



Placentia Planning Commission Agenda

Regular Meeting
June 14, 2011
6:30 p.m.

Michael Ebenhoch
Chairman

Vic Tomazic
Vice Chairman

Frank Perez
Commissioner

Floyd Farano
Commissioner

Christine Schaefer
Commissioner

John Scull
Commissioner

Thomas Solomonson
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
June 14, 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
Commissioner Solomonson

PLEDGE OF ALLEGIANCE

MINUTES

Regular Meeting: May 10, 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

1. **Applicant: City of Placentia Development Services Department**

Amendment 2011-01:

A Resolution of the Planning Commission of the City of Placentia Recommending the City Council Adopt an Ordinance (Amendment No. 2011-01) Amending Sections 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) Of Title 23 (Zoning Ordinance) of the Placentia Municipal Code Pertaining to Use Permits for Massage Establishments

Recommended Action:

Adopt Resolution No. PC-2011-09 recommending to the City Council an ordinance amending sections 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) of Title 23 of the Placentia Municipal Code Pertaining to Use Permits for Massage Establishments.

NEW BUSINESS

2. **Applicant:** City of Placentia

Location: At and/or near 1616 Atwood Avenue and 1617 Oak Street

Planning Commission Recommendation 2011-01:

Recommendation to Create Four (4) Non-Conforming Lots within the Atwood Community for Agency-owned Properties and Application of Modified Standards for Single Family Residential Properties.

Recommended Action:

Adopt Resolution No. PC-2011-10 recommending to the City Council a reduced lot size for four (4) proposed residential parcels in the Atwood community per Placentia Municipal Code § 22.16.035; and approving modified standards for four (4) proposed residential parcels in the Atwood community per Placentia Municipal Code §23.12.090

3. **Applicant:** Debbie Dixon

Location: 1227 E. Yorba Linda Boulevard

Use Conformity Determination (UCD) 2011-01:

To determine if a yoga studio within a +/- 1,250 square foot commercial/retail suite is a use permitted by right or with a Use Permit, located at 1227 E. Yorba Linda Boulevard within the Neighborhood Commercial (C-1) District.

Recommended Action:

Adopt Resolution No. PC-2011-11, confirming Use Conformity Determination (UCD) 2011-01 for Yoga Body and Soul, Inc., located at 1227 E. Yorba Linda Boulevard.

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, July 12, 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 June 14, 2011 Regular meeting of the Planning Commission of the City of Placentia was posted on June 9, 2011.

Kenneth A. Domer

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

May 10, 2011

The regular meeting of the Placentia Planning Commission of May 10, 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, Chairman
Vic Tomazic, Vice Chairman
John Scull, Commissioner
Christine Schaefer, Commissioner
Frank Perez, Commissioner
Tom Solomonson, Commissioner

Absent: Floyd Farano, Commissioner

PLEDGE OF ALLEGIANCE: Led by Commissioner Schaefer

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

Motion by Commissioner Scull, seconded by Vice Chairman Tomazic to APPROVE THE MINUTES of April 12, 2011. Passed by a 4-0-2 vote (Schaefer and Perez Abstained)

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

Public Hearings:

OLD BUSINESS

- 1. 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.

Ms. Schwartz gave the staff report.

Commissioner Schaefer asked if staff anticipates any conflict with Atomic Ballroom customers patronizing the Bruery (a brewery and tasting room) and then visiting Atomic Ballroom. Ms. Schwartz responded that those who are visibly inebriated will not be permitted into the Atomic Ballroom.

Chairman Ebenhoch opened the Public Hearing.

Ms. Joanne Harold of 543 Via Lido Soud, Newport Beach 92663 spoke on behalf of the applicant. She stated that she and her family have been customers at the Atomic Ballroom in Irvine for many years and it is a wonderful environment.

Chairman Ebenhoch invited the applicant to address the Commission.

The applicant, Mr. Shesha Marvin of 270 N. Orange Street, Orange Ca 92866 and Mike Easton of 1900 E. Warner Avenue Ste M Santa Ana, the applicant's planning consultant, addressed the commission. Mr. Marvin made a brief statement about his business. Mr. Easton stated that his firm will be working with Mr. Marvin to make improvements in the facility. He also expressed support for Atomic Ballroom.

Vice Chairman Tomazic referred to Special Condition number 23, and asked if the requirement to improve lighting in the parking lot is going to be part of the tenant improvements. Mr. Easton responded that all special conditions will be met.

Commissioner Schaefer asked how Atomic Ballroom intends to add eight hundred feet of additional space. Mr. Marvin responded that the 800 square feet will come from an area used for seating.

Commissioner Schaefer asked about the applicants increase in business hours. Mr. Marvin responded that his hope is to hold successful dances on Wednesday, Friday, Saturday and Sunday nights. When the time comes for additional business days, he will request them from the City.

Commissioner Schaefer asked if the applicant is satisfied with the requirements concerning minors and curfew. Mr. Marvin responded that he is comfortable with the requirement that guardians be present for underage patrons.

Chairman Ebenhoch closed the Public Hearing.

Motion by Commissioner Scull, seconded by Commissioner Schaefer TO 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. Passed by a 6-0 vote.

DEVELOPMENT REPORT

PLANNING COMMISSION REQUESTS:

Ms. Schwartz provided the Commission with an update on the gas station on the south east corner of Rose Drive and Yorba Linda Boulevard. She stated the owners are working on a loan as well as the property appraisal.

Commissioner Schaefer asked for an update on the Schaener property. Ms. Schwartz responded that preliminary discussions about the development have occurred. Specifically medium density residential with mixed use.

Commissioner Solomonson asked for an update on the south east corner of Rose Drive and Alta Vista Street. Mr. Domer responded there is nothing to update. However, staff hopes to find investors at an upcoming ICSC Conference.

Commissioner Scull asked if any apartment owners have expressed interest in the south east corner of Rose Drive and Alta Vista Street. Mr. Domer, responded that no, they have not.

Chairman Ebenhoch adjourned the Planning Commission meeting to the next regularly scheduled meeting on June 14, 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.:	DATE: June 14, 2011	PUBLIC HEARING: Yes
APPLICATION: Amendment No. 2011-01		
DESCRIPTION: A Resolution of the Planning Commission of the City of Placentia Recommending the City Council Adopt an Ordinance (Amendment No. 2011-01) Amending Sections 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) Of Title 23 (Zoning Ordinance) of the Placentia Municipal Code Pertaining to Use Permits for Massage Establishments		
RELATED APPLICATIONS: None		
APPLICANT: Placentia Planning Department		
PROPERTY OWNER: Not Applicable		
LOCATION: Various		
CEQA DETERMINATION: Categorically Exempt: 14 C.C.R. §15061(b)(3).		
ZONING: T-C, C-O, C-1, C-2	APN(S): Not Applicable	
GENERAL PLAN: Commercial	CITY COUNCIL ACTION REQUIRED: Yes	
PREPARED BY: Kenneth A. Domer, Assistant City Administrator		
REVIEWED BY: Monique B. Schwartz, Associate Planner		

REQUEST:

To adopt Resolution No. PC-2011-09 recommending the adoption of an Ordinance (Amendment 2011-01) amending Placentia Municipal Code §§ 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) of the Zoning Code related to Use Permits for massage establishments.

SUMMARY:

Amendment 2011-01 is effectively cleaning up the Municipal Code based on the recent adoption of an ordinance by the City Council related to massage establishments. As described below, recent changes in State law have forced the City to review its ordinances related to massage establishments and massage technicians in order to fully come into compliance with the new law. This proposed ordinance is the last of revisions related to complying with State law for massage establishments and removes the requirements for such establishments to obtain a Use Permit in order to operate.

DISCUSSION:

To provide uniform regulations for the provision of massage services in California, the State Legislature adopted SB 731 (the "Massage Therapy Law"), which became effective on September 1, 2009. The Massage Therapy Law was intended to provide for uniformity to massage regulations; however, it has resulted in significant uncertainty for local agencies regarding their ability to enforce certain zoning, health and safety regulations against massage establishments. The City's current regulations, as promulgated through Placentia Municipal Code (PMC) Chapter 8.40, have been effective in ensuring that both massage establishments and massage technicians are properly regulated for maximum health and safety standards.

Chapter 8.40 required that massage establishments obtain a use permit through the Planning Commission, thereby allowing conditions of approval to be put into place for such establishments. Additionally, the code required a certification procedure for massage technicians through a City testing and certification process.

Prior to the Massage Therapy Law, California was one of few states which had no uniform standards concerning the education, training and licensing of massage practitioners. Since the passage of the Massage Therapy Law, and as provided for within the legislation, a non-profit organization was formed to issue certificates to massage professionals who satisfy specified educational and experiential criteria. The California Massage Therapy Council (CAMTC) (www.camtc.org) is now fully operational and has the capacity to issue massage technician licensing. As such, the Municipal Code section within Chapter 8.40 that deals with licensing is effectively usurped by the new State law. While the State law preempts the City's ability to implement land use controls for massage establishments, it still affords a City the ability to inspect and revoke, if necessary, an establishment or technician which violates the standards. The State law also allows a City to require massage establishment operating requirements, such as health practices, logging of clients, hours of operation and other items that were typically placed on such a business through a Use Permit. As such, while not as restrictive as a City Use Permit, State laws continue to allow a City the ability to enforce standards as expected of a legitimate massage establishment.

In response to the need to update the City's massage regulations, on July 20, 2010 the City Council approved a temporary moratorium on the issuance of new permits regulating massage services and establishments under current Placentia Municipal Code Chapter 8.40. This moratorium primarily effected any new establishment from locating in the City.

During the moratorium, staff monitored and reviewed the operating status and viability of the CAMTC and reviewed the provisions of Chapter 8.40 to ascertain what amendments were required to make the City's regulations consistent with the Massage Therapy Law. Based on that review, the City Attorney's Office prepared the an ordinance adding as new, Chapter 8.44. Any existing massage establishments will have until August 11, 2011 to come into compliance with the terms of Chapter 8.44 and, if not, they will be subject to revocation of their license. Any individual massage technicians will have until September 8, 2011 to come into compliance with the provisions of the proposed ordinance. Until such time as the new provisions of Chapter 8.44 become effective and operational (approximately July 7, 2011) to existing massage establishments and practitioners, the terms of Chapter 8.40 will remain in effect to any such existing massage establishments and practitioners. Effective September 8, 2011, Chapter 8.40 will be repealed.

The ordinance adding Chapter 8.44, which was adopted by the City Council on June 7, 2011, will ensure that massage services and establishments continue to be appropriately regulated by the City. Specifically, the ordinance will: (1) require all persons providing non-exempt massage services to be certified by the CAMTC; (2) require all massage businesses or establishments to employ or contract only with CAMTC certified massage practitioners or massage therapists; (3) require business licenses for massage businesses or establishments, including sole practitioners and independent contractors; and (4) enhance the facilities and operational regulations of massage businesses or establishments in a manner consistent with the Massage Therapy Law. The ordinance adding Chapter 8.44 maintains appropriate regulatory safeguards through inspections and license revocation procedures. As indicated, the City maintains the authority to

revoke a business license if any massage establishment or practitioner violates any provision of City code.

Now that Chapter 8.44 has been added by City Council action, the City Attorney's office reviewed the Zoning Ordinance to determine what sections required amendment to delete reference to massage establishments requiring a Use Permit. Effectively, under State law, massage establishments are to be regulated much the same as a medical or dentist office. For example, if there is a commercial zone in which a medical or dental office requires a Use Permit in order to operate then the City could also require one for a massage establishment. However, if our commercial zones do not require a Use Permit for a medical or dental office, then none can be required for a massage establishment. After review of the Zoning Code, it was determined that §§ 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) required amendment to delete references to massage establishments in order to bring the Zoning Code into compliance with State law. The districts to be amended are the Town Center, Commercial Office, C-1 Neighborhood Commercial and C-2 Community Commercial.

Proposed Changes to Zoning Code

Based on the City Attorney's Office review, the following changes are proposed and are included in Amendment 11-01:

Section 23.27.040 – Uses Subject to Obtaining a Use Permit.

(6) Personal service establishments, including ~~massage establishments (pursuant to the requirements of Chapter 8.40),~~ acupressure clinics, tattoo parlors (pursuant to the requirements of Chapter 23.86) and other similar uses;

Section 23.30.030 Uses Permitted Subject to Obtaining a Use Permit.

(4) Personal service establishments, including ~~massage establishments (pursuant to the requirements of Chapter 8.40),~~ acupressure clinics, tattoo parlors (pursuant to the requirements of Chapter 23.86) and other similar uses;

Section 23.33.030(14) – Permitted Uses.

(14) Personal service establishments, including barbershops, beauty shops, dry cleaning and tailors (for ~~massage establishments,~~ acupressure clinics, tattoo parlors and other similar uses, refer to Section 23.33.040);

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

(14) Personal service establishments, including ~~massage establishments (pursuant to the requirements of Chapter 8.40),~~ acupressure clinics, tattoo parlors (pursuant to the requirements of Chapter 23.86) and other similar uses;

Section 23.36.030(17) – Permitted Uses.

(17) Personal service establishments, including barbershops, beauty shops, dry cleaning and tailors (for ~~massage establishments~~, acupressure clinics, tattoo parlors and similar uses, refer to Section 23.36.040);

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

(15) Personal service establishments, including ~~massage establishments (pursuant to the requirements of Chapter 8.40)~~, acupressure clinics, tattoo parlors (pursuant to the requirements of Chapter 23.86) and other similar uses;

RECOMMENDATION:

City Planning Division is recommending that the Planning Commission transmit a report to the City Council recommending the approval of these properties with less than the minimum lot area per PMC § 22.16.035 and approve of the use of modified standards as stipulated within § 23.12.090 based on the reduce lot size.

ENVIRONMENTAL ANALYSIS:

The City Council adoption of the proposed ordinance is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment. Based on Staff review of the proposed changes to the zoning code, it is determined that the adoption of Ordinance O-2011-10 will not have a significant effect on the environment and, therefore, the proposed ordinance is not subject to CEQA pursuant to 14 C.C.R. §15061(b)(3).

ACTION:

Adopt Resolution No. PC-2011-09 recommending to the City Council an ordinance amending sections 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) of Title 23 of the Placentia Municipal Code Pertaining to Use Permits for Massage Establishments.

Prepared and submitted by:

Reviewed and approved by:

Kenneth A. Domer
Assistant City Administrator, Development Services

Monique B. Schwartz
Associate Planner

Attachments:

Attachment A: Resolution No. PC-2011-09
Attachment B: Draft Ordinance O-2011-__

**RESOLUTION NO. PC-2010-09
AMENDMENT NO. 11/01**

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PLACENTIA RECOMMENDING THE
CITY COUNCIL ADOPT AN ORDINANCE (AMENDMENT
NO. 2011-01) AMENDING SECTIONS
23.27.040(6), 23.30.030(4), 23.33.030(14),
23.33.040(14), 23.36.030(17) AND 23.36.040(15)
OF TITLE 23 (ZONING ORDINANCE) OF THE
PLACENTIA MUNICIPAL CODE PERTAINING TO USE
PERMITS FOR MASSAGE ESTABLISHMENTS.**

A. Recitals.

(i) On June 14, 2011, this Planning Commission conducted a duly noticed public hearing, as required by law, to consider Amendment No. 2011-01 with said public hearing having been concluded prior to adoption of this Resolution.

(ii) This Planning Commission has reviewed and considered all elements of proposed Amendment No. 2011-01, including written staff reports and verbal testimony presented during the above-referenced public hearing.

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

B. Resolution.

NOW, THEREFORE, the Planning Commission of the City of Placentia does hereby find, determine, and resolve as follows:

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

2. This Commission finds, and recommends the City Council find, that Amendment No. 2011-01 is in conformance with the Placentia General Plan.

3. This Commission finds, and recommends the City Council find, that Amendment No. 2011-01 specified within the proposed Ordinance attached hereto as "Exhibit A" and

made a part hereof, will promote the orderly development of the City and the public health, safety and welfare.

4. This Commission finds, and recommends the City Council find, that Amendment No. 2011-01 will not have a detrimental effect upon land available for housing within the City.

5. Amendment No. 2011-01 responds to requirements of State and other laws, and provides findings, definitions, procedures and standards which support proactive land use, code enforcement and development activities within the City.

6. Amendment No. 2011-01 promotes implementation of the goals and policies set forth in the General Plan and Redevelopment Guidelines.

7. Amendment No. 2011-01 will not be (a) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or (b) injurious to property or improvements within the neighborhood of the proposed amendment or within the City. Amendment No. 2011-01 allows for greater flexibility in determining whether proposed projects conform to the requirements of the Zoning Ordinance minimizing the need for obtaining Use Permits, thereby reducing the cost of development.

8. The Planning Commission hereby makes, and recommends the City Council make, the following finding: Pursuant to the provisions of the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15307) and Placentia Environmental Guidelines, Amendment No. 10/02 will not have a significant effect on the environment and is not subject to the requirements of the California Environmental Quality Act of 1970, as amended.

9. The Planning Commission hereby recommends that, upon adoption of Amendment No. 2011-01, a Notice of Exemption be filed with the Orange County Clerk/Recorder, as required by law.

10. This Commission finds, and recommends the City Council find, that the facts supporting the above specified findings are contained in the staff report and exhibits,

and information provided to this Planning Commission during the public hearing conducted with respect to Amendment No. 2011-01.

11. This Commission hereby recommends that the City Council of the City of Placentia approve Amendment No. 2011-01 as set forth in "Exhibit A" attached hereto.

12. The Secretary of this Commission shall:

a. Certify to the adoption of this Resolution; and

b. Forthwith transmit a certified copy of this Resolution to the City Council of the City of Placentia together with all documents prepared with respect to these considerations and transcripts of any and all hearings conducted with respect to the Ordinance recommended for approval herein.

PASSED AND ADOPTED this 14th day of June, 2011, by the following vote:

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

Chairman

ATTEST:

Secretary

APPROVED AS TO FORM

ANDREW V. ARCZYNSKI,
CITY ATTORNEY

ORDINANCE NO. O-2011-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PLACENTIA AMENDING SECTIONS
23.27.040(6), 23.30.030(4), 23.33.030(14),
23.33.040(14), 23.36.030(17) AND 23.36.040(15)
OF TITLE 23 (ZONING ORDINANCE) OF THE
PLACENTIA MUNICIPAL CODE PERTAINING TO USE
PERMITS FOR MASSAGE ESTABLISHMENTS.
[Zoning Code Amendment 2011-01]

City Attorney's Summary

This Ordinance amends §§ 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.00(14), 23.36.030(17) and 23.36.040(15) of Title 23 of the Placentia Municipal Code deleting Use Permit requirements for massage establishments in conformity with the requirements of California law.

A. Recitals.

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

(ii) The Massage Therapy Law pre-empts the application of certain local land use, zoning and operational regulations if a massage establishment employs only persons certified by the California Massage Therapy Council ("CAMTC").

(iii) The City desires to amend provisions of Title 23 of the Placentia Municipal Code ("Zoning Ordinance") so that it is consistent with the Massage Therapy Law.

(iv) On June 14, 2011, the Planning Commission of the City of Placentia conducted, and concluded, a duly noticed public hearing, as required by law, to amend the Zoning Ordinance to comport with California law and recommended adoption of this Ordinance to the City Council [Zoning Code Amendment 2011-01].

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

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

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

B. Ordinance.

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

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

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

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

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

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

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

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

"(4) Personal service establishments including acupressure clinics, tattoo parlors (pursuant to the

requirements of Chapter 23.86) and other similar uses;"

SECTION 5. Chapter 23.33.030(14) of Chapter 23.33 of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

"Section 23.33.030(14) - Permitted Uses.

"(14) Personal service establishments, including barbershops, beauty shops, dry cleaning and tailors (for acupressure clinics, tattoo parlors and other similar uses, refer to § 23.33.040."

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

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

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

SECTION 7. Chapter 23.36.030 of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

"Section 23.36.030(17) - Permitted Uses.

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

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

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

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

SECTION 9. Penalty for Violation.

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

SECTION 10. Civil Remedies Available.

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

SECTION 11. Severability.

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

SECTION 12. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED and ADOPTED this ___ day of _____, 2011.

SCOTT W. NELSON, MAYOR

ATTEST:

PATRICK J. MELIA, CITY CLERK

I, PATRICK J. MELIA, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on the _____ day of _____, 2011 and was finally adopted at a regular meeting held on the _____ day of _____, 2011, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

PATRICK J. MELIA, CITY CLERK

APPROVED AS TO FORM

ANDREW V. ARCZYNSKI,
CITY ATTORNEY



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.:	DATE: June 14, 2011	PUBLIC HEARING: No
APPLICATION: City Council Recommendation 2011-01		
DESCRIPTION: Recommendation to Create Four (4) Non-Conforming Lots within the Atwood Community for Agency-owned Properties and Application of Modified Standards for Single Family Residential Properties.		
RELATED APPLICATIONS: None		
APPLICANT: Placentia Planning Department		
PROPERTY OWNER: Redevelopment Agency of the City of Placentia		
LOCATION: At and/or near 1616 Atwood Avenue and 1617 Oak Street		
CEQA DETERMINATION: Categorically Exempt: Class 5, Section 15305 (a)		
ZONING: R-1(O)	APN(S): Various (TBD)	
GENERAL PLAN: Residential	CITY COUNCIL ACTION REQUIRED: Yes	
PREPARED BY: Kenneth A. Domer, Assistant City Administrator		
REVIEWED BY: Monique B. Schwartz, Associate Planner		

REQUEST:

To recommend to the City Council the creation of four (4) non-conforming lots within the R-1 zone so that said lots may be developed as single-family housing of similar size and character as adjacent residential lots and approve modified standards as set forth in Placentia Municipal Code § 23.12.090.

BACKGROUND:

The Redevelopment Agency of the City of Placentia (Agency) purchased a non-conforming automotive repair business situated across six (6) residential parcels in the Atwood community. The business was shutdown and the remaining structures and cement paving demolished in order to prepare the properties for residential development. It is proposed that four single-family residential homes be built in the near future to add to the supply of affordable housing options and enhance the overall character of the community. The residential lots currently range in size from approximately 2,000 square feet with a twenty-five (25) foot width to a 3,879 square foot parcel with a fifty (50) foot width. Currently, there are three (3) parcels fronting on Oak Street and three (3) on Atwood Avenue.

All of the lots as currently configured are non-conforming to the R-1 residential zoning requirements. Placentia Municipal Code (PMC) § 22.16.020 states that interior lot areas within the R-1 district shall be a minimum of 7,000 square feet. However, § 22.16.035 states that, "The city council, upon receipt of a report from the planning commission, may approve subdivisions with less than the minimum lot area or widths... provided, however, that in no case shall the minimum frontage be less than forty (40) feet at the property

line.” The current, non-conforming nature of the properties is how the community developed prior to its annexation by the City in November, 1970.

Most recently, the Agency has worked with the City Engineer to conduct a lot line adjustment to redraw the boundary lines for the properties. Accordingly, the intent is to create four (4) viable residential properties similar in size and character to that of other lots within the Atwood community. The Atwood community is comprised of approximately 156 residential parcels, of which over 25 are vacant lots or reserved for oil production activities. Of the developed lots, 80 are less than 4,000 square feet in total size and 35 are between 5,000 and 6,000 square feet. A few of the residential lots are combined parcels with sizes greater than 7,000 square feet.

Due to the differing current lot sizes, two of the proposed properties to be created, which will front on Atwood Avenue, will be approximately 3,575 square feet with a property width of 45 feet. The two remaining properties, which will front on Oak Street, will be approximately 3,920 square feet with a property width of 50 feet. All property depths are approximately 80 feet and are equal to other properties on the block.

RECOMMENDATION:

City Planning Division recommends the Planning Commission transmit a report to the City Council recommending the approval of the identified properties with less than the minimum lot area per PMC § 22.16.035 and approval of the use of modified standards as stipulated within § 23.12.090 based on the reduced lot size.

DISCUSSION:

The Atwood community is a smaller, older residential neighborhood that was annexed into the City in 1970. The area was already subdivided into small lot sizes, below the minimum lot size of 7,000 square feet as required per PMC § 22.16.020. As such, to allow for the development of the Agency properties, the Planning Commission must make findings and report to the City Council, and the City Council must approve, by a majority of its members, the reduced lot size per § 22.16.035.

Further, within the City’s Zoning Code, Title 23, § 23.12.090 *Modified Standards* states:

“For initial construction, including move-on houses, on any existing, legally subdivided lot which is less than the required lot size as set forth in Section 22.16.020, the following the following minimum standards may be applied, if approved by the planning commission:

- (1) The minimum lot size and width shall be compatible with the average size and width of lots in the neighborhood.
- (2) Dwelling Unit Size. Minimum allowable floor area of one thousand (1,000) square feet.
- (3) Front Entrance Garage. Minimum distance to front entrance garage of twenty (20) feet from ultimate right-of-way.
- (4) Rear Yard. Minimum setback of ten (10) feet from property line.
- (5) Side Yard. Minimum setback of ten (10) percent of the width of the parcel, but in no case less than three (3) feet. On corner lots, the setback from the ultimate right-of-way to any structure shall be twelve (12) feet.”

Recommendation for § 22.16.035 finding

The proposed creation of four residential parcels is in line with the average property types found in the Atwood community in both size and width. The two parcels fronting on Oak Street will have a width of fifty (50) feet, which is equal to or greater than many of the properties in the immediate area. The proposed properties will match the majority of the properties in size within the community. While the Placentia Municipal Code does allow for the potential to develop the lots without the reconfiguration, to do so would create very small and densely situated housing units that are not in the best interest of the neighborhood. The reconfiguration of the lots into four viable parcels allows the Agency to work with an affordable housing provider to develop housing stock of very high quality. As such, it is the Development Services Department and Redevelopment Staff's recommendation that the Planning Commission concur and recommend to the City Council to allow for a reduced lot size within the R-1 zone.

Compliance with § 23.12.090 Modified Standards

it is also recommended that the Planning Commission approve modified standards, as set forth in § 23.12.090. Current R-1 zoning regulations require side yard setbacks of six (6) on one side and ten (10) feet on the opposite side. Rear yard setbacks for initial construction is twenty (20) feet. If modified standards are used, according to the proposed lot widths, the side yard setbacks for the Oak Street properties would be five (5) feet and four and one half (4.5) feet for the Atwood Avenue properties. The rear yard setbacks would be 10 feet. These modified setbacks would be consistent with the current community standards and would help with the overall design and construction of housing styles.

Environmental Analysis:

The proposed action results from a lot line adjustment that creates four (4) viable residential parcels from an existing six (6) parcels which were formerly a non-conforming automotive repair business in a residential zone. The administrative action is determined to be categorically exempt per Title 14 of the California Code of Regulations, Section 15305. Minor Alterations in Land Use Limitations. Class 5 exemptions consists 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, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;

ACTION:

Adopt Resolution No. PC-2011-10 recommending to the City Council a reduced lot size for four (4) proposed residential parcels in the Atwood community per Placentia Municipal Code § 22.16.035 and approving modified standards for four (4) proposed residential parcels in the Atwood community per Placentia Municipal Code § 23.12.090.

Prepared and submitted by:

Kenneth A. Domer
Assistant City Administrator, Development Services

Reviewed by:

Monique B. Schwartz
Associate Planner, Development Services

Attachments:

Attachment A: Resolution No. PC-2011-10

Exhibits:

Exhibit 1: Map of Area

RESOLUTION NO. PC-2011-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA RECOMMENDING TO THE CITY COUNCIL A REDUCED LOT SIZE FOR FOUR (4) PROPOSED RESIDENTIAL PARCELS IN THE ATWOOD COMMUNITY PER PLACENTIA MUNICIPAL CODE § 22.16.035 AND APPROVING MODIFIED STANDARDS FOR FOUR (4) PROPOSED RESIDENTIAL PARCELS IN THE ATWOOD COMMUNITY PER PLACENTIA MUNICIPAL CODE § 23.12.090 AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) The Redevelopment Agency of the City of Placentia purchased six (6) contiguous residential lots within the Atwood community in order to remove a non-conforming automotive repair business and subsequently initiated lot line adjustments to create four (4) viable residential lots in general character and nature as the predominate residential lot within the community.

(ii) The Development Services Department accordingly submitted an application ("Application") in which to request the Planning Commission to recommend to the City Council reduced lot sizes for the four proposed parcels per Placentia Municipal Code § 22.16.035 and make findings itself approving modified standards per Placentia Municipal Code § 23.12.090.

(iii) This Planning Commission has reviewed and considered all elements of proposed application, including written staff reports and verbal testimony presented during a publicly noticed hearing held on June 14, 2011.

(iv) 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 meeting 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 lot sizes 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. The proposed sizes after the lot line adjustments create lot sizes compatible with the majority of residential parcels within the residential neighborhood and such action will enhance the developable nature of the new lots, thereby reducing an otherwise blighting condition.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Residential", which provides for a variety of residential uses. The proposed use for the lots is residential and is keeping within the nature of the primary use of the neighborhood.

c. The proposed improvements, to include single family residential homes, will benefit from modified standards as allowed per Placentia Municipal Code § 23.12.090, specifically the reduced side yard setbacks to 10% of the lot width and rear yard setbacks of ten feet, keeping such setbacks consistent with the residential neighborhood and providing for the development of affordable housing options for families.

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 Resolution PC-2011-10, 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 recommends to the City Council that it approve reduced lot sizes for the four proposed parcels per Placentia Municipal Code § 22.16.035 and similarly itself approves the use of modified standards per Placentia Municipal Code § 23.12.090.

6. The Secretary to the Planning Commission shall:
- a. Certify to the adoption of this Resolution; and
 - b. Forthwith make available a certified copy of this Resolution for the Development Services Department for its property records.

ADOPTED AND APPROVED this 14th day of June, 2011.

Chairman

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 14th day of June, 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

Atwood Community Properties

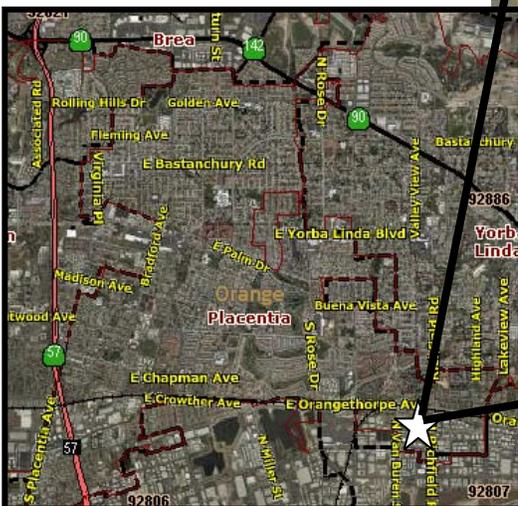
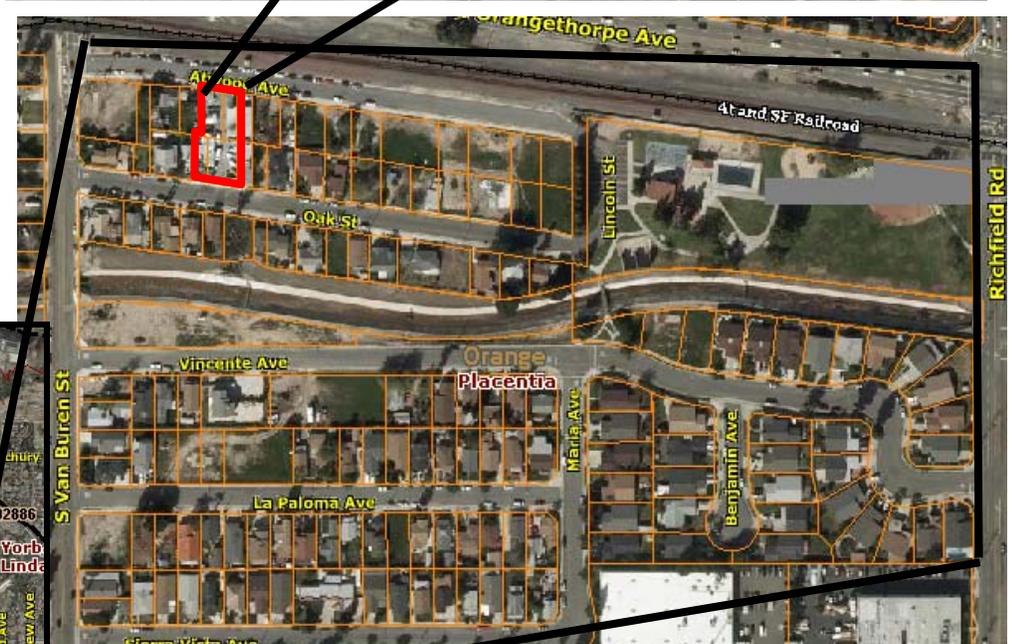
At or near 1616 Atwood Avenue and 1617 Oak Street



After purchase and prior to demolition.



Post demolition of structures.





Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 3	DATE: June 14, 2011	PUBLIC HEARING: No
APPLICATION: Use Conformity Determination (UCD) 2011-01		
DESCRIPTION: To determine if a yoga studio within a +/- 1,250 square foot commercial/retail suite is a use permitted by right or with a Use Permit, located at 1227 E. Yorba Linda Boulevard within the Neighborhood Commercial (C-1) District.		
RELATED APPLICATIONS: None		
APPLICANT: Debbie Dixon		
PROPERTY OWNER: The Remm Group – Chip Julin		
LOCATION: 1227 E. Yorba Linda Boulevard		
CEQA DETERMINATION: N/A		
ZONING: C-1	APN(S):	
GENERAL PLAN: Commercial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Monique B. Schwartz, Associate Planner		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator		

REQUEST:

The applicant is requesting a Use Conformity Determination for an unlisted use within the “C-1” Neighborhood Commercial District. The proposed use is a yoga studio (Yoga Body and Soul) that will provide various teaching of yoga techniques as well as instruction in meditation and tai chi/qigong. The Use Conformity Determination process was designed to review a proposed use that is not permitted outright nor required to have a use permit so that the Planning Commission may make a determination as to whether the proposed use conforms to the district in which it will locate and can be compatible with surrounding uses.

INTRODUCTION:

The Placentia Municipal Code provides much ambiguity relating to permitted uses within the various zoning districts in the City. The Development Services Department frequently receives requests for “newer” types of business uses desiring to locate within a commercial zone. These uses are not specifically specified as permitted outright or with a use permit.

Debbie Dixon, the applicant and owner of Yoga Body and Soul, Inc. requests a determination based on the possible leasing of a commercial/retail suite within the Rose Linda Shopping Center, located at 1227 E. Yorba Linda Boulevard. Her present business location is within the Lakeside Shopping Center, located at 3486 E. Orangethorpe Avenue in the City of Anaheim. She, along with all tenants within this Anaheim shopping center are being relocated because the property is currently being purchased by the Orange County Transportation Authority (OCTA) for a future grade separation project.

RECOMMENDATION:

Planning Commission to discuss and to provide direction to staff. Staff is recommending that the proposed use be considered a permitted use and is consistent with the purpose of the “C-1” Neighborhood Commercial District.

DISCUSSION:

In Chapter 23.33 “C-1” Neighborhood Commercial District, a yoga use is not specifically defined as a permitted use. The closest related uses are health clubs and studios, including dance and music, which are uses requiring a use permit; however; Section 23.33.030(25) is where the Municipal Code provides language to allow the Planning Commission to make a determination if a particular use is “in accord with the purpose of this chapter and having characteristics similar to those uses listed in this section”. The purpose of the C-1 District is to provide for general retail and office uses which offer the sale of goods and services to the general public and which, through characteristics of their operation, cater primarily to residents of neighborhood market areas”.

PROPOSED USE:

Yoga is a term used to describe a range of traditional systems of physical exercise and meditation. Many modified versions of this physical exercise have become popular as a low impact physical exercise and are often used for therapeutic purposes. Yoga is used to create balance in the body through the development of strength and flexibility. The teaching approach varies, based on the tradition in which the teacher is trained. Tai chi/qigong are also low impact exercises that involve slow, gentle movements, deep breathing and meditation. As such, Yoga, Tai chi/qigong are conducive to home practice and would be considered a less intense commercial use. The proposed use does not have objectionable characteristics such as odor and noise.

The applicant proposes to occupy a +/- 1,250 square foot suite. The average class size ranges from 3 to 8 persons. Debbie Dixon is the sole owner and the only employee of Yoga Body and Soul. Average classes range in duration between one hour to one hour and 15 minutes in length. There is at least a 15 min. interval between classes to allow for the exiting of students and vehicles. Hours of operation are from 8:30 a.m. to 9:00 p.m.

Uses requiring a use permit including health clubs and dance studios are uses that that are based on size, noise (music) impacts, and potential for parking impacts related to recitals (for dance studios) and class sizes. The low impact activity level of a yoga studio is conducive to being located within the Neighborhood Commercial District. These types of studios can be smaller in size, the noise levels are minimal and the service is typically more utilized by residents within adjacent neighborhoods. It does not cater to a city-wide clientele, which is the purpose of the “C-2” Community Commercial District.

Thus, based on the type of use (Yoga, Tai chi/qigong), its neighborhood appeal versus community appeal and the use having the potential for minimal impacts to adjacent businesses, including parking constraints, it is recommended that the Planning Commission find that the use is in accord with the purpose of this chapter.

ENVIRONMENTAL ANALYSIS:

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines require the Planning Commission to consider the potential environmental impacts of the proposed application. Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity is not subject to CEQA. The approval of the Use Conformity Determination for the proposed use will not have an impact on the environment.

RECOMMENDED ACTION:

Adopt Resolution No. PC-2011-11, confirming Use Conformity Determination (UCD) 2011-01 for Yoga Body and Soul, Inc., located at 1227 E. Yorba Linda Boulevard.

Prepared and submitted by:

Reviewed and approved by:

Monique B. Schwartz
Associate Planner

Kenneth A. Domer
Assistant City Administrator,
Development Services

Exhibits:

Attachment A: Resolution No. PC-2011-11

Exhibits:

Exhibit 1: Vicinity Map
Exhibit 2: Site Plan
Exhibit 3: Floor Plan
Exhibit 5: Statement of Use

ATTACHMENT A

RESOLUTION NO. PC-2011-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PLACENTIA APPROVING USE CONFORMITY DETERMINATION 2011-
01 FOR YOGA BODY AND SOUL, INC. LOCATED AT 1227 E.
YORBA LINDA BOULEVARD**

A. Recitals.

(i) On June 14, 2011, this Planning Commission conducted a duly noticed meeting, as required by law, and at such meeting considered an application for a Use Conformity Determination for a proposed yoga studio (Yoga Body and Soul, Inc.) located at 1227 E. Yorba Linda Boulevard in the Neighborhood Commercial "C-1" District. The consideration for said application was concluded prior to adoption of this Resolution.

(ii) This Planning Commission has reviewed and considered all elements of Use Conformity Determination 2011-11 and the current conditions, including written staff reports, and verbal comments presented during the appropriate public comment period.

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

B. Resolution.

NOW, THEREFORE, the Planning Commission of the City of Placentia does hereby find, determine, and resolve as follows:

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

2. This Commission finds that the proposed use as contained within Use Conformity Determination application 2011-01 does conform to the intent of the proposed district and is in conformance with the General Plan.

3. This Commission finds that the allowance of the use as proposed will promote the orderly development of the City and the public health, safety and welfare.

4. This Commission finds that the approval of the use as allowed by Use Conformity Determination 2011-01 will not have a

detrimental effect upon land available for housing within the City.

5. The approval of the Use Conformity Determination for the operation of Yoga Body and Soul, Inc. at 1227 E. Yorba Linda Boulevard 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 property or improvements within the neighborhood of the proposed use or within the City.

6. The Planning Commission hereby makes the following finding: Pursuant to the provisions of the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (Section 15061(b)(3)) the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. The approval of the Use Conformity Determination for the proposed use will not have a significant effect on the environment and is not subject to the requirements of the California Environmental Quality Act of 1970, as amended.

7. This Commission finds that the facts supporting the above specified findings are contained in the staff report and exhibits, and information provided to this Planning Commission during the new business conducted with respect to consideration of Use Conformity Determination 2011-01.

8. The Secretary of this 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 Property Owner and Applicant at the address of record set forth in the Application.

PASSED AND ADOPTED this 14th day of June, 2011, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAINED: COMMISSION MEMBERS:

Chairman

ATTEST:

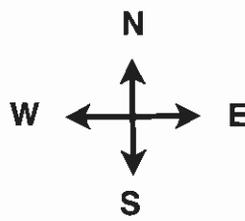
Secretary

APPROVED AS TO FORM

ANDREW V. ARCZYNSKI,
CITY ATTORNEY

Vicinity Map

Subject: Yoga Body and Soul



PLANNING DIVISION REPORT

APPLICATION: UCD 2011-01

EXHIBIT: 1

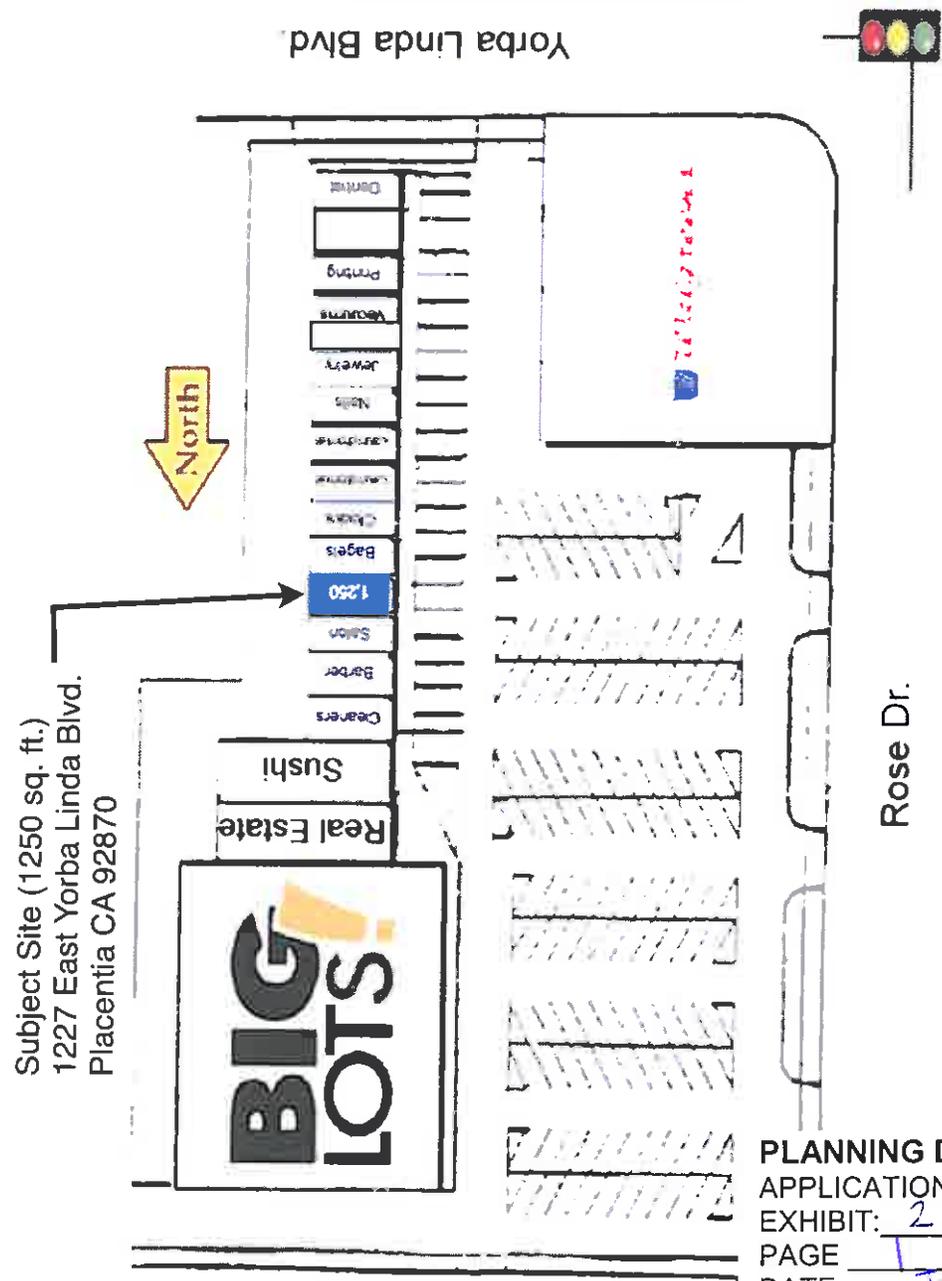
PAGE 1 OF 1

DATE: June 14, 2011



Applicant: Debbie O. Dixon for Yoga Body and Soul Inc.
 19682 Marsala Drive, Yorba Linda CA 92886
 (714) 595-7114

Rose Linda Center
 NEC Yorba Linda Boulevard & Rose Dr., Placentia, CA



Subject Site (1250 sq. ft.)
 1227 East Yorba Linda Blvd.
 Placentia CA 92870

PLANNING DIVISION REPORT
 APPLICATION: WCD 2011-01
 EXHIBIT: 2
 PAGE 1 OF 1
 DATE: June 14, 2011

STATEMENT OF USE

Project: Yoga Body and Soul - Use Conformity Determination
 Location: 1227 E. Yorba Linda Blvd., Placentia CA 92870
 Inside the Rose Linda Retail Center
 Applicant: Debbie O. Dixon for Yoga Body and Soul Inc.
 (714) 595-7114

History: Yoga Body and Soul, a California Corporation founded by Debbie O. Dixon in 2009, opened for business in February 2010 in the Lakeside Shopping Center located at 3486 E. Orangethorpe Ave., Anaheim CA 92806. As part of an Eminent Domain procedure the Lakeside Plaza is currently being purchased by OCTA (Orange County Transit Authority) and the tenants of the Lakeside Plaza are being relocated.

Education: Debbie Dixon holds a BS degree in Mechanical Engineering and a Masters degree in Business Administration. Debbie began practicing yoga in 2003. In 2006 Debbie began taking more difficult and concentrated yoga seminars and retreats. Debbie also began a teaching apprenticeship in 2006 that provided opportunities to share what she was learning and assist in the day to day operations of a yoga studio. Since then Debbie has studied and trained under the guidance of several yoga masters from a variety of yoga traditions. In 2009 Debbie completed a 200 hour yoga teacher certification program from YogaWorks. Debbie continues to train and study yoga to expand her expertise.

Description of Operations: At Yoga Body and Soul, Debbie draws upon the various techniques she has learned to create a blended, harmonious style of yoga instruction that is dynamic, fun, safe and healing for all experience levels. Yoga Body and Soul also provides meditation and tai-chi/qi-gong instruction. Average class size ranges from 3 to 8 persons.

Employees: Debbie Dixon is the sole owner and employee of Yoga Body and Soul. For teaching assistance Debbie offers volunteer teaching opportunities to select graduates of local yoga teacher training programs.

Vehicles: Yoga Body and Soul has one vehicle for transportation (and advertising since it has been wrapped with vinyl ad graphics).

Days and Hours of Operation: Can be found on the website at www.yogabodysoul.com and are summarized below.

TIME	MON	TUE	WED	THURS	FRI	SAT
8:30am - 9:30am	Private Class	Private Class	Private Class	Private Class	Private Class	
10:00am - 11:15am	Beginning Flow	Gentle Yoga	Qi-Gong	Gentle Yoga	Restorative	Detox Yoga
11:30am - 12:45pm	Family Yoga					Prenatal
12:15pm - 1:00pm	Afternoon Yoga		Afternoon Yoga		Afternoon Yoga	
4:30pm - 5:30pm	Private Class	Private Class	Private Class	Private Class	Private Class	
6:15pm - 7:30pm	Beginning Flow	Power Yoga	Qi-Gong	Power Yoga	Restorative	
8:00pm - 9:00pm	Gentle Yoga		Gentle Yoga			

PLANNING DIVISION REPORT

APPLICATION: UCD 2011-01

EXHIBIT: 4

PAGE 1 OF 1

DATE: JUNE 14, 2011