

agenda

CITY OF BREA PLANNING COMMISSION

**Council Chambers
Civic & Cultural Center
1 Civic Center Circle
Brea, California
March 13, 2001
7:00 p.m.**

PLEASE NOTE:

For record keeping purposes, if you wish to make a statement regarding any item on the agenda, please complete the form located on the podium and deposit it with the secretary.

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION AND PLEDGE OF ALLEGIANCE**
- IV. COMMISSION PRESENTATION**
- V. OATH OF OFFICE FOR RE-APPOINTED COMMISSIONERS**
- VI. MATTERS FROM THE AUDIENCE**
- VII. APPROVAL OF MINUTES**
- VIII. PUBLIC HEARINGS**

CONDITIONAL USE PERMIT NO. CUP 00-11 AND DESIGN REVIEW NO. DR 00-7: A request to allow the placement of a boxcar on a property located at 307 South Walnut Avenue.

Applicant: Jerry Kolb
200 West Imperial Highway
Brea, CA 92821

Note: Next Planning Commission Resolution is Number 01-19

Summary: This action would deny a Conditional Use Permit and Design Review request for the placement of a boxcar at the subject property.

Recommendation: Deny

CONDITIONAL USE PERMIT NO. CUP 01-03: A request to add an outdoor dining patio with alcohol sales and exterior signage at 1065 Brea Mall, Space 2052A.

Applicant: STDR Architects for California Pizza Kitchen
3190-K Airport Loop Drive
Costa Mesa, CA 92626

Summary: This action would approve a Conditional Use Permit to allow outdoor dining and exterior signage at California Pizza Kitchen.

Recommendation: Approve

IX. NEW BUSINESS

X. OLD BUSINESS

XI. COMMITTEE REPORTS

XII. INFORMATIONAL

XIII. ADJOURNMENT



**CITY OF BREA
DEVELOPMENT SERVICES DEPARTMENT**

Memorandum

TO: Planning Commission

FROM: Planning Division

DATE: March 13, 2001

**SUBJECT: CONDITIONAL USE PERMIT NO. CUP 00-11 AND DESIGN REVIEW
NO. DR 00-7; A REQUEST TO ALLOW THE PLACEMENT OF A
BOXCAR ON A PROPERTY LOCATED AT 307 SOUTH WALNUT AVE.**

SUMMARY

This action would deny a Conditional Use Permit and Design Review request for the placement of a boxcar at the subject property.

BACKGROUND

The applicant is requesting a Conditional Use Permit to allow a boxcar in the Brea Boulevard Commercial (BBC) district of the Brea Towne Plaza Specific Plan (BTPSP). The applicant submitted this request in August of 2000 following the placement of the boxcar on the site without City approval and the subsequent receipt of a notice of violation from the City's Code Enforcement Officer. Since that time staff has tried to work with the applicant, to identify alternative locations on the site as well as other aesthetic improvements that would be more in keeping with the intent of the BTPSP. To date the applicant has not incorporated these recommendations into a revised application.

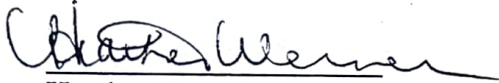
Staff has significant concerns related to the architectural design as well as the colors and materials of the Boxcar. Staff feels that achieving the BTPSP guidelines for architecture, and design with the boxcar would be a challenge for the reasons stated in the attached staff report.

Based upon staff's analysis and on comments received by the Planning Division from surrounding neighbors opposing the boxcar, staff believes that the conditional use permit request cannot be accommodated without an adverse impact to the surrounding neighborhood. In addition, the design of the boxcar does not meet the established Design Criteria for the Brea Towne Plaza Specific Plan. Our position has been explained to the applicant, however, they have expressed a desire to present the project to the Commission without staff support.

RECOMMENDATION

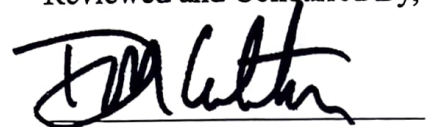
Planning Staff recommends that the Planning Commission deny the Conditional Use Permit and Design Review, subject to the findings contained in the draft resolution.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Heather Werner", written over a horizontal line.

Heather Werner
Assistant Planner

Reviewed and Concurred By,

A handwritten signature in black ink, appearing to read "David M. Crabtree", written over a horizontal line.

David M. Crabtree
City Planner

City of Brea planning commission

Staff Report

MEETING DATE: March 13, 2001

CASE NO: Conditional Use Permit CUP 00-11 and Design Review No. DR 00-7

APPLICANT REQUEST: A request by Jerry Kolb of MJB Realty to allow the placement of a boxcar at the southerly portion of his property.

PROPERTY LOCATION: 307 South Walnut

APPLICANT/PROPERTY OWNER: Jerry Kolb
200 W. Imperial Highway
Brea, CA 92821

PROJECT INFORMATION:

SUMMARY

This action would deny a Conditional Use Permit and Design Review request for the placement of a boxcar at the subject property. Below is a summary of the reasons why staff is recommending denial:

- ***Denial of Design Review No. DR 00-7*** - All development proposals within the Brea Towne Plaza Specific Plan are subject to a design review to ensure that development complies with the Design Guidelines, and Development Standards. The applicant is requesting a Design Review for the placement of a boxcar at the subject property. Staff feels that achieving the Brea Towne Plaza Specific Plan guidelines for architecture, and design with the boxcar would be a challenge for the reasons stated in the "staff analysis" section of the this report.
- ***Denial of Conditional Use Permit No. CUP 00-11*** - When a use is not included either outright or conditionally in the Specific Plan, the regulations of the Zoning Code that are most applicable to the use shall apply. No provisions are made for a boxcar in either the Specific Plan or the City's zoning code. This application amends an original application for a real estate office and caboose approved as a Conditional Use Permit in 1975. The applicant is requesting a Conditional Use Permit to amend his original CUP to allow the addition of a boxcar. Staff feels that this use is detrimental to existing uses in the area (impacts on adjacent residential uses), and is not in harmony with the Specific Plan and Design guidelines and therefore does not meet the findings for a Conditional Use Permit.

The Commission should refer to the attached draft resolution and its expanded proposed findings for denial action.

HISTORY

The existing real estate office was approved in 1975 with a Conditional Use Permit. At that time the property was zoned R-3-I (Multiple Family Residential) and was subject to the Development Standards of the City of Brea Zoning Code that were in place at that time. In 1986 the City adopted the Brea Towne Plaza Specific Plan and rezoned the subject property to Brea Boulevard Commercial (BBC). The BTPSP was adopted in a comprehensive effort to plan for the revitalization of Brea's downtown core.

The subject property is located in the Brea Towne Plaza Specific Plan (BTPSP) and is zoned Brea Boulevard Commercial (BBC). In view of the fact that the proposed use follows the adoption of the Specific Plan, it is subject to a Design Review and the Planning Commission must make findings that the proposed use meets the Design Guidelines for the BBC.

In addition, no provisions are made in either the Specific Plan or the City's Zoning Code for the placement of a boxcar. The existing real estate office and caboose on the subject property were approved through a Conditional Use Permit in 1975 prior to the adoption of the BTPSP. This application would amend the original CUP to add a boxcar to the existing use.

STAFF ANALYSIS

After placing the boxcar in its current location without City approval and subsequently receiving a notice of violation from the City's Code Enforcement Officer, the applicant submitted an application to the Planning Division for the placement of the boxcar on the subject property. Upon receipt of the application, staff visited the site, which resulted in the following observations:

- The design and placement of the proposed boxcar is inconsistent with the intent of the design guidelines for the Brea Boulevard Commercial District (§ 600D of BTPSP). The railroad car theme is not compatible with the architecture of adjacent commercial uses along Imperial Highway. No railroad design theme developments exist on surrounding parcels or within the neighborhood.
- In addition, the architectural design of the boxcar is not compatible with the character of the surrounding neighborhood and will, arguably, not help "to maintain attractive development contemplated by the Brea Towne Plaza Specific Plan (§ 600D of BTPSP)." No railcars or structures relating to this design exist anywhere near the site or, in fact within the entire Brea Towne Plaza Specific Plan.
- Furthermore, the design and placement of the proposed boxcar unreasonably interferes with the use and enjoyment of neighboring developments. The boxcar sits at the southerly portion of the property and creates a significant aesthetic impact to the neighbors to the south of the property.

Upon receiving a petition signed by 180 neighboring residents opposing the proposed boxcar, staff made a second visit to the site (see attached exhibit). Staff was able to confirm that the current location of the boxcar obscures views and light from a portion of the dining area, kitchen and bedroom windows of residents to the south.

In addition to the petition, staff has received five phone calls from residents to the south, opposing the boxcar.

Since the time of application staff has been working closely with the applicant to correct the violation related to the placement of the boxcar on the subject property. Since the applicant's initial submittal we have had several meetings and discussions, specifying the required Design Criteria that would be needed in order for staff to support and recommend approval of the boxcar. These meetings resulted in a resubmittal of plans that did not reflect revisions that could be supported by staff relating to the Design Guidelines of the Specific Plan. The applicant has expressed a desire to present the project to the commission without staff support.

BACKGROUND:

General Plan Designation:	Specific Plan
Zoning Designation:	BTPSP, Brea Boulevard Commercial (BBC)
Property/Tenant space size:	Approximately 7,000 square feet

Adjacent Zoning / Land Uses

North	BTPSP, Brea Boulevard Commercial
South	BTPSP, Medium Density Residential
East	BTPSP, Brea Boulevard Commercial
West	BTPSP, Brea Boulevard Commercial

Site and Neighborhood Characteristics

The boxcar is located at the south portion of the lot surrounded by residential development to the south, east and west and commercial development to the north.

ENVIRONMENTAL ASSESSMENT:

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of Division 6 of Title 14 of the California Code of Regulations.

PUBLIC HEARING NOTICE:

Legal notice was published in the Brea Progress on March 1, 2001 and approximately 95 notices were sent to all property owners of record within a 300-foot radius of the subject property. In addition notices were sent to all persons that signed the petition opposing the boxcar.

RECOMMENDATION:

Staff recommends that the Planning Commission deny the request, subject to the findings contained in the draft resolution.

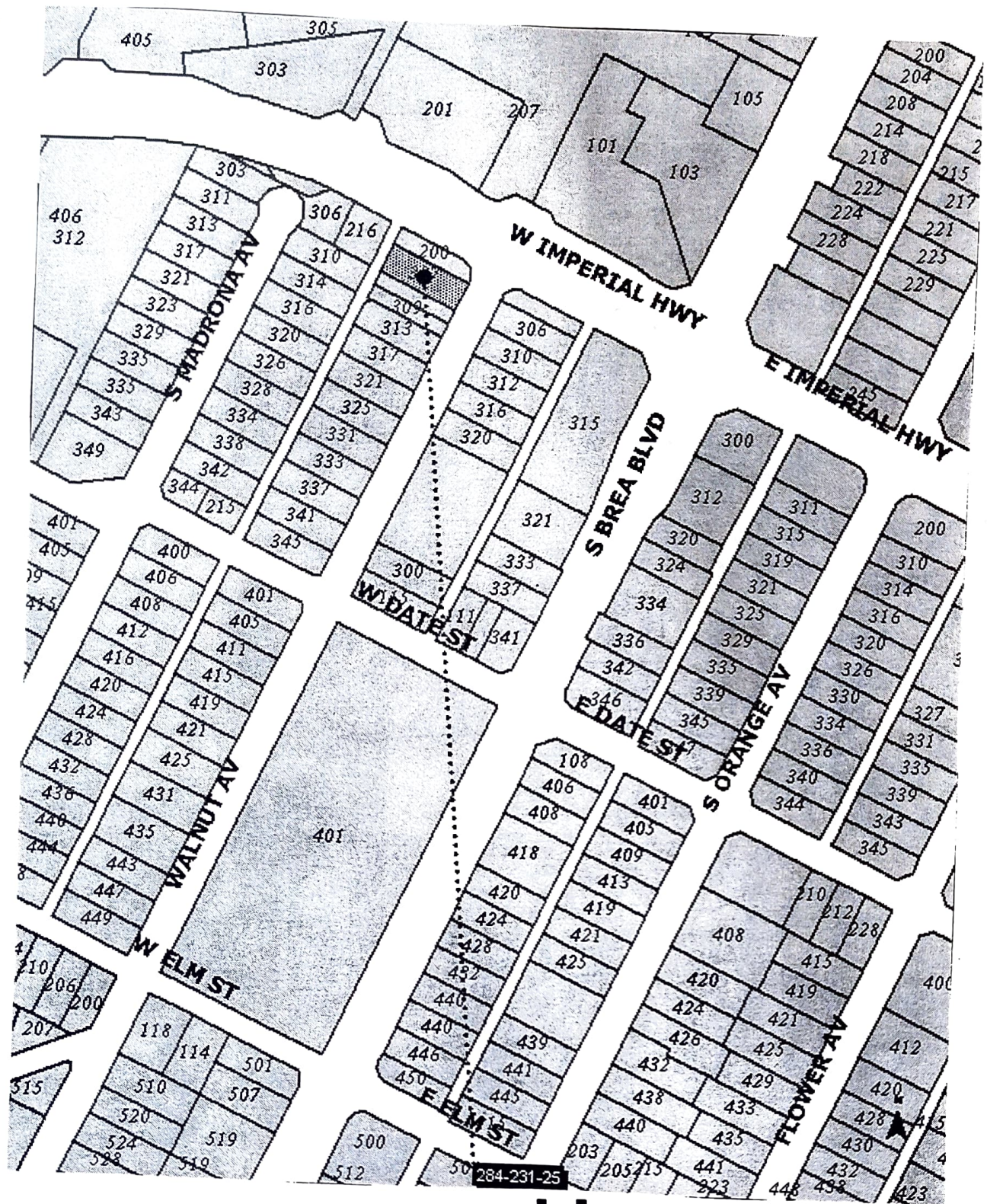
ALTERNATE PLANNING COMMISSION ACTIONS:

- Approve with conditions
- Deny without prejudice
- Continue

ATTACHMENTS:

1. Vicinity Map
2. Public Hearing Notice
3. Draft Resolution
4. Exhibit A-1, Site Plan
5. Exhibit A-2, Petition
6. Exhibit A-3, Letter from resident

hw/boxcarreport.doc



subject property and vicinity map



date: March 13, 2001

case no: CUP 00-1
DR 00-7

CITY OF BREANotice of public hearing

TO: Property Owners Within a 300-Foot Radius *mailed 3/2/01*
FROM: City of Brea, Development Services Department
SUBJECT: CONDITIONAL USE PERMIT NO. CUP 00-11 and DESIGN REVIEW NO. DR 00-7

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: Tuesday, March 13, 2001, 7:00 p.m.
OF HEARING: *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

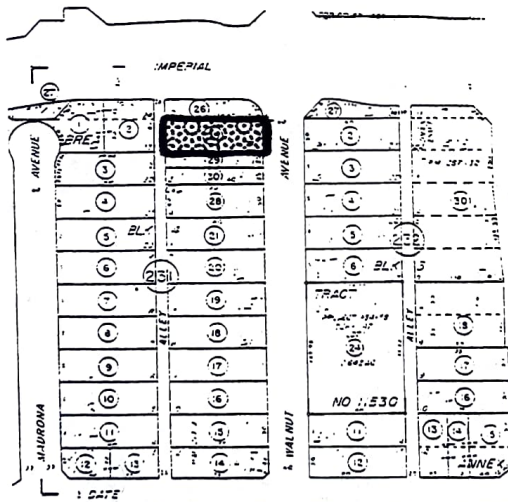
REQUEST: A request to allow the placement of a boxcar, in accordance with § 600 "Design Review" of the Brea Towne Plaza Specific Plan and Chapter 20.408.030 of the Brea City code, for property generally located at 307 S. Walnut, legally described as a portion of Map Book 284, page 23, block 231, parcel 25 as shown in the latest records of the County of Orange.

PROPERTY INVOLVED: 307 South Walnut

APPLICANT: Jerry Kolb
200 W. Imperial
Brea, CA 92821

ENVIRONMENTAL INFORMATION: The City of Brea has determined that the proposed project is categorically exempt from requirements of the California Environmental Quality Act, pursuant to Section 15061(b)(3) of said Act.

AREA MAP:



IF YOU CHALLENGE THIS CONDITIONAL USE PERMIT NO. CUP 00-11 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 PLANNING COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

FOR FURTHER INFORMATION ON THIS SUBJECT, PLEASE CONTACT THE PLANNING DIVISION AT (714) 990-7674.

DEVELOPMENT SERVICES DEPARTMENT

David Crabtree
David Crabtree, AICP
City Planner

RESOLUTION NO. PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA, CALIFORNIA, DENYING DESIGN REVIEW NO. DR 00-7, CONDITIONAL USE PERMIT NO. CUP 00-11, FOR PLACEMENT OF A BOXCAR AT 307 SOUTH WALNUT AVENUE.

A. Recitals:

(i) The Planning Commission of the City of Brea has heretofore held a duly noticed public hearing, as required by law, for Conditional Use Permit No. CUP 00-11, and Design Review No. DR 00-7 for a request to allow the placement of a boxcar as required by Chapter 20.408.030 of the Brea Zoning Code and Section 600 of the Brea Towne Plaza Specific Plan, for the placement of a boxcar.

(ii) The subject property is located at 307 South Walnut, and legally described as a portion of Map Book 284, page 23, block 231, parcel 25 as shown in the latest records of the County of Orange.

(iii) The property is zoned BTPSP-BBC (Brea Towne Plaza Specific Plan-Brea Boulevard Commercial), and has a General Plan Land Use designation of Specific Plan.

(iv) The project proponent is Jerry Kolb, 200 West Imperial Highway, Brea, CA 92821.

(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 the Recitals, Part A, of this Resolution.
2. The application to place a boxcar to be used for storage is within the scope of the actions authorized by the Brea Towne Plaza Specific Plan (Ordinance 808), as amended. To wit,

RESOLUTION NO. PC 00-

Page 2

Applicant: Jerry Kolb

CUP No. 00-11, & DR No. 00-7

development projects within the Brea Towne Plaza Specific Plan (BTPSP) shall be approved only upon completion of the Design Review process, which is a discretionary approval process.

3. The City of Brea Planning Commission hereby makes the following findings in consideration of Design Review application No. DR 00-7:

- a. The design and layout of the boxcar proposed to be used in the development is not consistent with the intent of the General Plan and the objectives of the design guidelines and development standards of the BTPSP Brea Boulevard Commercial (BBC) district. A goal of the Land Use Element of the General Plan is to “encourage a pattern of commercial uses which takes maximum advantage of the Towne Plaza’s physical, social and economic potential without adversely impacting adjacent viable residential area.” Evidence provided to this Commission as contained within the staff report demonstrates an adverse impact to adjacent residential uses. The railroad car theme is not compatible with the architecture of adjacent commercial uses along Imperial Highway. No railroad design theme developments exist on surrounding parcels or within the neighborhood. No consideration was given to the rooflines of buildings on adjacent properties to avoid conflicting style and materials. The surrounding buildings do not have flat metal roofs. The location of the boxcar creates an aesthetically unpleasing visual conflict with adjoining properties. No consideration was given to the compatibility of the boxcar with existing adjacent uses.
- b. The design and layout of the proposed boxcar will unreasonably interfere with the use and enjoyment of neighboring existing and future

developments. The placement of the boxcar creates a significant negative aesthetic impact to the views of neighboring residents. Section 402.B of the BTPSP contains the purpose and intent of the BBC district, which reads, in part, "Provide for appropriate buffers or standards between office and commercial uses and the surrounding residential uses." The proposed 24" box Blue Italian Cypress plantings planted 4' on center will not provide significant buffering of the proposed boxcar from adjacent residential uses.

- c. The architectural design of the proposed development is not compatible with the character of the surrounding neighborhood and will not maintain the harmonious, orderly and attractive development contemplated by the BTPSP. No railcars or structures relating to this design exist anywhere near the site or, in fact within the entire BTPSP. Additionally, the BTPSP contains no provisions contemplating a railcar design motif. Section 407.C.5 of the BTPSP reads, "Consideration should be given to the compatibility of proposed uses with existing adjacent uses." The proposed boxcar placement is not aesthetically compatible with the adjacent residential use. As such, it will interfere with the use and enjoyment of the adjacent residential property.

- d. The design of the proposed development will not provide a desirable environment for its occupants, its neighbors and the visiting public through the use of materials, texture and color that will remain aesthetically appealing and will retain a reasonably adequate level of maintenance and service. The proposed variety of materials, textures and colors are not

consistent with existing structures in the BTPSP area and are incompatible with the design guidelines set forth in the BTPSP-Brea Boulevard Commercial design guidelines. Section 407.D of the BTPSP, “seeks well thought out design solutions that are compatible with other architecture within the applicable planning district.” The materials and texture of the boxcar will not be architecturally compatible with the rest of the site development. Additionally, the placement of a boxcar does not represent a thought out design solution compatible with other structures in the area.

4. The Planning Commission finds that the proposed use is not necessary or desirable for the development of the community. Section 600 of the BTPSP states in part, that design should “encourage the orderly and harmonious appearance of all structures within the BTPSP . . .” The proposed boxcar is constructed of materials not typical of either residential or commercial structures within the BTPSP. Additionally, the proposed boxcar is not in harmony with the various elements or objective of the General Plan. Specifically, these objectives, as contained within the Growth Management Element of the General Plan, Chapter XI, are to “strive to maintain and improve the quality of life in Brea” and to provide for “the City’s orderly growth and development and continued and/or improved quality of life.” The proposed architectural design of the boxcar does not further these objectives.

5. It is found that the request for the placement of the boxcar at the location set forth in the application is a land use permitted subject to a Conditional Use Permit as authorized by the Brea Towne Plaza Specific Plan (Ordinance 808), as amended, and Chapter 20.408.030 of the Brea City Code.

RESOLUTION NO. PC 00-

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Applicant: Jerry Kolb

CUP No. 00-11, & DR No. 00-7

6. The City of Brea Planning Commission hereby makes the following findings in regards to Conditional Use Permit application No. CUP 00-11:

- a. The proposed Conditional Use Permit related to the placement of the boxcar is not desirable for the development of the community, and is not in harmony with the goals and objectives of the General Plan and BTPSP. Section 201 of the BTPSP “encourages a pattern of commercial uses which take advantage of the Brea Towne Plaza’s physical, social and economic potential without adversely impacting adjacent viable residential areas and seeks to minimize visual impacts to the people who live and work in Brea.” The placement of the boxcar creates significant negative aesthetic impacts, which affect the adjacent residential neighborhood contrary to this goal of the BTPSP. The affect on the residents is the aesthetically displeasing view of the boxcar.
- b. The proposed land use is detrimental to existing uses or to uses specifically permitted within the zone of the proposed use, and the approval of the use as applied for will adversely affect the public health, safety, and general welfare as described in the following: Section 407.C of the BTPSP reads, in part: “site planning should involve . . . locating indoor and outdoor spaces according to their various uses for the greatest comfort and enjoyment of the user and adjacent users.” Projects should “relate the location of site uses with adjoining properties to avoid possible conflicts. . .” The boxcar does not meet the architectural design guidelines in the BBC zone and is therefore incompatible with other structures in the BBC zone. In addition,

the proposed placement of the boxcar does not reflect site planning that will afford comfort and enjoyment to adjacent users. The proposed placement obscures light and viewshed from the adjacent properties as demonstrated by photo exhibits within the staff report and as presented to this Commission. As such, the proposed boxcar placement does not avoid, but actually creates, conflicts with the adjacent residential land uses.

- c. The site shape and size are not adequate to accommodate the proposed development and all of the yards, setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the neighborhood. The proposed landscape treatments will not alleviate the visual impact of the boxcar to the neighboring residents. The proposed plans do not demonstrate that the site is of adequate shape or size to accommodate the boxcar and achieve appropriate visual buffering from adjacent residential uses.
- d. The site is adjacent 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. The site is served by fully improved roadways.

7. The Planning Commission finds that the applicant was duly notified and had ample opportunity to address these concerns, as evidenced within the staff report. These concerns were conveyed by City staff in numerous meetings with the applicant, and in writing on November 3, 2000, January 12, 2001 and February 12, 2001, stating that the proposed project does not comply with the intent of the Development Standards and Design Guidelines for the BTPSP.

8. In consideration of the above facts, the Planning Commission makes the finding that the approval of the proposed Design Review and Conditional Use Permit would result in the creation of detrimental impacts upon the surrounding neighborhood and hereby denies Conditional Use Permit No. CUP 00-11, and Design Review No. DR 00-7 for the reasons specified herein.

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

ADOPTED AND APPROVED this 13th day of March, 2001.

Chairman, Planning Commission

I, David Crabtree, 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 13th day of March, 2001, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 13th day of March, 2001, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

RESOLUTION NO. PC 00-

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Applicant: Jerry Kolb

CUP No. 00-11, & DR No. 00-7

ATTEST: _____

Secretary, Planning Commission

H:\heatherw\boxcar\boxcarreso.doc

Mr. & Mrs. David L. Ludvickson
313-A So. Walnut Avenue
Brea, CA 92821
714-990-8923

TO: Brea City Council
#1 Civic Center Circle
Brea, CA 92821

RE: Petition for removal of railroad boxcar, located at 200 W. Imperial Highway, Brea,
CA 92821

August 30, 2000

Dear Mayor, Bev Perry:

Please find enclosed an attached copy regarding above subject for your review. The following petition is being filed with the City Clerk's Office. Attention to the following matter with any comments and opinions would be greatly appreciated.

Any questions please do not hesitate to contact me at 714-990-8923.

Thank you for your assistance.

Regards,



David L. Ludvickson
Property Owner

City of Brea
Development Services Department
Planning Division

exhibit A-2

case/file number: CWP 00-11 DR 00-7

date: 3/13/2001

applicant/owner: Jerry Kolb

Petition to Remove Railroad Boxcar Located Behind 200 W. Imperial Hwy, Brea, CA 92821

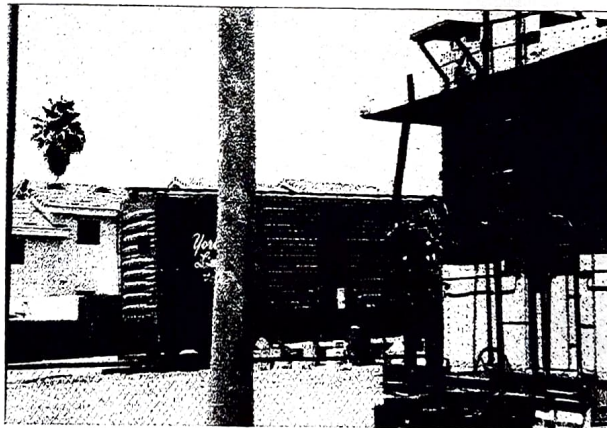
We, the undersigned, elect to move the railroad boxcar located behind MJB Realty, 200 W. Imperial Hwy, in the city of Brea, California. The boxcar was moved into its present location in the alleyway parallel to Imperial Hwy in the vicinity of 313 S. Walnut Ave. without proper permits or notification to the City of Brea by Mr. Jerry Kolb, owner of MJB Realty, located on the Southeast corner of Imperial Highway and Walnut Avenue in the city of Brea. This boxcar, intended for commercial use with respect to MJB realty, is residing in an area of the local community where it poses a safety hazard to the homeowners of the area and their families. It also demeans the overall appearance of the well kept area of this neighborhood, creating the illusion of a poorly maintained area of the city, which has recently spent several hundred million dollars in an effort to redevelop and uphold a clean, upscale, well kept community. By signing below, we elect to dispose of this hazard and eye sore or relocate the aforementioned boxcar to a more appropriate area, where it will hold no effect on the private neighborhood and will be utilized in the commercial sense that it was intended for.

Petition Sponsors: David and Lorraine Ludvickson, 313-A S. Walnut Ave., Brea, CA 92821

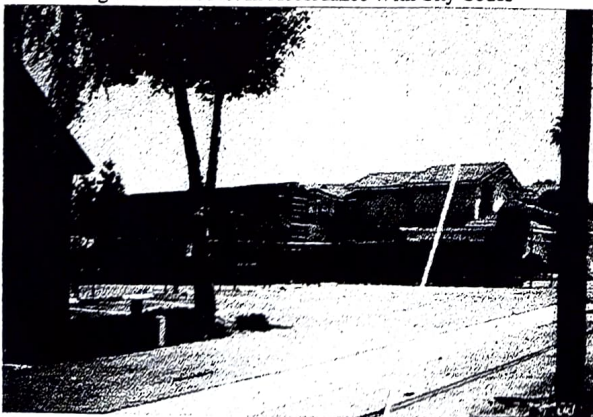
Petition Recipients: Brea City Council, #1 Civic Center Circle, Brea, CA 92821



Boxcar in Alleyway Parallel to 313 S. Walnut Ave.
Legal Setbacks Not In Accordance With City Codes



Boxcar Being Used as a Storage Shed



Boxcar Overpowers Building and Obstructs Views

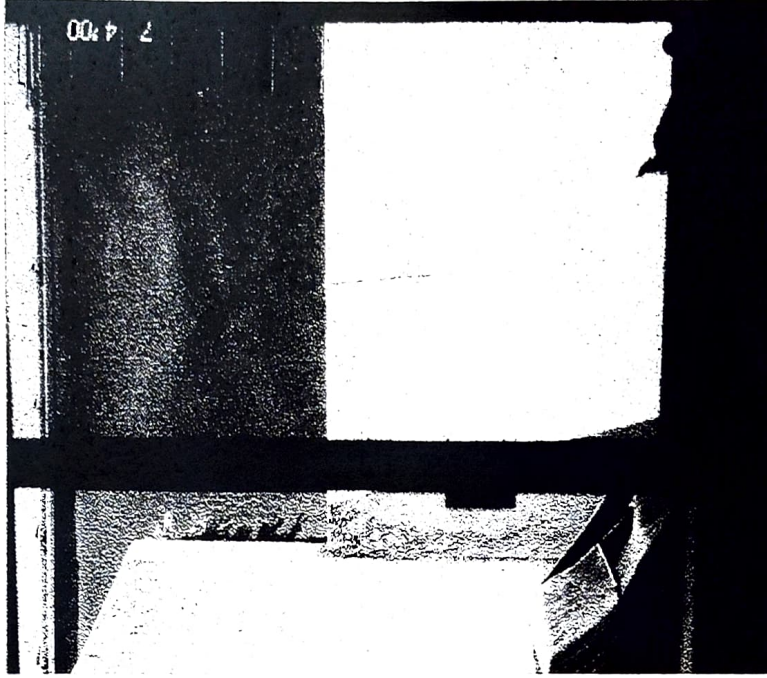


Boxcar Poses a Safety Hazard to Children that Climb Up Ladders to
Top of Train

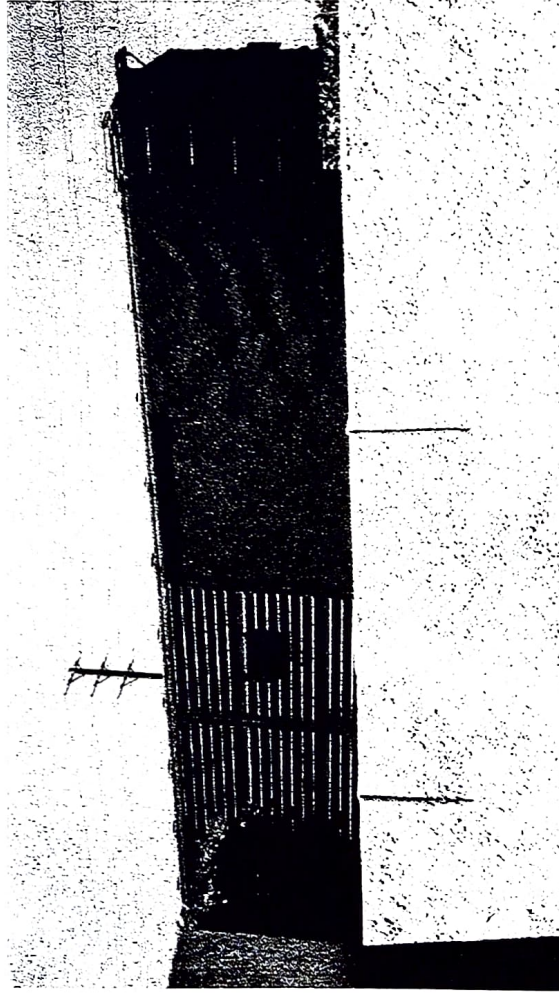
Views of Railroad Boxcar From 313-A S. Walnut Avenue



View From Dining Area

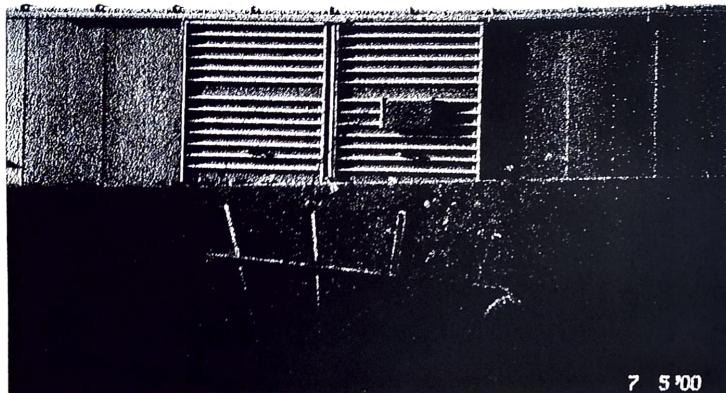


View From Kitchen Window

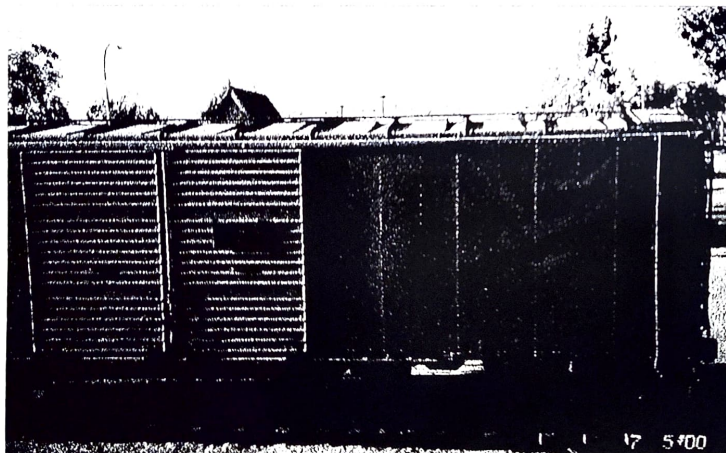


View From Patio

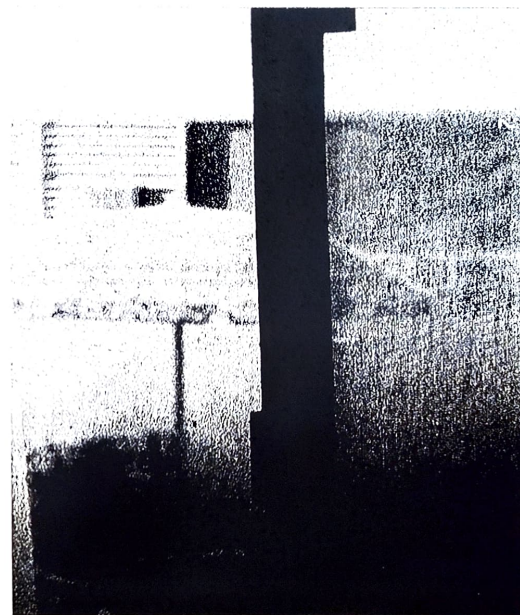
Views of Railroad Boxcar from 313-B S. Walnut Avenue



View from Patio

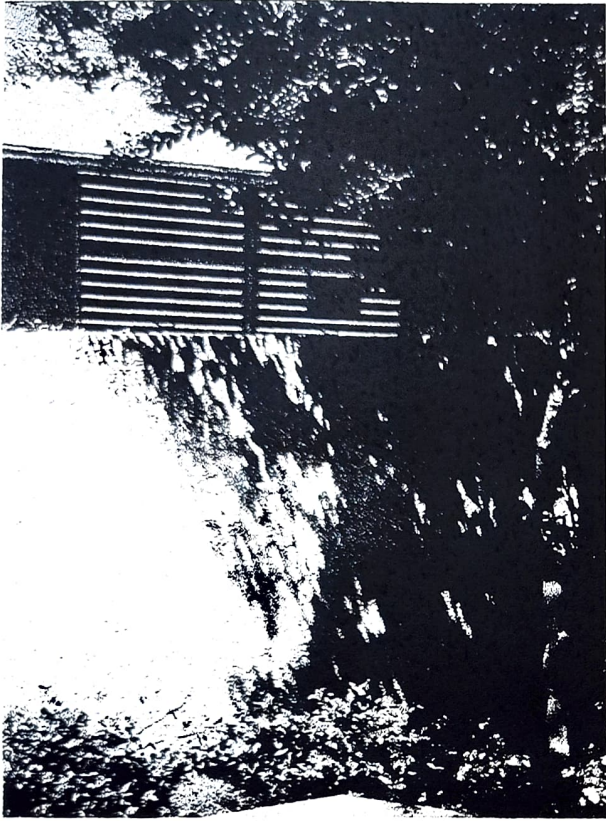


View from Upstairs Bedroom Window

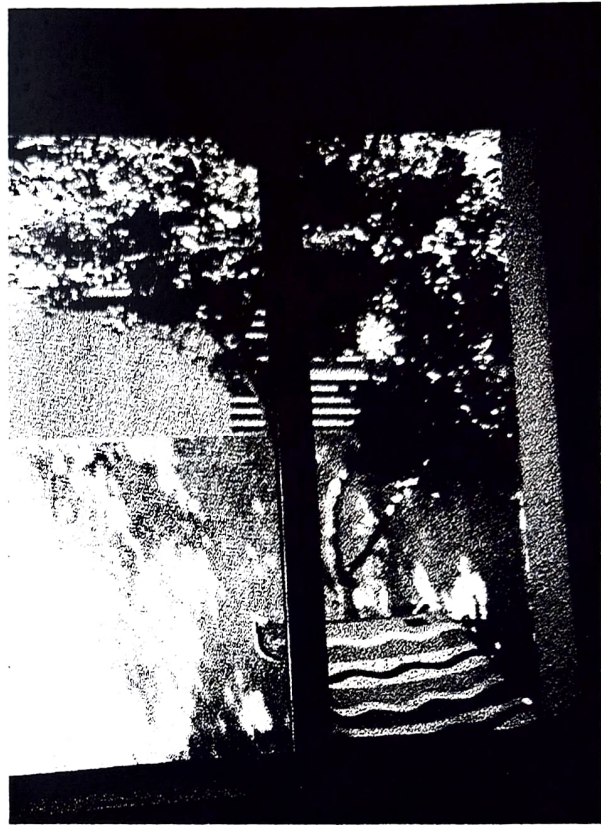


View from Kitchen Window

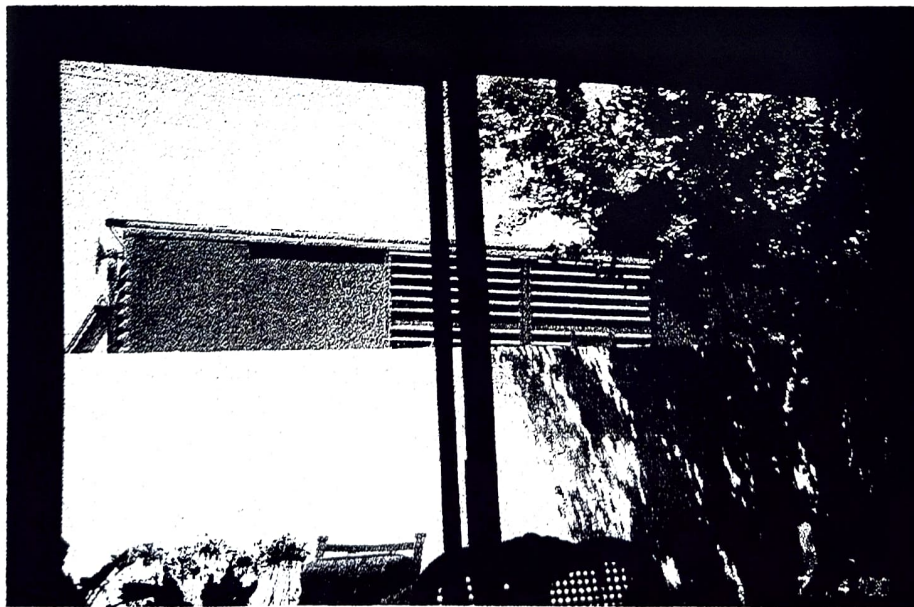
Views of Railroad Boxcar from 313-C S. Walnut Avenue



View from Patio



View from Kitchen Window



View from Dining Area

Name (please print)	Address	Signature
David L. Ludvickson	313-A So. Walnut Ave. Brea CA	X David L. Ludvickson
Lorraine M. Ludvickson	313-A So. Walnut Ave. Brea CA	X Lorraine M. Ludvickson 8/6/21
DANA LUDVICKSON	313-A So. Walnut Ave Brea, CA	X Dana Ludvickson
DEBRA MOORE	313-C S. WALNUT AVE BREA CA.	X Debra Moore
Mark Williamson	425 S. MADRONA AV. BREA CA.	X Mark Williamson
LUCY ARMAS	400 S. SIEVERS AVE., BREA	X Lucy Armas
Gus A. Krueger	408 S. Sievers Ave. Brea	X Gus A. Krueger
Bon Sanford	414 S. Sievers	X Bon Sanford
Foly Nua	420 S. Sievers	X Foly Nua
Natalie Makshanoff	426 S. Sievers	X Natalie Makshanoff
JOHN DUPREE	434 S. SIEVERS AVE Brea	X John Dupree
Chris Ler vold	448 Sievers Ave	X Chris Ler vold
Guadalupe H.	411 Sievers Ave.	X Guadalupe H.
Larry E. Garcia	403 Dates St Brea	X Larry E. Garcia
Heather Blacketer	406 W. Imperial Hwy #206	X Heather Blacketer
LUNETTE SOTO	406 W. IMPERIAL HWY #206 BREA	X Lunette R. Soto
Luph Blacketer	406 W. Imperial Hwy #206 Brea	X Luph Blacketer
JOHN SIOIS	333 So. Walnut Ave Brea	X John Siois
DAVE PETERSON	313 S. WALNUT #B BREA	X Dave Peterson
John Tracy	313 C Walnut Brea	X John Tracy
Vince G. Martinez	317 S. Walnut Brea	X Vince Martinez
Matthew Vawter	317 S. Walnut #A	X Matthew Vawter
Viki Petersen	313 S Walnut Ave #B	X Viki Petersen
Vynessa Brown	337 S. Walnut Ave	X Vynessa Brown
Robert S. Owen	345 S. WALNUT AVE #D	X Robert S. Owen
Shannon Dailey	345-A S. Walnut; Brea CA 92821	X Shannon K. Dailey
LINDY TORO	324 S. Walnut # Brea CA 92821	X Lindy Toro
Theriana Brent Stute	324 S. Walnut #D Brea CA 92821	X Theriana Brent Stute
Charles E. Kohl	334 S. Walnut #G Brea CA 92821	X Charles E. Kohl
Louis Jackson	334 S. Walnut # Brea. 92821	X Louis Jackson
W. Jackson	" " "	X W. Jackson
NICOLE MORSE	1400 MCCART AVE. BREA CA 92821	X Nicole Morse
Brandon Denton	344 C S Walnut Ave Brea CA 92821	X Brandon Denton
Susan Oh	344 S. WALNUT AVE Apt D, Brea CA 92821	X Susan Oh
ROBERT ROSNER	334 S. WALNUT AVE, BREA, CA 92821	X Robert Rosner
Cynthia Gromm	334 S. Walnut Ave. Brea CA 92821	X Cynthia Gromm
Evelyn Seymour	390 S. Walnut ave. Brea CA 92821	X Evelyn Seymour
Juana Mander	121 E Acacia #B Brea ca 92821	X Juana Mander
Michael Horton	320 S. MADRONA AVE. BREA CA 92821	X Michael Horton
Johnnie M. Cabral	314 S. Madrona Ave. Brea CA 92821	X Johnnie M. Cabral

Name (please print)	Address	Signature
FLORENCE E. PAGE	313 S. MADRONA BREA CA 92821	X Florence E. Page
Marcia D. Powers	335 S. Madrona Ave. Brea 92821	X Marcia Powers
Nickie Dredler	400 S. Madrona Brea 92821	X Nickie Dredler
MIKE NELSON	421 S. MADRONA AVE BREA 92821	X Mike Nelson
Stephanie Nelson	421 S. Madrona Ave Brea 92821	X Stephanie Nelson
Christine S. Hunt	417 S. Madrona Ave. Brea 92821	X Christine Hunt
PAUL G. DAVIS	415 S. Madrona Ave BREA	X Paul G. Davis
Kathi Drinnenberg	420 S. Madrona Ave BREA	X Kathi Drinnenberg
Don Rents	424 S. Madrona Ave Brea	X Don Rents
Tim Huelles	428 S. MADRONA AVE BREA	X Tim Huelles
RAUL S. PEREZ	436 S. MADRONA AVE BREA	X Raul S. Perez
Sandi Perez	436 S. Madrona Ave.	X Sandi Perez
Kent Fonde	444 S. Madrona	X Kent Fonde
Linda Fonde	444 S. Madrona	X Linda Fonde
VIVIAN CERVANTES	445 S. MADRONA AVE.	X Vivian Cervantes
Steve Perez	317 S. WAINUT #C	X Steve Perez
Sherry Chester	317 S. WAINUT #C	X Sherry Chester
Suzy Sells	5024 So. Aldrich - Brea	X Suzy Sells
GREG K. HERR	146 Country Club Dr Brea	X Greg K. Herr
CHUCK WARD	1201 GLENZIDGE CT Brea	X Chuck Ward
LISSETTE WARD	" " " "	X Lissette Ward
STEPHEN MATTHEWS	1120 N. RAYMOND AVE.	X Stephen Matthews
Jorge Rodriguez	411 S. Walnut Ave	X Jorge Rodriguez
DERRICK SALARY	306 W. Juniper St.	X Derrick Salary
Larry Sittig	314 Juniper St Brea	X Larry Sittig
Rhonda Sittig	314 Juniper St Brea	X Rhonda Sittig
DARREL Hallowell	320 W. Juniper St Brea	X Darrel Hallowell
JOAN CABRERA	400 JUNIPER ST BREA	X Joan Cabrera
EMIL BOGARTSON	408 Juniper St BREA	X Emil Bogartson
Cheryl Hauman	412 Juniper St. Brea	X Cheryl Hauman
Diane Cobb	418 W. Juniper St. Brea	X Diane Cobb
EDWIN W. COBB	418 W. JUNIPER BREA	X Edwin W. Cobb
Nancy H. Winkles	426 Juniper Brea	X Nancy H. Winkles
John Winkles	438 Juniper St. Brea	X John Winkles
MARY H. WINKLES	438 JUNIPER ST BREA	X Mary H. Winkles
Cathy Wright	522 Juniper St Brea	X Cathy Wright
Jim Wright	522 W. Juniper St Brea	X Jim Wright
JOHN W. YEAGER	541 W. JUNIPER ST. Brea	X John W. Yeager
Gene Yeager	541 Juniper - Brea	X Gene Yeager

Name (please print)	Address	Signature
FELIX ALVAREZ	316 S. MADRONA AVE, BREA	X Felix Alvarez
Rebecca McFarland	531 Juniper St. Brea	X R McFarland
CARL L. ERWIN	523 JUNIPER ST. BREA	X Carl L. Erwin
PATRICIA A. ERWIN	523 JUNIPER ST BREA	X Patricia A. Erwin
MICHAEL BAILEY	401 JUNIPER ST BREA	X Michael Bailey
Cindy Tittle	307 Juniper St Brea	X Cindy Tittle
Eric Lewis	307 Juniper St Brea	X Eric Lewis
Shane Masuda	841 Mulberry BREA	X Shane Masuda
Dorothy McGraw	701 Larchwood BREA	X Dorothy McGraw
DANIEL SUZUKI	709 LARCHWOOD, BREA	X Daniel Suzuki
Gene S. Tobias	717 Larchwood, Brea	X Gene S. Tobias
JERRY R. HUNTER	725 LARCHWOOD, BREA	X Jerry R. Hunter
JANIS R. HUNTER	725 LARCHWOOD, BREA	X Janis R. Hunter
Jean Morse	741 Larchwood Brea	X Jean Morse
Kelli P. Morse	741 Larchwood Dr, Brea	X Kelli P. Morse
DON SUNUKJIAN	817 Larchwood Dr. "	X Don Sunukjian
Neil Sunukjian	817 Larchwood Dr. Brea	X Neil Sunukjian
Judy Flynn	825 Larchwood Brea	X Judy Flynn
Donna M. Rhine	901 LARCHWOOD BREA	X Donna M. Rhine
HOWARD J. REID	925 Larchwood Dr. Brea	X Howard J. Reid
JOAN B. ROULETTE	548 Featherstone St Brea	X Joan B. Roulette
ELEANORE A. SCHELLEN	547 Featherstone St. Brea	X Eleanore A. Schellen
Wilda D. Pantoni	848 Larchwood Dr Brea	X Wilda D. Pantoni
PATRICK R. HILL	808 Larchwood Dr Brea	X Patrick R. Hill
MIKE PRUNEAN	732 S. Larchwood dr. BREA	X Michael Prunean
Catherine L. Wry	716 Larchwood Dr. Brea	X Catherine L. Wry
TRACY VASQUEZ	708 S. LARCHWOOD DR. BREA	X Tracy Vasquez
Phil Vasquez	708 S. LARCHWOOD DR BREA	X Phil Vasquez
Erik Snyder	825 Wildrose Dr.	X Erik Snyder
Colleen Snyder	825 Wildrose Dr.	X Colleen Snyder
R.S. Pierce	837 Wildrose Dr.	X R.S. Pierce
Cathy Pierce	837 Wildrose Dr.	X Cathy Pierce
Sydney E. Bulle	914 Wildrose Dr.	X Sydney E. Bulle
Ellen Child	926 Wildrose Dr.	X Ellen Child
Stanley J. De	926 S. WILDEROSE DR	X Stanley J. De
ANDY KIM	919 Wildrose Dr. Brea	X Andy Kim
Tammy Childs	900 S. WILDEROSE DR. BREA	X Tammy Childs
Cynthia Deere	908 S. WILDEROSE DR. BREA	X Cynthia Deere

Name (please print)	Address	Signature
WILLIAM J. BALL	834 Wildrose Drive	X William J. Ball
Phyllis E. Ball	834 Wildrose Drive	X Phyllis E. Ball
Gregg Smith	826 Wildrose Dr.	X Gregg Smith
Lynne Cole	820 Wildrose DR	X Lynne Cole
LARRY J. ZUNIGA	347 S. Orange Ave.	X Larry Zuniga
DENISE MEISSNER	329 S. Orange Ave	X Denise Meissner
MARIE MEISSNER	329 S. ORANGE	X Marie Meissner
ALE FOSTER	321 S. Orange Brea	X ALE FOSTER
Avery Foster	321 S. Orange Brea	X Avery Foster
MYRIEL SKONBERG	314 S. ORANGE BREA	X Myriell Skonberg
MARIO SALAZAR	310 S. ORANGE AVE BREA	X Mario Salazar
Jaime Salazar	310 S. Orange Ave Brea	X Jaime Salazar
JOE MASCIERI	311 S. ORANGE Brea	X Joe Mascieri
GLENN MADRID	306 S. ORANGE AVE. BREA	X Glenn Madrid
LUMMA KHAMK	336 S. ORANGE AVE BREA	X Lumma Khamk
BETTY IOHANNK	336 S. Orange Brea	X Betty Iohannk
Kathy Lewis	404 S. Orange #B Brea	X Kathy Lewis
SHIRLEY WARREN	335 S. Flower BREA	X Shirley Warren
Barbara Moody	331 S. Flower Brea	X Barbara Moody
H. W. Brown	327 S. Flower Brea	X H. W. Brown
JOYCE E. WILSON	315 SO FLOWER AVE	X Joyce E. Wilson
Dale N. Hodgkins	320 S. Flower	X Dale N. Hodgkins
VERNA COOKE	401 Sycamore Ave	X Verna Cooke
JACOB P. OLSEN	412 SYCAMORE AVE	X Jacob P. Olsen
William S. Hanley	420 SYCAMORE AVE	X Bill Hanley
Deborah Hanley	420 Sycamore Ave	X Deborah Hanley
Delia Ramirez	425 SYCAMORE	X Delia Ramirez
Kendra Senger	425 Sycamore Ave	X Kendra Senger
MIKE MACIAS	437 SYCAMORE ST	X Mike Macias
JOSEPH ALLEN	622 E. Elm St BREA	X Joseph Allen
CHARLES HALL	616 E. Elm	X Charles Hall
RANDY MOORE	600 E. Elm St. BREA	X Randy Moore
Nick Laboteta	522 E Elm St BREA	X Nick Laboteta
Kathy Laboteta	522 E Elm Brea	X Kathy Laboteta
YVONNE WOOD	512 E. Elm Brea	X Yvonne Wood
ANGELA SEDUJA	500 E. Elm BREA	X Angela Seduja
KAREN PILL	511 Elm St BREA	X Karen Pill
JAMES B. BELL	511 E. Elm BREA	X James B. Bell
Jeffrey S. Stanfill	527 E. Elm St Brea	X Jeffrey Stanfill

Name (please print)	Address	Signature
Brad Contreras	609 E. Elm Brea	X Brad G
Manuel Garcia	605 E. Elm St. Brea	X Manuel Garcia
Betty Taunton	1621 E. 4th St. Brea	X Betty Taunton
THOMAS C. RYAN	1051 SITE DR #203 BREA	X Thomas C. Ryan
PLANNY STANLEY	153 Tea Lane Brea	X PLANNY STANLEY
Marion Small	1418 Tea Lane Brea	X Marion Small
Irma Turner	342 HoneySuckle Lane Brea	X Irma Turner
JUDY DYSCHE	134 Tulip Lane Brea	X Judy Dysche
William Whitaker	171 Honeysuckle Ln Brea	X William Whitaker
Bruce Dimp	150 " " "	X Bruce Dimp
Luis Quintana	104 Iris Lane Brea	X Luis Quintana
Kathy E. Musso	116 Honeysuckle Brea	X Kathy E. Musso
Ed Skiwinski	303 Honeysuckle Ln Brea	X Ed Skiwinski
Nikki Sheffert	273 W. Ash St Brea	X Nikki Sheffert
Sten Rojas	337 Honeysuckle, Brea	X Sten P. Rojas
SUSIE CRAWFORD	349 Honeysuckle Ln. BREA	X Susie C. Crawford
Kristin Crawford	349 Honeysuckle Ln Brea	X Kristin Crawford
Natalie Miller	1607 Holly St. Brea	X Natalie C. Miller
Steve Craig	351 Honeysuckle Ln Brea	X Steve Craig
Ricardo Magistada Jr.	363 Honeysuckle Ln Brea	X Ricardo Magistada Jr.
Valerie Miles	340 Lavender Ln. Brea	X Valerie Miles
ALAN TOPORSH	332 LAVENDER LN BREA	X Alan Toporsh
ROD KIEMELE	332 LAVENDER LN BREA	X Rod Kiemele
Sonya Nguyen	324 Lavender Ln BREA	X Sonya Nguyen
SEAN RABBITT	124 SWEET GUM LN	X Sean Rabbitt
SARIKO MIYAMOTO	135 ROSEMARY LN	X Sariko Miyamoto
Yukio Miyamoto	135 Rosemary Ln	X Yukio Miyamoto
LINDA McTEAGUE	121 S WALNUT AVE BREA	X Linda McTeague
STEVE SCHIBUOLA	133 S. Walnut Avenue. Brea	X Steve Schiboula
David Ortega	151 S. Walnut Ave BREA	X David Ortega
Wendy	157 S. Walnut Ave Brea	X Wendy
Majrian Qian	217 W Ash St. Brea	X Majrian Qian
Jon Perez	255 W. Ash St. Brea	X Jon Perez
Vanessa Perez	255 W. Ash St. Brea	X Vanessa Perez
Chesley N. McKay	241 W. Ash St BREA	X Chesley N. McKay
Jerri Sherman	123 Tea Lane Brea	X Jerri Sherman
Richard Doolan	115 TEA LANE BREA	X Richard Doolan
GAIL CURRIAN	102 TEA LANE BREA	X Gail Currian
PAM OBORN	346 W HONEYSUCKLE LN	X Pam Oborn

RECEIVED

MAR 05 2001

February 28, 2001

PLANNING DIVISION

Planning Division of City of Brea, Attn: Heather W.

Dear Planners,

I want to voice my opposition to having the box car on Walnut St.

It interferes with the property owners view from his residence at 313 S. Walnut.

It does nothing to increase the property values of any of the other property owners.

I do not believe it is the proper place for a box car and I do hope you will have it removed.

I will not be able to attend the meeting on March 13, 2001 so I hope you will accept this letter as my opposition to the request for the box car to remain placed at 307 S. Walnut

Thank you

City of Brea

Development Services Department
Planning Division

Florence E. Page

313 S. Madrona

Brea, CA 92821

Exhibit A-3

case/file number: CUP 00-11
DR 00-7

date: 3/13/01

applicant/owner: Jerry Kolb

[illegible]

City of Brea

planning commission

Staff Report

MEETING DATE: March 13, 2001

CASE NO: CUP No. 01-03

APPLICANT REQUEST: A request by STDR Architects to add an outdoor dining patio with alcohol sales and exterior signage for a restaurant (California Pizza Kitchen) at the Brea Mall, between Macy's and Sears.

PROPERTY LOCATION: 1065 Brea Mall, Space 2052A

APPLICANT: STDR Architects for California Pizza Kitchen
3190-K Airport Loop Drive
Costa Mesa, CA 92626

PROPERTY OWNER: The Retail Property Trust
National City Center
P.O. Box 7033
Indianapolis, IN 46207

PROJECT INFORMATION:

California Pizza Kitchen first opened its doors in 1985. Since that time, the restaurant has grown to 87 full service locations throughout the United States and internationally. The location within the Brea Mall will be the first CPK location in North Orange County. California Pizza Kitchen offers a selection of hearth-baked pizzas, salads, pastas, and sandwiches.

STDR Architects are requesting to add an outdoor dining patio with alcohol sales and exterior signage. The proposed outdoor dining area is located at the southeast corner of the Brea Mall between Macy's and Sears on the upper level. This proposal would also add an entry to the restaurant, which would accommodate restaurant customers after the mall has closed.

According to Section B.2 of Ordinance No. 836, which approved Development Agreement No. DA 87-3 for the Brea Mall, a Conditional Use Permit is required to exceed the maximum permissible square footage building limit. The Applicant is proposing to add 645 square feet to the existing 5,076 square foot tenant space. In this case the proposed addition will be an outdoor patio, with seating for 44 people. The dining patio will be buffered from the existing landscaped area with a three foot high steel railing that extends along the south, west, and east sides of the outdoor dining area. In addition, signage will be added to the exterior wall north of the dining patio. Staff believes that the proposed architectural features for the dining patio will complement the existing mall elevation between Macy's and Sears.



BREA • 2001

**CITY OF BREA
DEVELOPMENT SERVICES DEPARTMENT**

Memorandum

TO: Planning Commission

FROM: Planning Division

DATE: March 13, 2001

**SUBJECT: CONDITIONAL USE PERMIT NO. 01-03, A REQUEST TO ADD AN
OUTDOOR DINING PATIO WITH ALCOHOL SALES AND EXTERIOR
SIGNAGE AT THE BREA MALL, SPACE 2052A.**

APPLICANT: STDR Architects for California Pizza Kitchen

SUMMARY

This action would approve a Conditional Use Permit to allow outdoor dining and exterior signage at California Pizza Kitchen.

BACKGROUND

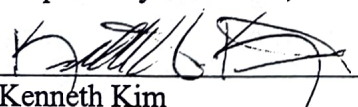
STDR Architects will be opening a restaurant located at the southeast corner of the Brea Mall (see Exhibit "B," site plan). The restaurant, California Pizza Kitchen, features hearth-baked pizzas, salads, pastas, and sandwiches. California Pizza Kitchen would like to offer beer and wine service and also proposes exterior signage. The new restaurant would have a bar area within an open floor plan dining room. An outdoor dining area with beer and wine service has been designed to the south of the tenant space. This request requires the approval of a Conditional Use Permit from the Planning Commission.

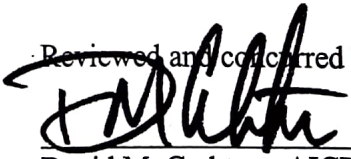
Staff believes that the CUP request can be accommodated without an adverse impact to the surrounding commercial area. Draft conditions of approval will require the restaurant to observe all rules related to the sale and service of alcoholic beverages (conditions "b," "d," and "e"). An additional condition requires that the alcoholic beverage service remain incidental to the primary, full-service restaurant use.

RECOMMENDATION

Planning Staff recommends that the Planning Commission approve the Conditional Use Permit, subject to the conditions contained in the draft resolution.

Respectfully submitted,


Kenneth Kim
Planning Intern

Reviewed and concurred by:

David M. Crabtree, AICP
City Planner

CITY OF BREA notice of public hearing

TO: Property Owners Within a 300-Foot Radius

FROM: City of Brea, Development Services Department

SUBJECT: CONDITIONAL USE PERMIT NO. CUP 01-03

NOTICE IS HEREBY GIVEN, pursuant to State Law, that a special meeting and 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, March 13, 2001, 7:00 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

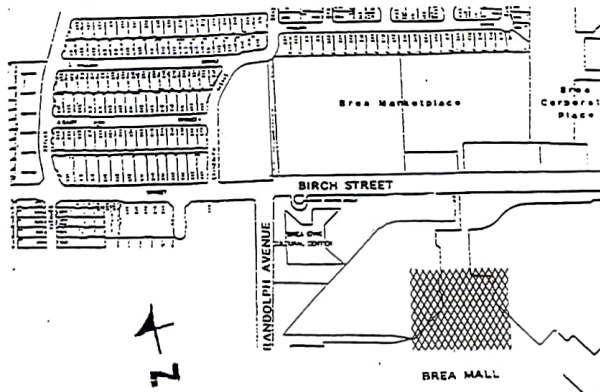
REQUEST: A request by STDR Architects to add an outdoor dining patio with alcohol sales and exterior signage for a restaurant (California Pizza Kitchen) at the Brea Mall. Said requests are in accordance to Chapter 20.408.30 of the Brea City code, for property generally located at 1065 Brea Mall Way, Space 2052A, legally described as a portion of Map Book 319, page 10, Block 101, parcel 76 as shown in the latest records of the County of Orange Tax Assessor.

PROPERTY INVOLVED: 1065 Brea Mall Way, Space 2052A

APPLICANT: STDR Architects
California Pizza Kitchen
18201 McDermott West, Suite A
Irvine, California 92614.

ENVIRONMENTAL INFORMATION: The City of Brea has determined that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15061 (b)(3) of said Act.

AREA MAP:

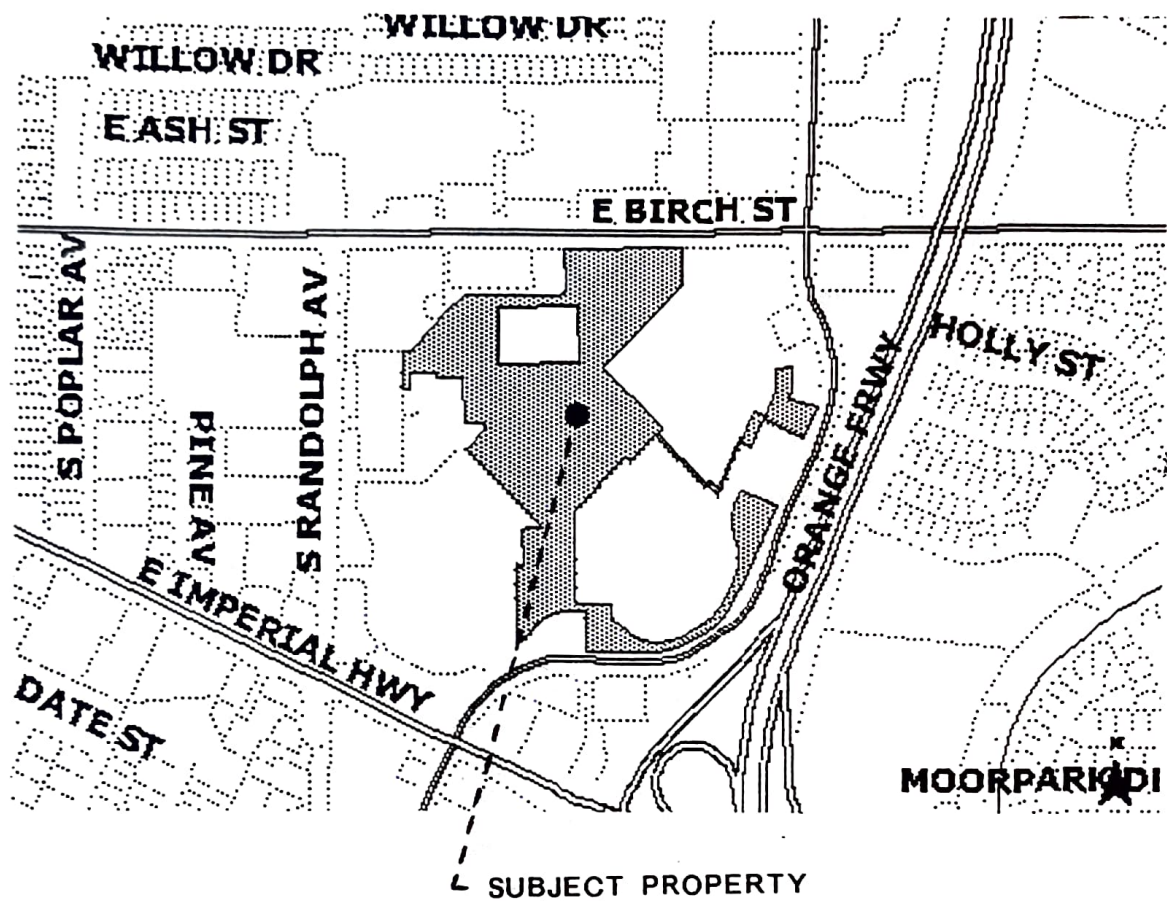


IF YOU CHALLENGE THIS CONDITIONAL USE PERMIT NO. CUP 01-03, AND RELATED ENVIRONMENTAL DETERMINATIONS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE, DELIVERED TO THE PLANNING COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

FOR FURTHER INFORMATION ON THIS SUBJECT, PLEASE CONTACT THE PLANNING DIVISION AT (714) 990-7674.

DEVELOPMENT SERVICES DEPARTMENT

David M. Crabtree
David M. Crabtree, AICP
City Planner



subject property
and vicinity map

date: March 13, 2001

case no. CUP 01-03

- e. The on-site sale and consumption of alcoholic beverages shall remain incidental to food service and the operation of a bona fide restaurant.
 - f. The maximum number of seats provided in the patio area shall be no more than 44, consistent with the requirements of the Uniform Building Code.
 - g. If any provision of this use permit is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
 - h. Raceway for copy sign "K" ("California Pizza Kitchen®," copy), shall be deleted and the sign shall be flush-mounted to the wall. All signage is subject to the review and approval of the City Planner. No signage shall be installed prior to the issuance of a sign permit.
 - i. Final building colors and material samples shall be submitted for the review and approval of the City Planner with the construction plans. Exterior awning(s) shall be canvas – no vinyl awnings are permitted.
 - j. Final plans for the outdoor dining patio are subject to the review and approval of the City Planner prior to the issuance of building permits.
 - k. Said plans shall also provide details of exterior light fixtures, which shall be designed to confine direct rays to the premises, as required by the City Planner.
 - l. The applicant shall sign a notarized affidavit within ten (10) days after adoption of this Resolution indicating acceptance of all Conditions of Approval.
9. The secretary of this Commission shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 13th day of March 2001.

Chairman, Planning Commission

I, David M. Crabtree, 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 13th day of March, 2001, and was finally passed at a regular meeting of the Planning Commission of the City of Brea, held on the 13th day of March, 2001, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST: _____
Secretary, Planning Commission

in which the proposed uses are to be located. The City of Brea Zoning Code and Development Agreement No. DA 87-3, allows the proposed use, subject to the approval of a Conditional Use Permit. To wit, several restaurants with alcohol service are located at the Brea Mall and in the adjacent areas zoned C-C (PD).

5. It is found that the site is adequate in size and shape to accommodate the proposed development and all of the setbacks, walls or fences, landscaping, and other features required to bring about conformity with other elements in the shopping center. The proposed patio will complement the existing mall elevations at the southeast corner of the mall.

6. It is found 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. The site's primary access is from State College Boulevard, which is fully improved and classified as Arterial in the General Plan, and Imperial Highway which is also fully improved and classified as a Arterial Highway in the General Plan.

7. It is found that with the conditions stated below, the use will not adversely affect the public health, safety, or general welfare. The project must comply with state requirements pertaining to alcohol sales; County Health regulations governing the operation of a restaurant; and City code requirements for building and safety. This project is exempt from further environmental review, consistent with CEQA guidelines.

8. It is found that Conditional Use Permit Application No. CUP 01-03 is hereby approved, subject to conditions as set forth herein:

- a. The development of the site shall occur in substantial conformance with plans submitted to the Planning Commission and dated March 13, 2001, which includes development plans and a sign package on file in the Planning Division, the conditions contained herein, and all applicable City regulations.
- b. The approved use shall operate within all applicable State, County, and City regulations governing sale of alcohol.
- c. Applicant shall pay any and all fees due prior to the issuance of building permits.
- d. Any violation of the regulations of the Department of Alcoholic Beverage Control, as they pertain to the subject location and the sale and consumption of alcoholic beverages, may result in the revocation of the subject Conditional Use Permit, as provided for in Section 20.412.020 of the Brea Zoning Code.

RESOLUTION NO. P.C. 01-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BREA APPROVING CONDITIONAL USE PERMIT APPLICATION NO. CUP 01-03, SUBJECT TO CONDITIONS AS SET FORTH HEREIN.

A. Recitals.

(i). The Planning Commission of the City of Brea has heretofore held a duly noticed public hearing, as required by law, on Conditional Use Permit No. CUP 01-03, a request for the addition of an outdoor dining patio with alcohol sales and exterior signage at California Pizza Kitchen, which would exceed the maximum permissible building limit in accordance with Section 20.408.030 of the Brea Zoning Ordinance and Ordinance No. 836, Section B.2 of Development Agreement No. DA 87-3.

(ii). The property is located at Brea Mall, Space 2052A and is legally described as a portion of Map Book 319, Page 10, block 101, parcel 76, as shown in the latest records of the County of Orange Tax Assessor.

(iii). The property is designated Regional Commercial on the General Plan and is zoned CC (PD), Major Shopping Center (Precise Development).

(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 Planning Commission hereby finds that the project identified above in this Resolution is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder pursuant to Section 15061 (b)(3) of the California Code of Regulations.
3. It is hereby found that the use applied for at the location set forth in the application is authorized by Ordinance No. 836, Development Agreement No. DA 87-3, and Section 20.408.030 of the Brea Zoning Ordinance.
4. It is further found that said use with conditions as imposed is desirable for the development of the community, is in harmony with the various elements and objectives of the General Plan and is not detrimental to existing uses or to uses specifically permitted in the zone

The applicant is also proposing two exterior wall signs that will be centered above the outdoor patio, and one canvas awning above the exterior doorway. The request to allow exterior signage requires the approval of a Conditional Use Permit by the Planning Commission consistent with Development Agreement No. DA 87-3 and Section 20.408.030 of the Brea City Code.

Section 20.28.340 of the Zoning Ordinance provides standards for wall signs in the C-C (PD) zone, including maximum area, height, and number of such signs. The maximum sign area is one square foot of sign area per each lineal foot of building frontage. The table below compares the proposed signs to the code standards:

	MAXIMUM SIGN AREA	MAXIMUM LETTER HEIGHT	MAXIMUM NUMBER OF SIGNS
ALLOWED	36 square feet	24"	1 wall sign per building face.
PROPOSED	31 square feet	12"	1 wall sign/1 logo cabinet.

The proposed signs are internally illuminated channel letters and a logo cabinet. The cabinet sign will display California Pizza Kitchen's logo, the sign copy will read "CALIFORNIA PIZZA KITCHEN®." The applicant is proposing yellow letters with aluminum background painted black to match returns.

BACKGROUND:

General Plan Designation: Regional Commercial
Zoning Designation: C-C (PD), Major Shopping Center, Precise Development
Property Size: Approximately 88-acre shopping center

Adjacent Zoning / Land Uses

North C-C, Major Shopping Center/Regional Commercial, Brea Market Place
South C-G (PD), General Commercial/Precise Development, Brea Imperial Center
East C-C (PD), Major Shopping Center, Precise Development/General Commercial, Brea Financial Center, Offices, Restaurants
West Commercial Administrative Offices/Brea Towne Plaza Specific Plan, Post Office, Community Center, Brea Baptist Church

Site and Neighborhood Characteristics

California Pizza Kitchen would be located within the Brea Mall, on an approximate 88-acre site.

ENVIRONMENTAL ASSESSMENT:

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3), of said Act.

PUBLIC HEARING NOTICE:

Legal notice was published in the Brea Progress on February, 2001 and approximately 15 notices were sent to all property owners of record within a 300-foot radius of the subject property.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Conditional Use Permit, subject to the conditions contained in the draft resolution.

ALTERNATE PLANNING COMMISSION ACTIONS:

- Approve with alternate conditions
- Deny
- Deny without prejudice
- Continue

ATTACHMENTS:

1. Vicinity Map
2. Public Hearing Notice
3. Draft Resolution
4. Exhibit A – Floor Plan
5. Exhibit B – Site and Parking plan

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