



Planning Commission Agenda

Tuesday, January 28, 2025, 6:00 PM
COUNCIL CHAMBERS
1 Civic Center Circle
Brea, California 92821

Also via teleconference: 350 W Central Ave #455, Brea, CA 92821

Melanie Schlotterbeck, Vice Chair

Blake Perez, Commissioner

Tom Donini, Commissioner

Bill Madden, Commissioner

Ted Gribble, Commissioner

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

Procedures for Addressing the Commission

The Commission encourages interested people to address this legislative body by making a brief presentation on a public hearing item when the Chair calls the item or addresses other items under Matters from the Audience. State Law prohibits the Commission from responding to or acting upon matters not listed on this agenda.

The Commission encourages free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks to 3 minutes. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Commission rules prohibit clapping, booing, or shouts of approval or disagreement from the audience. Please silence all cell phones and other electronic equipment while the Commission is in session. Thank you.

Written comments may be submitted in advance of the meeting by emailing planner@cityofbrea.gov. Written comments received by 3 p.m. on the day of the meeting will be provided to the Commission, will be made available to the public at the meeting, and will be included in the official record of the meeting.

Special Accommodations

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

Important Notice

The City of Brea shows a live broadcast of the Planning Commission meeting over the internet at <https://cityofbrea-net.zoom.us/j/89166452644>. Your attendance at the public meeting may result in the recording and broadcast of your image and/or voice as previously described.

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

1. CALL TO ORDER/ROLL CALL - COMMISSION

2. INVOCATION

Pastor Eddy Vera - Friends Community Church

3. PLEDGE OF ALLEGIANCE

4. COMMISSION REORGANIZATION

5. MATTERS FROM THE AUDIENCE

6. CONSENT CALENDAR

6A. December 10, 2024 Planning Commission Meeting Minutes

- 1. Approve.

6B. 2024 Administrative Remedy and Minor Conditional Use Permit Annual Report

- 1. Receive and file.

7. PUBLIC HEARINGS

7A. Conditional Use Permit 2024-06; Saint Matthew Ecumenical Catholic Church

To allow the establishment of a new church (St. Matthew Ecumenical Catholic Church) located at 500 East Imperial Highway.

- 1. Find the Project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1, Existing Facilities); and,
- 2. Approve CUP No. 2024-06 to allow the establishment of a new church (St. Matthew), based on the findings and conclusions in the Resolution, and subject to the recommended Conditions of Approval (Attachment B).

7B. Omnibus Code Update ZOTA No. 2024-01

Omnibus Zoning Code update amending various chapters of Brea City Code.

- 1. Find the Project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and;
- 2. Adopt an ordinance approving ZOTA No. 2024-01, amending Title 20, Chapters 18.32, 18.40, 18.44, 20.08, 20.11, 20.24, 20.28, 20.40, 20.52, 20.56, 20.60, 20.72, 20.200, 20.208, 20.212, 20.216, 20.220, 20.224, 20.228, 20.232, 20.236, 20.240, 20.244, 20.248, 20.252, 20.256, 20.258, 20.260, 20.400, 20.408 of the BCC, as outlined in the Exhibit A of the Resolution.

8. ADMINISTRATIVE ITEMS

8A. Committee Reports

8B. Informational/Project Updates

- 1. Receive and file.

9. ADJOURNMENT



Planning Commission Communication

A. December 10, 2024 Planning Commission Meeting Minutes

Meeting	Agenda Group
Tuesday, January 28, 2025, 6:00 PM	CONSENT CALENDAR Item: 6A.
FROM	
Joanne Hwang, City Planner	

RECOMMENDATION

Staff recommends that the Planning Commission approve the December 10, 2024 Planning Commission meeting minutes (Attachment A).

RESPECTFULLY SUBMITTED:

Joanne Hwang, AICP, City Planner

Attachments

[12-10-24 Draft PC Minutes.pdf](#)

**** The following document is a draft of the minutes and the not the official approved minutes ****

Minutes for the Planning Commission

1 Civic Center Circle, Brea, California 92821

December 10, 2024

Roll Call: *(The following members were in attendance)*

- **Joseph Covey**, Planning Commission Chair
- **Tom Donini**, Planning Commissioner
- **Bill Madden**, Planning Commissioner

Absent: Schlotterbeck, Perez

1. CALL TO ORDER/ROLL CALL - COMMISSION

Chair Covey called the meeting to order at 6:00 pm.

Present: Covey, Donini, Madden

Absent: Schlotterbeck, Perez

2. INVOCATION - Pastor David Tebay with Calvary Community Church

Pastor David Tebay with the Calvary Community Church led the invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Madden led the Pledge of Allegiance.

4. COMMENDATION

4A. Commendation: Outgoing Planning Commission Chair - Joseph Covey

City Planner Joanne Hwang presented Chair Covey with a Commendation, recognizing his time served on the Planning Commission from January 2023 to December 2024, in roles of Vice Chair and Chair. She also highlighted the projects that came before the Planning Commission during his tenure.

5. MATTERS FROM THE AUDIENCE

5A. Matters from the Audience

Interim Assistant City Manager Jason Killebrew expressed his appreciation to Chair Covey for his service and future endeavor with the BOUSD. Mr. Killebrew also recognized Laura Pierce for her upcoming retirement and thanked her for her 18 years of service to the City of Brea.

6. CONSENT CALENDAR

6A. Re-Adoption of 2025 Planning Commission Calendar

6B. Approval of November 12, 2024 Meeting Minutes

Commissioner Donini referenced Item 6B and asked how the Planning Commission's comments on the item would be addressed. City Planner Hwang noted that the meeting minutes will be used to prepare materials for the future public hearing.

6A. Re-Adoption of 2025 Planning Commissioner Calendar

6B. Approval of November 12, 2024 Planning Commission Minutes

Motion was made by Commissioner Donini and seconded by Commissioner Madden to approve both consent calendar items and the motion carried 3 - 0.

7. PUBLIC HEARINGS

7A. Conditional Use Permit No. 2024-07

The Commissioners disclosed they have frequented an existing business at the project site (Brea Center) and some have eaten at the applicant's existing Fullerton location.

Assistant Planner Cristal Nava provided the presentation.

Commissioner Donini requested the wording be modified for Condition 12 regarding the signage for alcohol.

City Planner Hwang confirmed the revised language for Condition 12 to read as "There shall be no exterior advertising or sign of any kind promoting or indicating the availability beer, wine, and distilled spirits, including advertising directed to the exterior from within."

Chair Covey Opened the Public Hearing.

The Planning Commission asked questions regarding the following topics:

- Any concern with another business in the center with a similar name

- Clarification on hours of operation

The applicant, Mr. Ugay provided responded to the Commission's questions.

Seeing no one from the public wishing to address the Commission, Chair Covey closed the public hearing.

Motion was made by Commissioner Madden and seconded by Commissioner Donini to approve with the language modification to Condition 12 and the motion carried 3 - 0.

8. ADMINISTRATIVE ITEMS

8A. Committee Reports

None.

8B. Informational/Project Updates

None.

9. ADJOURNMENT

Chair Covey expressed his heartfelt thank you to his fellow Commissioners and staff and stated that he appreciated his time being a part of the Planning Commission and will carry forward what he has learned to his new role with the BOUSD school board.

Chair Covey adjourned the meeting at 6:26 pm.



Planning Commission Communication

B. 2024 Administrative Remedy and Minor Conditional Use Permit Annual Report

Meeting	Agenda Group
Tuesday, January 28, 2025, 6:00 PM	CONSENT CALENDAR Item: 6B.
TO	FROM
Chair and Members of the Planning Commission	Joanne Hwang, City Planner

EXECUTIVE SUMMARY

This report provides a summary of Administrative Remedy and Minor Conditional Use Permit (“Minor CUP”) applications processed by the Planning Division during the calendar year 2024. This summary lists the applications that were finalized during the calendar year (i.e. approved or denied).

RECOMMENDATION

Staff recommends that the Planning Commission receive and file the provided report.

BACKGROUND

The Administrative Remedy is a review process that was established to expedite and relieve the Planning Commission and/or City Council of minor modifications from certain development standards. The Director may consider, approve, or deny modifications administratively, without a public hearing. Since 2021, staff provided the Planning Commission an annual report summarizing all Administrative Remedy applications finalized by the Director.

The Minor CUP is a review process that was established in early 2024 to streamline the review of low-impact uses and minor modifications of existing standards beyond what is allowed through the Administrative Remedy. Similar to the Administrative Remedy, the Director may approve, conditionally approve, or disapprove Minor CUP applications administratively, without a public hearing. When the Minor CUP process was established, the Planning Commission requested to receive an annual report summarizing all Minor CUP applications finalized by the Director.

Details of the Administrative Remedy and Minor CUP process can be found in the Brea City Code (BCC) Sections [20.408.020 \(Administrative Remedy\)](#) and [20.408.030 \(Conditional Use Permit\)](#), respectively.

DISCUSSION

Administrative Remedy Applications

During the calendar year 2024, the Director reviewed the following Administrative Remedy application as outlined in the table below, and the associated decision letter is Attachment A.

Application Number	Property Address	Request	Status
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1	AR No. 2024-01	114 N. Berry Street	Increase in the maximum allowable fence height by 1 foot, to a height of 8 feet, in order to screen new chiller equipment along Mercury Lane from public view.	Approved
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Minor CUP Applications

During the calendar year 2024, the Director reviewed the following Minor CUP applications as outlined in the table below, and the associated decision letters are Attachments B through I.

	Application Number	Property Address	Request	Status
1	MCUP No. 2024-01	215 W. Birch Street #1	On-site sale and consumption of beer and wine and a determination of public convenience or necessity for an existing restaurant (Bruxie)	Approved
2	MCUP No. 2024-03	7 Pointe Drive, Suite 100	On-site sale and consumption of beer and wine at an existing restaurant (Lunch Box)	Approved
3	MCUP No. 2024-04	915 W. Imperial Highway	Reduction of required parking spaces by 12% (1,223 parking spaces required, 1,075 parking spaces provided) to accommodate additional medical offices	Approved
4	MCUP No. 2024-05	437 S. Associated Road	On-site sale and consumption of beer and wine at a new restaurant (Sushi Club)	Approved
5	MCUP No. 2024-06	839 Mango Street	Increase in maximum allowable wall height by 1 feet-6 inches, to a height of 5 feet, in order to accommodate a retaining wall along the side property line within in the front yard setback of a residential property	Approved
6	MCUP No. 2024-07	103 W. Imperial Highway, Suite C	On-site sale and consumption of beer and wine and a determination of public convenience or necessity for a new restaurant (Shake Shack)	Approved
7	MCUP No. 2024-08	440 S. Brea Boulevard	Reduction of required parking spaces by 10% (21 parking spaces required, 19 parking spaces provided) to accommodate a new dentist office	Approved
8	MCUP No. 2024-09	2868 E. Imperial Hwy	Establishment of an instructional fitness studio business in the C-M zone (Ausletics)	Approved

RESPECTFULLY SUBMITTED:

Joanne Hwang, AICP, City Planner

Prepared by: Graham Bultema, Assistant Planner

Attachments

[Attachment A - AR No. 2024-01 Decision Letter.pdf](#)

[Attachment B - MCUP No. 2024-01 Decision Letter.pdf](#)

[Attachment C - MCUP No. 2024-03 Decision Letter.pdf](#)

[Attachment D - MCUP No. 2024-04 Decision Letter.pdf](#)

[Attachment E - MCUP No. 2024-05 Decision Letter.pdf](#)

[Attachment F - MCUP No. 2024-06 Decision Letter.pdf](#)

[Attachment G - MCUP No. 2024-07 Decision Letter.pdf](#)

[Attachment H - MCUP No. 2024-08 Decision Letter.pdf](#)

[Attachment I - MCUP No. 2024-09 Decision Letter.pdf](#)



February 6, 2024

Christopher Clay
4065 Glencoe Avenue, Suite 300B
Marina Del Rey, CA

SENT VIA EMAIL: Charlie.sabin@flournoydev.com

SUBJECT: ADMINISTRATIVE REMEDY 2024-01: A REQUEST TO INCREASE WALL HEIGHT 1 FOOT OVER THE C-M ALLOWABLE WALL HEIGHT AT 114 NORTH BERRY STREET

Dear Mr. Clay,

This letter is to inform you that Administrative Remedy (AR) No. 2024-01 has been approved for the subject property located at 114 North Berry Street in the City of Brea. AR 2024-01 is a request to increase the Mercury Lane street-side fence height, outside of the required street side yard setback, to eight feet, twelve (12) inches above the maximum permitted height.

The subject property is zoned Commercial Industrial (C-M) and is improved with an approximate 107,972 square foot industrial building and a 1,088 square foot shop building on a 6.21-acre lot. The proposed Project requests to construct an eight-foot-tall vinyl fence, spanning 58'-8" and painted to match the building. Pursuant to the Brea City Code (BCC) Section 20.240.060.D.2 (Property Development Standards), fences and walls shall not exceed seven (7) feet in height, measured from the highest ground level immediately adjacent to the base of the wall. The proposed increase in wall height to 8 feet exceeds the maximum height by 12 inches.

The Brea Zoning Code, as noted in BCC Section 20.40.020 (Administrative Remedy), permits a modification of wall and fence heights, not to exceed twelve (12) inches in the C-M Zone through the approval of an Administrative Remedy by the Community Development Director. The proposed, increased fence height would effectively screen new chiller equipment along Mercury Lane from public view. The new equipment would not be fully screened by a seven (7) foot tall fence. The vinyl fence material simulates wood, and will be painted to match the building color and will attractively screen the equipment from view. Based on the findings and review, the request for the Administrative Remedy to increase the fence height twelve (12) inches has been approved.

Based on the findings and review, the request for the Administrative Remedy to increase the fence height to eight (8) feet has been APPROVED.

The conditions of approval for Administrative Remedy No. 2023-07 are attached for your convenience. Should you have any questions, contact me at (714) 990-7674 or JessicaN@cityofbrea.net.

AR 2024-01

Fence height increase

February 6, 2024

Page 2 of 3

Sincerely,

CITY OF BREA PLANNING DIVISION

Jessica Newton

Senior Planner

Cc: Joanne Hwang, AICP, City Planner
Christian Varela, Building and Safety
Ryan Chapman, Engineering

Attachments:

- A. Conditions of Approval
- B. Approved Plans

**ATTACHMENT A
CONDITIONS OF APPROVAL**

Planning Division:

1. The project shall occur in substantial conformance with the plans and documents reviewed and approved under Administrative Remedy No. 2024-01, which includes fence color, material, and height. Changes to approved plans shall require additional evaluation subject to the review of the Community Development Director.
2. Wall height, outside of the street side setback, adjacent to the main building wall fronting Berry Street shall not exceed eight feet in height. The height is measured from finished grade to the top of the wall extension.

Building and Safety Division:

3. The Applicant shall submit a building permit application for the installation of the equipment fence screening to the Building and Safety Division. Building permit applications are only accepted digitally and through email. More information on the building permit process can be found here: <https://www.ci.brea.ca.us/124/Building-Safety-Division>.
 - a. Construction drawing are required (Site Plan, Fence/Wall plan, Sections, details and structural calculations). Full project review shall be conducted when complete construction documents are submitted to the Building & Safety Division.
 - b. Additional requirements may be imposed when the project is submitted for building & safety department plan check review and approval.
 - c. To apply for a building permit, please email your application and all necessary documents to Building@cityofbrea.net.
4. The Applicant shall provide structural calculations and fence post spacing and anchorage details with permit plans for review.
5. All designs shall comply with the Codes adopted at the time of permit submittal. Currently the 2022 CA Building, Residential Code, City of Brea Municipal Code & Ordinance.

Public Works Department:

6. A City of Brea Public Works Encroachment Permit shall be attained prior to any work, construction, or construction staging located within the public right-of-way (sidewalk) or within public easement areas



October 21, 2024

Keva Embaye
Bruxie – Original Fried Chicken & Waffle Sandwich
215 W. Birch Street
Brea CA, 92821

SENT VIA EMAIL: kembaye@bruxie.com

SUBJECT: MINOR CONDITIONAL USE PERMIT NO. 2024-01: REQUEST TO ALLOW ON-SITE SALE AND CONSUMPTION OF BEER AND WINE AT AN EXISTING RESTAURANT (BRUXIE) LOCATED AT 215 W BIRCH STREET.

ACCELA RECORD NUMBER: PLN-2024-00029

Dear Ms. Embaye,

Thank you for your Minor Conditional Use Permit (MCUP) application requesting the on-site sales and consumption of beer and wine (Type 41) with a determination of Public Convenience or Necessity at an existing restaurant (Bruxie). The project is located in the Mixed Use-I (MU-I) Zone at 215 W Birch Street in the City of Brea. The submitted MCUP application has been **APPROVED**, based on the findings (Attachment A), and subject to the conditions of approval (Attachment B).

This action is final unless appealed within 10 calendar days of the date of the decision. Any person may appeal this decision by filing a written request with the appropriate fee with the City Clerk's Office within the time specified. Any appeal will suspend this decision until the Planning Commission has acted upon the appeal. The Planning Commission could reverse or modify this decision or any condition of approval. If an appeal is filed, you will be notified by mail of the time and place of the hearing.

California Environmental Quality Act

The Project has been assessed in accordance with the California Environmental Quality Act (CEQA) guidelines, and the environmental regulations of the City. Upon review, the Project qualifies for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301 of the state CEQA guidelines. The Class 1 exemption applies to the Project because the proposed on-site sale and consumption of beer and wine with an existing restaurant does not include any physical expansion or modification to the exterior of the existing building. Therefore, the Project is categorically exempt from the provisions of CEQA.

A Notice of Exemption (NOE) was prepared for the Project and a copy of the signed NOE is included with this letter as Attachment C. Although not required, it is recommended that the wet-signed NOE be filed with the Orange County Clerk-Recorder (County Recorder) within five working days following the approval date, as such recordation will reduce the statute of limitations period on CEQA legal challenges from 180 days to 35 days. Please notify the City if you file the NOE with the County Recorder.

If you have any further questions or need additional information, contact me by phone at 714-990-3656 or by email at briannac@cityofbrea.net.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brianna Co', with a stylized flourish at the end.

Brianna Co
Planning Technician

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption

cc: Jason Killebrew, Community Development Director
Joanne Hwang, AICP, City Planner
Rebecca Pennington, Senior Planner

ATTACHMENT A

FINDINGS FOR MCUP NO. 2024-01

1. The proposed use of the sale of alcohol, on-sale, is properly the one for which a Minor Conditional Use Permit is authorized by Brea City Code (BCC). The Project site is zoned MU-I (Mixed Use-I) and pursuant to BCC Section 20.11.020, the on-site sale and consumption of alcohol is permitted in the MU-I zone, subject to approval of a minor conditional use permit, if accessory to a primary restaurant use that does not have a customer bar area.
2. The proposed use, with conditions imposed, is necessary or desirable for the development of the community, in harmony with the various elements or objectives of the General Plan, and not detrimental to existing uses or to uses specifically permitted in the zone as the proposed on-site sale and consumption of alcohol is in alignment with City's Goal CD-4, which is to "maintain and improve the vitality, economic strength, accessibility, and liability of Downtown," by providing additional beverage options for the visitors of the Downtown area. The Project as designed and conditioned is not expected to be detrimental to the existing uses or uses permitted in the zone or vicinity.
3. The site is adequate in size and shape to accommodate the proposed use and all of the yards, setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the neighborhood as proposed, as the proposed on-site sale and consumption of alcohol does not require expansion of the current restaurant facilities.
4. The site relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use, as the vehicular access to the Project site will continue to be provided off of Brea Boulevard and Birch Street. The Project is not anticipated to result in any traffic impacts to the adjacent uses as the Project consists of allowing accessory on-site beer and wine sales at the existing restaurant establishment and is proposed without any building expansion. The Project site provides sufficient parking spaces for both the existing restaurant and other existing uses within the Downtown.
5. With the conditions imposed, the proposed use will not adversely affect the public health, safety, or general welfare, as the existing restaurant would continue operating as a full-service restaurant. As such, the operations are compatible with the Downtown that comprise of a mix of retail, restaurants, and service-oriented uses. The Project will also be operating within similar hours as the surrounding restaurant establishments. All activities will be conducted within Project site parameters, and conditions of approval have been included to ensure the use of the site will not affect adjacent properties and land uses.

FINDINGS FOR PUBLIC CONVENIENCE OR NECESSITY

The project location is within United States Census Tract 15.03. According to ABC records, Census Tract 15.03 is allowed seven on-sale licenses; however, there are currently 11 active on-sale licenses within this Census Tract. As such, a PCN determination is necessary for the Project.

1. The proposed Type 41 license would provide a public convenience as the license would provide additional beverage options for the patrons of the existing restaurant, which has been in operations since 2011. In addition, the existing restaurant aims to support their local community through their donations to local causes, charities, and fundraisers, and the addition of providing alcohol beverage services would bring an increase in sale revenue and allow the restaurant to further support their community. Along with being compatible with the Downtown's atmosphere that comprises of restaurants and bars, which in turn will have a positive fiscal impact. This would support Brea's General Plan Goal CD-23 to "encourage and facilitate activities that expand the City revenue base."

ATTACHMENT B

CONDITIONS OF APPROVAL FOR MCUP NO. 2024-01

1. Development and operations shall occur in substantial compliance with the plans and documents reviewed and approved by the Planning Division on October 21, 2024, which include an operations breakdown, site plan, and floor plan 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 operations and approved project plans.
2. The Applicant shall obtain a "Type 41" alcoholic beverage license from the California Department of Alcoholic Beverage Control (ABC) for the sale of alcoholic beverages prior to commencing on-site beer and wine service. Any modification of license types for on-site consumption are subject to City approval.
3. The Applicant shall maintain a "Type 41" alcoholic beverage license from the ABC for the on-site sale of beer and wine.
4. Any violation of the regulations of the ABC, as it pertains to the subject location and the on-site sale and consumption of beer and wine, may result in the revocation of the subject MCUP, as provided for in Section 20.412.020 of the Brea City Code.
5. The on-site sale and consumption of beer and wine shall remain incidental to the food service and the operation of the restaurant. At all times when the premise is open for business, the premise shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant.
6. The service of alcoholic beverages shall be limited to designated dining areas. "No alcohol permitted beyond this point" signs shall be posted at the exits.
7. Any future changes to the operations and/or floor plan that results in a bar area that is open to the patrons of the restaurant requires review and approval of a Conditional Use Permit.
8. No live entertainment, amplified music, or dancing is permitted on the premise at any time unless the proper permits have been obtained from the City of Brea.
9. The business operations shall comply with the City's Noise Ordinance.
10. The hours of alcohol sales shall be restricted to the restaurant hours of operation.
11. There shall be no exterior advertising or signage of any kind, including advertising directed to the exterior from within), promoting or indicating the availability of beer and wine.
12. The Applicant is responsible for paying all charges related to the processing of the Project within 30 days of the issuance of the final invoice or prior to the issuance of building permits for the Project, whichever occurs first. 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.
13. Any permit is subject to expiration and revocation as provided in 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.

14. 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 Conditional Use Permit No. CUP 2022-02 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.



September 26, 2024

Robert Iannessa
Lunchbox 101 LLC
7 Pointe Drive, Suite 100
Brea, CA 92821

SENT VIA EMAIL: riannessa@gmail.com

SUBJECT: MINOR CONDITIONAL USE PERMIT NO. 2024-03: REQUEST TO ALLOW ON-SITE SALE AND CONSUMPTION OF BEER AND WINE AT AN EXISTING RESTAURANT (LUNCHBOX 101) LOCATED AT 7 POINTE DRIVE, SUITE 100.

ACCELA RECORD NUMBER: PLN-2024-00033

Dear Mr. Iannessa,

I am contacting you regarding your Minor Conditional Use Permit (MCUP) application requesting to allow on-site sale and consumption of beer and wine (ABC License Type 41) at an existing restaurant Lunchbox 101 within a 2,685-square-foot commercial tenant suite located at 7 Pointe Drive, Suite 100, in the Mixed-Use II (MU-II) zone. The submitted application has been **approved**, based on the findings (Attachment A), and subject to the conditions of approval (Attachment B).

This action is final unless appealed within 10 calendar days of the date of the decision. Any person may appeal this decision by filing a written request with the appropriate fee with the City Clerk's Office within the time specified. Any appeal will suspend this decision until the Planning Commission has acted upon the appeal. The Planning Commission could reverse or modify this decision or any condition of approval. If an appeal is filed, you will be notified by mail of the time and place of the hearing.

California Environmental Quality Act

The Project has been assessed in accordance with the California Environmental Quality Act (CEQA) guidelines, and the environmental regulations of the City. Upon review, the Project qualifies for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301 of the state CEQA guidelines. The Class 1 exemption applies to the Project because the proposed on-site sale and consumption of beer and wine with an existing restaurant does not include any physical expansion or modification to the exterior of the existing building. Therefore, the Project is categorically exempt from the provisions of CEQA.

A Notice of Exemption (NOE) was prepared for the Project and a copy of the signed NOE is included with this letter as Attachment C. Although not required, it is recommended that the wet-signed NOE be filed with the Orange County Clerk-Recorder (County Recorder) within five working days following the approval date, as such recordation will reduce the statute of limitations period on CEQA legal challenges from 180 days to 35 days. Please notify the City if you file the NOE with the County Recorder.

If you have any further questions or need additional information, contact me by phone at 714-990-7671 or by email at grahamb@cityofbrea.net.

Sincerely,

A handwritten signature in black ink, appearing to read 'G Bultema', with a stylized flourish at the end.

Graham Bultema
Assistant Planner

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption

CC: Jason Killebrew, Community Development Director
Joanne Hwang, AICP, City Planner
Jessica Newton, Senior Planner

ATTACHMENT A

FINDINGS FOR MCUP NO. 2024-03

1. The proposed use is properly one for which a minor conditional use permit is authorized by Brea City Code (BCC). The Project site is zoned MU-II (Mixed-Use II). Pursuant to BCC Table 20.11.020.A., the on-site sale of alcoholic beverages is a permitted use in the MU-II zone if accessory to a primary restaurant that does not have a customer bar area, subject to approval of a minor conditional use permit.
2. The proposed use, with conditions imposed, is necessary or desirable for the development of the community, in harmony with the various elements or objectives of the General Plan, and not detrimental to existing uses or to uses specifically permitted in the zone because the Project site is located within an existing business park, Olen Pointe Brea, which offers a variety of office and service establishments. The proposed on-site sale and consumption of beer and wine at the existing restaurant contributes to maintaining a mixture of business and retail uses within the community, in support of General Plan Policy CD-1.11. The Project as designed and conditioned is not expected to be detrimental to the existing uses or uses permitted in the zone or vicinity.
3. The site is adequate in size and shape to accommodate the proposed use and all of the yards, setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the neighborhood as proposed, because the Project tenant space is approximately 2,685 sq. ft. in size and is located within a larger business park, which provides multiple access points along Lambert Road and Wildcat Way and shared parking throughout the business park. The Project will allow accessory on-site beer and wine sales in conjunction with an existing service-oriented restaurant business, consistent with the General Plan Land Use designation of the site, and proposes no on-site expansion of the subject tenant space or modifications to the business park. As such, the Project site is adequate in size and shape to accommodate the proposed use.
4. The site relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use because vehicular access to the Project site will continue to be provided off of Lambert Road and Wildcat Way, and the Project is not anticipated to result in any traffic impacts to the adjacent uses as the Project consists of allowing accessory on-site beer and wine sales at the existing restaurant established within an existing business park, proposed without any building expansion. The Project site provides sufficient parking spaces for both the existing restaurant and other existing uses within the business park.
5. With the conditions imposed, the proposed use will not adversely affect the public health, safety, or general welfare because the Project is designed to comply with all applicable development standards and will operate similarly to other existing land uses in the Olen Pointe Brea business park. All activities will be conducted within the building, and conditions of approval have been included to ensure the use of the site will not affect adjacent properties and land uses.

ATTACHMENT B

CONDITIONS OF APPROVAL FOR MCUP NO. 2024-03

1. Development and operations shall occur in substantial compliance with the plans and documents reviewed and approved by the Planning Division on September 9, 2024, which include an operations breakdown, site plan, and floor plan 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 operations and approved project plans.
2. The Applicant shall prepare and submit a digital copy (suitable for archival storage) of the final plans and specifications to the Brea Planning Division prior to the issuance of any building permits for the development.
3. The Applicant shall obtain a "Type 41" alcoholic beverage license from the California Department of Alcoholic Beverage Control (ABC) for the sale of alcoholic beverages prior to commencing on-site beer and wine service. Any modification of license types for on-site consumption are subject to City approval.
4. The Applicant shall maintain a "Type 41" alcoholic beverage license from the ABC for the on-site sale of beer and wine.
5. The service of alcoholic beverages shall be limited to designated dining areas. "No alcohol permitted beyond this point" signs shall be posted at the exits.
6. Any violation of the regulations of the ABC, as it pertains to the subject location and on-site sale and consumption of beer and wine, may result in the revocation of the subject MCUP, as provided for in Brea City Code Section 20.412.020.
7. The on-site sale and consumption of beer and wine shall remain incidental to the food service and the operation of the restaurant. At all times when the premise is open for business, the premise shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant.
8. Any future changes to the operations and/or floor plan that results in a bar area that is open to the patrons of the restaurant requires review and approval of a Conditional Use Permit (CUP).
9. No live entertainment, amplified music, or dancing is permitted on the premise at any time unless the proper permits have been obtained from the City of Brea.
10. The business operations shall comply with the City's Noise Ordinance.
11. The hours of alcohol sales shall be restricted to the restaurant hours of operation.
12. The Applicant is responsible for paying all charges related to the processing of the Project within 30 days of the issuance of the final invoice or prior to the issuance of building permits for the Project, whichever occurs first. 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.

13. Any permit is subject to expiration and revocation as provided in 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.
14. 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 Minor Conditional Use Permit No. MCUP 2024-03 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.



August 6, 2024

James McGrade
Imperial Mariner, LLC
915 W. Imperial Highway, Suite 165
Brea CA, 92821

Sent via email: james.mcgrade.ii-hpa.com

SUBJECT: Minor Conditional Use Permit No. 2024-04; 915, 955, 975 W. Imperial Highway and 950 Mariner Street

ACCELA RECORD NUMBER: PLN-2024-00028

Dear James McGrade,

Thank you for your Minor Conditional Use Permit (MCUP) application requesting a 12.1% reduction in the required off-street parking for the project site to accommodate up to 103,033 square feet of medical office uses (1,223 parking spaces required, 1,075 parking spaces provided) at 915, 955, 975 W. Imperial Highway and 950 Mariner Street in the City of Brea. The submitted MCUP application has been **APPROVED**, based on the findings (Attachment A), and subject to the conditions of approval (Attachment B).

This action is final unless appealed within 10 calendar days of the date of the decision. Any person may appeal this decision by filing a written request with the appropriate fee with the City Clerk's Office within the time specified. Any appeal will suspend this decision until the Planning Commission has acted upon the appeal. The Planning Commission could reverse or modify this decision or any condition of approval. If an appeal is filed, you will be notified by mail of the time and place of the hearing.

If you have any further questions or need additional information, contact me at 714-990-7724 or by email at estebanr@cityofbrea.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Esteban Rubiano", written over a circular stamp or mark.

Esteban Rubiano
Assistant Planner

Attachments:

- A. Findings
- B. Conditions of Approval

cc: Jason Killebrew, Community Development Director
Joanne Hwang, AICP, City Planner

ATTACHMENT A

FINDINGS FOR MCUP NO. 2024-04

1. The modification of standards is properly the one for which a minor conditional use permit is authorized by Brea City Code (BCC). The Project site is zoned Brea Industrial Specific Plan (BISP), specifically within the Light Industrial Land Use ("Zone"), that encompasses Planning Areas 4,5,6, and 7. The BISP defers off-street parking requirements to the Brea City Code. Section 20.08.040 of the Brea City Code identifies the off-street parking requirements for this site. Pursuant to BCC Section 20.408.030.B.2.a(3), a reduction of number of required parking spaces by more than ten percent (10%) but not more than twenty percent (20%) is permitted in the BISP zone, subject to approval of a minor conditional use permit.
2. The modification of standards, with conditions imposed, is necessary or desirable for the development of the community, in harmony with the various elements or objectives of the General Plan, and not detrimental to existing uses or to uses specifically permitted in the zone because the Project is located within an existing office complex that includes various professional services. The proposed parking space reduction will allow the expanded use of services, namely medical office/clinics. The Parking Survey provided for the Project determined that there was an average of 602 parking spaces occupied during the week. As a result, the existing 1,075 parking spaces would sufficiently accommodate the anticipated parking demand of the expanded medical office uses, therefore not negatively impacting the businesses in the center.
3. The site is adequate in size and shape to accommodate the modification of standards and all of the yards, setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the neighborhood as proposed, because the Project proposes no physical alteration or modification to the Project site. In addition, the current parking supply proportionately accommodates the parking demand necessary for the medical office use. As such, the site is adequate in size to accommodate the Project.
4. The site relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the modification of standards because the Project is not anticipated to exceed the planned traffic standards as it will operate consistent with the provided surface parking within the Project site. The vehicular and pedestrian access from Imperial Highway, Arovista Avenue, Mariner Street, and Puente Street have been designed to support the quantity of traffic expected.
5. With the conditions imposed, the modification of standards will not adversely affect the public health, safety, or general welfare because the Project will not limit the accessibility to parking on any businesses within the center. The Project site will continue to accommodate the necessary parking for expected peak parking demands, preserving the existing conditions of the office complex. As such, with conditions imposed, the proposed operation will not be harmful to the public health, safety, and welfare of the City.

ATTACHMENT B

CONDITIONS OF APPROVAL FOR MCUP NO. 2024-04

1. Development and operations shall occur in substantial compliance with the plans and documents reviewed and approved by the Planning Division on August 5, 2024, which include a site plan and floor plan 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 operations and approved project plans.
2. The Applicant shall prepare and submit a digital copy (suitable for archival storage) of the final plans and specifications to the Brea Planning Division prior to the issuance of any building permits for the development.
3. The Applicant is responsible for paying all charges related to the processing of the Project within 30 days of the issuance of the final invoice or prior to the issuance of building permits for the Project, whichever occurs first. 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.
4. Any future tenant improvement and/or construction plans for a change in tenant uses shall demonstrate compliance with the minimum parking requirements, pursuant to Brea City Code Section 20.08.040 (Off-Street Parking and Loading) and/or the approved parking modifications on file, to the satisfaction of the City Planner.
5. Medical office uses shall be limited to 103,033 square feet of gross floor area at the Project site. Any additional medical office use beyond 103,033 square feet of gross floor area shall require an amended Minor Conditional Use Permit with a new parking demand study.
6. Any permit is subject to expiration and revocation as provided in 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.
7. 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 Conditional Use Permit No. CUP 2022-02 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.



October 2, 2024

Jason Kho
Sushi Club Concepts Corp.
15777 Rock Point Lane
Fontana CA, 92336

Sent via email: jason@aaaliquorlicenses.com; sushiclubizakaya@gmail.com

SUBJECT: Minor Conditional Use Permit No. 2024-05 (437 South Associated Road)

ACCELA RECORD NUMBER: PLN-2024-00039

Dear Mr. Kho,

Thank you for your Minor Conditional Use Permit (MCUP) application requesting approval to obtain a California State Department of Alcoholic Beverage Control ("ABC") Type 47 (On-Sale General - Eating Place) license and allow consumption of alcohol at 437 South Associated Road in the City of Brea. The submitted MCUP application has been **APPROVED**, based on the findings (Attachment A), and subject to the conditions of approval (Attachment B).

This action is final unless appealed within 10 calendar days of the date of the decision. Any person may appeal this decision by filing a written request with the appropriate fee with the City Clerk's Office within the time specified. Any appeal will suspend this decision until the Planning Commission has acted upon the appeal. The Planning Commission could reverse or modify this decision or any condition of approval. If an appeal is filed, you will be notified by mail of the time and place of the hearing.

California Environmental Quality Act

The Project has been assessed in accordance with the California Environmental Quality Act (CEQA) guidelines, and the environmental regulations of the City. Upon review, the Project qualifies for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301 of the state CEQA guidelines. The Class 1 exemption applies to the Project because the proposed on-site sale and consumption of general alcohol within an existing restaurant does not include any physical expansion or modification to the exterior of the existing building. Therefore, the Project is categorically exempt from the provisions of CEQA.

A Notice of Exemption (NOE) was prepared for the Project and a copy of the signed NOE is included with this letter as Attachment C. Although not required, it is recommended that the wet-signed NOE be filed with the Orange County Clerk-Recorder (County Recorder) within five working days following the approval date, as such recordation will reduce the statute of limitations period on CEQA legal challenges from 180 days to 35 days. Please notify the City if you file the NOE with the County Recorder.

If you have any further questions or need additional information, contact me at 714-990-7724 or by email at estebanr@cityofbrea.net.

Sincerely,

A handwritten signature in black ink, appearing to read 'Esteban Rubiano', written over a large, stylized circular mark.

Esteban Rubiano
Assistant Planner

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption

cc: Jason Killebrew, Community Development Director
Joanne Hwang, AICP, City Planner

ATTACHMENT A

FINDINGS FOR MCUP NO. 2024-05

1. The Project site is zoned C-G (Commercial General). Pursuant to Section 20.11.020 of the Brea City Code, a restaurant is a permitted use, while on-site sale of alcohol requires the review and approval of a minor conditional use permit provided that the alcohol sale and consumption remain incidental to the restaurant use and no bar area is available to patrons.
2. The Project is located within Brea Plaza, a general commercial shopping center that offers a diverse array of services and uses. The proposed on-site sale and consumption of general alcohol within a restaurant is consistent with General Plan Policy CD-1.11 in that it would maintain a mixture of businesses and retail uses within the community. As the request for on-site sale and consumption of general alcohol is ancillary to a restaurant use, this project is not anticipated to result in significant impacts on City services nor to be detrimental to existing uses in the surrounding area.
3. The Project site is an existing 1,465 square foot commercial tenant space within a building located along the northern property line of Brea Plaza. The Project would occur within the existing areas of the Project site and as such, the Project site is adequate in size and shape to accommodate the proposed development.
4. A total of four vehicular access points to the Project site will continue to be provided with two located off of Imperial Highway and two located off of Associated Road. The Project is adding an ancillary service to a restaurant and it is not anticipated to result in any traffic impacts to the adjacent uses.
5. The Project is designed to comply with all applicable development standards and will operate similarly to other existing land uses located within Brea Plaza. All activities would be conducted within the restaurant's customer seating areas and conditions of approval have been included to ensure the use of the site will not affect adjacent properties and land uses.
6. The California Department of Alcoholic Beverage Control (ABC) establishes the allowable number of on-sale and off-sale licenses within a given census tract. According to ABC records, Census Tract 218.14 is allowed 10 on-sale and 4 off-sale licenses without special approval. There are currently 16 existing on-sale licenses and 6 existing off-sale licenses within Census Tract 218.14. Based on ABC standards, there is an "undue concentration" of licenses within the census tract. The proposed Type 47 license would be a public convenience and necessity as the license would allow customers a unique experience of a traditional sushi experience. The restaurant and drink menu would be a complimentary addition to the existing uses within Brea Plaza, which in turn will have a positive fiscal impact.

ATTACHMENT B

CONDITIONS OF APPROVAL FOR MCUP NO. 2024-05

1. Development and operations shall occur in substantial compliance with the plans and documents reviewed and approved by the Planning Division on October 2, 2024, which include an operations breakdown, site plan, and floor plan 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 operations and approved project plans.
2. The Applicant shall prepare and submit a digital copy (suitable for archival storage) of the final plans and specifications to the Brea Planning Division prior to the issuance of any building permits for the development.
3. The Applicant shall obtain a Type 47 (On-Sale General - Eating Place) alcoholic beverage license from the California Department of Alcoholic Beverage Control (ABC) for the sale of alcoholic beverages prior to commencing general on-site alcohol service. Any modification of license types for on-site consumption are subject to City approval.
4. The Applicant shall maintain a Type 47 alcoholic beverage license from the ABC for the sale and consumption of alcoholic beverages.
5. The service of alcoholic beverages shall be limited to designated dining areas. "No alcohol permitted beyond this point" signs shall be posted at the exits.
6. Any violation of the regulations of the ABC, as it pertains to the subject location and on-site sale and consumption of alcoholic beverages, may result in the revocation of the subject MCUP, as provided for in Brea City Code Section 20.412.020.
7. The on-site sale and consumption of alcohol shall remain incidental to the food service and the operation of the restaurant. At all times when the premise is open for business, the premise shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant.
8. Any future changes to the operations and/or floor plan that results in a bar area that is open to the patrons of the restaurant requires review and approval of a Conditional Use Permit (CUP).
9. No live entertainment, amplified music, or dancing is permitted on the premise at any time unless the proper permits have been obtained from the City of Brea.
10. The business operations shall comply with the City's Noise Ordinance. Should noise or nuisances' issues arise due to the sale of alcoholic beverages, the business shall provide the necessary remedies including but not limited to change in business operations, etc. Any remedies needed shall be reviewed and approved by the Community Development Director or his/her designee prior to implementation.
11. The hours of alcohol sales shall be restricted to the restaurant hours of operation.

12. In the event of repeated or disproportionately high numbers of calls for law enforcement or other public safety services, or based upon input from the Brea Police Department or surrounding businesses or residents, the Community Development Director or his/her designee may require, at his/her discretion, that the Applicant provide additional on-site security and/or safety measures at the Project site, as may be reasonably calculated to address situations or circumstances leading to or causing such increased calls for service, or complaints or comments from surrounding residents or businesses.
13. The Applicant is responsible for paying all charges related to the processing of the Project within 30 days of the issuance of the final invoice or prior to the issuance of building permits for the Project, whichever occurs first. 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.
14. Any permit is subject to expiration and revocation as provided in 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.
15. A building permit shall be obtained from the Building & Safety Division if the liquor racks are over 5' – 9" in height.
16. 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 Minor Conditional Use Permit No. MCUP 2024-05 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.



October 2, 2024

Eric Lavold
839 Mango Street
Brea CA, 92821

Sent via email: kelavold@sbcglobal.net

SUBJECT: Minor Conditional Use Permit No. 2024-06 (839 Mango Street)

ACCELA RECORD NUMBER: PLN-2024-00040

Dear Mr. Lavold,

Thank you for your Minor Conditional Use Permit (MCUP) application requesting a modification of a wall height to increase more than twelve (12) inches but not to exceed twenty-four (24) inches within the front yard, for a new property line wall proposed along the east property line. The maximum height of the proposed wall would be five (5) feet in height at 839 Mango Street in the City of Brea. The submitted MCUP application has been **APPROVED**, based on the findings (Attachment A), and subject to the conditions of approval (Attachment B).

This action is final unless appealed within 10 calendar days of the date of the decision. Any person may appeal this decision by filing a written request with the appropriate fee with the City Clerk's Office within the time specified. Any appeal will suspend this decision until the Planning Commission has acted upon the appeal. The Planning Commission could reverse or modify this decision or any condition of approval. If an appeal is filed, you will be notified by mail of the time and place of the hearing.

California Environmental Quality Act

The Project has been assessed in accordance with the California Environmental Quality Act (CEQA) guidelines, and the environmental regulations of the City. Upon review, the Project qualifies for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301 of the state CEQA guidelines. The Class 1 exemption applies to the Project because the proposed wall height modification is a minor alteration in nature and involves no expansion of use. Therefore, the Project is categorically exempt from the provisions of CEQA.

A Notice of Exemption (NOE) was prepared for the Project and a copy of the signed NOE is included with this letter as Attachment C. Although not required, it is recommended that the wet-signed NOE be filed with the Orange County Clerk-Recorder (County Recorder) within five working days following the approval date, as such recordation will reduce the statute of limitations period on CEQA legal challenges from 180 days to 35 days. Please notify the City if you file the NOE with the County Recorder.

If you have any further questions or need additional information, contact me at 714-990-7724 or by email at estebanr@cityofbrea.net.

Sincerely,

A handwritten signature in black ink, appearing to read 'Esteban Rubiano', written over a large, stylized circular mark.

Esteban Rubiano
Assistant Planner

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption

cc: Jason Killebrew, Community Development Director
Joanne Hwang, AICP, City Planner

ATTACHMENT A

FINDINGS FOR MCUP NO. 2024-06

1. The Project site is zoned R-1 (Single-Family Residential). Pursuant to Brea City Code Section §20.408.030.B.2.a.4, a modification of wall and fence heights to increase more than twelve (12) inches but not to exceed twenty-four (24) inches above the maximum height is permitted in the R-1 zone, subject to approval of a minor conditional use permit.
2. The modification of standards, with conditions imposed, is necessary or desirable for the proposed retaining wall due to the change in grade from the neighboring property located east of the Project site. Additionally, the proposed wall will provide availability to more usable square footage of land on the site. The proposal as designed and conditioned is not detrimental to existing uses or to uses specifically permitted in the zone because the improvements are located entirely within the Project site. As such, the proposal is not expected to negatively impact the surrounding uses.
3. The site is adequate in size and shape to accommodate the modification of standards and all of the yards, setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the neighborhood as proposed, because the Project proposes a wall height that incrementally decreases towards the public street, from five feet to three feet along the corner cut-off area pursuant to Brea City Code Section §20.08.060. In addition, the proposal offers more visibility to the sidewalk than existing conditions further providing safer public right-of-way paths.
4. The site relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the modification of standards because the Project is not anticipated to exceed the planned traffic standards as it would not generate any additional traffic to and from the Project site.
5. With the conditions imposed, the modification of standards will not adversely affect the public health, safety, or general welfare because the improvements will remain entirely on site and not negatively impact the public right-of-way. The Project site will continue to operate as a Single-Family Residence with no significant modification to the topography of the Project site. As such, with conditions imposed, the proposed modification of standards will not be harmful to the public health, safety, and welfare of the City.

ATTACHMENT B

CONDITIONS OF APPROVAL FOR MCUP NO. 2024-06

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 Division on September 30, 2024, which include a site plan 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 digital copy (suitable for archival storage) of the final plans and specifications to the Brea Planning Division prior to the issuance of any building permits for the development.
3. The Applicant is responsible for paying all charges related to the processing of the Project within 30 days of the issuance of the final invoice or prior to the issuance of building permits for the Project, whichever occurs first. 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.
4. Any permit is subject to expiration and revocation as provided in 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.
5. 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 Minor Conditional Use Permit No. MCUP 2024-06 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.

Building & Safety Division, Community Development Department

6. Applicant shall obtain the following separate permits:
 - a. Planters demolition permit
 - b. Grading permit
 - c. Retaining wall building permit
7. No cross drainage between properties shall be allowed.
8. New retaining wall shall not be lower than adjacent grade being retained.
9. New retaining wall sub drainage shall drain to an approved location.
10. New retaining wall sub drainage shall be within the project's property.
11. A partial survey and property corners' markings shall be provided during construction.

Public Works Department

12. A Public Works Encroachment Permit shall be obtained prior to any construction or construction staging within the public right-of-way.



October 18, 2024

Steve Rawlings
Rawlings Consulting
26023 Jefferson Ave, Ste D
Murrieta, CA 92562

SENT VIA EMAIL: ser@rawlingspm.com

SUBJECT: MINOR CONDITIONAL USE PERMIT NO. 2024-07; REQUEST TO ALLOW ON-SITE SALE AND CONSUMPTION OF BEER AND WINE AND REQUEST FOR A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR A PROPOSED NEW RESTAURANT (SHAKE SHACK) LOCATED AT 103 WEST IMPERIAL HIGHWAY, SUITE C.

ACCELA RECORD NUMBER: PLN-2024-00041

Dear Mr. Rawlings,

Thank you for your Minor Conditional Use Permit (MCUP) application requesting to allow on-site sale and consumption of beer and wine and requesting a determination of public convenience or necessity for a proposed new restaurant, Shake Shack within an existing 3,613-square-foot commercial tenant suite located at 103 West Imperial Highway, Suite C, in the C-G (General Commercial) zone. The submitted application has been **APPROVED**, based on the findings (Attachment A), and subject to the conditions of approval (Attachment B).

This action is final unless appealed within 10 calendar days of the date of the decision. Any person may appeal this decision by filing a written request with the appropriate fee with the City Clerk's Office within the time specified. Any appeal will suspend this decision until the Planning Commission has acted upon the appeal. The Planning Commission could reverse or modify this decision or any condition of approval. If an appeal is filed, you will be notified by mail of the time and place of the hearing.

California Environmental Quality Act

The Project has been assessed in accordance with the California Environmental Quality Act (CEQA) guidelines, and the environmental regulations of the City. Upon review, the Project qualifies for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301 of the state CEQA guidelines. The Class 1 exemption applies to the Project because the proposed on-site sale and consumption of beer and wine in a new restaurant does not include physical expansion or modification to the exterior of the existing tenant suite or building. Therefore, the Project is categorically exempt from the provisions of CEQA.

A Notice of Exemption (NOE) was prepared for the Project and a copy of the signed NOE is included with this letter as Attachment C. Although not required, it is recommended that the wet-signed NOE be filed with the Orange County Clerk-Recorder (County Recorder) within five working days following the approval date, as such recordation will reduce the statute of limitations period on CEQA legal challenges from 180 days to 35 days. Please notify the City if you file the NOE with the County Recorder.

If you have any further questions or need additional information, contact me by phone at 714-990-7671 or by email at grahamb@cityofbrea.net.

Sincerely,



Graham Bultema
Assistant Planner

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption

CC: Nicholas Bolio, nbolio@shakeshack.com
Jason Killebrew, Community Development Director
Joanne Hwang, AICP, City Planner
Rebecca Pennington, Senior Planner

ATTACHMENT A

FINDINGS FOR MCUP NO. 2024-07

1. The proposed use is properly one for which a minor conditional use permit is authorized by Brea City Code (BCC). The Project site is zoned C-G (General Commercial). Pursuant to BCC Table 20.11.020.A., the on-site sale of alcoholic beverages is a permitted use in the C-G zone if accessory to a primary restaurant that does not have a customer bar area, subject to approval of a minor conditional use permit.
2. The proposed use, with conditions imposed, is necessary or desirable for the development of the community, in harmony with the various elements or objectives of the General Plan, and not detrimental to existing uses or to uses specifically permitted in the zone because the Project site is located within an existing commercial shopping center, Brea Gateway, which offers a variety of retail and food service establishments. The proposed on-site sale and consumption of beer and wine at a proposed new restaurant contributes to maintaining a mixture of business and retail uses within the community, in support of General Plan Policy CD-1.11. The Project as designed and conditioned is not expected to be detrimental to the existing uses or uses permitted in the zone or vicinity.
3. The site is adequate in size and shape to accommodate the proposed use and all of the yards, setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the neighborhood as proposed, because the existing Project tenant space is approximately 3,613 square feet in size and is located within a larger commercial center, which provides multiple access points along Imperial Highway and Brea Boulevard and shared parking throughout the shopping center. The Project will allow accessory on-site beer and wine sales in conjunction with a new proposed service-oriented restaurant business, consistent with the General Plan Land Use designation of the site, and proposes no on-site expansion of the subject tenant space or modifications to the shopping center. As such, the Project site is adequate in size and shape to accommodate the proposed use.
4. The site relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use because vehicular access to the Project site will continue to be provided off of Imperial Highway and Brea Boulevard, and the Project is not anticipated to result in any traffic impacts to the adjacent uses as the Project consists of allowing accessory on-site beer and wine sales at the proposed new restaurant established within an existing shopping center, proposed without any building expansion. The Project site provides sufficient parking spaces for both the proposed new restaurant and other existing uses within the shopping center.
5. With the conditions imposed, the proposed use will not adversely affect the public health, safety, or general welfare because the Project is designed to comply with all applicable development standards and will operate similarly to other existing land uses in the Brea Gateway shopping center. All activities will be conducted within the building, and conditions of approval have been included to ensure the use of the site will not affect adjacent properties and land uses.

6. The California Department of Alcoholic Beverage Control (ABC) establishes the allowable number of on-sale and off-sale licenses within a given census tract. According to ABC records, Census Tract 15.03 is allowed seven (7) on-sale and three (3) off-sale licenses without special approval. There are currently nine (9) existing on-sale licenses and no existing off-sale licenses within Census Tract 15.03. Based on ABC standards, there is an “undue concentration” of licenses within the census tract. The proposed Type 41 license would be a public convenience and necessity as the license would offer customers a comprehensive dining experience of high-quality food and beverages. The restaurant and drink menu would be a complimentary addition to the existing uses within Brea Gateway, which in turn will have a positive fiscal impact.

ATTACHMENT B

CONDITIONS OF APPROVAL FOR MCUP NO. 2024-07

1. Development and operations shall occur in substantial compliance with the plans and documents reviewed and approved by the Planning Division on October 18, 2024, which include an operations breakdown, site plan, and floor plan 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 operations and approved project plans.
2. The Applicant shall prepare and submit a digital copy (suitable for archival storage) of the final plans and specifications to the Brea Planning Division prior to the issuance of any building permits for the development.
3. The Applicant shall obtain a "Type 41" alcoholic beverage license from the California Department of Alcoholic Beverage Control (ABC) for the sale of alcoholic beverages prior to commencing on-site beer and wine service. Any modification of license types for on-site consumption are subject to City approval.
4. The Applicant shall maintain a "Type 41" alcoholic beverage license from the ABC for the on-site sale of beer and wine.
5. The service of alcoholic beverages shall be limited to designated dining areas. "No alcohol permitted beyond this point" signs shall be posted at the exits.
6. Any violation of the regulations of the ABC, as it pertains to the subject location and on-site sale and consumption of beer and wine, may result in the revocation of the subject MCUP, as provided for in Brea City Code Section 20.412.020.
7. The on-site sale and consumption of beer and wine shall remain incidental to the food service and the operation of the restaurant. At all times when the premise is open for business, the premise shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant.
8. Any future changes to the operations and/or floor plan that results in a bar area that is open to the patrons of the restaurant requires review and approval of a Conditional Use Permit (CUP).
9. No live entertainment, amplified music, or dancing is permitted on the premise at any time unless the proper permits have been obtained from the City of Brea.
10. The business operations shall comply with the City's Noise Ordinance. Should noise or nuisances' issues arise due to the sale of alcoholic beverages, the business shall provide the necessary remedies including but not limited to change in business operations, etc. Any remedies needed shall be reviewed and approved by the Community Development Director or his/her designee prior to implementation.
11. The hours of alcohol sales shall be restricted to the restaurant hours of operation.

12. The Applicant is responsible for paying all charges related to the processing of the Project within 30 days of the issuance of the final invoice or prior to the issuance of building permits for the Project, whichever occurs first. 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.
13. In the event of repeated or disproportionately high numbers of calls for law enforcement or other public safety services, or based upon input from the Brea Police Department or surrounding businesses or residents, the Community Development Director or his/her designee may require, at his/her discretion, that the Applicant provide additional on-site security and/or safety measures at the Project site, as may be reasonably calculated to address situations or circumstances leading to or causing such increased calls for service, or complaints or comments from surrounding residents or businesses.
14. Any permit is subject to expiration and revocation as provided in 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.
15. 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 the Project 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.

**City of Brea**

1 Civic Center Circle
Brea, California 92821-5732

P: 714-990-7600 | F: 714-990-2258

www.cityofbrea.gov

December 17, 2024

Sulram Han
Ohana Dental
930 N El Monlino Ave.
Pasadena CA, 91104

SENT VIA EMAIL: sulrhan@gmail.com

SUBJECT: MINOR CONDITIONAL USE PERMIT NO. 2024-08: REQUEST TO ALLOW FOR A 10% REDUCTION IN THE REQUIRED OFF-STREET PARKING FOR THE PROPOSED MEDICAL OFFICE (OHANA DENTAL) AT 440 S BREA BLVD.

ACCELA RECORD NUMBER: PLN-2024-00045

Dear Sulram Han,

Thank you for your Minor Conditional Use Permit (MCUP) application requesting a 10% reduction in the required off-street parking for the project site (21 spaces required, 19 spaces provided) to accommodate up to 1,726 square feet of medical office use within the existing building at 440 S. Brea Boulevard. The submitted MCUP application (Project) has been **APPROVED**, based on the findings (Attachment A), and subject to the conditions of approval (Attachment B).

This action is final unless appealed within 10 calendar days of the date of the decision. Any person may appeal this decision by filing a written request with the appropriate fee with the City Clerk's Office within the time specified. Any appeal will suspend this decision until the Planning Commission has acted upon the appeal. The Planning Commission could reverse or modify this decision or any condition of approval. If an appeal is filed, you will be notified by mail of the time and place of the hearing.

California Environmental Quality Act

The Project has been assessed in accordance with the California Environmental Quality Act (CEQA) guidelines and the environmental regulations of the City. Upon review, the Project qualifies for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301 of the state CEQA guidelines. The Class 1 exemption applies to the Project because the proposed parking reduction does not include any physical expansion or modification to the exterior of the existing building. Therefore, the Project is categorically exempt from the provisions of CEQA.

A Notice of Exemption (NOE) was prepared for the Project and a copy of the signed NOE is included with this letter as Attachment C. Although not required, it is recommended that the wet-signed NOE be filed with the Orange County Clerk-Recorder (County Recorder) within five working days following the approval date, as such recordation will reduce the statute of limitations period on CEQA legal challenges from 180 days to 35 days. If you decide to file the NOE with the County Recorder, please notify the City immediately once the NOE is filed.

If you have any further questions or need additional information, contact me by phone at 714-990-3656 or by email at briannac@cityofbrea.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Brianna Co". The signature is fluid and cursive, with the first name "Brianna" and the last name "Co" clearly visible.

Brianna Co
Planning Technician

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption

cc: Jason Killebrew, Interim Assistant City Manager/Community Development Director
Joanne Hwang, AICP, City Planner
Rebecca Pennington, Senior Planner

ATTACHMENT A

FINDINGS FOR MCUP NO. 2024-08

1. The proposed modification in off-street parking is properly the one for which a Minor Conditional Use Permit is authorized by Brea City Code (BCC). The Project site is zoned MU-III (Mixed Use-III) and pursuant to BCC Section 20.11.020, a reduction of number of required parking spaces by more than ten percent (10%) but not more than twenty percent (20%) is permitted in the MU-III zone, subject to approval of a minor conditional use permit
2. The modification of standards, with conditions imposed, is necessary or desirable for the development of the community, in harmony with the various elements or objectives of the General Plan, and not detrimental to existing uses or to uses specifically permitted in the zone because the Project would allow a new medical office/clinic to establish within an existing office building that includes various professional service/office use. The proposed parking space reduction will allow the expanded use of services, namely medical office/clinics, which is consistent with General Plan Policy CD-6.1 which is to *encourage redevelopment of South Brea Boulevard properties through economic development*. The Parking Demand Analysis provided for the Project determined that the peak shared parking demand at the Project site is 17. As a result, the existing 19 parking spaces would sufficiently accommodate the anticipated parking demand of the expanded medical office uses, therefore not negatively impacting the existing tenants.
3. The site is adequate in size and shape to accommodate the modification of standards and all of the yards, setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the neighborhood as proposed because the Project would only result in minor modifications to the existing parking lot, which consist of limited restriping of the parking spaces. In addition, the Parking Demand Analysis provided for the Project demonstrated that the current parking supply would sufficiently accommodate the anticipated parking demand for the proposed medical office use. As such, the site is adequate in size to accommodate the Project.
4. The site relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the modification of standards because the Project is not anticipated to exceed the planned traffic standards as it will operate consistent with the existing surface parking within the Project site.
5. With the conditions imposed, the modification of standards will not adversely affect the public health, safety, or general welfare because the Project will not limit the accessibility to parking on any businesses within the project site. The Project site will continue to accommodate the necessary parking for expected peak parking demands, preserving the existing conditions of the Project site. As such, with conditions imposed, the proposed operation will not be harmful to the public health, safety, and welfare of the City.

ATTACHMENT B

CONDITIONS OF APPROVAL FOR MCUP NO. 2024-08

1. Development and operations shall occur in substantial compliance with the plans and documents reviewed and approved by the Planning Division on December 17, 2024, which include an operations breakdown, site plan, and floor plan 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 operations and approved project plans.
2. The Applicant shall prepare and submit a digital copy (suitable for archival storage) of the final parking plans to the Brea Planning Division prior to the issuance of any building permits for the development.
3. No alterations shall be done to the building structure or site without prior approval and permit issuance from the Building & Safety Division. All designs shall comply with the Codes adopted at the time of the permit submittal. Currently the 2022 CA Building, Mechanical, Electrical, Plumbing, Cal Green, Energy, Fire Codes, City of Brea Municipal Code & Ordinances.
4. Any future tenant improvement and/or construction plans for a change in tenant uses shall demonstrate compliance with the minimum parking requirements, pursuant to Brea City Code Section 20.08.040 (Off-Street Parking and Loading) and/or the approved parking modifications on file, to the satisfaction of the City Planner.
5. Any restriping of parking stalls or relocation of ADA parking shall obtain a building permit. Parking stall per dimension shall be compliant with CBC 2022 Chapter 11B and City of Brea Municipal Code. Note: Restriping of standard parking stalls shall be 9'-5" x 19'-0"; ADA stalls shall be either 9'-0" x 19" (ADA Standard) and/or 12'-0"x19'-0" (ADA Van Accessible).
6. Medical office uses shall be limited to 1,726 square feet of gross floor area at the Project site. Any additional medical office use beyond 1,726 square feet of gross floor area shall require an amended Minor Conditional Use Permit or a new Conditional Use Permit, with a new parking demand study, as determined necessary by the City.
7. This permit is subject to expiration and revocation as provided in 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.
8. The Applicant is responsible for paying all charges related to the processing of the Project within 30 days of the issuance of the final invoice or prior to the issuance of building permits for the Project, whichever occurs first. 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.
9. 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 the Minor Conditional Use Permit No. MCUP 2024-08 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.



November 14, 2024

Snez Veljanovska
Ausletics
313 Nutwood Street
Brea, CA 92821

SENT VIA EMAIL: snez@ausletic.com

SUBJECT: MINOR CONDITIONAL USE PERMIT NO. 2024-09: REQUEST TO ALLOW AN INSTRUCTIONAL FITNESS STUDIO IN A COMMERCIAL INDUSTRIAL (C-M) ZONE LOCATED AT 2868 EAST IMPERIAL HIGHWAY

ACCELA RECORD NUMBER: PLN-2024-00047

Dear Ms. Veljanovska,

Thank you for your Minor Conditional Use Permit (MCUP) application requesting to allow for an instructional fitness studio in a Commercial Industrial (C-M) zone located at 2868 East Imperial Highway in the City of Brea. The submitted MCUP application has been **APPROVED**, based on the findings (Attachment A), and subject to the conditions of approval (Attachment B).

This action is final unless appealed within 10 calendar days of the date of the decision. Any person may appeal this decision by filing a written request with the appropriate fee with the City Clerk's Office within the time specified. Any appeal will suspend this decision until the Planning Commission has acted upon the appeal. The Planning Commission could reverse or modify this decision or any condition of approval. If an appeal is filed, you will be notified by mail of the time and place of the hearing.

California Environmental Quality Act

The Project has been assessed in accordance with the California Environmental Quality Act (CEQA) guidelines, and the environmental regulations of the City. Upon review, the Project qualifies for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301 of the state CEQA guidelines. The Class 1 exemption applies to the Project because the proposed fitness studio does not include any physical expansion or modification to the exterior of the existing building. Therefore, the Project is categorically exempt from the provisions of CEQA.

A Notice of Exemption (NOE) was prepared for the Project and a copy of the signed NOE is included with this letter as Attachment C. Although not required, it is recommended that the wet-signed NOE be filed with the Orange County Clerk-Recorder (County Recorder) within five working days following the approval date, as such recordation will reduce the statute of limitations period on CEQA legal challenges from 180 days to 35 days. Please notify the City if you file the NOE with the County Recorder.

If you have any further questions or need additional information, contact me by phone at 714-671-4408 or by email at cristaln@cityofbrea.net.

Sincerely,



Cristal G. Nava
Assistant Planner

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption
- D. Approved Project Plans

cc: Jason Killebrew, Community Development Director
Joanne Hwang, AICP, City Planner
Rebecca Pennington, Senior Planner

ATTACHMENT A

FINDINGS FOR MCUP NO. 2024-09

1. The proposed use of a fitness studio is properly the one for which a Minor Conditional Use Permit is authorized by Brea City Code (BCC). The Project site is zoned C-M (Commercial Industrial) with a Precise Development (PD) Overlay. Pursuant to BCC Section 20.11.020, an instructional fitness studio is permitted in a C-M zone, subject to approval of a minor conditional use permit.
2. The proposed use, with conditions imposed, is necessary or desirable for the development of the community, in harmony with various elements or objectives of the General Plan, and not detrimental to existing uses or to uses specifically permitted in the zone as the proposed use of the site as an instructional fitness studio is in alignment with the City's Goal CD-1 which is to "provide a balance of land uses to meet the present and future needs of all residents." The Project as designed and conditioned is not expected to be detrimental to the existing uses or uses permitted in the zone or vicinity.
3. The site is adequate in size and shape to accommodate the proposed use and all of the yards, setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the neighborhood as proposed, as the proposed instructional fitness studio does not require expansion of the current tenant space. The existing parking lot provides sufficient parking spaces for both the proposed instructional fitness studio and other existing uses within the business center.
4. The site relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated by the proposed use, as vehicular access to the Project site will continue to be provided by two driveways off of Imperial Highway. The Project is not anticipated to result in any traffic impacts to the adjacent uses as a result of a new instructional fitness studio as the Project will occupy an existing building within the C-M zone and proposes no building expansion.
5. With the conditions imposed, the proposed use will not adversely affect public health, safety, or general welfare, as the Project will allow for an instructional fitness studio within an existing building, and will not negatively impact the existing commercial and light industrial uses within the area. All personal fitness training instruction will occur indoors. In addition, the Project is required to meet all Building and Fire codes and standards, thereby assuring public health, safety, and welfare.

ATTACHMENT B

CONDITIONS OF APPROVAL FOR MCUP NO. 2024-09

1. Development and operations shall occur in substantial compliance with the plans and documents reviewed and approved by the Planning Division on November 14, 2024, which include an operations breakdown, site plan, and floor plan 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 operations and approved project plans.
2. The Applicant is responsible for paying all charges related to the processing of the Project within 30 days of the issuance of the final invoice or prior to the issuance of building permits for the Project, whichever occurs first. 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.
3. The business operations shall comply with the City's Noise Ordinance. Should noise or nuisance issues arise due to the instructional fitness studio, the business shall provide the necessary remedies including, but not limited to, sound attenuation, change in business operations, etc. Any remedies needed shall be reviewed and approved by the Community Development Director or his/ her designee prior to installation or implementation.
4. All proposed signage shall conform with the Brea City Code (BCC).
5. The business operations shall be restricted within the existing building. No outside use of the premises shall be permitted.
6. Any permit is subject to expiration and revocation as provided in Chapter 20.412.020, and said provisions are specifically made a part hereof without negating the applicability of any other provision of this title or any other ordinance.
7. No alterations shall be done to the building structure without prior approval and permit issuance from the Building & Safety division.
8. The Applicant must obtain a Certificate of Occupancy (C of O) before the start of business operations. The C of O must be posted in a conspicuous place on the premises at all times. To obtain the application, please visit the following link <https://www.ci.brea.ca.us/133/Certificate-of-Occupancies>
9. Prior to occupancy inspection, panic hardware must be installed within the tenant space.
10. The occupancy load shall not exceed 50 at any given time to be classified as B. Should the occupancy exceed 50, the Applicant will be required to submit for a change of occupancy to A-3.

11. 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 Minor Conditional Use Permit No. MCUP 2024-09 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.



Planning Commission Communication

A. Conditional Use Permit 2024-06; Saint Matthew Ecumenical Catholic Church

To allow the establishment of a new church (St. Matthew Ecumenical Catholic Church) located at 500 East Imperial Highway.

Meeting	Agenda Group
Tuesday, January 28, 2025, 6:00 PM	PUBLIC HEARINGS Item: 7A.
TO	FROM
Chair and Members of the Planning Commission	Joanne Hwang, City Planner

EXECUTIVE SUMMARY

The Applicant, Deacon Tony Russo from Saint Matthew Ecumenical Catholic Church (St. Matthew), is requesting a Conditional Use Permit (CUP) No. 2024-06 to allow an establishment of a new church, located at 500 East Imperial Highway and in a General Commercial (C-G) Zone with a Precise Development (PD) Overlay.

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

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution (Attachment A) taking the following actions:

1. Find the Project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1, Existing Facilities); and,
2. Approve CUP No. 2024-06 to allow establishment of a new church (St. Matthew), based on the findings and conclusions in the attached Resolution (Attachment A), and subject to the recommended Conditions of Approval (Attachment B).

BACKGROUND

The Project site, 500 East Imperial Hwy, is located at the southeast corner of Imperial Highway and Sycamore Ave. The Project site has a General Plan Land Use designation of General Commercial and zoning designation of General Commercial (C-G) with a Precise Development (PD) overlay. The surrounding land uses and zoning designation are shown in Table 1 and 2 below:

TABLE 1 – SURROUNDING LAND USES

North	Laurel Elementary Magnet School of Innovation and Career Development, commercial businesses, and single- and multi-family residential homes (across Imperial Highway)
East	Commercial businesses and commercial businesses
South	Single- and multi-family residential homes
West	Multi-family residential homes (across Sycamore Avenue)

TABLE 2 – SURROUNDING ZONING DESIGNATIONS

North	C-G, Public Facilities (PF), and Multiple Family Residential (R-3)
East	C-G
South	Single Family Residential (R-1)

The Project site is currently developed with a 7,771 square-foot building, which is currently occupied by the Masonic Lodge. The Project site is served by an existing off-site surface parking lot located across Sycamore Avenue, at the southwest corner of Sycamore Avenue and Imperial Highway (APN 284-211-26). Ingress and egress to the parking lot site are provide from the alley, off of Sycamore Avenue. The aerial view of the Project site is Figure 1 below.

FIGURE 1 – AERIAL VIEW OF THE PROJECT SITE



Entitlement History

- No planning entitlements have been processed, considered, or approved for the Project site.

The Technical Background Summary and the Vicinity Map are provided as Attachment C and D, respectively.

PROJECT DESCRIPTION

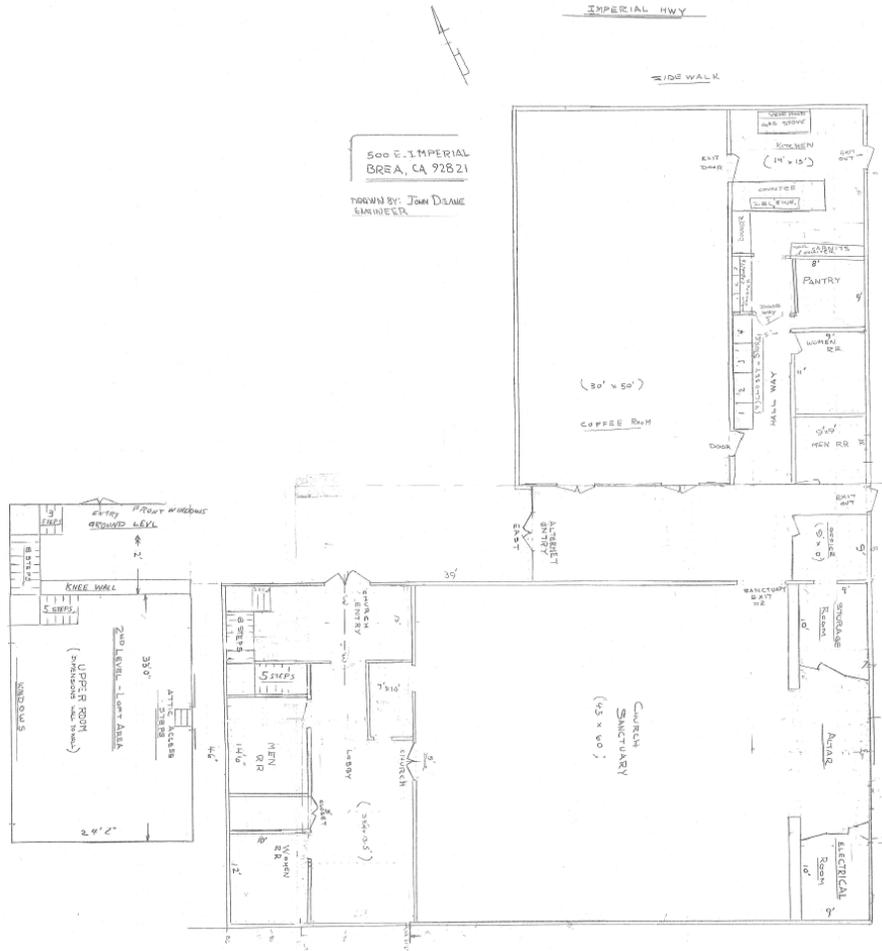
The Project proposes to establish a new church, St. Matthew, within an existing 7,771 square-foot building at the Project site. St. Matthew is an ecumenical Catholic church that has been operating for the past 40 years, with their current sanctuary located in the City of Orange. The church consists of a multicultural community of approximately 100 members, and provides a multitude of services both on and off-site (e.g. masses, weddings, etc.). The full list of the proposed operations at the Project site is outlined in the Letter of Request (Attachment E), and Table 3 below provides a summary of the proposed on-site operations:

TABLE 3 – SUMMARY OF PROPOSED ON-SITE OPERATIONS

Services	Days of the Week	Hours of Operation	An
Masses	Sundays	<u>English Mass:</u> 9:30 a.m. to 11:00 a.m. <u>Spanish Mass:</u> 12:00 p.m. to 1:30 p.m. <u>Evening Mass:</u> 7:00 p.m. to 8:00 p.m. (Evening mass is limited to up to 3 times per year)	
Confirmation Classes	Sundays	11:00 a.m. to 12:00 p.m.	
Funerals	Tuesday to Saturday	Earliest start time - 6:00 p.m. (Funerals are limited to up to 3 times per month; maximum 4-hour duration per event)	
Other Special Events (e.g. weddings, special birthdays, etc.)	Saturdays & Sundays	<u>Saturdays:</u> Earliest start time - 6:00 p.m. <u>Sundays:</u> Earliest start time - 2:00 p.m. (Other special events are limited to up to 8 times per year; maximum 4-hour duration per event)	
Church Office	7 days	9:00 a.m. to 6:00 p.m.	

The Project at this time does not propose any tenant improvements to facilitate the proposed use as the proposed use will utilize the existing building as is (refer to Figure 2), and no expansion of the existing building is proposed. However, the Project would make minor modifications to the existing off-site parking lot located across Sycamore Avenue, which includes restriping of the parking lot to provide a total of 23 parking spaces, inclusive of the required 2 Americans with Disability Act (ADA) spaces. In addition, the Applicant would enter into a parking agreement with the property owner of the property located at 524 & 538 East Imperial Hwy, which would allow the Applicant to utilize 17 marked parking spaces during non-business hours of the existing tenants at 524 & 538 E Imperial Hwy (Discount Tires, Brea Electric, and Complete Package).

FIGURE 2 – FLOOR PLAN



The Letter of Request, Project Plans, Project Application and Draft Parking Agreement are Attachments E, F, G and H, respectively.

DISCUSSION

Conditional Use Permit No. 2024-06: Establishment of a new Religious Facility (St. Matthew)

Pursuant to the permitted uses in the General Commercial (C-G) Zone listed in BCC Section 20.11.020.A, Religious Assembly land use is permitted subject to Planning Commission approval of a CUP. The Project site is developed with an existing 7,771 square-foot building, which is sufficient in size to accommodate a sanctuary for the proposed operations of the new church and the proposed on-site services such as Sunday masses, staff office hours, confirmation classes, and special events (e.g. weddings, funerals, etc.). By establishing a new church, the Project would serve as an additional option for religious assembly or general gathering space for the community. In addition, the proposed on-site services, including occasional special events, is similar to the typical operational characteristics of the existing land use, Masonic Lodge.

The Project is not anticipated to result in negative traffic impacts in the surrounding area, as the Project site has a limited capacity based on the building size. In addition, the Project is located on a major arterial corridor (Imperial Highway), which services as the main point of ingress and egress from the site. The Project also is not anticipated to cause parking impacts to the adjacent uses because the Project is in compliance with the required on-site parking. The Project proposes to restripe the existing parking lot located across Sycamore Avenue to accommodate at minimum 23 parking spaces, and includes a parking agreement with the adjacent properties at 524 & 538 E Imperial Highway to provide an additional 17 parking spaces with during non-business hours. The total supply of 40 parking spaces is consistent with the BCC off-street parking standard for a Religious Assembly land use (1 parking space per 3 fixed seats), as the subject building currently includes 120 fixed seating, and the Project does not increase any increase in the number of fixed seating. In addition, the proposed operational hours of the new church would be in substantial compliance with the terms and operation hours stated in the Draft Parking Agreement.

The Project was reviewed by various departments, including the Fire Department, Police 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. In addition, 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. Notable conditions include requirements to provide all necessary remedies to mitigate noise or nuisance concerns, to maintain off-site parking agreement to ensure continued compliance with the minimum parking requirement, and to adhere to the proposed hours of operations and maximum number of attendees, as follows:

- Condition 4: Special events are required to be in compliance with the details in the provided Project Description.
- Conditions 5, 6 & 7: The parking lot across Sycamore Ave is required to provide a minimum of 23 spaces and be available for church operations as long as the church is in operation. Additionally, an off-site parking agreement is required to be maintained as long as the church is in operation. Lastly, if church activities create the need for additional off-site parking, the church operator must provide the necessary remedies in their operations or cease all activities until necessary remedies have been implemented.
- Condition 9: Should noise nuisance issue arise, the Applicant must provide necessary remedies, and all church operations must comply with the City's Noise Ordinance.

Therefore, the Project, as proposed and conditioned, is not anticipated to negatively affect the health and safety of the surrounding neighborhood.

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 I. As of the writing of this report, staff has not received public comments.

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 15301, which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Class 1 exemption applies to the Project because the Project involves establishing a new church within an existing building without any expansion to the existing building and only proposes minor improvements (i.e. restriping) to an existing parking lot located off-site. Therefore, the Project is categorically exempt from the provisions of CEQA. The draft Notice of Exemption is Attachment J.

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: Brianna Co, Planning Technician

Attachments

[Attachment A - Draft Resolution; CUP 2024-06 2.pdf](#)

[Attachment B - Draft Conditions of Approval; CUP 2024-06.pdf](#)

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

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

[Attachment E - Letter of Request.pdf](#)

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

[Attachment G - Application.pdf](#)

[Attachment H - Draft Parking Agreement.pdf](#)

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

[Attachment J - Draft Notice of Exemption; CUP 2024-06.pdf](#)

(DRAFT) RESOLUTION NO. PC 2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA APPROVING CONDITIONAL USE PERMIT NO. 2024-06: TO ALLOW ESTABLISHMENT OF A NEW CHURCH (SAINT MATTHEW ECUMENICAL CATHOLIC CHURCH) LOCATED 500 EAST IMPERIAL HIGHWAY.

A. RECITALS:

(i) The Planning Commission of the City of Brea (the “Planning Commission”) did receive a verified petition for the approval of Conditional Use Permit (CUP) No. 2024-06 to allow for the establishment of a new church, Saint Matthew Ecumenical Catholic Church (referred to herein as the “Project”), for that certain real property located at 500 East Imperial Highway, in the City of Brea, and further legally described as Assessor Parcel Number 284-211-26 & 284-211-31, as shown in the latest records of the County of Orange Assessor’s Office.

(ii) The Project applicant is Saint Matthew Ecumenical Catholic Church (represented by Deacon Tony Russo), 1111 W Town & Country Road, Orange, CA 92868.

(iii) The Project site is zoned General Commercial (C-G) with a Precise Development (PD) Overlay and designated as General Commercial by the General Plan.

(iv) On January 28, 2025, 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.

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

B. RESOLUTION:

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

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

2. 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 15301. Class 1 applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Class 1 exemption applies to the Project because the Project involves establishing a new church within an existing building without any expansion to the existing building, and only proposes minor improvements (i.e. restriping) to an existing parking lot located off-site. Therefore, the Project is categorically exempt from the provisions of CEQA.

3. The Commission further finds in consideration of Conditional Use Permit No. 2024-06 as follows:

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

Fact: The Project site is zoned General Commercial (C-G) with a Precise Development (PD) Overlay. Pursuant to Section 20.11.020.A of the Brea City Code, the establishment of any religious assembly requires the review and approval of a conditional use permit.

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

Fact: The Project is consistent with the General Plan Policy CD-1 by providing a balance of land uses to meet the present and future needs of all residents. The proposed church use would accommodate a growing church congregation in the community, and the proposed church would provide an additional venue option for special events for the residents within the community.

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

Fact: The Project site is approximately 18,678 square feet with an existing 7,771 square-foot building with off-site parking lot located across Sycamore Ave. The Project does not propose any expansion to the existing building, as it has the capacity to accommodate the congregation and services for the proposed church. Additional off-site parking shall be provided with a parking agreement with 524 & 538 E. Imperial Highway to accommodate the parking needs of the Church. As such, the Project's existing building is adequate in size and shape to accommodate the proposed use.

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

Fact: Vehicular access to the Project site will continue to be provided off Imperial Highway and Sycamore Avenue. The Project is not anticipated to result in any negative traffic impact to the adjacent uses as the operations are of similar nature as the existing tenant, Masonic Lodge. In addition, the Project site is located along a major arterial corridor (Imperial Highway), which serves as the main point of ingress and egress for the Project site.

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

Fact: The Project is designed to comply with all applicable development standards and shall fall in sufficient conformance with the approved operations plan. All activities will be conducted within the building, and conditions of approval have been included to ensure that uses of the site will not affect adjacent properties and land uses.

4. CUP No. 2024-06 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 28th day of January, 2025.

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 28th day of January 2025 and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 28th day of January 2025, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST: _____
Secretary, Planning Commission

DRAFT

**EXHIBIT A OF RESOLUTION NO. 2025-XX
CONDITIONAL USE PERMIT NO. 2024-06**

CONDITIONS OF APPROVAL

Conditional Use Permit (CUP) No. 2024-06 is hereby approved, subject to the conditions as set forth herein:

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 January 28, 2025, which includes, but not limited to, an operations breakdown, site plan, and floor plan 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 operations and approved project plans.
2. The Applicant shall prepare and submit a digital copy (suitable for archival storage) of the final plans and specifications to the Brea Planning Division prior to the issuance of any building permits for the development.
3. There shall be no employee living quarters on-site.
4. Special events, including but not limited to, the event types, operational hours, and maximum number of attendees, shall comply with the details specified in the Project Description on file with the Planning Division.
5. The parking lot located across Sycamore Avenue shall provide a minimum of 23 parking spaces and must be available for the church patrons as long as the church is in operation.
6. The Applicant shall provide a finalized and recorded off-site parking agreement with the properties located at 524 & 538 E. Imperial highway, which allows utilization of 17 spaces for the church use, to the Brea Planning Division prior to commencing the church operations. Such agreement shall be maintained as long as the church is in operation.

If there is any change to the approved off-site parking conditions as mentioned in Condition #5 and #6, the church operator shall submit a revised off-site parking plan to demonstrate the church's compliance with the minimum required parking for the church to the Community Development Director for review and approval. The Community Development Director shall have authority to refer the matter to the Planning Commission if such changes are determined to be significant.

7. If, at any time, church activities are found to create the need for additional off-site parking, the church operator shall provide the necessary remedies, which may

include, but not limited to, reduction in attendee capacity, change in church operations, revised/additional off-site parking agreement, and parking management plan. Any remedies needed shall be reviewed and approved by the Community Development Director or his/her designee prior to installation and implementation. The church shall cease all activities which create the need for additional off-site parking until necessary remedies have been implemented.

8. All permanent signage shall require a separate sign permit, as required by the Planning and Building & Safety Division of the City of Brea to installation and shall be in compliance with the sign regulations of the Brea Zoning Code.
9. The church operations shall comply with the City's Noise Ordinance. Should noise or nuisances' issues arise due to any church activities, the church shall provide the necessary remedies including but not limited to reduction in attendee capacity, change in church operations, etc. Any remedies needed shall be reviewed and approved by the Community Development Director or his/her designee prior to installation and implementation.
10. All church operations, including special events, shall occur indoors.
11. The Applicant is responsible for paying all charges related to the processing of the Project within 30 days of the issuance of the final invoice or prior to the issuance of building permits for the Project, whichever occurs first. 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 Chapter 20.412.020, and said provisions are specifically made a part hereof without negating the applicability of any other provision of this title or any other ordinance.
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 Conditional Use Permit No. CUP 2024-06 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.

Building and Safety Division – Community Development

14. Upon building permit submittal, all designs shall comply with the Codes adopted at the time of permit submittal. Currently the 2022 CA Building, Mechanical, Electrical, Plumbing, Cal Green, Energy, Fire Codes, ISPSC, City of Brea Municipal Code, City of Brea & CA state ordinances.
15. Upon formal submittal any code deviations will require submittal of Alternative Materials, design and Methods (CBC Sec. [A]104.11) or Modification request (CBC Sec. [A]104.10). Code sections and alternatives are required with complete justification for request.
16. Building permits are required for all the proposed work, CBC 2022 Sec [A]105.1.
17. Based on the provided 40 total parking stalls, 2 ADA complaint stalls are required. One shall be VAN ADA accessible and one shall be standard ADA accessible. ADA stalls shall be placed on the shortest route to the building entrance. The restriping of the parking lot shall be ADA compliant.
18. Mechanical unit installed on the window along Sycamore Ave shall be removed and window restored to original state.
19. Means of egress shall be brought up to code. Upon formal submittal to Building & Safety Division egress plan/exiting analysis shall be submitted for review and approval. CBC 2022, Chapter 10.
20. Accessible means of egress continuity and components must comply with CBC2022 1009. Therefore, illumination level shall not be less than 1 foot-candle at the walking surface at exterior accessible route (ADA parking, ramps, walks...). CBC Sec 1008.2.1
21. The Applicant shall submit an exterior photometric plan to comply with requirement of Condition #19.
22. The provisions of section 11B-202.4 Exception 8 apply to existing buildings or facilities used as public buildings, public accommodations, commercial buildings, or public housing. When these buildings or facilities undergo alterations, structural repairs, or additions, an accessible path of travel must be provided to the specific area of construction.

When the adjusted construction cost of alterations, structural repairs, or additions to existing buildings within three years of the original alteration exceeds a

valuations threshold of \$200,399.00 the cost of compliance with section 11B-202.4 of the California Building Code shall be a minimum of 20% of the adjusted construction cost of alterations, structural repairs or additions.

23. Full project review shall be conducted when complete construction documents are submitted to the Building & Safety division.
24. Additional requirements may be imposed when the project is submitted for Building & Safety department plan check review and approval.

Fire Department

25. The applicant shall fall in compliance with California Fire Code, including but not limited to all ingress and egress lighting requirements for assemblies.

DRAFT

TECHNICAL BACKGROUND

Case No:	Conditional Use Permit (CUP) No. 2024-06
Property Location:	500 East Imperial Highway
Parcel Size:	18,678 SF
Building Size:	7,771 SF
Applicant:	Deacon Tony Russo of St. Matthew Church 1111 W. Town & Country Road, Suite 16 Orange, CA 92868
General Plan Designation:	General Commercial
Zoning Designation:	General Commercial (C-G) with a Precise Development Overlay
Adjacent Zoning	
North:	C-G, Public Facilities (PF), and Multiple Family Residential (R-3)
South:	Single-Family Residential (R-1)
West:	C-G
East:	C-G
Site and Neighborhood Characteristics:	The project site is located at the southeast corner of Imperial Highway and Sycamore Avenue, and has a off-site parking lot servicing the site off of Sycamore Avenue. The site is surrounded by various commercial and residential uses.
Public Hearing Notices and Outreach:	Legal Notice was published in the Brea Star-Progress on January 16 th , 2025, and approximately 96 notices were sent to all property owners within a 500-foot radius of the subject property.



SUBJECT PROPERTY AND VICINITY MAP

DATE: JANUARY 28, 2025

CASE NO:
ACCELA RECORD NO. PLN-2024-00052
CONDITIONAL USE PERMIT NO. 2024-06



SAINT MATTHEW

ECUMENICAL CATHOLIC CHURCH

Date: 01/14/2025

To: City of Brea – Planning

Re: Establishment of a new Independent Ecumenical Catholic Church at the current Masonic Lodge, 500 E Imperial Hwy., Brea, CA 92821

Proposal:

Establishment of a new Independent Ecumenical Catholic Church at the current Masonic Lodge, located at: 500 E. Imperial Hwy., Brea, CA 92821.

Background:

Saint Matthew Ecumenical Catholic Church, 1111 W. Town and Country Road, Suite 16, Orange, CA 92868, is an independent Catholic community with approximately 100 members, that has been in existence for 40 years. We are a fully functioning Catholic Church, and offer all of the sacraments, services, masses, and amenities that our better known Roman Catholic Churches offer. We are a multicultural community and support vibrant Hispanic, Filipino, Indian, and Native American groups within our community. Unlike our Roman "cousins", we allow our priests to marry, ordain women to the clergy (we were the first recognized Catholic church to ordain a woman), perform off-site weddings at outdoor venues, and welcome LGBTQ to not only practice their Catholic faith with us, but to become ordained members of the clergy; among a host of other distinctives. Our founder, Bishop Peter Elder Hickman, spearheaded the Ecumenical Catholic Communion, and was directly responsible for some of the biggest movements in the ecumenical Catholic movement across the United States and globally. As an "Ecumenical" Catholic church, "ALL ARE WELCOME" to not only worship with us, but serve in the church in whatever capacity they are called to; and in the true spirit of ecumenicalism, we often con-celebrate with other faith traditions.

We currently offer a Sunday English Mass at 9:30 am to 11:00 am that is attended by 30-40 parishioners, and a Sunday Spanish-speaking Mass service at 12:00 pm (noon) to 1:30 pm, that is attended by 50-60 parishioners. We do not offer daily Mass. Since we typically combine non-Sunday Holy days to the closest Sunday, we might offer an evening Mass service (typically 7:00 pm to 8:00 pm) 2-3 times per year. While we offer funeral services, wedding services, Baptisms,

Confirmation, and Quinceanera's, most of these are done off-site. For the few per year that we do on-site, they are usually small, intimate affairs, with immediate family only. Because the Roman Catholic churches will typically not perform these services outside of their own church, our priests are in high demand to travel to outside/off-site venues.

The bulk of the use for this building we are offering to purchase will be for Sunday Masses (described above) and Confirmation classes (held on Sundays, and usually attended by 25-30 kids). Most of our other services, i.e., Bible Study, Adult Inquiry Classes, Religious studies, etc., are held via ZOOM, and not on premises. When they are held on-site, it is in the evenings after 6:30 pm, and attendance is usually 10-15 people.

The portion of the building to be used for our Sunday Masses currently has 120 permanent and stationary seats, and our current parking lot has 23 parking stalls. In order to resolve any additional parking required by the City of Brea (one parking stall per 3 permanent and stationary seats – $120/3=40$ parking stalls), we are providing a "Shared Parking Agreement" with the owner (Imperial Highway, LLC/Donald Holly, Sr.), of the property located at 524 and 538 E. Imperial Hwy., Brea, CA 92821, (about 1-2 blocks east of us on the same side of Imperial Hwy. – Discount Tire, Brea Electric, and Complete Package), which is allowing us to share their 17 marked parking stalls during their non-business hours (see attached agreement). This will give us access to 40 parking spaces during our hours of operation, and meeting the City's parking requirements.

We intend to re-stripe our parking lot and will comply with the City's requirement for double-striped stall designations and handicap parking, and will have a licensed architect draw-up the plans prior to re-striping, for the City's review.

1.) **Updated Project Description:**

a.) **Our Conditional Use Permit (C.U.P.)** request is for the purpose of establishing a new Independent Ecumenical Catholic Church at the Masonic Lodge, located at 500 E Imperial Hwy., Brea, CA 92821. We have submitted an application for and are hereby requesting the granting of a C.U.P. in order to facilitate the establishment of a new Independent Ecumenical Catholic church at the above mentioned location.

b.) **Mass Times:** We will offer a Sunday English Mass at 9:30 am and ends at 11:00 am, that is presently attended by 30-40 parishioners, and a Sunday Spanish-speaking Mass service at 12:00 pm (noon) and ends at 1:30 pm that is attended by 50-60 parishioners. We do not offer daily Mass. Since we typically combine non-Sunday Holy days to the closest Sunday, we might offer an evening Mass service (typically 7:00 pm to 8:00 pm) 2-3 times per year. We have large, multiple, wooden, "A-Frame" signage that will be posted in high visibility areas along the property directing people to our additional parking as well as staff who will be on-site for further directional aid. We will also post to our website our current parking and additional parking sites available to all parishioners.

c.) **Confirmation Classes:** Typically occur year-round and are held on the first 3 Sundays of every month from 11:00 am to 12:00 pm (one hour) attended by 25-30 Catechumens and 2-3 teachers, before they would attend our 12:00 pm Mass.

d.) **Church Staff:** Monday-Friday: We typically have 2-3 staff members on-site (an office manager, admin. person and a member of the Clergy) from 9:00 am to 6:00 pm (although they will stay later if requested/necessary). On Saturdays we will have at least 1 member of the Clergy available from 9:00 am to 6:00 pm. Sundays we will have multiple clergy available from 8:30 am to 3:00 pm (although they will stay later if necessary).

e.) **Weddings/Quinceaneras':**

- i.) Maximum party size would be 100 people and less than 35 vehicles
- ii.) On-site weddings are held infrequently, and a best estimate would be that we may perform 2-4 weddings per year and 2-4 Quinceaneras' per year
- iii.) Weddings/Quinceaneras' are typically limited to 2-4 hours and will begin between 6:00-8:00 pm. on Saturdays and 2:00-6:00 pm on Sundays.
- iv.) For wedding/quinceanera events of 50 or less people, we provide 2-4 church staff members to facilitate orderly arrival and departure of guests as well as securing the site. We have large, multiple, wooden, "A-Frame" signage that will be posted in high visibility areas along the property directing people to our additional parking as well as staff who will be on-site for further directional aid. We will also post to our website our current parking and additional parking available to all guests. For larger events (51-100 people) we provide additional staff and/or contract with a local security company

f.) **Funerals:**

- i.) Maximum funeral size would be 100 people, and typically there are between 25-35 cars.
- ii.) On-site funeral services occur 2-3 times per month (24-36 per year)
- iii.) Funeral services are typically limited to 2- 4 hours and usually occur between 6:00 pm to 8:00 pm, and can be held Tuesday through Saturday
- iv.) For funeral events of 50 or less people, we provide 2 church staff members as well as 2 funeral parlor staff members to facilitate orderly arrival and departure of guests as well as securing the site. We have large, multiple, wooden, "A-Frame" signage that will be posted in high visibility areas along the property directing people to our additional parking as well as staff who will be on-site for further directional aid. We will also post to our website our current parking and additional parking available to all guests. For larger events (51-100 people) we provide additional staff and/or additional funeral parlor staff.

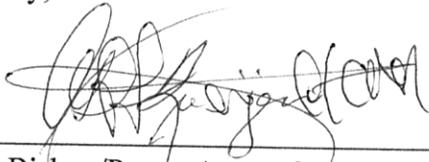
Other than cosmetic (painting/carpeting/furnishings), we do not anticipate changing the current structure of the building (neither inside nor outside) that we are proposing to purchase. The

building presently fits our needs as is, and of course, any improvements to the property that we may do in the future will be submitted to the City of Brea for approval.

We encourage our parishioners to patronize local businesses and feel we give the residents of Brea a "new way" of being Catholic, while also enriching and sharing with the other faith traditions/churches in the City of Brea. Before each Mass service we announce that we are "practicing an ancient faith in a new way." For those that have been shunned or marginalized by other Catholic churches, we offer the opportunity to practice their Catholic faith with a clear conscience.

We appreciate your courtesy with all of this and please contact us with any questions or concerns you may have.

Sincerely,



Bishop/Pastor Arturo Querijero

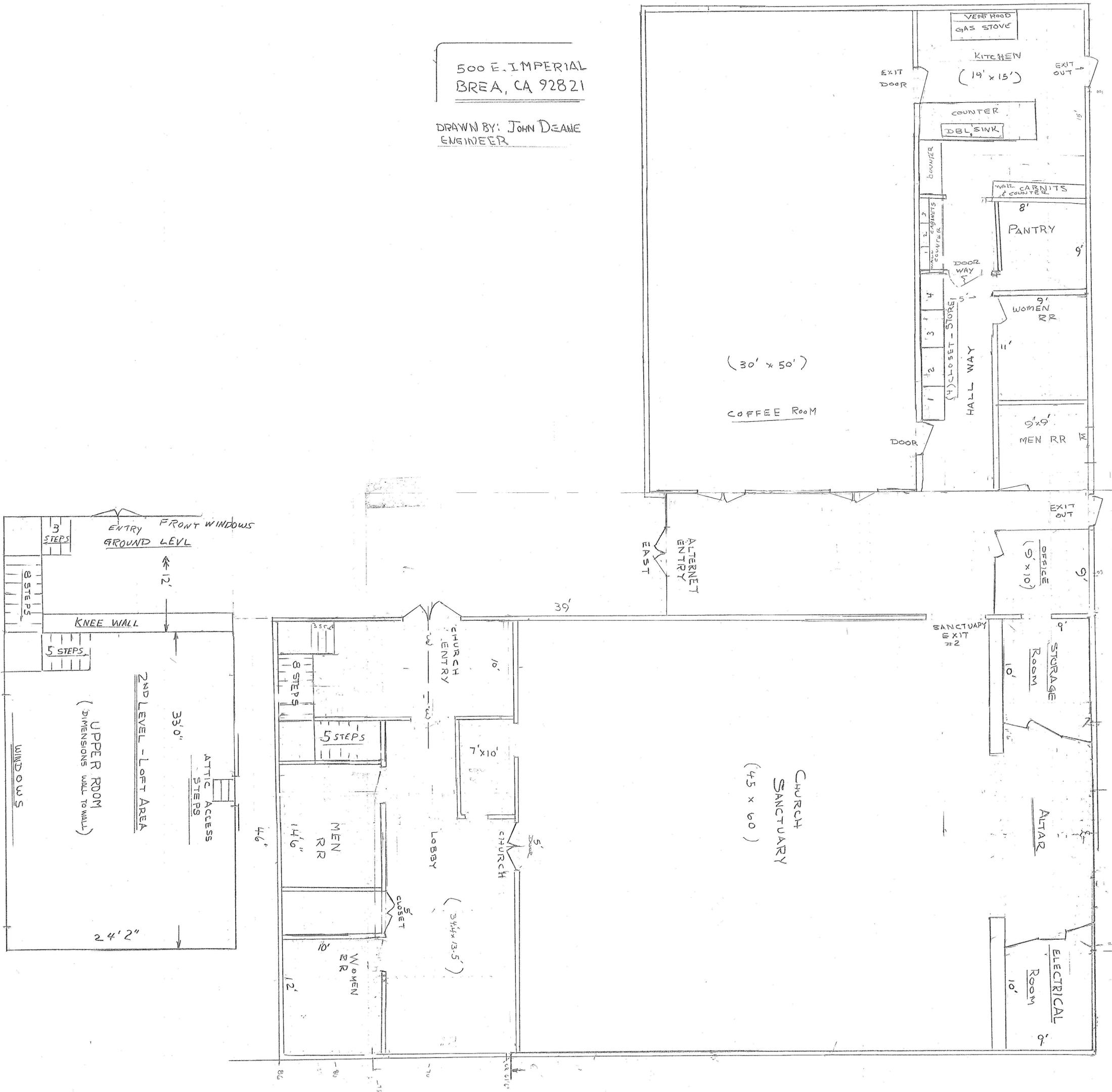
, Date: 01/14/2025.

IMPERIAL HWY

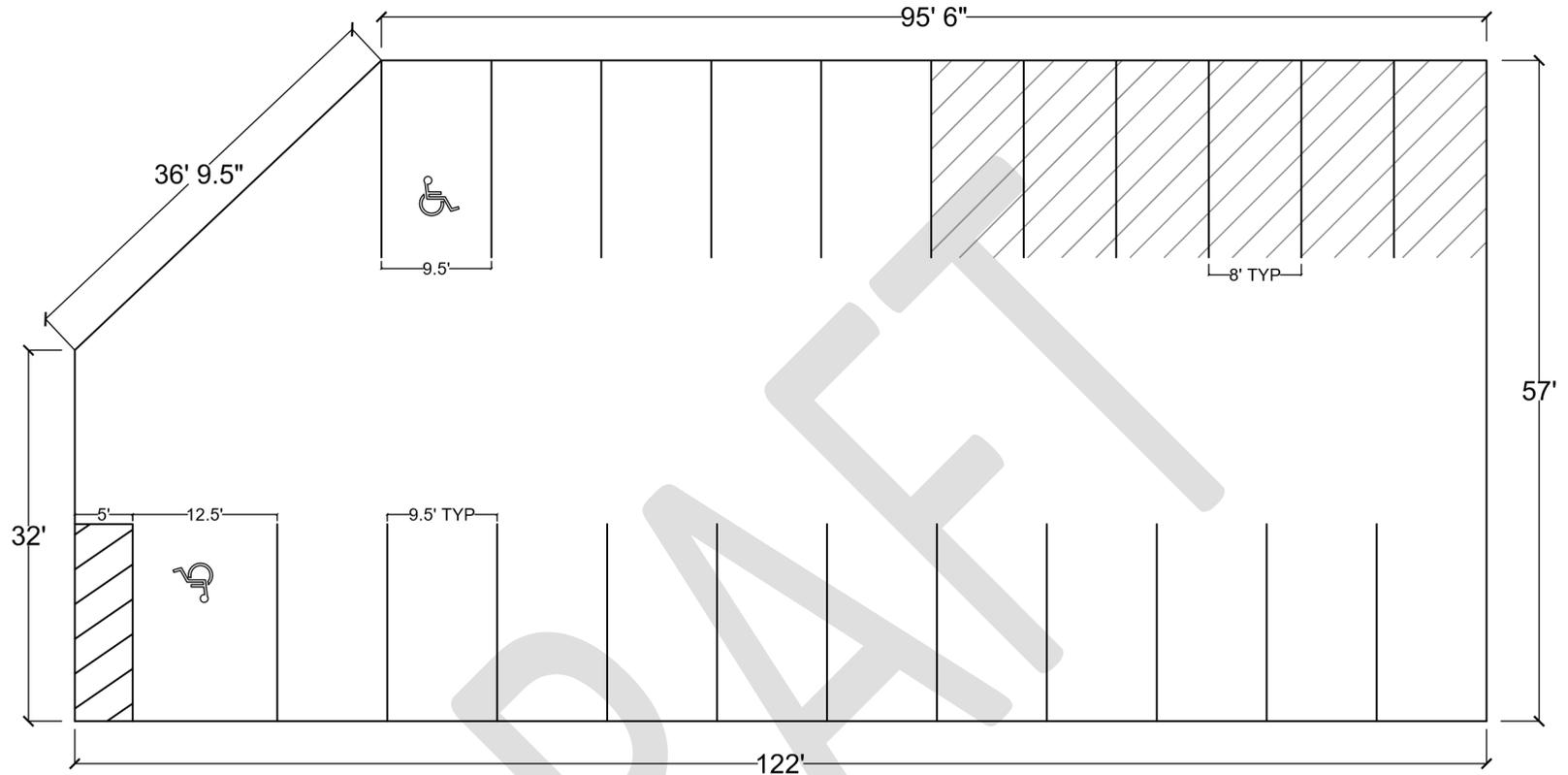
SIDE WALK

500 E. IMPERIAL
BREA, CA 92821

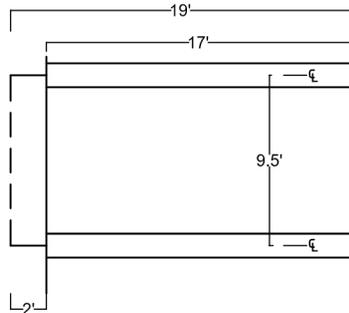
DRAWN BY: JOHN DEANE
ENGINEER



Proposed Restriping Plan

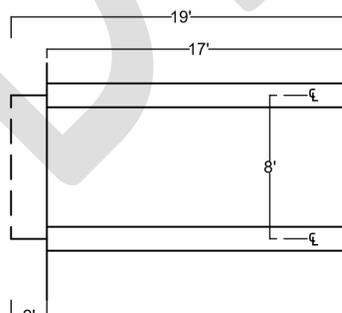


Standard Parking Per Brea Code
20.08.040(C)(2)



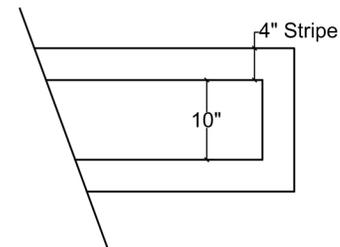
Max Overhang at
landscape or sidewalk
maintaining 4' clear

Compact Parking Per Brea Code
20.08.040(C)(2)



Max Overhang at
landscape or sidewalk
maintaining 4' clear

Required Double Stripe



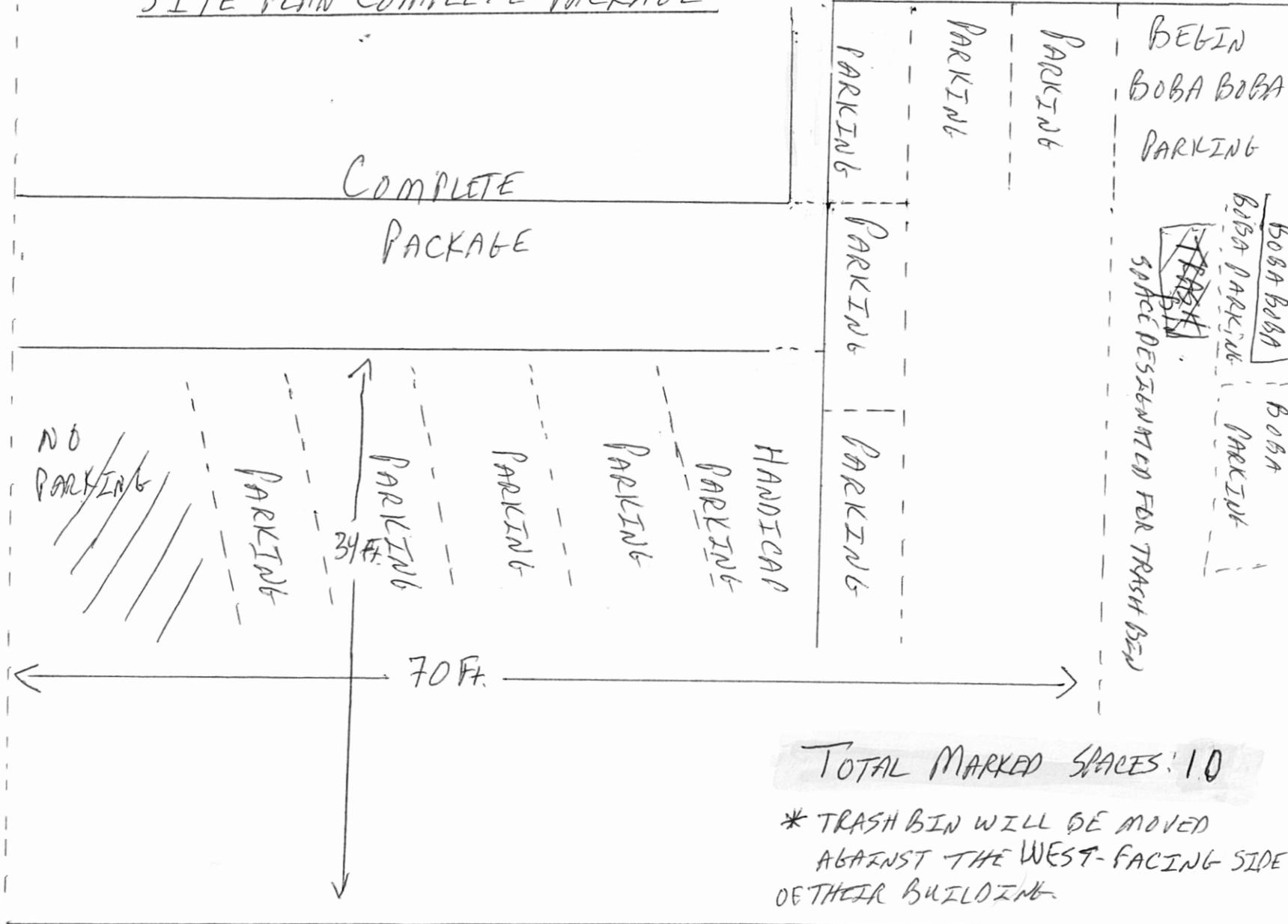
Parking Stalls:	
Van Accessible	1
Accessible	1
Compact	6
Standard	15
Total	23

500 E Imperial Hwy,
Brea, CA 92821

SITE PLAN COMPLETE PACKAGE

BREA
ELECTRIC
PARKING LOT

BEGIN DISCOUNT TIRE
PARKING LOT

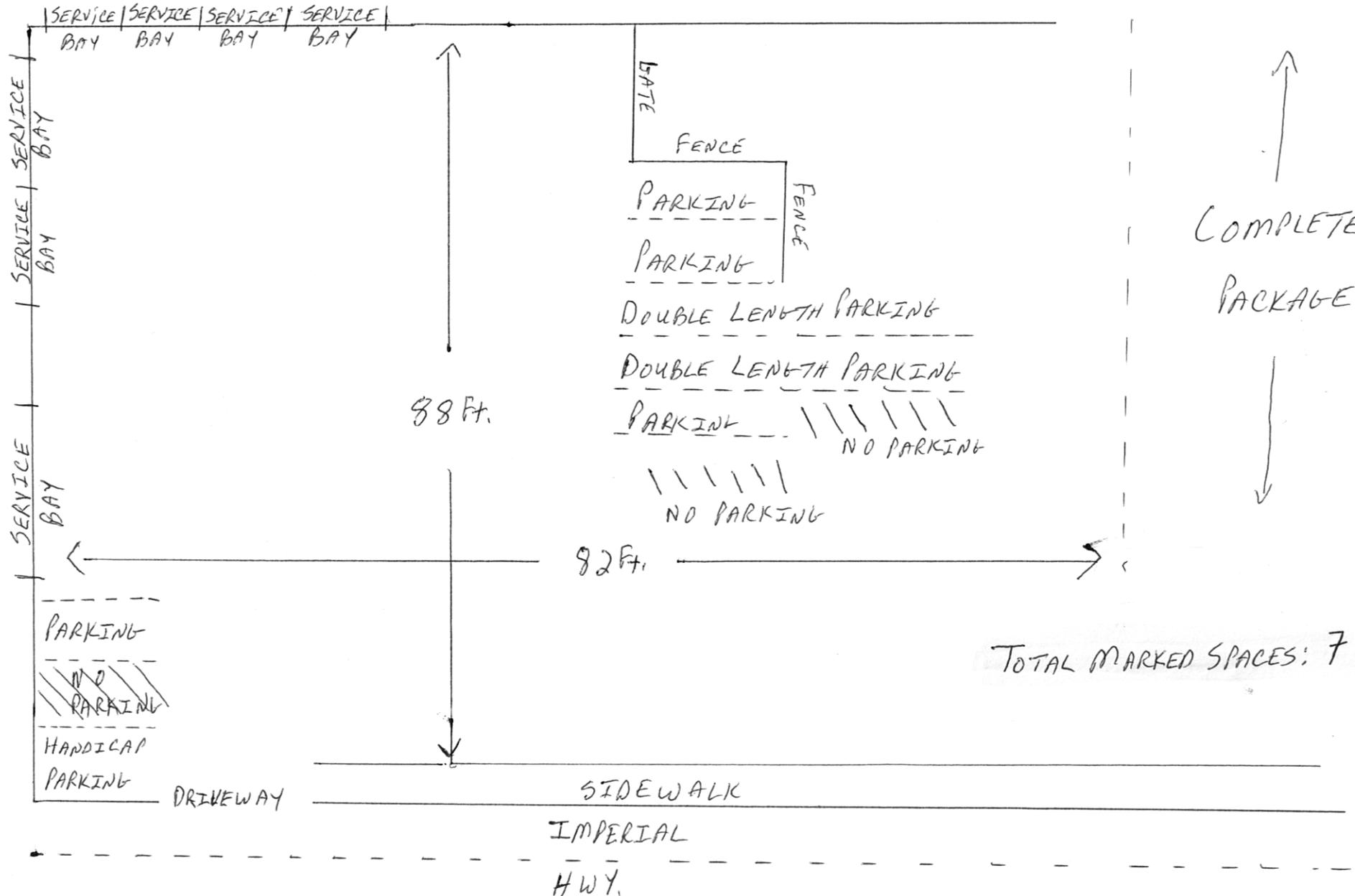


524 E Imperial Hwy Parking Lot Site Plan (Complete Package)

DISCOUNT TIRES

DISCOUNT TIRES

BREA
ELECTRIC



TOTAL MARKED SPACES: 7

538 E Imperial Highway Parking Lot Site Plan (Brea Electric & Discount Tire)



PROJECT APPLICATION

GENERAL INFORMATION REQUIRED: (Print or Type)

Name of Proposed Project: PURCHASE OF MASONIC LODGE BUILDING BY SAINT MATTHEW ECUMENICAL CATHOLIC CHURCH
 Location of Project (Address Required): 500 E. IMPERIAL HWY. BREA, CA. 92821
 Legal Description of Project Location (Assessor's Parcel No.): APN: 284-211-31-26

APPLICANT INFORMATION:

Applicant's Name: SAINT MATTHEW ECUMENICAL CATHOLIC CHURCH
 Email: deacon.tony@saint-matthew.org
 Phone: (714) 353-7856
 Phone: (714) 647-1777

Address: 1111 W. TOWN & COUNTRY ROAD SUITE 16
 City: ORANGE State: CA Zip Code: 92868

PROJECT CONTACT PERSON: (If Different)

Contact Person: TONY RUSSO Phone: (714) 353-7856
 Email:

PROJECT INFORMATION: (Print or Type)

Zoning Designation: COMMERCIAL (C-6) General Plan Designation: C-6
 Existing Use: MASONIC LODGE Proposed Use: CHURCH

Type of Development:
 Residential Commercial Industrial Mixed-Use

Lot Size (square feet): 18,678 SF Lot Width: Lot Depth:

Existing Floor Area (square feet): 7,771 SF Existing FAR: 41.61% Existing Lot Coverage:

STAFF USE ONLY

Accela Record Number: **PLN-2024-00052**
Project Manager:
Entitlement File Number(s): CUP No. 2024-06 **Related Files:**

SUBMITTAL INFO:
 Date Time Received: **10/21/24** Received by: **GB** Deposit Received: **\$2,000**



PROJECT INFORMATION: (Continued)

Proposed Floor Area (square feet):

N/A

Proposed FAR:

UNCHANGED

Proposed Lot Coverage:

Proposed No. of Stories:

Proposed Building Height:

Existing Parking Stalls:

26

Proposed Parking Stalls:

26 + 21

Project Description: The project description should include a detailed description of demolition, on-side improvements, proposed use & operations, ect. In addition, please describe all building material and color as well as description of signage and their location. Please provide a separate PDF attachment labeled "Project Description" if more space is needed.

Check if project description is attached.

TYPE OF REVIEW REQUESTED: (Select all that apply)

Planning Commission/City Council

- | | | |
|--|---|--|
| <input type="checkbox"/> Certificate of Compatibility | <input type="checkbox"/> Planned Community | <input type="checkbox"/> Zone Change |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Precise Development Plan | <input type="checkbox"/> Zone Variance |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Temporary Trailer | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Tentative Parcel Map | |
| <input type="checkbox"/> Historic Designation | <input type="checkbox"/> Tentative Tract Map | |

Administrative/Community Development Director

- | | | |
|---|--|---|
| <input type="checkbox"/> Administrative Remedy | <input type="checkbox"/> Plan Review | <input type="checkbox"/> Tree Removal (see pg. 9) |
| <input type="checkbox"/> Minor Conditional Use Permit | <input type="checkbox"/> Public Convenience or Necessity | <input type="checkbox"/> Other _____ |

PROPERTY OWNER INFORMATION & AUTHORIZATION

(as listed in the Orange County Assessor's records)

Legal Owner's Name: GATEWAY BUILDING ASSOCIATION Company Name: GATEWAY BUILDING ASSOCIATION

Email: toment1@aol.com

Phone: (714) 256-1452

Address: 500 E. IMPERIAL HWY.

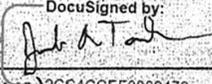
City: BREA

State: CA

Zip Code: 92821

I hereby certify under penalty of perjury under the laws of the State of California that I am the owner(s) of the subject property, or have been authorized to sign on behalf of the property owner, and consent to the filing of this application on the above referenced property. **If the owner did not sign below, a letter of authorization is required.**

*

By:  Date: 10/10/2024
(Signature) 2CC4CCEF0069479

By: JOHN TOMLINSON
(Printed Name)

DESIGN PROFESSIONAL OR OWNER OF THE COPYRIGHT IF DIFFERENT (OPTIONAL)

Name(s):

Email:

Phone:

Address:

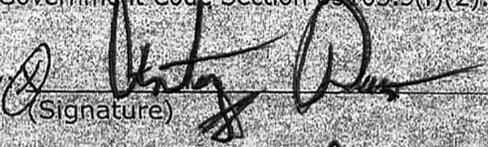
City:

State:

Zip Code:

AUTHORIZATION TO REPRODUCE PROJECT PLANS- Gov. Code § 65103.5(f)(2)

I hereby grant permission for the City of Brea to provide the project plans for inspection as a part of the public record, to copy for members of the public, and post the plans online. This permission shall be constituted as the permission for architectural drawings that contain a copyright annotation and are protected by the federal Copyright Act of 1976 (Government Code Section 65103.5(f)(2)).

By:  Date: 10/10/2024
(Signature)

By: ANTHONY RUSSO
(Printed Name)

TRUST ACCOUNT OWNER INFORMATION

All project applications require the specified minimum deposit to a Trust Account. Additional funds and/or subsequent deposits may be required depending on the specified project and level of staff time necessary. All unused funds will be reimbursed following the completion of project and/or review. Staff time devoted to your project will be billed according to our Development Processing Fees. The necessary staff time will vary according to the complexity of the project and may include, initial review and ongoing project processing by City staff and consultant time, if necessary.

TRUST ACCOUNT OWNER:

Name of the Organization unless there is an Individual Financially Responsible for the Project:

SAINT MATTHEW ECUMENICAL CATHOLIC CHURCH

Address: *1111 W. TOWN AND COUNTRY RD.* State: *CA*

City: *ORANGE* *SUITE 16* Zip Code: *92868*

Email: *deacontony@saint-matthew.org* Phone: *(714)*

*** Please note: Name and address will be used to generate invoices and refund checks ***

STATEMENT OF UNDERSTANDING AND AGREEMENT

I understand that my initial deposit is a retainer and not a fee. This deposit will be used to set up an account, against which fees shall be charged based on the hourly rate listed in the City fee schedule in effect at the time the work is performed. I understand that should the costs exceed the deposit, I will be billed monthly for any additional deposit amount intended to cover future charges. If I fail to pay the fees when due, I understand that the City will stop working on the application. If the final costs are less, the unused portion of the deposit will be issued to the contact information in the above section and returned to the organization and/or individual above after the conclusion of the process or final inspection of the completed project, whichever occurs later.

As the trust account owner, I assume full financial responsibility for all costs incurred by the City in processing this application(s).

BY SIGNING BELOW, I HEREBY CONSENT THAT I UNDERSTAND THE MATTERS AS DESCRIBED ABOVE AND AGREE TO THE TERMS. I HEREBY FURTHER REPRESENT THAT I HAVE THE AUTHORITY TO BIND MY BUSINESS BY SIGNING ON ITS BEHALF.

Arturo Querijero
Trust Account Owner's Signature

10/10/2024
Date

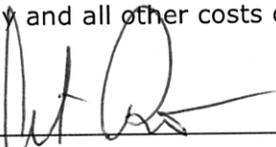
ARTURO QUERIJERO
Trust Account Owner Printed Name

INDEMNIFICATION AGREEMENT

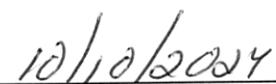
PLEASE READ, FILL IN, AND SIGN AT THE BOTTOM

I, the undersigned, certify that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof, and state that the same is true and correct to the best of my knowledge and belief, and further certify that I shall comply with each and every condition of approval as stated herein.

Furthermore, ANTHONY RUSSO, on behalf of SAINT MATTHEW CHURCH hereby agrees to defend, indemnify, and hold free and harmless the City of Brea, its elected officials, officers, employees, and agents, with respect to any and all liabilities, claims, suits, actions, losses, expenses or costs of any kind, whether actual, alleged or threatened, including the payment of actual attorney's fees, court costs, and any and all other costs of defense.



Applicant's Signature



Date

Staff Use Only

ACCELA RECORD NUMBER:

PLN-2024-00052

TRUST ACCOUNT NUMBER:

T250250

City of Brea

BUILDING AND PLANNING COMMUNICATION

TO: Planning/Community Development

FROM: Saint Matthew Independent Ecumenical Catholic Church

DATE: October 08, 2024.

SUBJECT: Consideration of Shared Parking Agreement at:

524 & 538 E. Imperial Hwy., LLC, Brea, CA 92821

with: Imperial Hwy., LLC

BACKGROUND/DISCUSSION:

The Imperial Hwy., LLC, currently owns/operates the property located at 524 & 538 E. Imperial Hwy., Brea, CA 92821, which is currently improved with 17 marked parking spaces, Imperial Hwy., LLC Saint Matthew Ecumenical Catholic Church is in the process of purchasing the Masonic Lodge located at 500 E. Imperial Hwy., Brea, California, which presently has 23 marked parking spaces, Imperial Hwy., LLC in an adjacent parking lot which is part of the property sale. Saint Mathew Church is seeking to share parking with Imperial Hwy., LLC, in order to provide additional parking spaces for church functions. We are a small independent Catholic church, with 120 stationary and permanent seats in the Sanctuary area of the building we are purchasing. In order to meet City of Brea parking requirements, we need 7 additional parking spaces. Our church functions occur during non-business hours for Discount Tire, Brea Electric, & Complete Package (tenants), and so there will be no overlap with this parking arrangement.

DFH

Agreement: Shared Parking Agreement

By and between Saint Matthew Independent Ecumenical Catholic Church, located at 500 E. Imperial Hwy., Brea, California, and Imperial Hwy., LLC, located at: 524 & 538 E. Imperial Hwy., Brea, California, 92821

in consideration of the mutual covenants contained herein, the parties agree to share the 17 marked parking spaces *with* Imperial Hwy., LLC, located at the above-mentioned property, during church services on Sunday, and for any additional church functions, which do not coincide/interfere with the normal operating hours for Discount Tire, Brea Electric, & Complete Package (tenants). Saint Matthew Independent Ecumenical Catholic Church agrees to notify the tenants and Imperial Hwy., LLC of all Mass services and any additional functions (dates and times), for which we may require the use of their parking spaces.

- **Effect and Operation:** This Agreement shall become effective and operative upon October 08, 2024. (the "**Effective Date**").
- **Parking Spaces:** SMIECC shall have the non-exclusive right to use 17 parking spaces in the subject Parking lot during Sunday services and any additional designated church functions, which do not interfere with Discount Tire, Brea Electric, and Complete Package (tenants) normal hours of operation.
- **Hours and Days of Use:** SMIECC shall only be permitted to use the Parking Lot during non-business hours of 6:00 pm to 5:00 am Monday thru Saturday, and 5:00 am to 9:00 pm on Sundays, with no overnight parking without the express consent of owner. Current business hours for subject establishment are: 6:00 am to 6:00 pm Monday thru Saturday, and all are closed on Sunday.

Terms:

This agreement shall be "evergreen" and will continue for as long as both parties are in agreement, and either party may cancel after giving 90 days advance written notice. Saint Matthew Independent Ecumenical Catholic Church will ensure that the shared parking area is cleaned-up after each usage and that no vehicles are left overnight without the express consent of Imperial Hwy., LLC, Discount Tire, Brea Electric, and The Complete Package.

Lien Free. SMIECC shall keep the Parking Lot free from all liens, taxes and assessments resulting from, or caused by, SMIECC 's use of the subject Parking Lot.

DFH

Acceptance of Parking Lot: Indemnification. Imperial Hwy., LLC., is not aware of any condition of the Parking Lot that would make it unsafe for SMIECC use as a parking area for its Mass services and/or additional functions..

SMIECC acknowledges and agrees that its use of the subject Parking Lot shall constitute its acceptance of the Parking Lot's condition and its belief that the same is safe for its use as a parking area for its constituents.

SMIECC agrees to indemnify, defend and hold harmless Imperial Hwy., LLC, and any of its tenants/associates, from any claims, liabilities, damages, losses, costs and expenses of any kind or nature whatsoever (including reasonable attorneys' fees and expenses and court costs) (collectively, "Claims"), suffered, incurred or sustained by Imperial Hwy., LLC, its tenants/associates, as a result or by reason of/ or in connection with, any act or omission of SMIECC in the performance of this Agreement (including the use of the Parking Lot) except to] the extent that such Claims are caused by the gross negligence or willful misconduct or omission of Imperial Hwy., LLC, its tenants/associates, . Notwithstanding anything herein to the contrary, the foregoing obligation to indemnify, defend and hold harmless shall survive until the expiration of all applicable statutes of limitation for such Claims.

Damage or Loss: SMIECC hereby assumes all risk of damage to property or injury to persons in or upon the Parking Lot/Spaces, from any cause other than the negligence or willful misconduct or omission of Imperial Hwy., LLC, SMIECC hereby releases and relieves Imperial Hwy., LLC, and waives its entire right of recovery against Imperial Hwy., LLC, for loss or damage arising out of, or incident to, the Parking Lot, other than those caused by the negligence or willful misconduct of Imperial Hwy., LLC, for any SMIECC service and/or function.

Insurance: SMIECC shall obtain, maintain and keep in full force and effect, at its sole cost and expense, a policy or policies of Comprehensive General Liability Insurance, naming Imperial Hwy., LLC, as additionally insured, for any damages that may arise from its use of the subject Parking Lot/Spaces.

Arbitration: Any disputes or controversy between the parties arising out of this Agreement shall be submitted to a mutually agreeable Arbitration Mediator, for binding arbitration in Orange County, California. In the event the parties are unable to agree upon an arbitrator, and independent attorney shall select shall select the arbitrator pursuant to experience criteria reasonably established by the parties. Any such expense associated with the arbitration, shall be shared equally between the Parties.

DFH

Relationship of the Parties: The terms and provisions of this Agreement shall not cause the parties to be construed in any manner whatsoever as partners, joint venturers or agents of each other in the performance of their respective obligations under this Agreement, or subject either party to any obligations, loss, charge or expense of the other party unless the party to be held responsible has independently contracted with the claimant so as to make it directly responsible for the performance and/ or payment, as appropriate, of the pertinent obligation, loss, charge or expense.

Waiver: The waiver of any provision of this Agreement must be in writing and signed by the party providing such waiver. The waiver of a breach of any provision of this Agreement shall not be deemed to be a waiver of such provision or any subsequent breach of the same or any other provision of this Agreement. Acceptance of performance after the due date of such performance shall not be deemed to be a waiver any preceding breach of any provision of this Agreement, regardless of the accepting party's knowledge of such preceding breach at the time of acceptance of such performance.

Severability: Each and every provision of this Agreement is, and shall be construed to be, a separate and independent covenant and agreement. If any provision of this Agreement, or the application thereof, shall to any extent be held to be invalid or unenforceable, the remainder of this Agreement, or the application of such provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected hereby, and each provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

Further Assurances: The parties shall execute and deliver any and all additional documents and other assurances, and shall do any and all other acts and things reasonably necessary to carry out the purposes of and the intent of the parties under, this Agreement.

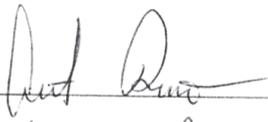
Successors and Assigns: SMIECC shall not assign any of its rights or obligations under this Agreement without the prior consent of Imperial Hwy., LLC _____.

No Recording: Neither this Agreement, nor a memorandum hereof, shall be recorded in the Official Records of Orange County, California

Additional Terms (if any):

BOB CUMMINS, PRESIDENT/OWNER OF THE COMPLETE PACKAGE & JAE YUN, OWNER OF BOBA BOBA, HAVE AGREED THAT WE CAN PUT THE TRASH CAN FOR COMPLETE PACKAGE CURRENTLY LOCATED IN THEIR MARKED PARKING SPOT NEXT TO THE BACK OF THEIR WEST WALL IN BOBA BOBA'S DESIGNATED TRASH AREA IN FRONT OF THEIR EAST FACING WALL (OPPOSITE COMPLETE PACKAGE) AS BOBA BOBA DOES NOT USE IT FOR THEIR TRASH BIN.

DFH

Signed:  Dated: 10/09/, 2024

By: DEACON ANTHONY RUSSO, Saint Matthew Independent Ecumenical Catholic Church

Signed: Donald F. Holly Dated: 10/09/24, 2024

By: Donald F Holly, Sr.

CITY OF BREA notice of public hearing

**CITY OF BREA
PLANNING COMMISSION NOTICE OF PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO.
2024-06: TO ALLOW ESTABLISHMENT OF A NEW CHURCH (ST. MATTHEW) AT 500 EAST
IMPERIAL HIGHWAY.**

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

DATE AND TIME OF HEARING: **Tuesday, January 28th, 6:00 p.m.**
All interested persons may appear and be heard at that time.

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

REQUEST: The Applicant, Deacon Tony Russo, is requesting the following entitlement: Conditional Use Permit No. 2024-06 to allow the establishment of a new church (St. Matthew).

LOCATION: The project site is located at 500 East Imperial Highway, previously occupied by the Masonic Lodge. The project site has a General Plan Land Use designation of General Commercial and a Zoning designation of General Commercial (C-G) with a Precise Development (PD) Overlay.

ENVIRONMENTAL: 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 15301 (Class 1).

IF YOU CHALLENGE THE PROJECT AND RELATED ENVIRONMENTAL DETERMINATIONS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE, DELIVERED TO THE COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

FURTHER INFORMATION MAY BE OBTAINED BY CALLING THE PLANNING DIVISION AT (714) 990-7674 OR BY EMAILING planner@cityofbrea.gov.

COMMUNITY DEVELOPMENT DEPARTMENT



Joanne Hwang, AICP, City Planner

AREA MAP





CEQA NOTICE OF EXEMPTION

TO: Orange County Clerk-Recorder
601 N. Ross Street
Santa Ana, CA 92701

FROM City of Brea
Community Development Department
1 Civic Center Circle
Brea, CA 92821

PROJECT TITLE/CASE NO.: **CONDITIONAL USE PERMIT NO. 2024-06: TO ALLOW FOR THE ESTABLISHMENT OF A NEW CHURCH (SAINT MATTHEW ECUMENICAL CATHOLIC CHURCH) LOCATED IN A (C-G) GENERAL COMMERCIAL ZONE WITH A (PD) PRECISE DEVELOPMENT OVERLAY**

PROJECT LOCATION: 500 East Imperial Highway, Brea, CA 92821

PROJECT DESCRIPTION: Establishment of a new church (Saint Matthew Ecumenical Catholic Church) within an existing 7,771 square foot building.

Name of Public Agency Approving Project: City of Brea

Project Applicant & Address: Deacon Tony Russo of St. Matthews
1111 W. Town & County Road, Suite 16
Orange, CA 92868
714-353-7856
deacontony@saint-matthew.org

Exempt Status: (Check one)

- | | |
|---|--|
| <input type="checkbox"/> Ministerial (Sec. 21080(b)(1); 15268) | <input checked="" type="checkbox"/> Categorical Exemption (Sec. 15301) |
| <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(a)) | <input type="checkbox"/> Statutory Exemption (15282(s)) |
| <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269 (b)(c)) | <input type="checkbox"/> Other: |

Reason why project is exempt: Class 1 is applicable to the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, involving negligible or no expansion of existing or former use. The Class 1 exemption applies to the Project because the Project involves establishing a new church within an existing building without any expansion to the existing building and only propose minor improvements (i.e. restriping) to an existing parking lot located off-site. Therefore, the Project is categorically exempt from the provisions of CEQA.

Jason Killebrew, Community Development Director/Interim Assistant City Manager

Date



Planning Commission Communication

B. Omnibus Code Update ZOTA No. 2024-01

Omnibus Zoning Code update amending various chapters of Brea City Code.

Meeting	Agenda Group
Tuesday, January 28, 2025, 6:00 PM	PUBLIC HEARINGS Item: 7B.
FROM	
Esteban Rubiano, Assistant Planner	

EXECUTIVE SUMMARY

As an effort to continuously improve the Brea Zoning Code (Code), which is codified in Title 20 of the Brea City Code (BCC), the City has initiated a Zoning Code Text Amendment (ZOTA) No. 2024-01 amending various chapters of the Code and Title 18 of the BCC. The proposed amendment is an omnibus code update that would provide the following: 1) codify the Mills Act Contract guidelines; 2) provide consistency with updated Senate Bill (SB) 9 and Accessory Dwelling Unit (ADU) State laws; 3) update and clarify parking standards and requirements; 4) update wall and fence height standards; 5) update applicability of planning entitlements, including Plan Review; 6) update process, time limits, and applicability of Temporary Use Permit (TUP); and 7) clarify certain Zoning ordinance provisions and provide additional clarity, address existing grammatical errors, incorrect references, incorrect process times, and internal inconsistency.

The proposed amendment herein is referred to as the “Project.”

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution (Attachment A), recommending the City Council take the following actions:

1. Find the Project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and;
2. Adopt an ordinance approving ZOTA No. 2024-01, amending Title 20, Chapters 18.32, 18.40, 18.44, 20.08, 20.11, 20.24, 20.28, 20.40, 20.52, 20.56, 20.60, 20.72, 20.200, 20.208, 20.212, 20.216, 20.220, 20.224, 20.228, 20.232, 20.236, 20.240, 20.244, 20.248, 20.252, 20.256, 20.258, 20.260, 20.400, 20.408 of the BCC, as outlined in the Exhibit A of the Attachment A.

BACKGROUND

Municipal codes require periodic updates to ensure consistency between the City policies and State law, to improve clarity, and to better serve the public. As an effort to improve the readability and relevancy of the Code, staff has implemented an ongoing work program in 2023 to continually update the Code on a regular basis. Since the last omnibus code update, which was adopted in March 2024 by the City Council, staff continued to evaluate the Code and identified a number of provisions in the Code requiring updates due to changes in policy and new laws and standards. As part of this review process, staff worked with other departments and divisions, technical experts and the City Attorney to review and consider the proposed changes. Additionally, staff surveyed and analyzed zoning codes and policies from other agencies where appropriate and applicable.

The main goals for this omnibus amendment are to provide internal consistency within the Code, modernize the Code to be reflective of good planning practices, and achieve consistency with recent State laws. If approved, the proposed amendments will be adopted as part of an “omnibus” ordinance, which includes updates to 30 chapters within Titles 18 and 20 of the BCC.

DISCUSSION

The proposed amendments can be categorized into seven topic areas, which include 1) codifying the Mills Act Contract guidelines; 2) providing consistency with updated SB9 and ADU State laws; 3) updating and clarifying parking standards and requirements; 4) updating wall and fence height standards; 5) updating applicability of planning entitlements, including Plan Review; 6) updating process, time limits, and applicability of TUP; and 7) clarifying certain Zoning ordinance provisions and providing additional clarity, address existing grammatical errors, incorrect references, incorrect process times, and internal inconsistency. A table summarizing the proposed amendments described in this Section of the report is Attachment C, and the following provides an overview of the proposed amendments, divided into different topic areas.

Amendment #1: Mills Act Contract

The Mills Act Program was enacted in 1972 by State Legislature (Government Code Sections 50280 and 50290), which was intended to encourage owners of historic properties to rehabilitate and maintain their properties by providing an economic incentive. City Council established the City’s Mills Act Program by adopting Resolution No. 99-85 in October of 1999; however, corresponding guidelines have not been formally codified in the Code and as such, there is a need to formally codify the existing guidelines so members of the public can easily access the information.

Proposed Amendments

The proposed amendments would formally codify the existing guidelines established for the Mills Act Program by creating a new section in the Chapter 20.06 of the Code (Historic Preservation Chapter) that details the applicability and general terms of the Mills Act Contract under the Historic Preservation Chapter, which includes the following:

- Qualifying criteria and applicability
- Application process and decision authority
- General terms to be included in the Mills Act Contract (e.g. length of the contract, requirement improvements and reporting, terms of cancellation, non-compliance penalty, etc.)

The actual redlines associated with these amendments, which show deletions in **strikethrough** and additions in **underlines** (Redlines), can be found in Sections # 20 and 21 of Attachment B.

Amendment #2: ADUs and SB9 (Two-Unit Development and Urban Lot Split)

ADUs are complete independent housing units that can be either detached or attached from an existing single-family residence. The State passed legislation in 2016 (AB 494, AB 2406 and SB 1069), 2019 (AB 68, AB 881, AB 587, SB 13, AB 671 and AB 3182), 2022 (SB 897, AB 2221 and AB 916), and 2023 (AB 976 and AB 345) to further assist and support the development of ADUs, including the requirement for local jurisdictions to approve qualifying ADUs ministerially in single-family residential zones. As such, in 2018, 2021, 2023, and 2024, in response to updates in State legislation regarding ADUs, the City Council adopted Ordinance Nos. 1203, 1220, 1242, and 1247 implementing ADU provisions from State law. Additionally, the State passed SB 9 in 2021, which requires local jurisdictions to approve qualifying “Two-unit Developments” and “Urban Lot Splits” ministerially in single-family residential zones. In response, City Council adopted Ordinance Nos. 1242 and 1247 in 2023 implementing Two-unit Developments and Urban Lot Split provisions from State Law.

Since the most recent update of the City’s ADU and SB9 regulations (both adopted in March 2024), State passed three new legislation (SB 1211, SB 477 and SB 450), which necessitates another round of update to the City’s current ADU and SB9 regulations.

Proposed Amendments

The amendment would include the following revisions to comply with the newly enacted State law:

ADU related:

- Update the exemptions related to replacement parking to include “uncovered” parking space.
- Eliminate existing design standards that are no longer permitted per the State law.
- Increase the maximum number detached ADUs permitted on a lot with an existing multifamily dwelling from two to eight.

SB9 related:

- Eliminate existing design standards that are no longer permitted per the State law.
- Designate the City Engineer as the new approval authority and specify that ministerial approval process for Urban Lot Split requests.

The actual redlines associated with these amendments, which show deletions in ~~strikethrough~~ and additions in underlines (Redlines), can be found in Sections # 1, 2, 3, 6, and 14 through 19 of Attachment B.

Amendment #3: On-Site Parking Standards

On-site parking standards encompass a broad range of components, including parking space dimensions, accessibility requirements, the total number of parking spaces required for each land use class, and general safety standards. As legislative and societal changes continue to evolve, it is essential to periodically update the Code to reflect these shifts. In reviewing the Code, staff identified the need to update the current parking standards to create greater uniformity in parking standards within the Code and to revise the minimum parking space requirements for restaurant uses. Staff conducted research by analyzing minimum parking standards in other local jurisdictions, and found that the City's existing parking demand ratio was inconsistent with the industry average. As such, the proposed amendments would update Chapter 20.08 to adjust the minimum parking requirements for restaurant uses to align more closely with industry practice, ensuring a more accurate and effective parking strategy and maintain the City's competitiveness to attract businesses.

Proposed Amendments

This amendment provides Code consistency and updated minimum parking requirements for restaurant uses as follows:

- Consolidate and create a uniform minimum parking space dimensions required for non-residential uses.
- Update standards for Americans with Disability Act (ADA) parking stalls to reference California Building Code.
- Update parking lot lighting requirements to eliminate outdated standards.
- Update minimum required parking space standards for the restaurant type land uses as follows:
 - Restaurants, drive-in: Create a new standard of minimum 10 spaces or 1 per 150 square feet (sq. ft.).
 - Restaurants, quick-service: Create a new standard of minimum 5 spaces or 1 space per 150 sq. ft. in general, with a few additional requirements
 - Restaurants, sit down: Update the current parking ratio that ranges from 1 space per 55 sq. ft. to 1 space per 75 sq. ft., to a range between 1 space per 75 sq. ft. and 1 space per 100 sq. ft. in general; and
 - Restaurants, specialty: Revise to be consistent with the requirements of Restaurants, quick-service.

The actual redlines associated with these amendments, which show deletions in ~~strikethrough~~ and additions in underlines (Redlines), can be found in Sections # 5, and 6 of Attachment B.

Amendment #4: Fence and Wall Heights

Although the Code currently specifies certain fence and wall height standards, there is some ambiguity regarding the measurement of fence and wall heights. As such, staff proposes to add clarifying language to the Code to provide clear guidelines for determining maximum fence/wall heights. Also, additional clarifications are proposed related to the maximum height requirements for street side yards on reversed corner lots. These changes intended to ensure both aesthetic and functional needs are met within the community related to fences and walls.

Proposed Amendments

The proposed amendments would provide the following:

- Clarify that the height of fences and walls shall be measured from the finished grade adjacent to the base, and provides definition of finished grade.
- Update maximum fence and wall height for street side yards on reverse corner lots in residential zones within 10 feet of the property line to 36 inches for visibility clearance and aesthetic consistency with neighboring properties.
- Apply consistent standards for walls and fences in all zones.

The actual redlines associated with these amendments, which show deletions in ~~strikethrough~~ and additions in underlines (Redlines), can be found in Section #s 26 through 38 of Attachment B.

Amendment #5: Planning Entitlement Types and Processes

Although there are a number of different types of planning entitlement application required for developments, the existing Code does not provide clear guidelines regarding the applicability and procedures of certain planning entitlement processes. As such, staff identified the need for an update to improve clarity and streamline processes, which would provide benefit to both staff and the public. These updates reflect the City's ongoing commitment to efficient planning, transparency, and responsible development practices.

Proposed Amendments

The proposed amendments include the following:

- Clarify applicability of Plan Review process by defining specific types of developments.
- Update the Precise Development process by providing a clear purpose, procedures, and the review authority.
- Refine the Certificate of Compatibility provisions by clarifying applicability.
- Clarify the Community Development Director's authority related to Administrative Remedy Process.
- Address existing errors on applicability of Minor Conditional Use Permit.

The actual redlines associated with these amendments, which show deletions in ~~strikethrough~~ and additions in underlines (Redlines), can be found in Section #s 25 through 39 and 41 through 48 of Attachment B.

Amendment #6: Temporary Use Permit

TUPs serve as a valuable tool for the business and institutional entities as it allows for these entities to hold special events that could be beneficial to the event organizers and the general public. However, given that the current regulations have not been updated in 1998, there is a need for an update in order to provide more flexible timelines, to identify additional types of events to reflect modern needs and requests, and to reorganize the chapter to improve its readability and overall functionality, ensuring that the process is more user-friendly and better aligned with current community interests.

Proposed Amendments

The proposed amendments would provide the following:

- Update the time limits currently established for certain events to allow two additional days for set-up and clean-up, and place a limit on the number of TUPs that could be issued in a given calendar year.
- Provide additional clarification on applicability of TUPs.
- Remove existing fee waiver currently allowed for certain applicants.
- Eliminate noticing by Certified Mail, a communication method no longer necessary.
- Reorganize the chapter as applicable and clarify certain provisions related to the Community Development Director's action.

The actual redlines associated with these amendments, which show deletions in ~~strikethrough~~ and additions in underlines (Redlines), can be found in Section #s 22 and 23 of Attachment B.

Amendment #7: Other Updates

Staff has identified a number of sections in the Code that have errors and incorrect/incomplete references, which requires an update to improve the internal consistency within the Code, in addition to providing additional clarification on certain provisions.

Proposed Amendments

The following items have been addressed throughout the Code in various chapters and sections:

- Replace the term “Development Services Director” with “Community Development Director”.
- Remove review of school district agency for subdivision maps as it is redundant.
- Update Outdoor Living Space requirements to adequately describe dimension requirements and create a uniform/updated requirement.
- Update and reorganize development standards in the Mixed-Use zone tables for consistency and clarification.
- Clarify land uses permitted for R-1 (5000) zone and provide correct references to the Permitted Land Uses Table.
- Land use related:
 - Allow Retail Sales, Warehouse Sales land use in M-P and M-1 zones to allow greater flexibility and responsiveness to evolving economic needs.
 - Require a conditional use permit in C-M, M-P, M-1 and M-2 Zones for industrial projects that are located within 300 feet of any residential neighborhood with more than 20 parcels
 - Update Permitted Land Uses Table to correct existing error.
- Affordable housing related:
 - Clarify breakdown of minimum affordability level of required units.
 - Provide a new provision to the alternatives section relating to the number of required units applicable to the in-lieu fee calculation.
 - Update and provide new provisions related to off-site construction, including a requirement for a development agreement.
 - Update the incentives section to include projects with off-site construction and limit the incentives to either the residential project or the off-site construction.
 - Correct grammatical errors and update general consistencies.
- Eliminate termination time limits for nonconforming uses and structures provided that no conflict with the BCC and State law is presented.
- Create a process for a continued use of a nonconforming sign and provide correct reference.
- Eliminate reference to R-3-1 Zone, which is zone that is no longer utilized.
- Provide consistency in language between non-residential sign area and sign length standards.
- Include consistent language to require all front yards to be properly landscaped and maintained.
- Include language to reference General Plan Floor Area Ratio consistency and revise incorrect references associated with site coverage and floor area ratios.
- Correct grammatical errors and update general consistencies.

The actual redlines associated with these amendments, which show deletions in ~~striketrough~~ and additions in underlines (Redlines), can be found in Section #s 2, 4 through 13, and 24 through 40 of Attachment B.

PUBLIC NOTICE AND COMMENTS

This Project was noticed in accordance with the City’s public noticing requirements, which involved publication in the Brea Star-Progress. The public hearing notice for this Project is provided as Attachment D. As of the writing of this report, staff has not received public comments.

ENVIRONMENTAL ASSESSMENT

The proposed project has been assessed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the environmental regulations of the City. The proposed amendment to the Code is exempt from the requirements to prepare additional environmental documentation per CEQA Guidelines Section 15061(b)(3) because the proposed amendments are intended to codify the Mills Act Contract guidelines, provide consistency with updated SB9 and ADU State laws, update and clarify parking standards and requirements, update wall and fence height standards, update applicability of planning entitlements including Plan Review, update process, time limits, and applicability of TUP, and clarify certain Zoning ordinance provisions and provide additional clarity, address existing grammatical errors, incorrect references, incorrect process times, and internal inconsistency. As such, the proposed amendments will not have a significant effect on the environment. Any future developments would be subject to CEQA review.

CONCLUSION

Staff recommends approval of this request, for the reasons set forth in the draft resolution, which in summary are to provide internal consistency within the Code, modernize the Code to be reflective of good planning practices and achieve consistency with recent State laws.

RESPECTFULLY SUBMITTED:

Joanne Hwang, AICP, City Planner

Prepared by: Esteban Rubiano, Assistant Planner

Attachments

[ATTACHMENT A - PC Resolution.pdf](#)

[ATTACHMENT B - Exhibit A to PC Resolution.pdf](#)

[ATTACHMENT C - Summary of Amendments Table.pdf](#)

[ATTACHMENT D - Public Hearing Legal Notice.pdf](#)

RESOLUTION NO. PC 2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ZONING ORDINANCE AMENDMENT NO. ZOTA 2024-01, OMNIBUS CODE UPDATES, AMENDING CHAPTERS 18.32, 18.40, 18.44, 20.08, 20.11, 20.24, 20.28, 20.40, 20.52, 20.56, 20.60, 20.72, 20.200, 20.208, 20.212, 20.216, 20.220, 20.224, 20.228, 20.232, 20.236, 20.240, 20.244, 20.248, 20.252, 20.256, 20.258, 20.260, 20.400, AND 20.408 OF TITLE 20 OF THE BREA MUNICIPAL CODE TO THE TITLE 20 OF THE BREA MUNICIPAL CODE

A. RECITALS:

(i) The Planning Commission of the City of Brea (the “Planning Commission”) did receive a verified petition for the approval of Zoning Ordinance Text Amendment (ZOTA) No. 2024-01 to update various chapters of the Zoning Code, specifically amending 18.32, 18.40, 18.44, 20.08, 20.11, 20.24, 20.28, 20.40, 20.52, 20.56, 20.60, 20.72, 20.200, 20.208, 20.212, 20.216, 20.220, 20.224, 20.228, 20.232, 20.236, 20.240, 20.244, 20.248, 20.252, 20.256, 20.258, 20.260, 20.400, and 20.408 of Title 20 of the Brea Municipal Code.

(ii) The project Applicant is City of Brea; 1 Civic Center Circle, Brea, CA 92821.

(iii) On January 28, 2025, the Planning Commission held a duly noticed public hearing on the proposed ZOTA No. 2024-01, during which it received and considered all evidence and testimony presented prior to adoption of this resolution.

(iv) 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 proposed project has been assessed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the environmental regulations of the City. The proposed amendment to the City's Zoning Code is exempt from the requirements to prepare additional environmental documentation per CEQA Guidelines Section 15061(b)(3) because the proposed amendments are intended to codify the Mills Act Contract guidelines, provide consistency with updated SB9 and ADU State laws, update and clarify parking standards and requirements, update wall and fence height standards, update applicability of planning entitlements including Plan Review, update process, time limits, and applicability of TUP, and clarify certain Zoning ordinance provisions and provide additional clarity, address existing grammatical errors, incorrect references, incorrect process times, and internal inconsistency~~codify the Mills Act Contract guidelines, update and clarify parking standards and requirements, update applicability of planning entitlements including Plan Review, provide consistency with updated SB9 and ADU State laws, update process, time limits, and applicability of Temporary Use Permit, update wall and fence height standards, and clarify certain Zoning ordinance provisions and provide additional clarity, address existing grammatical errors, incorrect references, incorrect process times, and internal inconsistency.~~ As such, the proposed amendments will not have a significant effect on the environment.

3. The Planning Commission further finds in consideration of the ZOTA No. 2024-01 as follows:

a. The proposed amendments proposed by ZOTA No. 2024-01 are consistent with the General Plan as it implements the General Plan by updating the

existing Zoning Code to create internal consistency and codify the Mills Act Contract guidelines, provide consistency with updated SB9 and ADU State laws, update and clarify parking standards and requirements, update wall and fence height standards, update applicability of planning entitlements including Plan Review, update process, time limits, and applicability of TUP, and clarify certain Zoning ordinance provisions and provide additional clarity, address existing grammatical errors, incorrect references, incorrect process times, and internal inconsistency~~updates to fence and wall height measurements, accessory dwelling unit (ADU) and SB 9 compliance with State law, codify Mills Act terms and guidelines, provide clarification for planning entitlement applicability, include additional provisions for Industrial Zone developments near certain residential areas; and clarify certain Zoning ordinance provisions, including affordable housing provisions, and address existing grammatical errors, incorrect references, incorrect process times, and internal inconsistency.~~

b. This ordinance is a matter of City-wide importance and necessary for the preservation and protection of the public peace, health, safety and/or welfare of the community and is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements.

4. This Commission hereby recommends that the City Council to adopt an ordinance approving the proposed amendments to the Title 20 of the existing Brea City Code (BCC) as proposed by ZOTA No. 2024-01, and as shown in Exhibit A attached hereto.

5. The Community Development Director is authorized to make minor updates to the proposed amendment prior to the City Council consideration of the proposed

amendments, as long as the City Attorney determines that such changes are not substantial.

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

ADOPTED AND APPROVED this 28th day of January, 2025.

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 28th day of January, 2025, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 28th day of January, 2025, by the following votes:

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

ATTEST: _____
Secretary, Planning Commission

EXHIBIT A to PC RESOLUTION NO. 2025-XX
ZOTA No. 2024-01 Code Amendment Summary Redlines

The proposed language modifications area shown below as **strikethrough** deletions and **underline** font additions.

1. Sections 18.32.040 (Public Hearing Requirements), 18.32.050 (Action to be Taken within Time Required by Law) and 18.32.060 (Appeals Procedures) of Chapter 18.32 (Tentative Parcel and Tentative Tract Maps) are amended to include the following additions, deletions, and modifications:

“18.32.040 PUBLIC HEARING REQUIREMENTS.

A. All tentative maps shall be considered at a noticed public hearing before the Planning Commission, as provided in § 18.28.040, except as follows:

1. Tentative parcel map proposed as an urban lot split, as specified in § 20.56.050 and California Government Code § 66411.7, shall be processed ministerially, without a public hearing.

2. Any other tentative parcel or tract maps that are required by an applicable State law to be processed ministerially, shall be processed ministerially without a public hearing.”

“18.32.050 ACTION TO BE TAKEN WITHIN TIME REQUIRED BY LAW.

A. The Planning Commission shall take action on tentative parcel or tentative tract maps within the time required by law after filing a complete application with the Community Development Department ~~development services department~~. However, if an EIR is prepared, the Planning Commission shall take action on such project within the time required by law concurrently or after certification of the EIR. Action by the Planning Commission shall be final unless appealed.

B. The City Engineer shall approve a tentative parcel or tract map specified in § 18.32.040.A.1 and 2, within the required time frame.”

“18.32.060 APPEALS PROCEDURES.

A. The subdivider, or any person adversely affected by the decision of the Planning Commission may appeal the Commission's decision within ten (10) days after such decision. Upon filing such appeal, the City Council shall hold a public hearing within thirty (30) days after the filing of such appeal. The City Council shall render its decision on the project within ten (10) days following the hearing.

B. The subdivider, or any person adversely affected by the decision of the City Engineer may appeal the City Engineer’s decision within ten (10) days after such decision. Upon filing such appeal, the Community Development Director shall render

a decision on the project within thirty (30) days following the submittal of the appeal application.”

2. Chapter 18.40 (Review of Maps by Other Agencies) is amended to include the following deletion:

“CHAPTER 18.40: REVIEW OF MAPS BY OTHER AGENCIES

18.40.010 PREANNEXATION FILING CONDITIONS.

Any subdivider may file with the city a tentative map of a proposed subdivision of unincorporated territory adjacent to the city. No subdivision of unincorporated territory may be affected by approval of a map by the city unless annexation thereof to the city is completed within such period of time specified by the city.

~~18.40.020 REVIEW OF TENTATIVE TRACT MAPS BY SCHOOL DISTRICTS.~~

~~—Within ten (10) days of filing a tentative tract map, the secretary of the Planning Commission shall send a notice of filing to all school districts within the boundaries of which the subdivision is proposed. The notice shall include information relevant to the school district. The school district may submit a written report in response to the notice within twenty (20) days, stating the impacts the subdivision may or shall have on the district.”~~

3. Section 18.44.030 (Filing Time) of Chapter 18.44 (Final Maps) is amended to include the following additions and modifications:

“18.44.030 FILING TIME.

A. A final map shall be filed with the City Council. The date of filing shall be the day the City Clerk receives the map.

B. A final map as a result of an urban lot split shall be filed with the City Engineer and dated when received.”

4. Sections 20.08.030 (Outdoor Living Space) and 20.08.035 (Small Lot Development Standards) of Chapter 20.08 (Development Standards) are amended to include the following additions, deletions, and modifications:

“20.08.030 OUTDOOR LIVING SPACE.

The following provisions shall apply to the outdoor living space required in residential zones:

A. Required outdoor living space may include those portions of the side and rear yards which are contiguous with and designed as an integral part of the common

area and are usable. The front yard shall not, however, be considered in calculating required outdoor living space.

1. Single family, detached. The required outdoor living space provided for detached single family dwelling shall be a single common area with a minimum dimension of fifteen (15) twenty-five (25) feet at any point.

~~2. Two (2) family. The outdoor living space may be provided in two (2) private areas with a minimum dimension of fifteen (15) feet.~~

23. Single family, attached and Multiple family, three (3) units and more. Not more than fifty percent (50%) of the total required outdoor living space serving a single family, detached or multiple family development shall be provided in a common area with a minimum dimension of twenty-five (25) feet at any point. The remaining outdoor living space requirement may be provided in private spaces on or above ground level (balconies, roof tops). Individual areas shall not be less than one hundred (100) feet in area and the minimum dimension shall not be less than eight five (85) feet at any point."

"20.08.035 SMALL LOT DEVELOPMENT STANDARDS.

The following development standards apply to residential developments with lot sizes less than 5,000 square feet which are approved through Development Agreements or other specific review and do not otherwise have prescribed development standards.

A. Uses expressly prohibited. All uses R-1 (5,000) zone, as set forth in ~~is~~ § 20.242-030-11 of this title."

5. Subsections 20.08.040.C.2.b and 20.08.040.C.5 of Section 20.08.040 (Off-Street Parking and Loading) of Chapter 20.08 (Development Standards) are amended to include the following additions, deletions, and modifications:

"20.08.040 OFF-STREET PARKING AND LOADING.

C. Design.

2. Parking spaces.

b. Sizes.

(1) Perpendicular or angular stalls.

(a) Residential.

(i) Covered - ten (10) feet wide by twenty (20) feet long (interior clear dimension to be nine (9) feet wide by nineteen (19) feet long), minimum seven (7) feet height clearance.

(ii) Uncovered - nine (9) feet wide by nineteen (19) feet long.

~~(b) Commercial and office uses and community facilities Nonresidential. Nine and one-half (9½) feet wide by nineteen (19) feet long, minimum eight (8) feet height clearance.~~

~~(c) Industrial uses. Nine (9) feet wide by nineteen (19) feet long.~~

(2) Parallel stalls. Eight (8) feet wide by twenty-three (23) feet long.

(3) Handicapped stalls. All accessible parking spaces requirements to be governed by the California Building Code standards. ~~Nine (9) feet wide by nineteen (19) feet long with a minimum five (5) foot ramp at the side and front of the stall.~~

(4) Compact stalls shall be a minimum of eight (8) feet wide by sixteen (16) feet long.

(a) Compact stalls may be permitted in multiple family residential projects of five (5) or more units in accordance with the provisions of this paragraph C.

(b) Compact stalls may be permitted in commercial and industrial projects requiring a minimum of forty (40) parking spaces in accordance with the following conditions:

(i) A maximum of fifteen percent (15%) of the required number of parking spaces may be compact stalls.

(ii) The maximum number of compact parking stalls may be increased upon approval of a conditional use permit, but in no event shall the number of compact stalls exceed thirty percent (30%).

(iii) Each compact stall approved hereunder shall be individually designated as a compact stall per the City of Brea Public Works Standards.

(c) All parking areas containing compact stalls shall be approved by the Development Services Director and the City Traffic Engineer.

(5) Overhang. Parking stall lengths, except parallel spaces, may be reduced by two (2) feet [seventeen (17) feet for standard size stalls; fourteen (14) feet for compact stalls] where the front of the parking stall abuts a landscaped area or sidewalk which is a minimum of four (4) feet clear. Such landscape area shall be enclosed with a minimum of six (6) inch high curb and no trees or shrubs shall be planted in the two (2) foot reduced area.

(6) Parking for electric vehicle charging. Parking stalls for electric vehicle charging shall comply with the residential, commercial, industrial, handicapped, and/or compact stall minimum dimensions identified in this chapter and consistent with Chapter 14.08 of this Code.”

“20.08.040 OFF-STREET PARKING AND LOADING.

C. Design.

5. Lighting.

a. All off-street parking areas within commercially zoned projects shall be provided with exterior lighting meeting the following minimums:

(1) The equivalent of one (1) foot candle of illumination shall be maintained on the average throughout the parking area.

(2) All lighting shall be on a time-clock or photo-sensor system.

(3) All lighting shall be designed to confine direct rays to the premises. ~~No spillover beyond the property line shall be permitted.~~

~~————(4) Parking lot luminaries shall be high pressure sodium vapor with ninety degree (90°) horizontal cut-off flat lenses.~~

b. All off-street parking areas within industrially zoned areas shall meet all standards in paragraph C.5.a. of this section, except that the equivalent of three fourths (0.75) foot candle of illumination shall be maintained on the average throughout the parking area.”

6. Subsection 20.08.040.D of Section 20.08.040 (Off-Street Parking Loading) of Chapter 20.08 (Development Standards) is amended to include the following additions, deletions, and modifications (terms currently listed in the minimum parking stalls required table but not listed below will remain as is):

“20.08.040 OFF-STREET PARKING AND LOADING.

D. Parking space requirements. All land uses shall provide off-street parking in conformity with the requirements listed in the Table table under this subsection 20.080.040.D, unless otherwise modified by the provisions contained herein. The term floor area used in the Table table under this subsection 20.080.040.D shall mean gross floor area.”

Use	Minimum Parking Stalls Required
Residential	
Accessory dwelling unit	<p>1 space required, which may be provided as tandem parking, including on a paved driveway; however, no parking shall be required if the accessory dwelling unit meets any of the following criteria:</p> <ul style="list-style-type: none"> - The accessory dwelling unit is located within mile walking distance of, and has a path of travel that is always publicly accessible to, Public Transit. The mile distance shall be measured on actual walking routes between the Accessory Dwelling Unit and the public transit, rather than a straight line between points; - The accessory dwelling is located within an architecturally and historically significant district; - The accessory dwelling is part of the proposed or existing primary residence, or within, or part of, an existing accessory building;

	<p>- When on-street parking permits are required but not offered to the occupant of the accessory dwelling; or</p> <p>- When there is a car-share vehicle located within one (1) block of the accessory dwelling unit.</p> <p>Note: (1) When a garage, carport, <u>uncovered parking space</u>, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, any off-street parking spaces that were provided by such garage, carport, <u>uncovered parking space</u>, or covered parking structure are not required to be replaced.</p>
Restaurants, drive-in	<u>Minimum of 10 spaces; or 1 space per 150 square feet of floor area. Same requirements as Restaurants, Sit Down.</u> Also subject to the minimum stacking requirements as specified under Drive-Through Facilities requirements.
Restaurants, quick service	<p>Same requirements as Restaurants, Sit Down</p> <p>- <u>Indoor: Minimum of 5 spaces; or 1 space per 150 square feet of floor area up to 6,000 square feet, plus 1 space per 125 square feet over 6,000 square feet.</u></p> <p>- <u>Accessory outdoor dining/seating areas: No additional parking spaces required for if the outdoor dining/seating area is smaller than 300 square feet or has less than 20 seats. For outdoor dining/seating areas that is not exempt from additional parking requirements, 1 space per 150 square feet of area over 300 square feet or 1 space per 3 seats over 20 seats, whichever is greater.</u></p> <p><u>Note: (1) If a restaurant only consists of an outdoor dining/seating area, parking requirements applicable to indoor space shall apply to such outdoor dining/seating area.</u></p>
Restaurants, sit down	<p>- Indoor: Minimum of 10 spaces; or 1 space per <u>10075</u> square feet of floor area up to 6,000 square feet, plus 1 space per <u>7555</u> square feet over 6,000 square feet, or 1 space per 3 seats, whichever is greater.</p> <p>- Accessory outdoor dining/seating areas: No additional parking spaces required for if the outdoor dining/seating area is smaller than 300 square feet or has less than 20 seats. For outdoor dining/seating areas that is not exempt from additional parking, 1 space per <u>10075</u> square feet of area over 300 square feet or 1 space per 3 seats over 20 seats, whichever is greater.</p> <p>Note: (1) If a restaurant only consists of an outdoor dining/seating area, parking requirements applicable to indoor space shall apply to such outdoor dining/seating area.</p>
Restaurants, specialty	Same requirements as Restaurants, Sit Down <u>Quick Service</u>

7. Table 20.11.020.A (Permitted Land Uses Table) of Section 20.11.020 (Land Uses) of Chapter 20.11 (Permitted Land Uses) is amended to include the following

additions, deletions, and modifications (terms currently listed in the subject table but not listed below will remain as is):

“20.11.020 LAND USES.

TABLE 20.11.020.A. PERMITTED LAND USES TABLE

P: Permitted by Right
 C: Conditional Use Permit Required
 -: Prohibited
 M: Minor Conditional Use Permit Required

NOTES:

¹ In HR Zoning district, either an Administrative Hillside Development Permit or a Hillside Development Permit is required, unless specifically exempted. Refer to Section 20.206.040.

² In MU-I, MU-2, and MU-3 Zoning districts, nonresidential developments (e.g. education, public assembly, and religious facilities, entertainment and recreational facilities, public/semi-public facilities, retail trade and service facilities) and access serving nonresidential developments (except for live/work facilities) shall not be allowed on Walnut Avenue.

	R1-H	HR ¹	R-1	R-1 (5,000)	R-2	R-3	C-P	C-N	C-C	C-G	C-M	C-RC	M-P	M-1	M-2	MU-I ²	MU-II ²	MU-III ²	PRO-P/R	PRO-NOS	PF	Special Provisions
NON-RESIDENTIAL USES																						
Catering services	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	N ₋	N ₋	N ₋	-	-	-	
Retail sales, warehouse stores	-	-	-	-	-	-	-	-	P	P	-	-	-P	-P	-	-	P	-	-	-	-	

"

8. Section 20.24.130 (Termination of Nonconforming Use and Structures) of Chapter 20.24 (Nonconforming Structures and Uses) is amended to include the following additions, deletions, and modifications:

“20.24.130 TERMINATION OF NONCONFORMING USE AND STRUCTURES.

Nonconforming uses and structures shall be subject to abatement and termination if any of the following occurs: ~~discontinued and removed from their sites as follows:~~

A. The nonconforming uses and structures are found to be a public nuisance, as set forth in the City’s Municipal Code.

B. The nonconforming uses and structures are in violation of any applicable law.

C. The nonconforming uses and structures meet any of the conditions that triggers termination as specified in this chapter.

~~—A. Where the property is unimproved, two (2) years from the effective date of this zoning code or amendment thereto creating the nonconforming status.~~

~~—B. Where the property is unimproved except for structures of a type for which the Building Code does not require a building permit, three (3) years from the effective date of this zoning code or amendment thereto creating the nonconforming status.~~

~~—C. Where the property is unimproved except for structures which contain less than one hundred (100) square feet of gross floor area, three (3) years from the effective date of this zoning code or amendment thereto creating the nonconforming status.~~

~~—D. Nonconforming signs. Signs that do not conform to provisions of Chapter 20.28 of this title shall be permitted to continue until the expiration of presently approved variances and conditional use permits. If such nonconforming signs were previously nonconforming or were permitted with no time limits, such signs shall also be permitted to continue for the period as follows: 20.24.060 of this Chapter.~~

~~Wood Framed Signs—One (1) year from date of approval of this title~~

~~Steel Framed Signs—Two (2) years from date of approval of this title~~

~~—E. In other cases, the nonconforming structures shall be removed within ten (10) years from the effective date of this zoning code or within such longer time as set forth below for types of construction defined by the Building Code.~~

~~—1. Type IV and Type V buildings (light combustible frame and wood frame) used as:~~

~~—a. One (1) family dwellings, two (2) family dwellings, three (3) family dwellings, apartment houses and other buildings used for residential occupancy, thirty five (35) years;~~

~~—b. Stores and factories, twenty five (25) years;~~

- ~~_____ c. Any other building not herein enumerated, twenty-five (25) years.~~
- ~~_____ 2. Type III buildings (heavy timber construction and ordinary masonry) used as:~~
 - ~~_____ a. One (1) family dwellings, two (2) family dwellings, three (3) family dwellings, apartment houses, offices and hotels, forty (40) years;~~
 - ~~_____ b. Structures with stores below and residences, offices or a hotel above, forty (40) years;~~
 - ~~_____ c. Warehouses, stores and garages, forty (40) years;~~
 - ~~_____ d. Factories and industrial buildings, forty (40) years.~~
- ~~_____ 3. Type I and Type II buildings (fire resistive) used as:~~
 - ~~_____ a. One (1) family dwellings, two (2) family dwellings, three (3) family dwellings, apartment houses, offices and hotels, fifty (50) years;~~
 - ~~_____ b. Theaters, warehouses, stores and garages, fifty (50) years;~~
 - ~~_____ c. Factories and industrial buildings, fifty (50) years.”~~

9. A new Section 20.24.135 (Nonconforming Signs) is added to Chapter 20.24 (Nonconforming Structures and Uses) as follows:

“20.24.135 NONCONFORMING SIGNS

A. Any nonconforming sign that do not conform to provisions of Chapter 20.28 of this title shall be permitted to continue, provided that any structural change or alteration that requires a building permit or other permit is not made to the sign.

1. If any structural change or alteration of any sign that requires a building or other permit is proposed, such request shall be subject to the approval of the Planning Commission, through a conditional use permit proceeding as prescribed in §20.408.030.

a. Findings. Before the approval authority, or City Council on appeal, may approve a conditional use permit for nonconforming signs, it must make a finding of fact, by resolution, that the evidence presented shows that all of the following conditions exist:

i. That the proposed modifications to the sign do not increase the height or area of sign copy and bring the sign closer to conformity with the code;

ii. That the changes proposed improve the aesthetics of the sign; and

iii. That the granting of the conditional use permit under the conditions imposed, if any, will not be detrimental to the health and safety of the public.”

10. Section 20.28.290 (Nonconformance), Title of Section 20.28.330 (Multiple Family Residential Zones), and Subsection 20.28.340.C.1.a of Section 20.28.340 (Non-Residential Zones) of Chapter 20.28 (Sign) are amended to include the following additions, deletions, and modifications:

“20.28.290 NONCONFORMANCE.

Signs which do not conform to the provisions of this chapter shall be subject to § 20.24.430.D135. of this zoning code.”

“20.28.330 R-2, AND R-3 ~~AND R-3~~ MULTIPLE FAMILY RESIDENTIAL ZONES.”

“20.28.340 NON-RESIDENTIAL ZONES.

C. Sign development standards.

1. Wall-affixed signs.

a. Development standards.

(1) Maximum sign area. One (1) square foot of sign area per each lineal foot of building frontage or tenant space frontage.

(2) Maximum sign length. Seventy-five percent (75%) of building frontage or seventy-five percent (75%) of tenant space frontage.

(3) Maximum letter height. Twenty-four (24) inches, except for major tenants which letter height shall not exceed five (5) feet.

(4) Maximum number. One (1) sign per building face or tenant space, not to exceed three (3) signs per tenant.”

11. Section 20.40.010 of Chapter 20.40 (Affordable Housing) is amended to include the following additions, deletions, and modifications:

“20.40.010 PURPOSE.

The purpose of this chapter 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 extremely low to moderate-income housing and to assist in meeting the city's regional share of housing needs and implementing the goals and objectives of the General Plan~~general plan~~, including the Housing Element~~housing element~~ and any applicable specific plans. The~~the~~ goals of this chapter are as follows:

A. To assure that the city is meeting its affordable housing goals by facilitating the production of dwelling units affordable to households of extremely low, very low, low, moderate, and workforce-income, and by providing funds for the development of extremely low, very low, low, moderate, and workforce-income housing;

B. To establish a means by which developers of residential projects can assist in increasing the supply of affordable housing. The affordable housing requirements contained in this chapter consider the impact of such requirements on housing construction costs and economic feasibility; and

C. To meet the current and future housing needs of the city by supporting the ~~Housing Element~~ ~~housing element~~ goals of providing a range of dwelling units by type of unit, price, and location in the city and promoting equal access and opportunity to fair housing.”

12. Subsection 20.40.040.A and Table 20.40.040.A (Affordable Unit Requirements for Residential Projects) of Section 20.40.040 (Affordable Unit Requirements) of Chapter 20.40 (Affordable Housing) is amended to include the following additions:

“20.40.040 AFFORDABLE UNIT REQUIREMENTS.

A. All residential projects subject to the requirements of this chapter shall provide affordable units as shown in Table 20.40.040_A:

TABLE 20.40.040.A		
AFFORDABLE UNIT REQUIREMENTS FOR RESIDENTIAL PROJECTS		
Option	Total Percentage of Affordable Units Required (minimum)¹	Minimum Affordability Level of Required Units
1	5%	All required affordable units shall be sold or rented to extremely low-income households, at a cost affordable to such household.
2	10%	At least 7% of the total number of units in the residential project shall be sold or rented to very low-income households, at a cost affordable to such household. <u>The affordability level of remaining 3% of the required affordable units are at the developer's discretion.</u>
3	15%	At least 10% of the total number of units in the residential project shall be sold or rented to low-income households, at a cost affordable to such household. <u>The affordability level of remaining 5% of the required affordable units are at the developer's discretion.</u>

4	20%	At minimum, all required affordable units shall be sold or rented to moderate-income households, at a cost affordable to such household.
5	30%	At minimum, all the required affordable units shall be sold or rented to workforce-income households, at a cost affordable to such household.
¹ of the total number of units in the residential project.		

13. Section, 20.40.050 (Alternatives), Subsection 20.40.060.A of Section 20.40.060 (Incentives), Section 20.40.070 (Exemptions), and Subsections 20.40.090.A.3 and 20.40.090.B.4 of Section 20.40.090 (Affordable Housing Plan and Agreements) of Chapter 20.40 (Affordable Housing) are amended to include the following additions, deletions, and modifications:

“20.40.050 ALTERNATIVES.

As an alternative to developing affordable units pursuant to this chapter, an applicant may satisfy requirements of this chapter through one of the following alternatives:

A. In-lieu fees. Applicants may choose to comply with the requirements of this chapter through payment of a fee, in-lieu of providing the required affordable units on site.

1. The method for calculation of the in-lieu fee per unit shall be determined by the following formula:

The product of the square footage of the average size unit in the proposed development multiplied by the median price per square foot of a home in the City of Brea based on market rate home sales in the last quarter immediately prior to drafting of the affordable housing agreement,

Minus

The product of the square footage of the average size unit in the proposed development multiplied by the median cost per square foot to construct the respective type of unit as shown on the most recent edition of the Building Permit Valuation Table in use by the Building Department.

2. The number of required units applicable to the in-lieu fee calculation shall be 5% of the total number of units in the residential project.

32. 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 a certificate of occupancy.

~~43.~~ Fees collected in-lieu of developing affordable units pursuant to this chapter shall be placed in the City's Affordable Housing Trust Fund.”

B. Offsite construction. At the discretion of the city, an applicant may satisfy the requirements of this chapter by developing the required number of affordable units at a site different than the site of the residential project.

1. The applicant must demonstrate that development of affordable units offsite would better address the city's Housing Element~~housing element~~ goals and policies.

2. The number of units to be developed offsite shall be consistent with the number of units required for the residential project~~requirements of this chapter~~.

3. Offsite affordable units shall be reasonably comparable~~contain the same~~ number of bedrooms, square footage, overall unit mix, appearance, finished quality, materials, and distribution as the non-affordable units in the residential project.

4. Offsite affordable units shall be developed concurrently with the main project and certificate of occupancy will be contingent on final approval and inspection of the affordable units, unless alternative schedule is approved by the City as part of the residential project's entitlement.

5. Offsite affordable units shall be located within the City of Brea.

6. Offsite affordable units shall be subject to the same requirements, standards, and procedures as onsite affordable units, unless otherwise noted in this subsection.

7. A development agreement is required for all offsite construction project.

C. Land dedication. At the discretion of the city, an applicant may satisfy the requirements of this chapter by dedicating land to the city in-lieu of constructing affordable units within the residential project.

1. The land to be dedicated must be free of any liens, and such land shall be conveyed to the city at no cost.

2. The applicant must disclose any and all encumbrances or easements on the title of the land, and all encumbrances and easements must be factored into the estimated value of the land dedication.

3. The land to be dedicated must have improvements required to accommodate housing, such as infrastructure and services.

4. The land to be dedicated must be free of any hazardous materials. If there were any hazardous materials previously contained on the site, the developer must provide evidence that full remediation was performed in accordance with all applicable law.

5. The General Plan and Zoning designations of the land to be dedicated must allow for multi-family residential use prior to dedication.

6. The applicant must demonstrate that development of affordable units on the land to be dedicated would be consistent with the Housing Element housing element goals and policies and this chapter, and not cause residential segregation.”

D. Convert existing market rate to affordable housing. At the discretion of the city, an applicant may satisfy the requirements of this chapter through the acquisition and rehabilitation of existing market rate units in the City of Brea for conversion to affordable units.

1. Converted units shall be subject to the same requirements, standards, and procedures as onsite affordable units.

2. The rehabilitation of the existing market rate units to be converted to affordable units shall be completed prior to, or concurrently with the main housing project.

3. Converted units shall be retained as affordable units for 45 years or until sold or transferred with an equity share for owner-occupied units and 55 years as to rental units. The affordability period begins upon the initial sale or rental of the unit.

4. The existing market rate units shall be substantially rehabilitated, as determined by the city.

5. The Affordable Housing Plan and Agreement as described in § 20.40.090 shall provide a description of benefits to be offered to existing tenants, which for conversion of market rate housing units would include, but not be limited to, right of first refusal to remain in the unit, and any expected need for relocation of existing tenants. The applicant is responsible for providing relocation assistance.

E. Development Agreement. At the city's discretion, the applicant may enter into a Development Agreement with the City to comply with the intent of this Chapter.”

“20.40.070 EXEMPTIONS.

A. ~~An applicant that meets the requirements of this chapter by providing the required affordable units may request and~~ The applicant may request and the city shall grant the number of incentives identified in Table 20.40.060.A below if a residential project meets the requirements of this chapter by providing on-site affordable units pursuant to Section 20.40.040.A or by providing off-site affordable units pursuant to Section 20.40.050.B.

TABLE 20.40.060.A		
NUMBER OF INCENTIVES BY LEVEL OF AFFORDABILITY		
Level of Affordability	Number of Affordable Units¹	Number of Incentives

Extremely low-income	5% or more	4
Very low- income	At least 7%	2
	At least 10%	3
Low-income	At least 10%	2
	At least 15%	3
Moderate-income	At least 20%	2
Workforce-income	At least 30%	2
Moderate-income or lower	100% (Exclusive of a manager's unit)	5
¹ of the total number of units in the residential project		

1. The city may grant additional incentives at the city's discretion, if the applicant demonstrates that such additional incentive will result in identifiable and actual cost reductions or avoidance. Such request shall be considered by the Community Development Director.

2. If a Residential Project is granted Incentives by providing off-site affordable units pursuant to Section 20.40.050.B, the applicant is permitted to utilize the said incentives for either the residential project or the Offsite Construction project, but not both."

"20.40.070 EXEMPTIONS.

The provisions of this chapter shall not apply to the following:

A. Residential projects that obtain all required administrative, legislative, and/or quasi-judicial approvals (as specified in this Title) prior to the original adoption date of this chapter (August 15, 2023).

B. Reconstruction of structures which have been damaged by fire, flood, wind, earthquake, or other unforeseen force, as determined by the Community Development Director, if the reconstruction cost is less than 50% of the assessed value.

C. Residential projects that are exempt from this chapter by state or federal law.

D. Units approved as accessory dwelling units or junior accessory dwelling units."

"20.40.090 AFFORDABLE HOUSING PLAN AND AGREEMENT.

A. Affordable housing plan.

3. An affordable housing plan shall include, but not be limited to, the following:

- a. The number of affordable units proposed, with calculations;
- b. The proposed location of the affordable units;
- c. Level of affordability for the affordable units;
- d. The unit square footage, and number of bedrooms for market rate and affordable units and tenure (ownership or rental);
- e. Amenities and services provided, such as common spaces, parking, laundry rooms, fitness centers, and other facilities in the residential development;
- f. Construction schedule for all units;
- g. Alternatives requested, if applicable;
- h. Incentives requested, if applicable; and
- i. Evidence to justify any requested alternative or incentive, if applicable.

“20.40.090 AFFORDABLE HOUSING PLAN AND AGREEMENT.

B. Affordable housing agreement.

4. An affordable housing agreement is not required for a residential development which will comply with the requirements of this chapter through payment of an in-lieu fee.”

14. Section 20.52.020 (Definitions) of Chapter 20.52 (Accessory Dwelling Units) is amended to include the following additions, deletions, and modifications:

“20.52.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply.

ACCESSORY DWELLING UNIT. Same definitions as specified in § 20.00.070.B. of this title.

ACCESSORY DWELLING UNIT, JUNIOR. Also referred to as "Junior Accessory Dwelling Unit" in this chapter. Same definitions as specified in § 20.00.070.B. of this title.

EFFICIENCY KITCHEN. A room or an area within a room used, or intended or designed to be used, for cooking or the preparation of food that includes at minimum a sink, a cooking facility, a food preparation counter, and storage cabinets.

MAJOR TRANSIT STOP OR A HIGH-QUALITY TRANSIT CORRIDOR. A location defined in § 21064.321155 of the Cal. Public Resources Code.

SANITATION FACILITY. A room that includes a toilet compartment, sink with hot and cold-water taps, and shower or bathtub.”

15. Subsections 20.52.040.B, 20.52.040.E, and 20.52.040.K of Section 20.52.040 (Development Standards) of Chapter 20.52 (Accessory Dwelling Units) are amended to include the following additions, deletions, and modifications:

“20.52.040 DEVELOPMENT STANDARDS.

B. Number of units per lot.

1. Properties with a proposed or existing single-family dwelling.

- a. One accessory dwelling unit that is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure;
- b. One detached, or attached newly constructed accessory dwelling unit; and
- c. One junior accessory dwelling unit.

2. Properties with a proposed or existing multi-family dwelling.

- a. One interior accessory dwelling unit or up to 25% of the existing units, whichever is higher; and
- b. Up to two detached accessory dwelling units on a lot with a proposed multi-family dwelling; or-
- c. Up to eight detached accessory dwelling units on a lot with an existing multi-family dwelling, provided that the number of accessory dwellings does not exceed the number of existing units on the lots.”

“20.52.040 DEVELOPMENT STANDARDS.

E. Addressing. Address numbers of all dwelling units on the lot shall be displayed clearly visible from the street or displayed in a building directory.

~~—E.— Design standards. The following design standards shall apply to all types of accessory dwelling units:~~

~~—1.— Addressing. Address numerals of all dwelling units on the lot shall be displayed clearly visible from the street or displayed in a building directory.~~

~~2.— Windows and doors.~~

~~—a.— Windows and doors of the new unit shall not have a direct line of sight to a neighboring residential property unless the windows and doors are existing or they are properly screened by fencing, landscaping, or privacy glass.~~

~~— b. If an accessory dwelling unit or a junior accessory dwelling unit is located within a single family zoning district, new doors shall not open on the same elevation as the main entrance door to the primary dwelling, except for detached structures and conversion of an existing door opening to an entry door.~~

~~— 3. Staircases. If an accessory dwelling unit or a junior accessory dwelling units is located within a single family zoning district, new stairways shall be completely enclosed as part of the interior of the structure, except for conversion/modification of an existing exterior stairway.~~

~~— 4. Architecture.~~

~~— a. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.~~

~~— b. The new unit shall match the building architecture, exterior materials, finishes, and color of the primary dwelling unit.”~~

“20.52.040 DEVELOPMENT STANDARDS.

K. Any proposed accessory dwelling unit or junior accessory dwelling unit that does not conform to requirements of ~~§ 20.52.040.E.~~ or accessory dwelling unit that ~~does not conform to the maximum unit size specified in Table 20.52.040.A and/or requirements of § 20.52.040.E.~~ may be considered by the city through a Certificate of Compatibility process pursuant to § 20.408.050 of this Title.”

16. Subsection 20.52.050.A of Section 20.52.050 (Owner Occupancy Requirements) of Chapter 20.52 (Accessory Dwelling Units) are amended to include the following additions, deletions, and modifications:

“20.52.050 OWNER OCCUPANCY REQUIREMENTS.

A. Accessory dwelling units and junior accessory dwelling units shall not be sold or owned separately from the primary dwelling unit, except as otherwise provided in Cal. Gov’t Code ~~§ 65852.26~~ 66341. If accessory dwelling unit is sold or conveyed separately from the primary residence pursuant to Cal. Gov’t Code ~~§ 65852.26~~ 66341, it shall comply with the following:

1. Meet all requirements of Cal. Gov’t Code ~~§ 65852.26~~ 66341.
2. Comply with all requirements of Subdivision Map Act, if applicable.
3. Provide separate utility connections and separate utility meters.”

17. Subsection 20.56.030.A of Section 20.56.030 (Two-Unit Developments and Urban Lot Split Applicability) of Chapter 20.56 (Two-Unit Developments and Urban Lot Splits) is amended to include the following additions, deletions, and modifications:

“20.56.030 TWO-UNIT DEVELOPMENTS AND URBAN LOT SPLIT APPLICABILITY.

A. The proposed development shall not be located on any lot identified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of California Government Code Section 65913.4 as that section read on September 16, 2021, unless the development satisfies the requirements specified therein. Such sites include, but are not limited to, prime farmland, wetlands, high or very high fire hazard severity zones, special flood hazard areas, regulatory floodways, and lands identified for conservation or habitat preservation as specifically defined in Government Code Section 65913.4.”

18. Subsections 20.56.040.C through H of Section 20.56.040 (Two-Unit Developments) of Chapter 20.56 (Two-Unit Developments and Urban Lot Splits) are amended to include the following additions, deletions, and modifications:

“20.56.040 TWO-UNIT DEVELOPMENTS.

~~C. Design standards. The following design standards shall apply to two-unit developments:~~

~~—1. Addressing. Address number of all dwelling units on the lot shall be displayed clearly visible from the street. Where a unit address on the front of a building cannot be viewed from the street or displayed in a building directory.~~

~~—2. Windows and doors.~~

~~— a. Windows and doors of all dwelling units shall not have a direct line of sight to a neighboring residential property unless the windows and doors are existing or they are properly screened by fencing, landscaping, or privacy glass.~~

~~— b. No new doors on the same front or street side elevation as the existing main entrance door, except for detached structures and conversion of an existing door opening to an entry door.~~

~~—3. Staircases. New stairways shall be completely enclosed as part of the interior of the structure, except for conversion/modification of an existing exterior stairway.~~

~~—4. Architecture.~~

~~_____ a. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.~~

~~_____ b. The design of the housing development shall match the primary dwelling (if one exists) and be compatible with the surrounding neighborhood to the greatest extent feasible.~~

D-5. Foundation. New dwellings for the purposes of this Section shall be constructed upon a permanent foundation.

ED. Code compliance. Two-unit developments shall comply with all applicable Fire and Building Codes.

FE. Utilities. Two-unit developments shall have separate utility connections and separate utility meters.

GF. Short-term rentals prohibited. Dwelling units shall not be rented for less than 30 consecutive days at a time.

HG. Deed restriction. The legal owner of a property improved with a two-unit development shall record a covenant in a form satisfactory to the City Attorney within thirty (30) days following the issuance of a building permit, that does each of the following:

1. Expressly prohibits any rental of a dwelling on the property for a period less than thirty (30) consecutive days.
2. Expressly prohibits any non-residential use of the lot.
3. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any other common interest development within the lot.
4. If the lot does not undergo an urban lot split; Expressly requires the individual property owners to live in one (1) of the dwelling units on the lot as the owners' primary residence and legal domicile.
5. Limits development of the lot to dwelling units that comply with the requirements of this Section, except as required by state law.

IH. Associated permits. If an application for a two-unit development triggers the requirement for a discretionary or ministerial permit other than an urban lot split and/or a building permit, those associated permits must be applied for and obtained prior to application for an urban lot split permit.”

19. Subsection 20.56.050.J of Section 20.56.050 (Urban Lot Split) of Chapter 20.56 (Two-Unit Developments and Urban Lot Splits) are amended to include the following additions, deletions, and modifications:

“20.56.050 URBAN LOT SPLIT.

J. Occupancy. The legal owner of an urban lot split property shall sign an affidavit stating that the owner intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval of the urban lot split.

KJ. Associated permits. If an application for an urban lot split triggers the requirement for a discretionary or ministerial permit other than an urban lot split and/or a building permit, those associated permits must be applied for and obtained prior to application for an urban lot split permit.”

20. Subsection 20.60.070.H of Section 20.60.070 (Preservation Incentives) of Chapter 20.60 (Historic Preservation) is amended to include the following additions, deletions, and modifications:

“20.60.070 PRESERVATION INCENTIVES.

H. Eligibility to apply for Mill Acts/historic preservation contracts which can lower property taxes of designated historic structures/resources in accordance with Section 20.60.120 of this Chapter subject to the approval of the City Council.”

21. A new Section 20.60.120 (Mills Act Contract) is added to Chapter 20.60 (Historic Preservation) as follows:

“20.60.120 MILLS ACT CONTRACT.

A. Mills Act Contract is a voluntary program and only applicable to properties that are officially listed on the Federal, State and/or the City’s historic register. Both owner-occupied and income-producing properties qualify.

B. The Mills Act Contract application requires a recommendation of the Finance Committee and an approval of the City Council at a public hearing. Appropriate fees shall be paid as determined by City Council resolution.

C. General Contract Terms. The general terms of a Mills Act Contract shall include, but not limited to, the following:

1. The Mills Act Contract shall be between the legal property owner(s) and the City.

2. The initial contract term shall be ten (10) years, with automatic annual renewal resulting in a revolving ten (10) year contract.

3. The property owner must annually provide a report to the City that demonstrates compliance with the Mills Act Contract.

4. Either party may file a Notice of Non-Renewal, which allows the Mills Act Contract to become null and void upon expiration of the ten (10) year term in effect at the time the notice is filed.

5. The City shall reserve the right to conduct periodic inspections of the subject property.

6. The Mills Act Contract shall include a ten (10) year preservation and rehabilitation plan, in which each year's improvement(s) must be equal or greater than the estimated property tax savings. All improvements listed in the ten (10) year preservation and rehabilitation plan must be completed according to the schedule unless otherwise permitted by the City, and such improvements must conform with the Secretary of the Interior's Standards for Historic Rehabilitation and California Historical Building Code.

7. The City may cancel the Mills Act Contract if the owner is in non-compliance with the terms of the contract pursuant to the established procedure.

8. If the contract is cancelled for non-compliance, the property owner must pay a cancellation penalty that is equivalent to twelve and one-half (12 ½) percent of the full market value of the property at the time of cancellation."

22. Sections 20.72.020 (Definitions), 20.72.040 (Uses Permitted; Time Limits), 20.72.050 (Application; Contents; Fees), and 20.72.080 (Action by Development Services Director) of Chapter 20.72 (Temporary Use Permits) are amended to include the following additions, deletions, and modifications:

"20.72.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The city of Brea.

CITY CLERK. The City Clerk of the city.

CITY MANAGER. The City Manager of the city or his or her designee.

DIRECTOR. The Director of the Community Development Services-Department or his or her designee.

PERSON. Individuals, partnerships, joint ventures, societies, associations, trustees, trusts, or any corporations, their officers, agents or employees, and any representative thereof."

"20.72.040 USES PERMITTED; TIME LIMITS.

A. The following uses and activities, subject to the time limits referenced herein, shall obtain a temporary use permit prior to conducting the use or activity. The determination as to whether a specific use or activity is included within the classifications of uses and activities listed in this section shall be an administrative function of the Director.

1. Any event open to the public, located within a commercial, industrial, and mixed-use zones and non-residential districts within specific plan areas, involving promotion or sale sponsored by a business, shopping center or organization, or as a fundraiser for a private school or other charitable non-profit organization, which is held outside the confines of a building but on the same property, and which may include, but not limited to, the outdoor display of merchandise, rides, games, booths or similar amusement devices, whether or not a fee or admission is charged for such event.

B. Time Limits.

1. The following uses and activities shall not ~~may be approved for a specific length of time not to exceed~~ four (4) calendar days ~~with no less than thirty 30~~ calendar days between events ~~within a ninety (90) day period~~ at any one (1) location for a given applicant, ~~except a maximum of two additional days may be permitted for set-up and clean-up.~~ In addition, no business or organization shall be issued more than four (4) temporary use permit in a given calendar year:

—1.a. Exhibits, demonstrations or sales of goods, equipment, merchandise or services;

—2.b. Aircraft, helicopter, and aerial ~~hot air balloon and parachutist~~ demonstrations and landings;

—3.c. Entertainment, dances, musical events, and promotional events;

—4.d. Halloween haunted houses;

—5.e. Art and craft shows and exhibits; and

—6.f. Health and safety services, testing, demonstration or training, unless such events are in response to a public health emergency as declared by a government agency.

2. Patriotic, historic or similar displays or exhibits adjacent to commercial buildings, parking areas, or sidewalks may be approved for a period of time not to exceed fifteen (15) days within any given ninety (90) day period at any one (1) location for a given applicant.

3. Carnivals, circuses, fairs, rodeos, pony riding or similar traveling amusement enterprises may be permitted for not more than seven (7) days, or three (3) weekends of operation, in any one hundred eighty (180) day period at any one (1) location for a given applicant.

4. Christmas tree sales and displays (other than by established retail businesses within the existing building) may be approved during the period commencing November 15 and terminating on December 31 of a given calendar year (these provisions shall be in addition to those requirements for Christmas tree lots as provided in Title 16 of the Municipal Code).

5. Pumpkin sales and displays (other than by established retail businesses within the existing building) may be approved for the period commencing October 1 and terminating November 1 of a given calendar year.

6. Other seasonal sales and displays of seasonal items (other than by established retail businesses within the existing building) may be approved for the period of 45 days of a given calendar year.

7. Other events, as determined appropriate by the Community Development Director, may be approved for not more than two (2) days of a given month.

C. Requests for outdoor display of limited merchandise in excess of the time limitations of § 20.72.040.B may be considered by the Planning Commission subject to approval of a Conditional Use Permit, consistent with the processing requirements of § 20.408.030. The intent of this section shall be to provide for the outdoor display of merchandise, which shall be typically limited to one product type (i.e. plants or books or etc.), where it can be demonstrated that such display can be reasonably integrated into the site and architectural designs at the location, and maintain the city's goals to provide for quality, attractive, commercial development. The following standards shall apply to any such proposed outdoor display:

1. Use of display area. The Planning Commission and/or City Council shall retain the ability to condition the types of merchandise or products on display. Display merchandise and products shall be limited to those normally associated with the primary retail user making application, shall typically be limited to one product type (i.e. plants or books, or etc.), and no outdoor display area shall be subleased or otherwise afforded use by other persons.

2. Location of display area. To be limited to those areas generally adjacent to the front building elevation of the tenant space, which will in no way interfere with automobile circulation and applicable standards. Display areas shall be designed to primarily be viewed from on-site rather than from the public right-of-way.

3. Delineation of display area. The design of the outdoor display area and its physical delineation shall place an emphasis on aesthetic and functional integration into the site and building design. The physical limits of display areas shall be clearly delineated through treatments such as decorative pavement, decorative bollards, landscaped planters, or similar features.

4. Limitation of display fixtures. Any display fixtures (i.e. display racks, tables, etc.) shall be temporary in nature and shall be removed from outdoor display areas when not in use.

5. Maximum length of display area. Not to exceed 50% of building/tenant space width (whichever is less) directly adjacent to the display area. The Planning Commission and/or City Council shall retain the ability to further limit display length on a case by case basis as deemed appropriate.

6. Maximum depth of display area. Not to exceed 15'. The Planning Commission and/or City Council shall retain the ability to further limit display depth on a case by case basis as deemed appropriate.

7. Maximum height of merchandise. Not to exceed 6' from adjacent finished grade. The Planning Commission and/or City Council shall retain the ability to further limit display height on a case by case basis as deemed appropriate.

8. Pedestrian accessibility. All outdoor display areas shall be designed in a manner to allow free pedestrian movement within and around their vicinity. All rules and regulations of the Americans with Disabilities Act and any other applicable regulations shall be observed.

9. Permit revocation for non-compliance. Compliance with any and all conditions placed by the Planning Commission and/or City Council shall be observed. Any observed violation of conditions of approval shall constitute grounds to initiate CUP revocation proceedings as provided for within § 20.412.020 of the Municipal Code.

10. Plan submittal. Detailed site, building elevation, floor, display fixtures (i.e. display racks, tables, etc.) and any other plans and materials as deemed necessary by the City Planner, to illustrate compliance with the outdoor display standards shall be provided at the time of Conditional Use Permit application.

~~—D.— The following uses and activities may be approved for a period of time not to exceed fifteen (15) days within any given ninety (90) day period at any one (1) location for a given applicant: Patriotic, historic or similar displays or exhibits adjacent to commercial buildings, parking areas, or sidewalks.~~

~~—E.— Carnivals, circuses, fairs, rodeos, pony riding or similar traveling amusement enterprises may be permitted for not more than seven (7) days, or three (3) weekends of operation, in any one hundred eighty (180) day period at any one (1) location for a given applicant.~~

~~—F.— Christmas tree sales (other than by established retail businesses) may be approved during the period commencing November 15 and terminating on December 31 of a given calendar year (these provisions shall be in addition to those requirements for Christmas tree lots as provided in Title 16 of the Municipal Code).~~

~~—G.— Pumpkin sales and displays (other than by established retail businesses) may be approved for the period commencing October 1 and terminating November 1 of a given calendar year."~~

“20.72.050 APPLICATION; CONTENTS; FEES.

A. An application for a temporary use permit, on forms available from the Director, shall be submitted to the Director a minimum of forty-five (45) days prior to the proposed date of the temporary use or activity. The application shall be signed and verified by the applicant and shall contain, at minimum, the information as set forth in this section.

B. Each application for a temporary use permit shall contain, at minimum, the following information:

1. The name, permanent street address and signature of the applicant;
2. If the applicant is a corporation, the name and principal address of the applicant shall be as shown in the most recent statement of investment group and shall be signed by a duly authorized representative of the corporation;
3. The full name and address of the property owner where the temporary use or activity is to take place and a signed affidavit from the property owner granting permission for the proposed use on the property in question and for the dates requested;
4. The name, address and twenty-four (24) hour phone number of at least two (2) persons to be contacted in the event of emergency conditions at the temporary use or activity;
5. The exact location, including street name, of the property proposed to be used for the temporary use or activity;
6. A detailed description of the proposed temporary use or activity;
7. The proposed dates and hours of operation; and
8. A site plan or drawing depicting the use or activity, including the placement of all signs and banners, the location of all temporary materials, tents, generators, temporary sanitary facilities, lighting, etc.

C. The application shall be submitted together with the appropriate fee, as set forth by resolution of the City Council, to cover the administrative costs of processing the application. ~~Such fees shall not be required when the use or activity is conducted by any religious, charitable or educational organization or association and any funds derived therefrom are retained or disbursed for religious, charitable or educational purposes.”~~

“20.72.080 ACTION BY COMMUNITY DEVELOPMENT SERVICES DIRECTOR; FINDINGS.

A. The Director, within ten (10) business days ~~following receipt of~~ determining the application complete ~~the completed application~~, shall approve, conditionally approve, or deny the temporary use application.

B. No temporary permit shall be approved unless the Director finds that the use or activity, together with any and all conditions imposed thereon, meets all of the criteria as follows:

1. The temporary use or activity is in harmony with the various elements and objectives of the general plan of the city;

2. The temporary use or activity complies with all applicable standards of the city zoning ordinance with respect to the location of the proposed activity; and

3. The temporary use or activity will not be injurious or detrimental to persons or properties adjacent to or in vicinity of the proposed location of the activity.

4. Provisions for adequate traffic circulation, off-street parking and pedestrian safety have been provided and will be maintained during the operation of the use or activity.

C. The Director may impose such terms, conditions and restrictions upon the operation or conduct of the use or activity as may be deemed necessary or expedient to protect the public peace, health, safety, morals or welfare of the citizens of the city.

D. Upon the decision with respect to the application, the Director shall ~~mail to~~ notify the applicant, ~~by certified mail, notice~~ as to whether the permit has been granted or denied. The notice shall inform the applicant of the right to appeal the decision of the Director to the Planning Commission as provided in this chapter. Additionally, if the Director should deny the application, the notice shall specify those reasons why the permit has been denied.

E. The Director may, in those cases where it is deemed that the public interest will be best served, refer the approval of the temporary use permit directly to the Planning Commission for hearing thereon without taking further action.

F. All decisions of the Director with respect to the temporary use permit application shall be final unless appealed to the Planning Commission as provided in this chapter.”

23. Subsection 20.72.090.C of Section 20.72.090 (Appeal to the Planning Commission) and Subsection 20.72.110.B of Section 20.72.110 (Revocation) of Chapter 20.72 (Temporary Use Permits) are amended to include the following deletions:

“20.72.090 APPEAL TO THE PLANNING COMMISSION.

C. The appeal request shall be accompanied by a non-refundable appeal fee in an amount to be set by resolution by the City Council. Upon receipt of the appeals request, the Director shall set the matter for hearing at a regular meeting of the Planning Commission no later than thirty (30) days following the date the appeal request was filed. Notice of the time and place of the hearing shall be mailed to the applicant, ~~by certified mail~~, no later than ten (10) days prior to the date set for hearing. Said notice may also designate certain records that the applicant requires to produce at the time of the hearing.”

“20.72.110 REVOCATION.

B. A notice of revocation shall be mailed to the permittee, ~~by certified mail~~, stating the grounds for the revocation and providing a date within thirty (30) days of the mailing of such notice for a public hearing before the Planning Commission. Upon the conclusion of the public hearing the Planning Commission may, by resolution with findings; revoke or modify the permit and the decision of the Planning Commission shall be final unless appealed to the City Council.”

24. Title of Chapter 20.200 (Single Family Residential – Hillside Zone) is amended as follows:

“CHAPTER 20.200: R1-H SINGLE FAMILY RESIDENTIAL - HILLSIDE ZONE”

25. Subsection 20.200.040.K of Section 20.200.040 (Property Development Standards) and Section 20.200.050 (Plan Review) of Chapter 20.200 (R1-H Single Family Residential – Hillside Zone) are amended to include the following additions, deletions, and modifications:

“20.200.040 PROPERTY DEVELOPMENT STANDARDS.

K. Exemption from property development standards. If a dwelling unit, or appurtenant structure, in existence at the time of the effective date of this chapter, is partially or totally damaged or destroyed by wind, fire, flood, explosion, act of God or any other occurrence, then, in that event, such dwelling unit or appurtenant structure may be reconstructed without compliance with the property development standards set forth in § ~~20.200.040~~~~20.204.040~~ of this title; provided, however, that any such reconstruction of an existing dwelling unit or appurtenant structure shall be in substantial conformity with the original dwelling unit or appurtenant structure including, but not limited to, such matters as type of structure, square footage, number of stories and elevations. Any such reconstruction shall commence only subsequent to the ~~issuance~~approval of a plan review certificate of compatibility as required under § 20.408.0450 of this title and, any such reconstruction shall comply with all Building, Electrical, Fire, Mechanical and/or Plumbing Codes in effect at the

time of the filing of the application for such application. No ~~plan review certificate of compatibility~~ application fee shall be required for construction under this paragraph. Then applicable building permit fees shall be paid.”

“20.200.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the R1-H Zone that are listed in § 20.208.040.B.”

26. Subsections 20.208.040.E.1, 20.208.040.F.1, and 20.208.040.G of Section 20.208.040 (Property Development Standards) and Section 20.208.050 (Plan Review) of Chapter 20.208 (R-1 Single Family Residential Zone) are amended to include the following additions, deletions, and modifications:

“20.208.040 PROPERTY DEVELOPMENT STANDARDS.

E. Yards.

1. Front yard.

a. A minimum twenty-five (25) foot front yard shall be required.

b. Notwithstanding other provisions contained herein; the entire front yard area, including the minimum required front yard, shall be kept and maintained free and clear of all attached or detached accessory structures, building and automotive materials, trash, debris, trash storage receptacles, inoperable motor vehicles, camper shells not mounted on motor vehicles, boats, or boats and trailers, including utility trailers. Parking and driveway areas within the entire front yard area shall not exceed fifty-five percent (55%) of such yard area; for lots at the end of cul-de-sac with a lot frontage of less than forty (40) feet, the parking and driveway areas within the entire front yard may be paved up to a maximum of eighty percent (80%), all subject to the Community Development Services Director's review and approval. The parking of operable motor vehicles shall be permitted only on an all weather surface, subject to the review and approval of the Community Development Services Director.”

c. Recreational vehicle parking may occur as follows:

(1) Parking within a garage or three (3) sided carport.

(2) Outdoor parking in the side or rear yards beyond the required twenty-five (25) foot front setback, except in a street side yard of a corner lot or reverse corner lot.

(3) Outdoor parking in a driveway or improved pad, provided that:

(a) Parking of said vehicle within a garage or three (3) sided carport is not possible.

(b) Space is not available in the side or rear yards or no access exists to such yards.

(c) No part of said unit extends over public sidewalks or rights-of-way.

(d) The vehicle or unit at no time creates a sight obstruction that poses a safety hazard.

(e) Such vehicles shall be determined to be in an operable condition.

(f) The vehicle is not used for dwelling purposes; cooking is not permitted in the recreational vehicle at any time and accordingly, butane and propane shall not be used.

(g) The vehicle is not permanently connected to electricity, sewer lines or water lines. The recreational vehicle may be connected to electricity temporarily for charging batteries and cleaning purposes only.

(h) The vehicle shall not be used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

(i) The vehicle shall not block required emergency access to the rear yard area. A five (5) foot clear area shall be maintained to provide such access.

d. Where the entire block frontage is designed and developed as a neighborhood unit, the front yard setback may vary, providing that an average building setback of not less than twenty-five (25) feet is maintained. The minimum front yard shall not be less than twenty (20) feet.

e. Notwithstanding other requirements herein, all garages with vehicle entrances facing a street shall set back not less than twenty-five (25) feet from the property line. A carport with a vehicle entrance facing a street and not screened from public view from any point on the public right-of-way line which abuts the property upon which said carport is located shall be prohibited.

f. Front yards on the turn-around end of cul-de-sac street may be reduced to not less than twenty (20) feet.

g. All unimproved and/or unpaved portions of the entire front yard shall be improved and maintained with appropriate landscaping in a healthy and vigorous condition and/or synthetic turf."

"20.208.040 PROPERTY DEVELOPMENT STANDARDS.

F. Outdoor living space.

1. Each lot shall contain a usable area of not less than one thousand (1,000) square feet for outdoor living. The minimum dimension shall be not less than fifteen (15) ~~twenty five (25)~~ feet. Where contiguous to a side or rear yard, said yards may be included as part of the minimum. Slopes with a grade in excess of ten percent (10%) may not be included as satisfying this requirement.

“20.208.040 PROPERTY DEVELOPMENT STANDARDS.

G. Walls, fences, and landscaping.

1. Fences and walls and hedges shall not exceed seven (7) feet above the finished grade immediately adjacent to the base of ~~abutting~~ the fence with the following exceptions:

a. Solid fences, walls and hedges in a required front yard or within 10 feet of the property line along the street side of a reversed corner lot shall not exceed a height of thirty-six (36) inches.

b. Open work fences (not less than ninety percent (90%) open) in a required front yard or within 10 feet of the property line along the street side of a reversed corner lot shall not exceed a height of four and one-half (4½) feet.

c. Property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris, and maintained.

d. The provisions of § 20.08.060 of this title pertaining to corner cut-off areas shall apply.

e. Fences and walls shall be located a minimum of six (6) inches from any property line which is adjacent to a public right-of-way.

2. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade.”

“20.208.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the R-1 Zone that are listed in § 20.408.040.B.”

27. Subsections 20.212.040.E.1 and 20.212.040.G of Section 20.212.040 (Property Development Standards) and Section 20.212.050 (Plan Review) of Chapter 20.212

(R-1 (5000) Single Family Residential Zone) are amended to include the following additions, deletions, and modifications:

“20.212.040 PROPERTY DEVELOPMENT STANDARDS.

E. Yards.

1. Front yard.

- a. A minimum fifteen (15) foot front yard shall be required.
- b. The entire front yard shall be maintained as required in § 20.208.040.E.1.b. and c. of this title.
- c. Where the entire block frontage is designed and developed as a neighborhood unit, the front yard setback may vary, provided, however, the average minimum front yard shall be not less than fifteen (15) feet and no front yard shall be reduced to less than ten (10) feet.
- d. Notwithstanding other requirements herein, all garages with vehicle entrances facing a street shall set back not less than twenty-three (23) feet from the front property line. A carport with a vehicle entrance facing a street and not screened from any point on the public right-of-way line which abuts the property upon which said carport is located shall be prohibited.
- e. Front yards on the turn-around end of a cul-de-sac street may be reduced to not less than ten (10) feet.
- f. All unimproved and/or unpaved portions of the entire front yard shall be improved and maintained with appropriate landscaping in a healthy and vigorous condition and/or synthetic turf.”

“20.212.040 PROPERTY DEVELOPMENT STANDARDS.

G. Walls, fences and landscaping.

- 1. Fences and walls and hedges shall not exceed seven (7) feet above the finished grade immediately adjacent to the base of ~~abutting~~ the fence with the following exceptions:
 - a. Solid fences, walls and hedges in a required front yard or within 10 feet of the property line along the street side of a reversed corner lot shall not exceed a height of thirty-six (36) inches.
 - b. Open work fences (not less than ninety percent (90%) open) in a required front yard or within 10 feet of the property line along the street side of a reversed corner lot shall not exceed a height of four and one-half (4½) feet.
 - c. Property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public

right-of-way. All landscaped areas shall be kept free from weeds and debris, and maintained.

d. The provisions of § 20.08.060 of this title pertaining to corner cut-off areas shall apply.

e. Fences and walls shall be located a minimum of six (6) inches from any property line which is adjacent to a public right-of-way.

f. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade.

“20.212.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the R-1 (5,000) Zone that are listed in § 20.408.040.B.”

28. Subsections 20.216.040.E.1 and 20.216.040.G of Section 20.216.040 (Property Development Standards) and Section 20.216.050 (Plan Review) of Chapter 20.216 (R-2 Multiple Family Residential Zone) are amended to include the following additions, deletions, and modifications:

“20.216.040 PROPERTY DEVELOPMENT STANDARDS.

E. Yards.

1. Front yard.

a. A minimum twenty-three (23) foot front yard shall be required; except that a lot approved for single family residential use, only, either by subdivision or lot split, with a minimum area of less than nine thousand (9,000) square feet, may have a minimum front yard of fifteen (15) feet.

b. The entire front yard area shall be maintained as required in § 20.208.040.E.1.b. of this title.

c. Recreational vehicles, as defined in § 20.00.070.B. of this title, may be located within front yard setback areas twice per calendar month for a continuous period of time not to exceed forty-eight (48) hours for housekeeping and loading purposes only.

d. All unimproved and/or unpaved portions of the entire front yard shall be improved and maintained with appropriate landscaping in a healthy and vigorous condition and/or synthetic turf.”

“20.216.040 PROPERTY DEVELOPMENT STANDARDS.

G. Walls, fences, and landscaping. Fences and walls and solid hedges shall not exceed seven (7) feet above the finished grade immediately adjacent to the base of abutting the fence with the following exceptions:

1. Solid fences, walls, and hedges in a required front yard or within 10 feet of the property line along the street side of a reversed corner lot shall not exceed a height of thirty-six (36) inches.

2. Open work fences (not less than ninety percent (90%) open) in a required front yard or within 10 feet of the property line along the street side of a reversed corner lot shall not exceed a height of four and one-half (4½) feet.

3. Fences and walls shall be located a minimum of six (6) inches from any property line which is adjacent to a public right-of-way.

4. The provisions of § 20.08.060 of this title pertaining to corner cut-off areas shall apply.

5. Property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris, and maintained.

6. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade. “

“20.216.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the R-2 Zone that are listed in § 20.408.040.B.”

29. Sections 20.220.010 (Intent and Purpose) and 20.220.050 (Plan Review) of Chapter 20.220 (R-3 Multiple Family Residential Zone) are amended to include the following additions, deletions, and modifications:

“20.220.010 INTENT AND PURPOSE.

The R-3 ~~and R-3-I~~, Multiple Family Residential Zones ~~are~~ is established to provide for the development of high density, multiple family housing, such as condominiums and apartments.”

“20.220.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the R-3 Zone that are listed in § 20.408.040.B.”

30. Subsections 20.220.040.A, 20.220.040.B, 20.220.040.C.1, 20.220.040.D.1, 20.220.040.D.2.a, 20.220.040.D.3.a, 20.220.040.E, 20.220.040.F, 20.220.040.G, 20.220.040.H, 20.220.040.I, and 20.220.040.K of Section 20.220.040 (Property Development Standards) of Chapter 20.220 (R-3 Multiple Family Residential Zone) are amended to include the following additions, deletions, and modifications:

“20.220.040 PROPERTY DEVELOPMENT STANDARDS.

The following property development standards shall apply to all land and buildings in the R-3 and ~~R-3-I~~ Zones:

A. Lot area, width and depth.

1. Area. The minimum lot area shall be ten thousand (10,000) square feet in an R-3 Zone ~~and seven thousand (7,000) square feet in an R-3-I Zone.~~

2. Width.

~~— a. —~~ The minimum average lot width shall be seventy-five (75) feet on an interior lot and eighty-five (85) feet on a corner lot in an R-3 Zone.

~~— b. —~~ The minimum average lot width shall be fifty (50) feet on an interior lot and sixty (60) feet on a corner lot in an ~~R-3-I~~ Zone.

3. Depth. The minimum average lot depth shall be one hundred twenty (120) feet in an R-3 Zone ~~and one hundred (100) feet in an R-3-I Zone.~~

“20.220.040 PROPERTY DEVELOPMENT STANDARDS.

B. Dwelling unit density.

~~— 1. —~~ The minimum land area for each dwelling unit on a lot in the R-3 and ~~R-3-I~~ Zones shall be one thousand seven hundred fifty (1,750) square feet.

~~— 2. —~~ Any property zoned ~~R-3-I~~ at the date of adoption of Ordinance No. 863 and developed prior to the adoption of Ordinance No. 863 shall not be considered restricted by the provisions of Chapter 20.24 of this title due to the density of the development exceeding the density allowed by Ordinance No. 863, and will be allowed to be replaced in kind provided the replacement units meet all the standards

~~pertaining to the R-3-I District contained in this title and as the same may be amended from time to time."~~

"20.220.040 PROPERTY DEVELOPMENT STANDARDS.

C. Building height.

1. Except as provided herein, buildings and structures in the R-3 and ~~R-3-I~~ Zones shall have maximum heights as follows:

a. Thirty-five (35) feet when located on a lot that is within one hundred (100) feet from any land zoned R-1, R1-H, R-1 (5,000), R-2 or ~~RHHR~~.

b. Fifty (50) feet when located on a lot that is more than one hundred (100) feet but less than two hundred (200) feet, from any land zoned R-1, R1-H, R-1 (5,000), R-2, or ~~RHHR~~.

c. Seventy-five (75) feet when located on a lot that is more than two hundred (200) feet from any land zoned R-1, , R1-H, R-1 (5,000), R-2 or ~~RHHR~~."

"20.220.040 PROPERTY DEVELOPMENT STANDARDS.

D. Yards.

1. Front yard.

a. Except as provided herein, there shall be a minimum front yard of not less than fifteen (15) feet on lots in the R-3 and ~~R-3-I~~ Zones.

b. The entire front yard shall be maintained as required in § 20.208.040.E.1.b. of this title.

c. Recreational vehicles, as defined in § 20.00.070.B. of this title, may be located within front yard setback areas twice per calendar month for a continuous period of time not to exceed forty-eight (48) hours for housekeeping and loading purposes only.

d. Where an entire block frontage is designed and developed as a neighborhood unit, the front yards may vary, provided that an average of not less than fifteen (15) feet is maintained. However, no front yard shall be less than ten (10) feet.

e. Front yards on the turn around end of a cul-de-sac street may be reduced to not less than ten (10) feet.

f. Notwithstanding other requirements herein, all garages with vehicle entrances facing a street shall set back not less than twenty-three (23) feet from the front property line. A carport with a vehicle entrance facing a street and not screened

from public view from any point on the public right-of-way line which abuts the property upon which said carport is located shall be prohibited.

g. All unimproved and/or unpaved portions of the entire front yard shall be improved and maintained with appropriate landscaping in a healthy and vigorous condition and/or synthetic turf."

"20.220.040 PROPERTY DEVELOPMENT STANDARDS.

D. Yards.

2. Side yards.

a. Except as provided herein, there shall be minimum side yard of not less than five (5) feet from the side property line on interior lots and from the interior side lot lines on corner lots in the R-3 and ~~R-3-I~~ Zones."

"20.220.040 PROPERTY DEVELOPMENT STANDARDS.

D. Yards.

3. Rear yard.

a. Except as provided herein, there shall be a minimum rear yard for main building of not less than fifteen (15) feet on lots in the R-3 and ~~R-3-I~~ Zones."

"20.220.040 PROPERTY DEVELOPMENT STANDARDS.

E. Outdoor living space.

1. Each in the R-3 and ~~R-3-I~~ Zones shall contain not less than two hundred (200) square feet of outdoor living area for each dwelling unit located thereon.

2. Outdoor living area shall be subject to the provisions of § 20.08.030 of this title."

"20.220.040 PROPERTY DEVELOPMENT STANDARDS.

F. Fences, walls, and landscaping. Fences and walls and solid hedges shall not exceed seven (7) feet above the finished grade immediately adjacent to the base of ~~abutting~~ the fence with the following exceptions:

1. Solid fences, walls, and hedges in a required front yard or within 10 feet of the property line along the street side of a reversed corner lot shall not exceed a height of thirty-six (36) inches.

2. Open work fences (not less than ninety percent (90%) open) in a required front yard or within 10 feet of the property line along the street side of a reversed corner lot shall not exceed a height of four and one-half (4½) feet.

3. Fences and walls shall be located a minimum of six (6) inches from any property line which is adjacent to a public right-of-way.

4. The provisions of § 20.08.060 of this title pertaining to corner cut-off areas shall apply.

5. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade.

“20.220.040 PROPERTY DEVELOPMENT STANDARDS.

G. Distance between buildings. The following minimum distances between exterior walls of buildings and structures on a lot in the R-3 and ~~R-3-I~~ Zones shall apply:

1. One-half (½) the combined height of the walls of buildings or structures which do not form a court, or fifteen (15) feet, whichever is greater.

2. One-half (½) the combined height of the walls of buildings or structures which form a court plus fifteen (15) feet.

3. In no instance shall the eaves between buildings be closer than ten (10) feet.”

“20.220.040 PROPERTY DEVELOPMENT STANDARDS.

H. Building area. The minimum living area for a dwelling unit on a lot in the R-3 and ~~R-3-I~~ Zones, which shall not include garage area, shall have a gross floor area of not less than the following:

1. Studio Unit: Four hundred fifty (450) square feet.

2. One (1) Bedroom Unit: Six hundred fifty (650) square feet.

3. Two (2) or more - Bedroom Unit: Eight hundred (800) square feet.”

“20.220.040 PROPERTY DEVELOPMENT STANDARDS.

I. Lot coverage. Not more than sixty percent (60%) of a lot in the R-3 and ~~R-3-I~~ Zone shall be covered by buildings and structures. A minimum of twenty-five percent

(25%) of the required uncovered lot area shall be provided in one (1) contiguous location and shall be kept free and clear of any building and structural intrusions or any other intrusions that would inhibit the development of said area of uninterrupted usable, open green space.”

“20.220.040 PROPERTY DEVELOPMENT STANDARDS.

K. Signs. Signs permitted in the R-3 and ~~R-3-I~~ Zones shall be subject to the provisions of Chapter 20.28 of this title.”

31. Sections 20.224.040 (Property Development Standards) and 20.224.060 (Plan Review) of Chapter 20.224 (C-P Commercial, Administrative, and Professional Office Zone) are amended to include the following additions, deletions, and modifications:

“20.224.040 PROPERTY DEVELOPMENT STANDARDS.

The following property development standards shall apply to all land and buildings in the C-P Zone:

A. Lot area. No requirements.

B. Lot dimensions. No requirements.

C. Building height.

1. Buildings and structures erected in the C-P Zone shall have a height no greater than thirty (30) feet.

2. Structures permitted above height limit. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the buildings and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, wireless and television masts, water tanks, or similar structures may be erected above the maximum height permitted in each zone. No structure shall be allowed for purposes of providing additional floor space.

D. Yards.

1. Front yards and side yards on the street side of a corner or reversed corner lot shall not be less than fifteen (15) feet and shall not be used for off-street parking. If the required yard is across a local street from any residential zone, a wall not less than thirty (30) inches nor more than six (6) feet in height shall be erected on the building (setback) line where there is no building on said line and where parking is provided to the rear of said line.

2. Where the C-P Zone abuts any residential zone, there shall be a yard abutting the zone boundary of not less than ten (10) feet plus an additional one (1)

foot of setback shall be required for each additional one (1) foot of building height in excess of ten (10) feet. Said required yard may be used for parking, loading and access. A solid wall not less than six (6) feet nor more than seven (7) feet in height shall be erected on the zone boundary line, to within fifteen (15) feet of any street property line.

E. Fences, walls and landscaping and property maintenance.

1. Required walls.

a. Walls along common property lines shall be erected as required in paragraph D. above.

b. Required walls six (6) feet or more in height shall be constructed of masonry material.

c. Required walls less than six (6) feet in height may be constructed of other permanent material not including wood or corrugated sheet material.

2. Permitted fences and walls. Fences and walls not to exceed seven (7) feet in height shall be permitted within any required side or rear yard area or along any common property line with the following exceptions:

a. provided, however, that the Solid wall or fence does shall not exceed a height of thirty-six (36) inches within the front yard or side yard on the street side of a corner lot.

b. Open work fences (not less than ninety percent (90%) open) in a required front yard or side yard on the street side of a corner lot shall not exceed a height of four and one-half (4½) feet.

3. Height of walls and fences. The height of walls and fences shall be measured from finished grade ~~highest ground level~~ immediately adjacent to the base of the wall.

a. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade.

4. Landscaping. The provisions of § 20.236.040.M. of C-G Zone shall apply.

5. Property maintenance. The provisions of § 20.236.040.M. of C-G Zone shall apply.

F. Distance between buildings. No requirements.

G. Site Coverage ~~Floor area ratio~~. The site coverage ~~gross floor area~~ of main building(s) shall not exceed fifty percent (50%) of the total lot area.

1. All loading spaces shall be located behind either masonry walls not less than six (6) feet in height, or buildings so that they will not be visible from any abutting street.

2. The provisions of § 20.08.040 of this title shall apply.

H. Floor Area Ratio. All developments shall be subject to the floor area ratio established under the City's General Plan for the General Plan land use designation applicable for the site.

I. Off-street parking and loading.

J. Access. Access to all off-street parking and loading areas shall conform with requirements of the City Engineer, and shall be subject to modification by the Planning Commission upon review of the site plans.

K. Signs. The provisions of Chapter 20.28 of this title shall apply."

"20.224.060 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the C-P Zone that are listed in § 20.408.040.B."

32. Sections 20.228.040 (Property Development Standards) and 20.228.060 (Plan Review) of Chapter 20.228 (C-N Neighborhood Commercial Zone) are amended to include the following additions, deletions, and modifications:

"20.228.040 PROPERTY DEVELOPMENT STANDARDS.

The following property development standards shall apply to all land and buildings in the C-N Zone:

A. Lot area.

1. Minimum area. The site shall not be less than three (3) acres.

2. Maximum area. The site for any shopping center shall not exceed eight (8) acres.

B. Lot dimensions. The width of the site shall not exceed a ratio of two (2) feet for each foot of depth.

C. Building height.

1. Buildings and structures erected in the C-N Zone shall have a height no greater than thirty (30) feet.

2. Structures permitted above height limit. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate

and maintain the buildings and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, wireless and television masts, water tanks, or similar structures may be erected above the maximum height permitted in each zone. No structure shall be allowed for purposes of providing additional floor space.

D. Yards and setbacks.

1. Front yards and side yards on the street side of a corner and reversed corner lot shall not be less than fifteen (15) feet and shall not be used for off-street parking. A wall not less than thirty (30) inches nor more than six (6) feet in height shall be erected on the building (setback) line, where there is no building on said line and where parking and loading is provided to the rear of said line.

2. Buildings and structures shall be located not less than forty (40) feet from any property line adjacent to any residential zone. The intervening space may be used for parking, loading and access. A solid wall not less than six (6) feet nor more than seven (7) feet in height shall be erected on the zone boundary line to within fifteen (15) feet of any street lot line.

E. Walls, fences, landscaping and property maintenance.

1. Required walls.

a. Walls along common property lines shall be erected as required in paragraph D. above.

b. Required walls six (6) feet or more in height shall be constructed of masonry material.

c. Required walls less than six (6) feet in height may be constructed of other permanent material not including wood or corrugated sheet material.

2. Permitted fences and walls. Fences and walls not to exceed seven (7) feet in height shall be permitted within any required side or rear yard area or along any common property line with the following exceptions:

a. provided, however, that the Solid wall or fence does shall not exceed a height of thirty-six (36) inches within the front yard or side yard on the street side of a corner lot.

b. Open work fences (not less than ninety percent (90%) open) in a required front yard or side yard on the street side of a corner lot shall not exceed a height of four and one-half (4½) feet.

3. Height of walls and fences. The height of walls and fences shall be measured from finished grade ~~highest ground level~~ immediately adjacent to the base of the wall.

a. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be

determined by calculating the midpoint of the highest existing grade and the highest finished grade.

4. Landscaping. The provisions of § 20.236.040.M. of C-G Zone shall apply.

5. Property maintenance. The provisions of § 20.236.040.M. of C-G Zone shall apply.

F. Distance between buildings. No requirements.

G. ~~Site Coverage Floor area ratio.~~ The site coverage gross floor area of main building(s) shall not exceed thirty percent (30%) of the total lot area.

H. Floor Area Ratio. All developments shall be subject to the floor area ratio established under the City's General Plan for the General Plan land use designation applicable for the site.

I. Off-street parking and loading. The provisions of § 20.08.040 of this title shall apply.

J. Access. Access to all off-street parking and loading area shall conform with requirements of the City Engineer, and shall be subject to modification by the Planning Commission upon review of the site plans.

K. Signs. The provisions of Chapter 20.28 of this title shall apply.”

“20.228.060 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the C-N Zone that are listed in § 20.408.040.B.”

33. Sections 20.232.030 (Property Development Standards) and 20.232.050 (Plan Review) of Chapter 20.232 (C-C Major Shopping Center Zone) are amended to include the following additions, deletions, and modifications:

“20.232.030 PROPERTY DEVELOPMENT STANDARDS.

The following property development standards shall apply to all land and buildings in the C-C Zone:

A. Zone area.

1. Minimum area. Any area to which this zoning is applied shall not be less than ten (10) acres.

B. Lot dimensions. The width of the site shall not exceed a ratio of two (2) feet for each foot of depth.

C. Building height.

1. Buildings and structures erected in the C-C Zone shall have a height no greater than seventy-five (75) feet.

2. Structures permitted above height limit. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the buildings and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, wireless and television masts, water tanks, or similar structures may be erected above the maximum height permitted in each zone. No structure shall be allowed for purposes of providing additional floor space.

D. Yards and setbacks.

1. All yards and setbacks shall be subject to review and approval by the Planning Commission at the time of site plan review pursuant to § 20.408.040 of this title. In no instance, however, shall any building, main or accessory, be located within one hundred (100) feet of any property line which abuts any residential zone.

2. The Planning Commission may require, through the site plan review procedure, permanent masonry walls and landscaping which is deemed necessary to protect adjacent residential zones and/or to improve the visual quality of the commercial complex as viewed from any abutting street.

E. Walls, fences, landscaping and property maintenance.

1. Required walls.

a. Walls along common property lines shall be erected as required in paragraph D. above.

b. Required walls six (6) feet or more in height shall be constructed of masonry material.

c. Required walls less than six (6) feet in height may be constructed of other permanent material not including wood or corrugated sheet material.

2. Permitted fences and walls. Fences and walls not to exceed seven (7) feet in height shall be permitted within any required side or rear yard area or along any common property line with the following exceptions:

a. provided, however, that the Solid wall or fence does shall not exceed a height of thirty-six (36) inches within any required street setback yard area.

b. Open work fences (not less than ninety percent (90%) open) in a required front yard or side yard on the street side of a corner lot shall not exceed a height of four and one-half (4½) feet.

3. Height of walls and fences. The height of walls and fences shall be measured from finished grade ~~highest ground level~~ immediately adjacent to the base of the wall.

a. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade.

4. Landscaping. The provisions of § 20.236.040.M. of C-G Zone shall apply.

5. Property maintenance. The provisions of § 20.236.040.M. of C-G Zone shall apply.”

F. Distance between buildings. No requirements.

G. Off-street parking and loading. The provisions of § 20.08.040 of this title shall apply.

H. Access. Access to all off-street parking and loading areas shall conform with requirements of the City Engineer, and shall be subject to modifications by the Planning Commission upon review of the site plans.

I. Signs. The provisions of Chapter 20.28 of this title shall apply.

J. Floor Area Ratio. All developments shall be subject to the floor area ratio established under the City’s General Plan for the General Plan land use designation applicable for the site.”

“20.232.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the C-C Zone that are listed in § 20.408.040.B.”

34. Subsections 20.236.040.E and 20.236.040.G of Section 20.236.040 (Property Development Standards) and Section 20.236.050 (Plan Review) of Chapter 20.236 (C-G General Commercial Zone) are amended to include the following additions, deletions, and modifications:

“20.236.040 PROPERTY DEVELOPMENT STANDARDS.

E. Walls and fences.

1. Required walls.

a. Walls along common property lines shall be erected as required in paragraph D. above.

b. Walls or fences of sheet or corrugated iron, steel, aluminum, asbestos, or security chain-link fencing are specifically prohibited, except that security chain-link

fencing may be permitted when combined with redwood battens or a similar aesthetic treatment.

2. Permitted fences and walls. Fences and walls not to exceed seven (7) feet in height shall be permitted within any side or rear yard area or along any common property line with the following exceptions: provided, however, no walls greater than three and one-half (3½) feet shall be located within the setback area paralleling a street right of way.

a. Solid wall or fence shall not exceed a height of thirty-six (36) inches within the front yard or side yard on the street side of a corner lot.

b. Open work fences (not less than ninety percent (90%) open) in a required front yard or side yard on the street side of a corner lot shall not exceed a height of four and one-half (4½) feet.

3. Height of walls and fences. The height of walls and fences shall be measured from finished grade highest ground level immediately adjacent to the base of the wall.

a. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade.

4. The provisions of this section shall not apply to a fence or wall height as required by any law or regulation of the state or agency thereof.

“20.236.040 PROPERTY DEVELOPMENT STANDARDS.

G. Building site coverage and floor area ratio. ~~The maximum building site coverage shall be fifty percent (50%) of the net area of the site.~~

1. The maximum building site coverage shall be fifty percent (50%) of the net area of the site.

2. All developments shall be subject to the floor area ratio established under the City’s General Plan for the General Plan land use designation applicable for the site.”

“20.236.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the C-G Zone that are listed in § 20.408.040.B.”

35. Subsections 20.240.060.D and 20.240.060.F of Section 20.240.060 (Property Development Standards) Section 20.240.080 (Plan Review) of Chapter 20.240 (C-M Commercial Industrial Zone) are amended to include the following additions, deletions, and modifications:

“20.240.060 PROPERTY DEVELOPMENT STANDARDS.

D. Walls, fences, landscaping and property maintenance.

1. Required walls.

a. Walls along setback lines and along the common property lines shall be erected as required in § 20.248.040.D. and E. of this title.

b. Required walls six (6) feet or more in height shall be constructed of masonry material.

c. Required walls less than six (6) feet in height may be constructed of other permanent material not including wood or corrugated sheet metal.

2. Permitted fences and walls. Fences and walls not to exceed seven (7) feet in height shall be permitted within any side or rear yard area along any common property line with the following exceptions:

a. provided, however, that the Solid wall or fence does shall not exceed a height of thirty (3630) inches within the front yard or side yard on the street side of a corner or reverse corner lot.

b. Open work fences (not less than ninety percent (90%) open) in a required front yard or side yard on the street side of a corner lot shall not exceed a height of four and one-half (4½) feet.

3. Height of walls and fences. The height of walls and fences shall be measured from finished grade ~~highest ground level~~ immediately adjacent to the base of the wall.

a. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade.”

“20.240.060 PROPERTY DEVELOPMENT STANDARDS.

F. ~~Coverage by structure~~ Building site coverage and floor area ratio. ~~Lot area coverage by buildings or structures shall not exceed fifty percent (50%) of the total lot area.~~

1. Lot area coverage by buildings or structures shall not exceed fifty percent (50%) of the total lot area.

2. All developments shall be subject to the floor area ratio established under the City's General Plan for the General Plan land use designation applicable for the site."

"20.240.080 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the C-M (Commercial/Industrial) Zone that are listed in § 20.408.040.B. Additionally, all property zoned C-M and located within three hundred (300) feet of any "R" (residentially) zoned property and/or any residential neighborhood with more than 20 parcels shall not be developed except upon the previous approval of a conditional use permit pursuant to § 20.408.030 of this title."

36. Subsections 20.244.040.E and 20.244.040.G of Section 20.244.040 (Property Development Standards) and Section 20.244.050 (Plan Review) of Chapter 20.244 (C-RC Commercial Recreation Zone) are amended to include the following additions, deletions, and modifications:

"20.244.040 PROPERTY DEVELOPMENT STANDARDS.

E. Walls, fences, landscaping and property maintenance.

1. Required walls. The Commission may require a six (6) foot masonry wall along any property line which abuts any residential zone as a condition of the plan review where such wall is deemed necessary and practical to protect these abutting areas.

2. Permitted fences and walls. Fences and walls not to exceed seven (7) feet in height shall be permitted within any side or rear yard area or along any common property line with the following exceptions:

a. provided, however, that the Solid wall or fence ~~does~~shall not exceed a height of thirty (36~~30~~) inches within the front yard or side yard on the street side of a corner or reversed corner lot.

b. Open work fences (not less than ninety percent (90%) open) in a required front yard or side yard on the street side of a corner lot shall not exceed a height of four and one-half (4½) feet.

3. Height of walls and fences. The height of walls and fences shall be measured from finished grade ~~highest ground level~~ immediately adjacent to the base of the wall.

a. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade.

“20.244.040 PROPERTY DEVELOPMENT STANDARDS.

G. Floor area ratio. ~~No requirements~~ All developments shall be subject to the floor area ratio established under the City’s General Plan for the General Plan land use designation applicable for the site.”

“20.244.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the C-RC Zone that are listed in § 20.408.040.B.”

37. Subsections 20.248.040.E and 20.248.040.G of Section 20.248.040 (Property Development Standards) and Section 20.248.050 (Plan Review) of Chapter 20.248 (M-P Planned Industrial Zone) are amended to include the following additions, deletions, and modifications:

“20.248.040 PROPERTY DEVELOPMENT STANDARDS.

E. Walls, fences, landscaping and property maintenance. The provisions of § 20.252.040.E.6. ~~and 7.~~ of the M-1 Zone shall apply.”

“20.248.040 PROPERTY DEVELOPMENT STANDARDS.

G. ~~Coverage by structures~~ Building site coverage and floor area ratio. ~~Lot area coverage by buildings or structures shall not exceed fifty percent (50%) of the total lot area.~~

1. Lot area coverage by buildings or structures shall not exceed fifty percent (50%) of the total lot area.

2. All developments shall be subject to the floor area ratio established under the City’s General Plan for the General Plan land use designation applicable for the site.”

“20.248.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the M-P Zone that are listed in § 20.408.040.B. Additionally, all property zoned M-P and located within three hundred (300) feet of any "R" (Residentially) zoned property and/or any residential neighborhood with more than 20 parcels shall not be developed except upon the previous approval of a conditional use permit pursuant to § 20.408.030 of this title.

38. Subsections 20.252.040.E, 20.252.040.G and 20.252.040 J through N of Section 20.252.040 (Property Development Standards) and Section 20.252.050 (Plan Review) of Chapter 20.252 (M-1 Light Industrial Zone) are amended to include the following additions, deletions, and modifications:

"20.252.040 PROPERTY DEVELOPMENT STANDARDS.

E. Walls, fences, landscaping, and property maintenance.

1. Required walls.

a. Walls along common property lines shall be erected as required in paragraph D. above, however, said walls shall be reduced to a height of thirty (~~36~~30) inches in the area defined as the front yard in the abutting residential zone.

b. Required walls shall be constructed of masonry material not less than six (6) inches in thickness.

2. Permitted fences and walls. Fences and walls not to exceed seven (7) feet in height shall be permitted within any side or rear yard area or along any common property line with the following exceptions:

_____ a. ~~provided, however, that the Solid wall or fence does~~ shall not exceed a height of thirty (~~36~~30) inches within the front yard or side yard on the street side of a corner lot.

_____ b. Open work fences (not less than ninety percent (90%) open) in a required front yard or side yard on the street side of a corner lot shall not exceed a height of four and one-half (4½) feet.

3. Height of walls and fences. The height of walls and fences shall be measured from finished grade ~~highest ground level~~ immediately adjacent to the base of the wall.

_____ a. For the purposes of this subsection, finished grade is defined as the elevation of the ground that would exist at the time of wall/fence construction. If the existing grade is modified to create a new finished grade, the finished grade shall be determined by calculating the midpoint of the highest existing grade and the highest finished grade.

4. The provisions of this section shall not apply to a fence or wall height as required by any law or regulation of the state or agency thereof.

5. Landscaping required.

a. Areas utilized for parking or loading, will be screened, modulated, or interrupted from view of access on adjacent streets, freeways, and adjacent residential property. This can be accomplished by one of three (3) techniques:

- (1) Lineal masses of shrubs;
- (2) Lineal or group masses of major scale trees; or
- (3) Lineal or grouped masses of smaller scale trees.

b. Dual texturing of building facades or a five (5) foot strip of building parameter landscaping shall be required, with the exception of rear or side walls abutting other existing buildings.

c. Parking lot trees. Trees equal in number to one (1) per each five (5) parking stalls either grouped or clustered shall be installed in all parking areas. Said trees shall be placed on the lot so as not to interfere with interior industrial parking lot circulation. Trees shall be placed so as to give relief to the monotony of rows of parked vehicles.

d. A detailed landscaped plan (including irrigation, plant and material specifications) shall be submitted to the Community Development Department for its approval prior to the issuance of building permits.

6. Landscaping maintenance.

a. Prior to the installation of the landscaping in public right-of-way, the developer shall provide for continued maintenance by an agreement with the city.

b. Property owners are responsible for the continual maintenance of all landscape areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris, maintained in a healthy, growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Any diseased, dead, damaged or decaying plant materials shall be removed and replaced within thirty (30) days following written notice from the Community Development Director.

c. Irrigation systems shall be kept in working condition. Adjustments, replacements, repairs, and cleaning shall be a part of regular maintenance.

d. Trees shall be staked and tied with lodge poles. Stakes and ties on trees shall be checked regularly for correct functions. Ties shall be adjusted to avoid creating abrasions or girdling on trunks or branches.

e. Street trees planted within public right-of-way and/or trees planted adjacent to public sidewalk shall be provided with root barriers subject to Community Development Director review and approval.

7. Property maintenance. Property owners shall maintain all structures, including buildings, paved areas, accessory buildings and signs in the manner required to protect the health and safety of users, occupants, and the general public. The property shall be deemed substandard when it displays evidences of a substantial number of dilapidated conditions including, but not limited to the following:

- a. Faulty, sagging or leaking roof;
 - b. Improper weatherization of building siding materials such as chipped or worn paint, wood siding showing signs of dry rot, cracked or chipped stucco and dented or rusted metal siding;
 - c. Broken or missing windows and sign panels;
 - d. Inadequate site drainage or standing water adjacent to building foundations;
 - e. Broken or inoperable sanitary and plumbing facilities;
 - f. Broken or missing foundation and attic vent screens and window screens;
- and
- g. Structural deficiencies.

“20.252.040 PROPERTY DEVELOPMENT STANDARDS.

G. ~~Coverage by structures~~ Building site coverage and floor area ratio. ~~Lot area coverage by buildings or structures shall not exceed fifty percent (50%) of the total lot area.~~

1. Lot area coverage by buildings or structures shall not exceed fifty percent (50%) of the total lot area.

2. Floor Area Ratio. All developments shall be subject to the floor area ratio established under the City’s General Plan for the General Plan land use designation applicable for the site.”

“20.252.040 PROPERTY DEVELOPMENT STANDARDS.

J. Signs.

- 1. Permitted signs.
 - a. Temporary signage per city standards.
 - b. Tenant signs must be approved prior to installation.

c. Except as provided herein, the provisions of Chapter 20.28 of this title shall apply.

K2. Colors. Colors, materials, and finishes are to be coordinated on all exterior elevations of the buildings and walls to achieve total continuity of design. Samples of exterior elevations (colors and textures) shall be submitted for review prior to permit issuance.

L3. Lighting.

1a. Parking lot lighting fixtures are to have an overall maximum height that is consistent with the height of the buildings themselves. Walkway lighting fixtures are to have an overall maximum height of fourteen (14) feet.

2b. Cut-off exterior light fixtures and their location shall be submitted on a plan for review.

3e. Security lighting fixtures are not to project above the fascia or parapet of the building and are to be shielded or recessed in the building walls to provide cut-off at the property line.

MK. Outdoor storage, uses, and waste disposal.

1. Outdoor storage and activities associated with permitted uses shall be entirely enclosed by building walls or by a solid masonry wall not less than seven (7) feet in height located at the front setback line. On all other property lines said uses shall be enclosed by buildings, solid masonry walls, vine covered chain-link fences, or uniformly compact evergreen hedges, continuously maintained and not less than seven (7) feet in height. Items stored within one hundred (100) feet of a dedicated street or residential zone shall not be stacked higher than six (6) feet. Screen landscaping, fences and walls to enclose storage areas between adjoining industrial side and/or rear property lines may be deleted by mutual agreement of the property owners involved.

2. The storage of combustible materials shall be not less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time.

3. a. No materials or wastes shall be deposited upon a subject lot in such form or manner that they may be transferred off the lot by natural causes or forces. All waste materials shall be stored in an enclosed area and shall be accessible to service vehicles.

b. Wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored only in closed containers in required enclosures.

4. All exterior electrical cage enclosures and storage tanks are to be screened from view from access or adjacent streets and residential neighborhoods, by a fence, wall, or mature landscape materials.

5. Trash storage method and location.

a. Trash enclosure location shall be subject to the approval of the Community Development and Public Works Departments.

b. Trash enclosure shall be of masonry construction or approved alternate material. Structural design and gates shall be in accordance with city standards.

NL. Metal buildings. Buildings or structures having exterior walls of sheet metal shall not be located closer than one hundred fifty (150) feet from the property line along any freeway, major or secondary highway, or closer than one hundred (100) feet from the property line along any other dedicated street, except that said buildings or structures may be located closer to the street if any of the following conditions prevail:

1. The sheet metal comprises twenty-five percent (25%) or less of the exterior wall area of said building or structures; or

2. The sheet metal consists of panels with baked enamel or similar finish; or

3. Said building or structure is concealed from view from the public street by walls, fences, landscaping, or other buildings or structures.

OM. Mechanical equipment and duct work.

1. All roof mounted mechanical equipment and/or duct work, which projects vertically more than one and one-half (1½) feet above the roof or roof parapet and is visible from an adjoining street is to be screened by an enclosure which is detailed consistently with the building.

2. All roof mounted mechanical equipment and/or ductwork, which projects one and one-half (1½) feet or more above the roof or roof parapet is to be painted in its entirety consistent with the color scheme of the building in all cases.

3. No mechanical equipment except for emergency equipment is to be exposed on the wall surface of a building.

4. Plans for cyclone blowers, bag houses, tanks, etc., shall be reviewed at the time of preliminary plan check to determine design integration with buildings and adjacent area. Furthermore, they shall be painted to match the surface to which attached.

5. Incinerator vents are to be located on the rear or "hidden" side of the building whenever possible.

PN. The provisions of this section shall apply to all proposed development within the M-1 (Light Industrial) Zone except: Where a parcel or lot in the M-1 (Light

Industrial) Zone is proposed for the development of off-site hazardous waste facilities, a distance of one thousand (1,000) feet from any sensitive population property lines is required, in addition to the required development standards in the M-1 (Light Industrial) Zone.”

“20.252.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the M-1 (Light Industrial) Zone that are listed in § 20.408.040.B. Additionally, all ~~properties~~ property zoned M-1 and located within three hundred (300) feet of an “R” (Residentially) zoned property and/or any residential neighborhood with more than 20 parcels shall not be developed except upon the previous approval of a conditional use permit pursuant to § 20.408.030 of this title.”

39. Section 20.256.050 (Plan Review) of Chapter 20.256 (M-2 General Industrial Zone) is amended to include the following additions:

“20.256.050 PLAN REVIEW.

The provisions of § 20.408.040 of this title shall apply to all developments in the M-2 (General Industrial) Zone that are listed in § 20.408.040.B. Additionally, all property zoned M-2 and located within three hundred (300) feet of any “R” (Residentially) zoned property and/or any residential neighborhood with more than 20 parcels shall not be developed except upon the previous approval of a conditional use permit pursuant to § 20.408.030 of this title.”

40. Tables 2-3 (Development Standards for Mixed-Use and Nonresidential Projects in Mixed-Use I Zoning District), 2-4 (Development Standards for Mixed-Use and Nonresidential Projects in Mixed-Use II Zoning District), 2-5 (Development Standards for Mixed-Use and Nonresidential Projects in Mixed-Use III Zoning District), 2-6 (Development Standards for “Stand Alone” Residential Projects in Mixed-Use I Zoning District), 2-7 (Development Standards for “Stand Alone” Residential Projects in Mixed-Use II Zoning District), 2-8 (Development Standards for “Stand Alone” Residential Projects in Mixed-Use III Zoning District) of Section 20.258.020 (General Development Standards for the Mixed Use Zoning Districts) of Chapter 20.258 (Mixed-Use Zoning Districts) are amended to include the following additions, deletions, and modifications:

“20.258.020 GENERAL DEVELOPMENT STANDARDS FOR THE MIXED-USE ZONING DISTRICTS.”

TABLE 2-3		
DEVELOPMENT STANDARDS FOR MIXED-USE AND NONRESIDENTIAL PROJECTS IN MIXED-USE I ZONING DISTRICT		
DEVELOPMENT STANDARDS	MU-I	NOTES
Minimum project size (1)	7,000 square feet	<p>(1) The standards for minimum project size, parcel width and parcel depth are intended to regulate sites for development purposes only and are not intended to establish minimum dimensions for ownership or leasehold (e.g. condominium) purposes.</p> <p>(2) The standards for accessory structures are intended to regulate development for residential components of a Mixed-Use Development.</p>
Minimum parcel width (1)	50 feet	
Minimum parcel depth (1)	120 feet	
Minimum/maximum allowable density range for residential uses	12.1 to 50 du/acre	
Maximum floor area ratio (FAR) for nonresidential uses	3.00	
Minimum setbacks		
Front and street side along Ash Street, Birch Street, Brea Boulevard and Imperial Highway	None permitted (A), except for allowable plazas and outdoor dining areas/uses	
Front	None	
Side (interior, each)		
Side, interior, Single-story	None (B)	
Side, interior, Second-story and above, if residential use adjoining residential or nonresidential uses	10 feet (B)	
Side, street	None	
Side, interior or street, adjoining residential uses	10 feet (C)	
Rear, if nonresidential use adjoining nonresidential use	None (D)	
Rear, if residential use or if nonresidential use adjoining residential uses	10 feet (D)	
Parking area setbacks (front and street side). (No parking adjacent to Brea Boulevard or Imperial Highway allowed, except in the upper floors of a parking structure.)	5 feet	
Minimum distance between structures located on the same parcel	None	
Maximum structure height	100 feet	
Minimum common residential open space for multi-family dwellings each residential unit. (The minimum dimension shall be 15 feet at any point.)	75 square feet/ dwelling unit	
Minimum private residential open space for multi-family dwellings each residential unit. (The minimum dimension shall be 5 feet at any point.)	50 square feet/ dwelling unit	
NOTE: The letters (A), (B), (C) and (D) refer to the graphics following this Table.		
Accessory structures (2)	Section 20.08.035.F	
Landscaping	Section 20.236.040.M	

Lighting	Section 20.08.040.C.5 and Section 20.220.040.L
Parking and loading	Section 20.08.040
Signs	Section 20.28
Walls and fences	Section 20.236.040.E and Section 20.220.040.F

TABLE 2-4		
DEVELOPMENT STANDARDS FOR MIXED-USE AND NONRESIDENTIAL PROJECTS IN MIXED-USE II ZONING DISTRICT		
DEVELOPMENT STANDARDS	MU-II	NOTES
Minimum project size (1)	10,000 square feet	<p>(1) The standards for minimum project size, parcel width and parcel depth are intended to regulate sites for development purposes only and are not intended to establish minimum dimensions for ownership or leasehold (e.g. condominium) purposes.</p> <p>(2) <u>The standards for accessory structures are intended to regulate development for residential components of a Mixed-Use Development.</u></p>
Minimum parcel width (1)	100 feet	
Minimum parcel depth (1)	200 feet	
Minimum/maximum allowable density range for residential uses	6.1 to 40 du/acre	
Maximum floor area ratio (FAR) for nonresidential uses	2.00	
Minimum setbacks		
Front	None	
Side (interior, each)		
<u>Side, interior, Single-story</u>	None (E)	
<u>Side, interior, Second-story and above, if residential use adjoining residential or nonresidential uses</u>	10 feet (E)	
Side, street	None	
Side, <u>interior or street</u> , adjoining, residential uses	10 feet (F)	
Rear, if nonresidential <u>use adjoining nonresidential use</u>	None (G)	
Rear, if residential <u>use</u> or if nonresidential <u>use</u> adjoining residential uses	10 feet (G)	
Parking area setbacks (front and street side)	15 feet	
Minimum distance between structures located on the same parcel	None	
Maximum structure height	60 feet	
Minimum common residential open space for multi-family dwellings <u>each residential unit</u> . (The minimum dimension shall be 15 feet <u>at any point</u> .)	75 square feet/ dwelling unit	
Minimum private residential open space for multi-family dwellings <u>each residential unit</u> . (The minimum dimension shall be 5 feet <u>at any point</u> .)	50 square feet/ dwelling unit	
NOTE: The letters (E), (F), and (G) refer to the graphics following this Table.		
Accessory structures (2)	Section 20.08.035.F	
Landscaping	Section 20.236.040.M	

Lighting	Section 20.08.040.C.5 and Section 20.220.040.L	
Parking and loading	Section 20.08.040	
Signs	Section 20.28	
Walls and fences	Section 20.236.040.E and Section 20.220.040.F	

TABLE 2-5
DEVELOPMENT STANDARDS FOR MIXED-USE AND NONRESIDENTIAL PROJECTS IN MIXED-USE III ZONING DISTRICT

DEVELOPMENT STANDARDS	MU-III	NOTES
Minimum project size (1)	7,000 square feet	(1) The standards for minimum project size, parcel width and parcel depth are intended to regulate sites for development purposes only and are not intended to establish minimum dimensions for ownership or leasehold (e.g. condominium) purposes.
Minimum parcel width (1)	50 feet	
Minimum parcel depth (1)	120 feet	
Minimum/maximum allowable density range for residential uses	6.1 to 18 du/acre	
Maximum floor area ratio (FAR) for uses	1.00	
Minimum setbacks <u>Front and street side along Brea Boulevard and Imperial Highway</u>		(2) The standards for accessory structures are intended to regulate development for residential components of a Mixed-Use Development.
<u>Front and street side along Brea Boulevard and Imperial Highway - Parcels of less than one acre</u>	None permitted (H), except for allowable plazas and outdoor dining areas/uses	
<u>Front and street side along Brea Boulevard and Imperial Highway - Parcels of one acre or greater</u>	At least 50% of the parcel frontage: None permitted (I) Up to 50% of the parcel frontage. (No parking within setback allowed.): May maintain an average setback of 10 feet (I)	
<u>At least 50% of the parcel frontage</u>	None permitted (I)	
<u>Up to 50% of the parcel frontage. (No parking within setback allowed.)</u>	May maintain an average setback of 10 feet (I)	
<u>Front, other than Brea Boulevard or Imperial Highway</u>	None	
<u>Side (interior, each)</u>		
<u>Side, interior, Single-story</u>	None (J)	
<u>Side, interior, Second-story and above, if residential use adjoining residential or nonresidential uses</u>	10 feet (J)	
<u>Side, street, other than Brea Boulevard or Imperial Highway</u>	None	

Side, <u>interior or street</u> , adjoining, residential uses	5 feet, average (K)	
Rear, if nonresidential <u>use</u> adjoining nonresidential <u>use</u>	None (L)	
Rear, if residential <u>use</u> or if nonresidential <u>use</u> adjoining residential uses	10 feet (L)	
Parking area setbacks (front and street side). (No parking adjacent to Brea Boulevard or Imperial Highway allowed, except in the upper floors of a parking structure.)	5 feet	
NOTE: The letters (H), (I), (J), (K) and (L) refer to the graphics following this Table.		
Minimum distance between structures located on the same parcel	None	
Maximum structure height	35 feet	
Minimum common residential open space for multi-family dwellings <u>each residential unit</u> . (The minimum dimension shall be 15 feet <u>at any point</u> .)	75 square feet/ dwelling unit	
Minimum private residential open space for multi-family dwellings <u>each residential unit</u> . (The minimum dimension shall be 5 feet <u>at any point</u> .)	50 square feet/ dwelling unit	
Maximum parcel coverage	65%	
Accessory structures (2)	Section 20.08.035.F	
Landscaping	Section 20.236.040.M	
Lighting	Section 20.08.040.C.5 and Section 20.220.040.L	
Parking and Loading	Section 20.08.040	
Signs	Section 20.28	
Walls and fences	Section 20.236.040.E and Section 20.220.040.F	

TABLE 2-6

DEVELOPMENT STANDARDS FOR "STAND ALONE" RESIDENTIAL PROJECTS IN MIXED- USE I ZONING DISTRICT

DEVELOPMENT STANDARDS	MU-I	NOTES
Minimum project size (1)	2,500 square feet	(1) The standards for minimum project size, parcel width and parcel depth are intended to regulate sites for development purposes only and are not intended to establish minimum dimensions for ownership or leasehold (e.g. condominium) purposes.
Minimum parcel width (1)	None	
Minimum parcel depth (1)	None	
Minimum/maximum allowable density range for residential uses	12.1 to 50 du/acre	
Maximum floor area ratio (FAR) for nonresidential uses	3.00	
Minimum setbacks (2) front and street side along Ash Street, Birch Street, Brea Boulevard and Imperial Highway		

Front and Side, Street along Ash Street, Birch Street, Brea Boulevard and Imperial Highway, Single-story (2)	5 feet (M)	(2) For structures located on Ash Street, Birch Street, or Brea Boulevard, north of Imperial Highway, there is no minimum setback requirement. All other setbacks shall be measured from the structure face to the nearest property line. (3) Low level patio walls may encroach into the required front or street side setback up to a maximum of 5 feet. (4) In projects with subterranean parking, structure heights shall be measured from the top of the parking deck. For structures located on Ash Street, Birch Street, or Brea Boulevard, the maximum structure height shall be 55 feet.
Front and Side, Street along Ash Street, Birch Street, Brea Boulevard and Imperial Highway, Second-story and above (2)	10 feet (M)	
Front, other than Ash Street, Birch Street, Brea Boulevard and Imperial highway (3)	15 feet (N)	
Side, interior (interior, each)	5 feet (O)	
Side, street, other than Ash Street, Birch Street, Brea Boulevard and Imperial highway (3)	15 feet (O)	
Side, interior or street (other than Ash Street, Birch Street, Brea Boulevard and Imperial highway), adjoining residential uses	10 feet (O)	
Rear	5 feet (P)	
Rear, adjoining nonresidential uses	10 feet (P)	
Parking area setbacks (front and street side). (No parking adjacent to Brea Boulevard or Imperial Highway allowed, except in the upper floors of a parking structure.)	5 feet	
Minimum distance between structures located on the same parcel	None	
Maximum structure height (4)	100 feet	
Minimum common open space for multi-family dwellings each residential unit. (The minimum dimension shall be 15 feet at any point.)	100 square feet/ dwelling unit	
Minimum private open space for multi-family dwellings each residential unit. (The minimum dimension shall be 85 feet at any point.)	75 square feet/ dwelling unit	
NOTE: The letters (M), (N), (O), and (P) refer to the graphics following this Table.		
Accessory structures	Section 20.08.035.F	
Landscaping	Section 20.236.040.M	
Lighting	Section 20.08.040.C.5 and Section 20.220.040.L	
Parking and loading	Section 20.08.040	
Signs	Section 20.28	
Walls and fences	Section 20.236.040.E and Section 20.220.040.F	

TABLE 2-7		
DEVELOPMENT STANDARDS FOR "STAND ALONE" RESIDENTIAL PROJECTS IN MIXED- USE II ZONING DISTRICT		
DEVELOPMENT STANDARDS	MU-II	NOTES
Minimum project size (1)	2,500 square feet	<p>(1) The standards for minimum project size, parcel width and parcel depth are intended to regulate sites for development purposes only and are not intended to establish minimum dimensions for ownership or leasehold (e.g. condominium) purposes.</p> <p>(2) Low level patio walls may encroach into the required front or street side setback up to a maximum of 5 feet.</p> <p>In projects with subterranean parking, structure heights shall be measured from the top of the parking deck.</p>
Minimum parcel width (1)	None	
Minimum parcel depth (1)	None	
Minimum/maximum allowable density range for residential uses	6.1 to 40 du/acre	
Maximum floor area ratio (FAR) for nonresidential uses	2.00	
Minimum setbacks		
Front (2)	15 feet (Q)	
Side, <u>interior</u> (interior, each)	5 feet (R)	
Side, street (2)	15 feet (R)	
Side, <u>interior or street</u> , adjoining r nonresidential uses	10 feet (R)	
Rear	15 feet (S)	
Rear, adjoining nonresidential uses	20 feet (S)	
Parking area setbacks (front and street side)	15 feet	
Minimum distance between structures located on the same parcel	None	
Maximum structure height (3)	60 feet	
Minimum common open space for multi-family units <u>each residential unit</u> . (The minimum dimension shall be 15 feet <u>at any point</u> .)	100 square feet/ dwelling unit	
Minimum private open space for multi-family units <u>each residential unit</u> . (The minimum dimension shall be 85 <u>85</u> feet <u>at any point</u> .)	75 square feet/ dwelling unit	
Accessory structures	Section 20.08.035.F	
Landscaping	Section 20.236.040.M	
Lighting	Section 20.08.040.C.5 and Section 20.220.040.L	
Parking and loading	Section 20.08.040	
Signs	Section 20.28	
Walls and fences	Section 20.236.040.E and Section 20.220.040.F	
NOTE: The letters (Q), (R), and (S) refer to the graphics following this Table.		

TABLE 2-8			
DEVELOPMENT STANDARDS FOR "STAND ALONE" RESIDENTIAL PROJECTS IN MIXED-USE III ZONING DISTRICT			
DEVELOPMENT STANDARDS	MU-III	NOTES	
Minimum project size (1)	7,000 square feet	<p>(1) The standards for minimum project size, parcel width and parcel depth are intended to regulate sites for development purposes only and are not intended to establish minimum dimensions for ownership or leasehold (e.g. condominium) purposes.</p> <p>(2) Low level patio walls may encroach into the required front or street side setback up to a maximum of 5 feet.</p> <p>(3) In projects with subterranean parking, structure heights shall be measured from the top of the parking deck.</p>	
Minimum parcel width (1)	50 feet		
Minimum parcel depth (1)	120 feet		
Minimum/maximum allowable density range for residential uses	6.1 to 14 du/acre (See Section 20.258.030.A.4)		
Maximum floor area ratio (FAR) for nonresidential uses	1.00		
Minimum setbacks. Front and Side, street, side along Brea Boulevard and Imperial Highway	Stand alone residential not allowed on Brea Boulevard or Imperial Highway		
Front, other than Brea Boulevard or Imperial Highway (2)	15 feet (T)		
Side, interior (interior, each)	5 feet (U)		
Side, street other than Brea Boulevard or Imperial Highway (2)	15 feet (U)		
Side, interior or street, adjoining, nonresidential uses	10 feet (U)		
Rear	15 feet (V)		
Rear, adjoining nonresidential uses	20 feet (V)		
Parking area setbacks (front and street side). No parking adjacent to Brea Boulevard or Imperial Highway allowed, except in the upper floors of a parking structure.)	5 feet		
Minimum distance between structures located on the same parcel	None		
Maximum structure height (3)	35 feet		
Minimum common open space for multi-family dwellings each residential unit. (The minimum dimension shall be 15 feet at any point.)	100 square feet/ dwelling unit		
Minimum private open space for multi-family dwellings each residential unit. (The minimum dimension shall be 85 feet at any point.)	75 square feet/ dwelling unit		
Maximum parcel coverage (not including parking decks)	65%		
NOTE: The letters (T), (U), and (V) refer to the graphics following this Table.			
Accessory structures	Section 20.08.035.F		
Landscaping	Section 20.236.040.M		
Lighting	Section 20.08.040.C.5 and Section 20.220.040.L		
Parking and loading	Section 20.08.040		
Signs	Section 20.28		

Walls and fences	Section 20.236.040.E and Section 20.220.040.F	
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41. Section 20.260.050 (Special Provisions) of Chapter 20.260 (PD Precise Development Zone) is amended to include the following additions, deletions, and modifications:

“20.260.050 SPECIAL PROVISIONS.

A. Procedure. Development of land in a precise development zone for any ~~specific use~~ shall be subject to the issuance of a precise development review, pursuant to § 20.408.070 certificate of use. The issuance of such a ~~certificate for any use or uses~~ shall not suffice to authorize the development or utilization of the land in question for any other use or uses. All procedures regarding a Precise Development review certificate of use of land in a precise development zone, or the revocation or modification thereof, shall be governed by provisions establishing procedures related to conditional use permits as amended from time to time. ~~The application for a certificate of use of land in a precise development zone shall include:~~

~~— 1. A boundary survey map of the property. (A tentative subdivision map may be substituted for this requirement if the applicant proposes to subdivide the property.)~~

~~— 2. Existing topography of the development area shall be shown with contours at not more than two (2) foot intervals.~~

~~— 3. The gross land area of the development, the present zoning classification thereof, and the zoning classification and existing land use on all adjacent properties, including the location of structures and other improvements thereon.~~

~~— 4. A general development plan with at least the following details shown to scale and dimensioned:~~

~~— a. Location and use or uses proposed for each existing and each proposed structure in the development area, the number of stories, gross building area, and approximate location of entrances.~~

~~— b. All existing and proposed storage, curb cuts, driving lanes, parking areas and loading areas.~~

~~— c. All pedestrian walks and open areas for the use of occupants of the proposed development and the public.~~

~~— d. Types of surfacing proposed for all walks and driveways.~~

~~— e. A detailed plan for the landscaping of the development, including the location and heights of all proposed walls, fences and screen plating, and a statement setting forth the method by which such landscaping and fencing shall be preserved and maintained.~~

~~— f. A grading plan for the entire development.~~

~~— g. All existing or proposed physical features such as hydrants, utility facilities, flood lights, drainage facilities and recreation facilities, and a statement setting forth the method by where these features shall be preserved and maintained.~~

~~— h. Any additional drawings or information as may be required by the Commission.~~

~~— 5. Plans and elevations of one (1) or more structures to indicate architectural type and materials of construction.~~

~~— B. Planning Commission authority.~~

~~— 1. The Planning Commission shall have the authority, as an administrative act, subject to the provisions of this section, to require conditions of development in addition to those required by the zone where, it is determined that such conditions are necessary to further the objectives of the General Plan and are in harmony with the intent, purpose and spirit of this ordinance and/or where such additional requirements are deemed essential to protect the public safety and general welfare of the community.~~

~~— 2. All special conditions established by the Planning Commission in accordance with this section may be appealed to City Council.~~

~~— C. Community Development Director authority.~~

~~— 1. The Community Development Director shall have the authority, as an administrative act, subject to the provisions of this section, to require conditions of development in addition to those required by the zone where it is determined that such conditions are necessary to further the objectives of the General Plan and are in harmony with the intent, purpose and spirit of this chapter and/or where such additional requirements are deemed essential to protect the public safety and general welfare of the community.~~

~~— a. Notice of decision shall be sent by first class mail or delivered by a city employee to property owners within five hundred (500) feet of the subject property. Pursuant to Chapter 20.424, all decisions of the Director made under this provision of this title are appealable to the Planning Commission.~~

~~— 2. All special conditions established by the Community Development Director in accordance with this section may be appealed to Planning Commission.”~~

42. Subsections 20.400.030.B.5 and 6 of Section 20.400.030 (Types of Procedures) of Chapter 20.400 (Administration and Procedures - General) are amended to include the following additions, deletions, and modifications:

“20.400.030 TYPES OF PROCEDURES.

B. Administrative procedures.

5. Precise Development. The review and conditional approval of development plans for specified categories of development in Mixed-Use zones and all developments in Precise Development zone, in order to ensure the intent of this title is met with regard to site arrangement, functional effectiveness, landscape design, architectural quality, and other pertinent attributes.”

—5.6 Certificate of compatibility. A procedure to consider the compatibility of residential structures, accessory dwelling units that do not conform to the established standards, and mobile and/or manufactured housing to coordinate planning, architecture, aesthetics, and economic cohesiveness within residentially zoned areas of the city.”

43. Subsection 20.408.020.C of Section 20.408.020 (Administrative Remedy) of Chapter 20.408 (Administrative Procedures) is amended to include the following additions, deletions, and modifications:

“20.408.020 ADMINISTRATIVE REMEDY.

C. Procedure. The following procedure shall apply to administrative remedy applications:

1. Application for administrative remedy shall be made pursuant to § 20.400.040.

2. The Director may refer any administrative remedy application to the Planning Commission for review at his/her discretion.

3. The Director, if the application was not referred to the Planning Commission, within thirty (30) days after filing of the complete application, shall either:

- a. Approve the application;
- b. Approve the application with conditions; or
- c. Disapprove the application.

The Director shall set forth the findings upon which the decision is based.

4. A copy of the proceedings and findings of the Development Services Community Development Director shall be submitted, in writing, to the Commission as a matter of record.

5. The decision of the Director shall be final and shall become effective ten (10) days after issuance of the decision by the Director, subject to appeal pursuant to Chapter 20.424.”

44. Subsection 20.408.030.B of Section 20.408.030 (Conditional Use Permit) of Chapter 20.408 (Administrative Procedures) is amended to include the following additions, deletions, and modifications:

“20.408.030 CONDITIONAL USE PERMIT.

B. Uses permitted subject to conditional use permit.

1. Uses listed in each zone requiring a minor conditional use permit or conditional use permit may be permitted in such zone subject to the provisions of this section.

2. Modification of standards.

a. The following circumstances may be permitted with an approval of a minor conditional use permit.

(1) Where dimensional problems of an existing parcel require a reduction of lot area or dimensions by more than five percent (5%) but not more than ten percent (10%) of that required by the zone provided that such reduction is requested on not more than one (1) lot within any one (1) subdivision or tract.

(2) Where dimensional problems of an existing parcel require a reduction of yards and/or distance between buildings by more than ten percent (10%) but not more than twenty percent (20%) of the requirements of the zone provided that such reductions are not requested for more than one (1) lot within any one (1) subdivision or tract.

(3) Reduction of number of required parking spaces by more than ten percent (10%) but not more than twenty percent (20%).

(4) Modification of wall and fence heights to increase more than twelve (12) inches but not to exceed twenty-four (24) inches.

(5) Modification of projections/encroachment into required yard areas by more than five percent (5%) but not to exceed ten percent (10%) of the required yard areas in the zone, provided that such does not violate fire, housing or building codes.

(6) Modification of maximum permitted lot coverage to increase by ten percent (10%) but not to exceed twenty percent (20%) of the maximum lot area coverage permitted in the zone.

(7) Modification of maximum height regulation by more than ~~five~~ ten percent (~~5~~10%) but not to exceed ~~ten~~ twenty percent (~~10~~20%).

b. The following circumstance may be permitted with an approval of a conditional use permit.

(1) Increase in building heights above twenty percent (20%) of the maximum permitted building height in C-P, C-C, C-G, C-M, C-RC, M-P, M-1 and M-2 zones.

3. Other special or unusual uses for which no provision is made in this title or which provide for an unusual combination of uses not otherwise provided for nor otherwise prohibited in this title may be permitted with an approval of a conditional use permit.”

45. The Title of Section 20.408.040 (Plan Review Procedure) of Chapter 20.408 (Administrative Procedures) is amended as follows:

“20.408.040 PLAN REVIEW ~~PROCEDURE.~~”

46. Subsection 20.408.040.A of Section 20.408.040 (Plan Review) of Chapter 20.408 (Administrative Procedures) is amended to include the following additions, deletions, and modifications:

“20.408.040 PLAN REVIEW ~~PROCEDURE.~~

A. Purpose. The purpose of the plan review procedure is to enable responsible city departments to review development proposals for conformity with applicable provisions of this code and all requirements of law.

1. Applicability. This chapter shall apply to the following types of developments:

a. A new single-family dwelling in the R-1 (Single-Family Residential), R-1 5,000 (Single-Family Residential 5,000), and R-1-H (Single-Family Residential - Hillside) Zones, not exempt from local, state, or federal law.

b. All developments in the R-2 (Multiple-Family Residential) and R-3 (Multiple-Family Residential Zones), not exempt from local, state, or federal law, except for modification to the existing single-family dwellings.

c. All developments in commercially zoned properties.

d. All developments in industrially zoned properties.

e. Exceptions. This section does not apply to developments that only involve interior modifications.”

47. Section 20.408.050 (Certificate of Compatibility) of Chapter 20.408 (Administrative Procedures) is amended to include the following additions, deletions, and modifications:

“20.408.050 CERTIFICATE OF COMPATIBILITY.

~~A. Intent and purpose. The certificate of compatibility is applicable to all areas that permit single family dwellings and accessory dwelling units within the city. The certificate of compatibility considers the compatibility of residential structures, accessory dwelling units that do not conform to the established standards, and mobile or manufactured homes to coordinate land planning, architecture, aesthetics, and economic cohesiveness within the surrounding neighborhood residentially zoned properties in the city. A The issuance of a certificate of compatibility shall be obtained prior to submittal of an application for a building permit for any single family dwelling and accessory dwelling units that require such a permit.”~~

48. A new Section 20.408.070 (Precise Development) is added to Chapter 20.408 (Administrative Procedures) as follows:

“20.408.070 PRECISE DEVELOPMENT.

A. Purpose. The purpose of the precise development procedure is to enable responsible city departments to review development proposals for conformity with applicable provisions of this code and all requirements of law for specified categories of development in Mixed-Use zones and all developments in Precise Development zone.

B. Procedure.

1. Application for plan review shall be submitted in accordance with § 20.400.040, together with the requisite fee therefor.

2. Application for precise development shall include submission of the following, where appropriate:

a. A boundary survey map of the property. (A tentative subdivision map may be substituted for this requirement if the applicant proposes to subdivide the property.)

b. Existing topography of the development area shall be shown with contours at not more than two (2) foot intervals.

c. The gross land area of the development, the present zoning classification thereof, and the zoning classification and existing land use on all adjacent properties, including the location of structures and other improvements thereon.

d. A general development plan with at least the following details shown to scale and dimensioned:

i. Location and use or uses proposed for each existing and each proposed structure in the development area, the number of stories, gross building area, and approximate location of entrances.

ii. All existing and proposed storage, curb cuts, driving lanes, parking areas and loading areas.

iii. All pedestrian walks and open areas for the use of occupants of the proposed development and the public.

iv. Types of surfacing proposed for all walks and driveways.

v. A detailed plan for the landscaping of the development, including the location and heights of all proposed walls, fences and screen plating, and a statement setting forth the method by which such landscaping and fencing shall be preserved and maintained.

vi. A grading plan for the entire development.

vii. All existing or proposed physical features such as hydrants, utility facilities, flood lights, drainage facilities and recreation facilities, and a statement setting forth the method by where these features shall be preserved and maintained.

viii. Any additional drawings or information as may be required by the City.

e. Plans and elevations of one (1) or more structures to indicate architectural type and materials of construction.

C. Review Authority.

1. The Planning Commission shall be the review authority for the Precise Development review, except as specified in § 20.260.010 of this Chapter.

2. Planning Commission authority.

a. The Planning Commission shall have the authority, as an administrative act, subject to the provisions of this section, to require conditions of development in addition to those required by the zone where, it is determined that such conditions are necessary to further the objectives of the General Plan and are in harmony with the intent, purpose and spirit of this ordinance and/or where such additional requirements are deemed essential to protect the public safety and general welfare of the community.

b. All special conditions established by the Planning Commission in accordance with this section may be appealed to City Council.

3. Community Development Director authority.

a. The Community Development Director shall have the authority, as an administrative act, subject to the provisions of this section, to require conditions of development in addition to those required by the zone where it is determined that such conditions are necessary to further the objectives of the General Plan and are in harmony with the intent, purpose and spirit of this chapter and/or where such additional requirements are deemed essential to protect the public safety and general welfare of the community.

b. Notice of decision shall be sent by first class mail or delivered by a city employee to property owners within five-hundred (500) feet of the subject property. Pursuant to Chapter 20.424, all decisions of the Director made under this provision of this title are appealable to the Planning Commission.

c. All special conditions established by the Community Development Director in accordance with this section may be appealed to Planning Commission.”

**Draft Ordinance ZOTA No. 2024-01
Summary of Amendments**

Redline Section #s <i>(Exhibit A of the Resolution)</i>	Municipal Code Chapter(s)/Section(s)	Description of the Amendments
20, 21	20.60 (Historic Preservation)	Mills Act Contract: These amendments codify the existing guidelines established for the Mills Act Contract, by creating a new section that details the applicability and general terms of the Mills Act Contract.
1, 2, 3, 6, 14, 15, 16, 17, 18, 19	18.32 (Tentative Parcel and Tentative Tract Maps) 18.44 (Final Maps) 20.52 (Accessory Dwelling Units) 20.56 (Two-Unit Developments and Urban Lot Splits) 20.08 (Development Standards)	<p>Code Compliance with New State Laws:</p> <ul style="list-style-type: none"> • Accessory Dwelling Unit (ADU): These amendments would provide Code compliance with new State laws adopted regarding ADUs, such as SB 1211 (Skinner) and SB 477 (Committee on Housing): <ul style="list-style-type: none"> • Update the exemptions related to replacement parking to include uncovered parking space. • Eliminate existing design standards that are no longer permitted per the State law. • Increase the maximum number detached ADUs permitted on a lot with an existing multifamily dwelling from two to eight. • Clean up grammatical errors and inconsistencies within the Code. • SB9 (Two-Unit Development and Urban Lot Split): This amendment provides Code compliance with existing and new State law adopted regarding SB9 units and lot splits, such as SB 450 (Atkins): <ul style="list-style-type: none"> • Eliminate existing design standards that are no longer permitted per the State law. • Clean up grammatical errors and inconsistencies within the Code. • Designate the City Engineer as the new approval authority and specify that ministerial approval process for Urban Lot Split requests.

Redline Section #s (Exhibit A of the Resolution)	Municipal Code Chapter(s)/Section(s)	Description of the Amendments
5, 6	20.08 (Development Standards)	<p>Parking Standards: This amendment provides consistency of parking dimensions and updates parking requirements for some restaurant related land uses as follows:</p> <ul style="list-style-type: none"> • Consolidate and create a uniform minimum parking space dimensions required for non-residential uses. • Update standards for ADA parking stalls to reference California Building Code. • Update parking lot lighting requirements to eliminate outdated standards. • Update minimum required parking spaces standards for the following uses: Restaurants, drive-in; Restaurants, quick-service; Restaurants, sit down; and Restaurants, specialty.
26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38	20.208 (R-1 Single-Family Zone) 20.212 (R-1 (5,000) Single Family Residential Zone) 20.216 (R-2 Multiple Family Residential Zone) 20.220 (R-3 Multiple Family Residential Zone) 20.224 (C-P Commercial, Administrative and Professional Office Zone) 20.228 (C-N Neighborhood Commercial Zone) 20.232 (C-C Major Shopping Center Zone) 20.236 (C-G General Commercial Zone) 20.240 (C-M Commercial Industrial Zone) 20.244 (C-RC Commercial Recreation Zone) 20.252 (M-1 Light Industrial Zone)	<p>Fence and Wall Heights: These amendments clarify the height of walls, fences and hedges and yard specific requirements as follows:</p> <ul style="list-style-type: none"> • Clarify how the height of walls/fences/hedges would be measured. • Update maximum wall and fence height requirements for street side yards on reverse corner lots in residential zones for visibility and aesthetics. • Apply consistent standards for walls, fences and hedges in all zones to create consistency.

Redline Section #s (Exhibit A of the Resolution)	Municipal Code Chapter(s)/Section(s)	Description of the Amendments
25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48	20.200 (Single Family Residential – Hillside Zone) 20.208 (R-1 Single-Family Zone) 20.212 (R-1 (5,000) Single Family Residential Zone) 20.216 (R-2 Multiple Family Residential Zone) 20.220 (R-3 Multiple Family Residential Zone) 20.224 (C-P Commercial, Administrative and Professional Office Zone) 20.228 (C-N Neighborhood Commercial Zone) 20.232 (C-C Major Shopping Center Zone) 20.236 (C-G General Commercial Zone) 20.240 (C-M Commercial Industrial Zone) 20.244 (C-RC Commercial Recreation Zone) 20.248 (M-P Planned Industrial Zone) 20.252 (M-1 Light Industrial Zone) 20.256 (M-2 General Industrial Zone) 20.260 (PD Precise Development Zone) 20.400 (Administration and Procedures - General) 20.408 (Administrative Procedures)	<p>Planning Entitlement Types and Processes:</p> <ul style="list-style-type: none"> • Plan Review Applicability: These amendments update and clarify the applicability of Plan Review applications by specifying the types of development that would require such review. • Precise Development Provisions: These amendments update the provisions and organization of the Code related to Precise Development application, by providing details on purpose, procedures, and review authority. • Certificate of Compatibility: These amendments update and clarify the provisions and applicability of Certificate of Compatibility applications. • Administrative Remedy: Clarify the Community Development Director’s authority related to Administrative Remedy Process. • Minor Conditional Use Permit: Address existing errors on applicability of Minor Conditional Use Permit
22, 23	20.72 (Temporary Use Permit)	<p>Temporary Use Permit: These amendments update the applicability and time limits for special events as follows:</p> <ul style="list-style-type: none"> • Update the time limits applicable to certain events. • Provide additional clarification on applicability of Temporary Use Permits. • Removal of the existing fee waiver currently allowed for certain applicants. • Eliminate noticing by Certified Mail, a communication method no longer necessary. • Reorganize and clarify certain provisions.

<p>2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40</p>	<p>18.40 (Review of Maps by Other Agencies) 20.08 (Development Standards) 20.11 (Permitted Land Uses) 20.24 (Nonconforming Structure and Uses) 20.28 (Signs) 20.40 (Affordable Housing) 20.200 (Single Family Residential — Hillside Zone) 20.208 (R-1 Single-Family Zone) 20.212 (R-1 (5,000) Single Family Residential Zone) 20.216 (R-2 Multiple Family Residential Zone) 20.220 (R-3 Multiple Family Residential Zone) 20.224 (C-P Commercial, Administrative and Professional Office Zone) 20.228 (C-N Neighborhood Commercial Zone) 20.232 (C-C Major Shopping Center Zone) 20.236 (C-G General Commercial Zone) 20.240 (C-M Commercial Industrial Zone) 20.244 (C-RC Commercial Recreation Zone) 20.248 (M-P Planned Industrial Zone) 20.252 (M-1 Light Industrial Zone) 20.256 (M-2 General Industrial Zone) 20.258 (Mixed-Use Zoning Districts)</p>	<p>Other Updates: These amendments provide additional clarity to certain provisions, correct grammatical errors, update incorrect references and create internal consistency throughout the Zoning Code related to the following items:</p> <ul style="list-style-type: none"> • Replace the term “Development Services Director” with “Community Development Director”. • Remove review of school district agency for subdivision maps as it is redundant. • Update Outdoor Living Space requirements to adequately describe dimension requirements and create a uniform/updated requirement. • Update and reorganize development standards in the Mixed-Use zone tables for consistency and clarification. • Clarify the uses for R-1 (5000) zone and provide correct references to the Permitted Land Uses Table. • Allow Retail Sales, Warehouse Sales land use in M-P and M-1 zones. • Require a conditional use permit in C-M, M-P, M-1 and M-2 Zones for industrial projects that are located within 300 feet of any residential neighborhood with more than 20 parcels. • Update Permitted Land Uses Table to correct existing error. • Eliminate termination time limits for nonconforming uses and structures provided that no conflict with the Municipal and State Code are presented. • Create a process to continue use of a nonconforming sign and provide correct reference. • Eliminate reference to R-3-1 Zone, no longer a utilized zone. • Provide consistency in language between nonresidential sign area and sign length standards. • Include consistent language to require all front yards to be properly landscaped and maintained. • Clarify breakdown of minimum affordability level of required units. • Provide a new provision to the alternatives section relating to the number of required units applicable to the in-lieu fee calculation. • Update and provide new provisions relating to off-site construction, including a requirement of a development agreement for all off-site construction. • Update the incentives section to include projects with off-site construction and limit the incentives to either the residential project or the off-site construction.
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Redline Section #s <i>(Exhibit A of the Resolution)</i>	Municipal Code Chapter(s)/Section(s)	Description of the Amendments
		<ul style="list-style-type: none"> • Include language to reference General Plan Floor Area Ratio consistency and revise incorrect references associated with site coverage and floor area ratios. • Correct grammatical errors and update general consistencies.

CITY OF BREA
PLANNING COMMISSION NOTICE OF PUBLIC HEARING FOR ZONING ORDINANCE TEXT AMENDMENT NO. 2024-01.

NOTICE IS HEREBY GIVEN by the City of Brea that a public hearing will be held at a Planning Commission Meeting on **Tuesday, January 28, 2025 at 6:00 P.M.**, or as soon thereafter as the matter can be heard, in the Council Chambers of the City of Brea Civic & Cultural Center, 1 Civic Center Circle, Brea, California 92821, in accordance with State Law and the Brea City Code, to consider the following application:

REQUEST: The City of Brea requests approval of the following entitlements: Zoning Ordinance Text Amendment (ZOTA) No. 2024-01 to amend the Chapters 18.32, 18.40, 18.44, 20.08, 20.11, 20.24, 20.28, 20.40, 20.52, 20.56, 20.60, 20.72, 20.200, 20.208, 20.212, 20.216, 20.220, 20.224, 20.228, 20.232, 20.236, 20.240, 20.244, 20.248, 20.252, 20.256, 20.258, 20.260, 20.400, 20.408. The purpose of this zoning ordinance text amendment is to: 1) codify the Mills Act Contract guidelines; 2) update and clarify parking standards and requirements; 3) update Plan Review applicability; 4) provide consistency with updated SB9 and ADU State laws; 5) update process, time limits, and applicability of Temporary Use Permit; 6) update wall and fence height standards; and 7) clarify certain Zoning ordinance provisions and address existing grammatical errors, incorrect references, incorrect process times, and internal inconsistency.

LOCATION: Citywide

ENVIRONMENTAL: The project has been assessed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the environmental regulations of the City. The proposed zoning code text amendments are exempt from the requirements of the CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND SAID HEARING AND EXPRESS OPINIONS ON THE MATTERS OUTLINED ABOVE. FURTHER INFORMATION MAY BE OBTAINED BY CALLING THE PLANNING DIVISION AT (714) 990-7674 OR BY EMAIL AT PLANNER@CITYOFBREA.NET

IF YOU CHALLENGE PROJECT AND RELATED ENVIRONMENTAL DETERMINATIONS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE, DELIVERED TO THE COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

Joanne Hwang, AICP
City Planner
Date: 12/19/2024 Publish: 01/2/2025



City of Brea

Planning Commission Communication

Informational/Project Updates

Meeting	Agenda Group
Tuesday, January 28, 2025, 6:00 PM	ADMINISTRATIVE ITEMS Item: 8B.

RECOMMENDATION

Staff recommends that the Planning Commission receive and file the Planning Division Updates, dated January 9, 2025 (Attachment A).

RESPECTFULLY SUBMITTED:

Joanne Hwang, AICP, City Planner

Attachments

[Planning Update - Updated 01.09.2025.pdf](#)

City of Brea

Project Updates

January 9, 2025

CONTENTS

• IN PROCESS/UNDER REVIEW

Story Map ID	Project Name	Address
1	Lambert Road Office Condo Tentative Parcel Map	700-800 W. Lambert Road
2	Amazon Facility	275 Valencia Avenue
3	Albertson's Distribution Center Office Building	200 N. Puente Street
4	Loading Dock Addition	750 Challenger Street
5	New Industrial Building	424 Berry Way
6	Affordable housing development (Preliminary Plan Review)	323 N. Brea Blvd
7	Brea Plaza Apartments	1639 E. Imperial Highway
8	Greenbriar residential development	1698-1700 Greenbriar Lane
9	New residential development (Preliminary Plan Review)	112 Bracken Street
10	Urban Lot Split (Preliminary Plan Review)	125 E. Olinda Place
11	A 2 nd story ADU height increase	401 Sycamore Avenue
12	Sievers Avenue Tentative Parcel Map	411 Sievers Avenue
13	Saint Matthew Ecumenical Catholic Church	500 E. Imperial Highway
14	Affordable Senior Housing Project (Preliminary Plan Review)	SEC Mercury Lane & Berry Street
15	Pace & Pint on-site alcohol	1040 E. Imperial Hwy Suite F2
16	A 2 nd story ADU modification of standards	414 Sievers
17	Raising Canes Drive-through	200 S. State College Boulevard

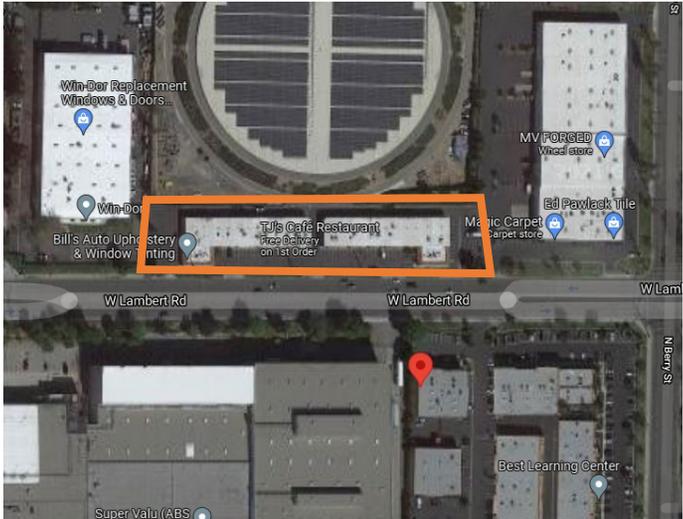
• APPROVED/ENTITLED

Story Map ID	Project Name	Address
1	Mercury Lane Apartments	SE corner of Mercury Lane and Berry Street
2	Brea 265 Specific Plan	Valencia Ave; Lambert Rd; Carbon Canyon Rd; Rose Dr
3	Brea 265 Tentative Tract Map	Valencia Ave; Lambert Rd; Carbon Canyon Rd; Rose Dr
4	Accessory Dwelling Unit	527 E. Elm Street
5	Industrial Building	2727 E. Imperial Highway
6	Brea Mall Mixed Use Project	100 Brea Mall Road
7	Gaslight Square Redevelopment	255 E. Imperial Highway
8	Southlands Church Fence Height	2950 E. Imperial Highway
9	Boiling Crab – Outdoor Patio and On-site Alcohol	120 S. Brea Boulevard #106
10	Brea Plaza Remodel (Buildings E-G)	1639 E. Imperial Highway
11	Wireless Co-location	145 S. State College Boulevard
12	California Spine Institute	721 E. Imperial Highway
13	Dr. Squatch Fence Height	114 N. Berry Street
14	Wireless Facility Modification	185 E. Alder Street
15	New Wireless Facility	724 N. Brea Boulevard
16	Brea Plaza Sign Program Amendment	1639 E. Imperial Highway
17	Imperial Mariner tentative parcel map	915, 955, 975 W. Imperial Hwy
18	Light Industrial Building	3200 Nasa Street
19	South Brea Townhomes	685 S. Brea Boulevard
20	Imperial Mariner parking reduction	915, 955, 975 W. Imperial Hwy
21	AT&T Wireless Rooftop Facility	380 W. Central Avenue
22	Pet Aquamation	580 W. Lambert Road
23	Sushi Club on-site alcohol	437 S. Associated Road
24	Shake Shack on-site alcohol	103 W. Imperial Highway #C
25	Increase in wall height	839 Mango Street
26	Bruxie's on-site alcohol	215 W. Birch Street
27	Finney's Crafthouse & Kitchen exterior modification	215 S. Brea Boulevard
28	Ausletics fitness studio	2868 E. Imperial Highway
29	Our Nest on-site alcohol	732 N. Brea Boulevard
30	Reduction in required parking spaces	440 S. Brea Boulevard

- **REPEALED/DENIED (within one year)**

N/A

In-Process/Review

LAMBERT ROAD OFFICE CONDO TENTATIVE PARCEL MAP (MAP ID: 1)		PROJECT MAP:
Case Type:	<ul style="list-style-type: none"> Tentative Parcel Map 	
Project No.:	<ul style="list-style-type: none"> TPM 2021-189; Accela No.: PLN-2021-00061 	
Project Location:	<ul style="list-style-type: none"> Accessor's Parcel Number (APN): 296-223-13 700-800 W Lambert Road 	
Project Description:	<ul style="list-style-type: none"> The applicant is proposing to convert two existing 12-unit buildings (total 24 units) into 24 office condominium units. No new construction is proposed; existing unit boundaries, floor plans and floor areas will not change. 	
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano (estebanr@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> 801 Lambert LLC, A California Limited Liability Company (Mark Blumenthal) 	
Application submittal Date:	<ul style="list-style-type: none"> October 25, 2021 	
Current Status:	<ul style="list-style-type: none"> Application was deemed complete on October 12, 2023. Planning Commission review TBD pending applicant response. 	

AMAZON FACILITY (MAP ID: 2)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Plan Review 	
Project No.:	<ul style="list-style-type: none"> PR No. 2022-09; ACCELA No. PLN 2022-00042 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 320-233-17 275 W. Valencia 	
Project Description:	<ul style="list-style-type: none"> The Project proposes to demolish the existing 3-story, 637,503 square-foot, 60-foot high office building (previously occupied by Bank of America) and construct a new 181,500 square-foot, 44-foot high warehouse building that will be used as Amazon's parcel delivery facility. 	
Project Planner:	<ul style="list-style-type: none"> Jessica Newton, Senior Planner (jessican@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Tim Reed of Ware Malcomb 	
Application submittal Date:	<ul style="list-style-type: none"> May 31, 2022 	
Current Status:	<ul style="list-style-type: none"> Pending EIR Process <ul style="list-style-type: none"> EIR NOP was issued on July 13, 2023, and the public comment period ended on August 11, 2023. EIR Scoping Meeting was held on July 24, 2023. EIR NOA was issued on October 30, 2024 – the Draft EIR was available for public review starting November 6, 2024 and the public review period closed on January 6, 2025. 	

ALBERTSON'S DISTRIBUTION CENTER OFFICE BUILDING (MAP ID: 3)		PROJECT MAP:
Case Type:	<ul style="list-style-type: none"> Conditional Use Permit, Precise Development, Administrative Remedy 	
Project No.:	<ul style="list-style-type: none"> CUP No. 2023-02; PD No. 2023-01; AR No. 2023-03; ACCELA No: PLN-2023-00027 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-231-12 200 N Puente St 	
Project Description:	<ul style="list-style-type: none"> The applicant is proposing a new two-story office building for an Albertson's distribution center. 	
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> John Doan 	
Application submittal Date:	<ul style="list-style-type: none"> April 25, 2023 	
Current Status:	<ul style="list-style-type: none"> Pending resubmittal from the applicant. 	



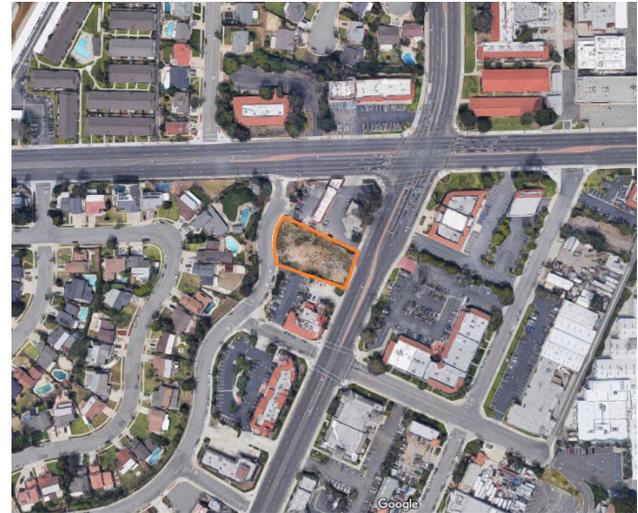
LOADING DOCK ADDITION (MAP ID: 4)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Plan Review 	
Project No.:	<ul style="list-style-type: none"> PR 2023-05; ACCELA No: PLN-2023-00031 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-223-19 750 Challenger Street 	
Project Description:	<ul style="list-style-type: none"> The applicant is proposing to add a secondary loading dock and restripe parking stalls. 	
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Esther Yang 	
Application submittal Date:	<ul style="list-style-type: none"> April 27, 2023 	
Current Status:	<ul style="list-style-type: none"> Pending resubmittal from the applicant 	

NEW INDUSTRIAL BUILDING (MAP ID: 5)		PROJECT MAP:
Case Type:	<ul style="list-style-type: none"> Plan Review 	
Project No.:	<ul style="list-style-type: none"> PR No. 2024-01; ACCELA No: PLN-2024-00009 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-251-04 424 Berry Way 	
Project Description:	<ul style="list-style-type: none"> The Applicant is proposing to demolish existing industrial buildings located at the eastern portion of the parcel and construct a new 147,500 sq. ft. warehouse. 	
Project Planner:	<ul style="list-style-type: none"> Graham Bultema, Assistant Planner (grahamb@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Rexford Industrial, Berry, LLC. 	
Application submittal Date:	<ul style="list-style-type: none"> February 6, 2024 	
Current Status:	<ul style="list-style-type: none"> Under review 	



AFFORDABLE HOUSING DEVELOPMENT (MAP ID: 6)	
Case Type:	<ul style="list-style-type: none"> Preliminary Plan Review; Density Bonus
Project No.:	<ul style="list-style-type: none"> PPR No. 2024-01, DB No. 2024-01; ACCELA No: PLN-2024-00014/PLN-2024-00031
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-301-02 323 N. Brea Blvd.
Project Description:	<ul style="list-style-type: none"> The Applicant is proposing a new multi-family affordable/permanent supporting housing development, which could include between 28 and 40 dwelling units.
Project Planner:	<ul style="list-style-type: none"> Marie Dao, Senior Management Analyst (maried@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Tish Kelly of Jamboree Housing Corp.
Application submittal Date:	<ul style="list-style-type: none"> March 12, 2024
Current Status:	<ul style="list-style-type: none"> Preliminary comment letter was issued on April 10, 2024. No further action will be taken. The Applicant may submit a full application if they want to pursue the project.; Density Bonus application is currently under review

PROJECT MAP:



BREA PLAZA APARTMENTS (MAP ID: 7)

Case Type:	<ul style="list-style-type: none"> General Plan Amendment, Zone Change and Precise Development
Project No.:	<ul style="list-style-type: none"> GPA 2024-01, ZC 2024-01, PD 2024-01; ACCELA No: PLN-2024-00017
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 319-102-25 1639 East Imperial Highway
Project Description:	<ul style="list-style-type: none"> The applicant is proposing a General Plan Amendment and a Zone Change to amend the project site's General Plan and Zoning Designation from General Commercial to Mixed Use II, and construct a new 6 story, 122-unit apartment building at the northwest corner of the property.
Project Planner:	<ul style="list-style-type: none"> Jessica Newton, Senior Planner (jessican@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Jahn Nguyen of AO
Application submittal Date:	<ul style="list-style-type: none"> March 19, 2024
Current Status:	<ul style="list-style-type: none"> Pending resubmittal from the applicant

PROJECT MAP:



GREENBRIAR RESIDENTIAL DEVELOPMENT (MAP ID: 8)	
Case Type:	<ul style="list-style-type: none"> General Plan Amendment, Zone Change, Plan Review, Conditional Use Permit, Development Agreement, Precise Development, Tentative Tract Map
Project No.:	<ul style="list-style-type: none"> GPA 2024-02, ZC 2024-02, PR 2024-03, CUP 2024-02, DA 2024-01, PD 2024-02, TTM 2024-01; ACCELA No: PLN-2024-00020
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 319-102-34 1698-1700 Greenbriar Lane
Project Description:	<ul style="list-style-type: none"> The Applicant is proposing to demolish existing office building and a parking structure and construct 180 single-family attached dwelling unit development.
Project Planner:	<ul style="list-style-type: none"> Rebecca Pennington, Senior Planner (rebeccap@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Gary Jones of Lennar Homes of California, Inc.
Application submittal Date:	<ul style="list-style-type: none"> March 26, 2024
Current Status:	<ul style="list-style-type: none"> Pending resubmittal from the applicant Pending EIR Process <ul style="list-style-type: none"> EIR NOP was issued on July 31, 2024, and the public comment period ended on September 3, 2024. EIR Scoping Meeting was held on August 21, 2024 EIR NOA was issued on December 12, 2024 – the Draft EIR is available for public review starting December 13, 2024 and the public review period will close on January 28, 2025.

PROJECT MAP:



NEW RESIDENTIAL DEVELOPMENT (MAP ID: 9)		PROJECT MAP:
Case Type:	<ul style="list-style-type: none"> Preliminary Plan Review 	
Project No.:	<ul style="list-style-type: none"> PPR No. 2024-02; ACCELA No: PLN-2024-00018 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-332-17 112 Bracken Street 	
Project Description:	<ul style="list-style-type: none"> The Applicant is proposing to construct a 4 unit, for-sale residential development with one ADU attached for one of the units. 	
Project Planner:	<ul style="list-style-type: none"> Brianna Co, Planning Technician (briannac@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Eric Gonsalves of The Cirrus Company, LLC 	
Application submittal Date:	<ul style="list-style-type: none"> March 26, 2024 	
Current Status:	<ul style="list-style-type: none"> 1st round of preliminary comment letter was issued on April 25, 2024. Subsequently, at the request of the applicant, a 2nd round of review was conducted and the 2nd preliminary comment letter was issued on October 31, 2024. No further action will be taken. The Applicant may submit a full application if they want to pursue the project. 	

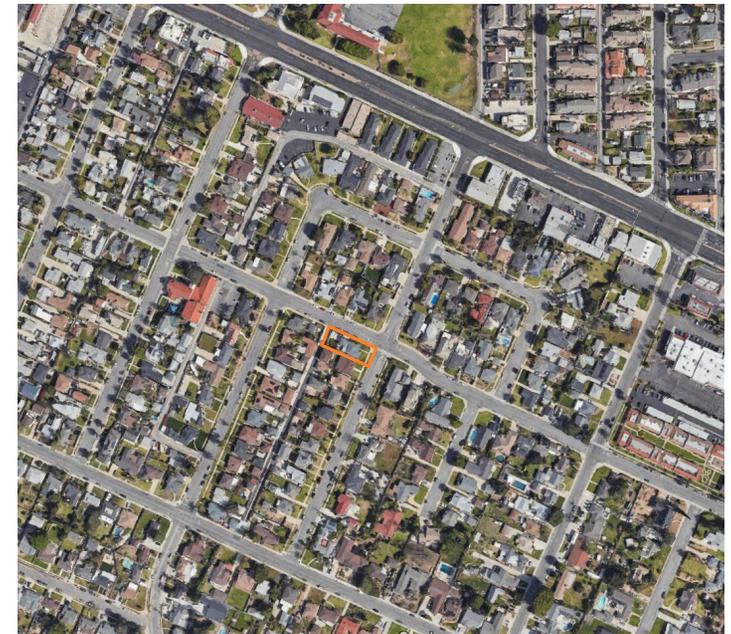
URBAN LOT SPLIT – PRELIMINARY PLAN REVIEW (MAP ID: 10)

Case Type:	<ul style="list-style-type: none"> Preliminary Plan Review
Project No.:	<ul style="list-style-type: none"> PPR No. 2024-03; ACCELA No: PLN-2024-00021
Project Location:	<ul style="list-style-type: none"> Assessor’s Parcel Number (APN): 315-051-03 125 E Olinda Place
Project Description:	<ul style="list-style-type: none"> The Applicant is proposing to subdivide the existing vacant lot into 2 lots using the Urban Lot Split provisions and construct 2 units on each lot.
Project Planner:	<ul style="list-style-type: none"> Graham Bultema, Assistant Planner (grahamb@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Jordan Byers
Application submittal Date:	<ul style="list-style-type: none"> April 9, 2024
Current Status:	<ul style="list-style-type: none"> Preliminary comment letter was issued on May 9, 2024. No further action will be taken. The Applicant may submit a full application if they want to pursue the project.

PROJECT MAP:



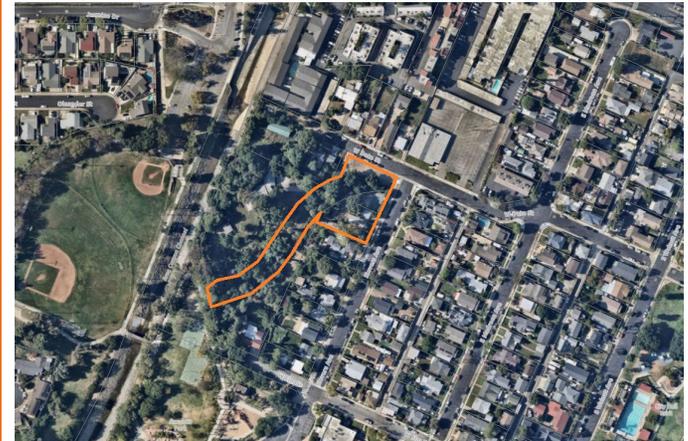
A 2nd STORY ADU HEIGHT INCREASE (MAP ID: 11)		PROJECT MAP:
Case Type:	<ul style="list-style-type: none"> • Certificate of Compatibility 	
Project No.:	<ul style="list-style-type: none"> • CC No. 2024-01; ACCELA No: PLN-2024-00027 	
Project Location:	<ul style="list-style-type: none"> • Assessor’s Parcel Number (APN): 284-223-01 • 401 Sycamore Avenue 	
Project Description:	<ul style="list-style-type: none"> • The Applicant is requesting an increase in maximum height of a 2nd story ADU from 16 feet to 23 feet 	
Project Planner:	<ul style="list-style-type: none"> • Graham Bultema, Assistant Planner (grahamb@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> • Jasmeet Gill Kennington 	
Application submittal Date:	<ul style="list-style-type: none"> • June 11, 2024 	
Current Status:	<ul style="list-style-type: none"> • Pending resubmittal from the applicant 	



SIEVERS AVENUE TENTATIVE PARCEL MAP (MAP ID: 12)

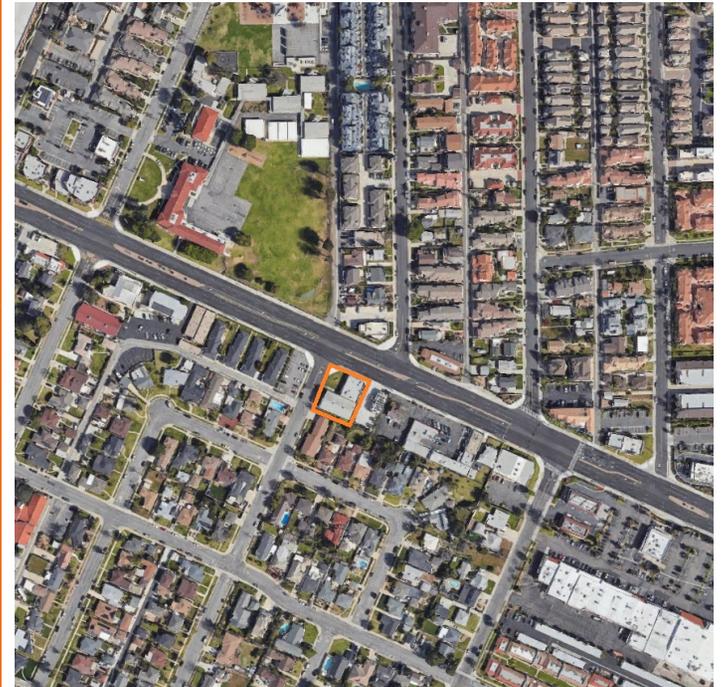
Case Type:	<ul style="list-style-type: none"> Tentative Parcel Map
Project No.:	<ul style="list-style-type: none"> Tentative Parcel Map No. 2024-132; ACCELA No: PLN-2024-00036
Project Location:	<ul style="list-style-type: none"> Assessor’s Parcel Number (APN): APNs 284-251-26, 284-251-27, 284-251-040, 284-251-041 411 Sievers Avenue
Project Description:	<ul style="list-style-type: none"> The Applicant is proposing to subdivide/reorganize 5 existing lots into 4 new lots
Project Planner:	<ul style="list-style-type: none"> Cristal Nava, Assistant Planner (cristaln@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Michael Jelensky
Application submittal Date:	<ul style="list-style-type: none"> July 23, 2024
Current Status:	<ul style="list-style-type: none"> Under review

PROJECT MAP:



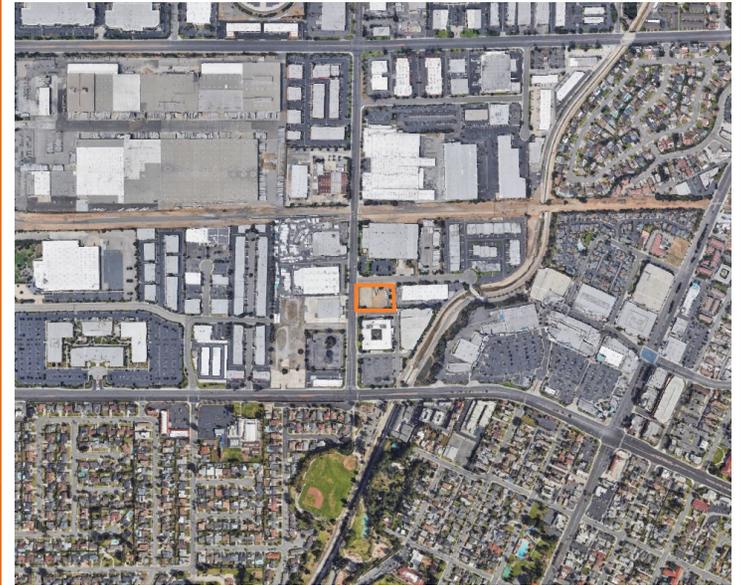
<i>SAINT MATTHEW ECUMENICAL CATHOLIC CHURCH (MAP ID: 13)</i>	
Case Type:	<ul style="list-style-type: none"> • Conditional Use Permit
Project No.:	<ul style="list-style-type: none"> • CUP No. 2024-06; ACCELA No: PLN-2024-00052
Project Location:	<ul style="list-style-type: none"> • Assessor's Parcel Number (APN): 284-211-31 • 500 E. Imperial Highway
Project Description:	<ul style="list-style-type: none"> • The Applicant is proposing to establish a new church.
Project Planner:	<ul style="list-style-type: none"> • Brianna Co, Planning Technician (briannac@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> • Tony Russo
Application submittal Date:	<ul style="list-style-type: none"> • October 22, 2024
Current Status:	<ul style="list-style-type: none"> • Under review

PROJECT MAP:



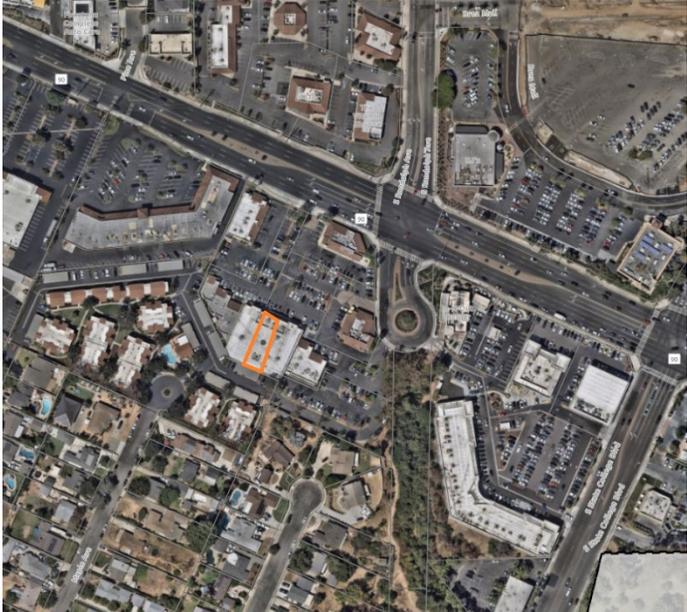
AFFORDABLE SENIOR HOUSING PROJECT (MAP ID: 14)	
Case Type:	<ul style="list-style-type: none"> Preliminary Plan Review
Project No.:	<ul style="list-style-type: none"> PPR No. 2024-04; ACCELA No: PLN-2024-00057
Project Location:	<ul style="list-style-type: none"> Assessor’s Parcel Number (APN): 296-143-01 SEC of Mercury Lane and Berry Street
Project Description:	<ul style="list-style-type: none"> The Applicant is requesting a substantial conformance review of a new 85-unit, 5-story affordable senior housing project with the previously approved project at the project site (Mercury Lane workforce housing project – a 114-unit apartment)
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Todd Cottle
Application submittal Date:	<ul style="list-style-type: none"> October 29, 2024
Current Status:	<ul style="list-style-type: none"> Preliminary comment letter was issued on November 27, 2024. No further action will be taken. The Applicant may submit a full application if they want to pursue the project.

PROJECT MAP:



<i>PACE & PINT ON-SITE ALCOHOL (MAP ID: 15)</i>	
Case Type:	<ul style="list-style-type: none"> • Conditional Use Permit
Project No.:	<ul style="list-style-type: none"> • CUP No. 2024-05; ACCELA No: PLN-2024-00051
Project Location:	<ul style="list-style-type: none"> • Assessor’s Parcel Number (APN): 284-252-21 • 1040 E. Imperial Hwy, Suite F2
Project Description:	<ul style="list-style-type: none"> • The Applicant is proposing on-site beer service at an existing retail store (Snails Pace)
Project Planner:	<ul style="list-style-type: none"> • Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> • Raul Cueva
Application submittal Date:	<ul style="list-style-type: none"> • October 21, 2024
Current Status:	<ul style="list-style-type: none"> • Pending resubmittal from the applicant

PROJECT MAP:



<i>A 2nd STORY ADU MODIFICATION OF STANDARDS (MAP ID: 16)</i>	
Case Type:	<ul style="list-style-type: none"> • Certificate of Compatibility
Project No.:	<ul style="list-style-type: none"> • CC No. 2024-02; ACCELA No: PLN-2024-00063
Project Location:	<ul style="list-style-type: none"> • Assessor's Parcel Number (APN): 284-252-21 • 414 Sievers Avenue
Project Description:	<ul style="list-style-type: none"> • The Applicant is requesting modification of standards (i.e. height, design standards related to exterior staircase) for a new 2nd story ADU
Project Planner:	<ul style="list-style-type: none"> • Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> • Tony Vega
Application submittal Date:	<ul style="list-style-type: none"> • December 4, 2024
Current Status:	<ul style="list-style-type: none"> • Under review

PROJECT MAP:



RAISING CANES DRIVE-THROUGH (MAP ID: 17)

Case Type:	<ul style="list-style-type: none"> • Conditional Use Permit, Plan Review, Precise Development
Project No.:	<ul style="list-style-type: none"> • CUP No. 2024-08, PR No. 2024-06, PD No. 2024-04; ACCELA No: PLN-2024-00067
Project Location:	<ul style="list-style-type: none"> • Assessor’s Parcel Number (APN): 319-103-26 • 200 S. State College Boulevard
Project Description:	<ul style="list-style-type: none"> • The Applicant is requesting a new drive-through restaurant (Raising Canes)
Project Planner:	<ul style="list-style-type: none"> • Graham Bultema, Assistant Planner (grahamb@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> • Raising Canes
Application submittal Date:	<ul style="list-style-type: none"> • December 17, 2024
Current Status:	<ul style="list-style-type: none"> • Under review

PROJECT MAP:



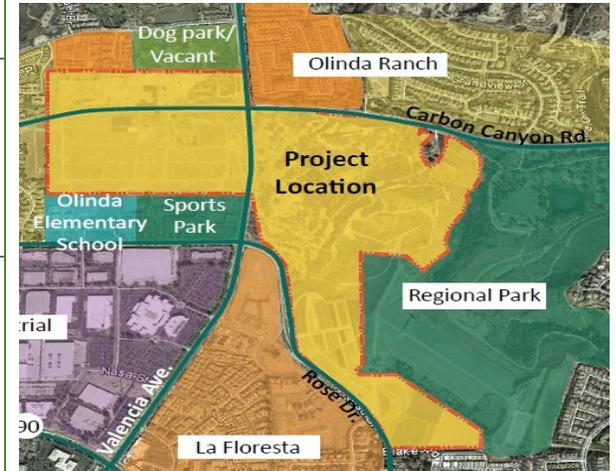
Approved/Entitled

MERCURY LANE APARTMENTS (Map ID: 1)		RENDERING: 
Case Type:	<ul style="list-style-type: none"> Planned Community Master Plan, Zone Change, Development Agreement, Environmental Impact Report 	
Project No.:	<ul style="list-style-type: none"> PCMP No. 19-01, ZC No. 19-01, DA No 19-01, FEIR 19-01 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-141-05 Southeast corner of Mercury Lane and Berry Street 	
Project Description:	<ul style="list-style-type: none"> The project is a new 5-story building with 114 workforce residential units. 	
Project Planner:	<ul style="list-style-type: none"> Planning Division (Planner@cityofbrea.net) 	
Applicant	<ul style="list-style-type: none"> Dwight Manely 	
Approval Dates:	<ul style="list-style-type: none"> Planning Commission recommended approval of the project to the City council on April 28, 2020 City Council approved the project on June 2, 2020 	
Current Status:	<ul style="list-style-type: none"> In building permit plan check process 	

BREA 265 SPECIFIC PLAN (MAP ID 2)

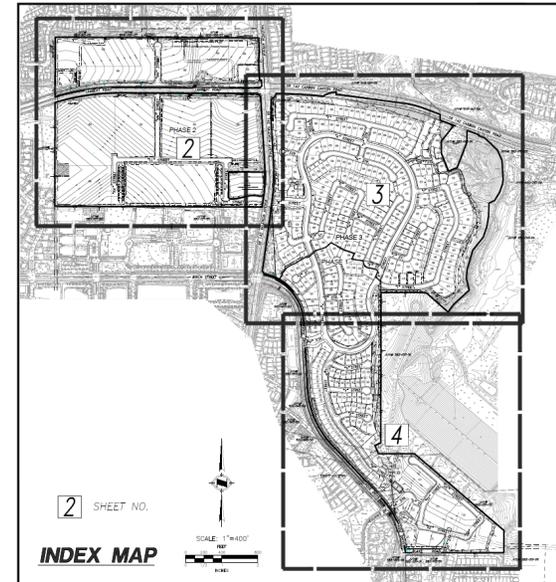
Case Types:	<ul style="list-style-type: none"> • Specific Plan, General Plan Amendment, Zone Change, and Development Agreement
Project No.:	<ul style="list-style-type: none"> • ACCELA No. PLN-2020-00011; ENV No. 22-01, GPA No. 22-01, ZC No. 22-01, DA No. 22-01, SP No. 22-01
Project Location:	<ul style="list-style-type: none"> • Accessor’s Parcel Map (APN): 322-031-24; 322-031-23; 322-031-31; 322-031-04; 322-031-12; 322-031-01; 322-031-10; 322-031-15; 322-031-14; 322-031-13; 322-031-13; 3200-070-02I; 322-072-02; 322-031-21; 322-03-121; 322-031-19; 320-071-29; 320-073-07 • The 262-acre site, commonly known as Brea 265, is generally bounded by Lambert Road/Carbon Canyon Road to the north, Carbon Canyon Regional Park to the east, Birch Street and Rose Drive to the South, and residential uses to the west.
Project Description:	<ul style="list-style-type: none"> • The project includes the following: (1) General Plan Amendment to change the General Plan Land Use designation of the site from Hillside Residential and Low Density Residential to Brea 265 Specific Plan; (2) Zone Change to change the zoning of the site from HR and R-1 to Brea 265 Specific Plan; (3) Specific Plan for the adoption of a new specific plan providing up to 1,100 residential dwelling units, parks and recreational amenities, and open space and right of way improvements; (4) Tentative Tract Map for the subdivision of the project site for residential, parks and open space uses; and (5) Development Agreement defining terms of development by vesting the City’s approval and specifying public benefits and improvements
Project Planner:	<ul style="list-style-type: none"> • Planning Division (Planner@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> • AERA ENERGY
Approval Dates:	<ul style="list-style-type: none"> • Planning Commission recommended approval of the project to the City Council on May 24, 2022. • City Council reviewed the SP, GPA, ZC, and DA for the Project on June 21, 2022. The project was continued to July 19, 2022, where it was approved by City Council.
Current Status:	<ul style="list-style-type: none"> • N/A

PROJECT MAP:



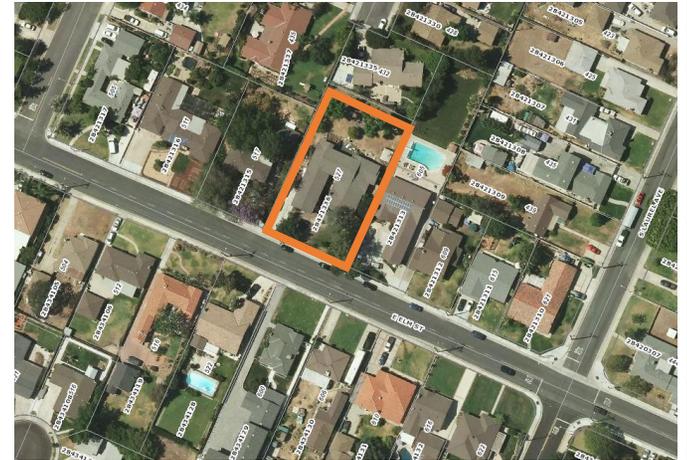
BREA 265 TENTATIVE TRACT MAP (MAP ID: 3)	
Case Types:	<ul style="list-style-type: none"> Tentative Tract Map
Project No.:	<ul style="list-style-type: none"> ACCELA No. PLN 2020-00011; TTM 16423
Project Location:	<ul style="list-style-type: none"> Accessor's Parcel Map (APN): 322-031-24; 322-031-23; 322-031-31; 322-031-04; 322-031-12; 322-031-01; 322-031-10; 322-031-15; 322-031-14; 322-031-13; 322-031-13; 3200-070-02; 322-072-02; 322-031-21; 322-03-121; 322-031-19; 320-071-29; 320-073-07 The 262-acre site, commonly known as Brea 265, is generally bounded by Lambert Road/Carbon Canyon Road to the north, Carbon Canyon Regional Park to the east, Birch Street and Rose Drive to the South, and residential uses to the west.
Project Description:	<ul style="list-style-type: none"> A Tentative Tract Map for the subdivision of the project site for residential, parks and open space uses. The TTM would implement the approved Brea 265 Specific Plan.
Project Planner:	<ul style="list-style-type: none"> Planning Division (Planner@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> AERA ENERGY
Approval Dates:	<ul style="list-style-type: none"> Planning Commission approved the TTM for the project on September 27, 2022.
Current Status:	<ul style="list-style-type: none"> N/A

PROJECT MAP:



<i>ACCESSORY DWELLING UNIT AT 527 E ELM STREET (MAP ID: 4)</i>	
Case Type:	<ul style="list-style-type: none"> • Certificate of Compatibility
Project No.:	<ul style="list-style-type: none"> • CC No. 2022-01; ACCELA No. PLN 2022-00019
Project Location:	<ul style="list-style-type: none"> • 527 E. Elm Street • Assessor's Parcel Number (APN): 284-213-36
Project Description:	<ul style="list-style-type: none"> • The project establishes a new 1,496 square foot detached ADU.
Project Planner:	<ul style="list-style-type: none"> • Planning Division (planner@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> • Frederick Talactac
Approval Dates:	<ul style="list-style-type: none"> • Planning Commission approved the project on October 25, 2022.
Current Status:	<ul style="list-style-type: none"> • Under construction

PROJECT MAP:



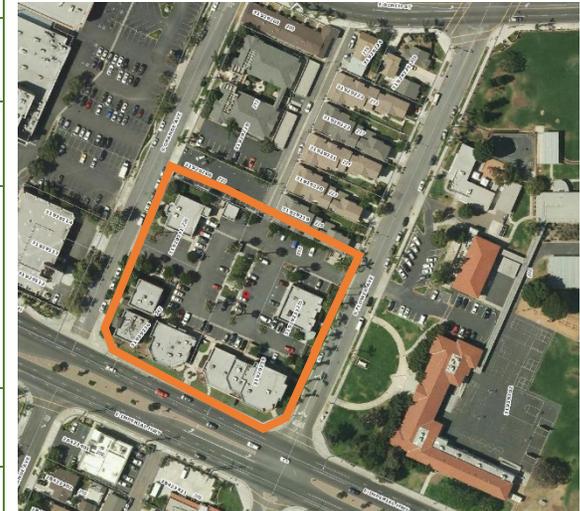
INDUSTRIAL BUILDING (MAP ID: 5)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Plan Review, Environmental Impact Report Addendum 	
Project No.:	<ul style="list-style-type: none"> PR No. 2022-04; EIR No. 5-81 Addendum No. 1; ACCELA No. PLN 2022-00012 	
Project Location:	<ul style="list-style-type: none"> 2727 E. Imperial Highway Assessor's Parcel Number (APN): 320-091-66 	
Project Description:	<ul style="list-style-type: none"> The project includes demolition of an existing office building and development of a new warehouse with related site improvements. The building would be a total of 113,700 SF. 	
Project Planner:	<ul style="list-style-type: none"> Cristal Nava, Assistant Planner (cristaln@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Prologis 	
Approval Dates:	<ul style="list-style-type: none"> Brea Community Development Director approved the project on March 27, 2023. 	
Current Status:	<ul style="list-style-type: none"> Demolition complete; under building permit review process 	

BREA MALL MIXED USE PROJECT (MAP ID. 6)	
Project:	<ul style="list-style-type: none"> EIR, General Plan Amendment, Zone Change, Development Agreement, Precise Development Plan, Tentative Parcel Map, and Conditional Use Permits
Project No.:	<ul style="list-style-type: none"> EIR 20-01, GPA No. 20-01; ZC No. 20-01, DA No. 20-01, TPM 22-113, PD No. 20-02, and CUP Nos. 20-06, 22-17, 22-18 and 22-19 ACCELA No. PLN 2021-00008
Project Location:	<ul style="list-style-type: none"> 100 Brea Mall; Assessor's Parcel Number (APN): 319-101-37 19-100-26, -62, -63, -64, -71, -73, -75 -76, -79, -89 and 319-103-22 (Note: GPA No. 2020-01 and ZC No. 2020-01 apply to the entire Brea Mall site)
Project Description:	<ul style="list-style-type: none"> The project includes: (1) General Plan Amendment to change the General Plan Land Use designation of the Project site and the Brea Mall from Regional Commercial to Mixed Use I; (2) Zone Change to change the zoning designation of the site from Major Shopping Center (C-C) with a Precise Development (P-D) overlay to Mixed Use I (MU-I); (3) Development Agreement to define the terms of development proposed by vesting the City's approval while specifying public benefits and improvements; (4) Precise Development Plan to demolish the former Sears building and surface parking lot and allow a new mixed-use development that includes retail, restaurants, for-rent residential apartments, a resort-type fitness center and an outdoor gathering space; (5) Tentative Parcel Map for subdivision; and (6) Conditional Use Permits for shared parking, to establish the Brea Mall sign program, to allow on-site alcohol consumption of beer, wine and distilled spirits within dining establishments and to allow a fitness center
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Simon Properties
Approval Dates:	<ul style="list-style-type: none"> Planning Commission Study Session (Project Preview) was held on September 27, 2022. Planning Commission Public Hearing (Project Introduction) was held on October 25, 2022. Planning Commission recommended approval of the project to the City Council on December 13, 2022. City Council Public Hearing (1st reading) was held on May 2, 2023. City Council approved the project during the 2nd reading on May 16, 2023.
Current Status:	<ul style="list-style-type: none"> Under construction

PROJECT MAP:

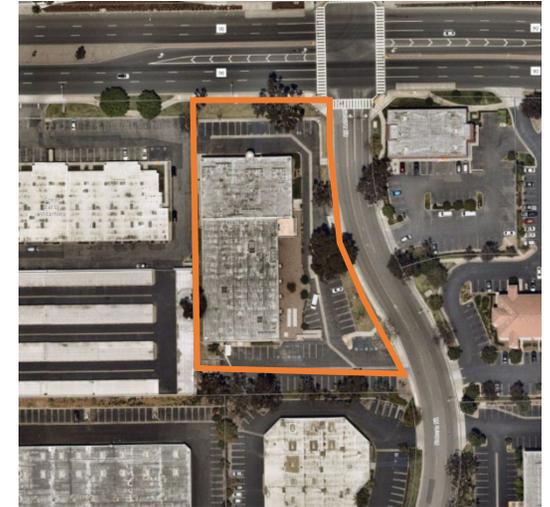


GASLIGHT SQUARE REDEVELOPMENT (MAP ID: 7)		PROJECT MAP:
Case Type:	<ul style="list-style-type: none"> Precise Development, Conditional Use Permit, General Plan Amendment, Zone Change, Conditional Use Permit 	
Project No.:	<ul style="list-style-type: none"> PD No. 22-01; CUP No. 22-03; GPA No. 22-02; ZC No. 22-02; CUP 22-13 (Amend CUP 90-20); ACELA No. PLN 2022-00011 	
Project Location:	<ul style="list-style-type: none"> 255 E. Imperial Highway Assessor’s Parcel Number (APN): 319-292-31, 319-292-33, 319-292-35, 319-292-36 	
Project Description:	<ul style="list-style-type: none"> The Project retains two of the existing five buildings that are currently used for medical uses. The remaining three commercial buildings totaling 18,286 square feet would be demolished and a new 2,000 square foot drive-through restaurant with an outdoor seating area and a 6,000 square foot commercial building consisting of 2,400 square feet of restaurant and 3,600 square feet of medical or retail space would be constructed. 	
Project Planner:	<ul style="list-style-type: none"> Cristal Nava, Assistant Planner (cristaln@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Dwight Manley 	
Approval Dates:	<ul style="list-style-type: none"> Planning Commission Public Hearing (Intro to Project) held on January 24, 2023. Planning Commission recommended approval of the project to City Council on April 11, 2023. City Council Public Hearing (1st reading) held on May 16, 2023. City Council approved the project during the 2nd reading on June 6, 2023. 	
Current Status:	<ul style="list-style-type: none"> Under construction 	



<i>SOUTHLANDS CHURCH FENCE HEIGHT (MAP ID: 8)</i>	
Case Type:	<ul style="list-style-type: none"> Administrative Adjustment
Project No.:	<ul style="list-style-type: none"> AR 2023-01; ACCELA No. PLN 2022-00027
Project Location:	<ul style="list-style-type: none"> 2950 E. Imperial Highway Assessor's Parcel Number (APN): 336-631-21
Project Description:	<ul style="list-style-type: none"> The Project increases the height of the fence along Imperial Highway from 30 inches to 42 inches.
Project Planner:	<ul style="list-style-type: none"> Planning Division (planner@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Southlands Church
Approval Dates:	<ul style="list-style-type: none"> Community Development Director approved the application on February 1, 2023
Current Status	<ul style="list-style-type: none"> In building permit plan check process

PROJECT MAP:



BOILING CRAB OUTDOOR PATIO AND ON-SITE ALCOHOL (MAP ID: 9)

Case Type:	<ul style="list-style-type: none"> Plan Review; Conditional Use Permit
Project No.:	<ul style="list-style-type: none"> PR 2023-03; ACCELA No. PLN 2023-00017 CUP No. 2023-07; ACCELA No: PLN-2023-00039
Project Location:	<ul style="list-style-type: none"> 120 S. Brea Boulevard, Suite 106 Assessor’s Parcel Number (APN): 296-364-25
Project Description:	<ul style="list-style-type: none"> The Project include a new outdoor patio and on-sale beer and wine alcohol license at a sit-down restaurant (Boiling Crab).
Project Planner:	<ul style="list-style-type: none"> Cristal Nava, Assistant Planner (cristaln@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Aejandra Zoquipa
Approval Dates:	<ul style="list-style-type: none"> Community Development Director approved the PR application on June 6, 2023 Planning Commission approved the CUP application on September 12, 2023
Current Status	<ul style="list-style-type: none"> Under construction

PROJECT MAP:



BREA PLAZA REMODEL (BUILDINGS E – G) (MAP ID: 10)	
Case Type:	<ul style="list-style-type: none"> • Conditional Use Permit, Precise Development
Project No.:	<ul style="list-style-type: none"> • CUP No. 2022-23; PD No. 2022-12; ACCELA No: PLN-2022-00078
Project Location:	<ul style="list-style-type: none"> • Assessor’s Parcel Number (APN): 319-391-01 • 1639 E Imperial Hwy
Project Description:	<ul style="list-style-type: none"> • The project includes demolition of a 18,425 square foot theater (Building F) and remodeling Buildings E & G for retail ground floor use and a new second floor for office use. Building E would add 7,787 square feet to the ground floor and a new 6,500 square foot second floor with a 3,028 square foot outdoor patio, and a new loading area to the rear of the building. Building G would add a new 8,480 square foot second floor with a 1,048 square foot outdoor patio.
Project Planner:	<ul style="list-style-type: none"> • Jessica Newton, Senior Planner (jessican@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> • Waad J. Nadhir
Approval Dates	<ul style="list-style-type: none"> • The Planning Commission approved the application on August 8, 2023
Current Status:	<ul style="list-style-type: none"> • Under construction

PROJECT MAP:



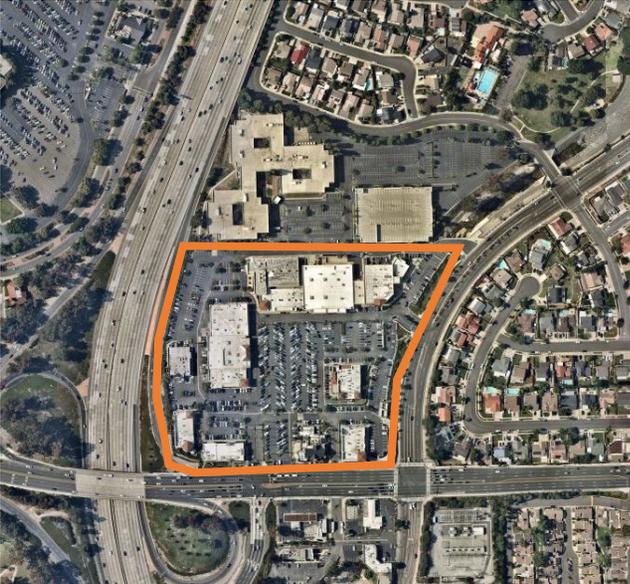
WIRELESS FACILITY CO-LOCATION (MAP ID: 11)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Plan Review 	
Project No.:	<ul style="list-style-type: none"> PR 2023-07; ACCELA No: PLN-2023-00047 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 319-331-12 145 S. State College Boulevard 	
Project Description:	<ul style="list-style-type: none"> The project modifies an existing wireless facility to add additional antennas and support equipment. 	
Project Planner:	<ul style="list-style-type: none"> Cristal Nava, Assistant Planner (cristaln@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Meghan Graham 	
Approval Dates	<ul style="list-style-type: none"> The Community Development Director approved the application on October 10, 2023. 	
Current Status:	<ul style="list-style-type: none"> Pending building permit application submittal 	

CALIFORNIA SPINE INSTITUTE (MAP ID: 12)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Conditional Use Permit, Administrative Remedy 	
Project No.:	<ul style="list-style-type: none"> CUP No. 2023-05; AR No. 2023-04; ACCELA No: PLN-2023-00030 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 319-314-07 721 E Imperial Hwy 	
Project Description:	<ul style="list-style-type: none"> The project includes a second story addition to an existing office building along with related site improvements. 	
Project Planner:	<ul style="list-style-type: none"> Cristal Nava, Assistant Planner (cristaln@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Raed Ali and Eric Lin 	
Approval Dates	<ul style="list-style-type: none"> December 12, 2023 	
Current Status:	<ul style="list-style-type: none"> Under Building plan check process 	

DR. SQUATCH FENCE HEIGHT (MAP ID: 13)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Administrative Remedy 	
Project No.:	<ul style="list-style-type: none"> AR No. 2024-01 ACCELA No: PLN-2024-00007 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-141-01 114 N. Berry Street 	
Project Description:	<ul style="list-style-type: none"> The project increases the height of a new screening fencing from 7 feet to 8 feet. 	
Project Planner:	<ul style="list-style-type: none"> Jessica Newton, Senior Planner (jessican@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Christopher Clay 	
Approval Date:	<ul style="list-style-type: none"> February 6, 2024 	
Current Status:	<ul style="list-style-type: none"> Under construction 	

<i>WIRELESS FACILITY MODIFICATION (MAP ID: 14)</i>		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Plan Review 	
Project No.:	<ul style="list-style-type: none"> PR 2023-02; ACCELA No: PLN-2023-00012 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 284-333-42 185 E. Alder 	
Project Description:	<ul style="list-style-type: none"> The applicant is proposing to modify an existing wireless facility to replace antennas and ancillary equipment. 	
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Stephanie Rudolph 	
Approval Date:	<ul style="list-style-type: none"> March 22, 2024 	
Current Status:	<ul style="list-style-type: none"> Under Building plan check process 	

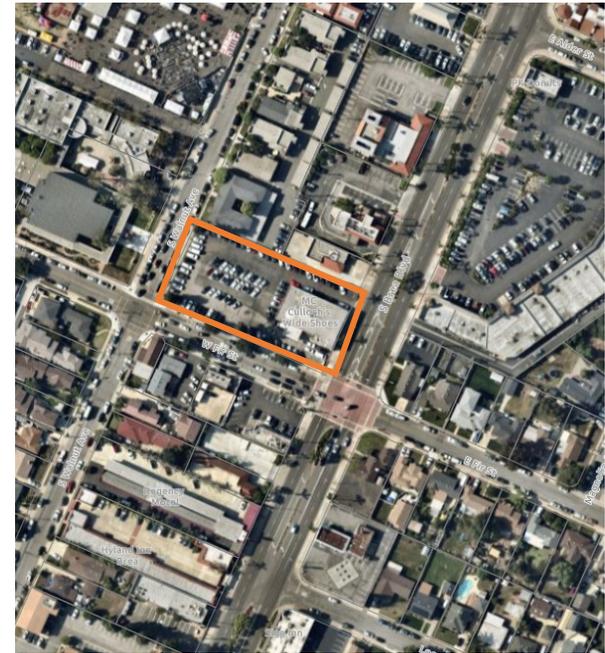
NEW WIRELESS FACILITY (MAP ID: 15)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Plan Review 	
Project No.:	<ul style="list-style-type: none"> PR No. 2024-02; ACCELA No: PLN-2024-00019 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 319-291-14 724 N. Brea Boulevard 	
Project Description:	<ul style="list-style-type: none"> The applicant is proposing a new roof mounted wireless facility for Dish Wireless. 	
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Brian De La Ree of Butler America 	
Approval Date	<ul style="list-style-type: none"> April 25, 2024 	
Current Status:	<ul style="list-style-type: none"> Building permit ready to issue 	

BREA PLAZA SIGN PROGRAM AMENDMENT (MAP ID: 16)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> • Conditional Use Permit 	
Project No.:	<ul style="list-style-type: none"> • CUP 2023-10; ACCELA No: PLN-2023-00054 	
Project Location:	<ul style="list-style-type: none"> • Assessor's Parcel Number (APN): 319-102-25 • 1639 East Imperial Highway 	
Project Description:	<ul style="list-style-type: none"> • The project amends the existing comprehensive sign program for Brea Plaza shopping center. 	
Project Planner:	<ul style="list-style-type: none"> • Jessica Newton, Senior Planner (jessican@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> • Jahn Nguyen 	
Approval Date	<ul style="list-style-type: none"> • May 14, 2024 	
Current Status:	<ul style="list-style-type: none"> • Pending submittal of a building permit plan check 	

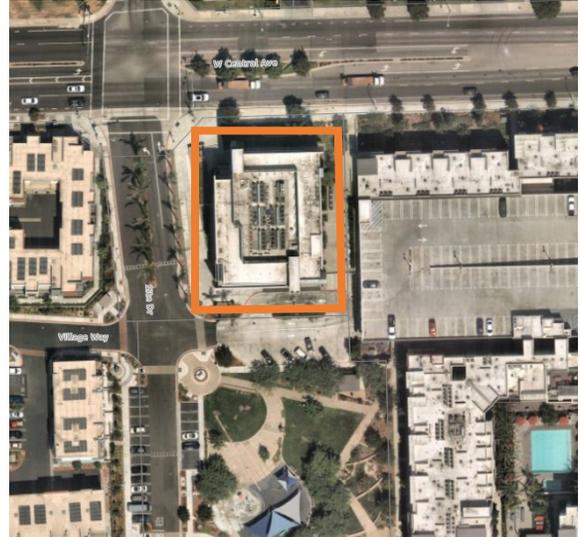
<i>IMPERIAL MARINER TENTATIVE PARCEL MAP (MAP ID: 17)</i>		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Tentative Parcel Map 	
Project No.:	<ul style="list-style-type: none"> TPM No. 2022-179; ACCELA No: PLN-20224-00016 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-342-05 and 296-114-01 915, 955, 975 W. Imperial Hwy 	
Project Description:	<ul style="list-style-type: none"> The applicant is proposing to subdivide the existing property into four parcels. 	
Project Planner:	<ul style="list-style-type: none"> Rebecca Pennington, Senior Planner (rebeccap@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> James McGrade of Imperial Mariner, LLC 	
Approval Date	<ul style="list-style-type: none"> June 25, 2024 	
Current Status:	<ul style="list-style-type: none"> Under final map review process 	

<i>LIGHT INDUSTRIAL BUILDING (MAP ID: 18)</i>		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Plan Review 	
Project No.:	<ul style="list-style-type: none"> PR 2023-08; ACCELA No: PLN-2023-00049 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 320-303-11 3200 Nasa Street 	
Project Description:	<ul style="list-style-type: none"> The applicant is proposing to construct a new 56,000 square-foot industrial building. 	
Project Planner:	<ul style="list-style-type: none"> Cristal Nava, Assistant Planner (cristaln@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Dennis Roy 	
Approval Date	<ul style="list-style-type: none"> July 1, 2024 	
Current Status:	<ul style="list-style-type: none"> Under building plan check process 	

SOUTH BREA TOWNHOMES (MAP ID: 19)		PROJECT MAP:
Case Type:	<ul style="list-style-type: none"> Precise Development, Tentative Tract Map, Density Bonus, Tree Removal Permit 	
Project No.:	<ul style="list-style-type: none"> PD 2023-03, TPM 2023-01, DB 2023-01 and TRP 2023-01; ACCELA No: PLN-2023-00081 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 284-282-06 685 S. Brea Boulevard 	
Project Description:	<ul style="list-style-type: none"> The project includes demolition of the existing retail building and construction of a new 32-unit, 3 story residential development. 	
Project Planner:	<ul style="list-style-type: none"> Jessica Newton, Senior Planner (jessican@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Patrick Chien of City Ventures 	
Approval Date:	<ul style="list-style-type: none"> July 23, 2024 	
Current Status:	<ul style="list-style-type: none"> Under building plan check process 	

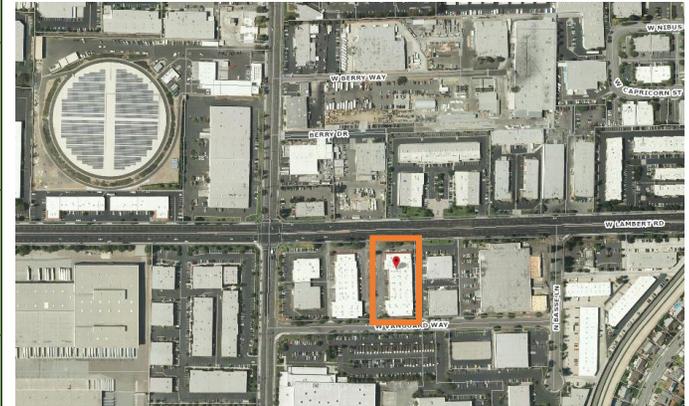


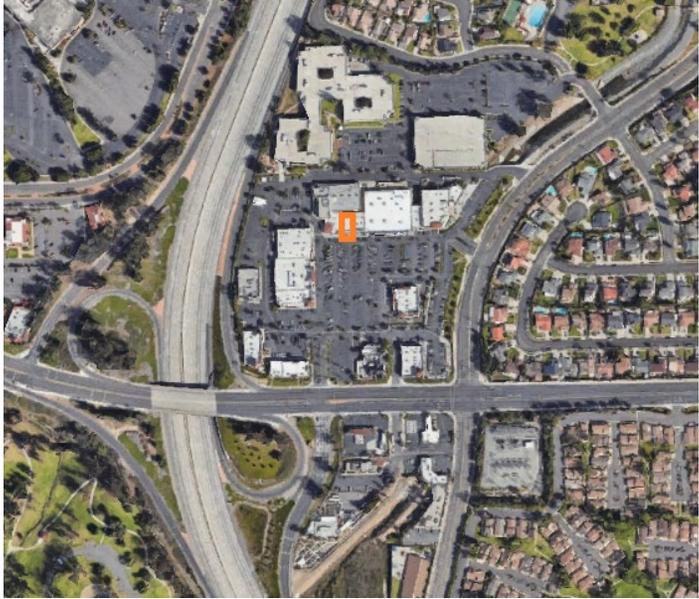
<i>IMPERIAL MARINER PARKING REDUCTION (MAP ID: 20)</i>		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Minor Conditional Use Permit 	
Project No.:	<ul style="list-style-type: none"> MCUP No. 2024-04; ACCELA No: PLN-2024-00028 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-342-05 and 296-114-01 915, 955, 975 W. Imperial Hwy 	
Project Description:	<ul style="list-style-type: none"> The project includes establishing a reduced required parking for the existing office/medical complex to accommodate additional medical office uses 	
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> James McGrade of Imperial Mariner, LLC 	
Approval Date:	<ul style="list-style-type: none"> August 6, 2024 	
Current Status:	<ul style="list-style-type: none"> N/A 	

AT&T WIRELESS ROOFTOP FACILITY (MAP ID: 21)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Plan Review 	
Project No.:	<ul style="list-style-type: none"> PR No. 2022-12; PR No. 2022-13; ACCELA No: PLN-2022-00074 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-241-10 380 W Central Ave 	
Project Description:	<ul style="list-style-type: none"> The project includes a new rooftop wireless communication facility and screening on an existing commercial office building. 	
Project Planner:	<ul style="list-style-type: none"> Graham Bultema, Assistant Planner (grahamb@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> New Cingular Wireless PCS, LLC dba AT&T Wireless 	
Approval Date:	<ul style="list-style-type: none"> August 22, 2024 	
Current Status:	<ul style="list-style-type: none"> Pending building permit plan check submittal. 	

PET AQUAMATION BUSINESS (MAP ID: 22)	
Case Type:	<ul style="list-style-type: none"> • Conditional Use Permit
Project No.:	<ul style="list-style-type: none"> • CUP No. 2022-15; ACCELA No. PLN 2022-00053
Project Location:	<ul style="list-style-type: none"> • 580 W Lambert Road, Unit E • Assessor's Parcel Number (APN): 296-081-07
Project Description:	<ul style="list-style-type: none"> • The project includes establishing a pet aquamation (cremation) facility with mobile after-life care veterinary services. No live animals are proposed on-site.
Project Planner:	<ul style="list-style-type: none"> • Graham Bultema, Assistant Planner (grahamb@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> • Dr. Annie Forslund (Home Pet Euthanasia of Southern California)
Approval Date:	<ul style="list-style-type: none"> • September 24, 2024
Current Status:	<ul style="list-style-type: none"> • Under construction

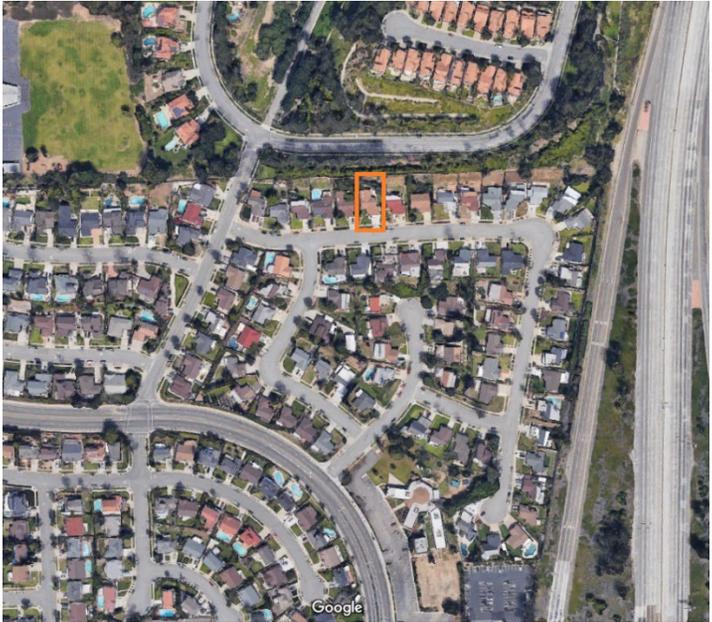
PROJECT MAP:



SUSHI CLUB ON-SITE ALCOHOL (MAP ID: 23)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Minor Conditional Use Permit 	
Project No.:	<ul style="list-style-type: none"> MCUP No. 2024-05; ACCELA No: PLN-2024-00039 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 319-391-01 437 S. Associated Rd. 	
Project Description:	<ul style="list-style-type: none"> The project includes on-site beer and wine service at a new restaurant (Sushi Club) 	
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano, Assistant Planner (estebana@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Jason Kho 	
Approval Date:	<ul style="list-style-type: none"> October 2, 2024 	
Current Status:	<ul style="list-style-type: none"> Restaurant under construction 	

SHAKE SHACK ON-SITE ALCOHOL (MAP ID: 24)		PROJECT MAP:
Case Type:	<ul style="list-style-type: none"> Minor Conditional Use Permit 	
Project No.:	<ul style="list-style-type: none"> MCUP No. 2024-07; ACCELA No: PLN-2024-00041 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-376-08 103 W. Imperial Hwy #C 	
Project Description:	<ul style="list-style-type: none"> The project includes on-site beer and wine service at a new restaurant (Shake Shack) 	
Project Planner:	<ul style="list-style-type: none"> Graham Bultema, Assistant Planner (grahamb@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Nicole Bolio of Shake Shack 	
Approval Date:	<ul style="list-style-type: none"> October 18, 2024 	
Current Status:	<ul style="list-style-type: none"> Restaurant in operation 	



<i>INCREASE IN WALL HEIGHT (MAP ID: 25)</i>		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Minor Conditional Use Permit 	
Project No.:	<ul style="list-style-type: none"> MCUP No. 2024-06; ACCELA No: PLN-2024-00040 	
Project Location:	<ul style="list-style-type: none"> Assessor’s Parcel Number (APN): 319-051-06 839 Mango St. 	
Project Description:	<ul style="list-style-type: none"> The project includes increase in the height of wall within the front yard up to 5 feet along the east property line 	
Project Planner:	<ul style="list-style-type: none"> Esteban Rubiano, Assistant Planner (estebanr@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Eric Lavold 	
Approval Date:	<ul style="list-style-type: none"> October 2, 2024 	
Current Status:	<ul style="list-style-type: none"> Under construction 	

BRUXIE ON-SITE ALCOHOL (MAP ID: 26)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Minor Conditional Use Permit 	
Project No.:	<ul style="list-style-type: none"> MCUP No. 2024-01; ACCELA No: PLN-2024-00029 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-632-27 215 W. Birch Street 	
Project Description:	<ul style="list-style-type: none"> The project includes on-site beer and wine service at the existing restaurant (Bruxie) 	
Project Planner:	<ul style="list-style-type: none"> Brianna Co, Planning Technician (briannac@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Kelly Bullarney of Bruxie 	
Approval Date	<ul style="list-style-type: none"> October 21, 2024 	
Current Status:	<ul style="list-style-type: none"> N/A 	

FINNEY'S CRAFTHOUSE & KITCHEN EXTERIOR MODIFICATION (MAP ID: 27)

Case Type:	<ul style="list-style-type: none"> Plan Review
Project No.:	<ul style="list-style-type: none"> PR No. 2024-04; ACCELA No: PLN-2024-00038
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 296-376-17 215 S. Brea Blvd.
Project Description:	<ul style="list-style-type: none"> The project would modify the exterior façade and signage on the existing building to accommodate for a new restaurant, Finney's Crafthouse & Kitchen
Project Planner:	<ul style="list-style-type: none"> Brianna Co, Planning Technician (briannac@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> Marion Gonzales
Approval Date:	<ul style="list-style-type: none"> November 14, 2024
Current Status:	<ul style="list-style-type: none"> Under building permit review process

PROJECT MAP:



AUSLETICS FITNESS STUDIO (MAP ID: 28)		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Minor Conditional Use Permit 	
Project No.:	<ul style="list-style-type: none"> MCUP No. 2024-09; ACCELA No: PLN-2024-00047 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 336-631-29 2868 E. Imperial Highway 	
Project Description:	<ul style="list-style-type: none"> The project would establish a new fitness studio. 	
Project Planner:	<ul style="list-style-type: none"> Cristal Nava, Assistant Planner (cristaln@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Snez Velijanovska 	
Approval Date	<ul style="list-style-type: none"> November 14, 2024 	
Current Status:	Business in operations	

OUR NEST ON-SITE ALCOHOL (MAP ID: 29)	
Case Type:	<ul style="list-style-type: none"> • Conditional Use Permit
Project No.:	<ul style="list-style-type: none"> • CUP No. 2024-07; ACCELA No: PLN-2024-00054
Project Location:	<ul style="list-style-type: none"> • Assessor’s Parcel Number (APN): 319-170-03 • 732 N. Brea Boulevard
Project Description:	<ul style="list-style-type: none"> • The project includes on-site full alcohol service at a new restaurant (Our Nest)
Project Planner:	<ul style="list-style-type: none"> • Cristal Nava, Assistant Planner (cristaln@cityofbrea.net)
Applicant:	<ul style="list-style-type: none"> • Jonpaul Ugay
Approval Date	<ul style="list-style-type: none"> • December 10, 2024
Current Status:	<ul style="list-style-type: none"> • Restaurant under construction

PROJECT MAP:



<i>REDUCTION IN REQUIRED PARKING SPACES (MAP ID: 30)</i>		PROJECT MAP: 
Case Type:	<ul style="list-style-type: none"> Minor Conditional Use Permit 	
Project No.:	<ul style="list-style-type: none"> MCUP No. 2024-08; ACCELA No: PLN-2024-00045 	
Project Location:	<ul style="list-style-type: none"> Assessor's Parcel Number (APN): 284-243-09 & 10 440 S. Brea Blvd. 	
Project Description:	<ul style="list-style-type: none"> The project allows a reducing the minimum required parking spaces to accommodate a new dentist office 	
Project Planner:	<ul style="list-style-type: none"> Brianna Co, Planning Technician (briannac@cityofbrea.net) 	
Applicant:	<ul style="list-style-type: none"> Sultram Han 	
Approval Date	<ul style="list-style-type: none"> December 17, 2024 	
Current Status:	<ul style="list-style-type: none"> N/A 	

REPEALED/DENIED

(Within one year)

N/A