



Placentia Planning Commission Agenda

Regular Meeting

April 10, 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:

1. **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: Receive and file Resolution No. PC-2018-01.

Recommended Actions: It is recommended that the Planning Commission:

Receive and file Resolution No. PC-2018-01, a Resolution of the Planning Commission of the City of Placentia, approving UP 2012-03 Modification II, permitting the expansion of the operations of a craft brewery manufacturer into contiguous units located between 715-745 Dunn Way and permitting a tasting room, storage, and retail sales areas into the contiguous units and expanding existing operating hours.

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.

RECOMMENDATION: 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, May 8, 2018. This recommendation is based on City Council's direction to work with the appellant's and property owner's representatives to finalize an agreement which would result in dissolving all business operations and vacating the subject site.

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 For Property Located at 719 S. Lakeview Avenue ("Atwood Sales"): 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, May 8, 2018. This recommendation is based on City Council's direction to work with the appellant's and property owner's representatives to finalize an agreement which would result in dissolving all business operations and vacating the subject site.

3. **Applicant:** N+M Joshi, LLC dba American Martial Arts Academy
Project Location: 850 N. Rose Drive, Suites D and E

Use Permit 2018-01: The applicant, N+M Joshi, LLC, dba American Martial Arts Academy, is requesting a UP for a 5,445-square foot martial arts studio within an existing multi-tenant commercial shopping center located at 850 N. Rose Drive, suites D and E in the Village Center at Rose shopping center.

Recommended Actions: It is recommended that the Planning Commission:
It is recommended that the Planning Commission take the following actions:

1. Open the public hearing concerning Use Permit No. (UP) 2018-01; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2018-04, a resolution of the Planning Commission of the City of Placentia, approving UP 2018-01 and making findings to permit the establishment and operation of a 5,445 square foot martial arts studio located within an existing multi-tenant commercial shopping center within the SP-7 (East Placentia Specific Plan; SP-7) Zoning District on property located at 850 N. Rose Drive, suites D and E; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

REGULAR AGENDA:

1. **Applicant:** Interface Rehab, Inc.
Project Location: 770 S. Placentia Avenue

Use Conformity Decision (UCD) 2018-01: The Applicant, Interface Rehab, Inc., is requesting approval to use the adjusted gross floor area as the basis for the



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: ANDREW GONZALES, SENIOR PLANNER

DATE: APRIL 10, 2018

SUBJECT: **USE PERMIT NO. 2012-03 MODIFICATION II (THE BRUERY)**

RECOMMENDATION:

It is recommended that the Planning Commission take the following actions:

1. Receive and file Resolution No. PC-2018-01, a Resolution of the Planning Commission of the City of Placentia, approving UP 2012-03 Modification II, permitting the expansion of the operations of a craft brewery manufacturer into contiguous units located between 715-745 Dunn Way and permitting a tasting room, storage, and retail sales areas into the contiguous units and expanding existing operating hours.

PROJECT BACKGROUND:

At the Special Meeting of February 27, 2018, the Planning Commission adopted Resolution No. PC-2018-01, approving UP 2012-03 Modification II. The Planning Commission amended several of the staff recommended conditions of approval to assist in further clarifying specific requirements that regulate the business operations and hours of operations of the craft brewery manufacturer known as "The Bruery". Staff has modified Resolution No. PC-2018-01 based on the Planning Commission's action. Staff recommends that the Planning Commission receive and file the Resolution No. PC-2018-01 on the basis that said modifications are consistent with the conditions of approval modified and adopted by the Commission on February 27, 2018

Prepared and submitted by:

A handwritten signature in blue ink, appearing to read "Andrew A. Gonzales".

Andrew A. Gonzales
Senior Planner

Review and approved by:

A handwritten signature in blue ink, appearing to read "Joseph M. Lambert".

Joseph M. Lambert
Director of Development Services

Attachments:

1. Resolution PC-2018-01

RESOLUTION NO. PC-2018-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING THE MODIFICATION (II) OF USE PERMIT NO. 2012-03 AND MAKING FINDINGS TO PERMIT THE EXPANSION AND OPERATION OF AN APPROXIMATELY 30,560-SQUARE FOOT CRAFT BEER BREWERY, WITH TASTING ROOM AND RETAIL SALES, WITHIN THE M (MANUFACTURING) ZONING DISTRICT, LOCATED AT 715-745 DUNN WAY.

A. Recitals.

WHEREAS, Leslie Ayala representing The Bruery (“Applicant” hereinafter), located at 715-745 Dunn Way, filed an application for approval of a second modification of Use Permit (UP) No. 2012-03, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the “Application”;

WHEREAS, on February 27, 2018, the Planning Commission conducted a duly noticed public hearing, as required by law, and after careful consideration of all pertinent testimony and the staff report offered in the case, the Planning Commission voted to approve UP 2012-03 Modification II; and

WHEREAS, on February 27~~44~~, 2018, this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adopt of this Resolution; and

WHEREAS, 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:

SECTION NO. 1: Based on the evidence presented and the findings set forth, UP 2012-03 Modification II is hereby found to be consistent with the Placentia General Plan and the implementation thereof.

SECTION NO. 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 expansion of the brewery and change to hours of operation 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 Conditions of Approval and Standard Development Requirements (Attachment “A”), this use complies with all applicable code requirements and development standards of the M (Manufacturing) zoning district and (3) it is not

anticipated that modifications of the Use Permit for The Bruery will generate any negative impacts on the adjacent neighborhood. All primary activities shall be conducted within the 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 Office, and the modifications to the existing use does not involve any change in the land use of the subject site.

c. The operations of a craft beer manufacturer, subject to the attached Conditions of Approval and Standard Development Requirements (Attachment "A"), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The existing use is a conditionally permitted use in the M Zoning District within in the City of Placentia. Approval of the Use Permit Modification II for the brewery will be consistent with the zoning as the site can accommodate the use, and other similar uses have been conditionally permitted within the M Zoning Districts.

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 "A" contains Conditions of Approval and Standard Development Requirements specific to UP 2012-03 Modification II to ensure compliance with the Placentia Municipal Code (PMC).

SECTION NO. 3: Based upon the environmental review of the project, the Planning Commission finds that UP 2012-03 Modification II is exempt from the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Guidelines of the City of Placentia pursuant to the State CEQA Guidelines § 15301 (Class 1 – Existing Facilities) as the permit would be issued to an existing structure or facility.

SECTION NO. 4: The Planning Commission hereby directs that, upon approval of UP 2012-03 Modification II, that a Notice of Exemption shall be filed with the Orange County Clerk/Recorder.

SECTION NO. 5: Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves UP 2012-03 Modification II.

SECTION NO. 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 27th day of February, 2018

CHRISTINE SCHAEFER, CHAIR

I, Joseph M. Lambert, 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 27th day of February 2018, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 27th day of February, 2018, by the following vote:

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

ATTEST:

JOSEPH M. LAMBERT,
SECRETARY TO THE PLANNING COMMISSION

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY

ATTACHMENT "A"

Attachment "A"
**Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2012-03 Modification II**

Project Applicant: Leslie Ayala
Project Address: 715-745 Dunn Way

CONDITIONS OF APPROVAL

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

ALL OF THE FOLLOWING 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) No. 2012-03 Modification II is valid for a period of twelve (12) months from the date of final determination. If occupancy of the building for uses approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void.
2. UP 2012-03 Modification II shall expire and be of no further force or effect if the sale of alcoholic beverages within the tasting/sampling rooms and "The Bruery" tours are 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 "The Bruery", 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:

Manufacturing Hours:

Monday - Sunday: 24 hours a day

Beer Tasting/Sampling Hours and Retail Sales:

Monday – Sunday: 12:00 p.m. to 12:00 a.m. (midnight)

"The Bruery" Tours:

Monday - Friday: 3:30 p.m. (and by appointment)

Saturday - Sunday: 12:00 p.m. (noon) and 3:30 p.m. (and by appointment)

6. Any modifications to the approved floor plan or changes to the business operation hours, which do not expand or intensify the present use shall be reviewed by the Director of Development Services and may be modified administratively. Modifications to the approved floor plan or changes to the business operating hours, which expand or intensify the present use may be brought to the Planning Commission for modification at the discretion of the Director of Development Services
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. No outside storage or displays shall be permitted at any time.
10. Unless otherwise allowed by the Director of Development Services, there shall be no deliveries to or from the premises before 5:00 a.m. and after 10:00 p.m., seven days a week.
11. To reduce the incidence of noise originating from business operations, the rear exit doors of the designated tasting rooms shall be kept closed at all times, except to permit employee ingress and egress, deliveries, and in emergencies.

12. 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.
13. All trash bins shall be kept inside trash enclosures or designated areas, and gates closed at all times (if applicable), except during disposal and pick-up. Trash pick-up shall be done on a regular basis.
14. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
15. 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.

16. This establishment shall be operated as a beer manufacturing facility and related office operations at all times, with the addition of tours and beer sampling/tastings. All activities shall be conducted within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor, or other nuisances.
17. 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 72 hours of defacement and/or upon notification by the City. The applicant/business owner is encouraged to contact the City's graffiti abatement contractor regarding graffiti eradication subscription programs.
18. 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.
19. Consistent with the applicant's Statement of Use, there shall be no more than twenty (20) individuals per tour group. There shall be no more than ninety-six (96) people, including employees, occupying the public tasting room at any given time.
20. The consumption of alcohol is only permitted within Suite Nos. 717 ("Tasting Room") and 731-733 ("Society Fulfillment Center"), designated as the tasting/sampling areas as depicted in the approved site/floor plan dated

November 11, 2017. Patrons of "The Bruery" establishment shall not consume alcoholic beverages outside the designated suites.

CITY BUILDING DIVISION:

21. The building at 715-745 Dunn Way (+/- 30,560 square feet.) shall be equipped with an automatic fire sprinkler system.
22. Obtain approval from the O.C. Fire Authority prior to final occupancy.
23. Obtain approval from O.C. Health Department prior to final occupancy.
24. Tenant improvement plans for the future expansion work shall be designed and prepared by a licensed California architect.
25. 20% of the construction cost for the future tenant improvement work shall be contributed to the cost of the ADA improvement (both interior and site improvements).
26. Please define type of construction and type of occupancy on the future tenant improvement plans.
27. All tenant improvements shall require City Building Division review and approval, prior to any construction.

POLICE DEPARTMENT:

28. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment B).
29. This Use Permit shall be reviewed one year from the date of approval and each year thereafter as necessary. The review shall be conducted jointly by the Development Services Director and Police Chief or designee. The purpose of this review shall be to identify uniquely adverse issues such as loitering, vandalism, criminal activity, noise, or nuisance resulting from the Use Permit. If such issues are identified, the Use Permit shall be presented to the Planning Commission for their consideration of conditions, modifications or revocation.
30. 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.

31. On site sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 12:00 p.m. through 12:00 a.m. Monday through Sunday, seven days a week.
32. There shall be only the "Tasting Room" areas upon the licensed premises maintained for the purpose of sale, service, or consumption of alcoholic beverages directly to patrons for consumption.
33. The subject alcoholic beverage license shall not be exchanged for another public premises type license, nor operated as a public premise.
34. Alcoholic beverages shall be sold and served in containers, which are distinguishable from other non-alcoholic beverages sold at the premises.
35. The sale of beer for consumption off the premises is allowed.
36. No distilled spirits may be on the premises at any time.
37. Minors are not allowed in the immediate proximity of the bar area.
38. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
39. Signs shall be posted at all exits of the premises, which prohibit opened alcoholic beverages from leaving the confines of the tasting room areas.
40. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
41. There shall be no pool tables or coin operated games maintained upon the premises at any time.
42. There shall be no live entertainment (including karaoke), amplified music, or dancing permitted on the premises at any time.
43. The use of any amplifying system, outdoor sound system, loudspeakers, paging system or any other such device is prohibited on the licensed premises.
44. Except for prepaid events at no time shall there be a fee for entrance/admittance into the premises unless the applicant has received prior approval from the Chief of Police or designee.
45. Traditional "Happy Hours" in which beer sales are discounted based on the time of day shall not be allowed. Discounted rates on specialty beers, recipe trials, reserve society events and other Director of Development Services approved events may be held on weekdays with the exception of Fridays.

46. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control,
47. Graffiti shall be removed from the exterior walls and windows of the premises within 72 hours of discovery.
48. The parking lot adjacent to 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 adjacent to the premises. Provide at least one foot-candle of light. Submit to the Police Department, a parking lot lighting plan showing compliance with this requirement.
49. 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.
50. The sale 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 "23" (Small Beer Manufacturer) license. In addition, the sale of alcoholic beverages shall be in compliance with Title 4, Division 1, Section 53.5 California Code of Regulations.
51. The applicant shall comply with Chapter 8.34 of the Placentia Municipal Code regarding the posting of alcoholic beverage warning signs.
52. The Police Department may require State of California licensed security guards to perform crowd control inside and outside of the establishment, based upon the type of activities anticipated at the location or based upon prior history of activity at this establishment or other similar businesses. Security personnel shall be licensed either as contract security person per Business and Professions Code Section 7574.
53. Security personnel required by the Use Permit issued for the licensed premises shall be in a uniform or clothing which readily identifies them as a security person. They shall maintain order and enforce the establishment's no loitering policy, and shall take "reasonable steps" (as that term is defined in subparagraph (3) of Section 24200 of the California Business and Professions Code) to correct objectionable conditions that constitute a nuisance

54. Signs shall be posted in the parking lot indicating “No Loitering” referencing the appropriate Penal Code section.
55. The premises shall be maintained as a Type 23 small beer manufacturing facility only.
56. 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.
57. Employees who sell alcoholic beverages shall be at least 21 years of age.

ORANGE COUNTY FIRE AUTHORITY:

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

ATTACHMENT "B"

Attachment "B"

Placentia Police Department Standard Development Requirements



PLACENTIA POLICE

APPLICATION: Use Permit 2012-03 Modification II
APPLICANT: Michael Rue
LOCATION: 715-745 Dunn Way

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:

(Exterior Doors, Continued...)

Equipped with single or double cylinder deadbolt in which no other device is located in the area where door hardware is 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.”

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 ¼) 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)

ATTACHMENT "C"

ATTACHMENT "C"



ORANGE COUNTY FIRE AUTHORITY

Fire Prevention Department

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

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

Date: April 6, 2012

To: City of Placentia Planning Division
Attention: Monique Schwartz, Planner

From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156159, City Reference #UP 2012-03
715, 717, 719 Dunn Way, Placentia
Service Code: PR105 Site Development Review/CUP**

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

CONDITIONS OF APPROVAL

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

Prior to issuance of a building permit:

- Architectural (service codes PR200-PR285), when required by the OCFA "Plan Submittal Criteria Form" (attached).

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



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: ANDREW GONZALES, SENIOR PLANNER

DATE: APRIL 10, 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. 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 meetings of March 13, 2018, and then April 10, 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, May 8, 2018. This recommendation is based on City Council's direction to work with the appellant's and property owner's representatives to finalize an agreement which would result in dissolving all business operations and vacating the subject site.

Prepared and submitted by:



Andrew A. Gonzales
Senior Planner



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: ANDREW GONZALES, SENIOR PLANNER

DATE: April 10, 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. 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 meetings of March 13, 2018, and then April 10, 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, May 8, 2018. This recommendation is based on City Council's direction to work with the appellant's and property owner's representatives to finalize an agreement which would result in dissolving all business operations and vacating the subject site.

Prepared and submitted by:



Andrew A. Gonzales
Senior Planner



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: ARLEN BECK, PLANNING TECHNICIAN

DATE: APRIL 10, 2018

SUBJECT: **USE PERMIT 2018-01 (AMERICAN MARTIAL ARTS ACADEMY);
850 N. ROSE DRIVE, SUITES D AND E**

RECOMMENDATION:

It is recommended that the Planning Commission take the following actions:

1. Open the public hearing concerning Use Permit No. (UP) 2018-01; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2018-04, a resolution of the Planning Commission of the City of Placentia, approving UP 2018-01 and making findings to permit the establishment and operation of a 5,445 square foot martial arts studio located within an existing multi-tenant commercial shopping center within the SP-7 (East Placentia Specific Plan; SP-7) Zoning District on property located at 850 N. Rose Drive, suites D and E; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, N+M Joshi, LLC, dba American Martial Arts Academy, is requesting a UP for a 5,445-square foot martial arts studio within an existing multi-tenant commercial shopping center located at 850 N. Rose Drive, suites D and E in the Village Center at Rose shopping center.

PROJECT BACKGROUND AND DESCRIPTION:

The subject property is a fully improved site, featuring a single story multi-tenant, multi-building commercial shopping center located between Buena Vista and Alta Vista Avenues, on the east side of Rose Drive, within the SP-7 Zoning District. A variety of commercial uses occupy the shopping center including general retail, personal service, restaurant, and gas station uses. The property is presently accessible from three driveways located along Rose Drive and two driveways along Alta Vista Avenue. Onsite parking is provided to the south of the unit between Alta Vista Street and the shopping center. Residential uses are located to the north and west (across N.

Rose Drive) of the subject site, with an unimproved vacant lot to the south (across Alta Vista Street) and oil production operations to the east.

The facility proposes to provide kids' martial arts program (starting at 2-1/2 years of age), and teen and adult programs that are designed to meet the age and skill set of each individual student. The facility will employ five staff members, including three full time employees, and two part-time employees. The business proposes the following operating hours:

Operating Hours	
Monday - Thursday	11 AM - 8:30 PM
Friday	11 AM - 7 PM
Saturday	9:30 AM - 2:30 PM
Sunday	CLOSED

The proposed floor plan features approximately 2,232 square feet for martial arts instruction and a second floor that is approximately 986 square feet, and a 98-square foot kid's area. Dressing rooms, men's and women's bathrooms, storage area, an office, a reception area, and a waiting area make up the remaining 2,129 square feet of the space for a total of 5,445 square feet. There is also a small waiting area with tables and chairs. No changes to existing onsite access or parking are proposed as a part of the request.

Applicable Code Section – Placentia Municipal Code Chapter 23.107 (SP-7)

The purpose of SP-7 is to assure the consistent development of the East Placentia Specific Plan area in a manner which meets the growing housing needs of Placentia while adapting to the special characteristics of the land available for residential and commercial development.

The SP-7 zoning district does not specifically include a martial arts studio as a use permitted by right or subject to obtaining a UP; however, it may be permitted if the Planning Commission finds that the proposed use is consistent with the purpose of the SP-7 Zoning District (Chapter 23.107 of the Placentia Municipal Code (PMC)) and has characteristics similar to uses listed within the PMC Section 23.107.050.

Staff finds that the proposed martial arts studio is consistent with the intent of Chapter 23.107 allowing "Athletic Clubs" which is listed in Section 23.107.050 of the PMC. A martial arts studio is similar in nature to that of a racquetball center or ice skating rink, in that patrons go at a specified time and date and for a specified amount of time. Therefore, pursuant to Section 23.107.050 of the PMC, the proposed martial arts studio can be permitted subject to the approval of a UP. A UP is required to evaluate the potential impacts, if any, the proposed business may have on adjacent businesses and/or properties at a noticed public hearing before the Planning Commission and to address those potential impacts with conditions of approval as appropriate.

Subject Site and Surrounding Land Uses

The proposed martial arts studio is located on a developed site between Buena Vista and Alta Vista Streets, along the east side of Rose Drive. The chart below shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Subject Site	Multi-tenant Commercial Shopping Center	Commercial	SP-7
North	Low-Density Residential	Low-Density Residential	SP-7
South	Vacant	Commercial	SP-7
East	Vacant (Oil Production Operations)	Low Density Residential	SP-7
West	Senior Apartment Complex	Planned Community	SP-9 (Residential Planned Community (RPC))

ZONING COMPLIANCE ANALYSIS

Site Development Standards

The project is located within the SP-7 Zoning District. Based on staff’s analysis, the project meets all minimum and maximum development standards of the PMC, including minimum off-street parking requirements. Pursuant to PMC 23.78.030, the code requires four off street parking spaces per one thousand (1,000) gross square feet. The 5,445 square foot unit requires a minimum of 22 off-street parking spaces. The proposal meets the minimum number of off street parking spaces required as is and additional parking can be found throughout the rest of the shopping center. No changes to the building footprint and overall building envelope will occur as a result of the project.

Other Departments Concerns and Requirements

The Divisions of Planning, Building and Code Enforcement, as well as the Orange County Fire Authority (OCFA) have reviewed the application, with no major concerns raised with the project proposal. However, the Planning Division identified comments and applicable code requirements that have been incorporated as conditions of approval into a draft resolution for consideration by the Planning Commission (Attachment No. 1).

ISSUES ANALYSIS:

General Plan Consistency

General Plan policies advocate to (a) increase the tax base of the City through land use planning while maintaining the City's suburban atmosphere and (b) orient land uses that create employment opportunities toward major and primary arterial streets so that activities associated with these uses have a minimal effect upon adjacent residential neighborhoods. The proposed project will fulfill these policies by offering services and employment opportunities to surrounding residents, thereby protecting and ensuring its long term success. This will assist in maintaining a wide array and variety of commercial uses to help facilitate greater patronage and shopping activity for the shopping center, thereby helping to maintain a steady revenue stream. Increased patronage will assist and stimulate further investment in the community and strengthen the City's economic vitality. The proposed Martial Arts studio will be replacing a tanning salon and a bank. Both the previous and proposed uses generate little sales tax, if any, but do provide needed services for the community. In addition, the business is sited within an established commercial center where its operations will not impact sensitive land use receptors.

PMC Consistency

Adoption of the recommended conditions of approval will result in a project that complies with the provisions of the SP-7 Zoning District. The proposed project, with incorporation of the recommended conditions of approval, will meet or exceed the requirements of the SP-7 Zoning District and other applicable provisions of the PMC.

Land Use Compatibility

The project will be compatible with the land uses of the surrounding area because the proposed martial arts studio brings an additional service within an established commercial district containing primarily complementary commercial uses. The nature of the use will not have adverse impacts on adjacent business and properties as there are no significant noise or safety concerns.

CEQA:

The proposed application was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UP 2018-01 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1-Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use".

PUBLIC NOTIFICATION:

Legal notice was published in the Placentia News Times on March 30, 2018, and legal notices were sent to property owners of record within a 300-foot radius of the subject property on March 29, 2018 pursuant to all applicable provisions of the PMC. As of April 5, 2018, staff has received no comments in support or opposition of the request.

CONCLUSION:

The proposed project is consistent with the City's General Plan and meets the minimum development standards of the PMC. With the recommended conditions of approval, the proposed establishment and operation of a martial arts studio inside an enclosed 5,445-square foot unit within an existing multi-tenant commercial shopping center will be compatible with adjacent land uses and will not result in any significant adverse impacts to the surrounding area.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission of the City of Placentia adopt Resolution PC-2018-04 recommending approval of UP 2018-01 and finding that it is exempt from further CEQA review pursuant to Section 15301 of the State CEQA Guidelines.

Prepared and submitted by:

Review and approved by:

Arlen Beck
Planning Technician

Joseph M. Lambert
Director of Development Services

Attachments:

1. Resolution No. 2018-04
2. Project Plans Dated and Received February 12, 2018
3. Statement of Use Submitted by the Applicant Dated and Received February 12, 2018

RESOLUTION NO. PC-2018-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2018-01 AND MAKING FINDINGS TO PERMIT THE ESTABLISHMENT AND OPERATION OF A MARTIAL ARTS STUDIO LOCATED AT AN EXISTING MULTI-TENANT COMMERCIAL SHOPPING CENTER WITHIN THE SP-7 (EAST PLACENTIA SPECIFIC PLAN) ZONING DISTRICT, LOCATED AT 850 N. ROSE DRIVE, SUITES D AND E.

A. Recitals.

WHEREAS, N+M Joshi, LLC, dba American Marital Arts Academy (“Applicant” hereinafter), located at 850 N. Rose Drive, suites D and E, filed an application for approval of Use Permit (UP) No. 2018-01, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the “Application”;

WHEREAS, on April 10, 2018, the Planning Commission conducted a duly noticed public hearing, as required by law, and after careful consideration of all pertinent testimony and the staff report offered in the case, the Planning Commission voted to approve UP 2018-01; and

WHEREAS, 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:

SECTION NO. 1: Based on the evidence presented and the findings set forth, UP 2018-01 is hereby found to be consistent with the Placentia General Plan and the implementation thereof.

SECTION NO. 2: Based upon the 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 martial arts studio 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 Conditions of Approval and Standard Development Requirements (Attachment “A”), this use complies with all applicable code requirements and development standards of the SP-7 Zoning District and (3) it is not anticipated that American Martial Arts Academy will generate any negative impacts onto adjacent properties and businesses. All primary activities shall be conducted within the 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 martial arts studio is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is Commercial.

c. The proposed martial arts studio, subject to the attached Conditions of Approval and Standard Development Requirements (Attachment "A"), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed martial arts studio is a conditionally permitted use in the SP-7 Zoning District in the City of Placentia. Approval of the Use Permit for the martial arts studio will be consistent with the zoning as the site can accommodate the use, and other similar uses have been conditionally permitted within other similar commercial districts.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the UP approval. Attachment "A" contains Conditions of Approval and Standard Development Requirements specific to UP 2018-01 to ensure compliance with the Placentia Municipal Code (PMC).

SECTION NO. 3: Based upon the environmental review of the project, the Planning Commission finds that UP 2018-01 is exempt from the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Guidelines of the City of Placentia pursuant to the State CEQA Guidelines § 15301 (Class 1 – Existing Facilities) as the permit would be issued to an existing structure or facility.

SECTION NO. 4: The Planning Commission hereby directs that, upon approval of UP 2018-01, that a Notice of Exemption shall be filed with the Orange County Clerk/Recorder.

SECTION NO. 5: Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves UP 2018-01.

SECTION NO. 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 10th day of April, 2018

CHRISTINE J. SCHAEFER, CHAIR

I, Joseph M. Lambert, 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 10th day of April 2018, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 10th day of April, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

JOSEPH M. LAMBERT,
SECRETARY TO THE PLANNING COMMISSION

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY

ATTACHMENT "A"



Attachment A
Special Conditions of Approval and Standard Development Requirements for
Use Permit No. (UP) 2018-01
850 N. Rose Drive, suites D and E

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.

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION:

1. UP 2018-01 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. UP 2018-01 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 be issued 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. Any modifications to the approved floor plan or changes to the business operation hours, which do not expand or intensify the present use shall be reviewed by the Director of Development Services and may be modified administratively. Modifications to the approved floor plan or changes to the business operation hours, which expand or intensify the present use may be brought to the Planning Commission for modification at the discretion of the Director of Development Services.
6. Prior to any changes to the days and hours of operation, the applicant and/or current business owner shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

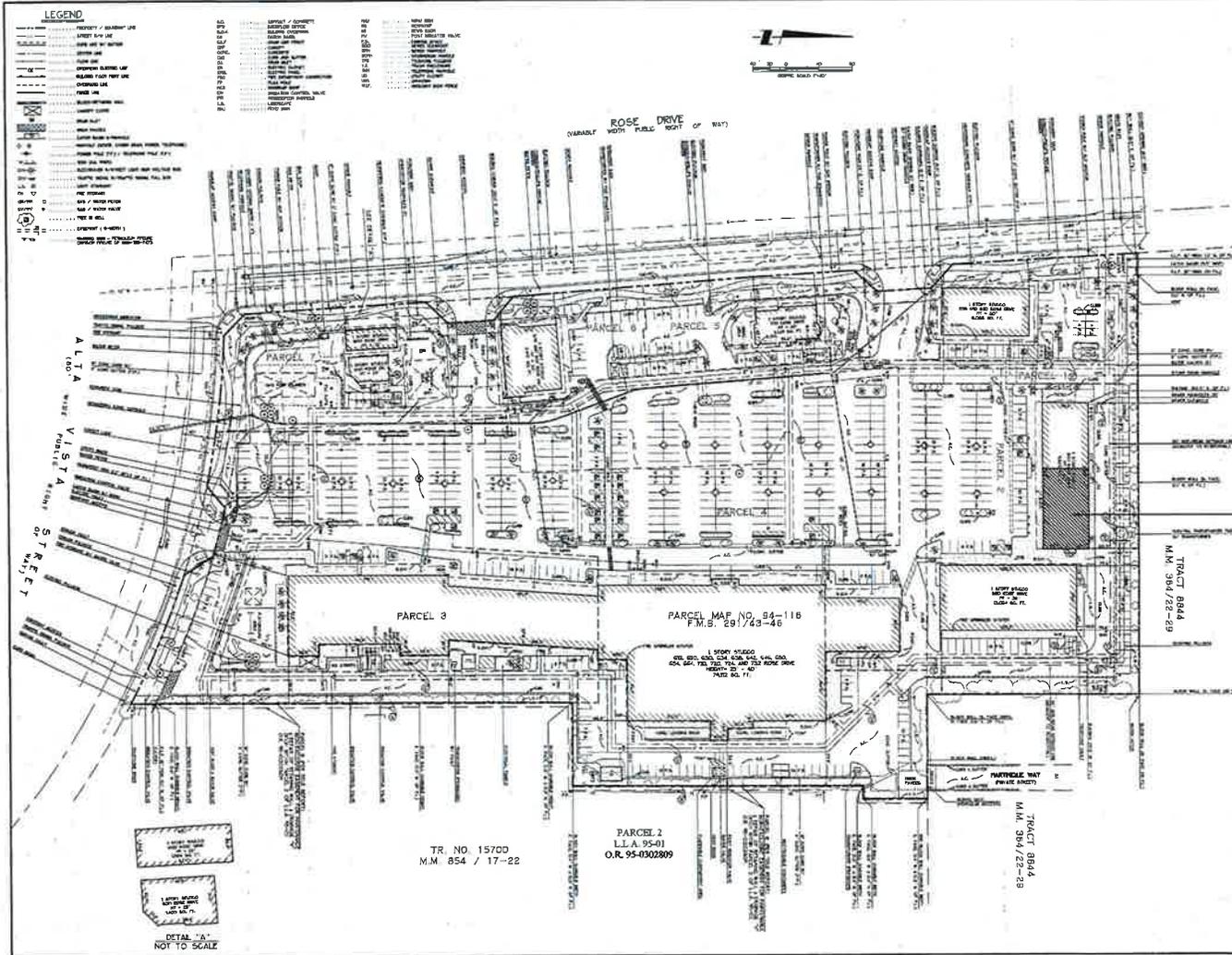
Operating Hours	
Monday - Thursday	10 AM - 9:30 PM
Friday	10 AM - 8 PM
Saturday	8:30 AM - 3:30 PM
Sunday	CLOSED

7. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
8. The applicant and/or current business owner shall be responsible for maintaining the property immediately adjacent to their designated tenant space, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant and/or current business owner within 48 hours of defacement and/or upon notification by the City. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Director.
9. The applicant and/or current business owner shall maintain a valid City Business License at all times during operation of the business.
10. UP 2018-01 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.

11. The establishment shall be operated as a martial arts studio at all times. All activities shall be conducted within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor, or other nuisances.
12. All signage must comply with the associated master sign program for the Village Center at Rose. All signs must be individual channel letters. "Can" or "Cabinet" signs are not allowed.

DEVELOPMENT SERVICES DEPARTMENT – BUILDING DIVISION:

13. Applicant is required to obtain a Building and Zoning Compliance approval in conjunction with any Building Permit finals inspections.
14. All tenant improvements shall require City Building Division review and approval, prior to any construction.
15. All existing and new proposed restrooms shall be in compliance with ADA current requirements.
16. Tenant improvement plans shall be designed and prepared by a licensed California architect or engineer.
17. Site plan including parking spaces nearby shall be provided; site plan shall be in compliance with current ADA requirements. 20% of the total cost for the tenant improvement shall be used for the ADA improvements.



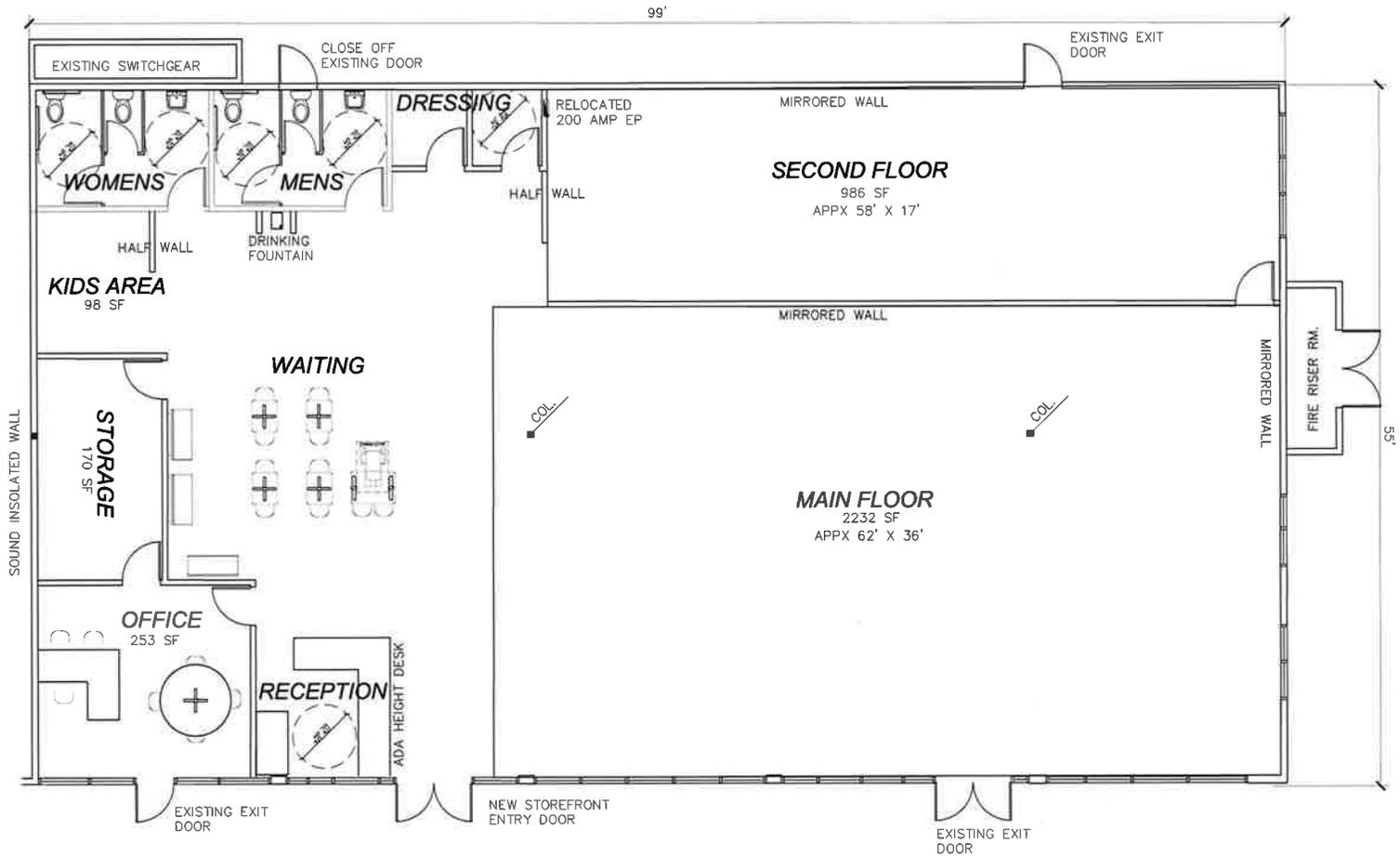
VICINITY MAP

LOCATION

AMERICAN MARTIAL ARTS ACADEMY
 SENSEI NIKHIL JOSHI
 714-646-9635
 850 ROSE DRIVE UNIT E
 PLACENTIA, CA 92870

SITE PLAN 

2-7-18



AMERICAN MARTIAL ARTS ACADEMY
SENSEI NIKHIL JOSHI
 714-646-9635
 850 ROSE DRIVE UNIT E
 PLACENTIA, CA 92870

FLOOR PLAN
 5,445 s.f.



2-7-18

SCALE: 1/8"=1'-0"



AMERICAN MARTIAL ARTS ACADEMY

Statement of Use

I. Company Profile

Established in 2011, we are a family owned & operated martial arts studio (Primary Owners are Nikhil & Megan Joshi; LLC – N&M Joshi, LLC).

We focus on helping improve lives and bring happiness to people of all ages through the martial arts. Our students range from 2 1/2 years old to 88; no limitation or handicap prevents a student from training with us. We serve people of all walks of life and abilities.

American Martial Arts Academy is a unique, family-oriented karate studio with a dedicated family of well-trained, supportive and positive martial arts instructors and key staff members. The Karate we teach transcends physical 'art' and embraces kindness, community and compassion, as well as self-defense skills.



We strive to help people of all ages improve the physical, mental and social aspects of their lives and work together as a team to help all of our students achieve their goals and become the best person that they can possibly be. Creating a positive and supportive family-oriented martial arts environment stimulates our students' growth and is a key factor in reaching their true potential as martial artists and human beings.

Our Kids Martial Arts Programs, starting at 2-1/2 years of age, are designed to build character, keep kids healthy/physically fit and improve their life skills including self-confidence, respect, focus, self-esteem, discipline, courtesy and compassion, etc. We have started at our Placentia Campus a top-notch after-school program (pick-up from school, homework help, and karate), and popular Summer Camps.

Our Teen and Adult Martial Arts Program is a total workout and delivers extensive martial arts benefits including improved muscle tone, weight loss, increased cardiovascular fitness, lower stress levels, increased energy and greater flexibility etc. And, our program is designed for everyone; from students who are legally deaf, to students who are paraplegic, to students as old as 88 years of age.

We are a family owned and operated studio. Nikhil & Megan teach the majority of the classes and run the day-to-day business. Mrs. Dana Haney (Megan's mom) runs our front



AMERICAN MARTIAL ARTS ACADEMY

desk. Mr. Nathaniel Sims, another one of our key instructors, has been with the AMAA organization for over 10 years.

Our staff is one of our key unique features. All are home-grown (none hired from the outside), all work well together and in harmony, and all are completely bought in to the vision and mission of AMAA.

This is a 'Legacy Business' - we are absolutely passionate about being a force of positive growth and change in the community forever. We are absolutely passionate about having a business that offers its employees opportunities for success, freedom, and happiness. And, we are absolutely passionate about 'Enriching Lives through the Martial Arts'.



II. History

The original American Martial Arts Academy campus was established in 1992 by Brad & Bonnie Wenneberg. Starting as an 1,100 sq. foot facility, AMAA-1 has grown into a 15,000 sq. ft. facility, regularly grossing over \$1.35 MM/yr, serving 700 active students, over 25 years. It has been one of the top martial arts schools in size, student count, and income in the entire nation for the past 10+ years.

Nikhil & Megan Joshi began training as children and have been training at the original AMAA-1 campus for 24 years and 13 years respectively. Nikhil began assisting in teaching classes at the age of 9, worked as an Instructor through high school, and then quickly knew that this was his calling and passion.

During his college years at University of California: Irvine, Nikhil mentored with Brad Wenneberg and learned everything he could about not just teaching, but running the business aspects of the karate studio. Nikhil went from Instructor to Sales Director and Co-Operations Manager. When AMAA-2 was opened in 2012, Nikhil was groomed to one day own this studio, and managed it from its beginnings, (first from afar before making the full transition to AMAA-2 in 2014). Today, Nikhil and his wife Megan (marketing director & head children's instructor) own and operate this school together as a dynamic husband-wife team.

AMAA-2 grew quickly from 0-50 students within 3 months, and today serves 250 actively training students.



AMERICAN MARTIAL ARTS ACADEMY

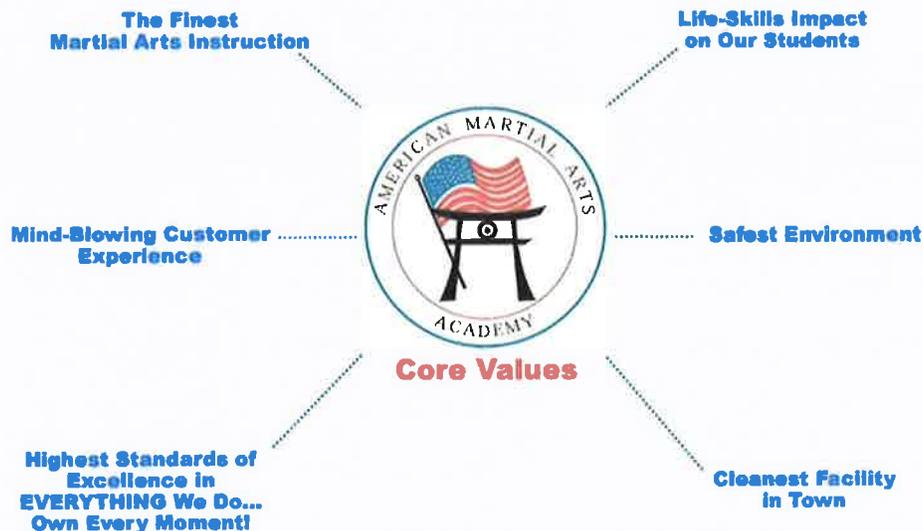
III. Vision, Mission, Values, and Leadership

'Enriching Lives through the Martial Arts'

Mission Statement

1. To provide the finest instruction in the mental, physical, and character-building aspects of the martial arts.
2. To provide personal instruction in every class.
3. To provide the best professional facilities in the area.
4. To create an environment that gives each individual the opportunity to pursue and achieve a greater level of success and freedom.

Business Core Values





AMERICAN MARTIAL ARTS ACADEMY

IV. Operator Resumes

Nikhil Joshi, Managing Partner of N&M Joshi LLC

- 4th Degree Black Belt
- Training in martial arts since 1993
- 20 years teaching experience (children and adults; full-time in industry since 2006)
- American Martial Arts Academy Instructor College Graduate in 1999 (2 year training program)
- AMAA Instructor College Instructor since 2006
- Consultant in Martial Arts Industry since 2008
- AMAA Teaching Excellence Award in 2002
- AMAA Martial Arts Excellence Award in 2008
- Sensei title (master instructor) awarded in 2009



Megan Joshi, Partner of N&M Joshi LLC

- 3rd Degree Black Belt
- Head Children's instructor since 2012
- Training in martial arts since 2004
- 8 years teaching experience (children and adults; full-time in industry since 2011)
- American Martial Arts Academy Instructors College Graduate in 2008
- AMAA Teaching Excellence Award in 2012
- AMAA Martial Arts Excellence Award in 2014
- Graduate of Cal State Fullerton with concentration in education
- worked for Brea United School District after-school program for 4 years
- Sensei title (master instructor) awarded in 2017



AMERICAN MARTIAL ARTS ACADEMY

V. Other Key Facts

Days & Hours of Operations:

- Monday-Thursday: 11am-8:30pm
- Friday: 11am-7pm
- Saturday: 9:30am-2:30pm

3 full-time employees, 2 part-time employees

0 Vehicles, Machines, Heavy Equipment in conjunction of use



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: ARLEN BECK, PLANNING TECHNICIAN

DATE: APRIL 10, 2018

SUBJECT: **USE CONFORMITY DECISION (UCD) 2018-01;
770 S. PLACENTIA AVE.**

RECOMMENDATION:

It is recommended that the Planning Commission take the following actions:

1. Receive the staff report; and
2. Adopt Resolution PC-2018-05, a resolution of the Planning Commission of the City of Placentia, approving UCD 2018-01 and making findings to use adjusted gross floor area as the basis for the determination of required parking for an office building within SP-5 (Specific Plan 5) Zoning District on property located at 770 S. Placentia Avenue.

REQUEST

The Applicant, Interface Rehab, Inc., is requesting approval to use the adjusted gross floor area as the basis for the determination of required parking for a 15,966-gross square foot office building located at 770 S. Placentia Ave., in the SP-5 Zoning District.

PROJECT BACKGROUND AND DESCRIPTION:

The subject property is a fully improved site, featuring a single story commercial office building located between W. Kimberly Avenue and W. Orangethorpe Avenue on the east side of S. Placentia Avenue, within the SP-5 Zoning District. There are no other buildings located on the parcel. The property is presently accessible from one driveway located along W. Kimberly Avenue and one driveway along S. Placentia Avenue. Onsite parking is provided on the north, east, and south portions of the building.

The facility's floor plan includes approximately 14,005 square feet of office space and approximately 1,961 square feet of warehouse space. The applicant is proposing to use the 1,961 square feet of warehouse space as a children's play area. The children's play area is to be used as an amenity to the proposed medical office use that will occupy the remaining 14,005 square feet of the building.

Warehouse space has a minimum parking rate of two off-street parking spaces per 1,000 square feet of building area and with the conversion of the warehouse space to a children's play area the 1,961 square feet are required to be parked at a minimum parking rate of four off-street parking

spaces per 1,000 square feet, which results in four additional off-street parking spaces to be provided. With the proposed uses of the building, the minimum onsite parking mandates 64 off-street parking spaces. The site contains 59 off-street parking spaces leaving a deficiency of 5 spaces. The applicant is requesting that the Planning Commission consider and approve the use of adjusted gross floor area as a basis for the determination of required parking. The adjusted gross floor area is calculated to be 13,680 square feet which will require 55 parking spaces. The adjusted gross floor area is calculated by excluding the corridors, men's and women's restrooms, electrical room, mechanical room, phone room, and LAN room.

USE CONFORMITY DETERMINATION

Pursuant to the Placentia Municipal Code (PMC), § 23.78.035, the Planning Commission may consider and approve: *“the use of adjusted gross floor area as a basis for the determination of required parking where it finds that calculation of required parking based on gross floor area would result in an excessive number of parking spaces. Adjusted gross floor area shall exclude common facilities shared by all tenants which do not contribute to building occupancy and shall be limited to mechanical rooms, elevators, foyers, indivisible corridors and hallways.”* The applicant is proposing to use the adjusted gross floor area of 13,680 square feet as a basis for the determination of required parking, which will require 55 off-street parking spaces instead the gross floor area of 15,966 square feet which will require 64 off-street parking spaces and the lot provides only 59 off-street parking spaces. Staff finds that the calculation of required parking based on gross floor area would result in an excess number of parking spaces in that the patrons of the children's play area will not be impacting the available parking for the building.

CEQA:

In accordance with the requirements of the California Environmental Quality Act (“CEQA”), California Public Resources Code §§ 21000, et seq., the State CEQA Guidelines, 14 C.C.R. §§ 15000, et seq., subject to the requirements of the California Environmental Quality Act and pursuant to the provisions of § 15061(b)(3) of Division 6 of Title 14 and the Environmental Impact Report Guidelines of the City of Placentia, staff recommends that the Planning Commission exercise its independent judgment and find that the proposed project can be seen as having no effect on the environment. No further environmental review for this project is necessary.

RECOMMENDATION

The Planning Division recommends that the Planning Commission of the City of Placentia adopt Resolution PC-2018-05 recommending approval of UCD 2018-01 and finding that it is exempt from further CEQA review pursuant to § 15061(b)(3) of Division 6 of Title 14 of the State CEQA Guidelines.

Prepared and submitted by:



Arlen Beck
Planning Technician

Review and approved by:



Joseph Lambert
Director of Development Services

ATTACHMENTS:

1. Resolution PC 2018-05
2. Statement of use
3. Photo submitted by applicant

RESOLUTION NO. PC-2018-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE CONFORMITY DETERMINATION NO. 2018-01 AND MAKING FINDINGS TO ALLOW FOR THE USE OF ADJUSTED GROSS FLOOR AREA AS A BASIS FOR THE DETERMINATION OF THE REQUIRED PARKING WITHIN SP-5 (SPECIFIC PLAN 5) ZONING DISTRICT, LOCATED AT 770 S. PLACENTIA AVENUE

A. Recitals.

WHEREAS, Interface Rehab, Inc. (“Applicant” hereinafter), located at 770 S. Placentia Avenue, filed an application for approval of Use Conformity Determination (UCD) No. 2018-01, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Conformity Determination request is referred to as the “Application”;

WHEREAS, on April 10, 2018, the Planning Commission conducted a duly noticed meeting, as required by law, and after careful consideration of all pertinent testimony and the staff report offered in the case, the Planning Commission voted to approve UCD 2018-01; and

WHEREAS, 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:

SECTION NO. 1: This Planning Commission hereby specifically finds that all the facts as set forth in the Recitals, Part A., of this Resolution are true and correct.

a. This Planning Commission finds that the proposed use as identified within Use Conformity Determination Application No. 2018-01 does conform to the intent of the uses permitted within the SP-5 Zoning District and is in conformance with the General Plan.

SECTION NO. 2: Based upon the 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 approval of Use Conformity Determination No. 2018-01 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 property or improvements within the neighborhood of the proposed use or within the City.

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

c. This Planning Commission finds that the consideration of the use as allowed by Use Conformity Determination No. 2018-01 will not have a detrimental effect upon land available for housing within the City.

SECTION NO. 3: 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 (§ 15061(b)(3)) of Division 6 of Title 14) the general rule exemption, which 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, 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.

SECTION NO. 4: Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves UCD 2018-01.

SECTION NO. 5: 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 10th day of April, 2018, by the following votes:

CHRISTINE J. SCHAEFER, CHAIR

I, Joseph M. Lambert, 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 10th day of April 2018, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 10th day of April, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST:

JOSEPH M. LAMBERT,
SECRETARY TO THE PLANNING COMMISSION

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY



