

PLACENTIA PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
April 13, 2010

The regular meeting of the Placentia Planning Commission of April 13, 2010 was called to order at 7:00 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, California by Chairman Perez.

**ROLL CALL:** Present:

Floyd Farano, Commissioner  
Frank Perez, Chairman  
Vic Tomazic, Commissioner  
Michael Ebenhoch, Commissioner (arrived 6:50 PM)

Absent:

Craig Green, Vice Chairman  
Christine Schaefer, Commissioner  
John Scull, Commissioner

**PLEDGE OF ALLEGIANCE:**

Led by Commissioner Farano

Others Present:

Kenneth A. Domer, Assistant City Administrator  
Raynald F. Pascua, Development Services Manager  
Monique Schwartz, Associate Planner  
Andrew V. Arczynski, City Attorney  
Becky Cherene, Building Permit Technician

**Motion by Commissioner Ebenhoch, seconded by Commissioner Tomazic to APPROVE THE MINUTES of March 9, 2010. Passed by a 3-0-1 vote (Farano abstained).**

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

**Public Hearings:**

- Applicant: Roland Rubalcava (Rubalcava's Market)**  
**Location: 506 W. Chapman Avenue, Suites B & C**

**Use Permit (UP) 09/04:**

To permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption, in conjunction with the operation of a +/- 3,136 square foot specialty supermarket and restaurant (Rubalcava's Market), located at 506 W. Chapman Avenue, Suites B & C in the Neighborhood Commercial (C-1) District.

Ms. Schwartz presented the staff report and was available for questions.

Commissioner Tomazic asked why beer and alcohol is not sold until 8:00 a.m. when the store is open for business at 7:00 a.m. Ms. Schwartz referred the question to the Police Chief, James Anderson. Chief Anderson responded that the hours are designed to prevent those who work a night shift, from purchasing and consuming alcohol on their way home from work.

Commissioner Tomazic asked why there is a distinction made between the sale of single bottles and packs of beer. Chief Anderson responded that it is an effort to prevent patrons from purchasing single quantities and then drinking and driving.

Commissioner Tomazic asked why the applicant would be responsible for parking of the entire center when the market will only occupy a portion of the center. Ms. Schwartz responded that parking is currently adequate for the center and special condition of approval # 8 was included if parking should become an issue.

Commissioner Tomazic asked how the City would determine if a parking problem was due to alcohol sales. Mr. Domer responded that the City would conduct an investigation prior to determining if further review by the applicant is warranted per the conditions.

Commissioner Ebenhoch asked if the applicant has had any other business experience with alcohol sales.

Chairman Perez invited the applicant to address the Commission.

Roland Rubalcava, of Rubalcava's Market at 506 W. Chapman Avenue, Suites B & C responded that he has 10 years experience with alcohol sales working at other markets owned by his family. Mr. Rubalcava thanked the community and the Commission for allowing him the opportunity to expand his business.

Commissioner Farano asked what he means by "Specialty". Mr. Rubalcava responded they specialize in Mexican bread, masa and freshly made Mexican food.

Commissioner Farano asked how much of the business is walk-in. Mr. Rubalcava responded approximately forty (40) percent of sales.

Chairman Perez opened the Public Hearing.

Mr. Gregory Hahn of Murrieta, CA spoke in support of the applicant. Mr. Hahn complimented Mr. Rubalcava on his store's cleanliness, its management and the ethics of his employees, whom are all family members of Mr. Rubalcava.

Mr. Dave Mosino of Placentia, CA spoke in support of the applicant stating that it would be more convenient for him to be able to buy food and beer at the same market since his home is within walking distance.

Mr. John Rocha of 1748 N. Bedford Circle in Anaheim, CA spoke on the applicant's behalf stating that he felt the ability to sell alcohol would enable Rubalcava's Market to be more competitive with other nearby markets.

Mr. Bill Dale of 18095 Mockingbird Canyon, Riverside, CA who stated he is a friend and a vendor of the applicant, expressed his support of the Market.

Chairman Perez closed the Public Hearing.

Commissioner Farano expressed his support of the proposed use permit.

Commissioner Ebenhoch apologized to the Commission and the Community for his tardiness to the meeting and expressed support of the proposed use permit.

**Motion by Commissioner Farano, seconded by Commissioner Ebenhoch, TO ADOPT RESOLUTION NO. PC-2010-06 APPROVING USE PERMIT (UP) 09/04, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 4-0 vote.**

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**Old Business:**

None

**New Business:**

None

**DEVELOPMENT SERVICES MANAGER'S REPORT:**

Mr. Pascua reminded the Commission that he is putting together the 2010/2011 work plan and requested Commissioner feedback for the upcoming plan as well as a summary of successes and failures for the previous work plan.

Commissioner Ebenhoch asked if staff is able to update the Housing Element over a period of time in an effort to meet deadlines. Mr. Domer responded that the Housing Element was delayed due to the financial instability of the City; however, going forward, measures will be taken to ensure that deadlines are met.

Commissioner Farano asked for an update on the gas station at the corner of Yorba Linda Boulevard and Rose Drive. Ms. Schwartz responded that the required lot line adjustment is almost complete.

Chairman Perez asked for an update on Northgate Market's purchase of Bargain Basket. Mr. Domer responded that it is a lease agreement for thirty years. Chairman Perez asked if any renovations will be made to the adjacent businesses. Mr. Domer responded it is unknown at this time; however, one idea is to offer a façade improvement program to the other nine (9) property owners through the Redevelopment Agency. He added that the City expects to find out in the next two (2) weeks whether or not the State will take a portion of the RDA funds. It is anticipated that the RDA will not lose these funds and therefore, will be able to offer the façade improvement program.

Commissioner Farano spoke about a flyer he received from a local Realtor advertising a neighborhood garage sale on April 17, 2010. The flyer was sent to approximately 1000 homes however; only twenty-eight (28) participated. He expressed concern that events like this could cause problems and asked that the Commission review the ordinance again.

Commissioner Ebenhoch remarked that it was his understanding that the ordinance was put into place to stop residents from abusing garage sales. Not for the purpose of which Commissioner Farano has concerns. He stated that he is willing to address this topic; however he doesn't feel it is an issue. Discussion ensued between Mr. Domer, Commissioner Farano and Chairman Perez.

City Attorney Andy Arczynski, spoke regarding a lawsuit the City, along with OCTA, is involved in with Del Cerro Mobile Estates regarding the Grade Separation Project. He stated that the court ruled yesterday in the City and OCTA's favor, and the case has been thrown out of court. The claim was that the City had violated the California Environmental Quality Act, however, grade separations are statutorily exempt from CEQA and the court agreed with this.

Commissioner Farano asked if there is any other litigation with respect to the Grade Separations. Mr. Arczynski responded, that there is not.

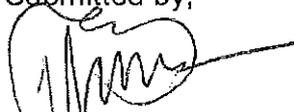
Chairman Perez asked if the City will be approaching the affected Anaheim businesses for relocation in Placentia. Mr. Domer responded yes, there is discussion regarding encouraging the businesses at Orangethorpe Avenue and Chapman Avenue to relocate further down Orangethorpe Avenue within the City. He added that the City will also be re-evaluating the Commercial Manufacturing zone in this area as it is outdated.

Commissioner Farano asked if the time has expired in which to file new litigation against the Grade Separations. Mr. Arczynski responded that the challenge period expired long ago and the timeline to challenge the Federal Environmental documents expired approximately ten (10) days ago.

Commissioner Ebenhoch asked how soon the City could begin construction of the Placentia Avenue Underpass Project. Mr. Domer responded that the City will begin vacating the Police Impound Yard on Placentia Avenue in three (3) months. The corner building at Crowther Avenue and Placentia Avenue will be coming down soon as well.

Chairman Perez adjourned the Planning Commission meeting at 7:50 p.m. to the next regularly scheduled meeting on May 11, 2010 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,



Raynald F. Pascua  
Development Services Manager