



Placentia Planning Commission Agenda

Regular Meeting
June 8, 2021
City Council Chambers
401 E. Chapman Avenue, Placentia, CA 92870

SPECIAL PROCEDURES NOTICE DURING COVID-19 EMERGENCY

On March 4, 2020, Governor Newsom proclaimed a State of Emergency as a result of the threat of the COVID-19 virus. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which temporarily suspends requirements of the Brown Act allowing Planning Commission Members to hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the Planning Commission.

Given the health risks associated with COVID-19, please be advised that while the City Council Chambers are open to the public, some or all of the Placentia Planning Commission Members may attend this meeting via teleconference. Those locations are not listed on the agenda and are not accessible to the public. Seating in the Council Chambers will be limited.

How to Observe the Meeting

To maximize public safety while maintaining transparency and public access in addition to being open to the public, all Planning Commission meetings are available to view live on AT&T U-verse (Channel 99), Spectrum (Channel 3), and online at www.placentia.org/pctv.

Join Zoom Meeting

<https://us02web.zoom.us/j/88038653077?pwd=NHBING1oY2kwVnRTQXNHRWZXR3ZXdz09>
Meeting ID: 880 3865 3077 Passcode: 724389
or dial +16699006833, 88038653077#

How to Submit Public Comment

Members of the public may provide public comment in person in a safe and socially distanced manner. Masks are mandatory. Comments may also be sent for Planning Commission consideration by email to Sylvia Minjares at sminjares@placentia.org. Please limit submitted comments to 200 words or less. Comments received before or during a Planning Commission meeting, until the close of the **Oral Communications** portion of the agenda, may not be read during the Planning Commission meeting but will be summarized in the public record, subject to the regular time limitations per speaker. Longer submittals will be included in the public record. If you are unable to provide your comments in writing, please contact the Development Services Department for assistance at (714) 993-8124.

Americans with Disabilities Act Accommodation

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 cityclerk@placentia.org or by calling (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City Staff to make reasonable arrangements to ensure accessibility while maintaining public safety. (28 CFR 35.102.35.104 ADA Title II)

Until further notice the City will implement the guidelines of the California Department of Public Health in regards to social distancing.

The City of Placentia thanks you in advance for taking all precautions to prevent the spread of the COVID-19 virus. The City will return to normal Planning Commission meeting procedures as soon as the emergency has ended.



Placentia Planning Commission Agenda

Regular Meeting

June 8, 2021

City Council Chambers

401 E. Chapman Avenue, Placentia, CA 92870

Christine J. Schaefer
Chair

Frank Perez
Vice Chair

Brandon Evans
Commissioner

Claudia Keller
Commissioner

Dennis Lee
Commissioner

Nick Polichetti
Commissioner

Matthew Rocke
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

Phone: (714) 993-8124
Fax: (714) 528-4640
Website: www.placentia.org

Procedures for Addressing the Commission

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

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

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

Special Accommodations

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

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

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

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

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

CALL TO ORDER:

ROLL CALL:

Commissioner Evans
Commissioner Keller
Commissioner Lee
Commissioner Polichetti
Commissioner Rocke
Vice Chair Perez
Chair Schaefer

PLEDGE OF ALLEGIANCE:

ORAL COMMUNICATIONS: (PLEASE SEE PAGE ONE FOR SPECIAL INSTRUCTIONS ON SUBMITTING PUBLIC COMMENT DURING THE COVID-19 CRISIS)

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

CONSENT CALENDAR:

1. **Planning Commission Meeting Minutes – May 11, 2021**
Recommended Actions: Approve

PUBLIC HEARING:

1. **Applicant:** Cacega Corp, dba Duke's Cafe
Project Location: 2099 E. Orangethorpe Avenue

Use Permit (UP) 2021-03: A request to permit the sale of beer and wine for on-site consumption in conjunction with the operation of an existing 4,658 square-foot restaurant. The project site is located at 2099 E. Orangethorpe Avenue, within the Neighborhood Commercial (C-1) and Combining Oil District Overlay (O-1) Zoning Districts. All alcohol sales, dispensing, and consumption activities are intended to be conducted within the interior of the restaurant.

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

1. Open the public hearing concerning Use Permit (UP) 2021-03; and

2. Receive the staff report and consider all public testimony (**PLEASE SEE PAGE ONE FOR SPECIAL INSTRUCTIONS ON SUBMITTING PUBLIC COMMENT DURING THE COVID-19 CRISIS**); and
3. Close the public hearing; and
4. Adopt Resolution PC-2021-14, a Resolution of the Planning Commission of the City of Placentia, approving Use Permit 2021-03 and making findings to permit the sale of beer and wine for on-site consumption in conjunction with the operation of an existing 4,658 square-foot restaurant located at 2099 E. Orangethorpe Avenue, within the Neighborhood Commercial (C-1) and Combining Oil District Overlay (O-1) Zoning Districts; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

REGULAR AGENDA:

1. **Applicant:** City of Placentia

Project Location: Citywide

Presentation Regarding the 2021 Update to the Housing Element of the General Plan: It is recommended that the Planning Commission receive a brief staff presentation regarding the forthcoming 2021 update to the Housing Element of the General Plan. No formal actions or staff recommendations are proposed as part of this Agenda item. The intent of the presentation is to brief the Planning Commission regarding the timeline and actions that will be required to update the Housing Element of the General Plan in conformance with State law. (No attachment)

OLD BUSINESS:

NEW BUSINESS:

DEVELOPMENT REPORT:

DIRECTOR'S REPORT:

PLANNING COMMISSION REQUESTS

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

ADJOURNMENT

The Planning Commissioners CLOSE to the regular Planning Commission meeting on July 13, 2021 at 6:30 p.m. in the City Council Chambers located at 401 East Chapman Avenue, Placentia CA, 92870.

CERTIFICATION OF POSTING

I, Joseph M. Lambert, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the June 8, 2021 Regular Meeting of the Planning Commission of the City of Placentia was posted on June 3, 2021.



Joseph M. Lambert, Secretary

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

May 11, 2021

The regular meeting of the Placentia Planning Commission of May 11, 2021 was called to order at 6:34 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, by Vice Chair Perez.

ROLL CALL:

PRESENT (VIDEO CONFERENCE): Commissioners Evans, Keller, Lee, Polichetti,
Perez

ABSENT: Rocke, Schaefer

OTHERS PRESENT: Kathya Firlik, Assistant City Attorney
Luis Estevez, Deputy City Administrator
Joseph M. Lambert, Director of Development Services
Andrew Gonzales, Senior Planner
Arlen Beck, Assistant Planner
Sylvia Minjares, Office Assistant

Vice Chair Perez excused Chair Schaefer for due cause.

PLEDGE OF ALLEGIANCE: Commissioner Polichetti

ORAL COMMUNICATIONS:

CONSENT CALENDAR:

1. **Planning Commission Meeting Minutes – April 13, 2021**
Recommended Actions: Approve

Motion by Polichetti, second by Keller carried on a (5-0-2-0) vote to approve the recommended actions.

Ayes: Evans, Keller, Lee, Perez, Polichetti
Noes: None
Absent: Rocke, Schaefer
Abstain: None

REGULAR AGENDA:

1. **Applicant: City of Placentia**
Project Location: Citywide
General Plan Conformance Finding for Fiscal Year 2021-22 Capital Improvement Program

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

1. Adopt Resolution No. PC-2021-13, a Resolution of the Planning Commission of the City of Placentia, finding that the Fiscal Year 2021-22 Capital Improvement Program conforms to the adopted General Plan and recommending the City Council approve the Capital Improvement Program.

Deputy City Administrator Luis Estevez presented the staff report and an overview of the agenda item to the Commission.

Mr. Estevez provided the Commissioners with a Capital Improvement Program (CIP) matrix. Mr. Estevez described the current and next Fiscal Year's CIP projects and expenditures, noting how each project will be funded.

Mr. Estevez answered the Commissioners' questions and clarified points regarding federal government funds and playground surfacing.

Motion by Polichetti, second by Lee carried on a (5-0-2-0) vote to approve the recommended actions.

Ayes: Evans, Keller, Lee, Perez, Polichetti
Noes: None
Absent: Rocke, Schaefer
Abstain: None

PUBLIC HEARINGS:

1. **Applicant:** Francisco Miranda, dba El Cantarito Restaurant
Project Location: 120 W. Santa Fe Ave.
Use Permit Modification (MOD) 92-09: A request to permit the modification of an existing Use Permit from the onsite sale and consumption of beer and wine (Type 41 ABC License – On-Sale Beer & Wine - Eating Place) to the proposed onsite sale and consumption of beer, wine, and distilled spirits (Type 47 – On-Sale General – Eating Place), at an existing 1,886-square foot restaurant located at 120 W. Santa Fe Avenue within the Old Town Placentia Revitalization Plan (O-T) Zoning District.

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

1. Open the public hearing concerning Use Permit Modification (MOD) No. 92-09; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and

4. Adopt Resolution PC-2021-12, a Resolution of the Planning Commission of the City of Placentia, approving Use Permit Modification (MOD) 92-09 and making findings to permit the modification of an existing Use Permit from the onsite sale and consumption of beer and wine (Type 41 ABC License – On-Sale Beer & Wine - Eating Place) to the proposed onsite sale and consumption of beer, wine, and distilled spirits (Type 47 – On-Sale General – Eating Place), at an existing 1,886-square foot restaurant (El Cantarito Restaurant) on property within the Old Town Placentia Revitalization Plan (OT-Main Street Subarea) Zoning District, located at 120 W. Santa Fe Avenue; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

Vice Chair Perez opened the public hearing.

Assistant Planner Arlen Beck presented the staff report and provided an overview of the proposed project to the Commission.

Mr. Beck provided the hours of operation, number of employees, and surrounding uses.

Mr. Beck also provided a project site plan, floor plan, current site condition photos, and existing ABC licenses within the surrounding area. Mr. Beck noted that there have been no disciplinary actions on this Use Permit.

No public comments were received for or against the proposed project.

Mr. Beck answered Vice Chair Perez' questions regarding the hours of operation and whether live entertainment would be permitted.

The Applicant, Francisco Miranda, provided an overview of the current business operations. Mr. Miranda also stated that the proposed ABC License would revitalize and help his business recover from the State Covid-19 closures.

In response to questions from Vice Chair Perez, the Applicant stated his understanding and acceptance of the Conditions of Approval for the Use Permit Modification.

Vice Chair Perez closed the public hearing.

Motion by Keller, second by Lee carried on a (5-0-2-0) vote to approve the recommended actions.

Ayes: Evans, Keller, Lee, Perez, Polichetti

Noes: None

Absent: Rocke, Schaefer

Abstain: None

2. **Applicant:** Lee Smith, dba Vitality OC

Project Location: 1211 E. Imperial Highway

Use Permit (UP) 2021-02: A request for a Use Permit for a personal training fitness center in a 2,100 square-foot commercial space at a multi-tenant

commercial shopping center located at 1211 E. Imperial Highway, within the C-1 (Neighborhood Commercial) Zoning District.

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

1. Open the public hearing concerning Use Permit No. (UP) 2021-02; and
2. Receive the Staff Report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2021-10, a Resolution of the Planning Commission of the City of Placentia, approving UP 2021-02 and making findings to permit the establishment and operation of a personal training fitness center in an existing 2,100 square-foot commercial office located at a multi-tenant commercial shopping center within the C-1 (Neighborhood Commercial) Zoning District on property located at 1211 E. Imperial Highway; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

Vice Chair Perez opened the public hearing.

Mr. Beck provided the hours of operation, number of employees, project site plan, floor plan, and surrounding uses.

Mr. Beck also noted that no tenant improvements have been proposed.

No public comments were received for or against the proposed project.

Mr. Beck answered Commissioner Evan's questions regarding the type of gym and restrictions for workouts outside of the establishment.

The Applicant, Lee Smith, provided an overview of the proposed business operations.

The Applicant clarified for Commissioner Evans that workouts will not be permitted outside of the proposed establishment.

In response to questions from Vice Chair Perez, the Applicant stated his understanding and acceptance of the Conditions of Approval for the Use Permit.

Vice Chair Perez closed the public hearing.

Motion by Evans, second by Polichetti carried on a (5-0-2-0) vote to approve the recommended actions.

Ayes:	Evans, Keller, Lee, Perez, Polichetti
Noes:	None
Absent:	Rocke, Schaefer
Abstain:	None

3. **Applicant:** USA Properties Fund, Inc.
Project Location: 207 & 209 W. Crowther Avenue
Development Plan Review (DPR) 2020-03 and Development Agreement (DA) 2020-01: A request for approval of a Development Plan Review, Development Agreement, Ground Lease Agreement, and Addendum to a Mitigated Negative Declaration, to allow for the construction of a five-story, mixed use development featuring 189 affordable housing units with associated amenities for residents, 1,500 square feet of retail space, 1,500 square feet of leasing office space, and a two-level semi-subterranean parking structure on property located at 207 and 209 W. Crowther Avenue. This project, if approved, would be the third development entitled in the Transit Oriented Development (TOD) Zoning District near Placentia's Old Town. The 2.13-gross acres city-owned site is situated on the north side of Crowther Avenue between Melrose Street and Cameron Street, which abuts the BNSF tracks and the future south platform for Placentia's anticipated Metrolink station. In keeping with the goals of the new TOD zone, this will be the third TOD type of development approved in the City. It will likely be an additional catalyst to more development within the TOD zone and in the nearby Old Town District, thus implementing the City's vision as an area that encourages high quality, transit-oriented development and to create a compact pattern of development that is conducive to walking, bicycling, and using public transportation.

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

1. Open the public hearing concerning Development Plan Review (DPR) 2020-03 and Development Agreement (DA) 2020-01; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution No. PC-2021-11, a Resolution of the Planning Commission of the City of Placentia, recommending that the City Council of the City of Placentia approve DPR 2020-03 and DA 2020-01, and making findings to permit the development of a five-story, mixed-use building consisting of 189 affordable housing units, 1,500 square feet of ground floor retail space, a 1,500-square foot leasing office, and a two-level semi-subterranean parking structure consisting of a total of 272 onsite parking spaces located on a 2.13-gross acre City-owned vacant property within the Transit Oriented Development Packing House District (TOD) Zone; and Consideration of an Ordinance approving a Development Agreement and long term Lease Agreement between the City of Placentia and USA Properties Fund, Inc., for the subject project and property, granting certain vested rights, leasing terms and rates related to the property, and memorializing the amount of the development fees owed and/or deferred in exchange for a community benefit pursuant to the procedures described in California Government Code § 65867

on property located at 207 and 209 W. Crowther Avenue and recommending the adoption of an Addendum to Mitigated Negative Declaration No. MND 2017-01 pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR §15074 and the City of Placentia Environmental Guidelines.

Vice Chair Perez opened the public hearing.

Senior Planner Andrew Gonzales presented the staff report and provided an overview of the proposed project to the Commission, noting that this item will also go before City Council for final approval at a noticed Public Hearing on May 18, 2021.

Mr. Gonzales provided a project site plan, floor plans, site zoning standards, architectural design, elevations, renderings, amenities, and CEQA determination.

Mr. Gonzales summarized the public comments received via email in support of the proposed project.

Director of Development Services Joseph Lambert answered Commissioner Evan's question regarding the correlation between the fair market value of the subject property and determined rate for the ground lease agreement.

The Applicant, Milo Terzich, and the Architect, Jirair Garabedian, presented a slide presentation of the proposed project, their other developments in Orange County, proposed engineering concept, community highlights, architectural elements, amenities, elevations, and parking provided.

Mr. Lambert answered Commissioner Evan's questions regarding street parking.

Elizabeth Hansburg spoke regarding her support of the proposed project.

Kimberly Adams spoke regarding her support of the proposed project.

In response to questions from Vice Chair Perez, the Applicant stated his understanding and acceptance of the Conditions of Approval for the Development Plan Review, Development Agreement and related Ground Lease Agreement.

Vice Chair Perez closed the public hearing.

Motion by Keller, second by Evans carried on a (5-0-2-0) vote to approve the recommended actions.

Ayes: Evans, Keller, Lee, Perez, Polichetti
Noes: None
Absent: Rocke, Schaefer
Abstain: None

OLD BUSINESS:

NEW BUSINESS:

DEVELOPMENT REPORT:

Director of Development Services Joseph Lambert provided updates regarding JPI, The Herald, Shea Homes, Brandywine Homes, and Village Plaza Phase 2. Mr. Lambert also provided an update on the Housing Element of the General Plan.

Mr. Lambert answered Commissioner Polichetti's question regarding Village Plaza Phase 2 and Pizza Rev.

DIRECTOR'S REPORT:

PLANNING COMMISSION REQUESTS:

ADJOURNMENT:

Vice Chair Perez closed the Planning Commission Regular Meeting at 8:22 p.m. to the regular meeting of Tuesday, June 8, 2021 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia, CA.

Submitted by,

Joseph M. Lambert,
Secretary to the Planning Commission



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: KATHRINE KUO, PLANNING INTERN
DATE: JUNE 8, 2021
SUBJECT: **USE PERMIT (UP) NO. 2021-03 (DUKE'S CAFE)**

RECOMMENDATION:

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

1. Open the public hearing concerning Use Permit (UP) No. 2021-03;
2. Receive the staff report and consider all public testimony;
3. Close the public hearing;
4. Adopt Resolution PC-2021-14, a Resolution of the Planning Commission of the City of Placentia, approving Use Permit 2021-03 and making findings to permit the sale of beer and wine for on-site consumption in conjunction with the operation of an existing 4,658 square-foot restaurant located at 2099 E. Orangethorpe Avenue, within the Neighborhood Commercial (C-1) and Combining Oil District Overlay (O-1) Zoning Districts; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, Cacega Corp, dba Duke's Cafe, is requesting to permit the sale of beer and wine for on-site consumption in conjunction with the operation of an existing 4,658 square-foot restaurant. The project site is located at 2099 E. Orangethorpe Avenue, within the Neighborhood Commercial (C-1) and Combining Oil District Overlay (O-1) Zoning Districts. All alcohol sales, dispensing, and consumption activities are intended to be conducted within the interior of the restaurant.

PROJECT BACKGROUND AND DESCRIPTION:

The subject property is located on the northwest corner of S. Lakeview Avenue and E. Orangethorpe Avenue within an existing commercial shopping center. The other tenants in the shopping center include other restaurants such as Jack in the Box, Flame Broiler, and Esther's Taco House. Duke's Café was first founded in 1970 (in another location), and the current owner,

Ramiro Esqueda, bought this business in 2014. The restaurant was originally located in the City of Yorba Linda, and it relocated to the city of Placentia in January 2020. The restaurant offers breakfast, lunch and dinner, and the service of beer and wine would be complimentary to the menu. This location currently employs four full-time employees and 10 part-time employees at any given time. There are no vehicles or additional machinery and equipment used in conjunction with the restaurant operations. The restaurant’s hours of operation are currently 7:00 AM to 8:00 PM daily.

An ABC Type 41 License authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). The business must operate and maintain the licensed premises as a bona fide seating place, must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. Alcohol will only be served inside the restaurant. All alcoholic beverages are to be served with food. Alcoholic beverages are anticipated to represent a small percentage of gross receipts.

Applicable Code Section – Placentia Municipal Code

The subject property is currently zoned Neighborhood Commercial (C-1) and Combining Oil District Overlay (O-1). The project will be required to comply with all development standards and use requirements set forth in the Placentia Municipal Code (PMC) for projects within the Neighborhood Commercial Zoning District. Pursuant to PMC Section 23.33.040, any establishment selling alcoholic beverages including those for on-sale and off-sale shall require a UP to be reviewed and evaluated at a noticed public hearing before the Planning Commission.

Incorporation of the recommended conditions of approval will result in a project that complies with the provisions of the Neighborhood Commercial Zoning District. The request, with incorporation of the recommended conditions of approval, will meet or exceed the provisions of the Neighborhood Commercial zoning district and other applicable provisions of the PMC, including minimum parking requirements.

Subject Site and Surrounding Land Uses

The subject property, Duke’s Cafe, is located north of E. Orangethorpe Avenue and west of S. Lakeview Avenue, within the Neighborhood Commercial and Combining Oil District Overlay Zoning Districts. The chart below shows surrounding existing land uses, zoning designations, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Subject Site	Duke’s Cafe	Commercial	“C-1 (O-1)” – Neighborhood Commercial

North	Cobblestone Liquor Store	Commercial	“C-1 (O-1)” Neighborhood Commercial
South	Veteran’s Village, vacant properties, recycling center	High Density Residential	“R-3” – High Density Multiple-Family and “C-M” Commercial Manufacturing
West	Flame Broiler	Commercial	“C-1 (O-1)” – Neighborhood Commercial
East	Vacant lot/Right of Way	City of Anaheim	City of Anaheim

ZONING COMPLIANCE ANALYSIS

Site Development Standards

The project is located within the Neighborhood Commercial (C-1) Zoning District. No changes to the overall building envelope will occur as a result of this project.

EXISTING ABC LICENSES WITHIN ONE-HALF MILE RADIUS OF SUBJECT SITE

Currently, there are three other businesses located within the same shopping center, that are licensed to sell beer and wine for on-site and off-site consumption (Type 21, 41, and 47 Licenses). The following chart shows all businesses within a one-half mile radius of the subject site with an existing ABC license and their ABC license type:

Business	Address	License Type
Esther’s Taco	2001 E. Orangethorpe Ave, Ste. D, E, F & G	41, On-Sale Beer and Wine for Bona Fide Public Eating Place
Clubhouse Grille & Spirits	2053-2057 E. Orangethorpe Ave	47, On-Sale General for Bona Fide Public Eating Place
Cobblestone Liquor	2093 E. Orangethorpe Ave	21, Off-Sale General
The Pizza Store	2091 E. Orangethorpe Ave	41, On-Sale Beer and Wine for Bona Fide Public Eating Place
Everest Cuisine of India	2065-2075 E. Orangethorpe Ave	41, On-Sale Beer and Wine for Bona Fide Public Eating Place

Other Departments Concerns and Requirements

The Divisions of Planning and Building, as well as the Placentia Police Department have reviewed the application, with no major concerns raised by other departments regarding the project proposal. The Planning Division and Placentia Police Department identified comments and applicable code requirements that have been incorporated as conditions of approval into a draft Resolution for consideration by the Planning Commission (Attachment 1).

ISSUES ANALYSIS:

General Plan Consistency

The request to permit the sale of beer and wine for on-site consumption in conjunction with the operation of an existing 4,658 square-foot restaurant is consistent with the General Plan. More specifically, it is a goal of the General Plan Land Use Element under Goal LU – 1, to “Provide sites for a range of commercial uses, including shopping, dining, entertainment, and offices that provide a strong employment base and offer local services.” Allowing the service of beer and wine in conjunction with the operation of a 4,658 square-foot restaurant provide an additional service to customers and create additional jobs for individuals in the community. This proposal is also consistent with the Economic Development Element Goal ED – 1, to “Maintain a healthy, balanced budget by diversifying and increasing the city’s revenue sources,” as there will be a steady revenue stream and additional patronage from the complimentary sale of beer and wine with food.

PMC Consistency

Incorporation of the recommended conditions of approval will result in a project that complies with the provisions of the Neighborhood Commercial Zoning District. The proposed request, with incorporation of the recommended conditions of approval, will meet or exceed the provisions of the Neighborhood Commercial Zoning District and other applicable provisions of the PMC.

Land Use Compatibility

The project will be compatible with the land uses of the surrounding area because the request to permit the sale of beer and wine for on-site consumption in conjunction with the operation of an existing restaurant, pursuant to a Type 41 ABC License, brings an additional amenity within an established commercial district containing primarily complementary commercial uses. The nature of the use will not have adverse impacts on adjacent business and properties as there are no significant noise or safety concerns.

CEQA:

The proposed application was reviewed by staff in accordance with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UP 2021-03 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 (Class 1 – Existing Facilities) as the permit would be issued to an existing facility.

PUBLIC NOTIFICATION:

Legal notice was published in the Placentia News Times on May 27, 2021, and notices were sent to property owners of record within a 300-foot radius of the subject property, posted at the Civic Center, and on the City website on May 27, 2021. As of June 3, 2021, staff has received no comments in support or opposition of the request.

CONCLUSION:

The proposed request is consistent with the City’s General Plan and meets the minimum standards of the PMC. With the recommended conditions of approval, the proposed request, to permit the sale of beer and wine in conjunction with the operation of an existing 4,658 square-foot restaurant located at 2099 E. Orangethorpe Avenue, within the Neighborhood Commercial (C-1) and Combining Oil District Overlay (O-1) Zoning Districts will be compatible with adjacent land uses and will not result in any adverse impacts onto the surrounding area.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission of the City of Placentia adopt the Resolution PC-2021-14 recommending approval of UP 2021-03.

Prepared and submitted by:

Reviewed and approved by:



Kathrine Kuo
Planning Intern



Joseph M. Lambert
Director of Development Services

Attachments:

1. Resolution No. 2021-14
 - a. Attached Conditions of Approval
2. Vicinity Map
3. Project Plans Dated and Received May 3, 2021
4. Statement of Use Submitted by the Applicant Dated and Received April 26, 2021

RESOLUTION NO. PC-2021-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA, APPROVING USE PERMIT 2021-03 AND MAKING FINDINGS TO PERMIT THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH THE OPERATION OF AN EXISTING 4,658 SQUARE-FOOT RESTAURANT LOCATED AT 2099 E. ORANGETHORPE AVENUE, WITHIN THE NEIGHBORHOOD COMMERCIAL (C-1) AND COMBINING OIL DISTRICT OVERLAY (O-1) ZONING DISTRICTS; AND MAKING FINDINGS THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) SET FORTH IN TITLE 14 CCR § 15301 (CLASS 1 – EXISTING FACILITIES) AND THE CITY OF PLACENTIA ENVIRONMENTAL GUIDELINES

A. Recitals.

WHEREAS, Cacega Corp, dba Duke’s Cafe (“Applicant” hereinafter), located at 2099 E. Orangethorpe Avenue, filed an application for approval of Use Permit (UP) No. 2021-03, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the “Application”;

WHEREAS, on June 8, 2021, the Planning Commission conducted a duly noticed public hearing, as required by law, and after careful consideration of all pertinent testimony and the staff report offered in the case, the Planning Commission voted to approve UP 2021-03; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

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

SECTION NO. 1: Based on the evidence presented and the findings set forth, UP 2021-03 is hereby found to be consistent with the Placentia General Plan and the implementation thereof.

SECTION NO. 2: Based upon the evidence presented to this Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, this Commission hereby specifically finds as follows:

a. The proposed request for the onsite sale and consumption of beer and wine in conjunction with the operation of existing restaurant will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city, or (2) injurious to the property or improvements within the neighborhood or within the City. Subject to compliance with the

attached Conditions of Approval and Standard Development Requirements (Attachment “A”), this use complies with all applicable code requirements and development standards of the C-1 zoning district and (3) it is not anticipated that the sale of beer and wine at an existing Duke’s Cafe restaurant will generate any negative impacts affecting adjacent properties and businesses. All primary activities shall be conducted within the enclosed building, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed request to permit the sale of beer and wine for on-site consumption in conjunction with the operation of an existing fast-food restaurant is consistent with the City’s General Plan. The General Plan Land Use designation for the subject site is Commercial.

c. The proposed request to permit sale of beer and wine for on-site consumption in conjunction with the operation of an existing fast-food restaurant, subject to the attached Conditions of Approval and Standard Development Requirements (Attachment “A”), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed request for the onsite sale and consumption of beer and wine at an existing restaurant is a conditionally permitted use in the C-1 Zoning District in the City of Placentia. Approval of the Use Permit for the proposed request for the onsite sale and consumption of beer and wine in conjunction with the operation of an existing restaurant will be consistent with the zoning as the site can accommodate the use, and other similar uses have been conditionally permitted within other similar commercial districts.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the UP approval. Attachment “A” contains Conditions of Approval and Standard Development Requirements specific to UP 2021-03 to ensure compliance with the Placentia Municipal Code (PMC).

SECTION NO. 3: Based upon the environmental review of the project, the Planning Commission finds that UP 2021-03 is exempt from the California Environmental Quality Act (“CEQA”), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Guidelines of the City of Placentia pursuant to the State CEQA Guidelines § 15301 (Class 1 – Existing Facilities) as the permit would be issued to an existing structure or facility.

SECTION NO. 4: The Planning Commission hereby directs that, upon approval of UP 2021-03 a Notice of Exemption shall be filed with the Orange County Clerk/Recorder.

SECTION NO. 5: Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves UP 2021-03.

SECTION NO. 6: The Secretary to the Planning Commission shall:

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

ADOPTED AND APPROVED THIS 8TH DAY OF JUNE, 2021

CHRISTINE J. SCHAEFER, CHAIR

I, Joseph M. Lambert, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 8th day of June 2021, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 8th day of June, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST:

JOSEPH M. LAMBERT,
SECRETARY TO THE PLANNING COMMISSION

APPROVED AS TO FORM

KATHYA FIRLIK,
ASSISTANT CITY ATTORNEY

Attachment A: Conditions of Approval for Use Permit No. 2021-03

Attachment A
Special Conditions of Approval and Standard Development Requirements for
Use Permit 2021-03
2099 E. Orangethorpe Avenue

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 TO CONTINUE IN GOOD STANDING FOR THE USE PERMIT TO PERMIT THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH THE OPERATION OF AN EXISTING 4,658 SQUARE-FOOT RESTAURANT.

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION:

1. Use Permit (UP) 2021-03 is valid for a period of one (1) year 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 by the Director of Development Services.
2. Use Permit (UP) 2021-03 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 approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may be issued against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

5. Any changes or modifications to the approved floor plan or changes to the business operation hours related to Use Permit (UP) 2021-03 shall be subject to review and approval by the Director of Development Services or designee, with substantial changes or modifications subject to Planning Commission review and approval.
6. This approval (UP) 2021-03 does not include live entertainment. Live entertainment will require a Modification of the Use Permit and an entrainment permit pursuant to Title 6 of the Placentia Municipal Code (PMC).
7. There shall be no additional modifications to the approved plans with approval from the Director of Development Services or his/her designee. Any additional changes to the approved site plans, floor plans or elevations which has the effect of expanding or intensifying the present use, shall require a new or modified Use Permit.
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, current business owner, and/or property owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant, current business owner, and/or property 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. The applicant, current business owner, and/or property 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, current business owner, and/or property owner within 48 hours of defacement and/or upon notification by the City. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Director of Development Services.
10. The applicant, current business owner, and/or property owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain approval of a City Business License. The applicant, current business owner, and/or property owner shall maintain a valid City Business License at all times during operation of the business.
11. This Use Permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements.

12. 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.
13. Alcoholic beverages may not be sold between the hours of 10:00 PM and 6:00 AM.
14. All conditions of the Department of Alcoholic Beverage Control (ABC) shall be applicable.
15. No live entertainment, i.e. dancing, karaoke, live music, sport bar or disc-jockey entertainment, etc., including amplified music, shall be permitted on the premises or outside dining area.
16. All signage must comply with PMC 23.112.070.
17. All commercial trash and waste bins shall be kept inside decorative trash enclosures. The dimensions and access gates of all trash enclosures shall comply with City standard and refuse company standard requirements at the time building permits are issued. All trash and waste enclosure gates shall remain closed at all times, except during disposal and pick-up. Trash pick-up shall be done on a regular basis.
18. Delivery and pickup of all store supplies shall occur before store opening.
19. All patrons who appear under the age of 30 shall be required to show some form of identification or they will not be served an alcoholic beverage. All forms of out-of-state identification shall be checked by the authorized representative of the owner of the licensed premises in the Driver's License Guide. Upon presentment to the authorized representative of the owner of the licensed premises, the patron's form of identification shall be removed from the patron's wallet or any plastic holder and inspected for any alterations through a closer visual inspection. A sign indicating this policy shall be prominently posted in a place that is clearly visible to patrons. Only the following forms of identification will be acceptable:
 - a. Valid driver's license
 - b. Valid State identification card
 - c. Valid passport
 - d. Current military identification
 - e. U.S. Government immigrant identification card
20. Patrons who appear obviously intoxicated shall not be served any alcoholic beverages.

21. Persons serving alcoholic beverages are to attend a Responsible Beverage Service course such as the ABC LEADS or similar program and be able to provide certification of attendance when asked by the Placentia Police Department.
22. The use shall comply with the following:
 - a. Prior to any changes to the days and hours of operation, the applicant shall obtain written approval from the Director of Development Services or his/her designee. Following are the currently permitted days and hours of operation, actual operating hours may not exceed the following without prior approval:

Sunday through Saturday: 6:00 AM to 10:00 PM
 - b. No vending machines of any kind shall be installed outdoors within the project site.
 - c. There shall be no public pay phones installed within or upon any portion of the premises.
 - d. No outside storage, including the display of vehicles within the parking lot area or displays shall be permitted at any time.
 - e. The use shall comply with all provisions of the PMC, including Chapter 23.76 Noise Control.
23. Prior to the issuance of any building permits, approval is needed from the Orange County Health Department.
24. Regarding any building or floorplan modifications that require a Building Permit and/or Orange County Health Department approval, applicant shall submit 2 sets of complete plans based on 2019 California Building Standards (2019 Editions of CBC, CEC, CMC, CPC, CALGreen, CFC, & California Energy Code) for Plan Checking and Permit Issuance prior to any operation. The plans shall be prepared by a California Licensed Architect.

POLICE DEPARTMENT – SECURITY:

25. Alcoholic beverages may only be served and consumed inside the restaurant.
26. All forms of out-of-state identification shall be checked by the authorized representative of the owner of the licensed premises in the Driver's License Guide. Upon presentment to the authorized representative of the owner of the licensed premises, the patron's form of identification shall be removed from the patron's wallet or any plastic holder and inspected for any alterations through a close visual inspection and/or use of a flashlight or "Retro-reflective viewer" or other electronic device as approved by the Police Department.
27. There shall be no promotions encouraging intoxication or drinking contests or advertisements indicating "Buy one drink, get one free," "Two for the price of one," "All you can drink for ...," or similar language.

28. There shall be no “stacking” of drinks, i.e., more than one drink at a time, to a single patron.
29. When serving pitchers exceeding 25 ounces of an alcoholic beverage, all patrons receiving such pitcher, as well as all patrons who will be consuming all or any portion of such pitcher, shall present an ID to the server if they appear to be under the age of 30, if not previously checked at the entrance to the licensed premises.
30. Except for wine bottles, oversized containers or pitchers containing in excess of 25 ounces of an alcoholic beverage shall not be sold to a single patron for their sole consumption.
31. A file containing the names and dates of employment of every person who serves alcoholic beverages for consumption by patrons on the licensed premises and every manager, which file shall also include a copy of each person’s certificate of completion of the Department of Alcohol Beverage Control L.E.A.D. course (Licensee Education on Alcohol and Drugs). Upon request, said file shall be made available for review to representative of the Police Department of the City of Placentia. New employees will have 60 days from date of employment to obtain L.E.A.D. certification, or a police department approved alternative training course meeting the objectives of L.E.A.D. training.

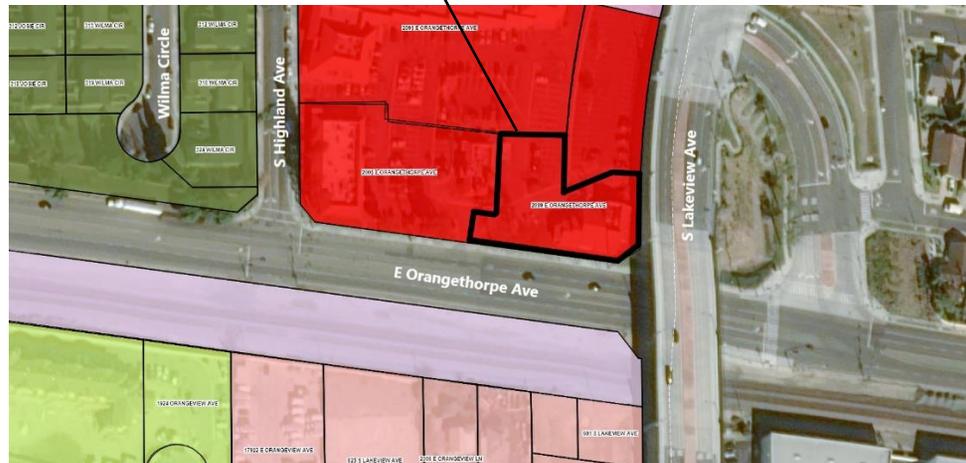


ATTACHMENT 2. VICINITY AND ZONING MAP UP 2021-03; 2099 E. ORANGETHORPE AVENUE



Aerial A.

Zoning Code			
	C-1		R-3
	C-1 (O)		R-3 (O-1)
	C-1 (O-1)		R-A
	C-2		R-G
	C-2-H65		R-G (O)
	C-M		R-G(O) & C-1 (O)
	C-O		RPC (O)
	M		SP-1
	M (O)		SP-2
	M (PMD)		SP-3
	PUD-1		SP-4
	PUD-2		SP-5
	PUD-2 (O)		SP-6 (O)
	PUD-3		SP-7
	PUD-3 (O)		SP-8
	PUD-4		SP-9
	R-1		SP-10
	R-1 (MHP)		T-C
	R-1 (O)		Old Town
	R-2		TOD
	R-2 (MHP)		N/A

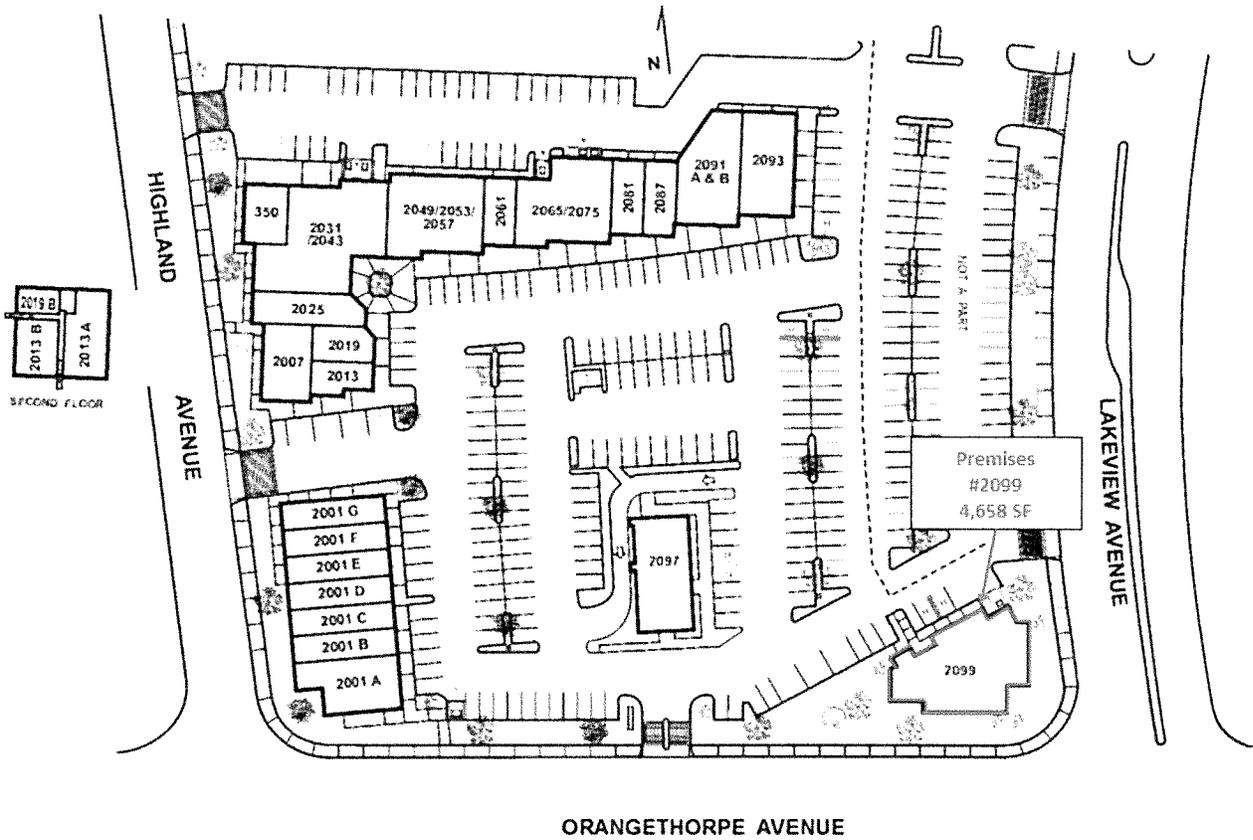


Aerial B.

EXHIBIT "A"

(Site Plan is for general representation purposes only, and not necessarily drawn to scale.)

Outline of Premise



Landlord's Initials
Landlord's Initials

Tenant's Initials
Tenant's Initials

COBBLESTONE VILLAGE

2001-2099 E. ORANGETHORPE AVE.
PLACENTIA
CA 92870

2099 E. Orangethorpe Ave
4,658 Sq. Ft.

ORANGETHORPE AVENUE



Leasing . . .

(714) 283-5800

Information contained herein has been obtained from reliable sources.
We do not doubt its accuracy, however, we cannot guarantee it.



April 26th, 2021

STATEMENT OF USE

The permit being requested, to transfer a liquor license from the city of Yorba Linda to the city of Placentia, is so that Duke's Café is able to offer beer and wine to its customers. Burgers, fries and appetizers are big sellers for us and I feel a beer will always enhance the meal, not to mention the whole experience.

I bought the business in 2014 from it's founder, who started in this business in 1970. My background is business, but not restaurant management. I have a business administration degree and an MBA, but no restaurant experience when I first bought it. Seven years later, I feel we are doing pretty good; pandemic aside.

The restaurant is open seven days a week, from 7:00am to 8:00pm. We employ a crew of 14; four full time and 10 part time.

No vehicles are used for the operation of the business. Nor machinery or equipment.

A handwritten signature in blue ink, appearing to read 'Ramiro Esqueda', with a large, stylized flourish above the name.

Ramiro Esqueda