



Finance Committee Agenda

Tuesday, April 8, 2025, 8:30 AM
EXECUTIVE CONFERENCE ROOM - 3RD FLOOR
1 Civic Center Circle
Brea, CA 92821

MEMBERS: Council Member Marty Simonoff and Council Member Steve Vargas

ALTERNATES: Council Member Cecilia Hupp and Mayor Christine Marick

This agenda contains a brief general description of each item the Committee will consider. The Administrative Services Department has on file copies of written documentation relating to each item of business on this Agenda available for public inspection. Contact the Administrative Services Department Office at (714) 990-7684 or view the Agenda and related materials on the City's website at <https://www.ci.brea.ca.us/509/Meeting-Agendas-Minutes>. Materials related to an item on this agenda submitted to the Committee after distribution of the agenda packet are available for public inspection in the Administrative Services Department's Office at 1 Civic Center Circle, Brea, CA during normal business hours. Such documents may also be available on the City's website subject to staff's ability to post document before the meeting.

Procedures for addressing the Committee

Members of the public may offer comment by phone or email or may observe the meeting by attending in person. All requests to offer comment must be submitted via phone by calling (714) 990-7684 or by emailing debbied@cityofbrea.gov by 12:00 p.m. on the Monday prior to the meeting.

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Services Office at (714) 990-7684. 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)

PLEASE SILENCE ALL PAGERS, CELL PHONES AND OTHER ELECTRONIC EQUIPMENT WHILE THE COMMITTEE IS IN SESSION.

1. CALL TO ORDER/ROLL CALL

- 1A. Attendees
- 1B. Matters from the Audience

2. CONSENT

- 2A. Approval of Minutes 03-25-2025

3. DISCUSSION

3A. Affordable Housing Agreement with Brea 32, LLC and Homebuyer Down-Payment Assistance Funding Request for the South Brea Townhomes Project

- 1. Approve an Affordable Housing Agreement (Attachment A) with Brea 32, LLC for the South Brea Townhomes Project (“Project”);
- 2. Authorize the City Manager to: a. Execute the Affordable Housing Agreement; b. Execute the following two documents with four buyers of the affordable units at South Brea Townhomes (included as exhibits to Attachment A): i. Purchaser Affordability Agreement; and ii. Notice of Affordability Restrictions. c. Administratively make non-monetary revisions to the Affordable Housing Agreement and related documents as necessary or appropriate;
- 3. Approve a California Environmental Quality Act (“CEQA”) Exemption Determination pursuant to CEQA Guidelines Section 15061(b)(3);
- 4. Discuss options and provide direction to staff regarding the use of City Housing funds to provide down-payment assistance loans, in an amount not to exceed \$400,000.00 to four Low-Income buyers of the affordable units at South Brea Townhomes; and
- 5. If applicable, a. Amend the City’s Fiscal Year 2024-25 Operating Budget to appropriate an amount not to exceed \$400,000.00 from the Affordable Housing Trust Fund (270) and/or Housing Successor Fund (280) for the use of down-payment assistance loans; and b. Authorize the City Manager to authorize payment of four down-payment assistance loans in a total amount not to exceed \$400,000.00.

3B. Annual Engineer's Report for Landscape and Lighting Maintenance Districts Nos. 1, 2, 3, 4, 5, 6 and 7

4. ADJOURNMENT

Next Scheduled Meeting: Tuesday, April 29, 2025

Date Posted: April 4, 2025



Finance Committee Communication

A. Approval of Minutes 03-25-2025

Meeting	Agenda Group
Tuesday, April 8, 2025, 8:30 AM	CONSENT Item: 2A.
TO	FROM
Finance Committee Members	Kristin Griffith, City Manager

Attachments

[Finance Committee-03-25-2025-minutesDraft.pdf](#)

Minutes for the Finance Committee

1 Civic Center Circle, Brea, CA 92821

March 25, 2025

1. CALL TO ORDER/ROLL CALL

Council Member Steve Vargas called the meeting to order at 8:30 a.m.

1A. Attendees-

Council Member Steve Vargas, Mayor Pro Tem Cecilia Hupp, Kristin Griffith, Jose Walehwa, Phil Rodriguez, Chris Harvey, Chris Winger, Monica Lo, Sean Matlock, Randy Hornsby, and Debbie Duff

1B. Matters from the Audience-

None.

2. CONSENT

2A. Approval of Minutes 01-28-2025-

The minutes of the January 28, 2025 Finance Committee meeting were approved as amended.

Item 3A. Approve a Contract with Baker Tilly to Develop a New Five-Year Strategic Plan for the Police Department

-The Finance Committee discussed this item and Council Member Vargas had raised some concerns.

3. DISCUSSION

3A. Approve Purchase of Night Hawk Software from Leads Online-

The Finance Committee discussed this item. Staff needs to update the dates in the agreement. This item was recommended for City Council action.

3B. Approve Grant-Funded Purchase of Portable Surveillance Cameras-

The Finance Committee discussed this item and recommended it for City Council action.

4. ADJOURNMENT

Council Member Steve Vargas adjourned the meeting at 8:41 a.m.



Finance Committee Communication

A. Affordable Housing Agreement with Brea 32, LLC and Homebuyer Down-Payment Assistance Funding Request for the South Brea Townhomes Project

Meeting	Agenda Group
Tuesday, April 8, 2025, 8:30 AM	DISCUSSION Item: 3A.
TO	FROM
Finance Committee Members	Kristin Griffith, City Manager

RECOMMENDATION

Staff recommends that the Finance Committee recommends the City Council take the following actions:

1. Approve an Affordable Housing Agreement (Attachment A) with Brea 32, LLC for the South Brea Townhomes Project ("Project");
2. Authorize the City Manager to:
 - a. Execute the Affordable Housing Agreement;
 - b. Execute the following two documents with four buyers of the affordable units at South Brea Townhomes (included as exhibits to Attachment A):
 - i. Purchaser Affordability Agreement; and
 - ii. Notice of Affordability Restrictions.
 - c. Administratively make non-monetary revisions to the Affordable Housing Agreement and related documents as necessary or appropriate;
3. Approve a California Environmental Quality Act ("CEQA") Exemption Determination pursuant to CEQA Guidelines Section 15061(b)(3);
4. Discuss options and provide direction to staff regarding the use of City Housing funds to provide down-payment assistance loans, in an amount not-to-exceed \$400,000 to four Low-Income buyers of the affordable units at South Brea Townhomes; and
5. If applicable,
 - a. Amend the City's Fiscal Year 2024-25 Operating Budget to appropriate an amount not-to-exceed \$400,000 from the Affordable Housing Trust Fund (270) and/or Housing Successor Fund (280) for the use of down-payment assistance loans; and
 - b. Authorize the City Manager to authorize payment of four down-payment assistance loans in a total amount not-to-exceed \$400,000.

BACKGROUND/DISCUSSION

Background:

On March 2, 1993, the City Council adopted Resolution No. 93-16, which established the Affordable Housing Guidelines for Ordinance No. 934. This ordinance mandates that residential developments of 20 units or more to set aside 10% of the total units as affordable for Low- to Moderate-Income households. The ordinance was subsequently amended on August 17, 2004 and August 15, 2023, to incorporate new guidelines for the implementation of Chapter 20.40 of the Brea City Code. The purpose of Chapter 20.40 is to implement an Affordable Housing Program aimed at expanding the affordable housing stock in the City, by establishing standards and procedures that encourage the development of Low- to Moderate-Income housing, which is then implemented through an Affordable Housing Agreement between the developer and the City. The Affordable Housing Agreement specifies the number, type, location, approximate size, and construction schedule of all dwelling units. It also includes provisions for resale restrictions, monitoring the affordability of the units, and determining the eligibility of households.

On August 16, 2022, the City Council adopted Resolution No. 2022-061, approving the 6th Cycle Housing Element, which committed City staff to seek funding to facilitate the development of affordable housing (Housing Element Policy 2.1) and offer financial assistance to Low- and Moderate-Income homebuyers (Housing Element Policy 2.3). Since the adoption of the Housing Element in 2022, the City has been successful in securing grant funding from CalOptima Health and the California State Department of Housing and Community Development's ("HCD") Prohousing Incentive Program for the development of affordable housing.

On July 28, 2023, City staff received an SB 330 preliminary application for a residential development for the South Brea Townhomes, utilizing the provisions of Government Section 65589.5 and 65941.1, which subjects the submitted project to the ordinances, policies, and standards adopted and in effect when the application was submitted to the City. At the time of application, the 2023 Affordable Housing Ordinance update was not yet in effect; therefore, the submitted project fell under the 2004 guidelines (included as Exhibit B to Attachment A).

On July 23, 2024, the Brea Planning Commission approved Resolution No. PC 2024-07 for a Tentative Tract Map No. 19315, Resolution No. PC 2024-08 for a Density Bonus No. 2023.01, and Resolution No. PC 2024-09 for a Precise Development No. 2023.03 approving the South Brea Townhomes Project ("Project"). The Planning Commission Staff Report and attachments from the July 23, 2024 meeting are included as Attachment B, providing additional background information on the Project.

The Project includes demolition of an approximately 6,592 square-foot commercial building located at 685 South Brea Boulevard and construction of 32 new, single-family, for-sale units. Per the City's Ordinance No. 934 prior to the 2023 Affordable Housing Ordinance Update, as well as the Conditions of Approval numbers 14-16 from Exhibit A to Resolution No. 2024-09 (Attachment B), the project shall comply with the following requirements:

- Four units shall be provided as for-sale affordable units for Moderate-Income households for a minimum period of 45 years.
- An Affordable Housing Agreement between the developer and City shall be approved by the City Council and recorded prior to permit issuance.
- The applicant shall provide the four affordable units as Low-Income units, if the City identifies an opportunity to offer potential financial assistance to future buyers of the affordable units.

As per the Conditions of Approval and the City's Affordable Housing Guidelines, the Affordable Housing Agreement, presented as Attachment A, includes provisions for the affordability period, eligibility of households, resale restrictions, monitoring of the affordable units, and potential funding contribution towards buyers of the affordable units.

On August 20, 2024, the City Council adopted Resolution No. 2024-056, authorizing the submission of a Local Housing Trust Fund (“LHTF”) grant application to HCD, in pursuit of the opportunity to offer financial assistance to future buyers of the affordable units and offer the Moderate-Income units as Low-Income. The grant request from HCD was in the amount of \$1,000,000, with a match requirement of \$1,000,000 from the City’s Affordable Housing Trust Fund (270), for a total of \$2,000,000. From the \$2,000,000.00 total, \$400,000 was identified to provide financial down-payment assistance for future buyers of the affordable units at the Project.

On September 17, 2024, following City Council’s authorization, staff submitted the matching grant application to HCD’s LHTF program. Detailed information about the LHTF grant application is provided in the August 20, 2024 City Council Staff Report as Attachment C. However, as of the drafting of this staff report, LHTF award announcements are still pending.

Should the City not be successful in obtaining the LHTF grant award, staff is seeking direction as to whether or not the City Council would be interested in approving the use of the City’s Housing Funds to offer financial assistance to future buyers of the affordable units and offer the Moderate-Income units as Low-Income. Staff has prepared the following scenarios for Council’s review and consideration. For illustrative purposes, Tables 1 and 2, below, demonstrate the estimated beginning balances of the City’s two Housing funds, current obligations, and estimated ending fund balances.

TABLE 1 Fund 270 - Affordable Housing Trust Fund Balance and Obligations	
Estimated fund balance as of FY 2024-25	\$3,807,635
Ongoing obligation for Senior Subsidy Program and other expenses <i>(setting aside four years’ worth of expenditures)</i>	-\$124,000
Estimated fund balance available for future projects*	\$3,683,635

*If the City receives the full LHTF grant award of \$1,000,000, the ending fund balance would leave approximately \$4,683,635 available for future affordable housing projects.

Fund 270 Estimated Revenue Projections: While the Affordable Housing Trust Fund (270) receives revenue from Homebuyer Program participant equity share payments, the amount/s are significantly dependent on the market conditions and can be inconsistent from one year to the next. The Fiscal Year 2024-25 estimated revenue is \$196,154; if the average remains consistent and multiplied over five years, this fund may see an estimate of \$980,770 in additional revenue.

TABLE 2 Fund 280 - Housing Successor Fund Balance and Obligations	
Estimated fund balance as of FY 2024-25	\$2,311,185
Ongoing obligation for administrative functions <i>(setting aside four years’ worth of expenditures)</i>	-\$1,372,980

Estimated fund balance	\$938,205
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Fund 280 Estimated Revenue Projections: The Housing Successor Fund (280) receives revenues from developer fees and loan payments at approximately \$60,259 annually. This Fund also receives fluctuating Homebuyer Program second mortgage loan payments and equity share payments from unanticipated home sales. The equity share payments are significantly dependent on the market conditions and can be inconsistent from one year to the next. The Fiscal Year 2024-25 estimated revenue is \$144,900; if the average remains consistent and multiplied over five years, this fund may see an estimate of \$724,500 in additional revenue.

Discussion:

At this time, staff is requesting the City Council to consider options for providing down-payment assistance loans to four Low-Income homebuyers, in the event the City does not receive an LHTF grant award.

- **Option 1:** Condition the approval of down-payment assistance loans upon receipt of LHTF grant funds. This will allow a maximum amount of \$400,000 to be used for down-payment assistance. If not awarded, the four affordable units will be offered and sold to Moderate-Income buyers.
- **Option 2:** Down-payment assistance loans are provided regardless of LHTF grant award status. This option guarantees the four affordable units will be offered to Low-Income buyers. Should this option be considered, staff requests Council provide direction for funding source and cumulative amount (if different from proposed \$400,000 cap).

Following City Council's discussion of funding options, staff recommends approval of the Affordable Housing Agreement ("Agreement") with Brea 32, LLC. The proposed Agreement has been assessed in accordance with the California Environmental Quality Act (CEQA) Guidelines, and the environmental regulations of the City. The proposed Agreement is exempt from the requirements to prepare additional environmental documentation per CEQA Guidelines Section 15061(b)(3), because it is limited to executing the Agreement that would specify the required affordable housing obligations for the South Brea Townhomes project and as such, the proposed Agreement will not result in a direct or reasonably foreseeable indirect physical change in the environment and will not have a significant effect on the environment. In addition, the South Brea Townhomes project was previously determined to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15332.

SUMMARY/FISCAL IMPACT

There is no impact to the General Fund as a result of approving the proposed Affordable Housing Agreement.

Should the City Council approve the use of Housing Funds to offer down-payment assistance loans to four Low-Income homebuyers, in lieu of prospective grant funding, there will be an impact of \$400,000 to the City's Affordable Housing Trust Fund (270) and/or Housing Successor Fund (280).

RESPECTFULLY SUBMITTED

Kristin Griffith, City Manager

Prepared by: Marie Dao, Senior Management Analyst

Concurrence: Melissa Davis, Community Development Manager and Jason Killebrew, Assistant City Manager/Community Development Director

Attachments

[ATTACHMENT A - DRAFT Affordable Housing Agreement.pdf](#)

[ATTACHMENT B - July 23, 2024 Planning Commission Staff Report and Attachments compressed.pdf](#)

[ATTACHMENT C - August 20, 2024 City Council Staff Report.pdf](#)

ATTACHMENT A

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Brea
1 Civic Center Circle
Brea, CA 92821
Attn: Housing Division

Exempt from recording fees under Government Code Sections 6103 and 27383

AFFORDABLE HOUSING AGREEMENT

THIS AFFORDABLE HOUSING AGREEMENT ("Agreement") is dated _____, 2025 for reference purposes and is executed by _____ ("Owner"), a _____, and the CITY OF BREA ("City"), a California municipal corporation. Owner and City are sometimes referred to as the "parties" herein.

RECITALS

- A. Owner owns certain real property located in City's territory at 685 South Brea Boulevard ("Property") and more particularly described in the attached Exhibit A.
- B. On July 23, 2024, the Brea Planning Commission adopted Resolution No. PC 2024-07 approving Tentative Tract Map No. 19315, Resolution No. PC 2024-08 approving Density Bonus No. 2023-01, and Resolution No. PC 2024-09 approving Precise Development No. 2023-03 for the South Brea Townhomes Project ("Project"), which includes demolition of an approximately 6,592 square-foot commercial building and construction of 32 new single-family attached for-sale units.
- C. City's Condition of Approval Nos. 14-16 for the Project (set forth in Exhibit A to Brea Planning Commission Resolution No. 2024-09) require that the Project provide four for-sale affordable units (disbursed among four buildings) for moderate-income households, or for low-income households if City offers financial assistance to buyers of such units, for a 45-year period.
- D. The parties are executing this Agreement to satisfy City's Affordable Housing Ordinance and Conditions of Approval Nos. 14-16 for the Project.

NOW, THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, the sufficiency of which is acknowledged, the parties agree as follows.

1. Rules of Interpretation.

A. General. As used in this Agreement, and as the context may require, the singular includes the plural and vice versa; the term “shall” is mandatory and the term “may” is permissive; the term “day” means calendar day; and the terms “include,” “includes,” and “including” are illustrative and nonexhaustive.

B. Cross-References. Cross-references to “Section ___” refer to a Section of this Agreement unless otherwise indicated or apparent from the context. References to a statute or regulation shall be deemed to refer to the then-current version of such statute or regulation.

2. Definitions. In addition to the terms defined above, the following definitions shall apply for purposes of this Agreement.

A. “Affordability Period” means the 45-year period commencing on the date of recordation of the deed of trust, purchaser affordability agreement, and notice of affordability restrictions executed by the buyer of the affordable unit.

B. “Affordable Housing Cost” means a housing cost that does not exceed the limits set forth in Health and Safety Code § 50052.5(b)(4) if City does not exercise the Buyer Assistance Option. “Affordable Housing Cost” means a housing cost that does not exceed the limits set forth in Health and Safety Code § 50052.5(b)(3) if City exercises the Buyer Assistance Option. In no event shall affordable housing cost (including principal and interest on loans, property taxes, insurance, association fees, and utilities) exceed 35% of the buyer’s gross income.

C. “Affordable Housing Program Requirements” means City’s Affordable Housing Ordinance and Affordable Housing Guidelines set forth in the attached Exhibit B.

D. “Affordable Units” means the four units in the Project (disbursed among four buildings) to be sold: (i) to a person or family of moderate income, if City does not exercise the Buyer Assistance Option; or (ii) to a person or family of low income, if City exercises the Buyer Assistance Option.

E. “Buyer Assistance Option” means City’s option to provide financial assistance to buyers of the affordable units pursuant to City’s Condition of Approval No. 16 for the Project.

F. “Deed of Trust” means a deed of trust substantially consistent with the template set forth in the attached Exhibit D.

G. “Eligible Buyer” means a person or family of moderate income, if City does not exercise the Buyer Assistance Option. “Eligible Buyer” means a person or family of low income, if City exercises the Buyer Assistance Option.

H. “Gross Income” has the meaning set forth in 25 Cal. Code of Regs. § 6914.

I. “Housing Cost” has the meaning set forth in 25 Cal. Code of Regs. § 6920.

J. "Notice of Affordability Restrictions" means a notice of affordability restrictions substantially consistent with the template set forth in the attached Exhibit F.

K. "Person or Family of Low Income" means: (i) "lower income households" as defined in Health and Safety Code § 50079.5; (ii) "persons and families of low income" or "persons of low income" as defined in Health and Safety Code § 50093(a); and (iii) "lower income households" as defined in 25 Cal. Code of Regs. § 6928.

L. "Person or Family of Moderate Income" means: (i) a "moderate income household" as defined in Health and Safety Code § 50052.5(g); (ii) "persons and families of moderate income" or "middle income families" as defined in Health and Safety Code § 50093(b); and (iii) "moderate-income households" as defined in 25 Cal. Code of Regs. § 6930.

M. "Purchaser Affordability Agreement" means a purchaser affordability agreement substantially consistent with the template set forth in the attached Exhibit E.

3. Buyer Assistance Option. City may exercise the Buyer Assistance Option by providing notice to Owner on or before _____, 20___. City shall be deemed to have waived the Buyer Assistance Option if notice is not provided to Owner by such deadline.

4. Restrictions on Transfer. Owner shall not sell, convey, transfer, lease, assign, encumber, mortgage, or hypothecate any affordable unit, or enter into an agreement to sell, convey, assign, transfer, encumber, mortgage, or hypothecate any affordable unit, except in compliance with this Agreement.

5. Covenants to Maintain Affordability and Maintain Owner Occupancy.

A. Owner shall comply with the Affordable Housing Program Requirements.

B. The affordable units are being developed by Owner to increase and improve the community's supply of housing available at an affordable housing cost. Two of the affordable units shall be two-bedroom units, and two of the affordable units shall be three-bedroom units. The affordable units shall be located within the Project as identified on the conceptual site plan set forth in the attached Exhibit C unless the parties agree upon an alternative unit allocation between two and three-bedroom units.

C. If City does not exercise the Buyer Assistance Option, Owner shall sell the affordable units at an affordable housing cost only to persons or families of moderate income who will occupy the affordable unit as their primary residence. If City exercises the Buyer Assistance Option, Owner shall sell the affordable units at an affordable housing cost only to persons or families of low income who will occupy the affordable unit as their primary residence.

D. As a condition to closing the sale of an affordable unit, Owner shall obtain from the buyer and shall record with the Orange County Clerk-Recorder an executed deed of trust, purchaser affordability agreement, and notice of affordability restrictions.

Within five days of such recordation, Owner shall provide City with copies of the recorded documents.

6. Term. This Agreement shall be effective upon execution and shall expire upon recordation of the deed of trust, purchaser affordability agreement, and notice of affordability restrictions executed by the buyer of the last sold affordable unit.

7. Sale Price Controls and Procedures.

A. Owner shall notify City of the commencement of pre-sales of the affordable units. City shall provide Owner a prospective purchasers interest list. Owner shall use best efforts to market affordable units to persons on such list.

B. For the purpose of confirming with City that a prospective purchaser is an eligible buyer and will be paying a purchase price that is an affordable housing cost, Owner shall notify City in writing of any offer that Owner intends to accept. Concurrently with such notice, Owner shall provide City with the following information on the prospective purchaser and any other information reasonably deemed necessary by City:

- a. Name and address of the prospective purchaser.
- b. Number of persons comprising the prospective purchaser's household and their names and ages.
- c. Proposed price and any other consideration for the purchase of the affordable unit.
- d. Amount of down payment.
- e. Terms of any loan that will be used by the prospective purchaser to finance the purchase of the affordable unit, including principal, interest rate, term, and loan fees.
- f. Closing date.
- g. Aggregate annual gross income of the prospective purchaser's household.
- h. Most recent federal and state income tax returns of the prospective purchaser and all other members of such person's household for the preceding two calendar years.
- i. Verification of the prospective purchaser's salary or wages from such person's employer.
- j. Copy of the proposed purchase and sale agreement, escrow instructions, loan application, or other agreements between Owner and the prospective purchaser relating to the sale of the affordable unit.

k. A written statement signed by the prospective purchaser declaring that the affordable unit will be occupied by such person and used as a primary residence.

C. Upon receipt of the information specified in paragraph (B) above, City shall have 15 days to determine whether the prospective purchaser is an eligible buyer and whether the sales price constitutes an affordable housing cost. If both determinations are made in the affirmative, City shall not withhold or condition its approval of the proposed transaction; otherwise City may reject the proposed transaction and Owner shall not sell the affordable unit to that prospective purchaser. If the proposed transaction results in the affordable housing cost being 35% or less of gross income, City shall not condition its approval on Owner consummating the sale at a lower percentage of gross income. If City does not approve or reject a proposed transaction within the 15-day review period, City shall be deemed to have granted approval.

D. In no event shall Owner sell any affordable unit to a purchaser who is not an eligible buyer or at a price higher than the price that will result in an affordable housing cost.

8. Maintenance of the Affordable Units. Owner shall not abandon, remove, or demolish any affordable unit. Owner shall keep and maintain the affordable units in good condition and repair during its period of ownership. This obligation shall terminate upon sale of the affordable unit.

9. Nondiscrimination. Owner covenants that there shall be no discrimination against or segregation of any person, or group of persons, on account of any basis listed in subdivision (a) or (d) of Government Code Section 12955 in connection with the sale, transfer, use, or occupancy of the Project. Neither Owner nor any person claiming under or through Owner shall establish or permit any practice of discrimination or segregation with reference to the selection or location of buyers of the Project.

10. Notices. Any notices or other documents related to this Agreement shall be deemed received on: (a) the day of delivery, if delivered by hand during the receiving party's regular business hours or by e-mail before or during the receiving party's regular business hours; (b) the business day after delivery, if delivered by e-mail after the receiving party's regular business hours; or (c) on the second business day following deposit in the United States mail, postage prepaid, to the addresses listed below, or to such other addresses as the parties may, from time to time, designate in writing. Any notice delivered by e-mail that concerns breach of this Agreement shall concurrently be sent by deposit in the United States mail, postage prepaid.

Owner

City

City of Brea
1 Civic Center Circle
Brea, CA 92821
Attn: Jason Killebrew
E-mail: jasonk@cityofbrea.gov

11. Administration.

A. The City Manager is authorized to execute a subordination agreement in commercially reasonable form to subordinate City's rights to any first deed of trust or mortgage in favor of any bank, savings and loan association, or other institutional lender that secures a loan that has been approved by City and is for the construction of the affordable units.

B. The City Manager, or such official's designee, is authorized to make City's determinations whether a prospective purchaser is an eligible buyer and whether a sales price constitutes an affordable housing cost.

C. The City Manager, with concurrence of the City Attorney, may approve amendments to the deed of trust, purchaser affordability agreement, and notice of affordability restrictions that promote the purposes of the Affordable Housing Program Requirements.

D. City may administer this Agreement or may from time to time assign its rights or designate another entity, person, licensed real estate broker, or organization to administer this Agreement.

12. Time of Essence. Time is of the essence for each provision of this Agreement for which time is a factor.

13. Further Assurances and Recordation. Upon request of City, Owner shall execute, acknowledge and deliver (or cause to be executed, acknowledged and delivered) such further instruments and shall do such further acts as may be necessary, desirable, or proper to carry out more effectively the purpose of this Agreement.

14. Litigation. In the event that either party shall commence legal action to enforce or interpret this Agreement, the prevailing party shall be entitled to recover its costs of suit including reasonable attorneys' fees. The venue for litigation shall be Orange County, California. The interpretation of this Agreement shall not be resolved by any rules of construction providing for interpretation against the party who causes the uncertainty to exist or against the party who drafted the disputed language. Upon breach of this Agreement, City shall be entitled to all remedies available under the law including: (i) specific performance, injunctive relief, or other equitable remedies; and (ii) disgorgement of any amounts of sale proceeds that exceed what would have been realized if the purchase price resulted in an affordable housing cost.

15. Severability. In the event that any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable or invalid, such ruling shall not render unenforceable any other provision of this Agreement. Each provision of this Agreement is severable and independently enforceable to the fullest extent permitted by law.

16. Binding Effect. The obligations established in this Agreement attach to and run with the Property, and shall be binding on Owner and any successor in interest to the Property or any part thereof for the benefit and in favor of City and City's successors and assigns.

17. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute a single instrument.

18. Exhibits. Exhibits A through F are incorporated into this Agreement by reference. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of an exhibit, the provisions of this Agreement shall prevail.

19. Incorporation of Mandatory Language. Each and every provision required by law to be inserted in this Agreement shall be deemed to be inserted and this Agreement shall be read and enforced as though such provision were included. If through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon request of either party this Agreement shall promptly be amended to make such insertion or correction.

20. Entire Agreement. This Agreement (and the attached Exhibits) represents the entire and integrated contract between the parties on its subject matter. This Agreement may not be amended, nor any provision or breach waived, except in a writing that is signed by the parties and that expressly refers to this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

TO EXECUTE THIS AGREEMENT, the parties have caused their duly authorized representatives to sign below.

OWNER:

By: _____

Print Name: _____

Title: _____

CITY:

CITY OF BREA,
a municipal corporation

By: _____
Kristin Griffith, City Manager

ATTEST:

By: _____
Lillian Harris-Neal, City Clerk

APPROVED AS TO FORM:

By: _____
Terence Boga, City Attorney

EXHIBIT A

Legal Description

(Attached)

DRAFT

EXHIBIT B

City of Brea 2004 Affordable Housing Ordinance and Guidelines (Attached)

DRAFT

CHAPTER 20.40: AFFORDABLE HOUSING

Section

- 20.40.010 Affordable housing requirements
- 20.40.020 State density bonuses and other incentives
- 20.40.030 Applicability
- 20.40.040 Incentives to develop affordable housing
- 20.40.050 Standards
- 20.40.060 In lieu fees
- 20.40.070 Low-to-moderate income housing fund
- 20.40.080 Guidelines

§ 20.40.010 AFFORDABLE HOUSING REQUIREMENTS.

The purpose of the Affordable Housing Program is to expand the affordable housing stock in proportion with the overall increase in residential units by establishing standards and procedures that encourage the development of low to moderate income housing.

(Ord. 934, passed 3-2-93)

§ 20.40.020 STATE DENSITY BONUSES AND OTHER INCENTIVES.

The incentives to be considered under Cal. Gov't Code §§ 65915 *et seq.* are listed in § 20.40.040 of this chapter.

(Ord. 934, passed 3-2-93)

§ 20.40.030 APPLICABILITY.

A. Residential developments of twenty (20) or more units shall provide ten percent (10%) of the total number of units for affordable housing provided the city determines the development of the affordable units does not place an economic burden on the developer or the future homeowners.

B. In order to determine the economic feasibility of the affordable units in the residential projects, the developer shall be required to submit an impact analysis in a format determined by the Development Services Director detailing the anticipated costs and revenues of the project. This impact analysis will be reviewed and approved by the city.

C. A residential developer may elect to follow the density bonus program pursuant to Cal. Gov't Code § 65915 *et seq.* in place of Brea's Affordable Housing Program.

(Ord. 934, passed 3-2-93)

§ 20.40.040 INCENTIVES TO DEVELOP AFFORDABLE HOUSING.

A. In order to off-set the costs of the development of affordable units pursuant to this chapter, the city/Agency will approve any or all of the following incentives:

1. A density bonus;
2. Flexible development standards, such as, a reduction in unit square footage, on-site requirements, and off-site improvements;
3. Deferral of development impact fees;
4. Use of Building Code alternatives;
5. Assistance in application for public funds, such as rent subsidies, bond financing, community development block grants;
6. Redevelopment set-aside funds;
7. Any other lawful means of offering the costs of providing affordable units.

B. Should the appropriate incentives not offset the cost of the required affordable units as shown in the impact analysis, then the number of required affordable units shall be reduced until the city determines a break even point has been met.

C. The Planning Commission shall approve all incentives offered under this program and shall evaluate each program on a project specific basis. Any use of Redevelopment Agency set-aside funds shall require the approval of the Agency Board.

(Ord. 934, passed 3-2-93)

§ 20.40.050 STANDARDS.

A. All affordable units in a project or phases of a project shall be constructed concurrently with or prior to the construction of market rate units.

B. All affordable units shall be reasonably dispersed throughout the project unless approval for an off-site location has been granted. The affordable units shall contain on the average the same number of bedrooms as the market rate units in the project. The materials and finished quality of the affordable units shall be comparable with the market rate units.

C. Affordable units required under this chapter shall be retained as affordable units for forty-five (45) years or until sold or transferred with an equity share for owner-occupied units and fifty-five (55) years as to rental units. The affordability period begins upon the initial sale or rental of the unit.

(Am. Ord. 1075, passed 9-7-04)

§ 20.40.060 IN LIEU FEES.

Consideration of in lieu fees instead of providing the required affordable unit(s) may be reviewed on a case-by-case basis by the Planning Commission. Factors to be considered include economic profile of the development, site conditions, the number of units in the development, and feasibility of the fees to generate the in lieu units.

(Ord. 934, passed 3-2-93)

§ 20.40.070 LOW-TO-MODERATE INCOME HOUSING FUND.

The in lieu fees and any equity share payment collected as a result of requirements of this chapter shall be deposited in an Affordable Housing Trust Fund to be used exclusively to develop and retain the supply of housing affordable to low-to-moderate income households. The city or Redevelopment Agency shall provide ongoing implementation programs utilizing funds deposited in the Affordable Housing Trust Fund for the benefit of low-to-moderate income households.

(Ord. 934, passed 3-2-93; Am. Ord. 1075, passed 9-7-04)

§ 20.40.080 GUIDELINES.

The City Council shall adopt by resolution the guidelines for the implementation of this chapter. It is the intent of the City Council that the guidelines shall have the full force and effect of the law and shall be adhered to in full.

(Ord. 934, passed 3-2-93)

RESOLUTION NO. 04-72

**A RESOLUTION OF THE COUNCIL OF THE CITY OF BREA
ADOPTING NEW GUIDELINES FOR THE IMPLEMENTATION
OF CHAPTER 20.40 OF THE BREA CITY CODE CONCERNING
AFFORDABLE HOUSING**

A. Recitals.

(i) Brea City Council Section 20.40.080 provides that this Council shall adopt guidelines for the implementation of Chapter 20.40 of that Code concerning affordable housing.

(ii) Attached hereto and marked "Exhibit 1" are guidelines proposed for adoption to so implement said Chapter 20.40.

B. Resolution.

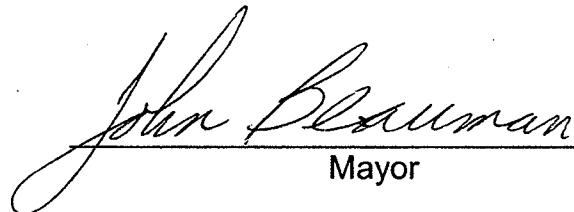
NOW, THEREFORE, the Council of the City of Brea does hereby find, determine and resolve as follows:

1. This Council finds that all of the facts stated in the Recitals, Part A, of this Resolution are true and correct.

2. This Council hereby adopts that document entitled "Affordable Housing Guidelines" attached hereto as "Exhibit 1" and each and every term and provision contained therein and said document shall supersede any and all guidelines heretofore adopted in order to implement Chapter 20.40 of the Brea City Code.

3. The City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the Council of the City of Brea, California, this
17th day of August, 2004.



Mayor

I, Lucinda Williams, Deputy City Clerk of the City of Brea, California, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the City Council of the City of Brea held on the 17th day of August, 2004, by the following vote:

AYES: COUNCILMEMBERS: Moore, Perry, Simonoff, Lentini and Beauman

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ATTEST:



Deputy City Clerk of the City of Brea

AFFORDABLE HOUSING GUIDELINES

City of Brea

Implementation Program for City Affordable Housing Ordinance,
Chapter 20.40 of the Brea City Code

I. INTRODUCTION

These guidelines are designed to augment and give further detail to the Affordable Housing Ordinance adopted by the Brea City Council on March 2, 1993, and as amended on _____, 2004.

II. PROGRAM APPLICABILITY

The requirements of the Affordable Housing Program apply to all new residential development projects consisting of twenty or more units. The number of units is the total aggregate number of dwellings in the project, regardless of the planned phasing of the project. The City will not approve projects which reasonably appear to be smaller parts of a greater project which are submitted with the intent of circumventing the requirements of the ordinance.

Ten percent (10%) of all residential units included in projects of twenty (20) or more units shall be made available to low- to moderate-income households for rental units or for-sale units, provided the City determines that the development of the affordable units does not place an economic burden on the developer or the future homeowners. In order to determine the economic feasibility of the affordable units in a residential project, the developer shall submit an Impact Analysis, which will be reviewed and approved by the City. If application of the ten percent density bonus and a combination of incentives provided in the ordinance does not offset the cost of the required affordable units as determined by the City, then the number of required affordable units will be reduced until the City determines that no prohibitive net cost to the developer will occur which would make the project unfeasible or cause the developer return to be substantially below industry standard. In some instances, an in-lieu fee may be paid to the City instead of providing the actual dwelling unit(s). Use of an in-lieu fee must be approved by the City Council.

The developer may elect to follow the density bonus program pursuant to Government Code Section 65915 et seq. The state density bonus program, with its corresponding requisites, fulfills the requirements of Brea's Affordable Housing Program and may be used in place of Brea's program.

III. INCENTIVES

The City may grant incentives, including the following: a reduction in the total square footage of dwelling units; flexible development standards for on- and off-site improvements, and the use of Building Code alternatives. Portions of the required development fees, such as sewer, water, and drainage fees, may be waived and the development impact fees may be deferred until the time of occupancy permits. City- and Agency-assisted financing will be reviewed in an effort to offset costs associated with providing affordable housing units pursuant to the review of the Impact Analysis.

IV. STANDARDS

The affordable units shall be comparable to the market-rate units in terms of the number of bedrooms, materials, and finished quality. The affordable units shall be reasonably dispersed throughout the project, unless an off-site transfer is approved. The affordable units shall be constructed prior to or concurrent with the market-rate units. If the project has been approved in phases, then the affordable units shall be provided equally within each phase. Affordable units may be transferred to another project within the City of Brea subject to the transfer being approved by the City Council. Additionally, the City Council may modify the requirements of the affordable units if it is found that such a modification would better serve the affordable housing needs of Brea.

V. TARGET INCOME LEVELS FOR UNITS

In order for the City to meet its affordable housing needs, the following target levels for affordable housing units have been established:

1. For rental units, the affordable units shall be made available to very-low- and low-income households as established by the County and adjusted for family size.
2. For developments with for-sale units, the affordable units shall be made available to median- to moderate-income households earning no more than 120% of the County median income adjusted for family size.

Specific requirements for each development shall be approved by the City Council in the form of an Affordable Housing Agreement to assure an affordable mix of units.

VI. CONDOMINIUM CONVERSION

Apartment complexes already participating in the affordable housing program shall not convert the existing affordable rental apartment(s) to affordable condominium unit(s) until the end of the 55-year affordability period unless those units converted are sold to targeted income families.

Apartment complexes of twenty or more units converting to condominiums that are not already participating in the affordable housing program will be required to convert one apartment unit to an affordable condominium for every ten apartments converted to market-rate condominiums.

VII. ALLOWABLE HOUSEHOLD SIZE

Occupancy of affordable housing units shall be two persons per bedroom plus one additional person.

VIII. ELIGIBILITY PREFERENCE

Eligibility for affordable units will be based on a point system. An applicant's place on the waiting list will depend upon accumulated points which are awarded in various categories, such as Brea residency, Brea employment, existing housing conditions, etc.

The developer and the City will follow fair housing policy and shall not discriminate against eligible households on the basis of age, race, sex, marital status, ethnic background, source of income, or religion.

IX. AFFORDABILITY/ELIGIBILITY REQUIREMENTS

The affordability/eligibility requirements are two-pronged: there is a household income cap and a monthly payment cap for the dwelling unit. For renters, affordable housing expense is defined as a maximum of 30% of gross income for rent and utilities. For owners, housing cost (including principal, interest, property taxes, hazard insurance, homeowner's association fees, and utilities) cannot be less than 28% nor more than 35% of the gross income of the household.

Brea's affordable housing expense for both renters and owners will remain consistent with California Redevelopment Law and other applicable state and federal law requirements.

Applicants for the purchase program must provide a minimum down payment of 3%. At the time of application, an applicant may not have liquid assets (funds that are available and accessible with no penalty) in excess of 20% of the median home price in Brea - including equity in his/her current home if applicant is already a homeowner. Applicants may not own other residential properties at the time escrow closes on their affordable unit. Only persons who will occupy the affordable unit are permitted to participate in the Program; therefore co-owners who will not occupy the property are prohibited.

Applicants may only participate in the affordable housing purchase program once. If the Program participant sells the affordable unit, he/she may not purchase another affordable unit under City programs in the future.

X. IMPLEMENTATION

The Affordable Housing Program is implemented through an Affordable Housing Agreement, a written agreement between the developer and the City. Such an agreement must be approved by the City Council. This agreement shall be prepared by the City and 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. The agreement shall be recorded in the office of the Orange County Recorder.

XI. OFF-SITE TRANSFERS

In certain cases, the affordable units may be provided on a site within the City but separate from the site of the proposed development. The off-site location must be approved by the City Council. Such unit(s) may be new or existing. Size, location, amenities and condition of such unit(s) shall be among the factors considered by the City in evaluating the acceptability of the off-site location. In existing units, the developer shall be responsible for correcting, at its expense, all deficiencies revealed by a detailed inspection of the premises by the City. The detailed inspection of the existing structures will be at the developer's sole cost. The sales and/or rental price of the off-site affordable housing unit(s) shall be determined by the Affordable Housing Guidelines in effect at the time of the Affordable Housing Agreement.

XII. CREDITS

1. Any project which provides more Affordable Units than required under Section 408.300 of the Affordable Housing Ordinance shall receive an Affordable Unit Credit for each unit provided in excess of the required number.
2. A holder of Affordable Unit Credits may sell or transfer those credits to other landowners in the City on a one-time basis.
3. An applicant for a development project may apply any Affordable Unit Credits which it holds to reduce the number of Affordable units required under the provisions of the Affordable Housing Ordinance.

XIII. IN-LIEU FEES

The City may allow a project's affordable unit contribution to be provided in whole or in part through an in-lieu fee. The option to use the in-lieu fee to satisfy the developer's obligation will be determined on a case-by-case basis by the City Council. Factors considered in determining if the option may be approved include: the economic profile of the development (i.e., high-end single-family detached homes), site conditions, the number of units in the development, and the feasibility of the fees to generate the in-lieu

units. The method for calculation of the in-lieu fees will be based upon the ability of the fees to cover the necessary affordable housing as required by the project. The fee shall be determined by the following formula:

The median sales price of a home in the City of Brea based on the last quarter prior to the drafting of the Affordable Housing Agreement

MINUS

The maximum affordable sales price for a comparable unit as determined by income level and affordable expense based on the area median income figures adopted for the year the project is approved.

(Median sales price of new home – affordable 3-bedroom sales price = in-lieu fee per required affordable unit)

Example: Median sales price of new home \$475,000 - \$329,894 (affordable sales price, moderate income) = \$145,106 in-lieu fee.

One-half of the in-lieu fees shall be paid prior to the issuance of a building permit for the project with the remaining fees due prior to the issuance of the final unit occupancy permit.

XIV. EQUIVALENT ALTERNATIVES AND PROGRAM ADJUSTMENTS

Nothing set forth herein shall preclude the City from considering reasonable equivalent alternatives to these guidelines. These guidelines are by their nature developed to provide City staff and developers a framework to facilitate the goals of the Affordable Housing Ordinance. If any features or requirements of the guidelines require adjustments based on outside lender program criteria, Fannie Mae requirements, or changes in law, then City staff shall consider such requirements in the drafting of the Affordable Housing Agreement between the City and Developer.

XV. AFFORDABLE HOUSING TRUST FUND

The Affordable Housing Trust Fund is a separate City fund set aside for the specific purpose of assisting the City in the development of housing that is affordable to low- and moderate-income households. The fund is generated by the accrual of in-lieu fees and interest thereon. All monies contributed to the Fund, as well as any repayments and interest earnings accrued, shall be used solely for affordable housing subject to the guidelines set forth below. The Fund may be used to pay administrative, general overhead or similar expenses incurred in operation. Affordable Housing Trust Funds may be used for, but are not limited to, the following:

1. Provision of below-market-rate financing for homebuyers.
2. Purchase of land or air rights for resale to developers at a reduced cost to facilitate housing for low- to moderate-income households.

3. Reduction of interest rates for construction loans or permanent financing, or assistance with other costs associated with development or purchase of low- or moderate-income housing.
4. Rehabilitation of structures for low- or moderate-income housing.
5. On-site and off-site improvement costs for production of affordable housing.
6. Reduction of purchase price to provide units that are low or moderate cost.
7. Rent subsidies to reduce the cost of rent for households with limited incomes.

XVI. RESALE/REFINANCE REQUIREMENTS

When an affordable unit is sold or transferred, then the income and sales price requirements originally placed on the unit must be met or the homeowner must pay the City an equity share. Refinancing will be permitted only when the outstanding indebtedness is not increased (except by the amount of reasonable closing costs). In all other cases, refinancing shall be allowed only when the homeowner pays the City its equity share.

The City will not subordinate to a first deed of trust that has a variable interest rate or any negative amortization associated with it. The City will not subordinate below second position.

END OF GUIDELINES AS REVISED ON _____, 2004.

EXHIBIT C

Conceptual Site Plan Location of Affordable Units

(Attached)

DRAFT

EXHIBIT D
FORM OF DEED OF TRUST
(Attached)

DRAFT

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

City of Brea
1 Civic Center Circle
Brea, California 92821-5732
Attn: Housing Division

This document is exempt from the payment of a recording fee pursuant to Government Code Sections 27383 and 6103

NOTE TO BORROWER:

THIS DEED OF TRUST SECURES A "SHARED APPRECIATION LOAN" AS DEFINED IN CALIFORNIA CIVIL CODE §1917.006(a) AND CONTAINS PROVISIONS RESTRICTING ASSUMPTIONS

**DEED OF TRUST
AND SECURITY AGREEMENT**

THIS DEED OF TRUST AND SECURITY AGREEMENT ("Deed of Trust") made this _____ day of _____, 20____, among the trustor, _____ ("Borrower"), whose address is _____, and _____ ("Trustee"), and the City of Brea ("City") as Beneficiary.

Borrower, in consideration of the promises herein recited and the trust herein created, irrevocably grants, transfers, conveys and assigns to Trustee, in trust, with power of sale, the property located in the City of Brea, State of California, described in the attached Exhibit "A" and more commonly known as: _____, Brea, California (the "Property").

TOGETHER with all the improvements now or hereafter erected on the Property, the rents, issues and profits thereof (subject, however, to the right, power and authority given to and conferred upon City by paragraph (10) of the provisions incorporated herein by reference to collect and apply such rents, issues and profits) and all easements, rights, appurtenances, and all fixtures now or hereafter attached to the Property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Deed of Trust; and

TOGETHER with all articles of personal property or fixtures now or hereafter attached to or used in and about the building or buildings now erected or hereafter to be erected on the Property which are necessary to the complete and comfortable use and occupancy of such building or buildings for the purposes for which they were or are to be erected, including all other goods and chattels and personal property as are ever used or furnished in operating a building, or the activities conducted therein, similar to the one herein described and referred to, and all renewals or replacements thereof or articles in substitution therefore, whether or not the same are, or shall be attached to such building or buildings in any manner; and all of the foregoing, together with the Property, is herein referred to as the "Security";

To have and to hold the Security together with acquittances to Trustee, its successors and assigns forever;

TO SECURE to City the performance of the covenants and agreements of Borrower and payment of the equity share contained in that certain Purchaser Affordability Agreement executed by and between Borrower and City; and

TO SECURE to City the repayment of the sums evidenced by a promissory note of even date herewith executed by Borrower, in the amount of _____ (\$_____) ("Note"); and

TO SECURE the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Borrower herein contained.

BORROWER AND CITY COVENANT AND AGREE AS FOLLOWS:

1. Borrower's Estate. That Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Security, that other than this Deed of Trust, the Security is encumbered only by: (1) that deed of trust executed by Borrower in connection with a loan made to Borrower by the First Lender (as defined in the Purchaser Affordability Agreement), or its successors and assigns (the "First Lender"), securing a promissory note executed by Borrower in favor of the

First Lender ("First Lender Note"), to assist in the purchase of the Property; (2) the Note; and (3) the Purchaser Affordability Agreement. Borrower agrees to warrant and defend generally the title to the Security against all claims and demands, subject to any declarations, easements or restrictions listed in a schedule of exceptions to coverage in any title insurance policy insuring City's interest in the Security. (As used in this Deed of Trust, the term "First Lender" shall include all successors and assigns of the First Lender.)

2. Repayment of Loan. Borrower will promptly repay, when due, the principal and interest required by the Note and Purchaser Affordability Agreement.

3. Purchaser Affordability Agreement. Borrower will observe and perform all of the covenants and agreements of the Purchaser Affordability Agreement.

4. Charges; Liens. Borrower will pay all taxes, assessments and other charges, fines and impositions attributable to the Security which may attain a priority over this Deed of Trust, by Borrower making any payment, when due, directly to the payee thereof. Upon request by City, Borrower will promptly furnish to City all notices of amounts due under this paragraph. In the event Borrower makes payment directly, Borrower will promptly discharge any lien which has priority over this Deed of Trust; provided, that Borrower will not be required to discharge the lien of the Deed of Trust securing the First Lender Note (the "First Lender Deed of Trust") or any other lien described in this paragraph so long as Borrower will agree in writing to the payment of the obligation secured by such lien in a manner acceptable to City, or will, in good faith, contest such lien by, or defend enforcement of such lien in, legal proceedings which operate to prevent the enforcement of the lien or forfeiture of the Security or any part thereof.

5. Hazard Insurance.

A. Borrower will keep the Security insured by a standard fire and extended coverage insurance policy in at least such amounts and for such periods as City may require, which amounts shall be the lesser of (1) the sum of the loan amounts under the Note and the First Lender

Note, or (2) the replacement cost of the Security, but in no event less than (3) the amount necessary to prevent Borrower from becoming a co-insurer under the terms of the policy.

B. The insurance carrier providing this insurance shall be licensed to do business in the State of California and be chosen by Borrower subject to approval by City; provided that such approval will not be withheld if the insurer is also approved by the First Lender, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or successors thereto.

C. All insurance policies and renewals thereof will be in a form acceptable to City and will include a standard mortgagee clause with standard lender's endorsement in favor of the holder of the First Lender Note and City as their interests may appear and in a form acceptable to City. City shall have the right to hold, or cause its designated agent to hold, the policies and renewals thereof, and Borrower shall promptly furnish to City, or its designated agent, the original insurance policies or certificates of insurance, all renewal notices and all receipts of paid premiums. In the event of loss, Borrower will give prompt notice to the insurance carrier and City or its designated agent. City, or its designated agent, may make proof of loss if not made promptly by Borrower. City shall receive thirty days advance notice of cancellation of any insurance policies required under this section.

D. Unless City and Borrower otherwise agree in writing, insurance proceeds, subject to the rights of the First Lender, will be applied to restoration or repair of the Security damaged, provided such restoration or repair is economically feasible and the security of this Deed of Trust is not thereby impaired. If such restoration or repair is not economically feasible or if the security of this Deed of Trust would be impaired, the insurance proceeds will be used to repay the grant under this Deed of Trust, with the excess, if any, paid to Borrower. If the Security is abandoned by Borrower, or if Borrower fails to respond to City, or its designated agent, within 30 days from the date notice is mailed by either of them to Borrower that the insurance carrier offers to settle a claim

for insurance benefits, City, or its designated agent, is authorized to collect and apply the insurance proceeds at City's option either to restoration or repair of the Security or to repay the loan.

E. If the Security is acquired by City, all right, title and interest of Borrower in and to any insurance policy and in and to the proceeds thereof resulting from damage to the Security prior to the sale or acquisition will pass to City to the extent of the sums secured by this Deed of Trust immediate prior to such sale or acquisition subject to the rights of the First Lender.

6. Preservation and Maintenance of Security. Borrower will keep the Security in good repair and will not commit waste or permit impairment or deterioration of the Security.

7. Protection of City's Security.

A. If Borrower fails to perform the covenants and agreements contained in this Deed of Trust or if any action or proceeding is commenced which materially affects City's interest in the Security, including default under the Deed of Trust securing the First Lender Note, eminent domain, insolvency, code enforcement, or arrangements or proceedings involving a bankrupt or decedent, then City, at City's option, upon notice to Borrower, may make such appearances, disburse such sums and take such action as it determines necessary to protect City's interest, including disbursement of reasonable attorney's fees and entry upon the Security to make repairs.

B. Any amounts disbursed by City pursuant to this paragraph, with interest thereon, will become an indebtedness of Borrower secured by this Deed of Trust. Unless Borrower and City agree to other terms of payment, such amount will be payable upon notice from City to Borrower requesting payment thereof, and will bear interest from the date of disbursement at the rate payable from time to time on outstanding principal under the Note unless payment of interest at such rate would be contrary to applicable law, in which event such amounts will bear interest at the highest rate permissible under applicable law. Nothing contained in this paragraph will require City to ensure any expense or take any action hereunder.

8. Inspection. City may make or cause to be made reasonable entries upon and inspections of the Security; provided that City will give Borrower reasonable notice of inspection.

9. Forbearance by City Not a Waiver. Any forbearance by City in exercising any right or remedy will not be a waiver of the exercise of any such right or remedy. The procurement of insurance or the payment of taxes or other liens or charges by City will not be a waiver of City's right to accelerate the maturity of the indebtedness secured by this Deed of Trust.

10. Remedies Cumulative. All remedies provided in this Deed of Trust are distinct and cumulative to any other right or remedy under this Deed of Trust or any other document, or afforded by law or equity, and may be exercised concurrently, independently or successively.

11. Successors and Assigns Bound. The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of City and Borrower subject to the provisions of this Deed of Trust.

12. Joint and Several Liability. All covenants and agreements of Borrower shall be joint and several.

13. Notice. Except for any notice required under applicable law to be given in another manner, (a) any notice to Borrower provided for in this Deed of Trust will be given by certified mail, addressed to Borrower at the address shown in the first paragraph of this Deed of Trust or such other address as Borrower may designate by notice to City as provided herein, and (b) any notice to City will be given by express delivery, return receipt requested, to the City of Brea, 1 Civic Center Circle, Brea, California, 92821-5732, or to such other address as City may designate by notice to Borrower as provided above. Notice shall be effective as of the date received by City as shown on the return receipt.

14. Governing Law. This Deed of Trust shall be governed by the laws of the State of California.

15. Severability. In the event that any provision or clause of this Deed of Trust or the Note conflicts with applicable law, such conflict will not affect other provisions of this Deed of Trust or the Note which can be given effect without the conflicting provision, and to this end the provisions of the Deed of Trust are declared to be severable.

16. Acceleration; Remedies.

A. Upon Borrower's breach of any covenant or agreement of Borrower in this Deed of Trust, including, but not limited to, the covenants to pay, when due, any sums secured by this Deed of Trust, City, prior to acceleration, will mail by express delivery, return receipt requested notice to Borrower specifying; (1) the breach; (2) the action required to cure such breach; (3) a date, not less than 30 days from the date the notice is received by Borrower as shown on the return receipt, by which such breach is to be cured; and (4) that failure to cure such breach on or before the date specified in the notice may result in acceleration of the sums secured by this Deed of Trust and sale of the Security. The notice will also inform Borrower of Borrower's right to reinstate after acceleration and the right to bring a court action to assert the nonexistence of default or any other defense of Borrower to acceleration and sale. If the breach is not cured on or before the date specified in the notice, City, at City's option, may: (a) declare all of the sums secured by this Deed of Trust to be immediately due and payable without further demand and may invoke the power of sale and any other remedies permitted by California law; (b) either in person or by agent, with or without bringing any action or proceeding, or by a receiver appointed by a court, and without regard to the adequacy of its security, enter upon the Security and take possession thereof (or any part thereof) and of any of the Security, in its own name or in the name of Trustee, and do any acts which it deems necessary or desirable to preserve the value or marketability of the Property, or part thereof or interest therein, increase the income therefrom or protect the security thereof. The entering upon and taking possession of the Security shall not cure or waive any breach hereunder or invalidate any act done in response to such breach and, notwithstanding the continuance in possession of the Security, City shall be entitled to exercise every right provided for in this Deed of Trust, or by law upon occurrence of any uncured breach, including the right to exercise the power of sale; (c) commence an action to foreclose this Deed of Trust as a mortgage, appoint a receiver, or specifically enforce any of the covenants hereof; (d) deliver to Trustee a written declaration of default and demand for sale, pursuant to the provisions for notice of sale found at Civil Code Sections 2924 et seq., as amended from time

to time; or (e) exercise all other rights and remedies provided herein, in the instruments by which Borrower acquires title to any Security, or in any other document or agreement now or hereafter evidencing, creating or securing all or any portion of the obligations secured hereby, or provided by law.

B. City shall be entitled to collect all reasonable costs and expenses incurred in pursuing the remedies provided in this paragraph, including, but not limited to, reasonable attorney's fees.

17. Assignment of Rents. As additional security, Borrower hereby gives to and confers upon City the right, power and authority, during the default by Borrower in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of such property or any part thereof, in its own name sue for or otherwise collect such, rents, issues, and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as City application thereof as aforesaid, shall not cure or waive any default hereunder or invalidate any act done pursuant to such notice.

18. Borrower's Right to Reinstate. Notwithstanding City's acceleration of the sums secured by this Deed of Trust, Borrower will have the right to have any proceedings begun by City to enforce this Deed of Trust discontinued at any time prior to five days before sale of the Security pursuant to the power of sale contained in this Deed of Trust or at any time prior to entry of a judgment enforcing this Deed of Trust if: (a) Borrower pays City all sums which would be then due under this Deed of Trust and no acceleration under the Note has occurred; (b) Borrower cures all breaches of any other covenants or agreements of Borrower contained in this Deed of Trust; (c) Borrower pays all reasonable expenses incurred by City and Trustee in enforcing the covenants and agreements of Borrower contained in this Deed of Trust, and in enforcing City's and Trustee's remedies, including,

but not limited to, reasonable attorney's fees; and (d) Borrower takes such action as City may reasonably require to assure that the lien of this Deed of Trust, City's interest in the Security and Borrower's obligation to pay the sums secured by this Deed of Trust shall continue unimpaired. Upon such payment and cure by Borrower, this Deed of Trust and the obligations secured hereby will remain in full force and effect as if no acceleration had occurred.

19. Due on Transfer of the Property. Upon a Transfer (as defined in the Purchaser Affordability Agreement) of the Property or any interest in it, City may, at its option, require immediate payment in full of all sums secured by this Deed of Trust. However, this option shall not be exercised by City if exercise is prohibited by federal law as of the date of this Deed of Trust, or if City has executed a separate written waiver of this option.

20. Reconveyance. Upon payment or forgiveness of all sums secured by this Deed of Trust, City will request Trustee to reconvey the Security and will surrender this Deed of Trust and the Note to Trustee. Trustee will reconvey the Security without warranty and without charge to the person or persons legally entitled thereto. Such person or persons will pay all costs of recordation, if any.

21. Substitute Trustee. City, at City's option, may from time to time remove Trustee and appoint a successor trustee to any Trustee appointed hereunder. The successor trustee will succeed to all the title, power and duties conferred upon the Trustee herein and by applicable law.

22. Superiority of First Lender Documents. Notwithstanding any provision herein, this Deed of Trust shall not diminish or affect the rights of the First Lender under the First Lender Deed of Trust or any subsequent First Lender deeds of trust hereafter recorded against the Security.

23. Notwithstanding any other provision hereof, the provisions of this Deed of Trust shall be subordinate to the lien of the First Lender Deed of Trust and shall not impair the rights of the First Lender, or such lender's assignee or successor in interest, to exercise its remedies under the First Lender Deed of Trust in the event of default under the First Lender Deed of Trust by Borrower. Such remedies under the First Lender Deed of Trust include the right of foreclosure or acceptance of a

deed or assignment in lieu of foreclosure. After such foreclosure or acceptance of a deed in lieu of foreclosure this Deed of Trust shall be forever terminated and shall have no further effect as to the Property or any transferee thereafter; provided, however, if the holder of such First Lender Deed of Trust acquired title to the Property pursuant to a deed or assignment in lieu of foreclosure, this Deed of Trust shall automatically terminate upon such acquisition of title, provided that (i) City has been given written notice of default under such First Lender Deed of Trust and (ii) City shall not have cured or commenced to cure the default within such 30-day period and given its firm commitment to complete the cure in form and substance acceptable to the First Lender.

24. Request for Notice. City requests that copies of any notice of default and any notice of sale be sent to City at the address set forth in Section 13 above.

IN WITNESS WHEREOF, Borrower has executed this Deed of Trust as of the date first written above.

Borrower

Borrower

EXHIBIT A

Property Description

DRAFT

EXHIBIT E

FORM OF PURCHASER AFFORDABILITY AGREEMENT

(Attached)

DRAFT

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

City of Brea
1 Civic Center Circle
Brea, California 92821-5732
Attn: Housing Division

This document is exempt from the payment of a recording fee pursuant to Government Code Sections 27383 and 6103

**PURCHASER AFFORDABILITY AGREEMENT
[INCLUDES OPTION TO PURCHASE AND
PROVISIONS FOR EQUITY SHARING UPON SALE]**

Owner(s): _____

Residence: _____

Brea, CA 92821

This Purchaser Affordability Agreement (the "Agreement") is entered into as of this day of _____, 20____, by and between the **CITY OF BREA**, ("City"), and _____ ("Owner").

RECITALS

A. Chapter 20.40 of the Brea City Code requires that all new residential development include a specified percentage of housing units within a development as housing affordable to low- and moderate-income households.

B. Owner is the owner of certain property located within the development commonly known as _____, developed by _____ ("Developer"), pursuant to City Planning Commission approvals. Thereafter, Developer entered into an Affordable Housing Agreement ("Affordable Housing Agreement") with City.

C. Developer agreed to sell certain residences in the Development to either Low-Income or Moderate-Income homebuyers at an affordable housing cost to that homebuyer (the "Affordable Residence"). Pursuant to state law and the Affordable

Housing Agreement, Developer has agreed to restrict the resale price of those residences for a term of 45 years, or less if an equity share or an amount owed based upon the City's Investment in the Property is provided to City on a resale to an ineligible purchaser.

D. Owner has purchased an Affordable Residence in the Development for a purchase price of _____ dollars (\$_____) (the "Base Price"), and as a condition of purchase of such unit, has agreed to enter into this Agreement.

E. The regulatory requirements of City allowed the residence to be sold to a household that would not otherwise have been able to afford it.

F. The purpose of this Agreement is to place certain use restrictions on the residence and reserve to City an option to purchase the residence under certain conditions.

G. _____ ("First Lender") holds or will hold a first mortgage on the Affordable Residence ("First Lender Deed of Trust").

NOW, THEREFORE, in consideration of the benefits received by Owner and City, the parties agree as follows:

1. DEFINITIONS; CROSS-REFERENCES.

The following terms are specially defined for this Agreement and their definitions can be found in the sections indicated below:

A.	"Affordable Housing Agreement"	-	Recital B
B.	"Affordable Residence"	-	Recital C
C.	"Agreement"	-	Introductory paragraph
D.	"Alternative Sale"	-	Section 12A
E.	"Appreciated Value of Property"	-	Section 12D
F.	"Approved Transfer"	-	Section 10
G.	"Base Price"	-	Recital D
H.	"Capital Improvements"	-	Section 12B
I.	"City"	-	Introductory paragraph
J.	"City's Investment in the Property"	-	Section 12C
K.	"Developer"	-	Recital B

L.	"Eligible Purchaser"	-	Section 10B
M.	"Equity Share"	-	Section 12E
N.	"Fair Market Value"	-	Section 8
O.	"First Lender"	-	Recital G
P.	"First Lender Deed of Trust"	-	Recital G
Q.	"Market Value at Time of Purchase"	-	Section 12C
R.	"Option"	-	Section 7
S.	"Owner"	-	Introductory paragraph
T.	"Property"	-	Section 2
U.	"Proposed Purchaser"	-	Section 10A
V.	"Residence"	-	Section 2
W.	"Restricted Sales Price"	-	Section 11
X.	"Transfer"	-	Section 5

Cross-references to "Section ____" refer to a Section of this Agreement unless otherwise indicated or apparent from the context. References to a statute or regulation shall be deemed to refer to the then-current version of such statute or regulation.

2. DESCRIPTION OF PROPERTY.

This Agreement concerns the real property commonly known as _____, Brea, California, 92821, which is more fully described in Exhibit A attached hereto and incorporated herein by reference (the "Property"). The Affordable Residence located on the Property is referred to herein as the "Residence."

3. OWNER CERTIFICATIONS.

A. Owner certifies that (a) the financial and other information previously provided in order to qualify to purchase the Residence is true and correct as of the date it was submitted; (b) Owner does not own any other residential property as of the date of this Agreement; and (c) Owner shall occupy the Residence as the Owner's primary residence. Owner shall be considered as occupying the Residence if the Owner is living in the Residence for at least 10 months out of each calendar year.

B. Owner shall annually, on the anniversary date of this Agreement, certify in writing to City that Owner occupies the Residence as Owner's primary residence.

4. LEASING OF RESIDENCE.

Owner shall not lease the Residence for more than two months during any calendar year without the written consent of City and shall not lease the Residence without providing City with a copy of the lease at least 60 days in advance of any leasing of the Residence. The terms of the lease shall not allow more than two persons per bedroom plus one additional person to reside in the Residence. Any lease in violation of this Agreement is prohibited, and shall constitute a default by Owner.

5. TRANSFER OF RESIDENCE.

"Transfer" means any sale, assignment or transfer, voluntary or involuntary, of any interest in the Residence, including a fee simple interest, a joint tenancy interest, a life estate, a leasehold interest, or an interest evidenced by a land contract by which possession of the Residence is transferred and Owner retains title. Except as provided in Section 20, any Transfer without satisfaction of the provisions of this Agreement is prohibited. Transfers by devise, inheritance or gift to an existing spouse or children, or by devise or inheritance to a surviving joint tenant, or to a spouse as part of a dissolution proceeding or in connection with marriage, or between or among co-owners shall not be considered a "Transfer" for the purposes of this Agreement.

6. NOTICE OF INTENDED TRANSFER.

In the event Owner intends to Transfer or vacate the Residence, Owner shall promptly notify City in writing of such intent. The written notice shall be given in accordance with Section 23 at least 90 days prior to the actual date of the Transfer or vacation of the Residence. The notice from Owner shall be sent by certified mail, return receipt requested.

7. CITY PURCHASE OPTION.

City shall have the option, but not the obligation, to purchase the Residence (the "Option") for an amount equal to the Restricted Sales Price calculated pursuant to Section 11. If City decides to exercise its option to purchase the Residence, it shall within 30 days of receipt of the notice specified in Section 6, notify Owner in accordance with Section 23 that it chooses to exercise the Option. If City exercises the Option, it shall purchase the Residence within 90 days of the date it receives the notice specified in Section 6 at the Restricted Sales Price calculated pursuant to the formula set out in Section 11. City may, instead of purchasing the Residence itself, assign its right to purchase the Residence to a person who meets the criteria established by City or to a governmental agency or nonprofit organization that is devoted to developing or preserving low- and moderate-income housing.

8. FAIR MARKET VALUE.

For purposes of this Agreement, "Fair Market Value" shall have the meaning set forth in Code of Civil Procedure Section 1263.320, as it now exists or may subsequently be amended. If it is necessary to determine the Fair Market Value of the Residence, it shall be determined by a real estate appraiser selected by City. The appraiser shall have been previously approved by the Federal National Mortgage Association or the Federal Housing Administration and placed on their list of approved single-family housing appraisers. If possible, the appraisal shall be based upon the sales prices of comparable properties sold in the market area during the preceding three-month period. The cost of the appraisal shall be borne by Owner.

9. TRANSFER BY OWNER.

In the event City does not exercise its option to purchase pursuant to Section 7, Owner may sell the Residence to a person of Owner's choosing (the "Proposed Purchaser") on the terms set forth in Sections 10 and 11, or in Section 12.

10. APPROVED TRANSFER.

Transfer of the Residence to an Eligible Purchaser that meets the requirements set forth in this Section 10 shall qualify as an approved Transfer ("Approved Transfer"). Any such Transfer shall be for a sales price that does not exceed the Restricted Sales Price as defined in Section 11.

A. Disclosures and Submittals: Owner and the proposed purchaser ("Proposed Purchaser") shall provide the following information and documents to City:

(i) The name, address and telephone number in writing of the Proposed Purchaser.

(ii) A signed financial statement of the Proposed Purchaser in a form acceptable to City and any other supporting documentation requested by City. The financial information shall be used by City to determine the income eligibility of the Proposed Purchaser.

(iii) The proposed sales contract and all other related documents which shall set forth the terms of the sale of the Residence. The documents shall include the following terms:

a) The sales price; and

b) The price to be paid by the Proposed Purchaser for Owner's personal property, if any, and for the services of Owner, if any.

(iv) A written certification, from Owner and the Proposed Purchaser in a form acceptable to City that the sale shall be closed in accordance with the terms of the sales contract and other documents submitted to and approved by City.

The certification shall also provide that the Proposed Purchaser or any other party has not paid and will not pay to Owner, and Owner has not received and will not receive from the Proposed Purchaser or any other party, money or other consideration, including personal property, in addition to what is set forth in the sales contract and documents submitted to City. The written certification shall also include a provision that in the event a Transfer is made in violation of the terms of this Agreement or false or misleading statements are made in any documents or certification submitted to City, City shall have the right to file an action at law or in equity to make the parties terminate and/or rescind the sale contract and/or declare the sale void, notwithstanding the fact that the sale may have closed and become final as between Owner and the Proposed Purchaser. In any event, any costs, liabilities or obligations incurred by Owner and the Proposed Purchaser for the return of any monies paid or received in violation hereunder or for any costs and legal expenses, shall be borne by Owner and/or the Proposed Purchaser and they shall hold City and its designee harmless and reimburse their expenses, legal fees and costs for any action they reasonably take in good faith in enforcing the terms of this Agreement.

(v) A purchaser affordability agreement with substantially the same terms as the terms of this Agreement, executed by the Proposed Purchaser in favor of City. The recordation of this Agreement shall be a condition of City's approval of the proposed sale. City may require the Proposed Purchaser to pay a reasonable fee to City and reimburse it for out of pocket costs to cover the costs of administering its rights and obligations under this Agreement.

(vi) Upon the close of the proposed sale, a conformed copy of the recorded purchaser affordability agreement, a copy of the final sales contract, settlement statement, escrow instructions, and any other document which City may reasonably request.

B. Eligibility of Purchaser: A Proposed Purchaser who meets the following requirements shall be an Eligible Purchaser:

(i) The Proposed Purchaser shall certify that he or she will occupy the Residence as his or her principal residence.

(ii) The combined maximum income for all household members of the Proposed Purchaser shall not exceed 80% of the area median income for Low-Income homebuyers or 120% of the area median income for Moderate-Income homebuyers adjusted for household size for a household in Orange County, as published by the federal department of Housing and Urban Development ("HUD") or its successor. In the event such income determinations are no longer published by HUD, or are not updated for a period of at least 18 months, City shall provide other income determinations that are reasonably similar with respect to method of calculation to those previously published by HUD.

11. DETERMINATION OF SALES PRICE – RESTRICTED SALES PRICE.

The maximum sales price (the "Restricted Sales Price") that Owner shall receive for an Approved Transfer of the Residence shall be the Increased Base Price of the Residence, which means the Base Price increased by the percentage of increase in household income at 100% of the median yearly income for a household in Orange County, as published by HUD from time to time (median income for a household of four persons in Orange County at date of original purchase is \$_____). The increase in household income shall be computed from the date of the original purchase of the Residence by Owner to the date of receipt by City or its assignee of the notice to sell required by Section 6. In the event that such income determination is no longer published, or has not been updated for a period of at least 18 months, City may use or develop such other reasonable method as it may choose in order to determine such increase in income.

12. ALTERNATIVE SALE; PAYMENT TO CITY.

In the event of an Alternative Sale, Owner shall pay to City a sum equal to the greater of: (i) a percentage of the Appreciated Value of the Property equal to the City's Investment in the Property as described in Section 12C, or (ii) an Equity Share calculated in accordance with Section 12E. In no event, however, shall Owner be obligated to pay to City an amount greater than the sum of the proceeds of the Alternative Sale (excluding amounts received by Owner but paid out for closing costs, commissions, capital improvements, and repayment of the loan secured by the First Lender Deed of Trust).

A. "Alternative Sale" shall mean (i) any Transfer that is not an Approved Transfer in compliance with Sections 9 and 10 above; (ii) a refinance that results in an increase in the principal amount that is secured by the First Lender Deed of Trust immediately prior to the refinance; or (iii) a loan secured by a deed of trust or other lien against the Property, other than the First Lender Deed of Trust.

B. "Capital Improvements" shall mean improvements that add assessed value to the Residence, and for which a building permit has been issued by City and a certification of completion has been filed.

C. "City's Investment in the Property" shall mean the difference between the market value at time of purchase and the Base Price, calculated as a percentage of market value at time purchase, as shown below. For purposes of this Section, Owner and City agree that the "Market Value at Time of Purchase" is _____ dollars (\$000,000.00).

Market Value at Time of Purchase:	_____ \$000,000.00	MINUS
Base Price of Residence:	_____ \$000,000.00	EQUALS
Difference:	_____ \$000,000.00	PLUS
Amount of City Loan:	_____ \$000,000.00	EQUALS

Total Equity Provided by City: \$000,000.00 DIVIDED BY
Market Value at Time of Purchase: \$000,000.00 EQUALS
City's Investment in the Property: _____%

D. "Appreciated Value of Property" shall mean the difference between the Base Price of the Residence paid by Owner and the amount received by Owner as the resale price of the Residence (excluding amounts received but paid out for any closing costs and commissions paid by Owner). In the event of a refinance or new loan secured by the Property, "Appreciated Value of Property" shall mean the difference between the Base Price of the Residence paid by Owner and the Fair Market Value of the Property as determined by the lender's appraisal (or, at City's election, determined pursuant to Section 8).

E. "Equity Share" shall mean a sum calculated as follows:

(i) Years 1-5: If the Alternative Sale occurs in ownership years 1 through 5 (ending on the fifth anniversary of the date of this Agreement), the City's Equity Share shall be 75% of the Appreciated Value of Property;

(ii) Years 6-10: If the Alternative Sale occurs in ownership years 6 through 10 (ending on the tenth anniversary of the date of this Agreement), the City's Equity Share shall equal 50% of the Appreciated Value of Property;

(iii) Year 11: If the Alternative Sale occurs in ownership year 11 (ending on the eleventh anniversary of the date of this Agreement), the City's Equity Share shall equal 45% of the Appreciated Value of Property;

(iv) Year 12: If the Alternative Sale occurs in ownership year 12 (ending on the twelfth anniversary of the date of this Agreement), the City's Equity Share shall equal 40% of the Appreciated Value of Property;

(v) Year 13: If the Alternative Sale occurs in ownership year 13 (ending on the thirteenth anniversary of the date of this Agreement), the City's Equity Share shall equal 35% of the Appreciated Value of Property;

(vi) Year 14: If the Alternative Sale occurs in ownership year 14 (ending on the fourteenth anniversary of the date of this Agreement), the City's Equity Share shall equal 30% of the Appreciated Value of Property;

(vii) Year 15: If the Alternative Sale occurs in ownership year 15 (ending on the fifteenth anniversary of the date of this Agreement), the City's Equity Share shall equal 20% of the Appreciated Value of Property;

(viii) Years 16-45: If the Alternative Sale occurs in ownership years 16 through 45 (ending on the forty-fifth anniversary of the date of this Agreement), the City's Equity Share shall equal 10% of the Appreciated Value of Property.

There is no Equity Share due to the City if the Alternative Sale occurs 45 or more years after the date of this Agreement.

F. Time of Payment of City's Equity Share: The City's Equity Share shall be paid to City on the date the Alternative Sale occurs. In addition to any other remedies hereunder, in the event Owner fails to pay the amount owed to City when due, the amount owed to City shall accrue interest at the default rate of 10% per annum, compounded annually.

13. INSURANCE.

Owner shall maintain, during the term of this Agreement, an all-risk property insurance policy insuring the Property in an amount equal to the full replacement cost of the structures on the Property. The policy shall name City as loss payee and shall contain a statement of obligation on behalf of the carrier to notify City of any material change, cancellation or termination of coverage at least 30 days in advance of the effective date of such material change, cancellation or termination. Owner shall transmit a copy of the certificate of insurance and loss payee endorsement to City within 30 days of the effective date of this Agreement, and Owner shall annually transmit a copy of the certificate of insurance and a loss payee endorsement, signed by an authorized agent of the insurance carrier setting forth the general coverage.

14. DEFAULTS AND REMEDIES.

A. Upon a violation of any of the provisions of this Purchaser Affordability Agreement, the City Note, or the Deed of Trust by Owner, City shall give written notice to Owner specifying the nature of the violation. If the violation is not corrected to the satisfaction of City within a reasonable period of time, not longer than 30 days after the date the notice is mailed, or in the case of a failure to pay any amount owed when due, not longer than 10 days after the date the notice is mailed, or within such further time as City determines is necessary to correct the violation or any other violation of this Agreement, City may declare a default under this Agreement.

B. City shall notify the First Lender if City has declared default under this Purchaser Affordability Agreement, the City Note, or the City Deed of Trust. The notice to the First Lender shall indicate that City may exercise its option to purchase the Residence pursuant to Sections 7 and 15 of this Agreement.

C. Upon the declaration of a default under this Agreement, City may apply to a court of competent jurisdiction for specific performance of this Agreement, or for any such other relief at law or in equity as may be appropriate, including suit for recovery of any monies owed City plus accrued interest thereon at the default rate.

15. PURCHASE OPTION UPON DEFAULT.

A. PURCHASE OPTION: Notwithstanding, and in addition to, the remedies provided City in Section 14, Owner hereby grants to City the option to purchase the Residence effective 30 days after City has given Owner and the First Lender notice of the declaration of a default. This option to purchase is given in consideration of the economic benefits received by Owner resulting from ownership of the Residence made possible by City requiring Developer to sell the Residence to Owner or to Owner's predecessor-in-interest at an affordable housing cost.

B. EXERCISE OF OPTION: The option to purchase pursuant to this Section 15 may be exercised upon a default under this Agreement or upon default under any promissory note, deed of trust or any other lien, recorded against the Residence. City shall have 30 days after a default is declared to notify Owner of its decision to exercise its Option to purchase. Not later than 90 days after the notice is given in accordance with Section 23 to exercise its option pursuant to this Section 15, City shall purchase the Residence at the lesser of: (i) its Fair Market Value (Section 8); or (ii) its Restricted Sales Price (Section 11).

16. NON-LIABILITY OF CITY.

Owner shall defend, indemnify, and hold harmless City and its respective officers, agents, employees, representatives and volunteers from and against any loss, liability, claim, judgment, costs and expenses relating in any manner to the Residence or this Agreement. Owner shall remain fully obligated for the payment of taxes, liens and assessments related to the Residence. There shall be no reduction in taxes for Owner, nor any transfer of responsibility to City to make such payments, by virtue of the City Loan. In no event shall City become in any way liable or obligated to Owner or any successor-in-interest to Owner by reason of its options under Sections 7 and 15 or for any failure to exercise its option to purchase under Sections 7 and 15.

17. RESTRICTIONS ON FORECLOSURE PROCEEDS.

Except as provided in Section 20, if a creditor acquires title to the Residence through a deed in lieu of foreclosure, a trustee's deed upon sale, or otherwise, Owner shall not be entitled to the proceeds of sale to the extent that such proceeds otherwise payable to Owner when added to the proceeds paid or credited to the creditor exceed the amount the Owner would have received by a sale in accordance with Section 10. Owner shall instruct the holder of such excess proceeds to pay such proceeds to City as payment for, and in consideration of, the amount owed City pursuant to Section 12.

18. BINDING ON SUCCESSOR AND ASSIGNS.

Except as provided in Section 20, this Agreement shall bind, and the benefit hereof shall inure to, Owner, his or her heirs, legal representatives, executors, successors in interest and assigns, and to City and its successors, until the earlier of (a) the date which is 45 years from the date of this Agreement, provided the Owner is not in default

hereunder; (b) the date the Owner pays City the City's Equity Share pursuant to Section 12 above; or (c) the date City exercises its options under Section 7 or 15.

19. SUPERIORITY OF AGREEMENT

Owner covenants that he or she has not, and will not, execute any other agreement with provisions contradictory to or in opposition to the provisions hereof, and that, in any event, this Agreement is controlling as to the rights and obligations between and among Owner, City and their respective successors.

20. RIGHTS OF BENEFICIARIES UNDER DEEDS OF TRUSTS.

A. Notwithstanding any other provision hereof, this Agreement shall not diminish or affect the rights of the First Lender under the First Lender's Deed of Trust or any subsequent First Lender deeds of trust hereafter recorded against the Residence.

B. Notwithstanding any other provision hereof, the provisions of this Agreement shall be subordinate to the lien of the First Lender Deed of Trust and shall not impair the rights of the First Lender, or such lender's assignee or successor in interest (including but not limited to HUD, the Federal National Mortgage Association, or the Veterans Administration, if applicable), to exercise its remedies under the First Lender Deed of Trust in the event of default under the First Lender's Deed of Trust by Borrower. Such remedies under the First Lender's Deed of Trust include the right of foreclosure or acceptance of a deed, assignment in lieu of foreclosure, or assignment of an insured mortgage to HUD, and the restrictions of this Agreement shall automatically and permanently terminate as to the Property and Residence and any person or entity acquiring the Property or Residence (including HUD).

21. INVALID PROVISIONS.

If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions contained in this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

22. CONTROLLING LAW.

The terms of this Agreement shall be interpreted under the laws of the State of California.

23. NOTICES.

All notices required herein shall be sent by certified mail, return receipt requested or express delivery service with a delivery receipt and shall be deemed to be effective as of the date received or the date delivery was refused as indicated on the return receipt as follows:

To Owner:
At the address of the Residence.

To City:
Housing Division
1 Civic Center Circle
Brea, California 92821-5732

To First Lender:
At the address shown on the First Lender Deed of Trust.

The parties may subsequently change addresses by providing written notice of the change in address to the other parties in accordance with this Section 23.

24. EXHIBITS.

Any exhibits referred to in this Agreement are incorporated in this Agreement by such reference.

IN WITNESS WHEREOF, the parties have executed this Agreement on or as of the date first written above.

CITY OF BREA:

OWNER(s):

By: _____

By: _____

(Print Name)

(Print Name)

Its: City Manager

By:

(Print Title)

(Print Name)

ATTEST: _____
City Clerk

ALL SIGNATURES MUST BE NOTARIZED

EXHIBIT A

Property Description

DRAFT

EXHIBIT F
FORM OF NOTICE OF AFFORDABILITY RESTRICTIONS
(Attached)

DRAFT

Recording Requested By and
When Recorded Return To:

City of Brea
1 Civic Center Circle
Brea, CA 92821
Attn: Housing Division

This document is exempt from the
payment of a recording fee pursuant
to Government Code Sections 27383
and 6103

NOTICE OF AFFORDABILITY RESTRICTIONS ON TRANSFER OF PROPERTY

IMPORTANT NOTICE TO OWNERS, PURCHASERS, TENANTS, LENDERS, BROKERS, ESCROW AND TITLE COMPANIES, AND OTHER PERSONS, REGARDING AFFORDABLE HOUSING RESTRICTIONS ON THE REAL PROPERTY DESCRIBED IN THIS NOTICE: RESTRICTIONS HAVE BEEN RECORDED WITH RESPECT TO THE PROPERTY DESCRIBED BELOW (REFERRED TO IN THIS NOTICE AS THE "PROPERTY") WHICH RESTRICT THE PRICE AND TERMS AT WHICH THE PROPERTY MAY BE SOLD OR RENTED. THESE RESTRICTIONS MAY LIMIT THE SALES PRICE OR RENTS OF THE PROPERTY TO AN AMOUNT WHICH IS LESS THAN FAIR MARKET VALUE. THESE RESTRICTIONS LIMIT THE INCOME OF PERSONS AND HOUSEHOLDS WHO ARE PERMITTED TO PURCHASE AND RENT THE PROPERTY.

Title of Document Containing Affordable Housing Restrictions: Purchaser Affordability Agreement Includes Option to Purchase and Provisions for Equity Sharing Upon Sale (referred to in this Notice as the "Affordable Housing Restrictions").

Parties to Affordable Housing Restrictions: City of Brea ("City") and _____ ("Owner").

The Affordable Housing Restrictions are recorded (*check one*)

☐ as Document No. _____, official records of Orange County, on _____; **or**

☒ concurrently with this Notice, official records of Orange County.

Street Address of Property: _____, Brea, California

Summary of Affordable Housing Restrictions (*check as applicable*):

- ☐ This Document restricts the amount of rent which may be charged for rental housing units in the Property, as follows: _____
- ☒ This Document restricts the sales price which may be charged for the sale of the ownership housing unit or units on the Property, as follows: Sales price is only restricted if sale is an approved transfer per the terms of Section 10 in the "Affordable Housing Restrictions"
- ☒ This document restricts the income level of the tenant or buyer of the Property as follows: Income level of the buyer is only restricted if sale is an approved transfer per the terms of Section 10 in the "Affordable Housing Restrictions"
- ☒ Terms of Restrictions: 45 years, commencing on the recorded date of the "Affordable Housing Restrictions".

In the event the Orange County Recorder requires the payment of recording fees in connection with the recording of this Notice, Owner shall pay all such recording fees (or if such fees are paid by City, Owner shall reimburse City for such fees upon written request by City).

This Notice does not contain a full description of the details of all of the terms and conditions of the "Affordable Housing Restrictions." You will need to obtain and read the "Affordable Housing Restrictions" to fully understand the restrictions and requirements which apply to the Property.

This Notice is being recorded and filed in compliance with Health and Safety Code Section 33334.3(f)(3) and (4).

Dated: _____

[SIGNATURES ON FOLLOWING PAGE]

OWNER

By: _____
Print Name: _____

OWNER

By: _____
Print Name: _____

CITY OF BREA

By: _____
Print Name: Kristin Griffith
Title: City Manager

ATTEST: _____
Lillian Harris-Neal
City Clerk

EXHIBIT A

Legal Description of the Land

DRAFT



Planning Commission Communication

South Brea Townhomes- Tentative Tract Map No. 19315, Density Bonus No. 2023-01, and Precise Development No. 2023-03

A request to allow demolition of an existing commercial building and construction of a housing development consisting of 29 single-family attached units and three live/work units, for a total of 32 units, located at 685 South Brea Boulevard.

Meeting	Agenda Group
Tuesday, July 23, 2024, 6:00 PM	PUBLIC HEARINGS Item: 6A
TO	FROM
Chair and Members of the Planning Commission	Joanne Hwang, City Planner

EXECUTIVE SUMMARY

The Applicant, Brea 1 Inc, LLC, is requesting approvals of Tentative Tract Map (TTM) No. 19315, Density Bonus (DB) No. 2023-01, and Precise Development (PD) No. 2023-03 for the South Brea Townhomes Project, which includes the demolition of an approximately 6,592-square-foot commercial building and construction of a new housing development that would include 29 single-family attached units and three live/work units, for a total of 32 for-sale units, dispersed in four buildings. The proposed project includes four affordable units for moderate income households (10 percent of the total units). In addition, pursuant to the State Density Bonus Law, the proposed project proposes to utilize the Density Bonus parking standards and waivers to reduce standards associated with front, street side, and landscape setbacks, and common and private open space requirements. The proposed project is located at 685 South Brea Boulevard (Project Site), in the Mixed-Use I (MU-I) Zone.

The above-mentioned entitlement herein is referred to as the "Project."

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Find the Project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332; and,
2. Adopt resolutions (Attachments A through C) approving the following entitlements, based on findings and conclusions in the corresponding resolutions, and subject to the recommended conditions of approval (Attachment D):
 - a. TTM No. 19315, to subdivide the Project Site for condominium purposes to construct a total of 32 residential units, including three live/work units;
 - b. DB No. 2023-01, to utilize the following Density Bonus provisions: 1) Density Bonus parking standards; and 2) waivers of five development standards, which includes reductions of the front setback to between 6" and 1'-6", the street side setbacks to between 3'-4" and 5', the landscaping setbacks to between 1'-11" and 5'-11", the common open space requirement to 23 square feet per dwelling unit, and the private open space requirement to 50 square feet per dwelling unit.
 - c. PD No. 2023-03, to demolish the existing commercial building and construct a new housing development that would include 29 residential single-family attached units and three live/work units, for a total of 32 units, dispersed in four buildings.

BACKGROUND

The Project Site is located on the north side of Fir Street between Brea Boulevard and Walnut Avenue, at 685 South Brea Boulevard. The existing property is approximately 1.11 acres in size, with three street frontages along Brea Boulevard, Fir Street, and Walnut Avenue. The Project Site has a General Plan Land Use designation of Mixed Use I and a Zoning designation of Mixed-Use I (MU-I). The surrounding land uses and zoning designation are shown in Table 1 and 2 below.

TABLE 1 – SURROUNDING LAND USES

North	Multi-family and single-family dwellings, veterinary hospital, and commercial uses
East	A shopping center, an office, and single-family dwellings (<i>Across Brea Boulevard</i>)
South	A restaurant, offices, motels, and single-family dwellings (<i>Across Fir Street</i>)
West	Saint Angela Merici Catholic Church and School (<i>Across Walnut Avenue</i>)

TABLE 2 – SURROUNDING ZONING DESIGNATIONS

North	Multiple Family Residential (R-3) and Mixed-Use III (MU-III)
East	MU-III and Single Family Residential (R-1) (<i>Across Brea Boulevard</i>)
South	MU-III (<i>Across Fir Street</i>)
West	R-1 (<i>Across Walnut Avenue</i>)

The Project Site is currently developed with an approximately 6,592-square-foot vacant commercial building, which was previously occupied by McCulloch's Wide Shoes for Men & Women retail business, and associated surface parking lot. Ingress and egress to the site is provided by two driveway approaches on Brea Boulevard, one approach on Fir Street, and one approach on Walnut Avenue. The aerial view of the Project Site is Figure 1 below.

FIGURE 1 – AERIAL VIEW OF THE PROJECT SITE



The Technical Background Summary and the Vicinity Map are provided as Attachment E and F, respectively.

Construction and Entitlement History

- On August 27, 1960, building permit number 3595 was finalized for a 6,592-square-foot, single-story commercial building.
- On August 16, 2022, the City Council adopted Resolution No. 2022-061 for re-adoption of the City's Sixth Cycle Housing Element. As part of the Housing Element, the Project Site was identified in the Housing Element Sites Inventory as Focused Development Site #10 with capacity to provide 32 lower income units to accommodate the City's Regional Housing Needs Allocation (RHNA).
- On November 15, 2022, the City Council adopted Ordinance No. 1234 approving Zone Change No. 2021-01 for implementation of the Sixth Cycle Housing Element, rezoning the Project Site (Focused Development Site #10) from MU-III to MU-I.

SB 330

On October 9, 2019, Governor Newsom signed Senate Bill (SB) 330 into law, known as "The Housing Crisis Act of 2019", which is intended to further increase housing production in California by placing restrictions on the ability for jurisdictions to deny housing development projects that are otherwise consistent with the applicable Zoning Ordinance and General Plan land use designation. Generally, cities cannot deny or impose conditions that would have the effect of precluding an applicant's ability to achieve the proposed density, unless a finding is made that the housing development would have a specific, adverse impact upon public health or safety. Also, projects submitted under SB 330 are required to be subject to the ordinances, policies, and standards adopted and in effect when a SB 330 preliminary application is submitted to the City pursuant to subdivision (a) of California Government Code (Government Code) Section 65941.1.

On July 28, 2023, the Applicant submitted a SB 330 preliminary application for the Project, utilizing the provisions of Government Section 65589.5 and 65941.1. Therefore, the City must adhere to the processing requirements, timelines, and public hearing limitations outlined in SB 330.

PROJECT DESCRIPTION

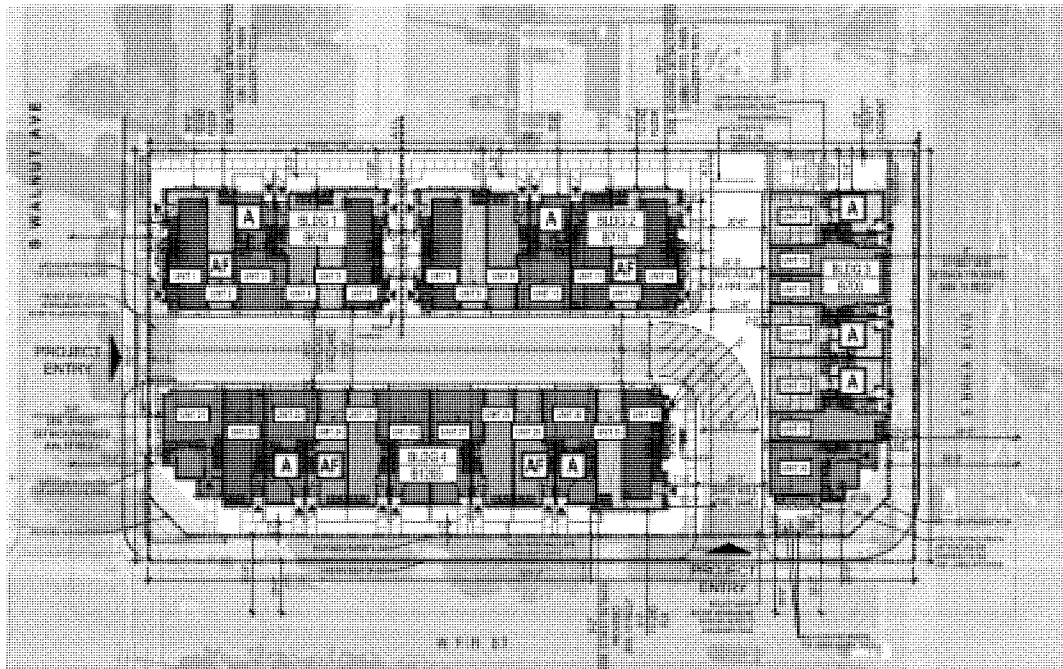
The Applicant proposes to redevelop the Project Site by demolishing the 6,592-square-foot vacant commercial building and the associated surface parking lot, and construct a new housing development that would include 29 residential single-family attached units and three live/work units, for a total of 32 for-sale units, dispersed in four, three-story buildings, as summarized in the table below:

TABLE 3 – PROPOSED BUILDING SUMMARY

Building	Type	Unit Breakdown			Gross Square Footage (including Garages + Private Balconies)
		2-bed	3-bed		
			Regular	Live/Work	
Building 1	6-Plex	4	2		11,643 sq. ft.
Building 2	7-Plex	4	3		13,812 sq. ft.
Building 3	7-Plex		4	3	15,456 sq. ft.
Building 4	12-Plex	2	10		25,646 sq. ft.
Subtotal		10	19	3	66,557 sq. ft.
Total		32			

The 32 units would consist of a total of 10 two-bedroom units and 22 three-bedroom units (inclusive of three live/work units). The buildings would feature varying heights, ranging from 37 feet to 40 feet. Each unit would have an attached two-vehicle garage, of which 21 of the 32 are designed with a tandem parking configuration. Ingress and egress to the Project Site would be provided via two new drive approaches, on Fir Street and Walnut Avenue. The four existing drive approaches, two on Brea Boulevard, one on Fir Street, and one on Walnut Avenue, would be removed as part of the Project. The Project Site Plan, Figure 2 below, shows the overall site plan of the Project.

FIGURE 2 – PROPOSED SITE PLAN



Architecture

The Project would be designed in a Spanish-inspired architectural style and utilize an array of materials and details. Wall materials primarily consist of stucco painted with warm white color and wood-simulated panels and trim, with complementary metal and tile accents (Figure 3). The Project would feature two color schemes with natural palettes and tiling (Figure 4). Modulated concrete s-tile roof forms feature a combination of gables and sheds, and the windows are proposed to be recessed. Architectural details common to the Spanish-style are incorporated into the design, including exposed rafter tails, decorative corbels and pipe vents, and wrought iron details.

FIGURE 3 – BUILDING RENDERINGS

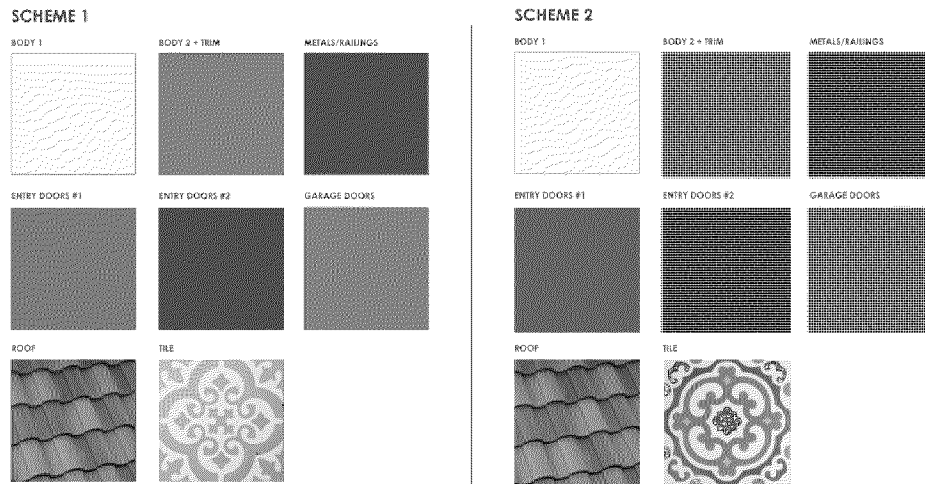


Building 3 – Brea Boulevard Frontage



Building 4 – Fir Street Frontage

FIGURE 4 – COLOR SCHEMES AND MATERIAL SPECIFICATIONS



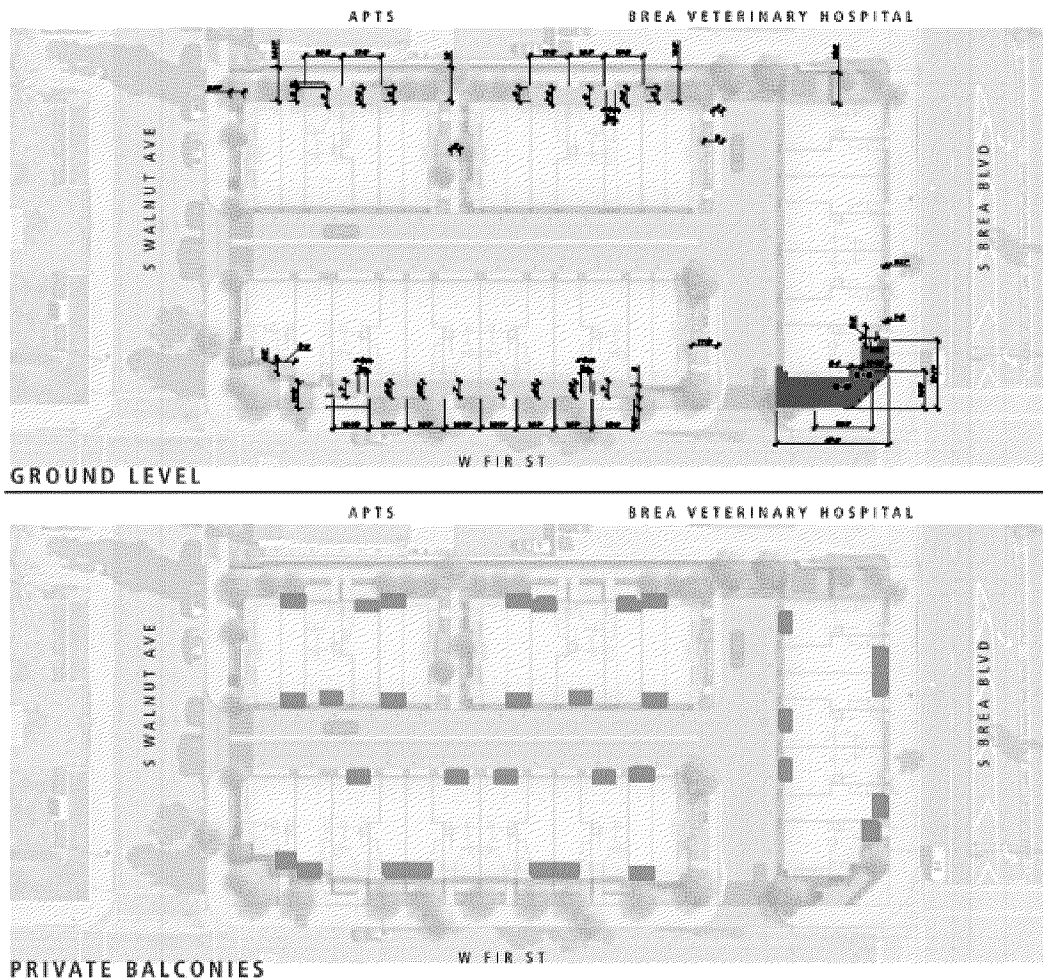
Live/Work Units

Three live/work units are proposed in Building 3, fronting Brea Boulevard. The live/work units would feature shopfront entry doors, three-pane shopfront windows with the option of etched business signage. The live/work units would feature an approximate 115-square-foot workspace, restroom, and attached two-vehicle garage on the ground level. The live/work units have direct interior access between the work and living areas and are intended to support low-impact businesses where customer/client visitations are limited or sporadic. These spaces would be restricted from being rented to a separate tenant. The upper floors would consist of the living areas.

Landscaping and Open Space

The landscaping design for the Project is primarily focused near the property lines. To promote sustainability, a variety of drought-tolerant plant materials would be incorporated into the landscape design. 750 square feet of common open space is provided on the northwest corner of Brea Boulevard and Fir Street and would feature a seating area, a permanent outdoor sculpture (Art in Public Places), and decorative paving. Protective barriers are also proposed to be constructed near the intersection for safety. In addition, a minimum of 50 square feet of private open space would be provided for each unit through second-level patios for each unit, gated front-entry patios for 13 units in Buildings 1, 3 and 4, and two covered entryways in Buildings 3 and 4.

FIGURE 5 – OPEN SPACE EXHIBITS



The conceptual landscape plan for the residential development is part of the Project Plans.

Affordable Housing

Brea City Code (BCC) Chapter 20.40 (Affordable Housing) was amended on August 15, 2023, through the City Council adoption of Ordinance No. 1242. However, the Project, submitted as a SB 330 preliminary application, is only subject to the ordinances and standards adopted and in effect on July 28, 2023. The previous BCC Chapter 20.40 required residential development of 20 or more units to provide 10 percent of the total units to be affordable units. Based on the proposed 32 total units, the Project is required to provide a minimum of four units as affordable units. As such, the Project includes four on-site affordable units for moderate-income households, which are comprised of two two-bedroom units and two three-bedroom units.

Density Bonus Law Requests

Density Bonus Law is a State mandate that allows housing projects that meet the requirements of the State law to receive an increase in maximum density permitted and other benefits, such as waivers of development standards, as a matter of right. The intent of the Density Bonus Law is to facilitate the development of affordable housing and to implement the goals, objectives and policies of the cities' Housing Elements. Consistent with State Law, the City's previous Affordable Housing Ordinance, which the Project is subject to, provided for incentives for flexible development standards, when associated with the production of affordable housing units.

As the Project includes four affordable units for moderate income households (10 percent of the total units), it qualifies to utilize the State Density Bonus Law provisions. As proposed, the Project is eligible for 5% increase in maximum density and reduced parking standards, along with one incentive/concession and unlimited waivers of development standards. Although the Applicant is not proposing to exceed the maximum allowable density for the Project Site, the Applicant is proposing to utilize: 1) Density Bonus parking standards; and 2) waivers associated with reduction of five development standards, as described below.

- *Parking provisions:* The Project utilizes the Density Bonus parking standards, which allows tandem parking and reduced parking ratio. Table 4 below shows propose parking breakdown:

TABLE 4 – PROPOSED PARKING BREAKDOWN

<i>*covered</i> <i>** covered or uncovered</i>	Zoning Code Standard	Density Bonus Standard	Proposed
Required Parking Spaces			
<i>Regular</i>	2 per unit*	1.5 per unit**	2 per unit*
<i>Guest</i>	0.5 per unit**	None	None
<i>Total</i>	80	48	64
Configuration	Tandem not permitted	Tandem permitted	42 spaces are in tandem configuration

As shown on above table, the Project includes 64 garage parking spaces at a ratio of two parking spaces per unit, of which the garages for 21 units are designed with a tandem parking configuration. The provided parking for the Project exceeds the minimum parking allowed by the Density Bonus Law by 16 spaces.

- *Waivers:* The Project proposes five waivers to reduce various development standards, as shown on the Table 5 below:

TABLE 5 – PROPOSED DENSITY BONUS WAIVERS

Development Standard	Zoning Code Minimum	Proposed
Front Setback (Brea Boulevard)	10 feet	<ul style="list-style-type: none"> • First floor: 1'-6" • Upper floors: 0'-6"
Side Setbacks (Fir Street and Walnut Avenue)	15 feet	<p><u>Fir Street:</u></p> <ul style="list-style-type: none"> • First floor: 10'-1" • Upper floor: 9'-2" • Ground floor patio walls: 5'-2" <p><u>Walnut Avenue:</u></p> <ul style="list-style-type: none"> • First floor: 5' • Upper floor: 3'-4"

Landscaping Street Setbacks	8 feet	<u>Brea Boulevard: 1'-11"</u> <u>Fir Street: 5'-2"</u> <u>Walnut Avenue: 5'-11"</u>
Common Open Space	100 square feet per unit	23 square feet per unit
Private Open Space	75 square feet per unit	50 square feet per unit

Tentative Tract Map

The Project includes a tentative tract map for residential condominium purposes to subdivide to existing parcel into 32 condominium units. The tract map will also adjust the lot boundaries to accommodate for the required public right-of-way dedication. The existing site is 1.11 acres in size; however, the required dedication of 10 feet of existing sidewalk areas along Brea Boulevard and Fir Street as public right-of-way would result in a new lot size of 0.99 acres.

Public Art

Pursuant to the City's Art in Public Places Ordinance, the Project would provide a new permanent outdoor sculpture. The tentative sculpture location has been identified to be located at the south of Building 3 along Fir Street, approximately 30 feet west of the sidewalk along Brea Boulevard. Installation of the sculpture would be required prior to Project completion. The art piece would be required to comply with provisions specified in the Art in Public Places Policy Manual. Preliminary discussions have occurred with City staff; however, the Art in Public Places Committee will review a formal proposal upon the Project approval.

The Project Narrative, Project Plans and Project Applications are Attachments G, H, I and J, respectively.

PROJECT DESCRIPTION

DISCUSSION

Tentative Tract Map No. 19315

TTM No. 19315 proposes to subdivide the existing parcel for condominium purposes. This would allow for individual ownership of the 32 residential condominiums. TTM No. 19315 would also adjust the lot line boundaries for public right-of-way dedications of existing sidewalk areas along the Project frontages along Brea Boulevard and Fir Street. Common areas would be established for vehicular and pedestrian circulation and for open space purposes, with a homeowner's association having responsibility for all common facilities. Covenants, Conditions, and Restrictions (CC&Rs) would be conditioned for the Project, to ensure proper maintenance is provided for the common areas of the Project Site. Also included in the map are proposed easements for public utilities and ingress/egress for emergency vehicles.

As proposed, the Project Site is physically suitable for the type of development proposed. The Project Site has and will continue to maintain proper infrastructure and related City services in place to support the proposed development. The proposed design and associated improvements satisfy the minimum lot size, width, lot depth and life safety needs required for properties in the MU-I zone. The design of the subdivision would not conflict with easements for access through or use of the property within the proposed subdivision to prevent any conflict.

Density Bonus No. 2023-01

Pursuant to the State Density Bonus Law, the City is required to grant the waivers proposed for qualifying housing developments unless the City finds that the waivers or reduction of development standards would have a specific adverse impact upon health, or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or would be contrary to State or Federal law. In addition, the City cannot require minimum parking standards that exceed the Density Bonus parking standards, if the applicants of a qualifying housing development requests to utilize the parking standards provided in the Density Bonus Law.

The Project is proposing to develop a new housing development at the density identified in the City’s Sixth Cycle Housing Element Inventory. The proposed waivers to reduce the minimum front and side street setbacks along all street frontages are appropriate for the Project Site and the surrounding mixed-use, urban environment. Similar to the proposed Project’s reduced street setbacks, other existing mixed-use and commercial developments along Brea Boulevard feature little to no setback from the public right-of-way. In addition, it is important to note that while the Project is proposing waivers to reduce the minimum private and common open space requirements and landscaping street setbacks, the Applicant acknowledged the importance of providing open/recreation space for the future residents and has agreed to pay a monetary contribution in sum of \$42,000 into the City’s Park Development Fund (Fund 250). This voluntary contribution is in addition to the required Park Development Impact Fee (\$9,818 per unit). Such additional funds can be used to improved existing City parks, such as Arovista Park, which is in walking distance from the Project Site.

As such, the proposed waivers are not expected to cause any specific adverse impacts upon health or safety.

Precise Development 2023-03: South Brea Townhomes Development

In MU-I Zoning district, PD review is required for residential construction of five or more units and non-residential construction that is over 10,000 square feet of gross floor area. The intent of PD review is to ensure that the Project complies with the applicable development standards and also allows for architectural review of the for-sale residential condominium buildings and an outdoor gathering space. As proposed, and conditioned, the Project represents quality design and complies with the development standards of MU-I Zone for stand-alone residential Projects, as shown on the Table 6 below:

Table 6 – Compliance with Development Standards

Development Standard	Zoning Code (min./max)	Proposed
Minimum Project Size	2,500 square feet	43,343 square feet
Density	12.1 to 50 units per acre	32.32 units per acre
Height	100 feet	<ul style="list-style-type: none">• Building 1: 37 feet• Building 2: 37 feet• Building 3: 39'-4"• Building 4: 40 feet

Front Setback (Brea Boulevard)	10 feet	<ul style="list-style-type: none"> • First floor: 1'-6" • Upper floor: 0'-6"
Street Side Setbacks	15 feet	<p><u>*Fir Street:</u></p> <ul style="list-style-type: none"> • First floor: 10'-1" • Upper floor: 9'-2" • Ground floor patio walls: 5'-2" <p><u>*Walnut Avenue:</u></p> <ul style="list-style-type: none"> • First floor: 5' • Upper floor: 3'-4"
Interior Site Setback	10 feet	<ul style="list-style-type: none"> • First floor: 15 feet • Upper floor: 14 feet
Landscaping Setbacks	Street: 8 feet Interior: 5 feet	<p><u>*Brea Boulevard:</u> 1'-11"</p> <p><u>*Fir Street:</u> 5'-2"</p> <p><u>*Walnut Avenue:</u> 5'-11"</p> <p><u>Interior:</u> 8'-11"</p>
Common Open Space	100 square feet per unit	*23 square feet per unit
Private Open Space	75 square feet per unit	*50 square feet per unit
Parking	80 spaces	*64 garage spaces
*Considered as compliant due to Density Bonus Provisions		

The proposed live/work units with ground level workspaces as proposed would fulfill the commercial requirement of the MU-I zone. The Project 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, except for parking standards and those waivers proposed through the State Density Bonus Law, required to bring about conformity with other elements in the neighborhood.

The Project was reviewed by various departments, including the Fire Department, Police Department, Public Works Department and the Building & Safety Division. The Project is required to meet all Building and Fire codes and standards, thereby assuring the public health, safety, and welfare. To further ensure the Project would be compatible with surrounding uses and not adversely affect the public, health or general welfare, staff has prepared draft Conditions of Approval (Attachment D). Notably, a condition has been recommended by the Police Department for the Project to provide communication infrastructure and funding improvements at the two driveway locations that the Project will benefit from for the development of the Integrated Crime Center that will aid the Police Department in preventing, managing, and solving crime. In addition, the CC&Rs for the Project must include a requirement for the residents to use the garage spaces for vehicle parking only and provisions for maintenance of common areas.

No Net Loss

Pursuant to subdivision (b)(2) of Government Code Section 65863, if the City allows development of any parcel with fewer units by income category than identified in the Housing Element Sites Inventory for that parcel, the City is required to make a written finding supported by substantial evidence as to whether or not remaining sites identified in the Housing Element are adequate to meet the requirements of Government Code and to accommodate the City's RHNA at each income level. A quantification of the remaining unmet need for the City's share of the regional housing need at each income level and the remaining capacity of sites identified in the Housing Element to accommodate that need by income level is shown on the Table 7 below:

Table 7 – NO NET LOSS EVALUATION

Income Category	Total RHNA	Housing Element Site Inventory Total Unit Potential	Existing Surplus/ Shortfall	Proposed Project	Updated Surplus/Shortfall
Very Low	669	1,301	+239	-32	+207
Low	393				
Moderate	403	556	+153	+4	+157
Above Moderate	900	1,454	+554	+28	+582
Total	2,365	3,311	+946	n/a	+946

As shown on above table, the remaining sites identified in the Housing Element are adequate to meet the requirements of the No Net Loss law. The justification request from the Applicant is Attachment K and written finding and substantial evidence is provided in Draft Resolution for DB No. 2023-01 (Attachment B).

PUBLIC NOTICE AND COMMENTS

This Project was noticed in accordance with the City's public noticing requirements, which involved mailed notices sent to property owners within 500-feet of the Project Site, and publication in the Brea Star-Progress. The public hearing notice for this Project is provided as Attachment L.

As of the writing of this report, staff has received two letters of support for the Project from Jamboree Housing Corporation dated May 9, 2024 and Brea Chamber dated June 12, 2024. Both letters commend the Project for constructing new housing and providing homeownership opportunities for above moderate-income and moderate-income units. The public comment letters are provided as Attachment M.

In addition, on June 4, 2024, the Applicant conducted mailed outreach to property owners within a 500-foot radius of the Project Site, which provided the Project description, site plan, rendering, and availability to discuss the Project ahead of an anticipated hearing date. To date, one adjacent neighbor expressed interest in the Project and has been in contact with the Applicant.

ENVIRONMENTAL ASSESSMENT

The Project has been assessed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the environmental regulations of the City. The Project is categorically exempt from the requirements to prepare additional environmental documentation per CEQA Guidelines Section 15332. The Class 32 exemption is applicable as the Project is an in-fill development that meets the following conditions: (a) the Project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable designation and regulations; (b) the proposed development occurs on a Project Site of no more than five acres substantially surrounded by urban uses; (c) the Project has no value as a habitat for endangered, rare, or threatened species; (d) approval of the Project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (e) the site can be adequately served by all required utilities and public services. Technical analyses prepared for the Project, which includes a Scoping Agreement for Traffic Impact Analysis, Noise Impact Study, Noise Impact Study, Air Quality, Greenhouse Gas, and Energy Impact Study, and Preliminary Water Quality Management Plan, demonstrated that the Project would not have any significant effect related to traffic, noise, air quality, and water quality. Therefore, the Project is categorically exempt from the provisions of CEQA. The technical studies are Attachments N, O, P and Q, and the draft Notice of Exemption is Attachment R.

CONCLUSION

For the reasons discussed above and the information attached to this report, the Project would conform with all the requirements of the General Plan and the provisions of the BCC. The proposed recommendation would not have an adverse effect on the public, health, safety, or general welfare. Therefore, staff recommends approval of the Project.

RESPECTFULLY SUBMITTED:

Joanne Hwang, AICP, City Planner

Prepared by: Jessica Newton, Senior Planner

Attachments

[Attachment A- Draft Resolution TTM No. 19315.pdf](#)

[Attachment B- Draft Resolution DB No. 2023-01.pdf](#)

[Attachment C- Draft Resolution P-D No. 2023-03.pdf](#)

[Attachment D- Conditions of Approval.pdf](#)

[Attachment E- Technical Background.pdf](#)

[Attachment F- Vicinity Map.pdf](#)

[Attachment G- Project Narrative.pdf](#)

[Attachment H- Project Plans.pdf](#)

[Attachment I- Project Application.pdf](#)

[Attachment J- Density Bonus Application.pdf](#)

[Attachment K- No Net Loss Letter.pdf](#)

[Attachment L- Public Hearing Notice.pdf](#)

[Attachment M- Public Comments.pdf](#)

[Attachment N- Scoping Agreement for Traffic Impact Analysis.pdf](#)

[Attachment O- Noise Impact Study.pdf](#)

[Attachment P- Air Quality, Greenhouse Gas, and Energy Impact Study.pdf](#)

[Attachment Q- WQMP.pdf](#)

[Attachment R- Draft Notice of Exemption.pdf](#)

(DRAFT) RESOLUTION NO. PC 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA APPROVING TENTATIVE TRACT MAP NO. 19315 FOR RESIDENTIAL CONDOMINIUM PURPOSES ON A 0.99-ACRE SITE FOR THE SOUTH BREA TOWNHOMES PROJECT LOCATED AT 685 SOUTH BREA BOULEVARD.

A. RECITALS:

(i) The Planning Commission of the City of Brea (the “Planning Commission”) did receive a verified petition for the approval of Tentative Tract Map (TTM) No. 19315, Density Bonus (DB) No. 2023-01, and Precise Development (PD) No. 2023-03 to allow the demolition of an approximately 6,592-square-foot commercial building and construction of a new housing development project that will include 29 residential single-family attached units and three live/work units, for a total of 32 units, dispersed in four buildings (referred to herein as the “Project”) for that certain real property located at 685 South Brea Boulevard, in the City of Brea, and further legally described as Assessor Parcel Number 284-282-06, as shown in the latest records of the County of Orange Assessor’s Office.

(ii) The Project applicant is Brea 1 Inv, LLC, 685 South Brea Boulevard.

(iii) The Project site is zoned Mixed-Use I (MU-I) and designated as Mixed Use I by the General Plan.

(iv) TTM No. 19315 would subdivide the Project Site for condominium purposes to construct a total of 32 residential units, including three live/work units.

(v) On July 23, 2024, the Planning Commission held a duly noticed public hearing on the Project, during which it received and considered all evidence and testimony presented prior to adoption of this resolution.

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

B. RESOLUTION:

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

1. In all respects as set forth in Recitals, Part A, of this Resolution.
2. The Project identified above in this Resolution has been assessed in accordance with the California Environmental Quality Act (CEQA) Guidelines, and the environmental regulations of the City. The Project is categorically exempt from the requirements to prepare additional environmental documentation per CEQA Guidelines Section 15332. Class 32 is applicable as the Project is an in-fill development that meets the following conditions: (a) the Project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable designation and regulations; (b) the proposed development occurs on a project site of no more than five acres substantially surrounded by urban uses; (c) the Project has no habitat for endangered, rare, or threatened species; (d) approval of the Project will not result in any significant effects relating to traffic, noise, air quality or water quality; and (e) the site can be adequately served by all required utilities and public services. Technical analyses prepared for the Project, which includes a Scoping Agreement for Traffic Impact Analysis, Noise Impact Study, Air Quality, Greenhouse Gas, and Energy Impact Study, and Preliminary Water Quality Management Plan, demonstrated that the Project will not have any significant effect related to traffic, noise, air quality, and water quality. Therefore, the Project is categorically exempt from the provisions of CEQA.

3. The Commission further finds in consideration of TTM No. 19315 as follows:

a. Finding: That the proposed map is consistent with the applicable General Plan and Specific plans;

Fact: The subject property has a General Plan land use designation of Mixed Use I, which is intended to create areas for intense, mixed-use, urban environments that offer opportunities for people to live, work, shop, and recreate without having to use their cars. TTM No. 19315 is consistent with the Brea General Plan because it will allow the construction of a for-sale housing development on a site in the City's Housing Element residential sites inventory, identified as Focused Development Site 10, with an estimated capacity to accommodate 32 units. In addition, TTM No. 19315 is consistent with Goal CD-1 and Policies CD-1.1, CD-1.4, and CD-1.5 in that it will allow development that integrates single-family attached housing and live/work units in a mixed-use area. The proposed subdivision will maintain the existing General Plan land use designation on the property, allowing the construction of a housing development, and creating 32 new condominium units for future homeowners.

b. Finding: That the site is physically suitable for the type of development;

Fact: The subject property is 1.11 acres in size (0.99 acres after the required public right-of-way dedication) and occupied by a single-story, existing commercial building. The map will subdivide the existing site into 32 condominium units. The Project Site is physically suitable to accommodate the

mixed-use development and the proposed parcels meet all applicable development standards pursuant to Brea City Code Section 20.258.020 and 20.258.030 for development in the MU-I zone, except for parking standards and those waivers requested by State Density Bonus Law. As such, the Project site adequately accommodates the proposed subdivision.

c. Finding: That the site is physically suitable for the proposed density of development;

Fact: The Project Site is physically suitable for the proposed density of development. TTM No. 19315 will adjust the lot line boundaries to match the proposed Project's development configuration, including the required dedication of 10 feet of existing sidewalk areas along Brea Boulevard and Fir Street as public right-of-way. It will not result in a change to the density permitted on the site, as the Mixed-Use I designation allows for a residential density of 12.1 to 50 dwelling units per acre.

d. Finding: That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially unavoidably injure fish or wildlife, or their habitat;

Fact: The design of TTM No. 19315 is not likely to cause substantial environmental damage or substantially unavoidably injure fish or wildlife, or their habitat. The existing parcel has been previously disturbed and developed and is an urban property surrounded by other urban uses. The site is not suitable habitat for wildlife and the proposed Project will, therefore, not cause substantial environmental damage or injure wildlife.

e. Finding: That the design of the subdivision or type of improvements is likely to cause serious public health problems;

Fact: The design of TTM No. 19315 is not likely to cause serious public health problems in that the new subdivision and improvements will be required to comply with the approved plans and development standards as required by the City of Brea. In addition to these development standards, any development will be required to comply with Brea City Code and all applicable codes, including but not limited to, California Building and Fire Codes. With implementation of the conditions of approval attached to a separate resolution approving PD No. 2023-03, the subdivision will not cause and change or impact to public health.

f. Finding: That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through use of property within the proposed subdivision.

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

4. TTM No. 19315 is hereby approved, subject to the conditions of approval attached to a separate resolution approving PD No. 2023-03 for the South Brea Townhomes Project.

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

ADOPTED AND APPROVED this 23rd day of July, 2024.

Chair, Planning Commission

I, Joanne Hwang, 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 23rd day of July, 2024, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 23rd day of July, 2024, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST:

Secretary, Planning Commission

(DRAFT) RESOLUTION NO. PC 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA APPROVING DENSITY BONUS NO. 2023-01: TO ALLOW UTILIZATION OF STATE DENSITY LAW PROVISIONS FOR THE CONSTRUCTION OF A HOUSING DEVELOPMENT CONSISTING OF AFFORDABLE UNITS FOR THE SOUTH BREA TOWNHOMES PROJECT LOCATED AT 685 SOUTH BREA BOULEVARD AND FINDING COMPLIANCE WITH NO NET LESS LAW.

A. RECITALS:

(i) The Planning Commission of the City of Brea (the “Planning Commission”) did receive a verified petition for the approval of Tentative Tract Map (TTM) No. 19315, Density Bonus (DB) No. 2023-01, and Precise Development (PD) No. 2023-03 to allow the demolition of an approximately 6,592-square-foot commercial building and construction of a new housing development project that will include 29 residential single-family attached units and three live/work units, for a total of 32 units, dispersed in four buildings (referred to herein as the “Project”) for that certain real property located at 685 South Brea Boulevard, in the City of Brea, and further legally described as Assessor Parcel Number 284-282-06, as shown in the latest records of the County of Orange Assessor’s Office.

(ii) The Project applicant is Brea 1 Inv, LLC, 685 South Brea Boulevard.

(iii) The Project site is zoned Mixed-Use I (MU-I) and designated as Mixed Use I by the General Plan.

(iv) DB No. 2023-01 would allow the Applicant to utilize the following Density Bonus provisions: 1) Density Bonus parking standards; and 2) waivers of five separate development standards, which includes reductions of the front setback to 6”, the street side setbacks to between 3’-4” and 5’-2”, the landscaping setbacks to between 1’-11”

and 5'-11", the common open space requirement to 23 square feet per dwelling unit, and the private open space requirement to 50 square feet per dwelling unit.

(v) On July 23, 2024, the Planning Commission held a duly noticed public hearing on the Project, during which it received and considered all evidence and testimony presented prior to adoption of this resolution.

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

B. RESOLUTION:

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

1. In all respects as set forth in Recitals, Part A, of this Resolution.
2. The Project identified above in this Resolution has been assessed in accordance with the California Environmental Quality Act (CEQA) Guidelines, and the environmental regulations of the City. The Project is categorically exempt from the requirements to prepare additional environmental documentation per CEQA Guidelines Section 15332. Class 32 is applicable as the Project is an in-fill development that meets the following conditions: (a) the Project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable designation and regulations; (b) the proposed development occurs on a project site of no more than five acres substantially surrounded by urban uses; (c) the Project has no habitat for endangered, rare, or threatened species; (d) approval of the Project will not result in any significant effects relating to traffic, noise, air quality or water quality; and (e) the site can be adequately served by all required utilities and public services.

Technical analyses prepared for the Project, which includes a Scoping Agreement for Traffic Impact Analysis, Noise Impact Study, Air Quality, Greenhouse Gas, and Energy Impact Study, and Preliminary Water Quality Management Plan, demonstrated that the Project will not have any significant effect related to traffic, noise, air quality, and water quality. Therefore, the Project is categorically exempt from the provisions of CEQA.

3. The Commission further finds in consideration of DB No. 2023-01 as follows:

a. Finding: The Project meets the requirements of the State Density Bonus Law to utilize parking standards and waivers specified in the State Density Bonus Law;

Fact: The Project consists of 29 residential and three live/work units, for a total of 32 housing units. Four of the 32 units would be reserved for moderate-income households. Thus, 10 percent of the base units would be affordable to moderate-income households, making the Project eligible for unlimited waivers and State Density Bonus Law parking standards under State Density Bonus Law. With the waiver requests, the Project would be built at the density identified in City's Sixth Cycle Housing Element, and the proposed reduction in applicable street setbacks is similar and compatible with existing development pattern in the surrounding mixed-use environment. Additionally, while the Project includes reductions to landscaping setbacks and open space, the Applicant would contribute funding toward off-site public park development. Based on the Project details, the proposed waivers are not expected to cause

any specific adverse impacts upon health or safety. In addition, the proposed Project is consistent with the General Plan Housing Element Goal 6 in that the Project will provide a variety of housing types and support production of affordable housing through density bonus incentives.

4. The Commission further finds in consideration of the State No Net Loss Law as follows:

a. Finding: That the remaining sites identified in the Housing Element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City's remaining unmet regional housing need allocation at each income level.

Fact: The Project site is identified in the City's Housing Element residential sites inventory as Focused Development Site 10, with an estimated capacity to accommodate 32 units, consisting of 16 very low-income units and 16 low-income units. The Project proposes a total of 32 units for the site, consisting of 28 above moderate-income units and four moderate income units. As a result, the proposed Project provides 32 fewer lower income units than identified in the Housing Element, while providing additional moderate income and above moderate income units. The City's regional housing need allocation (RHNA) for the 2021-2029 planning period is 2,365 housing units for all income levels, consisting of 669 very low-income units, 393 low-income units, 403 moderate-income units, and 900 above moderate-income units. The Housing Element sites inventory identifies a total unit capacity of 1,301 units for lower-

income units, which is a surplus of 239 units. The City's approval of the Project, which would remove 32 of the units from the lower-income capacity calculation, would not cause the lower-income RHNA category to be insufficient, as shown in the below table:

Income Category	Total RHNA	Housing Element Site Inventory Total Unit Potential	Existing Surplus/ Shortfall	Proposed Project	Updated Surplus/ Shortfall
Very Low	669	1,301	+239	-32	+207
Low	393				
Moderate	403	556	+153	+4	+157
Above Moderate	900	1,454	+554	+28	+582
Total	2,365	3,311	+946	n/a	+946

As such, there is still more than adequate capacity at the remaining Housing Elements sites.

5. Based on reasons specified in the resolution, DB No. 2023-01 is hereby approved.

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

ADOPTED AND APPROVED this 23rd day of July, 2024.

Chair, Planning Commission

I, Joanne Hwang, 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 23rd day of July, 2024, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 23rd day of July, 2024, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST:

Secretary, Planning Commission

DRAFT

(DRAFT) RESOLUTION NO. PC 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA APPROVING PRECISE DEVELOPMENT NO. 2023-03: TO ALLOW THE DEMOLITION OF AN EXISTING COMMERCIAL BUILDING AND CONSTRUCTION OF A HOUSING DEVELOPMENT (SOUTH BREA TOWNHOMES PROJECT) CONSISTING OF 29 SINGLE-FAMILY ATTACHED UNITS AND THREE LIVE/WORK UNITS, FOR A TOTAL OF 32 UNITS, LOCATED AT 685 SOUTH BREA BOULEVARD.

A. RECITALS:

(i) The Planning Commission of the City of Brea (the “Planning Commission”) did receive a verified petition for the approval of Tentative Tract Map (TTM) No. 19315, Density Bonus (DB) No. 2023-01, and Precise Development (PD) No. 2023-03 to allow the demolition of an approximately 6,592-square-foot commercial building and construction of a new housing development project that will include 29 residential single-family attached units and three live/work units, for a total of 32 units, dispersed in four buildings (referred to herein as the “Project”) for that certain real property located at 685 South Brea Boulevard, in the City of Brea, and further legally described as Assessor Parcel Number 284-282-06, as shown in the latest records of the County of Orange Assessor’s Office.

(ii) The Project applicant is Brea 1 Inv, LLC, 685 South Brea Boulevard.

(iii) The Project site is zoned Mixed-Use I (MU-I) and designated as Mixed Use I by the General Plan.

(iv) PD No. 2023-03 would allow demolition of the existing commercial building and construction of a new housing development that would include 29 residential single-family attached units and three live/work units, for a total of 32 units, dispersed in four buildings.

(v) On July 23, 2024, the Planning Commission held a duly noticed public hearing on the Project, during which it received and considered all evidence and testimony presented prior to adoption of this resolution.

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

B. RESOLUTION:

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

1. In all respects as set forth in Recitals, Part A, of this Resolution.
2. The Project identified above in this Resolution has been assessed in accordance with the California Environmental Quality Act (CEQA) Guidelines, and the environmental regulations of the City. The Project is categorically exempt from the requirements to prepare additional environmental documentation per CEQA Guidelines Section 15332. Class 32 is applicable as the Project is an in-fill development that meets the following conditions: (a) the Project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable designation and regulations; (b) the proposed development occurs on a project site of no more than five acres substantially surrounded by urban uses; (c) the Project has no habitat for endangered, rare, or threatened species; (d) approval of the Project will not result in any significant effects relating to traffic, noise, air quality or water quality; and (e) the site can be adequately served by all required utilities and public services. Technical analyses prepared for the Project, which includes a Scoping Agreement for Traffic Impact Analysis, Noise Impact Study, Air Quality, Greenhouse Gas, and Energy

Impact Study, and Preliminary Water Quality Management Plan, demonstrated that the Project will not have any significant effect related to traffic, noise, air quality, and water quality. Therefore, the Project is categorically exempt from the provisions of CEQA.

3. The Commission further finds in consideration of PD No. 2023-03 as follows:

a. Finding: The proposed Project is in compliance with applicable provisions of the Brea City Code and all requirements of law.

Fact: The demolition of an existing commercial building and the adjacent surface parking existing and development of the proposed Project that consists of the new South Brea Townhomes development is in compliance with all applicable development standards pursuant to Brea City Code Section 20.258.020 and 20.258.030 for development in the MU-I zone, except for parking standards and those waivers requested by State Density Bonus Law. The technical studies prepared for the Project demonstrated that the Project would not have any significant effect related to traffic, noise, air quality, and water quality. Given all information known to date and the conditions of approval, this request is not anticipated to result in significant impacts to City services nor to be detrimental to existing uses in the zone or within the surrounding neighborhood.

4. PD No. 2023-03 is hereby approved, subject to the conditions of approval found in Exhibit A of this resolution.

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

ADOPTED AND APPROVED this 23rd day of July, 2024.

Chair, Planning Commission

I, Joanne Hwang, 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 23rd day of July, 2024, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 23rd day of July, 2024, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST:

Secretary, Planning Commission

EXHIBIT A OF RESOLUTION NO. 2024-XX
SOUTH BREA TOWNHOMES PROJECT
TENTATIVE TRACT MAP NO. 19315, DENSITY BONUS NO. 2023-01, AND
PRECISE DEVELOPMENT NO. 2023-03
CONDITIONS OF APPROVAL

Planning Division – Community Development Department

1. Development and operations shall occur in substantial compliance with the plans and documents reviewed and approved by the Planning Commission on July 23, 2024, which includes, but not limited to, site plan, floor plans, and elevation drawings on file with 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. Live/Work Units: The following use restrictions shall apply to three Live/Work units (Units 14, 17, and 18):
 - a. The live/work units shall have direct interior access between the work and living areas and are restricted to businesses where customers/client visitations are limited or sporadic, such as administrative office and other similar uses as determined by the City Planner. This space is restricted from being rented to a separate tenant.
 - b. Any businesses within the live/work space shall obtain a City Business License.
4. Prior to any permit issuance, Covenants, Conditions, and Restrictions (CC&R's) for the community association bylaws establishing a joint tenants and owners shall be submitted to the Planning Division for City review and approval. Such CC&Rs must, at minimum, address the following:
 - a. A requirement that residents shall use the designated parking areas (i.e. garages), only for the parking of vehicles.
 - b. A provision that parking garages are subject to inspection by the Association or City of Brea staff.
 - c. Prohibition of vehicle parking within the drive aisles.
 - d. Permitted hours of operation for the commercial use within live/work units
 - e. Use restrictions for the commercial use within live/work units
 - f. Maintenance of all common areas.

5. Final architectural elevation plans and details shall be provided at 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.
6. Prior to issuance of any building permits, the Applicant shall submit a final landscape, hardscape and light fixture/photometric plans and details shall be provided for the review and approval of the City Planner prior to the issuance of building permits. 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.
 - a. Prior to release of Certificate of Occupancy, approved landscaping and irrigation shall be installed.
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 an event that it is removed, damaged and/or dead.
8. 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.
 - a. Noise generating equipment shall require special consideration in their location and screening in order to avoid creating a nuisance. All uses and operations shall adhere to the City's adopted noise ordinance.
9. Balcony run-off shall be integrated in the building structure and storm drain system. Balcony drain water shall not drain down the side of balconies and/or building exterior.
10. All 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.
11. 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.

12. 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 of any other ordinance.
13. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold the City, its elected officials, officers, contractors serving as City officers, agents, and employees ("Indemnitees") free and harmless from: (i) any and all claims, liabilities and losses whatsoever occurring or resulting to any and all persons, firms, entities, or corporations furnishing or supplying work, services, materials, or supplies in connection with, or related to, the performance of work or the exercise of rights authorized by approval of Tentative Tract Map (TTM) No. 19315, Density Bonus (DB) No. 2023-01, and PD No. 2023-03, and (ii) any and all claims, lawsuits, liabilities, 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 Indemnitee's 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 attorney's fees in any such lawsuit or action.

Housing Division – Community Development Department

14. Four units shall be provided as for-sale affordable units for moderate-income households for a minimum period of 45 years.
15. An Affordable Housing Agreement between the developer and the City, prepared by the City and approved by the City Council shall indicate the number, type, location, and 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.
16. The Applicant shall coordinate with and accommodate the City as necessary to provide the four affordable units as low-income units, if the City identifies an opportunity to offer potential financial assistance to future buyers of the four affordable units (e.g. down payment assistance with silent second loan, etc.).

Building and Safety Division – Community Development Department

17. All designs shall comply with the Codes adopted at the time of the permit submittal. Currently the 2022 California Building, Mechanical, Electrical, Plumbing, Cal Green, Energy, Fire Codes, City of Brea Municipal Code & Ordinances.

18. Building permits are required for all the proposed work, California Building Code (CBC) 2022 Sec [A]105.1.

- a. All plans must be submitted electronically, and shall include structural calculations, Title 24, and fire and life safety analysis with proposed occupant loads.
- b. At 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 requires separate submittals and permit issuance:

- i. Demo work
 - ii. Building construction documents
 - iii. Civil construction documents (Grading Plans)
 - iv. Landscape construction documents
 - v. Accessory structures (trash enclosure(s)) construction documents
 - vi. Art in Public Places (Art Sculpture)
 - vii. Fire Sprinklers
 - viii. PV Systems
 - ix. Temporary Power
 - x. Construction/Office Trailers
- c. If any code deviations are needed for the proposed project, submittal of Alternative Materials, design and Methods (CBC Sec. [A]104.11) or Modification request (CBC Sec. [A]104.10) will be required. Code sections and alternatives are required with complete justification for request.
 - d. Deferred submittal items shall have the prior approval of the building official.

19. Prior to issuance of any construction permits, the Applicant shall pay all applicable impact fees as set forth in the City ordinances and in effect the time of permit approval.

20. Prior to demolition permit issuance or the start of demolition to the existing building, an asbestos and lead analysis report shall be submitted for review to the Building & Safety Division.
21. A minimum of 65% of construction and demolition material are required to be recycled during demolition and construction. Prior to any permit issuance, a contract with Brea disposal or other proof of recycling must be submitted.
22. Prior to any permit issuance, construction plans shall indicate whether or not the site is with in any of the following zones:
- a. Methane zone
 - b. Fire zone
 - c. Flood zone
 - d. Liquefaction zone
23. At grading permit submittal, a Geotechnical Soils Investigation report is required to be submitted to the Building & Safety Division.
- a. A licensed civil or structural engineer registered in the State of California shall provide a letter stating whether or not a ground motion hazard analysis shall be performed in accordance with ASCE 7-16 Sec. 11.4.8 (Section 21.2) for this development. If yes, then the geotechnical engineer shall update the preliminary geotechnical investigation accordingly.
 - b. 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 plans and details.
24. At grading permit submittal, a color exhibit plan shall be provided on the civil drawings showing cut and fill areas.
25. Prior to grading permit issuance, the Applicant shall provide written evidence to the City of 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.
26. ADA accessible units shall comply with CBC 2022 Chapter 11A and Live/work units shall comply with CBC 2022 Chapter 11A & 11B respectively.

27. Roof tiles shall be class "A" and shall have an ICC ESR approved report. The ICC ESR report shall be pasted on the plans.
28. An automatic fire sprinkler system is required and shall be complaint with CBC 2022 Chapter 9 and the City of Brea code amendments.
29. Structural plans, gravity and lateral calculations for the transformer shall be submitted for review.
30. Structural plans and calculations shall be provided for the mechanical units and platforms on roofs.
31. A separate water meter for the landscaping shall be provided.
32. Full project review shall be conducted when complete construction documents are submitted to the Building & Safety division.
33. Additional requirements may be imposed when the project is submitted for building & safety department plan check review and approval.

Public Works Department

General Conditions

34. This approval shall be contingent upon the approval of the Tentative Tract Map, and the conditions of said approval shall be implemented. The proposed subdivision shall occur in substantial conformance with Tentative Tract Map No. 19315, submitted to the Planning Commission, and all conditions set forth herein.
35. The proposed subdivision shall occur in substantial conformance with the plans and specifications approved through the City Planning Commission, and all conditions of said approval shall be implemented and incorporated herein.
36. The Applicant shall provide Building Demolition Plans and Site Demolition Plans for the demolition of the existing building and site infrastructure. The Demolition Plans shall be prepared by a registered Civil Engineer, and be in accordance with City of Brea Standard Plans and standards, and be to the satisfaction of the 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 both the Building Demolition Plans and Site Demolition Plans prior to the issuance of any building permit.
37. 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 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 City Engineer. The Precise Grading Plan submittal shall include the following items:

- a. Construction Document Plans for the review and approval of the City Engineer. The Construction Document Plans shall identify all proposed improvements that are required to facilitate the development and infrastructure improvements for the proposed development 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. Sanitary Sewer Capacity Analysis for the review and approval of the City Engineer. Note that the Sanitary Sewer Capacity Analysis shall include a node analysis from the upstream point of connection to the ultimate outfall to the Orange County Sanitation District sanitary sewer line;
 - d. Hydrology & Hydraulic Study for the review and approval of the City Engineer. Said study shall meet all City and Orange County requirements, and include an analysis of the existing and proposed flow generated by the proposed development and an analysis of the hydraulic capacity of the existing storm drain line that is proposed to be tied into on W. Fir Street in both the existing and proposed conditions;
 - e. Final Water Quality Management Plan (WQMP) for the review and approval of the City Engineer. The Applicant shall submit the finalized and approved Preliminary WQMP at the time of first submittal, and prior to the issuance of any building permits. The Applicant and any future successors shall adhere to the approved Final WQMP during the life of the Project;
 - f. 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; and
 - h. On-site Circulation Plan as requested for the review and approval of the City Traffic Engineer.
38. Prior to construction permit submittal, the Applicant shall submit an Address Request Application and submit via email to pwenchroachmentper@cityofbrea.net. To obtain the application, please visit the

following link: <https://www.ci.brea.ca.us/DocumentCenter/View/14699/Address-Request-Application-080323>.

39. The Applicant and/or developer 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.
40. The Applicant and/or developer of the applicable development phase 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.
41. The Applicant shall maintain all public and private drainage facilities in good working order at all times.
42. The Applicant and/or developer shall be responsible to obtain the permission to perform any work on adjacent private properties.
43. All existing water and fire services are to be replaced with new service connections. All existing water and fire services are to be removed through the existing water main to the satisfaction of the City Engineer.
44. All water and fire services shall be per the latest City of Brea Public Works Standards. All proposed domestic, irrigation, and fire services shall include metering and above-grade backflow prevention to the satisfaction of the City Engineer and the Brea Fire Department.
45. The Applicant shall install 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 and the Brea Fire Department. Easements shall be dedicated to the City for the maintenance, repair, and operation of all water meters, vaults, and fire hydrants.
46. All proposed fire hydrant 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 shall be in accordance with City of Brea Public Works Standards and all applicable building codes.
47. All proposed sewer laterals shall be per City of Brea Public Works Standards, and meet all City Building and Plumbing Code requirements, and be to the satisfaction of the City Engineer and the Building & Safety Division.
48. The proposed development shall only be served by underground distribution utilities.

49. Prior to the issuance of any building permits, 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.
50. Prior to the issuance of any building permit for the proposed developed site conditions, the Applicant shall submit Public Improvement Plans for the review and approval of the City Engineer for all public improvements located within S. Walnut Avenue, W. Fir Street, and S. Brea Boulevard, and all proposed public easements and dedications adjacent to S. Walnut Avenue, W. Fir Street, and S. Brea Boulevard. The Public Improvement Plans shall showcase all easement and right-of-way dedications as identified on Tentative Tract Map No. 19315, and shall identify all improvements within these locations. The Public Improvement Plans shall be prepared by a registered Civil Engineer, and be in accordance with City of Brea Standard Plans and standards, and be to the satisfaction of the City Engineer. All improvements shall be constructed, including any field punch list items, prior to the issuance of any occupancy release. The public improvements shall include, but are not limited to, the following items:
- a. Removal of the existing driveway on S. Walnut Avenue and installation of curb and gutter and sidewalk to match the existing curb and gutter and be in accordance with current Americans with Disabilities Act (ADA) and City of Brea Public Works Standards.
 - b. Removal of all existing sidewalk adjacent to the project site on S. Walnut Avenue and construction of a landscape parkway and a minimum 5-foot wide concrete sidewalk, to the satisfaction of the City Engineer. All proposed improvements shall be in accordance with current Americans with Disabilities Act (ADA) and City of Brea Public Works Standards.
 - c. Removal of the existing driveway on W. Fir Street and installation of curb and gutter and sidewalk to match the existing curb and gutter and be in accordance with current Americans with Disabilities Act (ADA) and City of Brea Public Works Standards.
 - d. Removal and reconstruction of all existing sidewalk adjacent to the project site on W. Fir Street; removal, reconstruction, and/or modifications to the existing curb ramp at the intersection of S. Walnut Avenue & W. Fir Street; and removal, reconstruction and/or modifications to the intersection of S. Brea Boulevard & W. Fir Street; to achieve sidewalk from the back of curb to the proposed right-of-way limit identified on Tentative Tract Map No. 19315 to the satisfaction of the City Engineer. All proposed improvements shall be in accordance with current Americans with Disabilities Act (ADA) and City of Brea Public Works Standards.
 - e. Removal of the two (2) existing driveways on S. Brea Boulevard and installation of curb and gutter and sidewalk to match the

existing curb and gutter and be in accordance with current Americans with Disabilities Act (ADA) and City of Brea Public Works Standards.

- f. Removal and reconstruction of all existing sidewalk and stamped concrete pavers adjacent to the project site on S. Brea Boulevard, to the satisfaction of the City Engineer. All proposed improvements shall be in accordance with current Americans with Disabilities Act (ADA) and City of Brea Public Works Standards.
- g. Removal of all existing parkway drains and/or curb drains serving the existing property, and reconstruction of curb and gutter and sidewalk to match the existing curb and gutter and be in accordance with current Americans with Disabilities Act (ADA) and City of Brea Public Works Standards.
- h. Removal and replacement of existing curb and gutter within the public right-of-way of S. Walnut Avenue, W. Fir Street, and S. Brea Boulevard, immediately adjacent to the project site, at locations to the satisfaction of the City Engineer.
- i. All easement dedications and improvements required to facilitate the construction of a proposed driveway on S. Walnut Avenue in accordance with current Americans with Disabilities Act (ADA) and City of Brea Public Works standards. The radius returns of the proposed driveway approach shall be 10-foot minimum. The proposed driveway shall include a minimum 5-foot sidewalk crossing at the top of driveway to facilitate a driveway crossing that meets all accessibility requirements and connects to the proposed sidewalk construction. Note that an easement will be required to be dedicated to the City of Brea as part of the Final Map if the 5-foot sidewalk crossing encroaches into private property. No water meter, utility vaults, and/or other structures are to be located within the proposed driveway approach.
- j. All easement dedications and improvements required to facilitate the construction of a proposed driveway on W. Fir Street in accordance with current Americans with Disabilities Act (ADA) and City of Brea Public Works standards. The radius returns of the proposed driveway approach shall be 10-foot minimum. The proposed driveway shall include a minimum 5-foot sidewalk crossing at the top of driveway to facilitate a driveway crossing that meets all accessibility requirements and connects to the proposed sidewalk construction. Note that an easement will be required to be dedicated to the City of Brea as part of the Final Map if the 5-foot sidewalk crossing encroaches into private property. No water meter, utility vaults, and/or other structures are to be located within the proposed driveway approach.

- k. Landscaping and irrigation improvements required to facilitate the removal of all street trees in conflict with the proposed driveway improvements, and planting of street trees within existing or proposed tree wells and/or landscaped parkways to the satisfaction of the City Engineer.
- l. Pavement rehabilitation consisting of asphalt grind and overlay of the full roadway width adjacent to the project site for S. Walnut Avenue, W. Fir Street, and the intersection of S. Walnut Avenue & W. Fir Street, to the satisfaction of the City Engineer;
- m. Renewal and/or implementation of signage and striping improvements within the limits of paving improvements adjacent to the project site along S. Walnut Avenue, W. Fir Street, and the intersection of S. Walnut Avenue & W. Fir Street, to the satisfaction of the City Traffic Engineer;
- n. Installation of all signage and striping improvements as identified on the Signing and Striping Plan within Tentative Tract Map No. 19315, to the satisfaction of the City Traffic Engineer;
- o. All proposed utility improvements, modifications, relocations, and/or connections located within the proposed public right-of-way and easement areas. Said improvements shall include all utility improvements as identified on Tentative Tract Map No. 19315, and that are required to facilitate the proposed private development to the satisfaction of the City Engineer. Proposed utility improvements, modifications, and connections located within the public right-of-way shall include items such as, but not limited to, the construction of domestic, irrigation, and fire service connections and infrastructure; the construction of fire hydrants; the construction of storm drain manhole connections to existing infrastructure; the construction of sanitary sewer manhole connections to existing infrastructure; the relocation of street lights; modifications to traffic signal and communications infrastructure; and the removal and/or relocation of utility vaults and/or meters;
- p. Removal of the existing traffic signal pole at the northwest corner of the intersection of S. Brea Boulevard & W. Fir Street and installation of a new Type 15TS signal pole with a traffic safety light over the W. Fir Street crosswalk. These improvements shall include all traffic signal, communications, and electrical improvements to the traffic signal and shall be to the satisfaction of the City Traffic Engineer;
- q. Installation of all communications infrastructure required to facilitate the proposed connection of the communications system from the intersection of S. Brea Boulevard & W. Fir Street to the existing light pole located at the northwest corner of the intersection of S. Walnut Avenue & W. Fir Street, to the satisfaction of the City Traffic Engineer and the Police Department.

Note that the provided plans shall identify all paving and utility infrastructure modifications required to facilitate the proposed communications improvements to the satisfaction of the City Engineer.

- r. The removal, replacement, and/or relocation of all existing infrastructure or structures interfering with the proposed improvements. This includes, but is not limited to, existing subsurface and at-grade infrastructure, water meters, backflow prevention, utility vaults, vent pipes, fire hydrants, signage, street lights, power poles, and paving.
- 51. 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.
 - 52. The Applicant shall obtain an Encroachment License Agreement for all non-standard improvements, improvements not in accordance with City of Brea Standard Plans and standards, located within the public right-of-way.
 - 53. 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.
 - 54. 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.
 - 55. No proposed privately-owned 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 adjacent properties, existing or proposed public easement areas, or within the public right-of-way.
 - 56. The Applicant shall complete the construction of all improvements in the public right-of-way and in public easement or right-of-way dedication areas to the satisfaction of the City Engineer.
 - 57. 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 dry utility purveyors have granted authorization to construct proposed improvements within existing easement areas or that all existing easements have been modified, removed, and/or quitclaimed to accommodate the proposed development.

Tentative Tract Map Conditions

58. The proposed subdivision shall occur in substantial conformance with Tentative Tract Map No. 19315, submitted to the Planning Commission, and all conditions set forth herein.
59. The proposed subdivision shall occur in substantial conformance with the plans and specifications approved through the City Planning Commission, and all conditions of said approval shall be implemented and incorporated herein.
60. Prior to the issuance of any building permit for the proposed developed site conditions, the Applicant shall submit a Final Map for review and approval of the City Engineer. Said Final Map shall include all right-of-way and easement dedication and/or vacations. The Final Map shall be submitted to the City Engineer for conformance review prior to submittal to the County of Orange Surveyor's Office. The Final Map shall be submitted directly to the County of Orange Surveyor's Office for review and approval of the technical portion of the Final Map. All public improvements shall be constructed, including any field punch list items, prior to Final Map approval by City Council and Final Map recordation with the County of Orange. All right-of-way and easement dedications and vacations shall be in accordance with all requirements set forth in the California Streets and Highways Code, the Subdivision Map Act, and the Brea City Code.
61. The Applicant shall complete the construction of all public improvements in the public right-of-way or within public easement or right-of-way dedication areas to the satisfaction of the City Engineer, or 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 Final Map. All bonds or sureties shall be provided in an amount to the satisfaction of the City Engineer.
62. Applicant shall be responsible to prepare all documentation and pay for any publication fee (if applicable) for the proposed dedications and/or vacations of right-of-way or easements.
63. The Applicant shall submit a Monumentation Bond as required by the Subdivision Map Act in a form approved by the City Attorney to guarantee payment for the setting of monuments. The bond amount shall be provided before the approval of the Final Map, by the Licensed Surveyor or Registered Civil Engineer preparing the Final Map. The Monumentation Bond shall be provided in an amount to the satisfaction of the City Engineer.
64. Prior to the release of the Monumentation Bond, the Licensed Surveyor or Registered Civil Engineer who prepared the Final Map shall submit a letter to the City Engineer verifying the setting of all monuments, confirming that all monuments

have been set in conformance with the recorded Final Map, and confirming that the applicant/property owner has paid the Licensed Surveyor or Registered Civil Engineer in full for the setting of the monuments.

65. Prior to the release of all Faithful Performance Bonds and Labor and Materials Bonds, all improvements shall be completed and accepted by the City, and a warranty bond shall be provided in accordance with the Subdivision Improvement Agreement.
66. Prior to the issuance of any building permit for any proposed development phase, the Applicant shall provide CC&R's for the review and approval of the Public Works Department, Fire Department, Community Development Department, and City Attorney. The CC&R's shall incorporate a separate set of drawings, or airspace maps, as an attachment to the document for the proposed condominium airspace units. The CC&R's shall incorporate a Maintenance Exhibit map as a separate attachment to the document, that clearly identifies the ownership and responsibilities for maintenance for items on the proposed property. Said CC&R's shall apply to any successors to the property owner at the time of the subdivision. Said CC&R's shall be recorded prior to the issuance of any occupancy release for the proposed development. A copy of the recorded CC&R's shall be provided to the Community Development Department within thirty (30) days of recordation.

Fire Department

67. 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.
68. Fire Department access road shall be provided as specified in the BCC.
69. Prior to combustible construction, Fire Department Access roadways shall be provided.
70. The Fire Code Official is authorized to enforce the fire safety during construction requirements of CFC Ch. 33.
71. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.
72. 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 the time of permit approval.

73. Prior to the issuance of a grading permit or any construction permits, a fire department access plan shall be submitted to Brea Fire Department for review and approval. Grading or construction permits shall not be issued until the fire department access plan has been approved by Brea Fire Department.
74. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the CFC and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the FDC for buildings protected with a fire sprinkler system.
75. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project will be calculated when construction type is known or applicant can refer to Appendix B of the CFC). Proof of a flow test will be required. Please contact the Fire Department for further direction if needed.
76. Prior to construction permit issuance, demonstrate methane mitigation consistent with the February 26, 2024 recommendation of the November 22, 2023 soil gas survey report.
77. Prior to building permit final, an engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.
78. Prior to building permit 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).
79. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. This building will require (4) Knox boxes, installation height will be no higher than 6'.
80. Multi-family residences shall display the address in accordance with CFC 505.1.
81. Prior to issuance of a demolition permit, contact the Brea Fire Department for potential emergency personnel training opportunities at the project site/existing building to enhance safety of the community. If requested by the Fire Department, the Applicant shall accommodate such training opportunities to its best ability.

Police Department

82. 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 the time of permit approval.
83. The City has established a goal of developing an Integrated Crime Center (ICC). The ICC is a system comprised of advanced technology that will revolutionize how the Brea Police Department prevents, manages, and solves crime. The Project will benefit from the ICC with abilities that include but are not limited to: generating investigative leads, managing critical incidents, monitoring special events, traffic management and Emergency Operation Center functions. The Project shall be required to provide the following:
- a. Prior to release of Certificate of Occupancy for any residential unit:
 - i. The Applicant shall install underground two-inch conduit and ethernet communications along Fir Street and portions of Walnut Avenue, consistent with Public Works and Police Departments requirements, that is connected to and extends the City's communications system from Brea Boulevard to an existing street light pole on Walnut Avenue, to the satisfaction of the City Traffic Engineer.
 - ii. The Applicant shall provide funding for the procurement and installation of three video surveillance cameras at two viewing locations at the intersections of Fir Street and Brea Boulevard and Fir Street and Walnut Avenue, to the satisfaction to the Police Department.
84. Prior to issuance of a demolition permit, contact the Brea Police Department for potential emergency personnel training opportunities at the project site/existing building to enhance safety of the community. If requested by the Police Department, the Applicant shall accommodate such training opportunities to its best ability.

Parks- Community Services Department

85. Prior to issuance of building permits or recordation of the map, the Applicant shall pay Park Development Fees applicable to single-family residential units, as set forth in the City ordinances and in effect the time of permit approval.
86. Prior to release of Certificate of Occupancy for any residential unit, a monetary contribution in an amount of \$42,000.00 shall be paid to the City's Park Development Fund.

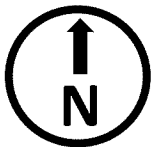
Arts in Public Places- Community Services Department

87. This project will be subject to an Art in Public Places (APP) obligation to install sculpture on-site, valued at 1% of the total building valuation. The applicant will need to meet all requirements of the current APP Policy Manual, as well as reach the following milestones:

- a. Submit Part 1 of the APP Application prior to issuance of building permits;
- b. Submit Part 2 of the APP Application and obtain APP Committee approval within six months of building permit issuances; and
- c. Prior to release of Certificate of Occupancy for any residential unit, submit Part 3 of the APP Application and complete sculpture installation.

TECHNICAL BACKGROUND

Case Nos:	Tentative Tract Map No. 19315, Density Bonus No. 2023-01, Precise Development No. 2023-03
Property Location:	685 South Brea Boulevard
Project area:	43,343 sq. ft. or 0.99 acres (after the required public right-of-way dedication)
Building Size:	Building 1: 11,646 sq. ft. Building 2: 13,812 sq. ft. Building 3: 15,456 sq. ft. <u>Building 4: 25, 646 sq. ft.</u> Total: 66,557 sq. ft. (inclusive of garages and balconies)
Applicant:	Brea 1 Inv, LLC 3121 Michelson Drive, Suite 150 Irvine, CA 92612
General Plan Designation:	Mixed Use I
Zoning Designation:	Mixed-Use I (MU-I)
Adjacent Zoning	
	North: Multiple Family Residential (R-3) and Mixed-Use III (MU-III)
	East: MU-III and Single Family Residential (R-1) (<i>Across Brea Boulevard</i>)
	South: MU-III (<i>Across Fir Street</i>)
	West: R-1 (<i>Across Walnut Avenue</i>)
Site and Neighborhood Characteristics:	The Project site is approximately 0.99 acres in size, and is located on the north side of Fir Street between Brea Boulevard and Walnut Avenue, at 685 South Brea Boulevard.
Public Hearing Notices and Outreach:	Legal Notice was published in the Brea Star-Progress on July 11, 2024 and approximately 63 notices were sent to all property owners within a 500-foot radius of the subject property.



SUBJECT PROPERTY AND VICINITY MAP

DATE: JULY 23, 2024

CASE NO:

ACCELA RECORD NO. PLN-2023-00081

TENTATIVE TRACT MAP NO. 19315

DENSITY BONUS NO. 2023-01

PRECISE DEVELOPMENT NO. 2023-03



June 11, 2024

Brea Planning Division
ATTN: Jessica Newton
1 Civic Center Cir
Brea, CA 92821

Re: Updated Request Letter for a 32-Unit Townhome Project located at 685 S Brea Blvd

Dear Ms. Newton:

As requested, Brea 1 Inv, LLC is providing an updated request letter for the development application on the 685 S Brea Blvd site. The proposed project will consist of 32 3-story single-family attached townhomes with three along Brea Blvd designated as live/work. The project's design is Spanish-inspired to blend with the surrounding context and building environment. It will have Irving Gill-styled bay windows on the 3rd story and lightened accent colors. There will also be tile reveal in some windows and simplified entry trim to incorporate more Spanish-inspired details.

The trash service plan will be a mixture of placing trash carts in front of individual garages as well as in front of curbs. Trash carts will be placed in unit garages when not being serviced.

Finally, per the acoustical study, the proposed window STC ratings will be 31.

Please contact me if you have any questions regarding the above.

Regards,

Patrick Chien
Development Director
P: (949) 258-7542
E: pchien@cityventures.com



BREA & FIR

B R E A , C A L I F O R N I A

DEVELOPER INFORMATION

CITY VENTURES
3121 MICHELSON DRIVE, SUITE 150
IRVINE, CA 92612
CONTACT: PATRICK CHIEN
PHONE: (949) 258-7542
EMAIL: PCHIEN@CITYVENTURES.COM

CONSULTANT INFORMATION

ARCHITECTURE:
KTGY ARCHITECTURE & PLANNING
17911 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92614
CONTACT: ALAN SCALES
PHONE: (949) 221-6256
EMAIL: ASCALES@KTGY.COM

CIVIL:
KIMLEY-HORN
1100 W TOWN AND COUNTRY ROAD, SUITE 700
ORANGE, CA 92868
CONTACT: JASON MARECHAL
PHONE: (714) 939-1030
EMAIL: JASON.MARECHAL@KIMLEY-HORN.COM

LANDSCAPE ARCHITECTURE:
C2 COLLABORATIVE LANDSCAPE ARCHITECTURE
100 AVENIDA MIRAMAR
SAN CLEMENTE, CA 92672
CONTACT: NIKI WU
PHONE: (949) 366-6624
EMAIL: NWU@C2COLLABORATIVE.COM

PROPERTY OWNER INFORMATION

MCCULLOCH FAMILY TRUST
15105 TACUBA DR.
LA MIRADA, CA 90638
PHONE: (714) 366-4991

COLORIST:
AT DESIGN CONSULTING, INC.
2211 MICHELSON DRIVE, SUITE 450
IRVINE, CA 92612
CONTACT: ANNIE TUTUNJIAN
PHONE: (949) 396-1785
EMAIL: ANNIE@ATCONSULTING.US

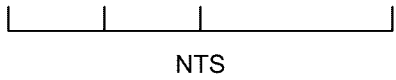


Architecture + Planning
888.456.5849
ktgy.com



685 S. BREA BLVD, BREA CALIFORNIA 92821
BREA AND FIR
BREA, CA # 2023-0485

Plot Date: 4.18.2024
1st Submittal Date: 11.21.2023
2nd Submittal Date: 02.22.2024
3rd Submittal Date: 05.09.2024
4th Submittal Date: 06.11.2024
5th Submittal Date: 06.27.2024



COVER

A0.00

SHEET INDEX

ARCHITECTURE

A0.00 - COVER

A0.10 - SHEET INDEX + PROJECT SUMMARY

A0.11 - BUILDING CODE ANALYSIS

A0.12 - BUILDING CODE ANALYSIS

A1.00 - SITE PLAN

A2.00 - B610 - 6-PLEX - PERSPECTIVES

A2.10 - B610 - 6-PLEX - ELEVATIONS

A2.20 - B610 - 6-PLEX - BUILDING PLANS

A3.00 - B700 - 7-PLEX - PERSPECTIVES

A3.10 - B700 - 7-PLEX - ELEVATIONS

A3.20 - B700 - 7-PLEX - BUILDING PLANS

A4.00 - B-710 - 7-PLEX - PERSPECTIVES

A4.10 - B710 - 7-PLEX - ELEVATIONS

A4.20 - B710 - 7-PLEX - BUILDING PLANS

A5.00 - B1200 - 12-PLEX - PERSPECTIVES

A5.10 - B1200 - 12-PLEX - ELEVATIONS

A5.11 - B1200 - 12-PLEX - ELEVATIONS

A5.20 - B1200 - 12-PLEX - BUILDING PLANS

A5.21 - B1200 - 12-PLEX - BUILDING PLANS

A6.00 - P1 & P2 - UNIT PLANS

A6.10 - P3 - UNIT PLANS

A6.11 - P3 - ALT - UNIT PLANS

A6.20 - P4 - UNIT PLANS

A6.21 - P4 - ACCESSIBLE - UNIT PLANS

A6.22 - P4X - LIVE WORK - UNIT PLANS

A6.30 - P5 - UNIT PLANS

A7.00 - TYPICAL BUILDING SECTION & LINE OF SIGHT EXHIBIT

COLORIST

1 - COVER SHEET

2 - TABLE OF CONTENTS

3 - (NOT USED)

4 - COLOR SCHEME PLOTTING

5 - PAINT AND MISCELLANEOUS ITEMS

6 - EXTERIOR COLOR / MATERIAL SPECIFICATIONS

7 - EXTERIOR FIXTURE SPECIFICATIONS

8 - EXTERIOR COLOR / MATERIAL SPECIFICATIONS

9 - EXTERIOR COLOR / MATERIAL SPECIFICATIONS

LANDSCAPE

L-1 - OVERALL CONCEPTUAL LANDSCAPE PLAN

L-2 - CONCEPTUAL COURTYARD ENLARGEMENT

L-3 - CONCEPTUAL LIGHTING PLAN

L-4 - CONCEPTUAL SITE AMENITIES AND DESIGN DETAILS

L-5 - OVERALL IRRIGATION MASTER PLAN

L-6 - OVERALL CONCEPTUAL OPEN SPACE EXHIBIT

L-7 - TREE IDENTIFICATION EXHIBIT

L-8 - WALL AND FENCE PLAN

L-9 - CONCEPTUAL PLANT PALETTE

CIVIL

C1 - TITLE SHEET

C2 - TENTATIVE TRACT MAP (EXISTING CONDITION)

C3 - TENTATIVE TRACT MAP (PROPOSED CONDITIONS)

C4 - SIGNING AND STRIPING PLAN

C5 - TRUCK TURN EXHIBIT

C6 - TRUCK TURN EXHIBIT

C7 - TRUCK TURN EXHIBIT

C8 - FIRE TRUCK TURN EXHIBIT

C9 - FIRE TRUCK TURN EXHIBIT


C10 - FIRE ACCESS PLAN

C11 - FIRE ACCESS DETAILS

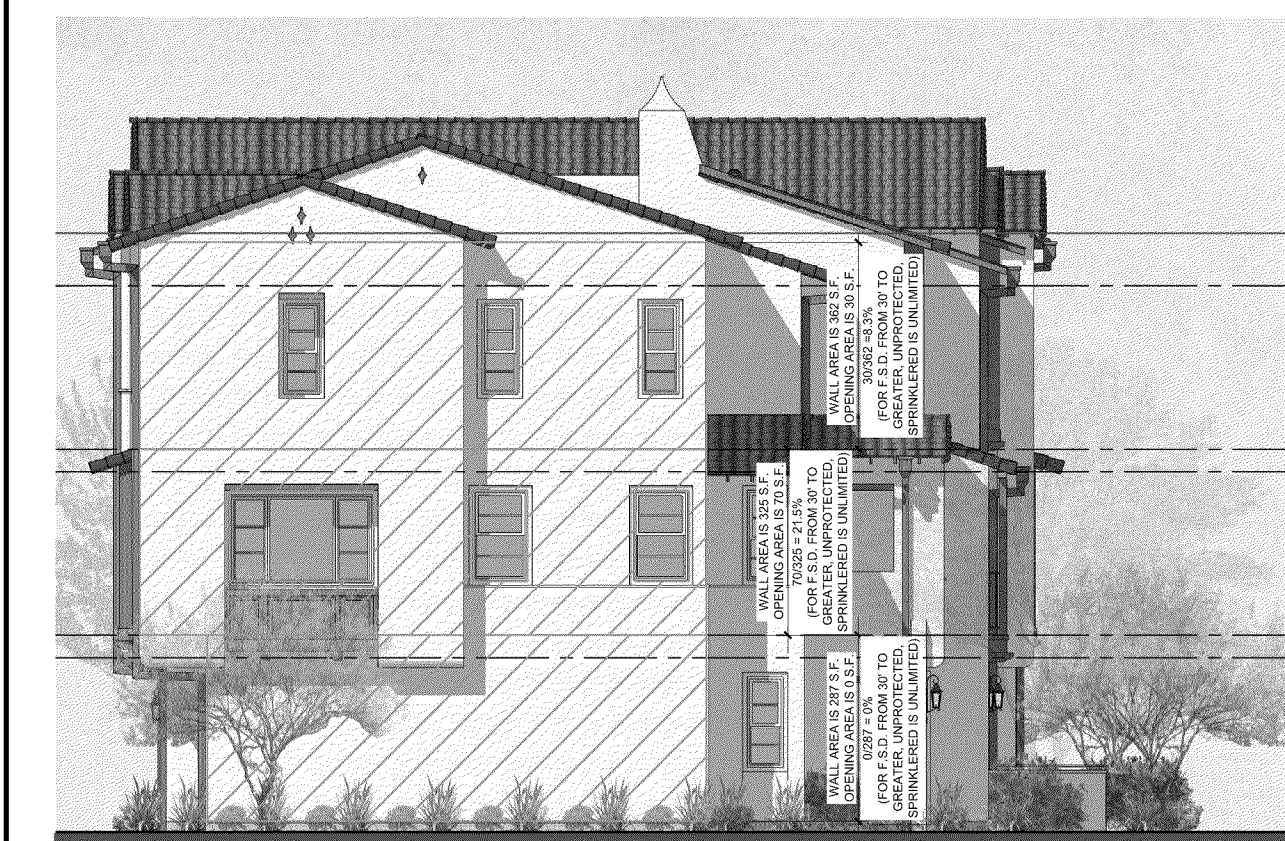
1 - ALTA (FOR REFERENCE ONLY)

2 - ALTA (FOR REFERENCE ONLY)

SITE SUMMARY											
APN: 284-282-06											
STREET ADDRESS:		685 S BREA BLVD, BREA CALIFORNIA 92821				OCCUPANCY:		R-2		*PER TABLE 2-6, DEVELOPMENT STANDARDS FOR "STAND ALONE" RESIDENTIAL PROJECTS IN MIXED USE 1 ZONING DISTRICT **PER CBC 2022 TABLE 504.3	
COUNTY:		ORANGE COUNTY				TYPE OF CONSTRUCTION:		V-B			
GENERAL PLAN LAND USE:		MIXED-USE I				SPRINKLER SYSTEM:		FULL NFPA 13			
ZONING:		MU-I				NUMBER OF STORIES:		3			
						BUILDING HEIGHT:		~40'-10" (~43'-10" w/ FINAL) MAX: *100', **60'			

BUILDING ALLOWABLE AREA OF OPENINGS ANALYSIS		BUILDING CODE DATA																						
BUILDING 2, B710		<div>2022 CALIFORNIA BUILDING CODE 2022 CALIFORNIA RESIDENTIAL CODE (CRC) 2022 CALIFORNIA GREEN BUILDING CODE 2022 CALIFORNIA MECHANICAL CODE 2022 CALIFORNIA PLUMBING CODE 2022 CALIFORNIA ELECTRICAL CODE 2022 CALIFORNIA GREEN BUILDING STANDARDS (CGBSC) 2022 CALIFORNIA ENERGY EFFICIENCY STANDARDS (CEES) LOCAL AGENCY PLANNING CODE LOCAL AGENCY ZONING CODE LOCAL AGENCY CODE AMENDMENTS</div> <div>CONDOMINIUMS (R-2/U)</div> <table><tr><td>OCCUPANCY GROUP: (CBC SECTION 310)</td><td>GROUP R-2/U (PRIVATE GARAGES) - SEPARATED OCCUPANCIES</td></tr><tr><td>SEPARATIONS: (CBC SECTION 420.2)</td><td>WALLS SEPARATING DWELLING UNITS - 1/2 HOUR FIRE PARTITION (PER CBC SECTION 708.3, EXCEPTION 2)</td></tr><tr><td>TYPE OF CONSTRUCTION</td><td>TYPE VB</td></tr><tr><td>FIRE RESISTIVE RATING REQUIREMENTS FOR BUILDING ELEMENTS.</td><td>REFER TO TABLE 601 (NO RATING IS REQUIRED PER TABLE 601)</td></tr><tr><td>FIRE RESISTIVE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE (TABLE 705.5):</td><td>FIRE SEPARATION DISTANCE $\geq 10'$ FOR TYPE VB CONSTRUCTION AND R-2 OCCUPANCY SHALL BE ZERO (0) (NON-RATED) FIRE SEPARATION DISTANCE $< 10'$ FOR TYPE VB CONSTRUCTION AND R-2 OCCUPANCY SHALL BE ONE (1) - (1 HOUR) REFER TO SITE PLAN, SHEET A1-10 FOR ACTUAL DIMENSIONS BETWEEN BUILDINGS</td></tr><tr><td>ALLOWABLE HEIGHT:</td><td>100' PER TABLE 2-6, DEVELOPMENT STANDARDS FOR "STAND ALONE" RESIDENTIAL PROJECTS IN MIXED USE 1 ZONING DISTRICT 60' PER CBC 2022 TABLE 504.3 (AREA INCREASE NOT USED)</td></tr><tr><td>ACTUAL HEIGHT:</td><td>$\pm 40'$-10", $\pm 43'$-10" w/ FINIAL</td></tr><tr><td>ALLOWABLE STORIES: (CBC TABLE 504.4)</td><td>3 STORIES - AREA INCREASE NOT USED, HEIGHT INCREASE USED</td></tr><tr><td>FIRE SPRINKLERS:</td><td>NFPA 13, PER CBC SECTION 903.3.1.1</td></tr><tr><td>MAXIMUM AREA OF EXTERIOR WALL OPENINGS:</td><td>UNPROTECTED, SPRINKLERED - PER C.B.C. TABLE 705.8, SEE SITE PLAN SHEET A1.0 FOR FIRE SEPARATION DISTANCE</td></tr><tr><td>ALLOWABLE FLOOR AREA:</td><td>SEE TABLE ON SHEET A0.12</td></tr></table>	OCCUPANCY GROUP: (CBC SECTION 310)	GROUP R-2/U (PRIVATE GARAGES) - SEPARATED OCCUPANCIES	SEPARATIONS: (CBC SECTION 420.2)	WALLS SEPARATING DWELLING UNITS - 1/2 HOUR FIRE PARTITION (PER CBC SECTION 708.3, EXCEPTION 2)	TYPE OF CONSTRUCTION	TYPE VB	FIRE RESISTIVE RATING REQUIREMENTS FOR BUILDING ELEMENTS.	REFER TO TABLE 601 (NO RATING IS REQUIRED PER TABLE 601)	FIRE RESISTIVE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE (TABLE 705.5):	FIRE SEPARATION DISTANCE $\geq 10'$ FOR TYPE VB CONSTRUCTION AND R-2 OCCUPANCY SHALL BE ZERO (0) (NON-RATED) FIRE SEPARATION DISTANCE $< 10'$ FOR TYPE VB CONSTRUCTION AND R-2 OCCUPANCY SHALL BE ONE (1) - (1 HOUR) REFER TO SITE PLAN, SHEET A1-10 FOR ACTUAL DIMENSIONS BETWEEN BUILDINGS	ALLOWABLE HEIGHT:	100' PER TABLE 2-6, DEVELOPMENT STANDARDS FOR "STAND ALONE" RESIDENTIAL PROJECTS IN MIXED USE 1 ZONING DISTRICT 60' PER CBC 2022 TABLE 504.3 (AREA INCREASE NOT USED)	ACTUAL HEIGHT:	$\pm 40'$ -10", $\pm 43'$ -10" w/ FINIAL	ALLOWABLE STORIES: (CBC TABLE 504.4)	3 STORIES - AREA INCREASE NOT USED, HEIGHT INCREASE USED	FIRE SPRINKLERS:	NFPA 13, PER CBC SECTION 903.3.1.1	MAXIMUM AREA OF EXTERIOR WALL OPENINGS:	UNPROTECTED, SPRINKLERED - PER C.B.C. TABLE 705.8, SEE SITE PLAN SHEET A1.0 FOR FIRE SEPARATION DISTANCE	ALLOWABLE FLOOR AREA:	SEE TABLE ON SHEET A0.12
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ALLOWABLE FLOOR AREA:	SEE TABLE ON SHEET A0.12																							
 <div>LEFT</div>	 <div>REAR</div>																							
 <div>RIGHT</div>	 <div>FRONT</div>																							
BUILDING 3, B700																								
 <div>LEFT</div>	 <div>REAR</div>																							
 <div>RIGHT</div>	 <div>FRONT</div>																							

BUILDING 4, B1200



LEFT



REAR



RIGHT



FRONT

BUILDING AREA ANALYSIS

BUILDING CODE ANALYSIS

INDIVIDUAL ALLOWABLE BUILDING AREA

BLDG TYPE	STORY	OCCUPANCY	CONST. TYPE	ALLOWABLE NUMBER OF STORIES C.B.C. TABLE 504.4	FRONTAGE INCREASE C.B.C. SECTION 506.3	TOTAL ALLOWABLE AREA PER STORY C.B.C. SECTION 506.2.4	ACTUAL BUILDING AREA	BUILDING AREA RATIO PER STORY	***SUM OF THE BUILDING AREA RATIO PER STORY C.B.C. 508.4.2	AGGREGATE SUM OF THE RATIOS
B700 7-PLEX	1ST	R-2	VB	3 (W/ NFPA 13 SPRINKLER SYSTEM, AND WITHOUT AREA INCREASE)	N/A	7,000	1,683	0.24	0.45	<1
	2ND	R-2				16,500	3,528	0.21		
	3RD	R-2				7,000	5,387	0.77	0.77	<1
B710 7-PLEX	1ST	R-2	VB	3 (W/ NFPA 13 SPRINKLER SYSTEM, AND WITHOUT AREA INCREASE)	N/A	7,000	1,101	0.16	0.38	<1
	2ND	R-2				16,500	3,715	0.23		
	3RD	R-2				7,000	4,593	0.66	0.66	<1
B1200 12-PLEX	1ST	R-2	VB	3 (W/ NFPA 13 SPRINKLER SYSTEM, AND WITHOUT AREA INCREASE)	0.63	11,410	2,505	0.22	0.45	<1
	2ND	R-2				26,895	6,221	0.23		
	3RD	R-2				11,410	8,863	0.78	0.78	<1

*** PER 508.4.2 (IN EACH STORY), THE BUILDING AREA SHALL BE SUCH THAT THE SUM OF THE RATIOS OF THE ACTUAL BUILDING AREA OF EACH SEPARATED OCCUPANCY DIVIDED BY THE ALLOWABLE BUILDING AREA OF EACH SEPARATED OCCUPANCY SHALL NOT EXCEED 1.

BUILDING 4, B1200 FRONTAGE INCREASE CALCULATION

503' - 6" (PERIMETER)

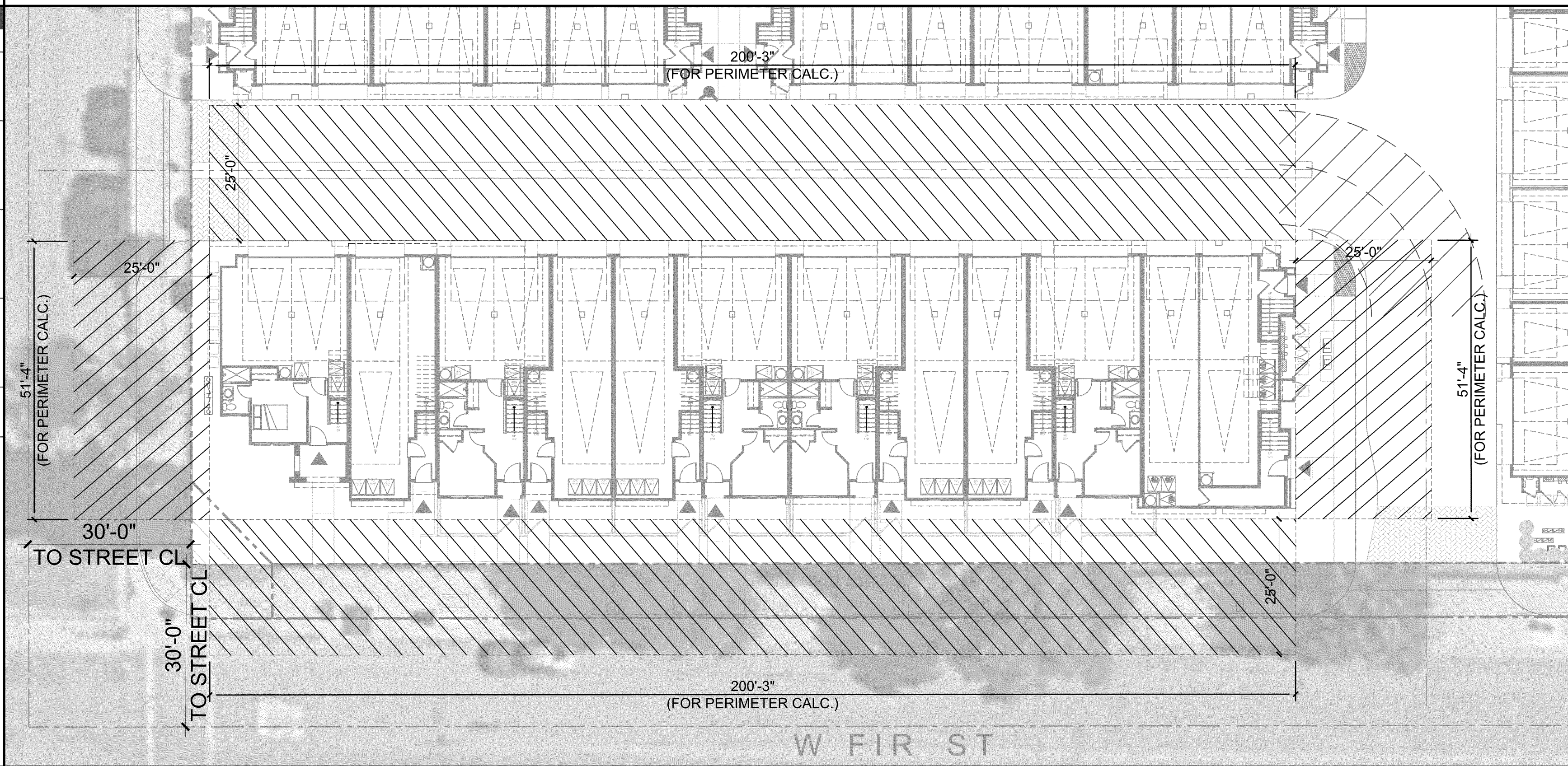
51' - 4" + 51' - 4" + 200' - 3" + 200' - 3" = 503' - 2" (PERIMETER THAT FRONTS ON PUBLIC WAY > 20')

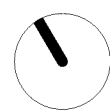
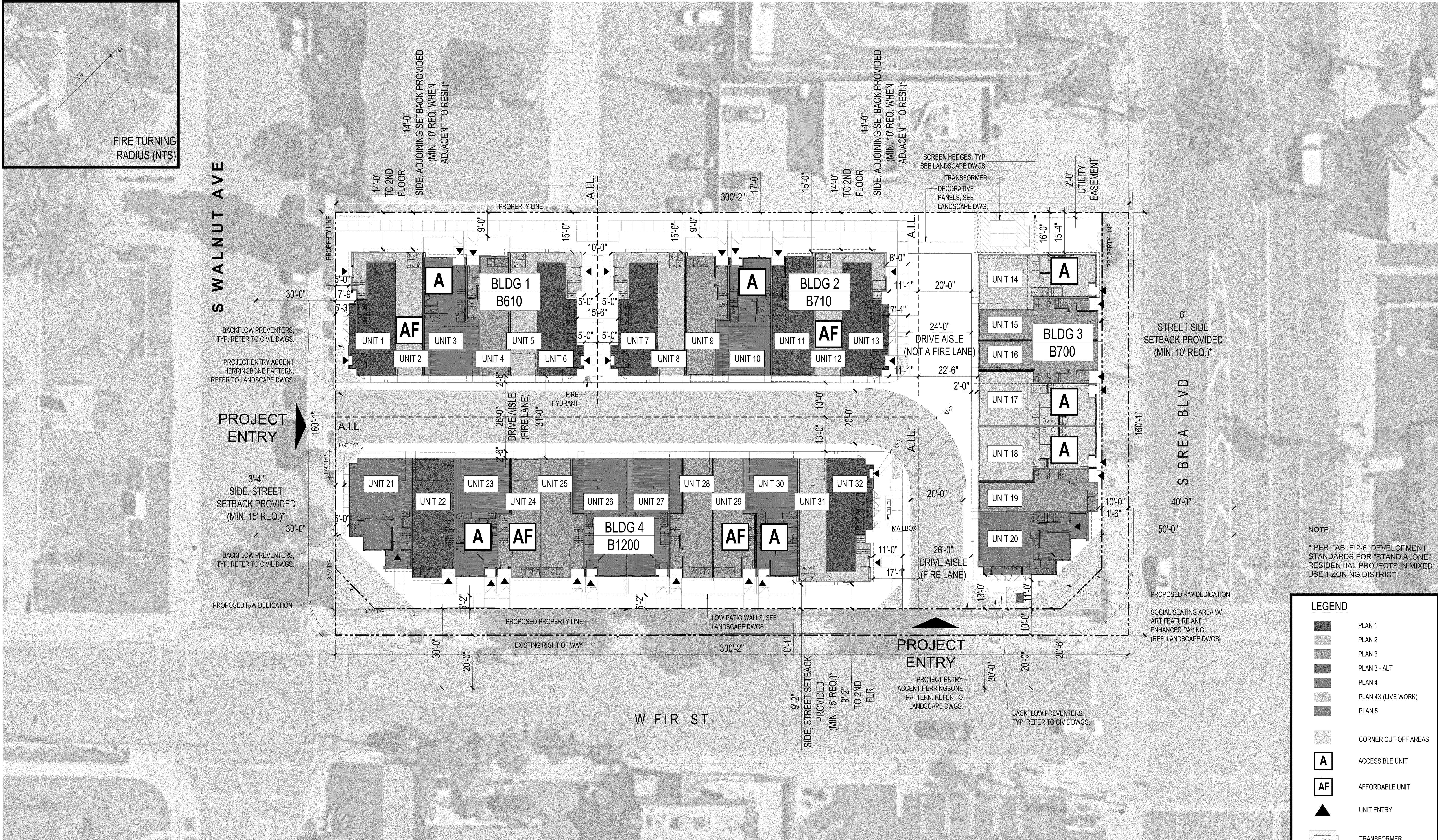
503' - 2" / 503' - 6" = 99.9% (PERCENTAGE OF PERIMETER)

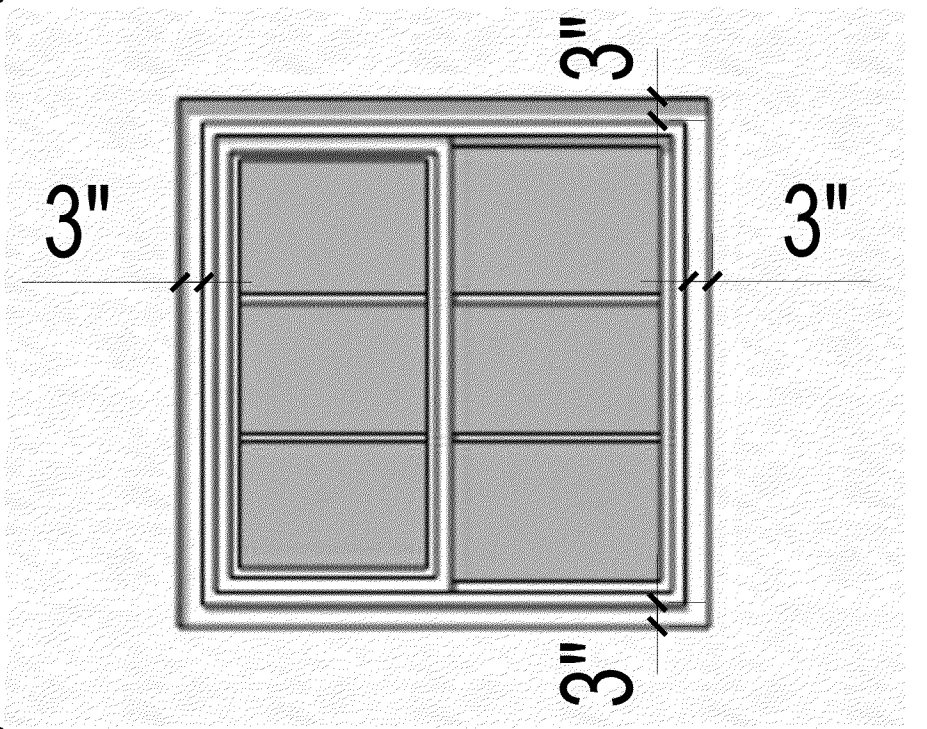
SMALLEST OPEN SPACE OF 20 FEET OR MORE: > 25 FEET

FRONTAGE INCREASE FACTOR (CBC TABLE 506.3.3) = 0.63

BUILDING 4, B1200 FRONTAGE INCREASE SCALE: 1/16" = 1'-0"







RECESSED WINDOW
W/ 3" REVEAL, TYP.
RECESSED DEPTH VARIES

FRONT



REAR

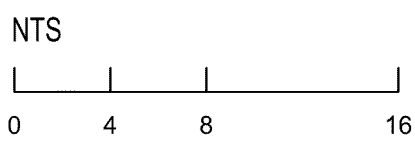


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BREa AND FIR
BREa, CA # 2023-0485

Plot Date: 5.5.2024
1st Submittal Date: 11.21.2023
2nd Submittal Date: 02.22.2024
3rd Submittal Date: 05.09.2024
4th Submittal Date: 06.11.2024
5th Submittal Date: 06.27.2024



6-PLEX B610 - PERSPECTIVES

A2.00



4 - LEFT



3 - REAR



2 - RIGHT



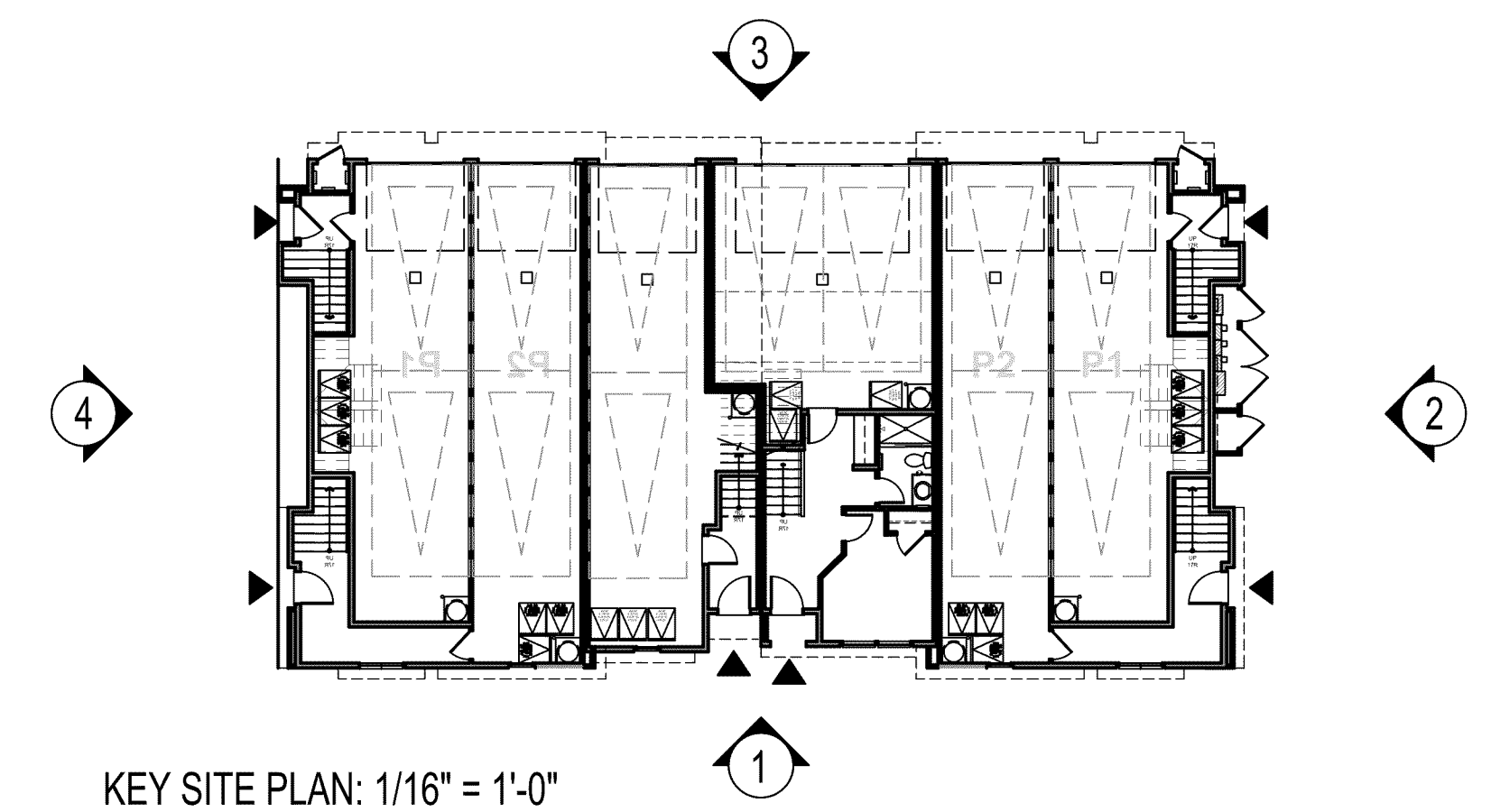
1 - FRONT

NOTE: COLOR SCHEME 2 APPLIED. ALL DOWNSPOUT LOCATIONS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE IN FUTURE PROJECT PHASE.

MATERIAL LEGEND

- | | | |
|--|-----------------------------------|---|
| 1. STUCCO BODY, LIGHT SAND FINISH | 7. SIMULATED WOOD CORBELS | 13. ADDRESS SIGN |
| 2. SPANISH 'S' ROOF TILE | 8. STUCCO DECORATIVE FOAM CORBELS | 14. DECORATIVE LIGHTING |
| 3. STUCCO RECESS / REVEAL AT WINDOW/DOOR | 9. METAL HANDRAIL | 15. METAL SECTIONAL GARAGE DOOR |
| 4. SLOPED STUCCO SILL | 10. SIMULATED WOOD HEADER BEAM | 16. UTILITY DOORS |
| 5. VINYL WINDOWS | 11. FIBER-CEMENT PANELING | 17. TILE RECESS REVEAL |
| 6. BAY WINDOW | 12. FIBERGLASS ENTRY DOOR | 18. PATIO LOW WALLS, SEE LANDSCAPE DWG. |

- | |
|--|
| 19. FINIAL |
| 20. GABLE END DETAIL |
| 21. STUCCO O/ FOAM TRIM SURROUND |
| 22. PAVER CAP |
| 23. LIVE WORK SIGNAGE |
| 24. FIBERGLASS ENTRY DOOR WITH GLAZING |



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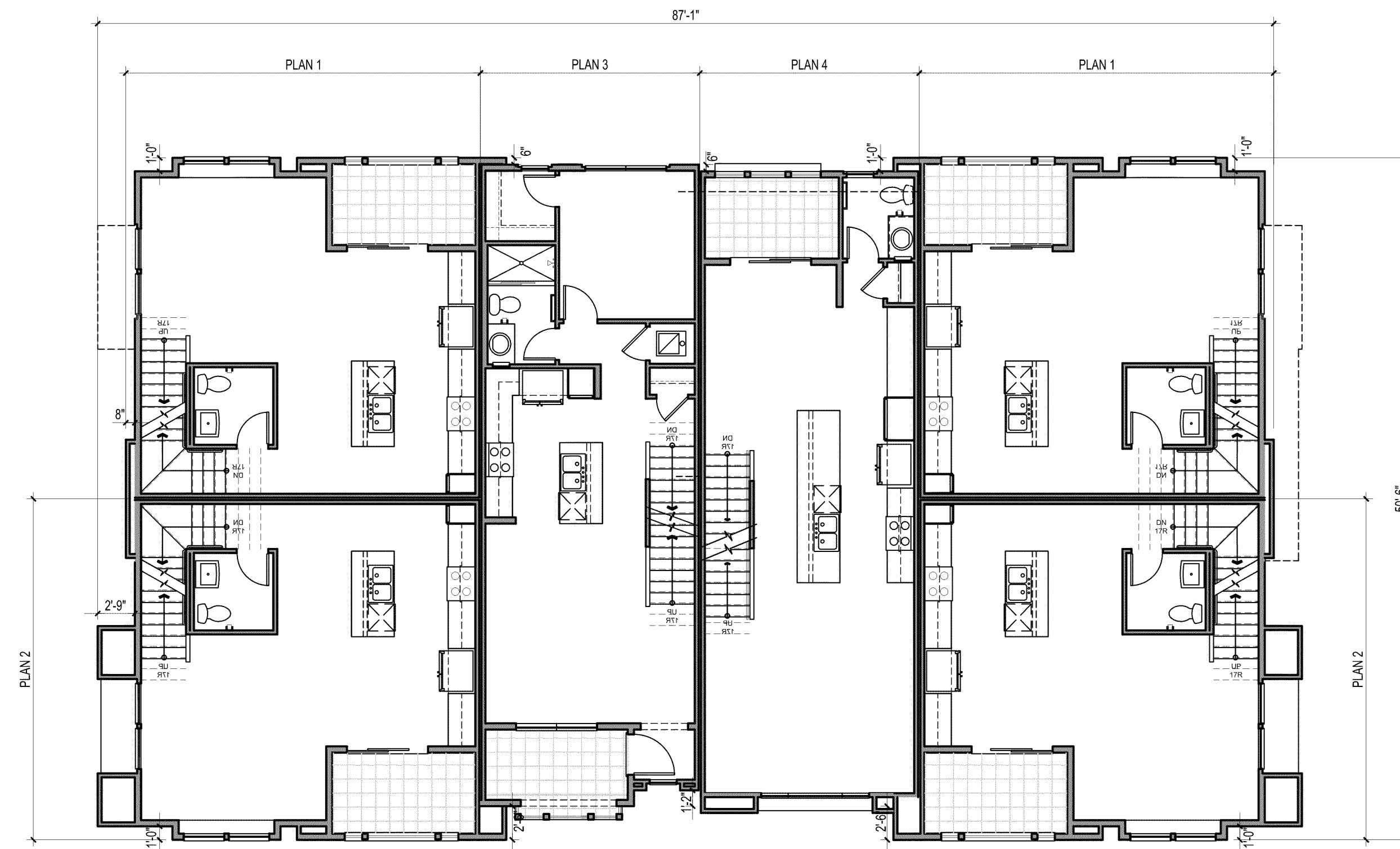
SCALE: 1/8" = 1'-0"
0 4 8 16

6-PLEX B610 - ELEVATIONS

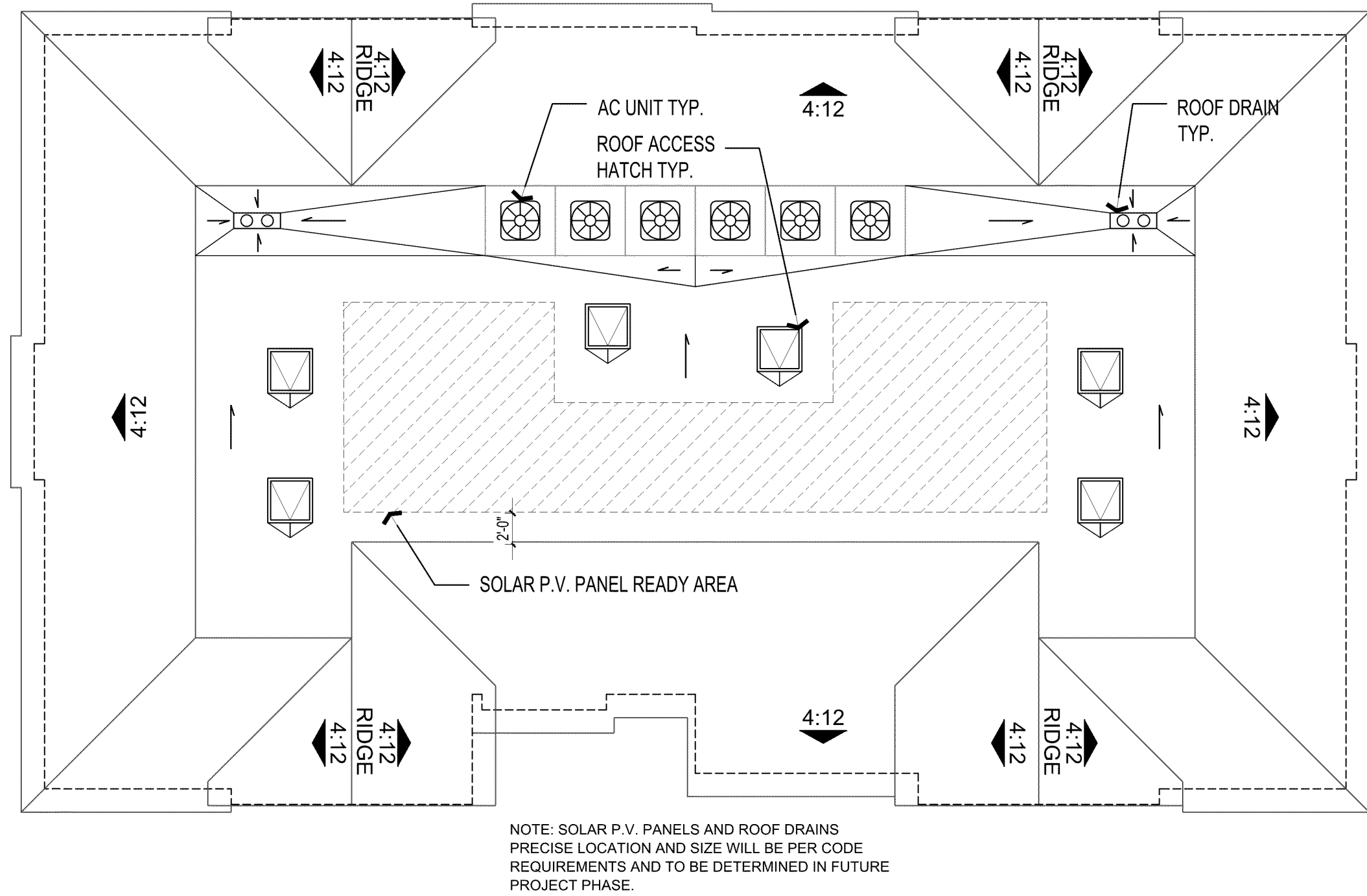
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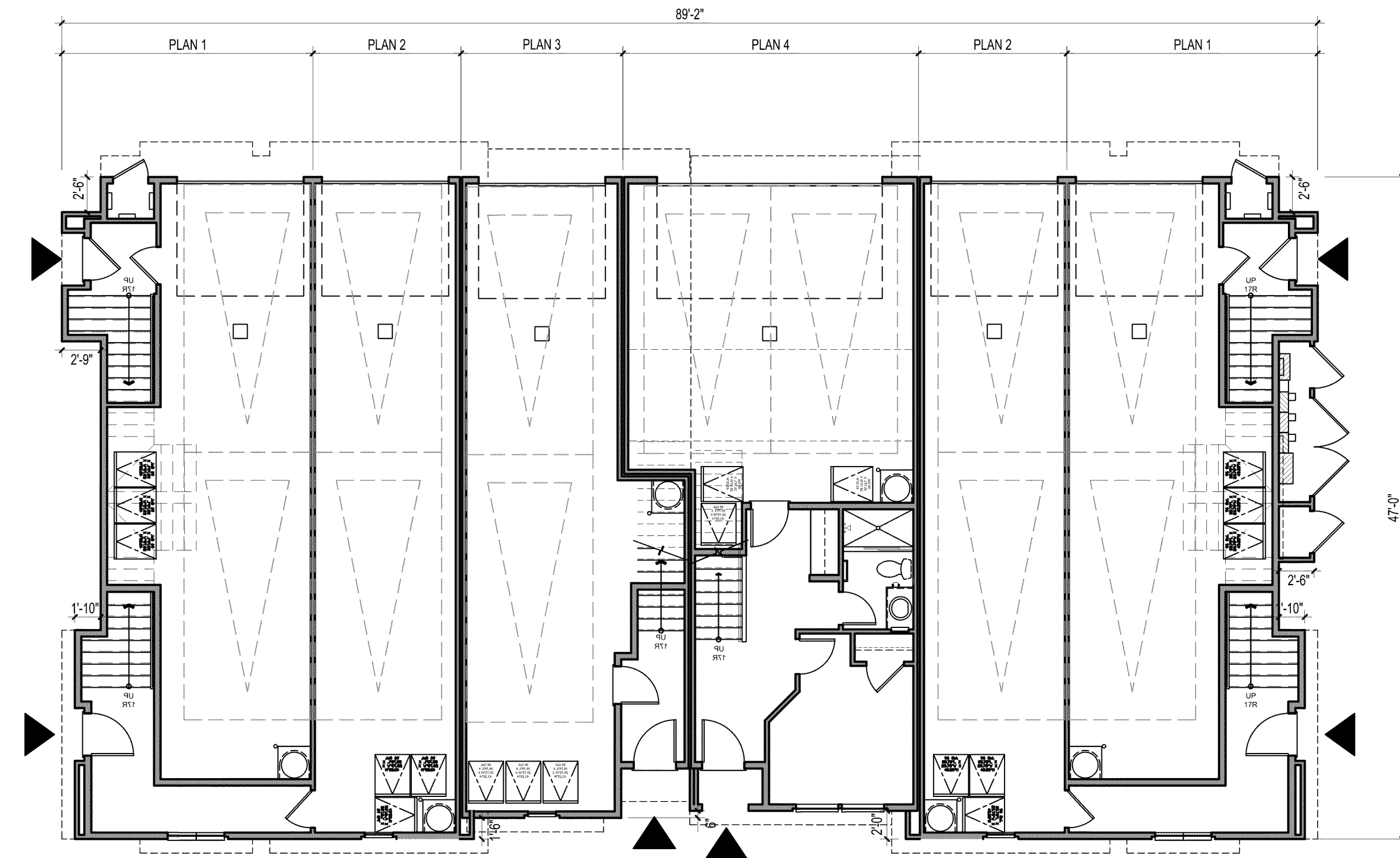
THIRD FLOOR



SECOND FLOOR



ROOF PLAN



FIRST FLOOR

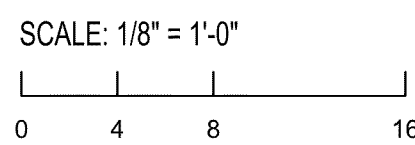


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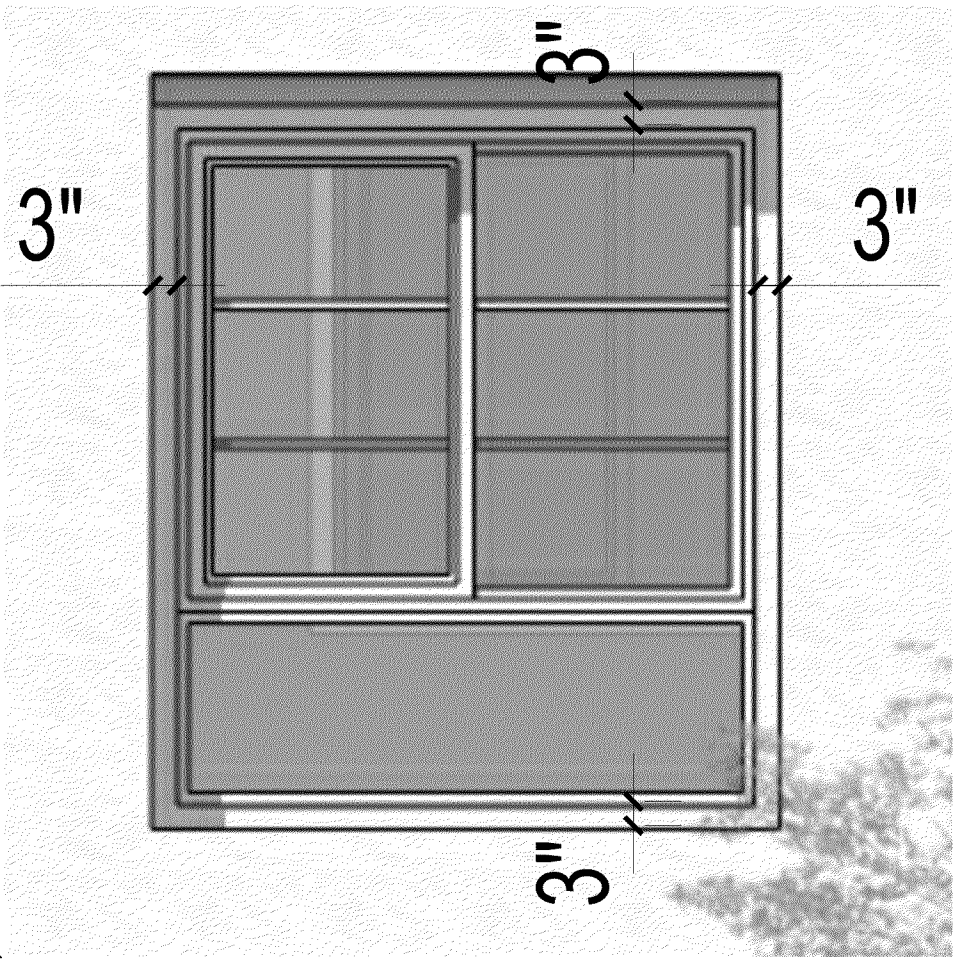
685 S. BREA BLVD, BREA CALIFORNIA 92821
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6-PLEX - B610 - BUILDING PLANS

A2.20



RECESSED WINDOW
W/ 3" REVEAL, TYP.
RECESSED DEPTH VARIES

FRONT



REAR

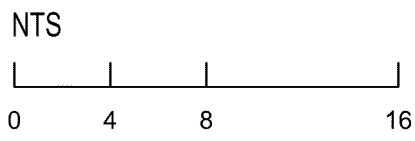


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7-PLEX - B700 - PERSPECTIVES

A3.00



4 - LEFT



3 - REAR



2 - RIGHT

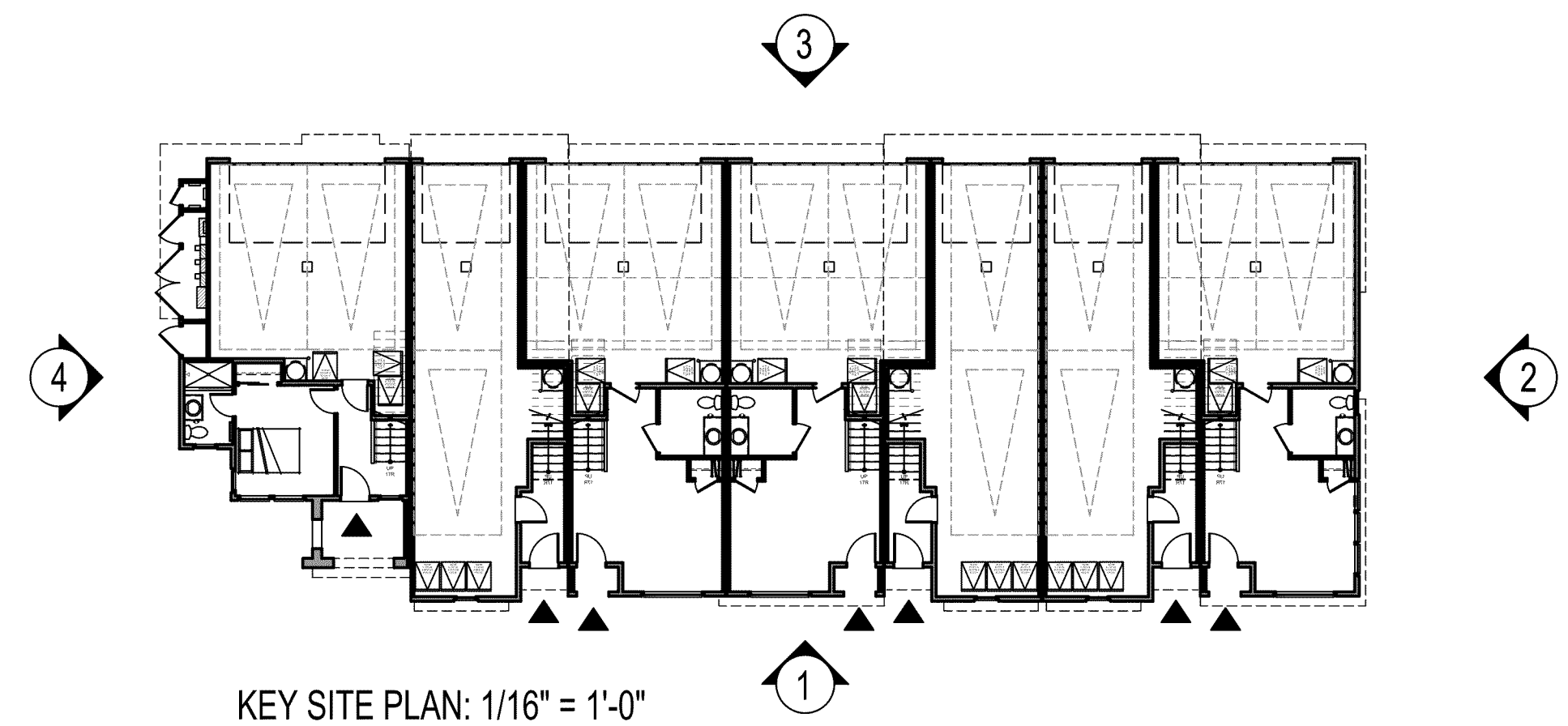


1 - FRONT

NOTE: COLOR SCHEME 1 APPLIED. ALL DOWNSPOUT LOCATIONS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE IN FUTURE PROJECT PHASE.

MATERIAL LEGEND

- | | | | |
|--|-----------------------------------|---|--|
| 1. STUCCO BODY, LIGHT SAND FINISH | 7. SIMULATED WOOD CORBELS | 13. ADDRESS SIGN | 19. FINIAL |
| 2. SPANISH 'S' ROOF TILE | 8. STUCCO DECORATIVE FOAM CORBELS | 14. DECORATIVE LIGHTING | 20. GABLE END DETAIL |
| 3. STUCCO RECESS / REVEAL AT WINDOW/DOOR | 9. METAL HANDRAIL | 15. METAL SECTIONAL GARAGE DOOR | 21. STUCCO O/ FOAM TRIM SURROUND |
| 4. SLOPED STUCCO SILL | 10. SIMULATED WOOD HEADER BEAM | 16. UTILITY DOORS | 22. PAVER CAP |
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| 6. BAY WINDOW | 12. FIBERGLASS ENTRY DOOR | 18. PATIO LOW WALLS, SEE LANDSCAPE DWG. | 24. FIBERGLASS ENTRY DOOR WITH GLAZING |



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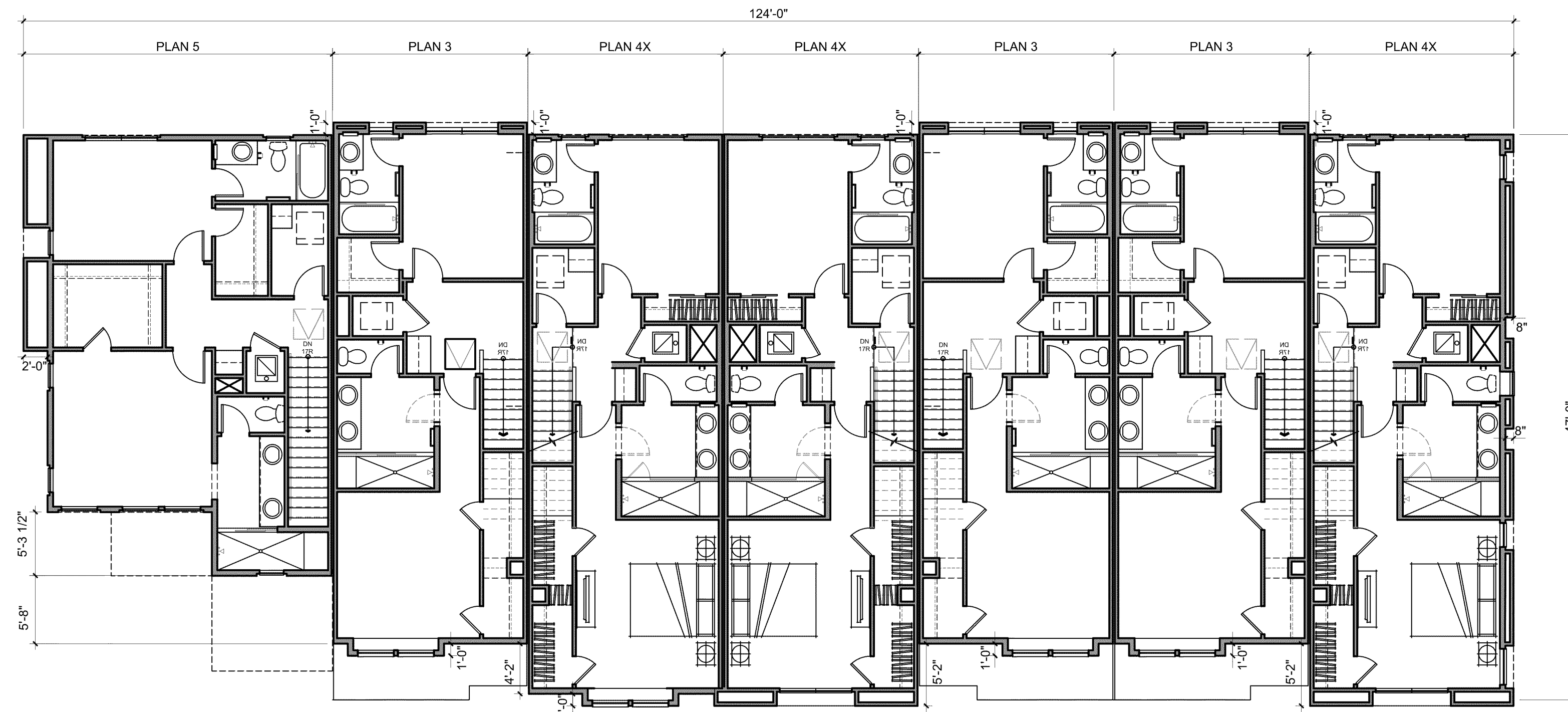
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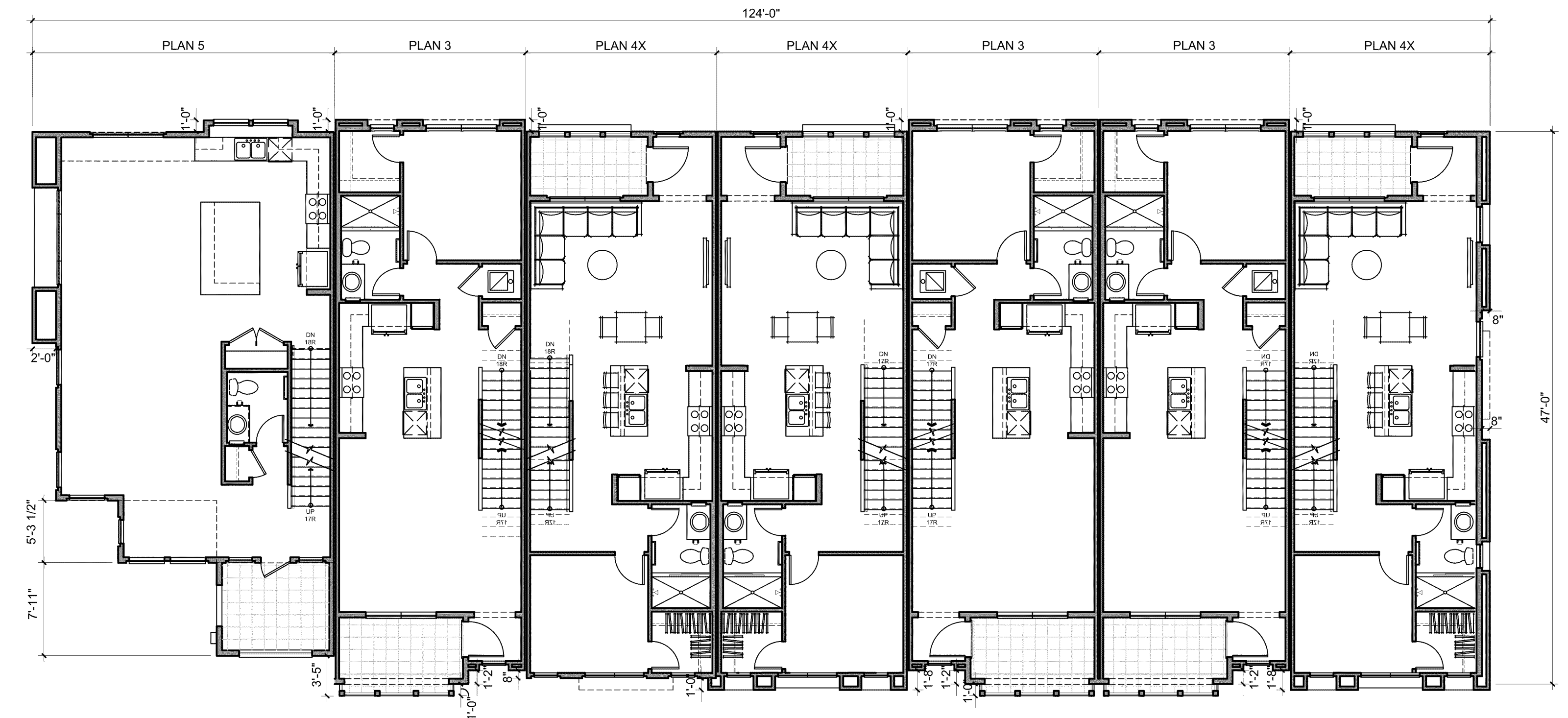
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0 4 8 16

7-PLEX - B700 - ELEVATIONS

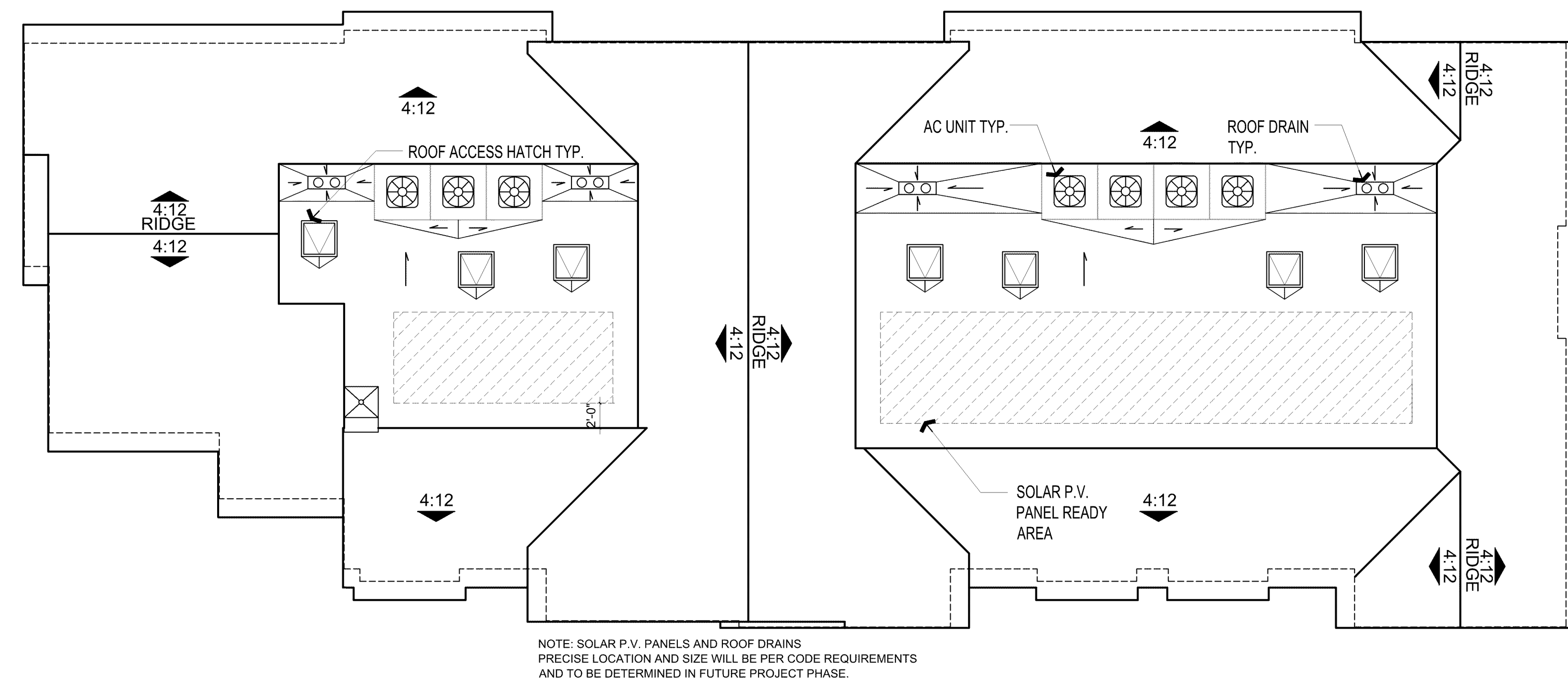
A3.10



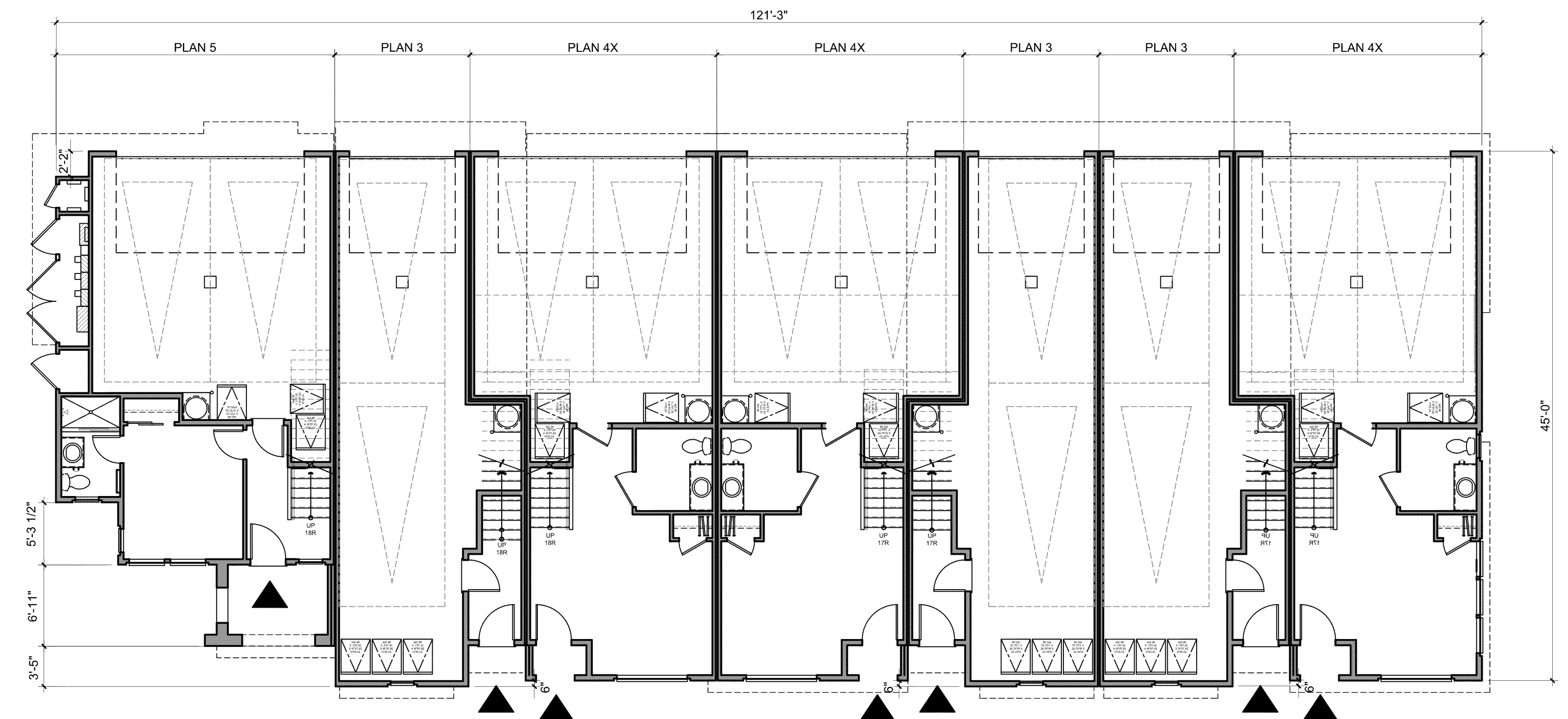
THIRD FLOOR



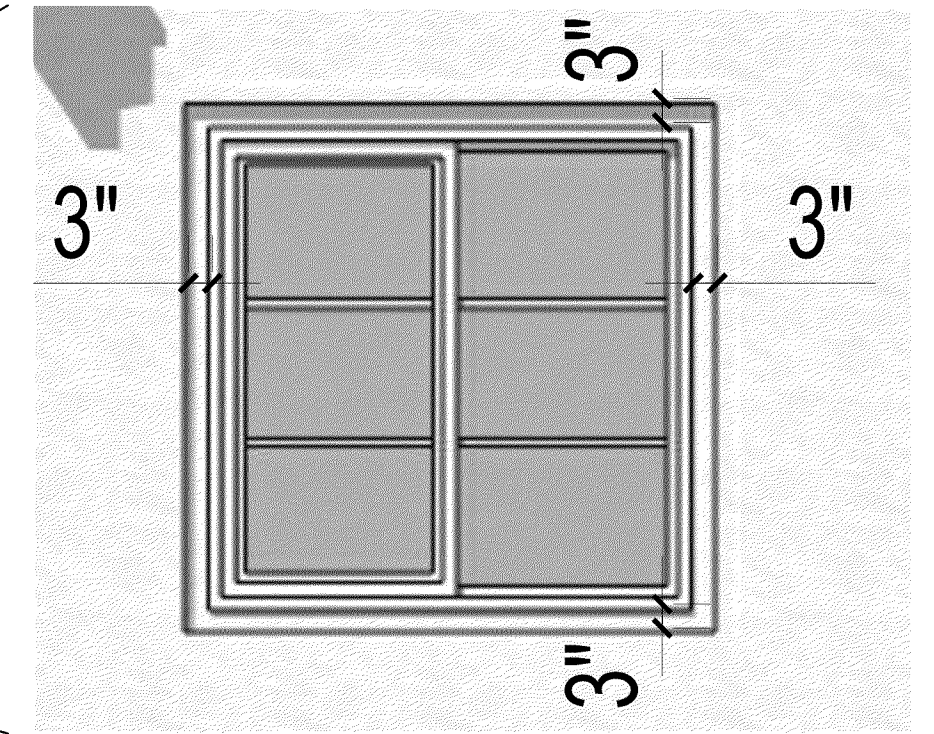
SECOND FLOOR



ROOF PLAN



FIRST FLOOR



RECESSED WINDOW
W/ 3" REVEAL, TYP.
RECESSED DEPTH VARIES

FRONT



REAR

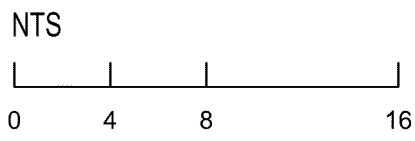


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7-PLEX - B710 - PERSPECTIVES

A4.00



4 - LEFT



3 - REAR



2 - RIGHT

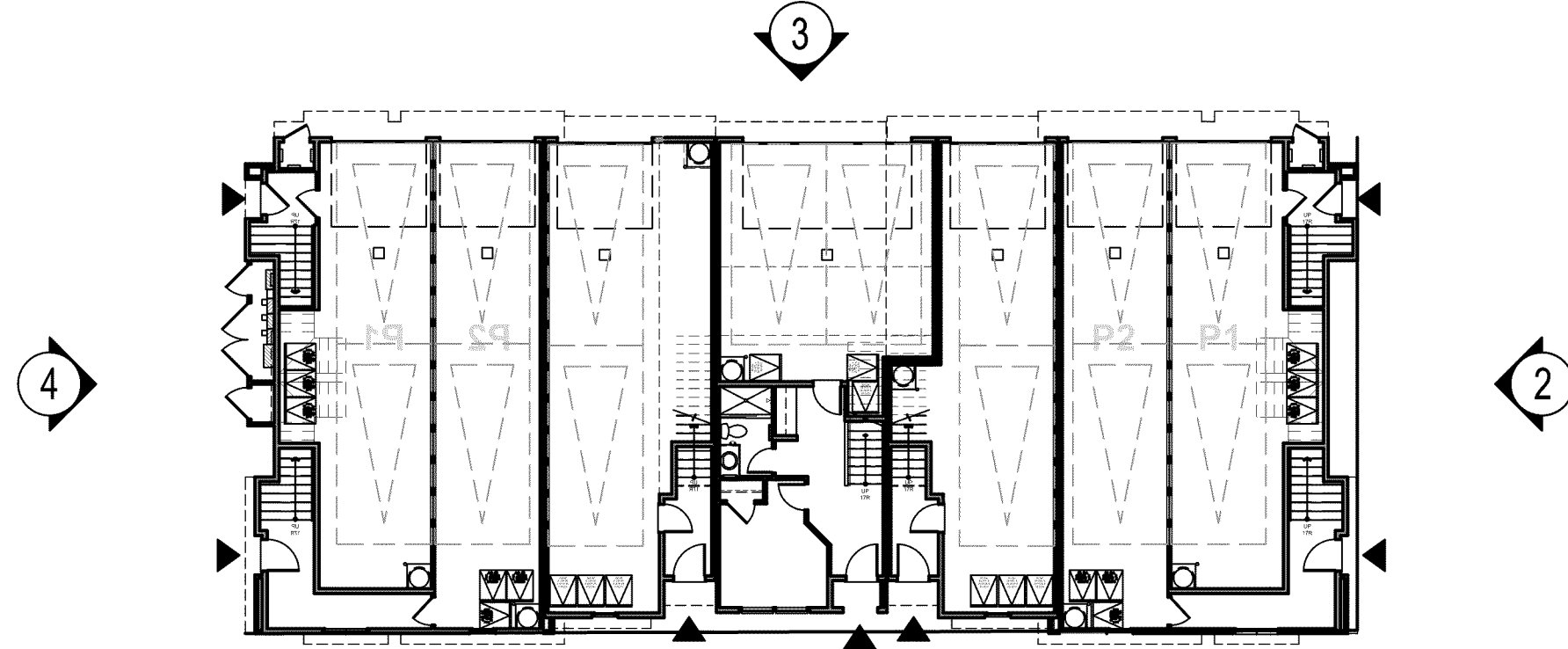


1 - FRONT

NOTE: COLOR SCHEME 2 APPLIED. ALL DOWNSPOUT LOCATIONS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE IN FUTURE PROJECT PHASE.

MATERIAL LEGEND

- | | | | |
|--|-----------------------------------|---|--|
| 1. STUCCO BODY, LIGHT SAND FINISH | 7. SIMULATED WOOD CORBELS | 13. ADDRESS SIGN | 19. FINIAL |
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KEY SITE PLAN: 1/16" = 1'-0"



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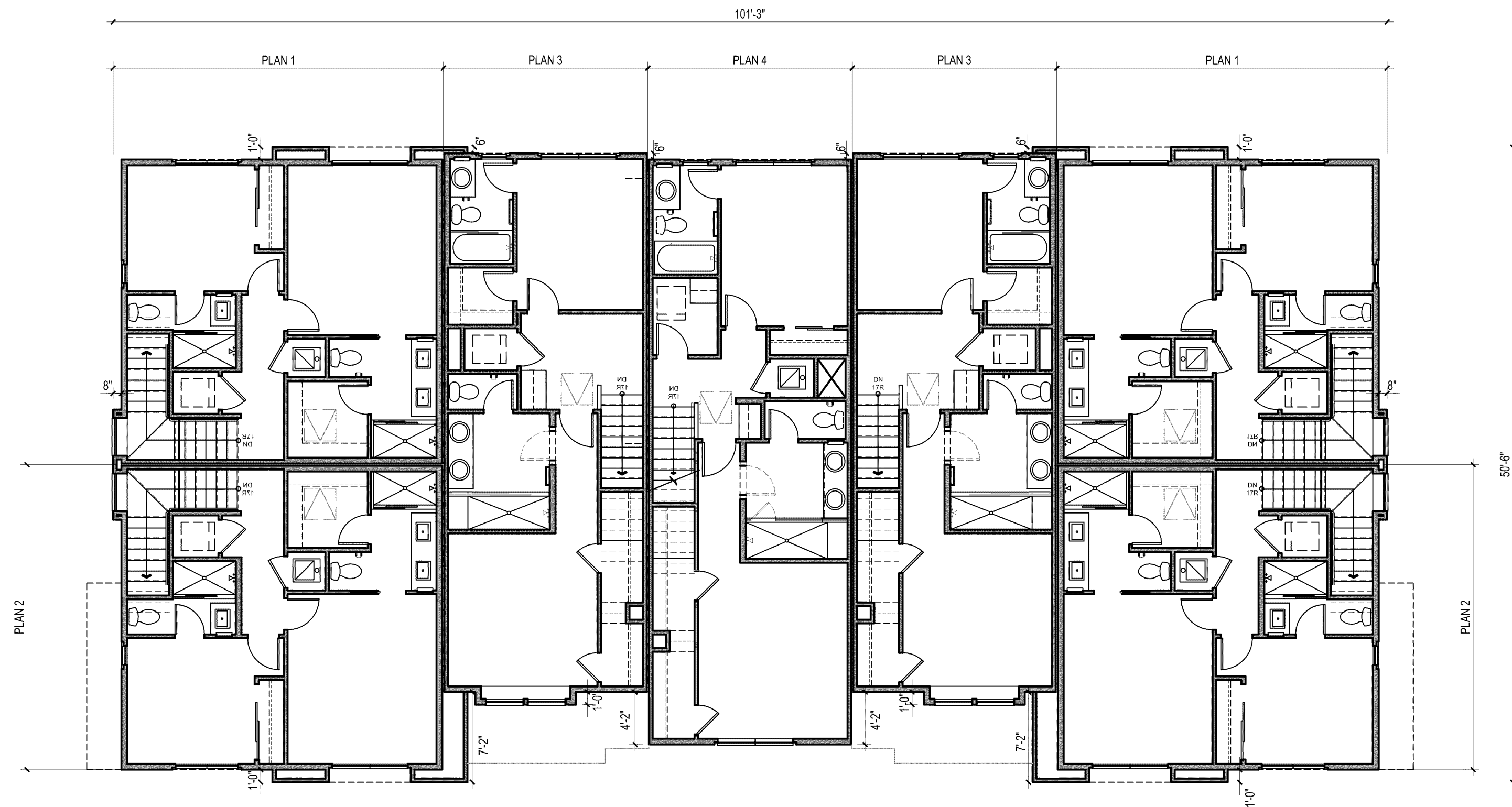
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SCALE: 1/8" = 1'-0"
0 4 8 16

7-PLEX - B710 - ELEVATIONS

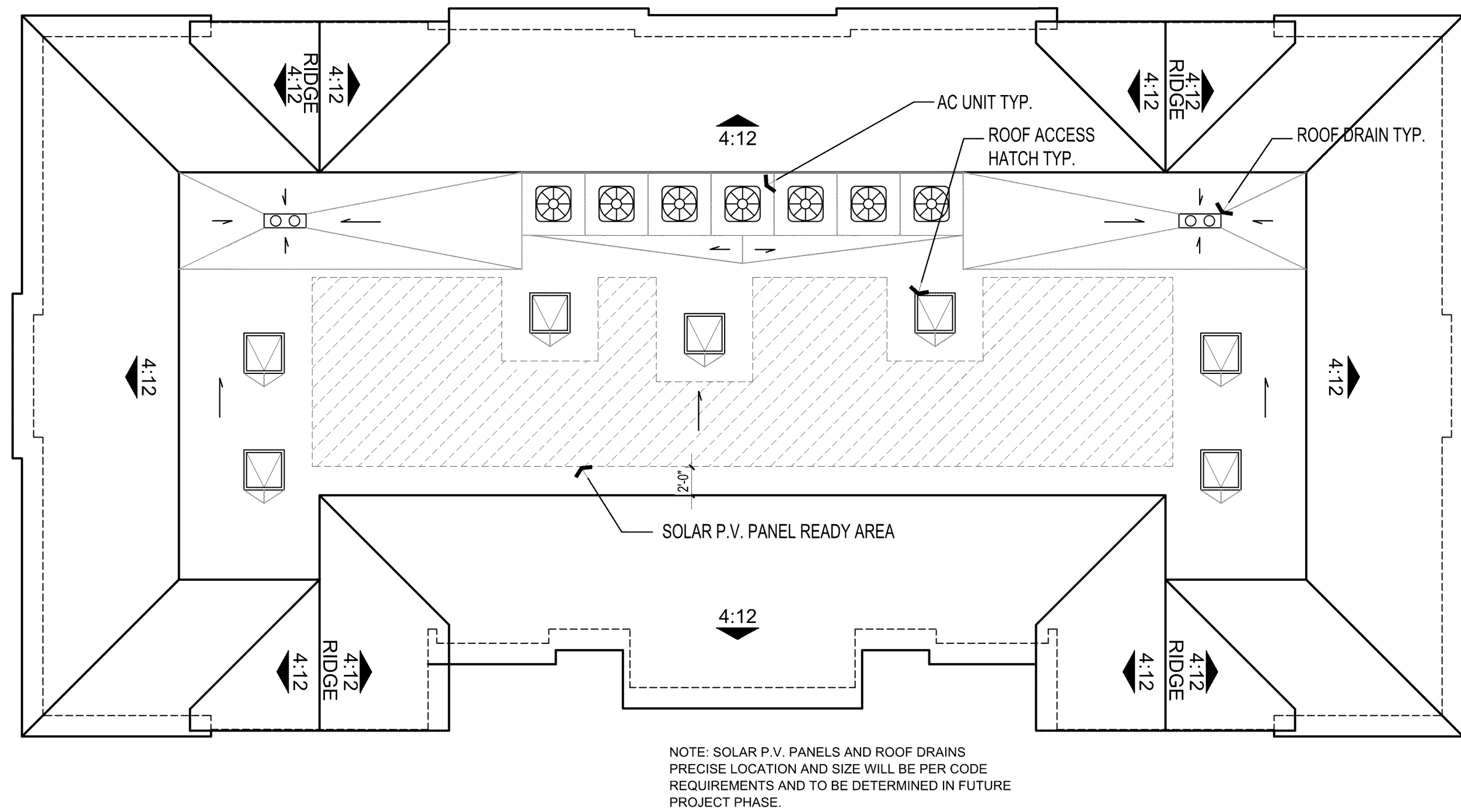
A4.10



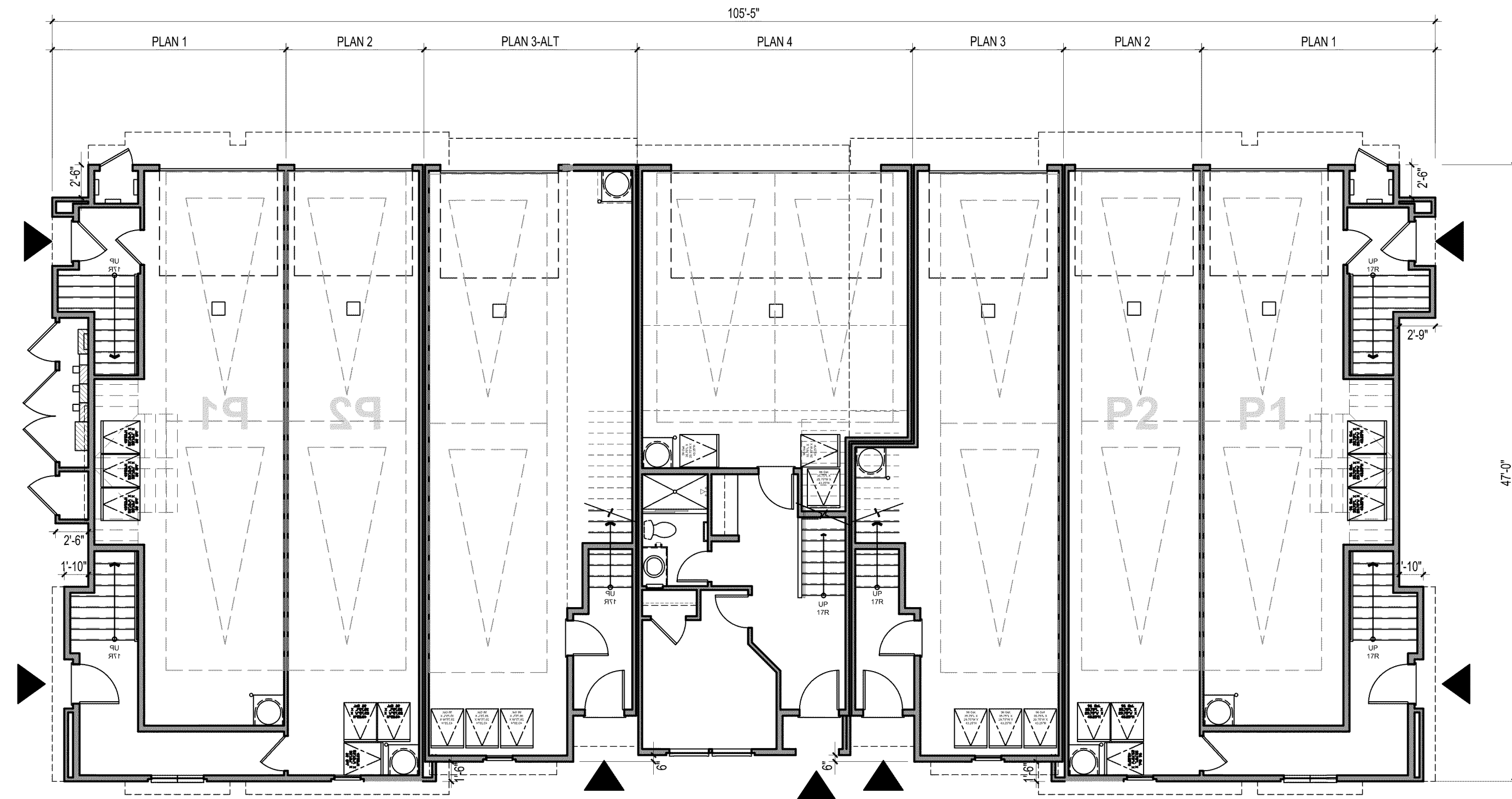
THIRD FLOOR



SECOND FLOOR



ROOF PLAN



FIRST FLOOR

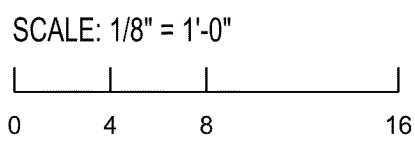


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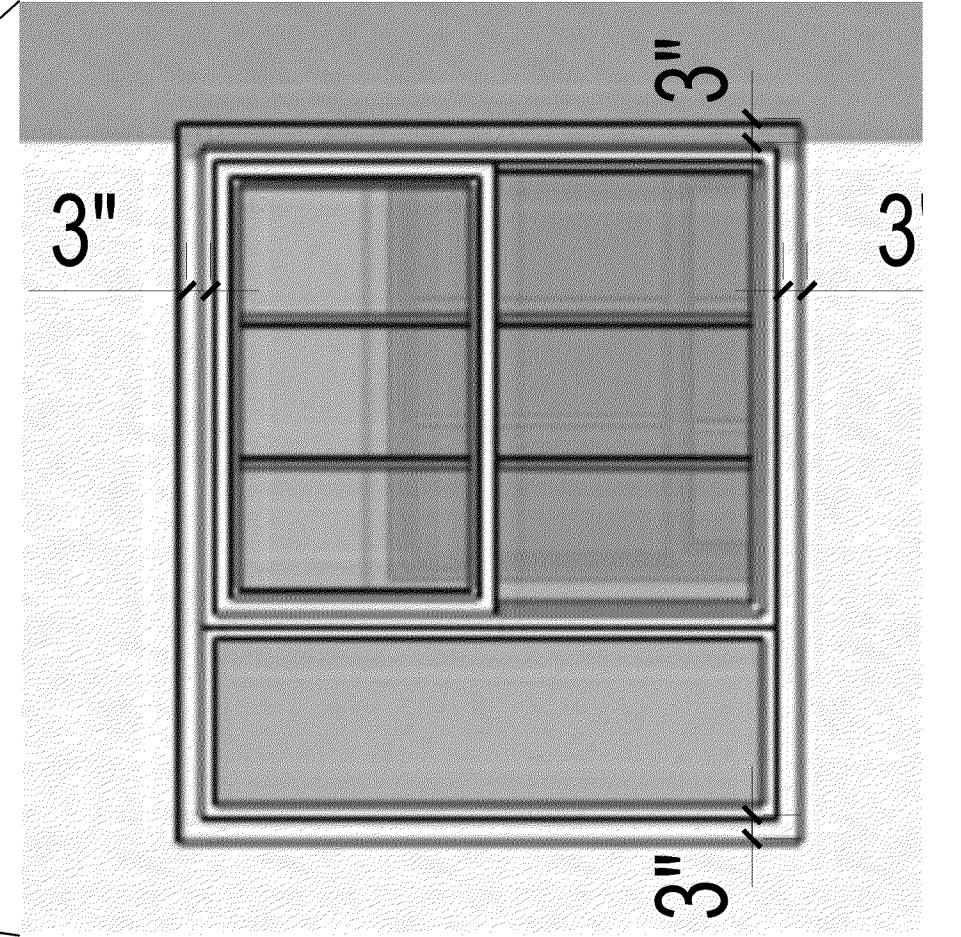
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BREA AND FIR
BREA, CA # 2023-0485

Plot Date: 5.2.2024
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4th Submittal Date: 06.11.2024
5th Submittal Date: 06.27.2024



7-PLEX - B710 - BUILDING PLANS

A4.20



RECESSED WINDOW
W/ 3" REVEAL, TYP.
RECESSED DEPTH VARIES

FRONT



REAR

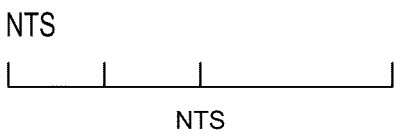


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BREA AND FIR
BREA, CA # 2023-0485

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5th Submittal Date: 06.27.2024



12-PLEX - B1200 PERSPECTIVES

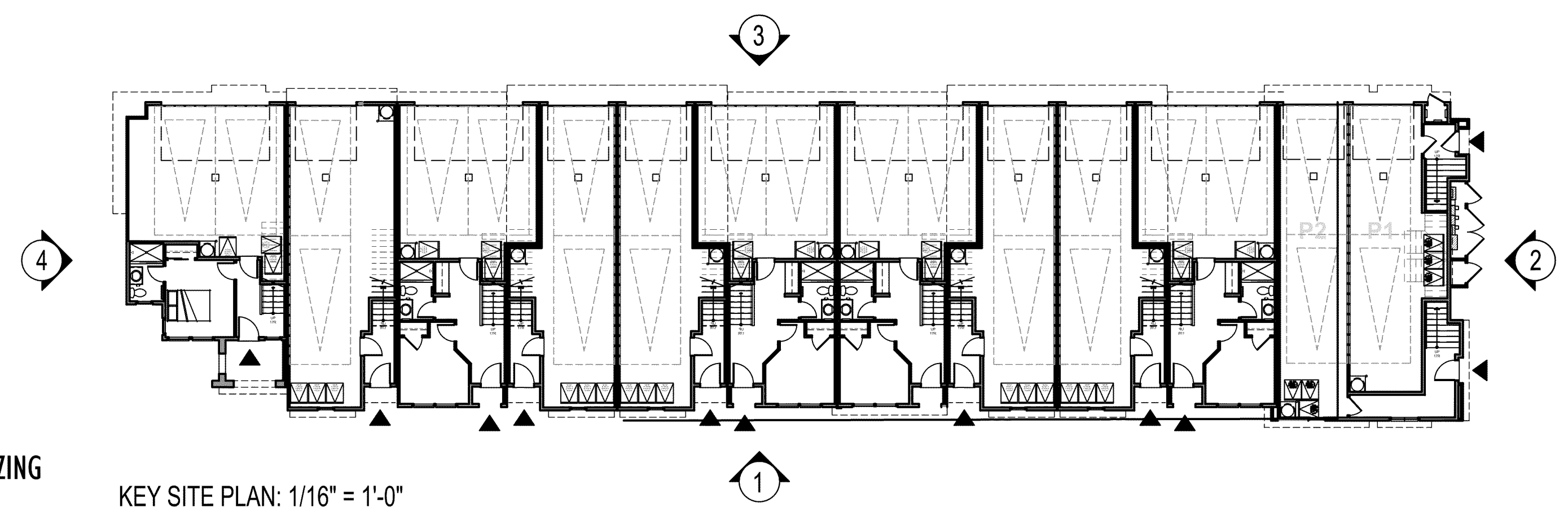
A5.00



NOTE: COLOR SCHEME 1 APPLIED. ALL DOWNSPOUT LOCATIONS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE IN FUTURE PROJECT PHASE.

MATERIAL LEGEND

- | | | | |
|--|-----------------------------------|---|--|
| 1. STUCCO BODY, LIGHT SAND FINISH | 7. SIMULATED WOOD CORBELS | 13. ADDRESS SIGN | 19. FINIAL |
| 2. SPANISH 'S' ROOF TILE | 8. STUCCO DECORATIVE FOAM CORBELS | 14. DECORATIVE LIGHTING | 20. GABLE END DETAIL |
| 3. STUCCO RECESS / REVEAL AT WINDOW/DOOR | 9. METAL HANDRAIL | 15. METAL SECTIONAL GARAGE DOOR | 21. STUCCO O/ FOAM TRIM SURROUND |
| 4. SLOPED STUCCO SILL | 10. SIMULATED WOOD HEADER BEAM | 16. UTILITY DOORS | 22. PAVER CAP |
| 5. VINYL WINDOWS | 11. FIBER-CEMENT PANELING | 17. TILE RECESS REVEAL | 23. LIVE WORK SIGNAGE |
| 6. BAY WINDOW | 12. FIBERGLASS ENTRY DOOR | 18. PATIO LOW WALLS, SEE LANDSCAPE DWG. | 24. FIBERGLASS ENTRY DOOR WITH GLAZING |



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BREA, CA # 2023-0485

Plot Date: 5.6.2024
1st Submittal Date: 11.21.2023
2nd Submittal Date: 02.22.2024
3rd Submittal Date: 05.09.2024
4th Submittal Date: 06.11.2024
5th Submittal Date: 06.27.2024

SCALE: 1/8" = 1'-0"
0 8 16 32

12-PLEX - B1200 - ELEVATIONS

A5.10



City Council Regular Meeting Communication

Local Housing Trust Fund Grant Application Submission to the California Department of Housing and Community Development

Meeting	Agenda Group
Tuesday, August 20, 2024, 7:00 PM	CONSENT CALENDAR Item: 5D
TO	FROM
Honorable Mayor and City Council Members	Bill Gallardo, City Manager

RECOMMENDATION

Staff recommends that the City Council take the following actions:

1. Adopt a Resolution and attachments, authorizing the submission of a Local Housing Trust Fund (LHTF) grant application to the California State Department of Housing and Community Development (HCD);
2. Authorize the City Manager, or his designee, to execute all documents and agreements necessary to accept the funds, if awarded; and
3. Amend the Fiscal Year 2024-25 Operating Budget to accept any potential award of funds to be allocated to the City's Housing Trust Fund (270).

BACKGROUND/DISCUSSION

On August 16, 2022, the City Council adopted Resolution No. 2022-061, approving the 6th Cycle Housing Element, which committed City staff to seek funding to facilitate the development of affordable housing and to enhance housing programs. Specifically, Housing Element Policy 2.1 reinforces that commitment to pursue expanded financial resources to support the production of affordable housing units. Since the adoption of the Housing Element in 2022, the City has been successful in securing grant funding for the development of affordable housing units, including recent grant awards of \$6,028,491.51 from CalOptima Health in November 2023 and \$660,000 from HCD in August 2024 (Prohousing Incentive Program). On July 9, 2024, HCD announced the LHTF program Notice of Funding Availability (NOFA) in the amount of \$53 million. HCD will be accepting LHTF program applications from August 20 through September 17, 2024.

The LHTF is a program developed by HCD from Proposition 1, the Behavioral Health Services Program and Bond Measure, which authorized \$300 million to the LHTF Program to provide matching grants to assist with funding for affordable housing. These funds are dedicated to the creation, rehabilitation, or preservation of affordable housing, transitional housing and emergency shelters. The LHTF program requires that no more than 20 percent of each allocation may assist moderate-income households, and at least 30 percent of each allocation required to assist extremely low-income households. Eligible uses of the funds include, but are not limited to:

- Loans for acquisition, predevelopment expenses and development of affordable rental housing projects, transitional housing projects, emergency shelters; and
- Homeownership projects (i.e - down payment assistance to qualified first-time homebuyers, rehabilitation of homes owned by income-eligible homeowners).

The main qualifier for the LHTF NOFA is that the City has a Housing Trust Fund (Fund 270). In addition, since the City has had a long history of successful housing programs, including the first Affordable Housing Ordinance that was adopted by the City Council in 1993, the City is well qualified to receive a LHTF grant for the eligible uses outlined earlier in this report. Below are some examples of the City's current Affordable Housing Programs that enhance the City's qualifications for the LHTF program:

- **Low and Moderate-Income Rent Program (Affordable Rental Program)**

The City has provided financial assistance to housing developments that offer below-market rental rates for income-qualified households, with preferences granted to those who live and work in the city. Brea's Affordable Rental Program remains the most sought-after Program with over 5,700 applicants on an interest-list to rent one of the 587 participating below-market units. Historically, this Program has had over 750 total participating units.

- **Senior Subsidy Program**

The Senior Subsidy Program has been active for over 30 years, providing financial assistance to hundreds of low-income Brea seniors on fixed incomes, challenged to pay rent.

- **Homebuyer Assistance Program**

The City of Brea requires almost all new residential developments (10-units or more) to provide a percentage of their units for-sale at affordable below-market prices to income-qualified buyers. For over 35 years, more than 250 Brea homes have been purchased by moderate and lower-income buyers through the City's Homebuyer Assistance Program, many of which were recipients of silent second mortgage loans utilizing the City's Housing Funds.

- **Housing Rehabilitation Program**

The City has assisted hundreds of low-income Brea homeowners with home repairs, such as roof and plumbing leaks, electrical problems, etc., through the Housing Rehabilitation Program. For nearly 50 years, Brea has successfully obtained funding for the Program through the County of Orange via the Community Development Block Grant Program (CDBG).

- **Affordable Housing Ordinance**

Chapter 20.40 of the Brea City Code (BCC) outlines the purpose, applicability and procedures for inclusionary affordable housing development. The goal of the ordinance is to expand the affordable housing stock in proportion with the overall increase in residential housing units that encourage the development of extremely low to moderate-income housing.

If awarded, staff recommends the City apply the grant funds towards:

- The permanent supportive housing project at 323 North Brea Boulevard (in congruence with Housing Element Goal 2.0 and Policies 2.5, 3.1, and 5.2,) as an offset to the City funding of the project committed earlier this year. No additional funding commitment beyond what was authorized by City Council on May 7, 2024 is proposed.
- To provide down payment assistance for first-time homebuyers (in congruence with Housing Element Policy 2.3); and
- Potential development of new low-income housing units (in congruence with Housing Element Goal 2.0)

By securing matching grant funds through the LHTF program, the City can help offset funding in the Housing Trust Fund (270). As of August 2024 the Housing Trust Fund (270) has an ending balance of \$9,641,680.38. City staff is proposing to apply for \$1 million in grant funding from the LHTF, with the City's \$1 million match to be allocated from the Housing Trust Fund (270).

Adoption of the Resolution with Attachment 1 is a required document for the LHTF program application. Following the City Council's approval, staff would be able to submit the LHTF program application and resolution for HCD to review. HCD anticipates to notify applicants, if awarded, no later than December 2024. Authorization of any Housing Trust Funds use would require subsequent City Council approval.

COMMISSION/COMMITTEE RECOMMENDATION

The Finance Committee reviewed staff's recommendation at the August 13, 2024 meeting and recommended to proceed to City Council for approval.

FISCAL IMPACT/SUMMARY

Submission of Local Housing Trust Fund grant application has no fiscal impact.

If the City is awarded funding in the amount of up to \$1 million in matching funds, the funding would be appropriated to the City's Housing Trust Fund (270). The City would also be required to provide a dollar-for-dollar match of \$1 million, which would be appropriated from the City's Housing Trust Fund (270).

RESPECTFULLY SUBMITTED

William Gallardo, City Manager

Prepared by: Melissa Davis, Community Development Manager

Concurrence: Jason Killebrew, Deputy City Manager / Community Development Director

Attachments

[Resolution with Attachment 1.pdf](#)

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BREA AUTHORIZING THE CITY'S HOUSING TRUST FUND APPLICATION TO THE STATE OF CALIFORNIA'S DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S LOCAL HOUSING TRUST FUND PROGRAM

A necessary quorum or majority of the Council Members of the City of Brea ("Applicant") hereby consents to, adopts, and ratifies the following resolution:

A. RECITALS:

- (i) WHEREAS, the Department is authorized to provide up to \$53 million under the Local Housing Trust Fund ("LHTF") Program from the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1) (as described in Health and Safety Code section 50842.2 et seq. (Chapter 365, Statutes of 2017 (SB 3)) ("Program").
- (ii) WHEREAS the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated July 9, 2024 under the LHTF Program;
- (iii) WHEREAS Applicant is an eligible Local or Regional Housing Trust Fund applying to the Program to administer one or more eligible activities using Program Funds.
- (iv) WHEREAS the Department may approve funding allocations for the LHTF Program, subject to the terms and conditions of H&S Code Section 50842.2, the LHTF Program Guidelines, NOFA, Program requirements, the Standard Agreement and other related contracts between the

- (v) Department and LHTF award recipients;

B. RESOLUTION:

NOW, THEREFORE, be it found, determined and resolved, by the City Council of the City of Brea as follows:

1) If Applicant receives an award of LHTF funds from the Department pursuant to the above referenced LHTF NOFA, it represents and certifies that it will use all such funds on Eligible Projects in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including, without limitation, all rules and laws regarding the LHTF Program, as well as any and all contracts Applicant may have with the Department (“Eligible Project”).

2) NOW, THEREFORE, IT IS RESOLVED: That the City of Brea Housing Trust Fund is hereby authorized to act as the manager in connection with the Department's funds to Eligible Projects pursuant to the above described Notice of Funding Availability in an amount not to exceed \$1,000,000 (the “LHTF Award”).

3) Applicant hereby agrees to match on a dollar for dollar basis the LHTF Award pursuant to Guidelines Section 104. Applicant hereby agrees to utilize matching funds on a dollar-for-dollar basis for the same Eligible Project for which Program Funds are used, as required by HSC Section 50843.5(c).

4) Pursuant to Attachment 1 and the Applicant's certification in this resolution, the LHTF funds will be expended only for Eligible Projects and consistent with all program requirements.

5) Nonprofit Housing Trust Funds and Native American Tribe Housing Trust Funds agree to use Program Funds only for Eligible Projects located in cities and counties that submitted an adopted Housing Element that was found by the Department to be in

compliance and that have submitted their Housing Element Annual Progress Report (APR) for the current year or prior year by the application due date.

6) Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, H&S Section 50842.2 and LHTF Program Guidelines.

7) The City Manager is authorized to execute the LHTF Program Application, the LHTF Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the LHTF Award to Applicant, as the Department may deem appropriate.

APPROVED AND ADOPTED by the Council of the City of Brea, California, this 20th day of August 2024

Christine Marick, Mayor

ATTEST: _____
Lillian Harris-Neal, City Clerk

I, Lillian Harris-Neal, City Clerk of the City of Brea, California, do hereby certify that the foregoing resolution was adopted by the City Council of the City of Brea, California, at its regular meeting held on the 20th day of August 2024, by the following vote:

AYES: COUNCIL MEMBERS: Marick, Stewart, Hupp, Simonoff, Vargas

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAINED: COUNCIL MEMBERS: None

DATED: August 20, 2024

Lillian Harris-Neal, City Clerk

Attachment 1

The City of Brea Housing Trust Fund Commitment to use Local Housing Trust Fund (LHTF) Program Funds and Matching Funds.

1. Identification of the percent of the total funds requested that are anticipated to be used for each activity/project, including Area Median Income (AMI) level:

The LHTF award may fund multiple projects to further the development of affordable housing in the City of Brea.

30% of the LHTF funds are anticipated to be used for construction of a Permanent Supportive Housing project at 323 North Brea Boulevard. This is for a 39-unit residential development for those at the Extremely Low Income level (15-30% AMI) and one on-site manager's unit.

20% of the funds are anticipated to be dedicated toward first time homebuyer down-payment assistance for Lower Income (up to 80% AMI) and/or Moderate Income (up to 120% AMI) households.

50% of the funds are anticipated to be allocated toward the development of future affordable housing projects in the City. This funding would be used for the development of new Lower Income units (up to 80% AMI).

2. Jurisdiction Served:

City of Brea, in Orange County



Finance Committee Communication

B. Annual Engineer's Report for Landscape and Lighting Maintenance Districts Nos. 1, 2, 3, 4, 5, 6 and 7

Meeting	Agenda Group
Tuesday, April 8, 2025, 8:30 AM	DISCUSSION Item: 3B.
TO	FROM
Finance Committee Members	Kristin Griffith, City Manager

RECOMMENDATION

Staff recommends that the Finance Committee recommend that the City Council take the following action:

Receive and File the Annual Engineer's Report for Landscape and Lighting Maintenance Districts Nos. 1, 2, 3, 4, 5, 6 and 7 and adopt the Resolutions of Intent to set a Public Hearing for each District on June 17, 2025, at 7:00 p.m.

BACKGROUND/DISCUSSION

The City of Brea has seven annually assessed Landscape and Lighting Maintenance Districts (LLMD). Per the 1972 Landscape and Lighting Act, the local agency shall conduct public meetings to establish the upcoming annual budget for each LLMD. These District meetings provide the homeowners with updates on future landscape improvements and solicit concerns regarding the maintenance of the common areas. Below are the summary of each LLMD community meeting. Referenced in Exhibit A is a map of the seven Districts.

Maintenance District #1 (American National - 103 Parcels)

On March 12, 2025, five representatives from four parcels attended the community meeting. The total costs for FY 2024-25 are estimated to be \$63,650. The total annual assessment amount for this District is currently \$55,929. There were no changes to the assessment amount for FY 2025-26. The annual assessment will remain at \$543 per parcel per year. The estimated costs for FY 2025-26 will require an estimated expenditure of \$5,585 from the District's reserve fund. District reserves are projected to be \$16,384 as of June 30, 2025.

Maintenance District #2 (Baldwin - 297 Parcels)

The assessment for this District is for theme street lighting maintenance only. The Homeowners' Association maintains the common landscaped areas. On March 13, 2025, no representatives attended the community meeting. The total costs for FY 2024-25 are estimated to be \$8,060. The total annual assessment for this District is currently \$5,495. There were no changes to the assessment amount for FY 2025-26. The estimated costs for FY 2025-26 will require an estimated expenditure of \$2,884 from the District's reserve fund. The annual assessment will remain at \$18.50 per parcel per year. District reserves are projected to be \$34,198 as of June 30, 2025.

Maintenance District #3 (Eagle Development - 188 Parcels)

On March 11, 2025, three representatives from three parcels attended the community meeting. The total costs for FY 2024-25 are estimated to be \$114,052. The total annual assessment for this District is \$112,965.44, or \$600.88 per parcel per year. The estimated costs for FY 2025-26 will require an estimated expenditure of \$8,620 from the District's reserve fund. Homeowners in attendance directed staff to increase the assessment by the Consumer Price Index (CPI) of 3.3% from the prior 12-month calendar year. The annual assessment for FY 2025-26 will be \$620.71 per parcel, an increase of \$19.83. This is the maximum allowable assessment for FY 2025-26. District reserves are projected to be \$56,177 as of June 30, 2025.

Maintenance District #4 (Ponderosa - 230 parcels)

The assessment for this District is for theme street lighting maintenance only. The Homeowners' Association maintains the common landscaped areas. On March 13, 2025, no representatives attended the community meeting. The total estimated costs for FY 2024-25 are \$3,854. The total annual assessment for this District is currently \$2,760. There were no changes to the assessment amount for FY 2025-26. The annual assessment will remain at \$12.00 per parcel per year. The estimated costs for FY 2025-26 will require an estimated expenditure of \$2,576 from the District's reserve fund. District reserves are projected to be \$18,905 as of June 30, 2025.

Maintenance District #5 (Konweiser - 113 Parcels)

On March 12, 2025, two representatives from two parcels attended the community meeting. The total costs for FY 2024-25 are estimated to be \$132,844. The total annual assessment for this District is \$122,305. There were no changes to the assessment amount for FY 2025-26. The annual assessment will remain at \$1,082.35 per parcel per year. The estimated costs for FY 2025-26 will require an estimated expenditure of \$16,066 from the District's reserve fund. District reserves are projected to be \$133,272 as of June 30, 2025.

Maintenance District #6 (Schmid Development - 135 Parcels)

Of the seven Districts, this is the largest District with 16 acres of common landscaped areas. On March 11, 2025, five representatives from four parcels attended the community meeting. The total costs for FY 2024-25 are estimated to be \$224,718. The total annual assessment for this District is \$236,297 or \$1,750.35 per parcel per year. There were no changes to the assessment amount for FY 2025-26. The annual assessment will remain at \$1,750.35 per parcel per year. The estimated costs for FY 2025-26 will require an estimated expenditure of \$3,396 from the District's reserve fund. District reserves are projected to be \$271,309 as of June 30, 2025.

Maintenance District #7 (Baywood Development - 96 Parcels)

On March 12, 2025, one representative from one parcel attended the community meeting. The total costs for FY 2024-25 are estimated to be \$35,470. The total annual assessment for this District is \$35,047 or \$365.08 per parcel per year. There were no changes to the assessment amount for FY 2025-26. The annual assessment will remain at \$365.08 per parcel per year. The estimated costs for FY 2025-26 will require an estimated expenditure of \$219 from the District's reserve fund. District reserves are projected to be \$12,057 as of June 30, 2025.

SUMMARY/FISCAL IMPACT

Per the 1972 Landscape and Lighting Act, the local agency shall conduct public meetings to establish and adopt the upcoming annual District budget. Staff met with the homeowners to discuss the coming year's budget and improvement projects. Separate assessments provide for all funding for the maintenance of the Districts, including reimbursing the General Fund for staff time. There will be no impact on the General Fund by this action.

The estimated assessments for FY 2025-26, as detailed in the Engineer's Report, are as follows:

Maintenance District	2024-2025 Assessment Per Lot Per Year	2025-2026 Assessment Per Lot Per Year	Change in Assessment Per Lot Per Year	% Change

M.D. #1	\$543.00	\$543.00	\$0	0%
M.D. #2	\$18.50	\$18.50	\$0	0%
M.D. #3	\$600.88	\$620.71	\$19.83	3.3%
M.D. #4	\$12.00	\$12.00	\$0	0%
M.D. #5	\$1,082.35	\$1,082.35	\$0	0%
M.D. #6	\$1,750.35	\$1,750.35	\$0	0%
M.D. #7	\$365.08	\$365.08	\$0	0%

The recommended action is to accept the Annual Engineer's Report for Landscape and Lighting Maintenance Districts Nos. 1, 2, 3, 4, 5, 6, and 7 and that a Resolution of Intent is adopted, setting a Public Hearing for each District on June 17, 2025, at 7:00 p.m.

RESPECTFULLY SUBMITTED

Kristin Griffith, City Manager

Prepared by: Matthew Cuevas, Senior Management Analyst

Concurrence: Michael Ho, PE, Director of Public Works

Attachments

[Attachment A - Exhibit A - Maintenance Districts Map.pdf](#)

[Attachment B - Resolution LLMD 1.pdf](#)

[Attachment C - Resolution LLMD 2.pdf](#)

[Attachment D - Resolution LLMD 3.pdf](#)

[Attachment E - Resolution LLMD 4.pdf](#)

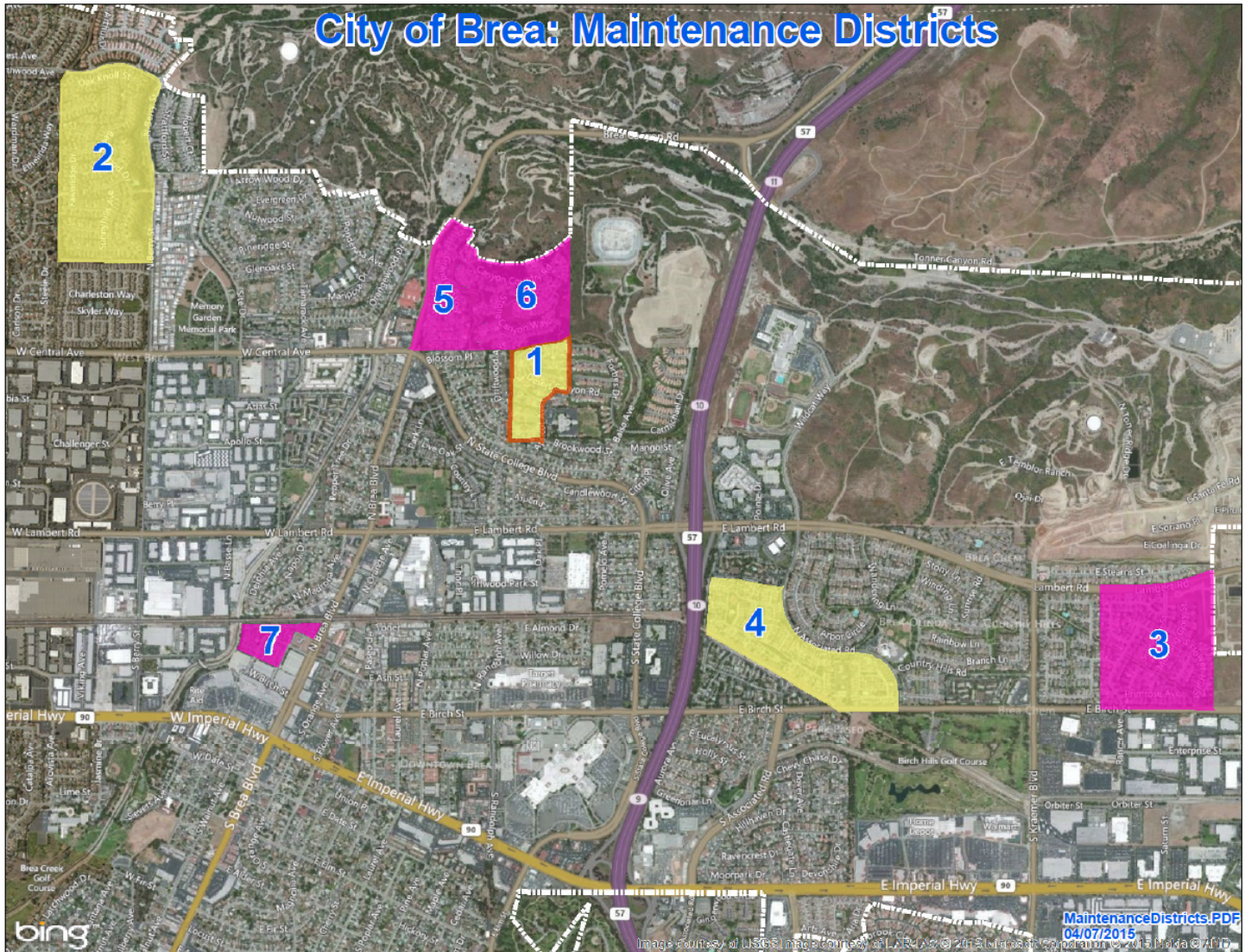
[Attachment F - Resolution LLMD 5.pdf](#)

[Attachment G - Resolution LLMD 6.pdf](#)

[Attachment H - Resolution LLMD 7.pdf](#)

[Attachment I - Engineer's Report LLMD's 1-7.pdf](#)

Exhibit A



RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BREA APPROVING THE REPORT FILED PURSUANT TO SECTION 22623 OF THE STREETS AND HIGHWAYS CODE WITH RESPECT TO CITY OF BREA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1 AND FIXING AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF AN ASSESSMENT ON SAID DISTRICT FOR FISCAL YEAR 2025-2026

A. RECITALS:

(i) This Council heretofore adopted a resolution creating City of Brea Landscape and Lighting Assessment District No. 1 pursuant to Division 15 of the California Streets and Highways Code.

(ii) The Director of Public Works has prepared, filed with the City Clerk and presented to this Council a report relating to said assessment pursuant to the provisions of Section 22623 of the California Streets and Highways Code.

B. RESOLUTION:

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

1. In all respects as set forth in the Recitals, Part A, of this Resolution.
2. The above-described report submitted by the Director of Public Works relating to City of Brea Landscape and Lighting Assessment District No. 1 is hereby approved as filed.
3. This Council hereby declares its intention to levy and collect assessments during fiscal year 2025-2026 pursuant to Division 15 of the Streets and Highways Code of

the State of California, known as the "Landscape and Lighting Act of 1972," on that area designated "City of Brea Landscape and Lighting Assessment District No. 1," an area encompassed by Final Tract Nos. 9121, 9341 and 9342 and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

4. A general description of the improvements proposed for the aforementioned district is as follows:

The maintenance and possible future replacement of lighting, landscaping and any facilities which are appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, or water, irrigation, drainage, or electrical facilities. Said maintenance and servicing of said lighting shall be in the area of Tract Nos. 9121, 9341 and 9342. Said landscaping and related facilities shall be in the lettered lots, common parking bays and related planters within Final Tract Nos. 9121, 9341 and 9342.

5. Reference hereby is made to the report of the Director of Public Works relating to the said assessment district herein above approved. Said report is on file with the City Clerk of the City of Brea and contains a full and detailed description of the improvements, the boundaries of the assessment district and contains the proposed assessments upon assessable lots and parcels of land within City of Brea Landscape and Lighting District No. 1 for fiscal year 2025-2026. Said proposed assessment per lot is in the amount of \$543.00.

6. This Council hereby fixes 7:00 p.m. on June 17, 2025, in the Council

Chambers, Brea Civic and Cultural Center, 1 Civic Center Circle, Brea, California, as the time and place for a hearing before this Council on the question of the levy of the proposed assessments on City of Brea Landscape and Lighting Assessment District No. 1 for fiscal year 2025-2026 and hereby gives notice of said hearing.

7. The City Clerk shall do the following:

a. Certify to the adoption of this Resolution;

b. Cause a true and correct copy of this Resolution to be published once in a newspaper of general circulation located within the City of Brea at least ten days prior to June 17, 2025.

APPROVED AND ADOPTED this 15th day of April, 2025.

Mayor

ATTEST: _____
City Clerk

I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brea held on the 15th day of April, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAINED: COUNCIL MEMBERS:

DATED: _____

City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1 INCLUDES ALL OF THE PROPERTIES IN THE CITY OF BREA LOCATED WITHIN THE TRACT BOUNDARY OF TRACT NO. 9121 RECORDED IN BOOK 378, PAGES 49 AND 50; TRACT NO. 9341 RECORDED IN BOOK 395, PAGES 28, 29 AND 30; AND OF TRACT NO. 9342 RECORDED IN BOOK 386, PAGES 41, 42 AND 43, ALL OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BREA APPROVING THE REPORT FILED PURSUANT TO SECTION 22623 OF THE STREETS AND HIGHWAYS CODE WITH RESPECT TO CITY OF BREA LIGHTING ASSESSMENT DISTRICT NO. 2 AND FIXING AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING OF THE LEVY OF AN ASSESSMENT ON SAID DISTRICT FOR FISCAL YEAR 2025-2026

A. RECITALS:

(i) This Council heretofore adopted a resolution creating City of Brea Lighting Assessment District No. 2 pursuant to Division 15 of the California Streets and Highways Code.

(ii) The Director of Public Works has prepared, filed with the City Clerk and presented to this Council a report relating to said assessment pursuant to the provisions of Section 22623 of the California Streets and Highways Code.

B. RESOLUTION:

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

1. In all respects as set forth in the Recitals, Part A, of this Resolution.
2. The above-described report submitted by the Director of Public Works relating to City of Brea Lighting Assessment District No. 2 is hereby approved as filed.
3. This Council hereby declares its intention to levy and collect assessments during fiscal year 2025-2026 pursuant to Division 15 of the Streets and Highways Code of the State of California, known as the "Landscaping and Lighting Act of 1972," on that area

designated "City of Brea Lighting Assessment District No. 2," an area encompassed by Final Tracts Nos. 9227, 9228 and 8857 and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

4. A general description of the improvements proposed for the aforementioned district is as follows:

The maintenance and possible future replacement of lighting and any facilities which are appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, or water, irrigation, drainage, or electrical facilities. Said maintenance and servicing of said lighting shall be in the area of Tract No. 9227, 9228 and 8857.

5. Reference hereby is made to the report of the Director of Public Works relating to the said assessment district herein above approved. Said report is on file with the City Clerk of the City of Brea and contains a full and detailed description of the improvements, the boundaries of the assessment district and contains the proposed assessments upon assessable lots and parcels of land within City of Brea Lighting Assessment District No. 2 for fiscal year 2025-2026. Said proposed assessment per lot is in the amount of \$18.50.

6. This Council hereby fixes 7:00 p.m. on June 17, 2025, in the Council Chambers, Brea Civic and Cultural Center, 1 Civic Center Circle, Brea, California, as the time and place for a hearing before this Council on the question of the levy of the proposed assessments on City of Brea Lighting Assessment District No. 2 for fiscal year 2025-2026

and hereby gives notice of said hearing.

7. The City Clerk shall do the following:

a. Certify to the adoption of this Resolution;

b. Cause a true and correct copy of this Resolution to be published once in a newspaper of general circulation located within the City of Brea at least ten days prior to June 17, 2025.

APPROVED AND ADOPTED this 15th day of April, 2025.

Mayor

ATTEST: _____
City Clerk

I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brea held on the 15th day of April, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAINED: COUNCIL MEMBERS:

DATED: _____

City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LIGHTING ASSESSMENT DISTRICT NO. 2

THE BOUNDARIES OF LIGHTING ASSESSMENT DISTRICT NO. 2 IS DESCRIBED AS "BEING THE BOUNDARY OF ANNEXATION NO. 8-74 TO THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA," ALSO BEING ALL THE PROPERTIES LOCATED WITHIN THE TRACT BOUNDARY OF TRACT NO. 9227 RECORDED IN BOOK 392, PAGES 5 THROUGH 12; TRACT NO. 9228 RECORDED IN BOOK 428, PAGES 32 THROUGH 38; AND TRACT NO. 8857 RECORDED IN BOOK 464, PAGES 38 THROUGH 44, ALL OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

RESOLUTION NO. 2025-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BREA APPROVING THE REPORT FILED PURSUANT TO SECTION 22623 OF THE STREETS AND HIGHWAYS CODE WITH RESPECT TO CITY OF BREA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 3 AND FIXING AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF AN ASSESSMENT ON SAID DISTRICT FOR FISCAL YEAR 2025-2026

A. RECITALS:

(i) This Council heretofore adopted a resolution creating City of Brea Landscape and Lighting Assessment District No. 3 pursuant to Division 15 of the California Streets and Highways Code.

(ii) The Director of Public Works has prepared, filed with the City Clerk and presented to this Council a report relating to said assessment pursuant to the provisions of Section 22623 of the California Streets and Highways Code.

B. RESOLUTION:

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

1. In all respects as set forth in the Recitals, Part A, of this Resolution.
2. The above-described report submitted by the Director of Public Works relating to City of Brea Landscape and Lighting Assessment District No. 3 is hereby approved as filed.
3. This Council hereby declares its intention to levy and collect assessments

during fiscal year 2025-2026 pursuant to Division 15 of the Streets and Highways Code of the State of California, known as the "Landscape and Lighting Act of 1972," on that area designated "City of Brea Landscape and Lighting District Assessment No. 3," an area encompassed by Final Tract No. 8242 and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

4. A general description of the improvements proposed for the aforementioned district is as follows:

The maintenance and possible future replacement of lighting, landscaping and any facilities which are appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, or water, irrigation, drainage, or electrical facilities. Said maintenance and servicing of said lighting shall be in the area of Tract No. 8242. Said landscaping and related facilities shall be in the lettered lots, common parking bays and related planters within Final Tract No. 8242.

5. Reference hereby is made to the report of the Director of Public Works relating to the said assessment district herein above approved. Said report is on file with the City Clerk of the City of Brea and contains a full and detailed description of the improvements, the boundaries of the assessment district and contains the proposed assessments upon assessable lots and parcels of land within City of Brea Landscape and Lighting Assessment District No. 3 for fiscal year 2025-2026. Said proposed assessment per lot is in the amount of \$620.71.

6. This Council hereby fixes 7:00 p.m. on June 17, 2025, in the Council

Chambers, Brea Civic and Cultural Center, 1 Civic Center Circle, Brea, California, as the time and place for a hearing before this Council on the question of the levy of the proposed assessments on City of Brea Landscape and Lighting Assessment District No. 3 for fiscal year 2025-2026 and hereby gives notice of said hearing.

7. The City Clerk shall do the following:

a. Certify to the adoption of this Resolution;

b. Cause a true and correct copy of this Resolution to be published once in a newspaper of general circulation located within the City of Brea at least ten days prior to June 17, 2025.

APPROVED AND ADOPTED this 15th day of April, 2025.

Mayor

ATTEST: _____
City Clerk

I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brea held on the 15th day of April, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAINED: COUNCIL MEMBERS:

DATED: _____

City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 3

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 3 INCLUDES ALL OF THE PROPERTIES IN THE CITY OF BREA LOCATED WITHIN THE TRACT BOUNDARY OF TRACT NO. 8242 RECORDED IN BOOK 428, PAGES 19 THROUGH 24 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BREA APPROVING THE REPORT FILED PURSUANT TO SECTION 22623 OF THE STREETS AND HIGHWAYS CODE WITH RESPECT TO CITY OF BREA LIGHTING ASSESSMENT DISTRICT NO. 4 AND FIXING AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING OF THE LEVY OF AN ASSESSMENT ON SAID DISTRICT FOR FISCAL YEAR 2025-2026

A. RECITALS:

(i) This Council heretofore adopted a resolution creating City of Brea Lighting Assessment District No. 4 pursuant to Division 15 of the California Streets and Highways Code.

(ii) The Director of Public Works has prepared, filed with the City Clerk and presented to this Council a report relating to said assessment pursuant to the provisions of Section 22623 of the California Streets and Highways Code.

B. RESOLUTION:

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

1. In all respects as set forth in the Recitals, Part A, of this Resolution.
2. The above-described report submitted by the Director of Public Works relating to City of Brea Lighting Assessment District No. 4 is hereby approved as filed.
3. This Council hereby declares its intention to levy and collect assessments during fiscal year 2025-2026 pursuant to Division 15 of the Streets and Highways Code of

the State of California, known as the "Landscaping and Lighting Act of 1972," on that area designated "City of Brea Lighting District No. 4," an area encompassed by Final Tract Nos. 10224, 10324, 10325, 10327 and 9298 and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

4. A general description of the improvements proposed for the aforementioned district is as follows:

The maintenance and possible future replacement of lighting, and any facilities which are appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, or water, irrigation, drainage, or electrical facilities. Said maintenance and servicing of said lighting shall be in the area of Tract Nos. 10224, 10324, 10325, 10326, 10327, and 9298.

5. Reference hereby is made to the report of the Director of Public Works relating to the said assessment district herein above approved. Said report is on file with the City Clerk of the City of Brea and contains a full and detailed description of the improvements, the boundaries of the assessment district and contains the proposed assessments upon assessable lots and parcels of land within City of Brea Lighting District No. 4 for fiscal year 2025-2026. Said proposed assessment per lot is in the amount of \$12.00.

6. This Council hereby fixes 7:00 p.m. on June 17, 2025, in the Council Chambers, Brea Civic and Cultural Center, 1 Civic Center Circle, Brea, California, as the time and place for a hearing before this Council on the question of the levy of the proposed

assessments on City of Brea Lighting Assessment District No. 4 for fiscal year 2025-2026 and hereby gives notice of said hearing.

7. The City Clerk shall do the following:

a. Certify to the adoption of this Resolution;

b. Cause a true and correct copy of this Resolution to be published once in a newspaper of general circulation located within the City of Brea at least ten days prior to June 17, 2025.

APPROVED AND ADOPTED this 15th day of April, 2025.

Mayor

ATTEST: _____
City Clerk

I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brea held on the 15th day of April, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAINED: COUNCIL MEMBERS:

DATED: _____

City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LIGHTING ASSESSMENT DISTRICT NO. 4

LIGHTING ASSESSMENT DISTRICT NO. 4 INCLUDES ALL THE PROPERTIES LOCATED IN THE CITY OF BREA WITHIN TRACT NO. 10224 AS SHOWN ON A MAP RECORDED IN BOOK 436, PAGES 13 THROUGH 16 INCLUSIVE, TRACT NO. 10324 AS SHOWN ON A MAP RECORDED IN BOOK 447, PAGES 3 THROUGH 5 INCLUSIVE, TRACT NO. 10325 AS SHOWN ON A MAP RECORDED IN BOOK 461, PAGES 9 THROUGH 12 INCLUSIVE, TRACT NO. 10326 AS SHOWN ON A MAP RECORDED IN BOOK 461, PAGES 13 THROUGH 16 INCLUSIVE, TRACT NO. 10327 AS SHOWN ON A MAP RECORDED IN BOOK 461, PAGES 17 THROUGH 20 INCLUSIVE, AND TRACT NO. 9298 AS SHOWN ON A MAP RECORDED IN BOOK 476, PAGES 5 THROUGH 7 INCLUSIVE, ALL OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BREA APPROVING THE REPORT FILED PURSUANT TO SECTION 22623 OF THE STREETS AND HIGHWAYS CODE WITH RESPECT TO CITY OF BREA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 5 AND FIXING AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF AN ASSESSMENT ON SAID DISTRICT FOR FISCAL YEAR 2025-2026

A. RECITALS:

(i) This Council heretofore adopted a resolution creating City of Brea Landscape and Lighting Assessment District No. 5 pursuant to Division 15 of the California Streets and Highways Code.

(ii) The Director of Public Works has prepared, filed with the City Clerk and presented to this Council a report relating to said assessment pursuant to the provisions of Section 22623 of the California Streets and Highways Code.

B. RESOLUTION:

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

1. In all respects as set forth in the Recitals, Part A, of this Resolution.
2. The above-described report submitted by the Director of Public Works relating to City of Brea Landscape and Lighting Assessment District No. 5 is hereby approved as filed.
3. This Council hereby declares its intention to levy and collect assessments during fiscal year 2025-2026 pursuant to Division 15 of the Streets and Highways Code of the State of California, known as the "Landscape and Lighting Act of 1972," on that area

designated "City of Brea Landscape and Lighting Assessment District No. 5," an area encompassed by Final Tract Nos. 9111, 9414, & 9473 and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

4. A general description of the improvements proposed for the aforementioned district is as follows:

The maintenance and possible future replacement of lighting, landscaping and any facilities which are appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, or water, irrigation, drainage, or electrical facilities. Said maintenance and servicing of said lighting shall be in the area of Tract Nos. 9111, 9414 and 9473. Said landscaping and related facilities shall be in the lettered lots, common parking bays and related planters within Final Tract Nos. 9111, 9414, and 9473.

5. Reference hereby is made to the report of the Director of Public Works relating to the said assessment district herein above approved. Said report is on file with the City Clerk of the City of Brea and contains a full and detailed description of the improvements, the boundaries of the assessment district and contains the proposed assessments upon assessable lots and parcels of land within City of Brea Landscape and Lighting Assessment District No. 5 for fiscal year 2025-2026. Said proposed assessment per lot is in the amount of \$1082.35, as detailed in said report of the Director of Public Works.

6. This Council hereby fixes 7:00 p.m. on June 17, 2025, in the Council Chambers, Brea Civic and Cultural Center, 1 Civic Center Circle, Brea, California, as the time and place for a hearing before this Council on the question of the levy of the proposed

assessments on City of Brea Landscape and Lighting Assessment District No. 5 for fiscal year 2025-2026 and hereby gives notice of said hearing.

7. The City Clerk shall do the following:

a. Certify to the adoption of this Resolution;

b. Cause a true and correct copy of this Resolution to be published once in a newspaper of general circulation located within the City of Brea at least ten days prior to June 17, 2025.

APPROVED AND ADOPTED this 15th day of April, 2025.

Mayor

ATTEST: _____
City Clerk

I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brea held on the 15th day of April, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAINED: COUNCIL MEMBERS:

DATED: _____

City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 5

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 5 INCLUDES ALL THE PROPERTIES IN THE CITY OF BREA LOCATED WITHIN THE TRACT BOUNDARY OF TRACT NO. 9111 RECORDED IN BOOK 374, PAGES 24, 25 AND 26 OF TRACT NO. 9414 RECORDED IN BOOK 409, PAGES 8 AND 9, AND OF TRACT NO. 9473 RECORDED IN BOOK 291, PAGES 26, 27 AND 28, ALL OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BREA APPROVING THE REPORT FILED PURSUANT TO SECTION 22623 OF THE STREETS AND HIGHWAYS CODE WITH RESPECT TO CITY OF BREA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 6 AND FIXING AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF AN ASSESSMENT ON SAID DISTRICT FOR FISCAL YEAR 2025-2026

A. RECITALS:

(i) This Council heretofore adopted a resolution creating City of Brea Landscape and Lighting Assessment District No. 6 pursuant to Division 15 of the California Streets and Highways Code.

(ii) The Director of Public Works has prepared, filed with the City Clerk and presented to this Council a report relating to said assessment pursuant to the provisions of Section 22623 of the California Streets and Highways Code.

B. RESOLUTION:

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

1. In all respects as set forth in the Recitals, Part A, of this Resolution.
2. The above-described report submitted by the Director of Public Works relating to City of Brea Landscape and Lighting Assessment District No. 6 is hereby approved as filed.
3. This Council hereby declares its intention to levy and collect assessments during fiscal year 2025-2026 pursuant to Division 15 of the Streets and Highways Code of

the State of California, known as the "Landscape and Lighting Act of 1972," on that area designated "City of Brea Landscape and Lighting Assessment District No. 6," an area encompassed by Final Tract Nos. 8820, 9531, and 9532, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

4. A general description of the improvements proposed for the aforementioned district is as follows:

The maintenance and possible future replacement of lighting, landscaping and any facilities which are appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, or water, irrigation, drainage, or electrical facilities. Said maintenance and servicing of said lighting shall be in the area of Tract Nos. 8820, 9531, and 9532. Said landscaping and related facilities shall be in the lettered lots, common parking bays and related planters within Final Tract Nos. 8820, 9531, and 9532.

5. Reference hereby is made to the report of the Director of Public Works relating to the said assessment district herein above approved. Said report is on file with the City Clerk of the City of Brea and contains a full and detailed description of the improvements, the boundaries of the assessment district and contains the proposed assessments upon assessable lots and parcels of land within City of Brea Landscape and Lighting Assessment District No. 6 for fiscal year 2025-2026. Said proposed assessment per lot is in the amount of \$1750.35, as detailed in said report of the Director of Public Works.

6. This Council hereby fixes 7:00 p.m. on June 17, 2025, in the Council Chambers, Brea Civic and Cultural Center, 1 Civic Center Circle, Brea, California, as the time and place for a hearing before this Council on the question of the levy of the proposed assessments on City of Brea Landscape and Lighting Assessment District No. 6 for fiscal year 2025-2026 and hereby gives notice of said hearing.

7. The City Clerk shall do the following:

- a. Certify to the adoption of this Resolution;
- b. Cause a true and correct copy of this Resolution to be published once in a newspaper of general circulation located within the City of Brea at least ten days prior to June 17, 2025.

APPROVED AND ADOPTED this 15th day of April, 2025.

Mayor

ATTEST: _____
City Clerk

I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brea held on the 15th day of April, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAINED: COUNCIL MEMBERS:

DATED: _____

City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 6

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 6 INCLUDES ALL THE PROPERTIES IN THE CITY OF BREA LOCATED WITHIN THE TRACT BOUNDARY OF TRACT NO. 8820, RECORDED IN BOOK 454, PAGES 19 THROUGH 24 INCLUSIVE, TRACT NO. 9531, RECORDED IN BOOK 423, PAGES 24 THROUGH 28 INCLUSIVE, AND TRACT NO. 9532 RECORDED IN BOOK 454, PAGES 25 THROUGH 28, ALL OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BREA APPROVING THE REPORT FILED PURSUANT TO SECTION 22623 OF THE STREETS AND HIGHWAYS CODE WITH RESPECT TO CITY OF BREA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 7 AND FIXING AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF AN ASSESSMENT ON SAID DISTRICT FOR FISCAL YEAR 2025-2026

A. RECITALS:

(i) This Council heretofore adopted a resolution creating City of Brea Landscape and Lighting Assessment District No. 7 pursuant to Division 15 of the California Streets and Highways Code.

(ii) The Director of Public Works has prepared, filed with the City Clerk and presented to this Council a report relating to said assessment pursuant to the provisions of Section 22623 of the California Streets and Highways Code.

B. RESOLUTION:

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

1. In all respects as set forth in the Recitals, Part A, of this Resolution.
2. The above-described report submitted by the Director of Public Works relating to City of Brea Landscape and Lighting Assessment District No. 7 is hereby approved as filed.
3. This Council hereby declares its intention to levy and collect assessments during fiscal year 2025-2026 pursuant to Division 15 of the Streets and Highways Code of

the State of California, known as the "Landscape and Lighting Act of 1972," on that area designated "City of Brea Landscape and Lighting Assessment District No. 7," an area encompassed by Final Tract Nos. 14658, 14657, 15070 and 14656, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

4. A general description of the improvements proposed for the aforementioned district is as follows:

The maintenance and possible future replacement of lighting, landscaping and any facilities which are appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, or water, irrigation, drainage, or electrical facilities. Said maintenance and servicing of said lighting shall be in the area of Tract Nos. 14658, 14657, 15070 and 14656. Said landscaping and related facilities shall be in the lettered lots, common parking bays and related planters within Final Tract Nos. 14658, 14657, 15670 and 14656.

5. Reference hereby is made to the report of the Director of Public Works relating to the said assessment district herein above approved. Said report is on file with the City Clerk of the City of Brea and contains a full and detailed description of the improvements, the boundaries of the assessment district and contains the proposed assessments upon assessable lots and parcels of land within City of Brea Landscape and Lighting Assessment District No. 7 for fiscal year 2025-2026. Said proposed assessment per lot is in the amount of \$365.08, as detailed in said report of the Director of Public Works.

6. This Council hereby fixes 7:00 p.m. on June 17, 2025, in the Council Chambers, Brea Civic and Cultural Center, 1 Civic Center Circle, Brea, California, as the time and place for a hearing before this Council on the question of the levy of the proposed assessments on City of Brea Landscape and Lighting Assessment District No. 7 for fiscal year 2025-2026 and hereby gives notice of said hearing.

7. The City Clerk shall do the following:

- a. Certify to the adoption of this Resolution;
- b. Cause a true and correct copy of this Resolution to be published once in a newspaper of general circulation located within the City of Brea at least ten days prior to June 17, 2025.

APPROVED AND ADOPTED this 15th day of April, 2025.

Mayor

ATTEST: _____
City Clerk

I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brea held on the 15th day of April, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAINED: COUNCIL MEMBERS:

DATED: _____

City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 7

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 7 INCLUDES ALL THE PROPERTIES IN THE CITY OF BREA LOCATED WITHIN THE TRACT BOUNDARY OF TRACT NO. 14656, RECORDED IN BOOK 746, PAGES 47 THROUGH 49 INCLUSIVE, TRACT NO. 14658, RECORDED IN BOOK 724, PAGES 9 THROUGH 11 INCLUSIVE, TRACT NO. 14657 RECORDED IN BOOK 733, PAGES 15 THROUGH 17 INCLUSIVE, TRACT NO. 15070, RECORDED IN BOOK 738, PAGES 27 THROUGH 30 INCLUSIVE, ALL OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

**Landscape and Lighting
Maintenance District
No. 1**

City of Brea

Prepared under the authority of the
Landscape and Lighting Act of 1972
Streets and Highways Code
State of California

Fiscal Year 2025-26

Submitted by:

**Michael Ho
Director of Public Works**

April 15, 2025

TABLE OF CONTENTS

	Page
Letter of Transmittal	
Report	
Introduction and Background.....	1
Part A - Plans and Specifications	2
Part B - Estimate of Cost.....	3
Part C - Method of Apportionment of Assessment.....	4
Part D - Assessment Roll	5
Part E - Assessment District Boundary	6



April 15, 2025

Honorable Mayor and City Council
City of Brea
1 Civic Center Circle
Brea, CA 92821-5732

Re: Engineer's Report, Landscape & Lighting Maintenance District No. 1

Transmitted herewith for your review and consideration is a report entitled, "Landscape and Lighting Maintenance District No. 1, City of Brea."

This report has been prepared in accordance with the Landscape and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code. The report includes all the requirements of the Landscape and Lighting Act of 1972 and the Streets and Highways Code, with particular reference to annual assessments after formation thereof of the District.

The report is submitted herewith for consideration at your next meeting to set a hearing date for the purpose of levying an annual assessment (Streets and Highways Code, Section 22620 to Section 22631).

Respectfully submitted,

Michael Ho P.E., Director
Public Works Department

Blair Stewart
Mayor

Cecilia Hupp
Mayor Pro Tem

Christine Marick
Council Member

Marty Simonoff
Council Member

Steven Vargas
Council Member

Introduction and Background

Introduction:

This report has been prepared and is submitted for consideration by the City Council of the City of Brea under the authority of the Landscaping and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code.

Background:

The City Council of the City of Brea adopted and approved Resolution Nos. 82-57 and 82-58 detaching certain territory from Landscape and Lighting Maintenance District No. 1 adopted by Resolution No. 76-74 and adopted Resolution No. 82-59 creating amended Maintenance District No. 1 in the City of Brea.

The creating of Lighting and Maintenance District No. 1 in the City of Brea was a requirement of the City of Brea for the development of Tentative Tract No. 8820, known as the "Canyon Country" development project. The amended Landscape and Lighting Maintenance District No. 1 was subsequently formed June 1, 1982 by Resolution No. 82-59.

The formation of the amended district and the levy of the first annual assessment was completed in accordance with the requirements of the Landscaping and Lighting Act of 1972 on June 1, 1982.

The purpose of this report is to be utilized by the City Staff, the City Council, and the County Assessor in the levy and collection of an annual assessment after formation of an assessment district under the requirements of the Landscaping and Lighting Act of 1972 (State of California and Highways Code, Section 22620 to 22631).

PART A PLANS AND SPECIFICATIONS

The facilities, which consist of greenbelt areas and theme lighting, will be operated, serviced and maintained as generally described as follows:

Landscaping and Appurtenant Facilities

Facilities include but are not limited to: landscaping, planting, shrubbery, trees, irrigation systems, hardscapes, fixtures, sidewalk maintenance resulting from landscape growth and appurtenant facilities, in Public Street and sidewalk rights-of-way, including medians, parkways and dedicated easements within the boundaries of the Assessment District.

Lighting, Traffic Signals and Appurtenant Facilities

Facilities include but are not limited to: Poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting and traffic signals in public street and sidewalk rights-of-way and dedicated easements within the boundaries of the Assessment District.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the public lighting facilities or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or operation of the landscaping or appurtenant facilities.

The plans and specifications for the improvements, showing and describing the general nature, location, and the extent of the improvements, are on file in the office of the Director of Public Works and are incorporated herein by reference.

PART B ESTIMATE OF COST

The estimated cost of the operation, servicing and maintenance of the street and sidewalk improvements for Fiscal Year 2025-26, as described in Part A, are summarized herein and described below.

MAINTENANCE DISTRICT # 1 - ANNUAL COST FACTORS

Acct #	Description	FY 25-26 Est.
1. Fixed Costs		Expenses
4111	Salaries & Benefits	\$15,600
4113	Overtime	\$102
4243	Engineering	\$0
4244	Legal	\$75
4412	Property Tax Collection	\$180
	Fixed Costs Totals	\$15,957
2. ROUTINE COSTS		
4211	Postage	\$102
4249	Professional Svs/Other	\$3,000
4261	Svc & Repair Equipment	\$400
4266	Contract Services/Grounds Maintenance	\$17,300
4282	Electric	\$1,400
4285	Water	\$21,500
4337	Electrical Supplies & Parts	\$200
4441	Miscellaneous Expense	\$0
5800	Insurance and Other Expenses	\$1,655
	Routine Costs Totals	\$45,557
	Total Costs (Fixed & Routine)	\$61,514
	Est. Fund Balance as of 1-Jul-2025	\$16,384
	Projected Reserve Balance 30-Jun-2026	\$10,799
	FY 2025-26 Annual Assessments	\$55,929

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the Districts. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the Districts by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

PART C

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include construction, operation, maintenance and servicing of street lights, traffic signals and landscaping.

Section 22573 of the Landscaping and Lighting Act of 1972 (the 1972 Act) requires that maintenance assessments be levied according to benefit rather than according to assessed value. This section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements." (Sec. 22574). Thus, the 1972 Act requires the levy of a true "assessment" based on the actual benefit rather than a "special tax."

ASSESSMENT METHODOLOGY

The parcels of land in the District are single family residential (SFR) lots, with each of these lots benefiting equally from the improvements being maintained. Therefore, the costs associated with the landscaping and lighting within and directly adjacent to the tract will be apportioned on a residential lot basis as follows:

$$\$55,929 / 103 \text{ SFR's} = \$543.00 / \text{SFR}$$

PART D ASSESSMENT ROLL

The amount of the total proposed assessment for Fiscal Year 2025-26 apportioned to each lot or parcel within the District, as shown on the latest assessment roll at the Orange County Assessor's Office, is contained in the Assessment Roll provided below.

The description of each lot or parcel is part of the Orange County assessment roll and this roll is, by reference, made part of this Report.

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
1	31920129	1	9121	\$543.00	36	31921217	8	9342	\$543.00	71	31921328	39	9341	\$543.00
2	31920128	2	9121	\$543.00	37	31921216	9	9342	\$543.00	72	31921329	40	9341	\$543.00
3	31920127	3	9121	\$543.00	38	31921201	10	9342	\$543.00	73	31921330	41	9341	\$543.00
4	31920126	4	9121	\$543.00	39	31921202	11	9342	\$543.00	74	31921331	42	9341	\$543.00
5	31920125	5	9121	\$543.00	40	31921203	12	9342	\$543.00	75	31921327	1	9341	\$543.00
6	31920124	6	9121	\$543.00	41	31921204	13	9342	\$543.00	76	31921328	2	9341	\$543.00
7	31920123	7	9121	\$543.00	42	31921205	14	9342	\$543.00	77	31921329	3	9341	\$543.00
8	31920122	8	9121	\$543.00	43	31921206	15	9342	\$543.00	78	31921330	4	9341	\$543.00
9	31920121	9	9121	\$543.00	44	31921207	16	9342	\$543.00	79	31921331	5	9341	\$543.00
10	31920120	10	9121	\$543.00	45	31921208	17	9342	\$543.00	80	31921332	6	9341	\$543.00
11	31920119	11	9121	\$543.00	46	31921209	18	9342	\$543.00	81	31921333	7	9341	\$543.00
12	31920118	12	9121	\$543.00	47	31921210	19	9342	\$543.00	82	31921334	8	9341	\$543.00
13	31920117	13	9121	\$543.00	48	31921212	20	9342	\$543.00	83	31921335	9	9341	\$543.00
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20	31920110	20	9121	\$543.00	55	31921103	27	9342	\$543.00	90	31921304	16	9341	\$543.00
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23	31920107	23	9121	\$543.00	58	31921106	30	9342	\$543.00	93	31921301	19	9341	\$543.00
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25	31920105	25	9121	\$543.00	60	31921108	32	9342	\$543.00	95	31921316	21	9341	\$543.00
26	31920104	26	9121	\$543.00	61	31921109	33	9342	\$543.00	96	31921315	22	9341	\$543.00
27	31920103	27	9121	\$543.00	62	31921319	30	9341	\$543.00	97	31921314	23	9341	\$543.00
28	31920102	28	9121	\$543.00	63	31921320	31	9341	\$543.00	98	31921313	24	9341	\$543.00
29	31921224	1	9342	\$543.00	64	31921321	32	9341	\$543.00	99	31921312	25	9341	\$543.00
30	31921223	2	9342	\$543.00	65	31921322	33	9341	\$543.00	100	31921311	26	9341	\$543.00
31	31921222	3	9342	\$543.00	66	31921323	34	9341	\$543.00	101	31921310	27	9341	\$543.00
32	31921221	4	9342	\$543.00	67	31921324	35	9341	\$543.00	102	31921308	28	9341	\$543.00
33	31921220	5	9342	\$543.00	68	31921325	36	9341	\$543.00	103	31921309	29	9341	\$543.00
34	31921219	6	9342	\$543.00	69	31921326	37	9341	\$543.00					
35	31921218	7	9342	\$543.00	70	31921327	38	9341	\$543.00					

PART E

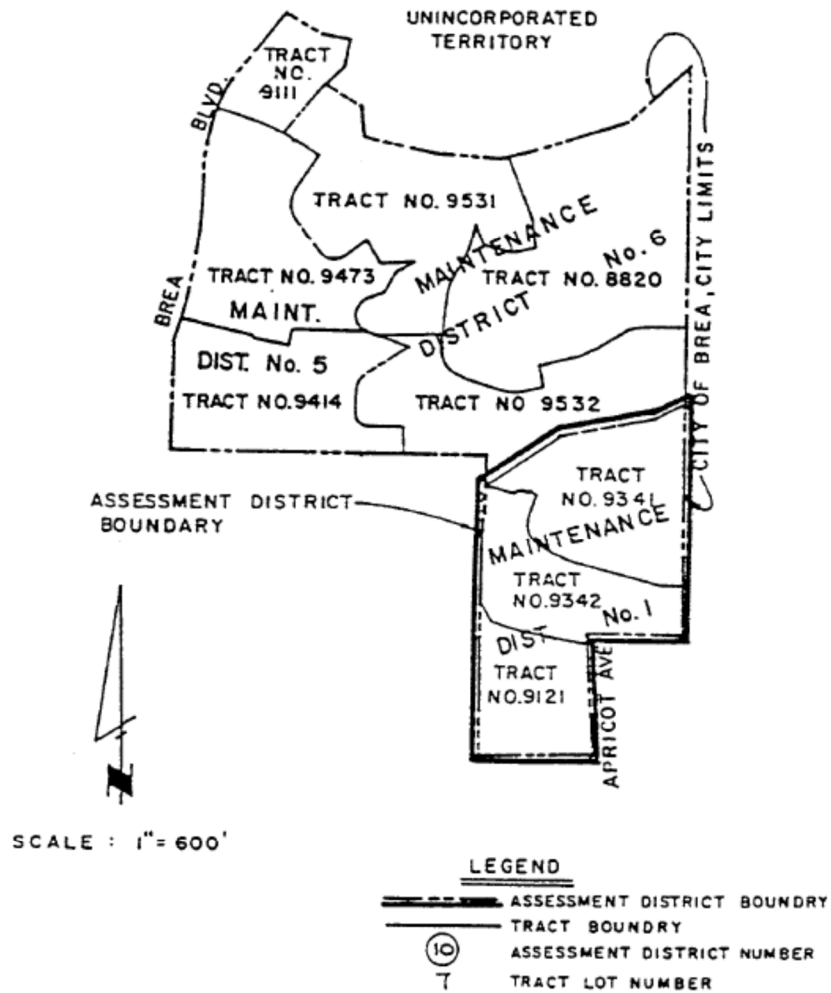
ASSESSMENT DISTRICTS' BOUNDARIES

A diagram of the boundaries of Landscape and Lighting Maintenance District No. 1 is included herein.

District No. 1 is generally located east, north of State College Boulevard, adjacent to Fanning School, and includes Tract Nos. 9121, 9341 and 9342.

District No. 1 includes all of the properties in the City of Brea located within the tract boundary of Tract No. 9121 recorded in Book 378, Pages 49 and 50; Tract No. 9341 recorded in Book 395, Pages 28, 29 and 30; and of Tract No. 9342 recorded in Book 386, Pages 41, 42 and 43, all of Miscellaneous Maps, records of Orange County, California.

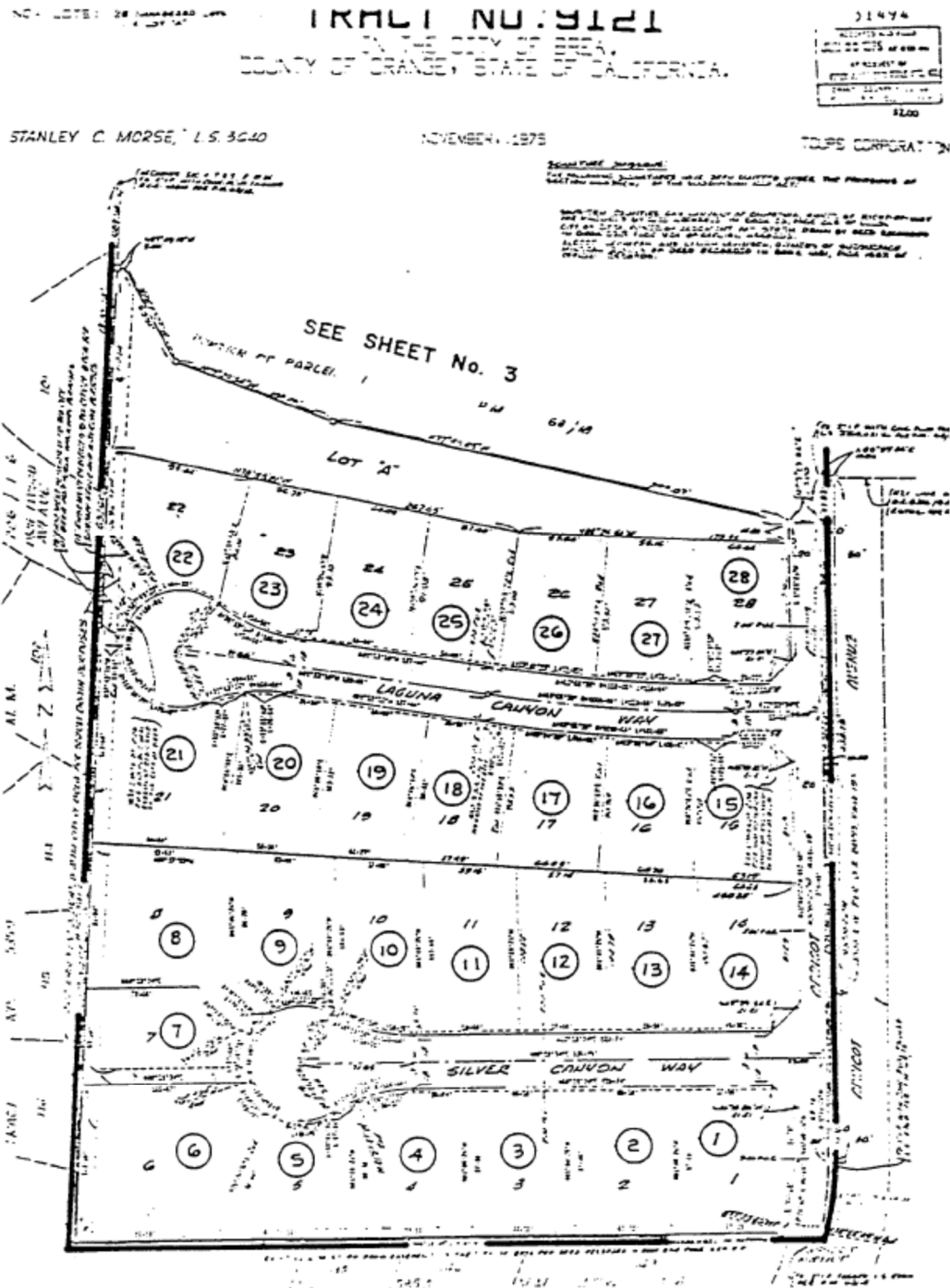
Also, the lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the Assessor of the County of Orange for Fiscal Year 2025-26. The Assessor's maps and records are incorporated by reference herein and made part of this report.



103 PARCELS

SHEET 1 OF

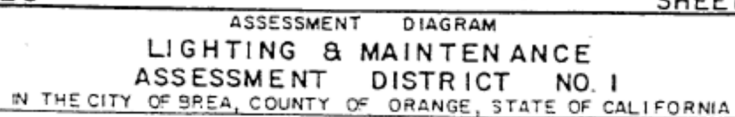
ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 1
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA



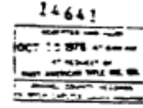
103 PARCELS

SHEET 2 OF 6

ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 1
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA



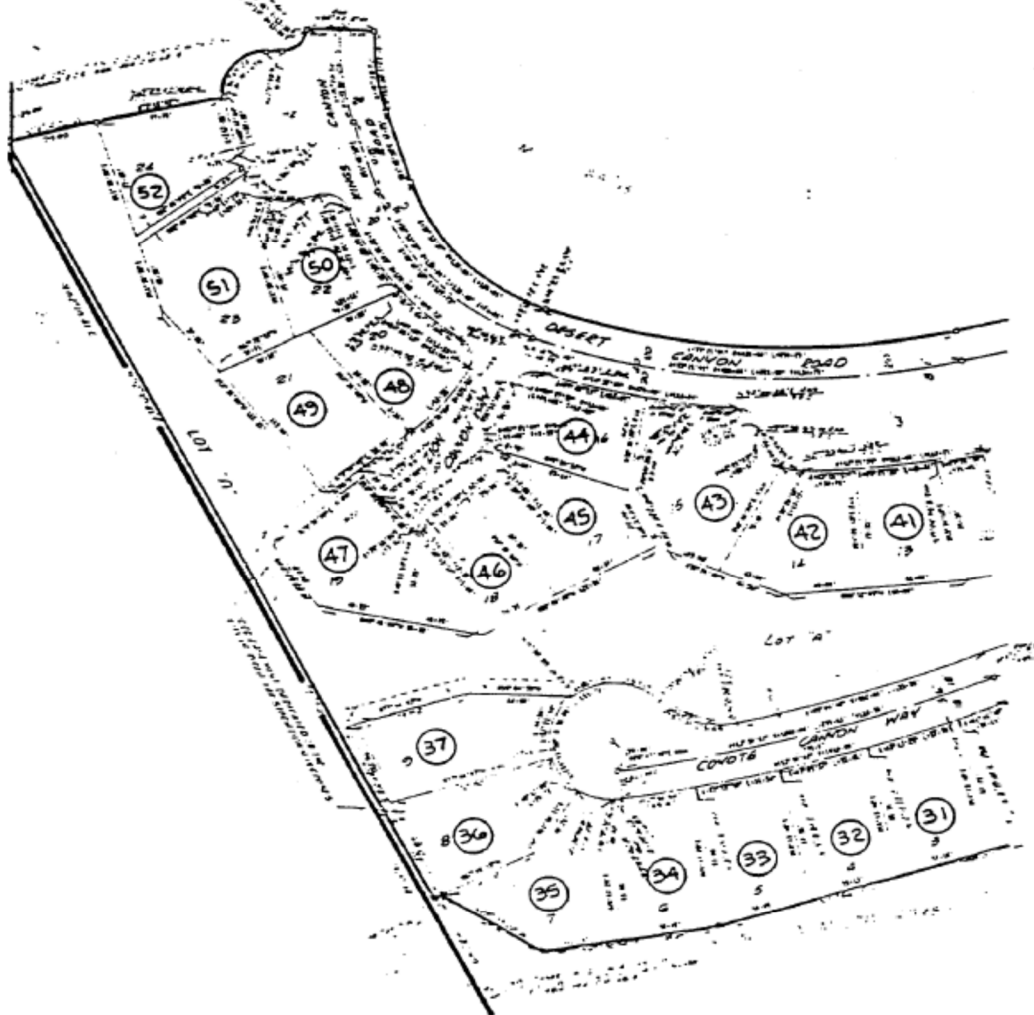
TRACT NO. 9342



NOVEMBER 1978

TRUST CORPORATION

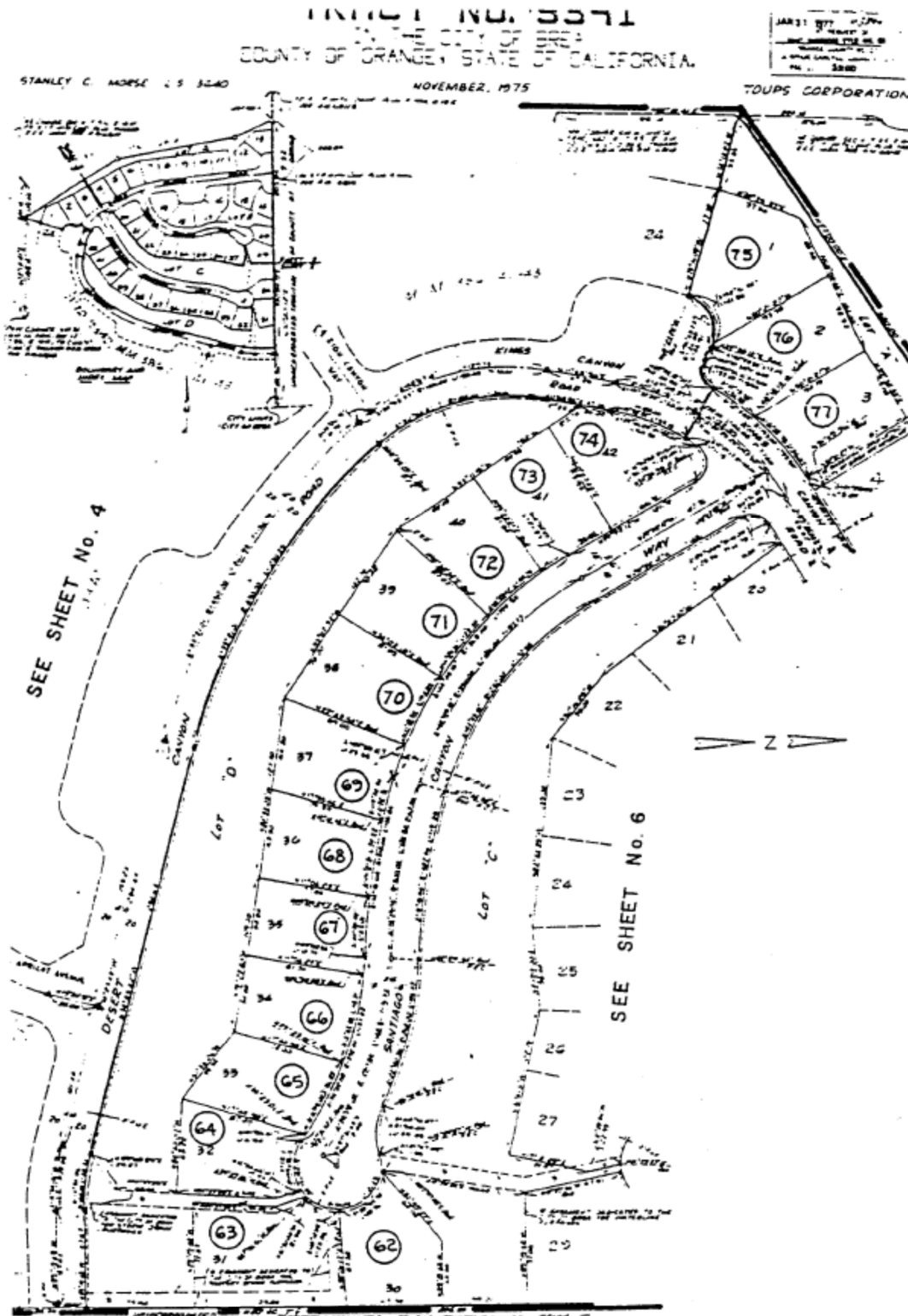
SEE SHEET No. 5



103 PARCELS

SHEET 4 OF 6

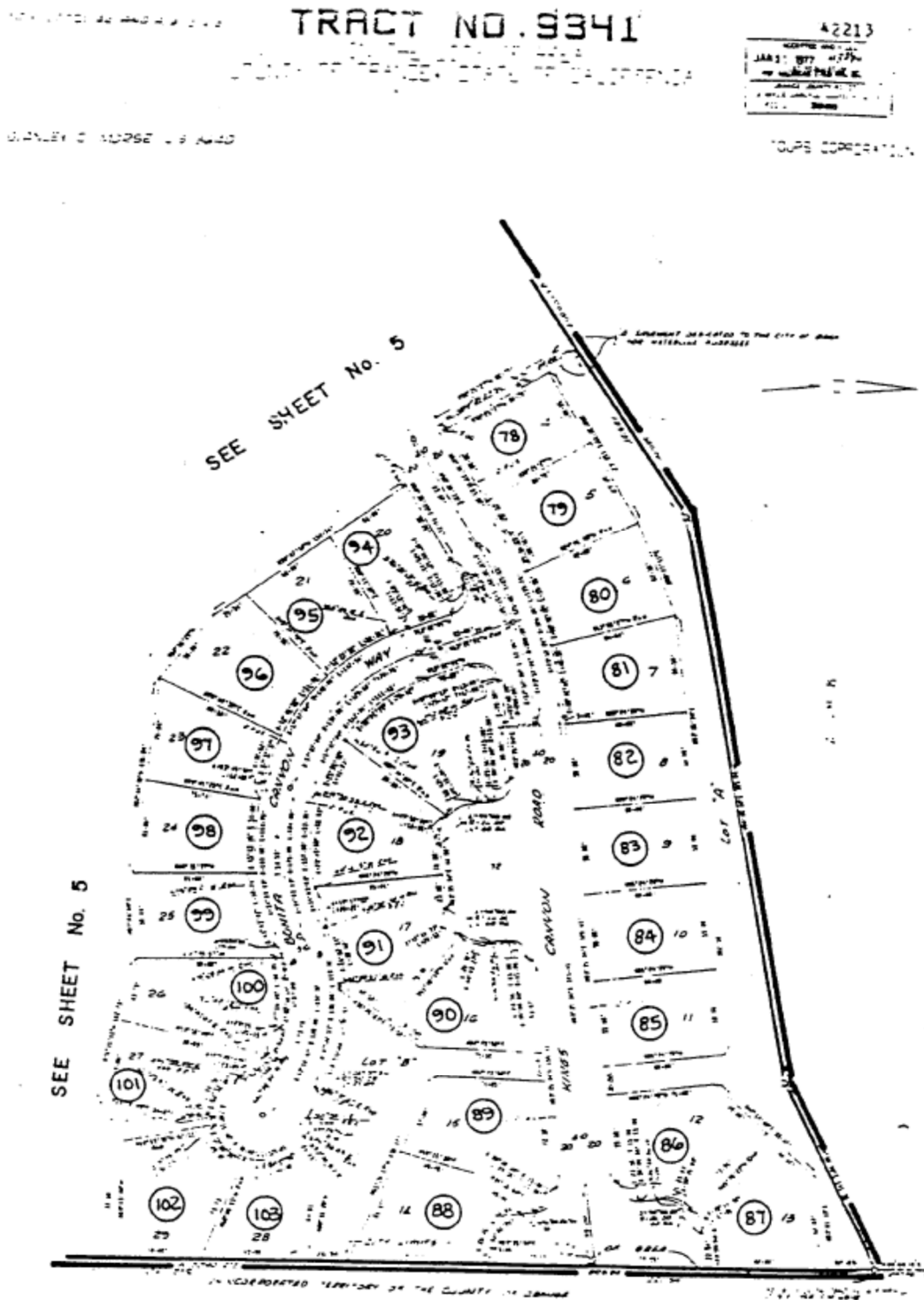
ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 1
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA



103 PARCELS

SHEET 5 OF 6

ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 1
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA



103 PARCELS

SHEET 6 OF 6

ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 1
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA

**Lighting
Maintenance District
No. 2
City of Brea**

**Prepared under the authority of the
Landscaping and Lighting Act of 1972
Streets and Highways Code
State of California**

Fiscal Year 2025-26

Submitted by:

**Michael Ho
Director of Public Works**

April 15, 2025

TABLE OF CONTENTS

	Page
Letter of Transmittal	
Report	
Introduction and Background.....	1
Part A - Plans and Specifications	2
Part B - Estimate of Cost.....	3
Part C - Method of Apportionment of Assessment.....	4
Part D - Assessment Roll	5
Part E - Assessment District Boundary	7



April 15, 2025

Honorable Mayor and City Council
City of Brea
1 Civic Center Circle
Brea, CA 92821-5732

Re: Engineer's Report, Lighting Maintenance District No. 2

Transmitted herewith for your review and consideration is a report entitled, "Lighting Maintenance District No. 2, City of Brea."

This report has been prepared in accordance with the Landscaping and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code. The report includes all the requirements of the Landscaping and Lighting Act of 1972 and the Streets and Highways Code, with particular reference to annual assessments after formation thereof of the District.

The report is submitted herewith for consideration at your next meeting to set a hearing date for the purpose of levying an annual assessment (Streets and Highways Code, Section 22620 to Section 22631).

Respectfully submitted,

Michael Ho, P.E., Director
Public Works Department

Blair Stewart
Mayor

Cecilia Hupp
Mayor Pro Tem

Christine Marick
Council Member

Marty Simonoff
Council Member

Steven Vargas
Council Member

Introduction and Background

Introduction:

This report has been prepared and is submitted for consideration by the City Council of the City of Brea under the authority of the Landscaping and Landscaping and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code.

Background:

The City Council of the City of Brea adopted and approved Resolution No. 78-76, creating Lighting and Maintenance District No. 2 in the City of Brea.

The creation of Lighting and Maintenance District No. 2 in the City of Brea was a requirement of the City of Brea for the development of Tentative Tract No. 8857, known as "North Hills" development project.

No landscape maintenance is included in this district as the slopes are to be maintained by the homeowner or the homeowners' association, as required by the Conditions of Approval for Tentative Tract No. 8857.

The formation of the district and the levy of the first annual assessment was completed in accordance with the requirements of the Landscaping and Lighting Act of 1972 on July 5, 1978, by City Council Resolution No. 78-76.

The purpose of this report is to be utilized by the staff, the City Council, and the County Assessor in the levy and collection of an annual assessment after formation of an assessment district under the requirements of the Landscaping and Lighting Act of 1972 (State of California Streets and Highways Code, Section 22620 to 22631).

PART A PLANS AND SPECIFICATIONS

The facilities, which consist of street lighting, will be operated, serviced and maintained as generally described as follows:

Lighting, Traffic Signals and Appurtenant Facilities

Facilities include but are not limited to: Poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting and traffic signals in public street and sidewalk rights-of-way and dedicated easements within the boundaries of the Assessment District.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the public lighting facilities or appurtenant facilities; providing for the cleaning, sandblasting, and painting of poles and other improvements for general upkeep and to remove or cover graffiti.

Servicing means the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or appurtenant facilities.

The plans and specifications for the improvements, showing and describing the general nature, location, and the extent of the improvements, are on file in the office of the Director of Public Works and are incorporated herein by reference.

PART B ESTIMATE OF COST

The estimated cost of the operation, servicing and maintenance of the street and sidewalk improvements for Fiscal Year 2025-26, as described in Part A, are summarized herein and described below.

MAINTENANCE DISTRICT # 2 - ANNUAL COST FACTORS

Acct #	Description	FY 25-26 Est.
1. Fixed Costs		Expenses
4111	Salaries & Benefits	\$5,044
4113	Overtime	\$100
4243	Engineering	\$0
4244	Legal	\$75
4412	Property Tax Collection	\$20
	Fixed Costs Totals	\$5,239
2. ROUTINE COSTS		
4211	Postage	\$152
4261	Repairs to Equipment	\$1,428
4337	Electrical Supplies	\$1,020
4441	Miscellaneous Expense	\$0
5800	Insurance and Other Expenses	\$540
	Routine Costs Totals	\$3,140
	Total Costs (Fixed & Routine)	\$8,379
	Est. Fund Balance as of 1-Jul-2025	\$34,198
	Projected Reserve Balance 30-Jun-2026	\$31,314
	FY 2025-26 Annual Assessments	\$5,495

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the Districts. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the Districts by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

PART C

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include construction, operation, maintenance and servicing of street lights, traffic signals and landscaping.

Section 22573 of the Landscaping and Landscaping and Lighting Act of 1972 (the 1972 Act) requires that maintenance assessments be levied according to benefit rather than according to assessed value. This section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements." (Sec. 22574). Thus, the 1972 Act requires the levy of a true "assessment" based on the actual benefit rather than a "special tax."

ASSESSMENT METHODOLOGY

The North Hills Development project (Tract Nos. 9227, 9228 and 8857 in the City of Brea) was developed under conditions of development required by the City Council of the City of Brea.

The parcels of land in the District are single-family residential (SFR) lots, with each of these lots benefiting equally from the improvements being maintained. Therefore, the costs associated with the landscaping and lighting within and directly adjacent to the tract will be apportioned on a residential lot basis as follows:

$$\text{\$5,495} / 297 \text{ SFR's} = \text{\$18.50} / \text{SFR}$$

PART D ASSESSMENT ROLL

The amount of the total proposed assessment for fiscal year 2025-26 apportioned to each lot or parcel within the District, as shown on the latest assessment roll at the Orange County Assessor's Office, is contained in the Assessment Roll provided below.

The description of each lot or parcel is part of the Orange County assessment roll and this roll is, by reference, made part of this Report.

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
1	30424201	13	9227	\$18.50	41	30425224	53	9227	\$18.50	81	30424108	93	9227	\$18.50
2	30424202	14	9227	\$18.50	42	30425225	54	9227	\$18.50	82	30424107	94	9227	\$18.50
3	30424203	15	9227	\$18.50	43	30425226	55	9227	\$18.50	83	30424106	95	9227	\$18.50
4	30424204	16	9227	\$18.50	44	30425227	56	9227	\$18.50	84	30424105	96	9227	\$18.50
5	30424205	17	9227	\$18.50	45	30425228	57	9227	\$18.50	85	30424104	97	9227	\$18.50
6	30424206	18	9227	\$18.50	46	30425229	58	9227	\$18.50	86	30424103	98	9227	\$18.50
7	30424207	19	9227	\$18.50	47	30425230	59	9227	\$18.50	87	30424102	99	9227	\$18.50
8	30424208	21	9227	\$18.50	48	30425231	60	9227	\$18.50	88	30424101	100	9227	\$18.50
9	30424209	21	9227	\$18.50	49	30425232	61	9227	\$18.50	89	30425112	101	9227	\$18.50
10	30424210	22	9227	\$18.50	50	30425233	62	9227	\$18.50	90	30425111	102	9227	\$18.50
11	30424211	23	9227	\$18.50	51	30425234	63	9227	\$18.50	91	30425110	103	9227	\$18.50
12	30424212	24	9227	\$18.50	52	30425235	64	9227	\$18.50	92	30425109	104	9227	\$18.50
13	30424213	25	9227	\$18.50	53	30425236	65	9227	\$18.50	93	30425108	105	9227	\$18.50
14	30424214	26	9227	\$18.50	54	30425237	66	9227	\$18.50	94	30425107	106	9227	\$18.50
15	30424215	27	9227	\$18.50	55	30425238	67	9227	\$18.50	95	30425106	107	9227	\$18.50
16	30424216	28	9227	\$18.50	56	30425239	68	9227	\$18.50	96	30425105	108	9227	\$18.50
17	30424217	29	9227	\$18.50	57	30425240	69	9227	\$18.50	97	30425104	109	9227	\$18.50
18	30424218	30	9227	\$18.50	58	30425241	70	9227	\$18.50	98	30425103	110	9227	\$18.50
19	30424219	31	9227	\$18.50	59	30425242	71	9227	\$18.50	99	30425102	111	9227	\$18.50
20	30424220	32	9227	\$18.50	60	30425243	72	9227	\$18.50	100	30425101	112	9227	\$18.50
21	30424221	33	9227	\$18.50	61	30425244	73	9227	\$18.50	101	30425111	113	9227	\$18.50
22	30424222	34	9227	\$18.50	62	30425245	74	9227	\$18.50	102	30425110	114	9227	\$18.50
23	30424223	35	9227	\$18.50	63	30425246	75	9227	\$18.50	103	30425109	115	9227	\$18.50
24	30424224	36	9227	\$18.50	64	30425247	76	9227	\$18.50	104	30425108	116	9227	\$18.50
25	30424225	37	9227	\$18.50	65	30425248	77	9227	\$18.50	105	30425107	117	9227	\$18.50
26	30424226	38	9227	\$18.50	66	30425249	78	9227	\$18.50	106	30425106	118	9227	\$18.50
27	30424227	39	9227	\$18.50	67	30424122	79	9227	\$18.50	107	30425105	119	9227	\$18.50
28	30424228	40	9227	\$18.50	68	30424121	80	9227	\$18.50	108	30425104	120	9227	\$18.50
29	30424229	41	9227	\$18.50	69	30424120	81	9227	\$18.50	109	30425103	121	9227	\$18.50
30	30425213	42	9227	\$18.50	70	30424119	82	9227	\$18.50	110	30425102	122	9227	\$18.50
31	30425214	43	9227	\$18.50	71	30424118	83	9227	\$18.50	111	30425101	123	9227	\$18.50
32	30425215	44	9227	\$18.50	72	30424117	84	9227	\$18.50	112	30423501	1	9228	\$18.50
33	30425216	45	9227	\$18.50	73	30424116	85	9227	\$18.50	113	30423502	2	9228	\$18.50
34	30425217	46	9227	\$18.50	74	30424115	86	9221	\$18.50	114	30423503	3	9228	\$18.50
35	30425218	47	9227	\$18.50	75	30424114	87	9227	\$18.50	115	30426221	4	9228	\$18.50
36	30425219	48	9227	\$18.50	76	30424113	88	9227	\$18.50	116	30426222	5	9228	\$18.50
37	30425220	49	9227	\$18.50	77	30424112	89	9227	\$18.50	117	30426223	6	9228	\$18.50
38	30425221	50	9227	\$18.50	78	30424111	90	9227	\$18.50	118	30426224	7	9228	\$18.50
39	30425222	51	9227	\$18.50	79	30424110	91	9227	\$18.50	119	30426225	8	9228	\$18.50
40	30425223	52	9227	\$18.50	80	30424109	92	9227	\$18.50	120	30426226	9	9228	\$18.50

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
121	30423411	10	9228	\$18.50	180	30426105	69	9228	\$18.50	239	30427210	80	8857	\$18.50
122	30423410	11	9228	\$18.50	181	30426104	70	9228	\$18.50	240	30427211	81	8857	\$18.50
123	30423409	12	9228	\$18.50	182	30426103	71	9228	\$18.50	241	30427212	82	8857	\$18.50
124	30423408	13	9228	\$18.50	183	30426102	72	9228	\$18.50	242	30427213	83	8857	\$18.50
125	30423407	14	9228	\$18.50	184	30426101	73	9228	\$18.50	243	30427229	55	8857	\$18.50
126	30423406	15	9228	\$18.50	185	30423307	74	9228	\$18.50	244	30427228	56	8857	\$18.50
127	30423405	16	9228	\$18.50	186	30423308	75	9228	\$18.50	245	30427227	57	8857	\$18.50
128	30423404	17	9228	\$18.50	187	30423309	76	9228	\$18.50	246	30427226	58	8857	\$18.50
129	30423403	18	9228	\$18.50	188	30423301	77	9228	\$18.50	247	30427225	59	8857	\$18.50
130	30423402	19	9228	\$18.50	189	30423302	78	9228	\$18.50	248	30427224	60	8857	\$18.50
131	30423401	20	9228	\$18.50	190	30423303	79	9228	\$18.50	249	30427223	61	8857	\$18.50
132	30426201	21	9228	\$18.50	191	30423304	80	9228	\$18.50	250	30427222	62	8857	\$18.50
133	30426202	22	9228	\$18.50	192	30423201	81	9228	\$18.50	251	30427221	63	8857	\$18.50
134	30426203	23	9228	\$18.50	193	30423202	82	9228	\$18.50	252	30427220	64	8857	\$18.50
135	30426204	24	9228	\$18.50	194	30423115	83	9228	\$18.50	253	30427219	65	8857	\$18.50
136	30426205	25	9228	\$18.50	195	30423116	84	9228	\$18.50	254	30427218	66	8857	\$18.50
137	30426206	26	9228	\$18.50	196	30423117	85	9228	\$18.50	255	30427217	67	8857	\$18.50
138	30426207	27	9228	\$18.50	197	30423118	86	9228	\$18.50	256	30427216	68	8857	\$18.50
139	30426208	28	9228	\$18.50	198	30423119	87	9228	\$18.50	257	30427215	69	8857	\$18.50
140	30426209	29	9228	\$18.50	199	30423120	88	9228	\$18.50	258	30427214	70	8857	\$18.50
141	30426210	30	9228	\$18.50	200	30423121	89	9228	\$18.50	259	30427201	71	8857	\$18.50
142	30426211	31	9228	\$18.50	201	30423122	90	9228	\$18.50	260	30427202	72	8857	\$18.50
143	30426212	32	9228	\$18.50	202	30423123	91	9228	\$18.50	261	30427203	73	8857	\$18.50
144	30426213	33	9228	\$18.50	203	30423101	12	9227	\$18.50	262	30427204	74	8857	\$18.50
145	30426214	34	9228	\$18.50	204	30423102	11	9227	\$18.50	263	30427205	75	8857	\$18.50
146	30426215	35	9228	\$18.50	205	30423103	10	9227	\$18.50	264	30427206	76	8857	\$18.50
147	30426216	36	9228	\$18.50	206	30423104	9	9227	\$18.50	265	30427207	77	8857	\$18.50
148	30426217	37	9228	\$18.50	207	30423105	8	9227	\$18.50	266	30427320	23	8857	\$18.50
149	30426218	38	9228	\$18.50	208	30423106	7	9227	\$18.50	267	30427319	24	8857	\$18.50
150	30426219	39	9228	\$18.50	209	30423107	6	9227	\$18.50	268	30427318	25	8857	\$18.50
151	30426220	40	9228	\$18.50	210	30423108	5	9227	\$18.50	269	30427317	26	8857	\$18.50
152	30426133	41	9228	\$18.50	211	30423109	4	9227	\$18.50	270	30427316	27	8857	\$18.50
153	30426132	42	9228	\$18.50	212	30423110	3	9227	\$18.50	271	30427315	28	8857	\$18.50
154	30426131	43	9228	\$18.50	213	30423111	2	9227	\$18.50	272	30427314	29	8857	\$18.50
155	30426130	44	9228	\$18.50	214	30423112	1	9227	\$18.50	273	30427313	30	8857	\$18.50
156	30426129	45	9228	\$18.50	215	30423124	1	8857	\$18.50	274	30427312	31	8857	\$18.50
157	30426128	46	9228	\$18.50	216	30423125	2	8857	\$18.50	275	30427311	32	8857	\$18.50
158	30426127	47	9228	\$18.50	217	30427339	3	8857	\$18.50	276	30427310	33	8857	\$18.50
159	30426126	48	9228	\$18.50	218	30427338	4	8857	\$18.50	277	30427309	34	8857	\$18.50
160	30426125	49	9228	\$18.50	219	30427337	5	8857	\$18.50	278	30427308	35	8857	\$18.50
161	30426124	50	9228	\$18.50	220	30427336	6	8857	\$18.50	279	30427307	36	8857	\$18.50
162	30426123	51	9228	\$18.50	221	30427335	7	8857	\$18.50	280	30427306	37	8857	\$18.50
163	30426122	52	9228	\$18.50	222	30427334	8	8857	\$18.50	281	30427305	38	8857	\$18.50
164	30426121	53	9228	\$18.50	223	30427333	9	8857	\$18.50	282	30427304	39	8857	\$18.50
165	30426120	54	9228	\$18.50	224	30427332	10	8857	\$18.50	283	30427303	40	8857	\$18.50
166	30426119	55	9228	\$18.50	225	30427331	11	8857	\$18.50	284	30427302	41	8857	\$18.50
167	30426118	56	9228	\$18.50	226	30427330	12	8857	\$18.50	285	30427301	42	8857	\$18.50
168	30426117	57	9228	\$18.50	227	30427329	13	8857	\$18.50	286	30427101	43	8857	\$18.50
169	30426116	58	9228	\$18.50	228	30427328	14	8857	\$18.50	287	30427102	44	8857	\$18.50
170	30426115	59	9228	\$18.50	229	30423203	15	8857	\$18.50	288	30427103	45	8857	\$18.50
171	30426114	60	9228	\$18.50	230	30427327	16	8857	\$18.50	289	30427104	46	8857	\$18.50
172	30426113	61	9228	\$18.50	231	30427326	17	8857	\$18.50	290	30427105	47	8857	\$18.50
173	30426112	62	9228	\$18.50	232	30427325	18	8857	\$18.50	291	30427106	48	8857	\$18.50
174	30426111	63	9228	\$18.50	233	30427324	19	8857	\$18.50	292	30427107	49	8857	\$18.50
175	30426110	64	9228	\$18.50	234	30427323	20	8857	\$18.50	293	30427108	50	8857	\$18.50
176	30426109	65	9228	\$18.50	235	30427322	21	8857	\$18.50	294	30427109	51	8857	\$18.50
177	30426108	66	9228	\$18.50	236	30427321	22	8857	\$18.50	295	30427110	52	8857	\$18.50
178	30426107	67	9228	\$18.50	237	30427208	78	8857	\$18.50	296	30427111	53	8857	\$18.50
179	30426106	68	9228	\$18.50	238	30427209	79	8857	\$18.50	297	30427112	54	8857	\$18.50

PART E

ASSESSMENT DISTRICTS' BOUNDARIES

A diagram of the boundaries of Lighting Maintenance District No. 2 is included herein.

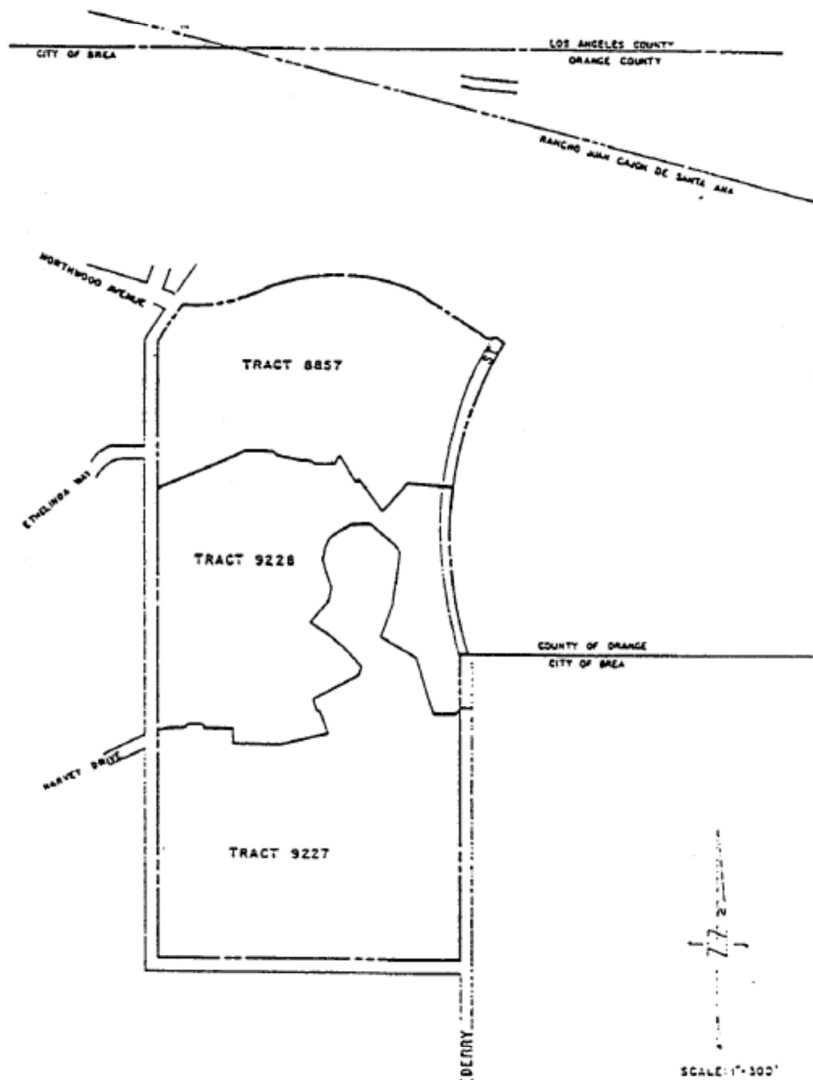
District No. 2 is generally located west of Berry Street, north of Central Avenue, and south of Northwood Avenue.

The boundaries of District No. 2 are described as "being the boundary of Annexation No. 8-74 to the City of Brea, County of Orange, State of California."

Also, the lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the Assessor of the County of Orange for fiscal year 2025-26. The Assessor's maps and records are incorporated by reference herein and made part of this report.

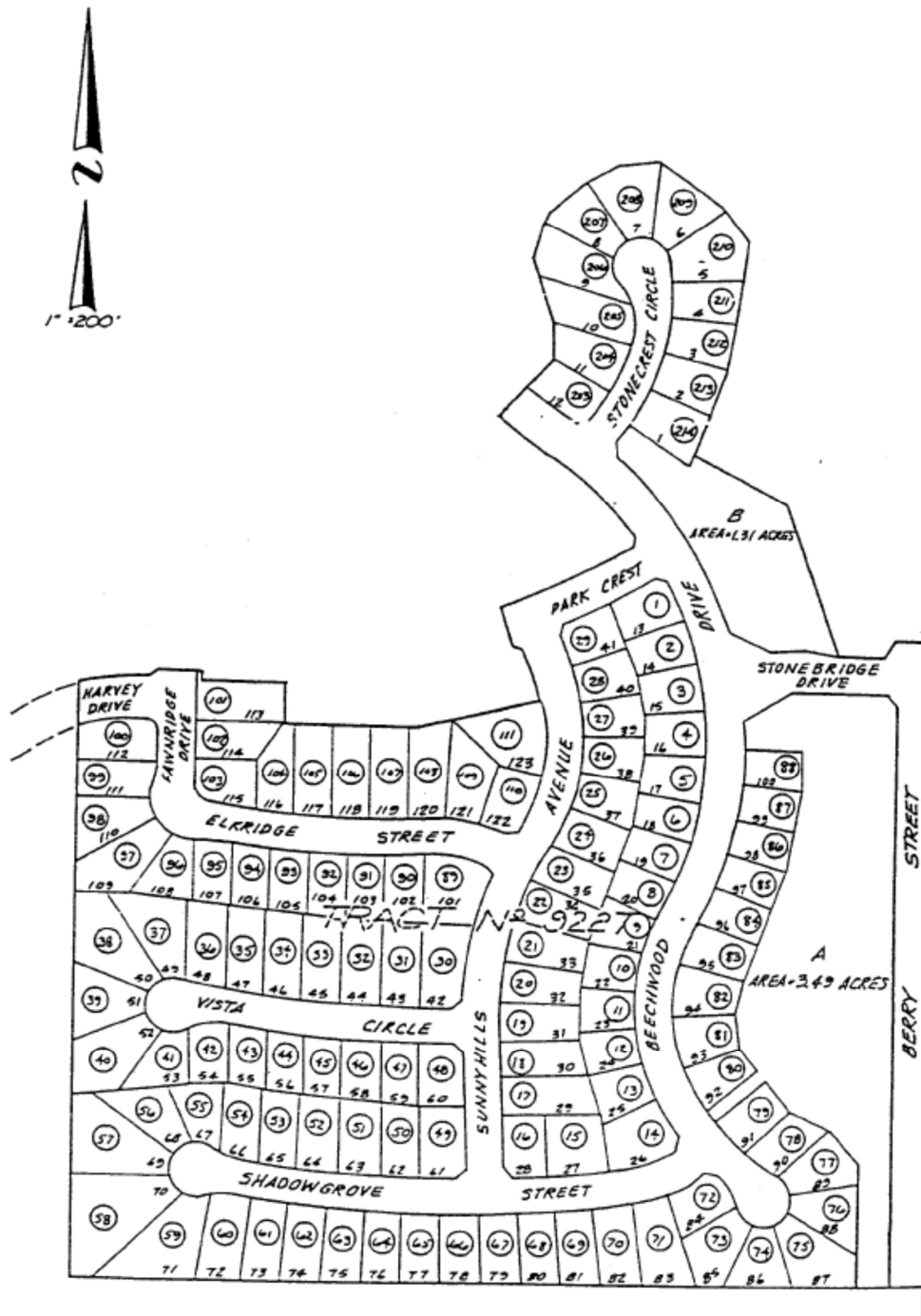
LEGEND

- STREET LIGHTING DISTRICT BOUNDARY
- COUNTY BOUNDARY
- RANCHO BOUNDARY

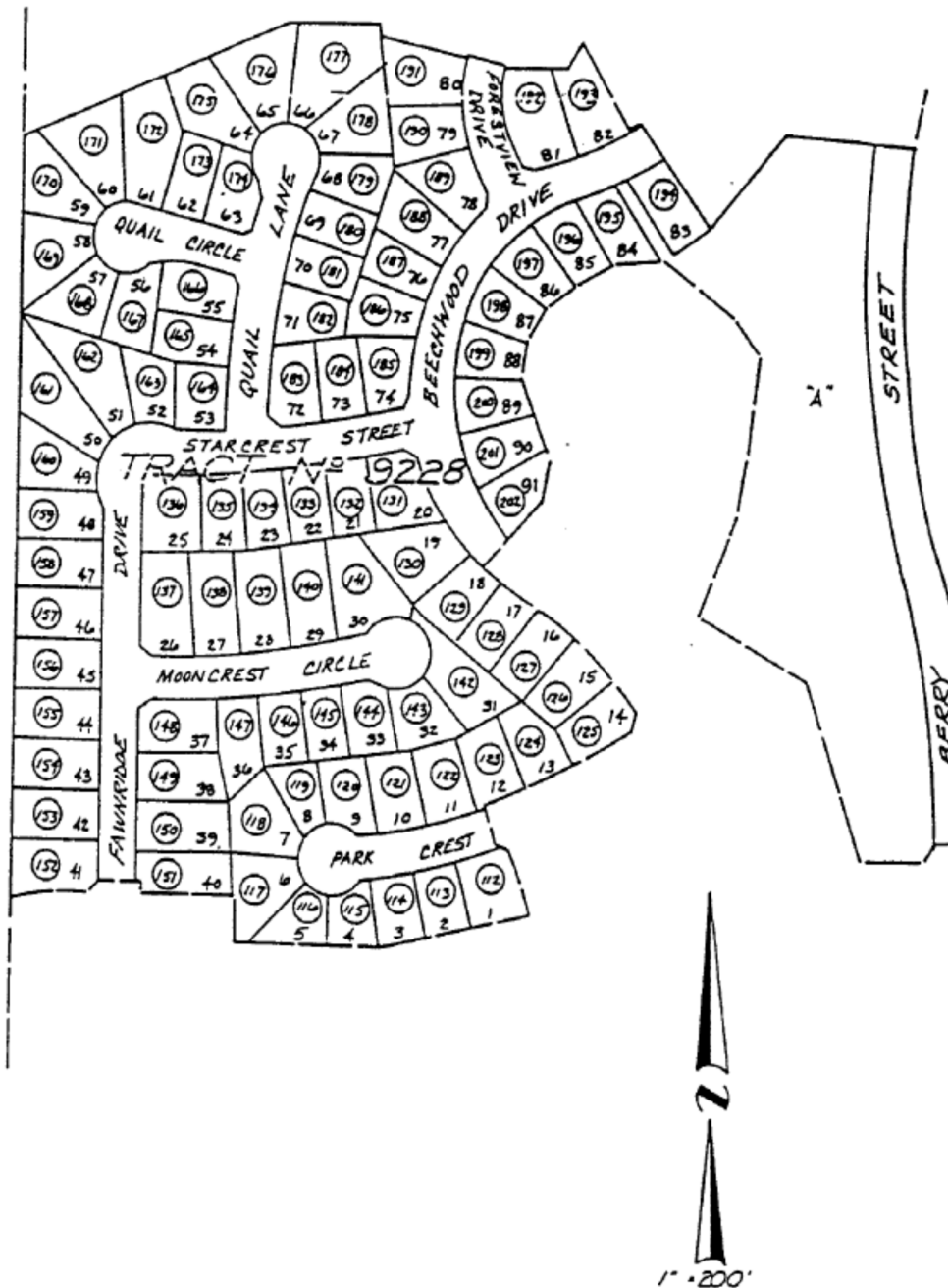


ASSESSMENT DIAGRAM BOUNDRIES
STREET LIGHTING DISTRICT NO. 2
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA

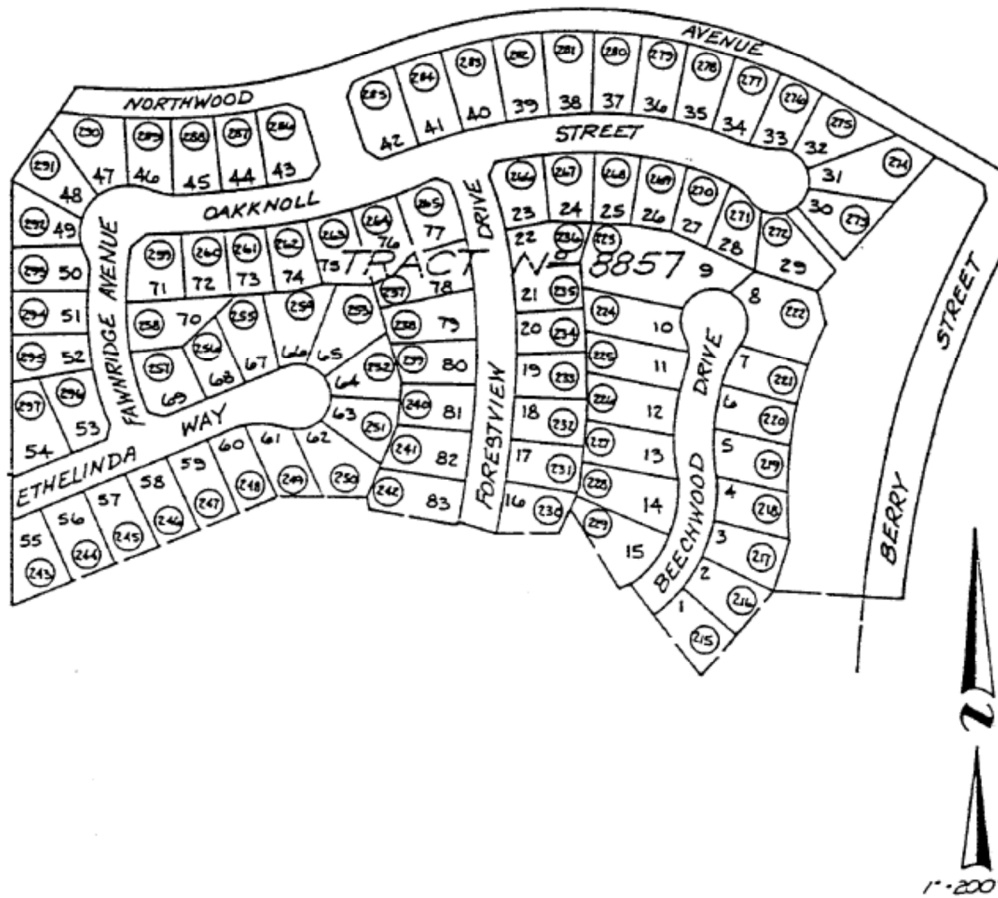
SHEET 1 OF



ASSESSMENT DIAGRAM
TO
CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT N°2



ASSESSMENT DIAGRAM
TO
CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT N^o 2
SHEET 3C



**ASSESSMENT DIAGRAM
TO
CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT N° 2**

SHEET 40

**Landscape and Lighting
Maintenance District
No. 3**

City of Brea

Prepared under the authority of the
Landscape and Lighting Act of 1972
Streets and Highways Code
State of California

Fiscal Year 2025-26

Submitted by:

Michael Ho
Director of Public Works

April 15, 2025

TABLE OF CONTENTS

	Page
Letter of Transmittal	
Report	
Introduction and Background.....	1
Part A - Plans and Specifications	2
Part B - Estimate of Cost.....	3
Part C - Method of Apportionment of Assessment.....	4
Part D - Assessment Roll	7
Part E - Assessment District Boundary	10



April 15, 2025

Honorable Mayor and City Council
City of Brea
1 Civic Center Circle
Brea, CA 92821-5732

Re: Engineer's Report, Landscape & Lighting Maintenance District No. 3

Transmitted herewith for your review and consideration is a report entitled, "Landscape and Lighting Maintenance District No. 3, City of Brea."

This report has been prepared in accordance with the Landscape and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code. The report includes all the requirements of the Landscape and Lighting Act of 1972 and the Streets and Highways Code, with particular reference to annual assessments after formation thereof of the District.

The report is submitted herewith for consideration at your next meeting to set a hearing date for the purpose of levying an annual assessment (Streets and Highways Code, Section 22620 to Section 22631).

Respectfully submitted,

Michael Ho, P.E., Director
Public Works Department

Blair Stewart
Mayor

Cecilia Hupp
Mayor Pro Tem

Christine Marick
Council Member

Marty Simonoff
Council Member

Steven Vargas
Council Member

Introduction and Background

Introduction:

This report has been prepared and is submitted for consideration by the City Council of the City of Brea under the authority of the Landscaping and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code, Article XIIIID of the California Constitution, and the Proposition 218 Omnibus Implementation Act.

Background:

The City Council of the City of Brea adopted Resolution No. 78-77 on July 5, 1978 creating Lighting and Maintenance District No. 3. This Lighting and Maintenance District was a condition of development for Tract No. 8242 in the City of Brea.

Tract No. 8242 was planned and has been developed adjacent to a 40-foot MWD easement for the MWD Lower Feeder, which diagonally traverses the property limits of Tract No. 8242.

This MWD easement was graded (within the limits of MWD specifications) and landscaped (under conditions of development) to act as a greenbelt trail area for the residents of the tract.

In addition to the MWD easement greenbelt, another landscaping greenbelt area was completed in a 20-foot easement adjacent to Birch Street.

In order to assure the maintenance of the greenbelts and the payment of fees for maintaining the greenbelt and the cost of energy for theme lighting, a condition of development was the requirement that a Lighting and Maintenance District be formed over the entire limits of Tract No. 8242.

In FY 2003-04, the property owners submitted ballots and approved an increase in assessment rate. Included in that balloting was an annual CPI escalator which allows the assessment rate to keep up with the cost of living. The annual escalator sets the maximum rate that the properties might be assessed.

The purpose of this report is to be utilized by the City Staff, the City Council, and the County Assessor in the levy and collection of an annual assessment after formation of an assessment district under the requirements of the Landscaping and Lighting Act of 1972 (State of California and Highways Code, Section 22620 to 22631).

PART A PLANS AND SPECIFICATIONS

The facilities, which consist of greenbelt areas and theme lighting, will be operated, serviced and maintained as generally described as follows:

Landscaping and Appurtenant Facilities

Facilities include but are not limited to: landscaping, planting, shrubbery, trees, irrigation systems, hardscapes, fixtures, sidewalk maintenance resulting from landscape growth and appurtenant facilities, in public street and sidewalk rights-of-way, including medians, parkways and dedicated easements within the boundaries of the Assessment District.

Lighting, Traffic Signals and Appurtenant Facilities

Facilities include but are not limited to: Poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting and traffic signals in public street and sidewalk rights-of-way and dedicated easements within the boundaries of the Assessment District.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the public lighting facilities or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or operation of the landscaping or appurtenant facilities.

The plans and specifications for the improvements, showing and describing the general nature, location, and the extent of the improvements, are on file in the office of the Director of Public Works and are incorporated herein by reference.

PART B ESTIMATE OF COST

The estimated cost of the operation, servicing and maintenance of the landscape and lighting improvements for Fiscal Year 2025-26, as described in Part A, are summarized herein and described below.

MAINTENANCE DISTRICT # 3 - ANNUAL COST FACTORS

Acct #	Description	FY 25-26 Est.
1. Fixed Costs		Expenses
4111	Salaries & Benefits	\$12,263
4113	Overtime	\$102
4243	Engineering	\$0
4244	Legal	\$75
4412	Property Tax Collection	\$100
	Fixed Costs Totals	\$12,540
2. ROUTINE COSTS		
4211	Postage	\$184
4249	Professional Svc-Other	\$34,000
4261	Svc/Repairs to Equipment	\$1,530
4266	Contract Services/Grounds Maintenance	\$32,000
4282	Electricity	\$2,500
4285	Water	\$38,000
4337	Electrical Supplies & Parts	\$1,000
4339	Construction & Maintenance/Other	\$1,852
4379	Nursery Supplies	\$255
4441	Miscellaneous Expense	\$0
5800	Insurance and Other Expenses	\$1,452
	Routine Costs Totals	\$112,773
	Total Costs (Fixed & Routine)	\$125,313
	Est. Fund Balance as of 1-Jul-2025	\$56,177
	Projected Reserve Balance 30-Jun-2026	\$47,557
	FY 2025-26 Annual Assessments	\$116,693

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the Districts. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the Districts by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

PART C METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include construction, operation, maintenance and servicing of street lights, traffic signals and landscaping.

Section 22573 of the Landscaping and Lighting Act of 1972 (the 1972 Act) requires that maintenance assessments be levied according to benefit rather than according to assessed value. This section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements." (Sec. 22574). Thus, the 1972 Act requires the levy of a true "assessment" based on the actual benefit rather than a "special tax."

In addition, Proposition 218, the "Right to Vote on Taxes Act" which was approved on the November 1996 Statewide ballot and added Article XIID to the California Constitution, requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. XIID provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. XIID also requires that publicly owned property which benefit from the improvements be assessed.

SPECIAL BENEFIT ANALYSIS

Street Landscaping, Slopes and Greenbelts. Trees, landscaping, hardscaping and appurtenant facilities, if well maintained, provide beautification, shade and enhancement of the desirability of the surroundings, and therefore increase property value.

In Parkways and Land Values, written by John Nolan and Henry V. Hubbard in 1937, it is stated:

"... there is no lack of opinion, based on general principals and experience and common sense, that parkways *do in fact add value* to property, even though the amount cannot be determined exactly.... Indeed, in most cases where public money has been spent for parkways the assumption has been definitely made that the proposed parkway will show a *provable* financial profit to the City. It has been believed that the establishment of parkways causes a rise in real estate values throughout the City, or in parts of the City,..."

It should be noted that the definition of "parkways" above may include the roadway as well as the landscaping along side the roadway.

The ongoing operation and maintenance of the street landscaping, slopes and greenways within the

district, as identified in Part A of this Report, provide beautification to the areas that result in a special benefit to the parcels within the tracts adjacent to the improvements. If these landscaped areas were not properly maintained, the tract would be blighted.

Theme Lighting. Proper maintenance and operation of pedestrian and street lights benefit all properties within the District by providing security, safety and community character and vitality as outlined below. Streetlights provide only incidental benefits to motorists traveling to, from or through the area.

BENEFITS OF STREET LIGHTING

Security and Safety

- Mitigates crime
- Alleviates the fear of crime
- Enhances safe ingress/egress to property

Community Character and Vitality

- Promotes social interaction
 - Contributes to a positive nighttime visual image
-

ASSESSMENT METHODOLOGY

The parcels of land in the District are single family residential (SFR) lots, with each of these lots benefiting equally from the improvements being maintained. Therefore, the costs associated with the landscaping and lighting within and directly adjacent to the tract will be apportioned on a residential lot basis as follows:

$$\$116,693.48 / 188 \text{ SFR's} = \$620.71 / \text{SFR}$$

This assessment rate is the maximum rate. This maximum assessment rate will be increased each year by the annual change in the Consumer Price Index (CPI), All Urban Consumers, for the Los Angeles, Long Beach and Anaheim areas. The actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum assessment rate without receiving property owner approval for the increase. The calculation for the maximum assessment rate is provided in the table below. The increase in CPI for FY 2025-26 is 3.3%.

Maximum Assessment Rate Calculation		
Fiscal Year	CPI Increase	Maximum Assessment
FY 2003-04		\$336.27 / SFR
FY 2004-05	1.8%	\$342.32 / SFR
FY 2005-06	4.4%	\$357.39 / SFR
FY 2006-07	4.5%	\$373.47 / SFR
FY 2007-08	4.3%	\$389.53 / SFR
FY 2008-09	3.3%	\$402.38 / SFR
FY 2009-10	3.5%	\$416.47 / SFR
FY 2010-11	0%	\$416.47 / SFR
FY 2011-12	1.2%	\$421.47 / SFR
FY 2012-13	2.7%	\$432.85 / SFR
FY 2013-14	2%	\$441.51 / SFR
FY 2014-15	1.1%	\$446.37 / SFR
FY 2015-16	.7%	\$449.49 / SFR
FY 2016-17	2%	\$458.48 / SFR
FY 2017-18	1.9%	\$467.19 / SFR
FY 2018-19	2.8%	\$480.27 / SFR
FY2019-20	3.2%	\$495.64 / SFR
FY2020-21	3.1%	\$511.00/SFR
FY 2021-22	1.6%	\$519.18/SFR
FY 2022-23	6.6%	\$553.44/SFR
FY 2023-24	4.9%	\$580.56/SFR
FY 2024-25	3.5%	\$600.88/SFR
FY 2025-26	3.3%	\$620.71/SFR

PART D ASSESSMENT ROLL

The amount of the total proposed assessment for Fiscal Year 2025-26 apportioned to each lot or parcel within the District, as shown on the latest assessment roll at the Orange County Assessor's Office, is contained in the Assessment Roll provided below.

The description of each lot or parcel is part of the Orange County assessment roll and this roll is, by reference, made part of this Report.

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
1	32026208	1	8242	\$620.71	39	32024107	39	8242	\$620.71
2	32026209	2	8242	\$620.71	40	32024108	40	8242	\$620.71
3	32026210	3	8242	\$620.71	41	32024109	41	8242	\$620.71
4	32026211	4	8242	\$620.71	42	32024110	42	8242	\$620.71
5	32026212	5	8242	\$620.71	43	32024111	43	8242	\$620.71
6	32026213	6	8242	\$620.71	44	32024112	44	8242	\$620.71
7	32026214	7	8242	\$620.71	45	32024113	45	8242	\$620.71
8	32026215	8	8242	\$620.71	46	32024114	46	8242	\$620.71
9	32025401	9	8242	\$620.71	47	32024125	47	8242	\$620.71
10	32025402	10	8242	\$620.71	48	32024126	48	8242	\$620.71
11	32025403	11	8242	\$620.71	49	32024127	49	8242	\$620.71
12	32025404	12	8242	\$620.71	50	32024128	50	8242	\$620.71
13	32025405	13	8242	\$620.71	51	32024123	51	8242	\$620.71
14	32025406	14	8242	\$620.71	52	32024124	52	8242	\$620.71
15	32025311	15	8242	\$620.71	53	32024210	53	8242	\$620.71
16	32025309	16	8242	\$620.71	54	32024209	54	8242	\$620.71
17	32025308	17	8242	\$620.71	55	32024208	55	8242	\$620.71
18	32025307	18	8242	\$620.71	56	32024207	56	8242	\$620.71
19	32025306	19	8242	\$620.71	57	32024206	57	8242	\$620.71
20	32025305	20	8242	\$620.71	58	32024205	58	8242	\$620.71
21	32025304	21	8242	\$620.71	59	32024204	59	8242	\$620.71
22	32025303	22	8242	\$620.71	60	32024203	60	8242	\$620.71
23	32025302	23	8242	\$620.71	61	32024202	61	8242	\$620.71
24	32025301	24	8242	\$620.71	62	32024201	62	8242	\$620.71
25	32025207	25	8242	\$620.71	63	32024226	63	8242	\$620.71
26	32025208	26	8242	\$620.71	64	32024225	64	8242	\$620.71
27	32025209	27	8242	\$620.71	65	32024224	65	8242	\$620.71
28	32025210	28	8242	\$620.71	66	32024223	66	8242	\$620.71
29	32025201	29	8242	\$620.71	67	32024222	67	8242	\$620.71
30	32025202	30	8242	\$620.71	68	32024221	68	8242	\$620.71
31	32025203	31	8242	\$620.71	69	32024220	69	8242	\$620.71
32	32025204	32	8242	\$620.71	70	32024219	70	8242	\$620.71
33	32024101	33	8242	\$620.71	71	32024218	71	8242	\$620.71
34	32024102	34	8242	\$620.71	72	32024217	72	8242	\$620.71
35	32024103	35	8242	\$620.71	73	32024216	73	8242	\$620.71
36	32024104	36	8242	\$620.71	74	32024215	74	8242	\$620.71
37	32024105	37	8242	\$620.71	75	32024214	75	8242	\$620.71
38	32024106	38	8242	\$620.71	76	32024213	76	8242	\$620.71

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
77	32024212	77	8242	\$620.71	126	32026244	126	8242	\$620.71
78	32024211	78	8242	\$620.71	127	32026245	127	8242	\$620.71
79	32025138	79	8242	\$620.71	128	32026246	128	8242	\$620.71
80	32025137	80	8242	\$620.71	130	32026248	130	8242	\$620.71
81	32025136	81	8242	\$620.71	131	32026249	131	8242	\$620.71
82	32025135	82	8242	\$620.71	132	32024305	132	8242	\$620.71
83	32025134	83	8242	\$620.71	133	32024306	133	8242	\$620.71
84	32025133	84	8242	\$620.71	134	32024307	134	8242	\$620.71
85	32025132	85	8242	\$620.71	135	32024308	135	8242	\$620.71
86	32025131	86	8242	\$620.71	136	32024309	136	8242	\$620.71
87	32025130	87	8242	\$620.71	137	32024310	137	8242	\$620.71
88	32025129	88	8242	\$620.71	138	32024401	138	8242	\$620.71
89	32025128	89	8242	\$620.71	139	32024402	139	8242	\$620.71
90	32025127	90	8242	\$620.71	140	32024403	140	8242	\$620.71
91	32025126	91	8242	\$620.71	141	32024404	141	8242	\$620.71
92	32025125	92	8242	\$620.71	142	32024405	142	8242	\$620.71
93	32025124	93	8242	\$620.71	143	32024406	143	8242	\$620.71
94	32025123	94	8242	\$620.71	144	32024407	144	8242	\$620.71
95	32025122	95	8242	\$620.71	145	32026234	145	8242	\$620.71
96	32025121	96	8242	\$620.71	146	32026235	146	8242	\$620.71
97	32025120	97	8242	\$620.71	147	32026236	147	8242	\$620.71
98	32025119	98	8242	\$620.71	148	32026237	148	8242	\$620.71
99	32025118	99	8242	\$620.71	149	32026238	149	8242	\$620.71
100	32025117	100	8242	\$620.71	150	32026239	150	8242	\$620.71
101	32025116	101	8242	\$620.71	151	32026240	151	8242	\$620.71
102	32025115	102	8242	\$620.71	152	32026241	152	8242	\$620.71
103	32024301	103	8242	\$620.71	153	32026217	153	8242	\$620.71
104	32024302	104	8242	\$620.71	154	32026218	154	8242	\$620.71
105	32024302	105	8242	\$620.71	155	32026319	155	8242	\$620.71
106	32024304	106	8242	\$620.71	156	32026220	156	8242	\$620.71
107	32026250	107	8242	\$620.71	157	32026221	157	8242	\$620.71
108	32026251	108	8242	\$620.71	158	32026227	158	8242	\$620.71
109	32026252	109	8242	\$620.71	159	32026228	159	8242	\$620.71
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111	32025114	111	8242	\$620.71	161	32026230	161	8242	\$620.71
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113	32025112	113	8242	\$620.71	163	32026232	163	8242	\$620.71
114	32025111	114	8242	\$620.71	164	32026233	164	8242	\$620.71
115	32025109	115	8242	\$620.71	165	32026222	165	8242	\$620.71
116	32025108	116	8242	\$620.71	166	32026223	166	8242	\$620.71
117	32025107	117	8242	\$620.71	167	32026224	167	8242	\$620.71
118	32025106	118	8242	\$620.71	168	32026225	168	8242	\$620.71
119	32025105	119	8242	\$620.71	169	32026226	169	8242	\$620.71
120	32025104	120	8242	\$620.71	170	32026206	170	8242	\$620.71
121	32025103	121	8242	\$620.71	171	32026205	171	8242	\$620.71
122	32025102	122	8242	\$620.71	172	32026204	172	8242	\$620.71
123	32025101	123	8242	\$620.71	173	32026203	173	8242	\$620.71
124	32026242	124	8242	\$620.71	174	32026202	174	8242	\$620.71
125	32026243	125	8242	\$620.71	175	32026201	175	8242	\$620.71

AD #	APN	Lot	Tract	Asmt
176	32026101	176	8242	\$620.71
177	32026102	177	8242	\$620.71
178	32026103	178	8242	\$620.71
179	32026104	179	8242	\$620.71
180	32026105	180	8242	\$620.71
181	32026106	181	8242	\$620.71
182	32026107	182	8242	\$620.71
183	32026108	183	8242	\$620.71
184	32026109	184	8242	\$620.71
185	32026110	185	8242	\$620.71
186	32026111	186	8242	\$620.71
187	32026112	187	8242	\$620.71
188	32026113	188	8242	\$620.71

PART E

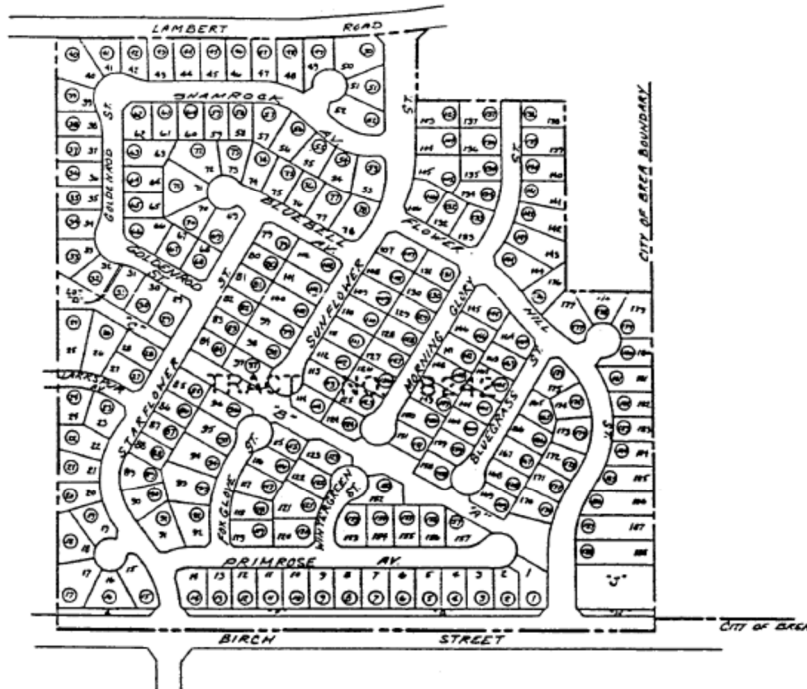
ASSESSMENT DISTRICTS' BOUNDARIES

A diagram of the boundaries of Landscape and Lighting Maintenance District No. 3 is included herein.

The boundaries of the District are described as being the blue border of Tract No. 8242, as shown on a map recorded in Book 428, pages 19 through 24 of Miscellaneous Maps of Orange County, California.

Assessment Parcels 1 through 188 being also Lots 1 through 188 of Tract No. 8242.

Also, the lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the Assessor of the County of Orange for Fiscal Year 2025-26. The Assessor's maps and records are incorporated by reference herein and made part of this report.



LEGEND

- STREET LIGHTING DISTRICT BOUNDARY
- CITY OF BREA BOUNDARY
- 12 LOT NUMBER
- ① ASSESSMENT NUMBER



ASSESSMENT DIAGRAM BOUNDRIES
STREET LIGHTING AND MAINTANENCE DISTRICT NO.3
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA

SHEET 1 OF 1

**Lighting
Maintenance District
No. 4
City of Brea**

**Prepared under the authority of the
Landscaping and Lighting Act of 1972
Streets and Highways Code
State of California**

Fiscal Year 2025-26

Submitted by:

**Michael Ho
Director of Public Works**

April 15, 2025

TABLE OF CONTENTS

	Page
Letter of Transmittal	
Report	
Introduction and Background.....	1
Part A - Plans and Specifications	2
Part B - Estimate of Cost.....	3
Part C - Method of Apportionment of Assessment.....	4
Part D - Assessment Roll	5
Part E - Assessment District Boundary	7



April 15, 2025

Honorable Mayor and City Council
City of Brea
1 Civic Center Circle
Brea, CA 92821-5732

Re: Engineer's Report, Lighting Maintenance District No. 4

Transmitted herewith for your review and consideration is a report entitled, "Lighting Maintenance District No. 4, City of Brea."

This report has been prepared in accordance with the Landscaping and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code. The report includes all the requirements of the Landscaping and Lighting Act of 1972 and the Streets and Highways Code, with particular reference to annual assessments after formation thereof of the District.

The report is submitted herewith for consideration at your next meeting to set a hearing date for the purpose of levying an annual assessment (Streets and Highways Code, Section 22620 to Section 22631).

Respectfully submitted,

Michael Ho, P.E., Director
Public Works Department

Blair Stewart
Mayor

Cecilia Hupp
Mayor Pro Tem

Christine Marick
Council Member

Marty Simonoff
Council Member

Steven Vargas
Council Member

Introduction and Background

Introduction:

This report has been prepared and is submitted for consideration by the City Council of the City of Brea under the authority of the Landscaping and Landscaping and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code.

Background:

The City Council of the City of Brea adopted Resolution No. 78-7 on January 3, 1978 approving Tentative Tract 9298 and the condition therefore for the improvement of Tentative Tract 9298.

On May 26, 1981, the City Council of the City of Brea by minute motion deleted paragraph AA of PC 91-77 of the Planning Commission of the City of Brea and ordered the creation of a lighting Maintenance District for Street Lighting only. No landscape maintenance requirements are included in this report, as the areas that are landscaped are being maintained by the Homeowners' Association under the requirements of the development upon the sale of any portion of Tentative Tract 9298. The formation of the district and the levy of the first annual assessment were completed in accordance with the requirements of the Landscaping and Lighting Act of 1972 on July 5, 1978, by City Council Resolution No. 78-76.

The purpose of this report is to be utilized by the staff, the City Council, and the County Assessor in the levy and collection of an annual assessment after formation of an assessment district under the requirements of the Landscaping and Lighting Act of 1972 (State of California Streets and Highways Code, Section 22620 to 22631).

PART A PLANS AND SPECIFICATIONS

The facilities, which consist of street lighting, will be operated, serviced and maintained as generally described as follows:

Lighting, Traffic Signals and Appurtenant Facilities

Facilities include but are not limited to: Poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting and traffic signals in public street and sidewalk rights-of-way and dedicated easements within the boundaries of the Assessment District.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the public lighting facilities or appurtenant facilities; providing for the cleaning, sandblasting, and painting of poles and other improvements for general upkeep and to remove or cover graffiti.

Servicing means the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or appurtenant facilities.

The plans and specifications for the improvements, showing and describing the general nature, location, and the extent of the improvements, are on file in the office of the Director of Public Works and are incorporated herein by reference.

PART B ESTIMATE OF COST

The estimated cost of the operation, servicing and maintenance of the street and sidewalk improvements for Fiscal Year 2025-26, as described in Part A, are summarized herein and described below.

MAINTENANCE DISTRICT #4 – ANNUAL COST FACTORS

Acct #	Description	FY 25-26 Est.
1. Fixed Costs		Expenses
4111	Salaries & Benefits	\$1,508
4113	Overtime	\$102
4243	Engineering	\$0
4244	Legal	\$612
4412	Property Tax Collection	\$0
	Fixed Costs Totals	\$2,222
2. ROUTINE COSTS		
4211	Postage	\$110
4261	Repairs to Equipment	\$1,020
4337	Electrical Supplies	\$1,836
4441	Miscellaneous Expense	\$0
5800	Insurance and Other Expenses	\$148
	Routine Costs Totals	\$3,114
	Total Costs (Fixed & Routine)	\$5,336
	Est. Fund Balance as of 1-Jul-2025	\$18,905
	Projected Reserve Balance 30-Jun-2026	\$16,329
	FY 2025-26 Annual Assessments	\$2,760

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the Districts. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the Districts by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

PART C

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include construction, operation, maintenance and servicing of street lights, traffic signals and landscaping.

Section 22573 of the Landscaping and Landscaping and Lighting Act of 1972 (the 1972 Act) requires that maintenance assessments be levied according to benefit rather than according to assessed value. This section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements." (Sec. 22574). Thus, the 1972 Act requires the levy of a true "assessment" based on the actual benefit rather than a "special tax."

ASSESSMENT METHODOLOGY

The Park Paseo Development project (Tract Numbers 10224, 10324, 10325, 10326, 10327 and 9298, all a portion of Tentative Tract No. 9298 in the City of Brea) was developed under conditions of development as required by the City Council of the City of Brea.

The parcels of land in the District are single family residential (SFR) lots, with each of these lots benefiting equally from the improvements being maintained. Therefore, the costs associated with the landscaping and lighting within and directly adjacent to the tract will be apportioned on a residential lot basis as follows:

$$\text{\$2,760} / 230 \text{ SFR's} = \text{\$12.00} / \text{SFR}$$

PART D ASSESSMENT ROLL

The amount of the total proposed assessment for Fiscal Year 2025-26 apportioned to each lot or parcel within the District, as shown on the latest assessment roll at the Orange County Assessor's Office, is contained in the Assessment Roll provided below.

The description of each lot or parcel is part of the Orange County assessment roll and this roll is, by reference, made part of this Report.

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
1	32027131	1	10224	\$12.00	41	32027156	10	10324	\$12.00	81	32029208	19	10325	\$12.00
2	32027130	2	10224	\$12.00	42	32027157	11	10324	\$12.00	82	32029209	20	10325	\$12.00
3	32027129	3	10224	\$12.00	43	32027158	12	10324	\$12.00	83	32029210	21	10325	\$12.00
4	32027128	4	10224	\$12.00	44	32027159	13	10324	\$12.00	84	32029211	22	10325	\$12.00
5	32027127	5	10224	\$12.00	45	32027160	14	10324	\$12.00	85	32029212	23	10325	\$12.00
6	32027126	6	10224	\$12.00	46	32027161	15	10324	\$12.00	86	32029213	24	10325	\$12.00
7	32027125	7	10224	\$12.00	47	32027162	16	10324	\$12.00	87	32029214	25	10325	\$12.00
8	32027124	8	10224	\$12.00	48	32027163	17	10324	\$12.00	88	32029215	26	10325	\$12.00
9	32027123	9	10224	\$12.00	49	32027164	18	10324	\$12.00	89	32029201	27	10325	\$12.00
10	32027122	10	10224	\$12.00	50	32027165	19	10324	\$12.00	90	32029202	28	10325	\$12.00
11	32027121	11	10224	\$12.00	51	32027166	20	10324	\$12.00	91	32029203	29	10325	\$12.00
12	32027120	12	10224	\$12.00	52	32027167	21	10324	\$12.00	92	32029204	30	10325	\$12.00
13	32027119	13	10224	\$12.00	53	32027178	1	11827	\$12.00	93	32029205	31	10325	\$12.00
14	32027118	14	10224	\$12.00	54	32027179	2	11827	\$12.00	94	32029206	32	10325	\$12.00
15	32027117	15	10224	\$12.00	55	32027180	3	11827	\$12.00	95	32029207	33	10325	\$12.00
16	32027116	16	10224	\$12.00	56	32029143	4	11827	\$12.00	96	32029112	34	10325	\$12.00
17	32027115	17	10224	\$12.00	57	32029145	5	11827	\$12.00	97	32029148	10	11827	\$12.00
18	32027114	18	10224	\$12.00	58	32029144	6	11827	\$12.00	98	32029149	9	11827	\$12.00
19	32027113	19	10224	\$12.00	59	32029102	28	10324	\$12.00	99	32029150	19	11827	\$12.00
20	32027112	20	10224	\$12.00	60	32029107	29	10324	\$12.00	100	32029151	12	11827	\$12.00
21	32027111	21	10224	\$12.00	61	32029147	7	11827	\$12.00	101	32029152	11	11827	\$12.00
22	32027110	22	10224	\$12.00	62	32029146	8	11827	\$12.00	102	32029253	1	10326	\$12.00
23	32027109	23	10224	\$12.00	63	32029235	1	10325	\$12.00	103	32029254	2	10326	\$12.00
24	32027108	24	10224	\$12.00	64	32029236	2	10325	\$12.00	104	32029255	3	10326	\$12.00
25	32027107	25	10224	\$12.00	65	32029237	3	10325	\$12.00	105	32029256	4	10326	\$12.00
26	32027106	26	10224	\$12.00	66	32029238	4	10325	\$12.00	106	32029257	5	10326	\$12.00
27	32027105	27	10224	\$12.00	67	32029239	5	10325	\$12.00	107	32029258	6	10326	\$12.00
28	32027104	28	10224	\$12.00	68	32029231	6	10325	\$12.00	108	32029246	7	10326	\$12.00
29	32027103	29	10224	\$12.00	69	32029232	7	10325	\$12.00	109	32029247	8	10326	\$12.00
30	32027102	30	10224	\$12.00	70	32029233	8	10325	\$12.00	110	32029248	9	10326	\$12.00
31	32027101	31	10224	\$12.00	71	32029234	9	10325	\$12.00	111	32029249	10	10326	\$12.00
32	32027147	1	10324	\$12.00	72	32029216	10	10325	\$12.00	112	32029250	11	10326	\$12.00
33	32027148	2	10324	\$12.00	73	32029217	11	10325	\$12.00	113	32029251	12	10326	\$12.00
34	32027149	3	10324	\$12.00	74	32029218	12	10325	\$12.00	114	32029252	13	10326	\$12.00
35	32027150	4	10324	\$12.00	75	32029219	13	10325	\$12.00	115	32029240	14	10326	\$12.00
36	32027151	5	10324	\$12.00	76	32029220	14	10325	\$12.00	116	32029241	15	10326	\$12.00
37	32027152	6	10324	\$12.00	77	32029221	15	10325	\$12.00	117	32029242	16	10326	\$12.00
38	32027153	7	10324	\$12.00	78	32029222	16	10325	\$12.00	118	32029243	17	10326	\$12.00
39	32027154	8	10324	\$12.00	79	32029223	17	10325	\$12.00	119	32029244	18	10326	\$12.00
40	32027155	9	10324	\$12.00	80	32029224	18	10325	\$12.00	120	32029245	19	10326	\$12.00

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
121	32029225	20	10326	\$12.00	179	32031369	3	9298	\$12.00
122	32029226	21	10326	\$12.00	180	32031368	4	9298	\$12.00
123	32029227	22	10326	\$12.00	181	32031367	5	9298	\$12.00
124	32029228	23	10326	\$12.00	182	32031366	6	9298	\$12.00
125	32029229	24	10326	\$12.00	183	32031365	7	9298	\$12.00
126	32029230	25	10326	\$12.00	184	32031364	8	9298	\$12.00
127	32029153	16	11827	\$12.00	185	32031363	9	9298	\$12.00
128	32029154	15	11827	\$12.00	186	32031362	10	9298	\$12.00
129	32029155	14	11827	\$12.00	187	32031361	11	9298	\$12.00
130	32029156	17	11827	\$12.00	188	32031360	12	9298	\$12.00
131	32029122	30	10326	\$12.00	189	32031359	13	9298	\$12.00
132	32029123	31	10326	\$12.00	190	32031358	14	9298	\$12.00
133	32029124	32	10326	\$12.00	191	32031357	15	9298	\$12.00
134	32029125	33	10326	\$12.00	192	32031356	16	9298	\$12.00
135	32029126	34	10326	\$12.00	193	32031355	17	9298	\$12.00
136	32031320	1	10327	\$12.00	194	32031354	18	9298	\$12.00
137	32031319	2	10327	\$12.00	195	32031353	19	9298	\$12.00
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140	32031103	5	10327	\$12.00	198	32031350	22	9298	\$12.00
141	32031104	6	10327	\$12.00	199	32031349	23	9298	\$12.00
142	32029402	7	10327	\$12.00	200	32031348	24	9298	\$12.00
143	32029401	8	10327	\$12.00	201	32031347	25	9298	\$12.00
144	32029263	9	10327	\$12.00	202	32031346	26	9298	\$12.00
145	32029262	10	10327	\$12.00	203	32031345	27	9298	\$12.00
146	32029259	11	10327	\$12.00	204	32031344	28	9298	\$12.00
147	32029260	12	10327	\$12.00	205	32031343	29	9298	\$12.00
148	32029261	13	10327	\$12.00	206	32031342	30	9298	\$12.00
149	32029404	14	10327	\$12.00	207	32031341	31	9298	\$12.00
150	32029403	15	10327	\$12.00	208	32031340	32	9298	\$12.00
151	32031105	16	10327	\$12.00	209	32031339	33	9298	\$12.00
152	32031106	17	10327	\$12.00	210	32031338	34	9298	\$12.00
153	32031107	18	10327	\$12.00	211	32031337	35	9298	\$12.00
154	32029127	19	10327	\$12.00	212	32031336	36	9298	\$12.00
155	32029128	20	10327	\$12.00	213	32031335	37	9298	\$12.00
156	32029129	21	10327	\$12.00	214	32031334	38	9298	\$12.00
157	32029130	22	10327	\$12.00	215	32031333	39	9298	\$12.00
158	32029131	23	10327	\$12.00	216	32031332	40	9298	\$12.00
159	32031301	24	10327	\$12.00	217	32031331	41	9298	\$12.00
160	32031302	25	10327	\$12.00	218	32031401	42	9298	\$12.00
161	32031303	26	10327	\$12.00	219	32031402	43	9298	\$12.00
162	32031304	27	10327	\$12.00	220	32031403	44	9298	\$12.00
163	32031305	28	10327	\$12.00	221	32031404	45	9298	\$12.00
164	32031306	29	10327	\$12.00	222	32031405	46	9298	\$12.00
165	32031307	30	10327	\$12.00	223	32031406	47	9298	\$12.00
166	32031308	31	10327	\$12.00	224	32031407	48	9298	\$12.00
167	32031309	32	10327	\$12.00	225	32031408	49	9298	\$12.00
168	32031390	33	10327	\$12.00	226	32031409	50	9298	\$12.00
169	32031389	34	10327	\$12.00	227	32031410	51	9298	\$12.00
170	32031312	35	10327	\$12.00	228	32031411	52	9298	\$12.00
171	32031313	36	10327	\$12.00	229	32031412	53	9298	\$12.00
172	32031314	37	10327	\$12.00	230	32031413	54	9298	\$12.00
173	32031315	38	10327	\$12.00					
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178	32031370	2	9298	\$12.00					

PART E

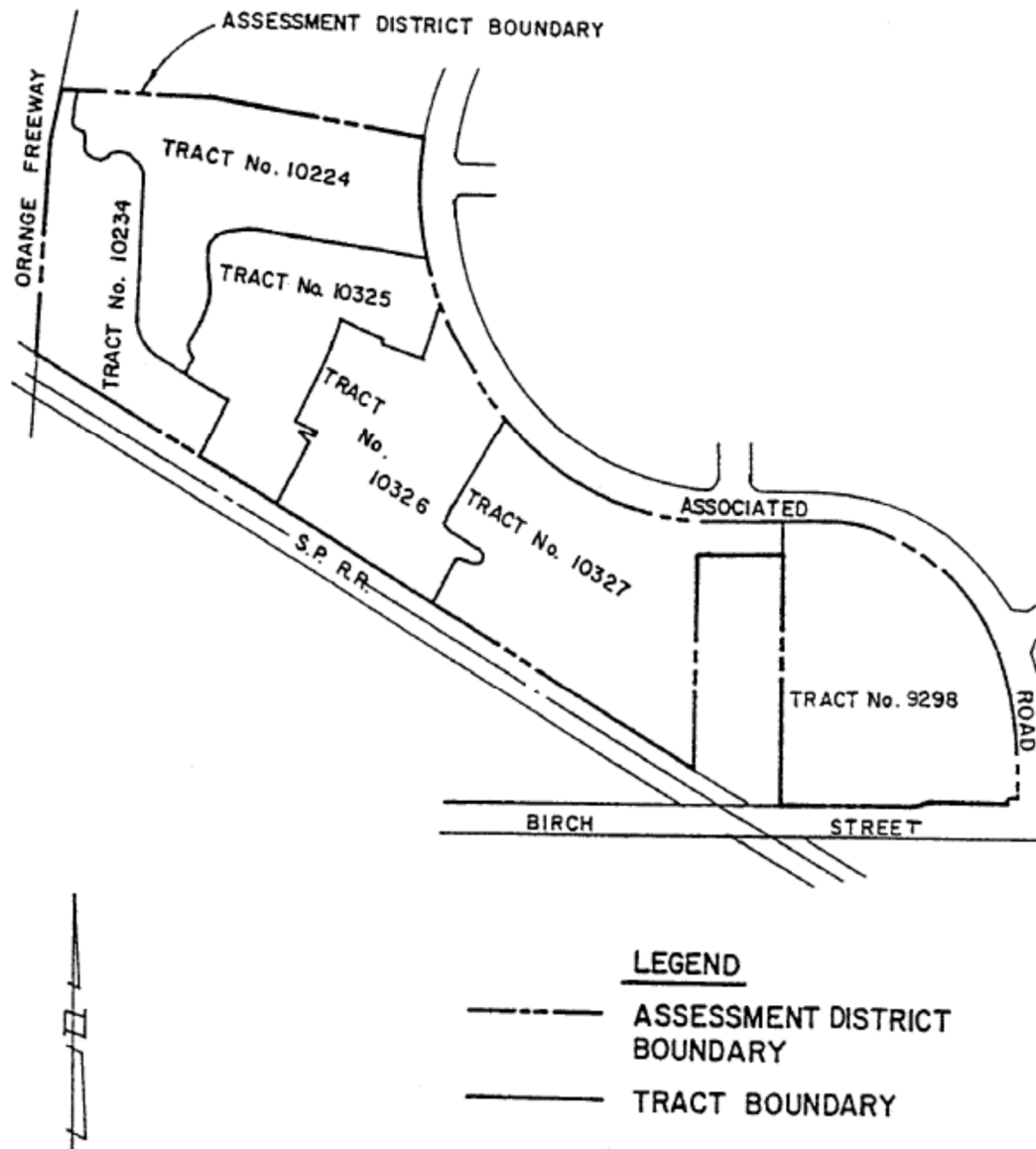
ASSESSMENT DISTRICTS' BOUNDARIES

A diagram of the boundaries of Lighting Maintenance District No. 4 is included herein.

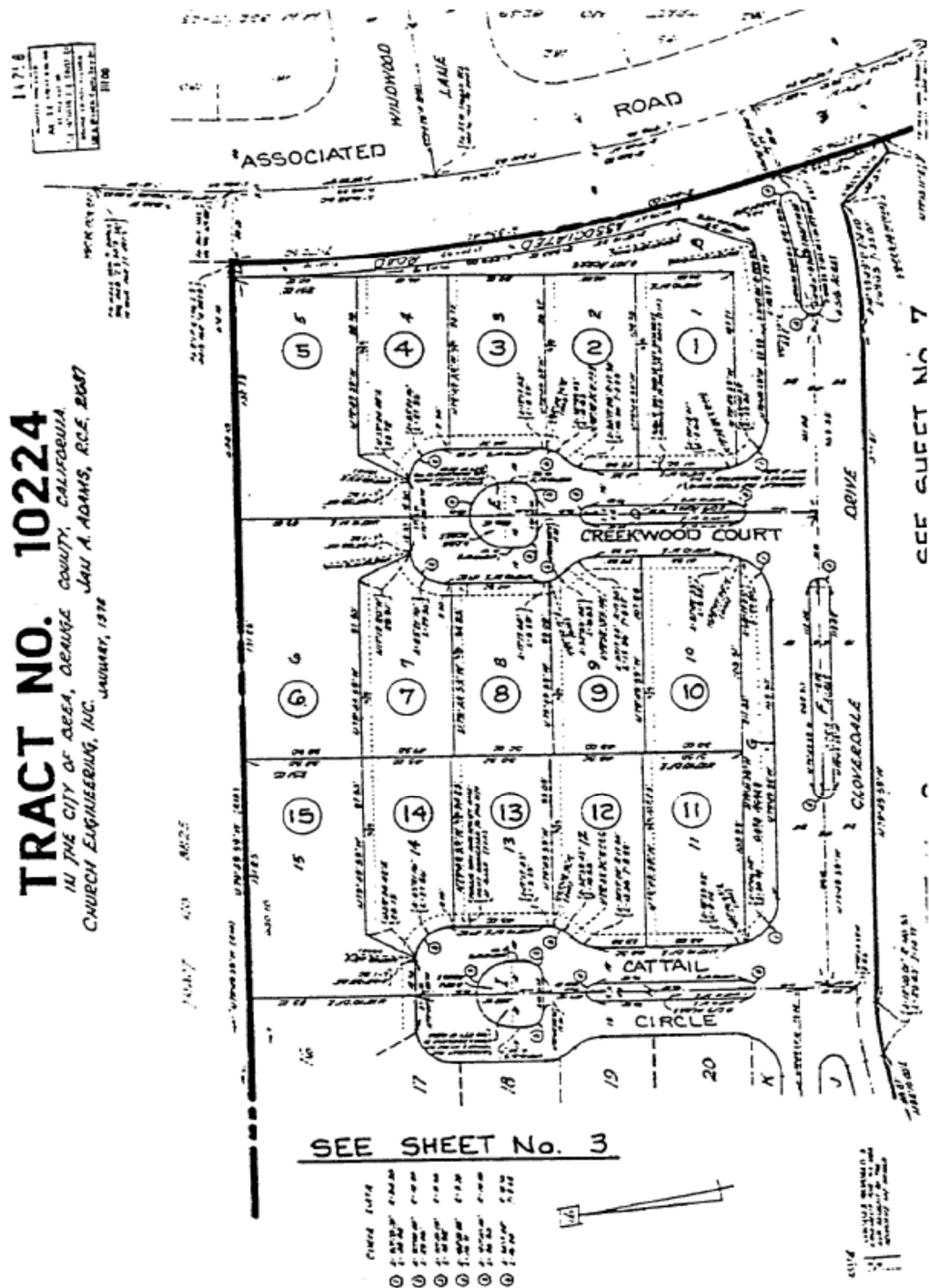
District No. 4 is generally located east of the Orange Freeway, North of Birch Street and the Southern Pacific Railroad right of way and South and West of Associated Road. The lands within the District boundaries include Tract 10224, Tract 10324, Tract 10325, Tract 10326, Tract 10327 and Tract 9298 in the City of Brea, County of Orange, State of California. The entire Project is commonly known as "Park Paseo" project in the City of Brea.

The boundaries of the District are described as the North line of Tract 10224, the Easterly line of Tracts 10224 and Tract 10324, the Northerly line of Tracts 10326, Tract 10327 and Tract 9298, the Easterly line of Tract 9298 together with the South line of Tract 9298 and the Southerly line of Tract 10327, Tract 10326, Tract 10325, Tract 10324 and the West line and North line of Tract 10324 in the City of Brea, County of Orange, State of California.

Also, the lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the Assessor of the County of Orange for Fiscal Year 2025-26. The Assessor's maps and records are incorporated by reference herein and made part of this report.



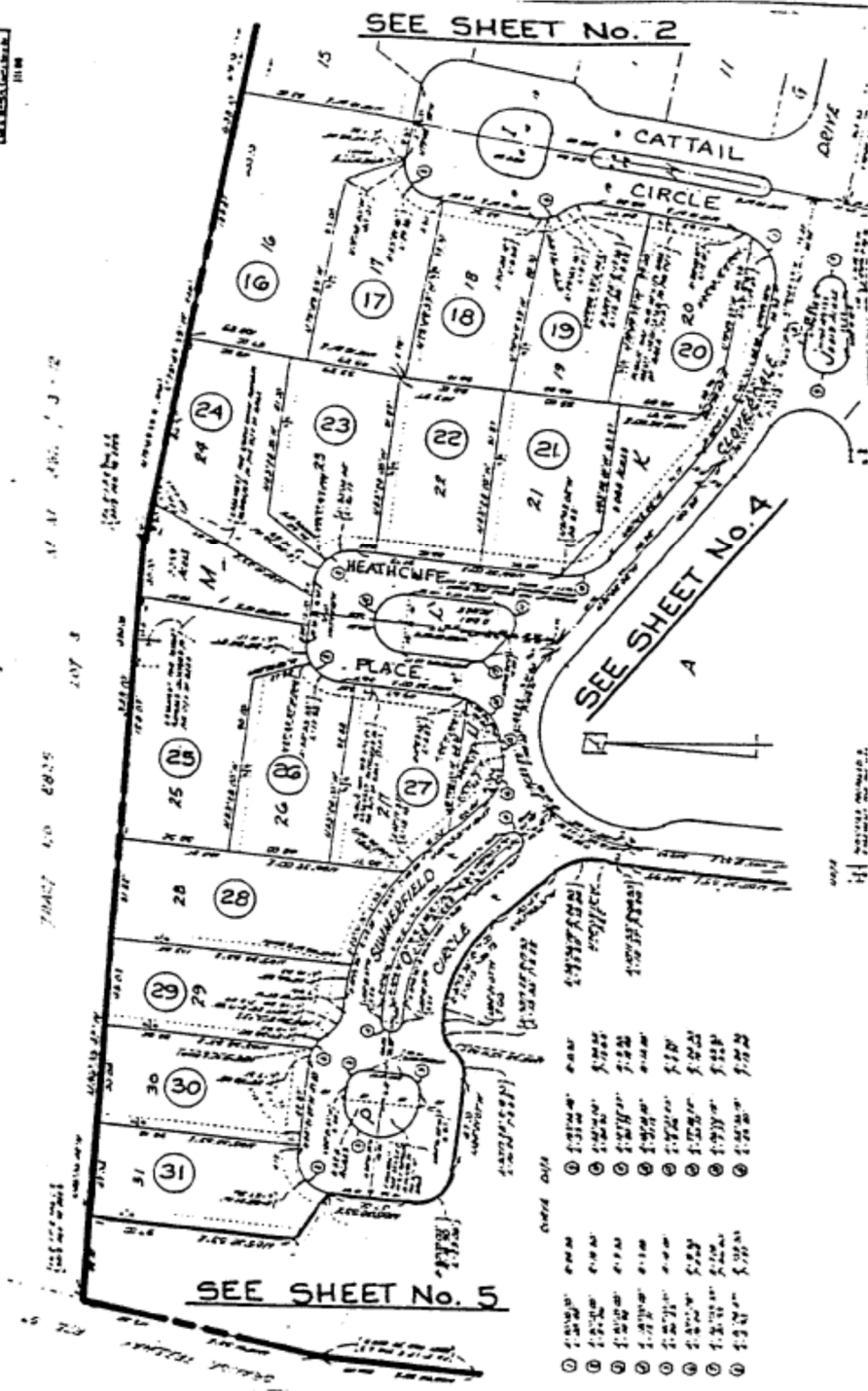
ASSESSMENT DIAGRAM
CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT No. 4
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 1 OF 17



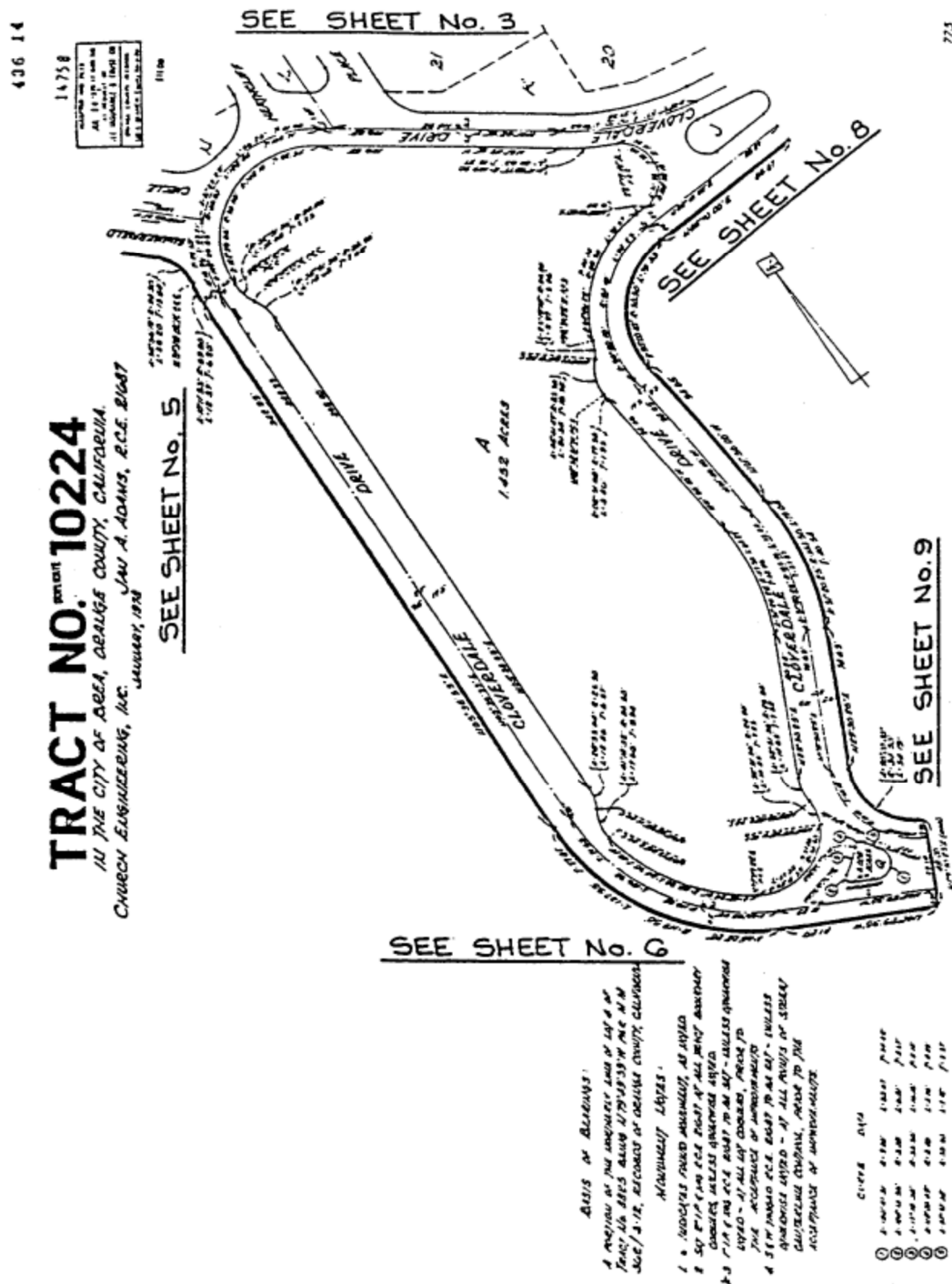
ASSESSMENT DIAGRAM
CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT No. 4
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 2 OF 1

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TRACT NO. 10224
IN THE CITY OF BREA, ORANGE COUNTY, CALIFORNIA
JANUARY, 1987
CHURCH ENGINEERING, INC.
JANUARY, 1987



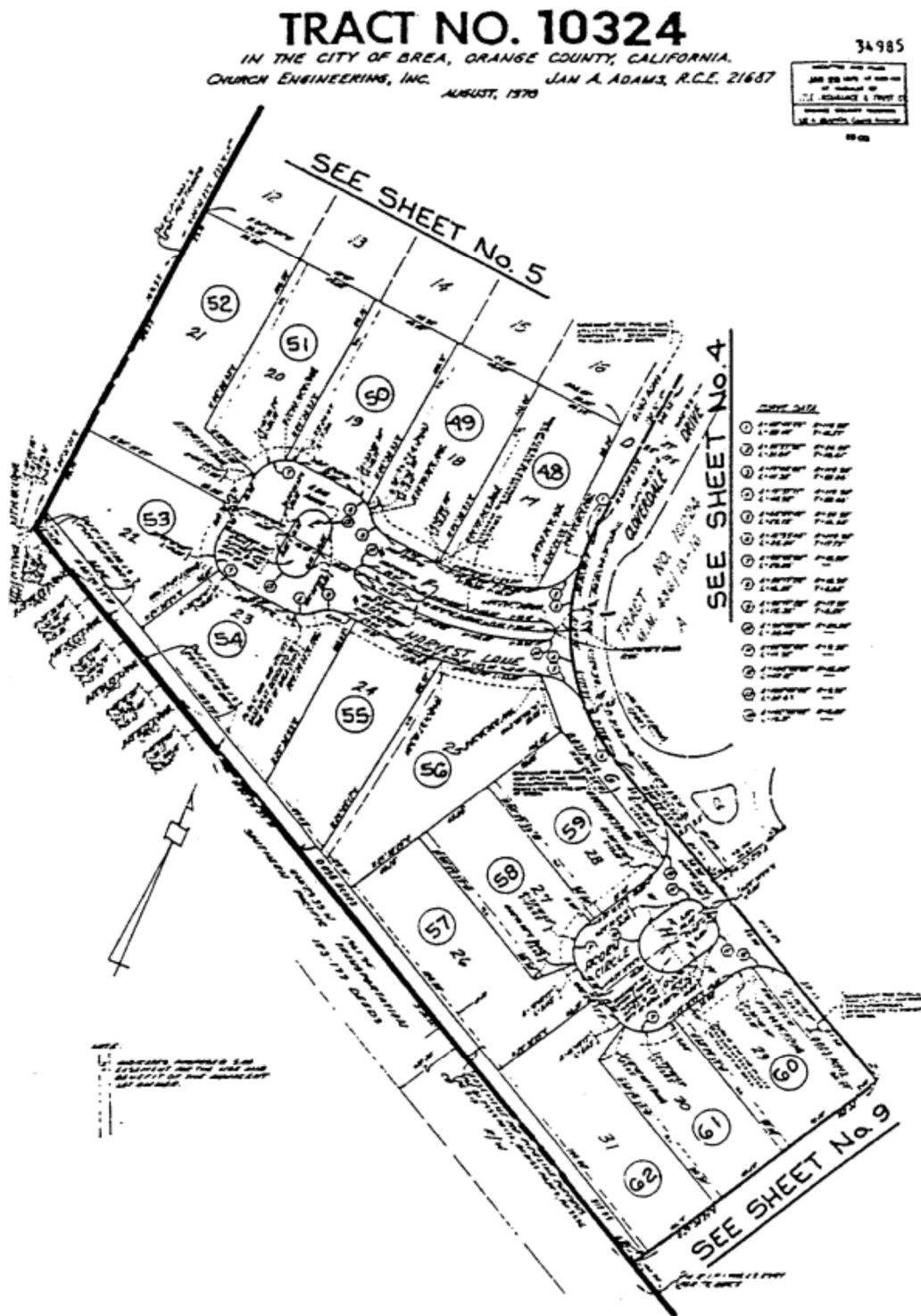
ASSESSMENT DIAGRAM
CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT No. 4
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 3 OF 17



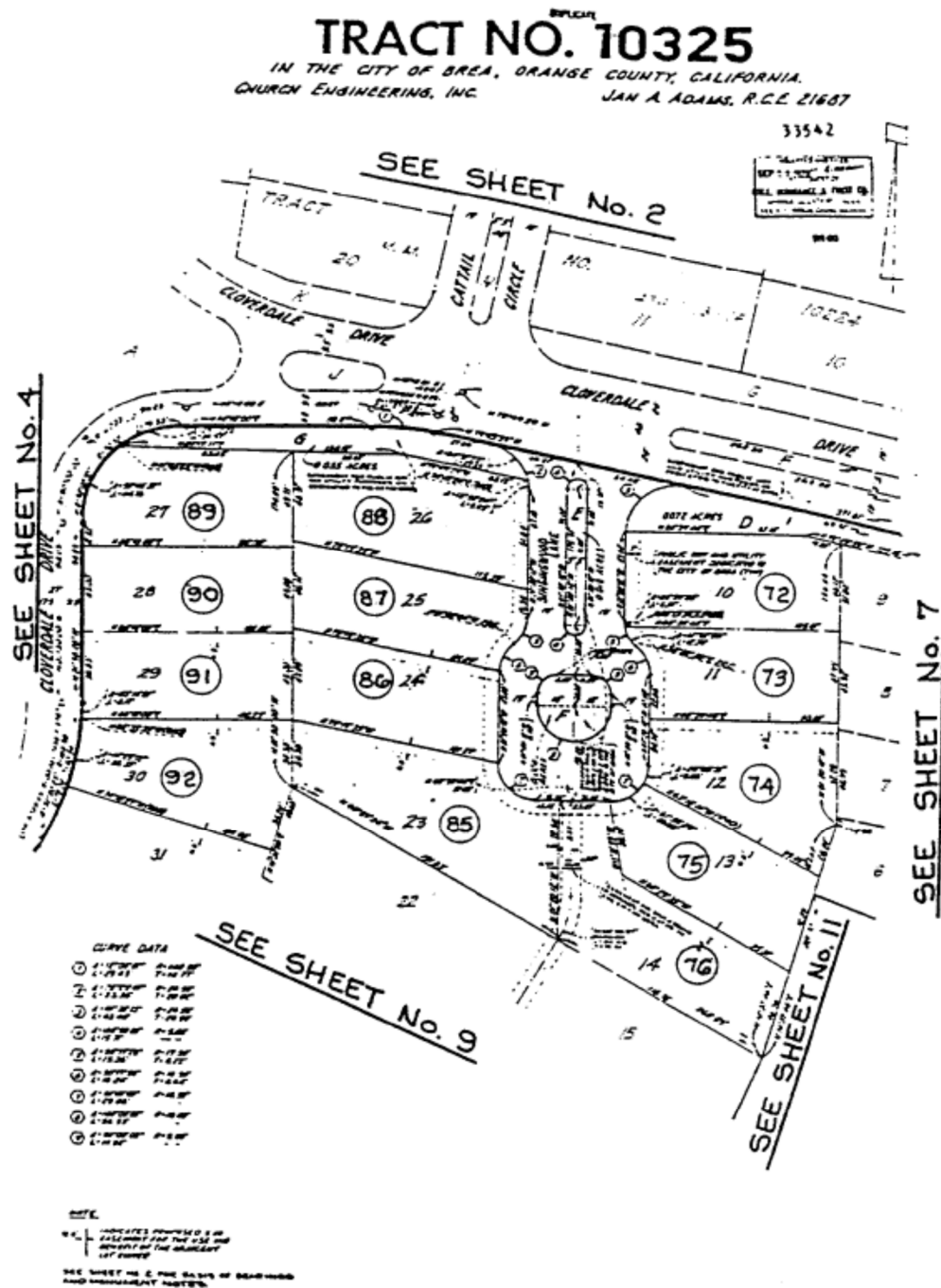
ASSESSMENT DIAGRAM

CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT No. 4

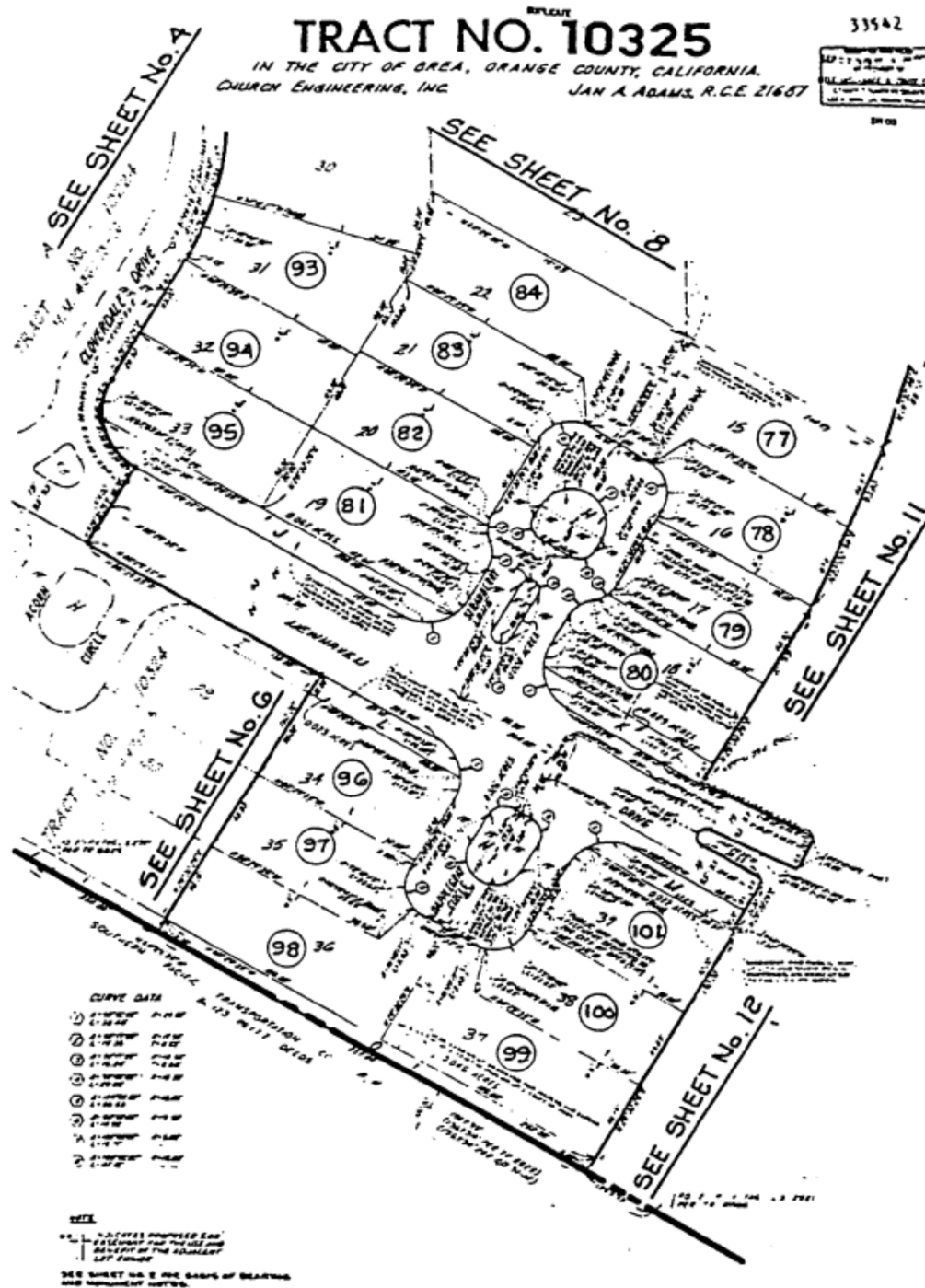
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 4 OF 17







ASSESSMENT DIAGRAM
CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT No. 4
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 8 OF 17



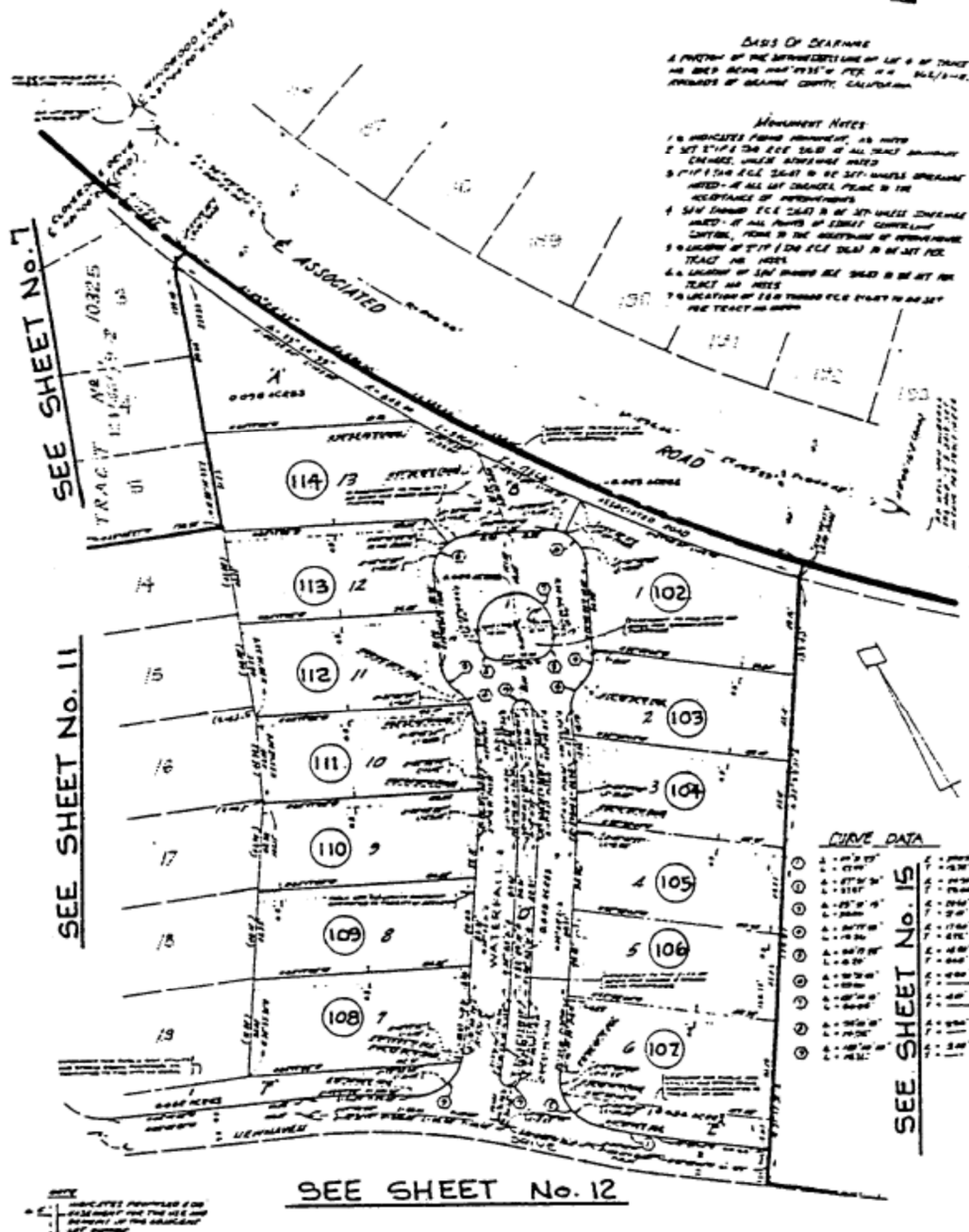
ASSESSMENT DIAGRAM

CITY OF BREA STREET LIGHTING ASSESSMENT DISTRICT No. 4

IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 9 OF 17

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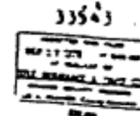
MAY 17 1968
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.



CITY OF BREA STREET LIGHTING ASSESSMENT DISTRICT No. 4

IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 10 OF 17

TRACT NO. 10326
IN THE CITY OF BREA, ORANGE COUNTY, CALIFORNIA
CHURCH ENGINEERING, INC. JAN. A. ADAMS, R.C.E. 11587
DECEMBER, 1978



STATE OF CALIFORNIA
A PARTIAL OF THE INTERESTS OF THE CITY OF BREA
AS BEING OWNED BY THE CITY OF BREA, CALIFORNIA,
COUNTY OF ORANGE COUNTY, CALIFORNIA.

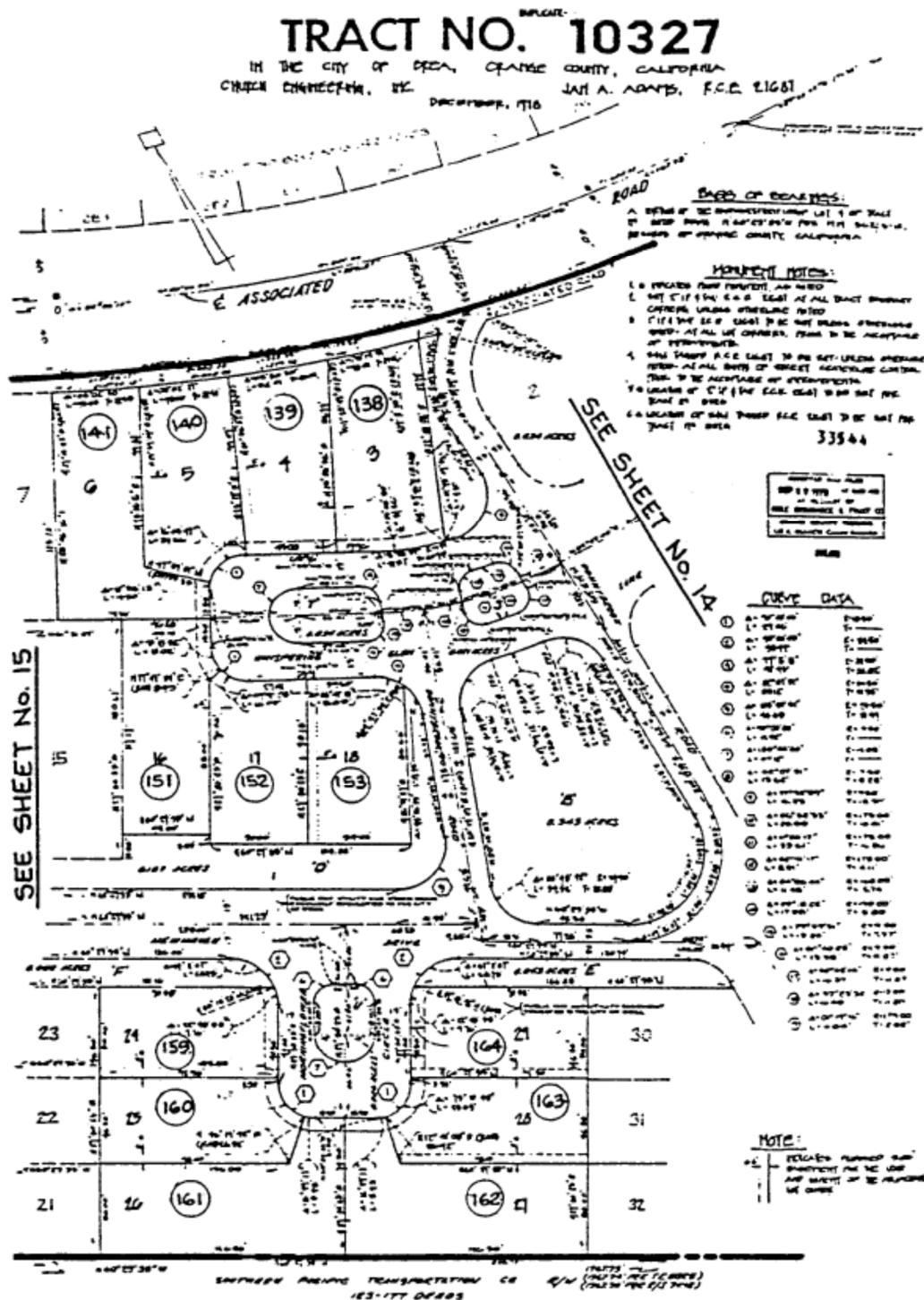
REMARKS:
1. ALL EXISTING POWER POLES, AS NOTED
2. SET 1" DIA. ELEC. POLES AT ALL STREET CORNERS
3. 1" DIA. ELEC. POLES TO BE SET ALONG SIDEWALKS
4. 1" DIA. ELEC. POLES TO BE SET ALONG SIDEWALKS
5. 1" DIA. ELEC. POLES TO BE SET ALONG SIDEWALKS
6. 1" DIA. ELEC. POLES TO BE SET ALONG SIDEWALKS
7. 1" DIA. ELEC. POLES TO BE SET ALONG SIDEWALKS
8. 1" DIA. ELEC. POLES TO BE SET ALONG SIDEWALKS
9. 1" DIA. ELEC. POLES TO BE SET ALONG SIDEWALKS
10. 1" DIA. ELEC. POLES TO BE SET ALONG SIDEWALKS

NO.	DATE	BY	REVISION
1	12/1/78	J.A.A.	1.0
2	12/1/78	J.A.A.	1.1
3	12/1/78	J.A.A.	1.2
4	12/1/78	J.A.A.	1.3
5	12/1/78	J.A.A.	1.4
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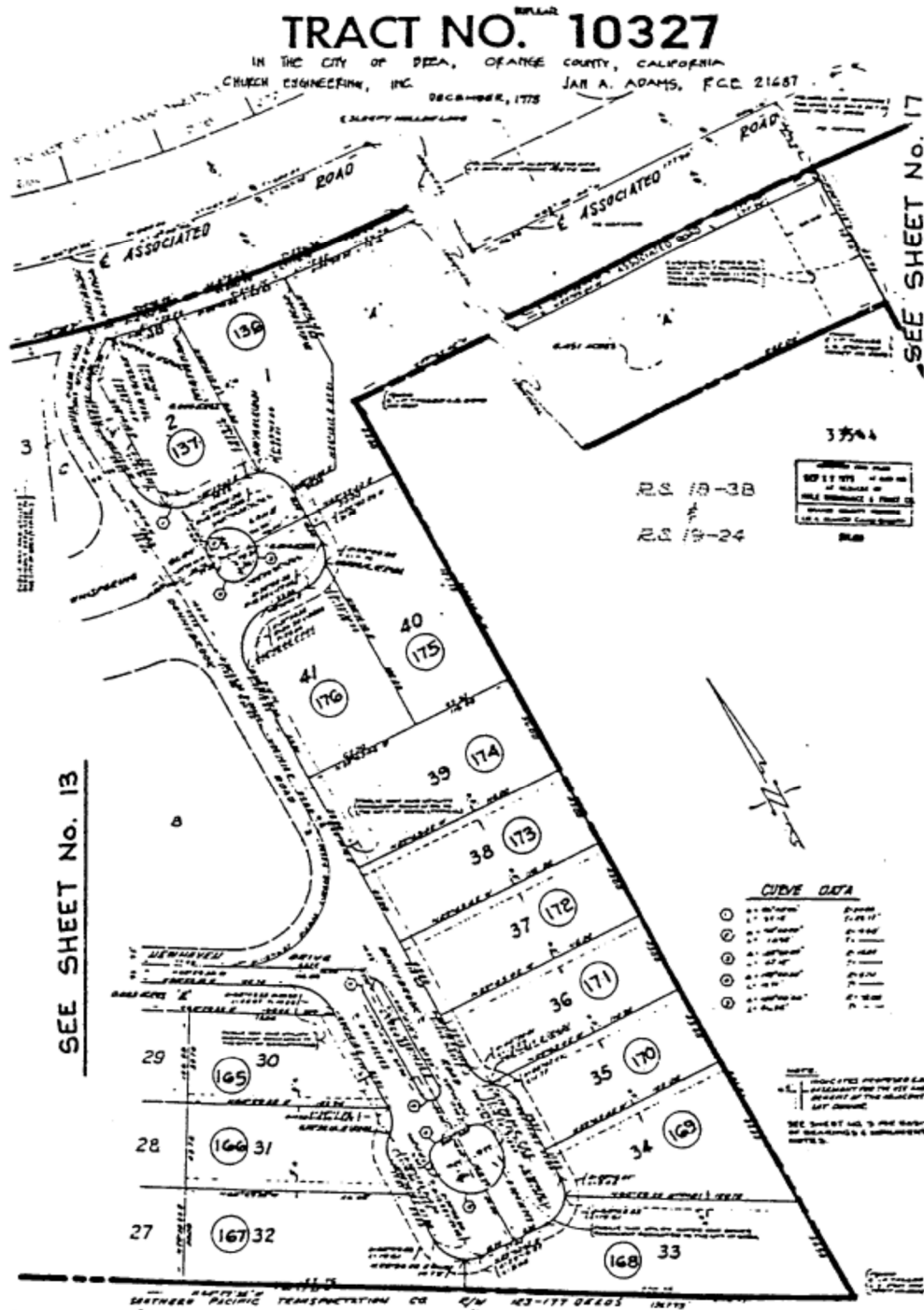


**CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT No.4**

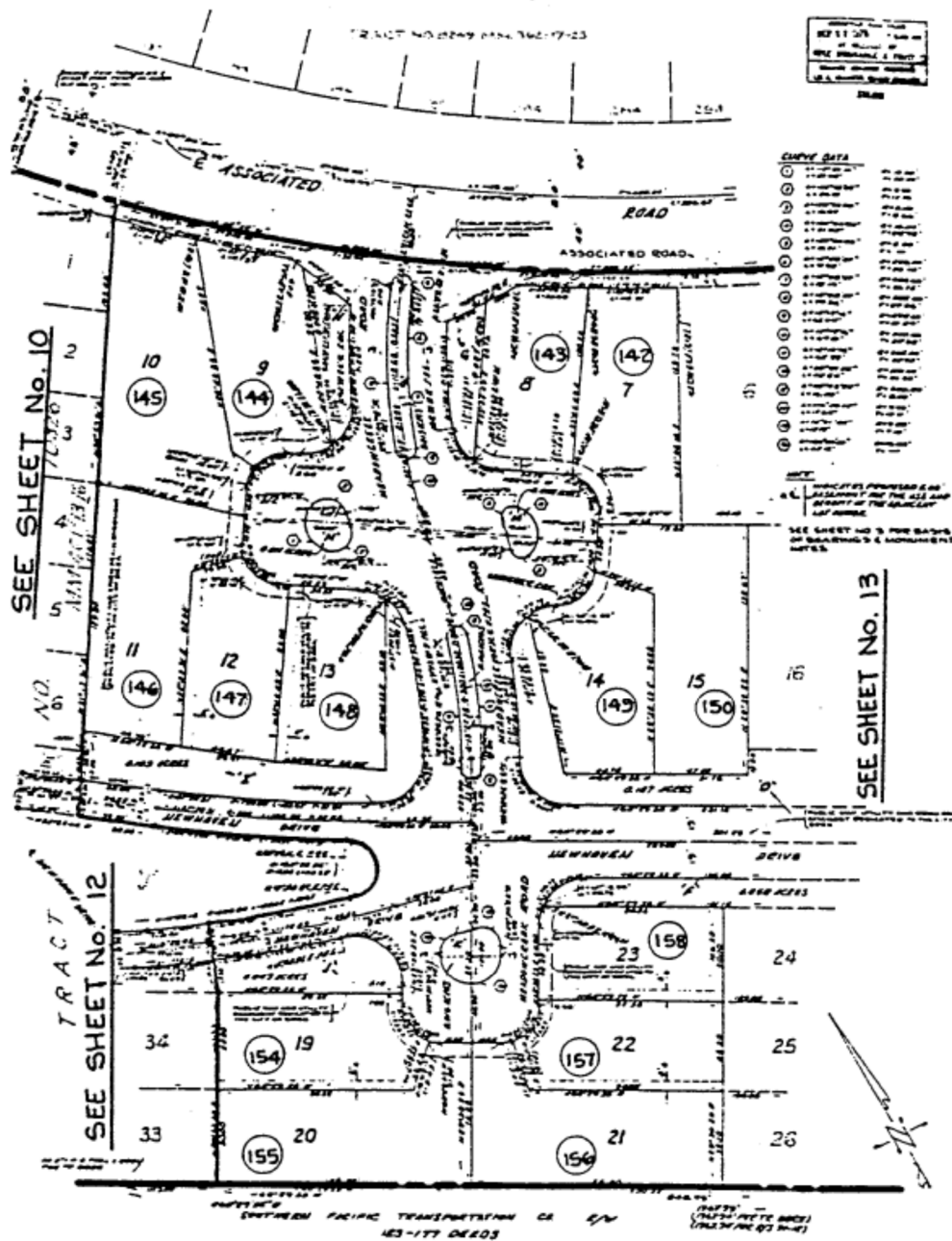
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA



ASSESSMENT DIAGRAM
CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT No. 4
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 13 OF 17

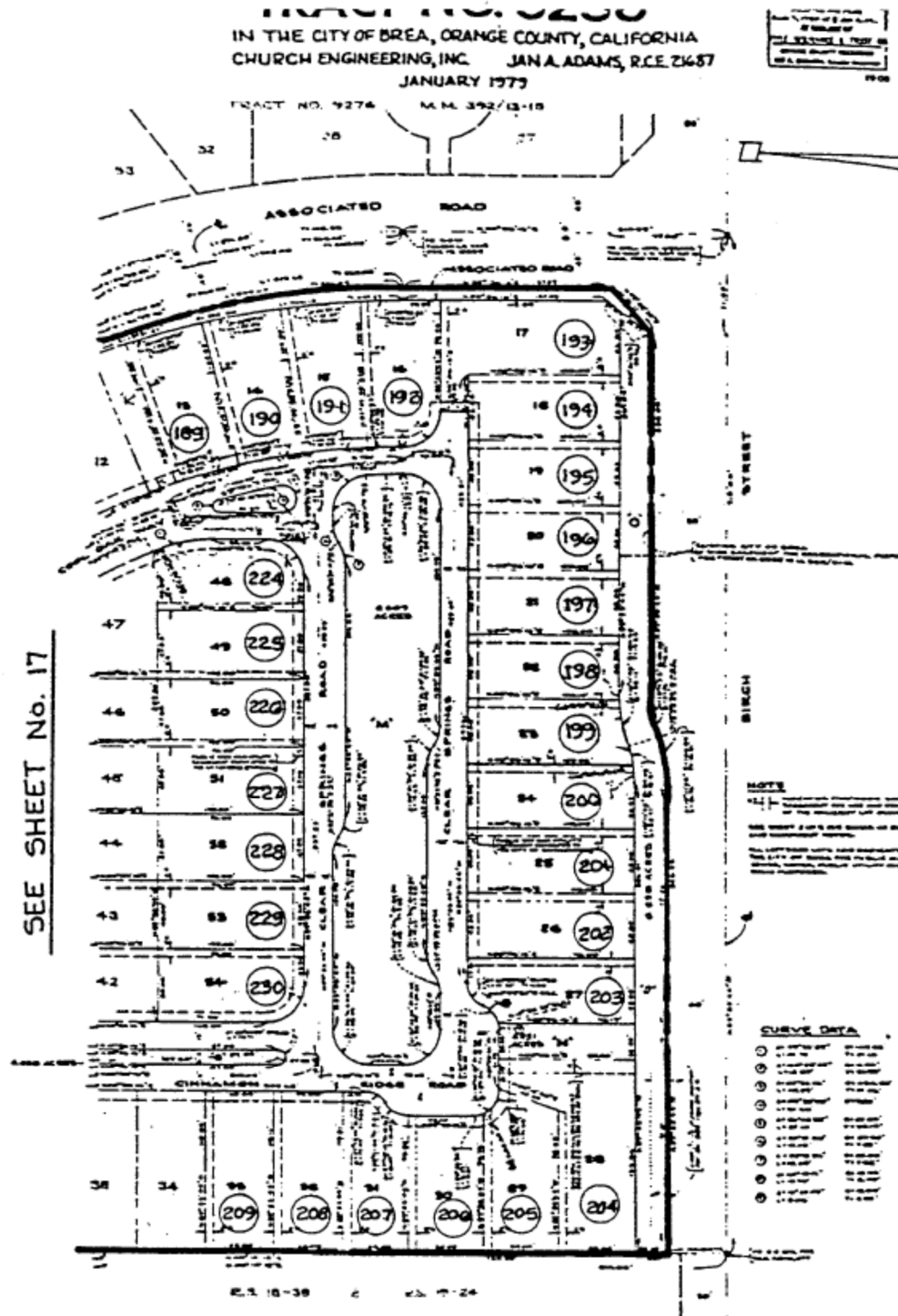


IN THE CITY OF DECA, ORANGE COUNTY, CALIFORNIA
CHUDEN ENGINEERING, INC. JAN A. ADAMS, P.C.E 21687 33544
DEC 11 1978



**CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT No. 4**

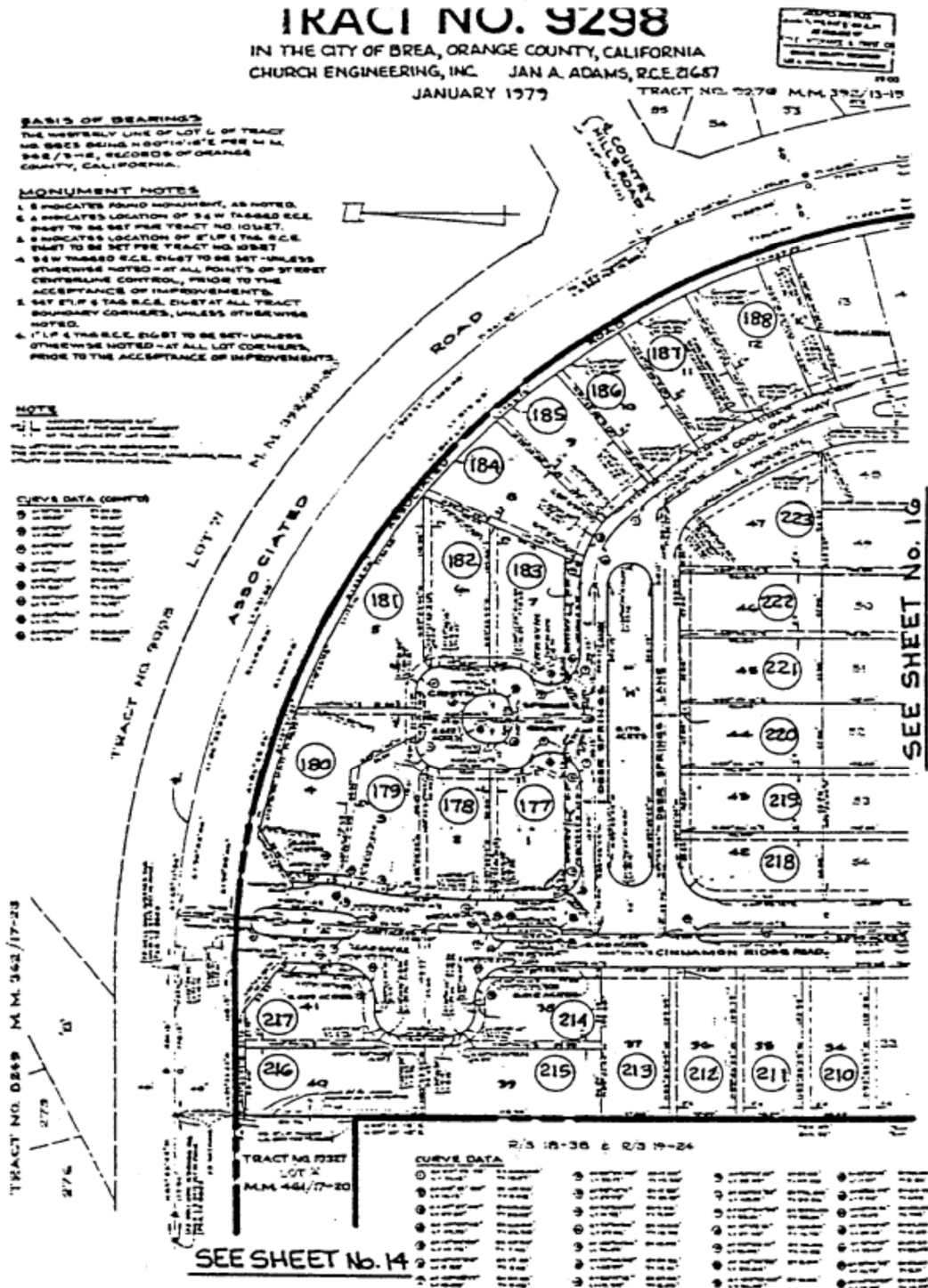
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 15 OF 17



ASSESSMENT DIAGRAM

CITY OF BREA STREET LIGHTING ASSESSMENT DISTRICT No. 4

IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 16 OF 17



ASSESSMENT DIAGRAM
CITY OF BREA STREET LIGHTING ASSESSMENT
DISTRICT No. 4
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 17 OF 17

**Landscape and Lighting
Maintenance District
No. 5**

City of Brea

Prepared under the authority of the
Landscape and Lighting Act of 1972
Streets and Highways Code
State of California

Fiscal Year 2025-26

Submitted by:

**Michael Ho
Director of Public Works**

April 15, 2025

TABLE OF CONTENTS

	Page
Letter of Transmittal	
Report	
Introduction and Background.....	1
Part A - Plans and Specifications	2
Part B - Estimate of Cost.....	3
Part C - Method of Apportionment of Assessment.....	4
Part D - Assessment Roll	7
Part E - Assessment District Boundary	8



April 15, 2025

Honorable Mayor and City Council
City of Brea
1 Civic Center Circle
Brea, CA 92821-5732

Re: Engineer's Report, Landscape & Lighting Maintenance District No. 5

Transmitted herewith for your review and consideration is a report entitled, "Landscape and Lighting Maintenance District No. 5, City of Brea."

This report has been prepared in accordance with the Landscape and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code. The report includes all the requirements of the Landscape and Lighting Act of 1972 and the Streets and Highways Code, with particular reference to annual assessments after formation thereof of the District.

The report is submitted herewith for consideration at your next meeting to set a hearing date for the purpose of levying an annual assessment (Streets and Highways Code, Section 22620 to Section 22631).

Respectfully submitted,

Michael Ho, P.E., Director
Public Works Department

Blair Stewart
Mayor

Cecilia Hupp
Mayor Pro Tem

Christine Marick
Council Member

Marty Simonoff
Council Member

Steven Vargas
Council Member

Introduction and Background

Introduction:

This report has been prepared and is submitted for consideration by the City Council of the City of Brea under the authority of the Landscaping and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code, Article XIIIID of the California Constitution, and the Proposition 218 Omnibus Implementation Act.

Background:

On June 1, 1982 the City Council of the City of Brea adopted and approved Resolution No. 82-57 creating Landscape and Lighting Maintenance District No. 5 in the City of Brea.

The creating of Landscape and Lighting Maintenance District No. 5 in the City of Brea was a requirement of the City of Brea for the development of Tentative Tract No. 8820, known as "Canyon Country," and Tentative Tract No. 9414, known as "Canyondale."

In FY 2003-04, the property owners submitted ballots and approved an increase in assessment rate. Included in that balloting was an annual CPI escalator that will allow the assessment rate to keep up with the cost of living. The annual escalator sets the maximum rate that the properties might be assessed.

The purpose of this report is to be utilized by the City Staff, the City Council, and the County Assessor in the levy and collection of an annual assessment after formation of an assessment district under the requirements of the Landscaping and Lighting Act of 1972 (State of California and Highways Code, Section 22620 to 22631).

PART A PLANS AND SPECIFICATIONS

The facilities, which consist of slopes, greenbelt areas and theme lighting, will be operated, serviced and maintained as generally described as follows:

Landscaping and Appurtenant Facilities

Facilities include but are not limited to: landscaping, planting, shrubbery, trees, irrigation systems, hardscapes, fixtures, sidewalk maintenance resulting from landscape growth and appurtenant facilities, in public street and sidewalk rights-of-way, including medians, parkways and dedicated easements within the boundaries of the Assessment District.

Lighting, Traffic Signals and Appurtenant Facilities

Facilities include but are not limited to: Poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting and traffic signals in public street and sidewalk rights-of-way and dedicated easements within the boundaries of the Assessment District.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the public lighting facilities or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or operation of the landscaping or appurtenant facilities.

The plans and specifications for the improvements, showing and describing the general nature, location, and the extent of the improvements, are on file in the office of the Director of Public Works and are incorporated herein by reference.

PART B ESTIMATE OF COST

The estimated cost of the operation, servicing and maintenance of the street and sidewalk improvements for Fiscal Year 2025-26, as described in Part A, are summarized herein and described below.

MAINTENANCE DISTRICT # 5 - ANNUAL COST FACTORS

Acct #	Description	FY 25-26 Est.
1. Fixed Costs		Expenses
4111	Salaries & Benefits	\$17,450
4113	Overtime	\$150
4243	Engineering	\$0
4244	Legal	\$77
4412	Property Tax Collection	\$143
	Fixed Costs Totals	\$17,820
2. ROUTINE COSTS		
4211	Postage	\$58
4249	Svc & Repair Equipment	\$50,000
4261	Repairs to Equipment	\$1,500
4266	Contract Services/Grounds Maintenance	\$33,725
4269	Equipment Service-Other	\$1,000
4282	Electricity	\$1,200
4285	Water	\$30,000
4337	Electrical Supplies & Parts	\$1,200
4339	Construction & Maintenance/Other	\$0
4441	Miscellaneous Expense	\$0
5800	Insurance and Other Expenses	\$1,868
	Routine Costs Totals	\$120,551
	Total Costs (Fixed & Routine)	\$138,371
	Est. Fund Balance as of 1-Jul-2025	\$133,272
	Projected Reserve Balance 30-Jun-2026	\$117,206
	FY 2025-26 Annual Assessments	\$122,305

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the Districts. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the Districts by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

PART C METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include construction, operation, maintenance and servicing of street lights, traffic signals and landscaping.

Section 22573 of the Landscaping and Lighting Act of 1972 (the 1972 Act) requires that maintenance assessments be levied according to benefit rather than according to assessed value. This section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements." (Sec. 22574). Thus, the 1972 Act requires the levy of a true "assessment" based on the actual benefit rather than a "special tax."

In addition, Proposition 218, the "Right to Vote on Taxes Act" which was approved on the November 1996 Statewide ballot and added Article XIID to the California Constitution, requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. XIID provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. XIID also requires that publicly owned property which benefit from the improvements be assessed.

SPECIAL BENEFIT ANALYSIS

Street Landscaping, Slopes and Greenbelts. Trees, landscaping, hardscaping and appurtenant facilities, if well maintained, provide beautification, shade and enhancement of the desirability of the surroundings, and therefore increase property value.

In Parkways and Land Values, written by John Nolan and Henry V. Hubbard in 1937, it is stated:

"... there is no lack of opinion, based on general principals and experience and common sense, that parkways *do in fact add value* to property, even though the amount cannot be determined exactly.... Indeed, in most cases where public money has been spent for parkways the assumption has been definitely made that the proposed parkway will show a *provable* financial profit to the City. It has been believed that the establishment of parkways causes a rise in real estate values throughout the City, or in parts of the City,..."

It should be noted that the definition of "parkways" above may include the roadway as well as the landscaping along side the roadway.

The ongoing operation and maintenance of the street landscaping, slopes and greenways within the

district, as identified in Part A of this Report, provide beautification to the areas that result in a special benefit to the parcels within the tracts adjacent to the improvements. If these landscaped areas were not properly maintained, the tract would be blighted.

Theme Lighting. Proper maintenance and operation of pedestrian and street lights benefit all properties within the District by providing security, safety and community character and vitality as outlined below. Streetlights provide only incidental benefits to motorists traveling to, from or through the area.

BENEFITS OF STREET LIGHTING

Security and Safety

- Mitigates crime
- Alleviates the fear of crime
- Enhances safe ingress/egress to property

Community Character and Vitality

- Promotes social interaction
 - Contributes to a positive nighttime visual image
-

ASSESSMENT METHODOLOGY

The parcels of land in the District are single family residential (SFR) lots, with each of these lots benefiting equally from the improvements being maintained. Therefore, the costs associated with the landscaping and lighting within and directly adjacent to the tract will be apportioned on a residential lot basis as follows:

$$\$122,305.55 / 113 \text{ SFR's} = \$1,082.35 / \text{SFR}$$

This assessment rate is not considered a maximum rate. This maximum assessment rate will be increased each year by the annual change in the Consumer Price Index (CPI), All Urban Consumers, for the Los Angeles, Long Beach and Anaheim areas. The actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum assessment rate without receiving property owner approval for the increase. The calculation for the maximum assessment rate is provided in the table below. The increase in CPI for FY 2025-26 is 3.3%.

Maximum Assessment Rate Calculation		
Fiscal Year	CPI Increase	Maximum Assessment
FY 2003-04		\$679.00 / SFR
FY 2004-05	1.8%	\$691.22 / SFR
FY 2005-06	4.4%	\$721.64 / SFR
FY 2006-07	4.5%	\$754.11 / SFR
FY 2007-08	4.3%	\$786.54 / SFR
FY 2008-09	3.3%	\$812.50 / SFR
FY 2009-10	3.5%	\$840.94 / SFR
FY 2010-11	0%	\$840.94 / SFR
FY 2011-12	1.2%	\$851.03 / SFR
FY 2012-13	2.7%	\$874.00 / SFR
FY 2013-14	2%	\$891.48 / SFR
FY 2014-15	1.1%	\$901.28 / SFR
FY 2015-16	.7%	\$907.59 / SFR
FY 2016-17	2%	\$925.74 / SFR
FY 2017-18	1.9%	\$943.33 / SFR
FY 2018-19	2.8%	\$969.74 / SFR
FY 2019-20	3.2%	\$1000.77 / SFR
FY 2020-21	3.1%	\$1031.79 / SFR
FY 2021-22	1.6%	\$1048.30 / SFR
FY 2022-23	6.5%	\$1116.44 / SFR
FY 2023-24	4.9%	\$1171.15 / SFR
FY 2024-25	3.5%	\$1212.14 / SFR
FY 2025-26	3.3%	\$1252.14 / SFR

PART D ASSESSMENT ROLL

The amount of the total proposed assessment for Fiscal Year 2025-26 apportioned to each lot or parcel within the District, as shown on the latest assessment roll at the Orange County Assessor's Office, is contained in the Assessment Roll provided below.

The description of each lot or parcel is part of the Orange County assessment roll and this roll is, by reference, made part of this Report.

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
1	30604102	1	9111	\$1082.35	41	30604210	27	9473	\$1082.35	81	30605318	18	9414	\$1082.35
2	30604103	2	9111	\$1082.35	42	30604209	28	9473	\$1082.35	82	30605319	19	9414	\$1082.35
3	30604104	3	9111	\$1082.35	43	30604208	29	9473	\$1082.35	83	30605320	20	9414	\$1082.35
4	30604105	4	9111	\$1082.35	44	30604207	30	9473	\$1082.35	84	30605321	21	9414	\$1082.35
5	30604106	5	9111	\$1082.35	45	30604206	31	9473	\$1082.35	85	30605322	22	9414	\$1082.35
6	30604107	6	9111	\$1082.35	46	30604205	32	9473	\$1082.35	86	30605323	23	9414	\$1082.35
7	30604108	7	9111	\$1082.35	47	30604204	33	9473	\$1082.35	87	30605324	24	9414	\$1082.35
8	30604109	8	9111	\$1082.35	48	30604203	34	9473	\$1082.35	88	30605325	25	9414	\$1082.35
9	30604110	9	9111	\$1082.35	49	30604202	35	9473	\$1082.35	89	30605326	26	9414	\$1082.35
10	30604111	10	9111	\$1082.35	50	30604201	36	9473	\$1082.35	90	30605327	27	9414	\$1082.35
11	30604112	11	9111	\$1082.35	51	30604301	37	9473	\$1082.35	91	30605328	28	9414	\$1082.35
12	30604113	12	9111	\$1082.35	52	30604302	38	9473	\$1082.35	92	30605329	29	9414	\$1082.35
13	30604114	13	9111	\$1082.35	53	30604303	39	9473	\$1082.35	93	30605330	30	9414	\$1082.35
14	30604115	14	9111	\$1082.35	54	30604304	40	9473	\$1082.35	94	30605331	31	9414	\$1082.35
15	30604502	1	9473	\$1082.35	55	30604305	41	9473	\$1082.35	95	30605103	32	9414	\$1082.35
16	30604501	2	9473	\$1082.35	56	30604306	42	9473	\$1082.35	96	30605102	33	9414	\$1082.35
17	30604415	3	9473	\$1082.35	57	30604307	43	9473	\$1082.35	97	30605101	34	9414	\$1082.35
18	30604414	4	9473	\$1082.35	58	30604308	44	9473	\$1082.35	98	30605201	35	9414	\$1082.35
19	30604413	5	9473	\$1082.35	59	30604309	45	9473	\$1082.35	99	30605202	36	9414	\$1082.35
20	30604412	6	9473	\$1082.35	60	30604310	46	9473	\$1082.35	100	30605203	37	9414	\$1082.35
21	30604411	7	9473	\$1082.35	61	30604311	47	9473	\$1082.35	101	30605204	38	9414	\$1082.35
22	30604410	8	9473	\$1082.35	62	30604312	48	9473	\$1082.35	102	30605205	39	9414	\$1082.35
23	30604409	9	9473	\$1082.35	63	30604313	49	9473	\$1082.35	103	30605206	40	9414	\$1082.35
24	30604408	10	9473	\$1082.35	64	30605301	1	9414	\$1082.35	104	30605207	41	9414	\$1082.35
25	30604407	11	9473	\$1082.35	65	30605302	2	9414	\$1082.35	105	30605208	42	9414	\$1082.35
26	30604406	12	9473	\$1082.35	66	30605303	3	9414	\$1082.35	106	30605209	43	9414	\$1082.35
27	30604405	13	9473	\$1082.35	67	30605304	4	9414	\$1082.35	107	30605210	44	9414	\$1082.35
28	30604404	14	9473	\$1082.35	68	30605305	5	9414	\$1082.35	108	30605211	45	9414	\$1082.35
29	30604403	15	9473	\$1082.35	69	30605306	6	9414	\$1082.35	109	30605212	46	9414	\$1082.35
30	30604402	16	9473	\$1082.35	70	30605307	7	9414	\$1082.35	110	30605213	47	9414	\$1082.35
31	30604401	17	9473	\$1082.35	71	30605308	8	9414	\$1082.35	111	30605214	48	9414	\$1082.35
32	30604219	18	9473	\$1082.35	72	30605309	9	9414	\$1082.35	112	30605215	49	9414	\$1082.35
33	30604218	19	9473	\$1082.35	73	30605310	10	9414	\$1082.35	113	30605216	50	9414	\$1082.35
34	30604217	20	9473	\$1082.35	74	30605311	11	9414	\$1082.35					
35	30604216	21	9473	\$1082.35	75	30605312	12	9414	\$1082.35					
36	30604215	22	9473	\$1082.35	76	30605313	13	9414	\$1082.35					
37	30604214	23	9473	\$1082.35	77	30605314	14	9414	\$1082.35					
38	30604213	24	9473	\$1082.35	78	30605315	15	9414	\$1082.35					
39	30604212	25	9473	\$1082.35	79	30605316	16	9414	\$1082.35					
40	30604211	26	9473	\$1082.35	80	30605317	17	9414	\$1082.35					

PART E

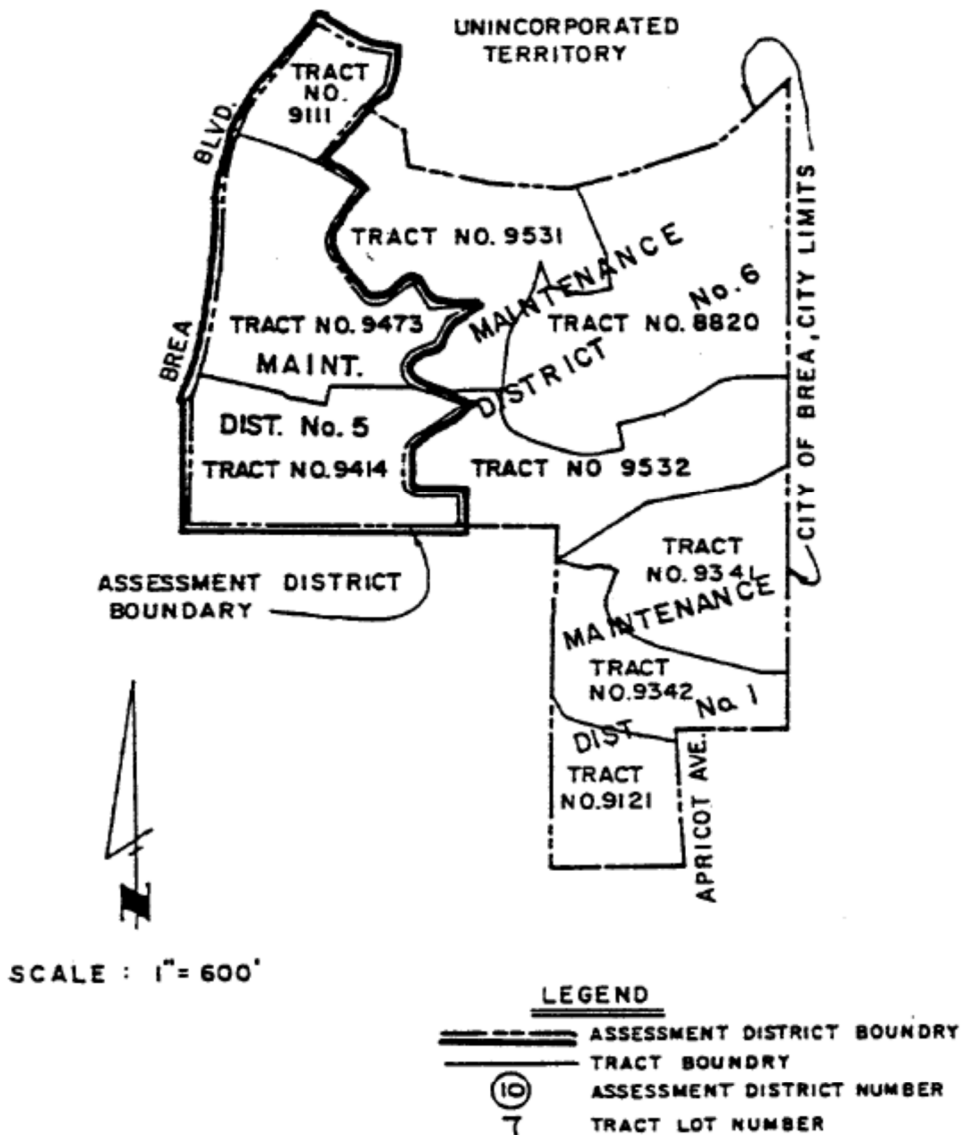
ASSESSMENT DISTRICTS' BOUNDARIES

A diagram of the boundaries of Landscape and Lighting Maintenance District No. 5 is included herein.

District No. 5 is generally located east of Brea Boulevard and north of State College Boulevard, and includes Tract Nos. 9111, 9414 and 9473.

District No. 5 includes all properties in the City of Brea located within the tract boundary of Tract No. 9111 recorded in Book 374, Pages 24, 25 and 26 of Tract No. 9414 recorded in Book 409, Pages 8 and 9, and of Tract No. 9473 recorded in Book 291, Pages 26, 27 and 28 all of Miscellaneous Maps, records of Orange County, California.

Also, the lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the Assessor of the County of Orange for Fiscal Year 2025-26. The Assessor's maps and records are incorporated by reference herein and made part of this report.

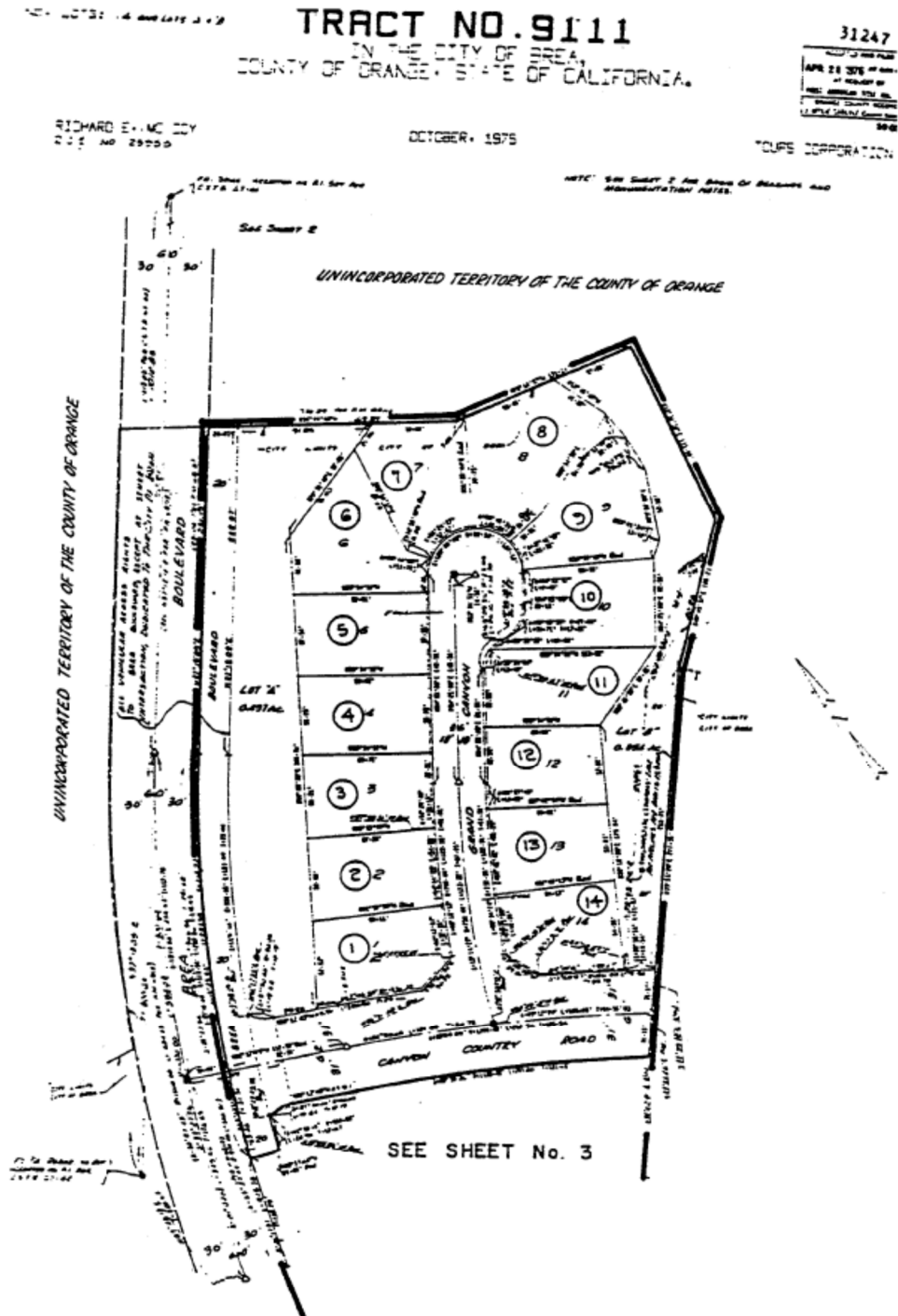


113 PARCELS

SHEET 1 OF

ASSESSMENT DIAGRAM
**LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 5**

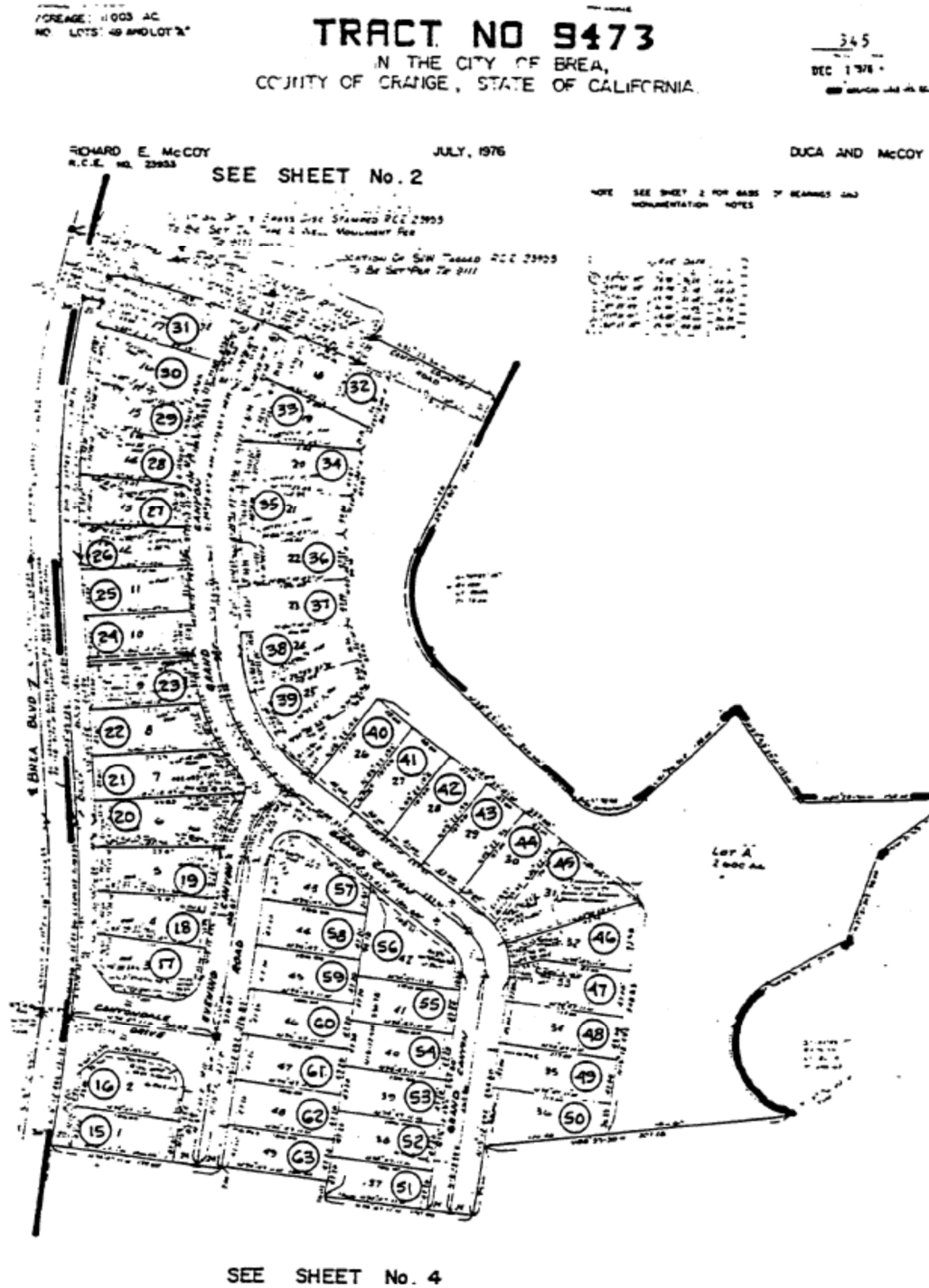
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA



113 PARCELS

SHEET 2 OF 4

ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 5
IN THE CITY OF BREA, COUNTY OF ORANGE STATE OF CALIFORNIA

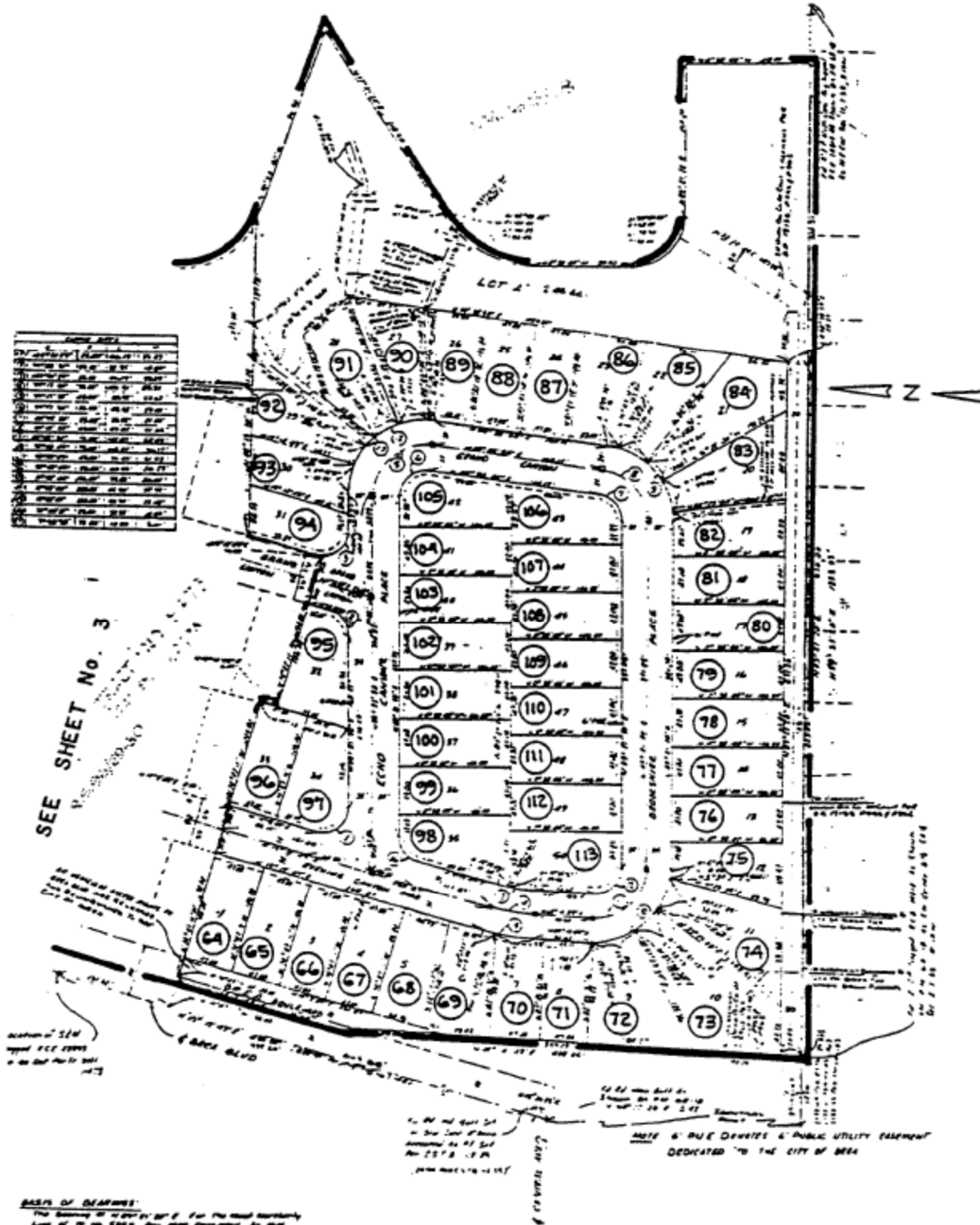


TRACT NO 5111
IN THE CITY OF BREA,
COUNTY OF ORANGE, STATE OF CALIFORNIA

RICHARD E. MCCOY
R.E.E. 79958

DECEMBER, 1976

DUCA AND MCCOY
CIVIL ENGINEERS - PLANNERS



113 PARCELS

SHEET 4 OF 4

ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 5
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA

**Landscape and Lighting
Maintenance District
No. 6**

City of Brea

Prepared under the authority of the
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Submitted by:

Michael Ho
Director of Public Works

April 15, 2025

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Introduction and Background

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Background:

On June 1, 1982 the City Council of the City of Brea adopted and approved Resolution No. 83-58 creating Landscape and Lighting Maintenance District No. 6 in the City of Brea.

The creating of Landscape and Lighting Maintenance District No. 6 in the City of Brea was a requirement of the City of Brea for the development of Tentative Tract No. 8820, known as the "Canyon Country" development project.

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The plans and specifications for the improvements, showing and describing the general nature, location, and the extent of the improvements, are on file in the office of the Director of Public Works and are incorporated herein by reference.

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Acct #	Description	FY 25-26 Est.
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4111	Salaries & Benefits	\$16,045
4113	Overtime	\$150
4243	Engineering	\$0
4244	Legal	\$75
4412	Property Tax Collection	\$449
	Fixed Costs Totals	\$16,719
2. ROUTINE COSTS		
4211	Postage	\$152
4249	Professional Svc-Other	\$60,000
4261	Repairs to Equipment	\$5,100
4266	Contract Services/Grounds Maintenance	\$78,050
4269	Equipment Service-Other	\$2,040
4282	Electricity	\$2,800
4285	Water	\$70,000
4337	Electrical Supplies & Parts	\$2,040
4339	Construction & Maintenance/Other	\$1,000
4441	Miscellaneous Expense	\$0
5800	Insurance and Other Expenses	\$1,792
	Routine Costs Totals	\$222,974
	Total Costs (Fixed & Routine)	\$239,693
	Est. Fund Balance as of 1-Jul-2025	\$271,309
	Projected Reserve Balance 30-Jun-2026	\$267,913
	FY 2025-26 Annual Assessments	\$236,297

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the Districts. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the Districts by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

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Section 22573 of the Landscaping and Lighting Act of 1972 (the 1972 Act) requires that maintenance assessments be levied according to benefit rather than according to assessed value. This section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements." (Sec. 22574). Thus, the 1972 Act requires the levy of a true "assessment" based on the actual benefit rather than a "special tax."

ASSESSMENT METHODOLOGY

The parcels of land in the District are single family residential (SFR) lots, with each of these lots benefiting equally from the improvements being maintained. Therefore, the costs associated with the landscaping and lighting within and directly adjacent to the tract will be apportioned on a residential lot basis as follows:

$$\text{\$236,297.25} / 135 \text{ SFR's} = \text{\$1,750.35} / \text{SFR}$$

This assessment rate is not the maximum rate. The maximum assessment rate will be increased each year by the annual change in the Consumer Price Index (CPI), All Urban Consumers, for the Los Angeles, Long Beach and Anaheim areas. The actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum assessment rate without receiving property owner approval for the increase. The calculation for the maximum assessment rate is provided in the table below. The increase in CPI for FY 2025-26 is 3.3%.

Maximum Assessment Rate Calculation		
Fiscal Year	CPI Increase	Maximum Assessment
FY 2005-06		\$1350.00 / SFR
FY 2006-07	4.5%	\$1411.00 / SFR
FY 2007-08	4.3%	\$1472.00 / SFR
FY 2008-09	3.3%	\$1521.00 / SFR
FY 2009-10	3.5%	\$1574.24 / SFR
FY 2010-11	0%	\$1574.24 / SFR
FY 2011-12	1.2%	\$1593.13 / SFR
FY 2012-13	2.7%	\$1636.14 / SFR
FY 2013-14	2%	\$1668.86 / SFR
FY 2014-15	1.1%	\$1676.22 / SFR
FY 2015-16	.7%	\$1687.95 / SFR
FY 2016-17	2%	\$1721.71 / SFR
FY 2017-18	1.9%	\$1754.42 / SFR
FY 2018-19	2.8%	\$1803.54 / SFR
FY 2019-20	3.2%	\$1861.25 / SFR
FY 2020-21	3.1%	\$1918.95 / SFR
FY 2021-22	1.6%	\$1949.65 / SFR
FY 2022-23	6.5%	\$2076.38 / SFR
FY 2023-24	4.9%	\$2180.07 / SFR
FY 2024-25	3.5%	\$2256.37 / SFR
FY 2025-26	3.3%	\$2330.83 / SFR

PART D ASSESSMENT ROLL

The amount of the total proposed assessment for Fiscal Year 2025-26 apportioned to each lot or parcel within the District, as shown on the latest assessment roll at the Orange County Assessor's Office, is contained in the Assessment Roll provided below.

The description of each lot or parcel is part of the Orange County assessment roll and this roll is, by reference, made part of this Report.

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
1	30606101	1	9531	\$1,750.35	39	30606232	39	9531	\$1,750.35
2	30606102	2	9531	\$1,750.35	40	30606231	40	9531	\$1,750.35
3	30606103	3	9531	\$1,750.35	41	30606230	41	9532	\$1,750.35
4	30606104	4	9531	\$1,750.35	42	30606229	42	9532	\$1,750.35
5	30606105	5	9531	\$1,750.35	43	30608102	43	9532	\$1,750.35
6	30606106	6	9531	\$1,750.35	44	30608103	44	9532	\$1,750.35
7	30606107	7	9531	\$1,750.35	45	30608104	45	9532	\$1,750.35
8	30606201	8	9531	\$1,750.35	46	30608105	46	9532	\$1,750.35
9	30606202	9	9531	\$1,750.35	47	30608106	47	9532	\$1,750.35
10	30606203	10	9531	\$1,750.35	48	30608107	48	9532	\$1,750.35
11	30606205	11	9531	\$1,750.35	49	60608108	49	9532	\$1,750.35
12	30606206	12	9531	\$1,750.35	50	30608110	50	9532	\$1,750.35
13	30606207	13	9531	\$1,750.35	51	30608111	51	9532	\$1,750.35
14	30606208	14	9531	\$1,750.35	52	30608112	52	9532	\$1,750.35
15	30606209	15	9531	\$1,750.35	53	30608113	53	9532	\$1,750.35
16	30606211	16	9531	\$1,750.35	54	30608114	54	9532	\$1,750.35
17	30606213	17	9531	\$1,750.35	55	30608115	55	9532	\$1,750.35
18	30606214	18	9531	\$1,750.35	56	30608116	56	9532	\$1,750.35
19	30606215	19	9531	\$1,750.35	57	30608117	57	9532	\$1,750.35
20	30603236	20	9531	\$1,750.35	58	30608118	58	9532	\$1,750.35
21	30606235	21	9531	\$1,750.35	59	30608129	59	9532	\$1,750.35
22	30606218	22	9531	\$1,750.35	60	30608128	60	9532	\$1,750.35
23	30603220	23	9531	\$1,750.35	61	30608121	61	9532	\$1,750.35
24	30603221	24	9531	\$1,750.35	62	30608122	62	9532	\$1,750.35
25	30603222	25	9531	\$1,750.35	63	30608221	63	9532	\$1,750.35
26	30603223	26	9531	\$1,750.35	64	30608220	64	9532	\$1,750.35
27	30603224	27	9531	\$1,750.35	65	30608219	65	9532	\$1,750.35
28	30606307	28	9531	\$1,750.35	66	30608218	66	9532	\$1,750.35
29	30606308	29	9531	\$1,750.35	67	30608217	67	9532	\$1,750.35
30	30606303	30	9531	\$1,750.35	68	30608216	68	9532	\$1,750.35
31	30606304	31	9531	\$1,750.35	69	30608215	69	9532	\$1,750.35
32	30606305	32	9531	\$1,750.35	70	30608214	70	9532	\$1,750.35
33	30606306	33	9531	\$1,750.35	71	30608213	71	9532	\$1,750.35
34	30603225	34	9531	\$1,750.35	72	30608212	72	9532	\$1,750.35
35	30606226	35	9531	\$1,750.35	73	30608211	73	9532	\$1,750.35
36	30606227	36	9531	\$1,750.35	74	30608210	74	9532	\$1,750.35
37	30606234	37	9531	\$1,750.35	75	30608209	75	9532	\$1,750.35
38	30606233	38	9531	\$1,750.35	76	30608208	76	9532	\$1,750.35

AD #	APN	Lot	Tract	Asmt	AD #	APN	Lot	Tract	Asmt
77	30608227	77	9532	\$1,750.35	107	30607324	107	8820	\$1,750.35
78	30608226	78	9532	\$1,750.35	108	30607204	108	8820	\$1,750.35
79	30608225	79	9532	\$1,750.35	109	30607203	109	8820	\$1,750.35
80	30608224	80	9532	\$1,750.35	110	30607202	110	8820	\$1,750.35
81	30608223	81	9532	\$1,750.35	111	30607201	111	8820	\$1,750.35
82	30608202	82	9532	\$1,750.35	112	30607205	112	8820	\$1,750.35
83	30608201	83	9532	\$1,750.35	113	30607206	113	8820	\$1,750.35
84	30607301	84	8820	\$1,750.35	114	30607207	114	8820	\$1,750.35
85	30607302	85	8820	\$1,750.35	115	30607208	115	8820	\$1,750.35
86	30607332	86	8820	\$1,750.35	116	30607209	116	8820	\$1,750.35
87	30607304	87	8820	\$1,750.35	117	30607210	117	8820	\$1,750.35
88	30607305	88	8820	\$1,750.35	118	30607211	118	8820	\$1,750.35
89	30607306	89	8820	\$1,750.35	119	30607212	119	8820	\$1,750.35
90	30607307	90	8820	\$1,750.35	120	30607213	120	8820	\$1,750.35
91	30607308	91	8820	\$1,750.35	121	30607325	121	8820	\$1,750.35
92	30607309	92	8820	\$1,750.35	122	30607326	122	8820	\$1,750.35
93	30607333	93	8820	\$1,750.35	123	30607327	123	8820	\$1,750.35
94	30607311	94	8820	\$1,750.35	124	30607328	124	8820	\$1,750.35
95	30607312	95	8820	\$1,750.35	125	30607329	125	8820	\$1,750.35
96	30607334	96	8820	\$1,750.35	126	30607330	126	8820	\$1,750.35
97	30607335	97	8820	\$1,750.35	127	30607110	127	8820	\$1,750.35
98	30607336	98	8820	\$1,750.35	128	30607109	128	8820	\$1,750.35
99	30607316	99	8820	\$1,750.35	129	30607108	129	8820	\$1,750.35
100	30607317	100	8820	\$1,750.35	130	30607107	130	8820	\$1,750.35
101	30607318	101	8820	\$1,750.35	131	30607106	131	8820	\$1,750.35
102	30607319	102	8820	\$1,750.35	132	30607105	132	8820	\$1,750.35
103	30607320	103	8820	\$1,750.35	133	30607104	133	8820	\$1,750.35
104	30607321	104	8820	\$1,750.35	134	30607103	134	8820	\$1,750.35
105	30607322	105	8820	\$1,750.35	135	30607102	135	8820	\$1,750.35
106	30607323	106	8820	\$1,750.35					

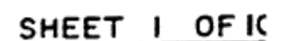
PART E

ASSESSMENT DISTRICTS' BOUNDARIES

A diagram of the boundaries of Landscape and Lighting Maintenance District No. 6 is included herein.

District No. 6 includes all the properties in the City of Brea located within the tract boundary of Tract No. 8820, recorded in Book 454, Pages 19 through 24 inclusive, Tract No. 9531 recorded in Book 423, Pages 24 through 28 inclusive, and Tract No. 9532 recorded in Book 454, Pages 25 through 28, all of Miscellaneous Maps, records of Orange County, California.

Also, the lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the Assessor of the County of Orange for Fiscal Year 2025-26. The Assessor's maps and records are incorporated by reference herein and made part of this report.



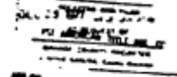
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA

SCALE: 1" = 80'
ACREAGE: 1.2597
NO. OF LOTS: 42 AND LOTS A THRU F

DUPLICATE

TRACT NO. 9531
IN THE CITY OF BREA
COUNTY OF ORANGE, STATE OF CALIFORNIA

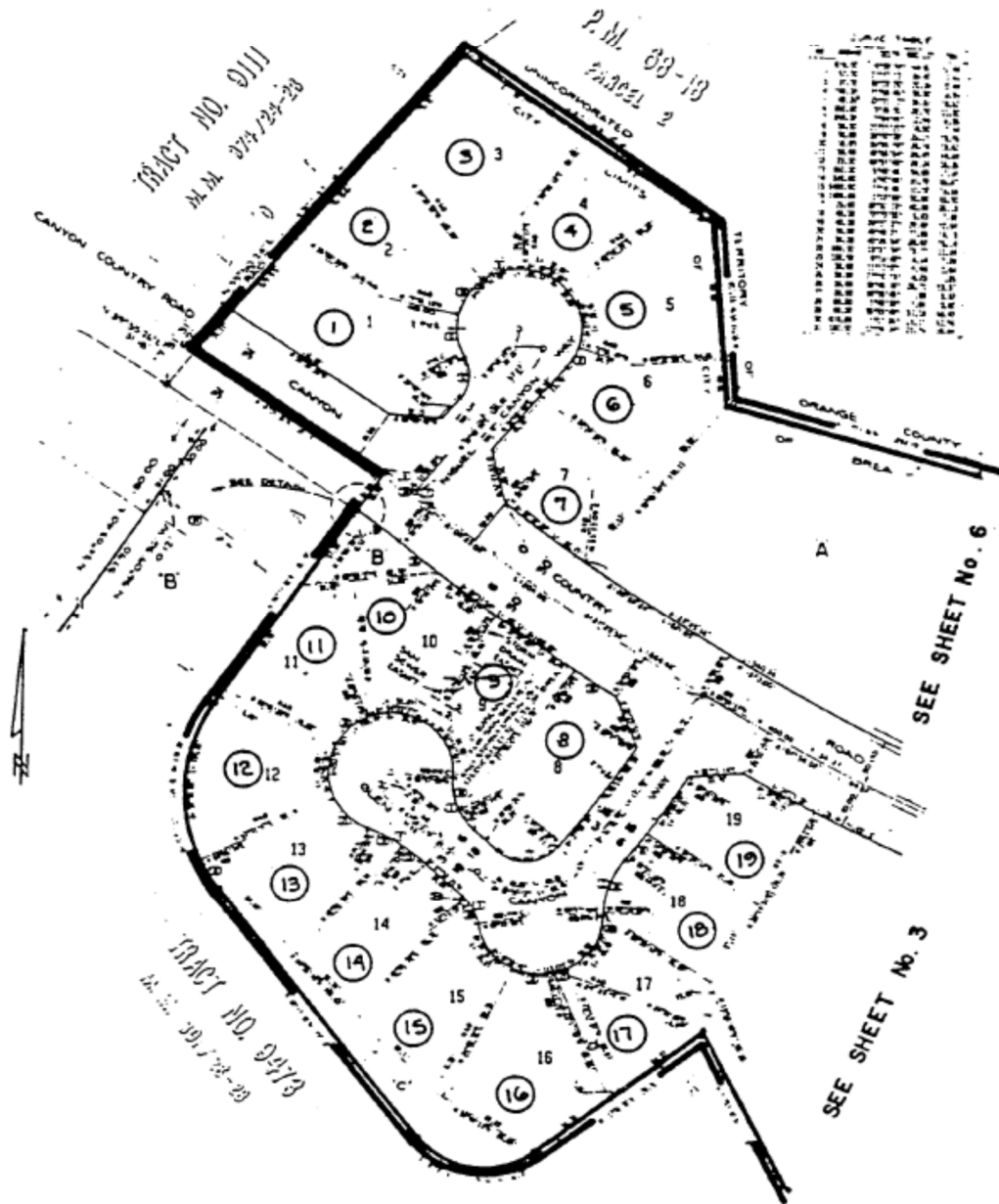
38222



STANLEY C. MORSE, L.S. 3640

JUNE, 1977

STANLEY C. MORSE
CONSULTING CIVIL ENGINEERS



135 PARCELS

SHEET 2 OF 10

ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 6
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA

NO OF LOTS 42 AND LOTS A THRU F

TRACT NO. 9531
IN THE CITY OF BREA,
COUNTY OF ORANGE, STATE OF CALIFORNIA

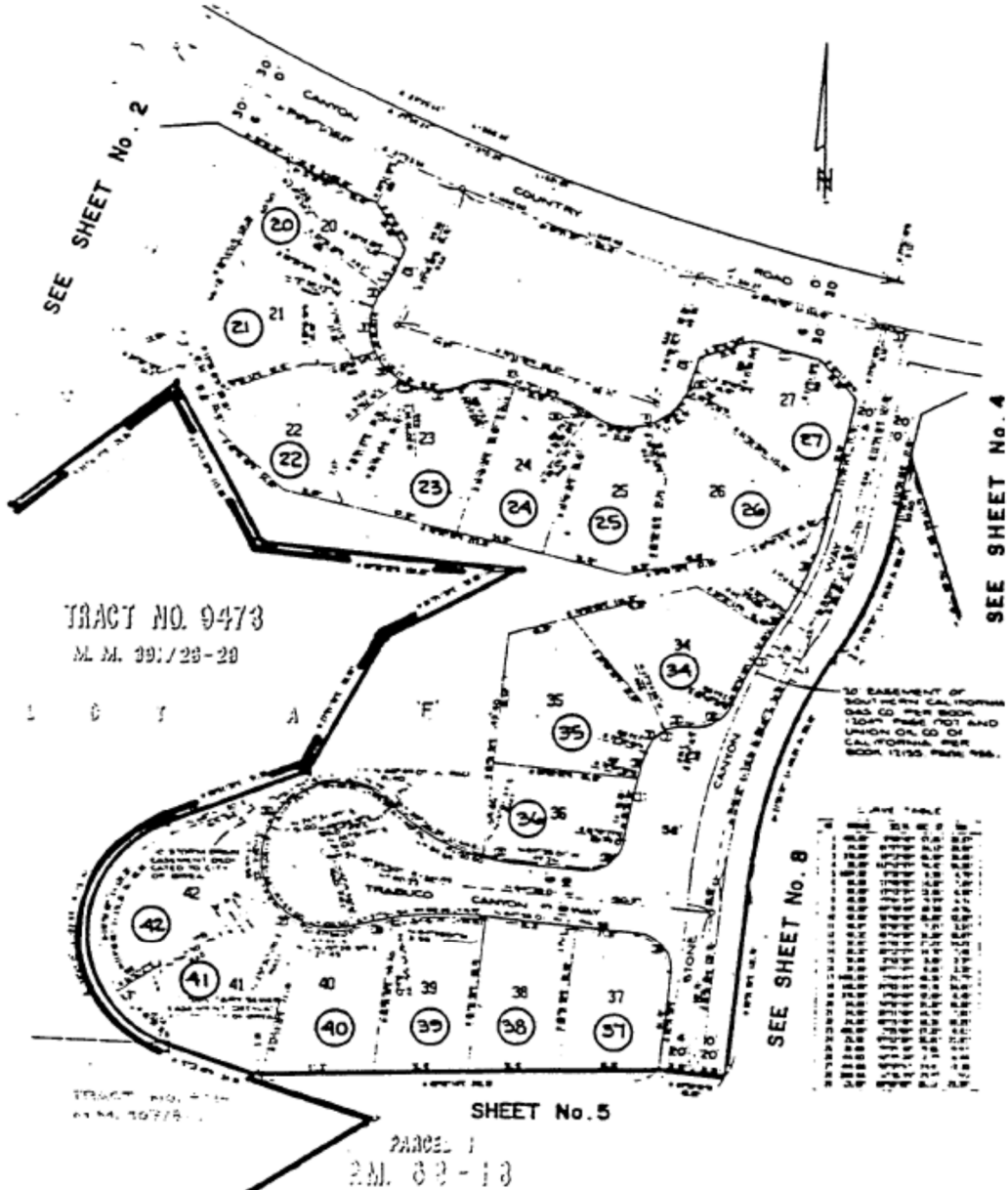
38222

RECORDED AND INDEXED
DEC 19 1972 BY A. J. P. 79
AT THE OFFICE OF
THE COUNTY CLERK
COUNTY OF ORANGE, CALIF.
1000 WEST GATEWAY AVENUE
SANTA ANA, CALIF. 92701

STANLEY C. MORSE, L.S. 3640

JUNE, 1977

STANLEY C. MORSE
CONSULTING CIVIL ENGINEERS



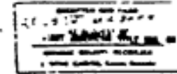
135 PARCELS

SHEET 3 OF 10

ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 6
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA

SCALE: 1" = 80'
ACREAGE: 13.592
NO. OF LOTS 42 AND LOTS A-F

TRACT NO. 9531
IN THE CITY OF BREA,
COUNTY OF ORANGE, STATE OF CALIFORNIA

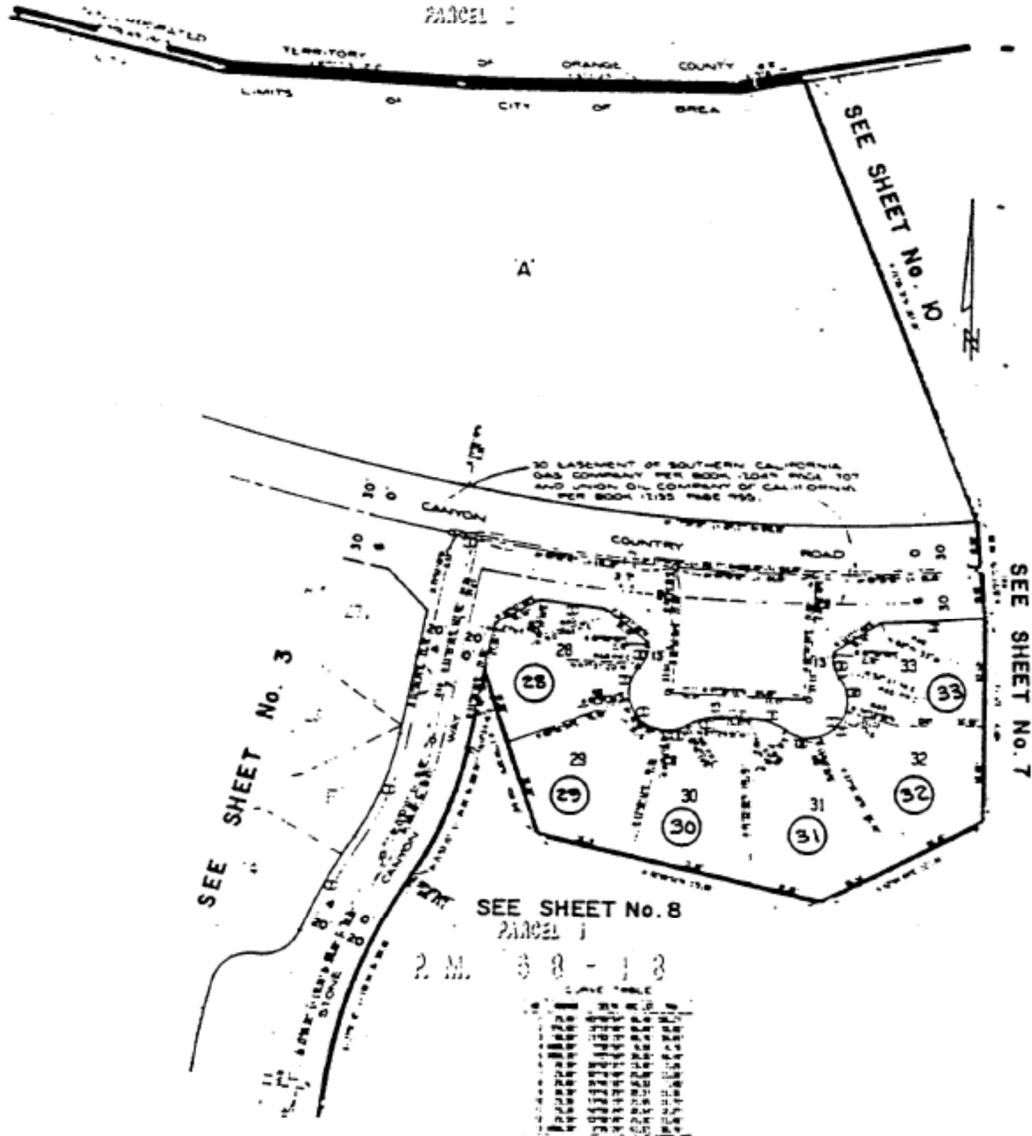


JUNE, 1977

STANLEY C. MORSE
CONSULTING CIVIL ENGINEERS INC.

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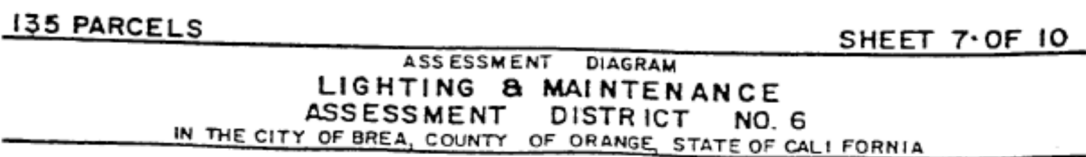
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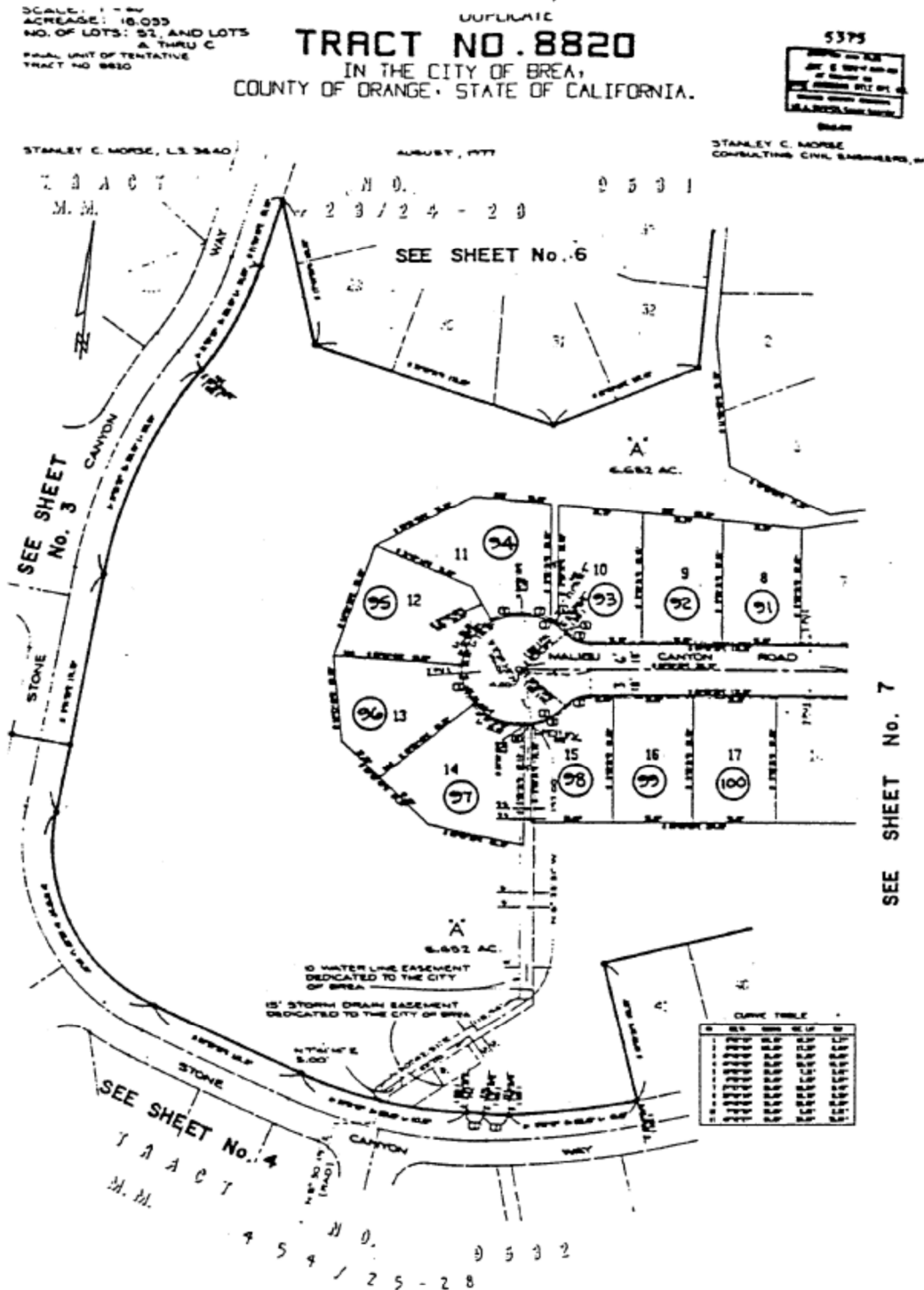


135. PARCELS

SHEET 4 OF 10

ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 6

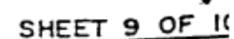




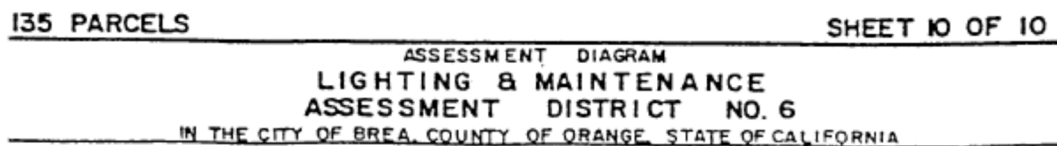
135 PARCELS

SHEET 8 OF 10

ASSESSMENT DIAGRAM
LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 6
IN THE CITY OF BREA, COUNTY OF ORANGE, STATE OF CALIFORNIA



IN THE CITY OF BREA COUNTY OF ORANGE STATE OF CALIFORNIA



**Landscape and Lighting
Maintenance District
No. 7**

City of Brea

Prepared under the authority of the
Landscape and Lighting Act of 1972
Streets and Highways Code
State of California

Fiscal Year 2025-26

Submitted by:

**Michael Ho
Director of Public Works**

April 15, 2025

TABLE OF CONTENTS

	Page
Letter of Transmittal	
Report	
Introduction and Background.....	1
Part A - Plans and Specifications	2
Part B - Estimate of Cost.....	3
Part C - Method of Apportionment of Assessment.....	4
Part D - Assessment Roll	6
Part E - Assessment District Boundary	8



April 15, 2025

Honorable Mayor and City Council
City of Brea
1 Civic Center Circle
Brea, CA 92821-5732

Re: Engineer's Report, Landscape & Lighting Maintenance District No. 7

Transmitted herewith for your review and consideration is a report entitled, "Landscape and Lighting Maintenance District No. 7, City of Brea."

This report has been prepared in accordance with the Landscape and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code. The report includes all the requirements of the Landscape and Lighting Act of 1972 and the Streets and Highways Code, with particular reference to annual assessments after formation thereof of the District.

The report is submitted herewith for consideration at your next meeting to set a hearing date for the purpose of levying an annual assessment (Streets and Highways Code, Section 22620 to Section 22631).

Respectfully submitted,

Michael Ho, P.E., Director
Public Works Department

Blair Stewart
Mayor

Cecilia Hupp
Mayor Pro Tem

Christine Marick
Council Member

Marty Simonoff
Council Member

Steven Vargas
Council Member

Introduction and Background

Introduction:

This report has been prepared and is submitted for consideration by the City Council of the City of Brea under the authority of the Landscaping and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code.

Background:

On August 1, 1995 the City Council of the City of Brea adopted and approved Resolution No. 95-85 creating Landscape and Lighting Maintenance District No. 7 in the City of Brea.

The creating of Landscape and Lighting Maintenance District No. 7 in the City of Brea was a requirement of the City of Brea for the development of Tract Nos. 14658, 14657, 15670 and 14656.

The formation of the district and the levy of the first annual assessment was completed in accordance with the requirements of the Landscaping and Lighting Act of 1972 on August 1, 1995.

In FY 2007-08, the property owners submitted ballots and approved an increase in assessment rate. Included in that balloting was an annual CPI escalator that will allow the assessment rate to keep up with the cost of living. The annual escalator sets the maximum rate that the properties might be assessed.

The purpose of this report is to be utilized by the City Staff, the City Council, and the County Assessor in the levy and collection of an annual assessment after formation of an assessment district under the requirements of the Landscaping and Lighting Act of 1972 (State of California and Highways Code, Section 22620 to 22631).

PART A PLANS AND SPECIFICATIONS

The facilities, which consist of slopes and greenbelt areas and theme lighting, will be operated, serviced and maintained as generally described as follows:

Landscaping and Appurtenant Facilities

Facilities include but are not limited to: landscaping, planting, shrubbery, trees, irrigation systems, hardscapes, fixtures, sidewalk maintenance resulting from landscape growth and appurtenant facilities, in public street and sidewalk rights-of-way, including medians, parkways and dedicated easements within the boundaries of the Assessment District.

Lighting, Traffic Signals and Appurtenant Facilities

Facilities include but are not limited to: Poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting and traffic signals in public street and sidewalk rights-of-way and dedicated easements within the boundaries of the Assessment District.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the public lighting facilities or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or operation of the landscaping or appurtenant facilities.

The plans and specifications for the improvements, showing and describing the general nature, location, and the extent of the improvements, are on file in the office of the Director of Public Works and are incorporated herein by reference.

PART B ESTIMATE OF COST

The estimated cost of the operation, servicing and maintenance of the street and sidewalk improvements for Fiscal Year 2025-26, as described in Part A, are summarized herein and described below.

MAINTENANCE DISTRICT # 7 - ANNUAL COST FACTORS

Acct #	Description	FY 25-26 Est.
1. Fixed Costs		Expenses
4111	Salaries & Benefits	\$6,454
4113	Overtime	\$150
4243	Engineering	\$0
4244	Legal	\$75
4412	Property Tax Collection	\$105
	Fixed Costs Totals	\$6,784
2. ROUTINE COSTS		
4211	Postage	\$47
4249	Professional Svc-Other	\$5,000
4261	Svc & Repair Equip (4261)	\$102
4266	Contract Grounds Maintenance	\$14,514
4269	Bldg. & Equipment Svc	\$102
4285	Water	\$8,000
4337	Electrical Supplies	\$200
4339	Construction & Maintenance	\$0
5800	Insurance and Other Expenses	\$517
	Routine Costs Totals	\$28,482
	Total Costs (Fixed & Routine)	\$35,266
	Est. Fund Balance as of 1-Jul-2025	\$12,057
	Projected Reserve Balance 30-Jun-2026	\$11,838
	FY 2025-26 Annual Assessments	\$35,047

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the Districts. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the Districts by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

PART C METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include construction, operation, maintenance and servicing of street lights, traffic signals and landscaping.

Section 22573 of the Landscaping and Lighting Act of 1972 (the 1972 Act) requires that maintenance assessments be levied according to benefit rather than according to assessed value. This section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements." (Sec. 22574). Thus, the 1972 Act requires the levy of a true "assessment" based on the actual benefit rather than a "special tax."

ASSESSMENT METHODOLOGY

The parcels of land in the District are single family residential (SFR) lots, with each of these lots benefiting equally from the improvements being maintained. Therefore, the costs associated with the landscaping and lighting within and directly adjacent to the tract will be apportioned on a residential lot basis as follows:

$$\$35,047.68 / 96 \text{ SFR's} = \$365.08 / \text{SFR}$$

This assessment rate is the maximum rate. The maximum assessment rate will be increased each year by the annual change in the Consumer Price Index (CPI), All Urban Consumers, for the Los Angeles, Long Beach and Anaheim areas. The actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum assessment rate without receiving property owner approval for the increase. The calculation for the maximum assessment rate is provided in the table below. The increase in CPI for FY 2025-26 is 3.3%.

Maximum Assessment Rate Calculation		
Fiscal Year	CPI Increase	Maximum Assessment
FY 2007-08		\$245.00 / SFR
FY 2008-09	3.3%	\$253.05 / SFR
FY 2009-10	3.5%	\$261.91 / SFR
FY 2010-11	0%	\$261.91 / SFR
FY 2011-12	1.2%	\$265.05 / SFR
FY 2012-13	2.7%	\$272.21 / SFR
FY 2013-14	2%	\$277.65 / SFR
FY 2014-15	1.1%	\$280.70 / SFR
FY 2015-16	.7%	\$282.66 / SFR
FY 2016-17	2%	\$288.31 / SFR
FY 2017-18	1.9%	\$293.79 / SFR
FY 2018-19	2.8%	\$302.02 / SFR
FY 2019-20	3.2%	\$311.68 / SFR
FY 2020-21	3.1%	\$321.34 / SFR
FY 2021-22	1.6%	\$326.48 / SFR
FY 2022-23	6.5%	\$347.70 / SFR
FY 2023-24	4.9%	\$365.08 / SFR
FY 2024-25	3.5%	\$377.86 / SFR
FY 2025-26	3.3%	\$390.33 / SFR

PART D ASSESSMENT ROLL

The amount of the total proposed assessment for Fiscal Year 2025-26 apportioned to each lot or parcel within the District, as shown on the latest assessment roll at the Orange County Assessor's Office, is contained in the Assessment Roll provided below.

The description of each lot or parcel is part of the Orange County assessment roll and this roll is, by reference, made part of this Report.

AD#	APN	Lot	Tract	Asmt	AD#	APN	Lot	Tract	Asmt
1	29646113	1	14658	\$365.08	39	29643133	18	14657	\$365.08
2	29643114	2	14658	\$365.08	40	29633150	1	15070	\$365.08
3	29643115	3	14658	\$365.08	41	29633149	2	15070	\$365.08
4	29643116	4	14658	\$365.08	42	29633148	3	15070	\$365.08
5	29643117	5	14658	\$365.08	43	29633147	4	15070	\$365.08
6	29643118	6	14658	\$365.08	44	29633146	5	15070	\$365.08
7	29643119	7	14658	\$365.08	45	29633145	6	15070	\$365.08
8	29643120	8	14658	\$365.08	46	29633144	7	15070	\$365.08
9	29643121	9	14658	\$365.08	47	29643143	8	15070	\$365.08
10	29643101	10	14658	\$365.08	48	29633141	9	15070	\$365.08
11	29643102	11	14658	\$365.08	49	29633140	10	15070	\$365.08
12	29643103	12	14658	\$365.08	50	29633139	11	15070	\$365.08
13	29643104	13	14658	\$365.08	51	29633138	12	15070	\$365.08
14	29643105	14	14658	\$365.08	52	29633137	13	15070	\$365.08
15	29643106	15	14658	\$365.08	53	29633134	14	15070	\$365.08
16	29643107	16	14658	\$365.08	54	29633133	15	14657	\$365.08
17	29643108	17	14658	\$365.08	55	29633132	16	14657	\$365.08
18	29643109	18	14658	\$365.08	56	29633131	17	14657	\$365.08
19	29643110	19	14658	\$365.08	57	29633130	18	14657	\$365.08
20	29643111	20	14658	\$365.08	58	29633129	19	14657	\$365.08
21	29643112	21	14658	\$365.08	59	29633128	20	14657	\$365.08
22	29643134	1	14657	\$365.08	60	29633126	21	14657	\$365.08
23	29643135	2	14657	\$365.08	61	29633125	22	14657	\$365.08
24	29643136	3	14657	\$365.08	62	29633124	23	14657	\$365.08
25	29643137	4	14657	\$365.08	63	29633123	24	14657	\$365.08
26	29643138	5	14657	\$365.08	64	29633122	25	14657	\$365.08
27	29643139	6	14657	\$365.08	65	29633121	26	14657	\$365.08
28	29643140	7	14657	\$365.08	66	29633120	27	14657	\$365.08
29	29643141	8	14657	\$365.08	67	29644104	1	14656	\$365.08
30	29643142	9	14657	\$365.08	68	29644105	2	14656	\$365.08
31	29643143	10	14657	\$365.08	69	29644106	3	14656	\$365.08
32	29643126	11	14657	\$365.08	70	29644107	44	14656	\$365.08
33	29643127	12	14657	\$365.08	71	29644108	5	14656	\$365.08
34	29643128	13	14657	\$365.08	72	29644109	6	14656	\$365.08
35	29643129	14	14657	\$365.08	73	29644110	7	14656	\$365.08
36	29643130	15	14657	\$365.08	74	29644111	8	14656	\$365.08
37	29643131	16	14657	\$365.08	75	29644112	9	14656	\$365.08
38	29643132	17	14657	\$365.08	76	29644113	10	14656	\$365.08

AD#	APN	Lot	Tract	Asmt
77	29644114	11	14656	\$365.08
78	29644115	12	14656	\$365.08
79	29644116	13	14656	\$365.08
80	29644117	14	14656	\$365.08
81	29644118	15	14656	\$365.08
82	29644119	16	14656	\$365.08
83	29644120	17	14656	\$365.08
84	29644121	18	14656	\$365.08
85	29644122	19	14656	\$365.08
86	29644123	20	14656	\$365.08
87	29644124	21	14656	\$365.08
88	29644125	22	14656	\$365.08
89	29644126	23	14656	\$365.08
90	29644127	24	14656	\$365.08
91	29644128	25	14656	\$365.08
92	29644129	26	14656	\$365.08
93	29644130	27	14656	\$365.08
94	29644101	28	14656	\$365.08
95	29644102	29	14656	\$365.08
96	29644103	30	14656	\$365.08

PART E

ASSESSMENT DISTRICTS' BOUNDARIES

A diagram of the boundaries of Landscape and Lighting Maintenance District No. 7 is included herein.

District No. 7 includes all properties in the City of Brea located within the tract boundary of Tract No. 14658 recorded in Book 724, Pages 9 through 11, of Tract No. 14657 recorded in Book 733, Pages 15, 16, and 17, and of Tract Nos. 15070 and 14656 of Miscellaneous Maps, records of Orange County, California.

Also, the lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the Assessor of the County of Orange for Fiscal Year 2025-26. The Assessor's maps and records are incorporated by reference herein and made part of this report.

