



Placentia Planning Commission Agenda

Regular Meeting
October 13, 2015

6:30 p.m.

City Council Chambers
401 E. Chapman Avenue

Christine Schaefer
Chair

Frank Perez
Vice Chair

Dennis Lee
Commissioner

James Schenck
Commissioner

Thomas Solomonson
Commissioner

Vic Tomazic
Commissioner

Vacant
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

Phone: (714) 993-8124
Fax: (714) 528-4640
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 CELL PHONES AND OTHER ELECTRONIC
EQUIPMENT WHILE THE COMMISSION IS IN SESSION.**

Special Accommodations

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

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

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

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

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

CALL TO ORDER:

ROLL CALL: Commissioner Lee
Commissioner Schenck
Commissioner Solomonson
Commissioner Tomazic
Vice Chair Perez
Chair Schaefer

PLEDGE OF ALLEGIANCE:

ORAL COMMUNICATIONS:

At this time the public may address the Planning Commission concerning any agenda item, which is not a public hearing item, or on matters within the jurisdiction of the Planning Commission. There is a five (5) minute time limit for each individual addressing the Planning Commission.

CONSENT CALENDAR: None

PUBLIC HEARING:

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

Zoning Code Amendment (ZCA) 2015-04:

An Ordinance. Amending Sections 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) of Title 23 (Zoning Ordinance) and Section 8.44.050 of Title 8 (Health and Sanitation) of the Placentia Municipal Code Pertaining to massage establishments. The proposed Zone Code Amendment is not expected to create a negative impact on the physical environment and is therefore categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guideline § 15061(b)(3) and City Environmental Guidelines.

Recommended Actions: It is recommended that the Planning Commission:

- a. Open Public Hearing concerning the Zone Change, No. 2015-04, Receive the Staff Report and consider all Public Testimony, and Close the Public Hearing; and
- b. Adopt Resolution No. PC-2015-17, A Resolution of the Planning Commission of the City of Placentia, California, recommending to the City Council of the City of Placentia, Amending Sections 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and

23.36.040(15) of Title 23 (Zoning Ordinance) and Section 8.44.050 of Title 8 (Health and Sanitation) of the Placentia Municipal Code Pertaining to massage establishments.

- c. Find that the Application is Categorically Exempt from CEQA pursuant to State CEQA Guidelines § 15301 as it pertains to an "Existing Facility" where it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

OLD BUSINESS: None

NEW BUSINESS:

2. UCD 2015-05 Parking Determination for 201 West Santa Fe Street

Recommended Actions: It is recommended that the Planning Commission:

- a. Adopt Resolution PC-2015-18, A Resolution of the Planning Commission of the City of Placentia, Making Certain Findings the Practical Difficulties Exist which Preclude the Reasonable Provision of the Required Number of Parking Spaces, and the Public Off-Site Parking may be Counted for Some or All of the Required Parking Pertaining to the Business to be Located 201 West Santa Fe Street and Making Finding in Support Thereof Subject to the Attached Conditions of Approval.

DEVELOPMENT REPORT:

DIRECTOR'S REPORT:

PLANNING COMMISSION REQUESTS

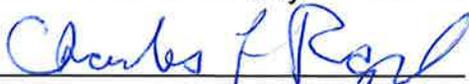
Commission members may make requests or ask questions of Staff. If a Commission member would like to have formal action taken on a requested matter, it will be placed on a future Commission Agenda.

ADJOURNMENT

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, November 10, 2015 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

CERTIFICATION OF POSTING

I, Charles L. Rangel, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the October 13, 2015 Regular Meeting of the Planning Commission of the City of Placentia was posted on October 8, 2015.



Charles L. Rangel, Secretary



Placentia Planning Commission Agenda Staff Report

TO: PLANNING COMMISSION

FROM: CONTRACT SENIOR PLANNER

DATE: October 13, 2015

SUBJECT: **Zone Code Amendment ZCA 2015-04 PERTAINING TO MASSAGE ESTABLISHMENTS**

RECOMMENDATION:

It is recommended that the Planning Commission take the following action:

- 1) Open Public Hearing concerning the Zone Change, No. 2015-04, Receive the Staff Report and consider all Public Testimony, and Close the Public Hearing; and
- 2) Adopt Resolution No. PC-2015-17, A Resolution of the Planning Commission of the City of Placentia, California, recommending to the City Council of the City of Placentia, Amending Sections 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) of Title 23 (Zoning Ordinance) and Section 8.44.050 of Title 8 (Health and Sanitation) of the Placentia Municipal Code Pertaining to massage establishments.
- 3) Find that the Application is Categorically Exempt from CEQA pursuant to State CEQA Guidelines § 15301 as it pertains to an "Existing Facility" where it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

DISCUSSION:

By way of background to this issue of massage establishments, in 2009 as Senate Bill (SB) 731, later amended by Assembly Bill 619, and enacted as Section 4600 et seq. of the Business and Professions Code, this law was passed which allowed voluntary state-wide certification of massage practitioners and therapists, and, more importantly, restricted local control of massage establishments.

In 2013 and 2014, elected officials across California relayed a message to the League of California Cities about one of the challenges facing cities: the inability to regulate the massage industry and the resulting explosion of illicit establishments. Cities worked with their Legislators to craft legislation that would return local authority to cities to regulate massage businesses and give cities the tools to shut down businesses violating local ordinances.

AB 1147 went into effect in January, 2015. This landmark legislation allows local governments to use their regulatory and land use authority, as is the case with other businesses, to ensure the public's safety, reduce human trafficking, and enforce local standards for the operation of the business of massage therapy. Under AB 1147, cities and counties will be able to regulate the business that provides the massage therapy services and the California Massage Therapy Council will be responsible for regulating ***those individuals who apply or have a certification to provide massage therapy services***. This division of authority and responsibility is reflected in the following statement of Legislative intent: "It is the intent of the Legislature that broad control over land use in regulating massage establishments be vested in local governments so that they may manage those establishments in the best interests of the individual community, and that the requirements and practice of the profession of massage remain a matter of statewide concern, regulation, and oversight" (Business & Professions Code 4600.S(b)).

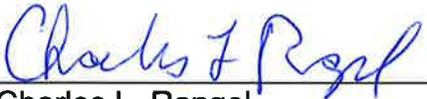
Prior to the enactment of AB 1147, jurisdictions could only impose requirements on massage therapy businesses that were the same as those uniformly applied to all other business providing professional services. Because local jurisdictions regulate different types of businesses differently and there isn't a uniform set of "professional service" regulations, jurisdictions were unable to regulate an industry that can be susceptible to criminal activity, including human trafficking. In addition, on September 15, 2015 the makeup of the California Massage Therapy Council was changed from 20 members to 13, with more representation from a diverse set of stakeholders. New additions will include a member from the California Police Chiefs organization, a member from an anti-human trafficking organization, a city attorney, and a public health official. This new composition of Board members should provide a balanced perspective.

The proposed ordinance will require all massage applicants to apply for a Use Permit which shall be approved by the Planning Commission. The Placentia Police Department will continue to conduct criminal background checks on individuals applying for massage licenses.

CEQA:

In accordance with the requirements of the CEQA, and pursuant to the provisions of § 15061(b)(3) of Division 6 of Title 14 and the Environmental Impact Report Guidelines of the City of Placentia, Staff recommends that the Planning Commission exercise its independent judgment and find that the proposed code amendment can be shown with certainty that the code amendment ("project") will have no possible effect on the environment. No further environmental review for this project is necessary.

Prepared and submitted by:



Charles L. Rangel
Contract Senior Planner

Review and approved by:



Damien R. Arrula
Interim City Administrator

RESOLUTION NO. PC-2015-17

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF PLACENTIA, CALIFORNIA,
RECOMMENDING TO THE CITY COUNCIL OF THE CITY
OF PLACENTIA, AMENDING SECTIONS
23.27.040(6), 23.30.030(4), 23.33.030(14),
23.33.040(14), 23.36.030(17) AND
23.36.040(15) OF TITLE 23 (ZONING ORDINANCE)
AND SECTION 8.44.050 OF TITLE 8 (HEALTH AND
SANITATION) OF THE PLACENTIA MUNICIPAL CODE
PERTAINING TO MASSAGE ESTABLISHMENTS.

A. Recitals.

(i). The California Legislature enacted SB 731, codified as Chapter 10.5 of Division 2 of the California Business and Professions Code (§ 4600, *et seq.*) ("Massage Therapy Law").

(ii). The California Legislature has now enacted AB 1147 which modifies the Massage Therapy Law and authorizes the application of local land use, zoning and operational regulations.

(iii). This City Council desires to amend provisions of Title 23 of the Placentia Municipal Code ("Zoning Ordinance") to be consistent with the Massage Therapy Law and maintain reasonable local control over such businesses through land use controls and procedures.

(iv). On October 13, 2015, the Planning Commission of the City of Placentia conducted, and concluded, a duly noticed public hearing, as required by law, to amend the Zoning Ordinance to comport with California law and recommended adoption of this Ordinance to the City Council [Zoning Code Amendment 2015-XX].

B. Resolution.

NOW, THEREFORE, the Planning Commission of the City of Placentia hereby recommends that the City Council adopt the attached ordinance.

PASSED and ADOPTED this ___ day of _____, 2015.

PLANNING COMMISSION CHAIR

ATTEST:

CANDICE MARTINEZ,
CLERK OF THE PLANNING COMMISSION

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY

ORDINANCE NO. O-2015-

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PLACENTIA AMENDING SECTIONS
23.27.040(6), 23.30.030(4), 23.33.030(14),
23.33.040(14), 23.36.030(17) AND 23.36.040(15)
OF TITLE 23 (ZONING ORDINANCE) AND SECTION 8.44.050 OF
TITLE 8 (HEALTH AND SANITATION) OF THE
PLACENTIA MUNICIPAL CODE PERTAINING TO MASSAGE
ESTABLISHMENTS.
[Zoning Code Amendment 2015-]

City Attorney's Summary

This Ordinance amends §§ 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.00(14), 23.36.030(17) and 23.36.040(15) of Title 23 [Zoning Code] and Section 8.44.050 of Title 8 (Health and Sanitation) of the Placentia Municipal Code imposing Use Permit requirements for massage establishments in conformity with the requirements of California law.

A. Recitals.

(i). The California Legislature enacted SB 731, codified as Chapter 10.5 of Division 2 of the California Business and Professions Code (§ 4600, et seq.) ("Massage Therapy Law").

(ii). The California Legislature has now enacted AB 1147 which modifies the Massage Therapy Law and authorizes the application of local land use, zoning and operational regulations.

(iii). This City Council desires to amend provisions of Title 23 of the Placentia Municipal Code ("Zoning Ordinance") to be consistent with the Massage Therapy Law and maintain reasonable local control over such businesses through land use controls and procedures.

(iv). On October 13, 2015, the Planning Commission of the City of Placentia conducted, and concluded, a duly noticed public hearing, as required by law, to amend the Zoning Ordinance to comport with California law and recommended adoption of this Ordinance to the City Council [Zoning Code Amendment 2015-05].

(v). This City Council has reviewed and considered all elements of amendments to the Zoning Code as recommended by the Planning Commission, including written staff reports and verbal

testimony presented during a duly noticed public hearing, which hearing was concluded prior to the adoption of this ordinance.

(vi). All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, the City Council of the City of Placentia does hereby find, determine and ordain as follows:

SECTION 1. In all respects, as set forth in the Recitals, Part A., of this Ordinance.

SECTION 2. The City Council hereby finds and certifies that the amendments set forth below have been reviewed and considered in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder and City Guidelines and, further, finds that it can be seen with certainty that there is no possibility that the amendments set forth below may have a significant effect on the environment and said amendments are therefore not subject to the requirements of the California Environmental Quality act pursuant to the provisions of § 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations and hereby directs that a Notice of Exemption be filed with the Orange County Clerk/Recorder, as required by law.

SECTION 3. Section 23.27.040(6) of Chapter 23.27 of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

**"Section 23.27.040(6) - Uses Subject to
Obtaining a Use Permit.**

"(6). Personal service establishments including massage establishments (pursuant to the requirements of chapter 8.44), acupressure clinics, tattoo parlors (pursuant to the requirements of Chapter 23.86) and other similar uses;"

SECTION 4. Section 23.30.030(4) of Chapter 23.30 of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

**"Section 23.30.030(4) - Uses Subject to
Obtaining a Use Permit.**

"(4). Personal service establishments including massage establishments (pursuant to the requirements of chapter 8.44), acupressure clinics, tattoo parlors (pursuant

to the requirements of Chapter 23.86) and other similar uses;"

SECTION 5. Section 23.33.030(14) of Chapter 23.33 of Title 23 of the Placentia Municipal Code which currently reads as follows is hereby deleted:

"Section 23.33.030(14) - Permitted Uses.

"(14) Personal service establishments, including barbershops, beauty shops, dry cleaning and tailors (for massage establishments (pursuant to the requirements of chapter 8.44),acupressure clinics, tattoo parlors and other similar uses, refer to § 23.33.040)." I THINK THIS PROVISIN IS INTENDED TO BE DELETED SINCE IT IS NO LONGER A PERMITTED USE, NOT AMENDED, CORRECT?

SECTION 6. Section 23.33.040(14) of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

"Section 23.33.040(14) - Uses Subject to Obtaining a Use Permit.

"(14) Personal service establishments including massage establishments (pursuant to the requirements of chapter 8.44),acupressure clinics, tattoo parlors (pursuant to the requirements of Chapter 23.86) and other similar uses;"

SECTION 7. Section 23.36.030(17) of Title 23 of the Placentia Municipal Code, hereby is deleted in its entirety and replaced with the following:

"Section 23.36.030(17) - Permitted Uses.

"(17). This subsection intentionally left blank;"

SECTION 8. Section 23.33.040(15) of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

"Section 23.36.040(15) - Uses Subject to Obtaining a Use Permit.

"(15) Personal service establishments including massage establishments (pursuant to the requirements of chapter 8.44),acupressure clinics, tattoo parlors (pursuant to the requirements of Chapter 23.86) and other similar uses;"

Section 9. **8.44.050(a) of Title 8 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:**

"Section 8.44.050 Massage business license.

(a) Business License Required. In addition to the requirements set forth in Title 23 governing massage establishments, the owner of each massage business or establishment, and any massage practitioner or massage therapist that desires to work as an independent contractor must obtain a business license pursuant to this chapter prior to commencing operation or providing any massage therapy and must thereafter maintain a valid business license.

SECTION 10. Notwithstanding any other term or provision of this ordinance, or Title 23 of the Placentia Municipal Code, all existing massage establishments operating in the City of Placentia shall obtain a use permit hereunder not later than June 30, 2016.

SECTION 11. Penalty for Violation.

It shall be unlawful for any person, firm, partnership or corporation to violate any provision or to fail to comply with any of the requirements of this Ordinance hereby adopted. Any person, firm, partnership or corporation violating any provision of this Ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each and every person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefor as provided in this Ordinance.

SECTION 12. Civil Remedies Available.

The violation of any of the provisions of this Ordinance hereby adopted shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

SECTION 13. Severability.

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 14. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED and ADOPTED this ___ day of _____, 2015.

CHAD P. WANKE,
MAYOR

ATTEST:

PATRICK J. MELIA,
CITY CLERK

I, PATRICK J. MELIA, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on the _____ day of _____, 2015 and was finally adopted at a regular meeting held on the _____ day of _____, 2015, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

PATRICK J. MELIA,
CITY CLERK

APPROVED AS TO FORM

CHRISTIAN L. BETTENHAUSEN,
CITY ATTORNEY



Placentia Planning Commission Agenda Staff Report

TO: PLANNING COMMISSION

FROM: CONTRACT SENIOR PLANNER

DATE: October 13, 2015

SUBJECT: **UCD 2015-05 PARKING DETERMINATION FOR 201 W. SANTA FE STREET**

RECOMMENDATION:

It is recommended that the Planning Commission take the following action:

- 1. Adopt Resolution PC-2015-18: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA MAKING FINDINGS THAT PRACTICAL DIFFICULTIES EXIST WHICH PRECLUDE THE REASONABLE PROVISION OF THE REQUIRED NUMBER OF PARKING SPACES, AND THAT PUBLIC OFF-SITE PARKING MAY BE COUNTED FOR SOME OR ALL OF THE REQUIRED PARKING PERTAINING TO THE BUSINESS TO BE LOCATED AT 201 WEST SANTA FE STREET AND MAKING FINDINGS IN SUPPORT THEREOF SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL.**

REQUEST:

The property owner, Dennis Blake and his tenant, Veronica Jimenez doing business at Alas Del Pueblo are requesting relief from the Placentia Municipal Parking Code which requires parking spaces for a 100+/- square foot commercial office use located at 201 West Santa Fe Street. As stated in the undated letter from the Applicant Veronica Jimenez, Founder of Alas del Pueblo is a 501(c) (3) Non-Profit public charity providing educational resources to the community, especially struggling children. Her goal is to eventually expand as summarized in the letter to have 5-10 tutors and 15-20 students.

DISCUSSION:

The City Council recently approved funding for a Specific Plan for the downtown Santa Fe District ("District"). Additionally, the City is in the process of creating a parking-in-lieu fee program to address the parking shortage conditions within the District. The City is also seeking to build a parking structure to facilitate a shared-use parking arrangement between users of the Metrolink and patrons of the District businesses. Moreover, Orange County Transportation Authority (OCTA) will soon finalize the necessary funding

for the \$23 million Metrolink station. In addition, the City is working on other efforts to improve the economic development of the District.

Previously, in the Santa Fe District, when new businesses were being proposed, commercial uses were not required to provide on-site parking as is required by the Placentia Municipal Code. While the City is examining parking alternatives and programs, Staff is recommending that the Planning Commission utilize a provision in the Placentia Municipal Code which provides for a limited number of on-street parking spaces (in this case one two 2-hr parking space.) to be used in-lieu of the required off-street parking spaces normally required of the subject business.

Placentia Municipal Parking Regulations

Placentia Municipal Parking Regulations Section 23.78.30 SF-C—states that: *Three (3) spaces per one thousand (1,000) square feet of gross floor area shall be provided on site plus one additional space for each residential unit. When the planning commission finds that practical difficulties exist which preclude the reasonable provision of the required number of parking spaces, then public off-site parking may be counted for some or all of the required parking.*

Angled on-street parking on Santa Fe St. is located in front of the building. The site has five parking spaces to the rear of the building, however, access is difficult. Planning Commission may therefore make the finding that practical difficulties exist which preclude the reasonable provision of the required number of parking spaces.

Parking capacity

Based on a 2011 Parking Inventory Study prepared by Walker Parking Consultants, the City has a total of 123 on-street parking spaces. The City acknowledges the historical shortage of parking for the businesses located in downtown Santa Fe Commercial District and is supportive of allocating parking spaces to a business that can demonstrate that they do not have sufficient parking to meet required parking spaces necessary to operate the subject businesses. Any business seeking to do so; however must abide by Section 23.78.30 of the Placentia Municipal Code and each business application will be reviewed and recommended to the Commission on a case by case basis.

The City acknowledges that while the business above may seek on-street parking, this proposed parking solution is temporary in nature and the City must establish a comprehensive in-lieu parking program which thoroughly evaluates the lack of available parking within the District and provides recommended solutions. This program will provide the City and downtown merchants with specific cost data, a per rata method of apportionment, and other related details upon which to guide the City and District merchants on specific recommendations for parking fee participation.

In addition it should be noted that the proposed on-street parking is designed to be for the subject business only and is not an entitlement in the traditional sense. To that end

the allocation of the "City" spaces is not permanent and is temporary in nature. Should there be a change of ownership or a change in business licensing, the new subject business or owner will need to go before the Planning Commission for a thorough review regarding allocating "City" on-street parking spaces to satisfy the required number "Private" off-street parking spaces.

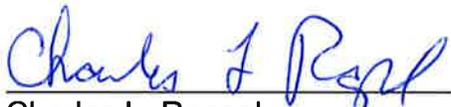
Parking credits for the property owner and the temporary parking facility at 312 South Main St.

On October 8, 2009 the property owner, Mr. Dennis Blake, entered into an Acquisition of Real Property Agreement with the City thereby selling the vacant parcel located at 312 Main Street. This property is now under construction to be used for temporary parking by the Placita Santa Fe Downtown Merchants Association. The Seller will be given parking credits for his building located on the south side of Santa Fe at 202 W. Santa Fe St but these credits do not extend to the 201 W. Santa Fe St.

CEQA:

In accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UCD 2015-05 is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3) as it pertains to a use where it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

Prepared and submitted by:


Charles L. Rangel
Contract Senior Planner

Review and approved by:


Damien R. Arrula
Interim City Administrator

Attachments:

1. Letter from Applicant
2. Resolution PC-2015-18
3. Conditions of Approval



Alas del Pueblo Community Program Summary

Alas del Pueblo is a 501(c)(3) Non-Profit public charity created to reduce drop-out rates and provide struggling children with a safe learning rich environment. The repetitive downfall of disadvantaged youth, and the adversary circumstances these children find themselves in is not of their making yet they are burdened by their outcome.

Language barriers, illiteracy and financial hardship become a cycle of life difficult to escape without proper academic support. Alas Del Pueblo exists to break the perpetual cycle of illiteracy and poverty through education enrichment programs. Our philanthropic endeavors are aimed at securing funding to provide:

- **Tutoring Lab:** Tutoring is tailored for each child and structured to address their academic deficiencies as well as reinforce their educational strengths.
- **Computer Lab:** Technology is a part of our everyday lives, but many underprivileged children lack access to computers. Our computer lab provides students secure connection, and instruction on internet safety and navigation
- **Literacy Program:** Our Literacy Program provides one on one reading guidance and instruction for students reading below grade level to increase literacy, comprehension, and phonetic proficiency. Our Lending Library gives children the opportunity to read at home.
- **College and Career Mentorship:** Provide mentorship regarding college or vocational careers and assist with SAT/ACT preparation and testing, college applications, personal statements, resumes and college campus tours.
- **Educational Advocacy:** Children with learning disabilities require additional academic assistance. Our advocacy team work with parents and the school district to ensure children are receiving appropriate academic instruction and support.

We take great pride in developing community partnerships with local schools and businesses. We believe a community that invests in its youth is a community that invests in its future. Community sponsors and volunteers are the cornerstones of our Program. They build motivated students capable of achieving the academic excellence we come to expect of our future leaders.

Our volunteers are fundamental to Alas del Pueblo. Each of them have a desire to help children see their potential and supersede it. Retired teachers, Cal State Fullerton students, VHS International Bachelorette and Val Tech students lend their enthusiasm, knowledge and skill to the children they serve. All volunteers submit an application, are subject to a background check and are required to make a commitment for a full semester.

It has been proven repeatedly that by fostering learning, creating an information-rich environment, building a learning community, and establishing funding and resources for scholarship children will thrive.

Proposed Location: 201 W. Santa Fe Street, Placentia, CA 92870

Proposed Occupancy: 5-10 Tutors, 15-20 students

Proposed hours: M-Th 4:00-6:00

RESOLUTION NO. PC-2015-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA MAKING FINDINGS THAT PRACTICAL DIFFICULTIES EXIST WHICH PRECLUDE THE REASONABLE PROVISION OF THE REQUIRED NUMBER OF PARKING SPACES, AND THAT PUBLIC OFF-SITE PARKING MAY BE COUNTED FOR SOME OR ALL OF THE REQUIRED PARKING PERTAINING TO THE PROPOSED BUSINESS LOCATED AT 201 W SANTA FE AVENUE.

A. Recitals.

(i). Dennis Blake, owner of the property located at 201 W. Santa Fe Street ("Applicant" hereinafter) heretofore filed an application for approval, as described in the title of this Resolution. Hereinafter, in this Resolution, the Parking Finding request is referred to as the "Application".

(ii). 13th day of October, 2015 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 business 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 (Attachment "A"), this commercial use complies with all applicable code requirements and development standards of the "SF-C" Santa Fe Commercial District and (3) will generate any negative impacts on the adjacent neighborhood. The tutor business associated with the Parking Finding 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 "Santa Fe Commercial", and the proposed use does not involve any change in the land use of the subject site.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval (Attachment "A"), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a permitted use in the "SF-C" Santa Fe Commercial District in the City of Placentia. Approval of the proposed tutoring use would be consistent with the zoning as the site can accommodate the proposed use, with the exception of the parking requirement for which the findings that practical difficulties exist which preclude the reasonable provision of the required number of parking spaces, then public off-site parking may be counted for some or all of the required parking is being requested.

1. Based upon the environmental review of the project, the Planning Commission finds that the proposed business is exempt from the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia pursuant to the State CEQA Guidelines § 15061(b)(3) as it pertains to a project which can be seen with certainty that there is no possibility that UCD 2015-05 will have a significant effect on the environment.

2. Based upon the findings and conclusions set forth herein, this Planning Commission hereby affirms the Findings as modified herein, and specifically subject to the conditions set forth in Attachment "A" attached hereto and by this reference incorporated herein.

3. The Secretary to the Planning Commission shall:

a. Certify to the adoption of this Resolution; and

b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 13th day of October, 2015.

Chairman

I, Charles L. Rangel, 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 13th day of October, 2015 and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the, 13th day of October, 2015 by the following vote:

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

ATTEST:

Secretary to the Planning Commission

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
CITY ATTORNEY



Placentia Planning Commission

Agenda Staff Report

Attachment A Special Conditions of Approval and Standard Development Requirements for Parking Findings for 201 West Santa Fe Street

SPECIAL CONDITIONS

If the above referenced application is approved, applicant and/or property owner shall comply with the Special Conditions listed below.

ALL OF THE FOLLOWING SPECIAL CONDITIONS OF APPROVAL SHALL BE FULLY COMPLIED WITH FOR THE PARKING FINDINGS TO CONTINUE IN GOOD STANDING.

1. Findings for Parking are valid for a period of twelve (12) months from the date of final determination. If the business 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 by the Director of Development Services.
2. Findings for Parking and Conditional approval shall expire and be of no further force or effect if the subject business is discontinued, closed or abandoned or there is a change of ownership.
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. Any changes or modifications to the business related to this Findings for Parking shall be subject to review and approval by the Director of Development Services or designee, with substantial changes or modifications subject to Planning Commission review and approval.
6. Applicant shall only be provided one (1) two (2) hour maximum "City" on-street parking spaces for purposes of this conditional approval. Should it be determined that the subject business requires additional parking after the business is established, these findings will be reviewed and may be revoked, reviewed or modified.
7. This conditional approval shall be reviewed by the Director of Development Services within twelve (12) months from the date of issuance to determine if the number of "City" on-street parking spaces is meeting the required number of "Private" off-street parking spaces for the subject business.
8. Prior to occupancy, the Building and Zoning Compliance Application shall be reviewed and approved by the Orange County Fire Authority.