



Placentia Planning Commission Agenda

Regular Meeting
April 12, 2011
6:30 p.m.

Michael Ebenhoch
Chairman

Vic Tomazic
Vice Chairman

Frank Perez
Commissioner

Floyd Farano
Commissioner

Christine Schaefer
Commissioner

John Scull
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

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

Procedures for Addressing the Commission

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

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

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

Special Accommodations

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

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

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

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

**City of Placentia
City Council Chambers
401 E Chapman Avenue
April 12, 2011**

REGULAR MEETING

6:30 p.m. – City Council Chambers

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

SWEARING IN OF COMMISSIONER SOLOMONSON

MINUTES

Regular Meeting: March 8, 2011
Recommended Action: Approve

ORAL COMMUNICATIONS

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

PUBLIC HEARINGS

OLD BUSINESS

1. **Applicant: Mike Antimie**
Location: 1921 Mira Loma Avenue

Use Permit (UP) 2011-02:

Request to permit the operation of a church (New Hope Christian Ministries) within a +/- 5,435 square foot industrial suite, located within an existing industrial complex at 720 Monroe Way, Suite A in the Manufacturing (M) District.

Recommended Action:

Adopt Resolution No. PC-2011-08 approving Use Permit (UP) 2011-02, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

NEW BUSINESS

2. **Applicant: Mr. Shesha Marvin**
Location: 731 & 733 Dunn Way

Use Permit (UP) 2011-04:

To permit the operation of an existing social dance instruction studio (Atomic Ballroom) within a +/- 6,206 square foot industrial suite, located at 731 & 733 Dunn Way in the Manufacturing (M) District.

Recommended Action:

Adopt Resolution No. PC-2011-07 approving Use Permit (UP) 2011-04, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

3. **Applicant:** Kristin Priesand, Derra Design, Inc.
Location: 1117-1119 E. Imperial Highway

Use Permit (UP) 2011-05:

To permit the expansion of an existing rooftop AT&T wireless communication facility, located at 1117-1119 E. Imperial Highway in the Community Commercial (C-2) District.

Recommended Action:

Adopt Resolution No. PC-2011-06 approving Use Permit (UP) 2011-05, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

DEVELOPMENT REPORT

PLANNING COMMISSION REQUESTS

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

ADJOURNMENT

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, May 10, 2011 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

CERTIFICATION OF POSTING

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the April 12, 2011 Regular meeting of the Planning Commission of the City of Placentia was posted on April 7, 2011.

Kenneth A. Domer

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

March 8, 2011

The regular meeting of the Placentia Planning Commission of March 8, 2011 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, California by Chairman Ebenhoch.

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

Absent: None (one vacancy)

PLEDGE OF ALLEGIANCE: Led by Vice Chairman Tomazic

Others Present: Ken Domer, Assistant City Administrator
Andrew V. Arczynski, City Attorney
Monique Schwartz, Associate Planner
Sara Salazar, Administrative Assistant

Motion by Commissioner Schaefer, seconded by Commissioner Farano to APPROVE THE MINUTES of February 8, 2011 with the correction that former Planning Chairman Green was present for part of the meeting. Passed by a 6-0 vote.

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

Public Hearings:

- Applicant: Mike Antimie**
Location: 1921 Mire Loma Avenue

Use Permit (UP) 2011-02:

Request to permit the operation of a church (New Hope Christian Ministries) within a +/- 5,435 square foot industrial suite, located within an existing industrial complex at 720 Monroe Way, Suite A in the Manufacturing (M) District.

The item was recommended by staff for continuance on the April 12, 2011 Planning Commission meeting.

Chairman Ebenhoch opened the Public Hearing for public comment. Having no public

comment the Chairman continued the open Public Hearing to April 12, 2011.

2. **Applicant: Matthew and Patricia Wheeler**
Location: 909 E. Yorba Linda Boulevard, Suites F & G

Use Permit (UP) 2011-03:

Request to permit the operation of a tattoo establishment within a +/- 1,090 square foot commercial/retail suite, located at 909 E. Yorba Linda Boulevard, Suites F & G in the Neighborhood Commercial (C-1) District.

Ms. Schwartz gave the staff report.

Commissioner Farano asked if the State of California has licensing requirements for tattoo artists. Ms. Schwartz responded that there are none she is aware of.

Commissioner Schaefer asked if there are any other tattoo shops in the City. Ms. Schwartz responded that there are currently none. Commissioner Schaefer asked if there were any complaints associated with the former shop and Ms. Schwartz stated that there were none. Commissioner Schaefer asked if this shop will be conducting body piercing and Ms. Schwartz responded that no, they will not be.

Chairman Ebenhoch opened the Public Hearing.

The applicant, Mr. Matthew Wheeler, introduced himself and spoke about his business. He indicated that he wants to cater to a higher caliber of tattoo seeking customers. He stated he is a family man and wants his shop to be a place where his kids could safely visit at any time.

Vice Chairman Tomazic asked the applicant if he resides in the City. Mr. Wheeler responded that he has lived in Fullerton for about 10 years. He also helped to build up the success of the tattoo shop, "Aces High" in Fullerton for the last 13 years.

Commissioner Farano asked what the applicant did at Aces High, besides perform tattoos. Mr. Wheeler indicated that he would run the shop when the owner was out. Commissioner Farano asked if the artists that Mr. Wheeler hires, will be employees or independent contractors. Mr. Wheeler responded they will be independent contractors. Commissioner Farano asked Mr. Wheeler if he has prepared a business plan. Mr. Wheeler responded that he has a large clientele and does not foresee taking a loss in the first year. Commissioner Farano asked how the client base will be built. Mr. Wheeler responded that his clientele has been built on referral. His clients understand that he provides a superior product and they are willing to pay for it. Commissioner Farano asked how many clients he has. Mr. Wheeler responded that he has approximately 300 to 400 clients.

Commissioner Schaefer asked if the artists he hires are required to go to the health department for licensing etc. Mr. Wheeler responded that tattoo artists are not regulated by the health department; however he will insist that his artists become certified in Bloodborne Pathogens and Cross Contamination.

Commissioner Scull asked if Mr. Wheeler ever plans to incorporate body piercing into his business. Mr. Wheeler responded that he will never have body piercing at his shop. Commissioner Scull asked if there is a demand for tattoos in the area. Mr. Wheeler responded that he is confident his current clientele will be sufficient. Commissioner Scull asked if he had any plans to sell miscellaneous merchandise in the shop. Mr. Wheeler responded that he may sell t-shirts that would promote his shop.

Commissioner Farano asked if Mr. Wheeler will be conducting a background check on his artists. Mr. Wheeler responded that artists will be referred to him by upper end shops; however he will have the ability to do back ground checks if he chooses to. Commissioner Farano asked if the artists he will be working with are of good moral character. Mr. Wheeler responded that yes they are and he is working to change the negative stigma associated with tattoo artists. Commissioner Farano expressed concern with the lack of control Mr. Wheeler will have over his independent contract tattoo artists. Mr. Wheeler explained that his artists will be expected to hold regular business hours and follow shop rules.

Commissioner Schaefer asked Mr. Wheeler if there will be private areas for tattooing. Mr. Wheeler responded that yes there will be a private area.

The co-applicant, Mrs. Patricia Wheeler addressed the Commission concerning Mr. Wheeler's current clientele. She explained that Mr. Wheeler will be taking all of the clients he currently works with at Aces High, with him, to the new shop. She clarified the relationship between a contracted tattoo artist and a shop owner.

Commissioner Farano asked Mrs. Wheeler if the independent contractors will be under contract. Mrs. Wheeler responded that nothing has been written up as of yet. Commissioner Farano asked if Aces High is still in business and if Mr. Wheeler is taking all their customers. Mrs. Wheeler responded that Mr. Wheeler is taking his customers only and Aces High will remain in business.

Chairman Ebenhoch invited comments from the community.

Mr. Eric Humboldt, 1037 Fuchsia Circle Placentia, has 2 children who attend classes at Action Kids, which is in the same shopping center as the proposed tattoo shop. He expressed concerns with there already being heavy traffic and not enough parking in the center. He also asked what the front windows of the tattoo shop will look like.

Ms. Kim Summers, 150 Paularino Avenue Costa Mesa, an employee of the center's landlord spoke in support of the tattoo shop. She explained the center has rules concerning window signage and the shop will look similar to what it looks like now once the tenant has taken occupancy. She noted this use will use minimal parking and additional parking is available in the back of the center.

Chairman Ebenhoch asked if anything could be done to enhance the parking available in the back of the center. Ms. Summers responded that employees are asked to park in the back of the center to leave parking in front open for customers.

Ms. Barbara Mulgar, 16442 Lymon Avenue Placentia, stated she lives in the neighborhood

behind the center. She was not in support of the tattoo shop as she felt it will attract the wrong kind of people to the area and may lower the value of her home.

Mr. Cameron Heath of Action Kids was not in support of the tattoo shop. He expressed concerns about the negative impact which may result from his business being placed between a tattoo shop and Kelly's Korner (a sports bar). Chairman Ebenhoch asked Mr. Heath if he reviewed the potential uses of the vacant shops before signing his lease in the center. He responded that no, he did not.

Vice Chairman Tomazic asked Mr. Heath if he had addressed his concerns with the landlord. Mr. Heath responded that besides a brief conversation today, no he had not spoken to them prior.

The Chair invited the applicant to respond to the concerns expressed by those from the community in attendance.

Mrs. Wheeler responded to the parking concern stating that any business is going to utilize parking and that cannot be avoided, however their parking use will be minimal. She also invited Mr. Heath of Action Kids to please let her or her husband know if something occurs that is cause for concern as she respects the image that his business is trying to uphold.

Chairman Ebenhoch closed the Public Hearing.

Chairman Ebenhoch thanked the members of the community for coming to express their concerns.

Commissioner Farano expressed that he did not feel the location is right for the use.

Commissioner Schaefer commented that Special Condition no. 32 states that the Use Permit will be reviewed at one (1) year or sooner if the need should arise. She also thanked staff for consulting with the Police Department on the proposed use who noted no immediate concerns.

Motion by Commissioner Schaefer, seconded by Vice Chairman Tomazic TO ADOPT RESOLUTION NO. PC-2011-05 APPROVING USE PERMIT (UP) 2011-03, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 5-1 vote (Farano voted No).

Old Business:

None

New Business:

None

PLANNING COMMISSION REQUESTS:

Commissioner Schaefer announced that she will not be able to attend the April meeting.

Chairman Ebenhoch adjourned the Planning Commission meeting to the next regularly scheduled meeting on April 12, 2011 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Ken Domer
Assistant City Administrator



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 1	DATE: April 12, 2011	PUBLIC HEARING: Yes
APPLICATION: Consideration of Use Permit 2011-02 – To Permit the Operation of a Church within an Existing Industrial Complex		
DESCRIPTION: Request to operate New Hope Christian Ministries within a ± 5,435 square foot industrial suite within an existing industrial complex on Mira Loma Avenue.		
RELATED APPLICATIONS: Not applicable		
APPLICANT: Mike Antimie, New Hope Christian Ministries		
PROPERTY OWNER: Etchandy Industrial Complex II, LLC		
LOCATION: 1921 Mira Loma Avenue, Placentia		
CEQA DETERMINATION: Categorically Exempt: Class 5, Section 15305		
ZONING: Manufacturing	APN(S): 346-381-03; 04	
GENERAL PLAN: Industrial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Kenneth A. Domer, Assistant City Administrator		
REVIEWED BY: Monique B. Schwartz, Associate Planner		

REQUEST:

The applicant is requesting a use permit to permit the operation of a church (New Hope Christian Ministries) within a ±5,435 square foot industrial suite in the Manufacturing (M) zone.

INTRODUCTION:

Chapter 23.47 of the Placentia Municipal Code (PMC) sets forth the purpose and permitted uses for manufacturing districts within the City of Placentia. As stated within § 23.47.010 the purpose of the manufacturing district is to "...provide for industrial uses and their related facilities while maintaining an environment free from objectionable noise, odor, dust or other nuisances." Per the City's General Plan, which is currently being updated on a comprehensive basis, a goal within the Land Use Element is to "Attract high quality businesses to Commercial and Industrial land use areas." This goal fits in within the long-term economic development component of the Land Use Element.

§ 23.47.040 provides that a church may seek a Use Permit to locate within the Manufacturing District. It states:

(a) All uses shall be conducted wholly within a completed enclosed building, except as provided in Section 23.47.120. Subject to obtaining a use permit, pursuant to Chapter 23.87, the following uses may be permitted:

(4) Churches; provided, however, that:

- (A) In approving the use permit the planning commission shall consider a church as a temporary use approved for a time period of not more than three (3) years. The use permit shall be reconsidered at the end of this time period,
- (B) All activity (other than church office staff) shall be prohibited on Monday through Friday prior to six p.m.;

DISCUSSION:

The proposed property location is an industrial complex on 8.8 acres of land at the corner of Mira Loma Avenue and Fee Ana Street. There are nine buildings within the complex and the complex is located centrally within a larger manufacturing area within the cities of Anaheim and Placentia bordered by Orangethorpe to the north, the Santa Ana River to the south, Imperial Highway to the east and stretching beyond Tustin Avenue to the west. The manufacturing business adjacent to the proposed location is a tool and die manufacturing business which has been in the City since at least 2001.

Per the Statement of Use, the church commenced in November 2008 and currently meets four times a week for bible studies, prayer meetings, fellowship and to plan outings to help the needy and poor. The church is currently located in Anaheim. It is stated that attendees number 49 adults and 13 children. The church proposes to have one full-time employee and will expect to see anywhere from 15-20 cars during normal meetings and up to 30 cars for special events.

The church proposes to operate on Sunday mornings, and Sunday, Monday and Thursday nights. Night time operations are not allowed by municipal code earlier than 6 pm and the use statement describes operations as generally no later than 8:30 pm. Sunday operations are generally from 9 am to 11 am.

The operation of a church in the proposed manufacturing location will have minimal, if any, impact on other daytime operations of industrial uses and should also not be impacted by other industrial operations. A listing of other business operational hours was provided by the applicant and few, if any, extend currently beyond standard business hours, Monday through Friday. Per the municipal code for churches in manufacturing zones, the use cannot operate prior to 6:00 pm during the week. The application was internally routed within the City for departmental review. No major findings or concerns were expressed by other City departments, including the Police Department, regarding the proposed operations. As such, if the church were allowed to operate within the Manufacturing district there are no major issues identified by City departments.

The concern by Development Services staff is less about the impacts of the operations of the church and more on the proposed location of a non-manufacturing use within the manufacturing district. As stated, the intent and purpose of the manufacturing district is to provide for industrial uses and their related facilities. Churches are allowed, with a

use permit, for a period of no longer than three (3) years unless extended after review. As stated in the long term economic development goal within the updated General Plan draft, the goal for the City is to attract high quality businesses to Commercial and Industrial land use areas. This goal is critical to the City of Placentia based on the lower commercial/retail/manufacturing land use availability percentage as compared to the predominant residential use. The City should maximize the non-residential zoning districts based on their intent: That is, to encourage commercial and retail to locate in commercially zoned areas and manufacturing to located in manufacturing zoned areas.

However, it is understood that in the current economy property managers are looking to fill vacancies in their property just as much as non-manufacturing uses are looking to secure an affordable lease in which to operate. The City of Placentia has worked with many property owners and property managers to facilitate their ability to locate tenants. However, each case is different and each time a broader set of goals is reviewed to determine how such a use fits into what is in the City's best interest. In this case, other than providing increased opportunities for residents from which to choose religious services or activities, there does not appear to be any clear advantage to the City for granting a use permit. On the other hand, there is also no clear and compelling reason in which to deny the proposed application. The use permit, if granted, will be reviewed after three years.

RECOMMENDATION:

The City Planning Division is able to recommend approval of Use Permit (UP) 2011-02.

ENVIRONMENTAL ANALYSIS:

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

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

ACTION:

That the Planning Commission approve Use Permit 2011-02 and adopt Resolution PC-2011-02.

Prepared and submitted by:

Reviewed by:

Kenneth A. Domer
Assistant City Administrator

Monique B. Schwartz
Associate Planner, Development Services

Attachments:

Attachment A: Resolution No. PC-2011-02
Attachment B: Special Conditions of Approval and Standard Development Requirements for Use Permit (UP) 2011-02
Attachment C: Police Department Standard Development Requirements
Attachment D: Orange County Fire Authority (OCFA) Site Development Requirements

Exhibits:

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

RESOLUTION NO. PC-2011-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2011-02 PERMITTING THE OPERATION OF NEW HOPE CHRISTIAN MINISTRIES WITHIN THE MANUFACTURING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Mr. Mike Antimie, as applicant with consent of Etchandy Industrial Complex II, LLC, owner of the property, located at 720 Monroe Way ("Applicant" hereinafter), heretofore filed an application for approval of Use Permit No. 2011-02, 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 April 12, 2011 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 working within the area of the proposed use or within the city, or (2) injurious to the property or improvements within the immediate area or within the city.

b. The proposed use, as conditioned and allowed by the Planning Commission, is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Industrial", which provides for a variety of manufacturing and other compatible uses, to include churches under a use

permit. As evidenced through the public hearing and found by the Planning Commission, the manufacturing uses currently present in the immediate parcel are not contradictory to the hours and use proposed by the applicant.

c. The proposed use and improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments "B, C and D"), are consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed uses include uses that meet the general purpose of the "M" Manufacturing District in the City of Placentia to include locations for churches. Approval of the Use Permit is consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been permitted within the "M" District.

3. Section 15305 of the CEQA Guidelines exempts minor alternations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including minor setback variances. The relevant area has an average slope of less than 20%, and will not result in any changes in land use or density. The Planning Commission specifically finds that the Application is Categorically Exempt under the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15305) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2011-02, 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 2011-02 as modified herein, and specifically subject to the conditions set forth in Attachments "B, C and D" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

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

ADOPTED AND APPROVED this 12th day of April, 2011.

Michael Ebenhoch, Chairman

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 11th day of January, 2011, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of April, 2011, by the following vote:

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

ATTEST:

Secretary to the Planning Commission

Attachment "B"
**Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2011-02**

SPECIAL CONDITIONS

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

ALL OF THE FOLLOWING SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE FULLY COMPLIED WITH FOR THE USE PERMIT TO CONTINUE IN GOOD STANDING.

CITY PLANNING DIVISION:

1. Use Permit (UP) 2011-02 is valid for a period of twelve (12) months from the date of final determination. If occupancy of the building for uses approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved by the Director of Development Services.
2. Use Permit (UP) 2011-02 shall expire and be of no further force or effect if the Planning Commission has not made findings for continued use through a public hearing held prior to three (3) years from the date of final determination.
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. All activity (other than church office staff) shall be prohibited on Monday through Friday prior to six o'clock (6:00) p.m.
6. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the applicant. These areas shall be swept or cleaned, either mechanically or manually, on a regular basis, to control debris.
7. 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 scheduled at regular intervals to prevent trash overflow.
8. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
9. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation. The applicant is allowed one (1) portable directional sign, to be placed upon private property subject to approval of the property owner, in conjunction with services.
10. All activities shall be conducted within the enclosed tenant space, or as otherwise allowed, while maintaining an environment free from objectionable noise, odor or other nuisances.
11. The applicant 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.
12. Applicant shall obtain a valid City Business License prior commencement of services.
13. 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.
14. Any changes or modifications to the approved uses shall be subject to review and approval by the Director of Development Services. Modifications include expansion on the leased space into adjacent tenant area, within the complex or exceeding the square footage leased space indicated on the submitted site plan. The Director may determine if such change or modification requires approval by the Planning Commission.
15. This use permit may be reviewed at the discretion of the Director of Development Services in order to determine if the church is operating in compliance with all required Special Conditions of Approval and Standard Development

Requirements. Based on the review a recommendation to the Planning Commission for modification and/or revocation may be made.

CITY BUILDING DIVISION:

16. The applicant shall obtain all necessary approvals from the City prior to constructing any tenant improvements. The plans for the tenant improvement shall be prepared by a California-licensed architect or engineer.
17. Applicant/property owner shall obtain demolition permits for removal of any existing interior tenant improvements.
18. All contractors and sub-contractors shall obtain a city business license. Applicant and/or contractor shall request a standard sub-contractor form from the City Building Division prior to issuance of a building permit. This standard form shall be completed and submitted to the City Business License Division prior to the issuance of any building permits.
19. Applicant shall provide exit signs with an illumination system. Labels reading "Door shall remain open from inside during business hours" shall be installed on top of all required exit doors.
20. Existing rest rooms (male and female) shall be in compliance with Title 24 Access Regulations. If tenant improvements includes rest rooms, urinals are encouraged to be extreme low flow or waterless where practical.
21. Occupancy for unit as proposed is determined to be "A-3" Occupancy and shall be equipped with automatic sprinkler system as defined by Orange County Fire Authority.

CITY POLICE DEPARTMENT:

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

ORANGE COUNTY FIRE AUTHORITY:

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

Attachment "C"
Placentia Police Department Standard Development Requirements

PLACENTIA POLICE DEPARTMENT



APPLICATION: New Hope Christian Ministries
1921 Mira Loma, Suite A

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 tract while in the closed position.

Other Doors:

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

Wood doors shall be of solid core construction with the minimum thickness of one and three-fourths (1 $\frac{3}{4}$) 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.

SITE SPECIFIC REQUIREMENTS **(IF APPLICABLE)**

No site specific requirements.

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

ORANGE COUNTY FIRE AUTHORITY

Fire Prevention Department

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602



Planning and Development Services • www.ocfa.org • (714) 573-6100 / Fax (714) 368-8843

Date: January 24, 2011

To: City of Placentia Planning Division
Attention: Monique Schwartz

From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156169**
NEW HOPE/ UP2011-02
1921 Mira Loma Avenue, Placentia
Service Code: PR105 Site Development Review/CUP

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

CONDITIONS OF APPROVAL

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

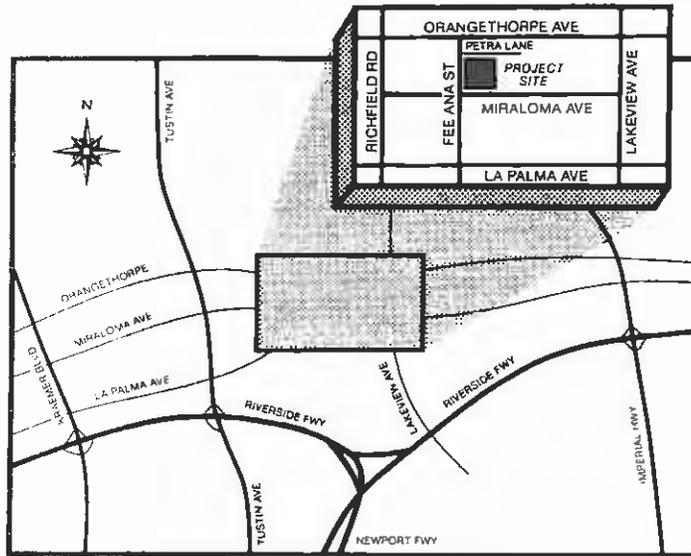
Prior to issuance of a building permit:

- Architectural (service codes PR200-PR285)
- fire sprinkler system (service codes PR400-PR465), if required by code or installed voluntarily
OR if the building is currently sprinklered and the system requires modification.

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

If you need additional information or clarification, please contact me by phone at (714) 573-6133, by fax at (714) 368-8843, or by email: lynnepivaroff@ocfa.org.

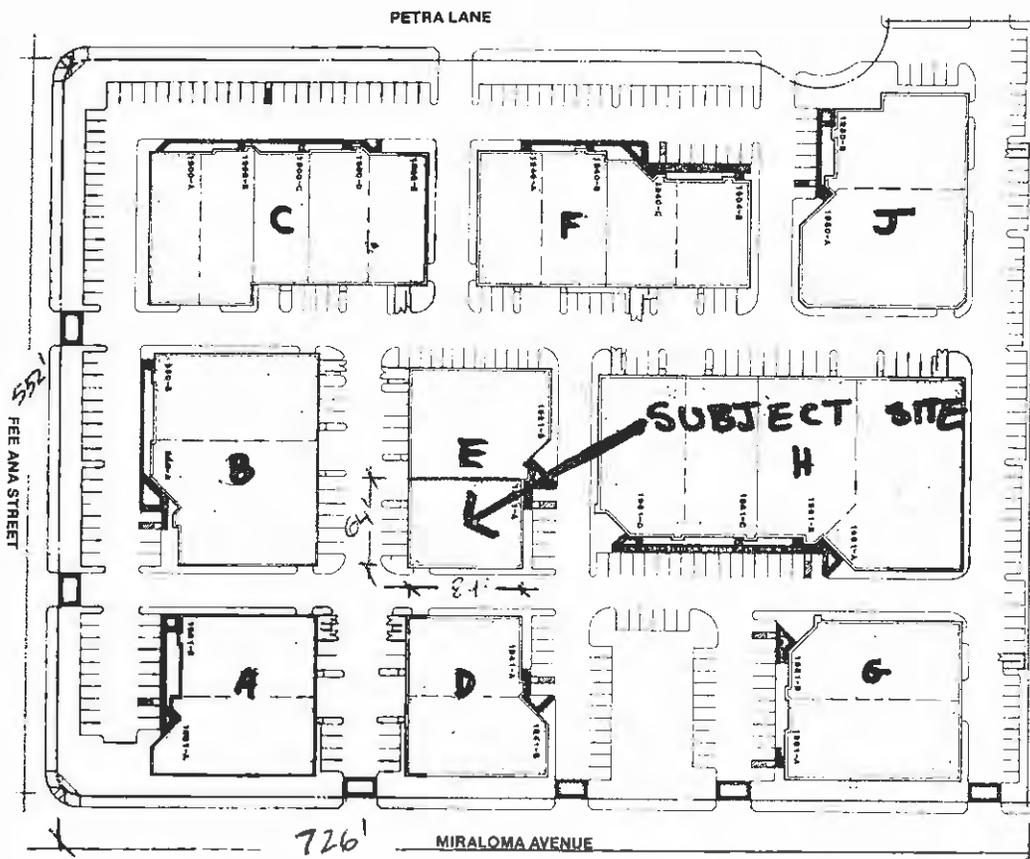
SITE PLAN, VICINITY MAP AND SQ. FOOTAGE



BUILDING SQUARE FOOTAGE

A	13,208
1901-A	7,015
1901-B	6,193
B	18,769
950-A	9,799
950-B	8,970
C	21,947
1900-A	4,514
1900-B	4,645
1900-C	3,969
1900-D	4,464
1900-E	4,355
D	11,236
1941-A	5,135
1941-B	6,101
E	13,893
1921-B	8,458
1921-A	5,435
F	18,828
1940-A	4,809
1940-B	4,802
1940-C	4,869
1940-D	4,349
G	15,277
1981-A	7,812
1981-B	7,465
H	34,613
1961-A	12,221
1961-B	8,431
1961-C	6,495
1961-D	7,465
J	17,387
1980-A	10,517
1980-B	6,870

TOTAL 165,158



SITE INFORMATION

1921 MIRALOMA AVE. SUITE A
PLACENTIA CA 92670
APN # 346-69-038-04

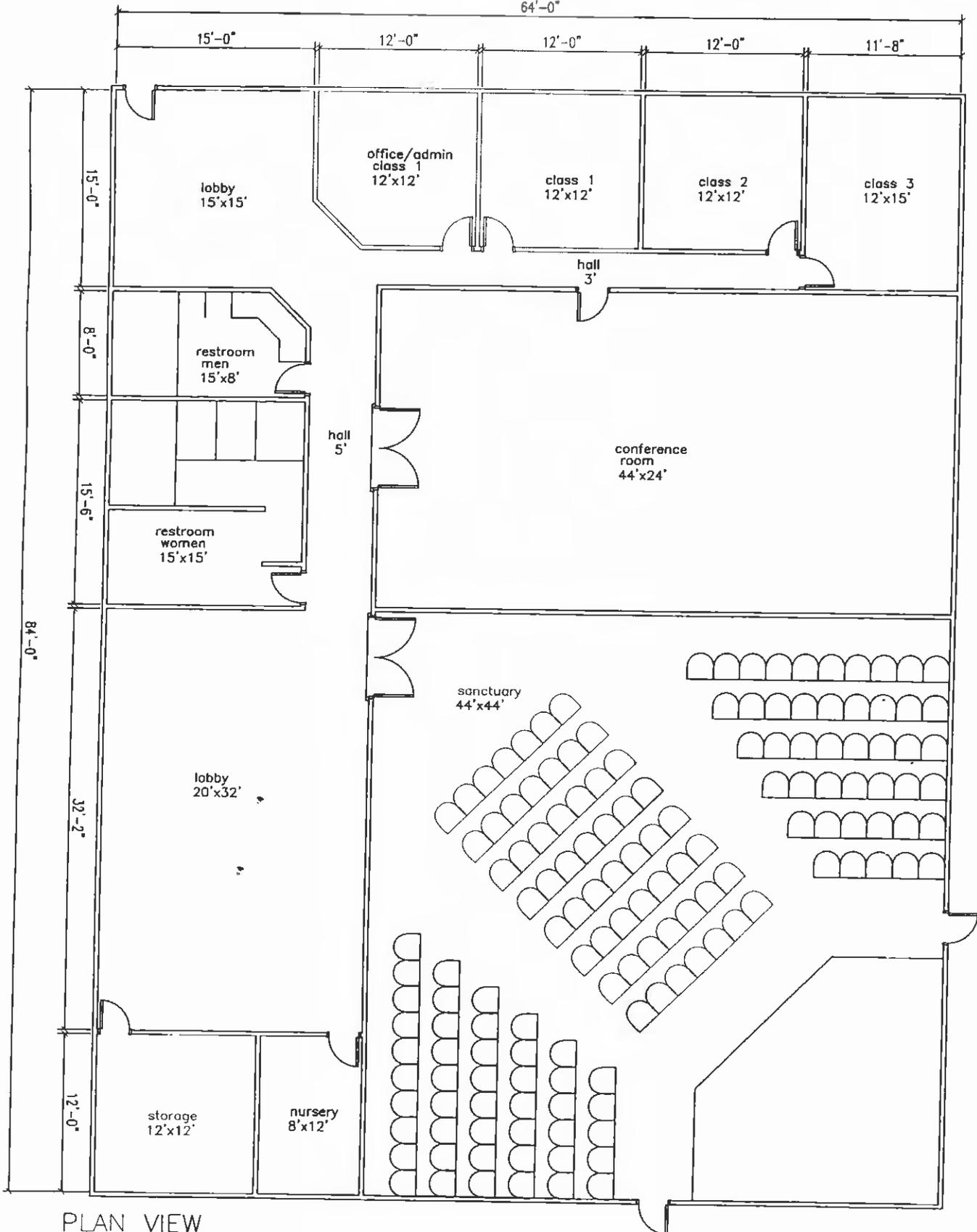
PROPERTY OWNER

THANOS REALTY GROUP LLC
CONTACT BRIAN DALTON
1241 N. LAKEVIEW AVE SUITE F
ANAHEIM CA 92807
OFFICE 714-777-1468
FAX 714-777-5770
BDALTON@PROPERTIESINC.COM

APPLICANT

NEW HOPE CHRISTIAN MINISTRIES
ATTN: MIKE ANTIME
12862 10TH STREET SUITE
GARDEN GROVE CA 92841
PHONE 714-241-4890
FAX 714-600-1222
ANTIME@AOL.COM

Exhibit B
UP 2011-02



PLAN VIEW
5,435 - SF

Scale 3/32" = 1"



Current Address:
515 N. STATE COLLEGE BLVD. ANAHEIM CA 92806

Proposed location:
1921 MIRALOMA AVE. SUITE A, PLACENTIA CA 92870

STATEMENT OF USE

Description of Operation

New Hope Christian Ministires started in November 23rd 2008 as a Christian Church. We meet four times a week for bible studies, prayer meetings, fellowship and plan outings to help the needy and poor. Currently we have 49 adult members and 13 children attending our meetings.

Interesting facts

We have seen changes in many people's life after attending our meetings to give up alcohol abuse, drug abuse and many other addictions. Our pastors have attended bible seminars to learn how to approach these individuals.

Days & Hours of operation

Sunday Morning	Prayer, Bible Study & Fellowship 9:00 – 11:00 AM
Sunday Night	Prayer, Bible Study & Fellowship 6:00 – 8:00 PM
Monday Night	Youth night - Prayer, Bible Study & Fellowship 7:00 – 8:30 PM
Thursday Night	Prayer, Bible Study & Fellowship 7:00 – 8:30 PM

Number of full-time and part-time employees

Full-time Employee

Pastor – Full-time – Works from home office when not attending meetings.

Number of vehicles

Due to many families attending these meetings most carpool. Based on current experience we see 15-20 cars in the parking lot at the time of our meetings. During special events at maximum we see anywhere from 25-30 cars.

Machines and equipment

No machines use at anytime, there will be sound and instrument equipment in use (guitar & piano).

APPLICANT : MIKE ANTIMIE

01-11-11

UP 2011-02



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 2	DATE: April 12, 2011	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2011-04		
DESCRIPTION: To permit the operation of an existing social dance instruction studio (Atomic Ballroom) within a +/- 6,206 square foot industrial suite, located at 731 & 733 Dunn Way in the Manufacturing (M) District.		
RELATED APPLICATIONS: None		
APPLICANT: Shesha Marvin		
PROPERTY OWNER: Frome Developments Omega LLC: Stan Frome		
LOCATION: 731 & 733 Dunn Way		
CEQA DETERMINATION: Categorically Exempt: Class 5, Section 15305		
ZONING: Manufacturing	APN(S): 339-112-02	
GENERAL PLAN: Industrial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Monique B. Schwartz, Associate Planner		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator		

REQUEST:

To permit the operation of an existing social dance instruction studio (Atomic Ballroom) within a +/- 6,206 square foot industrial suite, located at 731 & 733 Dunn Way in the Manufacturing (M) District. This business offers instruction in Ballroom, Country, Tango, Swing and Salsa styles of dance. This studio will also be rented for various dance related activities, including practices for competitions and to various dance/aerobic types of organizations to conduct classes such as Jazzercise. Evening group dance classes and evening dancing will be open to the general public with an entrance fee.

BACKGROUND:

In December of 1993, Use Permit 93/12 was approved by the Placentia Planning Commission permitting the operation of a physical fitness training facility for dance and competition dance instruction (Magic Motion Dance Company) within a +/- 2,920 square foot industrial suite, located at 743 Dunn Way.

Shortly thereafter, Sundance Dance Company assumed occupancy of the tenant space and operated a similar business, subject to the approved Special Conditions of Approval of Use Permit 93/12.

In 1997, Sundance Dance Company moved into two adjacent suites (731 & 733 Dunn Way), within the same industrial center, which offered more square footage (6,186 sq. ft.) for classes, events and future growth of the business. Because this was a change in the physical location of the business as well as an expansion of the original use, this business was required to obtain a new Use Permit in order to operate. In October of 1997, the Planning Commission approved Use Permit 97/16, to permit the operation of a

private membership organization that taught dance classes in Swing, Country, Hustle, Ballroom and Latin styles of dance. The business operated Monday through Thursday from 6:00 p.m. to 10:00 p.m. and was closed Friday through Sunday. Approximately once a month, this business hosted a special dance event that included a workshop on the latest dance trend in conjunction with a pancake breakfast or potluck dinner. Dance classes were held on Mondays and Wednesdays between 6:00 p.m. and 10:00 p.m. and on Tuesdays and Thursdays between 7:00 p.m. and 9:00 p.m. There was a maximum of 3 classes per day with an average of 20 students per class allowed. This studio had between 900 to 1000 members enrolled.

In January of 2011, Shesha Marvin, owner of Atomic Ballroom, purchased the business from its most recent owner, Tom Hyatt (Top Cats Dance) and was operating beyond the parameters of Use Permit 97/16 in terms of days and hours of operation and operating as a public dancehall, whereas the general public was allowed to participate in the dancing within this business. Based on Mr. Marvin's previous rental of the facility, it was his understanding that the use, as commenced when he purchased the facility, was permitted. Because the use under Use Permit 97/16 has expanded and intensified under the ownership of Mr. Marvin, Atomic Ballroom is required to obtain a new Use Permit in order to accommodate their current business plan. A letter, drafted by the City Attorney, addressing this matter was sent to Mr. Marvin on January 27, 2011. A copy of the letter is provided as Exhibit 6 in this report.

INTRODUCTION:

Although a dance studio is not specifically listed as a permitted use in the Manufacturing (M) District, Section 23.47.040(a)(11) of the Placentia Municipal Code indicates that a use permit may be approved for "Other uses that the planning commission finds to be in accord with the purpose of this chapter and having characteristics similar to those uses listed in this section." A review of the proposed project revealed certain characteristics that are similar to those of a trade school, which is an approved use listed in Section 23.47.040(a)(9) of the Placentia Municipal Code. These characteristics include scheduled participation times, limited group sizes, staff monitoring and unconventional business hours.

A use permit is required to evaluate the potential impacts the proposed business may have on adjacent businesses and/or residences; impacts on existing parking, city services and concentrations of similar uses.

Atomic Ballroom began operation in January of 2011 and has yet to receive a City business license. Pursuant to the Placentia Municipal Code, this type of use requires use permit review and approval in order to be issued a City business license.

RECOMMENDATION:

City Planning Division is recommending approval of Use Permit (UP) 2011-04, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

The subject property is located north of Orangethorpe Avenue, at the terminus of an industrial cul-de-sac on Dunn Way. This six (6) acre site is presently improved with two (2) industrial buildings, totaling approximately +/- 59,641 square feet, constructed in the late 1960's. 731 & 733 Dunn Way are located within the L-shaped building that is constructed along the west and north property lines.

Subject Site and Surrounding Land Uses:

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Dance Studio	Industrial	"M"
Proposed	A social dance instruction studio (Atomic Ballroom) within a +/- 6,206 square foot industrial suite, located at 731 & 733 Dunn Way in the Manufacturing (M) District.	Industrial	"M"
North	Hotel	Specific Plan	"SP-5"
South	Auto Dealership	Commercial	"C-2"
East	Orange (57) Freeway	-----	-----
West	Industrial Business Use	Industrial	"M"

OPERATIONAL CHARACTERISTICS:

Atomic Ballroom in Placentia is family owned by Shesha and Nikki Marvin. They are both active dance competitors, performers and teachers in the Orange County community. Mr. and Mrs. Marvin are also owners of Atomic Ballroom in the City of Irvine. Mr. Marvin provided a business operation description for the Atomic Ballroom dance studio, included as Exhibit 4 of this report. The applicant explained that the primary business focus is "to create a dance community of all ages in Orange County by providing high-quality partner dance instruction and events, where people feel welcome and safe to learn the skill of dancing and to socialize with others who also value that skill." Atomic Ballroom will offer partner dancing/social dancing instruction in Ballroom, Country, Tango, Swing and Salsa styles of dance. Partner dancing involves specific defined movements and patterns that create a "lead" and "follow" communication between partners. This style of dancing differs from that of night clubs and attracts a different customer base. The majority of Atomic Ballroom customers are people who have invested in learning one or more specific partner dances. Atomic Ballroom would like to provide a location for their students and other dancers to socialize and participate in the dancing they have learned. By doing so, this establishment will be open to the public for anyone to participate in group lessons or during open practice dance time. A Special Condition of Approval has been included that requires the applicant to comply with all regulations of Chapter 6.52 of the Placentia Municipal Code. It is important to note that there will be no alcohol consumption permitted on the premises at any time.

Private dance lessons are offered to the individual, by appointment during regular business hours; however, most lessons are taught in the late afternoon and early

evenings after people have completed their work day. On occasion, there are requests for larger groups to have a private lesson instead of participating in a normal group class.

Group classes are regularly scheduled classes that people can pre-enroll in or be taken one at a time. These classes are scheduled throughout the day on the weekends, but are conducted after 6:00 p.m. on the weekdays. There will be a maximum of two group classes that can accommodate up to 40 students each, for a total of 80 students in attendance at any one time. Two instructors are assigned for each group class, depending on the size. The classes are approximately 45 minutes in length. There will be occasional workshops offered on the weekends that will have a maximum of 80 students in attendance.

Evening group dances will be held after regularly scheduled group lessons. These sessions provide an opportunity for students to practice what they learned in class. The general public will be able to attend the evening group dances by paying a designated fee. Evening group dances average up to 80 people.

The applicant also requests the subject site to be rented for various dance based activities such as practice for competition for dance/aerobic based fitness classes such as Jazzercise.

There will be six (6) full time and seven part time employees. There will be one (1) manager on shift during conventional business hours to handle day time private lesson scheduling and various administrative responsibilities. There will be three (3) staff members to handle class registration, evening group dance admission and monitoring of the event. Shesha and Nikki Marvin will be responsible for the daily operations of Atomic Ballroom in Placentia.

The proposed days and hours of operation for Atomic Ballroom are as follows:

Monday: 8:30 a.m. to 9:00 p.m.
Tuesday: 8:30 a.m. to 9:00 p.m.
Wednesday: 8:30 a.m. to 1:00 a.m.
Thursday: 8:30 a.m. to 9:00 p.m.
Friday: 8:30 a.m. to 1:00 a.m.
Saturday: 7:30 a.m. to 1:00 a.m.
Sunday: 8:30 a.m. to 1:00 a.m.

Days and Hours of Operation of Businesses within the Dunn Way Industrial Complex:

Address on Dunn Way	Name of Business	Days and Hours of Operation
702	BPE Racing Heads & Mitech	Monday – Friday: 9:00 a.m. to 6:00 p.m.
704-710	Label Specialties	Monday – Friday: 6:00 a.m. to 5:00 p.m.
712	JDF Enterprises	Monday – Friday: 5:00 a.m. to 6:00 p.m.

715	The Bruery Tasting Room:	Monday – Friday: 8:00 a.m. – 5:00 p.m. Friday – Saturday: 4:00 p.m. to 10:00 pm. Sunday: 12:00 p.m. – 6:00 p.m.
717	Spectacular Catering	No regular days or hours
719	The Bruery - Storage	No regular days or hours
721	Dart Star	No regular days or hours
723	The Bruery - Storage	No regular days or hours
725	BG	Monday – Friday: 8:00 a.m. to 4:00 p.m.
727	A & G Printing	Monday – Friday: 9:00 a.m. to 5:00 p.m.
729	Vacant	----
731 & 733	Atomic Ballroom	See page 4
735	Orient Wholesale	Monday - Sunday: 6:00 p.m. to 9:00 p.m.
737	The Bruery – Admin. Office	Monday - Friday: 8:00 a.m. to 5:00 p.m.
739-741	Orient Wholesale	Monday – Sunday: 6:00 a.m. to 12:00 a.m.
743	Machine Tune	By appointment only
745	Vacant	----

Floor Plan:

The proposed floor plan indicates that the existing industrial tenant space is approximately 6,206 square feet and is currently occupied by Atomic Ballroom. The main entrance to the tenant space is via an entrance off of the parking lot.

The reception/lobby area is located off the front entrance. There are two offices, a kitchenette, enclosed dance studio room, D. J. booth, a stage, lounge/seating area and a 1,980 square foot dance floor located on the northwest side of the spaces. There is a second smaller dance floor on the northeast corner of the space. The dance floors are surrounded by booth and table-type seating. There are vending machines available for snacks and non alcoholic drinks. There are four (4) restroom facilities located on the south side of the building, adjacent to the main entrance.

Access/Parking:

Pursuant to Section 23.78.030(2) of the Placentia Municipal Code, the Manufacturing District requires two (2) spaces per one thousand (1,000) square feet of unit area, for up to twenty thousand (20,000) square feet. There is approximately 59,641 square feet of tenant space within this industrial complex. The required amount of on-site parking is eighty (80) spaces, and 128 spaces are provided. There are a total of 48 surplus spaces.

Because the majority of businesses that occupy this industrial center are manufacturing facilities, they do not have regular customers that frequent the center. Also, common operating hours with most of the tenants, with the exception of the Bruery Tasting Room, are between 8:00 a.m. and 5:00 p.m. The majority of customers for Atomic Ballroom come with a dance partner or group of friends, which helps reduce the parking needs.

Because most activities that would have significant attendance will take place outside of the average operating hours of the industrial center, it is not expected that this industrial center will be negatively impacted by the public dances or activities hosted by Atomic Ballroom.

Environmental Analysis:

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

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

ACTION:

Adopt Resolution No. PC-2011-07 approving Use Permit (UP) 2011-04, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by:

Reviewed and approved by:

Monique B. Schwartz
Associate Planner, Development Services

Kenneth A. Domer
Assistant City Administrator,
Development Services

Attachments:

Attachment A: Resolution No. PC-2011-07
Attachment B: Special Conditions of Approval and Standard Development Requirements for Use Permit (UP) 2011-04
Attachment C: Police Department Standard Development Requirements
Attachment D: Orange County Fire Authority (OCFA) Site Development Requirements

Exhibits:

Exhibit 1: Vicinity Map
Exhibit 2: Site Plan
Exhibit 3: Floor Plan
Exhibit 4: Statement of Use and Class Schedule
Exhibit 5: Chapter 6.52 of the Placentia Municipal Code
Exhibit 6: Letter from City Attorney

RESOLUTION NO. PC-2011-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2011-04 PERTAINING TO PROPERTY LOCATED AT 731 & 733 DUNN WAY, AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Mr. Shesha Marvin, Atomic Ballroom and Frome Developments Omega LLC, Stan Frome, owner of the property located at 731 & 733 Dunn Way, ("Applicant" collectively hereinafter) heretofore filed an application for approval of Use Permit No. 2011-04, 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 April 12, 2011 this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

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

B. Resolution.

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

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

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

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

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

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Industrial", which provides for a variety of industrial uses. The proposed use is a dance studio/dance hall facility within the proposed tenant space. A review of the proposed project revealed certain characteristics that are similar to those of a trade school, which is an approved use listed in § 23.47.040(a)(9) of the Placentia Municipal Code. These characteristics include scheduled participation times, limited group sizes, staff monitoring and unconventional business hours.

c. The proposed use, activities or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments B, C and D), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted uses in the "M" Manufacturing District in the City of Placentia. Approval of the Use Permit for the dance studio/dance hall is consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "M" Manufacturing District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachments "B, C and D" contain Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2011-04 to ensure compliance with the Placentia Municipal Code.

3. CEQA Guidelines § 15305 exempts minor alternations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including minor setback variances. The relevant area has an average slope of less than 20%, which will not result in any changes in land use or density. The Planning Commission specifically finds that the Application is Categorically Exempt under the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15305) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2011-04, 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 2011-04 as modified herein, and specifically subject to the conditions set forth in Attachments "B, C and D" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

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

ADOPTED AND APPROVED this 12th day of April, 2011.

Chairman

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 12th day of April, 2011, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of April, 2011, 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

ANDREW V. ARCZYNSKI,
CITY ATTORNEY

Attachment "B"
**Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2011-04**

SPECIAL CONDITIONS

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

ALL OF THE FOLLOWING SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE FULLY COMPLIED WITH FOR THE USE PERMIT TO CONTINUE IN GOOD STANDING.

CITY PLANNING DIVISION:

1. Use Permit (UP) 2011-04 is valid for a period of twelve (12) months from the date of final determination. If occupancy of the building for uses 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) 2011-04 shall expire and be of no further force or effect if the dance studio/dance hall use of the building, as a primary 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.

Prior to any changes in the days and hours of operation of the dance and music studio, 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:	8:30 a.m. to 9:00 p.m.
Tuesday:	8:30 a.m. to 9:00 p.m.
Wednesday:	8:30 a.m. to 1:00 a.m.
Thursday:	8:30 a.m. to 9:00 p.m.
Friday:	8:30 a.m. to 1:00 a.m.
Saturday:	7:30 a.m. to 1:00 a.m.
Sunday:	8:30 a.m. to 1:00 a.m.

5. Prior to any change in classroom size, the applicant shall obtain written approval from the Director of Development Services or his/her designee. There shall be no more than eighty (80) students in attendance at any time utilizing this dance studio/dance hall.
6. Prior to any modification of floor plan or session size that would affect parking as stipulated in the zoning code, the applicant shall obtain written approval from the Director of Development Services or his/her designee.
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. There shall be no deliveries to or from the premises before 6:00 a.m. or after 10:00 p.m. Monday through Friday, Saturdays from 8:00 a.m. to 10:00 p.m. and no deliveries, on Sundays.
9. 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.
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 scheduled at regular intervals to prevent trash overflow.
11. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.

- 12. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation.

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

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

- 13. This site shall operate as a dance studio/dance hall at all times. All activities shall be conducted within the enclosed tenant space, while maintaining an environment free from objectionable noise, odor or other nuisances.
- 14. The applicant/property owner/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.
- 15. The 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.
- 16. 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.
- 17. Any changes or modifications to the approved uses 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.
- 18. No drop-off/pick-up activities from motor vehicles shall be permitted to occur at any time within the industrial property's drive aisle. Parent/Drivers shall park their vehicle prior to drop-off/pick-up and shall accompany students to and from the main entrance/reception area on the east side of the tenant space.
- 19. There shall be no loitering outside of the building prior to or after any activities, including dance lessons and public dances.
- 20. Adult supervision (eighteen years of age or older) shall be provided on the premises during all hours of operation and shall be stationed appropriately within the facility in order to have direct visibility over all activities.

21. This use permit shall be reviewed one (1) year from the date of its approval in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements. Subsequent reviews shall be made each year thereafter or sooner, if needed. Review shall be conducted jointly by the Director of Development Services and Police Chief or designee, and based on that review a recommendation to the Planning Commission for modification and/or revocation may be made.
22. Applicant/property owner shall install a new trash enclosure to house trash bins for the subject site. Trash enclosure standards are available in the Development Services Department. Design and location shall be reviewed and approved by the Planning and Building Divisions.
23. Applicant/property owner shall install additional lighting in the parking lot area for the safety of students during night time instruction. Installation of additional lighting shall be approved by the Director of Development Services and Director of Public Works and conform to exterior lighting standards as designated by the Public Works Departments.
24. Applicant shall comply with all regulations of Chapter 6.52, Public Dances of the Placentia Municipal Code (see Exhibit 5 of this report)
25. Alcoholic beverages are prohibited on or within the premises.
26. No person under eighteen years of age shall enter, be in, or dance in any public dancehall unless accompanied by his or her parent or legal guardian. The hours of operation considered a public dancehall start as early as 10:00 p.m. or open dance in which the general public is admitted.
27. No person in an intoxicated condition shall be permitted to enter the facility at any time.
28. No person shall dance in any obscene manner, as defined in California Penal Code Section 311.

CITY BUILDING DIVISION:

29. The applicant shall obtain all necessary approvals from the City prior to constructing any tenant improvements. The plans for the tenant improvements shall be prepared by a California-licensed architect or engineer.
30. The entire facility (6,206 square feet) shall be equipped with an automatic fire sprinkler system throughout.
31. Applicant shall provide adequate exits with illuminated exit signs pursuant to the California Building Code (2010 Edition) requirements.

32. Applicant/property owner shall obtain demolition permits for removal of any existing interior tenant improvements.
33. All contractors and sub-contractors shall obtain a city business license. Applicant and/or contractor shall request a standard sub-contractor form from the City Building Division prior to issuance of a building permit. This standard form shall be completed and submitted to the City Business License Division prior to the issuance of any building permits.
34. Applicant shall obtain Orange County Fire Authority approval prior to final occupancy. Applicant shall submit floor plans to Orange County Fire Authority for review.
35. Applicant shall provide exit signs with an illumination system. Labels reading "Door shall remain open from inside during business hours" shall be installed on top of all required exit doors.
36. Existing rest rooms (male and female) shall be in compliance with Title 24 Access Regulations.

CITY POLICE DEPARTMENT:

37. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).
38. Compliance with all Placentia Municipal Codes as they pertain to "Public Dances", Placentia Municipal Code Sections 6.52 through 6.52.230.
39. The use permit shall be reviewed one year from the date of approval and each year thereafter as necessary. The review shall be conducted jointly by the Development Services Director and Police Chief or designee. The purpose of this review shall be to identify uniquely adverse issues such as loitering, vandalism, criminal activity, noise or nuisance resulting from the use permit. If such issues are identified, the use permit shall be presented to the Planning Commission for their consideration of conditions, modifications or revocation.
40. The activity level of the business shall be monitored by the Special Enforcement Detail to establish the level of police services used for the business. Should the level of police services demonstrate that the applicant has not controlled excessive or unnecessary activity resulting in high use of police services, or that the applicant has failed to comply with enforcement or application of measures related to curfew and truancy, then this use permit shall be reviewed for consideration of further conditions, modifications or revocation.

41. Sales, services and consumption of alcoholic beverages shall never be permitted on the premises, within or outside the establishment, nor to the rear of the establishment.
42. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
43. Graffiti shall be removed from the exterior walls and windows of the premises within 48 hours of discovery.
44. 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.
45. Lighting in the parking area of the premises shall be directed, positioned, and shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences.

ORANGE COUNTY FIRE AUTHORITY:

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

Attachment "C"
Placentia Police Department Standard Development Requirements

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



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 3	DATE: April 12, 2011	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2011-05		
DESCRIPTION: To permit the expansion of an existing rooftop AT&T wireless communication facility, located at 1117-1119 E. Imperial Highway in the Community Commercial (C-2) District.		
RELATED APPLICATIONS: None		
APPLICANT: Derra Design, Inc.: Kristin Priesand		
PROPERTY OWNER: Reef Imperial Rose, Inc.		
LOCATION: 1117-1119 E. Imperial Highway		
CEQA DETERMINATION: Categorically Exempt: Class 3, § 15303		
ZONING: Community Commercial (C-2)	APN(S): 322-091-04	
GENERAL PLAN: Commercial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Monique B. Schwartz, Associate Planner		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator		

REQUEST:

To permit the expansion of an existing rooftop AT&T wireless communication facility, located at 1117-1119 E. Imperial Highway in the Community Commercial (C-2) District. This application will include the construction of a new rooftop cupola on the north side of an existing commercial/retail building, not to exceed 35 feet in height, in order to completely enclose eight (8) new panel antennas, four (4) surge suppressor units and eight (8) Remote Radio Units. There will also be modifications to an existing rooftop cupola, located on the south side of the same building that will include the removal of existing exterior mounted panel antennas and the installation of four (4) new panel antennas, two (2) surge suppressor units and four (4) Remote Radio Units. In addition, there will be four (4) new related equipment cabinets installed on the roof, adjacent to the new cupola.

INTRODUCTION:

In 2002, AT&T installed wireless communication facility antennas on the exterior of a rooftop cupola, located on the south side of the commercial/retail building. All associated equipment cabinets for this installation were located within a ground lease area, behind the north side of the building, directly adjacent to an existing trash enclosure. Staff research indicates the 2002 project was considered a "Minor Wireless Communication Facility" and only building permits were obtained for the installation.

AT&T proposes to expand the existing facility by installing a total of twelve (12) panel antennas, six (6) Surge Suppressor Units, and twelve Remote Radio Units, divided equally into three (3) sectors within two rooftop cupolas. Additionally, four (4) equipment cabinets with associated electronic equipment will be mounted on a raised platform on

the rooftop of the commercial/retail building, directly adjacent to the new cupola on the north side. Pursuant to § 23.82.070 of the Placentia Municipal Code, all major wireless communication facilities established in the City are required to obtain Planning Commission approval of a use permit application. The proposed rooftop mounted wireless communication facility is considered a “major wireless communication facility” because it is “building or roof-mounted and/or exceeds ten feet in height”.

The proposed wireless communication site for AT&T will be designed to provide telecommunication services to businesses and the surrounding community around the intersection of Imperial Highway and Rose Drive.

RECOMMENDATION:

The City Planning Division is recommending approval of Use Permit (UP) 2011-05, subject to the attached Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

The existing wireless communication facility is located on the rooftop of a commercial/retail building that is located on Assessor Parcel No. 322-090-04, which is one (1) of eight (8) parcels that comprise the Imperial Rose Plaza Shopping Center, located at the northwest corner of Rose Drive and Imperial Highway. There is an existing ground lease area located on the north side of the commercial/retail building, directly adjacent to a trash enclosure. There are only minor equipment modifications proposed to the existing ground lease area, like the relocation of an existing GPS antenna.

Subject Site and Surrounding Land Uses:

	Existing Land Use	Zoning Map Designation	Land Use Element General Plan Designation
Present	Commercial/Retail with Existing Rooftop Minor Wireless Communication Facility	Community Commercial (C-2)	Commercial
Proposed	Commercial/Retail Building with Major Wireless Communication Facility on Rooftop	Community Commercial (C-2)	Commercial
North	City of Yorba Linda	—	—
South	Commercial/Retail/Imperial Highway	Community Commercial (C-2)	Commercial
East	Rose Drive/City of Yorba Linda	Community Commercial (C-2)	Commercial
West	Commercial/Retail	Community Commercial (C-2)	Commercial

SCOPE OF PROJECT:

AT&T is currently proposing to remove existing exterior antennas on south cupola and enclose four (4) new panel antennas, two (2) surge suppressor units and four (4) Remote Radio Units within the south cupola with special RF transparent screening to allow adequate transmission through the building. This will create a more desirable “stealth” design whereby the antennas will not be seen by the general public. AT&T will also be constructing a similar second rooftop cupola on the north side of the building in order to completely enclose eight (8) new panel antennas, four (4) surge suppressor units and eight (8) Remote Radio Units. The proposed related equipment cabinets (four in total) for this installation will be placed on a raised platform on the roof, directly adjacent to the new cupola. All rooftop equipment will be screened from public view.

This wireless communication facility has a horizontal distance of more than 100 feet from any residential structure; which is in compliance with § 23.82.050 of the Placentia Municipal Code.

Height:

Pursuant to § 23.36.060 of the Placentia Municipal Code, the maximum height permitted within the Community Commercial (C-2) District is thirty-five (35) feet. According to the submittal elevations, the top of the new cupola measures approximately 35 feet high above the finished grade, therefore complying with the height regulation.

Antennas/Operational Characteristics:

AT&T is proposing to install a total of twelve (12) panel antennas, six (6) Surge Suppressor Units, and twelve (12) Remote Radio Units, divided equally into three (3) sectors within two rooftop cupolas. Additionally, four (4) equipment cabinets with associated electronic equipment will be mounted on a raised platform on the rooftop of the commercial/retail building, directly adjacent to the new cupola on the north side.

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

Aesthetics:

The City’s wireless communication facility ordinance specifically requires operators to consider visual impacts when locating and constructing a major wireless communication facility. The applicant is proposing to remove existing exterior antennas on the cupola located on the side of the commercial/retail building and install new antennas completely

within the south copula structure. The applicant is also proposing to construct a second rooftop cupola to completely enclose the additional needed antennas and equipment. Both rooftop cupolas will match the architectural design of the existing commercial/retail building in color, style and materials and the structures will completely screen the antennas from public view. The new rooftop equipment cabinets will be installed on a raised platform and will be screened from public view. Special Conditions of Approval have been included that require all rooftop equipment to be screened from public view and that all cable/utility runs be placed underground.

Parking/Circulation:

Due to the nature of this rooftop installation, the existing parking and circulation at the project site will not be affected by this project.

Safety:

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

AT&T wireless telecommunication facilities operate at the lowest possible power levels and are below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and proven safe by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE).

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

CEQA:

The proposed use is not expected to create a negative impact on the physical environment. It is City Staff's opinion that the use is categorically exempt pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, the Guidelines promulgated thereunder (§ 15303) and City Environmental Guidelines.

Exemptions for small new construction projects which do not result in any changes in land use or density per § 15303. The proposed project involves a minor alteration to an existing site involving a negligible expansion of use beyond that presently existing, and will not result in an increase of more than 50 percent of the floor area, nor more than

2,500 square feet. As a result, City Staff recommends that the Planning Commission find that the use is categorically exempt pursuant to CEQA.

ACTION:

Adopt Resolution No. PC-2011-06 approving Use Permit (UP) 2011-05, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by:

Reviewed and approved by:

Monique B. Schwartz
Associate Planner

Kenneth A. Domer
Assistant City Administrator,
Development Services

Attachments:

Attachment A: Resolution No. PC-2011-06
Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-05
Attachment C: Placentia Police Department Standard Development Requirements
Attachment D: Orange County Fire Authority Special Conditions of Approval

Exhibits:

Exhibit 1: Vicinity Map
Exhibit 2: Site Plan
Exhibit 3: Floor Plan
Exhibit 4: Elevations
Exhibit 5: Letter of Compliance

RESOLUTION NO. PC-2011-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PLACENTIA APPROVING USE PERMIT NO. 2011-05 PERTAINING
TO PROPERTY LOCATED AT 1117-1119 E. IMPERIAL HIGHWAY
AND MAKING FINDINGS IN SUPPORT THEREOF.**

A. Recitals.

(i) Ms. Kristin Priesand of Derra Design, Inc. for AT&T and Reef Imperial Rose Inc., owner of the property (collectively the "Applicant" hereinafter), located at 1117-1119 E. Imperial Highway filed an application for approval of Use Permit No. 2011-05, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On April 12, 2011, 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 Planning 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 during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, the Planning Commission hereby specifically finds as follows:

a. The proposed use will not be: (A) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city, or (B) injurious to the property or improvements within the neighborhood or within the city. Subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements (Attachments "B, C and D"), this use complies with all applicable code requirements and development standards of the

"C-2" Community Commercial District and Wireless Communication Facilities.

According to the submittal Letter of Compliance and Site Analysis of Radio Frequency Electromagnetic Fields, the proposed AT&T rooftop installation is regulated by the Federal Communications Commission (FCC) and will operate in the frequencies established for Specialized Mobile Radio operators. The AT&T wireless telecommunication facility will operate at the lowest possible power levels that are below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and proven safe by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE).

The proposed equipment associated with the telecommunication facility installation will be located on the rooftop of an existing commercial/retail building, adjacent to a new cupola constructed on the north side of the building and screened from public view. The applicant has indicated that the equipment operates quietly or almost noise free. The equipment does not emit fumes, smoke or objectionable odors.

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. Wireless communications facilities are permitted in the "C-2" Community Commercial Office District, subject to Use Permit approval.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments "B, C and D"), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted use in the "C-2" Community Commercial District in the City of Placentia. Approval of the Use Permit for the wireless communication facility would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "C-2" Community Commercial District.

d. The wireless communication facility will not have a visual or aesthetic impact on the property or in the immediate vicinity. The existing and new cupola structures match the existing architecture of the commercial/office building in design, color and materials. The new equipment cabinets will be

located on the rooftop of the existing building and will be screened from public view. The evidence submitted demonstrates that the equipment operates quietly or almost noise free. The equipment does not emit fumes, smoke or objectionable odors. Special Conditions of Approval have been included to require that all rooftop equipment be screened from public view and that all cable/utility runs are to be placed underground.

e. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachments "B, C and D" contain Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2011-05 to ensure compliance with the Placentia Municipal Code.

3. The Planning Commission specifically finds that the Application is Categorically Exempt under the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15303) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2011-05, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2011-05 as modified herein, and specifically subject to the conditions set forth in Attachments "B, C and D" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

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

ADOPTED AND APPROVED this 12th day of April, 2011.

Chairman

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the

foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 12th day of April, 2011, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of April, 2011, 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

ANDREW V. ARCZYNSKI,
CITY ATTORNEY

Attachment "B"
Special Conditions of Approval and Standard Development Requirements for

Use Permit (UP) 2011-05

SPECIAL CONDITIONS

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

ALL OF THE FOLLOWING SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE FULLY COMPLIED WITH FOR THE USE PERMIT TO CONTINUE IN GOOD STANDING.

1. Use Permit (UP) 2011-05 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
3. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.
4. Prior to any modifications to the site plan that would affect the location or visibility of the wireless communication facility and/or the ground installation; the applicant shall obtain prior written approval from the Development Services Department.
5. No expansion or modification of the wireless communications facility shall occur at any time without first obtaining approval from the Development Services Department. The Director, or designee, may require that an expansion or future modification of the use permit requires Planning Commission discretionary review.

6. Applicant shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid Business License prior to the issuance of any building permits.
7. Applicant shall provide to the Development Services Department a preliminary report and field report, both prepared by a licensed engineer, indicating that the operation of the facility is in full conformance with the standards established by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE) for safe human exposure to electromagnetic fields (EMF) and radio frequency radiation (RFR). These reports are due within ninety (90) days after the start of operations.
8. Applicant shall receive and maintain a license by the Federal Communications Commission (FCC) to operate a wireless communication facility in this location. A copy of this FCC license shall be submitted to the Development Services Department prior to the issuance of any building permits.
9. The major wireless communications facility shall be approved for a period not to exceed the term of the lease. A copy of the lease shall be submitted to the Development Services Department prior to the issuance of a building permit for the new wireless communication facility.
10. If the lease is extended or terminated, notice and evidence thereof shall be provided to the Development Services Department.
11. Upon expiration or termination of the lease, the use permit for the wireless communication facility shall become null and void and the wireless communication facility shall be removed within sixty (60) calendar days. Removal of the antennas and related equipment cabinets shall be at the expense of the leaseholder.
12. Use Permit (UP) 2011-05 shall be reviewed by the Development Services Department five (5) years (April 12, 2016) from the date of approval to insure compliance with all Special Conditions of Approval and Standard Development Requirements.
13. Applicant shall place all cable/utility runs underground.
14. The applicant's existing ground-mounted equipment shall be maintained in good visual condition at all times.
15. The roof-mounted equipment cabinets shall be located as indicated on the submittal site plan, adjacent to the new cupola structure on the north side of the existing commercial/retail building and screened from public view.
16. Wireless communication facilities shall not bear any signs or advertising devices other than certification, warnings or other required seals or signage at any time.
17. The applicant shall maintain the wireless telecommunication facility ("cupola structures" and associated equipment) in good condition and shall make repairs and replacements of equipment, stealth and structural components, due to

damage caused by outdoor exposure and/or inclement weather. The applicant shall be responsible for maintaining the leased property, including any applicable landscaped areas, walkways and all paved surfaces, free from graffiti, debris and litter at all times.

18. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
19. The overall design of the existing and new cupola structures shall match the existing architecture of the building structure in design, color and materials. All antennas shall be located within the cupola structures, completely screened from public view.
20. Applicant shall submit material and color samples for the cupola structures. Final materials and colors for these structures shall be approved by the Development Services Department.

CITY BUILDING DIVISION:

21. The building plans shall be prepared by a California licensed structural/civil engineer, with structural details and calculations regarding wind and seismic loads. Each page of plans shall be wet-signed.
22. Structural plans and calculations are required for the new cupola at the north-east corner of commercial/retail building. Structural plans and calculations shall be designed and prepared by a licensed California architect/engineer.
23. Proposed 6'-0" AT&T antennas, remote radio units mounted behind antennas and surge suppressors shall be included in the structural plans and calculations (weight for structural analysis).
24. Prior to installation, Building and Electrical permits are required for all electrical equipment involved in this cell site expansion project.
25. Applicant shall provide structural plans and framing details for the proposed equipment cabinets on a raised platform on rooftop.
26. Existing cupola structure shall be able to support the total new weight transferred from the additional new panel antennas, remote radio units and surge suppressor system. New structural plans and calculations shall be provided in order to justify the new condition.
25. All contractors and sub-contractors shall obtain a city business license. Applicant and/or contractor shall request a standard sub-contractor form from the City Building Division prior to issuance of a building permit. This standard form shall be completed and submitted to the City Business License Division prior to the issuance of any building permits.

CITY POLICE DEPARTMENT:

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

ORANGE COUNTY FIRE AUTHORITY:

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

Attachment "C"
Placentia Police Department Standard Development Requirements

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

