



# Placentia Planning Commission Agenda

Regular Meeting  
August 9, 2011  
6:30 p.m.

**Michael Ebenhoch**  
Chairman

**Vic Tomazic**  
Vice Chairman

**Frank Perez**  
Commissioner

**Floyd Farano**  
Commissioner

**Christine Schaefer**  
Commissioner

**John Scull**  
Commissioner

**Thomas Solomonson**  
Commissioner

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

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## **Procedures for Addressing the Commission**

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

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

PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE COMMISSION IS IN SESSION.

## **Special Accommodations**

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

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

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

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

**City of Placentia  
City Council Chambers  
401 E Chapman Avenue  
August 9, 2011**

**REGULAR MEETING**

6:30 p.m. – City Council Chambers

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**MEETING CALLED TO ORDER**

**ROLL CALL:** Chairman Ebenhoch  
Vice Chairman Tomazic  
Commissioner Farano  
Commissioner Schaefer  
Commissioner Scull  
Commissioner Perez  
Commissioner Solomonson

**PLEDGE OF ALLEGIANCE**

**SWEARING IN OF REAPPOINTED COMMISSIONERS TOMAZIC AND SCULL**

**MINUTES**

Regular Meeting: July 12, 2011  
Recommended Action: Approve

**ORAL COMMUNICATIONS**

At this time, the public is invited to address the Planning Commission concerning any items on the agenda, which are not public hearings, or other items under the jurisdiction of the Placentia Planning Commission

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**PUBLIC HEARINGS**

1. **Applicant: Polly and Sotirios Pelonis**  
**Location: 221 W. Orangethorpe Avenue**

**Use Permit (UP) 2011-08:**

To permit the sale of alcoholic beverages (Type 41 On Sale Beer and Wine for Bona Fide Public Eating Place) for on-site consumption, in conjunction with an existing +/- 3,831 square foot restaurant (Tom;s Place Restaurant), located at 221 W. Orangethorpe Avenue in the Manufacturing (M) District.

**Recommended Action:**

Adopt Resolution No. PC-2011-15 approving Use Permit (UP) 2011-08, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

2. **Applicant: Joe Minassian**  
**Location: 710 Hundley Way**

**Use Permit (UP) 2011-09:**

To permit the operation of an existing tow company (A-1 Auto Body and Towing) in conjunction with auto body repairs, and to permit small scale retail sales of pre-owned motor vehicles within a +/- 10,600 square foot industrial building, located at 710 Hundley Way in the Manufacturing (M) District.

**Recommended Action:**

Adopt Resolution No. PC-2011-17 approving Use Permit (UP) 2011-09, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

3. **Applicant:** Rich Wray  
**Location:** 1280-1290 N. Kraemer Boulevard

**Zone Change (ZC) 2011-01:**

To change the zoning designation from the Town Center (T-C) District to Neighborhood Commercial (C-1) District, located at 1280-1290 N. Kraemer Boulevard.

**Recommended Action:**

Continue to the September 13, 2011 Planning Commission meeting.

**NEW BUSINESS**

4. **Applicant:** Sako Yakinian  
**Location:** 980 Via Rodeo

**Use Conformity Determination (UCD) 2011-03:**

To determine if a personal training studio that specializes in athletic training and weight loss within a +/- 5,000 square foot industrial suite is a use permitted by right or with a Use Permit, located at 980 Via Rodeo within the Manufacturing (M) District.

**Recommended Action:**

Adopt Resolution No. PC-2011-16, confirming Use Conformity Determination (UCD) 2011-03 for No Limit Personal Training, located at 980 Via Rodeo.

**DEVELOPMENT REPORT**

**PLANNING COMMISSION REQUESTS**

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

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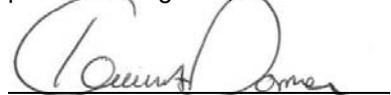
**ADJOURNMENT**

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, September 13, 2011 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

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**CERTIFICATION OF POSTING**

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the August 9, 2011 Regular meeting of the Planning Commission of the City of Placentia was posted on August 4, 2011.



Kenneth A. Domer

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

July 12, 2011

The regular meeting of the Placentia Planning Commission of June 14, 2011 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, California by Chairman Ebenhoch.

**ROLL CALL:** Present: Michael Ebenhoch, Chairman  
Vic Tomazic, Vice Chairman  
Floyd Farano, Commissioner  
Christine Schaefer, Commissioner  
John Scull, Commissioner  
Frank Perez, Commissioner  
Tom Solomonson, Commissioner

Absent: None

**PLEDGE OF ALLEGIANCE:** Led by Commissioner Perez

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

**Motion by Commissioner Schaefer, seconded by Vice Chairman Tomazic to APPROVE THE MINUTES of June 14, 2011. Passed by a 6-0-01 vote (Scull Abstained)**

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

**Public Hearings:**

1. **Applicant: Michael Sherman**

**Location: 1265 E. Imperial Highway**

**Use Permit (UP) 2011-07:**

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

Ms. Schwartz presented the staff report.

Commissioner Schaefer asked if Special Condition numbers 44 and 45, required two (2) separate permits. Ms. Schwartz responded that only one (1) entertainment permit is required. It is requested through the Police Department and approved by Development Services Staff.

Commissioner Schaefer asked if Special Condition number 45 and 51 are the same. Ms. Schwartz responded that number 51 can be eliminated.

Commissioner Farano asked what the distance is between the bar area and games area, as the drawing is not to scale. Ms. Schwartz responded that there is a designated area for the games and advised that the applicant may be able to address the spacing.

Chairman Ebenhoch opened the Public Hearing and invited the applicant to address the Commission.

The applicant, Mr. Michael Sherman of 1265 E. Imperial Highway, Placentia introduced himself. He spoke about his previous experience with other alcohol establishments and the updates he's made to the business.

Vice Chairman Tomazic asked Mr. Sherman about his experience with running a bar. Mr. Sherman responded that he owned two (2) pizza sports bars, one (1) in Diamond Bar and one (1) in Fullerton. He also has owned a bagel and coffee house in southern Orange County.

Commissioner Schaefer complimented Mr. Sherman on the name "Group Therapy Pub" as people may not have known what the business was under the name "Group Therapy."

Commissioner Farano asked Mr. Sherman if he was aware of Special Condition number 45, which states an entertainment permit is required for some uses. Mr. Sherman responded that he was aware of the requirement. Commissioner Farano asked what kind of entertainment would be available. Mr. Sherman replied that he would have live Jazz & Blues musicians.

Chairman Ebenhoch closed the Public Hearing.

**Motion by Commissioner Farano, seconded by Commissioner Schaefer TO ADOPT RESOLUTION NO. PC-2011-12 APPROVING USE PERMIT 2011-07, SUBJECT TO THE REMOVAL OF SPECIAL CONDITION NUMBER 51 AND SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 7-0 vote.**

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## **NEW BUSINESS**

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

**Use Permit (UP) 2011-06:**

Recommendation to permit the installation of an above ground fuel tank and pump for the

purpose of fueling tour buses for Silver State Trailways, located at 701 S. Fee Ana Street in the Manufacturing (M) District.

Mr. Domer presented the staff report.

Vice Chairman Tomazic asked how many gallons the tank will be. Mr. Domer replied that it will be 5200 gallons.

Commissioner Schaefer asked if there is any risk to having an above ground tank versus an underground fuel tank. Mr. Domer responded that the applicant could address the question.

Commissioner Farano asked if the tank will be constructed with a drain in the case of a rupture. Mr. Domer indicated the applicant could respond to the question. He added that spill containment would be addressed in the applicants Spill Prevention Control and Countermeasure Plan.

Chairman Ebenhoch opened the Public Hearing and invited the applicant to address the Commission.

The applicant, Mr. David Hoferer of 1015 N. Parker Street, Orange 92867 introduced himself to the Commission. He stated that he works primarily with above ground systems and this project involves a tank that is fire rated, impact resistant, double walled and will be installed inside a containment pad. Additional protections that will be in place are K-rail barrier protections, containment curb with an alarm trigger and the tank itself is made with six (6) inches of reinforced concrete.

Commissioner Farano asked if the tank will contain diesel fuel. The applicant responded that yes, it will contain diesel fuel. He added that the buses will be fueling in the car wash area which is fitted with a clarifier in the case of a spill during fueling.

Chairman Ebenhoch asked about temperature control and fume recapture. Mr. Hoferer explained that diesel fuel does not contain emissions. The temperature control is addressed by the fire rated tank.

Commissioner Farano asked if the station will have an attendant to pump the fuel. Mr. Hoferer replied that there will be an attendant to pump the gas and wash the buses.

Chairman Ebenhoch closed the Public Hearing.

**Motion by Vice Chairman Tomazic, seconded by Commissioner Schaefer TO ADOPT RESOLUTION NO. PC-2011-13 APPROVING USE PERMIT (UP) 2011-06, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 7-0 vote.**

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

## **Use Conformity Determination (UCD) 2011-02:**

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

Ms. Schwartz presented the staff report.

Chairman Ebenhoch opened the Public Hearing and invited the applicant to address the Commission.

The applicant, Ms. Alix Plum-Widner of 1525 N. Placentia Avenue Suite A, introduced herself. She indicated that she and her business partner have both been teaching fitness for many years and both feel the location is ideal for their business.

Commissioner Schaefer asked if parking challenges are anticipated with the growth of the business. Ms. Plum-Widner responded that she has yet to experience a parking challenge in the center. She added that the business will only have 4 pieces of equipment.

Commissioner Scull referred to the business plan and asked the applicant if she had received loan approval. The applicant responded that yes they did. Commissioner Scull asked if the approval was contingent on receipt of the Use Conformity Determination. The applicant responded that no, it was not.

Chairman Ebenhoch closed the Public Hearing.

**Motion by Commissioner Scull, seconded by Vice Chairman Tomazic TO ADOPT RESOLUTION NO. PC-2011-14, CONFIRMING USE CONFORMITY DETERMINATION (UCD) 2011-02 FOR MAINSTREAM PILATES, LOCATED AT 1525 N. PLACENTIA AVENUE SUITE A. Passed by a 7-0 vote.**

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## **DEVELOPMENT REPORT**

### **PLANNING COMMISSION REQUESTS:**

Ms. Schwartz provided the Commission with an update on the gas station on the south east corner of Rose Drive and Yorba Linda Boulevard. She stated that grading permits have been issued.

Commissioner Farano asked if core drilling has been done to determine if there has been a problem with leakage. Ms. Schwartz responded that no core drilling has been done yet.

Commissioner Schaefer asked if financing has been obtained. Ms. Schwartz replied, yes.

Commissioner Scull asked what environmental documentation is required for the grading. Ms. Schwartz responded that that aspect is controlled by the Health Department. Commissioner Scull asked if the applicant is required to post a bond for the grading permit. Ms. Schwartz responded that the applicant will be posting a bond for the off-site improvements, but not the grading.

Commissioner Schaefer asked if the applicant has received financing. Ms. Schwartz replied that yes, he has.

Chairman Ebenhoch asked for an update on the Grade Separations. Mr. Domer responded that Orange County Transportation Authority (OCTA) will meet next week to award the contract for Placentia Avenue and construction could begin in August. The Kraemer Boulevard contract is expected to be awarded in October.

Commissioner Scull requested an update on the south east corner of Rose Drive and Alta Vista Street. Mr. Domer stated there is nothing new to report.

Vice Chairman Tomazic asked for an update on the Schaener property (east side of Kraemer Boulevard, at Morse Avenue). Mr. Domer stated that staff met with HQT today to discuss plans for an abandoned corner parcel that could increase viability of the entire project.

Commissioner Solomonson asked if Kraemer Boulevard and Placentia Avenue will be closed at the same time for the Grade Separations Project. Mr. Domer responded that Kraemer Blvd. will be fully closed and Placentia Avenue will have a by-pass road.

Chairman Ebenhoch adjourned the Planning Commission meeting to the next regularly scheduled meeting on August 9, 2011 at 7:20 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Ken Domer  
Assistant City Administrator



# Placentia Planning Commission

## Agenda Staff Report

<b>AGENDA ITEM NO.:</b> 1	<b>DATE:</b> August 9, 2011	<b>PUBLIC HEARING:</b> Yes
<b>APPLICATION:</b> Use Permit (UP) 2011-08		
<b>DESCRIPTION:</b> To permit the sale of alcoholic beverages (Type 41 On Sale Beer and Wine for Bona Fide Eating Place) for on-site consumption, in conjunction with an existing +/- 3,831 sq. ft. restaurant (Tom's Place Restaurant), located at 221 W. Orangethorpe Avenue in the Community Commercial (C-2) District.		
<b>RELATED APPLICATIONS:</b> None		
<b>APPLICANT:</b> Polly and Sotirios (Sam) Pelonis		
<b>PROPERTY OWNER:</b> Athanasios Foskaris		
<b>LOCATION:</b> 221 W. Orangethorpe Avenue		
<b>CEQA DETERMINATION:</b> Categorically Exempt: Class 5, Section 15305		
<b>ZONING:</b> Community Commercial (C-2)	<b>APN(S):</b> 339-102-10, 339-102-23; however one recorded lot under Parcel Map 88-197	
<b>GENERAL PLAN:</b> Commercial	<b>CITY COUNCIL ACTION REQUIRED:</b> No	
<b>PREPARED BY:</b> Monique B. Schwartz, Associate Planner		
<b>REVIEWED BY:</b> Kenneth A. Domer, Assistant City Administrator, Development Services		

**REQUEST:**

To permit the sale of alcoholic beverages (Type 41 On Sale Beer and Wine for Bona Fide Public Eating Place) for on-site consumption in conjunction with the operation of an existing +/- 3,831 square foot restaurant (Tom's Place Restaurant), located at 221 W. Orangethorpe Avenue in the Community Commercial (C-2) District.

**INTRODUCTION:**

Although a restaurant facility is a permitted use by right within the Community Commercial District, there are other uses that have special characteristics which have the potential to adversely affect adjoining businesses and/or property owners and are therefore subject to Use Permit review and approval.

Pursuant to Section 23.36.040(5) of the Placentia Municipal Code, the sale of alcoholic beverages is permitted within the "C-2" District, subject to obtaining a use permit. A use permit is required to evaluate the potential impacts the proposed business may have on adjacent businesses and/or residences; impacts on existing parking, city services and concentrations of similar uses.

**RECOMMENDATION:**

City Planning Division is recommending approval of Use Permit (UP) 2011-08, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

**DISCUSSION:**

Tom’s Place is an existing restaurant located at the northwest corner of Orangethorpe Avenue and Melrose Street. The restaurant and parking lot is located on two parcels as shown on the latest County Assessor’s Map; however, the lots were combined to equal one 30,700 square foot lot under Parcel Map 88/197 and was approved by the City Council on November 15, 1988.

**Subject Site and Surrounding Land Uses:**

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
<b>Existing</b>	Commercial Restaurant	“Commercial”	“C-2”
<b>Proposed</b>	Sale of Beer and Wine for On-Site Consumption at Tom’s Place Restaurant	“Commercial”	“C-2”
<b>North</b>	Industrial Development	Industrial	“M”
<b>South</b>	Orangethorpe Avenue	---	---
<b>East</b>	Melrose Street	---	---
<b>West</b>	Monroe Way/Chevron Service Station	Commercial	“C-2”

**Operational Characteristics:**

Tom’s Place Restaurant is an existing family-owned restaurant that has been in operation since July of 2000. This restaurant serves a wide variety of menu items, from breakfast to dinner. They feature many types of gourmet burgers, steaks, shrimp, chicken, Greek specialties and several Mexican dishes. The restaurant could be considered an upscale, quick-dining family style establishment. This restaurant also has a drive-through that is located on the west side of the restaurant structure and a +/- 475 square foot outdoor patio seating area located on the east side of the restaurant. The applicant is requesting approval to provide alcoholic beverages for on-site consumption, within the restaurant in order to compliment their food menu.

Tom’s Place of Placentia will operate during the following times:

- Monday : 6:00 a.m. to 9:00 p.m.
- Tuesday: 6:00 a.m. to 9:00 p.m.
- Wednesday: 6:00 a.m. to 10:00 p.m.

Thursday: 6:00 a.m. to 10:00 p.m.  
 Friday: 6:00 a.m. to 10:00 p.m.  
 Saturday: 7:00 a.m. to 10:00 p.m.  
 Sunday: 7:00 a.m. to 9:00 p.m.

There are a total of nineteen (19) full time and ten (10) part time employees. The general operations of the restaurant will be supervised by the applicants Polly and Sotirios (Sam) Pelonis.

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

The Alcoholic Beverage Control (ABC) license that is being applied for by Tom’s Place #2 of Placentia is “Type 41 On Sale Beer and Wine for Bona Fide Public Eating Place”, which is an on-sale beer and wine license. Listed below are other businesses within an approximate one-half mile radius of the subject site that are permitted to sell alcoholic beverages for on and off-site consumption.

<b>BUSINESS</b>	<b>ADDRESS</b>	<b>LICENSE TYPE</b>
El Farolito Inc.	201 S. Bradford Avenue	Type “47” On-Sale General for Bona Fide Public Eating Place
American Legion Post 277	230 S. Bradford Avenue	Type “52” Veteran’s Club
Fiesta Imperial	242 S. Bradford Avenue	Type “20” Off-Sale Beer and Wine
Residence Inn By Marriott	700 W. Kimberly	Type “70” On-Sale General Restrictive Service
Gonzalez Market	235 W. La Jolla Street	Type “20” Off-Sale Beer and Wine
Pedro Urdiano	325 W. La Jolla Street	Type “20” Off-Sale Beer and Wine
Oscar Abreu	703 W. La Jolla Street	Type “20” Off-Sale Beer and Wine
Mr. K’s Mini Mart	615 W. Chapman Avenue	Type “21” Off-Sale General
Tlaquepaque Bakery & Grill	101 W. Santa Fe Avenue	Type “47” On-Sale General for Bona Fide Public Eating Place
El Cantarito Restaurant	120 W. Santa Fe Avenue	Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place
Mexico Super Market	134 W. Santa Fe Avenue	Type “20” Off-Sale Beer and Wine
El Taco Sabroso	214 W. Santa Fe Avenue	Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place
301 Cafe	301 W. Santa Fe Avenue	Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place
Mi Casita Restaurante	330 W. Santa Fe Avenue	Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place

The sale alcoholic beverages in conjunction with a lunch or dinner meal is common and can complement a dining experience. Denying this restaurant the opportunity to sell alcoholic beverages could put it at a disadvantage with other restaurants in the area that are currently licensed and permitted to serve alcoholic beverages. The sale of alcoholic beverages in this restaurant will not be the primary attraction for patrons as in the case with bars and taverns. The sale of alcoholic beverages will be permitted only in conjunction with meals served for consumption on the premises. Pursuant to the attached recommended Special Conditions of Approval and Standard Development Requirements, alcoholic beverages shall be sold in conjunction with a meal and alcoholic beverages may not be sold for off-site consumption. Tom's Place will be required to serve meals during all hours of operation.

City Staff concludes that subject to compliance with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-08, the issuance of this Use Permit would not create a law enforcement problem. The Development Services Department and the Placentia Police Department have reviewed the request and are supporting the proposal.

### **Public Convenience or Necessity**

A finding of public convenience or necessity is not required for this proposed Use Permit application because Tom's Place is not located within a high crime reporting district nor is it located within an area of over concentration. Tom's Place is located within Census Tract 117.22, which permits a total four (4) on-sale ABC licenses (1 on-sale currently exists) and two (2) off-sale ABC licenses (1 off-sale currently exists).

### **Floor Plan:**

The submittal floor plan indicates that the tenant space is approximately 3,831 square feet and includes a kitchen and food preparation area, a dry storage room, walk-in freezer, walk-in cooler, changing room, office, and two (2) restroom facilities. There is a drive thru window located on the west side of the restaurant. There is one (1) main double door entrance on the south side, a secondary entrance/exit on the east side and one exit located on the north side of the restaurant. There is a +/- 475 square foot outdoor patio/seating area located on the east side of the restaurant.

### **Parking:**

Based on the total floor area (customer and non-customer), a total of thirty-one (31) parking spaces are required and thirty-six (36) are provided. There are twenty four (24) standard, ten (10) compact and two (2) handicapped parking spaces shown on the site plan. With a total of five (5) surplus parking spaces, it is not anticipated that the service of beer and wine for on-site consumption for Tom's Place Restaurant will affect the available parking for this restaurant facility.

**Compatibility:**

The proposed restaurant and the sale of alcoholic beverages within the restaurant facility is compatible with the adjacent business uses within the surrounding area. This is an existing business that has been at this location since July of 2000. This business is surrounded by other commercial and industrial uses and is located across the street from two (2) residential zones.

**CEQA:**

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

Projects exempt pursuant to the CEQA Guideline Section 15305 exempts projects consisting of minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density.

**Actions:**

1. Adopt Resolution No. PC-2011-15.
2. Approve Use Permit (UP) 2011-08, subject to the attached Special Conditions of Approval and Standard Development Requirements.

Prepared and submitted by:

Reviewed and approved by:

\_\_\_\_\_  
Monique B. Schwartz



\_\_\_\_\_  
Kenneth A. Domer  
Assistant City Administrator

**Attachments:**

- Attachment A: Resolution No. PC-2011-15
- Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-08
- Attachment C: Placentia Police Department Standard Development Requirements
- Attachment D: Orange County Fire Authority Special Conditions of Approval

**Exhibits:**

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

**RESOLUTION NO. PC-2011-15**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2011-08 PERTAINING TO PROPERTY LOCATED AT 221 W. ORANGETHORPE AVENUE AND MAKING FINDINGS IN SUPPORT THEREOF.**

**A. Recitals.**

(i) Polly and Sotirios Pelonis, applicants and Athanasios Foskaris, owner of the property located at 221 W. Orangethorpe Avenue ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2011-08, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On August 9, 2011 this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

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

**B. Resolution.**

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Placentia as follows:

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

2. Based upon substantial evidence presented to this Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, this Commission hereby specifically finds as follows:

a. The proposed use will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city, or (2) injurious to the property or improvements within the neighborhood or within the city. Subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements (Attachments "B, C and D"), this use complies with all applicable code requirements and development standards of the "C-2" Community Commercial District and (3) It is not anticipated that a Type 41 (On-Sale Beer and Wine for Bona Fide Eating Place) license will generate any negative impacts on the adjacent neighborhood. All sales shall be conducted within an enclosed building, while maintaining an environment free from

objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Commercial", and the proposed use does not involve any change in the land use of the subject site. Establishments that sell alcoholic beverages for on and off site consumption are permitted in the Community Commercial (C-2) District, subject to Use Permit approval.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments B, C and D), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted use in the "C-2" Community Commercial District in the City of Placentia. Approval of the Use Permit for the sale of alcoholic beverages within this restaurant business would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "C-2" Community Commercial District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachments "B, C and D" contain Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2011-08 to ensure compliance with the Placentia Municipal Code.

3. Section 15305 of the CEQA Guidelines exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including minor setback variances. The relevant area has an average slope of less than 20% which will not result in any changes in land use or density. The Planning Commission specifically finds that the Application is Categorically Exempt under the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15305) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2011-08, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2011-08 as modified herein, and specifically subject to the conditions set forth in Attachments "B, C and D" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

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

ADOPTED AND APPROVED this 9th day of August, 2011.

---

Chairman

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 9<sup>th</sup> day of August, 2010, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9<sup>th</sup> day of August, 2011, by the following vote:

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

ATTEST:

---

Secretary to the Planning Commission

APPROVED AS TO FORM

---

ANDREW V. ARCZYNSKI,  
CITY ATTORNEY

**Attachment "B"**  
**Special Conditions of Approval and Standard Development Requirements for  
Use Permit (UP) 2011-08**

**SPECIAL CONDITIONS**

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

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

**CITY PLANNING DIVISION:**

1. Use Permit (UP) 2011-08 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2011-08 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

5. Prior to any changes in the days and hours of operation of Tom's Place, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation as requested by the applicant:

Monday: 6:00 a.m. to 9:00 p.m.  
Tuesday: 6:00 a.m. to 9:00 p.m.  
Wednesday: 6:00 a.m. to 10:00 p.m.  
Thursday: 6:00 a.m. to 10:00 p.m.  
Friday: 6:00 a.m. to 10:00 p.m.  
Saturday: 7:00 a.m. to 10:00 p.m.  
Sunday: 7:00 a.m. to 9:00 p.m.

6. Any modifications to the approved floor plan and any modifications which will change, expand or intensify the use shall be subject to review and approval by the Director of Development Services. The Director may determine if such modifications require approval by the Placentia Planning Commission.
7. Prior to any modification of the floor plan that would affect parking as stipulated in the zoning code, the applicant shall obtain written approval from the Director of Development Services or his/her designee.
8. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
9. At all times when the establishment is open for business, the sale of alcoholic beverages shall be conducted entirely within the building.
10. Outside displays are not permitted at any time.
11. There shall be no deliveries to or from the premises before 6:00 a.m. or after 10:00 p.m. Monday through Friday, Saturdays from 8:00 a.m. to 10:00 p.m. and no deliveries on Sundays.
12. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
13. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.

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

Prior to issuance of a building permit, the applicant shall submit a sign plan for the design of all proposed signage on the site for review and approval by the Director of Development Services or his/her designee. The sign plan shall comply with the criteria and requirements set forth in Chapter 23.90, Signs-Advertising Structures, of the Placentia Municipal Code.

All portable signs are prohibited and shall be removed from the site.

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

18. This establishment shall be operated as a restaurant facility only. All activities shall be conducted within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor or other nuisances.
19. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
20. The applicant/business owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid City Business License prior to operating the business.
21. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Director and the Police Department's Administrative Lieutenant at least 14 days in advance.
22. The sale and service of alcoholic beverages shall be in compliance with all local, state and federal laws, and all conditions of the Department of Alcoholic Beverage Control (ABC) for the issuance of a "Type 41" On Sale Beer and Wine for Bona Fide Eating Place shall be applicable.

23. Operator of the restaurant shall not sell alcoholic beverages at the premises until after the ABC approves and issues a license. A copy of the approved ABC license shall be transmitted to the City Planning Division upon receipt of it.
24. This use permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements.
25. There shall be no alcohol sold through the drive through window at any time.

**CITY POLICE DEPARTMENT:**

29. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).
30. Applicant/business owner of Tom's Place Restaurant shall be in compliance with all Alcoholic Beverage Control requirements.
31. This Use Permit shall be reviewed one (1) year from the date of approval and each year thereafter as necessary. The review shall be conducted jointly by the Development Services Director and Police Chief or designee. The purpose of this review shall be to identify uniquely adverse issues such as loitering, vandalism, criminal activity, noise, or nuisance resulting from the Use Permit. If such issues are identified, the Use Permit shall be presented to the Planning Commission for their consideration of conditions, modifications, or revocation.
32. 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.
33. Sales of alcoholic beverages shall be permitted only during the stated days and hours of operation:
  - Monday: 6:00 a.m. to 9:00 p.m.
  - Tuesday: 6:00 a.m. to 9:00 p.m.
  - Wednesday: 6:00 a.m. to 10:00 p.m.
  - Thursday: 6:00 a.m. to 10:00 p.m.
  - Friday: 6:00 a.m. to 10:00 p.m.
  - Saturday: 7:00 a.m. to 10:00 p.m.
  - Sunday: 7:00 a.m. to 9:00 p.m.

34. At all times when the premise is open for business, the sale and service of alcoholic beverages shall be made only in conjunction with the sale and service of food.
35. There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sale, service, or consumption of alcoholic beverages directly to patrons for consumption.
36. Food service, with an available menu, shall be made available until closing time on each day of operation.
37. The premises shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurants.
38. The subject alcoholic beverage license shall not be exchanged for another public type premises type license.
39. Alcoholic beverages shall be sold and served in containers, which are distinguishable from other non-alcoholic beverages sold at the premises.
40. The sale of beer and wine for consumption off the premises is prohibited.
41. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
42. Signs shall be posed at all exits of the premises, which prohibit alcoholic beverages from leaving the confines of the premises.
43. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
45. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food and meals during the same time period. The licensee shall at all times maintain records which reflect separately the gross sales of goods and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available upon request.
46. There shall be no pool tables or coin-operated games maintained upon the premises at any time.
47. There shall be no live entertainment (including karaoke), amplified music, or dancing permitted on the premises at any time, unless a separate entertainment permit is approved and issued by the Placentia Police Department and Development Services Department.

48. The use of any amplifying system, outdoor sound system, loudspeakers, paging system, or any other such device is prohibited on the licensed premises unless a separate entertainment permit is approved and issued by the Placentia Police Department and Development Services Department.
49. At no time shall there be a fee for entrance/admittance into the premises.
50. There shall be no "Happy Hours" when alcoholic beverages are offered at a reduced rate.
51. No distilled spirits may be on the premises at any time.
52. Employees who sell beer and wine shall be at least 18 years of age.
55. Alcoholic beverages shall be sold in accordance to Alcoholic Beverage Control standards.
56. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
60. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
61. Graffiti shall be removed from the exterior walls and windows of the premises within 48 hours of discovery.
62. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
64. There shall be no special promotional events held on the property/premises, unless a written request for such is received and approved by the City of Placentia Development Services Director and the Police Department's Administrative Services Lieutenant at least 14 days in advance.
65. 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.

**ORANGE COUNTY FIRE AUTHORITY:**

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

**Attachment "C"**  
**Placentia Police Department Standard Development Requirements**

# PLACENTIA POLICE DEPARTMENT



APPLICATION: Use Permit 2011-08: 221 W. Orangethorpe Avenue

## COMMERCIAL & INDUSTRIAL SECURITY STANDARD DEVELOPMENT REQUIREMENTS

*The following standards shall be **required** for all commercial/industrial developments when applicable. No modifications shall be made without the approval of the Chief of Police.*

### EXTERIOR DOORS

#### **Sliding Doors:**

Sliding glass doors shall be of tempered glass with locking bolt that grips door and frame together and prevents the door from being pried in an upward direction. The strike area shall be reinforced to prevent prying and disengagement of the locking bolt. Anti-lift out device(s) shall be installed in the upper channel above the moving panel to prevent raising and removal from the tract while in the closed position.

#### **Other Doors:**

Wood doors and aluminum stile doors shall be used only as front entry doors. *ALL OTHER DOORS SHALL BE METAL.*

Wood doors shall be of solid core construction with the minimum thickness of one and three-fourths (1  $\frac{3}{4}$ ) inches. Wood panel doors with panels less than one (1) inch thick shall be covered on the inside with a minimum sixteen (16) U.S. gauge sheet steel, or its equivalent, which is to be attached with screws on minimum six (6) inch centers.

Metal doors shall be of a minimum sixteen (16) U.S. gauge and have sufficient reinforcement to maintain the designed thickness of the door when any locking device is installed. Such reinforcement shall restrict collapsing of the door around any locking device. Metal jambs shall be used.

Doors with glass panels and/or glass within thirty-six (36) inches of locking mechanism shall be fully tempered glass or rated burglary resistant material.

Door stops on wooden jambs for in-swinging door shall be of one piece construction with the jamb. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

All swinging exterior wood and steel doors shall be equipped as follows:

Single doors: equipped with "single unit" containing door knob and single cylinder deadbolt. (Single turn of the knob also retracts the locked deadbolt.) Deadbolt must have one (1) inch throw and exterior case hardened, rotating steel cylinder guard.

Or:

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

If double cylinder deadbolt is used, the inside key operated lock must simultaneously operate an indicator stating that the assembly is "locked" or "opened."

### **(Exterior Doors, Continued...)**

In either case, a sign must also be displayed above the front door indicating that the front door is to remain "unlocked" during business hours. Letter size to be minimum one (1) inch in size on contrasting background.

Aluminum stile, single door: equipped with a double cylinder, minimum one and one-half (1½) inch upswing or one (1) inch slide deadbolt and exterior case hardened, rotating steel cylinder guard and minimum of five (5) pin tumblers. The inside key-operated lock must simultaneously operate an indicator stating that the assembly is "locked" or "open." A sign must also be displayed above the door indicating that the door is to remain "unlocked" during business hours. Letter size to be minimum of one (1) inch in height on contrasting background.

The inactive leaf of all double door(s) shall be equipped with metal flush bolts having a minimum embedment of five-eighths (5/8) inch into the head and threshold of the door frame.

The strike plate for deadbolts on all wood framed doors shall be constructed of minimum sixteen (16) U.S. gauge steel, bronze, or brass and secured to the jamb by minimum of two screws, which must penetrate at least two (2) inches into solid backing beyond the surface to which the strike is attached.

Strike area for metal or aluminum framed doors must be constructed or protected to prevent violation of strike area.

Hinges for out-swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to prevent removal of the door from the exterior by removing the hinge pins.

Panic hardware, whenever required by the Uniform Building Code or Title 19, California Administrative Code, shall be installed as follows:

- (1) Panic hardware shall contain a minimum of two (2) locking points on each door; or
- (2) On single doors, panic hardware may have one locking point which is not to be located at either the top or bottom rails of the door frame. The door shall have an astragal constructed of steel .125 thick which shall be attached with non-removable bolts to the outside of the door. The astragal shall extend a minimum of six (6) inches vertically above and below the latch of the panic hardware. The astragal shall be a minimum of two (2) inches wide and extend a minimum of one (1) inch beyond the edge of the door to which it is attached.
- (3) Double doors containing panic hardware shall have an astragal attached to the doors at their meeting point which will close the opening between them, but not interfere with the operation of either door.

Deadbolt locks shall not be used on doors that are required to have panic hardware.

Overhead or sliding doors shall be secured on the inside by minimum one-half (1/2) inch slide bolt(s) protruding at least one (1) inch into the door frame at floor; or secured on outside by a case hardened or minimum ten (10) gauge steel construction slide bolt using a padlock having a hardened steel shackle locking both at heel and toe with a minimum five (5) pin tumbler operation. Locking bar or bolt to extend through the receiving guide minimum of one (1) inch.

Doors exceeding ten (10) feet in width shall have two locking points on opposite sides.

## WINDOWS

No louvered windows shall be used.

Windows and/or transoms having a pane exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches shall be protected in the following manner:

- (1) Fully tempered glass or burglary resistant material\*; or
- (2) Inside or outside iron bars of at least one-half (1/2) inch round or one by one-quarter (1 x 1/4) inch flat steel material, spaced not more than five (5) inches apart and securely fastened with non-removable bolts; or
- (3) Inside or outside iron or steel grills of at least twelve (12) gauge material with not more than a two (2) inch mesh and securely fastened with non-removable bolt.

The protective bars or grills shall be able to be opened if such windows are required to be opened by the Uniform Building Code.

## ROOF OPENINGS

Skylights shall be fully tempered glass or rated burglary resistant material\*; or

- (1) Protected by iron bars at least one-half (1/2) inch round material spaced not more than five (5) inches apart; or
- (2) Steel grill at least twelve (12) gauge material of two (2) inch mesh (maximum) securely mounted under the skylight.

Ventilator skylights with side openings exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches shall be protected as in (1) or (2) above.

Air ducts or vents exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches on roof or exterior walls shall be covered by iron or steel bars of at least one-half (1/2) inch material spaced not more than five (5) inches apart; or steel grills of at least twelve (12) gauge material of two (2) inch mesh (maximum) securely mounted.

## HATCHWAYS

Hatchways on the roof, if not of metal construction, shall be covered on the inside with sixteen (16) gauge sheet metal, or its equivalent, and secured from the inside with a slide bar or slide bolt. Outside hinges shall be equipped with non-removable hinge pins.

## LADDERS

Ladders leading to the roof shall do so from the interior of the building.

## BURGLARY RESISTANT MATERIAL

- (1) Products intended for use shall be permanently labeled as such.
- (2) Materials used shall meet UL 972 Standards for Safety Burglary Resistant Glazing Materials.
- (3) Only materials approved by ICBO shall be used.

## **ADDRESS**

The address number shall be mounted near the front entry of each building or other conspicuous location and be no less than six (6) inches high. They shall be mounted on a contrasting background and easily visible from the street or walkway. If rear-vehicular access, the same numbers, no less than six (6) inches high shall be displayed on the rear of the building.

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

## **EXTERIOR LIGHTING**

Exterior lighting of an intensity of at least twenty-five hundredths (.25) foot-candles shall be provided adjacent to doors and windows. Exterior bulbs shall be protected by polycarbonate or other weather and vandal resistant globe or cover. Light(s) shall be operated during hours of darkness through either photovoltaic sensors or appropriate timers.

Parking lots for use by the general public and/or employees shall be provided with exterior lighting of an intensity of at least one (1) foot-candle of light on the parking surface and operated from dusk until at least one-half (1/2) hour after the termination of business.

## **SITE SPECIFIC REQUIREMENTS** **(IF APPLICABLE)**

(List site specific requirements here)

**Attachment "D"**  
**Orange County Fire Authority (OCFA) Special Conditions of Approval**



# ORANGE COUNTY FIRE AUTHORITY

Fire Prevention Department

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

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

Date: August 1, 2011

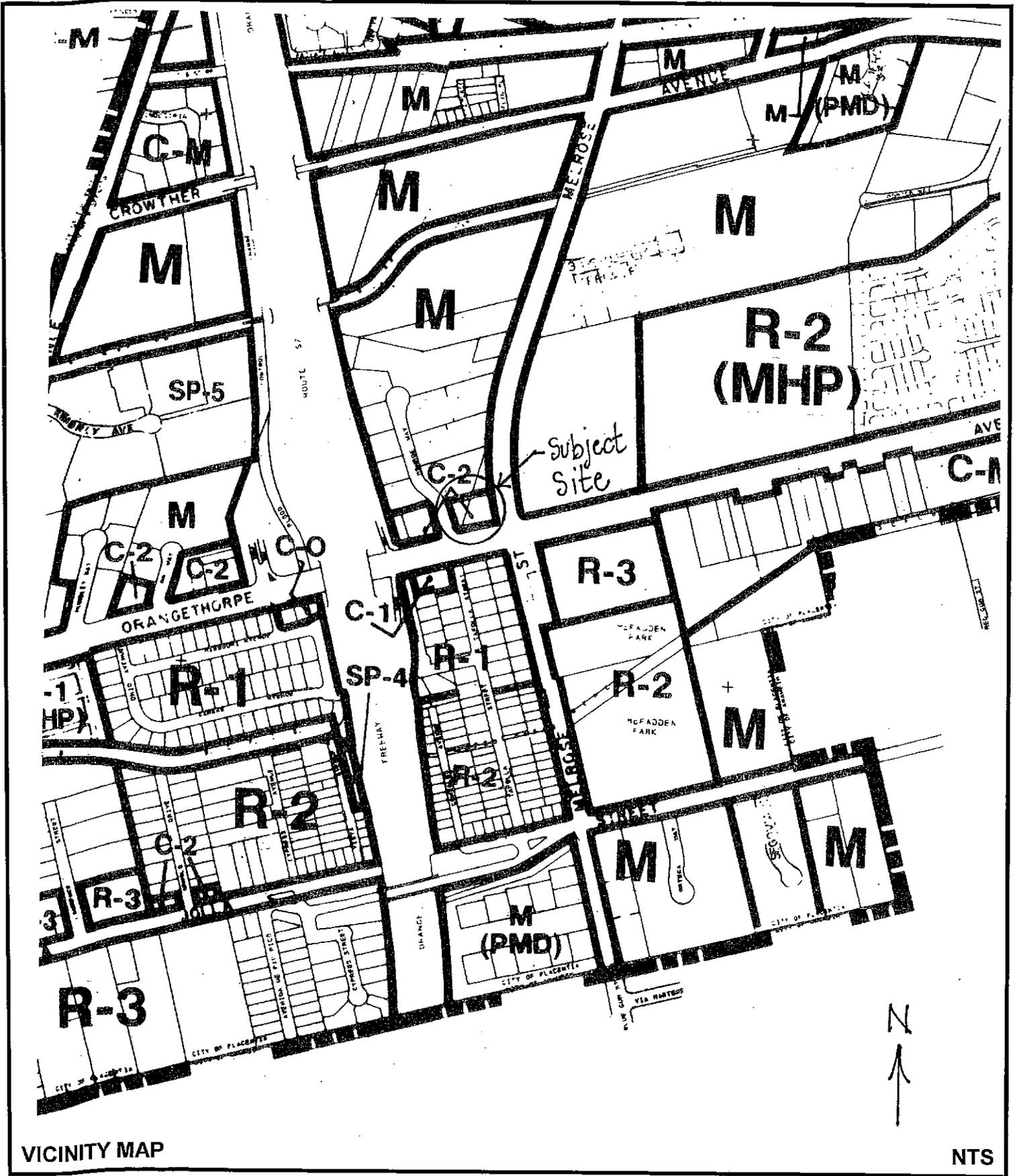
To: City of Placentia Department of Development Services  
Attention: Monique Schwartz, Project manager

From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156175, City Reference #Use Permit 2011-08  
Tom's Place- 221 W. Orangethorpe Avenue, Placentia  
Service Code: PR105 Site Development Review/CUP**

The OCFA has reviewed the proposed project and there do not appear to be any issues associated with this proposal that would require further submittals to the OCFA should the city approve the CUP. The OCFA has no conditions to place on this project. This application is a request for an existing established restaurant to now sale alcohol.

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](mailto:lynnepivaroff@ocfa.org).

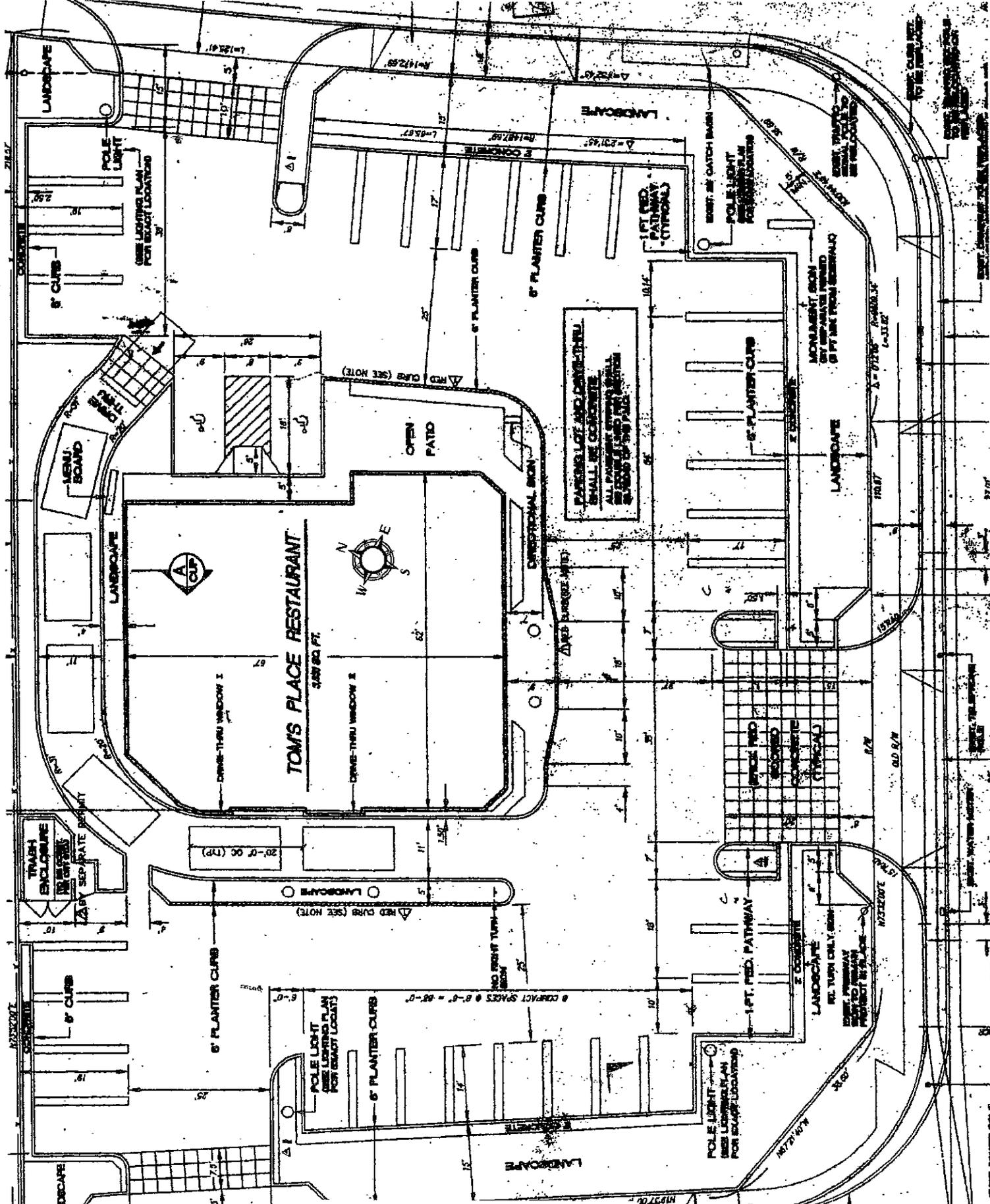


VICINITY MAP

NTS



PLANNING DIVISION REPORT  
 UP 2011-08  
 Exhibit 1



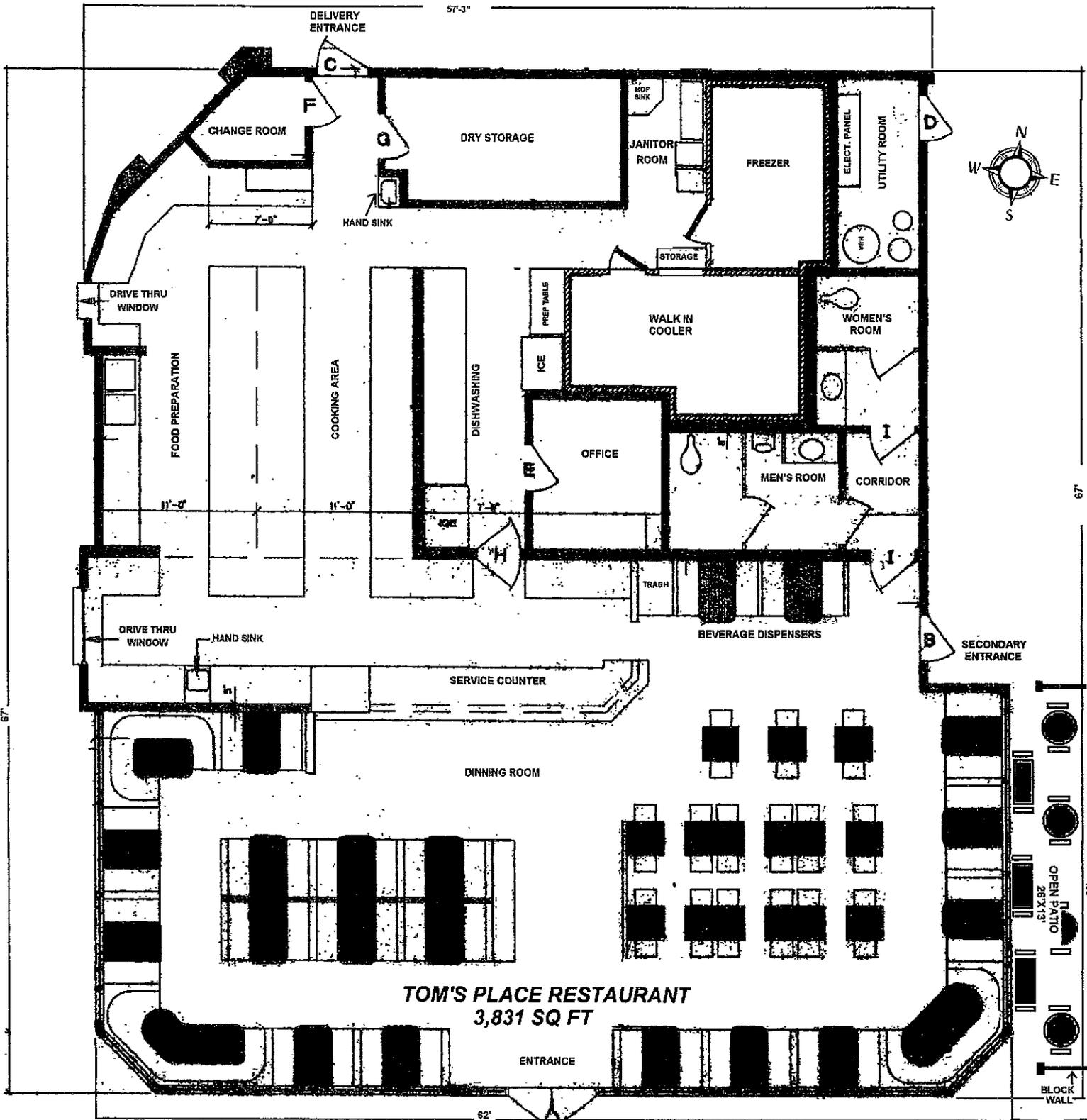
**PLANNING DIVISION REPORT**

APPLICATION: UP 2011-08

EXHIBIT: 2

PAGE 1 OF 1

DATE: Aug. 9, 2011



**TOM'S PLACE #2 OF PLACENTIA, INC.**  
**DBA TOM'S PLACE RESTAURANT**  
**221 W. ORANGETHORPE AVE.**  
**PLACENTIA, CA 92870**

**PLANNING DIVISION REPORT**  
 APPLICATION: 11P 2011-08  
 EXHIBIT: 3  
 PAGE 1 OF 1  
 DATE: Aug. 9 2011

Tom's Place #2 of Placentia, Inc.  
221 W. Orangethorpe Ave.  
Placentia, CA 92870  
714-528-1977

Tom's Place Restaurant is a quick casual dining establishment which serves breakfast, lunch and dinner. There are 144 seats to serve its customers in the dining area, as well as 16 additional seats for patio dining. The restaurant currently has a staff of 29 employees who prepare and serve the ordered food to the customers, as well as keep the establishment clean.

Of the 29 total employees, 19 work full time and 10 work part time.

The restaurant opens at 6 am Monday thru Friday and on the weekends at 7 am.  
Closing time is 9 pm Monday, Tuesday and Sunday and 10 pm Wednesday thru Saturday.

There are no vehicles to be used in conjunction with the use and the only equipment to be used in conjunction with the use will be the existing refrigeration units in the restaurant.

The restaurant was established July of 2,000 and has been under the same ownership since. The business is owned by Sotirios (Sam) and Polly Pelonis who both graduated in 1996 from California State University of Fullerton with Business Marketing degrees. Both owners have been involved in the restaurant business for over 25 years, as both families have also owned multiple restaurants for more than 40 years.

Both Sam and Polly had a dream to one day own their own restaurant and this came true in 2,000 when Tom's Place of Placentia opened its doors and with their education, hard work and will have made Tom's Place a favorite local restaurant.

Sam and Polly bought their first house in Placentia and when kids came along and it was time for an upgrade, they bought their second home also in Placentia. They are currently both working in the restaurant and working hard to raise their family and provide a bright and stable future for their kids.

The economy unfortunately has brought hard times for many in the restaurant business. Expenses are increasing while the bottom line is getting thinner by the month. This is compounded by the fact that restaurant trends are changing and many restaurant patrons prefer to dine in restaurants where they can have a spirit with their meal.

This is the very reason Tom's Place would like to be able to serve beer and wine to its customers. In hopes of becoming profitable again, the patrons must not migrate to other establishments and leave the tables empty as this will have a negative impact on the 29 employees who are local to Placentia, to the general economy of this wonderful city and to the surrounding businesses.

Thus Tom's Place needs to be able to serve beer and wine so it can remain competitive with all the surrounding restaurants which all have this right.

**PLANNING DIVISION REPORT**

APPLICATION: UP 2011-08

EXHIBIT: 4

PAGE 1 OF 2

DATE: Aug. 9, 2011

Tom's Place is a family owned and run restaurant, its owners have a deeply vested interest in the community and the families that visit the restaurant, thus seeking to provide a fun, family oriented and safe environment for all customers.

**PLANNING DIVISION REPORT**

APPLICATION: UP 2011-08  
EXHIBIT: 4  
PAGE 2 OF 2  
DATE: Aug. 9, 2011



# Placentia Planning Commission

## Agenda Staff Report

<b>AGENDA ITEM NO.:</b> 2	<b>DATE:</b> August 9, 2011	<b>PUBLIC HEARING:</b> Yes
<b>APPLICATION:</b> Use Permit (UP) 2011-09		
<b>DESCRIPTION:</b> To permit the operation of an existing tow company (A-1 Auto Body and Towing) in conjunction with auto body repairs, and to permit small scale retail sales of pre-owned motor vehicles within a +/- 10,600 square foot industrial building, located at 710 Hundley Way in the Manufacturing (M) District.		
<b>RELATED APPLICATIONS:</b> None		
<b>APPLICANT:</b> A-1 Auto Body and Towing - Matt Minassian		
<b>PROPERTY OWNER:</b> Issa Minassian		
<b>LOCATION:</b> 710 Hundley Way		
<b>CEQA DETERMINATION:</b> Categorically Exempt: Class 5, Section 15305		
<b>ZONING:</b> Manufacturing (M)	<b>APN(S):</b> 339-112-10	
<b>GENERAL PLAN:</b> Industrial	<b>CITY COUNCIL ACTION REQUIRED:</b> No	
<b>PREPARED BY:</b> Monique B. Schwartz, Associate Planner		
<b>REVIEWED BY:</b> Kenneth A. Domer, Assistant City Administrator		

### **REQUEST:**

To permit the operation of an existing tow company (A-1 Auto Body and Towing) in conjunction with auto body repairs, and to permit small scale retail sales of pre-owned motor vehicles within a +/- 10,600 square foot industrial building, located at 710 Hundley Way in the Manufacturing (M) District.

### **INTRODUCTION:**

The purpose of the Manufacturing (M) District is to provide for industrial uses and their related facilities while maintaining an environment free from objectionable noise, odor, dust or other nuisances. A-1 Auto Body and Towing is an existing auto body repair, mechanical repair and vehicle towing business that has been in operation in the City of Placentia since 1986. Motor vehicle repair and servicing is permitted under Section 23.47.020(2) Permitted uses of the Placentia Municipal Code; however, towing is not specifically listed as a use permitted by right or with a use permit. In 1986, the applicant was not required to obtain a use permit for the towing component of the business.

The applicant at this time requests permission to begin retail sales of automobiles to enhance their current business operations. Section 23.47.040(11) of the Placentia Municipal Code requires use permit approval for the operation of small scale retail sales of motor vehicles, motorcycles and recreational vehicles. A use permit is required to evaluate the potential impacts the business may have on adjacent businesses and/or residences; impacts on existing parking; impacts on City services and concentrations of similar uses.

This use permit will encompass both the towing component and the retail sales at this location.

**RECOMMENDATION:**

City Planning Division is recommending approval of Use Permit (UP) 2011-09, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

**DISCUSSION:**

**Subject Site and Surrounding Land Uses:**

A-1 Auto Body & Towing is located within a free-standing industrial building at the terminus of Hundley Way, north of Orangethorpe Avenue and east of Placentia Avenue.

According to the County Assessor's Map Book, the subject property is approximately 24,786 square feet, or 0.57 net acres. On-site improvements include a concrete industrial building that is approximately 10,605 square feet. Records indicate that this structure was constructed in 1974.

The subject property is improved with a wooden cover structure that is attached to the east side of the building that encloses a spray booth. The east side of the lot is secured with a metal gate that can be locked. City records indicate that building permits for the structure and the spray booth were obtained in 1999. There is asphalt paving located on the west, south and east sides of the industrial building that is in relatively poor condition. The asphalt is cracked and crumbling and there are no visible parking spaces striped on the property.

	<b>Existing Land Use</b>	<b>Land Use Element General Plan Designation</b>	<b>Zoning Map Designation</b>
<b>Existing</b>	A-1 Auto Body & Towing: Auto Body Repair, mechanical repair and towing service	Industrial	M
<b>Proposed</b>	A-1 Auto Body & Towing: Small scale retail sales of pre-owned motor vehicles in conjunction with the existing business operations	Industrial	M
<b>North</b>	General retail, office	Specific Plan	SP-5
<b>South</b>	Industrial/Manufacturing	Industrial	M
<b>East</b>	Industrial/Manufacturing	Industrial	M
<b>West</b>	Industrial/Manufacturing	Industrial	M

### **Operational Characteristics:**

A-1 Auto Body & Towing is a family owned business that has been conducting auto body repairs at the subject site since 1986 and started mechanical repairs in 1991 when it became a AAA approved repair facility. The towing component of the business also started in 1986 when they began servicing calls for the California Highway Patrol and the Automobile Club of Southern California. They are currently the tow company for the City of Placentia. According to the applicant's Statement of Use, all towed and impounded vehicles are stored at an off-site facility located at 1936 Orangeview Avenue in the City of Placentia, or, if they have been involved in an accident or require mechanical repairs, the vehicles are brought to the Hundley address. There are a total of four (4) tow trucks that are on call 24 hours each day. In addition, the applicant has an office located at 2742 Orangethorpe Avenue, #17 in the City of Fullerton. There are ten (10) full time employees and the general operations of the business are supervised by the applicant/owner, Matt and Joe Minassian.

The applicant is requesting permission to conduct retail sales of used vehicles out of the Hundley Way address. There will be a limited inventory ranging between five (5) and ten (10) vehicles and from \$3,000 to \$20,000 in price. All vehicles for sale will be stored within the existing industrial building. The submittal site plan does not clearly indicate the indoor display area designated for retail sales, however, the applicant has indicated that the vehicles will be displayed within the west portion of the building, in front of the offices. All vehicles for retail sales will be housed within the existing industrial building and will not be displayed outdoors at any time. There will be three (3) designated employees who will be licensed for retail sales.

The days and hours of operation for A-1 Auto Body & Towing are as follows:

Monday through Saturday:	8:00 a.m. to 5:00 p.m.
Towing Operations:	24 hours/day, Monday through Sunday
Sundays:	By appointment only

### **Floor Plan:**

The submittal floor plan indicates that the tenant space is approximately 10,600 square feet, with a main entrance/exit located on the south side of the building and a roll-up garage door entry/exit on the west, south and east sides of the industrial building. There are three (3) offices, a customer lounge area and two (2) restroom facilities. The remainder of the space is a large open warehouse that will be used for car display, storage and vehicle repair.

### **Access/Parking:**

The subject site can be accessed via one driveway approach off of Hundley Way. There is a fenced area located on the east side of the existing building and an additional parking lot area located to the north of the industrial building. The existing parking lot

pavement is cracked, crumbly and in poor condition. There are no visible parking spaces striped on the entire lot. The available parking will be located to the south of the industrial building and a total of twenty - one (21) parking spaces are required. A Special Condition of Approval has been added to include the re-paving of the entire parking lot of this industrial parcel and the striping of the required twenty-one parking stalls in compliance with Section 23.78 of the Placentia Municipal Code. Because all vehicles will be stored within this industrial building and there are a total of ten (10) employees, it is not expected that the addition of limited retail sales of motor vehicles will impact the available parking at this site.

**Environmental Review**

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

Section 15305 of the CEQA Guidelines exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

**Actions:**

Adopt Resolution No. PC-2011-17 approving Use Permit (UP) 2011-09, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by:

Reviewed and Approved by:



\_\_\_\_\_  
Monique B. Schwartz  
Associate Planner

\_\_\_\_\_  
Kenneth A. Domer  
Assistant City Administrator

**Attachments:**

Attachment A: Resolution No. PC-2011-17  
Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-09  
Attachment C: Placentia Police Department Standard Development Requirements  
Attachment D: Orange County Fire Authority Special Conditions of Approval

**Exhibits:**

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

**ATTACHMENT A**

**RESOLUTION NO. PC-2011-17**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2011-09 PERTAINING TO PROPERTY LOCATED AT 710 HUNDLEY WAY AND MAKING FINDINGS IN SUPPORT THEREOF.**

**A. Recitals.**

(i) Mr. Joe Minassian, business owner of A-1 Auto Body & Towing AND Mr. Issa Minassian, property owner of 710 Hundley Way ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2011-09, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On August 9, 2011 this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

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

**B. Resolution.**

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Placentia as follows:

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

2. Based upon substantial evidence presented to this Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, this Commission hereby specifically finds as follows:

a. The proposed use will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city, or (2) injurious to the property or improvements within the neighborhood or within the city. Subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements (Attachments "B, C and D"), this use complies with all applicable code requirements and development standards of the

"M" Manufacturing District (3) Subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements, it is not anticipated that towing services and the proposed small scale retail sales of motor vehicles conducted at A-1 Auto Body & Towing will generate any negative impacts on this industrial area and the adjacent neighborhood. All business operations shall be completed within this enclosed building, while maintaining an environment free from objectionable noise, odor or other nuisances.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Industrial", and the proposed use does not involve any change in the land use of the subject site. Towing and small scale retail sales of motor vehicles are permitted in the "M" Manufacturing District, subject to Use Permit approval.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments B, C and D), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted use in the "M" Manufacturing District in the City of Placentia. Approval of the Use Permit for towing and small scale retail sales of motor vehicles would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "M" Manufacturing District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachments "B, C and D" contain Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2011-09 to ensure compliance with the Placentia Municipal Code.

3. Section 15305 of the CEQA Guidelines exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including minor setback variances. The relevant area has an average slope of less than 20% which will not result in any changes in land use or density. The Planning Commission specifically finds that the Application is Categorically Exempt under the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15305) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2011-09, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2011-09 as modified herein, and specifically subject to the conditions set forth in Attachments "B, C and D" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

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

ADOPTED AND APPROVED this 9th day of August, 2011.

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Chairman

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 9<sup>th</sup> day of August, 2011, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9<sup>th</sup> day of August, 2011, by the following vote:

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

ATTEST:

---

Secretary to the Planning Commission

APPROVED AS TO FORM

---

ANDREW V. ARCZYNSKI,  
CITY ATTORNEY

**Attachment "B"**  
**Special Conditions of Approval and Standard Development Requirements for  
Use Permit (UP) 2011-09**

**SPECIAL CONDITIONS**

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

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

**CITY PLANNING DIVISION:**

1. Use Permit (UP) 2011-09 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2011-09 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

5. Prior to any changes in the days and hours of operation of A-1 Auto Body & Towing, 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:

Monday through Saturday:	8:00 a.m. to 5:00 p.m.
Towing Operations:	24 hours/day, Monday through Sunday
Sundays:	By appointment only

6. There shall be no additional modifications to the floor plan without approval from the Director of Development Services or his/her designee. Any additional changes to the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Use Permit.
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. Applicant/business owner shall remove any inoperable vehicles, car parts, recreational vehicles, damaged cars, pallets, boxes, drums with hazardous waste, debris or other materials stored in outdoor parking lot area and secured parking lot area.
10. There shall be no deliveries to or from the premises before 6:00 a.m. and after 10:00 p.m. Monday through Friday. There shall be no deliveries on Sundays.
11. 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.
12. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be done on a regular basis.
13. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
14. 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.

15. All activities shall be conducted wholly within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor, or other nuisances.
16. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
17. 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.
18. 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.
19. There shall be no storage or display of motor vehicles in the parking lot areas or outside of the proposed industrial building at any time, except for immediate customer drop-off or pick-up. Vehicles including tow trucks shall not be parked or stored within the City's public right of way at any time.
20. There shall be no repairs, or maintenance work performed on any of the applicant's vehicles or tow trucks on the exterior of the subject property, or within the City's public right-of-way at any time. All vehicle maintenance and repairs shall be conducted completely within the industrial building.
21. Washing vehicles is prohibited within the industrial building or outside of the industrial building at all times with the exception of such washing occurring in a designated and approved location and in compliance with all State Water Resources Control Board stormwater permit requirements, to include, but not be limited to, utilization of Best Management Practices (BMP). The business owner is responsible for conducting such activities in compliance with BMPs found at <http://www.ocwatersheds.com/BMP.aspx> to include, but not limited to, Industrial/Commercial Activity sheets IC19, IC20, and IC24.
22. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.47, "M" – Manufacturing District.

23. Existing asphalt pavement on parcel shall be removed and re-paved. Parking lot shall be striped with twenty-one parking stalls, in compliance with all requirements of Chapter 23.78 of the Placentia Municipal Code. Work shall be completed within 60 calendar days of project approval.

**CITY BUILDING DIVISION:**

24. Type of occupancy will be defined as "F-1", as pursuant to the 2010 California Building Code.
25. All exists shall meet 2010 California Building Code requirements.
26. Existing restroom facilities shall be in compliance with all Title 24 Access regulations.
27. All future tenant improvements shall require City Building Division review and approval, prior to any construction. Failure to comply with applicable Building Codes may result in revocation of the Use Permit.

**CITY POLICE DEPARTMENT:**

28. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).

**ORANGE COUNTY FIRE AUTHORITY:**

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

**Attachment "C"**  
**Placentia Police Department Standard Development Requirements**

# PLACENTIA POLICE DEPARTMENT



APPLICATION: Use Permit 2011-09: 710 Hundley 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:

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

If double cylinder deadbolt is used, the inside key operated lock must simultaneously operate an indicator stating that the assembly is "locked" or "opened."

### **(Exterior Doors, Continued...)**

In either case, a sign must also be displayed above the front door indicating that the front door is to remain "unlocked" during business hours. Letter size to be minimum one (1) inch in size on contrasting background.

Aluminum stile, single door: equipped with a double cylinder, minimum one and one-half (1½) inch upswing or one (1) inch slide deadbolt and exterior case hardened, rotating steel cylinder guard and minimum of five (5) pin tumblers. The inside key-operated lock must simultaneously operate an indicator stating that the assembly is "locked" or "open." A sign must also be displayed above the door indicating that the door is to remain "unlocked" during business hours. Letter size to be minimum of one (1) inch in height on contrasting background.

The inactive leaf of all double door(s) shall be equipped with metal flush bolts having a minimum embedment of five-eighths (5/8) inch into the head and threshold of the door frame.

The strike plate for deadbolts on all wood framed doors shall be constructed of minimum sixteen (16) U.S. gauge steel, bronze, or brass and secured to the jamb by minimum of two screws, which must penetrate at least two (2) inches into solid backing beyond the surface to which the strike is attached.

Strike area for metal or aluminum framed doors must be constructed or protected to prevent violation of strike area.

Hinges for out-swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to prevent removal of the door from the exterior by removing the hinge pins.

Panic hardware, whenever required by the Uniform Building Code or Title 19, California Administrative Code, shall be installed as follows:

- (1) Panic hardware shall contain a minimum of two (2) locking points on each door; or
- (2) On single doors, panic hardware may have one locking point which is not to be located at either the top or bottom rails of the door frame. The door shall have an astragal constructed of steel .125 thick which shall be attached with non-removable bolts to the outside of the door. The astragal shall extend a minimum of six (6) inches vertically above and below the latch of the panic hardware. The astragal shall be a minimum of two (2) inches wide and extend a minimum of one (1) inch beyond the edge of the door to which it is attached.
- (3) Double doors containing panic hardware shall have an astragal attached to the doors at their meeting point which will close the opening between them, but not interfere with the operation of either door.

Deadbolt locks shall not be used on doors that are required to have panic hardware.

Overhead or sliding doors shall be secured on the inside by minimum one-half (1/2) inch slide bolt(s) protruding at least one (1) inch into the door frame at floor; or secured on outside by a case hardened or minimum ten (10) gauge steel construction slide bolt using a padlock having a hardened steel shackle locking both at heel and toe with a minimum five (5) pin tumbler operation. Locking bar or bolt to extend through the receiving guide minimum of one (1) inch.

Doors exceeding ten (10) feet in width shall have two locking points on opposite sides.

## WINDOWS

No louvered windows shall be used.

Windows and/or transoms having a pane exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches shall be protected in the following manner:

- (1) Fully tempered glass or burglary resistant material\*; or
- (2) Inside or outside iron bars of at least one-half (1/2) inch round or one by one-quarter (1 x 1/4) inch flat steel material, spaced not more than five (5) inches apart and securely fastened with non-removable bolts; or
- (3) Inside or outside iron or steel grills of at least twelve (12) gauge material with not more than a two (2) inch mesh and securely fastened with non-removable bolt.

The protective bars or grills shall be able to be opened if such windows are required to be opened by the Uniform Building Code.

## ROOF OPENINGS

Skylights shall be fully tempered glass or rated burglary resistant material\*; or

- (1) Protected by iron bars at least one-half (1/2) inch round material spaced not more than five (5) inches apart; or
- (2) Steel grill at least twelve (12) gauge material of two (2) inch mesh (maximum) securely mounted under the skylight.

Ventilator skylights with side openings exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches shall be protected as in (1) or (2) above.

Air ducts or vents exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches on roof or exterior walls shall be covered by iron or steel bars of at least one-half (1/2) inch material spaced not more than five (5) inches apart; or steel grills of at least twelve (12) gauge material of two (2) inch mesh (maximum) securely mounted.

## HATCHWAYS

Hatchways on the roof, if not of metal construction, shall be covered on the inside with sixteen (16) gauge sheet metal, or its equivalent, and secured from the inside with a slide bar or slide bolt. Outside hinges shall be equipped with non-removable hinge pins.

## LADDERS

Ladders leading to the roof shall do so from the interior of the building.

## BURGLARY RESISTANT MATERIAL

- (1) Products intended for use shall be permanently labeled as such.
- (2) Materials used shall meet UL 972 Standards for Safety Burglary Resistant Glazing Materials.
- (3) Only materials approved by ICBO shall be used.

## **ADDRESS**

The address number shall be mounted near the front entry of each building or other conspicuous location and be no less than six (6) inches high. They shall be mounted on a contrasting background and easily visible from the street or walkway. If rear-vehicular access, the same numbers, no less than six (6) inches high shall be displayed on the rear of the building.

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

## **EXTERIOR LIGHTING**

Exterior lighting of an intensity of at least twenty-five hundredths (.25) foot-candles shall be provided adjacent to doors and windows. Exterior bulbs shall be protected by polycarbonate or other weather and vandal resistant globe or cover. Light(s) shall be operated during hours of darkness through either photovoltaic sensors or appropriate timers.

Parking lots for use by the general public and/or employees shall be provided with exterior lighting of an intensity of at least one (1) foot-candle of light on the parking surface and operated from dusk until at least one-half (1/2) hour after the termination of business.

## **SITE SPECIFIC REQUIREMENTS** **(IF APPLICABLE)**

(List site specific requirements here)

**Attachment "D"**  
**Orange County Fire Authority (OCFA) Special Conditions of Approval**



# ORANGE COUNTY FIRE AUTHORITY

*Fire Prevention Department*

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

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*Planning and Development Services • [www.ocfa.org](http://www.ocfa.org) • (714) 573-6100 / Fax (714) 368-8843*

Date: July 25, 2011

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

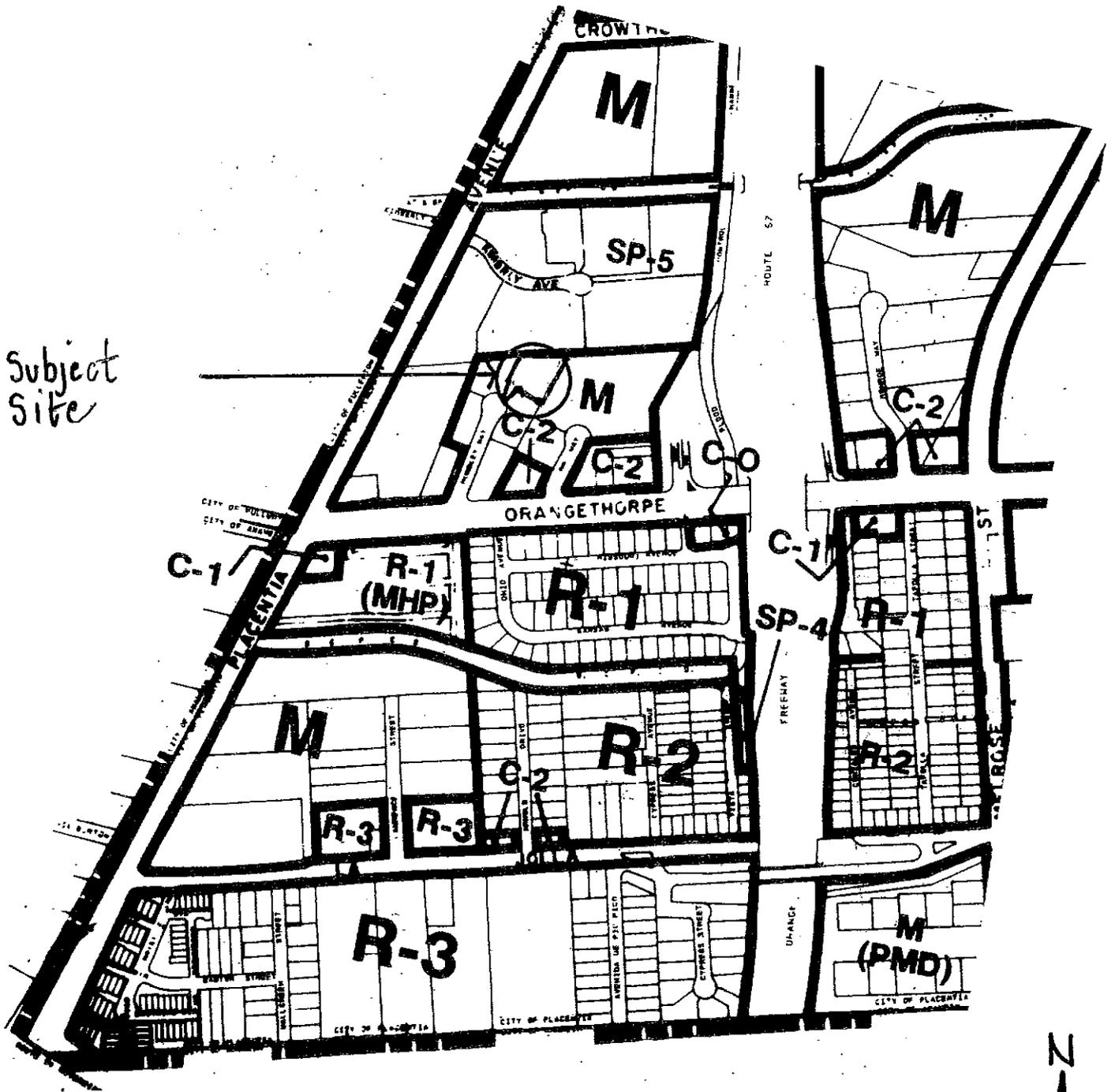
From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156178, City Reference #UP 2011-09**  
**A-1 Auto Body and Towing-710 Hundley Way, Placentia**  
**Service Code: PR105 Site Development Review/CUP**

The OCFA has reviewed the proposed project and there do not appear to be any issues associated with this proposal that would require further submittals to the OCFA should the city approve the CUP. This application is a request to permit the operation of an existing tow company (A-1 Auto Body and Towing) in conjunction with auto body repairs, and to permit small scale retail sales of pre-owned motor vehicles within a 10,600 square foot existing building.

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](mailto:lynnepivaroff@ocfa.org).

Subject Site



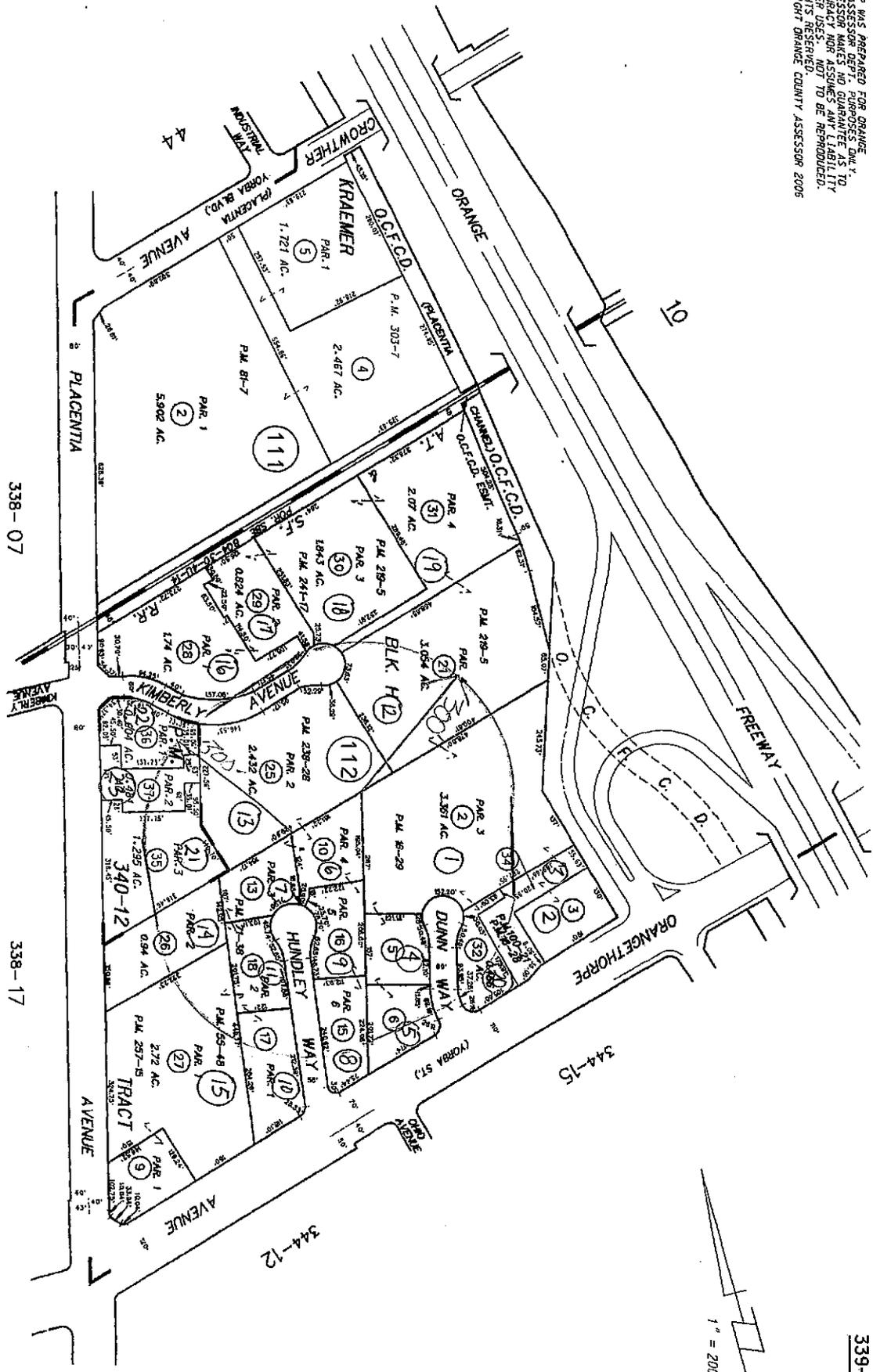
VICINITY MAP

NTS



PLANNING DIVISION REPORT  
UP 2011-09  
Exhibit 1

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT ORANGE COUNTY ASSESSOR 2006



TRACT  
 MAP  
 MAP  
 MAP

L.A. 1-111, 112  
 P.M. 16-29, 55-48, 71-38, 81-7  
 P.M. 219-5, 238-28, 241-17, 257-15  
 P.M. 303-7, 340-12

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 339 PAGE 11  
 COUNTY OF ORANGE

Donna's Radius Maps  
 Radius Maps, Ownership Lists  
 Mailing Labels, A/C License  
 Site & Floor Plans

8841 S. Gentry Lane  
 Anaheim, Ca. 92807

DONNA SCALES  
 DONNA SCALES-KOJUNO

DONNA'S RADIUS MAPS  
 DATE: 07-11  
 684 S GENTRY LANE  
 ANAHEIM CA 92807  
 (714) 921-2921

PLANNING DIVISION REPORT  
 APPLICATION: UP 2011-09  
 EXHIBIT: 2  
 PAGE 1 OF 1  
 DATE: Aug. 9, 2011





A-1 Auto Body and Towing was established in 1986. From its start, it has been a family owned and operated business. We currently operate out of 3 locations; The first is located at 710 Hundley Way in Placentia, we have been at this location since our establishment. Our second office is located at 1936 Orange View in Placentia, we have been at this location since 1996. Our third location is located at 2742 Orangethorpe Ave. #17 in Fullerton; we have been at this location since 2009. Since our establishment, we have expanded our operation to include services in most every aspect of the automotive industry.

The towing aspect of our company started in 1986 when we began running calls for the California Highway Patrol and the Automobile Club Of Southern California. In 1993 we became the official tow company of the city of Placentia. Since that time, we have continued to expand our towing operation to include other government agencies, fleet accounts, and many other private companies. For AAA, we service all of Placentia, Cal State Fullerton, other areas of Fullerton and Anaheim. For the CHP, we service the 57 freeway from the crush to Toner Canyon Rd. and the 91 from St. College Blvd. to Lakeview Ave. Our office hours are M-F 8-5 but, our trucks run 24 hours 7 days a week. Vehicles that are stored or impounded are held at our storage facility at 1936 Orange View. Vehicles that have been involved in an accident or require mechanical repairs are brought to the 710 Hundley address.

Our collision repair division started in 1985 in Placentia. We work hand in hand with many insurance companies as well as many fleet accounts. We currently repair 15-20 vehicles per month on average. Our repair technicians are all trained and certified, all with over 10 years of experience. We run an almost entirely low emission eco-friendly paint facility. Our spray booths contain the latest in high tech air filtration systems to eliminate most any negative agents from the exhaust. As a supplement to our filtration systems, the paint we use is completely water based as opposed to solvent based paints which contain many environmentally damaging pollutants.

We began doing mechanical repairs in 1991 when we became a AAA approved repair facility. Our technicians are trained, certified, and have over 15 years of experience. We service all makes and models. We do general automotive repairs and mechanical repairs associated with collision repairs

**PLANNING DIVISION REPORT**

APPLICATION: UP 2011-09

EXHIBIT: 4

PAGE 1 OF 2

DATE: Aug. 9, 2011

(714) 993-5111

710



We would like to add a use permit to allow us to sell used cars out of our office. We will have a limited inventory of 5 to 10 and they will range from \$3000 to \$20,000. All vehicles will be stored indoors. We have 3 licensed sales persons who currently work for the company. No vehicles other than the dealer inventory will be used in conjunction with the dealership. Furthermore, no machinery or special equipment will be used in conjunction with the dealership either.

**PLANNING DIVISION REPORT**

APPLICATION: UP 2011-09

EXHIBIT: 4

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# Placentia Planning Commission Agenda Staff Report

<b>AGENDA ITEM NO.:</b> 4	<b>DATE:</b> August 9, 2011	<b>PUBLIC HEARING:</b> No
<b>APPLICATION:</b> Use Conformity Determination 2010-03		
<b>DESCRIPTION:</b> Use Conformity Determination for proposed No Limit Personal Training located at 980 Via Rodeo, Placentia.		
<b>RELATED APPLICATIONS:</b> None		
<b>APPLICANT:</b> Mr. Sako Yakinian		
<b>PROPERTY OWNER:</b> Voit Placentia Partners LLC – Jamie Small (managing partner)		
<b>LOCATION:</b> 980 Via Rodeo (near Miraloma Avenue and Lakeview Avenue)		
<b>CEQA DETERMINATION:</b> N/A		
<b>ZONING:</b> Manufacturing	<b>APN(S):</b> N/A	
<b>GENERAL PLAN:</b> Industrial	<b>CITY COUNCIL ACTION REQUIRED:</b> No	
<b>PREPARED BY:</b> Kenneth A. Domer, Assistant City Administrator		
<b>REVIEWED BY:</b> Monique B. Schwartz, Associate Planner		

## **REQUEST:**

The applicant is requesting a Use Conformity Determination for an unlisted use within the Manufacturing District. The proposed use is a personal fitness studio offering personal training specializing in athletic training, weight loss services and overall health betterment. The applicant provides training by appointment only. The Use Conformity Determination process was designed to review a proposed use that is not permitted outright nor required to have a use permit so that the Planning Commission may make a determination as to whether the proposed use conforms to the district in which it will locate and can be operated compatibly with surrounding uses.

## **INTRODUCTION:**

As discussed during the consideration of the proposed Use Conformity Determination Ordinance, Development Services Staff are increasingly finding ambiguity within the Placentia Municipal Code (PMC) related to permitted uses in the commercial and manufacturing zones as well as equivalent uses in the Specific Plan 5 and 7 zones. Typically, this vagueness occurs due to newer types of business uses desiring to locate in a commercial or manufacturing zone and such uses, while feasibly within the intent of the zone, are not specifically called out as permitted outright or with a use permit. While there is a standard clause to allow the Planning Commission to determine if a use requires a use permit, in the effected zones, there is no such clause or process to allow a use as a permitted use. As such, the Use Conformity Determination process was created as a patch during the time in which the City is reviewing the Zoning Code and considering updates.

The proposed use is a personal fitness facility offering personal training specializing in athletic training, weight loss services and overall health betterment. The facility will contain a large open space area for fitness training as well as an office area equipped with cardio machines and dumb bell racks with room for squat racks.

## **REVIEW OF PROPOSED USE:**

The proposed use – personal fitness studio – does not have objectionable characteristics such as odor, dust, smoke, gas, noise vibration, etc., as would otherwise not be allowed as a permitted use

within the manufacturing zone. As described, the personal fitness studio will offer personal training specializing in athletic training, weight loss services and overall health betterment and general fitness instruction. Additional services include nutrition coaching, monthly body fat analysis, as well as short- and long-term goal planning.

No Limit Personal Training has been in business for five years and according to the applicant has received numerous awards for business performance. The owner, Mr. Sako Yakinian, is a certified personal trainer holding certificates by the National Council for Certified Personal Trainers, International Sports Sciences Association, National Exercise & Sports Trainers Association as well as certificates in CPR and use of automated external defibrillators. The applicant proposes to operate the facility Monday through Friday from 5 am to 8 pm and on Saturdays from 6 am to 1 pm. The facility will be closed on Sundays. It is estimated that there will be three part-time employees. Equipment utilized will include weightlifting machines, free weights and aerobic machines such as treadmills, stationary bikes and ellipticals.

The time of the proposed use is consistent with the manufacturing district and is more so weighted toward the early morning and early evening in order to work with people around their work schedules. The use of adjacent parking is not impacted except at non-normal business hours. The facility has ten (10) parking spaces dedicated to its use and is adequately parked for the size of the 5,000 square foot facility. The street frontage width is forty (40) feet, thus allowing for parking on both sides and adequate drive isles for two-way traffic. No parking regulations are present on the street.

Those uses within a manufacturing zone which require a use permit include trade schools and industrial training facilities or other uses in which the Planning Commission finds to be consistent with other uses requiring a use permit. Uses that have large assemblages of people is one factor in reviewing a use for potential use permit (such as a church, day care or trade school facility). As proposed, the maximum amount of clients is estimated at ten (10). Unlike those uses which require a use permit (day care for impacts related to drop off and pick up times and trade schools for larger student size) the proposed use is consistent with the expected parking requirements and usage in the manufacturing zone.

#### **REVIEW OF PROPOSED LOCATION:**

The proposed location is within a newer industrial park. In the same industrial park there exists Scooter's Jungle, a children's bounce house facility that has a use permit and Dance Precisions, a dance studio also with a use permit. Additionally is Gryphon Fitness Studios which received a Use Conformity Determination from the Planning Commission last year.

Located adjacent to the proposed location is BRS Music and Sound, a company which sells, services and installs drive-thru intercom systems for fast food restaurants, paging, sound & satellite systems, overhead paging, and music and messaging on hold services. On the other side of the proposed location is Innovative Manufacturing, a manufacturer of engine mounts for higher performance foreign cars.

A review of the operations for both adjacent businesses does not reveal any negative impacts for the proposed business nor does the location of the proposed business create any apparent negative issues for the established businesses.

#### **STAFF ANALYSIS OF USE CONFORMITY:**

Based on review of the proposed use and location, staff is able to recommend to the Planning Commission that the proposed use be found in conformity with the zoning district and General Plan designation. The proposed use does not create any objectionable outsources or other negative

indicators and the frequency of use, to include the personal fitness by appointment only, does not seem to foster any negative traffic or parking impacts. More importantly, those immediately adjacent uses are not obnoxious or offensive in their operations, thus allowing the fitness use to be operated free from potential detrimental effects of said operations.

Based on the facility needs as required by the proposed use, the location is deemed suitable and not allowing such a proposed use could deny the opportunity for such a use to exist within the City. While it remains staff's intent to ensure that manufacturing (or commercial) districts remain available for those uses in which the district was formed, it is understood that in today's economic climate those type of uses may not be seeking to locate within such a facility. As such, denying the opportunity for a conforming use to utilize the location denies the property owner the ability to benefit their business. Additionally, the employees and clients are potential customers of other businesses within the City, thereby confirming benefit to the City in a non-direct way. More importantly, the Use Conformity Determination does not entitle the proposed occupant or the use to the site. The base zoning remains industrial/manufacturing and therefore is available in the future for such uses.

**RECOMMENDATION:**

Staff is recommending approval of Resolution PC-2011-16 confirming the Use Conformity Determination (UCD 2011-03) for No Limit Personal Fitness at 980 Via Rodeo, Placentia, CA 92870.

**ENVIRONMENTAL ANALYSIS:**

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

**ACTION:**

Adopt Resolution No. PC-2011-16, making findings in support of Use Conformity Determination 2011-03 for No Limit Personal Fitness at 980 Via Rodeo.

Prepared and submitted by:

Reviewed by:

**ELECTRONIC COPY**  
SIGNATURES ON ORIGINALS WITH  
PLANNING COMMISSION SECRETARY

\_\_\_\_\_  
Kenneth A. Domer  
Assistant City Administrator

\_\_\_\_\_  
Monique B. Schwartz  
Associate Planner, Development Services

**Attachments:**

- Attachment A: Resolution No. PC-2011-16
- Attachment B: Statement of Use
- Attachment C: Location Map
- Attachment D: Site Plan

RESOLUTION NO. PC-2011-16

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF PLACENTIA APPROVING USE CONFORMITY  
DETERMINATION 2011-03 - NO LIMIT PERSONAL FITNESS  
LOCATED AT 980 VIA RODEO

**A. Recitals.**

(i) On August 9, 2011, this Planning Commission conducted a duly noticed meeting, as required by law, and at such meeting considered an application for a Use Conformity Determination for a proposed personal fitness studio (No Limit Personal Fitness) located at 980 Via Rodeo in the Manufacturing district. The consideration for said application was concluded prior to adoption of this Resolution.

(ii) This Planning Commission has reviewed and considered all elements of Use Conformity Determination 2011-03 and the current conditions, including written staff reports, and verbal comments presented during the appropriate public comment period.

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

**B. Resolution.**

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

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

2. This Commission finds that the proposed use as contained within Use Conformity Determination application 2011-03 does conform to the intent of the proposed district and is in conformance with the General Plan.

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

4. This Commission finds that the approval of the use as allowed by Use Conformity Determination 2011-03 will not have a detrimental effect upon land available for housing within the City.

5. The approval of the Use Conformity Determination for the operation of No Limit Personal Fitness at 980 Via Rodeo will not be (a) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the City, or (b) injurious to property or improvements within the neighborhood of the proposed use or within the City. The approval of Use Conformity Determination 2011-03 allows for a use existing in two other units at the same location within the manufacturing zone in which it is located and allows the property owner to, on their own, make the future determination if the continued use is the highest and best use of the property without granting special privileges to the business owner or property owner.

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

7. This Commission finds that the facts supporting the above specified findings are contained in the staff report and exhibits, and information provided to this Planning Commission during the new business conducted with respect to consideration of Use Conformity Determination 2011-03.

8. The Secretary of this Commission shall:

a. Certify to the adoption of this Resolution;

and,

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

PASSED AND ADOPTED this 9<sup>th</sup> day of August, 2011,  
by the following vote:

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

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Chairman

ATTEST:

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Secretary

APPROVED AS TO FORM

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ANDREW V. ARCZYNSKI,  
CITY ATTORNEY

**Statement of Use**

No Limit Personal Training (NLPT)  
980 Via Rodeo  
Placentia, CA 92870

**Description of Operation:** NLPT is a private personal training business specializing in athletic training, weight loss services and overall health betterment. NLPT provides by appointment only private personal training sessions which include weight training and aerobic workouts.

**Business History/Facts:** NLPT has been in business for 5 years. NLPT was voted as the #1 personal training business in Orange County by My Fox L.A. channel 11 in both 2010 and 2011.

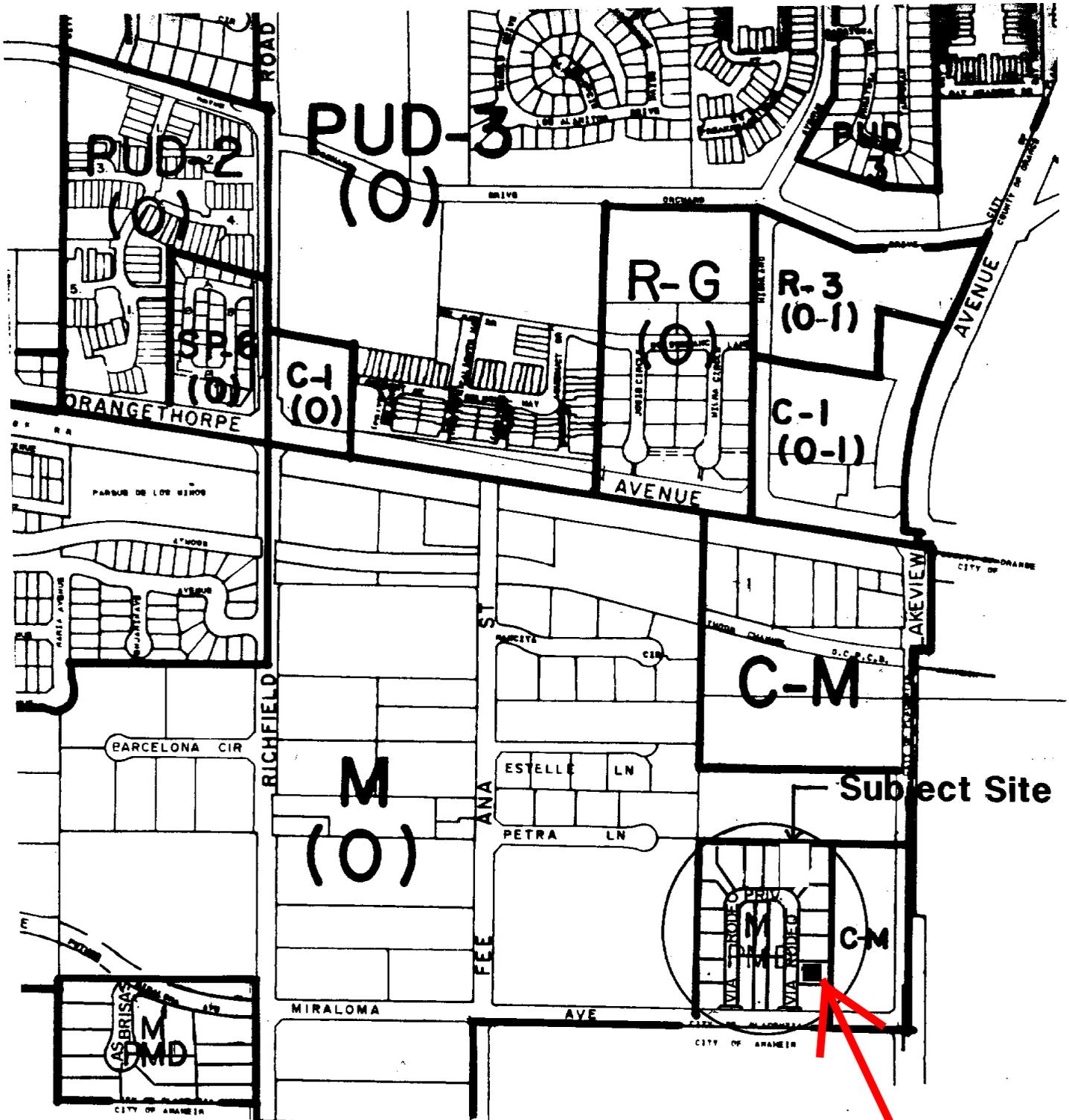
**Owner:** Sako Yakinian has owned and operated NLPT for the past 5 years. He is a certified personal trainer holding certificates by the National Council for Certified Personal Trainers (NCCPT), International Sports Sciences Association (ISSA), National Exercise & Sports Trainers Association (NESTA) and CPR/AED.

**Days and Hours of Operation:** Hours of operation are Monday thru Friday 5am to 8pm, Saturday 6am to 1pm and closed on Sundays.

**Employees:** There will be three part-time employees.

**Vehicles:** There are no vehicles used for the business, only employee and client vehicles.

**Machines and Equipment:** There will be weightlifting machines, free weights and aerobic machines i.e. treadmills, stationary bike and elliptical.



No Limit Personal Fitness

**VICINITY MAP**

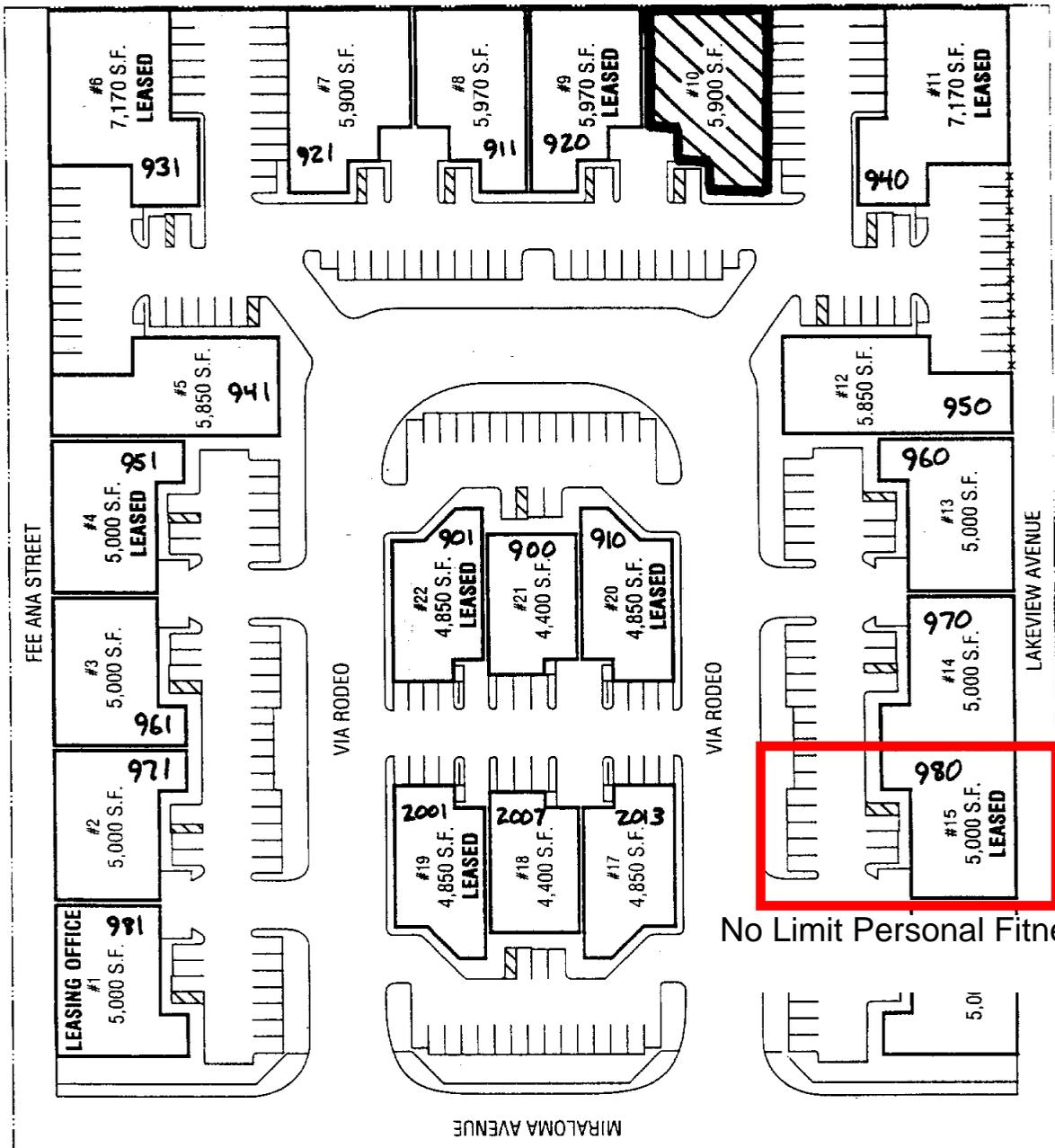


**Scale: 1" = 500'**



**PLANNING DIVISION  
REPORT**

UCD 2011-03  
No Limit Personal Fitness  
980 Via Rodeo, Placentia, CA



No Limit Personal Fitness

### SITE PLAN

## Placentia Business Park



N.T.S.



## PLANNING DIVISION REPORT

UCD 2011-03  
No Limit Personal Fitness  
980 Via Rodeo, Placentia, CA

SR- SQUAT RACK  
 B- BENCH  
 DR- DUMB BELL RACK  
 RR- REST ROOM  
 C- CARDIO MACHINE  
 S- SHELF

D- DESK  
 CR- CHAIR

980 VIA RODEO

UCD 2011-03  
 Attachment D

