

**BREA LIVING PROJECT  
CONDITIONS OF APPROVAL**

*NOTE: Draft conditions of approval may be further updated prior to the City Council consideration of the Project. Such updates may include, but not limited to, revisions in the required timing and/or requirements, and addition of new conditions.*

Planning Division – Community Development Department

1. Development shall occur in substantial compliance with the plans and documents reviewed and approved by the City Council on \_\_\_\_\_, 2025, which include the site plan, floor plans, and elevations on file in the Planning Division, the conditions contained herein, and all applicable Federal, State, County, and local regulations. The City Planner may approve minor modifications to the approved project plans.
2. The Applicant shall prepare and submit a physical copy (suitable for archival storage) of the final plans and technical studies to the Brea Planning Division prior to the issuance of any building permits for the development.
3. Final architectural elevation plans and details shall be provided at the time of plan check for the review and approval of the City Planner prior to the issuance of building permits. Architecture and design features shall be consistent with the specifications and details provided in the approved Project plans and shall include high-quality materials and finishes. Requests to modify the approved building elevations, materials and details, colors, and other architectural elevation features may be reviewed and approved by the City Planner.
4. Within 30 days of the issuance of the final invoice and prior to the issuance of any building permits, the Applicant is responsible for paying all charges related to the processing of the Project. Failure to pay all charges shall result in delays in the issuance of required permits or may result in the revocation of the approval of this application.
5. Prior to the issuance of any permit, the applicant shall obtain Plan Review approval for Building K from the Planning Division. The Plan Review shall ensure that the proposed modifications to Building K, including but not limited to architectural design, site layout, and parking adjustments, are in substantial conformance with the approved entitlement plans and comply with all applicable Codes.
6. Prior to issuance of any permits, the Applicant shall submit a detailed final landscape plan for review and approval of the City Planner:
  - a. The final landscaping plan shall be in substantial conformance with the conceptual landscape plan on file and comply with the City's Water Efficient Landscaping Requirements.

- b. Said plans shall demonstrate compliance with all applicable landscaping requirements for the MU-II zone.
  - c. Final landscape plans shall show all ground utility equipment 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.
  - d. All landscaping and irrigation must be installed prior to the Certificate of Occupancy issuance.
7. All new landscaping shall be installed in conformance with the approved plans and applicable Brea City Code (BCC) and maintained in perpetuity. Landscaping shall be replaced in a timely manner in the event that it is removed, damaged and/or dead.
8. Prior to the issuance of a building permit, the Applicant shall submit photometric plans for review and approval by the Building Official and City Planner. Said plans shall show the location of all exterior lights, a measurement of light throughout the site, and include cut/specifications sheets for proposed lighting equipment.
9. Prior to the issuance of a building permit, final details regarding all window glazing and potentially reflective building surfaces shall be provided for the review and approval of the City Planner. Said glazing and surfacing shall be treated or designed in a manner to reduce glare impacts to adjacent uses, motorists, pedestrians, and wildlife (e.g. to reduce bird window strikes).
10. All roof-mounted and ground-mounted equipment shall be screened from public views at ground elevation. All screen designs shall be architecturally integrated with the building and shall be subject to the review and approval of the City Planner and Building and Safety Division.
11. Balcony run-off shall be integrated into the building structure and storm drain system. Balcony drain water shall not drain down the side of balconies and/or building exterior.
12. Prior to the issuance of any permit, the Applicant shall submit a parking management plan (PMP) to the Planning Division. The PMP shall implement parking demand strategies identified in the February 19, 2025 Parking Study prepared by LSA Associates. Strategies shall include, but are not limited to, the following:
  - a. Internally sharing parking resources;
  - b. Enforcement of parking management;
  - c. Establishing valet parking for Building K, depending on the future occupant;
  - d. Short-term and long-term bicycle parking; and
  - e. Residential overnight parking permits (on-site, within Project site).

## ATTACHMENT B

The plan shall be modified and implemented as necessary to ensure adequate on-site parking. Any modifications to the parking management plans shall be reviewed and approved by the City Planner.

13. Prior to the establishment of valet parking operations for Building K, if applicable, approval of a Minor Conditional Use Permit (BCC Section 20.408.030) shall be required. All requests for valet parking must be accompanied by a Valet Parking Management Plan that demonstrates that the service will not result in insufficient or inadequate parking.
14. Prior to the issuance of any building permit for Project related signage, the Applicant shall update the Brea Plaza Shopping Center comprehensive sign program to include the apartment building freeway sign and revised Building K elevations for review and approval of the City Planner. The sign program shall be in substantial conformance with approved entitlement plans and all applicable City of Brea regulations, including all State and regulations.
15. Prior to building final, the Applicant shall prepare and submit a written report demonstrating completion of the mitigation monitoring and reporting program for review and approval of the City Planner.
16. Residents shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area (specific to mixed-use development projects).
17. The Applicant shall negotiate in good faith with the developer of the adjacent private property (Assessor's Parcel Number 319-102-34) to identify and grant a permanent easement for pedestrian access to and across the site, as determined necessary.
18. Improvements that add square footage to Building G, approved as part of PD No. 2022-00078 (Planning Commission Resolution No. 2023-08), shall not be constructed.
19. All new electrical, telephone, community antenna, television and similar service wires or cables which provide direct service to the property being developed, shall be installed underground within the exterior boundary lines of such property, unless deemed infeasible.
20. Any future tenant improvement and/or construction plans for a future land use shall demonstrate compliance with the minimum parking requirements, pursuant to BCC Section 20.08.040 (Off-Street Parking and Loading), to the satisfaction of the City Planner. The City reserves the right to require an updated shared parking analysis if deemed necessary.
21. All uses shall comply with the provision of BCC Chapter 20.20 including, but not limited to vibration, glare, emission of dust, smoke, and odors.

22. The Applicant shall comply with the Project-specific mitigation measures described in mitigation monitoring and reporting program listed in the certified Environmental Impact Report adopted by City Council on April 19, 2022 (Brea Plaza Expansion Project Final Environmental Impact Report, State Clearinghouse [SCH] No. 2020079022), and as updated by EIR SCH No. 2020079022 Addendum No. 1.
23. Any permit is subject to expiration and revocation as provided in BCC Chapter 20.412.020, and said provisions are specifically made a part hereof without negating the applicability of any other provision of this title or any other ordinance.
24. Approval of General Plan Amendment No. 2024-01, Precise Development No. 2024-01, Density Bonus No. 2024-01 and Conditional Use Permit Nos. 2024-03, 2024-04, and 2025-05 are contingent upon City Council adoption of an ordinance, processed concurrently, to approve Zone Change No. 2024-01.
25. 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 permit; and (ii) any and all claims, lawsuits, liabilities, and/or actions arising out of, or related to the approval of this 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 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.

Housing Division – Community Development Department

26. Six units shall be provided as rental affordable units for extremely low-income households for a minimum period of 55 years.
27. An Affordable Housing Agreement between the developer and the City, prepared by the City and executed by the City Manager shall indicate the number, type, location, approximate size, and construction scheduling of all dwelling units. Provisions shall be provided for resale restrictions, monitoring affordability of the units, and the eligibility of the households. Prior to any permit issuance, this agreement shall be recorded in the office of the Orange County Recorder– our

ordinance allows for the CM to sign and there's no mention of Council approval required.

Building and Safety Division – Community Development Department

28. All designs shall comply with the Codes adopted at the time of the permit submittal. Currently the 2022 CA Building, Mechanical, Electrical, Plumbing, Cal Green, Energy, Fire Codes, BCC & Ordinances. *Any submittals received after December 31, 2025 shall be compliant with the 2025 California Building Standards Code.*
29. Building permits are required for all the proposed work, California Building Code (CBC) 2022 Sec [A]105.1. Upon formal submittal:
  - a. At the time of building permit submittal, some required construction documents are: Architectural, Structural, Mechanical, Electrical, Energy, Plumbing, Civil (Grading, Erosion Control), Landscaping, Structural Calculations, Energy Calculations, MEP related Calculations & Equipment Cut Sheets, Specs & Geotechnical Report.

The following, if applicable, requires separate submittals and permit issuance:

- i. On-site & Off-site Demo work (Demolition Permit)
- ii. Building construction documents (Building Permit)
- iii. Civil construction documents (Grading Plans)
- iv. Landscape construction documents (Landscape Permit)
- v. Accessory structures construction documents (Miscellaneous Permit)
- vi. Fire Sprinklers (Fire Permit)
- vii. Fire Alarm (Fire Permit)
- viii. PV Systems (Building Permit)
- ix. Energy Storage System (Building Permit)
- x. Temporary Power (Temporary Permit)
- xi. Construction/Office Trailers (Temporary Permit)

- b. The planning entitlement conditions of approval and the geotechnical investigation report recommendations shall be pasted on plans.
  - c. Provide a digital file for all structural calculations generated on excel spreadsheets.
  - d. Bookmark and hyperlink the construction documents shall be bookmarked and hyperlinked.
  - e. Construction plans shall indicate on the plans whether or not the site is within any of the following zones:
    - i. Methane zone
    - ii. Fire zone
    - iii. Flood zone
    - iv. Liquefaction zone
  - f. Any code deviations would require the submittal of Alternative Materials, design, and Methods (CBC Sec. [A]104.11) or Modification request (CBC Sec. [A]104.10). Code sections and alternatives are required with complete justification for the request.
30. Temporary structures (i.e. construction trailers and power poles) require a building permit, and such permit would be valid for 180 days.
31. Upon formal submittal of building permits to the Building & Safety Division, the applicant shall submit a photometric plan showing exterior illumination to be not less than 1 foot-candle at the walking floor surface along the accessible route and path of travel components.
32. Entry doors from interior corridors must provide a minimum STC of 26.
33. Penetrations or openings in sound rated assemblies must be treated to maintain required ratings.
34. Floor-ceiling assembly design must provide a minimum STC of 50, based on lab tests. Field tested assemblies must provide a minimum FIIC of 45.
35. Structural details and calculations shall be provided for storefronts, curtain walls, glass railing, louvers, canopies, green walls, mechanical screens, stone veneers, fire sprinklers' supports and lateral bracing.
36. All exterior windows, doors, and sliding glass doors shall have a positive seal and leaks/cracks must be kept to a minimum.

37. A separate water meter for the landscaping shall be provided, clearly identify meter on the utility plans and the landscape plans.
38. All MEP equipment heavier than 300 lbs. must provide anchorage calculations, details and the details shall be reference on plans.
39. Upon formal submittal to the Building & Safety Division, clearly show on plan all ADA standard & van accessible stalls required, and those shall be located the closest to the main entrance.
40. Upon formal submittal to the Building & Safety Division, clearly identify on plans all units shall be adaptable (ADA) or visitable units.
41. In the event project receives Federal, State or Local funding, the Project shall fully comply with accessibility (ADA) requirements as prescribed on CBC 2022 Chapter 11B.
42. Upon formal submittal to the Building & Safety Division for grading or construction permits, a site-specific geotechnical investigation report is required. The geotechnical feasibility study submitted for review during the planning entitlement review will not be accepted as part of a formal submittal to the Building & Safety Division.
  - a. The geotechnical engineer of record shall review the grading plans, foundation plans and foundation details for conformance with the Geotechnical Investigation Report, stamp and sign the plans and details.
43. The Applicant shall provide written evidence to the Brea Building & Safety Division that a geotechnical engineer has been retained to monitor the grading operation and assure implementation of the site grading recommendations. All recommendations shall be implemented to the performance standards specified in the Geotechnical Investigation report and to the satisfaction of the geotechnical engineer, City Engineer and Building Official. Evidence of implementation shall be provided to the Building & Safety Division prior to issuance of a building permit.
44. Upon formal submittal to the Building & Safety Division for grading or construction permits, a ground motion hazard analysis shall be performed and submitted in accordance with ASCE 7-16 Sec. 11.4.8 (Section 21.2) for this development.
45. Upon formal grading permit submittal to the Building & Safety Division, a color exhibit plan on the civil drawings showing the cut and fill areas shall be provided.
46. Prior to the start of demolition of the existing Building K, an asbestos and lead analysis report shall be submitted for review to the Building and Safety Division.

If asbestos and/or lead is found on the building structure, it shall be removed and properly disposed of prior to commencing any demolition work.

47. Deferred submittal items shall have the prior approval of the building official, the applicant shall discuss with the building official whether or not the proposed deferred submittals will be allowed to be deferred.
48. Prior to the final building inspection, a building height certificate shall be prepared by a licensed civil engineer or surveyor registered in the state of California and it shall be submitted to the Building Official for review.
49. Prior to the building final inspection, an independent CASp report for new buildings and adjacent areas shall be submitted to the Building Official for review. Said report shall identify any project deficiencies with recommendations for the owner to resolve all deficiencies prior to the Certificate of Occupancy issuance.
50. Prior to the Certificate of Occupancy issuance, all outstanding fees for the Project shall be paid.
51. Full project review shall be conducted when complete construction documents are submitted to the Building & Safety division.
52. Additional requirements may be imposed when the Project is submitted for Building & Safety Department plan check review and approval.

Public Works Department

53. The Applicant shall provide Site and Building Demolition Plans for the demolition of the existing site and building infrastructure. The Site and Building Demolition Plans shall be prepared by a registered Civil Engineer, be in accordance with City of Brea Standard Plans and standards, and be to the satisfaction of the Building & Safety Division and City Engineer. Said plans shall include an Erosion and Sediment Control Plan identifying the State issued WDID number and the contact information for the person that is to be reached in case of emergency. Applicant shall obtain approval of the Site and Building Demolition Plans, prior to the issuance of any building permit for any proposed development phase.
54. Prior to the issuance of any building permits for the proposed developed site conditions, the Applicant shall submit and obtain approval for the Precise Grading Plans and all applicable technical studies. The Precise Grading Plans and technical studies shall be prepared by a registered Civil Engineer, be in accordance with City of Brea Standard Plans and standards, and be to the satisfaction of the Building & Safety Division and City Engineer. The Precise Grading Plan submittal shall include the following items:
  - a. Construction Document Plans for the review and approval of the Building & Safety Division and City Engineer. The Construction Document Plans shall identify all improvements required to facilitate the proposed



development and associated infrastructure improvements, to the satisfaction of the City Engineer. Said Construction Document Plans shall include an Erosion and Sediment Control Plan identifying the State issued WDID number and the contact information for the person that is to be reached in case of emergency;

- b. Soils Report for the review and approval of the Building & Safety Division and the City Engineer;
  - c. Final Sanitary Sewer Capacity Analysis for the review and approval of the City Engineer;
  - d. Final Hydrology & Hydraulic Study for the review and approval of the City Engineer. Said study shall meet all City and Orange County requirements;
  - e. Final Water Quality Management Plan (WQMP) for the review and approval of the City Engineer;
  - f. Final Water Demand Analysis for the review and approval of the City Engineer;
  - g. Solid Waste/Trash Collection Circulation Plan for the review and approval of the City Traffic Engineer;
  - h. On-site Circulation Plan as requested for the review and approval of the City Traffic Engineer.
55. Prior to construction permit submittal, the Applicant shall submit an Address Request Application and submit via email to [pwenchroachmentper@cityofbrea.gov](mailto:pwenchroachmentper@cityofbrea.gov). To obtain the application, please visit the following link: <https://www.ci.brea.ca.us/DocumentCenter/View/14699/Address-Request-Application-080323>.
56. The Applicant shall maintain the Storm Water Pollution Prevention Plan during construction in accordance with NPDES guidelines, which shall incorporate all best management practices to mitigate pollutant runoff during construction.
57. The Applicant shall be responsible for the maintenance of all temporary and permanent Best Management Practices (BMP's) and associated infrastructure located on public or private property.
58. The Applicant and any future successors, shall adhere to the approved Final WQMP during the life of the Project.
59. The Applicant shall maintain all public and private drainage facilities in good working order at all times.

60. The Applicant shall be responsible to obtain all necessary permission to perform any work on adjacent private properties or within easement areas.
61. Prior to the issuance of any building permits for the proposed development, the Applicant shall provide verification to the satisfaction of the City Engineer, that all parties that have easements over the property, including entities such as dry utility purveyors, have granted authorization to construct the proposed improvements within existing easement areas or that all existing easements have been modified, removed, and/or quitclaimed or abandoned to accommodate the proposed development.
62. All improvements associated with the proposed development that are located within, and/or impacting facilities located within, easement areas within the property, including easements granted to entities such as dry utility purveyors, shall be constructed to the satisfaction of the easement holders and meet all associated local jurisdictional requirements.
63. All new improvements associated with the proposed development and property that are located on adjacent private property, shall be constructed to the satisfaction of the adjacent private property owners and meet all associated local jurisdictional requirements. Prior to the issuance of any building permits for the proposed developed site conditions or for new improvements proposed to be located on adjacent private property, the Applicant shall provide verification to the satisfaction of the City Engineer, that all adjacent private property owners have granted permission and authorization to perform the proposed work on the adjacent private property, and that agreements and/or easements are in place to allow for private improvements to be located on the adjacent property.
64. The Applicant shall prepare easement documents for all proposed easements, easement modifications, and easement quitclaims or abandonments as identified on the plans approved by the City Council, and for all proposed easements necessary to facilitate the proposed development, meeting all current City standards and all other jurisdictional requirements. Said proposed easements include, but are not limited to, public service easements, private driveway and access easements, and utility easements. Requirements to this condition are as follows:
  - a. Prior to the issuance of any building permits for the proposed developed site conditions, and prior to submittal to the Orange County Surveyor's Office, the Applicant shall submit all easement documents for all proposed easements to the City Engineer for conformance review and approval.
  - b. Prior to the issuance of any building permits for the proposed developed site conditions, the Applicant shall provide verification, to the satisfaction of the City Engineer, that all parties with rights to the existing private driveway and access easement(s) have granted authorization of the easement relocation.

- c. Prior to the issuance of any building permits for the proposed developed site conditions, the Applicant shall submit all easement documents to the Orange County Surveyor's Office for review and approval, including all legal descriptions, maps, and any required supplemental information. The Applicant shall provide to the City Engineer documentation of submittal of all easement documents to the Orange County Surveyor's Office prior to the issuance of any building permits for the proposed developed site conditions.
  - d. Prior to the Certificate of Occupancy issuance, the Applicant shall demonstrate that all proposed easement documents have been recorded at the County of Orange.
- 65. No proposed trees, structures for private utility infrastructure, lighting structures, utility vaults or cabinets; structures or walls with footing or foundation elements; building foundations, structural slabs, or building structural members; shall be located within existing or proposed public easement areas, or within the public right-of-way.
- 66. Domestic, irrigation, and fire services shall be replaced with new service connections consistent with the Conceptual Utility Plan.
- 67. All proposed domestic, irrigation, and fire services shall be per the latest City of Brea Public Works Standards, meeting all City Building & Plumbing Code requirements. All proposed water and fire service connections shall be made to the existing private water main located within the private property to the satisfaction of the City Engineer and the Brea Fire Department.
- 68. The Applicant shall install all water meters, vaults, fire hydrants, FDC's, and above ground backflow prevention devices for all domestic, irrigation, and fire services and systems, at locations to the satisfaction of the City Engineer, the Building & Safety Division, and the Brea Fire Department.
- 69. All existing and proposed fire hydrant and fire service infrastructure locations shall be subject to the review and approval of the City Engineer, the Building & Safety Division, and the Brea Fire Department. Installation of fire hydrants and fire service infrastructure shall be in accordance with City of Brea Public Works Standards and all applicable building codes.
- 70. All proposed sanitary sewer laterals and connections shall be per City of Brea Public Works Standards, shall meet all City Building and Plumbing Code requirements, shall be connected to the on-site private sanitary sewer main located within the existing private property, and shall be to the satisfaction of the City Engineer and the Building & Safety Division.
- 71. The proposed development shall only be served by underground distribution utilities.

72. Prior to the Certificate of Occupancy issuance, the Applicant shall pay all applicable impact fees and connection fees as set forth in the City ordinances and in effect at the time of permit approval.
73. Prior to the issuance of any building permit, a completed Waste Management Plan (WMP) shall be submitted through Green Halo Systems by the Applicant and approved by the Public Works Department to ensure compliance with CALGreen and SB 1383 requirements. Each individual building permit shall include its own separate WMP submittal through Green Halo Systems for the proposed scope of work associated with each building permit.
74. Prior to the issuance of any building permit for the proposed developed site conditions, the Applicant shall prepare Public Improvement Plans for the review and approval of the City Engineer, for all public improvements located within the public right-of-way of S. Associated Road or within adjacent easement areas. The Public Improvement Plans shall be prepared by a registered Civil Engineer, be in accordance with City of Brea Standard Plans and standards, and be to the satisfaction of the City Engineer. Prior to any building permit issuance for the proposed developed site conditions, the Public Improvement Plans shall be approved by the City Engineer. All improvements shall be constructed to the satisfaction of the City Engineer, including any field punch list items, prior to the Certificate of Occupancy issuance. The public improvements shall include, but are not limited to, the following items:
  - a. Construction of a traffic signal, including, but not limited to, new electrical service connection, adaptive control, safety lighting, northbound left-turn arrows, and pedestrian, vehicle, and bike detection, at the intersection of S. Associated Road and the southerly driveway of the Brea Plaza development. The proposed traffic signal construction shall include all traffic signal infrastructure and associated improvements to facilitate full operations of the traffic signal to the satisfaction of the City Traffic Engineer and City Engineer;
  - b. Installation of all signage and striping improvements as necessary to implement the new traffic signal improvements at the intersection of S. Associated Road and the southerly driveway of the Brea Plaza development to the satisfaction of the City Traffic Engineer;
  - c. Installation of 2-inch conduit, pullboxes, fiber optic cable, and associated communications infrastructure required to connect the new traffic signal and video/surveillance systems at the intersection of S. Associated Road and the southerly driveway of the Brea Plaza development to the City of Brea's communication system at the intersection of S. Associated Road & Greenbriar Lane to the satisfaction of the Brea Police Department, the City Traffic Engineer, and the City Engineer;
  - d. Construction and implementation of all Integrated Crime Center (ICC) improvements located within the public right-of-way or public easement

areas, as identified by the Brea Police Department. ICC improvements may include, but are not limited to, the installation of PTZ surveillance cameras and automated license plate reading (ALPR) cameras, and all electrical and communications connections to facilitate full operations and connectivity to the existing City of Brea communications system. All improvements shall be designed and installed to the satisfaction of the Brea Police Department, the City Traffic Engineer, and the City Engineer;

- e. Dedication of all easements and implementation of improvements required to facilitate the construction and full operation of the traffic signal and ICC improvements and to the satisfaction of the Brea Police Department, the City Traffic Engineer, and the City Engineer;
  - f. Removal, replacement, and/or relocation of all existing infrastructure or structures interfering with the proposed improvements. This includes, but is not limited to, existing water meters, backflow prevention, utility vaults, utility meters, vent pipes, fire hydrants, signage, street lights, power poles, and paving.
- 75. All improvements and work within the Orange County Flood Control District (OCFCD) property or easement areas shall be constructed to the satisfaction of OCFCD and meet all associated local jurisdictional requirements.
  - 76. The Applicant shall submit a Caltrans Encroachment Permit Application and obtain approval from Caltrans for all improvements, construction, or staging located within or impacting the Caltrans public right-of-way.
  - 77. All public improvements, and improvements within the public right-of-way and public easement areas, shall be designed and constructed per current City standards and all other jurisdictional requirements, and shall be to the satisfaction of the City Engineer.
  - 78. The Applicant shall enter into an Encroachment License Agreement with the City of Brea for all private improvements or non-standard improvements, improvements not in accordance with City of Brea Standard Plans and standards, located within the public right-of-way or within public easement areas.
  - 79. All existing public utilities located within the public right-of-way or within existing easements are to be protected in place, unless indicated otherwise by improvement plans approved by the City Engineer.
  - 80. A City of Brea Public Works Encroachment Permit shall be obtained prior to any construction, improvements, or staging in the public right-of-way or within existing public easement areas.
  - 81. The Applicant shall complete the construction of all public improvements in the public right-of-way and within public easement or right-of-way dedication areas to the satisfaction of the City Engineer, and enter into a Subdivision Improvement

Agreement and guarantee the installation of these improvements by providing sufficient bonds or sureties for both Faithful Performance and Labor and Materials in a form approved by the City Attorney before the approval of the Lot Line Adjustment. All bonds or sureties shall be provided in an amount to the satisfaction of the City Engineer.

82. Prior to the issuance of any building permit for the proposed developed site conditions, the Applicant shall submit a Lot Line Adjustment for review and approval of the City Engineer. The Lot Line Adjustment shall be submitted to the City Engineer for review and approval prior to submittal to the County of Orange for recordation. The Lot Line Adjustment shall be recorded with the County of Orange prior to the Certificate of Occupancy issuance. The Lot Line Adjustment shall be in accordance with all requirements set forth in the Subdivision Map Act and the BCC.
83. Applicant shall be responsible to prepare all documentation and pay for any publication fee (if applicable) for the proposed lot line adjustment, dedications, and/or vacations of right-of-way or easements.
84. Prior to the release of all Faithful Performance Bonds and Labor and Materials Bonds, all improvements shall be completed, constructed, and accepted by the City, and a warranty bond shall be provided in accordance with the Subdivision Improvement Agreement.

#### Fire Department

85. Final fire and life safety conditions will be addressed when the Fire Department reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes which are in effect at time of building plan submittal.
86. Prior to any permit issuance, the applicant/developer shall submit a Brea Fire Master Plan which shall include an approved site plan for fire lanes and signage (CFC 501.3).
87. Prior to grading permit issuance, an Alternative Materials & Methods Request permit shall be issued.
88. The Fire Code Official is authorized to enforce the fire safety during construction requirements of CFC Ch. 33.
89. The permanent building address shall be provided and either internally or externally lit during hours of darkness. The address shall be clearly visible from the street fronting the property. The numbers shall be a minimum of 12" in height with a minimum stroke of 1". The background and numbers shall be highly contrasting.

90. A fire hydrant shall be located within 50 feet of the FDC for buildings protected with a fire sprinkler system.
91. Prior to any permit issuance, soil testing is required, which may require methane mitigation.
92. Prior to issuance of any permit, provide a fire flow report that has been completed within the last 6 months. The test flow shall be completed from the closest fire hydrant to the property. The minimum fire flow requirement is 2,500 GPM for 2-hours. The actual fire flow requirement will be based on the construction drawings issued for either the grading or construction permit (CFC 507.3).
93. Prior to Building Final, the applicant/developer shall install a fire sprinkler and standpipe system based on the information provided. Fire sprinkler plans shall be submitted to the Fire Department prior to installation (CFC 903).
94. Prior to Building Final, the applicant/developer shall install a monitored fire alarm system in accordance with CFC Section 907. Plans shall be submitted to the Fire Department prior to installation (CFC 907).
95. Prior to Building Final, a "Knox Box Rapid Entry System" shall be provided if deemed necessary. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. Electric powered gates shall be provided with Knox key switches for access by emergency personnel. Where manual operated gates are permitted, they shall be provided with a Knox box or Knox padlock (CFC 506.1 & 503.6).
96. Prior to the Certificate of Occupancy issuance, the building shall be provided with an emergency radio communication enhancement system that complies with the City of Brea, Guideline for Emergency Radio Responder Coverage. Plans for the emergency radio communication enhancement system shall be submitted to the Brea Fire Department for review and approval prior to installation.
97. Additional requirements may be imposed when the Project is submitted for Fire Department plan check review/ approval.

Police Department

98. Prior to issuance of any building permits, the Applicant shall pay all applicable impact fees as set forth in the City ordinances and in effect at the time of permit approval.
99. The City has established an Integrated Crime Center (ICC). The ICC is a system comprised of advanced technology that is revolutionizing how the Brea Police Department prevents, manages, and solves crime. The Project will benefit from the installation of various ICC elements in the vicinity of the development that will allow the Brea Police Department to generate investigative leads, manage critical

incidents in real-time, monitor special events, conduct traffic management and Emergency Operation Center functions, and conduct other crime prevention and suppression activities. The applicant is; therefore, required to provide the following ICC elements:

a. Prior to the Certificate of Occupancy issuance:

- i. The Applicant is required to design and install an extension of the City's fiber optic communications system from the traffic signal control cabinet at the intersection of S. Associated Road & Greenbriar Lane to the new traffic signal control cabinet installed at S. Associated Road and the southerly driveway of the Brea Plaza development on S. Associated Road. This new communications path will provide both ICC connectivity and traffic signal control and surveillance communications. Modifications to the City's communication system may include, but are not limited to, installation of 2-inch conduit, pullboxes, fiber optic cable, communications cables, and associated communications infrastructure as required to connect in the ICC elements and new traffic signal. The installation of all improvements in the public right-of-way must comply with the specific requirements set by the Department of Public Works and the Police Department and is subject to the approval of the City Engineer and City Traffic Engineer to ensure compliance with all relevant technical and safety standards.
- ii. The Applicant shall provide funding for the procurement and installation of one PTZ video surveillance camera as determined and approved by the Brea Police Department. That camera is to be installed on a new traffic signal pole at the intersection of S. Associated Road & the southerly driveway of the Brea Plaza development on S. Associated Road as determined by the Brea Police Department, the City Traffic Engineer, and the City Engineer.
- iii. The Applicant shall provide funding for the procurement and installation of two ALPR cameras installed on the property as previously outlined. The ALPR cameras and their orientation are to be determined and approved by the Brea Police Department and the Community Development Department.
- iv. The Applicant shall provide access to the Project site's CCTV network for ingestion into the Police Department's Video Management System, for both live viewing and recording. This access can be provided via hardwire connection to the City's communication system at the new traffic signal, or via another method deemed reliable by the Police, Information Technology, and



Public Works departments.

Community Services Department

100. Prior to the Certificate of Occupancy issuance, the Applicant shall pay Park Development Fees applicable to multiple-family residential units, as set forth in the City ordinances and in effect at the time of permit approval.

Mitigation Compliance

101. The Applicant shall comply with all plans, programs, and policies (PPP) and the required mitigation measures (MM) included in the Mitigation Monitoring and Reporting Program listed in the Project's Final Environmental Impact Report, as modified:
  - a. **PPP AE-1:** The proposed project is required to provide a minimum landscaped coverage of 15 percent of the net site area in accordance with municipal code Section 20.258.020, General Development Standards for the Mixed-Use Zoning Districts.
  - b. **PPP AE-2:** For parking areas, the proposed project is required to maintain an equivalent of one foot-candle of illumination on the average throughout the parking area. The lighting is required to be on a timeclock or photo-sensor system. The lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted in accordance with municipal code Section 20.08.040(C)(5), Lighting.
  - c. **PPP AE-3:** All lighting, interior and exterior, shall be designed and located so as to confine all direct rays to the premises in accordance with municipal code Section 20.220.040(L), Lighting. Lighting for nonresidential uses shall be appropriately designed, located, and shielded to ensure that they do not negatively impact the residential uses in compliance with Section 20.08.040(C)(5).
  - d. **PPP AE-4:** Signs shall be located in a manner to ensure that sight distance is not impaired at any locations for vehicular traffic to and from the premises, in accordance with municipal code Section 20.28, Signs. The Brea Plaza comprehensive sign program will be amended, subject to Planning Commission approval. The proposed signage for the Brea Plaza Shopping Center on the residential building requires review by the Planning Commission to ensure that its size, location, content, coloring, or manner of illumination does not constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or detracting from the visibility of any official traffic control device, or by diverting or tending to divert the attention of drivers of moving vehicles from the traffic movement on the public streets and highway. Pursuant to Municipal Code Section 20.28.230, Sign Illumination, the approval of any illuminated sign shall not be final until 30 days after installation, during which period the Community

Development Director or his or her designee may order the dimming of any illumination found to be excessively brilliant.

- e. **PPP AE-5:** Loading areas for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the project and streets, in compliance with subsections 20.236.040(E), Walls and Fences, and 20.220.040(F), Fences, Walls, and Hedges, and subparagraph K. Screening and buffering standards for loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from odors when residential uses might be impacted, in accordance with subsection 20.258.030(I)(3), Loading Areas.
- f. **PPP AE-6:** Recycling and refuse storage facilities for nonresidential uses shall be as far as possible from residential units and shall be completely screened from view from the residential portion of the project and streets in compliance with the standards in subsections 20.236.040(E), Walls and Fences, and 20.220.040(F), Fences, Walls, and Hedges, and subparagraph K, Screening and Buffering. Recycling and refuse storage facilities for nonresidential uses should be compatible in architectural design and details with the overall project. The location and design of trash enclosures shall mitigate nuisances from odors when residential uses might be impacted, in accordance with the standards in subsection 20.258.030(J), Recycling and Refuse Storage Facilities.
- g. **PPP AE-7:** In accordance with Section 20.258.030(D), Specific Development Standards for all Mixed-Use Projects, of the Brea Municipal Code, the architectural style and use of quality materials shall be consistent throughout the entire project; however, differences in architectural details and/or materials may occur to differentiate between the nonresidential and residential portions of the project.
- h. **PPP AE-8:** In accordance with Section 20.258.030(D)(3.F), Specific Development Standards for all Mixed-Use Projects, of the Brea Municipal Code, the design of the residential portion of the project shall be consistent with the design guidelines for multi-family residential development. In accordance with Section 20.258.030(A)(2), Specific Development Standards for all Mixed-Used Projects MU-I Zoning Districts, of the Brea Municipal Code, nonresidential and residential uses shall be vertically integrated whenever possible; however, stand-alone residential projects and stand-alone nonresidential projects are allowed when planned and designed as an integrated element of a larger mixed-use development area.
- i. **PPP AIR-1:** New buildings are required to achieve the current California Building Energy and Efficiency Standards (Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2022

Building and Energy Efficiency Standards became effective January 1, 2023. The Building Energy and Efficiency Standards and CALGreen are updated tri-annually with a goal for nonresidential buildings to achieve zero net energy by 2030.

- j. **PPP AIR-2:** New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new buildings, or meet local bicycle parking ordinances, whichever is stricter.
- k. **PPP AIR-3:** New buildings are applicable to adhere to the California Green Building Standards Code (CALGreen) mandatory measures for indoor air quality and to provide regularly occupied areas of the building with air filtration media for outside and return air that provides at least a Minimum Efficiency Reporting Value (MERV) of MERV 13 filters as deemed necessary and/or in effect at the time of building permit issuance.
- l. **PPP AIR-4:** Construction activities will be conducted in compliance with California Code of Regulations Title 13 Section 2449, which requires that nonessential idling of construction equipment is restricted to five minutes or less.
- m. **PPP AIR-5:** Construction activities will be conducted in compliance with any applicable South Coast Air Quality Management District rules and regulations, including but not limited to:
  - Rule 403, Fugitive Dust, for controlling fugitive dust and avoiding nuisance.
  - Rule 402, Nuisance, which states that a project shall not “discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.”
  - Rule 1113, which limits the volatile organic compound content of architectural coatings.
- n. **PPP BIO-1:** In compliance with the California Fish and Game Code, birds and their active nests are protected; therefore, the trees on-site would be removed outside of the nesting season, either prior to February 15 or after August 15.
- o. **PPP CUL-1:** Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for treatment and disposition of human remains and associated grave goods.

- p. **PPP CUL-2:** The removal, without permission, of any paleontological site or feature is prohibited from lands under the jurisdiction of the state or any city, county, district, authority, or public corporation or any agency thereof (PRC Section 5097.5). This applies to agencies' own activities, including construction and maintenance, and permit actions by others.
- q. **PPP CUL-3:** Adverse impacts to paleontological resources from developments on public lands (state, county, city, and district) require reasonable mitigation. (PRC Section 5097.5)
- r. **PPP CUL-4:** If human remains are discovered within a project site, disturbance of the site must stop until the coroner has investigated and made recommendations for the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative. If the coroner has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. (California Health and Safety Code Section 7050.5).
- s. **CUL-1:** If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall cease, and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work, such as data recovery excavation and the preparation of an Archaeological Resources Treatment Plan prepared by the qualified archaeologist in consultation with the City, may be warranted and will be reported to the City.
- t. **CUL-2:** Monitoring of mass grading and excavation activities in the areas identified as likely to contain paleontological resources by a qualified paleontologist who meets the standards of the Society of Vertebrate Paleontology. A paleontologist shall be on call in the event that paleontological resources are found during ground-disturbing activities. The paleontologist shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossils. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner, and comply with the standard procedures listed by the Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee.
- u. **PPP E-1:** New buildings are required to achieve the current California Building Energy Efficiency Standards (Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2022 Building Energy Efficiency Standards became effective on January 1,

2023. The Building Energy Efficiency Standards and CALGreen are updated tri-annually with a longer-term goal to achieve zero net energy.

- v. **PPP E-2:** New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new non-residential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2).
- w. **PPP E-3:** California's Green Building Standards Code (CALGreen) requires the recycling and/or salvaging for reuse at minimum of 65 percent of the nonhazardous construction and demolition waste generated during most "new construction" projects (CALGreen §§ 4.408 and 5.408). Construction contractors are required to submit a construction waste management plan that identifies the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvaged for future use or sale and the amount (by weight or volume).
- x. **PPP E-4:** Construction activities are required to adhere to Title 13 California Code of Regulations Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.
- y. **PPP E-5:** New buildings are required to adhere to the California Green Building Standards Code and Water Efficient Landscape Ordinance requirements to increase water efficiency and reduce urban per capita water demand.
- z. **PPP GHG-1:** New buildings are required to achieve the current California Building Energy Efficiency Standards (Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2022 Building Energy Efficiency Standards will become effective on January 1, 2023. The Building Energy Efficiency Standards and CALGreen are updated tri-annually with a longer-term goal to achieve zero net energy.
- aa. **PPP GHG-2:** New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new buildings, or meet local bicycle parking ordinances, whichever is stricter. Development of the project would require provision of anchored bicycle racks and long-term secured bicycle parking.
- bb. **PPP GHG-3:** California's Green Building Standards Code (CALGreen) requires the recycling and/or salvaging for reuse at minimum of 65 percent of the nonhazardous construction and demolition waste generated during most "new construction" projects (CALGreen §§ 4.408 and 5.408). Construction contractors are required to submit a construction waste management plan that identifies the construction and demolition waste

materials to be diverted from disposal by recycling, reuse on the project, or salvaged for future use or sale and the amount (by weight or volume).

- cc. **PPP GHG-4:** Construction activities are required to adhere to California Code of Regulations, Title 13, Section 2449, which requires that nonessential idling of construction equipment be restricted to five minutes or less.
- dd. **PPP GHG-5:** New buildings are required to adhere to the California Green Building Standards Code and Water Efficient Landscape Ordinance requirements to increase water efficiency and reduce urban per capita water demand.
- ee. **PPP LU-1:** As part of the project review process, the City of Brea is requiring that the project applicant prepare a parking study.
- ff. **PPP NOI-1:** Project-related construction activity will be limited to the hours of 7:00 am to 7:00 pm on weekdays and Saturdays. Construction is prohibited on Sundays.
- gg. **PPP NOI-2:** The project will comply with City of Brea's stationary exterior noise standards.
- hh. **PPP NOI-3:** The project will comply with the City of Brea's vibration standards of 70 VdB at the property line of the sensitive receptor.
- ii. **PPP NOI-4:** The residential development will comply with the California Building Code (CBC), Title 24, Part 2, Volume 1, Chapter 12, Interior Environment, Section 1207.11.2, Allowable Interior Noise Levels. Nonresidential development will comply with the CBC, Title 24, Building Standards Administrative Code, Part 11, CALGreen.
- jj. **PPP NOI-5:** Outdoor nonresidential uses in mixed-use projects shall be prohibited from operating between the hours of 10:00 p.m. and 7:00 a.m. in accordance with Section 20.258.030 (H)(1) Hours of Operation of the Brea Municipal Code.
- kk. **PPP NOI-6:** The covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week in accordance with Section 20.258.030 (H)(3) Loading and Unloading Activities, of the Brea Municipal Code.
- ll. **PPP NOI-7:** Residents of a mixed-use development project shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area. The covenants, conditions, and restrictions of a

mixed-use project shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information in accordance with Section 20.258.030 (H)(4) Noise Notification, of the Brea Municipal Code.

- mm. **PPP NOI-8:** Residential dwelling units shall be designed to be sound attenuated against present and future project noise. New projects or new nonresidential uses in existing projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards in accordance with Section 20.258.030 (H)(6) Sound Mitigation, of the Brea Municipal Code.
- nn. **PPP NOI-9:** Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.
- oo. **PPP POP-1:** Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.
- pp. **PPP PS-1:** Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.
- qq. **PPP PS-2:** Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.
- rr. **PPP PS-3:** Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.
- ss. **PPP PS-4:** Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.

- tt. **PPP PS-5:** Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.
- uu. **PPP PS-6:** Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.
- vv. **PPP PS-7:** Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.
- ww. **PPP PS-8:** Pursuant to AB 2926, new development is required to pay development impact fees to assist in providing school facilities to serve students generated by new development.
- xx. **PPP PS-9:** Pursuant to SB 50, new development is required to offset the costs associated with increasing school capacity, where the funds collected go to acquiring school sites, constructing new school facilities, and modernizing existing school facilities.
- yy. **PPP REC-1:** The proposed project is required to comply with Brea Municipal Code Section 18.64.080 that establishes the subdivision regulations for the provision of park and recreational facilities through land dedication, installation of improvements, payment of in-lieu fee thereof, or a combination. New development is required to fund park and recreational development and improvements through the payment of park development fees.
- zz. **PPP TRAF-1:** The proposed project is required to pay development impact fees to the City of Brea pursuant to the City's AB 1600 Transportation Improvement Nexus Program (Ordinance 996). Based on a transportation improvement nexus program study conducted in 2011, the City Council adopted Resolution 2011-096, which updated the impact fees, effective February 4, 2012. Fair-share fees offset or mitigate the cumulative traffic impacts caused by new development. The program ensures all future development in the City of Brea contributes on a fair-share basis.
- aaa. **PPP TRAF-2:** Modifications to the roadway network, including driveways, curbs, and sidewalks, are subject to approval of the City of Brea.



Construction work within the right-of-way of a public roadway requires the issuance of a permit by the City of Brea.

- bbb. **PPP TRAF-3:** The proposed project is required to implement the following bicycle safety improvements as a condition of approval. The project shall restripe the west leg of the intersection of South Associated Road at Birch Street to provide an exclude east-bound right-turn pocket. To implement this improvement, the existing traffic signal at South Associated Road and Birch Street shall be modified to allow for an eastbound right-turn overlap phase. In addition, the existing R73- 5(CA) sign for the northbound left-turn lanes shall be replaced with a R73-6(CA) sign to restrict U-turns in the northbound direction.
- ccc. **PPP TCR-1:** Pursuant to California Health and Safety Code Section 7050.5, if human remains are discovered on the project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are not subject to his or her authority and has reason to believe that they are those of a Native American, he or she shall contact the NAHC by telephone within 24 hours.
- ddd. **TCR-1:** Prior to the commencement of any ground disturbing activity within the Project area, the Applicant shall retain two total Native American Monitors, each approved by the tribes that consulted on this Project pursuant to Assembly Bill 52 and Senate Bill 18 (the "Tribe" or the "Consulting Tribe"), and in concurrence with the City of Brea as the CEQA lead agency. The Applicant shall coordinate with each of the Consulting Tribes to develop an executed contract to pay for tribal monitors to be present during ground-disturbing activities. Prior to the issuance of any permit necessary to commence a ground-disturbing activity, a copy of the executed contract shall be submitted to the City of Brea Community Development Department.
- The Tribal monitors will only be present on-site and on off-site portions of the area included as part of the Project grading or improvement permits during the construction phases that involve ground-disturbing activities. Ground-disturbing activities are defined by the Tribes as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project area.
  - The Tribal Monitors shall complete daily monitoring logs that provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified.
  - The monitoring shall be concluded when all ground-disturbing activities within the Project area are completed, or when the Tribal Representatives and Tribal Monitors have indicated that all upcoming ground-disturbing activities have little to no potential for impacting Tribal Cultural Resources.

eee. **TCR-2:** If tribal cultural resources are inadvertently discovered during ground disturbing activities for this Project. The following procedures will be carried out for treatment and disposition of the discoveries:

- Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed.
- All Tribal Cultural Resources unearthed by Project activities shall be evaluated by the qualified archaeologist and Tribal monitors approved by the Consulting Tribes. If the resources are Native American in origin, Consulting Tribes will share finds with one another and will retain it/them in the form and/or manner the Tribes deems appropriate, for educational, cultural and/or historic purposes. If agreement cannot be reached as to the disposition of cultural materials, they shall be curated at Western Science Center by default.
- If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease within 100 feet of the discovery, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- Work may continue on other parts of the Project Site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources.
- Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

- fff. **PPP USS-1:** The project will pay the Sanitary Sewer Connection Fees collected by the City of Brea, which contribute to maintenance and installation of sewer improvements in the OCSD in accordance with Section 3.32.040, Sewer Service Fees and Charges, of the Brea Municipal Code.
- ggg. **PPP USS-2:** The project will pay the water impact fees and water connection fees collected by the City of Brea, which covers costs to purchase water supplies and to operate and maintain the water distribution system in accordance with Ordinance 967.
- hhh. **PPP USS-3:** Landscaping installed on-site shall conform to the California Green Building Standards Code and Water Efficient Landscape Ordinance requirements to increase landscape water efficiency.
- iii. **PPP USS-4:** Plumbing fixtures installed on-site shall conform to California Green Building Standards Code requirements to increase water efficiency and reduce urban per capita water demand.
- jjj. **PPP USS-5:** The project would comply with the City's water conservation program during a drought or emergency situation, in accordance with Chapter 13.20, Water Management Program, of the City's Municipal Code.
- kkk. **PPP USS-6:** The project will be constructed and operated in accordance with the Santa Ana Regional Water Quality Control Board Municipal Stormwater (MS4) Permit for Orange County. The MS4 Permit requires the proposed project to prepare and implement a WQMP to:
- Control release of contaminants into storm drain systems.
  - Educate the public about stormwater impacts.
  - Detect and eliminate illicit discharges.
  - Control runoff from construction sites.
  - Implement BMPs and site-specific runoff controls and treatments.
- III. **PPP USS-7:** California's Green Building Standards Code (CALGreen) requires the recycling and/or salvaging for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste generated during most "new construction" projects (CALGreen Sections 4.408 and 5.408). Construction contractors are required to submit a construction waste management plan that identifies the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale and the amount (by weight or volume).
- mmm. **PPP USS-8:** The project will abide by AB 341 and AB 1826. The project will store and collect recyclable materials in compliance with AB 341. Green waste will be handled in accordance with AB 1826.

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