



Placentia Planning Commission Agenda

Regular Meeting
July 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

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
July 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
Commissioner Solomonson

PLEDGE OF ALLEGIANCE

MINUTES

Regular Meeting: June 14, 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: Michael Sherman**
Location: 1265 E. Imperial Highway

Use Permit (UP) 2011-07:

To permit an existing +/- 1,200 square foot sports bar (Group Therapy Pub) that serves beer and wine and has a pool table, to have four (4) electronic games, karaoke and Jazz/Blues entertainment, and to update their original use permit with current Alcoholic Beverage Control conditions, located at 1265 E. Imperial Highway in the Neighborhood Commercial (C-1) District.

Recommended Action:

Adopt Resolution No. PC-2011-12 approving Use Permit (UP) 2011-07, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

2. **Applicant: David Hoferer**
Location: 701 S. Fee Ana Street

Use Permit (UP) 2011-06:

To permit the installation of an above ground fuel tank and pump for the purpose of fueling tour buses for Silver State Trailways, located at 701 S. Fee Ana Street in the Manufacturing (M) District.

Recommended Action:

Adopt Resolution No. PC-2011-13 approving Use Permit (UP) 2011-06, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

NEW BUSINESS

3. **Applicant:** Alix Plum-Widner
Location: 1525 N. Placentia Avenue, Suite A

Use Conformity Determination (UCD) 2011-02:

To determine if a Pilates studio within a +/- 808 square foot commercial/retail suite is a use permitted by right or with a Use Permit, located at 1525 N. Placentia Avenue within the Neighborhood Commercial (C-1) District.

Recommended Action:

Adopt Resolution No. PC-2011-14, confirming Use Conformity Determination (UCD) 2011-02 for Mainstream Pilates., located at 1227 E. Yorba Linda Boulevard.

DEVELOPMENT REPORT

PLANNING COMMISSION REQUESTS

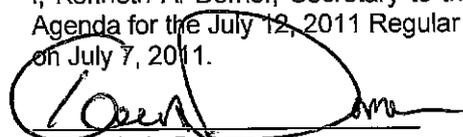
Commission members may make requests or ask questions of staff. If a Commission member would like to have formal action taken on a requested matter, it will be placed on a future Commission Agenda.

ADJOURNMENT

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, August 9, 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 July 12, 2011 Regular meeting of the Planning Commission of the City of Placentia was posted on July 7, 2011.


Kenneth A. Domer

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

June 14, 2011

The regular meeting of the Placentia Planning Commission of June 14, 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
Floyd Farano, Commissioner
Christine Schaefer, Commissioner
Frank Perez, Commissioner
Tom Solomonson, Commissioner

Absent: John Scull, Commissioner

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 Vice Chairman Tomazic to APPROVE THE MINUTES of May 10, 2011. Passed by a 5-0-1 vote (Farano Abstained)

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

Public Hearings:

1. **Applicant: 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.

Mr. Domer presented the staff report regarding the need to remove the requirement for massage establishment to obtain a use permit in order to locate in the commercial zones due to new State law.

Chairman Ebenhoch asked if the State will centralize the certification process and take control from the City. Mr. Domer responded that yes, it will. However, the City will still monitor illegal activities and will issue, and if needed, revoke the business license of an establishment.

Commissioner Farano asked if massage establishments will still require a Conditional Use Permit. Mr. Domer responded that no, they will not.

Commissioner Farano asked Mr. Arczynski if it would be unconstitutional if the City were to not allow massage establishments at all. Mr. Arczynski responded that yes, it would. He added that the new ordinance still contains performance standards, however employees are no longer required to meet City standards, with respect to licensing and certifications. Commissioner Farano asked if the State licensing requirements are more strict than the City. Mr. Arczynski indicated he would need to do more research on the matter.

Commissioner Schaefer asked if the State requirements for licensing are as rigorous as what our ordinance was. Mr. Arczynski stated he would need to do more research on the matter.

Mr. Domer assured the Commission that staff is confident that the standards set by the State will be sufficient.

Chairman Ebenhoch opened the Public Hearing.

Chairman Ebenhoch closed the Public Hearing.

Motion by Commissioner Farano, seconded by Commissioner Solomonson TO 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. Passed by a 6-0 vote.

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.

Mr. Domer presented the staff report.

Commissioner Schaefer commended staff on their effort to revitalize the downtown area. She asked if Habitat for Humanity has expressed interest in providing affordable housing. Mr. Domer responded that it was mentioned by Council,

however the project will go out to bid.

Commissioner Schaefer asked if local residents will be given the right of first refusal when the new homes are built. Mr. Domer stated that it will be considered.

Commissioner Farano asked if the lot line adjustments are complete. Mr. Domer responded that yes they are.

Chairman Ebenhoch asked if this project will benefit the Housing Element. Mr. Domer responded that it will benefit the Housing Element, however it's not in a Redevelopment area.

Motion by Commissioner Schaefer, seconded by Vice Chairman Tomazic TO 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. Passed by a 6-0 vote.

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.

Ms. Schwartz presented the staff report.

Chairman Ebenhoch asked if there was a 'Jazzercise' studio in the location previously. Ms. Schwartz responded that yes, there used to be.

Chairman Ebenhoch invited the applicant to address the Commission. The applicant declined.

Mr. Domer advised the Commission that Ms. Dixon's business is being relocated due to the grade separation project at Rose/Tustin and Orangethorpe.

Commissioner Schaefer asked Mr. Chip Julin, the property manager, if he represents the management of the entire center. He stated that Big Lots and Walgreens are separate from the Rosa Linda shopping center that his firm manages. Commissioner Schaefer asked if there are any plans for rehabilitation to the Rosa Linda shopping center. He responded that the parking lot, the alley, the roof, the air conditioning units as well as landscaping has been updated and improvements are ongoing.

Commissioner Solomonson asked if there are plans to replace the front façade. Mr. Julin responded that no, there are no plans at this time.

Chairman Ebenhoch opened up the Public Hearing.

Chairman Ebenhoch closed the Public Hearing.

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

DEVELOPMENT REPORT

PLANNING COMMISSION REQUESTS:

Mr. Domer provided the Commission with an update on the gas station on the south east corner of Rose Drive and Yorba Linda Boulevard. He stated that an application has been submitted for the removal of the underground storage tanks which should begin in the next two (2) to three (3) weeks. They have also indicated they will be continuing the demolition permit.

An update on the south east corner of Rose Drive and Alta Vista Street was provided. Mr. Domer stated he has passed the property owners name to an investor that staff met at the recent ICSC Conference.

Commissioner Perez asked for an update on the shopping center on the south east corner of Placentia Avenue and Bastanchury Road. Mr. Domer responded that there have been a couple of non-retail inquiries, however staff is focused on a retail use.

Commissioner Schaeffer asked for an update on the Schaener property (east side of Kraemer Boulevard, at Morse Avenue). Mr. Domer stated a developer has been in to discuss plans for residential tracts. There has also been discussion about OCFA consolidating two (2) local Fire Stations into one (1), at this site.

Mr. Domer reported the recently approved Old Glory Tattoo shop is open for business and appears to be prosperous.

Chairman Ebenhoch adjourned the Planning Commission meeting to the next regularly scheduled meeting on July 12, 2011 at 7:20 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: July 12, 2011	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2011-07		
DESCRIPTION: To permit an existing +/- 1,200 square foot sports bar (Group Therapy Pub) that serves beer and wine and has a pool table, to have four (4) electronic games, karaoke and Jazz/Blues entertainment, and to update the original use permit with current Alcoholic Beverage Control conditions, located at 1265 E. Imperial Highway in the Neighborhood Commercial (C-1) District.		
RELATED APPLICATIONS: None		
APPLICANT: Michael Sherman		
PROPERTY OWNER: Rondell Homes/Robert Case		
LOCATION: 1265 E. Imperial Highway		
CEQA DETERMINATION: Categorically Exempt: Class 5, Section 15305		
ZONING: Neighborhood Commercial (C-1)		APN(S): 322-101-18
GENERAL PLAN: Commercial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Monique B. Schwartz, Associate Planner		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator, Development Services		

REQUEST:

To permit an existing +/- 1,200 square foot sports bar (Group Therapy Pub) that serves beer and wine and has a pool table, to have four (4) electronic games, karaoke and Jazz/Blues entertainment and to update the original Use Permit with current Alcoholic Beverage Control and business operation conditions, located at 1265 E. Imperial Highway in the Neighborhood Commercial (C-1) District.

INTRODUCTION:

The Placentia Municipal Code specifies that § 23.33.040(4) establishments which sell alcoholic beverages, § 23.33.040(5) establishments having four or more freestanding mechanical or electronic games of chance and § 23.33.040(10), establishments with poolrooms, require use permit review and approval within the Neighborhood Commercial (C-1) District.

The City recognizes that certain uses have special operational characteristics which have the potential to adversely affect adjoining businesses and or property owners and the City requires review of these types of businesses on an individual basis. A use permit is an application that 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.

The existing pub, located at 1265 E. Imperial Highway obtained use permit approval on October 25, 1983 under Use Permit (UP) 83-22 to operate an Irish sports pub (Jolley's Irish Pub) that included the sale of beer and wine for on site consumption and provided entertainment with televisions to watch sports, one (1) pool table and one free standing electronic game.

In May 2011, the applicant, Mr. Michael Sherman purchased the business, now called Group Therapy Pub and requests to add three (3) electronic games, karaoke and Jazz/Blues entertainment in order to attract a higher-end clientele to enhance his current business operations at this location.

Prior to purchasing the business, Mr. Sherman met with City Staff in order to discuss his business proposal and was instructed by City Staff to process a new Use Permit application in order to add the additional electronic games as well as to update Use Permit 83-22 with current Special Conditions of Approval that are applicable to the sale and service of alcoholic beverages and basic business operations.

It is important to note that denial of this Use Permit (UP) 2011-07 does not remove the right for Mr. Sherman to continue business operations under Use Permit (UP) 83-22.

RECOMMENDATION:

City Planning Division is recommending approval of Use Permit (UP) 2011-07, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

The existing pub is a business that has operated in this location for approximately 28 years. Previously called Group Therapy, Group Therapy Pub is currently under new ownership of the applicant, Michael Sherman. This business is located within an existing commercial/retail shopping center that is at the northeast corner of Rose Drive and Imperial Highway. This entire shopping center is comprised of five (5) parcels, including the parcels improved with an Arco Station, Chuck E. Cheeses and Carl's Jr. Other uses within this shopping center include a restaurant, quilt shop, salon, travel agency, kids exercise studio, real estate office, professional offices, consignment store, insurance/registration and various other retail uses.

Subject Site and Surrounding Land Uses:

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Sports Bar – Group Therapy Pub	“Commercial”	“C-1”
Proposed	Sports Bar – Group Therapy Pub: Including the sale of beer and wine for on-site consumption, with one pool table and	“Commercial”	“C-1”

	four (4) electronic games, karaoke and Jazz/Blues entertainment		
North	Residential	"Low Density Residential"	PUD-1
South	Imperial Hwy/City of Yorba Linda	—	—
East	City of Yorba Linda	—	—
West	Chuck E. Cheeses/Arco Station	Commercial	C-2

Operational Characteristics:

Group Therapy has been a neighborhood pub that has served beer, wine and snacks for the past 28 years. It is a local place of business where people from the community gather to socialize, watch sports, play pool, enjoy music from the juke box and play electronic games. The clientele has generally been a mature group ranging from 30 to 60 years of age. Group Therapy Pub, under the new ownership of Michael Sherman would like to continue to attract a higher-end clientele by bringing karaoke, Jazz/Blues entertainment and county-wide dart throwing leagues to his business. This will intern benefit the surrounding businesses within the shopping center.

The attached Statement of Use (Exhibit 4) indicates incorrect days and hours of operation. The revised days and hours of operation proposed for Group Therapy Pub are as follows:

Monday through Thursday: 12:00 noon to 2:00 a.m.
Friday through Saturday: 11:00 a.m. to 2:00 a.m.
Sunday: 12:00 noon to 11:00 p.m.

Mr. Sherman requests that between September 1st through February 1st each year, the business be permitted to start at 10:00 a.m. on all days to accommodate customers during football season.

There will be a total of eight (8) part time employees and the daily operations of the pub will be supervised by Mr. Sherman.

Existing ABC Licenses Within One-Half (0.50) Mile Radius of the Subject Site:

The Alcoholic Beverage Control (ABC) license that is currently possessed by Group Therapy Pub is a "Type 42 On Sale Beer and Wine - Public Premises." Listed below are other businesses within a one-half (0.50) mile radius of the subject site permitted to sell alcoholic beverages for on and off-site consumption.

BUSINESS	ADDRESS	LICENSE TYPE
Oishi Sushi Bar	1041-1045 E. Imperial Highway	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
Stater Brothers Markets	1111 E. Imperial Highway	Type "21" Off-Sale General

CVS Pharmacy #9776	1117 E. Imperial Highway	Type "20" Off-Sale Beer and Wine
Super Liquor	1150 E. Imperial Highway	Type "21" Off-Sale General
Placentia Gas Works	1201 E. Imperial Highway	Type "20" Off-Sale Beer and Wine
Fish in a Bottle Sushi & Grill	1205-1207 E. Imperial Highway	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
El Pueblito Mexican Restaurant, Inc.	1221 E. Imperial Highway	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
Brooklyn Pizza Work	1235 E. Imperial Highway	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
Group Therapy Pub	1265 E. Imperial Highway	Type "42" On Sale Beer & Wine – Public Premises

The service of food at Group Therapy Pub is incidental to the sale of alcoholic beverages, as in most cases with bars or taverns. The sale of alcoholic beverages is only permitted for consumption on the premises and may not be sold for off-site consumption.

Group Therapy Pub is located within Census Tract 0218.15, which is within a low crime area and an area that is not over concentrated with Alcohol Beverage Control (ABC) licenses. With the goals and ideas that Mr. Sherman has expressed to the Development Services Department and Police Department, it is believed that Group Therapy Pub will continue to bring a unique entertainment atmosphere to the area. This establishment has possessed a Type 42 ABC license to sell alcohol since 1983. Calls for Police service to this establishment have been minimal over the past 28 years. Mr. Sherman has demonstrated a good understanding of ABC laws to the Placentia Police Department and is looking forward to a cooperative relationship with them. He recently updated video cameras within the business to ensure better surveillance should the police need video footage of an incident occurring within the pub.

City Staff concludes that subject to compliance with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-07, the issuance of this Use Permit would not create a law enforcement problem. The Development Services Department and the Placentia Police Department have reviewed the request and are supporting the proposal.

Public Convenience or Necessity

A finding of public convenience or necessity is not required for this Use Permit application because Group Therapy Pub has been in possession of a Type 42 Alcoholic Beverage Control License since 1983. This business is not located within a high crime reporting district nor is it located within an area of over concentration.

Floor Plan:

The submittal floor plan indicates that the tenant space is approximately 1,200 square feet and includes an entertainment area with one (1) pool table, three (3) electronic dart machines, a juke box, one (1) table top electronic trivia machine, seating area with tables and stools, a bar with seating, two (2) restroom facilities, a storage area and office located to the rear of the suite. There is one (1) main entrance on the west side and one exit door located on the east side of the pub.

Parking:

A recent site inspection revealed that there are 382 existing parking spaces available for the Imperial Plaza Shopping Center, not including the parcel improved with the Arco Station. There are existing Reciprocal Parking Agreements for the shopping center parcels that provides for the total available parking. Group Therapy occupies approximately 1,200 square feet of commercial retail space and requires 13 parking spaces. It is not anticipated that Group Therapy Pub will affect the available parking within this shopping center because they have been at this location since 1983 and there are 369 parking remaining available spaces for other businesses located within the shopping center.

Compatibility:

Group Therapy Pub has been in this location for over 20 years and has successfully operated with minimal calls for service. This establishment has been compatible with the adjacent business uses and with the surrounding area. The additional entertainment proposed by Mr. Sherman will attract a mature, higher-end type of clientele that will in turn benefit all of the other existing businesses within the shopping center.

CEQA:

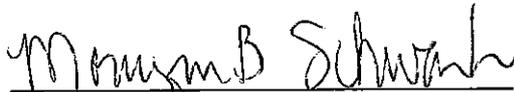
The proposed use is not expected to create a negative impact on the physical environment. It is City Staff's opinion that the use is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15305 and City Environmental Guidelines.

Projects exempt pursuant to the CEQA Guideline Section 15305 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.

Actions:

1. Adopt Resolution No. PC-2011-12.
2. Approve Use Permit (UP) 2011-07, subject to the attached Special Conditions of Approval and Standard Development Requirements.

Prepared and submitted by:



Monique B. Schwartz
Associate Planner

Reviewed and approved by:



Kenneth A. Domer
Assistant City Administrator

Attachments:

- Attachment A: Resolution No. PC-2011-12
Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-07
Attachment C: Placentia Police Department Standard Development Requirements

Exhibits:

- Exhibit 1: Vicinity Map
Exhibit 2: Site Plan
Exhibit 3: Floor Plan
Exhibit 4: Statement of Use

RESOLUTION NO. PC-2011-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2011-07 PERTAINING TO PROPERTY LOCATED AT 1265 E. IMPERIAL HIGHWAY AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Michael Sherman, applicant and Rondell Homes, owner of the property located at 1205 E. Yorba Linda Boulevard ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2011-07, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On July 12, 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 "C-1" Neighborhood Commercial District and (3) It is not anticipated that the Type 42 (On-Sale Beer and Wine-Public Premises) license and addition of electronic games of chance will generate any negative impacts on the adjacent neighborhood. All

sales and 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 "Commercial", and the proposed use does not involve any change in the land use of the subject site. Establishments that sell alcoholic beverages for on and off site consumption, have one (1) pool table and use four (4) electronic games of chance are permitted in the Neighborhood Commercial (C-1) 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-1" Neighborhood Commercial District in the City of Placentia. Approval of the Use Permit for the sale of alcoholic beverages, the use of one (1) pool table and four (4) electronic games of chance within this sports pub business 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-1" Neighborhood Commercial District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachments "B, C and D" contain Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2011-07 to ensure compliance with the Placentia Municipal Code.

3. Section 15305 of the CEQA Guidelines exempts 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 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 2011-07, 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 2011-07 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 July, 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 July, 2011, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of July, 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) 2011-07**

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) 2011-07 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2011-07 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.
5. Prior to any changes in the days and hours of operation of Group Therapy Pub, 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 as requested by the applicant:

Monday through Thursday: 12:00 noon to 2:00 a.m.
Friday through Saturday: 11:00 a.m. to 2:00 a.m.
Sunday: 12:00 noon to 11:00 p.m.

Between September 1st through February 1st each year, the business will be permitted to start at 10:00 a.m. on all days to accommodate customers during football season.

6. Any modifications to the approved floor plan and any modifications which will change, expand or intensify the use shall be subject to review and approval by the Director of Development Services. The Director may determine if such modifications require approval by the Placentia Planning Commission.
7. Prior to any modification of the floor plan that would affect parking as stipulated in the zoning code, the applicant shall obtain written approval from the Director of Development Services or his/her designee.
8. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
9. At all times when the establishment is open for business, the sale of alcoholic beverages shall be conducted entirely within the building.
10. Outside displays are not permitted at any time.
11. 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.
12. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
13. 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.

14. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be done at least three (3) times a week.
15. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
16. The applicant shall comply with Chapter 8.34 if the Placentia Municipal Code regarding the posting of alcoholic beverage warning signs.
17. 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.

Pursuant to Section 23.90.180(9), the total area occupied by window signs shall not exceed more than twenty-five (25) percent of the window area through which they are displayed. If more than 25 percent exists, the applicant shall remove the excess signage prior to the sale of alcoholic beverages.

18. This establishment shall be operated as a pub/bar facility only. All activities shall be conducted within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor or other nuisances.
19. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
20. The applicant/business owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid City Business License prior to operating the business.
21. 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.
22. The sale and service of alcoholic beverages shall be in compliance with all local, state and federal laws, and all conditions of the Department of Alcoholic Beverage Control (ABC) for the issuance of a "Type 42" On Sale Beer and Wine – Public Premises shall be applicable.

23. Operator of the establishment shall not sell alcoholic beverages at the premises until after the ABC approves and issues a license. A copy of the approved ABC license shall be transmitted to the City Planning Division upon receipt of it.
24. This use permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements.
25. Prior to the addition of any electronic games of chance, the applicant shall obtain written approval from the Director of Development Services or his/her designee.

CITY BUILDING DIVISION:

26. 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.
27. 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.
28. Building occupancy will be classified as "A-2", pursuant to the California Building Code, 2010 Edition.
29. Maximum occupant load shall be less than 100 people.
30. Two (2) legal exits (front and back) are required with exit signs and illumination devices, pursuant to the California Building Code, 2010 Edition.
31. Applicant shall obtain approvals from Orange County Health Department and Orange County Fire Authority prior to building permit issuance.

CITY POLICE DEPARTMENT:

32. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).
33. Applicant/business owner of Group Therapy Pub shall be in compliance with all Alcoholic Beverage Control requirements.

34. This Use Permit shall be reviewed one (1) 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.
35. 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.
36. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 12:00 noon through 1:00 a.m. Monday through Thursday, Friday and Saturday between the hours of 11:00 a.m. to 1:00 a.m. and Sundays between the hours of 12:00 noon to 10:00 p.m. Between September 1st through February 1st each year, the business will be permitted to serve alcohol starting at 10:00 a.m. on all days.
37. There shall be only the bar or lounge area upon the licensed premises maintained for the purpose of sale, service, or consumption of alcoholic beverages directly to patrons for consumption.
38. The subject alcoholic beverage license shall not be exchanged for another public premises type license.
39. Alcoholic beverages shall be sold and served in containers, which are distinguishable from other non-alcoholic beverages sold at the premises.
40. The sale of beer and wine for consumption off the premises is prohibited.
41. No distilled spirits may be on the premises at any time.
41. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
42. Signs shall be posted at all exits of the premises, which prohibit alcoholic beverages from leaving the confines of the premises.
43. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.

44. There shall be no live entertainment (including karaoke), amplified music, or dancing permitted on the premises at any time, unless a separate entertainment permit is approved and issued by the Placentia Police Department and Development Services Department.
45. The use of any amplifying system, outdoor sound system, loudspeakers, paging system, or any other such device is prohibited on the licensed premises, unless a separate entertainment permit is approved and issued by the Placentia Police Department and Development Services Department.
46. At no time shall there be a fee for entrance/admittance into the premises.
47. There shall be no "Happy Hours" when alcoholic beverages are offered at a reduced rate.
48. Minors are not permitted to enter or remain on the premises at any time.
49. Signs shall be posted at all exits of the premises, which prohibit alcoholic beverages from being opened or consumed on or around the premises.
50. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
51. The use of any amplifying system, outdoor sound system, loudspeakers, paging system, or any other such device is prohibited on the licensed premises.
52. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
53. Graffiti shall be removed from the exterior walls and windows of the premises within 48 hours of discovery.
54. 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.
55. All employees of the petitioner who sell or serve alcoholic beverage products shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques, and the handling of violence. The applicant must provide the City of Placentia Police Department, Administrative Services Lieutenant a copy of completed Alcohol Management Program (AMP), and a certificate of completion from an ABC LEAD program within six months of the premises being licensed to sell alcohol.

Attachment "C"
Placentia Police Department Standard Development Requirements

PLACENTIA POLICE DEPARTMENT



APPLICATION: Use Permit 2011-07
1265 E. Imperial Highway

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.

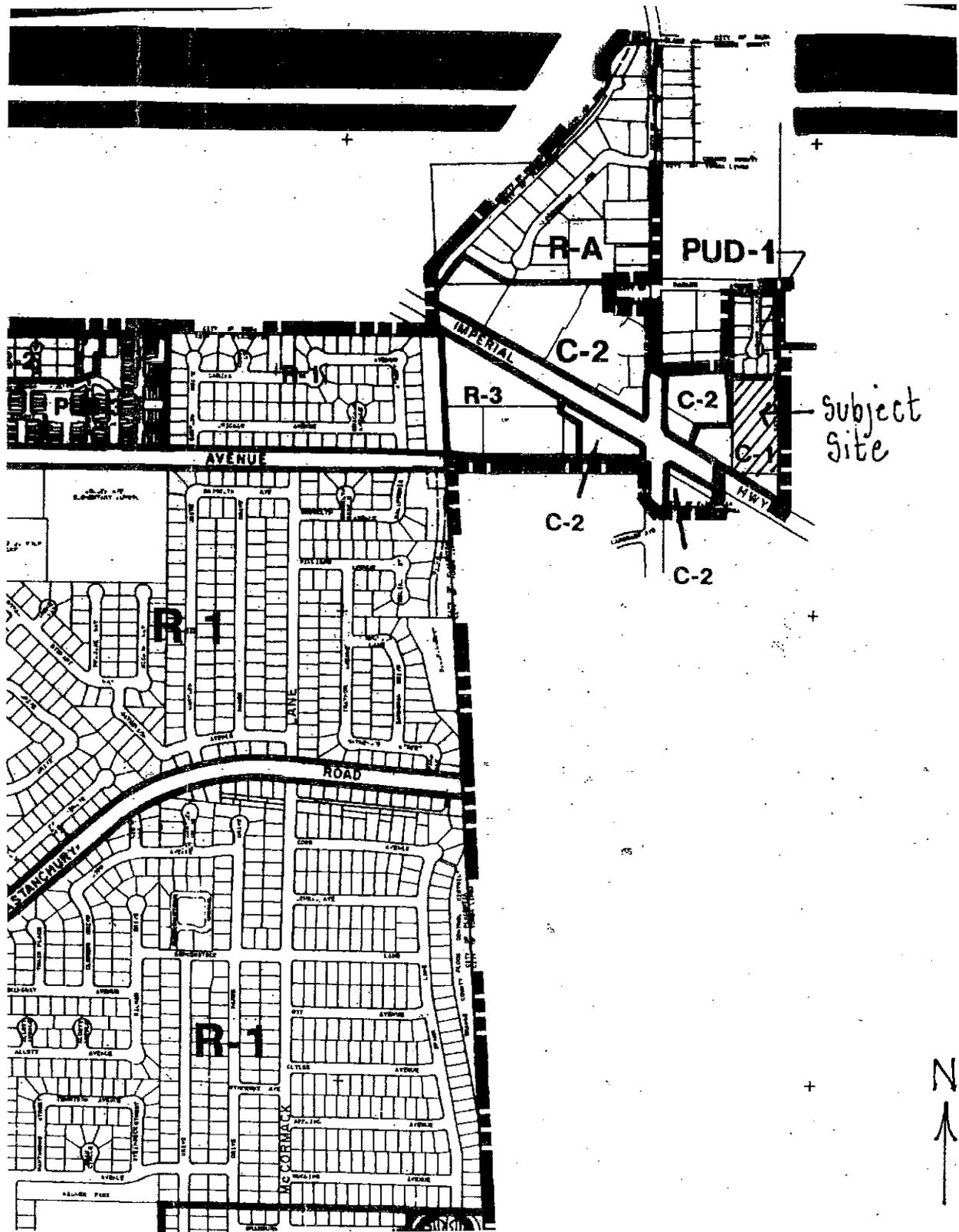
Numerals of the street address shall be displayed on the uppermost roof, in luminous paint or other material capable of being read from the air. Minimum numeral size shall be twenty-four (24) inches. The building designation, if within a complex (such as "A" or "B" etc) shall accompany displayed street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



VICINITY MAP

NTS



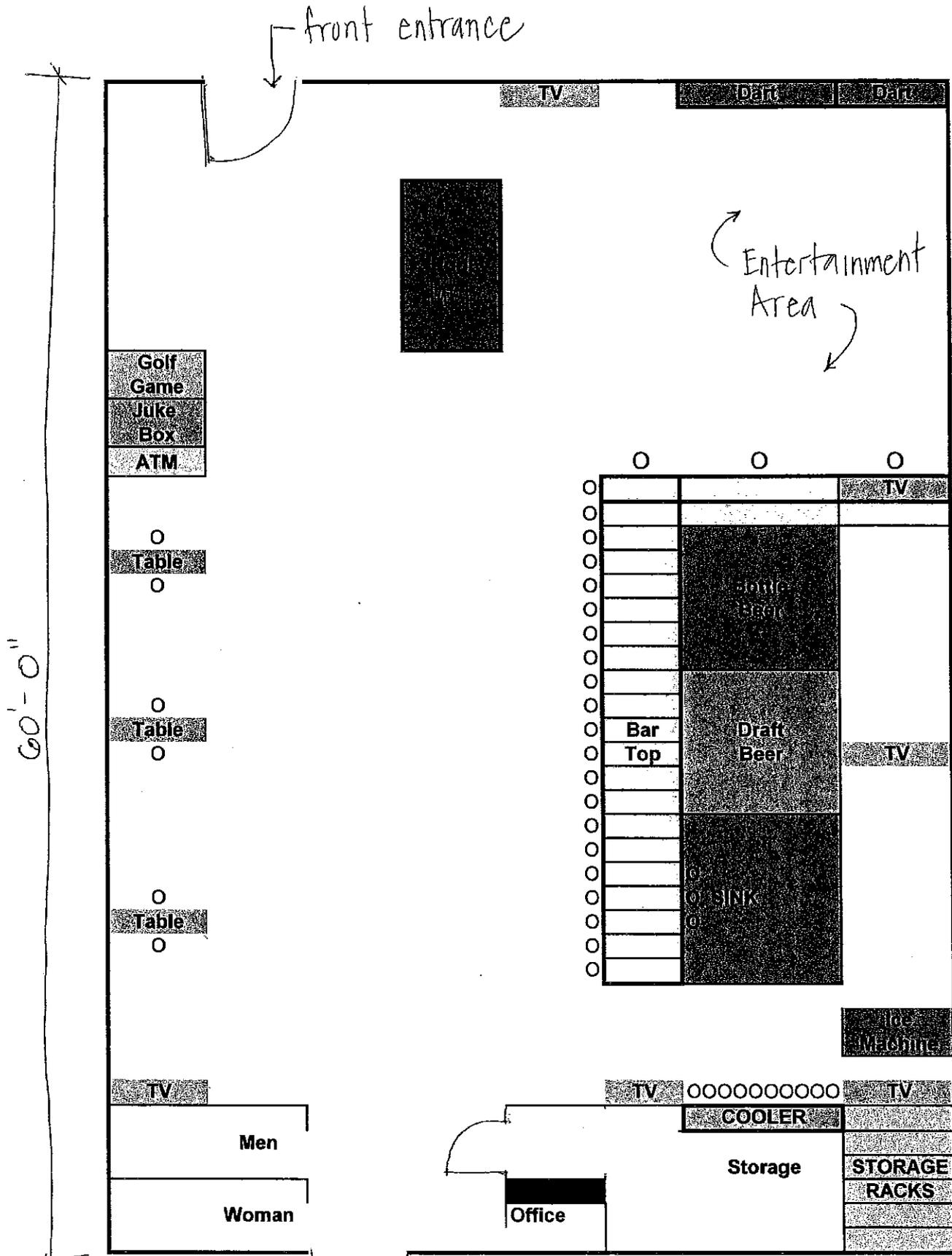
PLANNING DIVISION REPORT
 UP 2011-07
 Exhibit 1

Group Therapy Pub
1265 E. Imperial Hwy.
Use Permit 2011-07

E Imperial Hwy & N Rose Dr, Placentia, CA 92870

Subject Site

PLANNING DIVISION REPORT
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DATE: July 12, 2011



60'-0"

front entrance

Entertainment Area

20'-0"

rear exit

PLANNING DIVISION REPORT

APPLICATION: UP 2011-07

EXHIBIT: 3

PAGE 1 OF 1

DATE: July 12, 2011



1265 E. Imperial Hwy
Placentia, CA 92870
714-791-1977
michsherman@earthlink.net

STATEMENT OF USE PERMIT

Description of Operation

A tavern serving beer, wine and snacks. It is a local place of business where people gather to socialize, watch sports, enjoy music from the jukebox and play coin operated games.

History

The business has been operational for about 25 years under the current Group Therapy name. The clientele has traditionally been a mature crowd ranging from 30-60 years of age. Group Therapy has a long history of providing an enjoyable environment while providing comfortable surroundings.

Restaurant Owner Experience

1994-1996 **Izzy's Bagel and Coffee House-Fountain Valley**
Proprietor

- Built and Operated 1800 sq. ft Bagel and Coffee House
- Prepared from scratch Bagel recipes and Baked Goods
- Served Coffee style drinks
- Solicited Wholesale accounts
- Average monthly revenue 40K

PLANNING DIVISION REPORT

APPLICATION: UP 2011-07

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UP 2011-07

1990-1993 **Rudy's Pizza and Pasta-Diamond Bar**
Proprietor

- Operated a 4000 sq. ft Pizza Sports Bar
- Served Pizza, Pasta, Sandwiches, Beer and Wine
- Solicited Wholesale accounts and Sports Team Business
- Average monthly revenue 36K

1992-1993 **Rudy's Pizza and Pasta-Yorba Linda**
Proprietor

- Operated a 1500 sq. ft Pizza Sports Bar
- Served Pizza, Pasta, Sandwiches, Beer and Wine
- Solicited Wholesale accounts and Sports Team Business
- Average monthly revenue 20K

General Business Experience

Sales and Marketing Manager with over 20 years' experience developing an increased demand for products and services. I have worked with customers in several market segments developing marketing plans and cultivating business. Additionally I have managed employee staff and designed training programs to increase sales revenues.

Day and Hours of Operation

The business will operate 7 days a week. The hours of operation will be as follows:

M-F 11 AM - 2 AM
Sat/Sun 10 AM - 2 AM

Number of Employees

There will be 6-8 Part Time Employees

Number of Vehicles

There will be no operating vehicles associated with the business.

PLANNING DIVISION REPORT
APPLICATION: UP 2011-07
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PAGE 2 OF 6
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Machines and Equipment

- (1) Kegerator & Draft Beer Dispenser
- (1) Walk In Cooler
- (1) Ice Maker
- (1) Bottle Box Cooler
- (1) Cash Register
- (6) Flat Screen Televisions
- (1) Pool Table
- (1) Golf Video Game
- (2) Dart Board Games
- (1) Juke Box
- (1) ATM Machine

Marketing Overview

The business is located in the Northeast section of the city of Placentia bordering the cities of Brea and Yorba Linda. The strip center where the business resides shares a busy intersection at Imperial Hwy and Rose Ave.

The city of Brea opened a new Sports complex less than 1 mile from Group Therapy location. This is a state of the art facility that is home to many youth and adult recreation activities. The Beckman Coulter Company, Bank of America, Suzuki and Birch Hills GC less than 2 miles can also provide increased customer activity.

Customer Marketing

- Sponsorship of Adult Softball Leagues
- Sponsorship of Adult Flag Football
- Sponsorship of area Dart League (Subject to approval)
- Marketing to local businesses
- Addition of Jazz/Blues Night (Subject to approval)
- Addition of Karaoke Night (Subject to approval)
- Increased menu items

I look forward to working with the City of Placentia to create a healthy business environment that will be mutually beneficial in the future. If there is any additional information I can provide please let me know.

Thanks again for your assistance and support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Sherman', written over a horizontal line.

Michael Sherman

PLANNING DIVISION REPORT

APPLICATION: UP 2011-07

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PAGE 4 OF 6

DATE: July 12, 2011

Spectrum ELITE BY MED

19" LCD Flat Panel Monitor

True color, state of the art graphics with photo quality definition

Unique Upgrades And Game Updates

Including - Super Count-Up, Ladies Fantasy, Parity Play League Formats...

Dual Fluorescent Lighting

Creates target lighting that is second to none

Off-The-Shelf Replacement Parts

Specifications provided, reduced costs and no waiting

Diamond Plate Stabilizer/Step

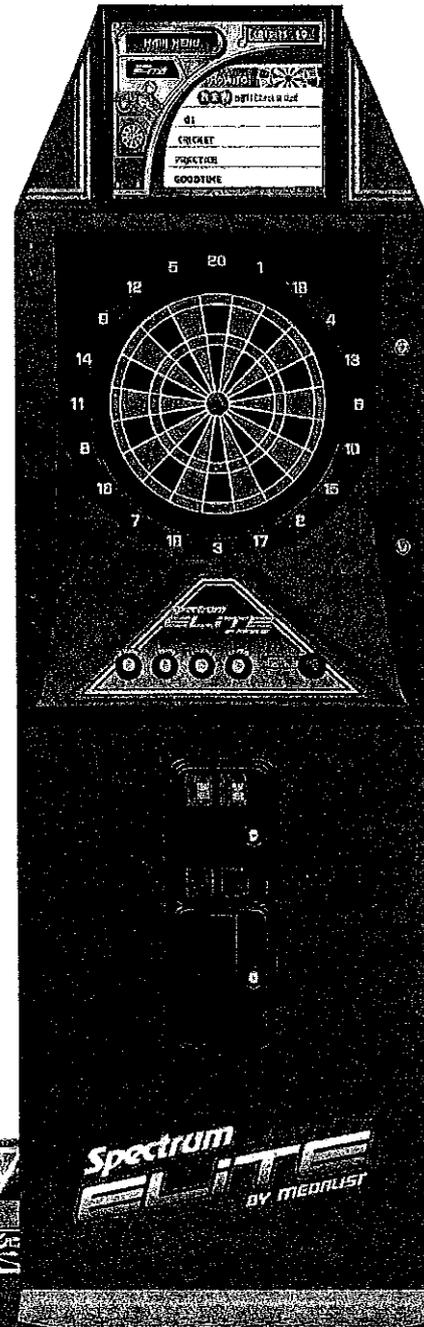
Ensuring game stability and player convenience

Removable Target System

Makes servicing a breeze



ELITE (T)



PLANNING DIVISION REPORT

APPLICATION: UP 2011-07

EXHIBIT: 4

PAGE 5 OF 6

DATE: July 12, 2011

(T) Basic Specifications

1. Main Unit	Top Mount
Height	94 $\frac{1}{2}$ " with LCD monitor installed
	79 $\frac{3}{4}$ " without LCD monitor installed
Width	29"
Depth	13 $\frac{3}{4}$ "
Weight	95 kilos, 209 pounds

2. Monitor	
Screen	19" LCD
Resolution	1440 x 900 Pixels
Display Colors	16.7 Million
Brand	LG

3. *Motherboard	
Make/model	MSI K8MM-V
CPU	AMD, Socket 754, Sempron 2600/2800
Memory	256 MB/DDR
Embedded peripherals	Audio, video, USB, LAN

4. I.O. Board	
Designed and developed by Medalist	
I.O. board software version 5.4	

5. *Power Supply	
Type	ATX
Input	120/230 VAC (selectable)
Output	+3.3Vdc/28A
	+5Vdc/40A
	+12Vdc/12A
	-5Vdc/0.3A
	-12Vdc/0.8A
Max output power	400W

*Motherboard and power st



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 2	DATE: July 12, 2011	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2011-06		
DESCRIPTION: To permit the installation of an above ground fuel tank and pump for the purpose of fueling tour buses for Silver State Trailways, located at 701 S. Fee Ana Street in the Manufacturing (M) District.		
RELATED APPLICATIONS: None		
APPLICANT: Mr. David Hoferer, Orange Coast Petroleum Equipment, Inc.		
PROPERTY OWNER: Robert Herrmann		
LOCATION: 701 S. Fee Ana Street		
CEQA DETERMINATION: Categorically Exempt, Class 3, Section 15303		
ZONING: Manufacturing (M)	APN(S): 346-041-15	
GENERAL PLAN: Industrial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Kenneth A. Domer, ACA, Development Services		
REVIEWED BY: Monique B. Schwartz, Associate Planner		

REQUEST:

To permit the installation of an above ground fuel tank and pump for the purpose of fueling tour buses for Silver State Trailways, located at 701 S. Fee Ana Street in the Manufacturing (M) District.

INTRODUCTION:

The Placentia Municipal Code (PMC) specifies requirements for operating within a designated zone and whether the proposed use requires a use permit or is permitted by right. PMC § 23.47.040 regulates those businesses within the Manufacturing (M) Zone which require a use permit. PMC Chapter 23.81, *General Regulations and Exemptions*, further prescribes those instances in which a use permit is required. The applicant is proposing to add an above ground fuel tank and fuel dispensing station to service its fleet of vehicles.

The City recognizes that certain uses have special operational characteristics which have the potential to adversely affect adjoining businesses and or property owners and the City requires review of these types of businesses on an individual basis. A use permit is an application that is required to evaluate the potential impacts the proposed business and/or use may have on adjacent businesses and whether such use is detrimental to the health and welfare of the public.

As described in the applicant's Statement of Use, the current business is a base for luxury bus tours, transporting customers to various locations. The facility handles dispatch, scheduling, maintenance, washing and storage of the busses when not in use. Customers do not come to the facility.

The property is approximately 1.75 acres in size and fronts to Fee Ana Street. The facility contains two existing permanent buildings, one of which is used for administrative purposes and the other as a vehicle shop. The proposed location of the above ground fuel tank and fueling station is in the northwest corner of the property adjacent to the existing vehicle washing pad.

As described, the fueling station will be for vehicles (busses) operated by the business. The tank would be used to store and dispense diesel fuel into the tour buses and the system is fire rated. The operation of the fuel tank will be by trained employees only. The system will not be visible from the public right-of-way. The operator currently refuels their tour busses off-site and the installation of the tank/station will decrease the need to unnecessarily take the busses off-site which will reduce area traffic.

RECOMMENDATION:

City Planning Division is recommending approval of Use Permit (UP) 2011-06, subject to the attached recommended Special Conditions of Approval and applicable Standard Development Requirements.

DISCUSSION:

The fueling of vehicles is a common practice for large vehicle fleet operators. The potential to combine an above ground fueling tank and dispensing system with the current operational set up at the facility is of great practical use and benefit to the business owner.

Aboveground Petroleum Storage Tanks (APST) are regulated by the State of California through the Aboveground Petroleum Storage Tank Act which became effective January 1, 1990. The Act requires owners to file a storage statement, pay a fee and implement measures to prevent spills. As of January 1, 2008 the Orange County Certified Unified Program Agency (CUPA) is responsible for administration of the APST program. The CUPA is a County of Orange Environmental Health Division of the Health Care Agency responsibility.

The proposed tank size is 5,200 gallons. As such, the applicant is required to have a Spill Prevention Control and Countermeasure Plan, a tank facility statement and will be subject to periodic visual inspections by the CUPA. In addition, the applicant must report all spills or unauthorized releases.

As the tank is regulated heavily by the CUPA, the conditions of approval will reflect commenting City department concerns but more so rely heavily on the CUPA program requirements.

Subject Site and Surrounding Land Uses:

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Tour bus facility	"Manufacturing"	"M"
Proposed	Tour bus facility with above ground fuel tank and dispensing system.	"Manufacturing"	"M"
North	Manufacturing	"Manufacturing"	"M"
South	Manufacturing	"Manufacturing"	"M"
East	Manufacturing	"Manufacturing"	"M"
West	Manufacturing	"Manufacturing"	"M"

Operational Characteristics:

Silver State Trailways has been family owned and operated since 1986. As stated on its website (www.silverstatetrailways.com), the Applicant maintains a core of satisfied clients based on a commitment to continual upgrades in the fleet over the past decade and the entire staff's commitment to passenger safety. Silver State Trailways maintains a state-of-the-art communications system that makes it possible for the driver and tour leader to maintain constant contact with the operations on a 24-hour a day basis and the company owners are accessible to clients around the clock.

Silver State Trailways specializes in leisure travel and they feature a fleet of luxury motor coaches that includes the newest Van Hool T-2100. These first class coaches are the customer preferred vehicles for sightseeing with large, panoramic view windows. The coaches offer a comfortable ride with interior amenities such as reclining seats, temperature controls, restroom, individual reading lamps, window shades and convenient overhead compartments. For onboard entertainment, all Silver State coaches are equipped with cassette tape player and VCR with overhead video monitors. The passenger capacity ranges from 31 to 61 passenger configurations.

Silver State Trailways is based in Southern California and Nevada and provides very flexible service options to many popular attractions and airport transfers, as well as, longer, over the road trips to Canada and Mexico. The facility on Fee Ana is open from 7 am to 7 pm, seven days a week. There are forty-nine (49) full-time employees and twelve (12) part-time employees. The company operates forty-three (43) busses.

The busses are stored, cleaned, serviced and will be fueled in the rear area of the facility. The area is behind a controlled access gate. As stated prior, all employees operating the fueling equipment will be trained in its use, clean up and emergency operations in case of spill.

CEQA:

The proposed use is not expected to create a negative impact on the physical environment. It is City Staff's opinion that the use is categorically exempt pursuant to the

California Environmental Quality Act (CEQA) Guideline § 15303 and City Environmental Guidelines.

Section 15303 allows for exemptions for small new construction projects which do not result in any changes in land use or density. The proposed project involves a minor alteration to an existing site involving appropriate safeguards for the equipment being installed, and will not result in an increase of more than 50 percent of the floor area, nor more than 2,500 square feet. As a result, City Staff recommends that the Planning Commission find that the use is categorically exempt from CEQA.

Actions:

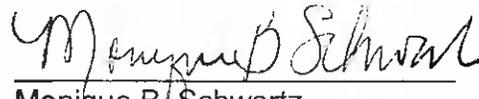
1. Adopt Resolution No. PC-2011-13.
2. Approve Use Permit (UP) 2011-06, subject to the attached Special Conditions of Approval and Standard Development Requirements.

Prepared and submitted by:



Kenneth A. Domer
Assistant City Administrator, Development Services

Reviewed and approved by:



Monique B. Schwartz
Associate Planner

Exhibits:

- Exhibit 1: Vicinity Map
- Exhibit 2: Site Plan
- Exhibit 3: Tank Plan
- Exhibit 4: Statement of Use
- Exhibit 5: Aboveground Petroleum Storage Tank – Fact Sheet
- Exhibit 6: IC17. Spill Prevention and Cleanup – Best Management Practice

Attachments:

- Attachment A: Resolution No. PC-2011-13
- Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-06

RESOLUTION NO. PC-2011-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2011-06 PERTAINING TO INSTALLATION OF AN ABOVEGROUND PETROLEUM STORAGE TANK ON PROPERTY LOCATED AT 701 FEE ANA STREET AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Mr. David Hoferer, Orange Coast Petroleum Equipment, Inc., applicant and Mr. Robert Herrmann, owner of the property located at 701 Fee Ana Street ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2011-06, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On July 12, 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 (Attachment "B"), this use complies with all applicable code requirements and development standards of the "M" Manufacturing District and (3) It is not anticipated that the installation and operation of an aboveground petroleum storage tank and dispensing station will

generate any negative impacts on the adjacent manufacturing uses. All operations shall be conducted within the designated area with the equipment behind approved crash barriers, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and applicable Best Management Practices for spill prevention and intrusion into the City's stormwater system.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Manufacturing", and the proposed use does not involve any change in the land use of the subject site.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachment "B"), 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 "M" Manufacturing District in the City of Placentia. Approval of the Use Permit for installation and operation of an aboveground petroleum storage tank and fuel dispensing system would be consistent with the zoning as the site can accommodate the proposed use.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachment "B" contains Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2011-06 to ensure compliance with the Placentia Municipal Code.

3. Section 15303 of the CEQA Guidelines allows for exemptions for small new construction projects which do not result in any changes in land use or density. The proposed project involves a minor alteration to an existing site involving appropriate safeguards for the equipment being installed, and will not result in an increase of more than 50 percent of the floor area, nor more than 2,500 square feet. 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 2011-06, 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 2011-06 as modified herein, and specifically subject to the conditions set forth in Attachment "B" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

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

ADOPTED AND APPROVED this 12th day of July, 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 July, 2011, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of July, 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

**Special Conditions of Approval for
Use Permit (UP) 2011-06**

SPECIAL CONDITIONS

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

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

CITY PLANNING DIVISION:

1. Use Permit (UP) 2011-06 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2011-06 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.
5. Prior to any changes in the days and hours of operation of Silver State Trailways, 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 as requested by the applicant:

Monday through Sunday: 7:00 a.m. to 7:00 p.m.

6. Any modifications to the location of the proposed aboveground petroleum storage tank and any modifications which will change, expand or intensify the size or use shall be subject to review and approval by the Director of Development Services. The Director may determine if such modifications require approval by the Placentia Planning Commission.
7. Non-employees, with the exception of regulatory or City inspections and maintenance personnel are not permitted in the vicinity of the aboveground petroleum storage tank.
8. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
9. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
10. The applicant/business owner shall obtain approval of a Building and Zoning Compliance Application and shall maintain a valid City Business License at all times.
11. This use permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and applicable Best Management Practices for spill prevention.
12. Applicant shall comply with Best Management Practices for spill prevention and cleanup to prevent intrusion of materials into the City's stormwater program. Specific reference to IC17. *SPILL PREVENTION AND CLEANUP* Best Management Practices (BMPs) as found at www.ocwatersheds.com.
13. Operation of fuel tanks shall be conducted by trained employees only. Proof of training shall be made available upon request by the City of Placentia.
14. The applicant shall adhere to all requirements of the Orange County Certified Unified Program Agency (CUPA) relating to aboveground petroleum storage tanks. Copies of all documents, to include but not be limited to, Spill Prevention Control and Countermeasure Plans, and tank facility statements, shall be made available to the City of Placentia upon request.

CITY BUILDING DIVISION:

15. The applicant shall obtain approval for the aboveground petroleum storage tank installation from the Orange County Fire Authority to include applicable approvals and inspections from the Hazardous Material Disclosure Division.
16. 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.
17. Structural plans for the aboveground petroleum storage tank foundation and any secondary containment must be submitted to the Building Division and include structural calculations, detail dimensions, structural strength of concrete and steel rebar.
18. A ten (10) foot section of K-Rail shall be situated to the north of the proposed aboveground petroleum storage tank.

PLACENTIA POLICE DEPARTMENT:

19. The aboveground petroleum storage tank location shall be monitored on closed circuit television during operating hours and recordable surveillance system twenty-four (24) hours a day

ORANGE COUNTY FIRE AUTHORITY:

20. 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.

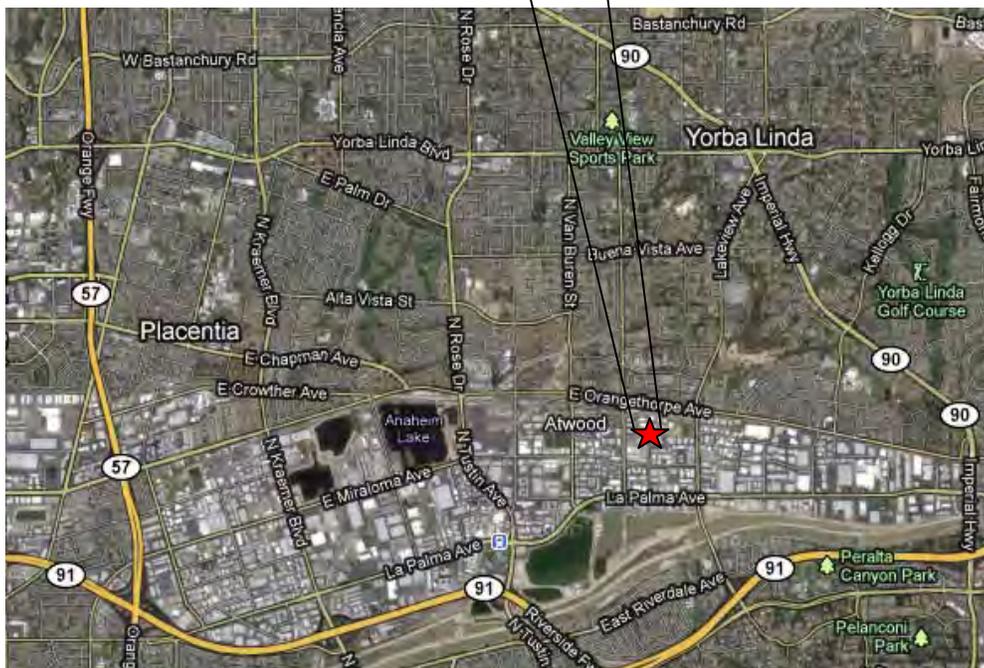
Prior to issuance of a building permit:

- Tanks storing hazardous materials (service codes PR300-PR305)
- Hazardous materials compliance and chemical classification (service codes PR315-PR328)

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

Vicinity Map

Silver State Trailways
701 Fee Ana Street
Use Permit 2011-06





Silver State Trailways

701 Fee Ana Street, Placentia, CA 92870

Phone: 714-577-0180 • Fax: 714-577-0182

E-mail: sales@silverstatecoach.com • www.silverstatecoach.com

April 11, 2011

Silver State Trailways
701 Fee Ana Street
Placentia, CA. 92870

Regarding: Property Statement of Use
Proposed Above Ground Fuel Tank Installation

To Whom It May Concern:

The following are the answers for the requested Property Statement of Use:

- **Detailed description of operation:**
 - This business provides luxury tours to various destinations. At this facility dispatch and scheduling tasks are performed and buses are parked and cleaned between trips.
- **Interesting facts about the business:**
 - Silver State Trailways was founded in 1986.
- **Days and hours of operation:**
 - 7 am – 7 pm Seven (7) Days Per Week.
- **Number of full & part-time employees:**
 - (49) Full Time and (12) Part Time
- **Number of vehicles:**
 - Forty Three (43) Buses
- **Machines and equipment:**
 - N/A
- **Proposed project facts:**
 - Tank would be to store and dispense diesel fuel into tour buses.
 - Tank system is completely fire rated.
 - Fuel tank for use by trained employees only.
 - Tank system would not be visible from street and no customers are ever brought to the facility.
 - Installation will prevent busses from traveling to off site fuel stations; which will decrease area traffic.

If there is additional information needed please contact us.

Regards,



Aboveground Petroleum Storage Tank – Fact Sheet

In 1989, the California Legislature found that in order to protect the state's people and natural resources from aboveground petroleum storage tank spills, an inspection program was necessary. The Aboveground Petroleum Storage Act (Act) became effective January 1, 1990. In general, the Act requires owners or operators of aboveground petroleum storage tanks to file a storage statement, pay a fee, and implement measures to prevent spills.

As of January 1, 2008 Orange County Certified Unified Program Agency (CUPA) will be responsible for the administration of the aboveground petroleum storage tank (APST) program. Assembly Bill 1130 (AB 1130) passed through the California Legislature in 2007, and moved the responsibility of the Aboveground Storage Tank Program from the State and Regional Water Quality Control Boards to the Certified Unified Program Agencies beginning January 1, 2008.

Who Is Subject to the Aboveground Petroleum Storage Tank Program?

The Act defines "storage tank" as any aboveground tank or container used for the storage of petroleum, 55 gallons or greater. An operator with total aboveground storage tank capacity equal to or greater than 1,320 gallons will be required to prepare a Spill Prevention Control and Countermeasure (SPCC) Plan. A tank facility is subject to this chapter, if the tank facility is subject to the Oil Pollution Prevention regulations in Part 112 of Subchapter D of Chapter I of Title 40 CFR, or the facility has a storage capacity of 1,320 gallons or more of *petroleum*.

Tank Size	Requirements
Equal to or greater than or 1,320 gallons	SPCC, tank facility statement, inspection, fee
Farms, nurseries, etc., equal to or greater than 20,000 gallons per tank or 100,000 gallons total storage	SPCC, tank facility statement, inspection, fee
Farms, nurseries, etc., less than 20,000 gallons per tank or 100,000 gallons total storage	Conduct daily visual inspection, tank facility statement, inspection, secondary containment as needed, pay fee. SPCC not required.

EXEMPT from APST program: pressure vessels, Department of Toxic Substance Control (DTSC) regulated tanks, oil production tanks, oil filled electrical equipment (within certain requirements), tanks captured by Underground Storage Tank (UST) regulations, transportation-related tank facility (Department of Transportation).

What is the Definition of Petroleum?

"Petroleum" means crude oil or any fraction which is liquid at 60 degrees Fahrenheit at normal atmospheric pressure. This includes petroleum-based substances comprised of a complex blend of hydrocarbons, such as gasoline, diesel, jet fuels, residual fuel oils, lubricants, some petroleum solvents, and used oils.



What is Required?

Here is a brief summary of what is required under the APST program:

- Each owner or operator of a storage tank at a tank facility subject to this chapter shall prepare a spill prevention control and countermeasure (SPCC) plan prepared in accordance with Part 112 of Subchapter D of Chapter I of Title 40 CFR.
- Each owner or operator of a storage tank at a tank facility shall conduct periodic inspections of the storage tank to assure compliance with the regulations stated above.
- On or before January 1, 2009 and each January 1 of each year thereafter, each owner or operator of a qualifying tank facility shall submit a [Tank Facility Statement](#) to the CUPA. The tank facility may use a previous statement if no *significant modifications* have been made. Significant modification is defined as “altering existing storage tanks or changing spill prevention or containment methods.”
- On or before January 1, 2010 and each January 1 of each year thereafter, each owner or operator of an APST who is required to submit a Tank Facility Statement shall pay a fee to the CUPA. The fee is established by the CUPA, sufficient to support costs incurred to administer the program.
- The CUPA will inspect every year each storage tank within its jurisdiction that has a storage capacity of 10,000 gallons or more of petroleum. Storage tanks between 1,320 and 9,999 gallons of petroleum will be inspected periodically by the CUPA.
- Spill reporting will go to an established hotline or reporting line with Office of Emergency Services (800-852-7550) and the CUPA (714-433-6000). A spill or unauthorized release of 42 gallons or more of petroleum is required to be reported by the tank facility. The State and the Regional Board are required to oversee the cleanup or abatement efforts, or to initiate cleanup or abatement efforts when there is a release from a storage tank at a tank facility.

What is a "Tank Facility Statement"?

A "[Tank Facility Statement](#)" is to be submitted annually and must include the following information about your facility:

- Name and address of the tank facility
- A contact person for the tank facility
- The total storage capacity of the tank facility
- Location, size, age and contents of each storage tank that exceeds 10,000 gallons in capacity and that holds a substance containing at least five percent petroleum.



Note: Total gallons of petroleum products may be tabulated individually or cumulatively; container size could be an aboveground tank, 55-gallon drum, or tank and drums. For example, a facility may have petroleum products stored only in 55-gallon drums, but if there are 24 drums then the total is 1,320 gallons and the facility would qualify as a tank facility. Or, a facility may have three, 240-gallon aboveground tanks containing petroleum products and 11, 55-gallon drums of petroleum products and still qualify as a tank facility.

What is a Spill Prevention Control and Countermeasure (SPCC) Plan?

An SPCC plan is a carefully thought-out plan, prepared in accordance with the guidelines contained in the United States Environmental Protection Agency's regulation on oil pollution prevention. This plan discusses procedures, methods, and equipment in place at the facility to prevent discharges of petroleum from reaching navigable waters. An SPCC plan is certified by a licensed Professional Engineer and a complete copy is maintained on site. For more information on SPCC plans, please visit the Cal-EPA website at: www.calepa.ca.gov/CUPA/Aboveground/FactSheetSPCC.pdf.

Who is Required to Prepare and Implement an SPCC Plan?

All facilities subject to the Act must prepare an SPCC plan **except** farms, nurseries, logging, or construction sites if these businesses have a total storage capacity of less than 100,000 gallons and if their individual storage tanks are less than 20,000 gallons. Farms, nurseries, logging or construction sites with the above stated storage capacities must conduct a daily visual inspection of any storage tank storing petroleum, allow the CUPA to conduct a periodic inspection of the tank facility, install secondary containment if determined necessary by the CUPA, and pay the annual fee.

Who Conducts AST Facility Inspections?

The Orange County Certified Unified Program Agency (CUPA) will conduct inspections and verify whether an SPCC Plan is in place at your facility. The CUPA will also receive and review tank facility statements. Plan check review and tank installation will continue to be managed by the fire department; please refer to the following list for your fire department contact:

Anaheim Fire Department	714-765-4055
Brea Fire Department	714-990-7644
Costa Mesa Fire Department	714-327-7402
Fountain Valley Fire Department	714-593-4430
Fullerton Fire Department	714-738-3119
Garden Grove Fire Department	714-741-5600
Huntington Beach Fire Department	714-536-5469
La Habra (LA County Fire Department)	323-890-4113
Newport Beach Fire Department	949-644-3361
Orange Fire Department	714-288-2541
Santa Ana Fire Department	714-647-5761
For all other cities and unincorporated areas of the county: Orange County Fire Authority	714-573-6252

What is the Fee?

The CUPA is to establish a fee, as part of the single fee system, at a level sufficient to cover all incurred costs to administer this program, including but not limited to, inspections, enforcement, and administrative costs. Along with this fee will be an annual state surcharge to cover the costs of the state agency to carry out their responsibilities under the program. Fees will be assessed beginning January 1, 2010.

Penalties

Any owner or operator of a tank facility who fails to: a) prepare an SPCC; b) file a tank facility statement; c) submit the required fee; d) report spills; or e) comply with the requirements of this program, is subject to civil penalty of not more than \$5,000 for each day the violation continues. If the owner or operator commits a second or subsequent violation, a civil penalty of not more than \$10,000 for each day the violation continues may be imposed. Civil penalties may be assessed and recovered in a civil action brought by the district attorney.

For Specific Questions About Your Facility...

For questions about the APST Program at your facility contact your inspector at 714-433-6000 or visit our office Monday through Friday from 8:00 a.m. to 5:00 p.m.:

Orange County Health Care Agency
Public Health Services
Environmental Health Division
1241 E. Dyer Road, Suite 120
Santa Ana, CA 92705

Or visit us at: www.OCCUPAINFO.com

IC17. SPILL PREVENTION AND CLEANUP

Best Management Practices (BMPs)

A BMP is a technique, measure or structural control that is used for a given set of conditions to improve the quality of the stormwater runoff in a cost effective manner¹. The minimum required BMPs for this activity are outlined in the box to the right. Implementation of pollution prevention/good housekeeping measures may reduce or eliminate the need to implement other more costly or complicated procedures. Proper employee training is key to the success of BMP implementation.

The BMPs outlined in this fact sheet target the following pollutants:

Targeted Constituents	
Sediment	x
Nutrients	x
Floatable Materials	x
Metals	x
Bacteria	x
Oil & Grease	x
Organics & Toxicants	x
Pesticides	x
Oxygen Demanding	x

Provided below are specific procedures associated with each of the minimum BMPs along with procedures for additional BMPs that should be considered if this activity takes place at a facility located near a sensitive waterbody. In order to meet the requirements for medium and high priority facilities, the owners/operators must select, install and maintain appropriate BMPs on site. Since the selection of the appropriate BMPs is a site-specific process, the types and numbers of additional BMPs will vary for each facility.

Spill Prevention

1. **Develop procedures to prevent/mitigate spills to storm drain systems.**
Standardize reporting procedures, containment, storage, and disposal activities, documentation, and follow-up procedures.
2. **Post "No Dumping" signs with a phone number for reporting illegal dumping and disposal.**
3. **Conduct routine cleaning, inspections, and maintenance**
 - Sweep and clean storage areas consistently at a designated frequency (e.g. weekly, monthly). **DO NOT** hose down areas to storm drains.
 - Place drip pans or absorbent materials beneath all mounted taps, and at all potential drip and spill locations during filling and unloading of tanks. Reuse, recycle, or properly dispose of any collected liquids or soiled absorbent materials.
 - Check tanks (and any containment sumps) frequently for leaks and spills. Replace tanks that are leaking, corroded, or otherwise deteriorating with tanks in good condition. Collect all spilled liquids and properly dispose of them.

MINIMUM BEST MANAGEMENT PRACTICES	
<u>Pollution Prevention/Good Housekeeping</u>	
•	Develop procedures to prevent/mitigate spills to storm drain systems.
•	Post "No Dumping" signs with a phone number for reporting illegal dumping and disposal.
•	Conduct routine cleaning, inspections, and maintenance.
•	Properly store and handle chemical materials.
•	Protect materials stored outside from stormwater runoff.
•	Secure drums stored in an area where unauthorized persons may gain access to prevent accidental spillage, pilferage, or any unauthorized use.
•	Identify key spill response personnel.
•	Clean up leaks and spills immediately.
•	Report and track spills.
<u>Stencil storm drains</u>	
<u>Training</u>	
•	Train employees on these BMPs, storm water discharge prohibitions, and wastewater discharge requirements.
•	Provide on-going employee training in pollution prevention.

¹ EPA " Preliminary Data Summary of Urban Stormwater Best Management Practices"

- Check for external corrosion of material containers, structural failures, spills and overfills due to operator error, failure of piping system, etc.
 - Inspect tank foundations, connections, coatings, and tank walls and piping system.
4. **Properly store and handle chemical materials.**
 - Designate a secure material storage area that is paved with Portland cement concrete, free of cracks and gaps, and impervious in order to contain leaks and spills.
 - Do not store chemicals, drums, or bagged materials directly on the ground. Place these items in secondary containers.
 - Keep chemicals in their original containers, if feasible.
 - Keep containers well labeled according to their contents (e.g., solvent, gasoline).
 - Label hazardous substances regarding the potential hazard (corrosive, radioactive, flammable, explosive, poisonous).
 - Prominently display required labels on transported hazardous and toxic materials (per US DOT regulations).
 5. **Utilize secondary containment systems for liquid materials.**
 - Surround storage tanks with a berm or other secondary containment system.
 - Slope the area inside the berm to a drain.
 - Drain liquids to the sanitary sewer if available. **DO NOT** discharge wash water to sanitary sewer until contacting the local sewer authority to find out if pretreatment is required
 - Pass accumulated stormwater in petroleum storage areas through an oil/water separator.
 - Use catch basin filtration inserts.
 6. **Protect materials stored outside from stormwater runoff.** Construct a berm around the perimeter of the material storage area to prevent the runoff of uncontaminated stormwater from adjacent areas as well as runoff of stormwater from the material.
 7. **Secure drums stored in an area where unauthorized persons may gain access to prevent accidental spillage, pilferage, or any unauthorized use.**

Spill Control and Cleanup Activities

8. **Identify key spill response personnel.**
9. **Adopt the Orange County Hazardous Materials Area Plan or an equivalent plan, which includes a set of planned responses to hazardous materials emergencies. The plan should include:**
 - Description of the facility, owner and address, activities and chemicals present
 - Facility map
 - Notification and evacuation procedures
 - Cleanup instructions
 - Identification of responsible departments
10. **Clean up leaks and spills immediately.**
 - Place a stockpile of spill cleanup materials where they will be readily accessible (e.g. near storage and maintenance areas).
 - Utilize dry cleaning methods to clean up spills to minimize the use of water. Use a rag for small spills, a damp mop for general cleanup, and absorbent material for larger spills. If the spilled material is hazardous, then used cleanup materials are also hazardous and must be sent to a certified laundry (rags) or disposed of as hazardous waste. Physical methods for the cleanup of dry chemicals include the use brooms, shovels, sweepers, or plows.
 - Never hose down or bury dry material spills. Sweep up the material and dispose of properly.
 - Clean up chemical materials with absorbents, gels, and foams. Use adsorbent materials on small spills rather than hosing down the spill. Remove the adsorbent materials promptly and dispose of properly.
 - For larger spills, a private spill cleanup company or Hazmat team may be necessary.

11. Reporting

1. Report spills that pose an immediate threat to human health or the environment to local agencies, such as the fire department, and the Regional Water Quality Control Board.
2. Establish a system for tracking incidents. The system should be designed to identify the following:
 - Types and quantities (in some cases) of wastes
 - Patterns in time of occurrence (time of day/night, month, or year)
 - Mode of dumping (abandoned containers, "midnight dumping" from moving vehicles, direct dumping of materials, accidents/spills)
 - Responsible parties
3. Federal regulations require that any oil spill into a water body or onto an adjoining shoreline be reported to the National Response Center (NRC) at 800-424-8802 (24 hour).

Training

1. Educate employees about spill prevention and cleanup.
 - Establish training that provides employees with the proper tools and knowledge to immediately begin cleaning up a spill.
 - Educate employees on aboveground storage tank requirements.
 - Train all employees upon hiring and conduct annual refresher training.
2. Train employees responsible for aboveground storage tanks and liquid transfers on the Spill Prevention Control and Countermeasure Plan.

Stencil storm drains

Storm drain system signs act as highly visible source controls that are typically stenciled directly adjacent to storm drain inlets. Stencils should read "No Dumping Drains to Ocean".

References

California Storm Water Best Management Practice Handbook. Industrial and Commercial. 2003.
www.cabmphandbooks.com

California Storm Water Best Management Practice Handbooks. Industrial/Commercial Best Management Practice Handbook. Prepared by Camp Dresser & McKee, Larry Walker Associates, Uribe and Associates, Resources Planning Associates for Stormwater Quality Task Force. March 1993.

Model Urban Runoff Program: A How-To Guide for Developing Urban Runoff Programs for Small Municipalities. Prepared by City of Monterey, City of Santa Cruz, California Coastal Commission, Monterey Bay National Marine Sanctuary, Association of Monterey Bay Area Governments, Woodward-Clyde, Central Coast Regional Water Quality Control Board. July 1998 (Revised February 2002 by the California Coastal Commission).

Stormwater Management Manual for Western Washington. Volume IV Source Control BMPs. Prepared by Washington State Department of Ecology Water Quality Program. Publication No. 99-14. August 2001.

For additional information contact:

County of Orange/ OC Watersheds

Main: (714) 955-0600

24 hr Water Pollution Hotline: 1-877-89-SPILL

or visit our website at www.ocwatersheds.com



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 3	DATE: July 12, 2011	PUBLIC HEARING: No
APPLICATION: Use Conformity Determination (UCD) 2011-02		
DESCRIPTION: To determine if a Pilates based physical fitness training studio that offers Yoga and Zumba classes within a +/- 808 square foot commercial/retail suite is a use permitted by right or with a Use Permit, located at 1525 N. Placentia Avenue, Suite A within the Neighborhood Commercial (C-1) District.		
RELATED APPLICATIONS: None		
APPLICANT: Alix Plum-Widner		
PROPERTY OWNER: Theo Teazis		
LOCATION: 1525 N. Placentia Avenue, Suite A		
CEQA DETERMINATION: N/A		
ZONING: C-1	APN(S): 337-241-170, 337-241-171 and 337-241-68	
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 Pilates based physical fitness studio that offers Yoga and Zumba classes. 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.

Alix Plum-Widner, the applicant and co-owner of Mainstream Pilates requests a determination based on the possible leasing of a commercial/retail suite within a shopping center, located at 1525 N. Placentia Avenue, Suite A. This business will be owned by Alix Plum-Widner (applicant) and Judy Chan.

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 Pilates studio 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".

HISTORY:

In 1979, the Placentia Planning Commission approved Site Development 79/07, which permitted the construction of approximately 27,410 square feet of commercial/retail space proposed for the Smoketree Square Shopping Center. The original development included parcel 337-241-68 which is located at the southwest corner of Macadamia Lane and Placentia Avenue and parcels 337-241-170 and 337-241-171 which are both located at the northwest corner of Macadamia Lane and Placentia Avenue, between Macadamia Avenue and Palm Avenue. A Variance (Variance 79/01) to reduce the amount of parking required for this development was also approved permitting a reduction of 24 parking spaces. The Placentia Municipal Code at that time required a parking ratio of 6 spaces per 1,000 square feet of commercial/retail building area. The Planning Commission approved the lesser parking ratio because the parcels were oddly shaped, which made the site design difficult, the lots had three street frontages which placed unusual constraints on site design and the lots were bisected by a 50 foot wide multi-utility easement which dictated the location of the buildings, further compounding the site design problems. The sites were approved with a total of 122 parking spaces for the project at that time. A Special Condition of Approval of Variance 79/01 was included that states "Eating establishments shall be permitted in the center subject to obtaining a use permit." This condition was added because the parking required for a restaurant facility is generally higher than the requirements for general retail. Gina Maria's Restaurant, which is currently the only restaurant in the shopping center, obtained Use Permit approval on September 9, 1990, under Use Permit 80/22 to locate at 1525 N. Placentia Avenue, Suites C and D.

In 1985, the Planning Commission approved Site Development 87/17, which permitted the construction of a new 4,037 square foot building. The total retail/commercial building

space was now 29,447 square feet. This new project involved the elimination of a proposed 2,000 square foot building under Site Development 79/07. It was determined that the total amount of parking required at that time was 118 stalls.

A recent site inspection of the subject properties revealed that there are a total of 118 existing parking stalls on the three lots combined for the Smoketree Plaza Shopping Center.

PROPOSED USE:

The applicant for Mainstream Pilates, is proposing a physical fitness studio that will offer instruction in Pilates, Yoga and Zumba styles of exercise. Pilates is a type of fitness training using the methods developed by Joseph Pilates. This type of low impact exercise focuses on specific mind and muscle training exercises coupled with a focus on breathing, awareness of the spine and deep torso muscle control. Yoga involves a range of traditional systems of physical exercise and meditation often used for therapeutic purposes to create balance in the body through the development of strength and flexibility. Zumba is a Latin-inspired fitness program involving dance that is a more aerobic and calorie burning activity.

The applicant proposes to occupy a +/- 808 square foot suite. The average class size will be ten (10) people for mat classes and four (4) for equipment classes. There will be two (2) instructors present for class instruction. Classes are fifty (50) minutes in length and there is at least a 10 min. interval between classes to allow for the exiting of students and vehicles. Student's ages range between 30 and 60 years of age. There will be a maximum of 14 students in attendance at any one time. Hours of operation are from 8:30 a.m. to 9:00 p.m. Alix Plum-Widner and Judy Chan are the owners and the employees of Mainstream Pilates.

PARKING:

Uses requiring a use permit including health clubs and dance studios are uses that are based on size, noise (music) impacts, and potential for parking impacts related to recitals (for dance studios) and class sizes. There is an existing dance studio called The Dance Depot, located within the same shopping center at 1521 N. Placentia Avenue, that obtained Use Permit approval in 1997 to operate within +/- 2,900 square feet of commercial/retail space. According to the staff report for this use permit, the majority of students are dropped off for classes by their parents and the majority of classes occur during the evenings when many of the shops have closed; therefore not impacting the available parking within the shopping center.

The Weight Watchers business, located within this commercial center also conducts classes; however, City records indicate that a Use Permit was not obtained.

Gina Maria's Restaurant, which is currently the only restaurant in the shopping center, obtained Use Permit approval in September 1990 (Use Permit 80/22), pursuant to

Special Condition #1 of Variance 79/01 to locate at 1525 N. Placentia Avenue, Suites C and D. Use Permit 80/22 limits the seating capacity of the restaurant to 20 persons.

City Staff visited the site on two separate occasions on the same day, once in the morning and once in the afternoon and did not identify a parking deficiency within the shopping center during the hours visited.

The low impact activity level of a Pilates studio that offers instruction in Yoga and Zumba 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 Pilates, Yoga and Zumba instruction, 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 the Neighborhood Commercial (C-1) District

The addition of Mainstream Pilates to this existing shopping center is not expected to create a parking problem within the shopping center, subject to the applicant limiting the amount of students to fourteen (14). If the applicant decides to expand the business operations to allow for more students, the applicant will be required to obtain a Use Permit.

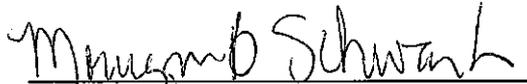
ENVIRONMENTAL ANALYSIS:

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-2011-14, confirming Use Conformity Determination (UCD) 2011-02 for Mainstream Pilates located at 1525 N. Placentia Avenue, Suite A.

Prepared and submitted by:



Monique B. Schwartz
Associate Planner

Reviewed and approved by:



Kenneth A. Domer
Assistant City Administrator,
Development Services

Attachments:

Attachment A: Resolution No. PC-2011-14

Exhibits:

- Exhibit 1: Vicinity Map
- Exhibit 2: Site Plan
- Exhibit 3: Floor Plan
- Exhibit 4: Statement of Use

ATTACHMENT A

RESOLUTION NO. PC-2011-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE CONFORMITY DETERMINATION 2011-02 FOR MAINSTREAM PILATES LOCATED AT 1525 N. PLACENTIA AVENUE, SUITE A.

A. Recitals.

(i) On July 12, 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 Pilates studio (Mainstream Pilates) located at 1525 N. Placentia Avenue, Suite A 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 2011-02 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 2011-02 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 2011-02 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 Mainstream Pilates at 1525 N. Placentia Avenue, Suite A 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 2011-02.

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 12th day of July, 2011, by the following vote:

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

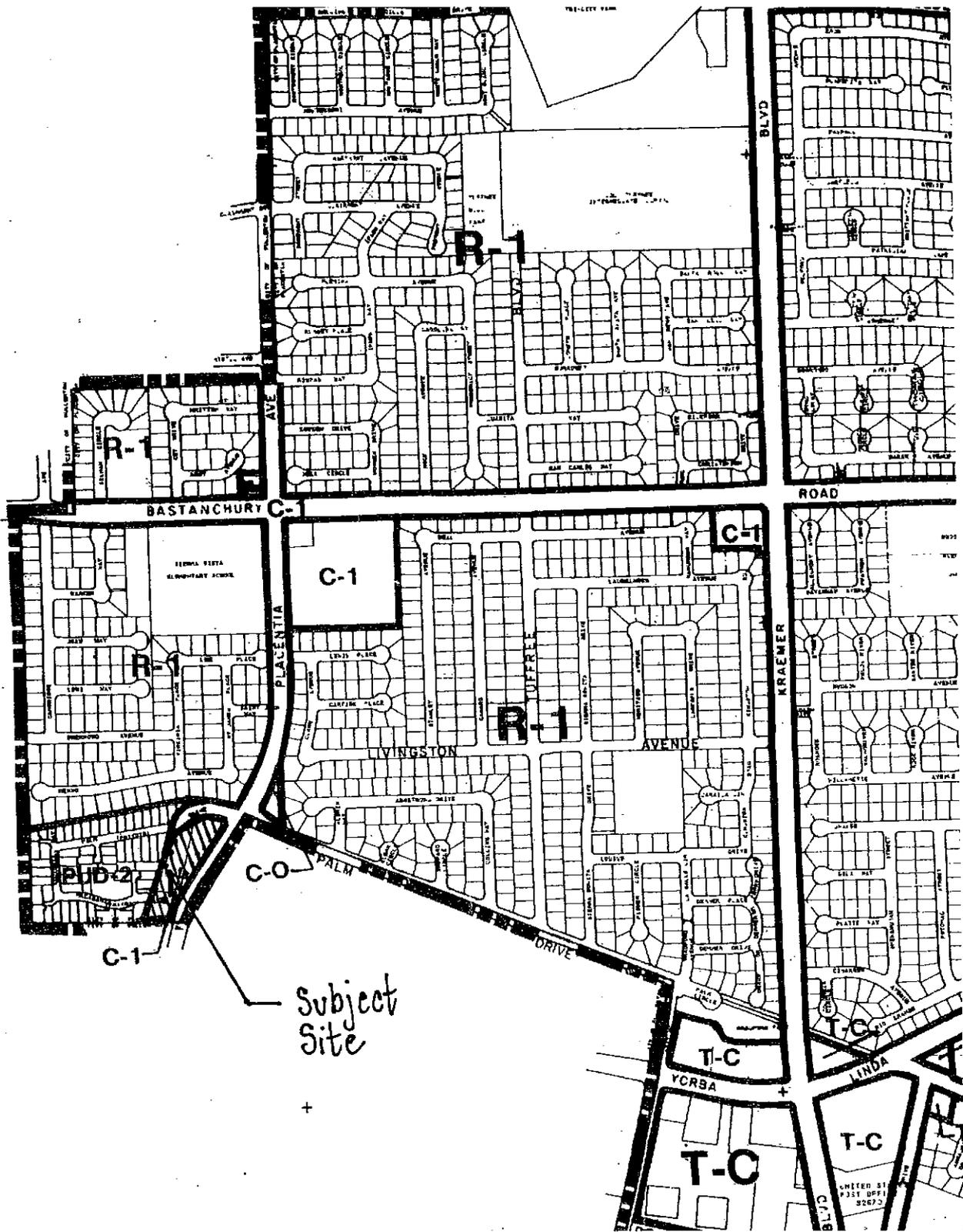
Chairman

ATTEST:

Secretary

APPROVED AS TO FORM

ANDREW V. ARCZYNSKI,
CITY ATTORNEY

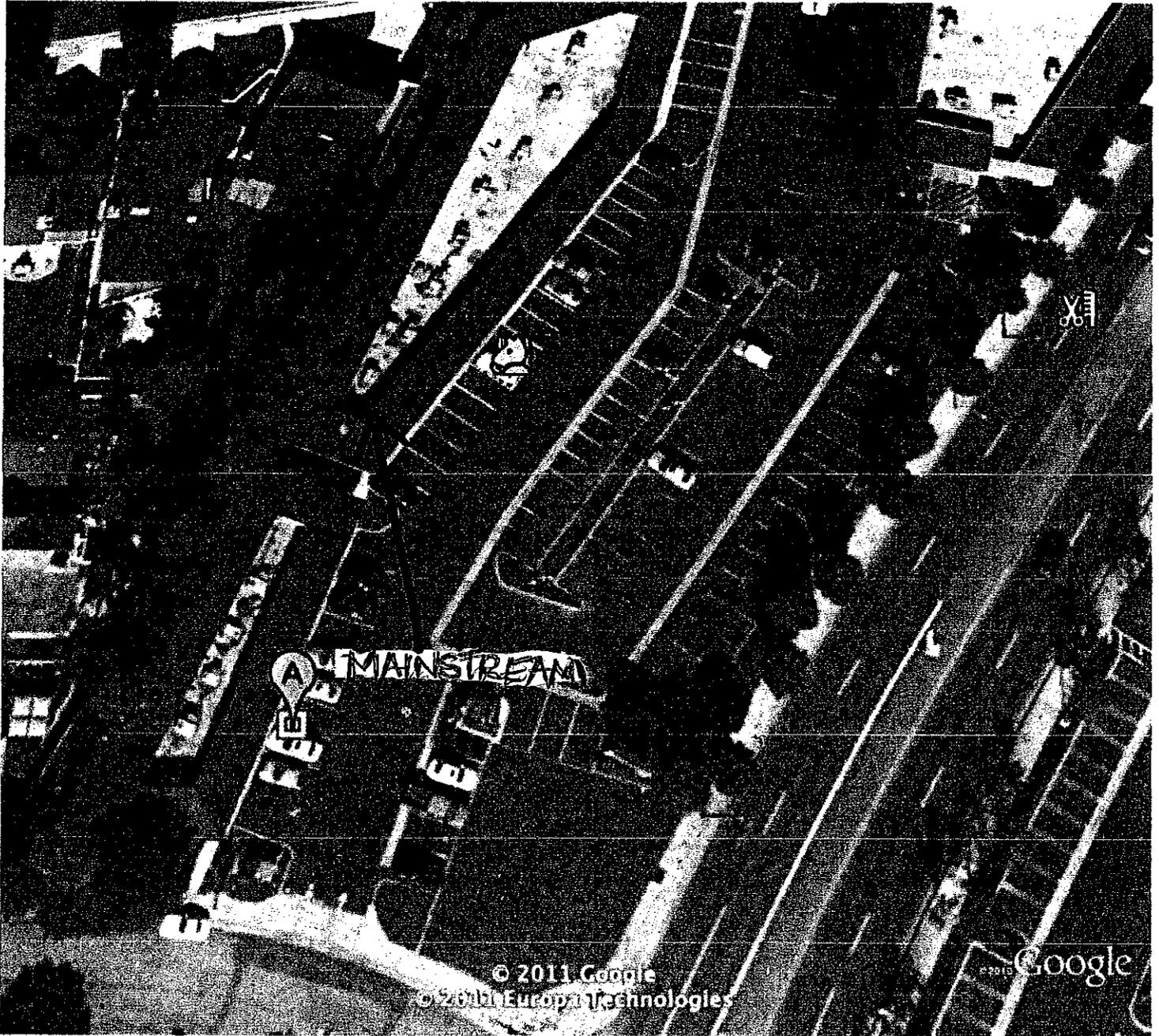


VICINITY MAP

NTS



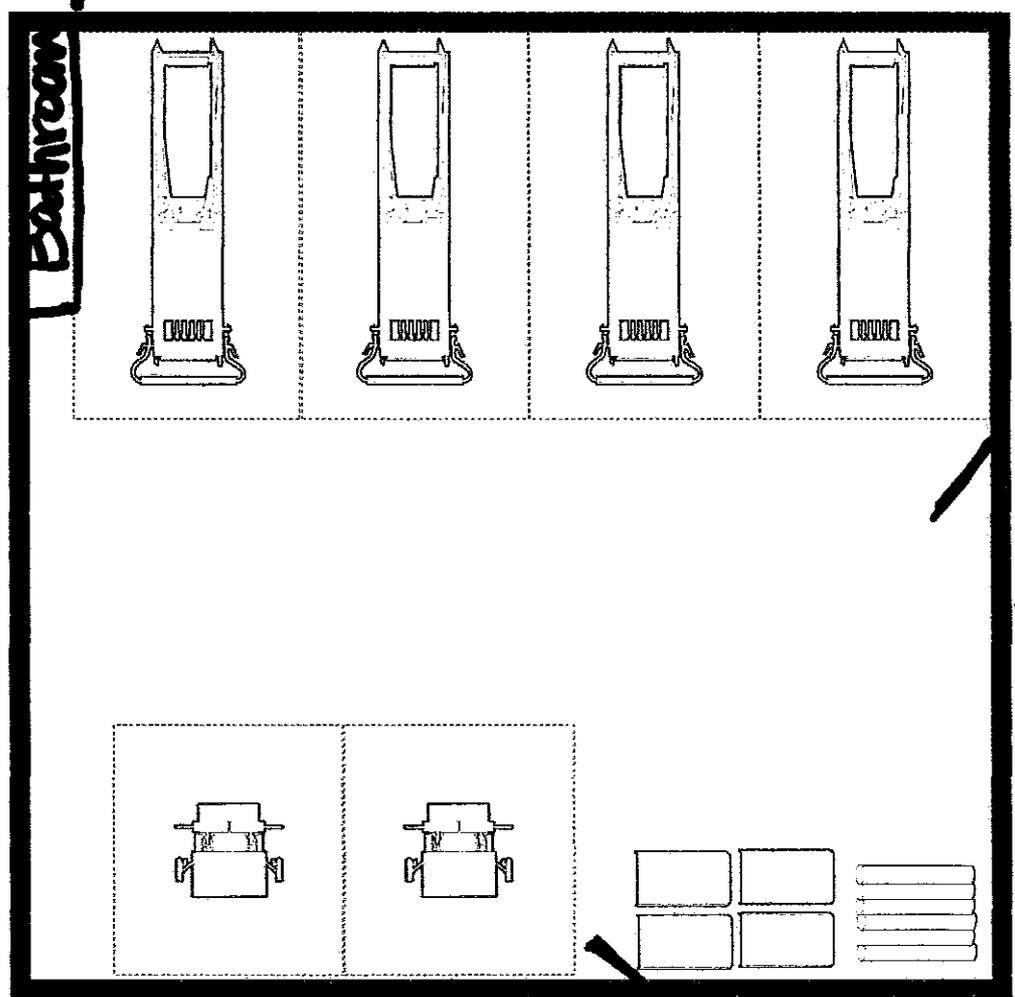
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 Exhibit 1



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This floor plan is a representation and should not be relied on exclusively. Measurements should be verified to ensure accuracy.

Mainstream Pilates



Front Door

side door

Placentia Ave. | | Parking Lot | | |

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Palm

PREPARED BY:

powered by Icovia®



Mainstream Pilates

1525-A North Placentia Avenue ~ Placentia, California 92870

1.0 Executive Summary

The purpose of this business plan is to raise \$41K for the development of "Mainstream Pilates" Studio while showcasing the expected finances and operations over the next three years. Mainstream Pilates, LLC is a California based corporation that will provide Pilates based physical training to customers in its targeted market. In addition, Mainstream Pilates will be offering Yoga and Zumba classes. The Company was founded in 2011 by Judy Y. Chan and Alix Plum-Widner.

1.1 PRODUCTS AND SERVICES

Through its studio, the business will provide physical fitness training using the methods developed by Joseph Pilates. This type of fitness training focuses on specific mind and muscle training coupled with a mind focus on breathing, awareness of the spine, and deep torso muscle control. Mainstream Pilates, LLC will offer classes and personal instruction for this type of physical fitness activity, as well as Yoga and Zumba. Mainstream Pilates, LLC will also generate secondary streams of revenue by offering certificated instructor training workshops in conjunction with Mainstream Pilates', LLC training services. The third section of the business plan will further describe the services offered by Mainstream Pilates, LLC.

1.2 THE FINANCING

Judy Y. Chan and Alix Plum-Widner are seeking to raise \$41K from Chase Bank as a bank loan. The interest rate and loan agreement are to be further discussed during negotiation. This business plan assumes that the business will receive a 3 year loan with a 5.25 % fixed interest rate (estimated).

1.3 MISSION STATEMENT

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Mainstream Pilates, LLC. mission is to become the recognized leader in its targeted market for providing superior Pilates training services.

1.4 MANAGEMENT TEAM

Mainstream Pilates, LLC was founded by Judy Y. Chan and Alix Plum-Widner, and collectively has more than 55 years of experience in the personal training industry. Through their expertise, they will be able to bring the operations of the business to profitability within its first year of operations.

1.5 SALES FORECASTS

Ms. Chan and Ms. Plum-Widner expect a strong rate of growth at the start of operations. Below are the expected financials over the next 3 years.

SALES , OPERATING COSTS, AND PROFIT FORECASTS

YEAR 1

Sales	\$112,800 .00
Operating Costs	\$99,800.00
Profit Forecasts	\$13,000.00

YEAR 2

Sales	\$139,000 .00
Operating Costs	\$99,800.00
Profit Forecasts	\$39,200.00

YEAR 3

Sales	\$156,240.00
Operating Costs	\$107,440.00
Profit Forecasts	\$48,800.00

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1.6 EXPANSION PLAN

Ms. Chan and Ms. Plum-Widner expect that the business will aggressively expand during the first three years of operation and intend to implement marketing campaigns that will effectively target individuals within the target market.

2.0 COMPANY AND FINANCING SUMMARY

2.1 REGISTERED NAME AND CORPORATE STRUCTURE

Mainstream Pilates, LLC. The company is registered as a Limited Liability Company in the State of California.

2.2 REQUIRED FUNDS

At this time, Mainstream Pilates requires \$41K of working capital. Below is the breakdown of how these funds will be used.

PROSPECTIVE START-UP COSTS

1. Initial lease Payments and Deposits (Rentable square feet 808)	\$2667.00 1 st month rent (\$889.00) & deposit (\$1778.00)
2. Leasehold Improvements	\$6240.00
3. FF & E	\$18,835.00
4. Security Deposits	\$1778.00 (included in #1)
5. Opening Supplies	\$1100.00
6. Marketing Budget	\$500.00
7. Miscellaneous and Unknown Costs	\$450.00
8. Utilities	\$200.00
<u>9. Mind/Body Program (monthly)</u>	<u>\$80.00</u>
TOTAL START-UP COSTS	\$30,072.00

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2.3 INVESTOR EQUITY

Ms. Chan and Ms. Plum-Widner are not seeking an investment from a third party at this time.

2.4 MANAGEMENT EQUITY

Ms. Chan and Ms. Plum-Widner own 100% of Mainstream Pilates, with the intention to expand and franchise.

2.5 EXIT STRATEGY

Unforeseen circumstances may necessitate the sale of assets to minimize further expenses and loss.

3.0 PRODUCTS AND SERVICES

Below is a description of the fitness training services offered by Mainstream Pilates, LLC

3.1 PILATES INSTRUCTION

As stated in the executive summary, Mainstream Pilates, LLC will primarily provide Pilates instruction in both a class and an individualized setting, as well as Yoga and Zumba. Management anticipates that a significant portion of its clients will register for classes. (80% classes, 20% private instruction) Pilates is a unique form of physical fitness as it combines several disciplines of general physical fitness into its training techniques with specific focus on the mind controlling inner muscles, breathing, and the spine. There are many benefits and similarities to Yoga and Pilates. Both disciplines strengthen muscles, increase flexibility and improve overall health. There is a mind-body connection to Pilates and Yoga, with an ever present focus on connecting to the movements through the breath. The breath is integrated into every movement to maintain focus, improve oxygenation to the muscles and tissues, and increase lung capacity. Breathing is the essential link between the mind and the body, and also creates clarity, purpose and balance, both literally and figuratively. The breath does vary depending on the discipline. In Yoga, the belly is encouraged to rise and fall with

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the breath, whereas the focus in Pilates is to maintain core activation ,and breathing in and up into the back. Each of the instructors retained by the business will be required to be properly certificated in Pilates, Yoga, and Zumba instruction so that customers receive the maximum benefit of the exercises/postures taught at Mainstream Pilates, LLC.

4.0 STRATEGIC AND MARKETING ANALYSIS

4.1 ECONOMIC OUTLOOK

This section of the analysis will detail the economic climates, the physical fitness and Pilates industry, and business operations. Currently, the economic market condition in the United States is in recession. This slowdown in the economy has also greatly impacted real estate sales, which has halted to historical lows. Many economists expect that this recession will continue until 2013, at which point the economy will begin a prolonged recovery period.

4.2 INDUSTRY ANALYSIS

Pilates is essential for daily living, but is not yet realized by the general public, hence, Mainstream Pilates. The work is not a trend or a fad, it was created in the early part of the 20th century, and it was so far ahead of its time, it has yet to peak in popularity and awareness. Pilates will continue to grow and evolve to meet the needs of anyone who wants to connect with the energy that comes from our center. With practice, the Pilates principles will become second nature and lead to improved posture and enhanced physical abilities.

4.3 CUSTOMER PROFILE

Demographic information

Neighboring businesses – Smoketree Square SWC – Placentia & Palm

- Dance Studio – 3 units
- Chiropractor
- Weight Watchers
- Nail Studio

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- Italian Restaurant
- Target Market - 18 years and up
- City of Placentia population -46488
- Median age - 33 yrs
- Freeway access-2 miles
- California State University -Fullerton- 1.5 miles
- Fullerton College- 3.3 miles
- Customer Type- Services provided are essential for daily living, connecting with and strengthening core muscles to provide support for functional movement. Classes will also improve performance across all athletic and sports disciplines.

4.4 COMPETITIVE ANALYSIS

1. Pilates in the Canyon - Orange CA-35 miles
2. Trovati - Orange CA - 9.5 miles
3. Pilates Body -Anaheim CA - 8.5 miles
4. Studio 3-Anaheim CA - 5 miles

5.0 MARKETING PLAN

Mainstream Pilates LLC intends to maintain an extensive marketing campaign that will ensure maximum visibility for the business in its targeted market. Below is an overview of the marketing strategies and objectives of the Company.

5.1 MARKETING OBJECTIVES

- Establish relationships with fitness trainers within the targeted market
- Implement a local campaign with the Company's targeted market on the use of flyers, local newspaper advertisements, web, and word of mouth advertising.

-develop an online presence by developing a website and placing the Company's name and contact information with online directories.

5.2 MARKETING STRATEGIES

Ms. Chan and Ms. Plum-Widner intend on using a number of marketing strategies that will allow Mainstream Pilates, LLC to easily target men and women within the target market. These strategies include traditional print advertisements and ads placed on search engines on the Internet. Below is a description of how the business intends to market its services to the general public. Mainstream Pilates, LLC will also use an internet based strategy. This is very important as many people seeking local services, such as Pilates instructors, classes, etc. now use the internet to conduct their preliminary searches. Ms Chan and Ms Plum will register Mainstream Pilates, LLC with online portals so that potential customers can easily reach the business. Mainstream Pilates, LLC will also develop its own online website showcasing the operations of the business, its service, hours of operation, and preliminary pricing information. Mainstream Pilates, LLC will maintain a sizable amount of print and traditional advertising methods within local markets to promote the Pilates instructor that Mainstream Pilates, LLC is selling.

5.3 PRICING

1. Group Pilates Mat/Yoga/Zumba Classes

****NEW CLIENT DISCOUNT – 4 CLASSES – \$44 (PREREQUISITE for reformer classes**

Single session – \$15

4 sessions – \$52 (\$13 per class)

8 sessions – \$96 (\$12 per class)

12 sessions – \$132 (\$11 per class)

2. Group Equipment – Pilates Reformer (maximum 4 per class)

****NEW CLIENT DISCOUNT – 4 group equipment classes \$80 (prerequisite–4 mat classes)**

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Single session – \$25

4 sessions – \$92 (\$23 per class)

8 sessions – \$168 (\$21 per class)

12 sessions – \$240 (\$20 per class)

3. Private Sessions

Single Session – \$65

10 sessions – \$620 (\$62 per session)

Duets

Single Session – \$45

10 sessions – \$420 (\$42 per session)

CLASS SCHEDULE*

	MON	TUE	WED	THUR	FRI	SAT
8:30am	Mat	Mat	Mat	Mat	Mat	Mat
9:30am	Mat	Ref	Mat	Ref	Mat	Mat
10:30am	Mat	Mat	Mat	Mat	Mat	Mat
12:00		Yoga		Yoga		
3:30pm		Student		Student		
5:30pm	Mat	Mat	Mat	Mat	Mat	
6:30pm	Mat	Ref	Mat	Ref	Mat	
7:30pm	Ref	Mat	Ref	Mat	Mat	

*Classes will be added to schedule as demands increase.

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6.0 ORGANIZATIONS PLAN AND PERSONNEL SUMMARY

6.1 CORPORATE ORGANIZATION

OWNERS

Judy Y Chan	Alix Plum-Widner
Instructor	Instructor
Accounting	Accounting
Sales/Marketing	Sales/Marketing
Operations	Operations

6.2 ORGANIZATION BUDGET

After all outstanding monthly balances are paid, (see 2.2), owners will be compensated at \$35/hour.

6.3 MANAGEMENT BIOGRAPHIES – REFER TO BALANCED BODY Master Teacher Biographies

7.0 FINANCIAL PLAN

7.1 UNDERLYING ASSUMPTIONS

- Judy Y. Chan and Alix Plum will acquire \$41K to develop the business.
- The loan will have a 3 yr term with a 5.25% (estimate) interest rate



Alix Plum-Widner
aplumwidner@fullcoll.edu

Alix holds a Bachelors Degree in Physical Education and a Master of Arts Degree in Education, and is currently teaching at Fullerton College, coaching the Cheer, and Dance Teams. Alix was selected by the State Community College Organization of Physical Education as the 2004 Physical Educator of the Year and this year, Alix was named 2011 "Fullerton College Athletic Coach of the Year." Alix also serves as head of the selection committee for the Golden State Spirit Association's All State Scholarship Team. She is currently certified by the American Council on Exercise in Group Fitness Instruction, and holds a Balanced Body Comprehensive Pilates Certification, and in 2011, Alix completed Balanced Body's Master Instructor Training. Alix spearheaded a Comprehensive Teacher Training Certificate Program at Fullerton College in the fall of 2009, which is now up and running. Alix has been teaching Pilates for over 11 years, and been in the fitness industry for over 25 years.

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Judy Chan



Fullerton CA US
jchan@fullcoll.edu

Judy comes from a dance background and performed with local dance companies while earning her B.A. degree. After college, her love for dance evolved into fitness and was introduced to Pilates while serving as program director for a national fitness club chain. She served in this capacity for many years, teaching various disciplines of group fitness, integrating and stressing the importance of core strength concepts. Judy has attained the BBU Comprehensive Certificate and the BBU Faculty Training Certificate. She teaches at Cerritos College and serves on the Advisory Committee for Fitness Specialist and Athletic Trainer Aide Certificate Programs. In addition, Judy is an instructor and co-contributor in developing the curriculum for the Comprehensive Teacher Training Certificate Program at Fullerton College. She also teaches private/group equipment classes at the St. Jude Centers for Rehabilitation and Wellness in Brea, CA. Judy's passion and joy for teaching is fueled by the transformation and sense of empowerment which emerges in her clients/students as they tap into the mind/body connection of Pilates. Realizing that each individual is unique in their own lifestyle and genetic pre-disposition, Judy's sensitivity to each client/student has been profoundly reinforced through her own rehabilitation after two knee surgeries, for which Pilates has been instrumental in her recovery. Judy holds the AFAA certification for group fitness and step instruction. She has also studied yoga with Rodney Yee and Larry Payne, PH.D.

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7.2 The business' revenues are somewhat sensitive to the overall economy. Mainstream Pilates, LLC is offering Pilates studio services to a middle income earning group. As such, in the event of a general economic decline, Mainstream Pilates, LLC may have a decrease in its revenues. However, the profit margins generated by Mainstream Pilates, LLC are high enough to ensure that even significant economic recession will allow the business to operate profitably and remain cash flow positive.