

3. HOUSING CONSTRAINTS



The provision of adequate and affordable housing is constrained by a number of factors. This section assesses the various market, governmental, and environmental factors that may serve as a potential constraint to housing development and improvement in Brea.

A. MARKET CONSTRAINTS

1. Construction Costs

A major cost associated with the development of housing is the cost of building materials, which have risen dramatically in recent years. According to the U.S. Department of Labor, the overall cost of residential construction materials rose 22 percent between 2004-2006, with steel costs increasing 63 percent and the cost of cement increasing 27 percent. However, with the slow down in the real estate market, the price of construction materials is finally beginning to level off.⁵

Hard construction costs include building shell costs, on and off-site improvements, parking and all contractor costs.⁶ Construction costs for high density (25 du/acre) apartment development run around \$150,000 per unit, including \$10,000/unit for structured parking. Hard construction costs for development of a three-story 100 unit condominium project over ground floor retail and below grade parking run approximately \$250,000 per unit, including \$45,000 per unit for the parking structure.

A reduction in amenities and the quality of building materials (above a minimum acceptability for health, safety, and adequate performance) can result in lower development costs. As part of the City's inclusionary housing and density bonus programs, the City could allow for affordable units to be smaller in size (maintaining the same number of bedrooms) and have different features and interior finishes than market rate units, provided all project units were comparable in construction quality and exterior design. Another factor

⁵ www.dcd.com/pdf_files/0701trends.pdf

⁶ Contractor costs encompass the contractor's fee, general conditions, insurance and bonds, and construction contingency.

related to construction costs is the number of units built at one time. As that number increases, overall costs generally decrease as builders are able to take advantage of the benefits of economies of scale.

2. Land Costs

A key component of the total cost of housing is the price of raw land and any necessary improvements. The diminishing supply of land available for residential construction combined with a fairly high demand for such development has served to keep the cost of land relatively high, particularly in Orange County cities. In Brea, an October 2006 land appraisal conducted for the Redevelopment Agency valued a one acre, R-3 property at \$58 per square foot, or \$87,500 per residential unit. In contrast, the City's 2000 Housing Element documented residential land costs at \$11 to \$17 per square foot, illustrating the significant escalation in residential land values over the period. Particularly in such a high cost environment, the Brea Redevelopment Agency plays an important role in both land assembly and write-down in support of affordable housing.

3. Availability of Mortgage and Rehabilitation Financing

The availability of financing in a community depends on a number of factors, including the type of lending institutions active in the community, lending practices, rates and fees charged, laws and regulations governing financial institutions, and equal access to those institutions. Through analysis of Home Mortgage Disclosure Act (HMDA) data on the disposition of residential loan applications, an assessment can be made of the availability of residential financing within a community.

Residential lending activity in Brea is high, with 1,747 applications for home purchase, 2,735 applications for refinance, and 580 applications for home improvement loans during 2006. Table HE-30 provides information on the status of residential loan applications in both Brea and Orange County. As illustrated by this table, at 69 percent, approvals for conventional mortgage loans in Brea were higher than the County approval rate of 65 percent. An even greater

discrepancy is evident among approval rates for refinancing loans, with 77 percent loan approval in Brea compared to only 61 percent in the County. While income plays a key factor in loan approvals, household incomes in Brea are only slightly above that of the County.

Of the 580 applications for home improvement loans in Brea, 64 percent were approved, compared to 62 percent in the County. In general, home improvement loans have a higher denial rate compared to mortgage loans as owners often have a high debt-to-income ratio.

Review of loan approvals in Brea by census tract identifies fairly consistent approvals for mortgage and refinance loans throughout the City (refer to Figure 1 for census tract map). However, approval rates for home improvement loans identify two census tracts with loan approval rates significantly below the 64 percent citywide average: census tract 15.07 (29 applications, 48% approvals), and census tract 14.04 (35 applications, 54% approvals). Household incomes in both these tracts are below the County median, at 92 percent AMI and 69 percent AMI respectively. The higher denial rates for home improvement loans – particularly in these two census tracts - supports the importance of City sponsored rehabilitation assistance. These neighborhoods will continue as part of the City’s focus in code enforcement, rehabilitation, and provision of affordable housing, including homebuyer assistance, all which help to improve access to credit.

**Table HE-30
Home Purchase, Refinance and Improvement Loans - 2006**

Loan Type	# Loan Applications in Brea	% Approved		% Denied		% Withdrawn.	
		Brea	Orange Co.	Brea	Orange Co.	Brea	Orange Co.
Home Purchase	1,747	69%	65%	19%	21%	12%	14%
Home Refinance	2,735	77%	61%	21%	21%	2%	18%
Home Improvement	580	64%	62%	25%	25%	11%	13%

Source: Home Mortgage Disclosure Act (HMDA) data, 2006

Note: Approved loans include loans originated and applications approved but not accepted.

Withdrawn applications include those withdrawn by the applicant and those deemed incomplete by the lender.

B. GOVERNMENTAL CONSTRAINTS

Aside from market factors, actions by the City can have an impact on the price and availability of housing. Land use controls, site improvement requirements, building codes, fees, and other local programs intended to improve the overall quality of housing may serve as potential constraints to the development and improvement of housing.

1. Land Use Controls

The Land Use Element of the General Plan sets forth the City's policies for guiding local development and growth. These policies, together with existing zoning regulations, establish the amount and distribution of land uses within the City. The General Plan provides for five residential land use categories, ranging from Hillside Residential with densities based on average slopes, to High Density Residential, permitting densities up to 25 units/acre (refer to Table HE-31).

In 2003, the City of Brea completed a comprehensive update of its General Plan. A key feature of the new Plan was the establishment of mixed use districts in the older, more centrally located areas of the City to provide opportunities for people to live, work, shop and recreate without having to use their cars. Both vertical (residential above ground-floor commercial) and horizontal, side-by-side integration of uses is permitted, with an emphasis on tying together uses with pedestrian linkages. Densities range from 18 units/acre in areas designated MU-III, up to 50 units/acre in MU-I areas.

Another important land use policy of the updated General Plan was the designation of the 1,600+ acres of hillsides in Brea's sphere of influence as Hillside Residential. Properties designated Hillside Residential are moderately to severely constrained by a variety of environmental factors, including: steep/unstable slopes, ridgelines, earthquake faults, landslides, wildland fire hazards and sensitive habitat. As these properties are annexed into the City, development will be subject to the City's Hillside Management Ordinance, with permitted densities based upon average slope calculations, protection of environmental resources, and conformance with performance criteria.

**Table HE-31
Residential Land Use Designations**

Residential Land Use Category	Corresponding Zoning District(s)	Dwelling Units per Acre	Description
Hillside	HR	Based upon calculated property slope; biological resources; performance standards.	Areas constrained by natural features such as topography, environmental resources and hazards. Development subject to Hillside Management Ordinance. Single-family detached homes permitted; clustering encouraged to preserve resources.
Very Low Density	HR, R-1	1.0 – 2.0	Areas moderately constrained by topographic or geologic conditions, accessibility issues, and/or wildland fire hazards. Properties <i>may</i> be subject to Hillside Management Ordinance. Single-family detached homes permitted.
Low Density	R-1	1.0 - 6.0	Single family homes developed on conventional lots.
Medium Density	R-1 (5,000) and R-2	6.1 - 12.0	Multiple family housing including existing mobile home parks, condominiums and apartments.
High Density	R-3 and R-3-I	12.1 - 24.89	Multiple family housing consisting of condominiums and apartment developments.
Mixed Use III	MU-III	6.1-18	Provides for revitalization of deteriorated commercial corridors and centers located on arterials by allowing the development of neighborhood-serving commercial uses paired with residential uses.
Mixed Use II	MU-II	6.1-40	Provides for coordinated development of urban villages that offer a diverse range of complementary land uses in close proximity to one another.
Mixed Use I	MU-I	12.1-50.0	Intense, mixed-use urban environments that offer opportunities for people to live, work, shop, and recreate without having to use their vehicles.

Source: Land Use Element, City of Brea General Plan, August 2003

In addition to the base land use districts, the City has adopted several specific plans for areas requiring focused planning efforts, including Olinda Ranch, Tomlinson Park, and Birch Hills. (The Brea Towne Plaza and Carbon Canyon Specific Plans have been rescinded). Each of these specific plans has its own unique zoning districts and set of development standards tailored to guide development in that particular area. As a general practice, however, the City will discourage further use of Specific Plans unless circumstances indicate that a specific plan represents the best method of achieving a cohesive land use plan for a property.

Growth Management

The Revised Traffic Improvement and Growth Management Plan (Measure M) was adopted by Orange County voters in 1990 and extended in 2007, establishing a one-half cent sales tax for countywide transportation improvements. Eligible jurisdictions receive a portion of this sales tax revenue to use for local projects provided they have a local Growth Management Plan. In response, the City of Brea has adopted a Growth Management Element as part of its General Plan. The Element aims to ensure that growth and development are balanced with the City's ability to provide an adequate circulation system. A key goal of Measure M is to better balance jobs and housing as related to transportation demand; Brea's use of mixed-use zoning has created opportunities for housing and jobs to be located in close proximity to each other, thereby reducing vehicle trips. Unlike growth control measures enacted by some jurisdictions, Brea's Growth Management Element does not limit housing growth to an established maximum level or serve as a constraint to housing development.

2. Residential Development Standards

Brea's Zoning Ordinance provides for the following residential zones:

- Hillside Residential (HR)
- Single Family Residential (R-1)
- Single Family Residential (R-1 5,000)
- Multiple Family Residential (R-2)
- Multiple Family Residential (R-3)
- Mixed-Use (MU-I, MU-II, and MU-III)

The development standards for these zones are summarized in Table HE-32. Brea's standards for dwelling unit size establish opportunities for a diverse housing mix. These standards range from 450 square feet for a studio unit in the R-3 district to 2,500 square feet for a single-story unit in the HR zone. Small lot single-family subdivisions as well as townhomes are provided for in the R-1 (5,000) zone, with minimum unit sizes of 800 square feet. These standards, when viewed in the context of the entire community, offer a positive balance of home sizes.

Apart from the maximum density permitted by the Zoning Ordinance, standards that may impact the number of units that can be constructed on a given lot are maximum lot coverage and height limits. The Zoning Ordinance restricts the amount of lot area that may be covered by development to 50 percent in R-2 and 60 percent in R-3 zones. Three-story (35') building heights are permitted in R-2 and R-3 zones, with additional height of up to 75' permitted in R-3 zones based on distance from R-1, R-2 or HR zone districts. The maximum building envelope achievable under the lot coverage and height requirements does not serve as a constraint to achieving close to the maximum permitted densities in the City's R-2 and R-3 zone districts. For example, the City has a current development application for 22 units on a one acre R-3 parcel, translating to 92 percent of the maximum permitted density.

Subsequent to adoption of the General Plan update, the City adopted new zoning standards in 2005 for implementation of

the mixed-use land use designations. Brea's three mixed-use zones offer generous development standards as a means of enhancing design flexibility and achieving planning goals such as pedestrian orientation and provision of public open space amenities. Residential uses are permitted both as stand-alone multi-family and vertical mixed-use above ground floor commercial. However, densities at the higher end of the mixed-use density range are only permitted for developments that incorporate a mix of uses. Examples of completed or entitled development projects within the mixed use districts include:

Mixed Use III

South Walnut Bungalows: 9 very low income units on .5 acres (18 du/acre) *completed*

South Brea Lofts: 47 live/work townhomes, 10 moderate income, on 2.8 acres (17 du/acre) *completed*

Mixed Use II

Olen Pointe Apartments: 260 apartments, 26 moderate income, on 6.5 acres (40 du/acre) *entitled*

In order to encourage the assembly of smaller existing parcels into larger parcels that can be more efficiently developed as a mixed-use project, the City provides for numerous incentives, including parking reductions, increased parcel coverage, reduction in open space requirements, fast-track processing, and City participation in infrastructure.



South Walnut Bungalows

**Table HE-32
Residential Development Standards**

Standards	HR	R-1	R-1 (5,000)	R-2	R-3	MU-I	MU-II	MU-III
Primary Housing Type	Cluster-type and estate-type single family dwellings	Single family dwellings	Single family dwellings, townhomes	Low-density multiple family dwellings	High-density multiple family dwellings, i.e. apartments & condominiums	Single family dwellings, townhomes, and high-density multiple family dwellings	Single family dwellings, townhomes, and high-density multiple family dwellings	Single family dwellings, townhomes, and low-density multiple family dwellings
Density - Maximum Dwelling Units	Based on average property slope	6 units/acre	8.7 units/acre	12.0 units/acre	24.9 units/acre	12.1 - 50 units/acre	6.1 - 40 units/acre	<i>Mixed-Use</i> 6.1 - 18 units/acre <i>Standalone Residential</i> 6.1 - 14 units/acre
Minimum Lot Area / Project Size (for Mixed Use zones)	Bldg Pad- 6,000 sq ft 10,000 sq ft for custom lots	7,200 sq ft	5,000 sq ft	9,000 sq ft	R-3 - 10,000 sq ft R-3-I - 7,000 sq ft	<i>Mixed-Use</i> 7,000 sq ft <i>Standalone Residential</i> 2,500 sq ft	<i>Mixed-Use</i> 10,000 sq ft <i>Standalone Residential</i> 2,500 sq ft	<i>Mixed-Use and Standalone Residential</i> 7,500 sq ft
Maximum Building Coverage	None	35%	50%	50%	60%	None	None	65%
Minimum Dwelling Unit Size		1,000 sq ft	800 sq ft	800 sq ft	Bach – 450 sq ft 1 BR - 650 sq ft 2 BR – 800 sq ft			
Maximum Building Height	35 ft - detached 45 ft - attached	30 ft	35 ft	35 ft	35 - 75 ft	100 ft	60 ft	35 ft

Source: Zoning Ordinance, City of Brea, 2008

* Greater than 1.0 unit per lot permitted where planned unit techniques are employed.

The Zoning Ordinance calculates parking requirements by unit type, and on a per bedroom basis for multi-family units, as illustrated in Table HE-33. Carports for multi-family units are permitted, serving to reduce development costs in contrast to the provision of separate garages. In addition, to facilitate the development of affordable housing and to reflect the actual parking demands created by these developments, the City has granted parking reductions for senior housing, loft housing and affordable housing in general.

**Table HE-33
Parking Requirements**

Unit Type	Parking Requirement
Single-family	2 covered spaces for each unit
Single-family: attached	2 covered spaces for each unit, plus 0.5 uncovered spaces for each unit
Two or more units on a building site/ lot	Bachelor unit = 1.5 spaces per unit* 1-Bedroom units = 1.75 spaces per unit* 2-Bedroom units = 2 spaces per unit* 3-Bedroom or more dwelling units = 2.5 spaces per unit** * of which 1 space shall be located within a garage or 3-sided carport ** of which 2 spaces must be covered for each dwelling unit, plus 0.5 off-street parking spaces must be provided for each bedroom in excess of 3.
Five or more units on a building site/ lot	In addition to the required number of spaces stated above for multi-family units: 0.2 guest parking space shall be provided for each dwelling unit. A maximum of 25 percent of the required uncovered spaces may be of compact car size, provided such spaces are clearly and individually marked.

Source: Zoning Ordinance, City of Brea, 2008

In order to specifically facilitate the development of affordable housing, the City utilizes two primary regulatory mechanisms: Development Agreements and the Affordable Housing Ordinance.

Development Agreements

The Brea Redevelopment Agency assists in the development of new affordable housing units by entering into Disposition Development Agreements (DDA) or Owner Participation Agreements (OPA) with developers. DDAs or OPAs may provide for the disposition of Agency-owned land at a price which can support the development of units at an affordable housing cost for low- and moderate-income households. These agreements may also provide for development assistance, usually in the form of a density bonus or the payment of specified development fees or other development costs which cannot be supported by the proposed development.

Affordable Housing Ordinance

The purpose of Brea's Affordable Housing Ordinance is to expand the affordable housing stock in proportion with the overall increase in residential units in the City. Adopted in 1993, the Ordinance requires developers of residential projects with 20 or more units to provide 10 percent of the units for affordable housing, provided that the City determines the development of the affordable units does not place an economic burden on the developers or future homeowners. To determine the economic feasibility of providing the affordable units, the developer is required to submit an Impact Analysis for review by the City. If application of the combination of incentives provided for in the Ordinance does not offset the cost of the required affordable units, then the number of affordable units may be reduced by the City until the project becomes economically feasible.

To offset the costs of developing affordable units, the City offers the following incentives:



South Brea Lofts

- Density bonus⁷;
- Flexible development standards, such as a reduction in unit square footage, on-site requirements, and off-site improvements;
- Deferral of development impact fees;
- Use of Building Code alternatives;
- Assistance in application for public funds, such as rent subsidies, bond financing, community development block grants (CDBG);
- Redevelopment housing set-aside funds; and
- Any other lawful means of offsetting the costs of providing affordable units



Courtyard of the South Brea Lofts

All affordable units developed under the Ordinance must remain as units affordable to lower and moderate-income households for forty-five years for ownership units and fifty-five years for rental units. Since adoption of the ordinance, numerous projects have met the 20-unit threshold which triggers implementation of the Ordinance, including Vintage Canyon, Tamarack Pointe, Olinda Ranch, Berkeley Townhomes, Arbors, Laurel Walk, South Walnut Bungalows and South Brea Lofts. In addition, the City has several projects in the pipeline which will be subject to the Inclusionary Ordinance, including Canyon Crest, La Floresta, and Olen Pointe Apartments. To provide even

⁷ The State's density bonus program fulfills the requirements of Brea's Affordable Housing Program and may be used in place of Brea's program.

greater flexibility in the way the City's affordable housing requirements are fulfilled, the Ordinance allows for payment of an in-lieu fee for ownership housing projects, described below.

In-Lieu Fees: The option to allow a project's affordable unit contribution to be provided in whole or in part through payment of an in-lieu fee is determined by the City Council on a case-by-case basis. Factors considered in determining if the in-lieu fee option may be approved include: economic profile of the development, site conditions, number of units, and feasibility of the fees to generate the in-lieu units. Fees collected are deposited in the Affordable Housing Trust Fund to be used exclusively for the development or maintenance of housing affordable to low- and moderate-income households.

The methodology for calculating in-lieu fees is based on an approximation of the cost of providing the required affordable (inclusionary) housing units required by the project. Fees are determined by the following formula:

$$\begin{aligned} & \text{Median sales price of new home in Brea} \\ - & \\ & \text{— } \underline{\text{Max affordable sales price (moderate income)}} \\ = & \text{ In Lieu Fee} \end{aligned}$$

The fee per units is calculated by subtracting the current market value for comparable units from the established maximum affordable home price for moderate-income households. The formula included in the Ordinance calls for the City to calculate the fee each time a developer wishes to apply for the in-lieu fee option.

3. Provision for a Variety of Housing Types

Housing element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population, including multi-family rental housing, factory-built housing, mobile homes, emergency shelters, and transitional housing. Table HE-34 summarizes housing types permitted in each of the residential zone districts in Brea.

**Table HE-34
Housing Types by Residential Zone Category**

Residential Housing Type	HR	R-1	R-1 (5,000)	R-2	R-3	MU-I	MU-II	MU-III	C-RC	C-G	C-N	C-P	C-C
Conventional Single Family	✓	✓	✓	✓	✓	✓	✓	✓					
Cluster Single Family		✓	✓	✓									
Estate Single Family	✓												
Planned Unit Development		✓	✓	✓									
Second Units	✓	✓											
Manufactured Housing	✓	✓	✓	✓	✓								
Mobile Home Parks				C	C								
Multiple Family				✓	✓	C*	C*	C*					
Townhouses			✓	✓	✓	✓	✓	✓					
Live/Work Facilities						✓	✓	✓					
Residential Care Facility: 1-6 persons	✓	✓	✓	✓	✓								
Residential Care Facility: 7+ persons					C				C	C	C	C	C
Transitional Housing	✓	✓	✓	✓	✓				C	C	C	C	C
Emergency Shelters	Not currently specified												

Source: Zoning Ordinance, City of Brea, 2008

✓ = Permitted C = Conditionally Permitted

*Multi-family uses permitted by right in a mixed-use configuration

Second Units

Brea's Zoning Ordinance defines second dwelling units as "an attached or detached dwelling unit which provides complete, independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the existing single-family dwelling unit is located." The City permits second dwelling units by right in the HR and R-1 zones. Zoning provisions allow one second dwelling unit per lot provided that: (1) the lot contains one existing single-family dwelling unit; (2) the occupant of either the existing dwelling unit or the second unit is the owner of both units; (3) the second unit meets the development standards for such a unit in the R-1 Zone; and (4) the second unit does not cause the existing dwelling to conflict with the minimum standards applicable to the single family zone on which it is located. Between 1987-2005, the City processed 25 applications for second units, indicating this is a viable housing type in the community.

Mobile Homes/ Manufactured Housing

About seven percent of the housing stock in Brea consists of mobile homes, with the following five mobile home parks in the City: Bandera Estates, Crestmont, Hollydale, Lake Park Brea, and Rancho Brea. Mobile home parks are conditionally permitted in the R-2 and R-3 zones. Mobile homes not on a permanent foundation used as residences, other than those located within an authorized mobile home park, are prohibited in all residential zones.

Pursuant to State law, manufactured housing placed on a permanent foundation is permitted in all residential zones. Such housing is subject to the same development standards and design review criteria as stick-built housing as set forth by the zoning district.

Multi-Family Rental Housing

Multi-family housing makes up nearly one-third of Brea's housing stock. The Zoning Ordinance provides for multiple family developments by right in the R-2 and R-3 multiple family residential zones. Stand-alone multi-family residential is also conditionally permitted in the three mixed-use zones, and permitted by right when integrated with a commercial component, either in a vertical or horizontal format. A developer may receive a density bonus from the City to offset its costs of providing affordable housing units.

Community Care Facilities

The Lanterman Developmental Disabilities Services Act is that part of California law that sets out the rights and responsibilities of persons with developmental disabilities. The Lanterman Act impacts local zoning ordinances by requiring the use of property for the care of six or fewer disabled persons to be classified as a residential use under zoning. More specifically, a State-authorized, certified or licensed family care home, foster home, or a group home serving six or fewer disabled persons or dependent and neglected children on a 24-hour-a-day basis is considered a residential use that is to be permitted in all residential zones. No local agency can impose stricter zoning or building and safety standards on these homes. Due to the unique characteristics of larger (more than six persons) community care facilities, most jurisdictions require a Use Permit to ensure neighborhood compatibility in the siting of these facilities.

The Brea Zoning Code defines Residential Care Facilities as State-licensed facilities where 24 hour a day non-medical care is provided to persons residing on the premises in need of assistance, personal services, supervision and training essential for sustaining the activities of daily living or for the protection of the individual. The Care Facilities category also includes children's homes, orphanages, rehabilitation centers, self-help group homes, and transitional housing. Brea allows residential care facilities (for 6 or fewer persons) by right in the HR, R-1, R-1 5000, R-2 and R-3 zones. Residential care facilities for 7 or more persons are conditionally permitted in the R-3, C-RC, C-G, C-P, C-N, and C-C zones.

Accessibility Accommodations/ Universal Design

Both the federal Fair Housing Act and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to allow ramps in the setbacks of properties that have already been developed to accommodate residents with mobility impairments.

The City has conducted a review of zoning and building code requirements, and has not identified any barriers to the provision of accessible housing. Brea accommodates most accessibility modifications through issuance of a simple building permit. However, the City has not yet developed

specific procedures for requesting a reasonable accommodation for accessibility modifications, and will include this as a program in the updated Housing Element.

Handicapped ramps or guardrails (up to 30" in height) are permitted to intrude into the standard setbacks required under zoning to allow first floor access for physically disabled residents. The Development Services Director maintains the authority, without a public hearing, to grant setback and other minor modifications to the Zoning Code. The City also makes available housing rehabilitation funds to income qualified households for accessibility improvements.

Brea's universal design program accommodates a wide range of physical abilities including children, aging populations, and persons with disabilities by providing features in residential construction that enhance accessibility. Examples of universal design features include:

- Entrances without steps that make it easier for persons of all ages to enter the home
- Wider doors that enhance interior circulation and accommodate strollers and wheelchairs
- Stepless showers with built-in seats

In 2001, the Brea City Council supported a process that requests all residential homebuilders to address universal design principles when submitting proposed developments in the City. The City has developed a brochure entitled *Universal Design Principles and Modifications for Residential Home Builders in Brea*. Development Services staff provide this brochure to all residential developers proposing to build in Brea and request that plans incorporate universal design features to allow homeowners to gracefully age in place.

Transitional Housing and Emergency Shelters

Transitional housing is temporary housing (generally six months to two years) for a homeless individual or family transitioning to permanent housing. This housing can take several forms, including group housing or multi-family units, and often includes a supportive services component to allow individuals to gain necessary life skills in support of independent living. The Brea Zoning Code accommodates transitional housing within several zoning districts depending on the project's physical structure: 1) transitional housing is included within the City's Residential Care Facilities designation, and depending on the number of occupants, is permitted/conditionally permitted in most residential and commercial districts; and 2) "multi-family residential" is

permitted/conditionally permitted in all residential and mixed use zone districts. The Sheepfold Christian organization operates a transitional housing facility for battered and homeless women and children in Brea, housing six families.

Supportive housing is generally defined as permanent, affordable housing with on-site services that help residents transition into stable, more productive lives. Services may include childcare, after-school tutoring, career counseling, etc. Most transitional housing includes a supportive services component. The City of Brea regulates supportive housing as a residential use, provided supportive services are ancillary to the primary use.

Brea's Zoning Code defines emergency shelters as facilities that provide immediate and short-term housing and supplemental services to homeless persons or families. Supplemental services may include counseling, food, and access to social programs. While the City's Zoning Code provides a definition of emergency shelters, it does not explicitly identify shelters as a permitted/conditionally permitted use within any zoning district, leaving the Code open to interpretation.

Pursuant to recent changes in State law (SB 2), the City has included a program within the Housing Element to modify its Zoning Code to allow emergency shelters by right within the M-1, Light Industrial zone, subject to objective development standards designed to enhance the compatibility of shelters with surrounding uses. City staff has conducted a land use analysis of the M-1 zone, and has concluded it provides sufficient capacity for development of an emergency shelter. The following areas within the M-1 district have been identified as potentially suitable for shelter use: approximately ten vacant acres near Imperial Highway on the east side of town located near bus stops on Imperial; approximately five vacant acres near Lambert Road in central Brea close to medical facilities and bus transit on Lambert; and potential reuse of existing buildings within light industrial areas in both these locations.

Single Room Occupancy Hotels (SROs)

Brea classifies Single Room Occupancy (SRO) uses the same as hotels and motels. SROs typically have individual bathrooms for each unit, and thus similar to hotels, are permitted/conditionally permitted in commercial and mixed use districts.

3. Site Improvements

Developers of single-family residential tracts in the City are required to install arterial and local streets: curbs, gutters, sidewalks; water lines: sewer; street lighting: and trees in the public right-of-way within and adjacent to a tract. These facilities are in most cases dedicated to the City or other agencies that are responsible for maintenance. Without the site improvement requirement there are no other means of providing necessary infrastructure to the City's land parcels. Requirements for site improvements are at a level necessary to meet the City's costs.

The cost of these required off-site improvements vary depending on the nature of development (i.e., hillside or flatland development). Brea imposes impact fees for traffic, fire, water, and dispatch services as a means of recovering some of the costs of installing off-site improvements including upgrading the circulation system and other urban service systems to serve increased density.

The Circulation Element of the Brea General Plan establishes the City's street width standards. The City's street standards are consistent with those of Orange County, and include the following for residential streets:

- Collector Roadways (2 lane) - 40 foot curb-to-curb width, with five foot wide sidewalks.
- Secondary Arterials (4 lane) – 64 foot curb-to-curb width, with eight foot sidewalks

The City allows deviation from these standards in certain cases due to physical constraints or where preservation of community character dictates special treatment.

The City has in place an Art in Public Places program. This program requires developers of commercial, industrial and residential projects of five or more units with a minimum established building valuation to select, purchase and install a permanent outdoor sculpture accessible by the general public. For custom home developments, the art requirement is based on an estimate of the homes' market value.

4. Development and Planning Fees

The Development Services Department collects various fees from developers to cover the costs of processing permits and providing necessary services and infrastructure. As of this writing, fees for staff time spent on a project are based on three levels of hourly rate service: \$126 per hour for “Management Staff,” \$94 per hour for “Technical Staff,” and \$82 per hour for “Inspection Staff.” Typically, most work is performed by technical and inspection staff. The Department requests a deposit at the time it begins to process a project based on an estimate of how much time will be spent. If the project ends up requiring more time, an invoice is processed for additional funds. If the project is completed before the entire deposit is used, a refund is processed. The City adopted the fee deposits as a measure to save costs for smaller and less complicated developments, in contrast to an average fee being applied to all projects. Table HE-35 is a list of deposit amounts charged by the City. Not all projects are processed using the hourly rate formula. For inspection of small projects, flat fees are charged.

**Table HE-35
Development Deposits**

Fee Type	Fees
Appeal Processing	Residents: \$50 flat fee Developers: \$1,000 deposit
Certificate of Occupancy	\$60 fee
Conditional Use Permit	\$2,000 deposit
Development Agreement	\$5,000 deposit
Environmental Clearance by Consultant	Varies With Project
General Plan Amendment	\$2,000 deposit
Plan Review	\$2,000 deposit
Precise Development	\$2,000 deposit
Subdivision Map	\$2,000 deposit
Zone Change	\$2,000 deposit
Zone Variance	\$2,000 deposit
Zoning Code Amendment	\$2,000 deposit

Source: Development Services Department, City of Brea, 2008

New residential development projects in Brea are subject to various impact fees, which include Traffic Impact Fees, Water Impact Fees, Fire Impact Fees, and Dispatch Impact Fees. Established in 1995, these fees apply to new developments in the City and annexed portions of its Sphere of Influence.

Traffic Impact Fees

“Traffic Impact Fees” are required, in part, by Orange County’s Measure M, a transportation initiative passed in 1990. These are fair-share based fees designed to offset traffic impacts caused by new developments. In some cases, a developer may be required to make certain traffic improvements in addition to, or in-lieu of paying traffic impact fees. However, the total cost of traffic improvements and/or fees will not exceed the development’s fair-share toward mitigating its own impacts. The required fees must be paid prior to the issuance of any building permits. Table HE-36 is a schedule of the traffic impact fee.

**Table HE-36
Traffic Impact Fee Schedule by Residential Land Uses**

Land Use Category	Unit of Development	City west of Orange Freeway	City east of Orange Freeway	Western Sphere of Influence	Eastern Sphere of Influence
Low Density Residential	Per Unit	\$693	\$2,683	\$1,841	\$5,693
Medium Density Residential	Per Unit	\$561	\$2,171	\$1,490	\$4,606
High Density Residential	Per Unit	\$428	\$1,659	\$1,138	\$3,519
Commercial, Office, Industrial	Per Square Foot	\$1.51	\$5.86	\$4.02	\$12.44
All Other Uses	Per Trip End	\$70	\$271	\$186	\$575

Source: Development Services Department, City of Brea, 2008

Water Impact Fees

“Water Impact Fees” are assessed to ensure that adequate water infrastructure and facilities are provided to new development projects. In March 2003, the City Council adopted an updated Water Master Plan, which modified the water impact fee schedule originally adopted in 1995. In some cases, a developer may be required to make certain water improvements in addition to, or in-lieu of paying water impact fees. However, the total cost of water improvements and/or fees will not exceed the development’s fair-share of providing the water infrastructure or facilities. The amount of fees per dwelling unit varies depending upon a project’s geographical location and elevation. In some instances, the exact amount of fee will only be able to be determined when the actual elevation or pressure service zone is precisely defined by the proposed development improvement plans. The water impact fee is automatically adjusted annually to account for inflation.

Fire Impact Fees

“Fire Impact Fees” are one-time fees established to fund the cost of building a fire station and purchasing new fire engines and equipment required to serve new development. Fire impact fees are determined on a per residential dwelling unit basis and range from \$731-\$1,029.

Prototypical Project Development Fees

As a means of assessing the cost that fees contribute to development in Brea, the City has calculated the total fees associated with development of a prototypical single-family and multi-family project, and modeled after two recent projects in the City. The single-family prototype is based on a 54 lot subdivision consisting of 2,100 square feet, four-bedroom units; the multi-family prototype is based on a 9 unit multi-family development consisting of 1,400 square feet, two-bedroom units. As indicated in Table HE-37, development fees for the prototypical single-family project run approximately \$35,000 per unit, whereas per unit fees for the multi-family project are around \$20,000. While the City can defer certain fees for affordable projects, the waiver of fees triggers prevailing wage requirements for the entire project (Labor Code Section 1720), substantially increasing the costs of development.

**Table HE-37
Summary of Development Fees – Prototypical Projects**

Fee Type	Cost per Single-Family Unit	Cost per Multi-Family Unit
Development Services Fees		
Planning/Building/Engineering Fees*	\$3,547	\$2,723
School Fees (\$2.63/sq.ft.)	\$5,523	\$3,627
Parks/Recreation (fee)	\$9,818	\$5,611
Environmental Review -Exemption	--	\$470
Environmental Review – Negative Declaration/EIR	\$6,804	--
Other Fees (records management/seismic)	\$50	\$28
Subtotal Development Services Fees:	\$25,742	\$12,459
City/County Infrastructure Fees		
Sewer – City	\$120	\$100
Water – City	\$2,306	\$2,306
Sanitation District Fees	\$5,377	\$3,500
Subtotal Infrastructure Fees:	\$7,803	\$5,906
Impact Fees		
Traffic	\$561	\$428
Water	\$313	\$313
Fire	\$1,029	\$1,029
Dispatch	\$133	\$133
Subtotal Impact Fees:	\$2,036	\$1,903
Total Per Unit Fees	\$35,581	\$20,268

Source: Development Services Department, City of Brea, 2008

* Includes fees for Plan Review, Subdivision Review, Building Plan Check and Inspections, Grading Permit, Engineering Inspections, Landscape Plan Check and Inspections, and Fire Plan Check and Inspections.

5. Building Codes and Enforcement

Brea has adopted the 2007 Edition of the California Code of Regulations, Title 24. For the first time, California's Code is based upon the new International Code of Building Officials, which brings California building codes into consistency with the rest of the country. As part of the City's efforts to enhance the safety of building construction in Brea, the City's Building and Safety Manager participated in the Orange County code Uniformity Group sponsored by the International Code Council. This group of 24 Orange County Building Officials coordinated their efforts to develop local amendments to the Code necessary to reflect local conditions.

Brea has adopted local amendments to the California Building Code to protect the public health and safety from hazards indigenous to the City. Amendments include:

- Fire sprinklers are required in buildings exceeding 6,000 square feet.
- The hillside areas in Brea and its sphere of influence have been identified as a High Fire Hazard Severity Zone/Wildland Urban Interface. These areas are conducive to uncontrollable fires due to topography and native vegetation. Development in these areas is required to comply with the construction requirements of the Very High Fire Hazard Area Requirements Manual, including:
 - Fire sprinklers in all buildings
 - Ignition resistant construction materials
 - Class A roofing materials and assemblies
 - 180 foot fuel modification around structures
 - 24 foot two-lane street widths
- Proposed development within areas designated as having potential for methane gas generation are required to comply with the requirements of the City's Combustible Soil Mitigation System Installation and Inspection Requirements Manual. Soil sampling and testing is required for sites within 300 feet of historic oil wells, and to the extent oil or tar seeps are identified, the following mitigation is required:
 - Installation of underground collection systems to collect water and oil

- Installation of an impermeable membrane or “liquid boot” under residential structures
- Installation of subslab venting systems
- Venting of all wells

As discussed earlier, the 1,600+ acres of Hillside Residential within Brea’s sphere of influence are constrained by a variety of environmental factors, including wildland fire hazards and methane gas. As these properties are annexed into the City, development will be subject to Fire and Building Codes necessary to ensure public health and safety. With several major hillside developments completed/underway/or under review - including Olinda Ranch (639 units), Pepper Tree/Tonner Hills (795 units), and Canyon Crest (165 units) – the City’s standards have not served as a constraint to development.

6. Local Processing and Permit Procedures

Brea permits single-family development by right in all residential districts, and multi-family development by right in all multi-family districts. Due to potential compatibility issues associated with introducing residential uses within commercial districts, residential uses within Brea’s mixed use districts require either Precise Development Review (mixed-use projects with 5+ units), or a Conditional Use Permit (exclusively residential projects).

Development within the Hillside Residential zoning district is required to obtain a hillside development permit. Applications for hillside permits are processed concurrently with any other required development permits, and approved by the same decision-making body.

Brea’s development process can be summarized in the following steps, although all steps may not be necessary depending on the nature of a project. The City continues to focus on process improvements through its no cost screen check service, focused staffing on development projects through the cost center system, streamlining of permit processing through automation, and concurrent processing of entitlement and plan check processes. Furthermore, the City has developed a “User-Friendly Handbook to Brea’s Development Process” which it publishes on the City’s website and provides as a handout to project applicants.

Screen Check

The Screen Check process is a free service that allows a developer to meet with staff from various City departments before filing an application that initiates the development process. City staff help developers by assessing proposed projects, discussing concerns, and explaining any special requirements of the projects. Screen Check can potentially save developers time and money by addressing potential concerns at an early stage thereby avoiding delays later.

Application Submittal

The “Planning (or Application) Submittal” process is when a developer submits an application, a deposit (amount depending on the complexity of the proposed project), and other necessary forms, such as “Environmental Information” or “Hazardous Waste and Substance Site Statement”.

Plan Review

The Plan Review process begins after the application plans and required deposit have been submitted. A planner is assigned to serve as the developer’s liaison helping to expedite the permit process and coordinating any department reviews required. The developer’s application submittal is distributed to the appropriate City departments for review and comment. An initial review of the environmental issues associated with the proposed project [as required by the California Environmental Quality Act (CEQA)] will also be completed at this time. All discretionary projects (those requiring Planning Commission approval) require an Environmental Review. For any project not requiring Planning Commission review, the Director shall provide the applicant a written decision within 30 days of submittal of a complete application.

Precise Development Review (Mixed Use Zones)

The Precise Development Review (PD) process is used for review and analysis of mixed-use residential projects with five or more units within the Mixed Use zoning districts. The focus of the review is upon project specific details including site planning, architecture, landscaping, parking configuration, etc., to assess a project’s compliance with development standards, compatibility with the neighborhood setting, and overall design quality. The PD Review process culminates with a public hearing before the Planning Commission concurrent with the any other entitlement associated with the project. In addition, applicants have the opportunity to concurrently process construction documents for building code compliance (Plan Check) during the course of PD Review. PD Review from initial submittal through public hearing can be accomplished within 90 days, depending on the level of necessary environmental clearance.

Conditional Use Permit (Mixed Use Zones)

To ensure compatibility when introducing residential uses within Brea's commercial districts, the City requires a Conditional Use Permit (CUP) for exclusively residential projects within Mixed Use zones. The emphasis of the CUP is to provide any necessary safeguards as conditions of approval to protect the health, safety and general welfare of future occupants of the proposed residential development. Particularly since the majority of Brea's MU-I and MU-III zones front on the City's primary arterial roadways, the CUP process is utilized to address the incompatibilities inherent in placing street-level housing on high volume arterials. Findings required for approval of the CUP include: use is desirable for the development of the community and in harmony with the objectives of the General Plan, and site is of adequate size and shape to accommodate proposed development with all the necessary setbacks, landscaping and other buffers to ensure compatibility; these findings are consistent with the inclusion of housing within the Mixed Use zones.

Similar to the PD process described above, applicants have the opportunity to concurrently process construction documents for Plan Check during processing of the CUP, resulting in minimal, if any, additional processing time. Depending on the necessary environmental clearance, CUP review from initial submission through public hearing can be achieved in 90 days.

Planning Commission Approval

If a project is determined to require discretionary action, it is scheduled on the Planning Commission's agenda and public notice is given. Property owners within 500 feet of the proposed project are notified. Hearings are scheduled at least 10 days and not more than 40 days after acceptance of the application. The developer is strongly encouraged to work out potential problems with neighboring residents or business owners before the Commission meeting.

A developer may appeal most Planning Commission actions to the City Council. In some instances, the project may require City Council approval. Still, other projects may never go to either the Commission or the Council. The level of review is dictated by the location and use of a project.

Plan Check

The Plan Check step verifies that all building, fire, mechanical, plumbing, and electrical code requirements are fulfilled in compliance with Brea’s Building and Zoning codes. The developer’s application is reviewed by the City’s Engineering, Planning, Fire, and Building divisions. Any requirements or problems identified during the Plan Review phase are completed or rectified. Once the application submittal is complete, the City performs the Plan Check. The Plan Check turnaround times are as follows:

Minor repair projects	10 days
Tenant improvements, room additions	15 days
Full development projects	90 days

As described previously under PD and CUP requirements in Mixed Use zones, Brea offers concurrent processing of entitlements and construction documents for building code compliance (Plan Check), resulting in minimal additional project processing time for discretionary entitlements.

Building Permit

Once Plan Check is completed, the developer will need to submit final plans with any revisions required by the City Council, Planning Commission or City Staff. Final plans must be submitted in order to receive the building permit(s).

A building permit is required before construction can begin. Throughout construction, regular inspections are required. The final inspection involves all of the appropriate City departments.

Prior to submitting an application for a building permit, a certificate of compatibility is required for individual single-family homes, including manufactured housing and mobile homes. The purpose of the certificate of compatibility is to coordinate land use planning, architecture and aesthetic cohesiveness within Brea’s single-family neighborhoods. The Director maintains responsibility for issuing the compatibility certificate as an administrative action. On an annual basis, approximately 3-4 individual homes undergo compatibility review in Brea.

Project Final

Once the final inspection on residential construction is completed, the developer secures a project final from all City Departments.

Summary of Processing Procedures

In summary, a major goal of Brea’s Development Services Department is to maintain efficient project processing procedures as a means of facilitating development. The Department’s Development Process handbook provides an informative step-by-step guide aimed at simplifying the development process. The no-charge Screencheck service provides project applicants an up front discussion of project processing needs to better enable preparation of a complete application at initial submittal. At the Plan Review stage, each project is assigned a Project Liason to help expedite the permit process and coordinate any necessary department reviews. And for projects requiring discretionary entitlements, concurrent processing with Plan Check processes results in significant time savings.

As a means of demonstrating the efficiency of Brea’s processing procedures, the following summarizes the start to finish processing steps for a hypothetical mixed-use project in the MU I zone district. As the project contains a mix of both residential and commercial uses and includes more than 5 units, Precise Development Plan review before the Planning Commission is required. Assuming proper applicant prepared plans, a realistic processing example could be as follows:

Day 1	Screen Check
Day 2	Application Submittal
Days 2-21	Staff review of plans, any comments delivered to applicant.
Days 21-35	Applicant prepares revisions, any other responses to staff comments.
Days 35-45	Any further comment, revision of plans, technical coordination between staff and applicant.
Days 45-90	Final coordination of details, confirm qualification for CEQA Class 32 exemption, preview to Planning Commission, public hearing notification, Planning Commission hearing and action.

As illustrated in this example, complete project processing – including discretionary review before the Planning Commission and concurrent Plan Check processing – can occur within a 90 day window. As the majority of future residential development is focused in the City’s mixed use districts, this exemplifies the approval process for many of Brea’s future projects, and given the expedited time frame, clearly does not serve as a constraint to development.

C. ENVIRONMENTAL AND INFRASTRUCTURE CONSTRAINTS

Brea is subject to the following environmental and infrastructure constraints. Carbon Canyon, in particular, is an area with high risks of being affected by these environmental hazards. The geology and soils of the canyon area present constraints upon development due to the presence of the Whittier Fault zone, landslides and related slope stability issues.

1. Seismic Hazards

The City is likely to experience ground shaking associated with the active and potentially active fault systems in the surrounding area. The most severe ground shaking would result from earthquake activity on the Whittier fault zone. The Whittier fault is active and cuts across Brea and the Sphere of Influence diagonally (northwest/southeast orientation).

2. Slope Stability - Landslides and Subsidence

Stability of natural slopes in the rugged Carbon Canyon area is a significant concern. The numerous landslides that have occurred in this area attest to its stability hazards. There is some potential for erosion and slope instability related to stream activity along major canyons and drainage courses. Liquefaction may also occur in areas of Carbon Canyon and along the major drainages of Brea Creek and Fullerton Creek where perched water may exist.

3. Wildland Fire Hazards

Carbon Canyon and a significant portion of Brea's sphere of influence remain undeveloped, consisting of rugged topography with highly flammable native vegetation. Orange County has designated much of the hillsides Special Fire Protection Areas (SFPA) for wildland and urban interface fire risks. SFPA are geographic areas subject to uncontrollable

fires due to formidable fire conditions, such as topography and native vegetation. As discussed in the earlier section on Building Codes and Enforcement, development within these High Fire Areas is required to comply with special construction requirements addressing construction and roofing materials, fire sprinklers, fuel modification, and street widths.

4. Flooding

All major tributary courses throughout the City are areas of potential flooding. Specifically, Carbon Canyon stream and its tributaries, Telegraph Canyon Creek and Soquel Canyon Creek, which flow into the Carbon Canyon Dam area, exhibit some hazardous flooding during high intensity storms. Flooding may also occur in areas surrounding the Carbon Canyon Dam and at the Orange County reservoir should there be dam failure. There is currently an inundation map to guide development in areas that would be affected by dam failure.

5. Public Services and Facilities

As an urbanized community, the majority of Brea has already in place all of the necessary infrastructure to support future development. All land currently designated for residential use is served by sewer and water lines, streets, storm drains, and telephone, electrical, and gas lines. Future development in the hillsides and Carbon Canyon area will result in the need for additional infrastructure (roads, facilities providing water and power etc.) and public safety facilities including police, fire and paramedic services. These additional services and facilities will be funded by developers who are required to pay various impact fees.