



Placentia Planning Commission Agenda

Regular Meeting
March 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

Procedures for Addressing the Commission

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

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

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

Special Accommodations

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

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

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

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

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

CALL TO ORDER:

ROLL CALL: Commissioner 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.

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:

Staff is requesting that this item be continued to the next regularly scheduled Planning Commission meeting to be held on Tuesday, April 10, 2018. This recommendation is based on the attached correspondence submitted by the appellant's and property owner's representatives requesting a continuance to allow City staff additional time to work with the appellant's and property owner's representatives in addressing and potentially resolving those portions of the business operations declared to be a public nuisance.

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:

Staff is requesting that this item be continued to the next regularly scheduled Planning Commission meeting to be held on Tuesday, April 10, 2018. This recommendation is based on the attached correspondence submitted by the business owners' and property owner's representatives requesting a continuance to allow City staff additional time to work with the business owners' and property owner's representatives in addressing and potentially resolving those portions of the business operations declared to be out of compliance with the conditions and terms of UP 1981-32.

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

DIRECTOR'S REPORT:

PLANNING COMMISSION REQUESTS

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

ADJOURNMENT

The Planning Commissioners ADJOURN to the regular Planning Commission meeting on April 10, 2018 at 6:30 p.m. in the City Council Chambers located at 401 East Chapman Avenue, Placentia CA, 92870.

CERTIFICATION OF POSTING

I, Joseph M. Lambert, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the March 13, 2018 Special Meeting of the Planning Commission of the City of Placentia was posted on March 8, 2018.



Joseph M. Lambert, Secretary



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: ANDREW GONZALES, SENIOR PLANNER
DATE: MARCH 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 activities 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. This item was originally scheduled for the Planning Commission meeting of February 13, 2018, but was subsequently continued to a Special Planning Commission meeting on February 27, 2018, and again to the regularly scheduled Planning Commission meeting of March 13, 2018.

RECOMMENDATION:

Notices of the Public Nuisance Appeal were circulated to property owners within a 300-foot radius of the project site pursuant to the provisions of the Placentia Municipal Code. At this time, staff is requesting that this item be continued to the next regularly scheduled Planning Commission meeting to be held on Tuesday, April 10, 2018. This recommendation is based on the attached correspondence submitted by the appellant's and property owner's representatives requesting a continuance to allow City staff additional time to work with the appellant's and property owner's representatives in addressing and potentially resolving those portions of the business operations declared to be a public nuisance.

Prepared and submitted by:



Andrew A. Gonzales
Senior Planner

Attachment 1: Correspondence Dated March 6, 2018

March 6, 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

Re: LBC Irwindale, LLC; 719 South Lakewood Avenue

Dear Mr. Boyd-Weatherby,

Thank you for continuing discussions in the above referenced matter. We very much appreciate your efforts and the progress the parties have made toward resolution. In order to work together productively toward a resolution of all issues, LBC Irwindale, LLC ("LBC") requests an additional 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 until April 12, 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 the Lakewood property.

Sincerely,

Amanda R. Touchton

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: MARCH 13, 2018

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

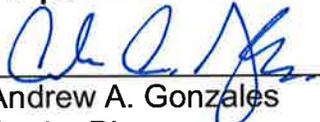
BACKGROUND:

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. This item was originally scheduled for the Planning Commission meeting of February 13, 2018, but was subsequently continued to a Special Planning Commission meeting on February 27, 2018, and again to the regularly scheduled Planning Commission meeting of March 13, 2018.

RECOMMENDATION:

Notices of the Use Permit Revocation were circulated to property owners within a 300-foot radius of the project site pursuant to the provisions of the Placentia Municipal Code. At this time, staff is requesting that this item be continued to the next regularly scheduled Planning Commission meeting to be held on Tuesday, April 10, 2018. This recommendation is based on the attached correspondence submitted by the business owners' and property owner's representatives requesting a continuance to allow City staff additional time to work with the business owners' and property owner's representatives in addressing and potentially resolving those portions of the business operations declared to be out of compliance with the conditions and terms of UP 1981-32.

Prepared and submitted by:



Andrew A. Gonzales
Senior Planner

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