

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

May 8, 2018

The regular meeting of the Placentia Planning Commission on May 8, 2018 was called to order at 6:38 p.m. in the Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioners Francine, Keller, Lee, Tomazic, Perez, Schaefer
ABSENT: Commissioner Schenck

OTHERS PRESENT: Yolanda Summerhill, Assistant City Attorney
Joseph M. Lambert, Director of Development Services
Andrew Gonzales, Senior Planner
Arlen Beck, Planning Technician
Alana Spector, Office Assistant

PLEDGE OF ALLEGIANCE: Commissioner Francine

ORAL COMMUNICATIONS:

Gloria Hale of 1910 Estelle Lane came forward to speak regarding LBC Irwindale, LLC, dba Atwood Sales at 719 S. Lakeview Avenue.

Assistant City Attorney Yolanda Summerhill stated that since this topic was being continued as a Public Hearing later in the meeting, it would not be appropriate to comment on it at this time.

CONSENT CALENDAR:

1. Minutes

- a. Planning Commission Meeting – December 12, 2017

Recommended Actions: Approve

Motion by Keller, second by Tomazic carried on a (5-0-1-1) vote to approve the recommended actions.

Ayes: Francine, Keller, Lee, Tomazic, Perez
Noes: None
Abstain: Schaefer
Absent: Schenck

- b. Planning Commission Meeting – February 27, 2018
Recommended Actions: Approve

Motion by Perez, second by Francine carried on a (6-0-1-0) vote to approve the recommended actions.

Ayes: Francine, Keller, Lee, Tomazic, Perez, Schaefer
Noes: None
Absent: Schenck
Abstain: None

PUBLIC HEARINGS:

1. **Applicant:** Placentia Realty Partners LLC
Project Location: 505, 515, 523, 531, 535 W. Crowther Avenue; 407 Goetz Place; 409 Evelyn Place, Placentia CA 92870
APNs: 339-431-02, 03, 04, 05, 06; and 339-401-08, 09.

Development Plan Review (DPR) No. 2018-04 and Tentative Parcel Map (TPM) No. 2018-132

DPR: The project involves the demolition/removal of existing industrial/warehouse buildings and associated facilities, and the construction of a five-story mixed-use development featuring 418 multi-family residential units with associated amenities for residents, 10,553 square feet of retail space, 3,572 square feet of leasing office space, and a seven-level parking structure on a 5.04-gross acre site located within the Transit Oriented Development Packing House District (TOD) Zone. **TPM:** To permit the consolidation of seven lots into one lot measuring approximately 5.04-gross acres, and measuring 4.59 net acres after required dedications. The TPM will result in the consolidation of seven properties into one resulting property, and the construction of a mixed-use building and parking structure requested via DPR No. 2018-04 would occur on the resulting property.

Recommended Actions: It is recommended that the Planning Commission take the following actions:

- 1) Open Public Hearing, concerning Development Plan Review (DPR) No. 2018-04 and Tentative Parcel Map (TPM) No. 2018-132, receive the Staff Report and consider all Public Testimony, close the Public Hearing; and
- 2) Adopt Resolution No. PC-2018-06, a Resolution of the Planning Commission of the City of Placentia, approving DPR 2018-04 subject to Conditions of Approval and Standard Development Requirements and making findings to permit the demolition/removal of existing industrial/warehouse buildings and associated facilities, and to permit the construction of a five-story, mixed-use development featuring 418 multi-family residential units with associated amenities for residents, 10,553 square feet of retail space, 3,572 square feet of leasing office space, and a

seven-level parking structure on a 5.04 gross acre site located within the Transit Oriented Development Packing House District (TOD) Zone on property located at 505, 515, 523, 531, 535 W. Crowther Avenue, 407 Goetz Place, 409 Evelyn Place; and adopting an Addendum to a previously adopted Initial Study/Mitigated Negative Declaration of Environmental Impacts (MND 2017-01) for the project wherein it was found that with implementation of Mitigation Measures set forth in a Mitigation Monitoring and Reporting Program ("MMRP"), the proposed project will not have a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000-21177) and pursuant to §15063 of Title 14 of the California Code of Regulations (CCR) and the City of Placentia Environmental Guidelines; and

- 3) Adopt Resolution No. PC-2018-07, a Resolution of the Planning Commission of the City of Placentia, California, recommending to the City Council of the City of Placentia, approval of TPM 2018-132 for the consolidation of seven lots into one lot measuring approximately 5.04 gross acres, and measuring 4.59 net acres after required dedications subject to Conditions of Approval and Standard Development Requirements; and adoption of an Addendum to a previously adopted Initial Study/Mitigated Negative Declaration of Environmental Impacts (MND 2017-01) for the project wherein it was found that with implementation of Mitigation Measures set forth in a Mitigation Monitoring and Reporting Program ("MMRP"), the proposed project will not have a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000-21177) and pursuant to §15063 of Title 14 of the California Code of Regulations (CCR) and the City of Placentia Environmental Guidelines.

Director of Development Services Joseph Lambert presented the Staff Report. He stated that the applicant, Placentia Realty Partners, LLC has applied for two entitlements; a Development Plan Review to permit the construction of a five-story mixed use apartment building, and a Tentative Parcel Map, to allow for the consolidation for seven parcels into one parcel for the development.

The proposed apartment building will have 418 residential units, with associated amenities and open space. The building will also house approximately 10,500 square-foot of ground-floor retail space, 3,500 square-foot of leasing office space, and a seven-story parking structure.

Director Lambert continued by presenting the site plan, showing that the retail space will face Crowther Avenue. The proposed main vehicular entrance will be accessed from Crowther Avenue, and will feature a decorative plaza with sidewalks for pedestrians. Furthermore, the proposed parking structure will be adjacent to the BNSF railroad tracks, with portions of the rooftop featuring amenities for the residents. Other amenities are located within the building courtyards.

Director Lambert further explained that the project will meet the Transit Oriented Development (TOD) Zoning District standards for the area, and will be the second residential project in the new TOD Zone, following the Integral Communities/Lyon Living Project approval in 2017. Director Lambert also stated that the parking structure will contain 618 parking spaces for the 418 residential units and contain 10,000 square-feet of retail.

The project is proposed to have 121 studio units, 181 one-bedroom units, and 116 two-bedroom units, with 14 different total floor plans. The project will feature three landscaped courtyards, a pool, a rooftop lounge, and a fitness center.

Director Lambert presented a materials and colors board, highlighting the architectural detail and focus on "360 Degree" architecture, which means that the design of all sides of the building are taken into consideration. Director Lambert continued by noting that the ground floor of the building, which will house the retail space, has 19' tall glass windows, while the TOD Zone only requires 16' tall storefronts. The applicant expects that this aspect will further attract potential retailers.

Director Lambert continued by stating that staff and the applicant were focused on ensuring that the upcoming Metrolink Station and right-of-way improvements would blend in and complement the improvements to the project site.

He stated that the apartment units comply with the development standards regarding private open space, as they each feature a balcony. In addition, the project itself complies with all open space development standards of the TOD Zone.

Furthermore, Director Lambert stated that the Tentative Parcel Map (TPM) 2018-132 will consolidate seven parcels into one. He continued by noting that the draft Conditions of Approval that were on the dais for the Commissioners were different than the ones that were listed in the published agenda packet. The proposed changes were marked with ~~strikeout~~, bold, underline format. The amendments to the Conditions of Approval were minor, having to do with drainage, grading, and water quality plan requirements.

Regarding the Conditions of Approval from the Public Works Department, Condition 10c. of the TPM was amended to clarify that a cash bond deposit of \$50,000 was conditioned to ensure compliance with AB 1826 (mandatory commercial organics recycling law).

The applicant hired their own environmental consultant firm, PlaceWorks, to prepare an addendum to Mitigated Negative Declaration 2017-01, which was originally adopted by City Council in 2018 for the TOD Zone change project.

Director Lambert continued by explaining the goals and guidelines for the TOD Zone, which includes a high quality, compact area of development that aids in reducing automobile traffic and enhancing the usage of the upcoming Metrolink Train Station. Staff

believes that this project will be an additional catalyst in developing the TOD Zone, and the project is consistent with the goals and policies of the General Plan and Zoning Code.

Chair Schaefer stated that merchants in the area were looking forward to the new developments in the area.

Commissioner Tomazic inquired if the project would require bonds, due to its large scope.

Director Lambert stated some bonds were required, including those specific to handling solid waste and for street improvements.

Commissioner Tomazic further inquired if the applicant is liable for damage to the sidewalks and streets in the area.

Director Lambert stated that the applicant is required to install new sidewalks and street improvements adjacent to the project site. He continued by noting that the Development Impact Fees for the Transit Oriented Development (TOD) Zone are different than the rest of City standard DIFs, and that the applicant will be conditioned to pay those DIFs and join the two Community Facilities Districts (CFD) in the TOD Zone. One of the CFD's is for Public Safety, while the other is specific to the TOD Zone, and is intended to fund ongoing maintenance of the public improvements in the TOD area.

Vice Chair Perez inquired if public art would be required in the development.

Director Lambert stated that while the TOD Zone encourages it, a public art element is not required. In this project, however, there is a Condition of Approval that there be a public art element, and that it be completed prior to issuance of a Certificate of Occupancy. He continued by noting that the City has never required public art, but that the City is conditioning it on a case-by-case basis.

Commissioner Francine inquired if the Lyon Living Integral project at 110-132 E. Crowther Avenue would also have a public art component, to which Director Lambert replied in the affirmative.

Gilad Ganesh, representing the applicant, came forward to speak about the proposed development. He presented a current aerial photo of the TOD Zone, and showed a proposed aerial view of the TOD Zone with the proposed development and other area improvements and development. He spoke about the project goals by stating that the project will be a catalyst for the growth of the TOD Zone, and will revitalize the blighted area while increasing economic development.

Mr. Ganesh also noted that the development will exceed the minimum development standard for parking required in the TOD Zone. Mr. Ganesh continued by showing renderings of how the development will look, including the courtyard, grand lobby, electric vehicle parking, and bike storage areas. He stated that his vision for the ground-floor retail space would be that it house high-end specialty stores.

Commissioner Tomazic inquired if the units will be rentals, and if the applicant is concerned about rent control.

Mr. Ganesh replied that the units will be for rent, and that he is not concerned with rent control measures.

Chair Schaefer inquired if there are similar TOD projects the applicant has completed.

Mr. Ganesh answered that many of their completed projects were TOD and mixed-use in nature and invited the Commissioners and public to view completed projects on their website.

Commissioner Keller asked the applicant how long they thought it may take for the building to reach full occupancy once completed.

Mr. Ganesh stated that they anticipate it will take about one year to reach capacity.

Chair Schaefer asked the applicant if they agree to comply with the Conditions of Approval.

Mr. Ganesh replied in the affirmative that they agree to comply with the Conditions of Approval.

Chair Schaefer opened public comments.

Steve Hydorn came forward to give public comment and stated that he is concerned about silica dust from another site in the City and the lawsuits it could potentially cause the City in the future.

Chair Schaefer closed the public hearing. She continued by stating that individual members of the Planning Commission had met with the applicant and project team at an earlier date to be given a more in-depth presentation of the proposed project. The Chair noted that the meetings were conducted in compliance with The Brown Act.

Motion by Francine, second by Keller carried on a (6-0-1-0) vote to approve the recommended actions.

Ayes: Francine, Keller, Lee, Tomazic, Perez, Schaefer
Noes: None
Absent: Schenck
Abstain: None

2. Appellant:

**LBC Irwindale, LLC
DBA, "Atwood Sales"**

Project Location: 719 S. Lakeview Avenue (south of E. Orangethorpe Avenue, west of S. Lakeview Avenue)

Appeal of the City of Placentia Public Hearing Officer's Declaration of Public Nuisance: At the appellant's request, an appeal of the Public Hearing Officer's action will be heard declaring an existing business (LBC Irwindale, LLC, DBA "Atwood Sales") as a public nuisance within the C-M (Commercial Manufacturing) Zoning District. The nature of the declared nuisances are as follows:

- a) Increased production and increased outside storage of materials resulting in adverse air and water quality exposures. (PMC Section 20.40)
- b) Crushing and grinding of construction material without appropriate permit(s), including operation outside of Use Permit (UP) No. 1981-32. (PMC Section 23.41.030)
- c) Concrete type debris scattered along the roadway at the construction truck exit of the facility. Construction residue powder and rocks on roadway (near the exit area) left by construction trucks exiting the facility.

RECOMMENDATION: It is recommended that the Planning Commission:

Continue the item to the next regularly scheduled Planning Commission meeting to be held on Tuesday, June 12, 2018. This recommendation is based on City Council's direction to work with the appellant's and property owner's representatives to finalize an agreement which would result in dissolving all business operations and vacating the subject site.

Assistant City Attorney Yolanda Summerhill presented the Staff Report. She stated that the City Prosecutor has negotiated a final resolution and settlement that is ready for signature. Although the document is prepared, since it is not fully executed she recommended the item be continued. She continued by stating that she won't forbid public comment, but that she asks that the public withhold judgment because the applicant is not in attendance to represent themselves.

Chair Schaefer opened the meeting for public comments.

Gloria Hale of 1910 Estelle Lane came to speak. She stated that the silica dust and asbestos in the air caused by the operations at Atwood Sales were a danger to public health. She continued by noting that the piles of concrete had grown since the January 22, 2018 Declaration of Public Nuisance Hearing, and that the operation had no adopted Environmental Impact Report. She presented videos of the ongoing operations, and highlighted the amount of dust in the air.

Steve Hydorn came forward to speak. He stated that his building is next to the Atwood Sales operations, and that he believes this has caused him to need an inhaler. He stated

that he believes Public Hearing item one, the Blackwood Project, would cause similar silica dust. He continued by stating that his taxes should be refunded for his troubles, and that if illness is caused by Atwood Sales, the Planning Commission will be held responsible. He closed by urging the Planning Commission to take further action on the item.

Dan Schmidt, a resident of east Anaheim, came forward to speak. He stated that he is a member of the grass roots movement called "Residents for a Safe and Clean Environment of Orange County". He continued by stating that Atwood Sales' concrete piles are affecting the quality of life of other nearby companies and residents, and that the crushing of concrete releases asbestos into the air.

He continued by stating that a previous study done for a proposed job in Anaheim had conducted a six-year wind duration study. The study found that the prevailing winds in the area blow northeast a majority of the time. He urged the Planning Commission to make a comprehensive plan for resolving the issue.

Judy Morton came forward to speak. She stated that she is a member of Residents for a Safe and Clean Environment of Orange County, and asked for the Use Permit to be revoked and for the City to implement immediate closure of the business.

Commissioner Tomazic asked Ms. Summerhill how long negotiations on the subject had been taking place.

Ms. Summerhill urged Commissioner Tomazic to withhold judgement at this point, and stated that the terms of the agreement would be presented after its execution.

Commissioner Keller inquired how long it would be until the business is closed.

Ms. Summerhill replied that she is not a part of the prosecution team, so she was not at liberty to answer.

Commissioner Lee asked what the roll of the Planning Commission would be if the settlement agreement is executed.

Ms. Summerhill replied that the Planning Commission would take no action on the item, and that it would be removed from the agenda.

Commissioner Tomazic stated that he believed they were in clear violation of their Use Permit.

Commissioner Keller inquired about the mitigation and cleanup of the site if operations cease.

Director Lambert stated that at this juncture, the main focus is for the current use of the property to cease. Ms. Summerhill added that all cleanup measures would have to comply with federal, state, and local laws.

Commissioner Francine asked if Atwood Sales is the property owner.

Director Lambert clarified that they are the tenants, not the owner.

Commissioner Lee urged staff and Ms. Summerhill to protect the residents.

Commissioner Tomazic stated that he is opposed to postponing the Public Hearing.

Motion by Schaefer, second by Lee to approve the recommended actions.

Ayes: Schaefer, Lee
Noes: Keller, Perez, Tomazic
Absent: Schenck
Abstain: Francine

Therefore, the motion and second to continue the item to the regular meeting of June 12, 2018 failed on a (2-3-1-1) vote.

3. **Business Operator:** LBC Irwindale, LLC
DBA, "Atwood Sales"
Project Location: 719 S. Lakeview Avenue (south of E. Orangethorpe Avenue, west of S. Lakeview Avenue)

Revocation of Use Permit (UP) 1981-32 For Property Located at 719 S. Lakeview Avenue ("Atwood Sales"): A request to the Planning Commission of the City of Placentia recommending to the City Council to revoke Use Permit No. 1981-32 pertaining to an existing business (LBC Irwindale, LLC, DBA, "Atwood Sales") operating in violation of the conditions and terms of said permit on property located at 719 S. Lakeview Avenue within the C-M (Commercial Manufacturing) Zoning District.

ENVIRONMENTAL DETERMINATION (CEQA): The proposed revocation proceedings are not expected to create a negative impact on the physical environment and, therefore, staff is recommending a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guideline § 15321 (Class 21 – Enforcement Action by Regulatory Agencies) and City Environmental Guidelines.

Recommended Actions: It is recommended that the Planning Commission:

Continue this item to the next regularly scheduled Planning Commission meeting to be held on Tuesday, June 12, 2018. This recommendation is based on City Council's direction to work with the appellant's and property owner's representatives to finalize an agreement which would result in dissolving all business operations and vacating the subject site.

Assistant City Attorney presented the Staff Report, and urged the public to once again withhold judgement due to the ongoing negotiations and the business owner's absence.

Dan Schmidt came forward to give a public comment. He stated that he is concerned with the idea that the item is proposed to be continued due to Atwood Sales' absence, even though the Public Hearing was lawfully noticed.

Motion by Schaefer, second by Lee to approve the recommended actions.

Ayes: Schaefer, Lee, Francine
Noes: Keller, Perez, Tomazic
Absent: Schenck
Abstain: None

Therefore, the motion and second to continue the item to the regular meeting of June 12, 2018 failed on a (3-3-0-1) vote.

REGULAR AGENDA:

- 1. Applicant: City of Placentia
Project Location: Citywide**

**General Plan Conformance Finding for Fiscal Year 2018-19 and 2020-2025
Seven Year Capital Improvement Program:**

Recommended Actions: It is recommended that the Planning Commission:

Adopt Resolution No. PC-2018-08, A Resolution of the Planning Commission of the City of Placentia, California finding that the Fiscal Year 2018-19 and 2020-25 Capital Improvement Program (CIP) conforms to the adopted General Plan and recommending the City Council approve the Capital Improvement Program.

Director of Public Works Luis Estevez presented the Staff Report. He spoke about the process of creating the Capital Improvement Program (CIP) and how they chose which projects to include and fund. He also highlighted projects that may be funded with the SB 1 gas tax increase.

Director Estevez presented a matrix of costs related to each CIP item. He spoke at length in detailing what projects would be on the 2018-2019 CIP list. He stated that one significant project is the proposed Metrolink Station, and that work is continuing to be done to finalize the shared use agreement between parties to initiate development of the project.

Commissioner Tomazic inquired about the proposed Golden Avenue Bridge Replacement Project.

Director Estevez stated that the design of the bridge is 40% done, and that it would be presented at a later date to the Commission for CEQA review.

Commissioner Lee inquired about the CIP item relating to "smart" sewer manhole covers.

Director Estevez explained that they are better able to detect problems within the sewage system before they escalate.

Chair Schaefer asked if there was increased security to protect against terrorists putting explosives in manhole covers.

Director Estevez stated that the manhole covers are not designed for terrorist prevention, but believes the risk is very low.

Motion by Keller, second by Schaefer carried on a (6-0-1-0) vote to approve the recommended actions.

Ayes: Keller, Tomazic, Lee, Francine, Perez, Schaefer
Noes: None
Absent: Schenck
Abstain: None

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

Director of Development Services Joseph Lambert presented the Development Report. He stated that there were many large projects scheduled to be brought forward for the Planning Commission in the coming months, including a proposed residential and commercial horizontal mixed-use development at the corner of Alta Vista Street and Rose Drive. In addition, he stated that the General Plan Update was on-going. Furthermore, the General Plan Advisory Committee would be meeting in the future, with Chair Schaefer as a member.

Commissioner Francine updated the Commissioners and staff on the Pancake House at 1454 N. Kraemer Boulevard. She stated that they hoped to open by July 4th.

DIRECTOR'S REPORT:

Chair Schaefer requested that the items related to Atwood Sales and LBC Irwindale LLC be resolved as quickly as possible, and asked Ms. Summerhill if the City would be held legally responsible for health problems brought on by Atwood Sales' operations.

Ms. Summerhill stated that she was unsure and not able to give legal advice on the matter.

PLANNING COMMISSION REQUESTS:

ADJOURNMENT

Chair Schaefer closed the Planning Commission Meeting at 8:42 p.m. to the regular meeting of Tuesday, June 12, 2018 at 6:30 p.m. in the Placentia City Council Chambers at 401 East Chapman Avenue, Placentia, CA

Submitted by,



Joseph M. Lambert,
Secretary to the Planning Commission