



# Placentia Planning Commission Agenda

Regular Meeting  
September 13, 2011  
6:30 p.m.

**Michael Ebenhoch**  
Chairman

**Vic Tomazic**  
Vice Chairman

**Frank Perez**  
Commissioner

**Floyd Farano**  
Commissioner

**Christine Schaefer**  
Commissioner

**John Scull**  
Commissioner

**Thomas Solomonson**  
Commissioner

**City of Placentia**  
401 E Chapman Avenue  
Placentia, CA 92870

**Phone: (714) 993-8124**  
**Fax: (714) 961-0283**  
**Website: [www.placentia.org](http://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 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, Placentia Library Reference Desk and the internet at [www.placentia.org](http://www.placentia.org) under the Planning Commission page. 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  
September 13, 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  
Commissioner Solomonson

**PLEDGE OF ALLEGIANCE**

**MINUTES**

Regular Meeting: August 9, 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**

**OLD BUSINESS**

1. **Applicant:** Rich Wray  
**Location:** 1280-1290 N. Kraemer Boulevard

**Zone Change (ZC) 2011-01:**

To change the zoning designation from the Town Center (T-C) District to Neighborhood Commercial (C-1) District, located at 1280-1290 N. Kraemer Boulevard.

**Recommended Action:**

No action required due to a withdrawal of application by applicant.

**NEW BUSINESS**

2. **Applicant:** Peter Impala (Art Rodriguez and Associates)  
**Location:** 1257 E. Yorba Linda Boulevard

**Use Permit (UP) 2011-10:**

To permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption, in conjunction with an existing +/- 24,103 square foot retail store (Big Lots), located at 1257 E. Yorba Linda Boulevard in the Neighborhood Commercial (C-1) District.

**Recommended Action:**

Adopt Resolution No. PC-2011-18 approving Use Permit (UP) 2011-10, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

**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, October 11, 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 September 13, 2011 Regular meeting of the Planning Commission of the City of Placentia was posted on September 8, 2011.

Kenr



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

August 9, 2011

The regular meeting of the Placentia Planning Commission of August 9, 2011 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, California by Chairman Ebenhoch.

**ROLL CALL:** Present: Michael Ebenhoch, Chairman  
Vic Tomazic, Vice Chairman  
Christine Schaefer, Commissioner  
John Scull, Commissioner  
Frank Perez, Commissioner  
Tom Solomonson, Commissioner

Absent: Floyd Farano, Commissioner

**PLEDGE OF ALLEGIANCE:** Led by Commissioner Solomonson

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

**City Attorney, Andy Arczynski conducted the swearing in of re-appointed Vice Chairman, Vic Tomazic, as well as Planning Commissioner, John Scull.**

**Motion by Commissioner Schaefer, seconded by Commissioner Scull to APPROVE THE MINUTES of July 12, 2011. Passed by a 6-0-1 vote (Farano Absent)**

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

**Public Hearings:**

1. **Applicant: Polly and Sotirios Pelonis**

**Location: 221 W. Orangethorpe Avenue**

**Use Permit (UP) 2011-08:**

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 an existing +/- 3,831 square foot restaurant (Tom's Place Restaurant), located at 221 W. Orangethorpe Avenue in the Manufacturing (M) District.

Ms. Schwartz presented the staff report.

Vice Chairman Tomazic referred to Special Condition number 50 and asked why Happy Hour is not allowed. Ms. Schwartz responded that it is a Police Department recommendation and it discourages the overconsumption of beverages at a reduced rate.

Commissioner Schaefer asked if beer and wine will be available for purchase during all open business hours. Ms. Schwartz replied yes, as some patrons who work the graveyard shift, enjoy a dinner meal and an alcoholic beverage early in the day.

Commissioner Schaefer asked if there is ingress and egress to the outdoor patio from the parking lot. Ms. Schwartz deferred the question to the applicant for response.

Commissioner Schaefer referred to Special Condition number 62 and asked if adequate lighting already exists.

Chairman Ebenhoch opened the Public Hearing and invited the applicant to address the Commission.

The applicant, Mr. Sotirios Pelonis, 221 W. Orangethorpe Avenue offered to answer Commissioner Schaeffer's questions. He stated that there is access from the patio to the parking lot, however, there will be no alcoholic beverages allowed in the patio area. He also commented on the lighting in the parking lot stating it is sufficient.

Commissioner Solomonson asked how many requests for alcohol were received. Mr. Pelonis responded that they have approximately 200. Commissioner Solomonson asked how many of those requests were from patrons who work the graveyard shift. Mr. Pelonis replied that most of the requests were from lunch and dinner patrons.

Chairman Ebenhoch asked the applicant if he has dealt with Alcoholic Beverage Control (ABC) before. Mr. Pelonis responded that his wife has had dealings with them at another restaurant, but he has not.

Chairman Ebenhoch closed the Public Hearing.

**Motion by Commissioner Schaefer, seconded by Commissioner Solomonson TO ADOPT RESOLUTION NO. PC-2011-15 APPROVING USE PERMIT 2011-08, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 6-0-1 vote.**

---

2. **Applicant: Joe Minassian**  
**Location: 710 Hundley Way**

**Use Permit (UP) 2011-09:**

To permit the operation of an existing tow company (A-1 Auto Body and Towing) in conjunction with auto body repairs, and to permit small scale retail sales of pre-owned motor vehicles within a +/- 10,600 square foot industrial building, located at 710 Hundley Way in the Manufacturing (M) District.

Ms. Schwartz presented the staff report.

Commissioner Solomonson asked if there is a maximum number of vehicles that can be stored at the location. Mr. Domer responded that all the vehicles are stored inside the facility.

Commissioner Schaefer asked if the vehicle repairs will be done adjacent to the sales area. Ms. Schwartz replied yes.

Chairman Ebenhoch opened the Public Hearing and invited the applicant to address the Commission.

The applicant, Matt Minassian at 710 Hundley Way, Placentia introduced himself and gave a brief description of the business. He stated that there is no intention of storing a large numbers of vehicles at the facility. It should usually be ten (10) to fifteen (15) vehicles.

Vice Chairman Tomazic asked the applicant how long he has been in this type of business. The applicant replied that he has grown up around it, and has been in it full time since graduating from college.

Commissioner Schaefer asked the applicant for the origin of the vehicles for sale. Mr. Minassian responded that the vehicles will be purchased at auctions.

Chairman Ebenhoch closed the Public Hearing.

**Motion by Vice Chairman Tomazic, seconded by Commissioner Schaefer TO ADOPT RESOLUTION NO. PC-2011-17 APPROVING USE PERMIT (UP) 2011-09, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 6-0-1 vote.**

---

3. **Applicant:** Rich Wray  
**Location:** 1280-1290 N. Kraemer Boulevard

**Zone Change (ZC) 2011-01:**

To change the zoning designation from the Town Center (T-C) District to Neighborhood Commercial (C-1) District, located at 1280-1290 N. Kraemer Boulevard.

Chairman Ebenhoch opened the Public Hearing.

Chairman Ebenhoch closed the Public Hearing.

**Motion by Commissioner Schaefer, seconded by Commissioner Scull TO CONTINUE TO THE SEPTEMBER 13, 2011 PLANNING COMMISSION MEETING. Passed by a 6-0-1 vote.**

---

**New Business:**

4. **Applicant:** Sako Yakinian

**Location:** 980 Via Rodeo

**Use Conformity Determination (UCD) 2011-03:**

To determine if a personal training studio that specializes in athletic training and weight loss within a +/- 5,000 square foot industrial suite is a use permitted by right or with a Use Permit, located at 980 Via Rodeo within the Manufacturing (M) District.

Mr. Domer presented the staff report.

Chairman Ebenhoch asked if the 5 a.m. start time presents a conflict with nearby businesses. Mr. Domer responded that there is plenty of available parking.

Chairman Ebenhoch asked if non manufacturing uses are maxed out in this zone. Mr. Domer responded yes.

Commissioner Schaefer asked if the City identified the location to the applicant. Mr. Domer responded that the applicant found the site on their own. She also asked if the business has always been at this location. Mr. Domer responded that this will be a new location and that according to the applicant's website, he also has locations in Orange and Tustin.

Commissioner Scull asked if the applicant is present. Mr. Domer said responded that he is not, however, he was notified.

**Motion by Commissioner Scull, seconded by Vice Chairman Tomazic TO ADOPT RESOLUTION NO. PC-2011-16, CONFIRMING USE CONFORMITY DETERMINATION (UCD) 2011-03 FOR NO LIMIT PERSONAL TRAINING, LOCATED AT 980 VIA RODEO. Passed by a 6-0-1 vote.**

---

**DEVELOPMENT REPORT**

**PLANNING COMMISSION REQUESTS:**

Mr. Domer updated the Commission regarding the Redevelopment Agency, which is reviewing whether to implement the State legislation (AB X1 26) which forces the elimination of the Agency or waiting for the Supreme Court to stay the ruling and proceed from that point.

Ms. Schwartz provided the Commission with an update on the gas station on the south east corner of Rose Drive and Yorba Linda Boulevard. Funding of the construction loan is scheduled for the end of the week.

Commissioner Solomonson asked for an update of the Grade Separations Project. Mr. Domer responded that Placentia Avenue is scheduled for groundbreaking at the end of August or beginning of September and that he would obtain a date and forward it to the Commission via email.

Commissioner Schaefer asked how long the businesses along Orangethorpe Avenue would be affected by the Grade Separations. Mr. Domer responded that the construction schedule is 18-24 months.

Vice Chairman Tomazic asked approximately how many requests for manufacturing uses Staff receives that do not come before the Planning Commission. Mr. Domer indicated that the Planning Commission hears only the requests that are not permitted by right, therefore true manufacturing requests that meet standards do not need to come to the Commission.

Chairman Ebenhoch adjourned the Planning Commission meeting to the next regularly scheduled meeting on September 13, 2011 at 7:15 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

<b>AGENDA ITEM NO.:</b> 2	<b>DATE:</b> September 13, 2011	<b>PUBLIC HEARING:</b> Yes
<b>APPLICATION:</b> Use Permit (UP) 2011-10		
<b>DESCRIPTION:</b> To permit the sale of alcoholic beverages (Type 20 Off Sale Beer and Wine) for off-site consumption, in conjunction with an existing +/- 24,103 sq. ft. retail store (Big Lots), located at 1257 E. Yorba Linda Boulevard in the Neighborhood Commercial (C-1) District.		
<b>RELATED APPLICATIONS:</b> None		
<b>APPLICANT:</b> Peter Impala (Art Rodriguez and Associates)		
<b>PROPERTY OWNER:</b> PNS Stores, Inc.: Joe Cooper Rebecca Slayman (owner representative)		
<b>LOCATION:</b> 1257 E. Yorba Linda Boulevard		
<b>CEQA DETERMINATION:</b> Categorically Exempt: Class 5, Section 15305		
<b>ZONING:</b> Neighborhood Commercial (C-1)		<b>APN(S):</b> 334-161-04
<b>GENERAL PLAN:</b> Commercial	<b>CITY COUNCIL ACTION REQUIRED:</b> No	
<b>PREPARED BY:</b> Monique B. Schwartz, Associate Planner		
<b>REVIEWED BY:</b> Kenneth A. Domer, Assistant City Administrator, Development Services		

**REQUEST:**

To permit the sale of alcoholic beverages (Type 20 Off Sale Beer and Wine) for off-site consumption in conjunction with the operation of an existing +/- 24,103 square foot retail store (Big Lots), located at 1257 E. Yorba Linda Boulevard the Neighborhood Commercial (C-1) District.

**INTRODUCTION:**

Although a retail store is a permitted use by right within the Neighborhood Commercial District, there are other uses that have special characteristics which have the potential to adversely affect adjoining businesses and/or property owners and are therefore subject to Use Permit review and approval.

Pursuant to Section 23.33.040(4) of the Placentia Municipal Code, the sale of alcoholic beverages is permitted within the “C-1” District, subject to obtaining a use permit. 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 is recommending approval of Use Permit (UP) 2011-10, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

**DISCUSSION:**

Big Lots is an existing retail store located within a commercial/retail shopping center that is located at the northeast corner of Rose Drive and Yorba Linda Boulevard. This shopping center is comprised of three (3) parcels, including the parcel improved with a Walgreens Pharmacy. Other uses within this shopping center include a sewing machine and vacuum store, laundromat, beauty salon, barber shop, Japanese restaurant, jewelry store, clock shop, nail salon, bagel shop, cleaners, dentist office and Mexican restaurant. Walgreens is located on a separate parcel at the southwest corner of the shopping center.

**Subject Site and Surrounding Land Uses:**

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
<b>Existing</b>	Commercial/Retail	"Commercial"	"C-1"
<b>Proposed</b>	Sale of Beer and Wine for Off-Site Consumption at Big Lots retail store	"Commercial"	"C-1"
<b>North</b>	City of Yorba Linda	----	----
<b>South</b>	Commercial/Retail	"Commercial"	"C-1"
<b>East</b>	Vacant Car Dealership	"Commercial"	"C-2"
<b>West</b>	Rose Drive/City of Yorba Linda	----	----

**Operational Characteristics:**

Big Lots is an existing retail store that has been in operation since 1995. They offer a wide variety of specialty retail merchandise for sale. The applicant is requesting approval to provide alcoholic beverages for off-site consumption in order to compliment their product mix of gourmet crackers, spreads, oils, sauces and dips. The alcohol shelf space will account for less than one (1) percent of the entire retail space (+/- 241 square feet) and the sale of beer and wine is expected to be less than two (2) percent of the store's annual gross sales of all items.

Big Lots operates during the following hours:

Monday through Sunday: 9:00 a.m. to 9:00 p.m.

There are a total of six (9) full-time employees, and nineteen (19) part-time employees. The general operations of the store are supervised by the Store Manager, Lawrence Sullivan and District Manager, Marianne Buchanan.

**Existing ABC Licenses Within One-Half (0.50) Mile Radius of the Subject Site:**

The Alcoholic Beverage Control (ABC) license that is being applied for by Big Lots is “Type 20 Off Sale Beer and Wine”, which is an off-sale beer and wine license. Listed below are other businesses within a one-half mile radius of the subject site that are permitted to sell alcoholic beverages for on and off-site consumption.

<b>BUSINESS</b>	<b>ADDRESS</b>	<b>LICENSE TYPE</b>
TJ’s Locker Room, Inc.	1164 E. Yorba Linda Boulevard	Type “48” On-Sale General for Public Premises
Stopper Liquor	1168-1170 E. Yorba Linda Boulevard	Type “21” Off-Sale General
CVS Pharmacy #9777	1240 E. Yorba Linda Boulevard	Type “21” Off-Sale General
ISE Japanese Restaurant	1241 E. Yorba Linda Boulevard	Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place
El Gran Pollo Mexican Grill	1205 E. Yorba Linda Boulevard	Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place
Rembrandt’s Beautiful Food	909 E. Yorba Linda Boulevard	Type “47” On-Sale General for Bona Fide Public Eating Place
Kelly’s Korner Tavern	909 E. Yorba Linda Boulevard	Type “42” On-Sale Beer and Wine for Public Premises

The sale of beer and wine in conjunction with the sale of specialty merchandise items is common in a majority of the Big Lot stores, grocery stores and other retail type businesses. The sale of alcoholic beverages in this retail business will not be the primary attraction for patrons as in the case with liquor stores, and thus would not attract nuisance behavior associated with excessive consumption of alcoholic beverages. Providing customers with the option to purchase beer and wine at this location would provide convenience to the current business patrons because it would provide a one-stop shopping experience. Denying Big Lots the opportunity to sell alcoholic beverages could put it at a disadvantage with other similar type stores in the area that are currently licensed and permitted to sell alcoholic beverages. CVS Pharmacy, located at 1240 E. Yorba Linda Boulevard is within a one-half mile radius and is currently permitted to sell alcoholic beverages and in turn provides direct competition to Big Lots.

City Staff concludes that subject to compliance with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-10, 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.

### **Public Convenience or Necessity**

A finding of public convenience or necessity is not required for this proposed Use Permit application because Big Lots is not located within a high crime reporting district nor is it located within an area of over concentration. Big Lots is located within Census Tract 0218.10, which permits a total seven (7) ABC licenses (4 on-sale and 3 off-sale). There are currently two (2) existing on-sale and one (1) existing off-sale licenses.

### **Floor Plan:**

The submittal floor plan indicates that the tenant space is approximately 24,103 square feet and includes a large amount of floor area devoted to merchandise display, three (3) stock rooms, break room, manager's office, and three (3) restroom facilities. There is one (1) main double door entrance and one exit door for the store located on the west side of the tenant space, one (1) exit door located at the truck dock to the north, and one exit located off the south side of the store.

### **Parking:**

The submittal site plan indicates that there are 161 existing parking spaces available for the shopping center. A recent site inspection revealed that there are actually 170 existing parking spaces on site, not including the parcel improved with the Walgreens Pharmacy. There are reciprocal parking agreements for two (2) of the three (3) shopping center parcels that provides for the total available parking of 170 spaces. It is not anticipated that the proposed sale of beer and wine within Big Lots will affect the existing available parking within this shopping center because of the existing reciprocal parking agreements and the fact that Big Lots is an existing use that has been at this location since 1995.

### **Compatibility:**

The sale of alcoholic beverages within the existing retail store is compatible with the adjacent business uses within this shopping center and within the surrounding area. The existing clientele for Big Lots can have a one stop shopping experience. This business is surrounded by other commercial uses and is located adjacent to a residential zone to the north in the City of Yorba Linda. This existing business attracts people to the shopping center, which in turn benefits all of the other existing businesses.

### **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 15305 and City Environmental Guidelines.

Projects exempt pursuant to the CEQA Guideline Section 15305 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.

**Actions:**

1. Adopt Resolution No. PC-2011-18.
2. Approve Use Permit (UP) 2011-10, subject to the attached Special Conditions of Approval and Standard Development Requirements.

Prepared and submitted by:

Reviewed and approved by:

\_\_\_\_\_  
Monique B. Schwartz

**ELECTRONIC COPY**  
SIGNATURES ON ORIGINALS WITH  
PLANNING COMMISSION SECRETARY

\_\_\_\_\_  
Kenneth A. Domer  
Assistant City Administrator

**Attachments:**

- Attachment A: Resolution No. PC-2011-18  
Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-10  
Attachment C: Placentia Police Department Standard Development Requirements  
Attachment D: Orange County Fire Authority Special Conditions of Approval

**Exhibits:**

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

**RESOLUTION NO. PC-2011-18**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2011-10 PERTAINING TO PROPERTY LOCATED AT 1257 E. YORBA LINDA BOULEVARD AND MAKING FINDINGS IN SUPPORT THEREOF.**

**A. Recitals.**

(i) Peter Impala of Art Rodriguez and Associates, applicant and Joe Cooper/Rebecca Slayman, owner of the property located at 1257 E. Yorba Linda Boulevard ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2011-10, 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 September 13, 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 that a Type 20 (Off-sale Beer and Wine) license will generate any negative impacts on the adjacent neighborhood. All sales 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", and the proposed use does not involve any change in the land use of the subject site. Establishments that sell alcoholic beverages for on and off site consumption are permitted in the Neighborhood Commercial (C-1) District, subject to Use Permit approval.

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 sale of alcoholic beverages within this retail 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 2011-10 to ensure compliance with the Placentia Municipal Code.

3. Section 15305 of the CEQA Guidelines exempts 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, 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 § 15305) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2011-10, 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 2011-10 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 13th day of September, 2011.

---

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 13<sup>th</sup> day of September, 2011, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 13<sup>th</sup> day of September, 2011, by the following vote:

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

ATTEST:

---

Secretary to the Planning Commission

APPROVED AS TO FORM

---

ANDREW V. ARCZYNSKI,  
CITY ATTORNEY

**Attachment "B"**  
**Special Conditions of Approval and Standard Development Requirements for  
Use Permit (UP) 2011-10**

**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) 2011-10 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) 2011-10 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. Prior to any changes in the days and hours of operation of Big Lots, 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 as requested by the applicant:

Monday through Sunday: 9:00 a.m. to 9:00 p.m.

6. 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.
7. 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.
8. 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.
9. At all times when the establishment is open for business, the sale of alcoholic beverages shall be conducted entirely within the building.
10. Outside displays are not permitted at any time.
11. 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.
12. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
13. 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 weekly basis, to control debris.
14. 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 done at least three (3) times a week.
15. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.

16. The applicant shall comply with Chapter 8.34 of the Placentia Municipal Code regarding the posting of alcoholic beverage warning signs.
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. Section 23.90.100 regarding signage shall be complied with as a condition of this Use Permit. Additionally, all temporary advertising devices, unless otherwise specified in Section 23.90.160 are prohibited.

Pursuant to Section 23.90.180(9), the total area occupied by window signs shall not exceed more than twenty-five (25) percent of the window area through which they are displayed. If more than 25 percent exists, the applicant shall remove the excess signage prior to the sale of alcoholic beverages.

18. This establishment shall be operated as a retail establishment only. 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 maintain a valid City Business License at all times during operation of the business.
21. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Director and the Police Department's Administrative Lieutenant at least 14 days in advance.
22. The sale and service of alcoholic beverages shall be in compliance with all local, state and federal laws, and all conditions of the Department of Alcoholic Beverage Control (ABC) for the issuance of a "Type 20" Off Sale Beer and Wine shall be applicable.
23. Operator of the business shall not sell alcoholic beverages at the premises until after the ABC approves and issues a license. A copy of the approved ABC license shall be transmitted to the City Planning Division upon receipt of it.

24. 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.
25. Applicant/owner shall install a trash enclosure to house trash bins on the property within sixty (60) days of this use permit approval. The location of the enclosure shall be approved by the Development Services Department. Trash enclosure shall be designed according to the City's Trash Enclosure Standards available in the Development Services Department. Trash enclosure shall require a building permit.
26. Shopping carts shall be regularly collected from parking lot area by store employees and returned back to a designated cart collection area within the store or adjacent to it.

**CITY BUILDING DIVISION:**

27. 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.
28. 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.

**CITY POLICE DEPARTMENT:**

29. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).
30. Applicant/business owner of Big Lots shall be in compliance with all Alcoholic Beverage Control requirements.
31. This Use Permit shall be reviewed one (1) 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.

32. 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 or application of measures related to curfew and truancy, then this use permit shall be reviewed for consideration of further conditions, modifications, or revocation.
33. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of merchant items. The licensee shall at all times maintain records which reflect separately the gross sales of merchant items and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available upon request.
34. Sales of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. to 9:00 p.m. Monday through Sunday.
35. The sale of beer and malt beverages in quantities of quarts, 22 ounces, 32 ounces, 40 ounces or similar size containers is prohibited. Beer, malt beverages and wine coolers in containers of 16 ounces or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
36. No wine shall be sold with an alcoholic content greater than 15% by volume.
37. No wine coolers shall be sold in less than a four-pack quantity.
38. No beer or wine shall be displayed within five (5) feet of the cash register or any public entrance.
39. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages, which are clearly visible to the exterior, shall constitute a violation of this condition.
40. Employees who sell beer and wine shall be at least 21 years of age.
41. All containers of alcoholic beverages that are displayed for sale shall be secured against public access between the hours of 9:00 p.m. and 9:00 a.m. Secured refrigerator compartments must have interior compartment separators to prevent access from neighboring non-locking doors or compartments.
42. The subject alcoholic beverage license shall not be exchanged for another public type premises type license.
43. Alcoholic beverages shall be sold and packages within accordance to Alcoholic Beverage Control standards.

44. The sale of beer and wine for consumption on the premises is prohibited.
45. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
46. Signs shall be posted at all exits of the premises, which prohibit alcoholic beverages from being opened or consumed on or around the premises.
47. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
48. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
49. Graffiti shall be removed from the exterior walls and windows of the premises within 48 hours of discovery.
50. The parking lot of 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.
51. 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.
52. 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 one week in advance.
53. All employees of the petitioner who sell or serve alcoholic beverage products shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques, and the handling of violence. The applicant must provide the City of Placentia Police Department, Administrative Services Lieutenant a copy of completed Alcohol Management Program (AMP), and a certificate of completion from an ABC LEAD program within six months of the premises being licensed to sell alcohol.

**ORANGE COUNTY FIRE AUTHORITY:**

54. 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**

# PLACENTIA POLICE DEPARTMENT



APPLICATION: Use Permit 2011-10: 1257 E. Yorba Linda Boulevard

## COMMERCIAL & INDUSTRIAL SECURITY STANDARD DEVELOPMENT REQUIREMENTS

*The following standards shall be **required** for all commercial/industrial developments when applicable. No modifications shall be made without the approval of the Chief of Police.*

### EXTERIOR DOORS

#### **Sliding Doors:**

Sliding glass doors shall be of tempered glass with locking bolt that grips door and frame together and prevents the door from being pried in an upward direction. The strike area shall be reinforced to prevent prying and disengagement of the locking bolt. Anti-lift out device(s) shall be installed in the upper channel above the moving panel to prevent raising and removal from the track while in the closed position.

#### **Other Doors:**

Wood doors and aluminum stile doors shall be used only as front entry doors. **ALL OTHER DOORS SHALL BE METAL.**

Wood doors shall be of solid core construction with the minimum thickness of one and three-fourths (1  $\frac{3}{4}$ ) inches. Wood panel doors with panels less than one (1) inch thick shall be covered on the inside with a minimum sixteen (16) U.S. gauge sheet steel, or its equivalent, which is to be attached with screws on minimum six (6) inch centers.

Metal doors shall be of a minimum sixteen (16) U.S. gauge and have sufficient reinforcement to maintain the designed thickness of the door when any locking device is installed. Such reinforcement shall restrict collapsing of the door around any locking device. Metal jambs shall be used.

Doors with glass panels and/or glass within thirty-six (36) inches of locking mechanism shall be fully tempered glass or rated burglary resistant material.

Door stops on wooden jambs for in-swinging door shall be of one piece construction with the jamb. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

All swinging exterior wood and steel doors shall be equipped as follows:

Single doors: equipped with "single unit" containing door knob and single cylinder deadbolt. (Single turn of the knob also retracts the locked deadbolt.) Deadbolt must have one (1) inch throw and exterior case hardened, rotating steel cylinder guard.

Or:

Equipped with single or double cylinder deadbolt in which no other device is located in the area where door hardware is usually installed.

If double cylinder deadbolt is used, the inside key operated lock must simultaneously operate an indicator stating that the assembly is "locked" or "opened."

### **(Exterior Doors, Continued...)**

In either case, a sign must also be displayed above the front door indicating that the front door is to remain "unlocked" during business hours. Letter size to be minimum one (1) inch in size on contrasting background.

Aluminum stile, single door: equipped with a double cylinder, minimum one and one-half (1½) inch upswing or one (1) inch slide deadbolt and exterior case hardened, rotating steel cylinder guard and minimum of five (5) pin tumblers. The inside key-operated lock must simultaneously operate an indicator stating that the assembly is "locked" or "open." A sign must also be displayed above the door indicating that the door is to remain "unlocked" during business hours. Letter size to be minimum of one (1) inch in height on contrasting background.

The inactive leaf of all double door(s) shall be equipped with metal flush bolts having a minimum embedment of five-eighths (5/8) inch into the head and threshold of the door frame.

The strike plate for deadbolts on all wood framed doors shall be constructed of minimum sixteen (16) U.S. gauge steel, bronze, or brass and secured to the jamb by minimum of two screws, which must penetrate at least two (2) inches into solid backing beyond the surface to which the strike is attached.

Strike area for metal or aluminum framed doors must be constructed or protected to prevent violation of strike area.

Hinges for out-swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to prevent removal of the door from the exterior by removing the hinge pins.

Panic hardware, whenever required by the Uniform Building Code or Title 19, California Administrative Code, shall be installed as follows:

- (1) Panic hardware shall contain a minimum of two (2) locking points on each door; or
- (2) On single doors, panic hardware may have one locking point which is not to be located at either the top or bottom rails of the door frame. The door shall have an astragal constructed of steel .125 thick which shall be attached with non-removable bolts to the outside of the door. The astragal shall extend a minimum of six (6) inches vertically above and below the latch of the panic hardware. The astragal shall be a minimum of two (2) inches wide and extend a minimum of one (1) inch beyond the edge of the door to which it is attached.
- (3) Double doors containing panic hardware shall have an astragal attached to the doors at their meeting point which will close the opening between them, but not interfere with the operation of either door.

Deadbolt locks shall not be used on doors that are required to have panic hardware.

Overhead or sliding doors shall be secured on the inside by minimum one-half (1/2) inch slide bolt(s) protruding at least one (1) inch into the door frame at floor; or secured on outside by a case hardened or minimum ten (10) gauge steel construction slide bolt using a padlock having a hardened steel shackle locking both at heel and toe with a minimum five (5) pin tumbler operation. Locking bar or bolt to extend through the receiving guide minimum of one (1) inch.

Doors exceeding ten (10) feet in width shall have two locking points on opposite sides.

## WINDOWS

No louvered windows shall be used.

Windows and/or transoms having a pane exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches shall be protected in the following manner:

- (1) Fully tempered glass or burglary resistant material\*; or
- (2) Inside or outside iron bars of at least one-half (1/2) inch round or one by one-quarter (1 x 1/4) inch flat steel material, spaced not more than five (5) inches apart and securely fastened with non-removable bolts; or
- (3) Inside or outside iron or steel grills of at least twelve (12) gauge material with not more than a two (2) inch mesh and securely fastened with non-removable bolt.

The protective bars or grills shall be able to be opened if such windows are required to be opened by the Uniform Building Code.

## ROOF OPENINGS

Skylights shall be fully tempered glass or rated burglary resistant material\*; or

- (1) Protected by iron bars at least one-half (1/2) inch round material spaced not more than five (5) inches apart; or
- (2) Steel grill at least twelve (12) gauge material of two (2) inch mesh (maximum) securely mounted under the skylight.

Ventilator skylights with side openings exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches shall be protected as in (1) or (2) above.

Air ducts or vents exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches on roof or exterior walls shall be covered by iron or steel bars of at least one-half (1/2) inch material spaced not more than five (5) inches apart; or steel grills of at least twelve (12) gauge material of two (2) inch mesh (maximum) securely mounted.

## HATCHWAYS

Hatchways on the roof, if not of metal construction, shall be covered on the inside with sixteen (16) gauge sheet metal, or its equivalent, and secured from the inside with a slide bar or slide bolt. Outside hinges shall be equipped with non-removable hinge pins.

## LADDERS

Ladders leading to the roof shall do so from the interior of the building.

## BURGLARY RESISTANT MATERIAL

- (1) Products intended for use shall be permanently labeled as such.
- (2) Materials used shall meet UL 972 Standards for Safety Burglary Resistant Glazing Materials.
- (3) Only materials approved by ICBO shall be used.

## **ADDRESS**

The address number shall be mounted near the front entry of each building or other conspicuous location and be no less than six (6) inches high. They shall be mounted on a contrasting background and easily visible from the street or walkway. If rear-vehicular access, the same numbers, no less than six (6) inches high shall be displayed on the rear of the building.

Numerals of the street address shall be displayed on the uppermost roof, in luminous paint or other material capable of being read from the air. Minimum numeral size shall be twenty-four (24) inches. The building designation, if within a complex (such as "A" or "B" etc) shall accompany displayed street address.

## **EXTERIOR LIGHTING**

Exterior lighting of an intensity of at least twenty-five hundredths (.25) foot-candles shall be provided adjacent to doors and windows. Exterior bulbs shall be protected by polycarbonate or other weather and vandal resistant globe or cover. Light(s) shall be operated during hours of darkness through either photovoltaic sensors or appropriate timers.

Parking lots for use by the general public and/or employees shall be provided with exterior lighting of an intensity of at least one (1) foot-candle of light on the parking surface and operated from dusk until at least one-half (1/2) hour after the termination of business.

## **SITE SPECIFIC REQUIREMENTS** **(IF APPLICABLE)**

(List site specific requirements here)

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



# ORANGE COUNTY FIRE AUTHORITY

Fire Prevention Department

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602

---

Planning and Development Services • [www.ocfa.org](http://www.ocfa.org) • (714) 573-6100 / Fax (714) 368-8843

Date: August 23, 2011

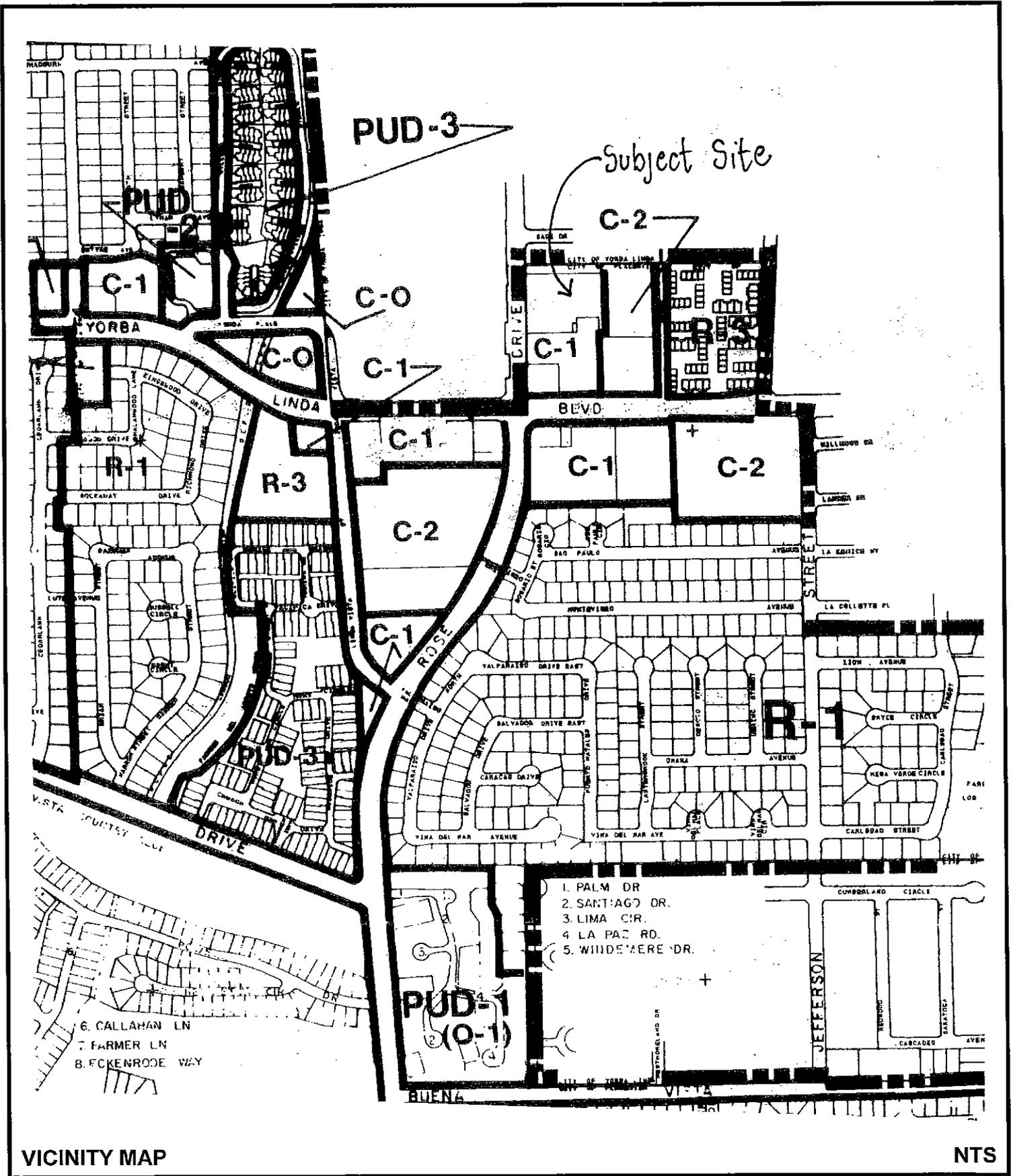
To: City of Placentia Department of Development Services  
Attention: Monique Schwartz, Project Manager

From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156177, City Reference #UP 2011-10**  
**BIG LOTS- 1257 E. Yorba Linda Blvd., Placentia**  
**Service Code: PR105 Site Development Review/CUP**

The OCFA has reviewed the proposed project and there do not appear to be any issues associated with this proposal that would require further submittals to the OCFA should the city approve the CUP. This application is a request to sell non-refrigerated beer and wine in conjunction with the operation of "Big Lots" specialty store.

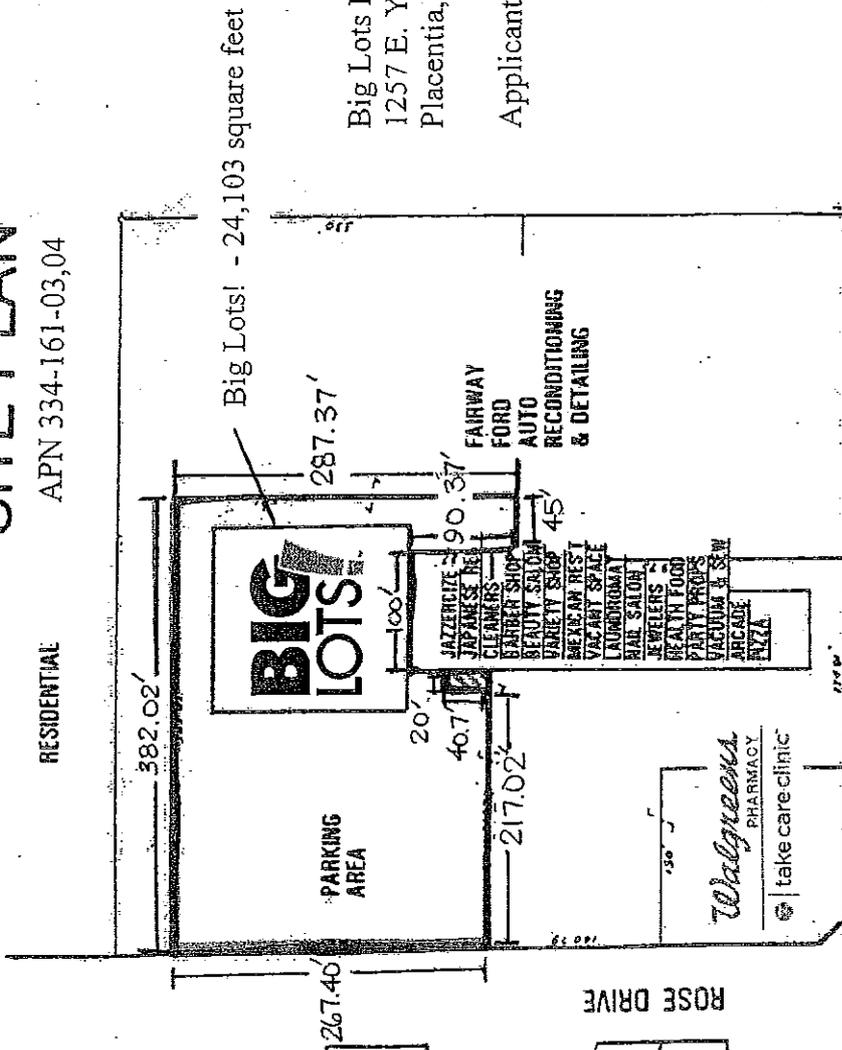
If you need additional information or clarification, please contact me by phone at (714) 573-6133, by fax at (714) 368-8843, or by email: [lynnepivaroff@ocfa.org](mailto:lynnepivaroff@ocfa.org).



**PLANNING DIVISION REPORT**  
**UP 2011-10**  
**Exhibit 1**

# SITE PLAN

RESIDENTIAL APN 334-161-03,04



Big Lots! - 24,103 square feet

Big Lots Placentia  
1257 E. Yorba Linda Blvd.  
Placentia, CA 92870

Applicant: Art Rodriguez & Associates  
(on behalf of PNS Stores, Inc.)  
709 E. Colorado Blvd., Suite 200  
Pasadena, CA 91101

Scale:  
1 Inch = 53.6 feet



YORBA LINDA BOULEVARD

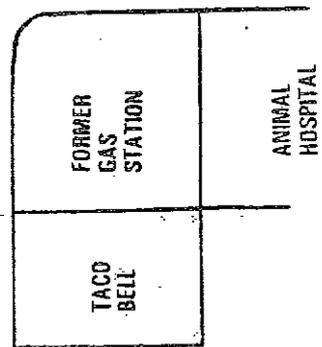
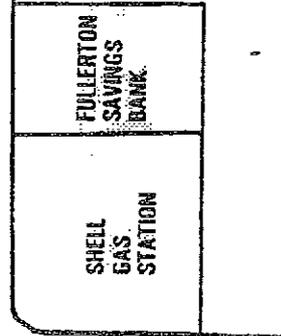


Exhibit B to Purchase and Sale Agreement dated \_\_\_\_\_ 1994 by and between American Retail Properties, Inc., as Seller, and PNS Stores, Inc., as Buyer.

PLANNING DIVISION REPORT  
APPLICATION: DP 2011-10  
EXHIBIT: 2  
PAGE \_\_\_\_\_ OF \_\_\_\_\_  
DATE: Sept. 13, 2011

RESIDENTIAL

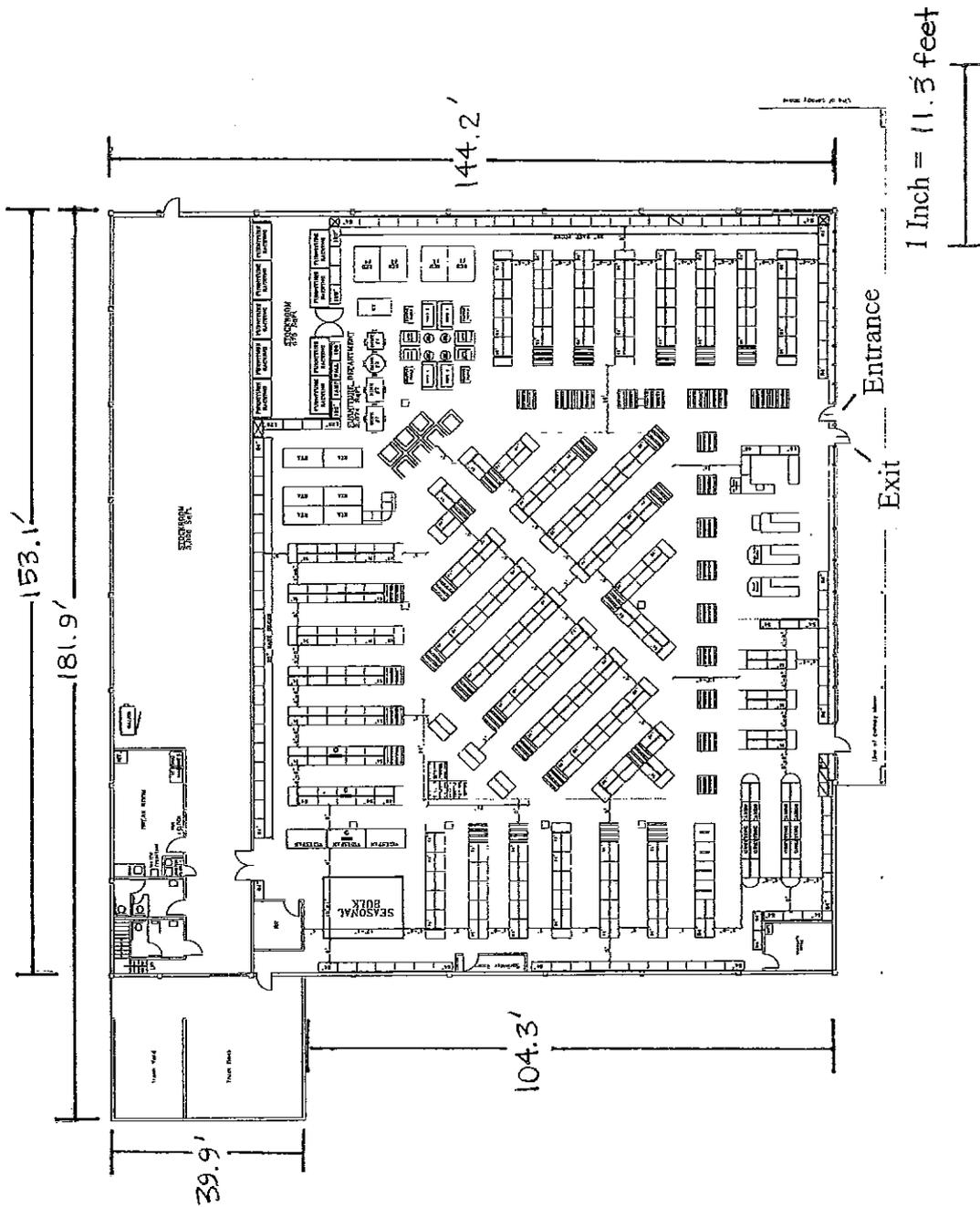
GOODYEAR  
TIRE  
CENTER

FORMER  
GAS  
STATION

AUTO  
BUYER

FORMER  
GAS  
STATION

ANIMAL  
HOSPITAL



FIXTURE PLAN

**PLANNING DIVISION REPORT**  
 APPLICATION: UP 2011-10  
 EXHIBIT: 3  
 PAGE 1 OF 1  
 DATE: Sept. 13, 2011

# Art Rodriguez and Associates

*Liquor License Brokers and Consultants*

## STATEMENT OF USE

PROJECT NAME: BIG LOTS

PROJECT ADDRESS: 1257 E. YORBA LINDA BLVD.  
PLACENTIA, CA 92870

Art Rodriguez & Associates is requesting a Conditional Use Permit on behalf of PNS Stores, Inc. (dba Big Lots) to allow the addition of a Dept. of Alcoholic Beverage Control Type-20 license for off-site sale of non-refrigerated beer and wine in conjunction with the operation a Big Lots specialty retail store. The hours of operations are 9 am to 9 pm, seven days a week.

Big Lots opened its store in Placentia in 1995. There are hundreds of Big Lots stores in operation, most of which operate with beer and wine being sold in conjunction with specialty retail items. The intent of Big Lots' proposed sale of beer & wine is to complement its product mix of gourmet crackers, spreads, oils, sauces, dips and other food items. Beer & wine sales are expected to be less than 2 percent of the store's annual gross sales of all items. The alcohol shelf space will account for less than 1 percent of the entire retail space.

The use itself is wholly proper in relation to the adjacent commercial uses. The use is consistent and compatible with the community and only seeks to provide the same level of amenities as is normal and expected in many other retail stores by providing a selection of beer and wine for its clients. Big Lots understands the unique responsibilities of operating a retail store where beer and wine is sold and maintains an excellent record of compliance with the Department of Alcoholic Beverage Control. Both the district manager and store manager conduct training for all employees in how to sell liquor to only individuals who are over 21. Also, cash registers are programmed to prompt an employee to enter in a customer's birth date whenever the SKU number of a beer or wine item is scanned. The register automatically calculates the age of the customer and refuses to ring up the sale to anyone under the age of 21 or anyone unable to provide

### PLANNING DIVISION REPORT

APPLICATION: UP 2011-10  
EXHIBIT: 4  
PAGE 1 OF 2  
DATE: Sept. 13, 2011

## UP 2011-10

proper identification with a birth date. Furthermore, all purchasing and marketing decisions of beer and wine sold are made by the corporate office, not individual store managers.

The requested use at this location will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity. The addition of a specialty retail store is wholly consistent with the commercial intent, and will not inhibit its implementation. It will not hinder the achievement of community redevelopment goals, nor will it affect the character development in the immediate neighborhood. The use will not result in additional use of motorized vehicles or additional machines or equipment. Beer and wine will be sold on existing shelves within the store and will not require any extensive remodeling.

Big Lots will comply with all applicable standards requested by the California Department of Alcoholic Beverage Control, Placentia Police Department, Placentia City Council, and all other applicable governing bodies.

Thank you for your consideration of this application.

Sincerely,

Art Rodriguez & Associates, Agent for Smart & Final Stores, LLC



Tushar R. Dutta

Date:

**PLANNING DIVISION REPORT**

APPLICATION: UP 2011-10

EXHIBIT: 4

PAGE 2 OF 2

DATE: Sept. 13, 2011