



Placentia Planning Commission Agenda

Regular Meeting
August 10, 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
August 10, 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 Perez
Vice Chairman Tomazic
Chairman Green

PLEDGE OF ALLEGIANCE

MINUTES

Regular Meeting: July 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:** Tim Miller (Trillium Consulting)
Location: 401 E. Chapman Avenue (City of Placentia Civic Center)

Use Permit (UP) 2010-08:

To permit the construction of a +/- 35 foot high freestanding T-Mobile wireless communication facility designed as a "Monopalm", consisting of nine (9) panel antennas with associated equipment cabinets within an adjacent equipment enclosure, located at 401 E. Chapman Avenue (City of Placentia Civic Center) in the Commercial Office "C-O" District.

Recommended Action:

Adopt Resolution No. PC-2010-11 approving Use Permit (UP) 2010-08, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

2. **Applicant:** City of Placentia

Amendment 2010-02:

Proposed amendments to Chapters 23.39, 23.47, 23.105 and 23.107 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to use conformity determination.

The purpose of this hearing is to consider amendments to Chapters 23.39, 23.47, 23.105 and Chapter 23.107 of Title 23 of the Placentia Municipal Code pertaining to findings and

determinations to be made by the Planning Commission regarding proposed uses within various commercial and manufacturing zones, not specified in said Chapters, conform to the intent and purpose of said Chapters and to determine whether such proposed uses require a Use Permit or are determined to be Permitted Uses.

Recommended Action:

Adopt the findings and recommend approval of Zoning Code Amendment 2010-02 to the City Council, and direct staff to prepare and transmit a report of the findings and recommendations of the Planning Commission to the City Council.

OLD BUSINESS

NONE

NEW BUSINESS

AB 32 & SB 375 Overview

DEVELOPMENT REPORT

PLANNING COMMISSION REQUESTS

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

ADJOURNMENT

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, September 14, 2010 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

CERTIFICATION OF POSTING

I, Monique B. Schwartz, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the August 10, 2010 Regular meeting of the Planning Commission of the City of Placentia was posted on August 5, 2010.

Kenneth A. Domer

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

The regular meeting of the Placentia Planning Commission of July 13, 2010 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, California by Chairman Perez.

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

Absent: Frank Perez, Chairman

PLEDGE OF ALLEGIANCE: Led by Commissioner Farano

Others Present: Monique Schwartz, Associate Planner
Stephen McEwen, City Attorney
Sara Salazar, Administrative Assistant

Motion by Commissioner Ebenhoch, seconded by Commissioner Schaefer to APPROVE THE MINUTES of May 11, 2010. Passed by a 4-0-1-2 vote (Perez Absent Excused, Scull and Farano Abstained).

ELECTION OF CHAIRMAN: Motion by Commissioner Farano, seconded by Commissioner Tomazic to elect Craig Green for Chairman. Passed by 6-0-1 vote (Perez Absent Excused).

ELECTION OF VICE CHAIRMAN: Motion by Commissioner Schaefer, seconded by Commissioner Farano to elect Commissioner Tomazic for Vice Chairman. Passed by 6-0-1 vote (Perez Absent Excused).

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

Public Hearings:

- 1. Applicant: Davis Harouni**
Location: 1041 E. Yorba Linda Boulevard

Use Permit (UP) 2010-10:

To permit the operation of various medical related uses within a +/- 38,797 square foot medical office complex, including: outpatient surgery centers, pharmacy, laboratories, wound care/burn center, chemo-therapy center, radiology, radiation/oncology, acupuncture, physical therapy, hemodialysis, sleep disorder center and a snack/coffee shop, located at 1041 E. Yorba Linda Boulevard in the Commercial Office (C-O) District.

Ms. Schwartz congratulated Chairman Green and Vice Chairman Tomazic on their elections. She introduced the applicant to the Commission and gave the staff report.

Commissioner Schaefer commended staff on the creative approach taken on behalf of the applicant.

Chairman Green invited the applicant to address the Commission.

Mr. Davis Harouni, 1041 E. Yorba Linda Boulevard, thanked staff for their hard work.

Vice Chairman Tomazic asked the applicant if he is a partner of Placentia Medical LLC? Mr. Harouni responded yes.

Commissioner Farano asked how many of the different types of uses have agreed to use the space so far. Mr. Harouni responded four (4) or five (5).

Vice Chairman Tomazic asked Ms. Schwartz if renewal is required once a Use Permit is issued. Ms. Schwartz responded that a Use Permit runs with the land. The Use Permit is valid as long as the use is active.

Chairman Green asked if six (6) handicapped parking spots meet the City Municipal Code requirements. Ms. Schwartz responded that this item went before the Planning Commission in 2008 and the project complied with all development standards, including handicap parking.

Chairman Green opened the Public Hearing.

Chairman Green closed the Public Hearing.

Motion by Commissioner Schaefer, seconded by Vice Chairman Tomazic, TO ADOPT RESOLUTION NO. PC-2010-10 APPROVING USE PERMIT (UP) 2010-10, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 6-0-1 vote.

Old Business:

None

New Business:

None

DEVELOPMENT SERVICES MANAGER'S REPORT:

Ms. Schwartz provided an update on the gas station on the corner of Yorba Linda Boulevard and Rose Drive. She stated that staff has approved the lot line adjustment, and documents are pending from the adjacent property owners. Staff is reviewing the grading and street improvement plans.

Commissioner Schaefer asked if any interest has been expressed about the southeast corner of Alta Vista and Rose. Ms. Schwartz responded that no, there was none.

Commissioner Schaefer asked if there is anything new happening with the Schaener property. Ms. Schwartz responded that no, there is not.

Chairman Green adjourned the Planning Commission meeting at 6:47 p.m. to the next regularly scheduled meeting on August 10, 2010 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Monique Schwartz
Associate Planner



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 1	DATE: August 10, 2010	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2010-08		
DESCRIPTION: To permit the construction of a +/- 35 foot high freestanding T-Mobile wireless communication facility designed as a "Monopalm", consisting of nine (9) panel antennas and associated equipment cabinets within an adjacent equipment enclosure, located at 401 E. Chapman Avenue (City of Placentia Civic Center) in the Commercial Office (C-O) District.		
RELATED APPLICATIONS: None		
APPLICANT: Tim Miller (Trillium Consulting)		
PROPERTY OWNER: City of Placentia		
LOCATION: 401 E. Chapman Avenue (City of Placentia Civic Center)		
CEQA DETERMINATION: Categorically Exempt: Class 3, Section 15303		
ZONING: Commercial Office (C-O)	APN(S): 340-312-03	
GENERAL PLAN: Office	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Monique B. Schwartz, Associate Planner		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator		

REQUEST:

To permit the construction of a +/- 35 foot high freestanding T-Mobile wireless communication facility designed as a "Monopalm", consisting of nine (9) panel antennas, with associated equipment cabinets within an adjacent equipment enclosure, located at 401 E. Chapman Avenue (City of Placentia Civic Center) in the Commercial Office (C-O) District.

It is important to note that the City of Placentia is the property owner of the Placentia Civic Center and as such, has authorized the filing of this use permit application to request approval of the Planning Commission, to permit the construction of a new +/- 35 foot high Monopalm, as well as the installation of the related equipment.

INTRODUCTION:

Pursuant to Section 23.82.070 of the Placentia Municipal Code, all major wireless communication facilities established in the City are required to obtain Planning Commission approval of a use permit application. The proposed "Monopalm" is considered a "major wireless communication facility" because the "Monopalm" and related equipment is ground-mounted on property that is not within the public right-of-way (Placentia Municipal Code Section 23.82.020).

The proposed wireless communication site for T-Mobile will be designed to provide telecommunication services to businesses and the surrounding community around the intersection of Chapman Avenue and Kraemer Boulevard.

RECOMMENDATION:

The City Planning Division is recommending approval of Use Permit (UP) 2010-08, subject to the attached Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

The Placentia Civic Center property is comprised of two parcels: 340-312-02 and 340-312-03. The proposed wireless communication facility and related equipment cabinets will be located on parcel 340-312-03. This parcel is currently improved with Placentia City Hall and the Placentia Police Department building as well as related on-site parking. Parcel 340-312-02 is improved with the Placentia Library building and related on-site parking.

Subject Site and Surrounding Land Uses:

	Existing Land Use	Zoning Map Designation	Land Use Element General Plan Designation
Present	Placentia Civic Center	Commercial Office (C-O)	Office
Proposed	Placentia Civic Center with proposed +/- 35 foot high Monopalm wireless communication facility and related equipment cabinet enclosure	Commercial Office (C-O)	Office
North	Residential Planned Unit Development	Planned Unit Development (PUD) 3	Medium Density Residential
South	Chapman Avenue/High Density Residential Condominium Units	High Density Residential (R-3) District	High Density Residential
East	Placentia Library	Commercial Office (C-O)	Office
West	Kraemer Boulevard/Commercial Office Complex	Commercial Office (C-O) District	Office

Location:

The submittal site plan indicates that the new “Monopalm” structure will be located on the grassy area northwest of the existing veteran’s memorial monument. The new block wall enclosure/memorial wall that will house the related equipment cabinets will occupy approximately 400 square feet of ground lease area and will be constructed in an existing planter area adjacent to the east wall of the Police Department parking lot, directly west of the new Monopalm. There will be six (6) equipment cabinets within the new +/- 400 square foot walled lease area, that will be installed on a raised concrete pad. The proposed ground lease area will be enclosed with a block wall approximately 7’-0” to 8’-0” in height to match the existing masonry materials used on the face of the existing buildings as well as the walled Police Department parking lot. The new

“Monopalm” structure is located more than 100 lineal feet from any surrounding residential structures as specified in Section 23.82.050(4)(b) of the Placentia Municipal Code.

There is presently a memorial tree planted within the proposed equipment ground lease area that will be removed and relocated in front of the proposed equipment enclosure. The existing monument plaque that is presently installed in the ground adjacent to the tree will be removed and a new memorial plaque design will be installed on the wall face of the proposed enclosure by the applicant. The applicant shall work with the Development Services Department on the final design of the proposed equipment enclosure/memorial wall and landscaping.

Height:

Pursuant to Section 23.30.040 of the Placentia Municipal Code, the maximum height permitted within the Commercial Office (C-O) District is thirty-five (35) feet. According to the submittal elevations, the proposed Monopalm measures approximately 35 feet high above the finished grade, therefore complying with the height regulation. However, as allowed under Section 23.82.060 of the PMC, a wireless communication facility may exceed the height limit of a zone in order to effectively receive and send transmitted communication signals or to stealth and/or blend the facility in with the existing environment.

Antennas/Operational Characteristics:

T Mobile is proposing to install a total of nine (9) panel antennas; divided equally into three (3) sectors on the new “Monopalm” and three (3) TMA’s (Tower Mounted Amplifiers per sector). The panel antennas will be mounted approximately 33 feet above the finished grade (as measured to the top of the antennas). Additionally, six (6) equipment cabinets with the associated electronic equipment will be mounted on a raised concrete pad within the new +/- 400 square foot ground lease walled area.

The proposed wireless communication facility will provide twenty-four (24) hour service to T Mobile customers, seven (7) days a week. A T Mobile technician will service this facility on a periodic basis; with routine maintenance/inspections of the facility occurring once a month, during normal working hours. T Mobile requires twenty-four (24) hour access to the facility to ensure that technical support is immediately available if warranted. They will have keys to access the site as well as the fence and gate that surrounds the “Monopalm” and related equipment cabinets.

Aesthetics:

The City’s wireless communication facility ordinance specifically requires operators to consider visual impacts when locating and constructing a major wireless communication facility; therefore, the applicant has proposed to install a “Monopalm”, which by design is intended to blend into the surrounding environment. The trunk of the “Monopalm” will be

painted brown and the leaves or fronds will be green to resemble a living palm tree. The proposed colors are subdued and the materials are nonreflective to blend with materials and colors in the surrounding area. The new ground lease area will be surrounded by a 7'-0" to 8'-0" high block wall enclosure with a solid gate to completely screen the equipment cabinets. There will be six (6) equipment cabinets that will be mounted on a raised concrete pad within the 400 square foot enclosure. A Special Condition of Approval has been included to require that all cable/utility runs be placed underground.

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.

T-Mobile 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).

The applicant indicated that the equipment operates quietly or almost noise free. The equipment does not emit fumes, smoke or objectionable odors.

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:

Adopt Resolution No. PC-2010-11 approving Use Permit (UP) 2010-08, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by:

Reviewed and approved by:

Monique B. Schwartz
Associate Planner, Development Services

Kenneth A. Domer
Assistant City Administrator

Exhibits:

- Exhibit 1: Vicinity Map
- Exhibit 2: Site Plan
- Exhibit 3: Floor Plan
- Exhibit 4: Elevations
- Exhibit 5: Statement of Use
- Exhibit 6: Site Analysis of Radio Frequency Electromagnetic Fields

Attachments:

- Attachment A: Resolution No. PC-2010-11
- Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2010-08
- Attachment C: Placentia Police Department Standard Development Requirements
- Attachment D: Orange County Fire Authority Special Conditions of Approval

RESOLUTION NO. PC-2010-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2010-08 PERTAINING TO PROPERTY LOCATED AT 401 E. CHAPMAN AVENUE AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Mr. Tim Miller for T Mobile ("Applicant" hereinafter) and City of Placentia, owner of the property, located at 401 E. Chapman Avenue filed an application for approval of Use Permit No. 2010-08, 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 August 10, 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 "C-O" Commercial Office District and Wireless Communication Facilities.

According to the submittal Statement of Use and Site Analysis of Radio Frequency Electromagnetic Fields, the proposed T Mobile "Monopalm" structure installation is regulated by the Federal Communications Commission (FCC) and will operate in the frequencies established for Specialized Mobile Radio operators. The T Mobile 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 facility installation will be located within a new 400 square foot ground lease area that will be completely surrounded by a 7'-0" to 8'-0" high solid block wall to match the existing adjacent buildings and screened from public view. The applicant has 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 Categorical 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 "Office", and the proposed use does not involve any change in the land use of the subject site. Wireless communications facilities are permitted in the "C-O" Commercial Office District, subject to Use Permit approval.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments B, C and D), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted use in the "C-O" Commercial Office 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 "C-O" Commercial Office District.

d. The wireless communication facility will not have a visual or aesthetic impact on the property or in the immediate vicinity. The trunk of the "Monopalm" will be painted brown and the leaves or fronds are green to resemble a living palm tree. The colors will be subdued and the materials will be nonreflective to blend with materials and colors in the surrounding area. The new equipment cabinets will be located within a new 400 square foot ground lease area that will be completely surrounded by a 7'-0" to 8'-0" high solid block wall and solid gate match the adjacent existing buildings and screened from public view. The applicant has indicated that the equipment operates quietly or almost noise free. The equipment does not emit fumes, smoke or objectionable odors. Special Conditions of Approval have been included to require that all cable/utility runs are to be placed underground.

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 2010-08 to ensure compliance with the Placentia Municipal Code.

3. 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 § 15303) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2010-08, 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 2010-08 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 10th day of August, 2010.

Chairman

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 10th day of August, 2010, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 10th day of August, 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) 2010-08**

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.

1. Use Permit (UP) 2010-08 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. 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.
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 communications facility shall occur at any time without first obtaining approval from the Development Services

Department. The Director, or designee, may require that an expansion or future modification of the use permit requires Planning Commission discretionary review.

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 "Monopalm" structure and related equipment cabinets shall be at the expense of the leaseholder.
12. Use Permit (UP) 2010-08 shall be reviewed by the Development Services Department five (5) years (August 10, 2015) from the date of approval to insure compliance with all Special Conditions of Approval and Standard Development Requirements.
13. Applicant shall place all cable/utility runs underground.
14. The applicant's new ground-mounted equipment shall be located within the proposed new walled ground lease area. Applicant shall maintain the new "Monopalm" and related ground-mounted equipment in good visual condition at all times.
15. The ground-mounted equipment shall be located as indicated on the submittal site plan, adjacent to the proposed "Monopalm".

16. Wireless communication facilities shall not bear any signs or advertising devices other than certification, warnings or other required seals or signage at any time.
17. The applicant shall maintain the wireless telecommunication facility (“Monopalm” tower and associated equipment) in good condition and shall make repairs and replacements of equipment, stealth and structural components, due to damage caused by outdoor exposure and/or inclement weather. Under this condition, if the faux branch attachments, palm fronds and/or trunk bark, among others, fade in color due to outdoor exposure, the applicant shall replace such components within 60 days of written notice by the Director of Development Services or his/her designee. If the work cannot be completed within 60 days, the applicant shall provide the City with a bond or certification of deposit in the amount of the valuation of the requested repair and completion timeline to guarantee the work. The applicant shall be responsible for maintaining the leased property, including any applicable landscaped areas, walkways and all paved surfaces, free from graffiti, debris and litter at all times.
18. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
19. Branch foliage must vary in density, spacing, size and angle to avoid rigid symmetry; overall palm tree shape shall integrate with the context of the site; colors of the faux trunk and branches shall be non-reflective; green leaves or fronds shall be interspersed with brown to provide more natural appearance, and the exterior surface of the faux trunk shall emulate the texture of a real palm tree; all antennas (panels, microwave and GPS), mounting brackets, and coaxial cables shall be completely screened from public view by the faux foliage, aesthetic socks or other material, and painted to match; and, the overall design shall substantially conform to and implement the visual effect of an actual palm tree. The branches at the top of the “Monopalm” shall form a dome appearance. All aesthetic design shall be approved by the Director of Development Services.
20. The new “Monopalm” structure and foundation shall be structurally designed and engineered to accommodate the installation of nine (9) panel antennas and three (3) TMA’s (tower mounted amplifiers) per sector, as specified on the submittal plans and any additional branches as needed to adequately screen the proposed antennas on the pole in a form acceptable to the Development Services Department.
21. Applicant shall submit material and color samples for the equipment enclosure/memorial wall structure. Final materials and colors for the equipment enclosure shall be approved by the Development Services Department.
22. The applicant shall work with and obtain the approval of the Development Services Department on the final design of the proposed equipment enclosure/memorial wall. A modification to the proposed enclosure design may be requested. Applicant shall be responsible for all materials, to include memorial

materials and any required electrical/lighting connections for the approved memorial wall.

23. Applicant shall receive approval from the Development Services Department on the new location of the memorial tree, prior to installation.
24. Applicant shall submit landscape/irrigation plans that depict the replacement of existing and the installation of new landscaping around the new Monopalm and equipment enclosure.

CITY BUILDING DIVISION:

25. The building plans shall be prepared by a California licensed structural/civil engineer, with structural details and calculations regarding wind and seismic loads. Each page of plans shall be wet-signed.
26. Building and electrical permits shall be required for the new antenna's, microwave dishes, lighting and related ground-mounted equipment related to this project.
27. Applicant shall submit structural calculations prepared by a licensed California structural/civil engineer prior to issuance of any building permits.
28. Applicant shall provide detailed plans for new T-Mobile equipment cabinets, GPS antennas, etc.
29. 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.
30. Applicant shall supply structural details for the proposed block wall equipment enclosure.

CITY ENGINEERING DIVISION:

31. Applicant shall provide a signature block for the City Engineer's approval of final plans.
32. All conduits within paved area shall be constructed with boring method, no open trench is permitted.
33. An encroachment permit and an electrical permit are required prior to commencement of work.
34. At no time shall the east access to Police Department gated parking lot be blocked.

35. All drive aisles shall remain open at all times.
36. Performance and payment bonds and insurance with the City being named as additional insured will be required prior to permit issuance.
37. All damaged landscape/irrigation shall be replaced in kind.
38. All existing drainage paths shall remain functional during construction.
39. All pavement patching and replacement shall be done in accordance with City of Placentia Standards.
40. All worker's vehicles and all equipment not in use shall be parked against the north wall in the eastern most portion of the parking lot.

CITY POLICE DEPARTMENT:

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

ORANGE COUNTY FIRE AUTHORITY:

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

Attachment "C"
Placentia Police Department Standard Development Requirements

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



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.:	DATE: August 10, 2010	PUBLIC HEARING: Yes
APPLICATION: Amendment 10-02		
DESCRIPTION: Consideration of amendments to Chapters 23.39, 23.47, 23.105 and Chapter 23.107 of Title 23 of the Placentia Municipal Code pertaining to findings and determinations to be made by the Planning Commission regarding proposed uses within various commercial and manufacturing zones, not specified in said Chapters, conform to the intent and purpose of said Chapters and to determine whether such proposed uses require a Use Permit or are determined to be Permitted Uses.		
RELATED APPLICATIONS: None		
APPLICANT: City of Placentia		
PROPERTY OWNER: Not Applicable		
LOCATION: Various Zones		
CEQA DETERMINATION: General Rule Exception - Section 15061(b)(3)		
ZONING: C-M, M, SP5, SP7	APN(S): N/A	
GENERAL PLAN: Various	CITY COUNCIL ACTION REQUIRED: Yes	
PREPARED BY: Kenneth A. Domer, Assistant City Administrator		
REVIEWED BY: Monique B. Schwartz, Associate Planner		

REQUEST:

It is proposed to amend Chapters 23.39, 23.47, 23.105 and 23.107 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to use conformity determination. The amendment pertains to findings and determinations to be made by the Planning Commission regarding proposed uses within various commercial, manufacturing and specific plan zones, not currently specified, whether they conform to the intent and purpose of said Chapters and to determine whether such proposed uses require a Use Permit or are determined to be Permitted Uses.

INTRODUCTION:

Development Services Staff are increasingly finding ambiguity within the Placentia Municipal Code (PMC) related to permitted uses in the commercial and manufacturing zones as well as equivalent uses in the Specific Plan 5 and 7 zones. Typically, this vagueness occurs due to newer types of business uses desiring to locate in a commercial or manufacturing zone and such uses, while feasibly within the intent of the zone, are not specifically called out as permitted outright or with a use permit. While there is a standard clause to allow the Planning Commission to determine if a use requires a use permit, in the effected zones there is no such clause or process to allow a use as a permitted use.

BACKGROUND:

In April 2009, Staff initiated an action before the Planning Commission to determine whether a pilates studio was a use in conformity with a permitted use in the C-1 zone. This was an action without precedent and process. Based on additional requests to Staff and the Planning Commission, it was determined that a “patch” was needed in order to provide a process for Staff to bring forward items to the Planning Commission for review to determine their use conformity. In this discussion, Staff and the Planning Commission expressed a desire to facilitate businesses’ needs to locate within Placentia and therefore did not want to create an onerous nor expensive process.

Accordingly, after review of other municipal codes and discussions with the City Attorney, a proposed “Use Conformity Determination” process was drafted for Planning Commission consideration and potential recommendation to the City Council. In general, when presented with a proposed use that is in general conformity to the permitted use section of a specific zone, but not specifically listed in the PMC, Staff may direct the applicant to file for a Use Conformity Determination instead of a Use Permit. This procedure is designed to be an expedited process to receive Planning Commission direction on whether such a use is actually in conformity with the zone’s allowed permitted uses and therefore giving the applicant the right to proceed. The process also allows such a determination to require a Use Permit, therefore necessitating an application for a Use Permit at a subsequent Planning Commission meeting, if chosen by the applicant. The City Council has already established a fee for a Use Conformity Determination application. That fee is a deposit based amount of \$250. If the ordinance is ultimately recommended to and approved by the City Council, Staff will develop a framework application to expedite the review process and decrease the amount of Staff time, therefore reducing the cost to the applicant, for bringing an application before the Planning Commission.

DISCUSSION:

In general, the proposed ordinance looked at the commercial and manufacturing sections of the PMC which do not contain a general clause within the permitted use section that allows the Planning Commission to make a determination of whether a use is in general conformity with the intent of the section. The PMC Chapters proposed to be amended include Chapters 23.39 (Commercial-Manufacturing), 23.47 (Manufacturing), 23.105 (Specific Plan 5) and 23.107 (Specific Plan 7). Chapters 23.30 (Commercial-Office), 23.33 (Commercial-1), 23.36 (Commercial-2), and 23.37 (Santa Fe-Commercial) already contain language that allow for the Planning Commission to make such a determination.

The draft ordinance changes each of the effected Chapters with the same language and sets into code a process. The language proposed is: “Notwithstanding the provisions of § 23.XX.XXX and § 23.XX.XXX, the Planning Commission of the City of Placentia may, upon application made pursuant to the provisions of Chapter 23.87, review and

determine whether a proposed use, not otherwise specified in § 23.XX.XXX or § 23.XX.XXX, conforms to the intent and purpose of this Chapter 23.XX with regard to permitted uses or uses authorized pursuant to a use permit and has characteristics similar to those uses listed in said § 23.XX.XXX or § 23.XX.XXX. The City Administrator shall determine the number of plot plans to be submitted together with the application. The Planning Commission shall make the findings required by § 23.87.040 (1) and (2) in making any such determination.”

This draft ordinance is to be considered a ‘patch’ to our current zoning code and it was drafted in such a way that allows continued discretionary approval by the Planning Commission. However, the expedited process to receive a Use Conformity Determination and substantially reduced application fee is of benefit to the applicants.

RECOMMENDATION:

City Planning Division is recommending approval of Resolution PC-2010-12 and recommendation of Amendment 2010-02 to the City Council.

ENVIRONMENTAL ANALYSIS:

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines require the Planning Commission to consider the potential environmental impacts of the proposed application. Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. The consideration and recommendation of the draft ordinance by the Planning Commission will not have an effect on the environment.

ACTION:

Adopt Resolution No. PC-2010-12 and recommend approval of Amendment 2010-02 to the City Council.

Prepared and submitted by:

Reviewed by:

Kenneth A. Domer
Assistant City Administrator
Services

Monique B. Schwartz
Associate Planner, Development

Attachments:

Attachment A: Resolution No. PC-2010-12
Attachment B: Draft Ordinance 0-2010-____