



Placentia Planning Commission Agenda

Regular Meeting
May 11, 2010
6:30 p.m.

Frank Perez
Chairman

Craig Green
Vice Chairman

Michael Ebenhoch
Commissioner

Floyd Farano
Commissioner

Christine Schaefer
Commissioner

John Scull
Commissioner

Vic Tomazic
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

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

Procedures for Addressing the Commission

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

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

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

Special Accommodations

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

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

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

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

City of Placentia
City Council Chambers
401 E Chapman Avenue
May 11, 2010

REGULAR MEETING
6:30 p.m. – City Council Chambers

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

MINUTES

Regular Meeting: April 13, 2010
Recommended Action: Approve

ORAL COMMUNICATIONS

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

PUBLIC HEARINGS

1. **Applicant:** Julia Malisos (Core Communications)
Location: 505 N. Jefferson Street (Champions Sports Complex)

Use Permit (UP) 2010-06:

To permit the co-location of a second wireless communication facility by Clearwire, consisting of three (3) panel antennas, three (3) microwave dishes and three (3) DAP (Diverse Access Point) units on an existing 74 foot high freestanding light standard wireless communication facility owned by Sprint and related equipment to be located in an existing enclosed Sprint ground lease area, located at 505 N. Jefferson Street (Champions Sports Complex) in the Specific Plan 7 (SP-7) District.

Recommended Action:

Adopt Resolution No. PC-2010-09 approving Use Permit (UP) 2010-06, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

2. **Applicant:** Luce Forward Attorneys at Law/Jennifer Chavez for Walgreens
Location: 191 E. Yorba Linda Boulevard (Walgreens)

Use Permit (UP) 2010-05:

To permit the sale of alcoholic beverages (Type 20 Off Sale Beer and Wine) within a +/- 11,369 square foot existing commercial/retail store and pharmacy (Walgreens), located at 191 E. Yorba Linda Boulevard in the Town Center (T-C) District.

Recommended Action:

Adopt Resolution No. PC-2010-07 approving Use Permit (UP) 2010-05 subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

3. **Applicant:** Cameron Heath
Location: 909 E. Yorba Linda Boulevard, Suite K (Action Kids)

Use Permit (UP) 2010-07:

To permit the operation of a children and family fitness center that offers instruction on martial arts, kick boxing, dance, circuit machines, sports team training and birthday parties in a +/- 1,920 square foot commercial/retail suite, located at 909 E. Yorba Linda Boulevard, Suite K in the Neighborhood Commercial (C-1) District.

Recommended Action:

Adopt Resolution No. PC-2010-08 approving Use Permit (UP) 2010-07 subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

OLD BUSINESS

NONE

NEW BUSINESS

NONE

DEVELOPMENT SERVICES MANAGER'S REPORT

PLANNING COMMISSION REQUESTS

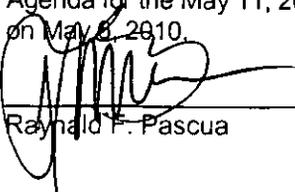
Commission members may make requests or ask questions of staff. If a Commission member would like to have formal action taken on a requested matter, it will be placed on a future Commission Agenda.

ADJOURNMENT

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, June 8, 2010 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

CERTIFICATION OF POSTING

I, Raynald F. Pascua, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the May 11, 2010 Regular meeting of the Planning Commission of the City of Placentia was posted on May 8, 2010.



Raynald F. Pascua

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.

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



DEVELOPMENT SERVICES DEPARTMENT PLACENTIA PLANNING DIVISION STAFF REPORT

| | |
|---|---|
| AGENDA ITEM NO.: 1 | ZONING: "Specific Plan 7" District |
| PUBLIC HEARING DATE: May 11, 2010 | CEQA DETERMINATION: Categorically Exempt: Class 3, Section 15303 |
| APPLICATION(S): Use Permit (UP) 2010-06 (Clearwire) | PUBLIC HEARING: Yes |
| LOCATION: 505 N. Jefferson Street | CITY COUNCIL ACTION REQUIRED: No |
| APPLICANT: Ms. Julia Malisos, Core Communications | APN(S): 341-321-08 |
| GENERAL PLAN: Specific Plan | PREPARED BY: Raynald F. Pascua Development Services Manager |

REQUEST:

To permit the co-location of a wireless communication facility by Clearwire, consisting of three (3) panel antennas, three (3) microwave dishes and three (3) DAP (Diverse Access Point) units on an existing +/- 80-foot tall freestanding ball field light standard wireless communication facility, owned by Sprint and related equipment to be located in an existing enclosed Sprint ground lease area, located at 505 N. Jefferson Street (Champions Sports Complex) in the Specific Plan 7 (SP-7) District.

It is important to note that the City of Placentia is the property owner of Champions Sports Complex and as such, have authorized the filing of this use permit application to request approval of the Planning Commission, to permit the co-location of the Clearwire antennas on the existing Sprint Monopole, as well as the installation of the related equipment.

INTRODUCTION:

The existing Sprint antennas were approved through Special Use Permit (SUP) 99/01 June 3, 1999, subject to compliance with engineering, building and recreation and human services conditions (refer to Exhibit 5).

Typically, this application would have been handled as a regular use permit since the Sprint antennas meet the definition of a major wireless communication facility, which is, pursuant to Section 23.82.020 (A) of the Placentia Municipal Code, a wireless communication facility that "is ground-mounted on property not within the public right-of-way...". However, a decision was made by City staff in 1999, to process the Sprint

antennas as a special use permit application. Reasons for pursuing an special use permit rather than a use permit at the time are unclear, but any wireless communication facility of this type that is proposed today would be processed as a use permit going forward. For this type of application, public notices of the application are mailed to property owners within 100 feet of the subject property not less than 10 days prior to rendering a decision on the application. Pursuant to Section 23.82.080(6), "All decisions of the director of development services may be appealed to the planning commission." City files were carefully reviewed for this application and discovered no written comments for or against the application and it was subsequently approved.

The proposed co-location will be designed to provide Clearwire services to customers within the vicinity of Rose Drive, Palm Drive, Van Buren Street and Orangethorpe Avenue.

RECOMMENDATION:

The City Planning Division is recommending approval of Use Permit (UP) 2010-06, subject to the attached Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

Subject Site and Surrounding Land Uses:

The subject site is Champions Sports Complex, located at the northwest corner of Alta Vista Street and Jefferson Street, and the address is 505 N. Jefferson Street. This park consists of baseball fields, a soccer field, basketball courts, a freestanding recreation building that includes restrooms, and parking lots.

| | Existing Land Use | Zoning Map Designation | Land Use Element General Plan Designation |
|----------|---|-----------------------------------|--|
| Present | City Park | "Specific Plan 7 (SP-7)" | "Specific Plan" |
| Proposed | Clearwire Co-location of Sprint Wireless Communication Facility on Existing Baseball Field Light Standard and Related Equipment | "Specific Plan 7 (SP-7)" | "Specific Plan" |
| North | Single Family Detached Residential | "Specific Plan 7 (SP-7)" | "Specific Plan" |
| South | Alta Vista Street Single Family Detached Residential | ----- "Specific Plan 7 (SP-7)" | ----- "Specific Plan" |
| East | Jefferson Street Single Family Detached Residential | ----- "Specific Plan 7 (SP-7)" | ----- "Specific Plan" |
| West | Oil Tank Farm and Vacant/Unimproved Property | "Specific Plan 7 (SP-7)" | "Specific Plan" |

Location:

The proposed Clearwire co-location of a wireless communication facility and related equipment are proposed to be installed on an existing baseball field light standard, immediately adjacent to a basketball court and parking lot.

The submittal site plan indicates that the new Clearwire co-location will be installed on the existing +/-80-foot tall baseball field light standard. Specifically, the Clearwire antenna array will be installed +/-75 feet above the finish grade; below the Sprint antenna array, which is at +/- 80 feet and above the baseball field lights, which is at +/- 68 feet. The Clearwire equipment cabinet, including a Global Positioning System (GPS) antenna will be located within the existing Sprint equipment enclosure at the base of the baseball field light standard.

The nearest residential structure to the existing baseball field light standard is located +/-240 feet to the east, which satisfies the minimum 100 lineal foot distance requirement between a wireless communication facility and any residential structure, as prescribed in Section 23.82.050(4)(b) of the Placentia Municipal Code.

Equipment Enclosure:

At the time Sprint installed their antenna array on the baseball field light standard, a 14'-8" by 18'-0" area surrounding the base of the baseball field light standard was enclosed and secured with a chainlink fence with slats and access gate.

Based the submittal plans for this use permit application, the chainlink fence and gate will be completely removed in lieu of an 8-foot tall CMU (Concrete Masonry Unit) enclosure and steel access door that will provide solid screen and security. The top edge of the enclosure wall closest to the basketball court and parking lot will be treated with a terracotta cornice to match the roof material and color of the existing Sprint equipment enclosure, which is attached and located immediately to the south.

Height:

Pursuant to Section 23.82.060 of the Placentia Municipal Code, "No public wireless communication facility shall exceed the maximum height permitted in the applicable zoning district in which the facility is located."

The Specific Plan 7 (SP-7) District identifies Champions Sports Complex as being in the "Open space/park" land use area. For this land use area, there are no height restrictions for structures as there are for low density residential (30 feet maximum), medium, medium-high and high-density residential (35 feet maximum) and commercial (35 feet maximum), as prescribed in Section 23.107.080 Height, of the Placentia Municipal Code.

As provided on the submittal elevation drawings (refer to Sheet A-3 of submittal plans), the Sprint antennas are at +/- 80 feet, as measured from the top of the antenna panels. As noted, the Sprint antennas were permitted through the approval of Special Use Permit (SUP) 99/01 in June 1999. Immediately below the Sprint antennas is the proposed Clearwire antenna array at +/- 75 feet, as measured from the centerline of the parabolic dishes, while the existing baseball field lights are at +/- 68 feet, as measured from the top of the lights.

Antennas/Operational Characteristics:

Clearwire is proposing to install a total of 3 panel antennas, 3 parabolic microwave dishes and 3 DAP (Diverse Access Point) units, which are arranged into 3 equal sectors on the existing ball field light standard.

Additionally, there is one equipment cabinet and a Global Positioning System (GPS) antenna located within and below the height of the Sprint equipment enclosure at the base of the baseball field light standard. The ground lease area for Clearwire is 7'-0" by 5'-0" (refer to Sheet A-2 of the submittal plans).

Clearwire will provide twenty-four (24) hour service to Clearwire customers, 7 days a week. A Clearwire technician will service this facility on a periodic basis; with routine maintenance/inspections of the facility occurring once a month, during normal working hours. Clearwire requires 24 hour access to the facility to ensure that technical support is immediately available, if warranted. They will have keys to access the equipment enclosure in order to maintain the equipment cabinet.

Aesthetics:

The City's wireless communication facility ordinance specifically requires operators to consider visual impacts when locating, co-locating and constructing a major wireless communication facility. For this use permit application, the applicant proposes to co-locate on an existing ball field light standard that is currently occupied by Sprint, rather than pursue a request to construct a new Monopole in the park. As noted, the proposed Clearwire antennas are located immediately below the existing Sprint antennas and approximately 4 feet above the baseball field lights. Based on the submittal plans, the Clearwire antennas are compacted and arranged tightly against the Monopole and do not appear to extend beyond the limits of the Sprint antennas, thus making them less perceptible (refer to Sheet A-2 of submittal set). All components of the Clearwire antennas are painted to match and blend in with the existing Sprint antennas and Monopole.

As noted, the existing enclosure surrounding the base of the baseball field light standard is secured with a chainlink fence and gate, which will be removed and replaced with an 8-foot tall CMU (Concrete Masonry Unit) wall and steel gate. Based on the submittal plan, the top edge of the wall closest to the basketball court and parking lot will be treated with a terracotta cornice to match the roof material and color

employed on Sprint's equipment enclosure that is physically attached to the south (refer to Sheet A-2 of submittal plans).

A Special Condition of Approval has been included to require that all cable/utility runs be placed underground and that no cable/utility runs shall be located on the exterior face of the building.

Safety:

Wireless communication facilities are regulated by the Federal Communications Commission (FCC) and must receive a federal license before transmission can begin. Providers must comply with the American National Standards Institute (ANSI) and Institute of Electrical and Electronic Engineers (IEEE) standards for safe human exposure to radio electromagnetic fields. ANSI and IEEE standards are considered the most appropriate health and safety guidelines for this type of industry. If a wireless communications facility does not maintain ANSI/IEEE mandated standards, their FCC license will be revoked and any authorized use permit would be declared null and void. Clearwire wireless telecommunication facilities operate at the lowest possible power levels and are below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and proven safe by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE).

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 15303 and City Environmental Guidelines.

Section 15303 allows for exemptions for small new construction projects, which do not result in any changes in land use or density. The proposed project involves a minor alteration to an existing site involving a negligible expansion of use beyond that presently existing, and will not result in an increase of more than 50 percent of the floor area, nor more than 2,500 square feet. As a result, City Staff recommends that the Planning Commission find that the use is categorically exempt from CEQA.

ACTION:

1. Adopt Resolution No. PC-2010-09
2. Approve Use Permit (UP) 2010-06 subject to the attached Special Conditions of Approval and Standard Development Requirements.

Prepared and submitted by:



Raynald F. Pascua
Development Services Manager

Reviewed and approved by:



Kenneth A. Domer
Assistant City Administrator

Attachments:

- Attachment A: Resolution No. PC-2010-09
Attachment B: Special Conditions of Approval and Standard Development Requirements for Use Permit (UP) 2010-06
Attachment C: Police Department Standard Development Requirements
Attachment D: Orange County Fire Authority (OCFA) Special Conditions of Approval

Exhibits:

- Exhibit 1: Vicinity Map
Exhibit 2: Site Plan
Exhibit 3: Elevations
Exhibit 4: Letter of Interference Control and Standard Compliance from Mr. James Cornelius, P.E.
Exhibit 5: Special Use Permit (SUP) 99/01 Conditions

Attachment "A"

RESOLUTION NO. PC-2010-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2010-06 PERTAINING TO PROPERTY LOCATED AT 505 N. JEFFERSON STREET AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Ms. Julia Malisos of Core Communications, representing Clearwire ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2010-06, 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 May 11, 2010, 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: (A) 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 (B) 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 "SP-7" Specific Plan 7 District.

According to the submittal Letter of Compliance, the proposed co-location facility on an existing baseball field light standard, owned by Sprint, is regulated by the Federal Communications Commission (FCC) and will operate in the frequencies established for Specialized Mobile Radio operators. Clearwire wireless telecommunication facility will operate at the lowest possible power levels that are below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and proven safe by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE).

The proposed equipment associated with the telecommunication co-location will be located on an existing baseball field light standard. The applicant indicated that the equipment operates quietly or almost noise free. The equipment does not emit fumes, smoke or objectionable odors.

The proposed use is not expected to create a negative impact on the physical environment. The project is Categorically Exempt (Class 3), Guideline Section 15303; pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15303 and City of Placentia Environmental Guidelines.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Specific Plan", and the proposed use does not involve any change in the land use of the subject site. Wireless communications facilities are permitted in the (SP-7) Specific Plan, 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 "SP-7" Specific Plan 7 District in the City of Placentia. Approval of the Use Permit for the wireless communication facility 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 "SP-7" Specific Plan 7 District.

d. The proposed wireless communication facility is a Clearwire co-location on an existing baseball field light standard that is occupied by Sprint antennas. Clearwire antennas are proposed to be located immediately below the Sprint antennas, are compacted and arranged tightly against the Monopole and do not appear to extend beyond the limits of the Sprint antennas, thus making them less perceptible. All components of the Clearwire antennas will be painted to match and blend in with the Sprint antennas and Monopole.

The proposed equipment associated with the telecommunication co-location will be located within an existing enclosure at the base of the baseball field light standard, completely out of public view. Presently, the existing enclosure is chainlink fencing with a gate, which will be removed and replaced with an 8-foot tall CMU (Concrete Masonry Unit) wall with a steel gate. The top edge of the wall that is closest to the basketball court and parking lot will be treated with a terracotta cornice to match the roof material and color of the attached Sprint equipment enclosure immediately to the south. A Special Condition of Approval has been included to require that all cable/utility runs be placed underground and that no cable/utility runs shall be located on the exterior face of the building.

e. 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 2010-06 to ensure compliance with the Placentia Municipal Code.

3. The Planning Commission hereby makes, and recommends the Planning Commission to make the following finding: Pursuant to the provisions of the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated there under Class 3, Section 15303 and Placentia Environmental Guidelines, Use Permit 2010-06 will not have a significant effect on the environment and is not subject to the requirements of the California Environmental Quality Act of 1970, as amended.

4. The Planning Commission hereby recommends that, upon approval of Use Permit 2010-06, a Notice of Exemption be filed with the Orange County Clerk/Recorder, as required by law.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit

2010-06 as modified herein, and specifically subject to the conditions set forth in Attachment "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 11th day of May, 2010.

Chairman

I, Raynald F. Pascua, 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 11th day of May, 2010, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 11th day of May, 2010, by the following vote:

| | |
|------------|---------------------|
| AYES: | COMMISSION MEMBERS: |
| NOES: | COMMISSION MEMBERS: |
| ABSENT: | COMMISSION MEMBERS: |
| ABSTAINED: | COMMISSION MEMBERS: |

ATTEST:

Secretary to the Planning Commission

Attachment "B"
Special Conditions of Approval of Use Permit (UP) 2010-06
SPECIAL CONDITIONS OF APPROVAL

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 SHALL BE FULLY COMPLIED WITH FOR THE USE PERMIT TO CONTINUE IN GOOD STANDING.

1. Use Permit (UP) 2010-06 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. 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.
3. As a condition of issuance of this approval, the applicant shall agree, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, suit or proceeding brought against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Commission, or other decision making body, or staff action concerning this project. 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. The City may, at its sole cost and expense, elect to participate in the defense of any such action in this condition.
4. Prior to any modifications to the site plan that would affect the location or visibility of the wireless communication facility and/or the ground installation; the applicant shall obtain prior written approval from the Development Services Department.
5. No expansion or modification of the wireless communication facility shall occur at any time without first obtaining approval from the Development Services Department.
6. Applicant shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid Business License prior to the issuance of any building permits.
7. Applicant shall provide to the Development Services Department a preliminary report and field report, both prepared by a licensed engineer, indicating that the

operation of the facility is in full conformance with the standards established by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE) for safe human exposure to electromagnetic fields (EMF) and radio frequency radiation (RFR). These reports are due within ninety (90) days after the start of operations.

8. Applicant shall receive and maintain a license by the Federal Communications Commission (FCC) to operate a wireless communication facility in this location. A copy of this FCC license shall be submitted to the Development Services Department prior to the issuance of any building permits.
9. The major wireless communications facility shall be approved for a period not to exceed the term of the lease. A copy of the lease shall be submitted to the Development Services Department prior to the issuance of a building permit for the new wireless communication facility.
10. If the lease is extended or terminated, notice and evidence thereof shall be provided to the Development Services Department.
11. Upon expiration or termination of the lease, the use permit for the wireless communication facility shall become null and void and the wireless communication facility shall be removed within sixty (60) calendar days. Removal of the baseball field light standard and related equipment cabinets shall be at the expense of the leaseholder.
12. Use Permit (UP) 2010-06 shall be reviewed by the Development Services Department five (5) years from the date of approval to insure compliance with all Special Conditions of Approval and Standards Requirements.
13. Applicant shall place all cable/utility runs underground and that no cable/utility runs shall be located on the exterior face of the building.
14. The related equipment cabinet shall be located as indicated on the submittal site plan and elevations.
15. Wireless communication facilities shall not bear any signs or advertising devices other than certification, warnings or other required seals or signage at any time.
16. The applicant shall maintain the wireless telecommunication facility (baseball field light standard and associated equipment) in good condition and shall agree to reasonable repairs and replacements of equipment, stealth and structural components, due to damage caused by outdoor exposure and/or inclement weather. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways and all paved surfaces, free from weeds, litter and graffiti. Graffiti shall be removed by the applicant/business owner within 72 hours of defacement and/or upon notification by the City.

17. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
18. The existing baseball field light standard and foundation shall be structurally designed and engineered to accommodate the proposed Clearwire co-location. The new co-location (antennas), microwave dishes and DAP units shall be installed as shown on the submittal plans for this Use Permit application. Applicant shall contact the City Planning Division upon completion of project, prior to operation.
19. Any future co-location of a wireless communication facility shall be reviewed and approved by the Development Services Department, prior to the installation of any additional antennas, sectors, etc.

CITY BUILDING DIVISION:

20. Building plans shall be prepared by a California-licensed structural/civil engineer, with structural details and calculations regarding wind and seismic loads.
21. Building and electrical permits shall be required for the new co-location structure and related equipment cabinet.
22. Applicant shall submit structural calculations prepared by a California-licensed civil engineer prior to issuance of any building permits.
23. Applicant shall obtain approval from the Orange County Fire Authority (OCFA) prior to the issuance of any building permits.
24. Applicant shall submit engineering calculation report prepared by a California-licensed engineer to justify the additional weight carried by the new antenna arrays.
25. 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:

26. Compliance with Placentia Police Department Standard Development Requirements for security. (See Attachment C)

ORANGE COUNTY FIRE AUTHORITY:

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

Attachment "C"
Police Department Standard Development Requirements

POLICE DEPARTMENT

APPLICATION

UP 2010-06

STANDARD DEVELOPMENT REQUIREMENTS

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

COMMERCIAL/INDUSTRIAL SECURITY

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 tract 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 (1-3/4) 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.

EXTERIOR DOORS

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."

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 (1-1/2) 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 constructed or protected to prevent violation of strike area.

Hinges for out-swinging doors shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude 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 nonremovable 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.

COMMERCIAL/INDUSTRIAL SECURITY, Con't.

DOORS

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 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 side.

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 nonremovable 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 nonremovable bolt.

The protective bars or grills shall be of the openable type if such windows are required to be openable 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 nonremovable hinge pins.

COMMERCIAL/INDUSTRIAL SECURITY, Con't.

LADDERS

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

*MISC

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 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. Designated building (if a complex).

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 maintained during hours of darkness.

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 maintained from dusk until one-half (1/2) hour after the termination of business.

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 • (714) 573-6100 / Fax (714) 368-8843

Date: March 22, 2010

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

From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156138, City Reference #2010-06**
505 N. Jefferson Street, Placentia
Service Code: PR105 Site Development Review/CUP

COMMENTS

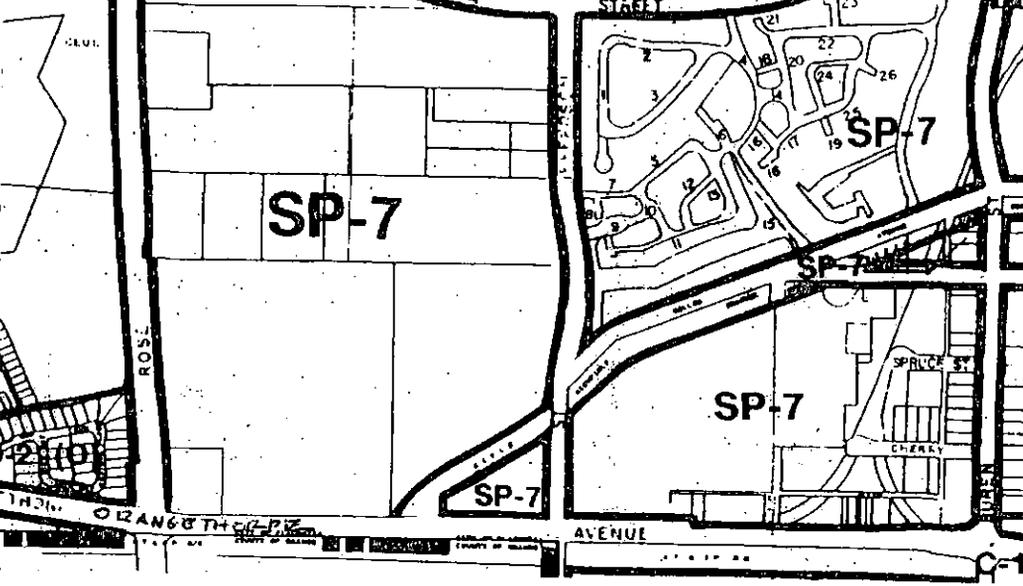
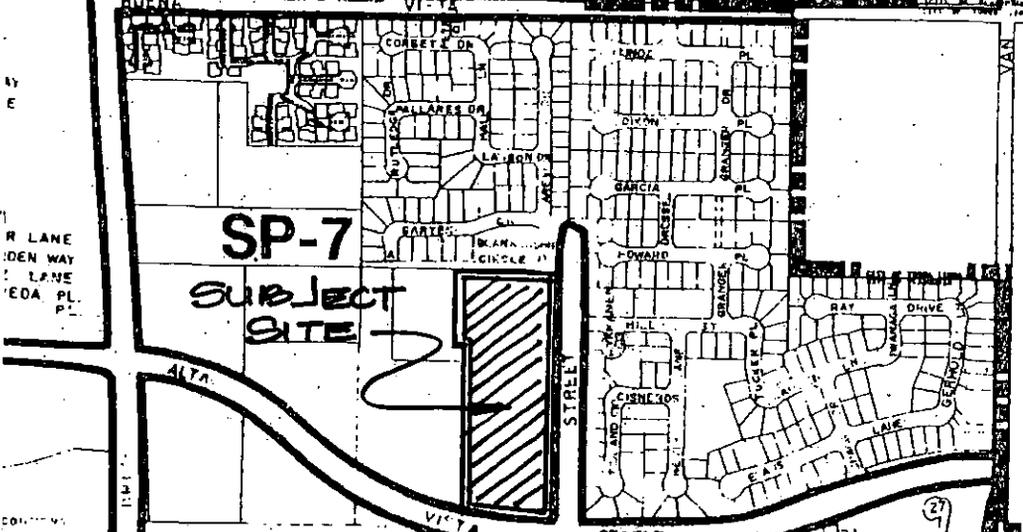
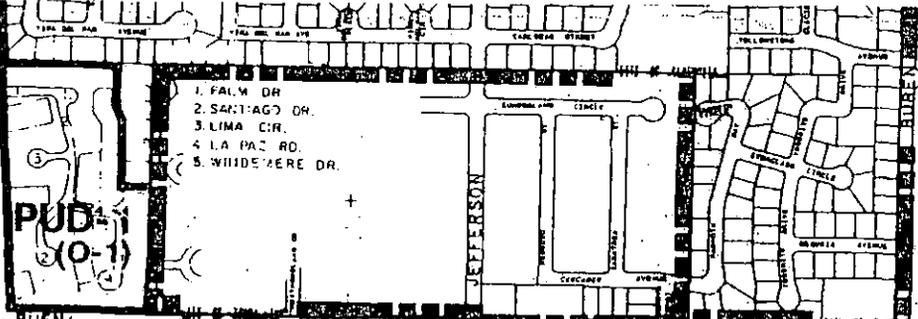
The OCFA has reviewed the proposed project and there do not appear to be any significant issues associated with this proposal that would prevent further submittals to the OCFA should the city approve the CUP. Please provide the conditions listed below on the resolution issued to the applicant. If you 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.

CONDITIONS OF APPROVAL

Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

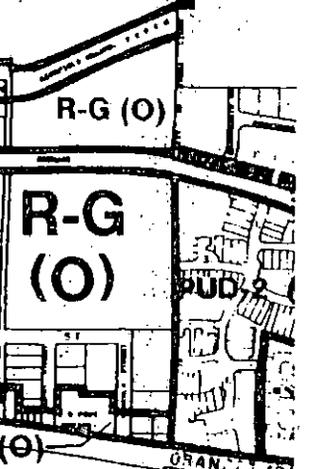
Prior to issuance of any permits or approvals:

- battery (service codes PR370-PR375), for any system containing an aggregate quantity of electrolyte with hazard classification(s) in excess of the permit issuance threshold amount listed in CFC Appendix Chapter 1, Section 105



- (A)
- | | |
|---------------|-----|
| 1. KIRSCHNER | LAI |
| 2. KLINER | LAI |
| 3. SAMP | LAI |
| 4. EDWAARDE | WAY |
| 5. HOLCOMB | PLA |
| 6. SHERBECK | PLA |
| 7. HOLCOMB | PLA |
| 8. PATCHA | WAY |
| 9. EVANSHINE | WAY |
| 10. JANICKE | LAI |
| 11. BOONE | WAY |
| 12. KILLFEN | WAY |
| 13. ROSKELLY | WAY |
| 14. HAMLIN | WAY |
| 15. LUKE | ORI |
| 16. COONS | LAI |
| 17. CYRUS | LAI |
| 18. BRANYON | PLA |
| 19. RAY | PLA |
| 20. CRON | WAY |
| 21. CUMMINS | PLA |
| 22. CAMERON | WAY |
| 23. MARRUJO | PLA |
| 24. RUSCITTO | LAI |
| 25. HASTINGS | WAY |
| 26. NAVARETTE | PLA |
| 27. HEFNAY | WAY |

- | | |
|-------------|--|
| 1. EISENHOL | |
| 2. COOLIDGE | |
| 3. TRUMAN | |
| 4. HOCVER | |
| 5. ROBERTS | |



CINITY MAP



NTS

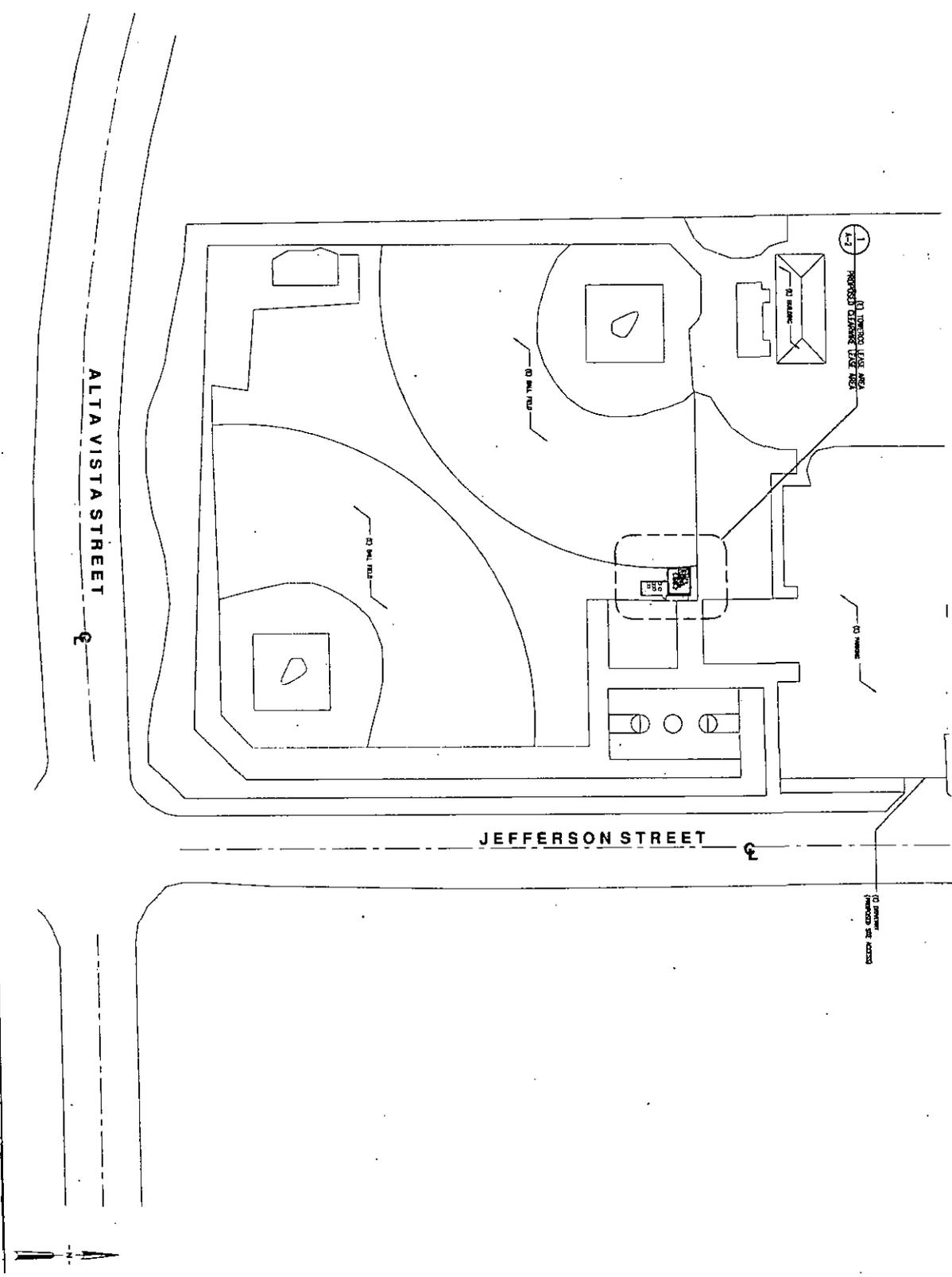


PLANNING DIVISION REPORT
 UP 2010-06
 Exhibit 1

PACIFIC

VIOLATION

VIOLATION

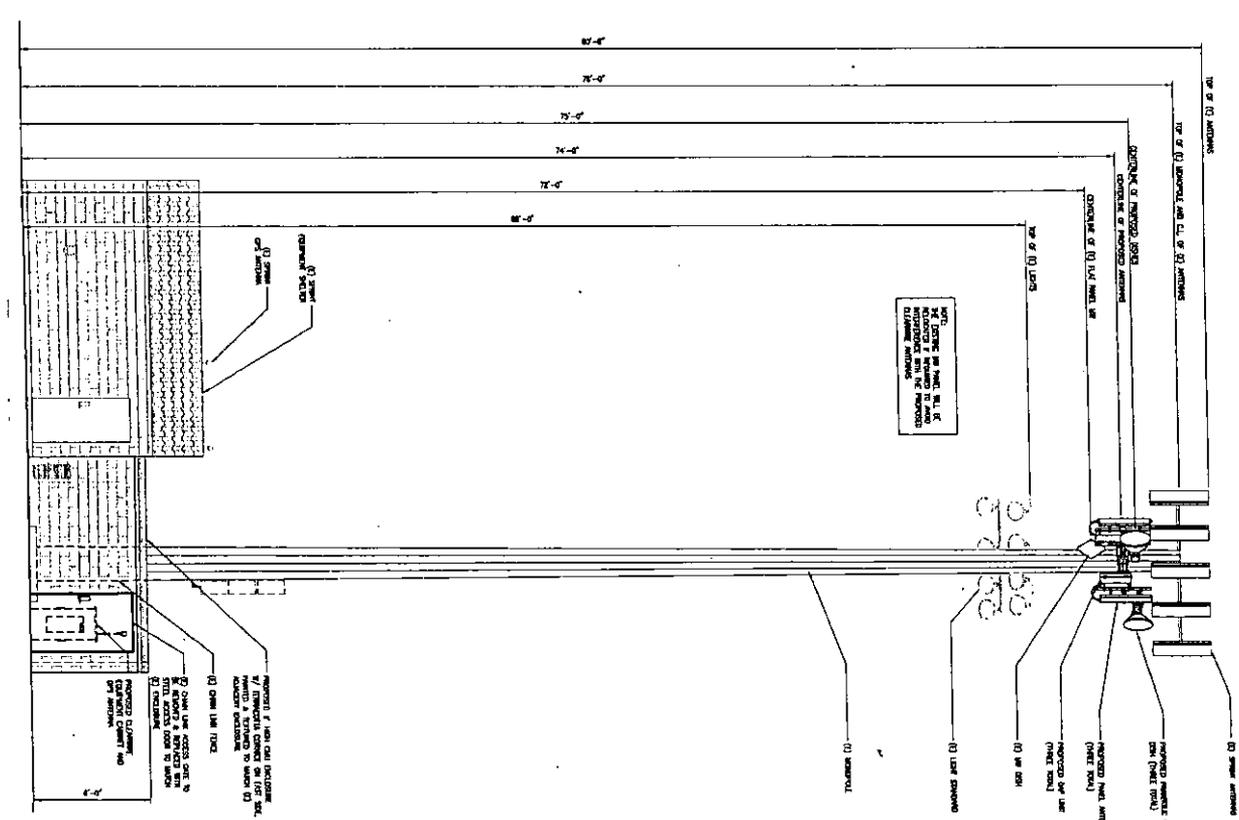
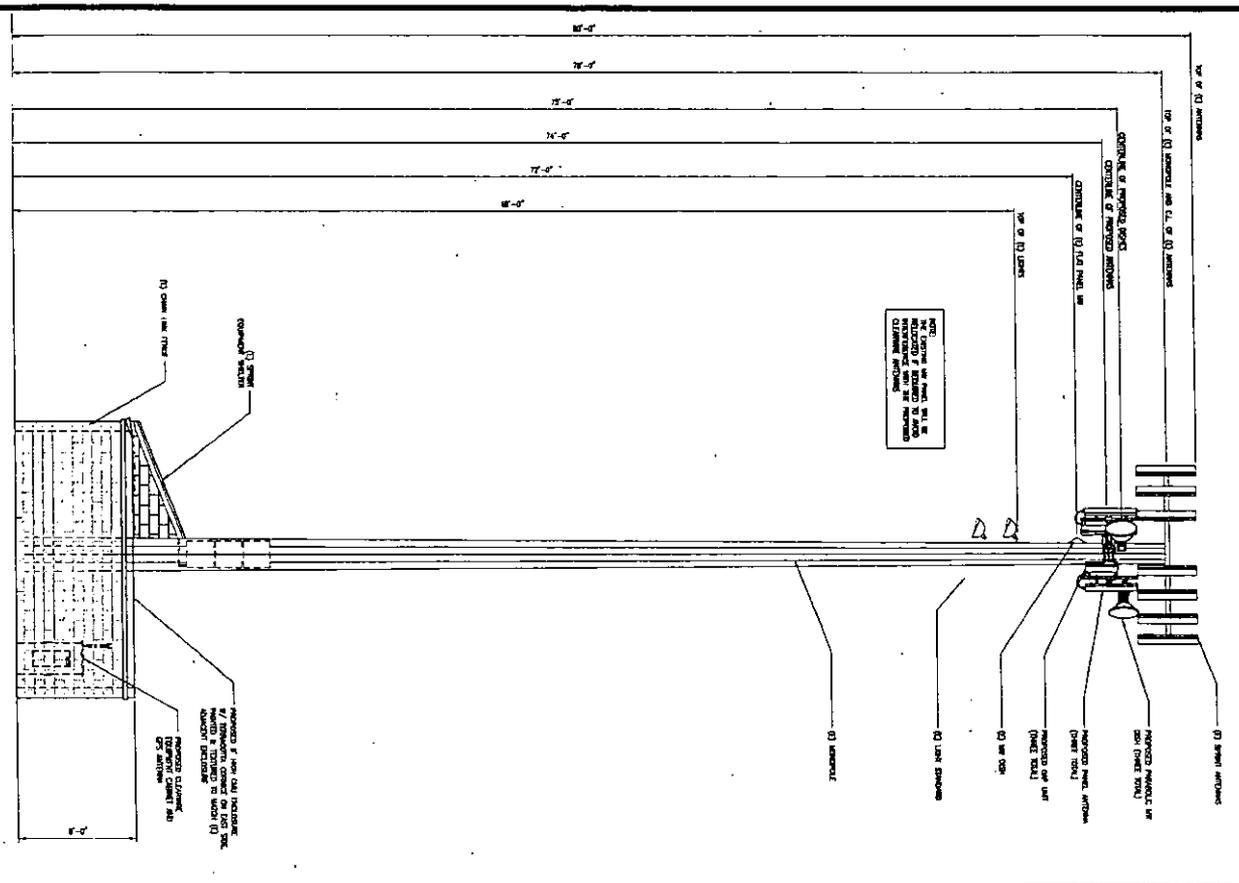


SITE PLAN (PAGE 1 OF 2)



PLANNING DIVISION REPORT
 UP 2010-06
 Exhibit 2

SHEET



ELEVATIONS



PLANNING DIVISION REPORT
 UP 2010-06
 Exhibit 3

clearwire®

wireless broadband

INTERFERENCE CONTROL AND STANDARDS COMPLIANCE

Project Name: Clearwire
Site Number: CA-ORC5131
Project Type: Broadband Wireless System
Project Location: 505 N. Jefferson St., Placentia, CA 92870

Clearwire (Sprint) desires to implement a broadband wireless system at the above mentioned location in the City of Placentia, CA. The system will utilize FCC licensed frequencies in the Educational Broadband Service ("EBS") and the Broadband Radio Service ("BRS") operating in the 2500 - 2690 MHz range to provide broadband wireless services to subscribers. In addition, Clearwire will utilize point-to-point microwave systems to provide interconnections between base station sites and various point-of-presence ("POP") locations in order to connect to the Internet. These point-to-point links will utilize both licensed and unlicensed frequencies as allocated by the FCC.

In the implementation of its broadband system, Clearwire will comply with all engineering practices and operational requirements as specified by the FCC in the rule sections applicable to the services used by Clearwire. This includes regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any other federal statutory and regulatory requirements related to radio frequency interference.

In addition, the Clearwire equipment alone will not cause interference to Public Safety Communication equipment. The operating frequency and out-of-band emissions limitations placed on EBS, BRS and point-to-point equipment by the FCC severely restrict radiation levels into Public Safety bands. If interference with City of Placentia or the Emergency Communications is found to exist from Clearwire equipment, all steps deemed necessary to remove the interference will be taken by the applicant.

CERTIFICATION OF ENGINEER

I, James Cornelius, P.E., am a Professional Engineer licensed in the Commonwealth of Virginia and my credentials are a matter of record with the Federal Communications Commission. The foregoing analysis was prepared by me or under my direct supervision. The information contained herein is true and correct to the best of my knowledge.

James C. Cornelius
Digitally signed by James C. Cornelius
DN: cn=James C. Cornelius, c=US,
email=james.cornelius@clearwire.com
Date: 2009.04.30 14:35:45 -0400

4-30-2009

James Cornelius, P.E.

Date



LETTER OF INTERFERENCE CONTROL AND STANDARD COMPLIANCE

NTS



PLANNING DIVISION REPORT
UP 2010-06
Exhibit 4

LETTER

The People are the City

Mayor
CONSTANCE UNDERHILL
City Administrator
ROBERT D'AMATO



Councilmembers:
NORMAN Z. ECKENRODE
CHRIS LOWE
MICHAEL L. MAERTZWEILER
MARIA MORENO

401 East Chapman Avenue - Placentia, California 92870

June 3, 1999

Jim Marquez Planning and Design
P.O. Box 1598
Redondo Beach CA 90277

Subject: Special Use Permit 99/01-Wireless Communication Antenna

Dear Mr. Marquez,

Special Use Permit 99/01 for the installation of a minor wireless communication facility consisting of a 75 foot high telecommunications antenna on top of a ballfield light standard and a 10' x 20' concrete transmission equipment shelter in Placentia Champions Sports Complex has been approved subject to the following conditions:

ENGINEERING

1. The name of the park shall be listed on the plans as "Placentia Champions Sports Complex".
2. Exact location of non-exclusive oil well easement shall be delineated on the plans.
3. Letter from the oil well operator/owner approving this facility is required.
4. A concrete area measuring approximately 25' x 35' shall be installed around the block house; precise location shall be determined in the field.
5. Relocation of irrigation and utility lines shall be the responsibility of the leasee and coordinated with Public Works.
6. New catch basins and drain lines shall be installed as required.
7. Provide calculations from Musco lighting to determine if the lowered lights provide adequate lighting for the ball field.
8. Provide certification from the pole manufacturer showing that the pole can tolerate the added wind loading and the proposed mounting of the relocated lights is satisfactory.

BUILDING

9. Provide structural calculations to show that the pole foundation can support the added weight of the antennas.
10. Building plans shall be prepared by a licensed Architect/Engineer.
11. Building Division plan check fees shall be paid prior to the building plans submittal.
12. All contractors and sub-contractors shall obtain a City Business License. Applicant shall request a standard sub-contractor form from Building Division prior to building permit issuance. This standard form shall be completed and submitted to the Business License Division prior to release of a CERTIFICATE OF OCCUPANCY for the proposed small masonry building.

RECREATION & HUMAN SERVICES

13. Leasee shall be responsible for cleanup of graffiti within 72 hours of notification by the City and repair of roof of building.
14. Coordinate construction schedule with Public Works and RAHS Departments so there is no significant impact on scheduled events.

If you have any questions please feel free to call me at 714-993-8124.

Sincerely,

Joyce R. Rosenthal
Joyce R. Rosenthal
Director, Development Services

APPROVED SPECIAL CONDITIONS OF APPROVAL FOR SUP 99-01



PLANNING DIVISION REPORT
UP 2010-06
Exhibit 5



Placentia Planning Commission

Agenda Staff Report

| | | |
|---|---|----------------------------|
| AGENDA ITEM NO.: 2 | DATE: May 11, 2010 | PUBLIC HEARING: Yes |
| APPLICATION: Use Permit (UP) 2010-05 | | |
| DESCRIPTION: To permit the sale of alcoholic beverages (Type 20 Off Sale Beer and Wine) within a +/- 11,288 square foot existing commercial/retail store and pharmacy (Walgreens). | | |
| RELATED APPLICATIONS: None | | |
| APPLICANT: Walgreens: c/o Luce Forward Attorneys at Law: Brian Fish/Jennifer Chavez | | |
| PROPERTY OWNER: Placentia Village Square, LLC: Thomas L. Schiber | | |
| LOCATION: 191 E. Yorba Linda Boulevard | | |
| CEQA DETERMINATION: Categorically Exempt: Class 5, Section 15305 | | |
| ZONING: Town Center (T-C) | APN(S): 339-171-05 | |
| GENERAL PLAN: Commercial | CITY COUNCIL ACTION REQUIRED: No | |
| PREPARED BY: Monique B. Schwartz, Associate Planner | | |
| REVIEWED BY: Raynald F. Pascua, Development Services Manager | | |

REQUEST:

To permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption within a +/- 11,288 square foot existing commercial/retail store and pharmacy (Walgreens), located at 191 E. Yorba Linda Boulevard in the Town Center (T-C) District.

INTRODUCTION:

Although retail stores and pharmacies are permitted uses by right within the Town Center 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 23.27.040(3) of the Placentia Municipal Code, the sale of alcoholic beverages is permitted within the "T-C" Town Center 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) 2010-05, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

Walgreens is located on one of three lots that make up the commercial-retail shopping center located between Kraemer Boulevard on the east, Bradford Avenue on the west and on the north side of Yorba Linda Boulevard. The property on the west end is improved with a bank, while the middle property is improved with an in-line retail center that includes food establishments and other services.

Subject Site and Surrounding Land Uses:

| | Existing Land Use | Land Use Element General Plan Designation | Zoning Map Designation |
|-----------------|---|--|-------------------------------|
| Existing | Commercial/Retail Shopping Center | "Commercial" | "T-C" |
| Proposed | Sale of Beer and Wine for Off-site Consumption at Walgreens | "Commercial" | "T-C" |
| North | Bradford House/Bradford Park | "Low Density Residential" | "R-1" |
| South | Yorba Linda Boulevard | --- | --- |
| East | Kraemer Boulevard | --- | --- |
| West | Commercial/Retail Shopping Center | "Commercial" | "T-C" |

Operational Characteristics:

Walgreens is an existing retail/pharmacy business that has been in operation since February of 2006. The applicant is requesting approval to provide alcoholic beverages for sale to their customers to provide a one-stop shopping experience.

Walgreens operates during the following hours:

Monday through Sunday: 8:00 a.m. to 10:00 p.m.

There are a total of sixteen (16) full-time employees, and two (2) part-time employees.

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 Walgreens 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.

| BUSINESS | ADDRESS | LICENSE TYPE |
|----------------------------|------------------------------|---|
| Whole Enchilada | 106 E. Yorba Linda Boulevard | Type "47" On-Sale General for Bona Fide Public Eating Place Type "58" Caterers Permit |
| Marie Calenders | 126 E. Yorba Linda Boulevard | Type "47" On-Sale General for Bona Fide Public Eating Place |
| Rubios Fresh Mexican Grill | 127 E. Yorba Linda Boulevard | Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place |
| CVS Pharmacy | 150 E. Yorba Linda Boulevard | Type "21" Off-Sale General |
| Phillys Best | 198 E. Yorba Linda Boulevard | Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place |
| Sofias Greek Cuisine | 1390 N. Kraemer Boulevard | Type "47" On-Sale General for Bona Fide Public Eating Place |
| Jin Hang Restaurant | 1448 N. Kraemer Boulevard | Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place |
| El Torito | 1474 N. Kraemer Boulevard | Type "47" On-Sale General for Bona Fide Public Eating Place |
| Saigon Noodle House | 1486 N. Kraemer Boulevard | Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place |
| Sengoku Restaurant | 1490 N. Kraemer Boulevard | Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place |
| Vista Verde Liquor | 1855 N. Kraemer Boulevard | Type "21" Off-Sale General |

The sale of beer and wine in conjunction with the sale general drugstore merchandise is common in most grocery stores and retail/pharmacy type businesses. The sale of alcoholic beverages in this retail/pharmacy 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 Walgreens 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 150 E. Yorba Linda Boulevard (directly south of the subject site), is a similar retail/pharmacy type business that is located within a one-half mile radius that is currently permitted to sell alcoholic beverages and provides direct competition to Walgreens.

Public Convenience or Necessity

Walgreens is located within a Census Tract 0117.11 that already has an "undue concentration" of on-sale and off-sale ABC licenses pursuant to Section 23958.4(a)(2) of the Business and Professions (B&P) Code. According to the Department of Alcoholic Beverage Control, Census Tract 0117.11 is permitted five (5) ABC licenses. There are currently six (6) on-sale and off-sale existing licenses in this census tract. As a result, even if the Planning Commission approves Use Permit (UP) 2010-05, ABC will be required to deny issuance of an ABC license unless the applicant shows that public convenience or necessity would be served by issuance of the license. ABC typically relies on the findings of the local agency to support such a showing. Therefore, staff recommends that the Commission adopt the findings in Resolution PC-2010-07 that the public convenience or necessity would be served by issuance of an ABC license for the premises.

City Staff concludes that subject to compliance with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2010-05, the issuance of this Use Permit would not create a law enforcement problem. According to the Placentia Police Department, Walgreens is not located within a high crime reporting district. The Development Services Department and the Placentia Police Department have reviewed the request and are supporting the proposal.

Floor Plan:

The submittal floor plan indicates that a large percentage of the floor area is devoted to retail space. At the north end of the building, there is the pharmacy/drive-through window area, men and women's lavatory and receiving. Along the east side of the floor plan are the general stock room, electrical equipment room, walk-in cooler/freezer, training room and the employee room. Finally, at the southeast corner of the floor plan is the 1 hour photo station and office area.

Access to the building is provided at 2 locations. The main entrance is at the southwest corner of the building. The service entrance into the receiving area is located at the northwest corner of the building.

Access/Parking:

The subject site can be accessed via two (2) existing driveway approaches. One access point is from Kraemer Boulevard at the northeast corner of the subject property. The other access point is via Yorba Linda Boulevard on the south side of the subject property.

Based on the square footage of the pharmacy/retail structure, which is approximately 11,288 square feet, a total of 45 parking spaces are required and 53 parking spaces are provided. The sale of beer and wine is not expected to increase the demand for parking within this shopping center.

CEQA:

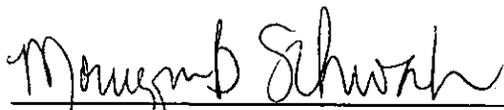
The proposed use is not expected to create a negative impact on the physical environment. It is City Staff's opinion that the use is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15305 and City Environmental Guidelines.

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.

ACTION:

Adopt Resolution No. PC-2010-07 approving Use Permit (UP) 2010-05, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by:


Monique B. Schwartz
Associate Planner, Development Services

Reviewed and approved by:


Raynald F. Pascua
Manager, Development Services

Reviewed and approved by:


Kenneth A. Domer
Assistant City Administrator

Exhibits:

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

Attachments:

- Attachment A: Resolution No. PC-2010-07
- Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2010-05
- Attachment C: Placentia Police Department Standard Development Requirements
- Attachment D: Orange County Fire Authority Special Conditions of Approval

RESOLUTION NO. PC-2010-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2010-05 PERTAINING TO PROPERTY LOCATED AT 191 E. YORBA LINDA BOULEVARD AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Walgreens c/o Luce Forward Attorneys at Law, Brian Fish and Jennifer Chavez for owner of Walgreens and Placentia Village Square LLC, owner of the property located at 191 E. Yorba Linda Boulevard ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2010-05, 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 May 11, 2010 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 "T-C" Town Center 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 Town Center (T-C) 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 "T-C" Town Center District in the City of Placentia. Approval of the Use Permit for the sale of alcoholic beverages within this retail/pharmacy business 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 "T-C" Town Center 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 2010-05 to ensure compliance with the Placentia Municipal Code.

e. The Planning Commission specifically finds that public convenience or necessity would be served by the issuance of an ABC license for the premises based upon the following:

(1) The facility will be limited to a Type 20 (Off Sale Beer and Wine) license. No distilled spirits will be sold and no minors will be permitted to purchase alcoholic beverages;

(2) Walgreens is an existing retail store/pharmacy and the incidental sale of beer and wine is not anticipated to be the source of nuisance behavior associated with excessive consumption of alcoholic beverages because the proposed facility is primarily for the sale general drugstore merchandise and pharmacy items and the sale of beer and wine is in conjunction with the sale of these products;

(3) Beer and wine sales for off-site consumption will enable Walgreens' existing customers to have a one-stop shopping experience, thus allowing them to obtain all merchandise items at one time.

(4) The proposed availability of beer and wine with the sale of general drugstore merchandise is a service expected by the public;

(5) The restrictions on the on-site advertising of alcoholic beverages ensures that the sale of beer and wine is associated with the sale general drugstore merchandise and the sales of beer and wine is ancillary use of the retail/pharmacy business;

(6) Subject to compliance with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2010-05, The Placentia Police Department does not believe that this use permit issuance will create a law enforcement problem. Walgreens is not located within a high crime reporting district. The Development Services Department and the Placentia Police Department are supporting this proposal.

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 2010-05, 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 2010-05 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 11th day of May, 2010.

Chairman

I, Raynald F. Pascua, 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 11th day of May, 2010, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 11th day of May, 2010, by the following vote:

| | |
|------------|---------------------|
| AYES: | COMMISSION MEMBERS: |
| NOES: | COMMISSION MEMBERS: |
| ABSENT: | COMMISSION MEMBERS: |
| ABSTAINED: | COMMISSION MEMBERS: |

ATTEST:

Secretary to the Planning Commission

Attachment "B"
**Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2010-05**

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) 2010-05 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) 2010-05 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 Walgreens, 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:

Walgreens currently operates during the following hours:

Monday through Sunday: 8:00 a.m. to 10:00 p.m.

6. There shall be no additional modifications to the floor plan without approval from the Director of Development Services or his/her designee. Any additional changes to the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Use Permit.
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 if 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.

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 general retail/pharmacy business. All activities shall be conducted within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor or other nuisances.
19. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
20. The applicant/business owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid City Business License prior to operating the business.
21. 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 retail/pharmacy 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.

CITY BUILDING DIVISION:

24. The applicant shall obtain all necessary approvals from the City prior to constructing any tenant improvements. The plans for the tenant improvement shall be prepared by a California-licensed architect or engineer.
25. 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.
26. Existing restroom facilities shall be in compliance with Title 24 Access Regulations.

CITY POLICE DEPARTMENT:

27. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).
28. Applicant/business owner of Walgreens shall be in compliance with all Alcoholic Beverage Control requirements.
29. This Use Permit shall be reviewed one year from the date of approval and each year thereafter as necessary. The review shall be conducted jointly by the Development Services Director and Police Chief or designee. The purpose of this review shall be to identify uniquely adverse issues such as loitering, vandalism, criminal activity, noise, or nuisance resulting from the Use Permit. If such issues are identified, the Use Permit shall be presented to the Planning Commission for their consideration of conditions, modifications, or revocation.
30. 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.
31. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of merchant items that include food within the market and restaurant during the same time period. The licensee shall at all times maintain records which reflect separately the gross sales of food 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.
32. Sales of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. to 10:00 p.m.
 33. 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-packages multi-unit quantities.
 34. No wine shall be sold with an alcoholic content greater than 15% by volume.
 35. The subject alcoholic beverage license shall not be exchanged for another public type premises type license.
 36. No wine coolers shall be sold in less than a four pack quantity.
 37. No beer or wine shall be displayed within (5) feet of the cash register or any public entrance.
 38. 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.
 39. No distilled spirits may be on the premises at any time.
 40. Employees who sell beer and wine shall be at least 21 years of age.
 41. No advertising for beer or wine shall be visible from outside the building.
 42. All containers of alcoholic beverages that are displayed for sale shall be secured against public access between the hours of 10:00 p.m. and 8:00 a.m. Secured refrigerator compartments must have interior compartment separators to prevent access from neighboring non-locking doors or compartments.
 43. The subject alcoholic beverage license shall not be exchanged for a "On-sale Beer and Wine" type license, nor operated as a public premise.
 44. Alcoholic beverages shall be sold and packaged within accordance to Alcoholic Beverage Control standards.
 45. The sale of beer for consumption on the premises is prohibited.

46. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
47. Signs shall be posted at all exits of the premises, which prohibit alcoholic beverages from being opened or consumed on or around the premises.
48. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
49. The use of any amplifying system, outdoor sound system, loudspeakers, paging system, or any other such device is prohibited on the licensed premises.
50. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
51. Graffiti shall be removed from the exterior walls and windows of the premises within 48 hours of discovery.
52. 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.
53. 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.
54. 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.
55. 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:

56. 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

POLICE DEPARTMENT

APPLICATION

UP2010-05

STANDARD DEVELOPMENT REQUIREMENTS

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

COMMERCIAL/INDUSTRIAL SECURITY

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 tract 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 (1-3/4) 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.

EXTERIOR DOORS

OTHER DOORS

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."

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 (1-1/2) 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 constructed or protected to prevent violation of strike area.

Hinges for out-swinging doors shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude 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 nonremovable 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.

COMMERCIAL/INDUSTRIAL SECURITY, Con't.

DOORS

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 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 side.

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 nonremovable 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 nonremovable bolt.

The protective bars or grills shall be of the openable type if such windows are required to be openable 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 nonremovable hinge pins.

COMMERCIAL/INDUSTRIAL SECURITY, Con't.

LADDERS

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

*MISC

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 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. Designated building (if a complex).

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 maintained during hours of darkness.

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 maintained from dusk until one-half (1/2) hour after the termination of business.

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 • (714) 573-6100 / Fax (714) 368-8843

Date: March 26, 2010

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

From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156137**
Walgreens- 191 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 significant issues associated with this proposal that would prevent further submittals to the OCFA should the city approve the CUP. Please provide the conditions listed below on the resolution issued to the applicant.

CONDITIONS OF APPROVAL

Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a building permit:

- fire master plan (service code PR145)
- methane investigation/mitigation (service codes PR172-PR176)
- hazardous materials compliance and chemical classification (service codes PR315-PR328)
- high-piled storage (service code PR330)
- underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475)
- underground piping (service code PR470-PR475), if private hydrants are installed/modified or a fire sprinkler system is required by code or installed voluntarily
- fire sprinkler system (service codes PR400-PR465)
- fire sprinkler system (service codes PR400-PR465), if required by code or installed voluntarily

Prior to concealing interior construction:

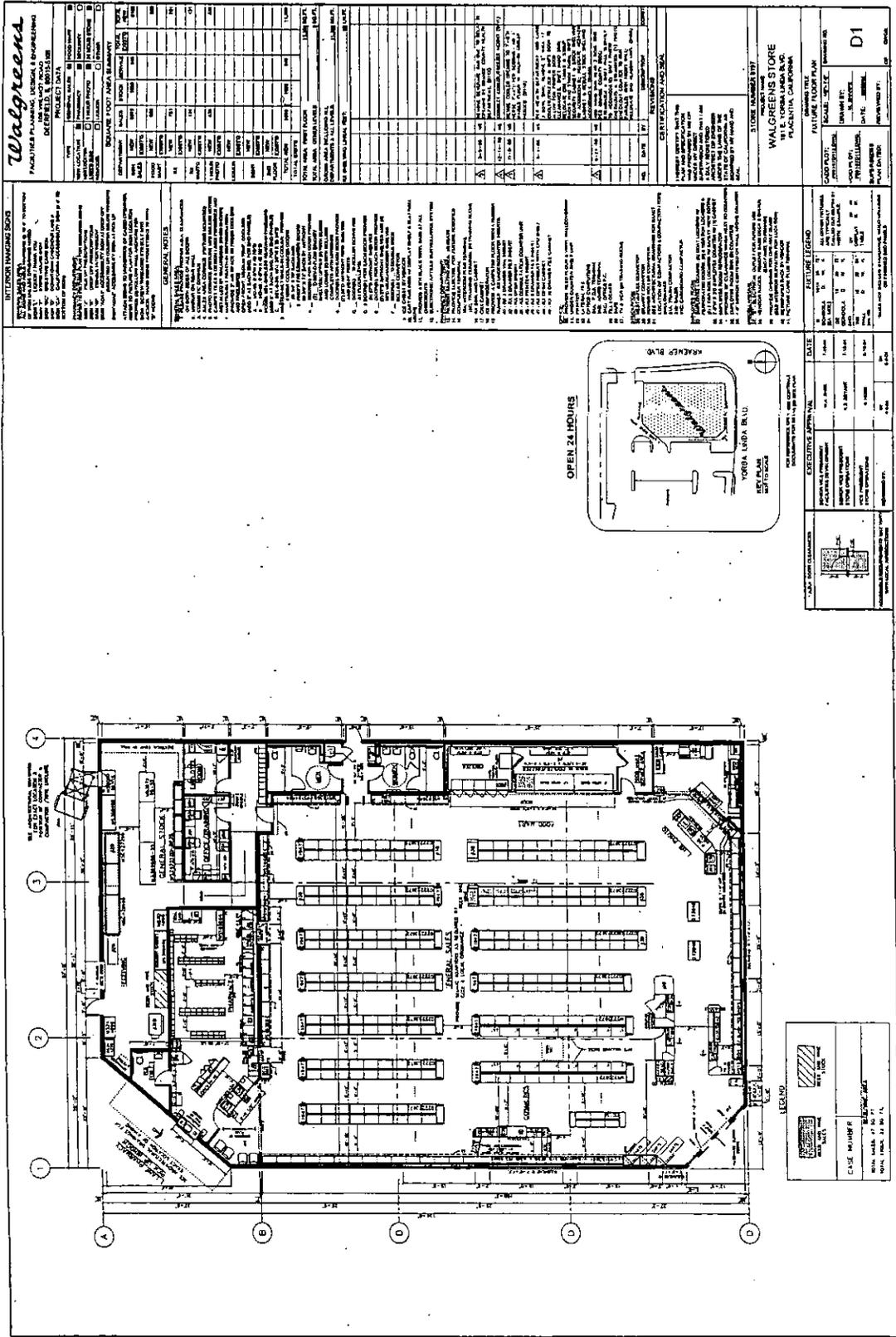
- fire sprinkler system (service codes PR430-PR455).
- fire sprinkler system (service codes PR430-PR455), if the building is currently sprinklered and the system requires modification

OCFA SR #156137

Walgreens- 191 E. Yorba Linda Blvd., Placentia
PR105 Site Development Review/CUP

Specific submittal requirements may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Standard notes, guidelines, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting www.ocfa.org and clicking on "Fire Prevention" and then "Planning & Development Services."

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.



FLOOR PLAN



PLANNING DIVISION REPORT
UP 2010-05
Exhibit 3

STATEMENT OF USE

Walgreens CUP for Alcohol Sales

Walgreens currently operates a 11,369 square foot store at 191 E. Yorba Linda Boulevard in the City of Placentia. Walgreen's seeks a conditional use permit to allow it to also sell beer and wine for offsite consumption. This application requests the right to dedicate a maximum of 250 square feet of floor area to wine and beer sales and storage. As reflected in the attached floor plan, the initial sales program contemplates that approximately 49 square feet of refrigerated and non-refrigerated space will be devoted to the sale of wine and beer and that approximately 18 square feet of floor area will be devoted to the storage of wine and beer. Walgreens' hours of operations for all retail operations will continue to be from 8:00 am to 10:00 pm. Walgreens will also continue to employ approximately 16 full-time and 2 part-time employees.

This application includes representative pictures of the existing building and site, as well as pictures of surrounding uses. In addition, the application materials include a survey and the floor plan noted above. The proposed beer and wine sales compliment Walgreens existing retail operation. The introduction of beer and wine will involve no physical change to the interior space (other than some minor rearrangement of merchandise, shelving and coolers) nor to the building envelope, building exterior or landscaping. These minor interior changes will involve no grading, construction or construction equipment at the store.







Placentia Planning Commission Agenda Staff Report

| | | |
|--|---|----------------------------|
| AGENDA ITEM NO.: 3 | DATE: May 11, 2010 | PUBLIC HEARING: Yes |
| APPLICATION: Use Permit (UP) 2010-07 | | |
| DESCRIPTION: To permit the operation of a children and family fitness center that offers instruction on martial arts, kick boxing, dance, circuit machines, sports team training and birthday parties in a +/- 1,920 square foot commercial/retail suite. | | |
| RELATED APPLICATIONS: None | | |
| APPLICANT: Cameron Heath | | |
| PROPERTY OWNER: Merickel Investments: Kim Summers (agent) | | |
| LOCATION: 909 E. Yorba Linda Boulevard, Suite K | | |
| CEQA DETERMINATION: Categorically Exempt: Class 1, Section 15301 and Class 5, Section 15305 | | |
| ZONING: Neighborhood Commercial (C-1) | | APN(S): 336-515-07 |
| GENERAL PLAN: Commercial | CITY COUNCIL ACTION REQUIRED: No | |
| PREPARED BY: Monique B. Schwartz, Associate Planner | | |
| REVIEWED BY: Raynald F. Pascua, Development Services Manager | | |

REQUEST:

To permit the operation of a children and family fitness center that offers instruction on martial arts, kick boxing, dance, circuit machines, sports team training and birthday parties in a +/- 1,920 square foot commercial/retail suite, located at 909 E. Yorba Linda Boulevard, Suite K in the Neighborhood Commercial (C-1) District.

INTRODUCTION:

The "C-1" - Neighborhood Commercial District does not specifically include fitness centers, martial arts studios, kick boxing studios or circuit machine training studios as uses permitted subject to obtaining a use permit; however, it may be permitted if the Planning Commission finds that the proposed use is in accord with the purpose of the C-1 - Neighborhood Commercial District (Chapter 23.33 of the Placentia Municipal Code) and has characteristics similar to the uses listed in Section 23.33.040.

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

The proposed family fitness center has operational characteristics that are similar in nature to health clubs, such as the convening of persons at a given location and time for classes for the maintenance of health and fitness. It is City Staff's opinion that the proposed use is consistent with the intent of Chapter 23.33 and that the C-1 District should provide cultural and recreational uses of this type. Therefore, pursuant to Section

23.33.040 of the Placentia Municipal Code, the proposed family fitness center requires use permit approval. A use permit is required to evaluate the potential impacts the proposed business may have on adjacent businesses and/or residences; impacts on existing parking, city services and concentrations of similar uses.

RECOMMENDATION:

City Planning Division is recommending approval of Use Permit (UP) 2010-07, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

BACKGROUND:

On February 8, 2005, the Planning Commission approved Use Permit (UP) 05/01 for the operation of Action Kids at 1273 E. Imperial Highway. This original business was under the ownership of Steve Ewing and Sonya Rikhy. The original business plan was for a children’s fitness center for kids between the ages of five (5) and thirteen (13). Programs included circuit training, martial arts, dance, gymnastics, summer and winter camps, birthday parties, nutrition classes and an assortment of other programs. In December of 2008, Action Kids moved out of the City of Placentia to a new location within the City of Yorba Linda. Because of economic reasons, this business left the Yorba Linda location to again locate within the City of Placentia. Cameron Heath assumed ownership of Action Kids in July of 2009 and has changed the focus of his business plan from only children, to children and families.

Cameron Heath has entered into a lease agreement for the proposed location at 909 East Yorba Linda Boulevard, Suite K, but has not commenced business operations.

DISCUSSION:

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

Subject Site and Surrounding Land Uses:

| | Existing Land Use | Land Use Element General Plan Designation | Zoning Map Designation |
|-----------------|-----------------------------------|--|-------------------------------|
| Existing | Commercial/Retail Shopping Center | "Commercial" | "C-1" |
| Proposed | Children/Family Fitness Center | "Commercial" | "C-1" |
| North | Single Family Residential | "Low Density Residential" | "R-1" |
| South | Yorba Linda Boulevard | ---- | ---- |

| | | | |
|-------------|----------------------------------|----------------------------|-------|
| East | Planned Unit Development | Medium Density Residential | PUD-2 |
| West | McCormack Lane/Commercial Office | "Office" | "C-O" |

Operational Characteristics:

Action Kids will be owned and operated by Cameron Heath. Mr. Heath has ten (10) years of experience instructing children. He has multiple black belts and has an educational background in child development, psychology and kinesiology. According to the applicant's Statement of Use, the primary focus of Action Kids will be on families rather than specifically on younger children, creating a community, a place to learn, develop and explore in a safe and nurturing environment. The business not only teaches fitness techniques, but also teaches life skills to help children and adults alike grow as individuals. Programs include instruction in martial arts, kick boxing, dance, circuit machines and sports team training. Birthday parties are also offered on Fridays, Saturdays. A total of twenty (20) students and two instructors will be within the fitness studio at any one time.

Action Kids will operate during the following hours:

- Monday through Thursday: 3:00 p.m. to 8:00 p.m.
- Friday: 6:00 p.m. to 8:00 p.m.
- Saturday: 9:00 a.m. to 12:00 p.m.
1:00 p.m. to 3:00 p.m.
3:30 p.m. to 5:30 p.m.
- Sunday: Closed

The only instructor at this time is the business owner, Cameron Heath, however, as business improves, he may hire one (1) additional instructor.

Floor Plan:

The submittal floor plan indicates that the main entrance is located on the south side of the suite where there is a small lobby with a reception desk. Counters separate the lobby area from the main martial arts and dance floor area as well as the circuit machine and fitness floor area. A staff break room, a storage closet, and three (3) restrooms are located along the north side of the tenant space. There is an existing secondary exit located along the east wall. Please note that the Building Division requires that the secondary exit be located at a distance more than one-half of the longest diagonal of the tenant space from the primary entrance/exit.

Access/Parking:

Access to the subject site is via driveway approaches off of McCormack Lane and off of Yorba Linda Boulevard, traveling west. There is approximately 18,348 square feet of commercial/retail space within this shopping center. There are ninety-nine (99) existing parking spaces and seventy-three (73) are required. In total, the shopping center has a surplus of twenty-six (26) parking spaces. The proposed family fitness center requires eight (8) parking spaces.

Based on the present uses within this shopping center, it is not expected that the proposed family fitness center will impact the available parking at this site due to the surplus of twenty-six (26) parking spaces, the maximum sixty (60) minute training sessions, the fifteen (15) minute class intervals and a maximum of twenty (20) students and two (2) instructors occupying this facility at any given time. Also, the nature of this type of business involves the drop-off and pick-up of younger students, or the carpooling of families, which further reduces the parking needs.

Vehicles stopping, dropping-off or picking-up students in the interior drive aisle may impede vehicular circulation and subject motorists and students to unsafe conditions. Staff recommends that parents who are dropping-off or picking-up students, be required to park their vehicle and physically accompany students to and from the tenant space. A Special Condition of Approval has been included as part of this staff report to ensure compliance with this recommendation.

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 Sections 15301 and 15305 and City Environmental Guidelines.

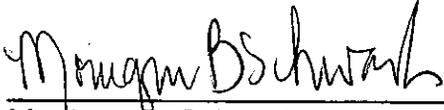
Section 15301 of the CEQA Guidelines exempts projects that consist of the permitting or minor alteration of existing private structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. An example included in the CEQA Guideline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

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

ACTION:

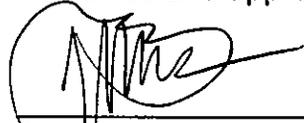
Adopt Resolution No. PC-2010-08 approving Use Permit (UP) 2010-07, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by:



Monique B. Schwartz
Associate Planner, Development Services

Reviewed and approved by:



Raynald F. Pascua
Manager, Development Services

Reviewed and approved by:



Kenneth A. Domer
Assistant City Administrator

Exhibits:

- Exhibit 1: Vicinity Map
- Exhibit 2: Site Plan
- Exhibit 3: Floor Plan
- Exhibit 4: Statement of Use
- Exhibit 5: Class Schedule

Attachments:

- Attachment A: Resolution No. PC-2010-08
- Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2010-07
- Attachment C: Placentia Police Department Standard Development Requirements
- Attachment D: Orange County Fire Authority Special Conditions of Approval

RESOLUTION NO. PC-2010-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2010-07 PERTAINING TO PROPERTY LOCATED AT 909 E. YORBA LINDA BOULEVARD, SUITE K AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Mr. Cameron Heath, for Action Kids, ("Applicant" hereinafter) and Merickel Investments, owner of the property located at 191 E. Yorba Linda Boulevard, heretofore filed an application for approval of Use Permit No. 2010-07, 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 May 11, 2010 this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

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

B. Resolution.

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

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

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

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

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

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

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments B, C and D), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted use in the "C-1" Neighborhood Commercial District in the City of Placentia. Approval of the Use Permit for the family fitness center 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 2010-07 to ensure compliance with the Placentia Municipal Code.

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

4. The Planning Commission hereby directs that, upon approval of Use Permit 2010-07, 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 2010-07 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 11th day of May, 2010.

Chairman

I, Raynald F. Pascua, 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 11th day of May, 2010, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 11th day of May, 2010, by the following vote:

| | |
|------------|---------------------|
| AYES: | COMMISSION MEMBERS: |
| NOES: | COMMISSION MEMBERS: |
| ABSENT: | COMMISSION MEMBERS: |
| ABSTAINED: | COMMISSION MEMBERS: |

ATTEST:

Secretary to the Planning Commission

Attachment "B"
Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2010-07

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) 2010-07 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) 2010-07 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 Action Kids, 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:

Action Kids will operate during the following hours:

Monday through Thursday: 3:00 p.m. to 8:00 p.m.

Friday: 6:00 p.m. to 8:00 p.m.

Saturday: 9:00 a.m. to 12:00 p.m.
1:00 p.m. to 3:00 p.m.
3:30 p.m. to 5:30 p.m.

Sunday: Closed

6. There shall be no additional modifications to the floor plan without approval from the Director of Development Services or his/her designee. Any additional changes to the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Use Permit.
7. Prior to any modification of the floor plan or classroom size 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. Prior to any change in classroom size, the applicant shall obtain written approval from the Director of Development Services or his/her designee. There shall be no more than 20 students and two (2) instructors in attendance at any time within this facility.
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. No drop-off/pick-up activities from motor vehicles shall be permitted to occur at any time within the shopping center's drive aisles. Parents/drivers shall park their vehicle prior to drop-off and should accompany students to and from the facility.
17. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation.

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

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

18. This establishment shall be operated as a family fitness center at all times. All activities shall be conducted within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor or other nuisances.
19. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
20. The applicant/business owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid City Business License prior to operating the business.
21. 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. Any changes or modifications to the approved use shall be subject to review and approval by the Director of Development Services.

CITY BUILDING DIVISION:

23. 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.
24. Applicant/property owner shall obtain demolition permits for removal of any existing interior tenant improvements.
25. 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.
26. Existing staff/handicap bathroom shall comply with ADA Title 244 Access Regulations. This bathroom shall be converted into a uni-sex restroom facility.
27. Applicant shall post an occupancy load sign as needed for a Type A occupancy.
28. Second emergency exit shall be located more than one-half the distance of the longest diagonal in the tenant space. Proper sign (s) with illumination devices shall be provided.

CITY POLICE DEPARTMENT:

29. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).

ORANGE COUNTY FIRE AUTHORITY:

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

Attachment "C"
Placentia Police Department Standard Development Requirements

POLICE DEPARTMENT

APPLICATION UP 2010-07

STANDARD DEVELOPMENT REQUIREMENTS

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

COMMERCIAL/INDUSTRIAL SECURITY

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 tract 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 (1-3/4) 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.

EXTERIOR DOORS