



# Placentia Planning Commission Agenda

Regular Meeting  
February 13, 2018

6:30 p.m.

City Council Chambers  
401 E. Chapman Avenue

**Christine J. Schaefer**  
Chair

**Frank Perez**  
Vice Chair

**Heather Francine**  
Commissioner

**Dennis Lee**  
Commissioner

**James Schenck**  
Commissioner

**Vic Tomazic**  
Commissioner

**Claudia Keller**  
Commissioner

**City of Placentia**  
401 E Chapman Avenue  
Placentia, CA 92870

**Phone: (714) 993-8124**  
**Fax: (714) 528-4640**  
**Website: [www.placentia.org](http://www.placentia.org)**

### Procedures for Addressing the Commission

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

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

**PLEASE SILENCE CELL PHONES AND OTHER ELECTRONIC  
EQUIPMENT WHILE THE COMMISSION IS IN SESSION.**

### Special Accommodations

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

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

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

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

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

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**CALL TO ORDER:**

**ROLL CALL:** Commissioner Keller  
Commissioner Francine  
Commissioner Lee  
Commissioner Schenck  
Commissioner Tomazic  
Vice Chair Perez  
Chair Schaefer

**PLEDGE OF ALLEGIANCE:**

**ORAL COMMUNICATIONS:**

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

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**CONSENT CALENDAR:**

NONE

**PUBLIC HEARINGS:**

1. **Appellant:** LBC Irwindale, LLC  
DBA, “Atwood Sales”  
**Project Location:** 719 S. Lakeview Avenue (south of E. Orangethorpe Avenue, west of S. Lakeview Avenue)

**Appeal of the City of Placentia Public Hearing Officer’s Declaration of Public Nuisance:** At the appellant’s request, an appeal of the Public Hearing Officer’s action will be heard declaring an existing business (LBC Irwindale, LLC, DBA “Atwood Sales”) as a public nuisance within the C-M (Commercial Manufacturing) Zoning District. The nature of the declared nuisances are as follows:

- a) Increased production and increased outside storage of materials resulting in adverse air and water quality exposures. (PMC Section 20.40)
- b) Crushing and grinding of construction material without appropriate permit(s), including operation outside of Use Permit (UP) No. 1981-32. (PMC Section 23.41.030)

c) Concrete type debris scattered along the roadway at the construction truck exit of the facility. Construction residue powder and rocks on roadway (near the exit area) left by construction trucks exiting the facility.

**Recommended Actions:** It is recommended that the Planning Commission:

Although this item was circulated to property owners within a 300-foot radius of the project site, staff is requesting that this item be continued to a special Planning Commission meeting to be held on February 27, 2018. This recommendation is based on a written request received by the appellant's and property owner's representatives. See attached letter.

2. **Business Operator:** LBC Irwindale, LLC  
DBA, "Atwood Sales"  
**Project Location:** 719 S. Lakeview Avenue (south of E. Orangethorpe Avenue, west of S. Lakeview Avenue)

**Revocation of Use Permit (UP) 1981-32:**

A request to the Planning Commission of the City of Placentia recommending to the City Council to revoke Use Permit No. 1981-32 pertaining to an existing business (LBC Irwindale, LLC, DBA, "Atwood Sales") operating in violation of the conditions and terms of said permit on property located at 719 S. Lakeview Avenue within the C-M (Commercial Manufacturing) Zoning District.

ENVIRONMENTAL DETERMINATION (CEQA): The proposed revocation proceedings are not expected to create a negative impact on the physical environment and, therefore, staff is recommending a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guideline § 15321 (Class 21 – Enforcement Action by Regulatory Agencies) and City Environmental Guidelines.

**Recommended Actions:** It is recommended that the Planning Commission:

Although this item was circulated to property owners within a 300-foot radius of the project site, staff is requesting that this item be continued to a special Planning Commission meeting to be held on February 27, 2018. This recommendation is based on a written request received by the business operator's and property owner's representatives. See attached letter.

3. **Applicant:** Leslie Ayala, representing The Bruery  
**Project Location:** 715 & 745 Dunn Way (north of Orangethorpe, west of 57 Freeway)  
APN 339-121-40

**Use Permit (UP) 2012-03 Modification II:** To permit modifications to Use Permit 2012-03 to allow an existing craft beer manufacturer to (a) expand the brewery to fully occupy an existing +/-30,560-square foot industrial building by occupying unit nos. 725-727 and 731-733 for warehouse storage purposes, including an





# Placentia Planning Commission

## AGENDA STAFF REPORT

TO: PLANNING COMMISSION  
FROM: ANDREW GONZALES, SENIOR PLANNER  
DATE: FEBRUARY 13, 2018  
SUBJECT: **ATWOOD SALES DECLARATION OF PUBLIC NUISANCE APPEAL**

### **BACKGROUND:**

On Monday, January 22, 2018, the Public Nuisance Hearing Officer held a hearing to evaluate the current business operation and affiliated actives of "Atwood Sales" located at 719 S. Lakeview Avenue. Based upon the testimony presented by City Staff, the general public, and legal counsel representing the business representatives, Brent Lauer and Bruce Degler, and property owner, Ajax Lakeview Development, LLC, the Hearing Officer took action to declare "Atwood Sales" as a Public Nuisance. On Monday, February 5, 2018, the business owner, Brent Lauer, submitted an appeal of the Hearing Officer's decision to the Planning Commission for further review and reconsideration.

### **RECOMMENDATION:**

Although this item was circulated to property owners within a 300-foot radius of the project site, staff is requesting that this item be continued to a special Planning Commission meeting to be held on February 27, 2018. This recommendation is based on a written request received by the appellant's and property owner's representatives. See attached letter.

### **Prepared and submitted by:**

  
\_\_\_\_\_  
Andrew A. Gonzales  
Associate Planner

### Attachment

February 8, 2018

Mr. Jamaar M. Boyd-Weatherby  
Deputy City Prosecutor  
City of Placentia  
Jones & Mayer  
3777 N. Harbor Boulevard  
Fullerton, CA 92835  
Email: [jbw@jones-mayer.com](mailto:jbw@jones-mayer.com)

**Re: LBC Irwindale, LLC; 719 South Lakewood Avenue**

Dear Mr. Boyd-Weatherby,

Thank you for the opportunity to meet this morning to discuss a potential resolution of this matter. In order to work together productively toward a resolution of all issues, LBC Irwindale, LLC ("LBC") requests a two week continuance of the Hearing on the Appeal of the City of Placentia Public Hearing Officer's Declaration of Public Nuisance and the Revocation of Use Permit (UP) 1981-32, currently scheduled for February 13, 2018. In consideration of this continuance, LBC will not move forward on filing a writ and request for a temporary restraining order.

It is our sincere hope that the parties can reach a mutually agreeable resolution of all issues related to LBC and property within this two week period.

Sincerely,

*Melissa A. Weinberger*

Amanda R. Touchton  
Melissa A. Weinberger  
Counsel for Brent Lauer and Bruce Degler



# Placentia Planning Commission

## AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: ANDREW GONZALES, SENIOR PLANNER

DATE: FEBRUARY 13, 2018

SUBJECT: **REVOCAION OF USE PERMIT 1981-32 FOR PROPERTY LOCATED AT 719 S. LAKEVIEW AVENUE ("ATWOOD SALES")**

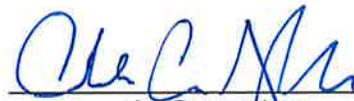
### **BACKGROUND:**

Pursuant to Placentia Municipal Code (PMC) Section 23.87.070, any existing Use Permit (UP) may be revoked if it is determined by the City Council that one of the following findings are made based on (a) any violations of the conditions or terms of the UP; (b) any violations to a law(s) or ordinance(s) in connection therewith; (c) fraud or misrepresentation in obtaining such permit; or (d) the UP as implemented is detrimental to the public health or safety or is a nuisance. It is the determination of City Staff that the existing onsite business activities, associated with the business known as "Atwood Sales" located at 719 S. Lakeview Avenue, are being conducted beyond the approved scope of allowable uses associated with UP 1981-32. Ongoing inspections by City Staff have revealed the use of heavy equipment and material stockpiling continues to exceed the original scale and scope of the approved UP. It is the recommendation by City staff that the ongoing operations at "Atwood Sales" to be in violation of the conditions and terms of UP 1981-32 and, therefore, requests the Planning Commission make the necessary findings recommending that the City Council revoke the subject UP.

### **RECOMMENDATION:**

Although this item was circulated to property owners within a 300-foot radius of the project site, staff is requesting that this item be continued to a special Planning Commission meeting to be held on February 27, 2018. This recommendation is based on a written request received by the business operator's and property owner's representatives. See attached letter.

### **Prepared and submitted by:**

  
\_\_\_\_\_  
Andrew A. Gonzales  
Associate Planner

Attachment

February 8, 2018

Mr. Jamaar M. Boyd-Weatherby  
Deputy City Prosecutor  
City of Placentia  
Jones & Mayer  
3777 N. Harbor Boulevard  
Fullerton, CA 92835  
Email: [jbw@jones-mayer.com](mailto:jbw@jones-mayer.com)

**Re: LBC Irwindale, LLC; 719 South Lakewood Avenue**

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Thank you for the opportunity to meet this morning to discuss a potential resolution of this matter. In order to work together productively toward a resolution of all issues, LBC Irwindale, LLC ("LBC") requests a two week continuance of the Hearing on the Appeal of the City of Placentia Public Hearing Officer's Declaration of Public Nuisance and the Revocation of Use Permit (UP) 1981-32, currently scheduled for February 13, 2018. In consideration of this continuance, LBC will not move forward on filing a writ and request for a temporary restraining order.

It is our sincere hope that the parties can reach a mutually agreeable resolution of all issues related to LBC and property within this two week period.

Sincerely,

*Melissa A. Weinberger*

Amanda R. Touchton  
Melissa A. Weinberger  
Counsel for Brent Lauer and Bruce Degler



# Placentia Planning Commission

## AGENDA STAFF REPORT

TO: PLANNING COMMISSION  
FROM: LESLEY WHITTAKER, ASSOCIATE PLANNER  
DATE: FEBRUARY 13, 2018  
SUBJECT: **USE PERMIT MODIFICATION II 2012-03**

### REQUEST:

The applicant, Leslie Ayala, representing The Bruery, is requesting a second modification to Use Permit (UP) No. 2012-03, which represents a request to modify their existing UP to expand the brewery for warehousing and storage purposes and alter existing operating hours for the "Tasting Room".

### DISCUSSION:

Although this item was noticed in the newspaper, Notices of the Public Hearing were not circulated to property owners within a 300-foot radius of the project site. Staff is requesting that this item be continued to the regular Planning Commission meeting of March 13, 2018 to allow adequate time for project noticing pursuant to Placentia Municipal Code (PMC) Section 23.87.030.

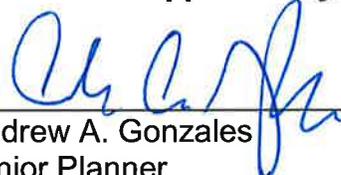
### RECOMMENDATION:

Staff is recommending that this item be continued to a special Planning Commission meeting to be held on February 27, 2018.

#### Prepared and submitted by:

  
\_\_\_\_\_  
Lesley Whittaker  
Associate Planner

#### Review and approved by:

  
\_\_\_\_\_  
Andrew A. Gonzales  
Senior Planner

  
\_\_\_\_\_  
Joseph M. Lambert  
Director of Development Services