



Placentia Planning Commission Agenda

Regular Meeting
July 12, 2016
6:30 p.m.

City Hall Community Room
401 E. Chapman Avenue

Christine Schaefer
Chair

Frank Perez
Vice Chair

Dennis Lee
Commissioner

James Schenck
Commissioner

Thomas Solomonson
Commissioner

Vic Tomazic
Commissioner

Heather Francine
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

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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 Francine
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:

1. **Minutes**
Planning Commission Meeting – December 8, 2015 and January 12, 2016
Recommended Action: Approve

PUBLIC HEARING:

2. **Applicant:** Brian Johnson, DBA as Featured Horizons
Project Location: 1633 La Paloma Avenue

Tentative Parcel Map 2015-181:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning Tentative Parcel Map 2015-181, Receive the staff report and consider all Public Testimony; and
- b. Adopt Resolution PC-2016-09, A Resolution of the Planning Commission of the City of Placentia, Approving Tentative Map 2015-181 Thereby Approving a Subdivision of the Lot and the Construction of the 2 Residential Units Located at 1633 La Paloma and Making Findings in Support Thereof; and
- c. Close the Public Hearing; and
- d. Find that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15332 and the City of Placentia Environmental Guidelines.

3. **Applicant:** RJE Motorcars
Project Location: 1940 Petra Lane

Use Permit 2016-06:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning UP 2016-06, Receive the staff report and consider all Public Testimony; and
- b. Making Findings and Approving Resolution 2016-06 and Making Findings in Support Thereof; and
- c. Close the Public Hearing; and
- d. Adopt Resolution PC-2016-06, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-06 and Making Findings to Permit the Operation of a Retail Automotive Sales with a +/- 4,869 Square Foot Commercial Industrial Suite, Located at 1940 Petra Lane, Suite C in "M" Manufacturing Zoning District; and Making Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

4. **Applicant:** Haipeng Xu DBA Palm Massage
Project Location: 1154 E. Imperial Highway

Use Permit 2016-06

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning Use Permit 2016-06, Receive the staff report and consider all Public Testimony; and
- b. Adopt Resolution PC-2016-10, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-06 for a massage establishment on the property located at 1154 E Imperial Highway and Making Findings in Support Thereof; and
- c. Close the Public Hearing; and
- d. Find that that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

OLD BUSINESS: None

NEW BUSINESS: None

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 the next regular meeting on Tuesday, August 9, 2016 at 6:30 p.m. in the Placentia City Hall City Council Chambers located at 401 East Chapman Avenue, Placentia CA 92870.

CERTIFICATION OF POSTING

I, Charles L. Rangel, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the July 12, 2016 Regular Meeting of the Planning Commission of the City of Placentia was posted on June 30, 2016.



Charles L. Rangel, Secretary

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

December 8, 2015

The regular meeting of the Placentia Planning Commission on December 8, 2015 was called to order at 6:37 p.m. in the Placentia Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioner Lee, Schenck, Solomonson, Perez, Schaefer
ABSENT: Tomazic (Excused)

PLEDGE OF ALLEGIANCE: Commissioner Schenck

OTHERS PRESENT: Yolanda Summerhill, Assistant City Attorney
Damien R. Arrula, Interim City Administrator
Charles Rangel, Senior Planner
Candice Martinez, Secretary

ORAL COMMUNICATIONS: None

CONSENT CALENDER: None

PUBLIC HEARING:

1. **Applicant: Laser Island dba ADB Family Entertainment**
Project Location: 1840 N. Placentia Avenue, Placentia, CA 92870

Use Permit (UP) 2015-06:

To Permit the Operation of a Laser Tag Entertainment Use Located at 1840 N. Placentia Avenue in the C-1 Neighborhood Commercial District. The Proposed Use 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 the Public Hearing, concerning Use Permit 2015-06, Receive the staff report and consider all Public Testimony, and Close the Public Hearing; and
- b. Adopt Resolution PC-2015-21, A Resolution of the Planning Commission of the City of Placentia, Approving Use Permit 2015-06 for Laser Island DBA Family Entertainment Located at 1840 N. Placentia Avenue and Making Findings in Support Thereof; and
- c. Find that the project is Categorically Exempt Pursuant to the California Environmental Quality Act of 1970, as amended, the Guideline promulgated thereunder (14 CCR § 15303) and Placentia Environmental Guidelines.

(Approved, 5-0)

Senior Planner Rangel noted that this item was first introduced on November 10, 2015, and the Planning Commission had made a determination to permit this type of use in a C-1 Neighborhood /Commercial District by a conditional use permit (CUP). He noted that this item would approve Use Permit 2015-06 for Laser Island, and the Conditions of Approval (COA) listed in the resolution.

Mr. Rangel noted that this CUP has been reviewed by the Building and Planning Department, Police Department and the Orange County Fire Authority with requirements including: installation of fire sprinklers and alarms, and to submit a landscape plan.

Chair Schaefer opened the public hearing at 6:39 p.m.

Commissioner Schenck inquired about the hours of operation.

Doug Hornecker, applicant noted the hours of operations: Monday through Friday from 3:00 p.m. to 9:00 p.m.; Saturday from 10:00 a.m. to 12:00 a.m.; and Sunday from 12:00 p.m. to 9:00 p.m. He noted there would be extended hours during the summer break.

Chair Schaefer inquired how many elementary schools were nearby, and if children are permitted to enter the facility without an adult.

Mr. Hornecker commented that there are three (3) schools near the proposed facility, and children would be permitted to come and in and play arcade games and must be at least 6 years old to participate in the laser tag game. He noted that there is a 'Game Marshall' to supervise each laser tag game.

Carl Cokely, resident, inquired about the overflow of children and if the facility would be serving alcohol.

Mr. Hornecker commented that they will not be serving alcohol, and their maximum occupancy has been set at 150 people.

Terry Parker, Retail Broker, provided a brief overview on the difficulty of leasing spaces in the shopping center, and noted that this business would be a good regional draw for the center.

Chair Schaefer closed the public hearing at 7:21 p.m.

Motion by Lee, seconded by Solomonson and carried a (5-0) vote to approve the recommended actions with the following item to be included in the Conditions of Approval: All outdoor activities will not be available after 10:00 p.m.

**2. Applicant: City of Placentia
Project Location: Citywide**

Zone Code Amendment ZCA 2015-05:

A Resolution of the Planning Commission of the City of Placentia Recommending An Ordinance of the City of Placentia Adding Chapter 23.85 to Title 23 (Zoning Ordinance) of the Placentia Municipal Code Prohibiting Marijuana Cultivation within the City of Placentia.

The Proposed Ordinance would Prohibit All Marijuana Cultivation within the City Placentia.

The City of Placentia Planning Department has conducted an environmental review of the project and determined that it is exempt under 14 Cal. Code of Regulations, Section 15061 (B) (3) as there is no possibility that the activity in question may have a significant effect on the environment.

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing concerning Resolution PC-2015-20, Receive the Staff Report and consider all Public Testimony, and Close the Public Hearing; and
- b. Adopt Resolution PC-2015-20, A Resolution of the Planning Commission of the City of Placentia Recommending that the City Council adopt amendments to the Placentia Municipal Code, Prohibiting the Cultivation of Marijuana within the City; and
- c. Find that the project is Categorically Exempt Pursuant to the California Environmental Quality Act of 1970, as amended, the Guideline promulgated thereunder (14 CCR § 15303) and Placentia Environmental Guidelines; and
- d. Find that the proposed amendment is merely preserving the City's current prohibition of marijuana cultivation throughout the City. Adoption of the proposed amendment expressly prohibiting marijuana cultivation with the City is recommended for the express and specific purpose of preserving the City's authority to ban and/or adopt future regulations pertaining to marijuana cultivation as is required by California Health and Safety Code section 11372.777(c)(4), effective January 1, 2016.

(Approved, 4-1, Commissioner Solomonson voted no)

Assistant City Attorney Summerhill announced that the wrong title number was used throughout the proposed draft Resolution and noted the correct title number should be 'Title 23.'

Senior Planner Rangel noted that three (3) new bills were signed and approved by Governor Brown related to the regulation of medical marijuana. He noted that the cities have the authority to adopt and enforce local laws before March 1, 2016. He noted the proposed Ordinance will prohibit indoor and/or outdoor cultivation of marijuana in the City of Placentia.

Chair Schaefer opened the public hearing at 7:35 p.m.

Commissioner Lee inquired if surrounding cities were also in the process on prohibiting marijuana cultivation.

Assistant City Attorney Summerhill commented that there is a majority of Southern California cities are in the process on prohibiting marijuana cultivation.

Chair Schafer closed the public hearing at 7:46 p.m.

Motion by Schaefer, seconded by Perez and carried a (4-1, Commissioner Solomonson voted no) vote to approve the recommended actions with the change to the title listed in the Resolution from 'Title 8' to read "Title 23."

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

Senior Planner Rangel commented that there is nothing to report at this time.

DIRECTOR'S REPORT:

Senior Planner Rangel commented that there is nothing to report at this time.

PLANNING COMMISSION REQUESTS: None

ADJOURNMENT

Chair Schaefer adjourned the Planning Commission meeting at 7:48 p.m. to a regular meeting on Tuesday, January 12, 2016 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

for 

Charles L. Rangel,
Senior Planner

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

January 12, 2016

The regular meeting of the Placentia Planning Commission on January 12, 2016 was called to order at 6:30 p.m. in the Placentia Council Chambers, 401 East Chapman Avenue, Placentia, by Acting Chair Tomazic.

ROLL CALL:

PRESENT: Commissioner Lee, Solomonson, Schenck, Tomazic
ABSENT: Schaefer (excused), Perez (excused)

OTHERS PRESENT: Yolanda Summerhill, Assistant City Attorney
Charles Rangel, Contract Senior Planner
Elsa Villagrana, Secretary

PUBLIC OATH OF OFFICE:

a. Heather Francine

Assistant City Attorney Summerhill administered the public oath of office to Heather Francine.

PLEDGE OF ALLEGIANCE: Commissioner Solomonson

ORAL COMMUNICATIONS: None

CONSENT CALENDAR: None

PUBLIC HEARING: None

OLD BUSINESS: None

NEW BUSINESS:

1. UCD 2015-07: USE CONFORMITY DETERMINATION FOR SPA SALES, INSTALLATION AND SERVICE USE

Recommended Actions: It is recommended that the Planning Commission:
a. Adopt Resolution PC-2016-01, A Resolution of the Planning Commission of the City of Placentia, Approving Use Conformity Determination 2015-07 for Spa Sales and Service Use located at W. 735 Orangethorpe Avenue and Making Findings in Support Thereof;
(Approved 5-0)

Senior Planner Rangel noted that on the Staff Report Item 1a. stated 'Adopt Resolution PC-2015-09' and it should be corrected to state 'Adopt Resolution PC-2016-01.'

Senior Planner Rangel provided a brief report on the item noting Betty Valles leased the property in question to the adjacent dealership to accommodate the expanded volume of sales. Recently the dealership has consolidated the storage of its vehicles to a different location offsite and is no longer in need of the property. Therefore, the applicant has recruited for another long term tenant and is requesting a Use Conformity Determination for an unlisted use within the SP-5 zoning district.

Commissioner Schenck inquired if the parcel's parking met the requirements for retail use.

Senior Planner Rangel stated that the parking is appropriate for retail.

Commissioner Schenck inquired if the nearby businesses such as the hotel will be impacted by the use the applicant is proposing.

Senior Planner Rangel noted he had personally visited the site and that the parcel has a gated section where the applicant will store their trucks and equipment. The sale products will be kept in their showroom. He stated that they will do minimal changes to the showroom.

Commissioner Schenck inquired if the applicant will be putting any traffic signs.

Senior Planner Rangel stated that the applicant has not applied for traffic signs when if the business applies for their sign permit he will discuss with them if they will apply for traffic sign and ensure all sign requirements are met.

Commissioner Solomonson inquired why the Planning Commission has to approve a retail sales application.

Senior Planner Rangel stated that the current specific plan has not been updated because the anchor uses associated with the specific plan has not change. He noted this is something that can be change in a future general plan update to ensure future applicants do not have go through this process for retail use.

Acting Chair Tomazic opened the public hearing at 6:45 PM.

Betty Valles, applicant provided the Planning Commission a brief overview of the property's history and proposed use. The applicant thanked the Planning Commission and City Staff for their time and consideration of this item.

Acting Chair closed the public hearing at 6:50 PM.

Motion by Tomazic, second by Schenck carried a (5-0, Schaefer and Perez absent) vote to approve the recommended actions with the correction to the Resolution Number from R-2015-09 to R-2016-01.

2. Zoning Code Amendment (ZCA) 2015-08

Recommended Actions: It is recommended that the Planning Commission:

- a. Remove this item from the Agenda
(Removed)

Motion by Tomazic, second by Schenck carried a (5-0, Schaefer and Perez absent) vote to remove the item from the agenda.

DEVELOPMENT REPORT:

Senior Planner Rangel provided the Planning Commission of summary of development activities in the City of Placentia. Rangel highlighted the opening of a new business in the city, Salt & Ash at 1390 Kraemer Blvd. He noted that the following businesses will be opening soon:

- Waba Gril
- Richlands Farm Ice Cream

- Laser Island
- Stereo Brewery

DIRECTOR'S REPORT: None

PLANNING COMMISSION REQUESTS:

The Commission requested to place a Study Session in the next agenda.

ADJOURNMENT

Acting Chair Tomazic adjourned the Planning Commission meeting at 7:05 p.m. to a regular meeting on February 9, 2016 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,



Charles L. Rangel
Contract Senior Planner



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: JULY 12, 2016
SUBJECT: **TENTATIVE PARCEL MAP 2015-181**

RECOMMENDATION:

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

1. Open the Public Hearing, concerning Tentative Parcel Map 2015-181; and
2. Receive the Staff Report and consider all public testimony; and
3. Close the Public Hearing; and
4. Adopt Resolution PC-2016-09, A Resolution of the Planning Commission of the City of Placentia, Approving Tentative Map 2015-181 Thereby Approving a Subdivision of the Lot and the Construction of the 2 Residential Units Located at 1633 La Paloma Avenue and making Findings in support thereof; and making Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15332 and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, Brian Johnson, DBA as Featured Horizon, LLC is requesting a 2 (two) unit parcel map subdivision located on the north side of La Paloma Avenue between Van Buren Street and Richfield Road at 1633 La Paloma Avenue in the R-1 (O) Single- Family Oil Overlay Zone District. Section 22.80.010 (a) requires a parcel map of all subdivisions of four (4) or fewer parcels.

DISCUSSION:

Section 22.80.010 (a) requires a parcel map for all subdivisions of four (4) or fewer parcels and Section 22.80.060 (c) requires that the Planning Commission take action to recommend to the City Council conditional approval or denial of the map.

Subject Site and Surrounding Land Uses:

The proposed subdivision is located on the north side of La Paloma in one of the oldest neighborhoods of Placentia known as Atwood. The chart on the next page shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Vacant single family dwelling	Low Density Residential	R-1 (O) Single-Family Residential Oil Overlay
Proposed	RJE Motorcars: Automotive Sales	Low Density Residential	R-1 (O) Single-Family Residential Oil Overlay
North	Industrial/Manufacturing	Low Density Residential	R-1 (O) Single-Family Residential Oil Overlay
South	Industrial/Manufacturing	Low Density Residential	R-1 (O) Single-Family Residential Oil Overlay
East	Industrial/Manufacturing	Low Density Residential	R-1 (O) Single-Family Residential Oil Overlay
West	Industrial/Manufacturing	Low Density Residential	R-1 (O) Single-Family Residential Oil Overlay

Existing Encroachment

The property in question (PIQ), identified as County Assessor's Parcel No. 346-172-23 is an existing 80 feet wide by 96 feet deep under developed/vacant parcel in the Atwood neighborhood. This neighborhood is one of the oldest residential communities of the City, which at one time was an incorporated city but was later unincorporated. Apparently, when the applicant's engineer of record found existing monuments in the area and surveyed the PIQ, it was discovered that the existing single-family neighbor located just to the east is actually encroaching on the applicant's property, as shown in the attached parcel plan (Attachment 2). It is believed that many other properties may have the same condition in which the real property line is offset a few feet such that the dwellings, fences or related improvements may encroach into the neighboring property.

Lot Standards

Title 22 Subdivisions of the Placentia Municipal Code sets forth development standards defining the minimum lot width, lot depth and lot area for all parcels in all zoning districts to bring about orderly development throughout the City. The R-1 District standards require a minimum 7,000 square feet for all interior lots with a minimum frontage of 70 feet and 7,500 square feet for all corner lots with minimum frontage of 75. It should be noted however that the code provides broad discretionary latitude to the City to make exceptions to these standards and allows for optional design and improvement standards, in this case, the neighboring dwelling lot is encroaching onto the applicant's lot and interfering with the full 40 feet lot width standard required by the City. The applicant's is therefore requesting the creation of a 3.86 feet wide access easement in favor of the

neighbor so that the 1641 La Paloma Avenue property owner can continue enjoy the use of their property through the use of this easement, otherwise, a portion of the structure would have to be removed.

Section 22.16.060 reads:

22.16.060 Optional design and improvement standards.

- (a) Request for optional design shall be in writing from the subdivider to the planning commission.
- (b) The planning commission shall recommend approval or denial of the request to the city council, based on the finding that a substantially improved community will/will not exist than could have been developed under the requirements of this title and those set forth in the zoning title.
- (c) The city council may, upon recommendation from the planning commission, authorize deviations in lot size, setbacks, and minimum lot frontages and widths when, in its own opinion, said deviations are necessary to create said improved community. However, in no instance, shall there be density greater than that permitted by the general plan. (Ord. 88-O-117 § 1, 1988)

The new proposed lot area minimum is 3,840 sq. ft. which is substandard because the minimum is 7,000 sq. ft. Furthermore, although the Parcel 2 lot may meet the 40 feet lot width standard, but only 38.07 feet is useable, however, because this design allows the applicant to move forward with his subdivision and relieves the property owner of 1641 Paloma Avenue of the hardship associated with removing a portion of the dwelling unit off the property that does not belong to him. Staff believes this optional design is justified since the applicant is offering a community benefit to the neighbor by offering the exclusive easement in order to resolve the encroachment problem.

CEQA:

The proposed Parcel Map TPM 2015-181 was reviewed by staff 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 UP 2016-06 is exempt from CEQA pursuant to State CEQA Guidelines § 153332 Class 32 Urban In-fill Exemption as it applies to projects characterized as in-fill developments that are consistent with the applicable General Plan and Zoning District designations, are "within city limits", are on a project site of no more than 5 acres, substantially surrounded by urban uses, served by existing utilities, and whose approval would not result in any significant effects relating to traffic, noise, air quality, and water quality.

Prepared and submitted by:



Charles L. Rangel
Contract Senior Planner

Review and approved by:



Damien R. Arrula
Interim City Administrator

Attachments:

1. Resolution 2016-09
2. Conditions of Approval
3. Parcel Map

RESOLUTION NO. PC-2016-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING TENTATIVE MAP 2015-181 THEREBY APPROVING A SUBDIVISION OF THE LOT AND THE CONSTRUCTION OF 10 CONDOMINIUMS UNITS LOCATED AT 1633 La Paloma.

A. Recitals.

(i). Featured Horizon LLC, owner of the property located at 1633 La Paloma ("Applicant" hereinafter) heretofore filed an application for approval of Tentative Parcel Map (Condominium), as described in the title of this Resolution. Hereinafter, in this Resolution, is referred to as the "Application".

(ii). On July 12, 2016, 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 project will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed development 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 Conditions of Approval and Standard Development Requirements (Attachments "no. 10), this development complies with all applicable code requirements and development standards for Zoning of Title 23 Placentia Municipal Code Plan District and Title 22, Building Codes and Regulations of the Placentia Municipal Code.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "R-1 Single-Family", and the proposed use does not involve any change in the land use of the subject site. The proposed project involves the development of a 2 unit housing project.

c. The proposed project as presented in the staff report and accompanying plans complies with all requirements of Chapter 23.12.080 of the R-1 Single Family District of the Placentia Municipal Code in that the rear yard and side yard setbacks meet the exceptions when modified standards are used and those proposed setbacks standards shall not be less than the minimum allowed pursuant to the provisions set forth in this Section of the Code. City Staff carefully examined the proposed development against the applicable development regulations prescribed in Title 23 (Zoning Ordinance), and determined it to be in substantial compliance. The proposed Development includes Conditions of Approval and Standard Development Requirements to ensure full compliance with applicable code requirements.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of this development approval. Attachments "2" contain Conditions of Approval and Standard Development requirements specific to this development application in order to provide assurances that the proposed construction of the 2 units and related on and off-site improvements are in compliance with applicable requirements of the Placentia Municipal Code.

e. That the proposed map is consistent with the General Plan. The proposed Tentative Tract Map is to support the construction of 2 units on the site. In an overall review of the General Plan, the proposed 2 unit development is consistent with all of the policies, programs, and goals. More specifically, it is a goal of the General Plan under policy 1.1 that, continuous vacant or underutilized parcels should be comprehensively planned for development to minimize effects on the City's suburban atmosphere." The subject site is an under developed .18 acre site that is improved with two single-family homes. Furthermore, it is an objective of the City's Housing Element to increase the overall housing stock within the City. This includes providing sufficient housing to meet the City's share of the Regional Housing Needs Assessment (RHNA). By allowing the proposed project to be constructed there will be an increase in the housing inventory by 2 units. For these reasons, approval of the Tentative Parcel Map is consistent with all

other goals, polices, programs, and land uses of applicable elements of the General Plan.

f. That the site is physically suitable for the type and density of development. The subject site is a .18 acre parcel, which has been designed to accommodate the units, as well as sufficient parking, landscaping, and open space. Based on this, the subject site is adequate to accommodate the R-1 zoning Designation.

g. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. The proposed subdivision is to allow a 2 unit housing development.

h. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. As part of the review of the application, an extensive record research was completed. Additionally, the application submitted a preliminary title report with their application. Although several easements have been found, they are mostly for utility access only. All of the easements will be protected in place and will not be altered by the construction of the project.

i. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat. The subject site is an underutilized single family use that only has limited vegetation. There are no known areas within the City that host wildlife or their habitat, most particularly species.

j. The intent of the R-1 zone is to stabilize and retain the residential character and integrity of the district. The proposed project will create a new 2 unit housing community. The applicant has designed the community in a manner that accomplishes all of the goals of the General Plan and Zoning Code, while avoiding significant impacts to the neighboring properties by utilizing proper site design, good architecture, and providing active community open spaces. Furthermore, the proposed design will enhance the streetscape, thus providing a pleasing aspect to those driving on La Paloma Avenue.

k. The proposed development's site plan and its design features, including architecture and landscaping, will

integrate harmoniously and enhance the character and design of the site, the immediate neighborhood, and the surrounding areas of the City. Currently the site is underutilized with one single-family structure. The applicant is proposing to use a Modern Spanish Mediterranean architectural style, which includes tile roofs, window treatments, and covered porches with embellished recessed treatment. Furthermore, the applicant has proposed several types of trees that complement this style. The combination of architectural style and proposed landscaping, will serve to enhance the site and provide an aesthetic enhancement to the entire area, since it is an overall upgrade to the property and augments the quality of the streetscape.

1. The development meets the overall requirements of the zoning code. As such, the setbacks generally conform to the overall requirements of the zoning code.

2. The Planning Commission hereby recommends: (a). The City Council of the City of Placentia find that Notice Of Exemption, adopted with respect to the project was prepared in compliance with the California Environmental Quality Act ("CEQA"), California Public Resources Code §§ 21000, *et seq.*, the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, §§ 15332 In-fill Development Projects, *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia and that the Council review and consider the information contained in said Notice Of Exemption with respect to the Application;

(b). The Planning Commission find and determine that, based upon the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project, no significant adverse environmental effects will occur; and

4. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Tentative Tract Map 17489, as modified herein, and specifically subject to the conditions set forth in Attachments "2" attached hereto and by this reference incorporated herein.

5. 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 12th day of July 2016.

CHRISTINE SCHAEFER, Chairman

I, Charles 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 12th day of July, 2016, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of July, 2016, 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,
ASSISTANT CITY ATTORNEY

ATTACHMENT 2

Special Conditions of Approval and Standard Development Requirements for Tentative Parcel Map (TPM) 2015-181

SPECIAL CONDITIONS

If the above referenced application is approved, applicant and/or property owner shall comply with the Special Conditions of Approval listed below and the Standard Development Requirements attached.

***ALL OF THE FOLLOWING CONDITIONS OF APPROVAL OF TENTATIVE PARCEL MAP 2015-181, AND SHALL BE FULLY COMPLIED WITH PRIOR TO THE FINAL INSPECTION FOR USE AND OCCUPANCY OF THE PREMISES.**

CITY PLANNING DIVISION:

1. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation or amendment of said actions by the City of Placentia Planning Commission.
2. 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.
3. Approval of Tentative Parcel Map 2015-181 and the final map is contingent upon City Council Approval.
4. Tentative Parcel Map 2015-181 shall expire twenty-four (24) months after approval or conditional approval if a final map is not recorded. Upon written request, by the developer, the time limit may be extended a total of twelve (12) months by City Council.

5. A final map shall be prepared by or under the direction of a registered Civil engineer or licensed land surveyor in the State, as provided for in the Business and Professions Code.
6. Tentative Parcel Map 2015-181 shall comply with the applicable requirements of Title 22 Subdivisions of the Placentia Municipal Code.
7. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
8. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation.
9. Property 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 72 hours of defacement and/or upon notification by the City.
10. Any changes or modifications to the approved use shall be subject to review and approval by the Director of Development Services. The Director may determine if such change or modification requires approval by the Planning Commission.
27. Prior to the submittal of working drawings, five (5) site plans shall be submitted for the review and certification by the Director of Development Services and shall include the following information:
31. Applicant/builder shall comply with all applicable Water Quality Management Plan (WQMP) requirements and Best Management Practices (BMPs) to control pollutant run-off from the subject site during construction.
32. Prior to final release of the buildings for occupancy:
 - a. All Special Conditions of Approval and Standard Development Requirements shall have been completed and final inspections approved.
 - b. Landscape and irrigation plans shall be approved and on file with the City Building Division and all landscape materials established and irrigation system properly functioning.
33. Complete project Landscape and irrigation plans shall comply with the provisions of Chapter 23.77, Xeriscape of the Placentia Municipal Code.
34. Applicant/builder is responsible, at its sole cost and expense, to cause all cable, telephone, electrical, and other utility services serving the property to be placed underground within the subject site. Prior to the issuance of building permits,

Applicant/builder shall submit a separate utility plan for each such utility service. The utility plan shall indicate the precise location of where all cable, telephone, electrical, and other utility services serving the property will be placed underground within the subject site, as well as the points of connection at the proposed building or buildings on the site and the public right-of-way. Prior to the submittal of the utility plans to the City, the plans shall be reviewed and approved by the utility companies. Evidence of approvals shall be in the form of a signed and dated approval stamp and/or approval letter. If the precise locations of future utility services cannot be reasonably ascertained prior to the issuance of building permits, upon prior written approval of the Director of Development Services, prior to issuance of a certificate of occupancy. Applicant/builder shall provide the City with "as built" plans showing the precise locations where all cable, telephone, electrical, and other utility services serving the property were placed underground within the subject site, as well as the points of connection at the building or buildings on the site and the public right-of-way.

35. Applicant/Builder shall establish a rodent abatement program prior to the demolition of existing structures on the property, or before any other on or off-site work. A detailed description of how this program will work shall be submitted to the City Planning Division for approval prior to obtaining a demolition permit.
36. Prior to the issuance of building permits, the developer shall submit for City approval a construction staging plan that indicates how safe vehicular and pedestrian access to the site will be maintained for the duration of the construction period. The construction staging plan shall include measures such as, but not limited to the following:
 - a. A telephone number and a name of a contact person for registering complaints or comments shall be posted in a clearly visible manner along the perimeter of the site.
 - b. A flag person shall be employed to direct traffic when construction vehicles access the project site and the construction staging area.
 - c. Alternate pedestrian routes to the site shall be clearly delineated with safe access to and the site.
 - d. If any sidewalk is blocked during construction, alternate routes for pedestrians and bicycles shall be clearly marked with signs approved by the City.
 - e. All access points shall be clearly marked during construction, and if an access point is blocked during construction, a detour sign to an alternate access point shall be clearly posted.

37. During grading and construction, site shall be regularly sprinkled with water to minimize fugitive dust emissions. Also, compliance shall be required with the permitted working hours as specified in Section 23.81.170, Grading, construction and maintenance of real property of the Placentia Municipal Code. Signs shall be posted at all construction entrances to the project site indicating the permitted working days and hours.
38. Compliance shall be required with the City's Noise Control Ordinance during construction, Chapter 23.76 of the Placentia Municipal Code.
39. A solid block wall, a minimum of 6'-0" high shall be installed around the perimeter boundaries of the site along the north, east and west property lines, except that within the front yard setback, then the maximum height shall be 3'-0". Applicant shall repair any existing walls that will remain to the satisfaction of the City Building Official and Development Services Department.

CITY BUILDING DIVISION:

40. Lot line adjustment plans shall be prepared by a licensed California Civil Engineer who has the California Land Surveyor's license also.
41. Obtain asbestos clearance from Air Quality Management District (AQMD) prior to application for the demolition building permits (total 3 buildings) from the Building Division
42. New residential homes (2) need to have auto-fire sprinkler system throughout and fire sprinkler plans need to be reviewed & approved by the Orange County Fire Authority prior to the installations.

BUILDING DIVISION

Application: Tentative Parcel Map (TPM) 2015-181

Applicant: Brian Johnson

Location: 1633 La Paloma Avenue, Placentia CA 92870

Date: 5/4/16

STANDARD DEVELOPMENT REQUIREMENTS

1. CODE REQUIREMENTS (Compliance required with latest adopted):

Handicapped requirements	_____
2013 California Building Code	_____
<u> X </u>	
2013 California Green Building Code	_____
<u> X </u>	
2013 California P/M Code	<u> X </u>
National Electrical Code (2013 California Electrical Code)	<u> X </u>
License Ordinance (Sub-contractor list)	<u> X </u>
State of California Energy Conservation Standards	<u> X </u>
Flood Plain Managements Regulations	<u> X </u>

2. FEES (Fees & charges to be paid prior to recordation of final map or issuance of building permits.)

County Sewer Fee	<u> X </u>
Building Permit, Plan Check, Contractor/Sub Contractor License Fee	<u> X </u>
Recreation / Park in-lieu Fee	<u> X </u>
Curb Identification Fee	<u> X </u>

CITY ENGINEERING DIVISION:

61. Applicant shall call out wattage proposed for onsite light fixtures. Indicate if lights will be HPSV or LED- use civil standard. Height of light poles shall be acceptable to City Engineer.
62. Applicant shall call out 50 foot red curb on each side of driveway along N. Bradford Avenue, per July 23, 2012 Traffic Technical Memorandum.
63. A preliminary soils report shall be submitted to the satisfaction for the City Engineer.
64. Applicant shall call out basis of bearings, monuments found, and monuments to be set.
65. Any work performed within the public rights of way requires a City encroachment permit.

66. Applicant shall provide a utility plan for wet and dry utilities.
67. Fees, charges and deposits shall be paid prior to recordation of parcel or issuance of building permits.
68. A parcel map acceptable to the County Surveyor for recordation is required.
69. A grading plan acceptable to the City Engineer is required prior to issuance of building permits.

CITY POLICE DEPARTMENT:

70. Developer/Applicant shall comply with Placentia Police Department standard development requirements for security (See Attachment D)
71. The parking lot shall be lighted during the hours of business with a minimum maintained one foot candle of light on the parking surface. Trees and lights are to be coordinated and not located in the same spot. Light fixtures adjacent to residential uses are to have full cut offs, with no light trespass into the residential areas. Reduce the light pole height from 30 feet to 25 feet. Provide a photometric plan with landscape plan showing compliance.
72. Provide landscaping that will help *block* and shield the parking lot light fixtures from being seen from adjacent residences.
73. Install a solid wood or hollow metal door with deadbolt on the audio/video room and install an alarm on the door that will at least sound locally.
74. Exit doors shall have panic hardware with at least two locking points.

ORANGE COUNTY FIRE AUTHORITY:

75. Developer/Applicant shall comply with all site development requirements specified by the Orange County Fire Authority (OCFA) and provide City with applicable proof of OCFA necessary approvals. (See Attachment E)

VESTING TENTATIVE PARCEL MAP NO. 2015-181

PROPERTY DESCRIPTION

ALL THAT PORTION OF LOT 38 OF HAZARD'S SUBDIVISION, AS SHOWN ON A MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING 41.4 CORN. N. 1/2 SEC. 10 T. 17 N. R. 17 E. S. 10 AS BEING 130.45 FEET FROM THE SOUTHWEST CORNER OF LOT 38 OF HAZARD'S SUBDIVISION, THENCE NORTH 89°52' EAST 80 FEET TO A POINT, THENCE SOUTH 86°12'11" TO A POINT, THENCE SOUTH 89°52' WEST 80 FEET TO A POINT, THENCE NORTH 86°12'11" TO THE POINT OF BEGINNING.

COUNTY ASSESSOR'S PARCEL NUMBER(S): 346-172-23

BASIS OF BEARINGS

THE COORDINATE OF LA PALOMA AVENUE BEING N89°49'37"W AS SHOWN ON THE RECORD OF SURVEY RECORDED AT BOOK 100 PAGES 91-11 IN ORANGE COUNTY.

GENERAL NOTES

1. EXISTING LAND USE, RESIDENTIAL.
2. PROPOSED LAND USE, RESIDENTIAL.
3. EXISTING BUILDING, 1 UNIT.
4. PROPOSED BUILDING, 1 UNIT.
5. WATER SERVICE PROVIDED BY CALIFORNIA STATE WATER COMPANY.
6. SEWER SERVICE PROVIDED BY CITY OF PALMDALE PUBLIC WORKS DEPARTMENT.
7. GAS SERVICE PROVIDED BY SOUTHERN CALIFORNIA GAS COMPANY.
8. POWER SERVICE PROVIDED BY SOUTHERN CALIFORNIA GAS COMPANY.
9. PARCELS 1 & 2 ARE BOUNDING LOTS. PARCEL 3 IS TO BE DEDICATED TO ADJACENT PARCEL.

STATEMENT OF OWNERSHIP

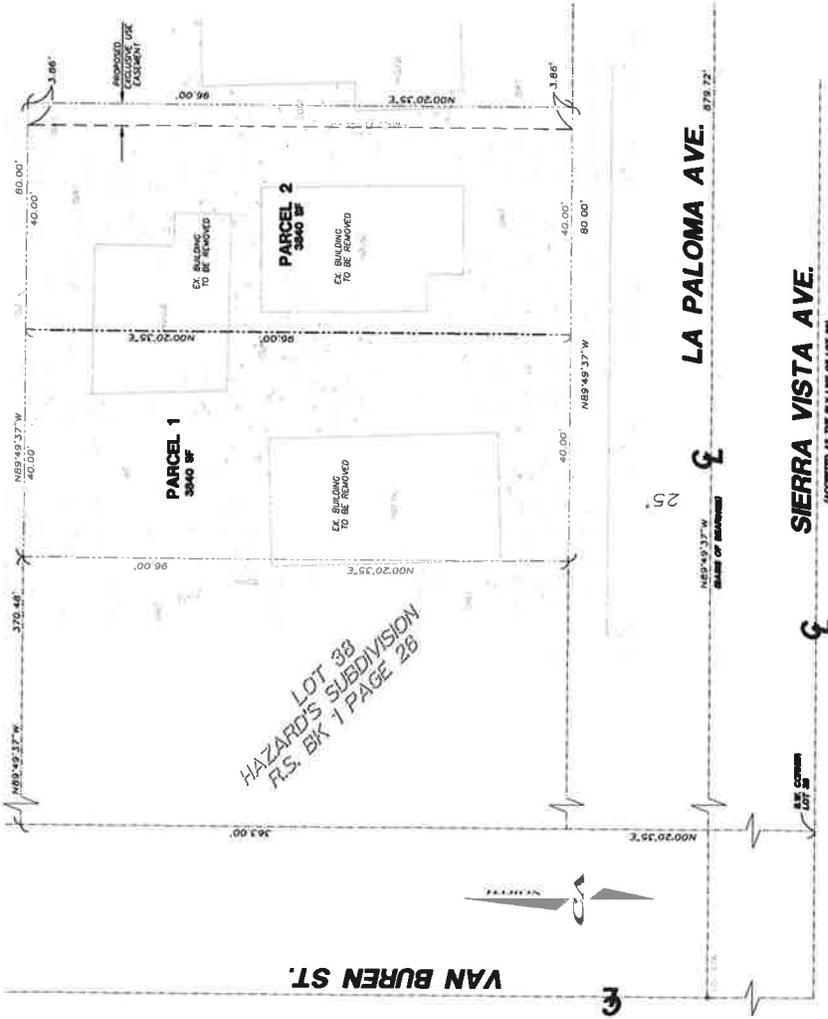
I HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE OWNERS OF THE PROPERTY SHOWN THEREON HAVE BEEN ADVISED OF AND CONSENTS TO THE FILING OF THIS MAP.

FRED CORNWELL RFE 45558 DATE _____



LEGEND

- PROP. LOT LINE
- BOUNDARY LINE
- EX. CURB



DATE	APR 23 2016
PROJECT NO.	757-2
PAGE NO.	1
TOTAL PAGES	1

SUBDIVIDER/OWNER

CHAMP DEVELOPMENT
380 S SANTA ANITA ST
ANAHEIM, CA 92808

PREPARED BY:

CA ENGINEERING, INC.
Professional Engineer
3002 DORN AVE, STE. 02
MILPITAS, CA 95035
408-254-0000 TEL 408-254-0000 FAX

REV.	DATE	DESCRIPTION



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: JULY 12, 2016
SUBJECT: **USE PERMIT 2016-06**

RECOMMENDATION:

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

1. Open the Public Hearing, concerning Use Permit 2016-06; and
2. Receive the Staff report and consider all public testimony; and
3. Close the Public Hearing; and
4. Adopt Resolution PC-2016-08, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-06 and Making Findings to Permit the Operation of a Retail Automotive Sales with a +/- 4,869 Square Foot Commercial Industrial Suite, Located at 1940 Petra Lane, Suite C in "M" Manufacturing Zoning District; and making Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant is requesting a Use Permit for a small dealership focused on the sales of pre-owned late model passenger autos to be conducted entirely inside an enclosed 4,869 square feet industrial multi-tenant industrial building located at 1940 Petra Lane in the Manufacturing (M) District. Section 23.47.040 of the Placentia Municipal Code allows for small scale retail sales of motor vehicles, motorcycles and recreational vehicles subject to approval of a Use Permit.

DISCUSSION:

In April 2009, Ron Erickson expanded an existing service and repair business and ventured into the unique concept of locating particular models of pre-owned luxury cars, classic and vintage vehicles, then conditioning them and selling them as a licensed, bonded and insured California used car dealer. Exclusive Motors was thus started upon approval of Use Permit 2009-03. The industrial building, located at 1961 Mira Loma Avenue in which that business is located is approximately 12,000 square feet, divided into two equal sections of +/- 6,000 square feet each.

One-half of the building is used for automotive service and repair, while the remaining space is used to display pre-owned classic and vintage vehicles for retail sales. Mr. Erickson has formed the new proposed business with two other partners, John Mattarollo and Edward Perez. But while Exclusive Motors focused on luxury, vintage and classic autos in the \$90,000 range, the new proposed auto sales use, RJE Motorcars will carry more affordable pre-owned autos in the \$10,000-20,000 range.

Subject Site and Surrounding Land Uses

RJE Motorcars is a proposed automotive sales use within an industrial complex located on the south side of Petra Lane, east of Fee Ana Street. Other uses within this industrial center include a recycling use an electronics supplier, a motorcycle repair shop, and an electronics manufacturer. The chart below shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Vacant	Industrial	M
Proposed	RJE Motorcars: Automotive Sales	Industrial	M
North	Industrial/Manufacturing	Industrial	M
South	Industrial/Manufacturing	Industrial	M
East	Industrial/Manufacturing	Industrial	M
West	Industrial/Manufacturing	Industrial	M

Operational Characteristics

According to the submittal letter received on May 24, 2016, the applicant indicates that the operation will be conducted inside a 4,869 square foot, multi-tenant, industrial building. The hours of operations will be 9:00a.m. to 5:00p.m., Monday through Friday and weekends by “appointment only”. The floor plan consist of an office, reception and bathrooms totaling approximately 675 square feet and the balance of the floor space will be used as both the showroom and the auto storage which is approximately 4,194 square feet. The proposed business will only consist of two personnel staff that will be full-time. These personnel will be General Manager and Receptionist.

Access/Parking

The subject site can be accessed via a two-way driveway at the south side of the cul-de-sac of Petra Lane. Section 23.78.030 of the Placentia Municipal Code requires 2 spaces per 1,000 square feet of unit area thereby requiring a total of 10 spaces for the subject site. The site already provides 11 spaces.

CEQA:

The proposed UP 2016-06 was reviewed by Staff 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 UP 2016-06 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1 Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use".

Prepared and submitted by:



Charles L. Rangel
Contract Senior Planner

Review and approved by:



Damien R. Arrula
City Administrator

Attachments:

1. Resolution No. 2016-08
2. Conditions of Approval
3. Floor Plan
4. Site plan
5. Letter from Applicant, undated

RESOLUTION NO. PC-2016-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2016-06 AND MAKING FINDINGS TO PERMIT THE OPERATION OF A RETAIL AUTOMOTIVE SALES WITHIN A +/- 4,869 SQUARE FOOT COMMERCIAL INDUSTRIAL SUITE, LOCATED AT 1940 PETRA LANE, SUITE C IN "M" MANUFACTURING ZONING DISTRICT.

A. Recitals.

(i) R J E Motorcars, applicant located at 1940 Petra Lane, Unit C ("Applicant" hereinafter) heretofore filed an application for approval of USE PERMIT NO. 2016-06, 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 July 12, 2016 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 Conditions of Approval and Standard Development Requirements (Attachment "1"), this use complies with all applicable code requirements and development standards of the M Manufacturing and (3), it is not anticipated that a

retail auto sales operation will generate any negative impacts on the adjacent neighborhood. The use shall be conducted within an enclosed building and while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached 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 "Industrial", and the proposed use does not involve any change in the land use of the subject site. On or about July 12, 2016, the Planning Commission determined that retail auto sales establishments are permitted uses in the M Manufacturing District, subject to Use Permit approval.

c. The proposed use, activity or improvements, subject to the attached Conditions of Approval and Standard Development Requirements (Attachment 1), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. Approval of the Use Permit would be consistent with the zoning as the site can accommodate the proposed uses and other similar uses have been conditionally permitted within the "M" Manufacturing.

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. Attachment 1 contains Conditions of Approval and Standard Development Requirements specific to UP 2016-06 to ensure compliance with the Placentia Municipal Code.

3. Subject to compliance with all Conditions of Approval and Standard Development Requirements as approved by the Planning Commission through Resolution PC-2016-08 and Use Permit 2016-06, the Placentia Police Department does not believe that this use permit issuance will create a law enforcement problem. The Development Services Department and the Placentia Police Department are supportive of this proposal.

1. Based upon the environmental review of the project, the Planning Commission finds that Use Permit (UP) 2016-06 is exempt from CEQA pursuant State CEQA Guidelines § 15061(b)(3) and § 15301 as it pertains to a matter which can be seen with certainty that there is no possibility that Use Permit (UP) 2016-06 will have a significant effect on the environment and since it can be seen that it pertains to the operation of existing structure or facilities.

2. The Planning Commission hereby directs that, upon approval of Use Permit 2016-06, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

3. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2016-06 as modified herein, and specifically subject to the conditions set forth in Attachment 1, attached hereto and by this reference incorporated herein.

4. 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 12th day of July, 2016.

Christine Schaefer, Chairman

ATTEST:

Charles L. Rangel
Secretary to the Planning Commission

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 12th day of July, 2016, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Charles L. Rangel
Secretary to the Planning Commission

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY

Attachment 2
Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2016-06
1940 Petra Lane, Suite C
RJE Motorcars

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 2016-06 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. Use Permit 2016-06 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 Exclusive Motors, 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:
Monday – Friday: 9:00 a.m. to 5:00 p.m.
Weekend by appointment
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 either a Use Permit Modification or 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. No outside storage or displays shall be permitted at any time.
10. 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.
11. 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 on a regular basis.
12. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
13. 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.

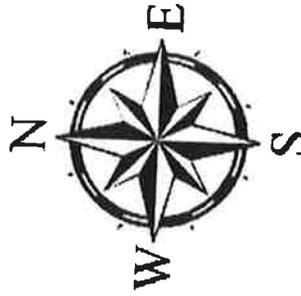
14. This establishment shall be operated as a motor vehicle sales operation at all times. All activities shall be conducted within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor, or other nuisances.
15. The applicant/business owner shall be responsible 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 72 hours of defacement and/or upon notification by the City.
16. 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.
17. 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.
18. There shall be no display of motor vehicles in the parking lot area or outside of the proposed industrial building at any time, except for immediate customer drop-off or pick-up.

CITY BUILDING DIVISION:

19. All Existing restrooms (men & women) shall be in compliance with ADA regulations.

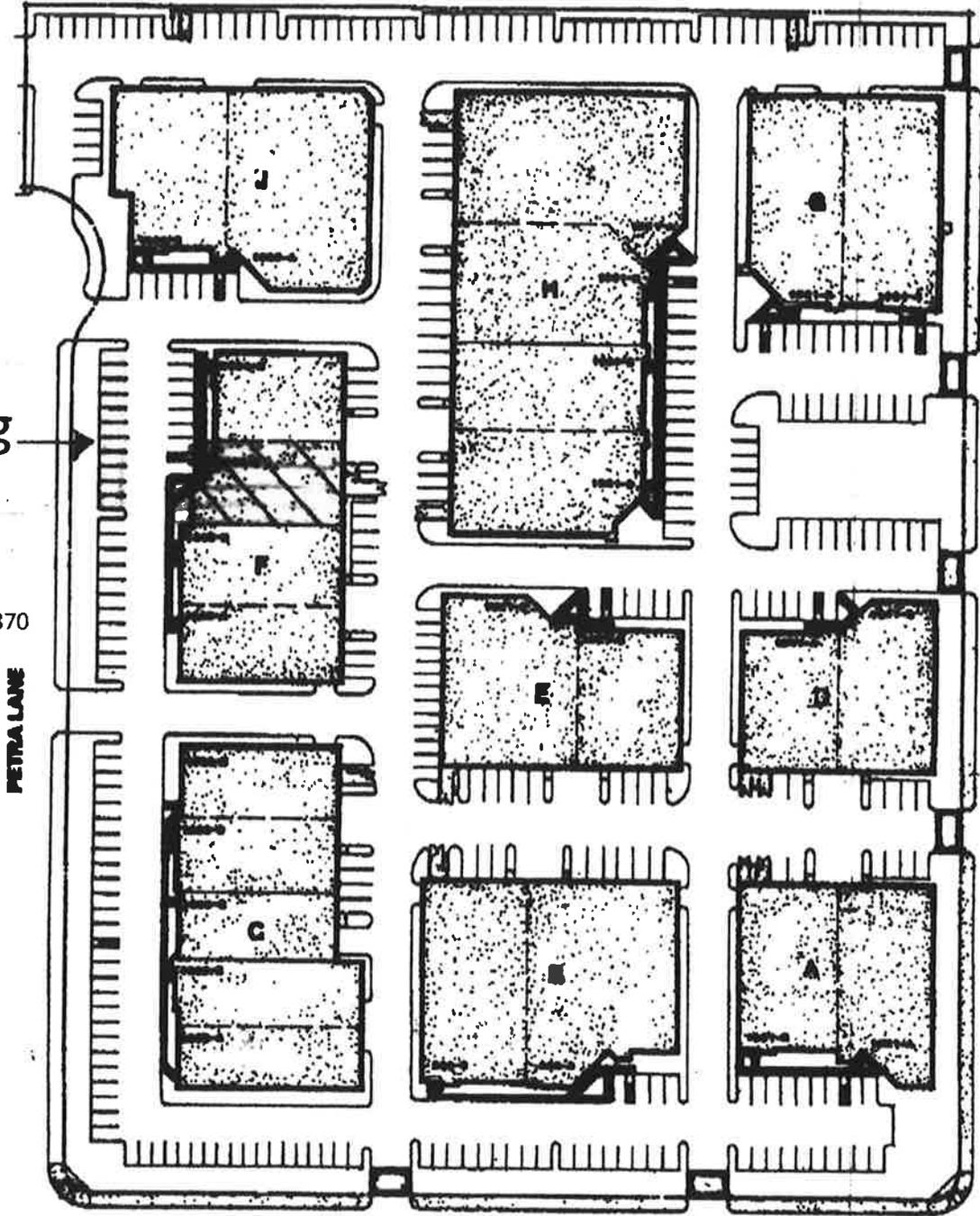
CITY POLICE DEPARTMENT:

23. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security



Parking

RJE Motorcars
1940 Petra Lane
Suite C
Placentia, CA 92870

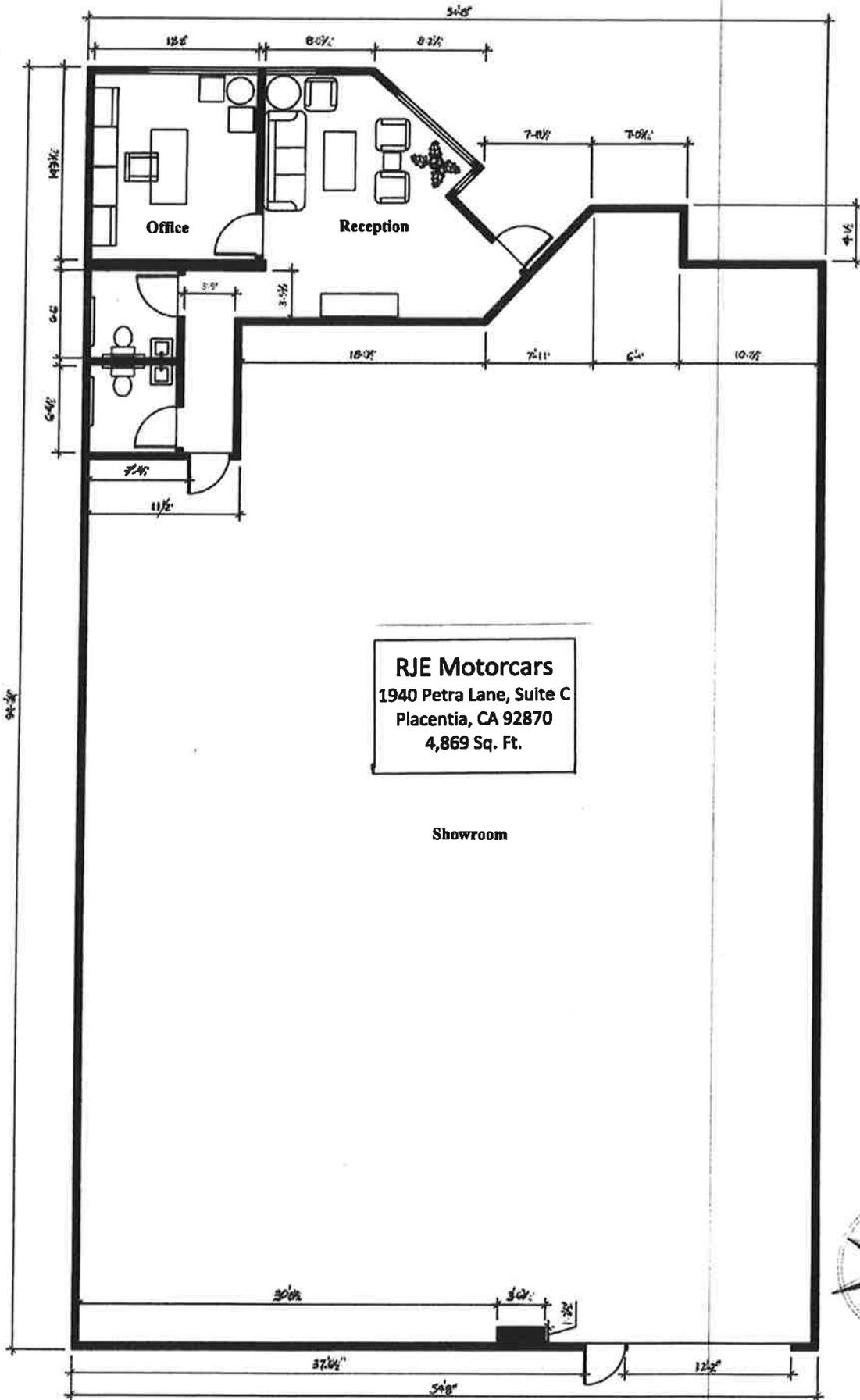


PETRA LANE

MIRALOMA AVENUE

FIRE ANA STREET

UP 2016-06
1940 Petra Lane, Suite C



RJE Motorcars
 1940 Petra Lane, Suite C
 Placentia, CA 92870
 4,869 Sq. Ft.

Showroom

UP 2016-06
 1940 Petra Lane, Suite C





1940 Petra Lane Suite C
Placentia, CA 92870

SOUTH ELEVATION
FROM PETRA
LANE

Elevation

UP 2016-06
1940 Petra Lane, Suite C

R J E MOTORCARS

RJE Motorcars is a conceptualized small used car auto dealership. The operation will run out of an existing 4,869 sq. ft. multi-tenant industrial building complex. This business will have a finished reception area, an office space, and two restrooms. The adjacent warehouse space, otherwise known as the "showroom" area, will house the entire inventory stock. This arrangement will thus eliminate the need for a large crowded lot. Our main advertising venue will be internet and there will be no exposed promotional banners, waiving devices or any other like medium – only a cleanly manicured property with tasteful and appropriate signage. RJE Motorcars will focus on preowned late model passenger vehicle sales. Post sale service or repair will be outsourced. Customers will have a more personalized experience afforded by an "appointment only" system in a contemporary environment. The approach will allow lower volume sales and yield moderate gains, securing a more stable entity.

Because the majority of current car shoppers start their vehicle search via internet searches, the old way of shopping for cars is becoming obsolete. It is now standard for people in the market for a car to browse, negotiate, and even purchase vehicles online without the countless hours of driving from dealership to dealership.

In view of experience, John Mattarollo and Ronald Erickson are well established in the automobile retail sale industry and currently operate a small automobile dealership. Together, they have a combined 40+ year history in all facets of the auto industry: from mechanics and service, to sales, to banking and finance. Mr. Erickson started a premier automobile service facility in 1988 and Mr. Mattarollo has a background in Accounting and Finance and has managed and owned car dealerships since 2001. In January of 2012, Mr. Mattarollo joined Mr. Erickson and further developed and expanded the retail side of the business. As that company continues to grow and prosper and, the time has come to expand and diversify. Edward Perez, a professional acquaintance and auto enthusiast has joined the group as an investor. RJE Motorcars will operate under a similar model, offering only the finest, cleanest, and best maintained vehicles for sale. But while that existing dealership will carry luxury pre-owned autos, with some units reaching a \$90K sale price, RJE Motorcars will carry more affordable preowned units in a mid \$20K to \$10K price point.

With regards to RJE Motorcars, the vision will remain consistent with the current business model: to offer an exceptional product, to conduct an honest operation and thus, to establish and preserve stellar relationships with the clientele. RJE Motorcars takes great pride in their operation and understand that business must be earned. Your consideration for a Conditional Use Permit is sincerely appreciated.

R J E Motorcars

1940 Petra Lane
Suite C
Placentia, CA 92870

PHONE: 714-524-2224
FAX: 714-524-2223
EMAIL: john@excmotors.com
WEB SITE: TBA

UP 2016-06
1940 Petra Lane, Suite C

R J E MOTORCARS

Hours of Operation:

RJE Motorcars will operate from the hours of 9 am to 5 pm Monday through Friday and Weekends by appointment.

Number of Employees:

RJE Motorcars currently has one full time and one part time employee.

R J E Motorcars

**1940 Petra Lane
Suite C
Placentia, CA 92870**

**PHONE 714-524-2224
FAX 714-524-2223
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Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: JULY 12, 2016
SUBJECT: **USE PERMIT 2016-03**

RECOMMENDATION:

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

1. Open the Public Hearing, concerning Use Permit 2016-03; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2016-10, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-03 and making findings to permit the operation of a massage establishment within a +/- 1,231 square foot commercial suite, located at 1154 E. Imperial Highway in "C-2" Community Commercial Zoning District; and making Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, Haipeng Xu, dba as Palm Massage is requesting a Use Permit for a massage establishment to be conducted entirely inside an enclosed 1,231 square feet (sq. ft.) multi-tenant commercial building located at 1154 E. Imperial Highway in the Community Commercial (C-2) District. Section 8.44 of the Placentia Municipal Code allows for massage establishment subject to approval of a Use Permit. The applicant, Haipeng Xu, dba Palm Massage is actually an existing establishment that has been in business since June, 2012 but the newly enacted ordinance applies to all existing uses as well as any new proposed establishments.

DISCUSSION:

BACKGROUND

In 2009, the California legislature eliminated local control of massage establishments by enacting Section 4600 et seq. of the Business and Professions Code, which allowed voluntary state-wide certification of massage practitioners and therapists, and, more importantly, restricted local control of massage establishments. As a result, 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 was not 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 October 2015, the Planning Commission recommended the City Council approve the proposed ordinance which would require all massage applicants to apply for a Use Permit for the operation of a massage establishment in zones where the use would be authorized. Use Permits are approved by the Planning Commission, which allow reasonable conditions of approval to be placed on the business. On January 19, 2016, the City Council approved the new ordinance. The Placentia Police Department will continue to conduct background checks on individuals applying for massage licenses.

Subject Site and Surrounding Land Uses:

Palm Massage is a proposed massage establishment use within a commercial complex located on the south side of Imperial Hwy, west of Rose Drive. Other uses within this commercial center include a Porky’s Pizza, Super Liquors, and the Teen Driving Academy. The chart below shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Palm Massage Establishment	Industrial	C-2 Community Commercial
Proposed	Palm Massage Establishment	Industrial	C-2 Community Commercial
North	Stater Bros Super Market	Commercial	C-2 Community Commercial
South	Church/Single-Family Residential	City of Yorba Linda	City of Yorba Linda
East	Multi-tenant Commercial	Commercial	C-2 Community Commercial
West	Apartments	High Density Residential	R-3 High Density Residential

Operational Characteristics

According to the submittal letter dated May 16, 2016, the applicant indicates that the massage establishment will be conducted inside a 1,231 square foot commercial suite. The hours of operation will be 9:00 am to 10:00 pm, 7 days a week. The floor plan consists of a waiting room, reception area and bathrooms. A hallway through the center of the floor plan gives access to five rooms used for body massage, one large room is used to provide foot massages for multiple clients, and there is a shower/utility room.

Access/Parking

The subject site can be accessed via a two-way driveway on the south side via Golden Avenue, or from a two-way driveway on the north, via Imperial Hwy. Section 23.78.030 of the Placentia Municipal Code requires four (4) spaces per 1,000 square feet of unit area for the C-2 district. As such, a total of five (5) spaces are required for the subject site. Currently 16 spaces are provided along the front of the office although more spaces are provided throughout the entire commercial center.

CEQA:

The proposed UP 2016-03 was reviewed by staff 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 UP 2016-06 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1 Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use".

Prepared and submitted by:



Charles L. Rangel
Contract Senior Planner

Review and approved by:



Damien R. Arrula
City Administrator

ATTACHMENTS:

1. Resolution No. 2016-10
2. Conditions of Approval
3. Floor Plan
4. Site plan
5. Letter from Applicant

RESOLUTION NO. PC-2016-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2016-03 AND MAKING FINDINGS TO PERMIT THE OPERATION OF A MASSAGE ESTABLISHMENT WITHIN A +/-1,231 SQUARE FOOT COMMERCIAL SUITE, LOCATED AT 1154 E IMPERIAL HIGHWAY IN "C-2" COMMUNITY COMMERCIAL ZONING DISTRICT.

A. Recitals.

(i). Haipeng Xu, dba Palm Massage located at 1154 E Imperial Highway ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2016-03, 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 February 9, 2016, 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 (Attachment "A"), this use complies with all applicable code requirements and development standards of the "C-2" Community Commercial District and (3) it is not anticipated that a massage establishment will generate any negative impacts on the adjacent neighborhood. All

activities 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. The Palm massage has been operating as a massage establishment on this site since June, 2012.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachment "A"), 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-2" Community Commercial District in the City of Placentia. Approval of the Use Permit for a massage establishment would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "C-2" Community 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. Attachment "A" contains Special Conditions of Approval and Standard Development Requirements specific to Use Permit (UP) 2016-03 to ensure compliance with the Placentia Municipal Code.

3. Based upon the environmental review of the project, the Planning Commission finds that Use Permit (UP) 2016-03 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 § 15301 as the permit would be issued to an existing structure of facility.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2016-03, 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 (UP)

2015-09 as modified herein, and specifically subject to the conditions set forth in Attachment "A" 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 12th day of July, 2016

CHRISTINE SCHAEFER, 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 12th day of July, 2016, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of July, 2016, 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,
ASSISTANT CITY ATTORNEY



Attachment 2
Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2016-03
1154 E Imperial Highway

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) 2016-03 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) 2016-03 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. Any changes or modifications to Use Permit (UP) 2016-03 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. Prior to any changes to the days and hours of operation, 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:

10:00 am to 10:00 pm 7 days a week

7. 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.
8. 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.
9. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
10. 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.
11. 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.
12. 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.
13. The applicant business owner shall maintain a valid City Business License at all times during operation of the business.

14. 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 Department
15. This use permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements.

CITY POLICE DEPARTMENT:

16. This use permit may be reviewed at the discretion of the Police Department and subject to random inspections in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements, including the code provisions in accordance with Placentia Municipal Code, Section 8.44.050(e)..
17. The floor plan shall conform to the physical requirements of the Municipal Code, and a physical inspection shall be conducted to verify compliance with the 26 requirements listed in Section 8.44.060.
18. 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.
19. 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 businesses.
20. The applicant shall not use any locking mechanisms on any interior door that would impede inspection to massage treatment rooms, including but not limited to a locking mechanism on any treatment room door, unless there is no person on staff who is available to assure the security for clients and massage staff that are behind closed doors. For the purpose of this Chapter, a staff member is available to assure the security of clients and massage staff when the massage establishment employs a receptionist or other person who is stationed in a public location outside of the massage treatment rooms.
21. There shall be no door-viewer or peephole designed to look through a door or wall nor shall any such features
22. At all times the massage establishment is open for business, it shall have on duty and on the premises at least one certified massage technician and one manager.

PLACENTIA POLICE DEPARTMENT

APPLICATION: Use Permit 2016-03

COMMERCIAL & INDUSTRIAL SECURITY STANDARD DEVELOPMENT REQUIREMENTS

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

EXTERIOR DOORS

Sliding Doors:

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

Other Doors:

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

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

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

installed. Such reinforcement shall restrict collapsing of the door around any locking device. Metal jambs shall be used.

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

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

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

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

Or:

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

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

(Exterior Doors, Continued...)

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

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

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

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

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

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

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

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

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

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

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

WINDOWS

No louvered windows shall be used.

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

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

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

ROOF OPENINGS

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

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

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

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

HATCHWAYS

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

LADDERS

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

BURGLARY RESISTANT MATERIAL

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

ADDRESS

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

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

EXTERIOR LIGHTING

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

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