



Placentia Planning Commission Agenda

Regular Meeting
March 8, 2011
6:30 p.m.

Michael Ebenhoch
Chairman

Vic Tomazic
Vice Chairman

Frank Perez
Commissioner

Floyd Farano
Commissioner

Christine Schaefer
Commissioner

John Scull
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

Phone: (714) 993-8124
Fax: (714) 961-0283
Website: www.placentia.org

Procedures for Addressing the Commission

Any person who wishes to speak regarding an item on the agenda or on a subject within the Planning Commission's jurisdiction during the "**Oral Communications**" portion of the agenda should fill out a "**Speaker Request Form**" and give it to the Commission Secretary BEFORE that portion of the agenda is called. Testimony for Public Hearings will only be taken at the time of the hearing. Any person who wishes to speak on a Public Hearing item should fill out a "**Speaker Request Form**" and give it to the Commission Secretary BEFORE the item is called.

The Commission encourages free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of an entire group. To encourage all views, the Commission discourages clapping, booing or shouts of approval or disagreement from the audience.

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

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City staff to make reasonable arrangements to ensure accessibility.
(28 CFR 35.102.35.104 ADA Title II)

Copies of all agenda materials are available for public review in the Office of the City Clerk, City Planning Division Counter and at the Placentia Library Reference Desk. Persons who have questions concerning any agenda item may call the City Planning Division at (714) 993-8124 to make inquiry concerning the nature of the item described on the agenda.

In compliance California Government Code Section 54957.5, any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda that are not exempt from disclosure under the Public Records Act will be made available for public inspection at the City Clerk's Office at City Hall, 401 East Chapman Avenue, Placentia, during normal business hours.

Study Sessions are open to the public and held in the City Council Chambers or City Hall Community Room.

**City of Placentia
City Council Chambers
401 E Chapman Avenue
March 8, 2011**

REGULAR MEETING

6:30 p.m. – City Council Chambers

MEETING CALLED TO ORDER

ROLL CALL: Chairman Ebenhoch
Vice Chairman Tomazic
Commissioner Farano
Commissioner Schaefer
Commissioner Scull
Commissioner Perez

PLEDGE OF ALLEGIANCE

MINUTES

Regular Meeting: February 8, 2011
Recommended Action: Approve

ORAL COMMUNICATIONS

At this time, the public is invited to address the Planning Commission concerning any items on the agenda, which are not public hearings, or other items under the jurisdiction of the Placentia Planning Commission

PUBLIC HEARINGS

1. **Applicant: Mike Antimie**
Location: 1921 Mira Loma Avenue

Use Permit (UP) 2011-02:

Request to permit the operation of a church (New Hope Christian Ministries) within a +/- 5,435 square foot industrial suite, located within an existing industrial complex at 720 Monroe Way, Suite A in the Manufacturing (M) District.

Recommended Action:

Continue to April 12, 2011 Planning Commission meeting.

2. **Applicant: Matthew and Patricia Wheeler**
Location: 909 E. Yorba Linda Boulevard, Suites F & G

Use Permit (UP) 2011-03:

Request to permit the operation of a tattoo establishment within a +/- 1,090 square foot commercial/retail suite, located at 909 E. Yorba Linda Boulevard, Suites F & G in the Neighborhood Commercial (C-1) District.

Recommended Action:

Adopt Resolution No. PC-2011-05 approving Use Permit (UP) 2011-03, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

OLD BUSINESS

NONE

NEW BUSINESS

NONE

DEVELOPMENT REPORT

PLANNING COMMISSION REQUESTS

Commission members may make requests or ask questions of staff. If a Commission member would like to have formal action taken on a requested matter, it will be placed on a future Commission Agenda.

ADJOURNMENT

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, April 12, 2011 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

CERTIFICATION OF POSTING

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the March 8, 2011 Regular meeting of the Planning Commission of the City of Placentia was posted on March 3, 2011.

Kenneth A. Domer

**PLACENTIA PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING**

February 8, 2011

The regular meeting of the Placentia Planning Commission of February 8, 2011 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, California by Vice Chairman Tomazic.

ROLL CALL: Present: Michael Ebenhoch, Commissioner
Floyd Farano, Commissioner
Christine Schaefer, Commissioner
John Scull, Commissioner
Frank Perez, Commissioner
Vic Tomazic, Vice Chairman

Absent: None

PLEDGE OF ALLEGIANCE: Led by Commissioner Ebenhoch

Others Present: Ken Domer, Assistant City Administrator
Andrew V. Arczynski, City Attorney
Monique Schwartz, Associate Planner
Sara Salazar, Administrative Assistant

Motion by Commissioner Ebenhoch, seconded by Commissioner Schaefer to APPROVE THE MINUTES of January 11, 2011. Passed by a 4-0-0-2 vote. (Farano and Scull Abstained)

ORAL COMMUNICATIONS: The Chair invited the public to make oral comments on matters not on the agenda, but none were offered.

ELECTION OF CHAIRMAN:

Mr. Domer thanked former Chairman Green for his time on the Commission. Mr. Green returned the thanks to Commission and staff.

Vice Chairman Tomazic nominated Commissioner Ebenhoch. Commissioner Ebenhoch accepted. **Passed by a 5-0-0-1 vote. (Ebenhoch abstained)**

Chairman Ebenhoch nominated Vice Chairman Tomazic to remain as Vice Chairman. Vice Chairman Tomazic accepted. **Passed 5-0-0-1 vote. (Tomazic abstained)**

Public Hearings:

- Applicant: Charlene Aldana**
Location: 1205 E. Yorba Linda Boulevard

Use Permit (UP) 2010-14:

Request to permit the sale of alcoholic beverages (Type 41 On Sale Beer and Wine for Bona Fide Public Eating Place) for on-site consumption, in conjunction with a +/- 1,875 square foot new Mexican restaurant (El Gran Pollo Mexican Grill), located at 1205 E. Yorba Linda Boulevard in the Neighborhood Commercial (C-1) District.

Ms. Schwartz gave the staff report.

Commissioner Schaefer asked if the property owner had consented to allowing the applicant to add eleven (11) new parking spaces. Ms. Schwartz, responded that yes, the owner consented.

Commissioner Farano asked if there is rear entrance to this business that would allow access from the new parking spaces. Ms. Schwartz responded that yes there is a rear entrance. Commissioner Farano asked if a traffic study has been conducted. Ms. Schwartz responded that no, a traffic study has not been conducted. Mr. Domer added that staff has confirmed with the property manager that currently there is no problem with available parking. However, Special Condition #8 has been added to allow a parking study if needed in the future.

Chairman Ebenhoch opened the Public Hearing.

Mrs. Aldana of El Pollo Mexican Grill, 1205 E. Yorba Linda Boulevard introduced herself and spoke briefly about the business.

Chairman Ebenhoch closed the Public Hearing.

Motion by Commissioner Perez, seconded by Commissioner Farano, TO ADOPT RESOLUTION NO. PC-2011-03 APPROVING USE PERMIT (UP) 2010-14, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 6-0 vote.

2. **Applicant: Tim Miller (Trillium Consulting)**
Location: 2210 Valencia Avenue (Koch Park)

Use Permit (UP) 2010-09:

Request to permit the construction of a +/- 78 foot high freestanding AT&T co-locatable wireless communication facility designed as a "Mono-pine," consisting of twelve (12) panel antennas, one microwave dish and associated communications equipment and equipment cabinets within an adjacent enclosure, located at 2210 Valencia Avenue (Koch Park) in the Residential (R-1) District.

Mr. Domer gave the staff report.

Commissioner Schaefer thanked staff for the information provided on cell towers and its perceived associated health risks, and requested this information be posted on the City website.

Chairman Ebenhoch opened the Public Hearing.

The applicant, Tim Miller of 5912 Bolsa Avenue Suite 202, Huntington Beach, 92649 introduced himself to the commission and offered to answer any of their questions.

Commissioner Perez expressed concern with children wanting to climb the tower. Mr. Miller responded that the pole will be approximately 3.5 feet in diameter, and therefore it would not be easy for a child to wrap their arms around. Additionally the pole will have shrubs at the base to discourage children from getting close. Mr. Miller expressed that he was open to suggestions from the Commission to further discourage climbing. Commissioner Perez suggested a device that would fit on the pole and prevent anything from getting past it. Mr. Domer added that staff could look at the cell tower already installed at Tuffree Park to determine if any enhancements are needed to prevent climbing. Commissioner Ebenhoch suggested a condition be added to ensure that if in the future, safety becomes an issue, the applicant be responsible for those enhancements. Mr. Arczynski and Mr. Domer agreed that a condition to that effect could be added if staff felt it was warranted.

Vice Chairman Tomazic asked the applicant if the new picnic shelters were part of this project. The applicant responded that yes they were.

Jeff Buchanan, 646 Royal Stewart Drive Placentia, addressed the commission. He expressed an aesthetic concern over the height of the existing pine trees versus the new cell tower which would be much taller. He questioned why a flag pole could not be used instead of a 'monopine'. Questions concerning revenue to the City, tower maintenance, noise emissions, contract renewal, as well as liability were also posed.

John Bingert, 647 Irene Way Placentia, addressed the commission. He asked why all the picnic shelters can't be replaced instead of just two (2) of them. He also requested that the revenue derived from the cell site be used to replace the dirt on the softball field.

Bill McFarland, 645 Royal Stewart Drive Placentia, addressed the commission. He expressed concern about future advancements to technology and possible obsolescence of the tower.

Rick Bennett, 518 Hunt Drive Placentia, addressed the commission. He questioned why the tower needs to be so tall, as well as its presence in a public park.

Jerry Scott, 2121 Katherine Way Placentia, addressed the commission. He expressed concerns about interference between the cell tower and his television and radio.

John Bingert added that there is a flag pole in the park, and asked if it could be used instead of the 'monopine'.

Chairman Ebenhoch responded to Mr. Scott's question stating that staff can provide literature from the American Cancer Society stating that no links to cancer have been found associated with cell towers. He also stated that the location of the tower at the park was selected because of a lack of coverage in the area.

Mr. Domer added that alternative locations are considered by staff when the application is

submitted. The tower height must be tall enough to get above obstructions such as existing trees. The flag pole is not feasible because of its location near a grouping of trees. Co-locatable towers are preferred to reduce the number of towers that are needed in the City. He also spoke about the lease, and that its terms are approved by City Council. If the technology becomes obsolete, AT&T would need to remove the tower. Noise disturbances will be addressed by AT&T; however the City would like to be notified of the incidents. For the new picnic shelters, AT&T will provide two (2), and it is possible that a co-locator may provide additional shelters. Revenue is deposited to the general fund. If graffiti is found, AT&T is responsible for its removal.

Mr. Arczynski stated that the City is required by Federal Law to reasonably locate cell sites. Due to the lack of commercial and industrial properties within the City, options are limited. If the City refuses, it could lose the revenue to a private property owner. Studies are performed by the applicant and provided to the City to support the coverage needed in the location.

Vice Chairman Tomazic asked staff how many sites currently exist in the City. Mr. Domer responded there are approximately 30 to 40 with more coming. He also advised the commission of a Neighborhood Meeting being held at Koch Park on February 22, to discuss concerns with the park that citizens may have.

Commissioner Farano asked how many AT&T sites are in the City. Mr. Domer responded that this is the first he's seen.

Commissioner Schaefer expressed appreciation to Mr. Bingert for his suggestions. She then requested that revenue be reverted back to the park for the purpose of improvements.

Commissioner Farano asked what the length of the lease is. Mr. Domer responded that it will be negotiated by City Council.

Chairman Ebenhoch invited the applicant back up to address any remaining questions.

Mr. Miller spoke about the size of the antenna and stated that the seventy three (73) foot height is necessary for a co-locator to have use of the tower. The smaller, 'micro cell sites' would not provide the same amount of coverage. If the sites were installed in a right of way area, there would be large antennas and related equipment to accommodate. Site maintenance is routinely done once a month. The preferred lease term is twenty-five (25) years and upgrades would be made during that term. The condenser for the air conditioning unit at the equipment cabinet is being placed closer to Valencia Avenue to minimize noise at the site. The tower is rated for 85 mph winds.

Chairman Ebenhoch thanked the residents for expressing their questions and concerns and closed the Public Hearing.

Mr. Arczynski amended verbiage to Special Condition number 14. His recommendation was to add-on to the last sentence: 'and to secure the facility from unauthorized access as required by the Director of Development Services.'

Motion by Commissioner Schaefer, seconded by Vice Chairman Tomazic TO ADOPT RESOLUTION NO. PC-2011-04 APPROVING USE PERMIT (UP) 2010-09, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 6-0 vote.

Old Business:

None

New Business:

PLANNING COMMISSION REQUESTS:

Mr. Domer reminded the Commission of the upcoming Neighborhood Meeting at Koch Park on February 22nd at 6:00 p.m.

Commissioner Schaefer requested an update on the gas station at the south east corner of Yorba Linda Boulevard and Rose Drive. Ms. Schwartz responded that the applicant has not been able to secure their loan. Commissioner Farano asked if they are in compliance with the permit. Ms. Schwartz responded that yes they are. The demolition permit pulled extended the time allowed.

Commissioner Schaefer requested an update on the Schaener property. Mr. Domer responded that staff has been meeting with developers who are eager to move forward. Plans are expected in the next month.

Chairman Ebenhoch adjourned the Planning Commission meeting to the next regularly scheduled meeting on March 8, 2011 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Ken Domer
Assistant City Administrator



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 2	DATE: March 8, 2011	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2011-03		
DESCRIPTION: Application to operate a tattoo establishment within a +/- 1,090 square foot commercial/retail suite, located at 909 E. Yorba Linda Boulevard, Suites F & G in the Neighborhood Commercial (C-1) District.		
RELATED APPLICATIONS: None		
APPLICANT: Matthew and Patricia Wheeler		
PROPERTY OWNER: Alden Management Group/Ron Merickel		
LOCATION: 909 E. Yorba Linda Boulevard, Suites F & G		
CEQA DETERMINATION: Categorically Exempt: Class 1, Section 15301 and Class 5, Section 15305		
ZONING: Neighborhood Commercial (C-1)	APN(S): 336-515-07	
GENERAL PLAN: Commercial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Monique B. Schwartz, Associate Planner		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator, Development Services		

REQUEST:

To permit the operation of a tattoo establishment within a +/- 1,090 square foot commercial/retail suite, located at 909 E. Yorba Linda Boulevard, Suites F & G in the Neighborhood Commercial (C-1) District.

INTRODUCTION:

The purpose of the C-1 District is to provide for businesses which, through characteristics of their operation, offer the sale of goods and services to the general public and which, cater primarily to residents of the neighborhood market areas.

A tattooing business is considered a personal service establishment, whereby the premises is used for the business of marking or coloring the skin with tattoos, and all furnishings, equipment, instruments, dyes and inks, and other facilities maintained therein incidental to such use. A tattoo is an indelible mark or figure fixed upon a body by insertion of pigment under the skin or by production of scars.

Pursuant to § 23.33.040 of the Placentia Municipal Code, personal service establishments, including tattoo parlors are permitted within the "C-1" - Neighborhood Commercial District, subject to use permit approval. A use permit is required to evaluate the potential impacts the proposed business may have on adjacent businesses and/or residences; impacts on existing parking, city services and concentrations of similar uses.

RECOMMENDATION:

City Planning Division recommends approval of Use Permit (UP) 2011-03, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

The proposed tattoo establishment will be located within an existing commercial/retail shopping center that is located on the north side of Yorba Linda Boulevard, at the northeast corner of Yorba Linda Boulevard and McCormack Lane.

Subject Site and Surrounding Land Uses:

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Commercial/Retail Shopping Center	“Commercial”	“C-1”
Proposed	Tattoo Establishment	“Commercial”	“C-1”
North	Single Family Residential	“Low Density Residential”	“R-1”
South	Yorba Linda Boulevard	----	----
East	Planned Unit Development	Medium Density Residential	PUD-2
West	McCormack Lane/Commercial Office	“Office”	“C-O”

Operational Characteristics:

Old Glory Tattoo will be owned and operated by Matthew and Patricia Wheeler. Mr. Wheeler has approximately twelve (12) years of tattooing experience working at a business within the City of Fullerton, called Aces High Tattoo. Mr. and Mrs. Wheeler are interested in establishing a business that offers high caliber artwork in a clean and safe environment. In the applicant’s statement of use, it is specified that the business operators/artists will not tattoo faces, genitalia, or any gang or racial related material. The operators/artists will not knowingly tattoo a minor customer, under the age of 18, even if accompanied by a parent, as it is prohibited in the State of California under Penal Code Section 653. A customer’s identification is checked and photocopied for each tattoo performed. The business closing hours will also be far before that of bars, specifically to discourage inebriated customers from entering the shop.

The applicant’s floor plan indicates that the proposed business will have a separate clean room, where all equipment will be sterilized using hospital grade equipment and in accordance with the requirements of the Orange County Health Care Agency and

Chapter 23.86 of the Placentia Municipal Code. Ultra sonic equipment is used to clean the tubes and the tubes are placed in an autoclave, which sterilizes the equipment using heat, steam and pressure. Sterile needles are for single use and are disposed of immediately following the use. Chairs and tables are protected with a barrier film and surfaces are sterilized using a surface disinfectant called Cavicide, which kills tuberculosis, Hepatitis B and C, influenza and HIV. All waste resulting from the production of a tattoo will be disposed of into specially marked containers, and picked up by a special waste management company which incinerates the material. Each tattoo artist will always wear gloves and work in a sterile working space. Clients will be required to sign a health disclosure, prior to sitting with an artist.

Old Glory Tattoo will operate during the following hours:

Sunday through Thursday: 1:00 p.m. to 9:00 p.m.

Friday through Saturday: 12:00 noon to 10:00 p.m.

There will be approximately seven (7) planned holidays per year.

There will be a total of 3 full-time artists working in the shop in addition to the business owner, Matthew Wheeler. Unlike other service oriented businesses, like nail and hair salons, whereby the stylists pay booth rent to the business owner to operate, each artist will pay the owner a percent of the cost of each tattoo as payment for operating space in the shop and for use of common equipment.

Floor Plan:

The submitted floor plan indicates two suites (F & G) are combined into one space. There is a waiting room located on the south side of the suite and a large artist work area with a counter and chairs located along the east side. The clean room is located at the northeast corner and two restroom facilities and employee lounge are also within the tenant space. There are two exits located along the north wall and two entrances/exits located along the south wall.

Access/Parking:

Access to the subject site is via driveway approaches off of McCormack Lane and off of Yorba Linda Boulevard, traveling west. There is approximately 18,348 square feet of commercial/retail space within this shopping center. There are ninety-nine (99) existing parking spaces and seventy-three (73) are required. In total, the shopping center has a surplus of twenty-six (26) parking spaces. The proposed tattoo establishment would require four (4) parking spaces.

It is not expected that the proposed tattoo establishment will impact the available parking at this site due to the surplus of twenty-six (26) parking spaces, and the fact that there

will be four employees and a maximum of four (4) customers at any one time within the shop.

Compatibility:

The proposed tattoo establishment is compatible with the adjacent business uses within this existing shopping center and with the surrounding area. This business is surrounded by other commercial uses in the shopping center. This business will attract people to the center, which will in turn benefit all of the other existing businesses.

City Staff concludes that subject to compliance with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-13, the issuance of this Use Permit would not create a law enforcement problem. The Development Services Department and the Placentia Police Department have reviewed the request and are supporting the proposal.

CEQA:

The proposed use is not expected to create a negative impact on the physical environment. It is City Staff's opinion that the use is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301 and 15305 and City Environmental Guidelines.

Section 15301 of the CEQA Guidelines exempts projects that consist of the permitting or minor alteration of existing private structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. An example included in the CEQA Guideline includes "interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances".

Section 15305 of the CEQA Guidelines exempts projects consisting of minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density.

ACTION:

Adopt Resolution No. PC-2011-05 approving Use Permit (UP) 2011-03, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by:



Reviewed by:

Monique B. Schwartz
Associate Planner, Development Services

Kenneth A. Domer
Assistant City Administrator,
Development Services

Exhibits:

- Exhibit 1: Vicinity Map
- Exhibit 2: Site Plan
- Exhibit 3: Floor Plan
- Exhibit 4: Statement of Use

Attachments:

- Attachment A: Resolution No. PC-2011-05
- Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-03
- Attachment C: Placentia Police Department Standard Development Requirements
- Attachment D: Orange County Fire Authority Special Conditions of Approval

RESOLUTION NO. PC-2011-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2011-03 PERTAINING TO PROPERTY LOCATED AT 909 E. YORBA LINDA BOULEVARD, SUITES F & G AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Mr. and Mrs. Matthew and Patricia Wheeler, for Old Glory Tattoo, ("Applicant" hereinafter) and Alden Management Group, owner of the property located at 909 E. Yorba Linda Boulevard, Suites F & G, heretofore filed an application for approval of Use Permit No. 2011-03, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On March 8, 2011 this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

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

B. Resolution.

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Placentia as follows:

1. The Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, this Commission hereby specifically finds as follows:

a. The proposed use will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city, or (2) injurious to the property or improvements within the neighborhood or within the city. Subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements (Attachments "B, C and D"), this use complies with all applicable code requirements and development standards of the "C-1" Neighborhood Commercial District and (3) It is not anticipated the proposed tattoo establishment will generate any negative impacts on the adjacent neighborhood. All operations shall be conducted within an enclosed building, while maintaining

an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Commercial", which provides for a variety of commercial uses. The proposed tattoo establishment is compatible with surrounding land uses.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments B, C and D), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted use in the "C-1" Neighborhood Commercial District in the City of Placentia. Approval of the Use Permit for the tattoo establishment would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "C-1" Neighborhood Commercial District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachments "B, C and D" contain Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2011-03 to ensure compliance with the Placentia Municipal Code.

3. Section 15301 of the CEQA Guidelines exempts projects that consist of the permitting or minor alteration of existing private structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. An example included in the CEQA Guideline includes "interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances". There will be interior tenant improvements within the existing tenant space. Section 15305 of the CEQA Guidelines exempts minor alternations in land use limitations in areas with an average slop of less than 20%, which do not result in any changes in land use or density, including minor setback variances. The relevant area has an average slope of less than 20%, which will not result in any changes in land use or density. The Planning Commission specifically finds that the Application is Categorically Exempt under the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15301 and 15305) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2011-03, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2011-03 as modified herein, and specifically subject to the conditions set forth in Attachments "B, C and D" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

- a. Certify to the adoption of this Resolution; and
- b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 8th day of March, 2010.

Chairman

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 8th day of March, 2011 and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 8th day of March, 2011, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAINED:	COMMISSION MEMBERS:

ATTEST:

Secretary to the Planning Commission

Attachment "B"
**Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2011-03**

SPECIAL CONDITIONS

If the above referenced application is approved, applicant and/or property owner shall comply with the Special Conditions listed below and the Standard Development Requirements attached.

ALL OF THE FOLLOWING SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE FULLY COMPLIED WITH FOR THE USE PERMIT TO CONTINUE IN GOOD STANDING.

CITY PLANNING DIVISION:

1. Use Permit (UP) 2011-03 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2011-03 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

5. Applicant shall comply with all regulations of Chapter 23.86 Tattooing Establishments and Operation Regulations of the Placentia Municipal Code.
6. Applicant shall obtain all necessary licenses and permits with the Orange County Health Care Agency regarding the operation and maintenance of a tattoo establishment.
7. Prior to any changes in the days and hours of operation of Old Glory Tattoo, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

Sunday through Thursday: 1:00 p.m. to 9:00 p.m.

Friday through Saturday: 12:00 noon to 10:00 p.m.

There will be approximately seven (7) planned holiday closures per year.
8. Any modifications to the approved floor plan and any modifications which will change, expand or intensify the use shall be subject to review and approval by the Director of Development Services. The Director may determine if such modifications require approval by the Placentia Planning Commission.
9. Prior to any modification of the floor plan that would affect parking as stipulated in the zoning code, the applicant shall obtain written approval from the Director of Development Services or his/her designee.
10. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
11. Outside displays are not permitted at any time.
12. There shall be no deliveries to or from the premises before 6:00 a.m. or after 10:00 p.m. Monday through Friday, Saturdays from 8:00 a.m. to 10:00 p.m. and no deliveries on Sundays.
13. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
14. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a regular basis, to control debris.

15. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be scheduled at regular intervals to prevent trash overflow.
16. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
17. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation.

Prior to issuance of a building permit, the applicant shall submit a sign plan for the design of all proposed signage on the site for review and approval by the Director of Development Services or his/her designee. The sign plan shall comply with the criteria and requirements set forth in Chapter 23.90, Signs-Advertising Structures, of the Placentia Municipal Code.

All portable signs are prohibited and shall be removed from the site.

18. This establishment shall be operated as a tattoo establishment at all times. All activities shall be conducted within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor or other nuisances.
19. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
20. The applicant/business owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid City Business License prior to operating the business.
21. Any changes or modifications to the approved use shall be subject to review and approval by the Director of Development Services.
22. This use permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements.
23. There shall be no loitering on the exterior, in front of or in the parking lot of the tattoo establishment premises.

CITY BUILDING DIVISION:

24. The applicant shall obtain all necessary approvals from the City prior to constructing any tenant improvements. The plans for the tenant improvement shall be prepared by a California-licensed architect or engineer.
25. Applicant/property owner shall obtain demolition permits for removal of any existing interior tenant improvements.
26. All contractors and sub-contractors shall obtain a city business license. Applicant and/or contractor shall request a standard sub-contractor form from the City Building Division prior to issuance of a building permit. This standard form shall be completed and submitted to the City Business License Division prior to the issuance of any building permits.
27. Applicant shall obtain Orange County Health Department approval prior to occupancy.
28. Existing restroom facilities shall comply with ADA Title 24 Access Regulations.

CITY POLICE DEPARTMENT:

29. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).
30. Compliance with all Orange County Health Codes as they pertain to Tattoo Parlors.
31. All employees of petitioner who will be conducting tattoos shall be required to complete a training program in an approved "Exposure Control Training Program" and submit proof of completion.
32. This use permit shall be reviewed one year from the date of approval and each year thereafter as necessary. The review shall be conducted jointly by the Development Services Director and Police Chief or designee. The purpose of this review shall be to identify uniquely adverse issues such as loitering, vandalism, criminal activity, noise, or nuisance resulting from the use permit. If such issues are identified, the use permit shall be presented to the Planning Commission for their consideration of conditions, modifications, or revocation.
33. The activity level of the business shall be monitored by the Special Enforcement Detail to establish the level of police services used for the business. Should the level of police services demonstrate that the applicant has not controlled excessive, or unnecessary activity resulting in high use of police services, or that the applicant has failed to comply with enforcement of application of measures

related to curfew and truancy, then this use permit shall be reviewed for consideration of further conditions, modifications, or revocation.

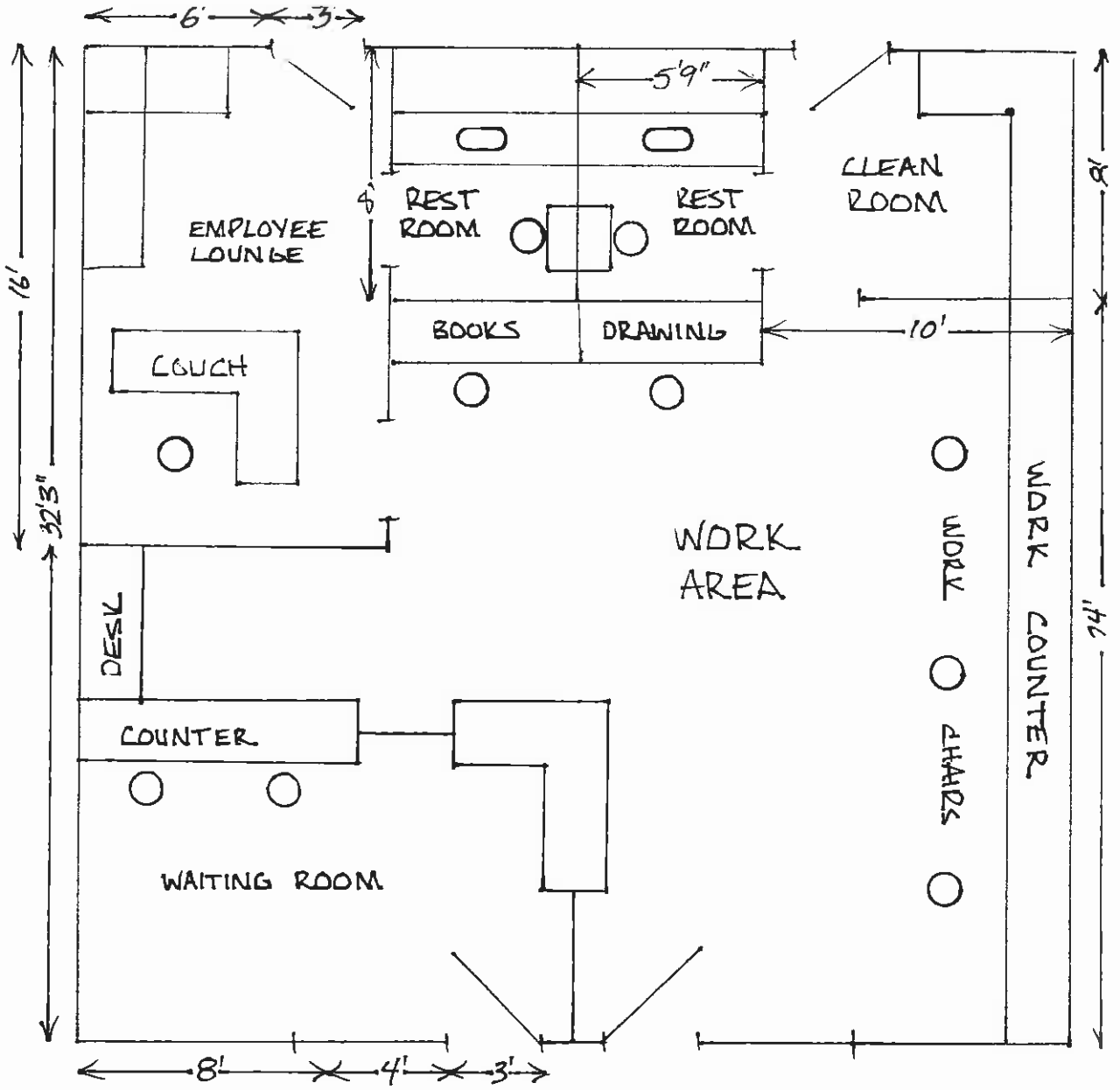
34. Sales, service and consumption of alcoholic beverages shall never be permitted on the premises, within or outside the establishment, or to the rear of the establishment.
35. There shall be no live entertainment (including karaoke), amplified music, or dancing permitted on the premises at any time.
36. The parking lot for the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
37. Lighting in the parking area of the premises shall be directed, positioned, and shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences.
38. There shall be no special promotional events held on the property/premises, unless a written request for such is received and approved by the City of Placentia Development Services Director and the Police Department's Administrative Services Lieutenant at least 14 days in advance.
39. There shall be no body piercing of any kind conducted on the premises.
40. There shall be no tattooing of intoxicated persons.

ORANGE COUNTY FIRE AUTHORITY:

30. Applicant shall comply with all site development requirements specified by the Orange County Fire Authority (OCFA) (See Attachment D).

Attachment "C"
Placentia Police Department Standard Development Requirements

Attachment "D"
Orange County Fire Authority (OCFA) Special Conditions of Approval



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NORTH

PLANNING DIVISION REPORT
 APPLICATION: UP 2011-03
 EXHIBIT: 3
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 DATE: 3-8-11

Statement of Use

Old Glory Tattoo
909 E. Yorba Linda Blvd, Suites F&G
Placentia, CA 92870

UP 2011-03

Hours of Operation

Sunday-Thursday
1:00PM-9:00PM
Friday-Saturday
Noon-10:00PM

Old Glory Tattoo will be a tattoo shop owned and operated by Matthew and Patricia Wheeler. It will generally be open 7 days per week, with about 7 planned holidays per year.

Employees/Parking: Aside from Matthew Wheeler, Old Glory Tattoo will employ no more than 3 other full time artists. Generally speaking, tattooing is a full-time profession and only rarely would a part-time individual have space in a shop. Each artist is responsible for his own transportation to and from work, resulting in a maximum of 4 parking spaces being occupied by employees at any time.

Description of Operation:

My name is Matthew Wheeler and I am proposing to open a tattoo shop under the name Old Glory Tattoo at 909 E. Yorba Linda Blvd, Suites F&G, Placentia, CA. I have no formal resume of the type used for most industries and use my portfolio for that purpose, which represents the vast array of work that I can do. I have been working at Aces High Tattoo in Fullerton for almost 12 years now and I am proud to say that it is the only job I have ever had in this profession.

The quality of work that will come out of my shop, and the reputation that my shop earns, is of the utmost importance to me. This concern is what prompted me to look at this particular site as the location for our establishment. I typically charge \$300-\$500 for a custom tattoo and cater to people who are looking for a safe, clean and highly talented environment in which to receive work. So it stands to reason that I would want to work in an area that reflects the caliber of art that will come out of it. Frankly, we would have an easier time putting a shop in a "low rent" district of any city, but then we would attract a "low rent" clientele, which would subvert the very purpose of my goal. I have tattooed Kelly Pickler (country music recording artist) as well as members of Green Day, Good Charlotte, and Lit (all rock bands). As a rule, my shop will not tattoo faces, genitalia, or ANY gang/racial related art. Unlike many tattoo shops, we purposely close far earlier than the bars specifically to dissuade inebriated people from entering, and under NO circumstances will we knowingly tattoo ANY minor, even if a parent is present. It is illegal in the state of California, regardless of what people may think, and we check and photocopy ID on every single tattoo. In addition, the shop will have a separate "clean" room, where all equipment can be sterilized properly, using hospital grade equipment and in accordance with municipal codes set by the city of Placentia. I want an environment where I can thrive as an artist, leaving unnecessary politics and drama to other shops.

PLANNING DIVISION REPORT

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Statement of Use

In order to keep both artists and clients healthy we employ the use of an ultra-sonic, which uses sound waves to clean our tubes, and then put those tubes into an autoclave, which sterilizes equipment using heat, steam and pressure. The sterile needles we use are single-use only, and disposed of immediately following use. Barrier film is used to separate a client and the chair or table s/he sits on, and that chair or table is sterilized using Cavicide, a surface disinfectant, once they leave. Cavicide kills everything from tuberculosis and Hepatitis B and C to influenza and HIV. All waste resulting from the production of a tattoo is disposed of into specially marked containers, and picked up by a special waste management company which incinerates the material. Floors, which are mopped daily, are also professionally cleaned monthly. A tattoo artist NEVER tattoos without gloves and a sterile working space, and clients sign a disclosure with regard to their health prior to sitting with an artist.

Tattooing is an industry that is handled differently from many you may be familiar with; Think of it as a cross between any other service-based industry, such as a hair or nail salon, and an art gallery that sells pieces on a consignment basis. Tattoo shop owners only furnish a limited amount of supplies for any artist that works for them, much the same way that a hair salon is run. Artists bring their own machines and clients, order and pay for their station supplies from my catalogs, and I provide all common use equipment (autoclave, copy machine, computers, paper towels, waste management pickup, etc). Rather than booth rent (the way a salon would be run), artists pay a 40%-50% cut to the owner for each tattoo, the same way an artist might consign a painting to a gallery for sale. Profitability for both the artist and the shop owner comes from discovering and nurturing talented individuals who are provided a space to raise the caliber of work that they do.

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