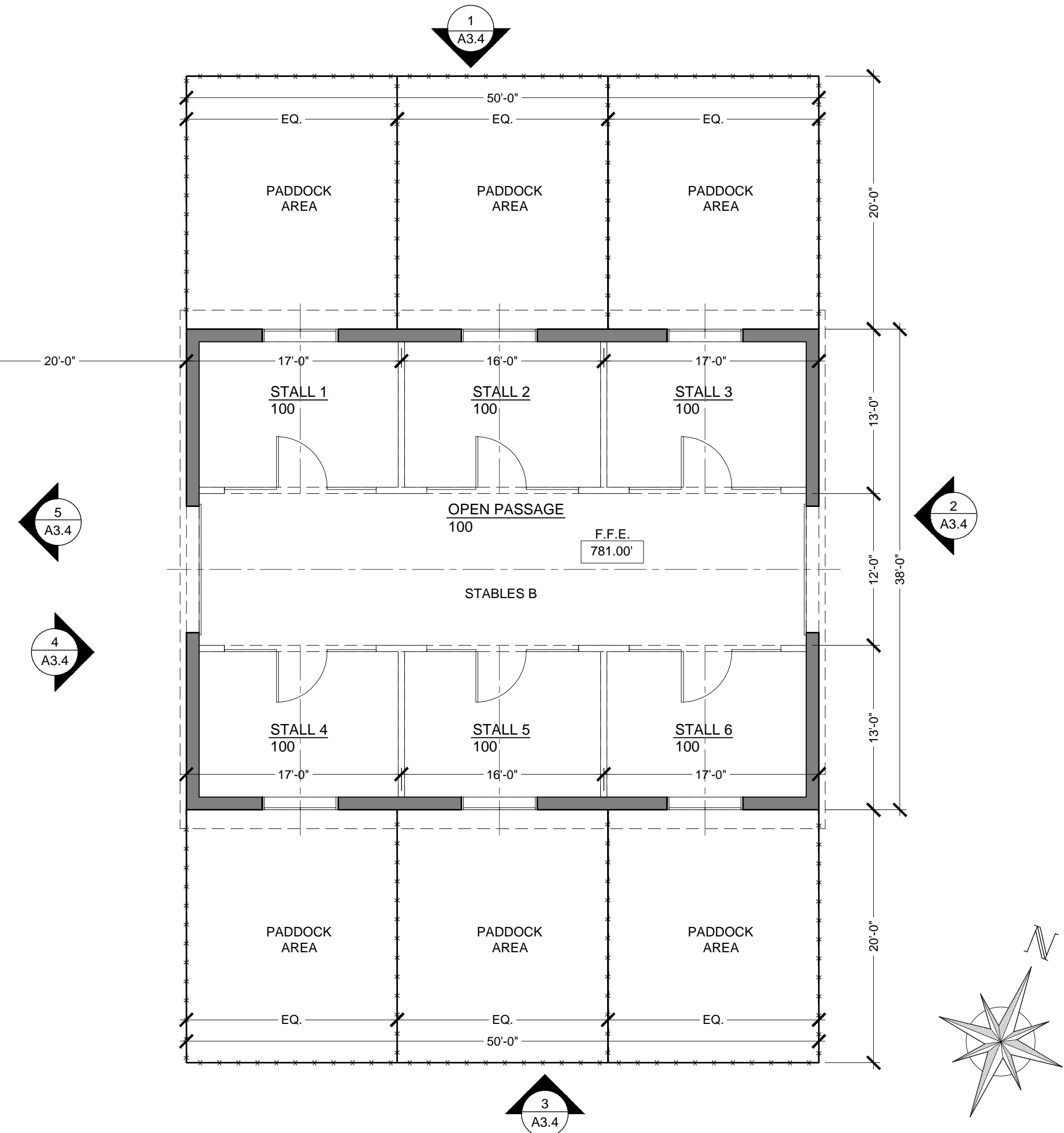
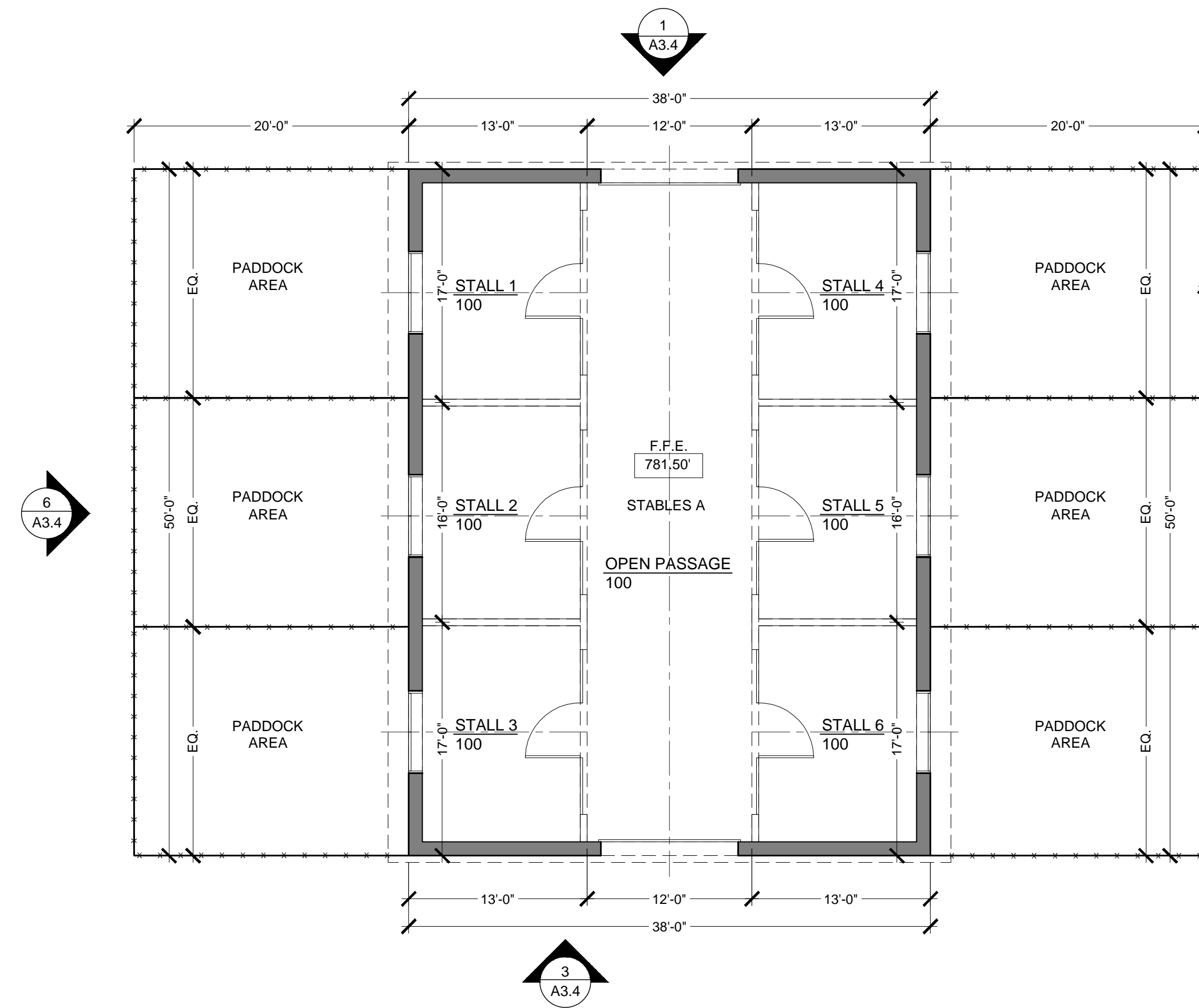
DATE: MARCH 12, 2020
SCALE: 1/8" = 1'-0"
JOB NUMBER: MS-05-16

A-2.1

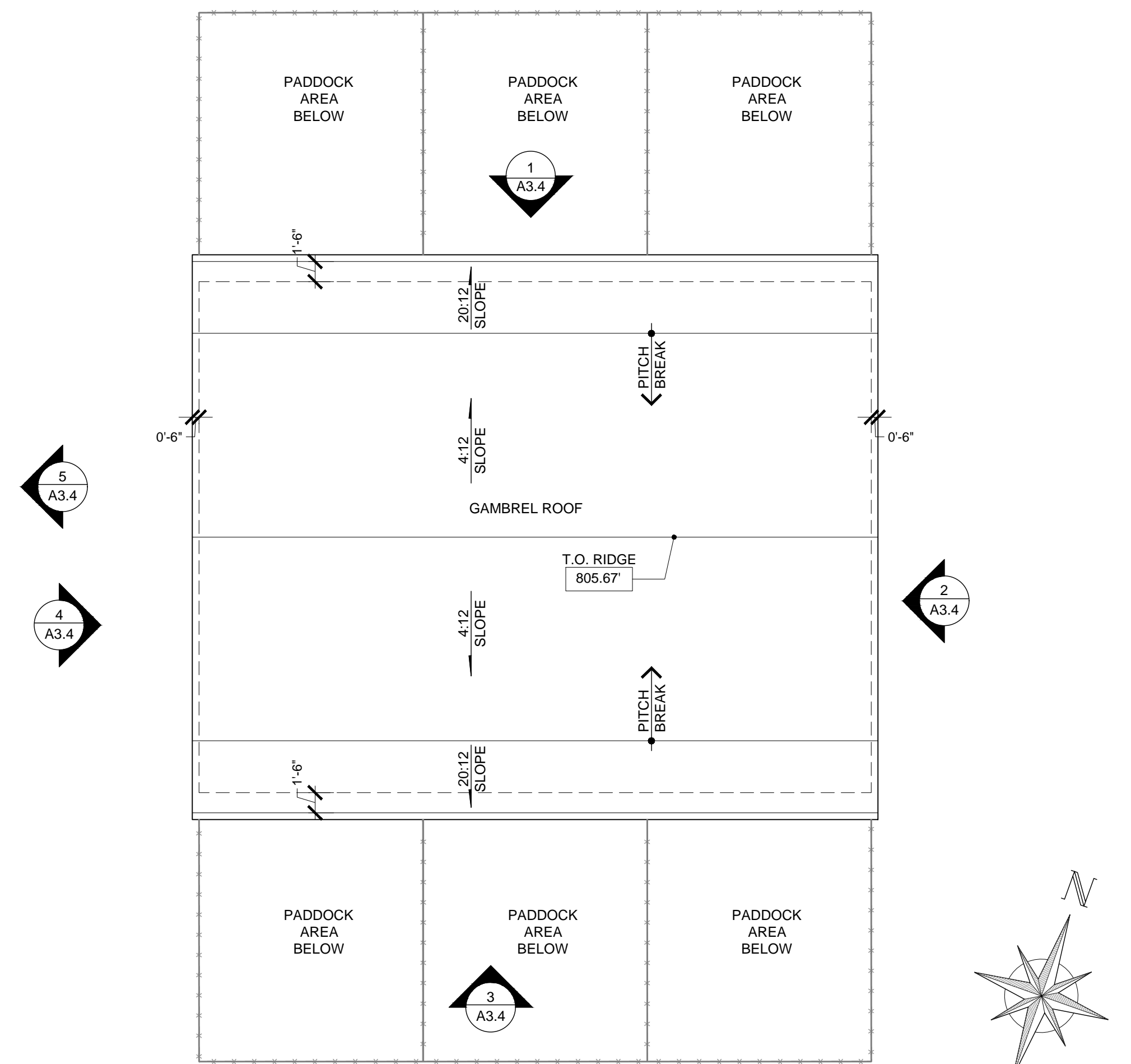
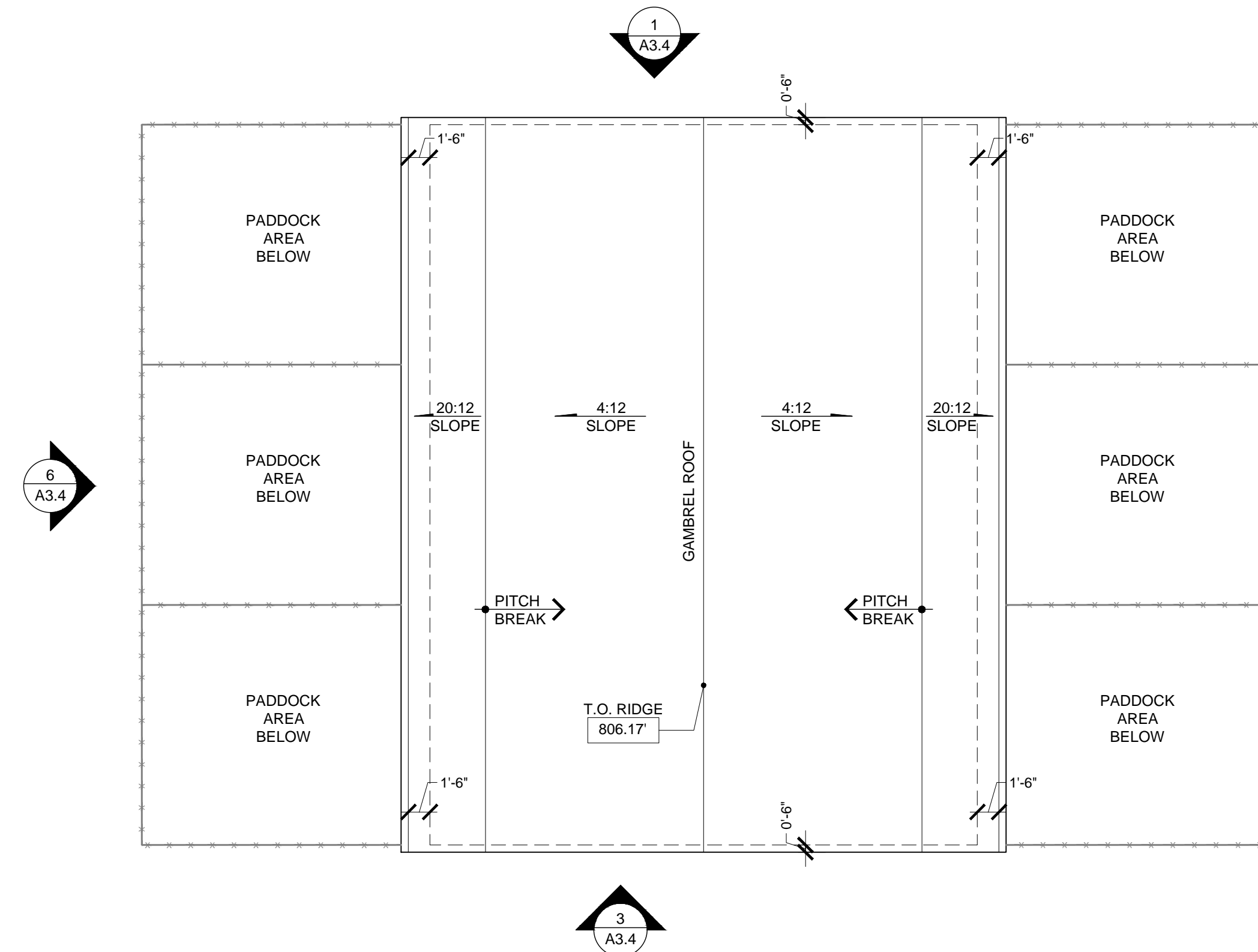


2 PROP. MAIN RESIDENCE ROOF PLAN
1/8" = 1'-0"

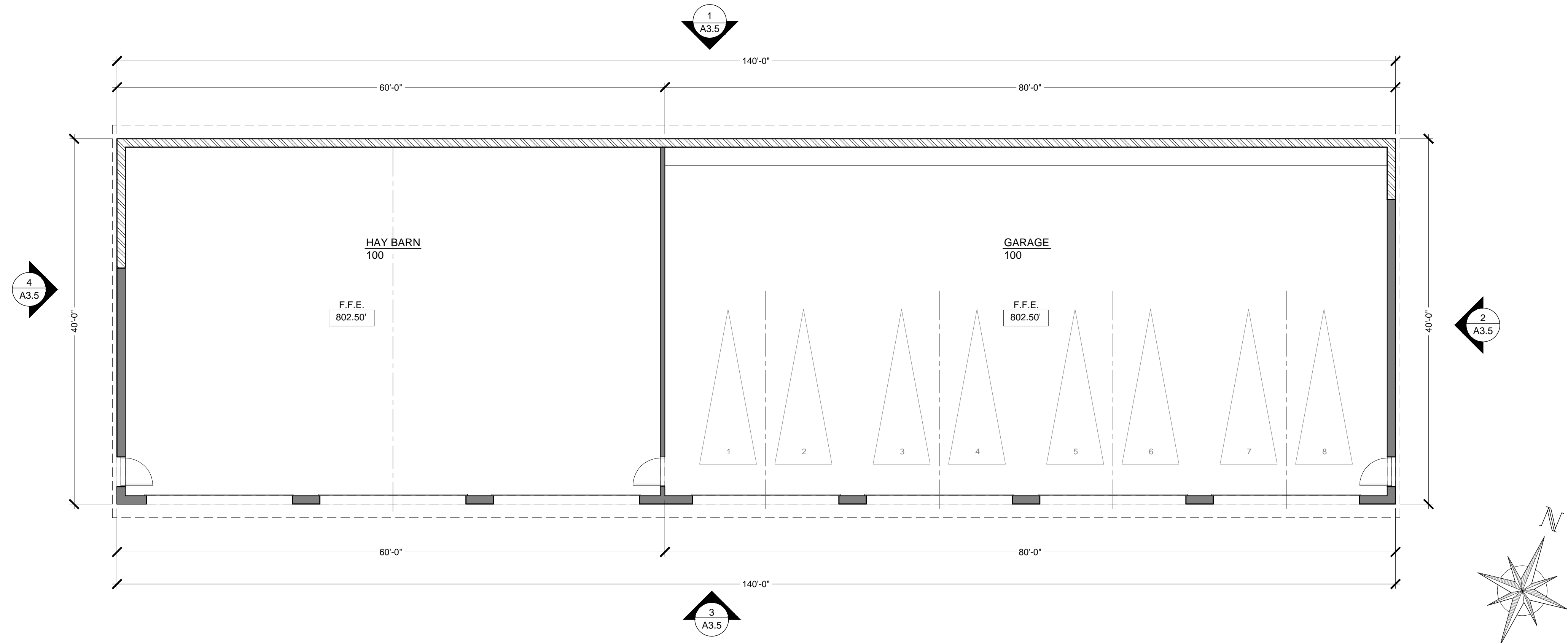




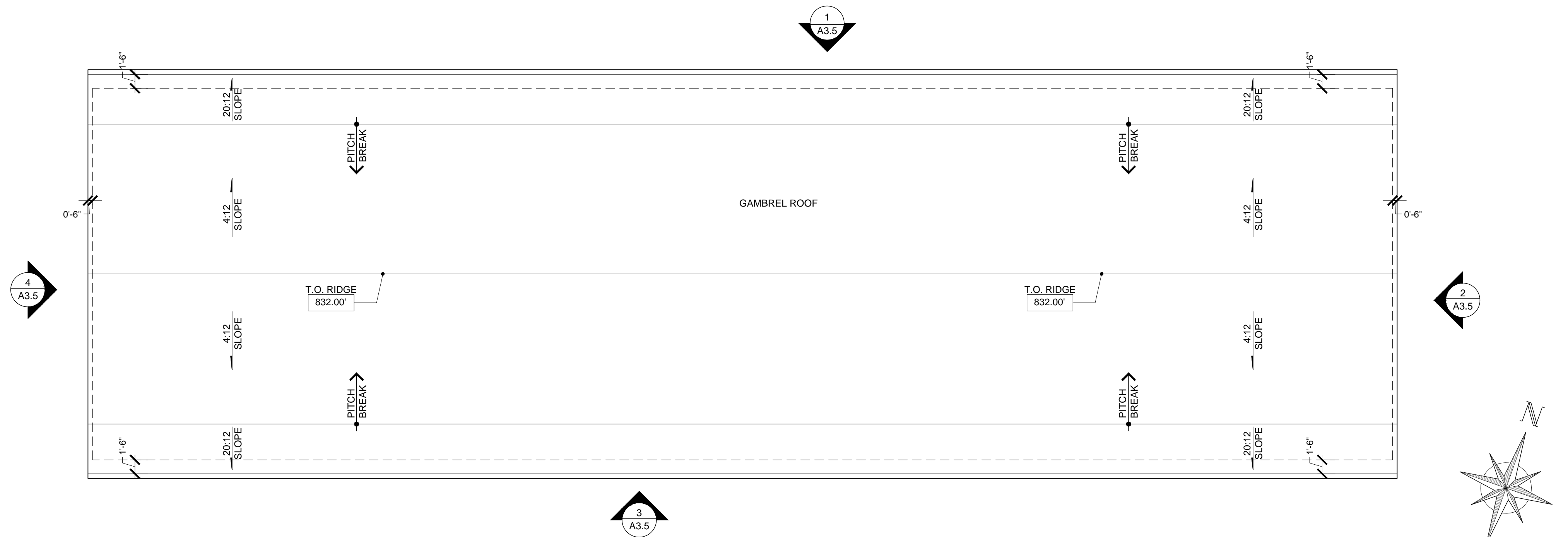
1 PROPOSED STABLES FLOOR PLAN
1/8" = 1'-0"



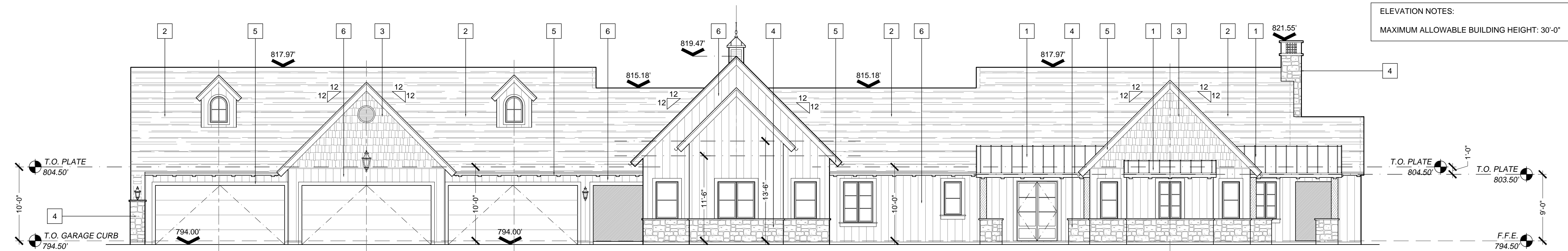
2 PROPOSED STABLES ROOF PLAN
1/8" = 1'-0"



1 PROP. HAY BARN / GARAGE FLOOR PLAN
1/8" = 1'-0"

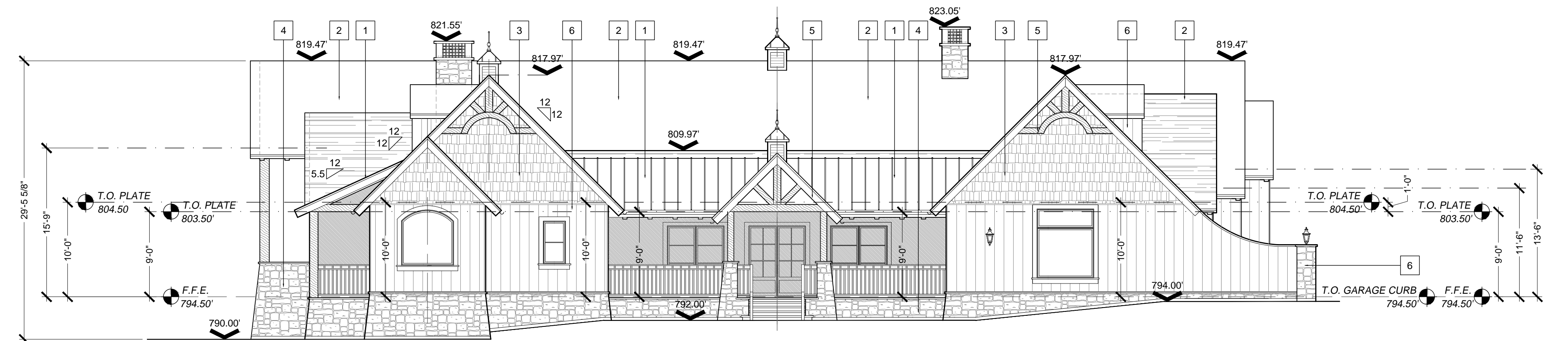
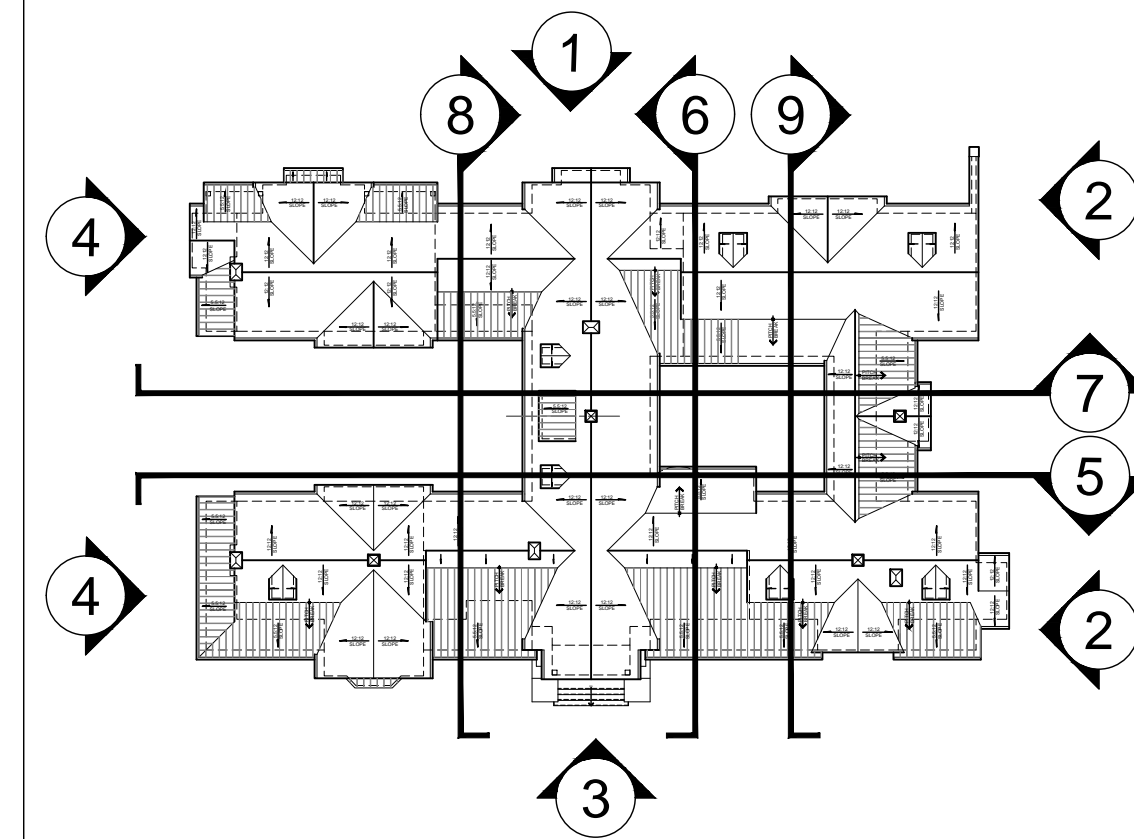


2 PROP. HAY BARN / GARAGE ROOF PLAN
1/8" = 1'-0"

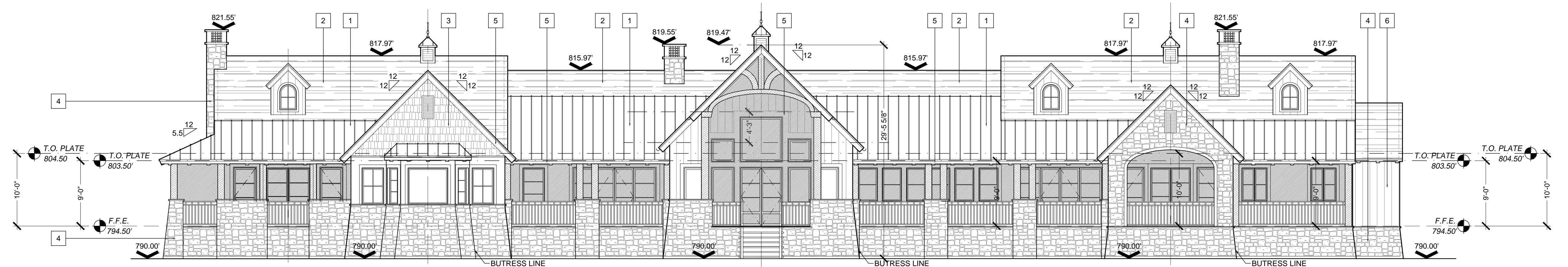


1 PROPOSED NORTH ELEVATION
1/8" = 1'-0"

ELEVATIONS KEY DIAGRAM



2 PROPOSED EAST ELEVATION
1/8" = 1'-0"



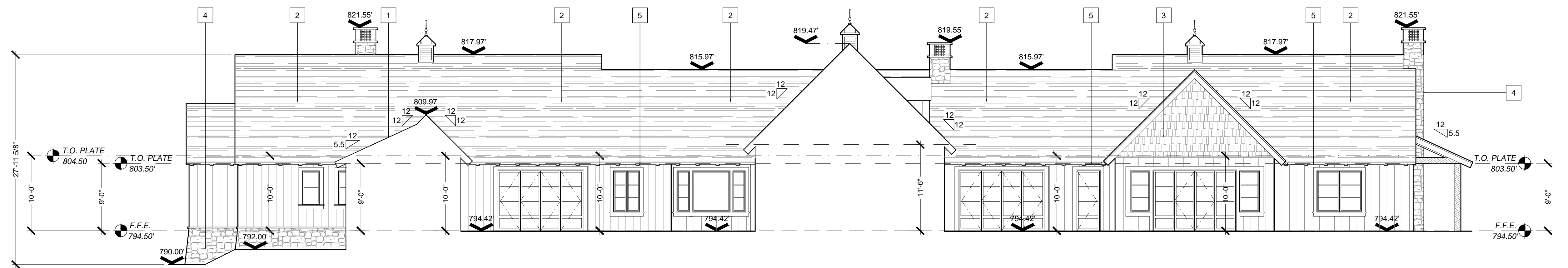
3 PROPOSED SOUTH ELEVATION
1/8" = 1'-0"

MATERIAL LIST

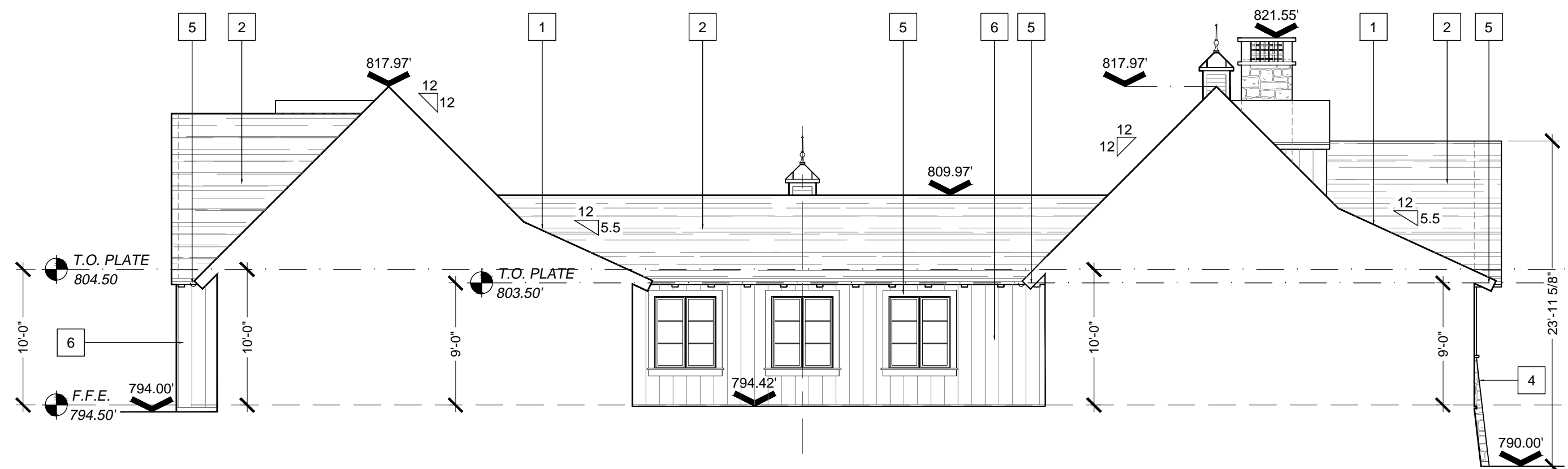
- 1 ROOF: WESTERN STATES METAL ROOFING, "STREAKED RUST" COLOR
- 2 ROOF: CEDUR - SYNTHETIC SHAKE SHINGLE, COLOR "GOLDEN CEDAR", 10" EXPOSURE
- 3 SHINGLE SIDING: NATURAL CEDAR WOOD SHINGLE SIDING WITH STAGGERED BUTTLINE
- 4 NATURAL STONE RUBBLE: "SANTA BARBARA RUBBLE"
- 5 WOOD TRIM, EAVES AND RAFTER TAILS: "RESAWN TIMBER COMPANY" KEBONY WOOD, COLOR VEI
- 6 WOOD SIDING: NATURAL WOOD SIDING, COLOR "WEATHERED GRAY"
- 7 BLACK WROUGHT IRON FENCING WITH WEATHERED RED BRICK PILASTERS



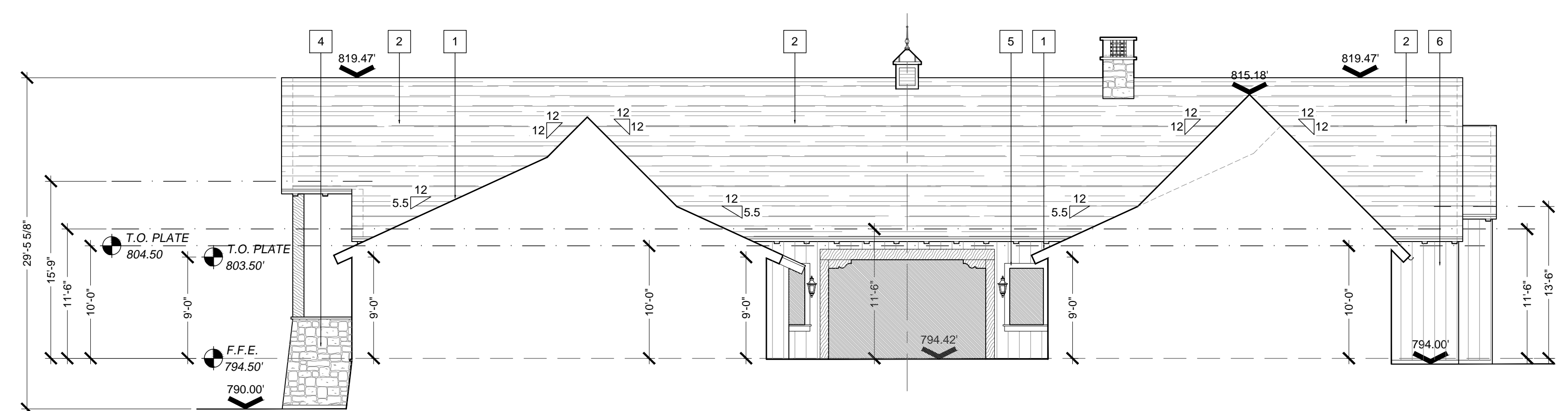
4 PROPOSED WEST ELEVATION
1/8" = 1'-0"



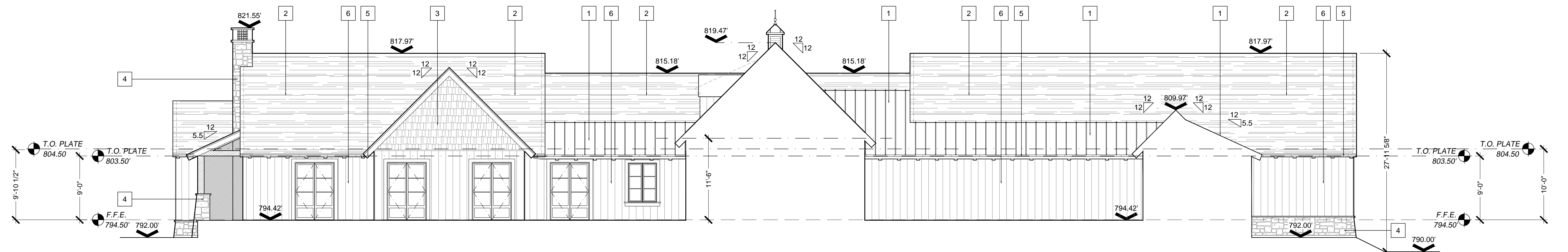
5 PROPOSED NORTH ELEVATION
1/8" = 1'-0"



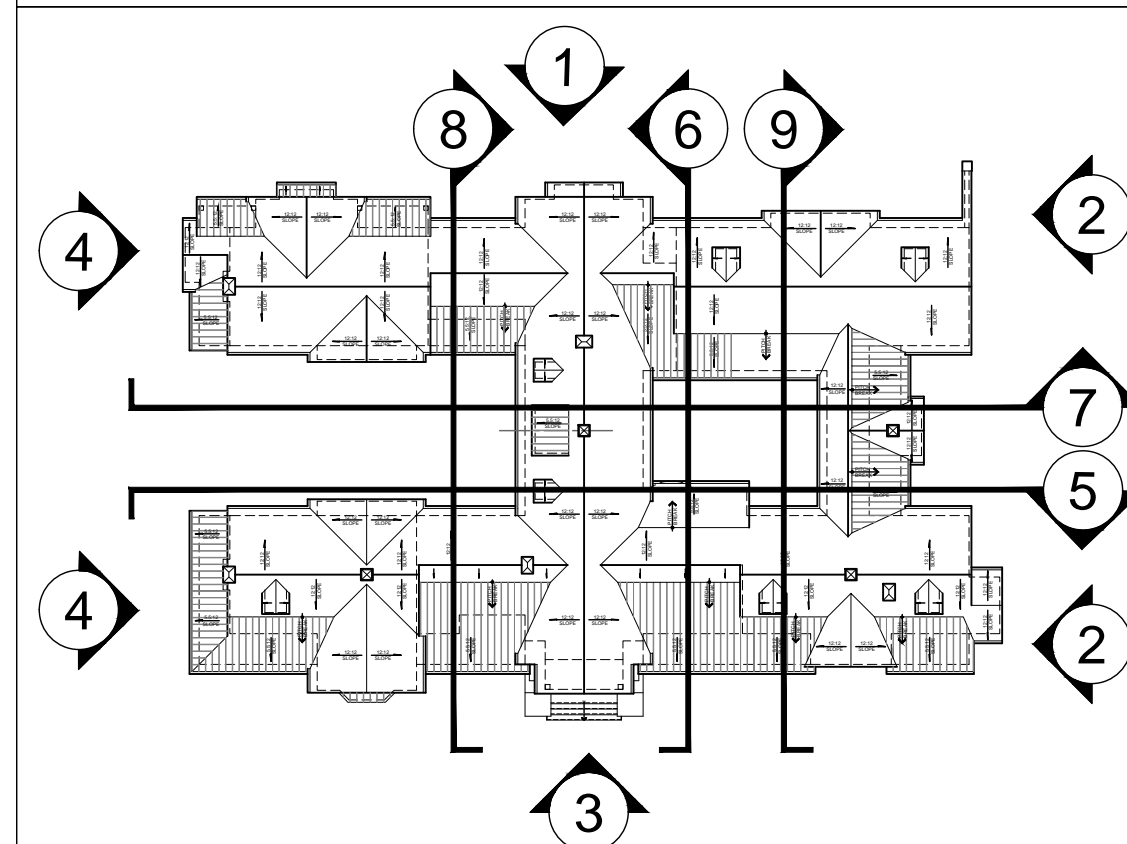
9 PROPOSED WEST ELEVATION
1/8" = 1'-0"



6 PROPOSED EAST ELEVATION
1/8" = 1'-0"



7 PROPOSED SOUTH ELEVATION
1/8" = 1'-0"

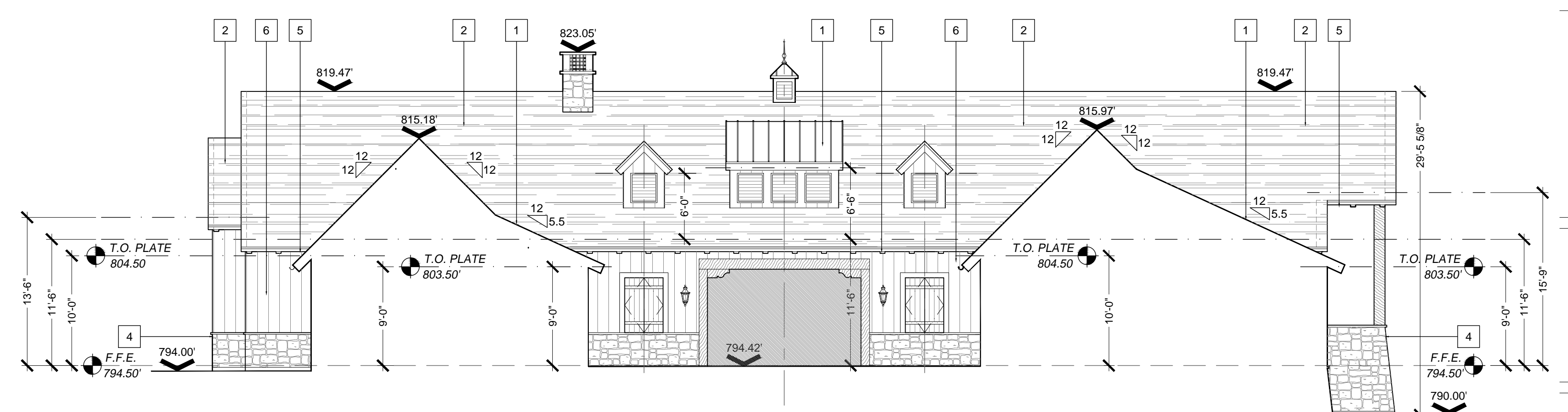


ELEVATION NOTES:

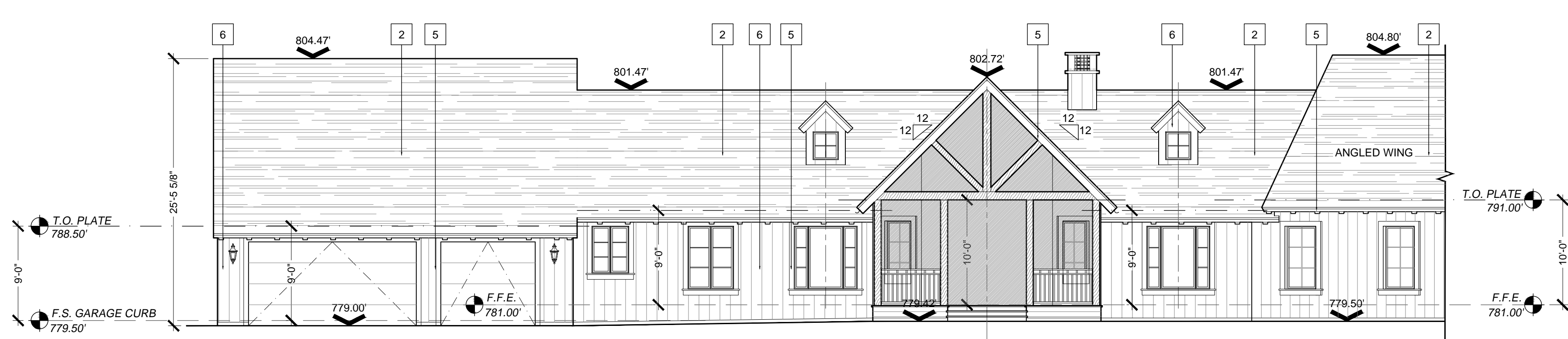
MAXIMUM ALLOWABLE BUILDING HEIGHT: 30'-0"

MATERIAL LIST

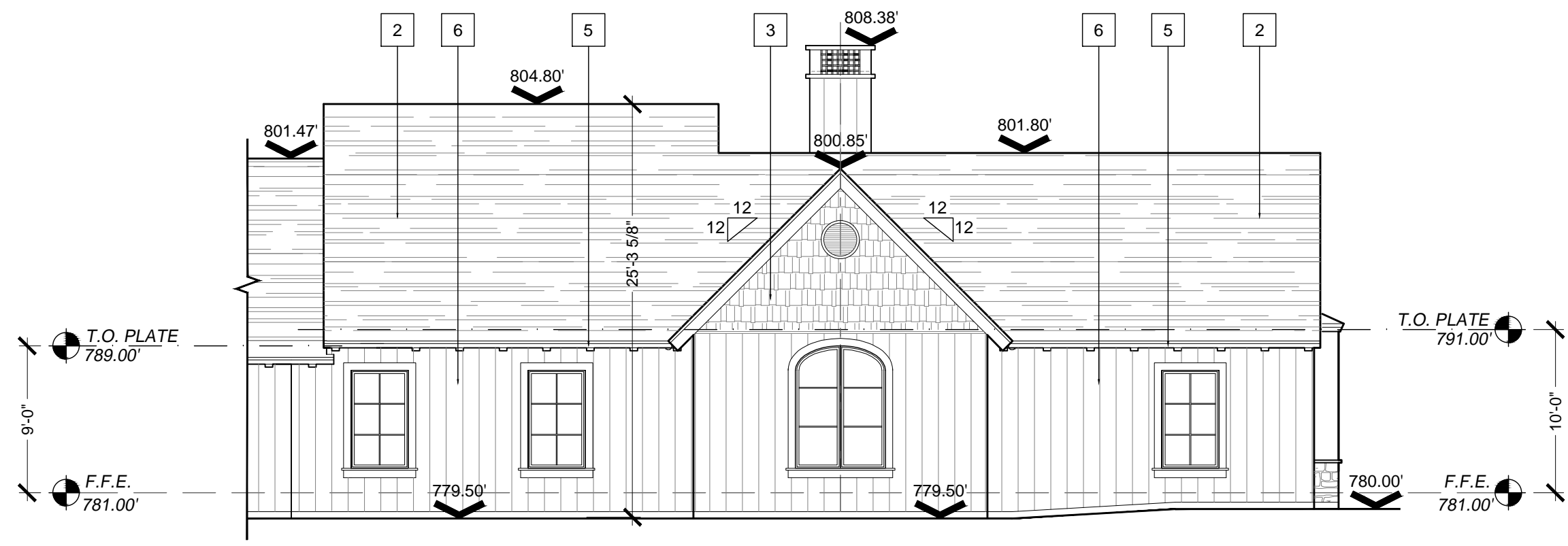
- 1 ROOF: WESTERN STATES METAL ROOFING, "STREAKED RUST" COLOR
- 2 ROOF: CEDUR - SYNTHETIC SHAKE SHINGLE, COLOR "GOLDEN CEDAR", 10' EXPOSURE
- 3 SHINGLE SIDING: NATURAL CEDUR WOOD SHINGLE SIDING WITH STAGGERED BUTTLINE
- 4 NATURAL STONE RUBBLE: "SANTA BARBARA RUBBLE"
- 5 WOOD TRIM, EAVES AND RAFTER TAILS: "RESAWN TIMBER COMPANY" KEBONY WOOD, COLOR VEI
- 6 WOOD SIDING: NATURAL WOOD SIDING, COLOR "WEATHERED GRAY"
- 7 BLACK WROUGHT IRON FENCING WITH WEATHERED RED BRICK PLASTERS



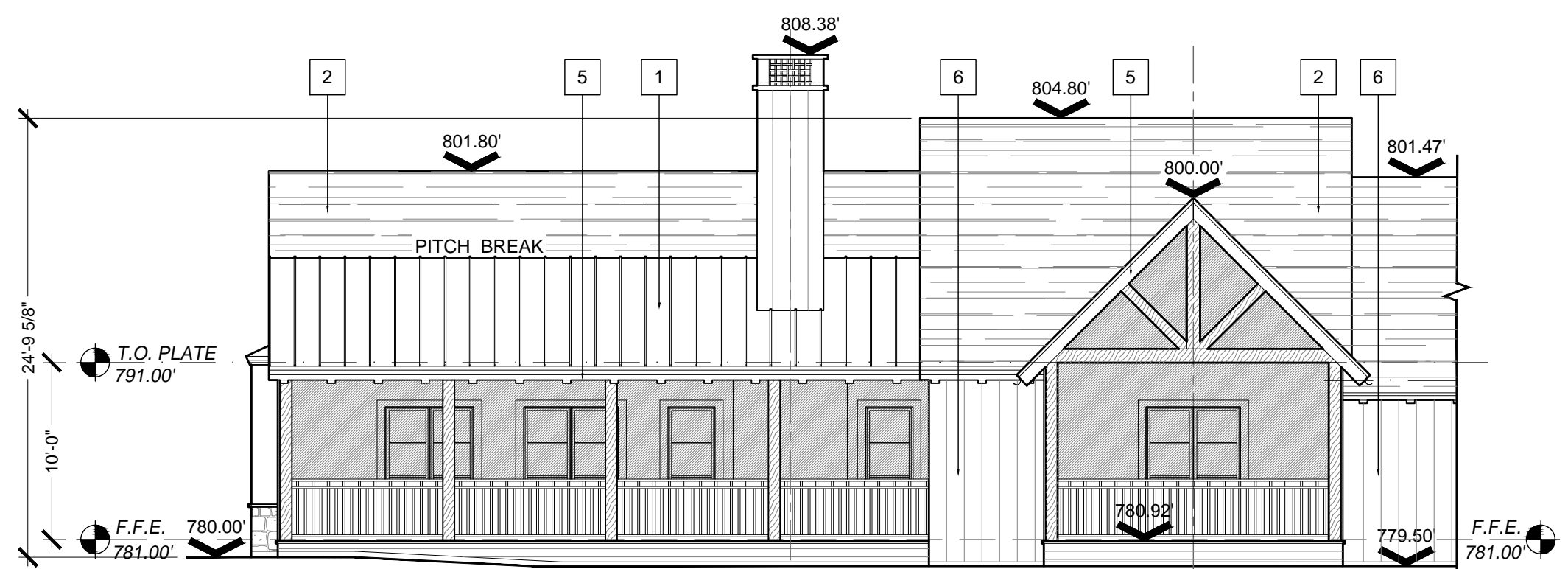
8 PROPOSED WEST ELEVATION
1/8" = 1'-0"



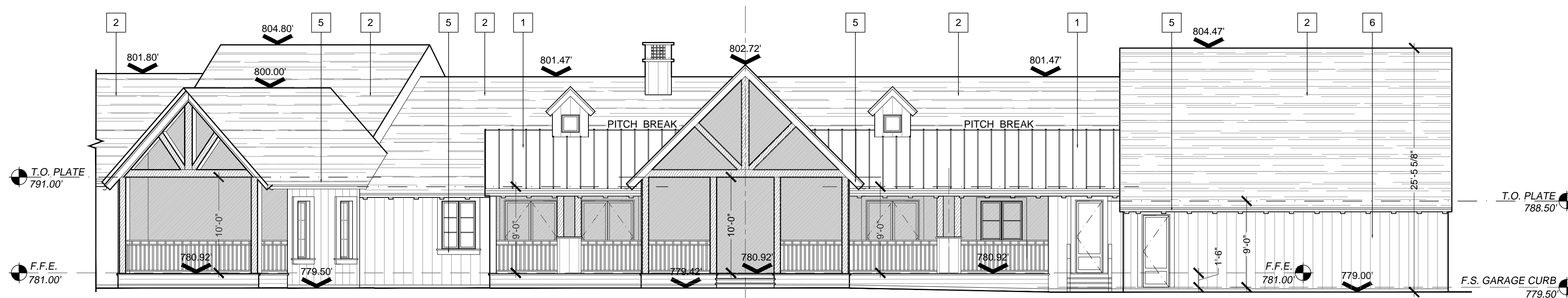
1 PROPOSED NORTH ELEVATION
1/8" = 1'-0"



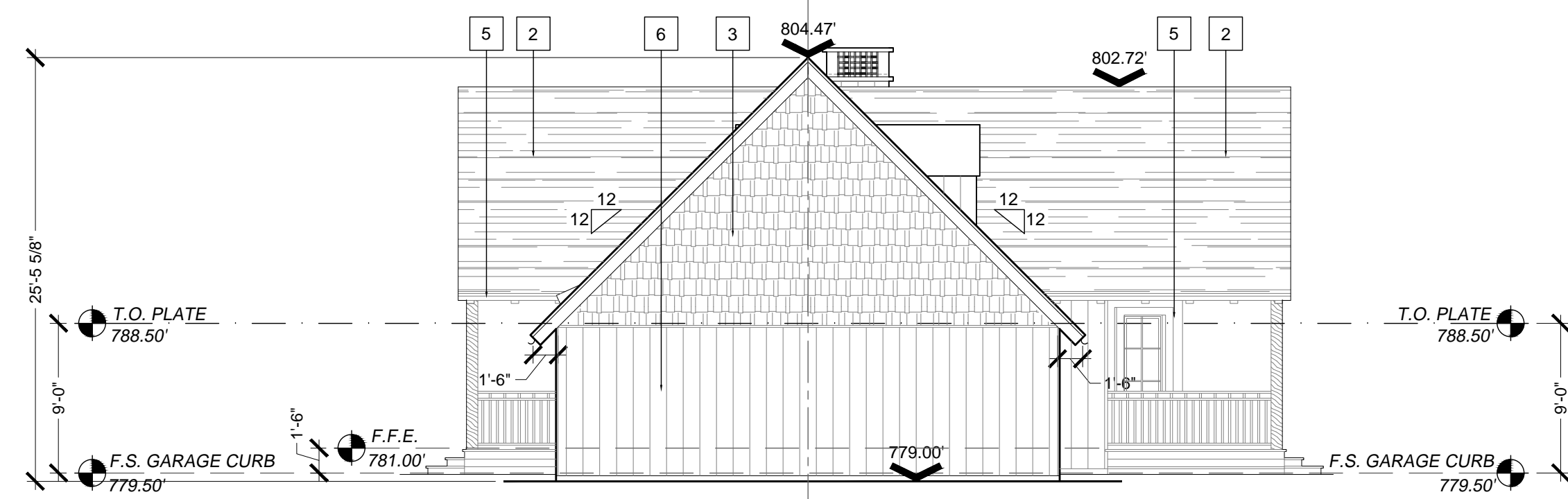
2 PROPOSED NORTH ELEVATION
1/8" = 1'-0"



3 PROPOSED SOUTH ELEVATION
1/8" = 1'-0"

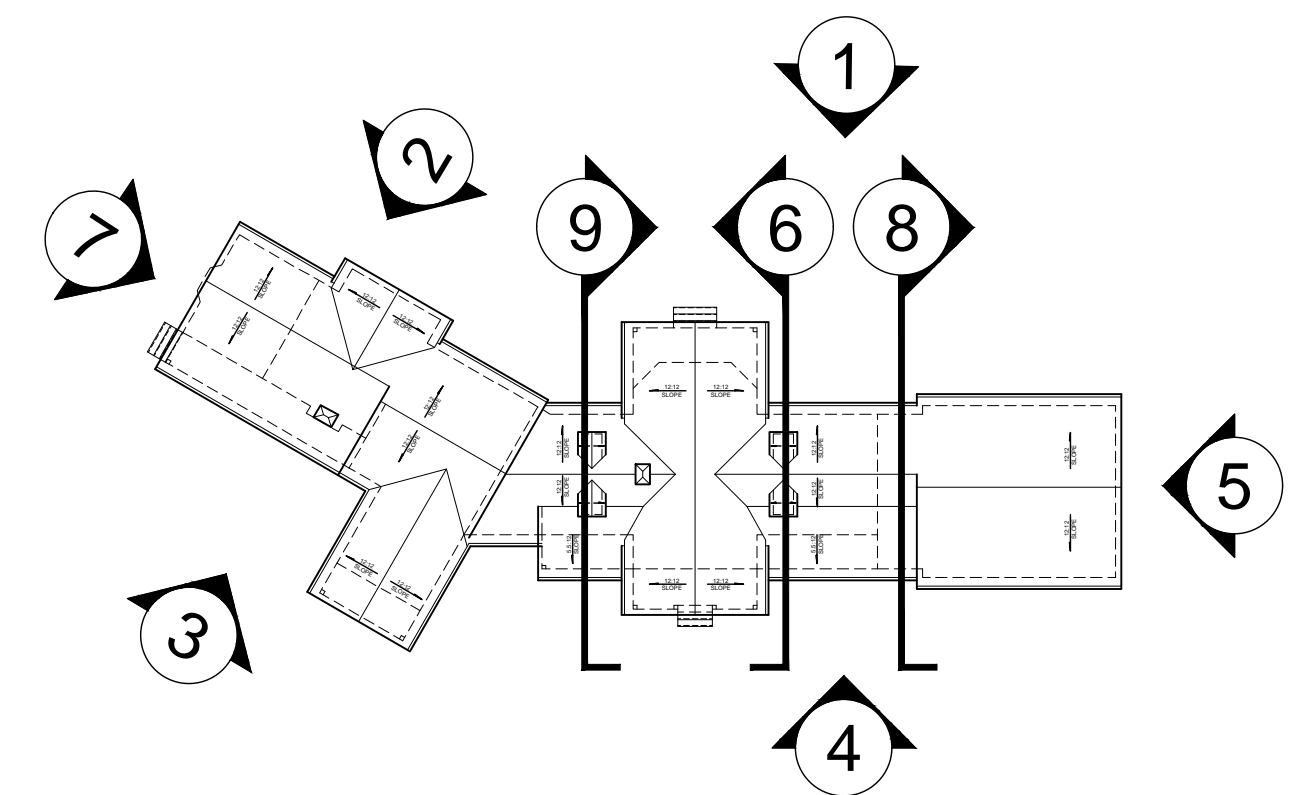


4 PROPOSED SOUTH ELEVATION
1/8" = 1'-0"

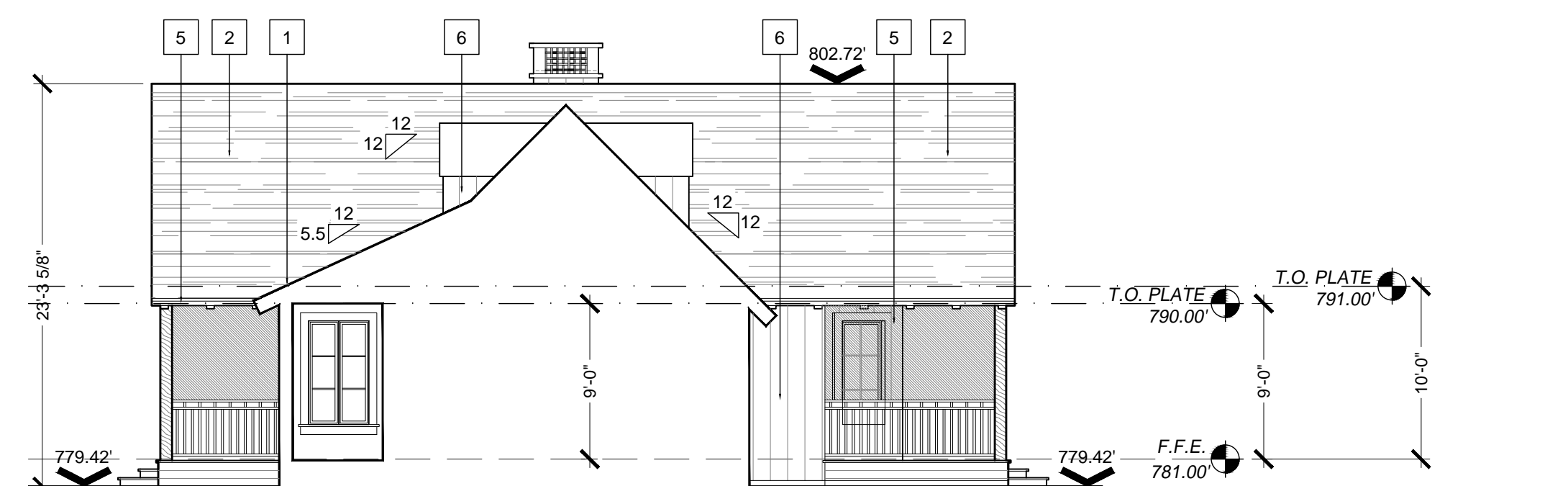


5 PROPOSED EAST ELEVATION
1/8" = 1'-0"

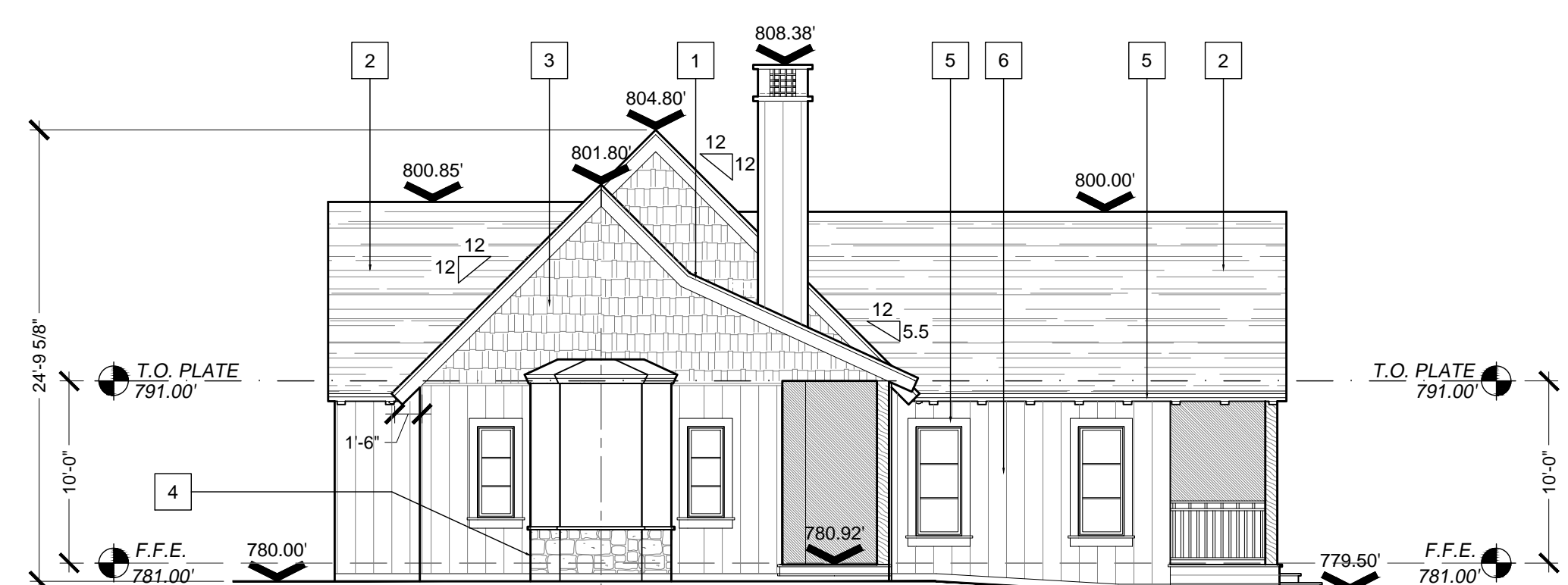
ELEVATIONS KEY DIAGRAM



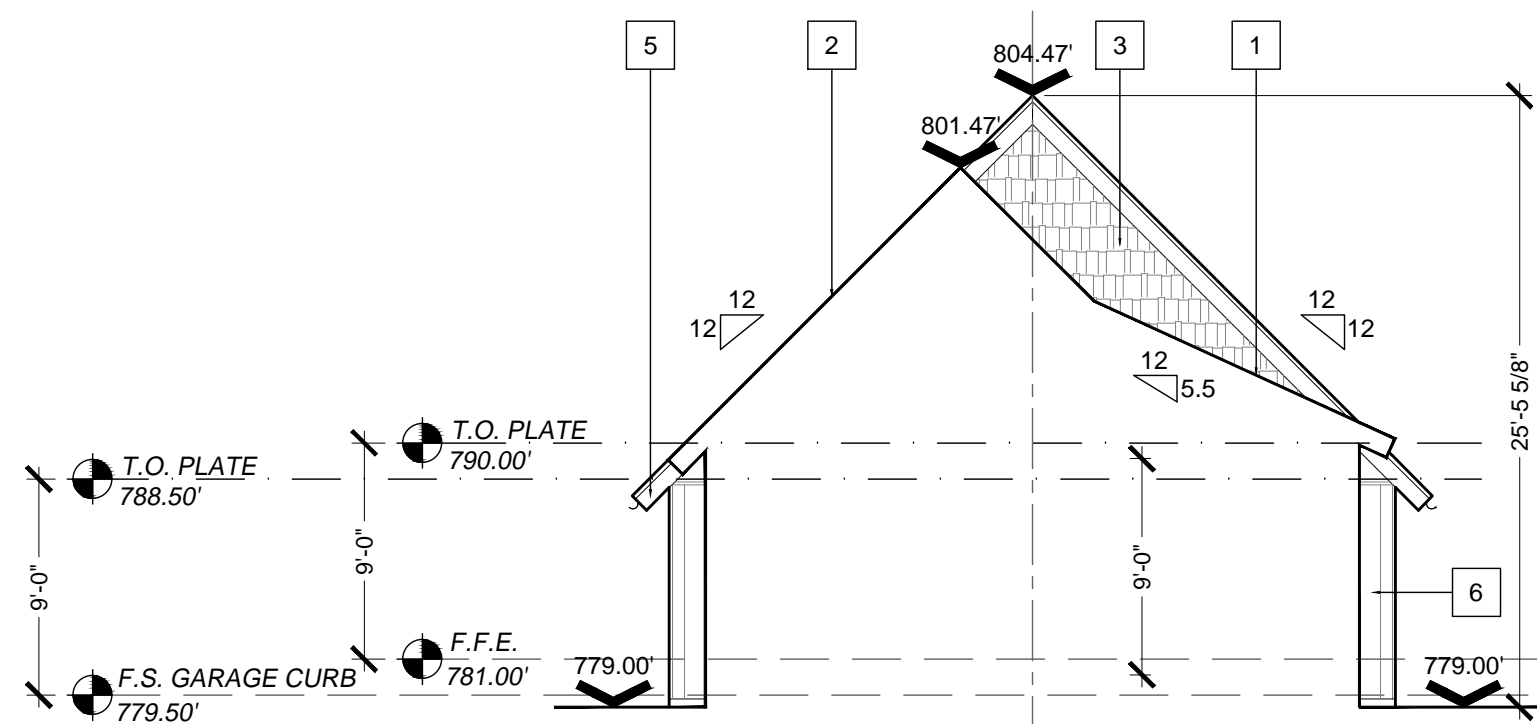
ELEVATION NOTES:
MAXIMUM ALLOWABLE BUILDING HEIGHT: 30'-0"



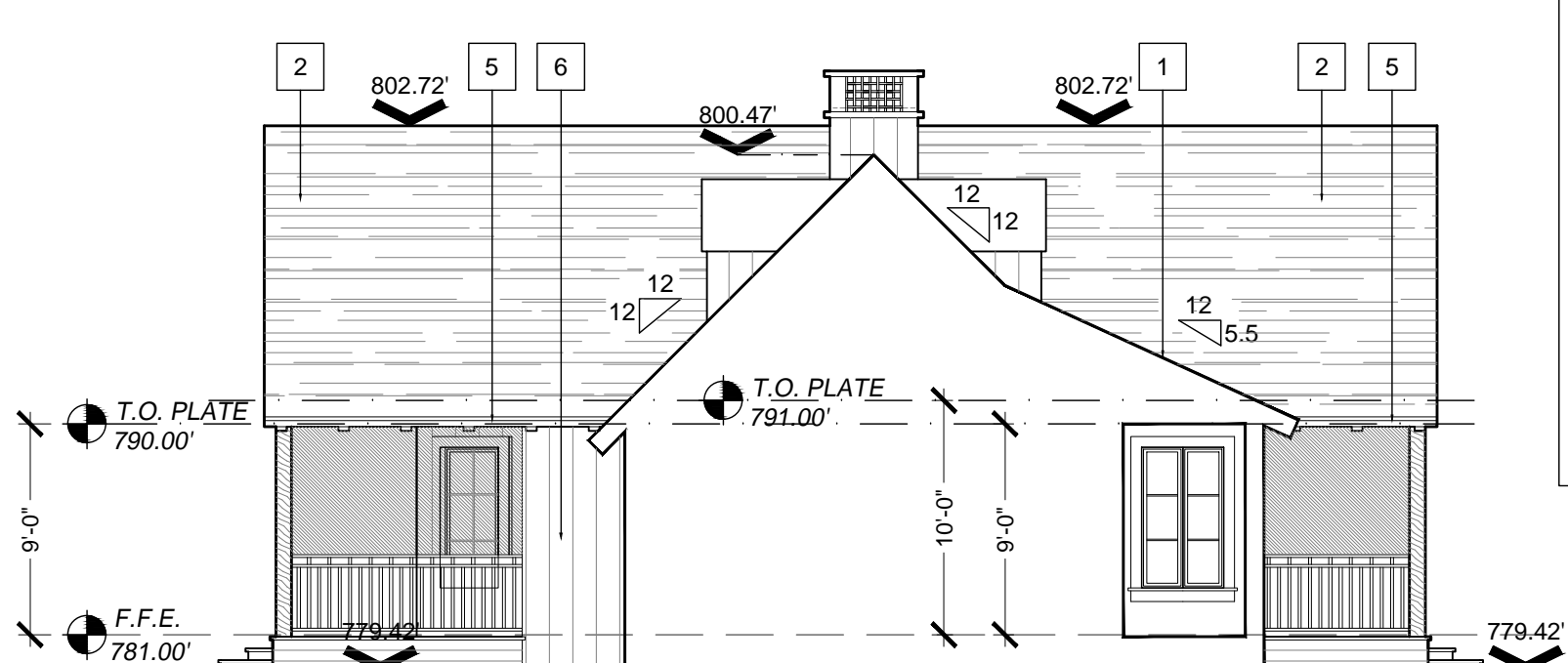
6 PROPOSED EAST ELEVATION
1/8" = 1'-0"



7 PROPOSED WEST ELEVATION
1/8" = 1'-0"



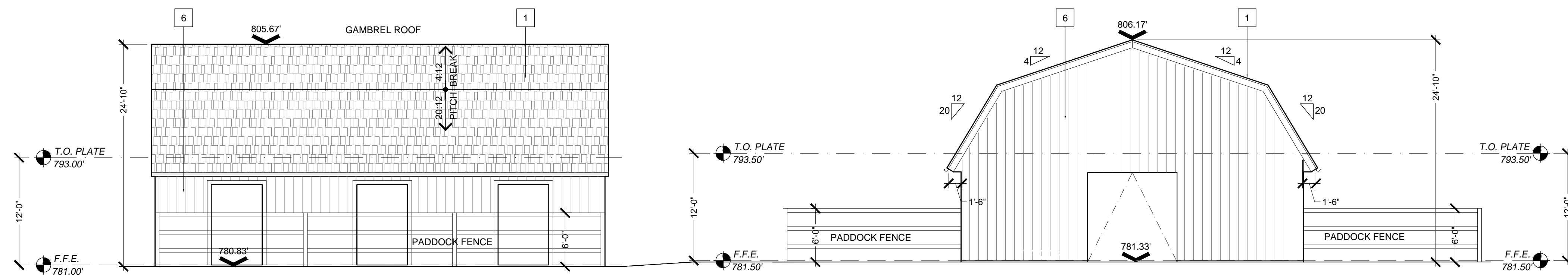
8 PROPOSED WEST ELEVATION
1/8" = 1'-0"



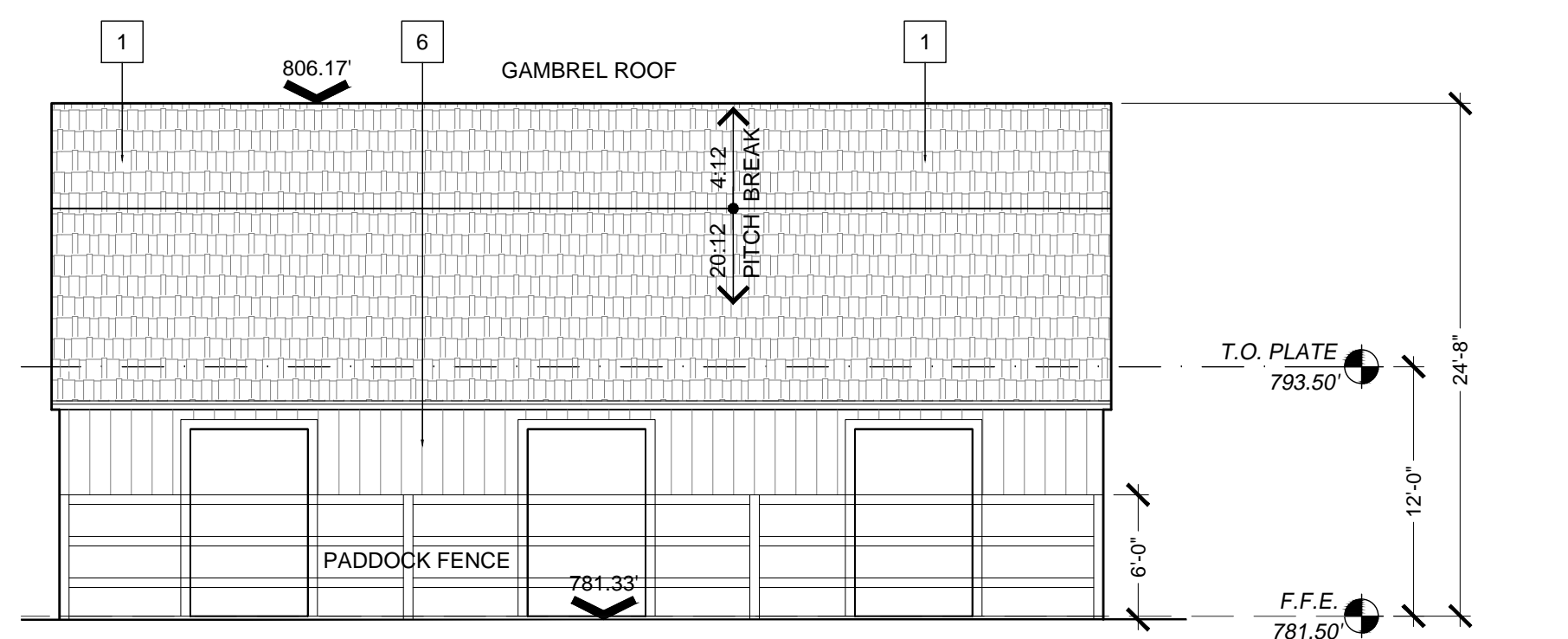
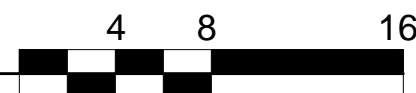
9 PROPOSED WEST ELEVATION
1/8" = 1'-0"

MATERIAL LIST

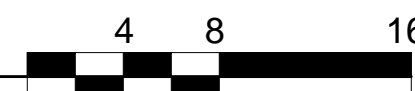
- 1 ROOF: WESTERN STATES METAL ROOFING, "STREAKED RUST" COLOR
- 2 ROOF: CEDUR - SYNTHETIC SHAKE SHINGLE, COLOR "GOLDEN CEDAR", 10" EXPOSURE
- 3 SHINGLE SIDING: NATURAL CEDAR WOOD SHINGLE SIDING WITH STAGGERED BUTTLINE
- 4 NATURAL STONE RUBBLE: "SANTA BARBARA RUBBLE"
- 5 WOOD TRIM, EAVES AND RAFTER TAILS: "RESAWN TIMBER COMPANY" KEBONY WOOD, COLOR VEI
- 6 WOOD SIDING: NATURAL WOOD SIDING, COLOR "WEATHERED GRAY"
- 7 BLACK WROUGHT IRON FENCING WITH WEATHERED RED BRICK PILASTERS



1 PROPOSED NORTH ELEVATION
1/8" = 1'-0"

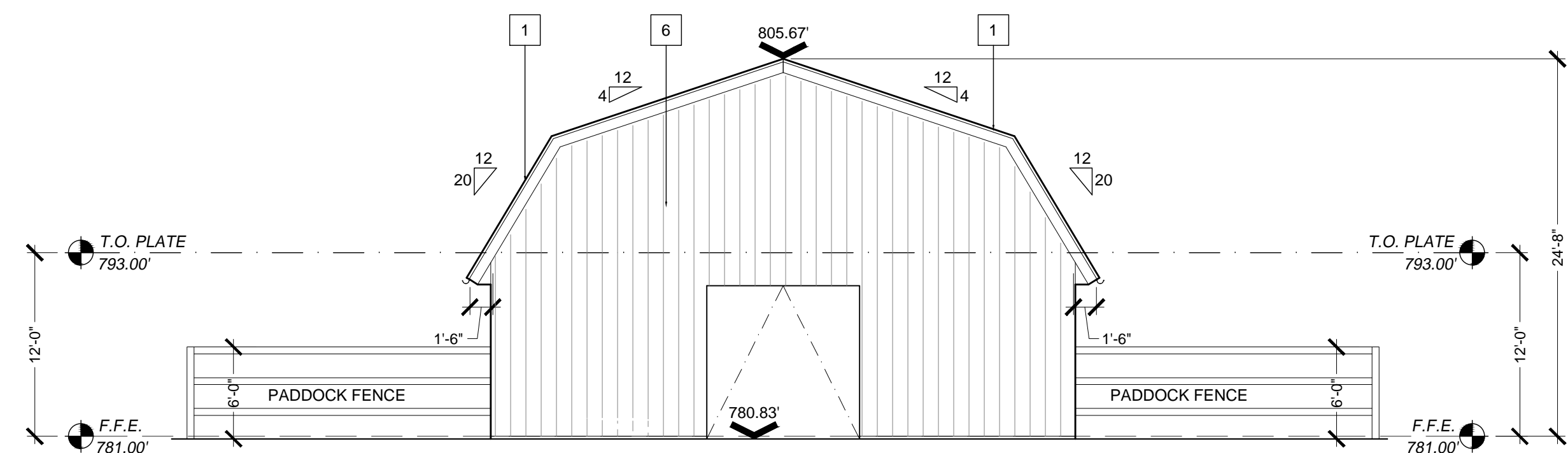


5 PROPOSED EAST ELEVATION
1/8" = 1'-0"

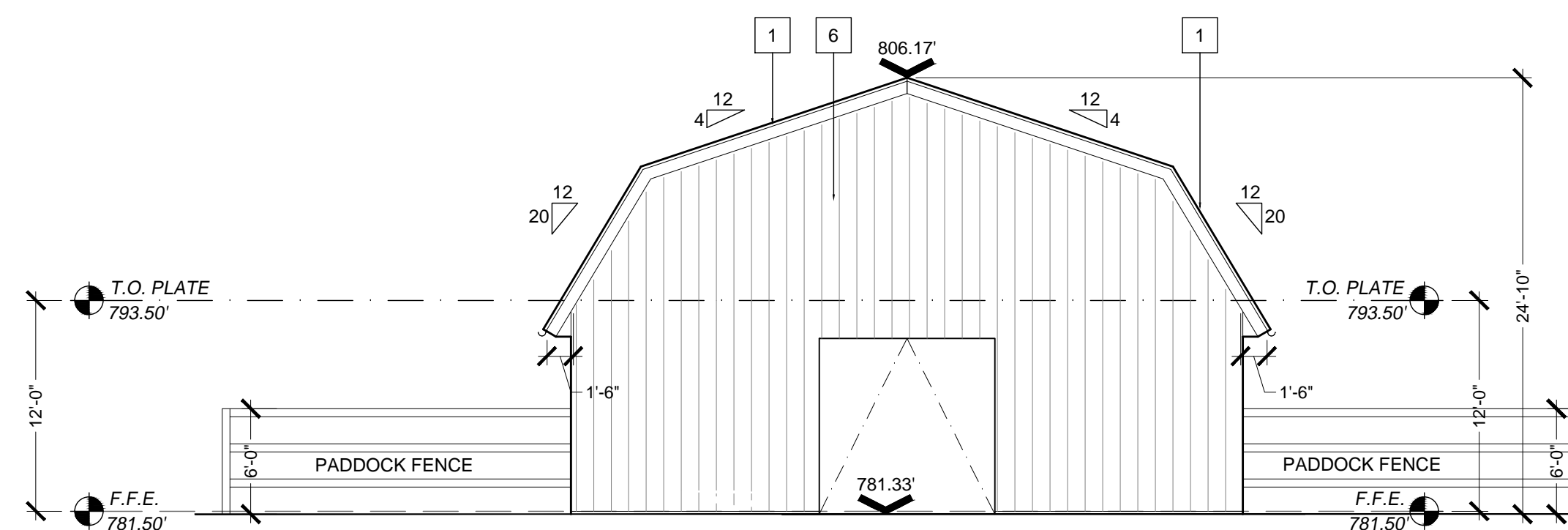
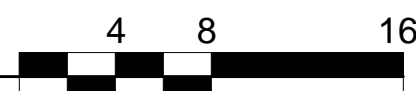


- MATERIAL LIST**
- 1 ROOF: WESTERN STATES METAL ROOFING, "STREAKED RUST" COLOR
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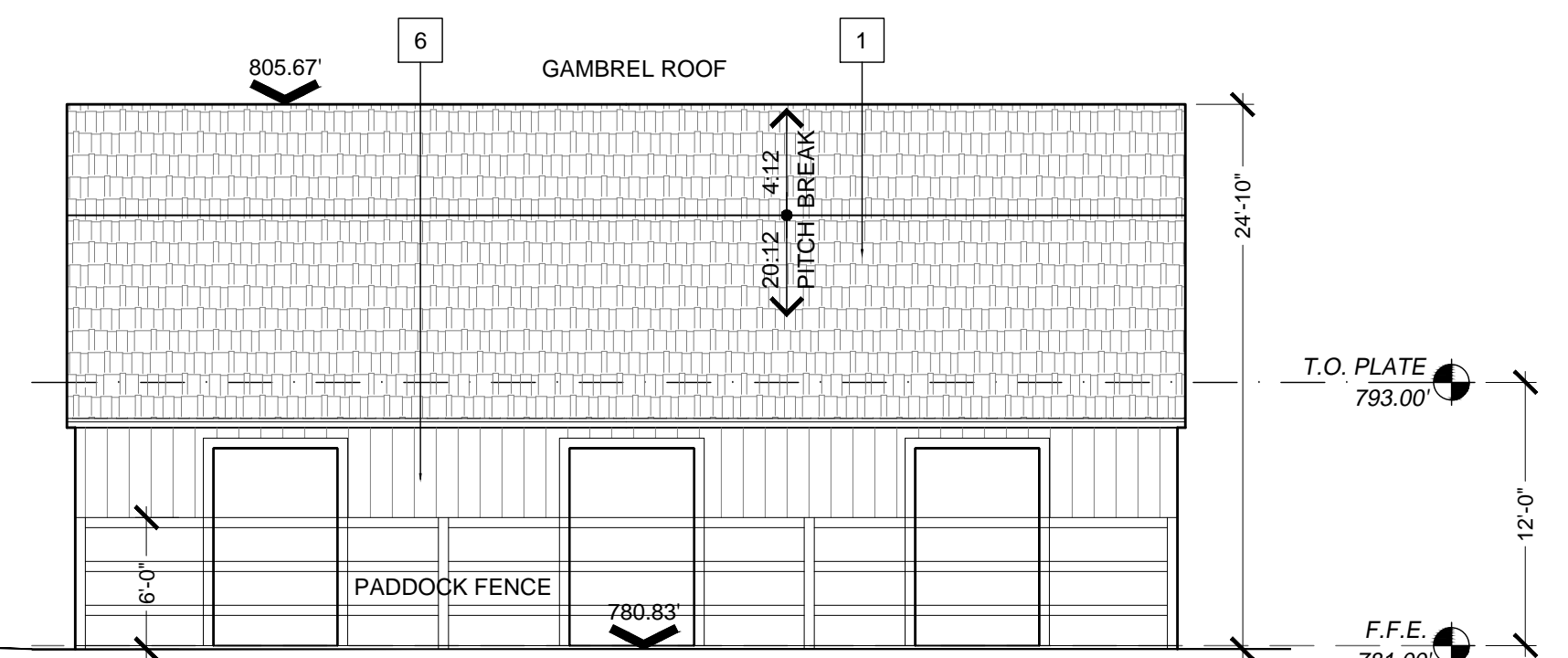
ELEVATION NOTES:
MAXIMUM ALLOWABLE BUILDING HEIGHT: 30'-0"



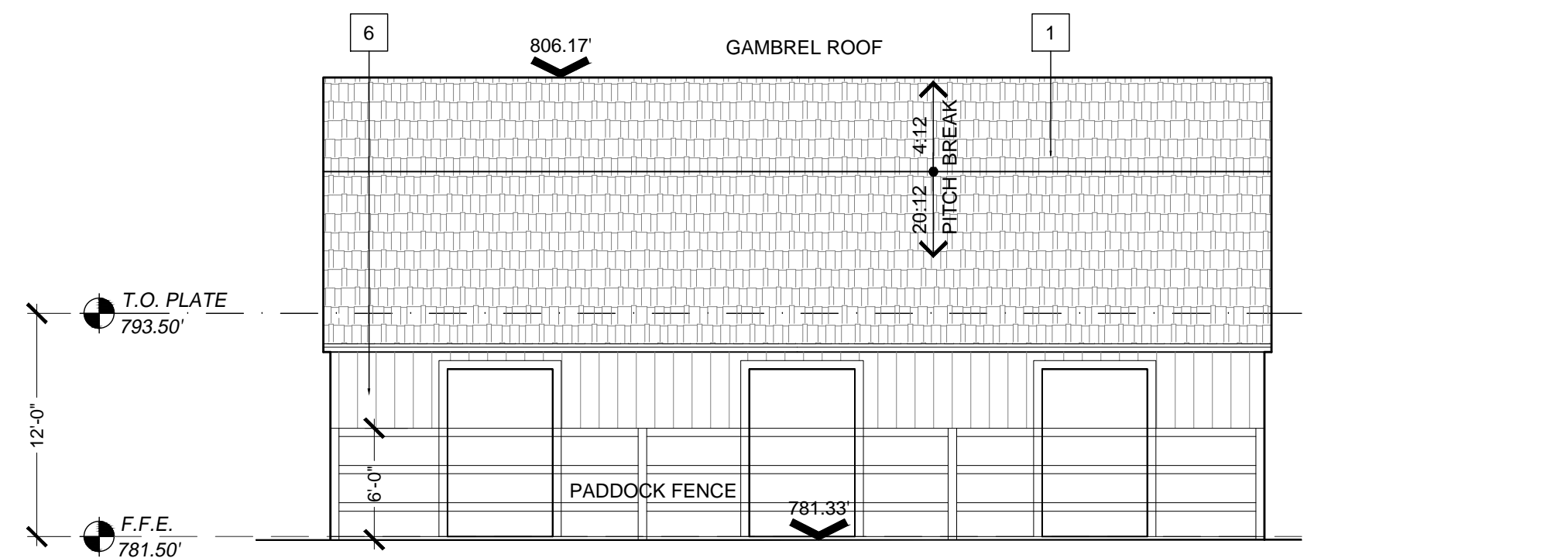
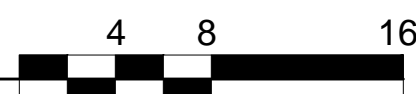
2 PROPOSED EAST ELEVATION
1/8" = 1'-0"



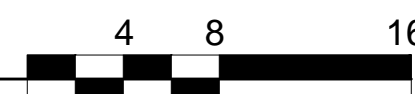
3 PROPOSED SOUTH ELEVATION
1/8" = 1'-0"

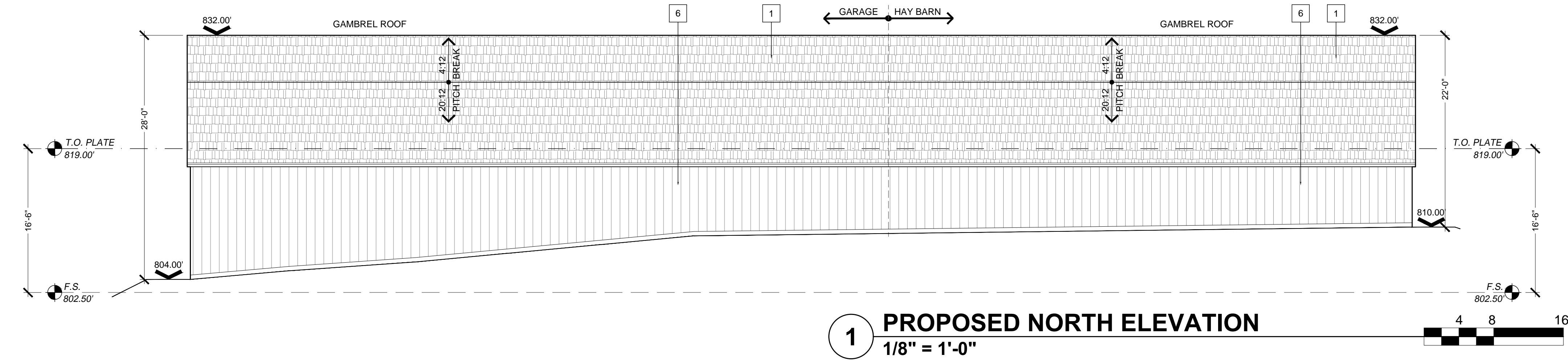


4 PROPOSED WEST ELEVATION
1/8" = 1'-0"

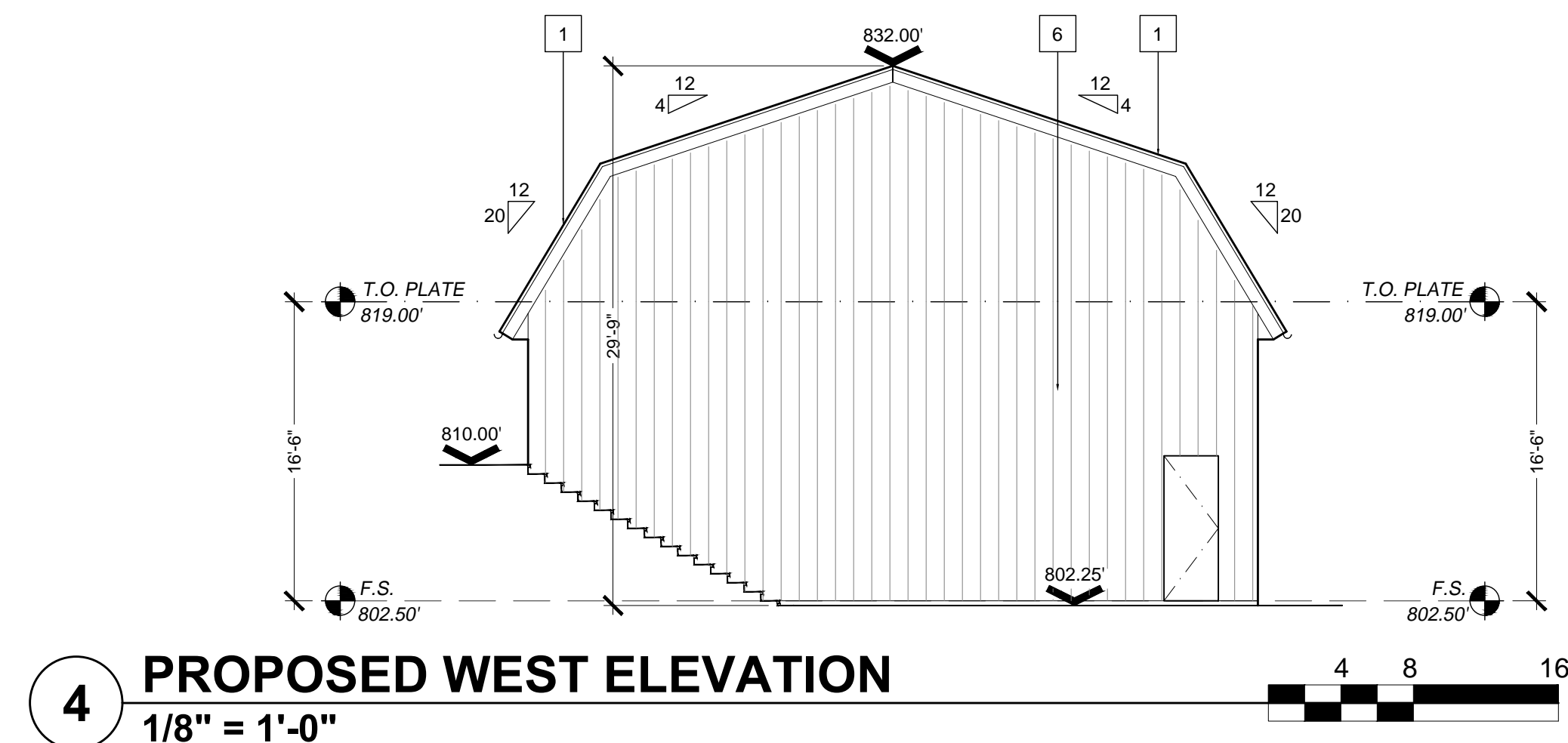
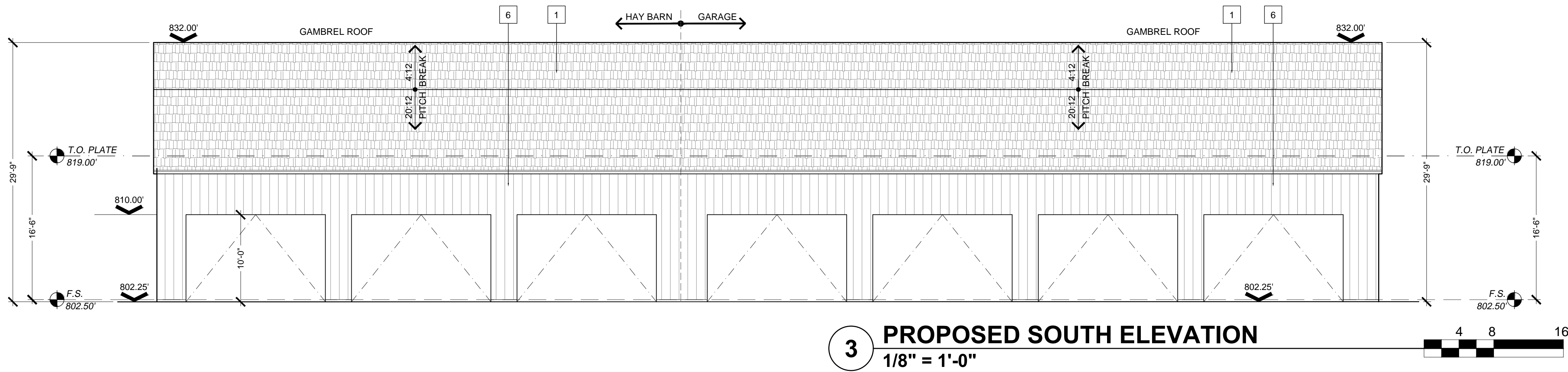
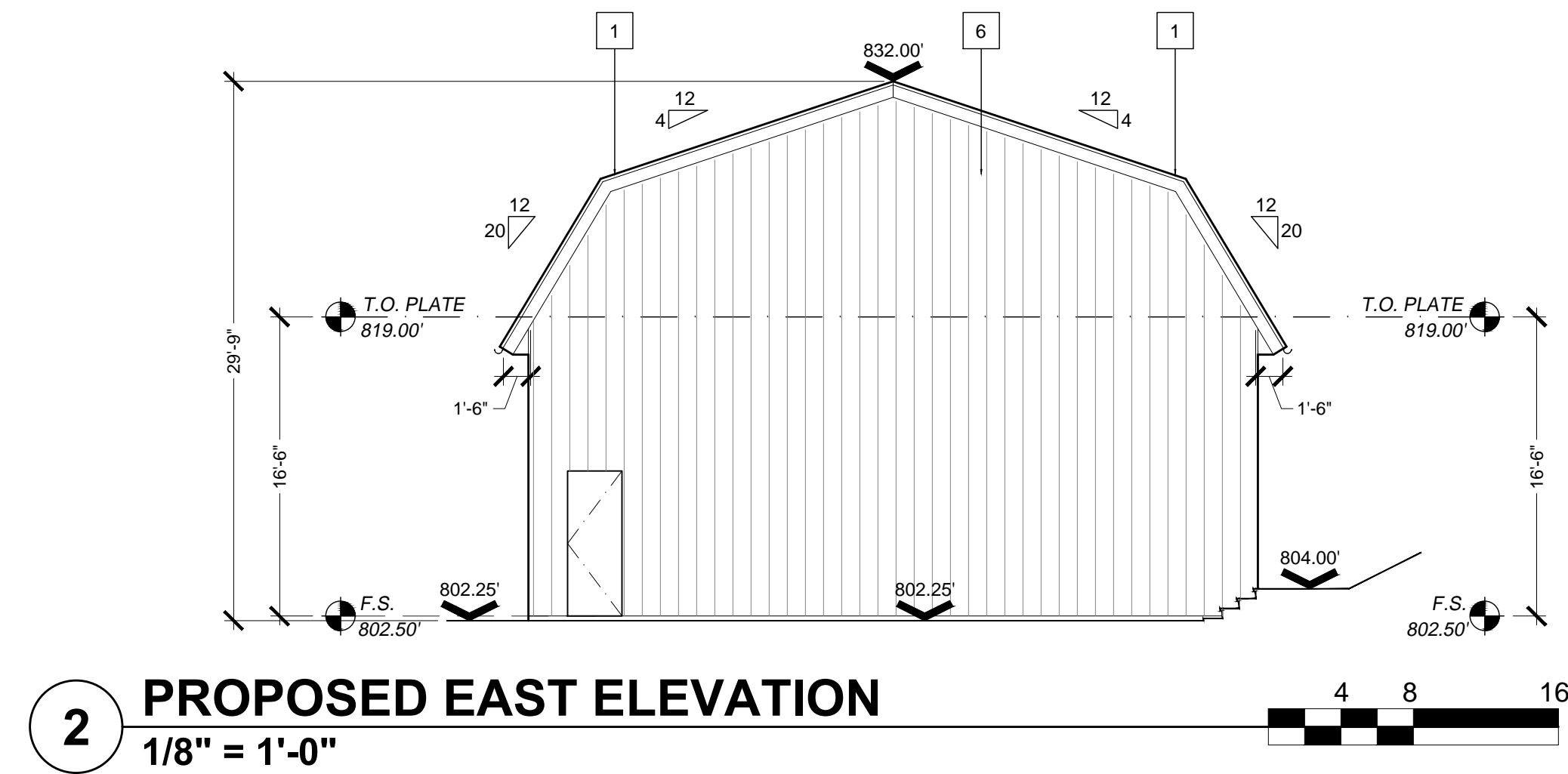


6 PROPOSED WEST ELEVATION
1/8" = 1'-0"





- MATERIAL LIST**
- 1 ROOF: WESTERN STATES METAL ROOFING, "STREAKED RUST" COLOR
 - 2 ROOF: CEDUR - SYNTHETIC SHAKE SHINGLE, COLOR "GOLDEN CEDAR", 10" EXPOSURE
 - 3 SHINGLE SIDING: NATURAL CEDAR WOOD SHINGLE SIDING WITH STAGGERED BUTTLINE
 - 4 NATURAL STONE RUBBLE: "SANTA BARBARA RUBBLE"
 - 5 WOOD TRIM, EAVES AND RAFTER TAILS: "RESAWN TIMBER COMPANY" KEBONY WOOD, COLOR VEI
 - 6 WOOD SIDING: NATURAL WOOD SIDING, COLOR "WEATHERED GRAY"
 - 7 BLACK WROUGHT IRON FENCING WITH WEATHERED RED BRICK PILASTERS



DOMANI
ARCHITECTURE + PLANNING INC.
FABIO RIGO DE RHIGI | ARCHITECT
226 S. BEVERLY DRIVE | SUITE 220
BEVERLY HILLS | CALIFORNIA | 90212
T: 310.206.7600

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PRIVATE RESIDENCE
109 LILAC LANE
BREA, CA 92823

EXISTING PLUMBING
PLOT PLAN + SCHEDULES

REVISIONS:

DATE: MARCH 12, 2020
SCALE: 1"=30'-0"
JOB NUMBER: MS-05-16



EQUIPMENT SCHEDULE		
ITEM	EQUIPMENT	DESCRIPTION
WH 1	WATER HEATER	1800" #1/4" 30 RT. 30 GAL. CAP, 2500 UPPER # 2000 LOWER HEATING ELEMENTS, 240 V. 1 Ø.
FEC 1	FIRE EXTINGUISHER CABINET	2 1/2 GAL.
WAHA 1	WATER HAMMER ARRESTOR	"J.R. SMITH" # 5010
WAHA 2	WATER HAMMER ARRESTOR	"J.R. SMITH" # 5030

LEGEND		
SYMBOL	ABBREV.	DESCRIPTION
SW	S.W.	SOIL OR WASTE ABOVE GRADE
SW	S.W.	SOIL OR WASTE BELOW GRADE
C.W.V.	C.W.V.	CONDENSATION WASTE AND VENT
I.W.	I.W.	INDUSTRIAL WASTE
SD	SD	STORM DRAIN ABOVE GRADE
SD	SD	STORM DRAIN BELOW GRADE
PL	PL	PLAIN LINE
V	V	VENT
C.W.	C.W.	COLD WATER
C.W.	C.W.	COLD COLD WATER
I.W.	I.W.	INDUSTRIAL COLD WATER
T.W.	T.W.	TEMPERED WATER
H.W.	H.W.	HOT WATER
H.W.	H.W.	HOT WATER RETURN
180° H.W.	180° H.W.	180° HOT WATER
I.L.	I.L.	IRRIGATION LINE
F.S.	F.S.	FIRE SPRINKLER LINE
W.S.P.	W.S.P.	WET STANDPIPE
D.S.P.	D.S.P.	DRY STANDPIPE
S	S	SOIL LINE
A	A	AIR
G	G	GAS
E.G.	E.G.	EXIST. GAS
F.C.O.	F.C.O.	FLOOR CLEANOUT OR CLEANOUT TO GRADE
W.C.	W.C.	WALL CLEANOUT
T.P.R.V.	T.P.R.V.	TEMPERATURE AND PRESSURE RELIEF VALVE
P.R.V.	P.R.V.	PRESSURE REDUCING VALVE
C.V.	C.V.	CHECK VALVE
G.C.	G.C.	GAS COCK
B.C.	B.C.	BALANCING COCK
U	U	UNION
H.B.	H.B.	HOSE BIB
R.H.B.	R.H.B.	RECESSED HOSE BIB
R.U.	R.U.	RISER UP
D.D.	D.D.	DROP DOWN
F.S.H.	F.S.H.	FIRE SPRINKLER HEAD
P.F.P.	P.F.P.	BACKFLOW PREVENTER
A.P.	A.P.	ABOVE
B.P.	B.P.	BELOW
C.O.	C.O.	CONTINUATION
C.L.	C.L.	CATCH BASIN
C.C.	C.C.	CONNECT OR CONNECTION
D.S.	D.S.	DOWNSCOUT
E	E	EXISTING
E.H.C.I.	E.H.C.I.	EXTRA HEAVY CAST IRON
F.H.	F.H.	FIRE HYDRANT
F.C.	F.C.	FINISHED GRADE
F.F.	F.F.	FINISHED FLOOR
F.T.R.	F.T.R.	FLUE THRU ROOF
I.E.	I.E.	INVERT ELEVATION
N.H.	N.H.	NANHOLE
N.I.C.	N.I.C.	NOT IN CONTRACT
P.T.	P.T.	PLUGGED TEE
R.W.	R.W.	ROUGH-IN AND CONNECT
V.T.R.	V.T.R.	VENT THRU ROOF
V.C.P.	V.C.P.	VITRIFIED CLAY PIPE
W	W	WALL
Y.B.	Y.B.	YARD BOX
F.D.C.	F.D.C.	FIRE DEPARTMENT CONNECTION

GENERAL NOTES

BEFORE COMMENCEMENT OF WORK, CONTRACTOR SHALL VERIFY EXACT LOCATIONS, ELEVATIONS AND CHARACTERISTICS OF UTILITIES AND PIPING AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.

EXACT LOCATIONS AND MOUNTING HEIGHTS OF PLUMBING FIXTURES SHALL BE OBTAINED FROM ARCHITECTURAL DRAWING.

ALL EXTERIOR GAS COCKS AND GATE VALVES SHALL BE INSTALLED IN YARD BOXES AND THE COVERS SHALL BE CONSPICUOUSLY MARKED "GAS SHUT-OFF" OR "WATER SHUT-OFF" RESPECTIVELY.

ALL VENT AND FLUE OUTLETS SHALL BE 10'-0" MINIMUM FROM ANY FRESH AIR INTAKES.

INSTALL ALL PLUMBING TO AVOID INTERFERENCE WITH ELECTRICAL AND MECHANICAL EQUIPMENT AND STRUCTURAL FRAMING.

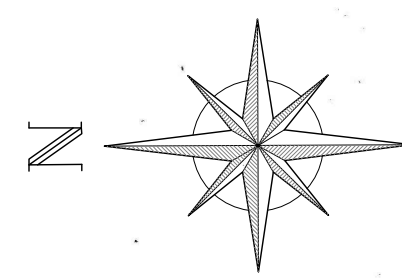
CONTRACTOR SHALL BE RESPONSIBLE FOR PATCHING AND REPAIRING ALL PAVED AREAS THAT ARE EXCAVATED AND/OR DAMAGED BY HIS OPERATIONS. IN ADDITION, ALL PLANTED AREAS SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.

ALL CONNECTIONS TO EXISTING SERVICES SHALL BE MADE SUCH THAT INTERRUPTION TIME WILL BE AS SHORT AS POSSIBLE. THE OWNER'S REPRESENTATIVE SHALL BE GIVEN SUFFICIENT NOTICE AND SHUT-DOWN TIME WILL BE AT A TIME DESIGNATED BY HIM.

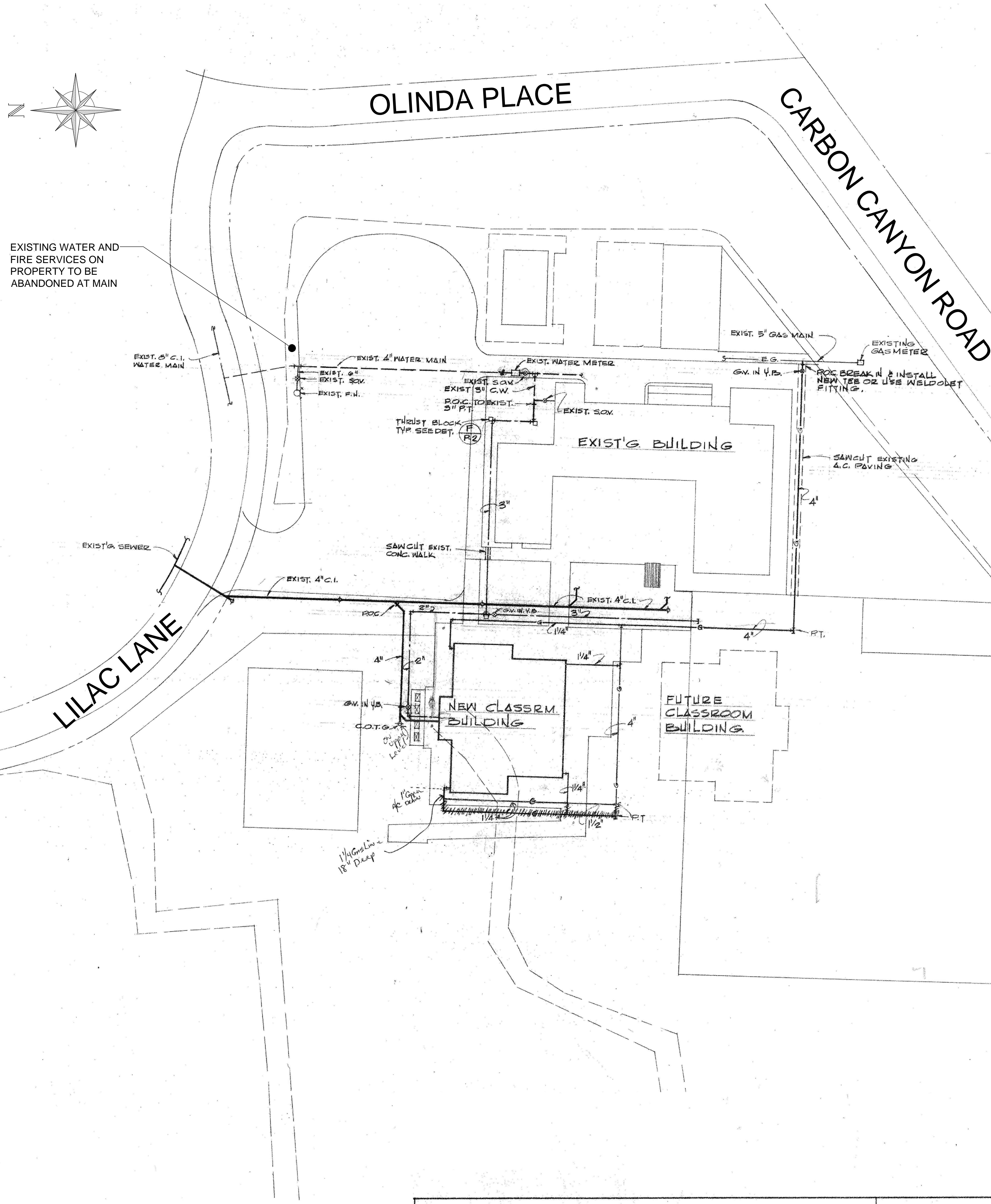
WHERE INDICATED, PAVING, WALKS AND FLOORS SHALL BE MACHINE SAW CUT FOR INSTALLATION OF NEW PIPING. PATCH TO MATCH EXISTING.

FIXTURE SCHEDULE

ITEM	FIXTURE	MIN. CONNECTION				REMARKS
		WASTE	VENT	C.W.	H.W.	
WC 1	WATER CLOSET	4"	2"	1"		FLR. MTD. F.V.
WC 2	WATER CLOSET	4"	2"	1"		FLR. MTD. F.V.
U 1	URINAL	2"	1 1/2"	3/4"		FLR. MTD. F.V.
L 1	LAVATORY	2"	1 1/2"	1/2"		WALL MTD.
L 2	LAVATORY	2"	1 1/2"	1/2"	1/2"	CTR. MTD.
S 1	SINK	2"	1 1/2"	1/2"		CTR. MTD.
S 2	SINK	2"	1 1/2"	1/2"	1/2"	CTR. MTD.
SS 1	SERVICE SINK	2"	1 1/2"	3/4"	3/4"	WALL MTD.
DF 1	DRINKING FOUNTAIN	2"	1 1/2"	1/2"		WALL MTD.
FD 1	FLOOR DRAIN	2"	1 1/2"			



EXISTING WATER AND FIRE SERVICES ON PROPERTY TO BE ABANDONED AT MAIN



PLOT PLAN
SCALE: 1"=30'-0"

WILLSON AND WILLIAMS A.I.A.
ARCHITECTS
CORONA DEL MAR, CALIFORNIA

OLINDA ELEMENTARY
SCHOOL DISTRICT

PLUMBING,
PLOT PLAN + SCHEDULES

SHEET
P-1
11/06/14

To: City of Brea
Public Outreach for Proposed Project at 109 Lilac Lane
Plan Review No.: PR 19-10 Second Submittal Comments
Job Address: 109 Lilac Lane, Brea, CA
Date: March 10, 2020

RE: Public Outreach Correspondence

Below please find an email correspondence our client received in January from Olinda Village Homeowners Association showing support for the proposed project.

From: fkreed@msn.com
Sent: 1/5/2020 1:33:57 PM Pacific Standard Time
Subject: Lilac Lane, Olinda Village

Dear Wally,

Thank you for forwarding the proposed home plans for the property at 109 Lilac Lane. We have circulated the plans to all the neighbors who currently belong to the Olinda Village Homeowners Association for their review. (Note: Not all residents belong to our homeowner group). We encouraged anyone with questions or concerns to contact you directly or to convey their thoughts to one of our current board members.

In over a month's time we have met with nothing other than support for the proposed plan. Any questions or concerns have been addressed and as a community within our HOA, we seem to be in agreement that the proposed plans for this site are in keeping with the look and feel of the village and will be an asset to the community.

Please feel free to forward my contact information to the new neighbors. I would like to invite them to join our association and include them in our adult social this spring. It would be a wonderful opportunity for them to meet their soon to be community.

Regards,
Kelly Reed
Olinda Village Homeowners Association
Vice President
(714) 388-7969

City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

FROM: Jennifer A. Lilley, AICP, City Planner

DATE: 04/28/2020

SUBJECT: FINDING THE PROJECTS INCLUDED IN FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE GENERAL PLAN

REQUEST

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

RECOMMENDATION

Staff recommends the Planning Commission adopt a Resolution finding Fiscal Year 2020-21 projects within the Seven-Year Capital Improvement Program (CIP), as outlined in the attachments to this report, are in conformance with the General Plan.

BACKGROUND/DISCUSSION

BACKGROUND

Government Code Section 65401 requires that the Planning Commission review the list of projects in the Fiscal Year 2020-21 Capital Improvement Program (CIP) and verify conformance with the General Plan. Subsequent to the Planning Commission's adoption of the Resolution for the CIP's general conformance, the City Council will then adopt the proposed CIP budget which is anticipated to occur in June 2020.

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 twelve new included in the projects proposed in the 2020-21 CIP. The existing/carryover CIP projects were determined to be in conformance with the General Plan previously. The new projects included in the 2020-21 CIP are listed below:

New CIP Projects for FY 2020-21

Facility Improvements	
7299	Brea Boulevard Pavement Rehabilitation
7475	Pump Enclosure & Restroom at Olinda Ranch Park
7958	Bridge at Birch Hills Golf Course
7959	Parking Lot Paving Rehab at Brea Creek Golf Course
7960	Switch Gear Enclosures at <u>Arovista</u> & Country Hills Parks
7961	Community Center Parking Lot Rehabilitation
7962	Associated Road Wrought Iron Fence Repair
7963	Civic Center Sidewalk, Driveway & ADA Improvements
7964	Valencia Avenue - Landfill Access Road Rehabilitation
7965	Rehabilitate Ring Road Around Berry Street Reservoir
7966	Replace Fencing Around City Service Center
7967	Replace Security Cameras At City Service Center

ENVIRONMENTAL ASSESSMENT

The environmental documentation and/or clearance for most projects have been completed. Environmental documentation for the other remaining projects will be prepared or initiated prior to start of construction. The Resolution 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 by Article 18 Section 15268(a) from the requirements of California Environmental Quality Act (CEQA).

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

Concurrence: Michael Ho, P.E. Deputy Director of Public Works/City Engineer

Attachments

1. Draft Resolution
 2. General Plan Conformance Matrix
 3. Exhibit A CIP 20/21
-

RESOLUTION NO. PC 20 -__

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA
FINDING THE PROJECTS INCLUDED IN FISCAL YEAR 2020-21 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 2020-21 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:

1. In all respects as set forth in the Recitals, Part A, of this Resolution.
2. The 2020-21 CIP projects, contained in the Seven-Year CIP have been reviewed with regard to conformance with the General Plan.
3. Said 2020-21 CIP projects are in conformance with the General Plan, pursuant to Section 65401 of the Government Code. The proposed projects have been found to serve the implementation of various goals and policies of the General Plan as specifically outlined in Attachment 2.

RESOLUTION NO. PC 20-__

Page 2

Applicant: City of Brea

General Plan Conformance for Fiscal Year 2020-21 CIP

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 the projects identified in Exhibit A, Section I 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 28th day of April, 2020.

Chairman, Planning Commission

I, Jennifer 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 28th day of April, 2020 and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 28th day of April, 2020, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

RESOLUTION NO. PC 20-__

Page 3

Applicant: City of Brea

General Plan Conformance for Fiscal Year 2020-21 CIP

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST: _____
Secretary, Planning Commission

**GENERAL PLAN CONFORMANCE MATRIX
2019/20 CAPITAL IMPROVEMENT PROGRAM**

ATTACHMENT 2

PROJECT NUMBER	DESCRIPTION	COMMUNITY DEVELOPMENT	COMMUNITY RESOURCES	PUBLIC SAFETY
<u>STREET IMPROVEMENTS</u>				
7219	Traffic Calming Improvements	CD 2.3, 6.4, 11.5		PS 3.1
7276	Lambert Rd. & Puente St. Intersection Improvements	CD 1.12, 11.1, 27.2		
7299	Brea Boulevard Pavement Rehabilitation	CD 1.12, 11.1, 27.2		
7305	Brea Boulevard Widening	CD 10.3, 10.4, 10.5, 27.2		PS 3.1
7312	Citywide Slurry Seal Program	CD 1.12, 27.2		
7313	Citywide Sidewalk Replacement	CD 2.4, 13.2		PS 3.1
7322	Country Hills Subdivision Pavement & Water Lines	CD 1.12, 11.1, 27.2		
7323	Country Lane Subdivision Street Rehabilitation	CD 1.12, 11.1, 27.2		
7324	Berry Street Sidewalk Installation	CD 1.7		
<u>TRAFFIC SAFETY ENHANCEMENTS</u>				
7212	Illuminated Street Name Sign Upgrade	CD-17		
7218	Traffic Signal Controller Upgrade	CD 2.3, 4.3, 11.1	CR 13.1	
7703	Street Name Sign Replacement	CD-17		
7709	Birch Street Traffic Signal Synchronization	CD 2.3, 10.3, 11.1, 11.6	CR 13.1	PS 1.2, 1.5
7715	Valencia Avenue (SR 142) Traffic Signal Synchronization	CD 2.3, 10.3, 10.4, 11.6	CR 13.1	PS 1.2, 1.5
<u>WATER IMPROVEMENTS</u>				
7430	Moorpark Subdivision Waterline Improvements	CD 1.12, 14.2		
7462	Enterprise Tract Water Improvements	CD 1.12, 14.2		
7475	Pump Enclosure & Restroom at Olinda Ranch Park	CD 1.12, 14.2		
7464	Puente Street Water Main Replacement	CD 1.12, 14.2		
7465	Candlewood Tract Water Main Replacement	CD 1.12, 2.5, 14.2		
7467	Eagle Hills Tract Water Main Replacement	CD 1.12, 2.5, 14.2		

PROJECT NUMBER	DESCRIPTION	COMMUNITY DEVELOPMENT	COMMUNITY RESOURCES	PUBLIC SAFETY
<u>SEWER IMPROVEMENTS</u>				
7609	Citywide Sewer Upgrade Program	CD 1.12		
7617	Sewer Main Relining	CD 14.2		
<u>FACILITY IMPROVEMENTS</u>				
7923	Fire Station No. 1 Seismic Upgrades	CD 1.12		
7936	Landscape Improvements at City Facilities & Medians	CD 14.2	CR 11.4, 11.5, 12.2	
7944	Senior Center Kitchen Enhancements	CD 27.2		
7947	Arovista Park Lower Parking Lot Rehabilitation	CD 1.12, 27.2		
7950	Dog Park Upgrades	CD 1.12, 27.2	11.1	
7956	Tamarack Parking Lot Asphalt Rehabilitation	CD 1.12		
7957	Park Irrigation Design & Replacement	CD 1.12		
7958	Bridge at Birch Hills Golf Course	CD1.7, 9.2, 11.3, 27.2	CR3.4, 3.6	
7959	Parking Lot Paving Rehab at Brea Creek Golf Course	CD18, 27.2	CR3.6	
7960	Switch Gear Enclosures at Country Hills & Arovista	CD 27.2	CR3.6	PS3.2
7961	Community Center Parking Lot Rehabilitation	CD18, 27.2	CR 3.6	
7962	Associated Road Wrought Iron Fence Repair	CD 2.4, 2.5, 5.3, 17, 26		
7963	Civic Center Pavement & ADA Improvements	CD1.7, 4.6, 27.2		
7964	Valencia Ave - Landfill Access Road Rehabilitation	CD 8.4, 18, 27.2	CR3.6	
7965	Rehabilitate Ring Road Around Berry St. Reservoir	CD18, 27.2	CR3.6	
7966	Replace Fencing Around City Service Center	CD 2.5, 27.2		
7967	Replace Security Cameras At City Service Center	CD 2.5, 27.2		

EXHIBIT A**Section I****Environmental Findings Completed/Recorded****Categorical Exempt Projects**

7276 Lambert Rd. & Puente St. Intersection
 7312 Citywide Slurry Seal Program
 7313 Citywide Sidewalk Replacement
 7323 Country Lane Pavement Rehabilitation

Section 15301

Class 1 (c)
 Class 1 (c)
 Class 1 (c)
 Class 1 (c)

7709 Birch Street Traffic Signal Synchronization
 7715 Valencia Avenue Traffic Signal Synchronization

Class 2 (b)
 Class 2 (b)

7703 Street Name Sign Replacement
 7923 Fire Station No. 1 Seismic Upgrades
 7944 Senior Center Kitchen Enhancements
 7947 Arovista Park Lower Parking Lot Rehabilitation
 7956 Tamarack Park Parking Lot Pavement Rehabilitation
 7957 Park Irrigation Design & Replacement

Class 1 (d)
 Class 1 (d)
 Class 1 (d)
 Class 1 (d)
 Class 1 (d)
 Class 1 (d)

Categorical Exempt Projects

7212 Illuminated Street Name Sign Upgrade
 7322 Country Hills Subdivision Pavement & Water Lines
 7430 Moorpark Neighborhood Water Main Replacement
 7431 Northwood Avenue Water Main Replacement
 7442 Miscellaneous Water Improvement Program
 7464 Puente Street Water Main Replacement

Section 15302

Class 2 (c)
 Class 2 (c)
 Class 2 (c)
 Class 2 (c)
 Class 2 (c)
 Class 2 (c)

Categorical Exempt Projects

7936 Landscape Improvements at Facilities & Medians
 7950 Dog Park Upgrades

Section 15304

Class 4 (b)
 Class 4 (b)

Section II**Environmental Findings To Be Done**

7218 Traffic Signal Controller Upgrade
 7219 Traffic Calming Improvements
 7305 Brea Boulevard Widening
 7324 Berry Street Sidewalk - Feasibility
 7462 Enterprise Tract Water Improvements
 7465 Candlewood Tract Water Improvements
 7467 Eagle Hills Tract Water Improvements

EXHIBIT A

7609	Citywide Sewer Upgrade Program
7617	Sewer Main Relining
7299	Brea Boulevard Pavement Rehabilitation
7475	Pump Enclosure & Restroom at Olinda Ranch Park
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7967	Replace Security Cameras At City Service Center

City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

DATE: 04/28/2020

SUBJECT: REVIEW INFORMATION ON THE BREA PORTION OF THE CARBON CANYON CHANNEL CLASS 1 BIKEWAY (OC LOOP) AND MAKE A DETERMINATION REGARDING ITS CONFORMITY WITH CITY'S GENERAL PLAN.

REQUEST

Review information on the Brea portion of the Carbon Canyon Channel Class 1 Bikeway (OC Loop) and make a determination regarding its conformity with City's General Plan.

RECOMMENDATION

Staff recommends the Planning Commission provide confirmation whether this project being carried out by the County of Orange is in conformance with the City's General Plan.

BACKGROUND/DISCUSSION

BACKGROUND

The OC Loop is a continuous 66-mile loop around Orange County that connects and extends several regional bikeways to provide access to some Orange County beaches and inland destinations as well as serves as an alternative to vehicles for commuters. The County of Orange is acquiring portions of parcels from private owners to maintain riding/hiking trail and bikeway usage for the general public. Information provided by the County (attached) details the private owners and reference maps entitling the required acquisitions.

In Brea, there are several bikeway segments that are part of the OC Loop and have already been constructed. However, the County Public Works is working on Segment D (El Cajon Bikeway) that is partially located in Brea. Segment D starts near Valencia Avenue and Imperial Highway and continues through Yorba Linda. Per the City's General Plan, this portion is identified in the Bike Master Plan and conforms to the General Plan as a Class I bike lane, which is a separate bike facility. See attached Exhibit A. Implementation of this project by the County will help further the City and the County's network and will help further goals identified in the City's Connecting the Core - Active Transportation Plan Policy A-3. Policy A-3 is to expand The Tracks at Brea to connect to other parts of the City and surrounding areas to provide an alternative for local and regional travel through Yorba Linda. See Attachment D The project will continue the OC Loop that ended in the City of Brea. Upon completion, the project will provide a connection for residents to bike or walk to some of Orange County's most scenic beaches and inland destinations as well.

The matter of a cooperative agreement for this segment of the County trail project was heard by the Brea City Council at their meeting on 9/17/19. Council approved moving forward with the Cooperative agreement for this project. The County will be responsible for 100% of the project cost. The City will only be responsible for whatever staff costs are required for inspections or administration.

DISCUSSION

County of Orange sent a letter to City staff dated April 8, 2020 requesting a General Plan Conformity Report from the City for this project. This project is not a City CIP project as it is not a part of the City's Capital Improvement Program. For this reason, this project is being presented to you for general plan conformance separately from the new CIP projects for Fiscal Year 2020-2021.

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

Concurrence: Michael Ho, P.E. Deputy Director of Public Works/City Engineer

Attachments

2. OC Loop Report
 1. Letter from County
 3. General Plan Master Bike Route
 4. Excerpt from Active Transportation Report
-

Agenda Item



AGENDA STAFF REPORT

ASR Control 19-000803

30 A1

MEETING DATE: 03/10/20
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): 3, 4
SUBMITTING AGENCY/DEPARTMENT: OC Public Works (Approved)
DEPARTMENT CONTACT PERSON(S): Khalid Bazmi (714) 667-3213
 Nardy Khan (714) 647-3906

RECEIVED
 2020 FEB 19 AM 11:36
 CLERK OF THE BOARD
 COUNTY OF ORANGE
 BOARD OF SUPERVISORS

SUBJECT: Approve Cooperative Agreement for OC Loop Segment D

CEO CONCUR
Concur

COUNTY COUNSEL REVIEW
Approved Agreement(s) and
Resolution(s)

CLERK OF THE BOARD
Discussion

4/5 Vote

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

of Positions:

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A

County Audit in last 3 years: No

Prior Board Action: 4/23/2019 #11, 8/8/2017 #9

RECOMMENDED ACTION(S):

1. Adopt a Resolution declaring portions of Bastanchury Road, within the City of Yorba Linda, to be a County of Orange highway for construction purposes.
2. Approve the Cooperative Agreement between the County of Orange and the City of Yorba Linda for Funding and Construction of the Carbon Canyon Channel Class 1 Bikeway Project (OC Loop Segment D).
3. Delegate the Director of OC Public Works or designee to file and record a Resolution with the City Clerk declaring that the City of Yorba Linda's highway is no longer a County of Orange highway, upon filing of a Notice of Completion.
4. Adopt a Resolution declaring portions of Golden Avenue, within the City of Placentia, to be a County of Orange highway for construction purposes.
5. Approve the Cooperative Agreement between the County of Orange and the City of Placentia for funding and construction of Carbon Canyon Channel Class 1 Bikeway Project (OC Loop Segment D).

6. Delegate the Director of OC Public Works or designee to file and record a Resolution with the City Clerk declaring that the City of Placentia's highway is no longer a County of Orange highway, upon filing of a Notice of Completion.
7. Approve the Cooperative Agreement between the County of Orange and the City of Brea for funding and construction of Carbon Canyon Channel Class 1 Bikeway Project (OC Loop Segment D).

SUMMARY:

Approval of the Cooperative Agreements and adoption of the Resolutions between the County of Orange and the cities of Yorba Linda, Placentia and Brea will support the enhancement of bicycle safety and provide additional commuting and recreational opportunities for the community.

BACKGROUND INFORMATION:

The Carbon Canyon Channel Bikeway Project or OC Loop Segment D (Project) is part of the Orange County Transportation Authority Commuter Bikeways Strategic Plan and the OC Loop. The OC Loop connects and extends several regional bikeways to provide a continuous 66-mile loop around north and central Orange County (County).

The Project closes a gap in the OC Loop network by connecting the intersection of La Floresta Drive and Imperial Highway with the existing El Cajon Trail at Bastanchury Road and Carbon Canyon Channel. The Project provides approximately 0.67 miles of Class I bikeway along the Carbon Canyon and Imperial Highway. Portions of the Project are located within the cities of Yorba Linda, Placentia and Brea.

The purpose of the three proposed County Cooperative Agreements MA-080-20010225, MA-080-20010224 and MA-080-20010223 (Agreements) with the cities of Yorba Linda, Placentia and Brea, respectively, is to define the parties' respective rights and obligations with respect to the design, construction management, funding, maintenance and ownership of the Project.

On August 8, 2017, the Board of Supervisors (Board) approved the adoption of the Final Mitigated Negative Declaration (MND) IP No. 16-343 for the Project.

On April 23, 2019, the Board approved the Project as part of the OC Public Works 7-Year Capital Improvement Program. The estimated project cost is \$11 million.

Resolutions are required to declare portions of Bastanchury Road and Golden Avenue within the cities of Yorba Linda and Placentia to be County highways for construction purposes pursuant to the California Streets and Highway Code (SHC) Sections 1700-1706.

SHC Section 1700 also requires a 4/5 majority vote from the Board in order to declare a city street to be a County highway for construction purposes. The Resolutions each state "that upon the filing of a Notice of Completion that all improvements to City's Street(s) are complete, the Board hereby declares City's Street(s) to no longer be a County highway and instructs OC Public Works to file copies of this Resolution and the Notice of Completion with the City Clerk. Ten days after said filing, City's Street(s) shall cease to be a County highway." Ownership and maintenance will revert to the cities upon completion of the Project.

OC Public Works requests the Board approve the Agreements with the cities of Yorba Linda, Placentia and Brea and authorize the Director of OC Public Works or designee to execute minor amendments if necessary.

Compliance with CEQA: This Project is a necessarily included element of the Project considered in the Final MND IP No. 16-343, adopted by the Board on August 8, 2017, which adequately addressed the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the Final MND IP No. 16-343 was approved has become known; therefore, no further environmental review is required.

FINANCIAL IMPACT:

Appropriations for these Agreements are included in the FY 2019-20 Budget for Fund 174: OC Road Capital and will be included in the budgeting process for future years. The OC Road Fund 174 for capital projects will initially fund 100 percent of the costs for the supported Project. Reimbursable Federal Bicycle Corridor Improvement Program grant funding and State Senate Bill 1 Road Maintenance and Rehabilitation Account funding are the source of funds. Upon Project completion, the County will operate and maintain the Project improvements within the County and the cities of Yorba Linda and Brea jurisdictions. The City of Placentia will maintain the bikeway portion within their jurisdiction per the Bikeways and Trails Agreement.

If the Agreements terminate for any reason, OC Public Works shall submit to the Board a Resolution declaring that such street is no longer a County highway as required by SHC Section 1704.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

OC Community Resources/OC Parks

ATTACHMENT(S):

Attachment A - Project Location Map
 Attachment B - Cooperative Agreement MA-080-20010225 with City of Yorba Linda
 Attachment C - Cooperative Agreement MA-080-20010224 with City of Placentia
 Attachment D - County Highway Declaration Resolution City of Yorba Linda
 Attachment E - County Highway Declaration Map City of Yorba Linda
 Attachment F - County Highway Declaration Resolution City of Placentia
 Attachment G - County Highway Declaration Map City of Placentia
 Attachment H - Cooperative Agreement MA-080-20010223 with City of Brea
 Attachment I - California Streets and Highway Code Sections 1700-1706
 Attachment J - OC Bike Loop Project Location Map



April 8, 2020

ROW I.D. No.: 2019-004

Carrie Hosozawa
CITY OF BREA
1 Civic Center Circle
Brea, CA 92821

Subject: Request for General Plan Conformity Report – Carbon Canyon Channel Class 1 Bikeway (OC Loop Segment D)

Ms. Carrie:

The County of Orange is acquiring portions of parcels from private owners to maintain riding/hiking trail and bikeway usage for the general public. Currently there are few trails in the County of Orange and Army Corps. Of Engineers in which they shared, and the general public relying on. Therefore, it is mandatory to acquire some easements and fees on some private owners. In addition, the County of Orange and City of Brea made a cooperative Agreement date March 10, 2020 for funding and construction of said project. Attached there is a spreadsheet list of all the private owners and reference maps entitling said acquisitions.

As required by Government Code Section 65402, this is to request that a determination be made on the conformance of the proposed County project with the City's General Plan.

Please route a dated copy of the City's determination as made by either the planning commission – OR– authorized staff to Mal Peralta of Right of Way Services, who may be contacted by phone at 714-667-9654 or by e-mail at Malaquias.Peralta@ocpw.ocgov.com. If desired, the form provided below may be used to report project conformance. All questions regarding the subject heading project may be directed to Brad Fowler, at 949-337-0512 or by e-mail at brad.fowler@ocpw.ocgov.com.

Sincerely,


Raymond J. Rivera
Right of Way Services, Senior Land Surveyor

DETERMINATION:

The project described above is in conformance with the City's General Plan.

for the City of Brea

Date

Enclosures: Location Maps, Cooperative Agreement Between County of Orange and City of Brea, ROW 1 & ROW 2 Maps

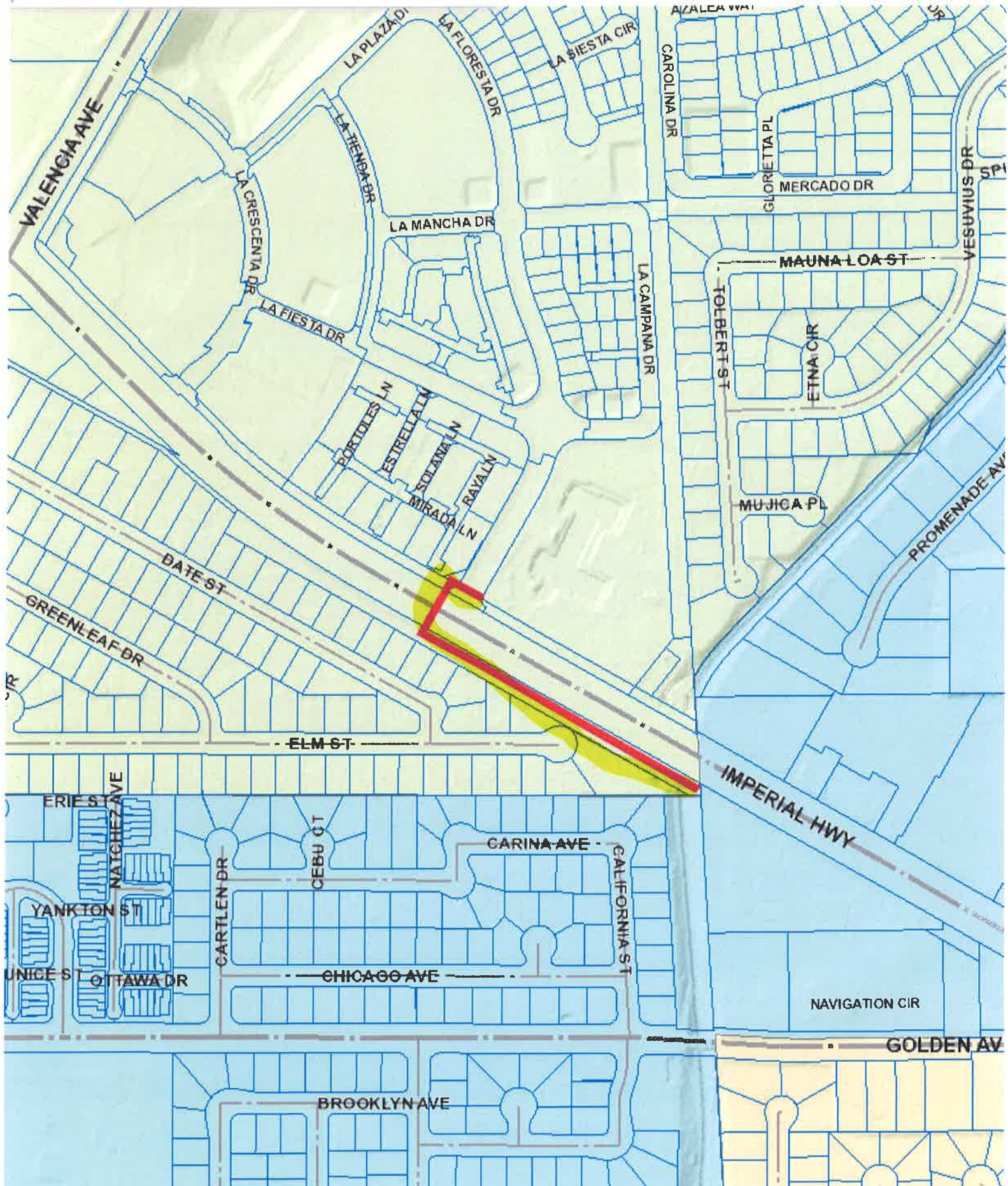
cc: Bill Gallardo, City Manager, City of Brea
Christine Long, Administrative Manager, CEO Real Estate



ORANGE COUNTY PUBLIC WORKS

Page 1 of 1

ATTACHMENT 1



OC Loop Bikeway Segment D Easements

2/20/2020

No.	APN	Prmt Esmt	TCE?	Parcel	Owner Name	Existing Flood Control Easement	Notes
1	336-222-16	Yes	Yes	Tract 5871 Lot 29	Leeper, Dave	No, but seems odd USCOE not included here too.	Does USCOE easement extend here as well? Not on County FLD Control Map. Title?
2	336-371-36	Yes	No	SEC 17 T 3 R 9 1.56	Paramount Imperial Villas	No, but USCOE 100' easement 5502-258	
3	336-291-01	Yes*	No	811	Coyote Oil LLC	for Fld Cntl & Wtr Cons. Insufficiently wide for trail.	
4	336-291-12	Yes	No	Tract 6274, Lot 18	Lamb, Michael	E03-810? Insufficiently wide for trail	
5	336-291-13	Yes	No	810	Isias, Edward	for Fld Cntl & Wtr Conservation	
6	336-291-14	Yes	No	810	Isias, Edward	for Fld Cntl & Wtr Conservation	
7	336-291-15	Yes	No	Tract 6274, Lot 17	Wu, Ralph	E03-810? Insufficiently wide for trail	
8	336-291-16	Yes	No	Tract 6274, Lot 16	Ellington, James	E03-810? Insufficiently wide for trail	
9	336-291-17	Yes	No	Tract 6274, Lot 15	Sugamele, Mark	E03-810? Insufficiently wide for trail	
10	336-081-19	Yes	No	807	Isias, Edward	No Use Spec., but insufficiently wide for trail	
11	336-081-21	Yes	No	SEC 20 T3 R9	Egu, Dorothy C.	E03-807? But insufficiently wide for trail	
12	334-041-16	Yes	Yes	806	Church Evangelical	for Fld Cntl & Wtr Cons Insufficiently wide for trail	
13?	334-041-08	No	No	805.2	Brunskill, Robert W TR	for Ingress/Egress for chl maint/improv.	At-Grade: Appears unnecessary now since tunnel alternative chosen.
14	334-041-21	Yes	Yes	805.01	Brunskill, Robert	for Fld Cntl & Wtr Cons., but wrong location	At-Grade bikeway Could this be APN 334-451-07 also?
15	334-041-21	Yes	Yes	808	Brunskill, Robert	Grant to OCED, but wrong location.	Underground bike tunnel. Could this be APN 334-451-07 also?
16	334-061-02	Yes	Yes	804 & 804.1	Prescott, William	Fld Contr. Purp. & Ingress Egress for Fld Contr. Insufficient	
17	334-061-03	Yes	Yes	804.1	Safari, Seyad	Ingress/Egress for fld contr. purp. But not all req'd area	
18	334-061-04	Yes	Yes	804.1	Panos, Nicole	Ingress/Egress for fld contr. purp., but wrong location	
19	334-061-06	Yes	Encroachment	YL TR 860 Lot 1 Blk 3	City of Yorba Linda	No.	Maint. Access Rd., assume no cost easement
20	334-061-25	Yes	Encroachment	Blk 3 lot 1 TR 860	City of Yorba Linda	No.	Maint. Access Rd., assume no cost easement
21	336-222-36	Yes	Encroachment	P M 157-40 PAR A	City of Brea	No.	Assume no cost City of Brea perm easement needed, Caltrans R/W on Imperial.
22	334-061-26	Yes	Encroachment	812 & 812.1	City of Yorba Linda	Yes. Maint. Rd turn Around Location	Need for Maintenance access easement, assume no cost.
23?	Bastanchury	?	Encroachment	?	City of Yorba Linda	No	Not sure if easement necessary, but show limits on Roadway
24?	Golden	?	Encroachment	?	City of Placentia	No	Not sure if necessary, what do we have now for flood control easement in this location?

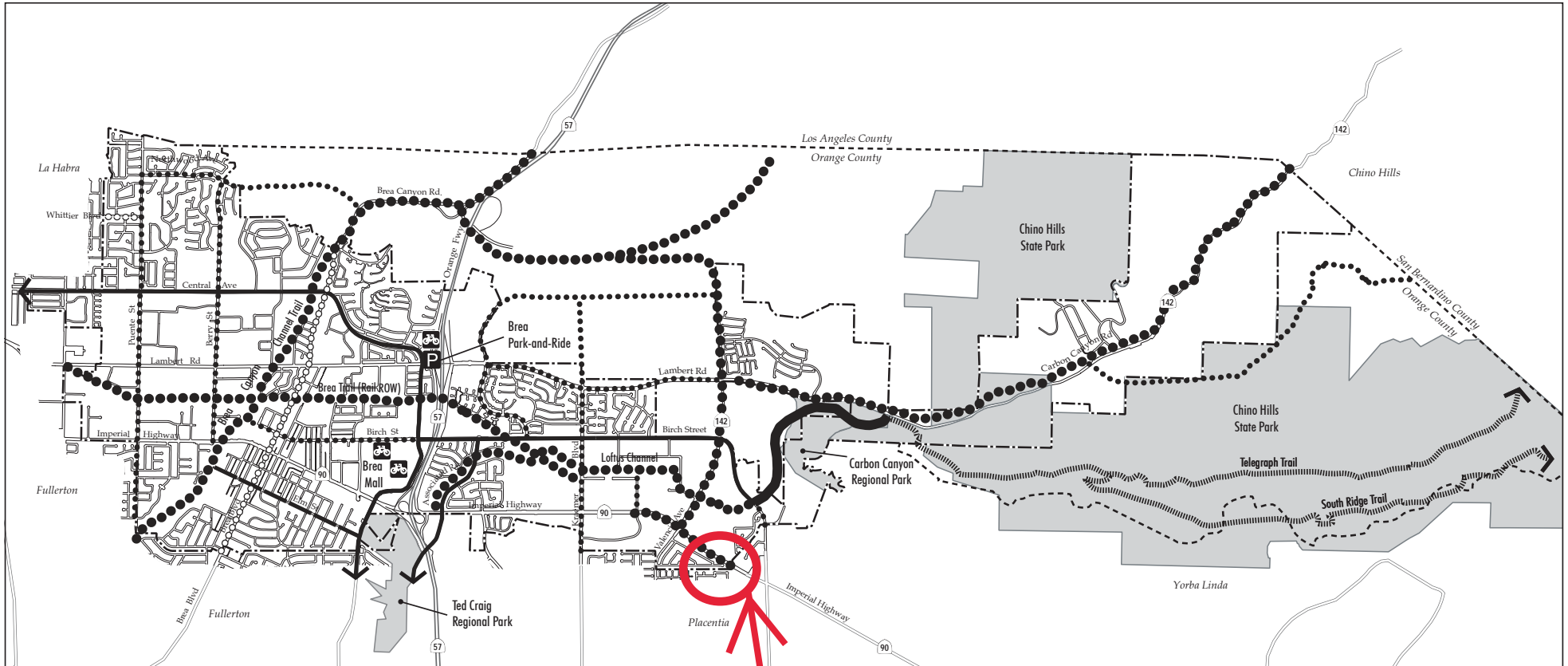
Questions: 1) Does USCOE Easement extend to property 1?

2)

**? May take ownership of whole lot A for this one as quitclaim, as requested by owner. Have legal

Have sufficient info to move ahead with legals.

Imagine Brea



Source: City of Brea, 1993 and OCTA, 2002.

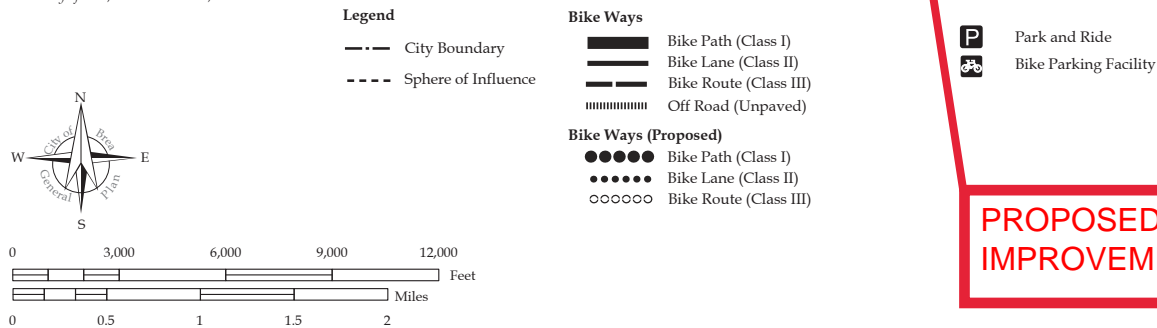


Figure CD-10
Bike Plan



Pedestrian and bicyclist focused wayfinding and signage

Policy A-3. Expand The Tracks at Brea to connect to other parts of the City and surrounding areas to provide an alternative for local and regional travel.

Action A-3.a

Expand The Tracks at Brea to La Habra and Yorba Linda through coordinating with Union Pacific Railroad.

Action A-3.b

Explore North-South Trail Expansion Opportunities to install a dedicated bicycle and pedestrian pathway along Brea Creek to connect to the City of Fullerton and Los Angeles County.

Policies and Actions in A-3 link to the following Brea Envisions Strategic Plan Initiatives:

- ♦ Promote the Tracks at Brea as an alternative pathway through the community. (Value – Balanced and Responsible Growth, Initiative 3 – Enhance and promote pedestrian-friendly development throughout our community and within the public spaces, Page 19)

Policy A-4. Develop a coordinated system of wayfinding signs to direct bicyclists and pedestrians to destinations in Brea's Core.

Action A-4.a

Expand Access to Walking and Biking Destinations Through Signage that is attractive, user-friendly and human-scaled to direct bicyclists and pedestrians to The Tracks at Brea and other significant destinations in Brea's Core.

Action A-4.b

Provide Useful Information on Wayfinding Signs including distance and time to promote walking and biking to destinations.

Policies and Actions in A-4 link to the following Brea Envisions Strategic Plan Initiatives:

- ♦ Promote neighborhood connections to encourage neighbors to know neighbors. (Value – Keep Brea Safe, Initiative 2 – Brea must be a community of safe neighborhoods, Page 24)

City of Brea

PLANNING COMMISSION COMMUNICATION

TO: Honorable Chair and Planning Commission

FROM: Jennifer A. Lilley, AICP, City Planner

DATE: 04/28/2020

SUBJECT: UPDATE TO REGULAR PLANNING COMMISSION MEETINGS

RESPECTFULLY SUBMITTED

Jennifer A. Lilley, AICP, City Planner

Attachments

4. Draft Resolution

RESOLUTION NO. PC 20-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA
ADOPTING AN UPDATE TO THE REGULAR PLANNING COMMISSION
MEETINGS TO BE HELD THE SECOND AND FOURTH TUESDAYS OF EACH
MONTH****A. RESOLUTION:**

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
BREA HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:**

1. California Government Code Section 65804 authorizes the Planning Commission to develop and publish procedural rules for the conduct of zoning and planning hearings so that all interested parties will have advance knowledge of the procedures to be followed.

2. Brea City Code Section 2.28.110 authorizes the Planning Code to establish any rules, procedures or standards which do not conflict with state or federal law.

3. Pursuant to the authority granted by the California Government Code and the Brea City Code, the Planning Commission wishes to establish two regular meeting dates on every second and fourth Tuesday of the month.

4. The proposed Planning Commission schedule shall supersede and replace any conflicting meeting schedule previously adopted by the Planning Commission.

4. The Commission does hereby adopt the proposed Planning Commission meeting schedule to be effective April 28, 2020.

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

ADOPTED AND APPROVED this 28th day of April, 2020.

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 adopted at a regular meeting of the Planning Commission of the City of Brea, held on April 28, 2020, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST:

Jennifer A. Lilley
Secretary