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## **BREA MALL MIXED USE PROJECT** **OCTOBER 25, 2022 PLANNING COMMISSION COMMENTS AND QUESTIONS**

At the October 25, 2022 Planning Commission meeting, a public hearing was held on the Brea Mall Mixed Use project (“Project”). At this meeting, the Planning Commission provided various comments and raised questions regarding the Project. For the public’s benefit, the Planning Division has prepared the following list of questions raised at the hearing and corresponding answers. For additional information, please contact the Planning Division at 714-990-7674 or at [planner@cityofbrea.net](mailto:planner@cityofbrea.net).

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### **CONNECTIVITY WITHIN THE MALL**

- 1. Consider providing better connectivity within the mall (i.e. pedestrian connection points throughout the mall, both interior and exterior, bridges to reduce conflict with vehicle traffic).**

Response: Currently there is only one existing pedestrian bridge at the Brea Mall. That bridge connects the second level of the Nordstrom Department Store with Parking Structure A. Throughout the remainder of the Brea Mall project area, pedestrian access is provided via an interconnected system of sidewalk and crosswalks at designated points designed to be safe crossing opportunities for pedestrians.

The new mixed-use development is designed with consistent use of sidewalks and crosswalks for continued pedestrian access to the existing Brea Mall as well as the mixed-used component thereof.

### **BICYCLE LANE IMPROVEMENTS**

- 2. Consider additional bicycle lane improvements (i.e. minimum Class II bicycle lanes within the mall, connection to Birch Street, State College Boulevard and Imperial Highway, connection to the Tracks).**

Response: Simon has reviewed the potential for a Class II bicycle lane on the mall ring road, and where the ring road conditions of the Project Site are such that a Class II bicycle lane can be accommodated, they will do so. Where a Class II bicycle lane cannot be accommodated (for reasons including but not limited to the

inability to physical limitations or an inability to widen the ring road), the Class III bicycle lane as proposed will remain.

- Birch Street: There exists today a Class II bicycle lane northbound and southbound along State College Blvd. from the Tracks at Brea to Birch Street. There also exists today a Class II bicycle lane along eastbound and westbound Birch Street from State College Blvd. to the entry road to Brea Mall to the south and the Brea Marketplace to the north.

As such, to ride a bicycle from the Tracks at Brea to the mall, a cyclist can ride south from the Tracks at Brea within the Class II bicycle lane southbound on State College Blvd and then within the Class II bicycle lane westbound on Birch Street and connect to the mall at the entry road nearest JC Penney.

In order to provide bicycle connectivity from the new development (and further connectivity to the Tracks at Brea from the western edge of the mall), the applicant has evaluated the opportunity for additional Class II bicycle lanes along Birch Street and Randolph Street and believes this can be accommodated by providing a Class II bicycle lane (i) northbound on Randolph Street from Madison Way continuing north to Birch Street, (ii) then continuing eastbound along Birch Street, (iii) connecting to the existing Class II bicycle lane on Birch Street, and then (iv) connecting to the existing Class II bicycle lane from Birch Street to the Tracks at Brea on northbound State College Blvd.

- State College Boulevard: The applicant has evaluated the addition of Class II bicycle lanes north and south bound on State College from Birch Street to Imperial Highway and believes this can be accommodated for additional connectivity between the mall and the Tracks at Brea.
- Connection to Tracks at Brea: Bicycle route connections from the Mall to the Brea Tracks are under review
- Imperial Highway: Currently Imperial highway does not have sufficient width in its current configuration to accommodate a bicycle lane in each direction and meet Caltrans' own minimum design standards. Therefore, installation of bicycle lanes on Imperial Highway would require either a widening of the road, a loss of vehicular travel lanes, or a substandard condition. As far as "bicycle access" goes, bicycle travel on Imperial Highway is not prohibited so cyclists can ride on or across the roadway, but they must do so in a vehicular travel lane. As far as traffic signals are concerned, all Caltrans traffic signals are, by law, required to detect cyclists and provide adequate minimum green time for cyclists to cross intersections.

## **SAFETY**

### **3. Provide an evacuation plan for the Project and the mall.**

Response: The Project will be required to comply with the following Condition of Approval: "Prior to certificate of occupancy, an emergency response plan with a site map showing emergency access points and detail on security, evacuation routes and procedures, assembly points, emergency exits, fire alarm stations, location of emergency contacts shall be submitted for review and approval by the Police Department. The Police Department shall verify compliance prior to building occupancy".

### **4. Consider lighting improvements and installation of security cameras around the new bicycle parking facilities.**

Response: The Project will be required to comply with the following Condition of Approval: "Prior to issuance of a building permit, the applicant shall provide details on the approach for overall safety and security of the day-to-day operation, during special events and high-peak seasonal periods. Detail should include specifics on surveillance, security lighting, resident safety, traffic management, vehicle and pedestrian circulation, operating hours, overnight activities, management of temporary events and/or general programming of special events".

## **ALTERNATIVE MODES OF TRAVEL**

### **5. Consider installation of electric outlets for charging for electric bicycles, electric scooters and pre-wiring for additional future EV charging stations.**

Response: Currently there are four (4) bicycle racks at the Brea Mall which can accommodate storage of 16 bicycles. The proposed mixed-use project would add four (4) bicycle racks which can accommodate the storage of 32 bicycles for a total of 48 bicycle storage spaces post-development.

Today, there exist 27 electric vehicle charging stations at the Brea Mall (inclusive of all EV charger manufacturers). The project proposes to add 59 EV charging stations for residents, including 3 accessible EV charging spaces, for a total of 86 electric vehicle charging stations post-development. No additional EV charging stations are proposed within commercial parking area of the Project; however, the Applicant will continue the conversations with various EV charging manufacturers. Standard electric for charging electric bicycles, scooters, and other items such as your smart phone are and will continue to be available throughout the Brea Mall property.

- 6. Consider installation of storage lockers for bicyclists to encourage shoppers to linger at the mall longer.**

Response: This amenity is not currently programmed into the Project but the applicant will take it under advisement as suggested.

**VISTORS AND EMPLOYEE PARKING**

- 7. Clarify whether or not the residents of the affordable apartment units would be charged for parking.**

Response: A complementary parking space is included in the rental price. Additional spaces are intended to be made available at a fixed rate. Dedicated reserved spaces are also available for a premium rate. These practices are consistent with current marketplace practices.

- 8. Provide number of dedicated parking stalls for residents.**

Response: A total of 593 spaces located within the new parking structure would be gated and be exclusively available for the residential unit occupants; 278 spaces would be provided on the second level (Level P2) and 315 spaces would be provided on the subterranean level (Level Sub T).

**Mixed Use Project - Structure Parking**

<b>Parking Structure Level</b>	<b>Parking Spaces</b>
Level P1 – Retail and Leasing	292
Level P2 – Residential	278
Subterranean – Residential	315
<b>Total</b>	<b>885</b>

- 9. Indicate where patrons of BJ’s and Cheesecake Factory would park when the adjacent surface parking lot is fully occupied.**

Response: Today there exist 6,220 parking spaces at the Brea Mall. Post-development, there will be 5,692 parking spaces at the Brea Mall. There will be 589 dedicated parking spaces exclusively for residential parking, which parking will be accessible with key card or other access pass and will be located in the residential structure itself on the lower levels (similar to City Hall parking). There will be 292 parking spaces within the footprint of the residential structure that will

be free and open to the public, including patrons of BJ's restaurant and the Cheesecake Factory. Pedestrian connectivity (i.e., sidewalks and crosswalks) between this parking and the Cheesecake Factory and BJ's is being provided with the project. In addition, given the proximity to the entry into Lifetime Fitness, it is anticipated a substantial number of Lifetime Athletic visitors will use Parking Structure A for their parking needs. That structure contains 1101 parking spaces.

**10. Management of employee parking.**

Response: There is a parking program, however, there are no dedicated parking spaces. Employees can park in the surface lot or in the existing parking structure that can be accessed on Randolph Avenue or the new parking structure that can be accessed on State College.

**SHUTTLES/ RIDESHARE**

**11. Consider providing shuttles to/from public transit (OCTA buses), around the mall destinations (between restaurants and parking, etc.).**

Response: While no intra-mall shuttle exists today, the Applicant is open to exploring a shuttle that serves not only the Brea Mall but all that Brea has to offer, including stops at Brea Mall.

**12. Consider providing dedicated pick-up/drop-off area for Uber/Lyft.**

Response: The proposed Project will have dedicated pick-up/drop-off areas for ridesharing, as well as dedicated parking spaces for order pick up (Uber eats, Door Dash, etc.) for both residential and commercial uses. The precise location of these amenities is still being determined but will be within the mixed-use project site and conveniently located for ease of use and appropriate signage will be installed.

**13. Whether or not the Brea Mall provide any dedicated areas for rideshare.**

Response: There are no rideshare areas within the Brea Mall parking lot.

**HOLIDAY TRAFFIC**

**14. Whether or not the traffic study analyzed peak holiday season traffic.**

Response: The Traffic Impact Analysis evaluated weekday traffic conditions; it is not the industry practice to address holiday traffic. However, the applicant will be required to prepare a Holiday Traffic/Parking Management plan that addresses management of holiday traffic and parking for full-time employees, temporary workers, shift changes etc. as follows: "PPP LU-1 As part of the project review process, the City of Brea is requiring that the Brea Mall prepare a parking management plan to address holiday traffic and parking during the peak holiday

season. The requirement to prepare a submit a parking management plan for holiday traffic will be incorporated as conditions of approval for the project”.

**15. Describe the Holiday Parking Management Plan for full-time and seasonal employees and consider implementing a shuttle during the holidays.**

Response: As in years past, parking during the holiday will be prioritized for shoppers, and off-site parking (with shuttle) may be made available during construction of the project for employee parking, if necessary. As with many retail centers, the Mall has a holiday traffic management plan that is implemented before Black Friday to address peak holiday shopping traffic. With over 5,000 parking spaces available at the center, even during construction, the center is generally able to accommodate customers and employees even during the busier holiday seasons.

**TRAFFIC ANALYSIS**

**16. Whether or not the traffic analysis considered a mechanism for slowing traffic down around the ring road or evaluate the need for speed bumps inside the mall parking area.**

Response: Three quarters of the Mall’s ring road will be reduced from four (4) lanes to three (3) lanes to accommodate the sharrow bicycle lanes. The reduction in traffic lanes will reduce speed. Speed bumps were not analyzed as they can be hazardous for bicycles.

**17. Assumptions for signal timing for non-Caltrans signals.**

Response: For traffic study purposes and level of service (LOS) computations, the City always assumes that the all traffic signals will be operating at optimized conditions. As such, the signal timings will range between 90-120 seconds depending on the volumes and movement delays.

**CALTRANS IMPROVEMENTS**

**18. Potential bicycle access along Imperial Highway as part of Caltrans’s multi-modal transit implementation effort.**

Response: Imperial Highway does not have sufficient width in its current configuration to accommodate a bicycle lane in each direction and meet Caltrans’ own minimum design standards. Therefore, installation of bicycle lanes on Imperial Highway would require either a widening of the road, a loss of vehicular travel lanes, or a substandard condition. As far as bicycle access is concerned, bicycle travel on Imperial Highway is not prohibited so cyclists can ride on or across the roadway, but they must do so in a vehicular travel lane. As far as traffic signals

are concerned, all Caltrans traffic signals are, by law, required to detect cyclists and provide adequate minimum green time for cyclists to cross intersections.

**19. Potential implementation of Caltrans requested improvements.**

Response: The City cannot require the improvements as CEQA mitigation because the traffic assessment was based on VMT and not LOS. As mentioned on Page 5.12-98, of the Final EIR, the proposed improvements are within the jurisdiction authority of Caltrans, and Caltrans has no mechanism by which projects can contribute fair share fees to offset cumulative impacts. Additionally, it should be noted that since the circulation of the FEIR, Senate Bill 743 went into effect. Under the new Guidelines, VMT-related metric(s) that evaluate the significance of transportation-related impacts under CEQA for development projects, land use plans, and transportation infrastructure projects are required beginning on July 1, 2020. Congestion-based metrics may no longer constitute a basis for determining a transportation impact under CEQA. Therefore, these mitigation measures are no longer warranted because they were intended to reduce the congestion-based standards prior to adoption of the City's VMT thresholds, based on a project that generated more trips than the project as currently proposed. The mitigation measures identified by Caltrans would not reduce the significant impacts identified in FEIR associated under Impact 5.12-3. As noted in the FEIR Caltrans identified the potential need to provide a second SR-57 southbound ramp.

**AFFORDABLE HOUSING**

**20. Consider increasing the number of affordable units and indicated that 10% affordable units out of the 380 proposed residential units seemed low in comparison to other projects with Mixed Use projects with VMT.**

Response: Brea City Code requires 10% of the proposed residential units to be affordable. A total of 380 residential units are proposed to be developed and 38 (10%) of units are proposed to be affordable. The affordable units will consist of five studio units, 16 one-bedroom units, 15 two-bedroom units and two three-bedroom units. The balance of residential units would be market rate.

Inclusionary housing requirements vary from city to city and are development projects are analyzed on a case-by- case basis to determine the options for development of affordable housing units, payment of in-lieu fees, density bonus opportunities etc.

**21. San Jose's inclusionary requirements.**

Response: The City of San Jose Blossom Hill project (mixed-use project with VMT) has about 30 percent affordable housing. San Jose has an inclusionary housing ordinance that requires 15 percent affordable to be provided on-site;

however, San Jose's inclusionary ordinance also provides options for building affordable units off-site, and for payment of an in-lieu fee in place of providing affordable units as part of a proposed development (whether for sale or rent).

The Blossom Hill project was a TOD developed by Republic Urban Property LLC which specializes in TOD, and mixed-use developments with an affordable component. The project consisted of two separate buildings; one was a market rate building of 239 du (all market rate unrestricted), and the second building of 89 units was entirely affordable that would be operated by a non-profit organization with a range of affordable units. The respective densities were 81 du/acre for the market rate building; and 91 du/ac for the affordable building. To replicate this, the applicant would need to have a separate building and the City would have to agree to allow the entire building to be affordable units, and that building would be financed, constructed and managed by a nonprofit affordable housing company like Jamboree Housing or Innovative Housing Opportunities (IHO).

## **PARKING**

### **22. Indicate where residential loading/unloading and move in/move outs would occur.**

Response: Move-in and move-out of the residential units will be scheduled to minimize vehicular conflicts and dedicated loading and unloading areas would be provided.

### **23. Explain the options for parking to get to the fitness center and the path of travel of pedestrians to go from parking lot to the fitness center.**

Response: Visitors to the fitness will utilize the parking available on site as would a retail customer, and a guest to Brea Mall may be both – a member at the fitness center and a retail customer. The Applicant does not foresee any conflicting traffic movements based on the purpose of one's visit to the center. The fitness center is located immediately adjacent to Parking Structure A (Nordstrom parking deck) and it is anticipated that many patrons of the fitness center will utilize parking spaces in this structure given its close proximity. Also, the fitness center is located adjacent to the Randolph Street entrance so it is anticipated that the fitness center patrons would enter and drive directly into the parking structure, minimizing potential mall traffic conflicts for patrons accessing other areas of the mall. Two additional elevator cabs are being added at the southeast side of Parking Structure A to facilitate utilization of upper level parking by both Lifetime Athletic patrons as well as visitors to Nordstrom, the proposed new mixed-use development and the existing businesses.

## **TRAFFIC AND SCHOOL FEES**

### **24. Indicate the specific improvements that the traffic impact fair share fees would be used for.**

Response: The total fair share cost is \$862,315.44, which includes median island, signage, and striping modifications at the intersection of State College Boulevard & Imperial Highway, as well as improvements to the SR-57 Southbound Ramp at Imperial Highway. After 5-years the Applicant may request a refund for non-encumbered project funds beyond the base traffic impact fee amount that has been identified for the project (\$568,589.00).

### **25. Indicate if there has been a discussion between the Applicant and the school district about school fees.**

Response: In addition to paying the required school impact fees, the Applicant met with the executive team from the Brea Olinda Unified School District (BOUSD) and discussed exploring opportunities for partnering on matters important to BOUSD students, parents, and the Executive Team alike. Discussions are ongoing.

## **ACCESSIBILITY**

### **26. Indicate how the proposed project complies with ADA requirements.**

Response: The proposed development is in full ADA compliance including curb ramps, sidewalks, crossings and parking spaces. The Applicant is available for questions at the hearing. In addition, the Project will be required to comply with the following Condition of Approval: "A detailed and comprehensive ADA compliance plan must be submitted with accessible routes integrated to the existing accessible routes & surrounding accessibility features".

## **DEVELOPMENT AGREEMENT**

### **27. Status of Development Agreement**

Response: City staff and the Applicant team is currently under negotiations regarding items related to community benefits and contributions. Such items include, but not limited to monetary contributions and improvements related to police services, including potential funding for additional police officers, improvements related to traffic signals, bike lane connections, bus shelters and benches, catch basins and sewer public recreational amenities and Art in Public Places, along with City usage of mall facilities (i.e. parking, advertising space).

Negotiations are expected to extend into the 2023 calendar year. Once staff has determined that the negotiation period has concluded, the draft DA would move

forward to the City Council sub- or ad- Hoc committee. The full City Council has the ultimate decision authority on the DA.