



Placentia Planning Commission
Agenda

Regular Meeting
October 9, 2012
6:30 p.m.

Michael Ebenhoch
Chairman

Vic Tomazic
Vice Chairman

Dana Hill
Commissioner

Frank Perez
Commissioner

Christine Schaefer
Commissioner

John Scull
Commissioner

Thomas Solomonson
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

Phone: (714) 993-8124
Fax: (714) 961-0283
Website: www.placentia.org

Procedures for Addressing the Commission

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

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

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

Special Accommodations

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

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

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

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

**City of Placentia
Community Room
401 E. Chapman Avenue
October 9, 2012**

**REGULAR MEETING
6:30 p.m. – Community Room**

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

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

MINUTES

September 11, 2012

PUBLIC HEARINGS

1. **Applicant: Fresh & Easy Neighborhood Markets, Adam Mayfield**
Location: 148 E. Yorba Linda Boulevard

Use Permit (UP) 2012-06 (Amendment No. 1):

To amend Use Permit 2012-06 to include a finding of Public Convenience and Necessity in order to permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption in conjunction with the operation of an approved +/- 12,000 square foot Fresh & Easy Neighborhood Market, located at 148 E. Yorba Linda Boulevard in the Town Center (T-C) District.

Recommended Action:

Adopt Resolution No. PC-2012-17 approving Amendment No. 1 to Use Permit 2012-06, subject to all Special Conditions of Approval and Standard Development Requirements as approved by the Planning Commission on August 14, 2012.

2. **Applicant:** Gillian Clark
Location: 1450 N. Kraemer Boulevard

Use Permit (UP) 2012-10:

To permit the sale of alcoholic beverages for on-site consumption (Type 41 On Sale Beer and Wine for Bona Fide Public Eating Place), and to permit a +/- 290 square foot large outdoor seating area in conjunction with a +/- 3,000 square foot full service restaurant (Sue Ann's), located at 1450 N. Kraemer Boulevard in the Town Center (T-C) District.

Recommended Actions:

Adopt Resolution No. PC-2012-18 approving Use Permit (UP) 2012-10, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

NEW BUSINESS

3. **Proposed Temporary Commercial Signage Pilot Program:**

Planning Commission review for recommendation to City Council of the allowance of temporary portable business signs and other sign code modifications on pilot basis through the implementation of a temporary commercial signage program.

Recommended Actions:

That the Planning Commission provide comments and recommend for approval to the City Council a Temporary Commercial Signage Pilot Program.

DEVELOPMENT REPORT

Development Project List

PLANNING COMMISSION REQUESTS

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

ADJOURNMENT

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, November 13, 2012 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

CERTIFICATION OF POSTING

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the October 9, 2012 Regular meeting of the Planning Commission was posted on October 4, 2012.

ELECTRONIC COPY
SIGNATURES ON ORIGINALS WITH
PLANNING COMMISSION SECRETARY

Kenneth A. Domer

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

September 11, 2012

The regular meeting of the Placentia Planning Commission of September 11, 2012 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, by Chairman Ebenhoch.

ROLL CALL: Present: Michael Ebenhoch, Chairman
Vic Tomazic, Vice Chairman
Dana Hill, Commissioner
Christine Schaefer, Commissioner
Frank Perez, Commissioner
Tom Solomonson, Commissioner
Absent Excused: John Scull, Commissioner

PLEDGE OF ALLEGIANCE: Led by Commissioner Solomonson

Others Present: Ken Domer, Assistant City Administrator
Andrew V. Arczynski, City Attorney
Monique Schwartz, Associate Planner
Cathy Carranza, Clerical Aide

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

Motion by Commissioner Schaefer seconded by Chairman Ebenhoch, to approve the minutes of August 14, 2012. Passed by a 6-0 vote.

Public Hearings:

1. **Applicant: Mr. Wilmond Riddle and Mr. Mike Maxwell**

Location: 801 S. Lakeview Avenue, #A

Use Permit (UP) 2012-09:

To permit the operation of a tire and wheel sales and servicing business (Complete Tire & Wheel Service) within a +/- 2,500 square foot industrial space located at 801 S. Lakeview Avenue in the Commercial Manufacturing (C-M) District.

Mr. Domer gave the staff report and power point presentation to the Commission.

Chairman Ebenhoch invited the applicants to address the Commission.

Mr. Bill Riddle 5892 Ohio Street, Yorba Linda, CA. and Mr. Mike Maxwell, 18312 Laurel Brook Circle, Cerritos, CA introduced themselves.

Chairman Ebenhoch asked if there are any future plans to do brakes or other mechanical

work. Mr. Maxwell stated that they will only be doing tires and there will be no room for other repairs.

Chairman Ebenhoch opened the public hearing.

No comments were received.

Chairman Ebenhoch closed the public hearing.

Motion by Vice Chairman Tomazic, seconded by Commissioner Hill TO ADOPT RESOLUTION NO. PC-2012-13 APPROVING USE PERMIT (UP) 2012-09, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 6-0 vote.

- 2. Applicant: Ms. Sandy Patel-Best Western Plus
Location: 118 E. Orangethorpe Avenue**

Variance (VAR) 2012-01:

A request to deviate from the development standards set forth in Section 23.90.180(5)(A) and (B) Signs in Commercial Districts of the Placentia Municipal Code to permit the construction of a freestanding pole sign for Best Western Plus Hotel, measuring 81 square feet in signage area and 20'-0" high, located at 118 E. Orangethorpe Avenue in the Commercial Manufacturing (C-M) District.

Mr. Domer presented the staff report and Power Point presentation to the Commission.

Commissioner Perez asked if Best Western Plus would be willing to allow Denny's to add their name to the sign down the road. Mr. Domer responded that it would not be out of the question.

Commissioner Hill asked if the variance would allow a sign higher than 20'. Mr. Domer stated that they would have to apply for a new variance. Special Condition 9 reserves the right for the City to revoke Variance 2012-01 at such time that Orangethorpe Avenue is fully improved.

Chairman Ebenhoch asked if we could incorporate the Placentia name to the sign. Mr. Domer suggested addressing this concern with the applicant.

Chairman Ebenhoch invited the applicant to address the Commission.

The applicant Sandy Patel, 118 E. Orangethorpe introduced herself to the Commission.

Commissioner Ebenhoch asked what the decision process was in excluding Placentia in the signage. The applicant stated when people are searching on Google they are more familiar with Anaheim or Orange County. Christina Lopez, Sales & Marketing Director for the hotel introduced herself. Ms. Lopez responded that by including Anaheim and Orange County they can be more easily found by guests.

Commissioner Tomazic asked if it is possible to change the sign to Anaheim/Placentia/Orange

County. Ms. Lopez responded that they could check on the number of characters allowed and resubmit the request. There are certain standards that need to be followed by Best Western. Mr. Domer informed the Commission that the decision for the identification language on the sign was left to the applicant as it was not an item the Commission could condition.

Commissioner Schaefer asked for clarification on the name Best Western Plus. Ms. Lopez responded that it is rated on the second level of standards.

Chairman Ebenhoch opened the public hearing.

No comments were received.

Chairman Ebenhoch closed the public hearing.

Motion by Commissioner Schaefer, seconded by Commissioner Solomonson TO ADOPT RESOLUTION NO. PC-2012-14 APPROVING VARIANCE (VAR) 2012-01 SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 6-0 vote. (Tomazic abstain: abstentions without approval are a vote for the affirmative and recorded as such)

3. **Applicant: LTI, Inc.: Mr. Arun Phadnis**
Location: 1022, 1034 and 1042 N. Bradford Avenue

Use Permit (UP) 2012-08, Development Plan Review (DPR) 2012-02, General Plan Amendment (GPA) 2012-01, Zone change (ZC) 2012-01 and Tentative Parcel Map (TPM) 2011-140

To permit the construction of a new church (Radha Raman Vedic Mandir) that includes a +/- 3,355 square foot church sanctuary building and a +/- 4,720 square foot, two story multi-purpose building and related on site improvements on a 1.15 net acre (+/- 50,497 square foot) site, located at 1022, 1034 and 1042 N. Bradford Avenue in the Medium Density Multiple-Family (R-G) District.

Ms. Schwartz presented the staff report and Power Point presentation to the Commission.

Commissioner Schaefer asked for clarification of overflow parking. Ms. Schwartz responded that Special Condition 25 addressed overflow parking. The Temple shall provide proof of parking agreements with nearby non-residential properties.

Commissioner Hill asked if the number of people attending the church will increase with the expansion. Ms. Schwartz stated that there are approximately 100 people currently, but all of whom do not attend at the same time.

Mr. Domer commented on past parking complaints. He stated that the community has no complaints with this expansion because it will also be adding additional parking.

Commissioner Schaefer stated that there are 24 existing parking spaces.

Chairman Ebenhoch invited the applicant to address the Commission.

Arun Phadnis of LTI, Inc. introduced himself to the Commission. Mr Phadnis states that the church building is 80 years old and will be replaced with a state of the art building, and will be adding four (4) times more parking.

Mark Schroff the Temple President introduced himself to the Commission. Mr. Schroff is looking for final approval and support from the Commission.

Commissioner Perez asked for clarification on the number of people who attend the church and overflow parking. Mr Schroff confirms that the high school and neighboring churches agreed to cooperate with the church when additional parking is needed.

Commissioner Hill asked why the high school wasn't used for overflow parking in the past. Mr. Schroff states that the school will be used when needed.

Vice Chairman Tomazic asked if hours of operation will change with the expansion. Mr. Schroff responded that the hours will remain the same.

Commissioner Solomanson asked for clarification of the 150 people, families, or cars. Mr. Schroff responded that there are approximately 150 members.

Commissioner Schaefer asked for clarification if all existing buildings will be demolished and if the new living quarters will be located on the second floor of the new building. Mr. Schroff confirmed that they will.

Ed Perez of 5954 E. Camino Manzano, Anaheim Hills, Public Relations Consultant introduced himself to the Commission. Mr. Perez was in support of the project.

Commissioner Solomonson commented on the expansion being a good move

Chariman Ebenhoch opened the public hearing.

Hema Dadlani, 1418 Avenida De Vaca, Placentia, in support of the project.

Bineeta Patel, 406 New Jersey Lane, Placentia, in support of the project.

Sejal A. Shah, 106 West Tiger Lane, Placentia, in support of the project.

Manigh Shah, 320 Kirschner Lane, Placentia, in support of the project.

Nishith Shah, 330 New Hampshire Way, Placentia, in support of the project.

Mayur Patel, 829 San Diego Lane, Placentia, in support of the project.

Tavsau Singil, 6625 Wabash St., Chino, Past President of Temple, in support of the project.

Steven Berlind, 1020 London Circle, Placentia, spoke in support of the project. Mr. Berlind is not a member of the temple but a neighbor. He supported the project due to its removing dilapidated residential properties and increasing the parking on-site which creates a safer neighborhood.

Chairman Ebenhoch closed the public hearing

Motion by Commissioner Schaefer, seconded by Vice Chairman Tomazic To Adopt Ordinance O-2012-15, Approving Use Permit (UP) 2012-08, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein. Adopt Resolution No. PC-2012-16 approving Development Plan Review (DPR) 2012-02, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein. Recommend approval of Draft Negative Declaration (Draft Neg. Dec.) 2012-01, General Plan Amendment (GPA) 2012-01 and Zone Change (ZC) 2012-01 to the City Council. Including memorandum dated September 11, 2012, revisions to Staff Report for GPA 2012-01, ZC 2012-01, UP 2012-08, TPM 2011-140 and DPR 2012-02. Passed by a 6-0 vote.

NEW BUSINESS: None

DEVELOPMENT REPORT: Development project list will be sent electronically.
Planning Commissioner handbook will be sent electronically.

General discussion on bill signed by Governor Brown regarding private water utilities and disclosure requirements.

PLANNING COMMISSION REQUESTS:

Chairman Solomonson, seconded by Commissioner Hill adjourned the Planning Commission meeting at 8:10 p.m. to the next regularly scheduled meeting on October 09, 2012 in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Ken Domer
Assistant City Administrator



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.:	DATE: October 9, 2012	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2012-06 (Amendment No. 1)		
DESCRIPTION: To amend Use Permit 2012-06 to include a finding of Public Convenience and Necessity in order to permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption in conjunction with the operation of an approved +/- 12,000 square foot Fresh & Easy Neighborhood Market, located at 148 E. Yorba Linda Boulevard in the Town Center (T-C) District.		
RELATED APPLICATIONS: Use Permit 2012-06		
APPLICANT: Fresh & Easy Neighborhood Markets: Adam Mayfield (City Initiated)		
PROPERTY OWNER: Inland Western Placentia, LLC		
LOCATION: 148 E. Yorba Linda Boulevard		
CEQA DETERMINATION: Categorically Exempt: Section 15061(b)(3)		
ZONING: Town Center (T-C)	APN(S): 339-181-02, 06, 07, 08, 10	
GENERAL PLAN: Commercial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Ken Domer, Assistant City Administrator, Development Services		
REVIEWED BY: Monique B. Schwartz, Associate Planner		

REQUEST:

Based on an inadvertent omission, the required finding of Public Convenience and Necessity with the original Use Permit application approved by the Planning Commission on August 14, 2012 was not included. The City therefore initiated and requested the applicant seek this Amendment No. 1 to the approved Use Permit in order to comply with California Alcohol Beverage Control Act requirements. Accordingly, this application seeks to amend Use Permit 2012-06 to include a finding of Public Convenience and Necessity to permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption in conjunction with the operation of an approved +/- 12,000 square foot Fresh & Easy Neighborhood Market, located at 148 E. Yorba Linda Boulevard in the Town Center (T-C) District.

INTRODUCTION:

On August 14, 2012 the Planning Commission took testimony through a Public Hearing to permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption as part of the Fresh & Easy Neighborhood Market. The Planning Commission approved the application; however, upon review by the California Department of Alcoholic Beverage Control (ABC), it was determined that the store location is in a census tract that is deemed "over-concentrated."

As of January 1995, the State of California Legislature implemented Assembly Bill 2897 by amending the California Business and Professions Code (§ 23958) to require the ABC

to deny an application for a liquor license “if issuance of that license would tend to create a law enforcement problem, or if the issuance would result in or add to an undue concentration of liquor licenses.”

Undue concentration is defined as follows:

The premises of the proposed license is located in an area that has 20 percent more reported crimes than the average number of reported crimes for the City as a whole,

or

The premises of the proposed license is located in a census tract where the ratio of existing retail on-sale/retail off-sale licenses to population in the census tract exceeds the ratio of retail on-sale/retail off-sale licenses to population in the County of the proposed premise.

The initial application for Fresh & Easy was reviewed by the Placentia Police Department and it was determined that the sale of alcohol would not create a law enforcement problem. Aside from normal conditions of approval for the sale of alcohol, the Placentia Police Department did not have any concerns regarding the application. However, due to the implementation of a new review process between the Planning Department, a third party consultant and the Police Department, the “over-concentration” census tract designation was not communicated. The process has since been refined and that critical step has been corrected.

If the Department of Alcoholic Beverage Control determines that an application falls under one or both of the above described conditions, the applicant may request that the City grant a Determination of Public Convenience or Necessity Permit based on “public convenience or necessity.” The City, when informed of the discrepancy by ABC, immediately contacted Fresh & Easy and informed them that the City would process the application in which to make the appropriate findings required for the Public Convenience and Necessity.

RECOMMENDATION:

City Planning Division is recommending approval of Amendment No. 1 to Use Permit (UP) 2012-06, subject to all Special Conditions of Approval and Standard Development Requirements as approved by the Planning Commission on August 14, 2012.

DISCUSSION:

Fresh & Easy Neighborhood Market will be located within the Town Center I shopping center that is located at the southwest corner Kraemer Boulevard and Yorba Linda Boulevard. This shopping center is comprised of several parcels and was built in the early 1970's, totaling approximately 142,666 square feet of commercial/retail space. Uses within this shopping center include the following businesses: Arco Gas Station, The Whole Enchilada, Marie Calendar's, KC Nails, Bagel Me, CVS Pharmacy, Ross Dress For Less, Bank of America, Massage Envy, Courtesy 1 Hr. Cleaners, McDonald's, The Wok Experience, Beauty Avenue, Baskin Robbins, Marshall's (coming soon), Tae Kwon Do, Don's Shoe Repair and Philly's Best.

Fresh & Easy will be a new neighborhood market that will offer a wide variety of food and grocery products at affordable prices. In addition to offering Fresh & Easy brand products, they will also carry popular national brand products and household items at reduced prices. The applicant requested approval to sell alcoholic beverages for off-site consumption in order to provide a convenient one stop shopping experience to their customers.

Generally, the City reviews other establishments that serve alcohol within a ½ mile radius of the property. The Alcoholic Beverage Control (ABC) license that is being applied for by Fresh & Easy Neighborhood Market is a “Type 20 Off-Sale Beer and Wine,” which is an off-sale beer and wine license.

During the original application, City Staff concluded that subject to compliance with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-06, the issuance of this Use Permit would not create a law enforcement problem. The Development Services Department and the Placentia Police Department reviewed the request and supported the proposal. The Planning Commission approved of the item accordingly.

While the sale of beer and wine in conjunction with the sale of food items is common in grocery stores and other retail type businesses, there is a review that looks at the “over-concentration” of such establishments. This is done to specifically combat the locating of multiple alcohol selling establishments that may have a deleterious impact to the surrounding neighborhoods or community. As previously defined, over-concentrated means that the ratio of existing licenses to population within a Census tract exceeds the ratio of retail on-sale/retail off-sale licenses to population in the County. In this case, it is important to know that the tract extends west from Kraemer Boulevard to Placentia Avenue and includes the retail/commercial areas along Yorba Linda Boulevard in both Placentia and Fullerton. As such, the commercial/retail area versus residential is higher and with the Yorba Linda Boulevard corridor being a major commercial location for the immediate vicinity, it is natural that an over concentration of uses would occur. The review by the Police Department takes this into consideration along with their knowledge of the locale when making a determination of whether another license will impact public safety. In this case, the Police Department has determined that the new license would not be a law enforcement problem.

The Placentia Town Center commercial area west of Kraemer is within one census tract while the commercial area to the east of Kraemer is in another. The westerly census tract (117.11), by definition of the ABC, is overly concentrated. The tract is allowed four (4) Type 20/21 permits and it currently has seven (7), five (5) of which are located in the City of Fullerton and include Ralph’s Grocery, Albertson’s and Vendome Liquor.

Public Convenience or Necessity

As stated above, Fresh & Easy is located within a Census Tract 117.11 that already has an “undue concentration” of on-sale and off-sale ABC licenses pursuant to §

23958.4(a)(2) of the California Business and Professions (B&P) Code. ABC is required to deny issuance of an ABC license unless the applicant shows that public convenience or necessity would be served by issuance of the license. ABC typically relies on the findings of the local agency to support such a showing. Therefore, staff recommends that the Commission adopt the findings in Resolution PC-2012-17 that the public convenience or necessity would be served by issuance of an ABC license for the premises.

City Staff concludes that subject to compliance with all Special Conditions of Approval and Standard Development Requirements of the approved Use Permit (UP) 2012-06, the determination of a Public Convenience and Necessity will not create a law enforcement problem. According to the Placentia Police Department, the Placentia Town Center is not within a high crime reporting district and the determination of Public Convenience and Necessity will not cause a law enforcement problem.

CEQA:

The proposed Use Permit 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 Impact Report Guidelines of the City of Placentia, and staff recommends that the Planning Commission exercise its independent judgment and find that Amendment No. 1 to Use Permit 2012-06 is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3) as it pertains to a use where it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

Actions:

1. Adopt Resolution No. PC-2012-17.
2. Approve Amendment No. 1 to Use Permit 2012-06, subject to all Special Conditions of Approval and Standard Development Requirements as approved by the Planning Commission on August 14, 2012.

Prepared and submitted by:

Reviewed and approved by:

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PLANNING COMMISSION SECRETARY

Kenneth A. Domer
Assistant City Administrator

Monique B. Schwartz
Associate Planner

Attachments:

- Attachment A: Resolution No. PC-2012-17
Attachment B: Use Permit 2012-06 (with attachments and exhibits)

RESOLUTION NO. PC-2012-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING AMENDMENT NUMBER 1 TO USE PERMIT NO. 2012-06 PERTAINING TO MAKING FINDINGS OF PUBLIC CONVENIENCE AND NECESSITY FOR TYPE 20 OFF-SALE BEER AND WINE LICENSE AT PROPERTY LOCATED AT 148 E. YORBA LINDA BOULEVARD (FRESH & EASY).

A. Recitals.

(i) Adam Mayfield of Fresh & Easy Neighborhood Markets, applicant and Inland Western Placentia, owner of the property located at 148 E. Yorba Linda Boulevard ("Applicant" hereinafter) heretofore filed an application for approval of Amendment No. 1 to Use Permit No. 2012-06, 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 October 9, 2012 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 Planning Commission specifically finds that public convenience or necessity would be served by the issuance of an ABC license for the premises based upon the following:

(1). The facility will be limited to a Type 20 (Off Sale Beer and Wine) license. No distilled spirits will be sold and no minors will be permitted to purchase alcoholic beverages;

(2). Fresh & Easy is a new neighborhood grocery and the incidental sale of beer and wine is not anticipated to be the source of nuisance behavior associated with excessive consumption of alcoholic beverages because the proposed facility is primarily for the sale of general grocery items and the sale of beer and wine is in conjunction with the sale of these products;

(3). Beer and wine sales for off-site consumption will enable Fresh & Easy's customers to have a one-stop shopping experience, thus allowing them to obtain all grocery items at one time.

(4). The proposed availability of beer and wine with the sale of general groceries is a service expected by the public;

(5). The restrictions on the on-site advertising of alcoholic beverages ensures that the sale of beer and wine is associated with the general groceries and the sale of beer and wine is ancillary use of the grocery business;

(6). Subject to compliance with all Special Conditions of Approval and Standard Development Requirements as approved by the Planning Commission through Resolution PC-2012-11 and Use Permit 2012-06, the Placentia Police Department does not believe that this use permit issuance will create a law enforcement problem. Fresh & Easy is not located within a high crime reporting district. The Development Services Department and the Placentia Police Department are supportive of this proposal.

3. Based upon the environmental review of the project, the Planning Commission finds that Amendment No. 1 to Use Permit (UP) 2012-06 is exempt from CEQA pursuant State CEQA Guidelines § 15061(b)(3) as it pertains to a matter which can be seen with certainty that there is no possibility that Amendment No. 1 to Use Permit (UP) 2012-06 will have a significant effect on the environment.

4. The Planning Commission hereby directs that, upon approval of Amendment No. 1 to Use Permit 2012-06, 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 Amendment No. 1

to Use Permit 2012-06 as modified herein, and specifically subject to the conditions set forth in Resolution PC-2012-11 (Attachment B) 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 October, 2012.

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 9th day of October, 2012, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9th day of October, 2012, 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



Placentia Planning Commission

Agenda Staff Report

AGENDA ITEM NO.: 2	DATE: August 14, 2012	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2012-06		
DESCRIPTION: To permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption, and to permit three (3) outdoor shopping cart storage locations in conjunction with the operation of a new +/- 12,000 square foot Fresh & Easy Neighborhood Market, located at 148 E. Yorba Linda Boulevard in the Town Center (T-C) District.		
RELATED APPLICATIONS: None		
APPLICANT: Fresh & Easy Neighborhood Markets: Tom Scorer		
PROPERTY OWNER: Inland Western Placentia, LLC		
LOCATION: 148 E. Yorba Linda Boulevard		
CEQA DETERMINATION: Categorically Exempt: Section 15061(b)(3)		
ZONING: Town Center (T-C)	APN(S): 339-181-02, 06, 07, 08, 10	
GENERAL PLAN: Commercial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Monique B. Schwartz, Associate Planner		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator, Development Services		

REQUEST:

To permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption, and to permit three (3) outdoor shopping cart storage locations, in conjunction with the operation of a new +/- 12,000 square foot Fresh & Easy Neighborhood market, located at 148 E. Yorba Linda Boulevard in the Town Center (T-C) District.

INTRODUCTION:

Although a grocery store/market is a permitted use by right within the Town Center (T-C) 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.

According to Placentia Municipal Code Section 23.27.040(3) Establishments that sell alcoholic beverages and Section 23.27.040(10) Outdoor storage of shopping carts, both uses are permitted within the "T-C" 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) 2012-06, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

Fresh & Easy Neighborhood Market will be located within the Town Center I shopping center that is located at the southwest corner Kraemer Boulevard and Yorba Linda Boulevard. This shopping center is comprised of several parcels and was built in the early 1970's, totaling approximately 142,666 square feet of commercial/retail space. Uses within this shopping center include the following businesses: Arco Gas Station, The Whole Enchilada, Marie Calendar's, KC Nails, Bagel Me, CVS Pharmacy, Ross Dress For Less, Bank of America, Massage Envy, Courtesy 1 Hr. Cleaners, McDonald's, The Wok Experience, Beauty Avenue, Baskin Robbins, Marshall's (coming soon), Tae Kwon Do, Don's Shoe Repair and Philly's Best.

Subject Site and Surrounding Land Uses:

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Commercial/Retail	"Commercial"	"T-C"
Proposed	Sale of Beer and Wine for Off-Site Consumption at Fresh & Easy Neighborhood Market	"Commercial"	"T-C"
North	Yorba Linda Boulevard/Commercial- Retail	"Commercial"	"T-C"
South	Residential	"Medium Density Residential"	"R-G"
East	Commercial/Retail	"Commercial"	"T-C"
West	Bradford Avenue/City of Fullerton	----	----

Operational Characteristics:

Fresh & Easy will be a new neighborhood market that will offer a wide variety of food and grocery products at affordable prices. In addition to offering Fresh & Easy brand products, they will also carry popular national brand products and household items at reduced prices. The applicant is requesting approval to sell alcoholic beverages for off-site consumption in order to provide a convenient one stop shopping experience to their customers. Fresh & Easy will operate during the following hours:

Monday through Sunday: 7:00 a.m. to 10:00 p.m.
 Delivery Hours: 5:00 a.m. to 11:00 p.m. (Monday through Sunday)

This store will employ approximately 30 employees.

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 Fresh & Easy Neighborhood Market is "Type 20 Off-Sale Beer and Wine," which is an off-sale beer and wine license. Listed below are other businesses within a one-half mile radius of the subject site that are permitted to sell alcoholic beverages for on and off-site consumption.

BUSINESS	ADDRESS	LICENSE TYPE
Marie Calendars	126 E. Yorba Linda Boulevard	Type "47" On-Sale General for Bona Fide Public Eating Place
The Whole Enchilada	106 E. Yorba Linda Boulevard	Type "47" On-Sale General for Bona Fide Public Eating Place
Rubios Restaurant	127 E. Yorba Linda Boulevard	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
Philly's Best	198 E. Yorba Linda Boulevard	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
CVS Pharmacy #9747	150 E. Yorba Linda Boulevard	Type "21" Off-Sale General
Walgreens #09197	191 E. Yorba Linda Boulevard	Type "20" Off-Sale Beer and Wine
Saigon Noodle House	1486 N. Kraemer Boulevard	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
El Torito Restaurant	1474 N. Kraemer Boulevard	Type "47" On-Sale General for Bona Fide Public Eating Place
Orea Taverna	1390 N. Kraemer Boulevard	Type "47" On-Sale General for Bona Fide Public Eating Place
Maki Yaki	1490 N. Kraemer Boulevard	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place

The sale of beer and wine in conjunction with the sale of food items is common in grocery stores and other retail type businesses. The sale of alcoholic beverages in this retail business will not be the primary attraction for patrons as in the case with liquor stores, and thus would not attract nuisance behavior associated with excessive consumption of alcoholic beverages. Providing customers with the option to purchase beer and wine at this location would provide convenience to the business patrons because it would provide a one-stop shopping experience. Denying Fresh & Easy the opportunity to sell alcoholic beverages could put it at a disadvantage with other similar type stores in the area that are currently licensed and permitted to sell alcoholic beverages. CVS Pharmacy (150 E. Yorba Linda Boulevard) which is located within the same shopping center is currently permitted to sell alcoholic beverages and in turn provides direct competition to Fresh & Easy.

City Staff concludes that subject to compliance with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2011-06, 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 Use Permit application because Fresh & Easy Neighborhood Market is not located within a high crime reporting district nor is it located within an area of over concentration.

Outdoor Storage of Grocery Carts:

The outdoor storage of grocery carts within designated corrals is common practice among most grocery and retail stores; however, abandoned shopping carts on-site within the shopping center and parking lot area as well as off-site within the public right-of-way is a typical problem in most jurisdictions. Fresh & Easy proposes to have three (3) designated cart storage locations, as indicated on the submittal site plan. There will be two (2) adjacent 74 square foot corrals located within the parking lot, north of the main entrance of the store and an additional 262 square foot cart corral that will be located against the store front of the retail space, directly east of the main entrance. As indicated in their Statement of Use, Fresh & Easy will have designated store employees that will retrieve the carts on a regular basis. The cart storage areas will also be locked at night by means of a locked cable through the carts and attached to the cart corrals. Having designated cart corrals is highly recommended and is considered a best management practice so as to reduce stray carts within the parking lot and potential property damage related to vehicles impacting stray carts. Additionally, the corralling of carts maintains a neater physical environment for the entire shopping center. The former Alpha Beta grocery store, located where the current CVS is now located, was provided outdoor shopping cart storage through Use Permit 89/18.

The City often receives calls from residents reporting and or complaining about shopping carts abandoned throughout the City. The Placentia Municipal Code addresses abandoned shopping carts left within the public right-of-way; however it does not address the regulation or containment of shopping carts on private property. Section 8.07.020 of the Municipal Code specifies that "Any shopping cart, shopping basket or other similar device that is abandoned or left upon any public street, alley, sidewalk or public property is declared to be a nuisance and shall be subject to abatement." There is a City abatement procedure that involves a written notice to the shopping cart owner, notifying them that the cart has been impounded and that an impound fee of \$25 is required to retrieve the cart. If the shopping cart is not claimed within 15 days, the cart may be destroyed. The Public Works staff has limited capabilities to respond to calls about abandoned shopping carts due to budget related service level reductions. If a call is received, the Public Works Department contacts an outside agency that will pick up the

cart at the owner's expense. If the carts are not retrieved in a timely manner, staff will pick up the cart and dispose of it in a proper manner.

At a minimum, Staff recommends that Fresh & Easy permanently affix a sign to each shopping cart that identifies the owner of the cart. ***A sign shall be permanently affixed to the cart corrals that** notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart is a violation of State Law, and a valid telephone number or address for returning the cart removed from the premises or parking area to the owner or retailer. It is also conditioned that the business owner contract with a cart retrieval company to help with the recovery of abandoned carts off of the subject site. A Special Condition of Approval has been added to ensure that shopping carts on the subject site are retrieved at regular intervals to ensure that they do not become a hazard or obstruction within the parking lot area of the shopping center.

Floor Plan:

The submittal floor plan indicates that the tenant space is approximately 12,000 square feet and includes a approximately 7,700 square feet of open merchandise display and approximately 4,400 square feet of backroom area that includes an employee break room, receiving room, storage room and two restroom facilities. There is one (1) main entrance/exit on the south side of the building, adjacent to the check stands and a secondary exit on the south side. Additionally, there are two exit doors located on the north side of the tenant space.

Parking:

The Town Center I Shopping Center is comprised of several parcels totaling approximately 142,666 square feet of commercial/retail space. A recent site inspection revealed that there are 661 existing parking spaces available for the shopping center and 571 spaces are required, pursuant to Section 23.78.030 of the Placentia Municipal Code. There are a total of 90 surplus parking spaces. Fresh & Easy will be removing two (2) existing parking spaces that are located in the parking lot directly in front of their retail space to conform to ADA regulations, two (2) additional spaces to accommodate the two (2) shopping cart storage corrals and five (5) spaces to the rear of the retail space to accommodate new equipment. With the elimination of a total of nine (9) spaces, there is still a surplus of 81 spaces. There are reciprocal parking agreements for all of the parcels that provides for the total available parking at this site. It is not anticipated that the proposed sale of beer and wine within the new Fresh & Easy Neighborhood Market will affect the existing available parking within this shopping center.

Compatibility:

The sale of beer and wine for off-site consumption and the outdoor storage of shopping carts are uses that are compatible with the adjacent business within this shopping center and within the surrounding area. With the approval of this Use Permit application, this

new business will be surrounded by other commercial uses and will attract customers to the shopping center, which in turn benefits all of the other existing businesses.

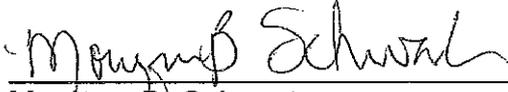
CEQA:

The proposed Use Permit 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 Impact Report Guidelines of the City of Placentia, and staff recommends that the Planning Commission exercise its independent judgment and find that Use Permit (UP) 2011-16 is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3) as it pertains to a use where it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

Actions:

1. Adopt Resolution No. PC-2012-11.
2. Approve Use Permit (UP) 2012-06, subject to the attached Special Conditions of Approval and Standard Development Requirements.

Prepared and submitted by:



Monique B. Schwartz
Associate Planner

Reviewed and approved by:



Kenneth A. Domer
Assistant City Administrator

Attachments:

- Attachment A: Resolution No. PC-2012-11
Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2012-06
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

***Revised by Staff on 8-14-12**

RESOLUTION NO. PC-2012-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2012-06 PERTAINING TO PROPERTY LOCATED AT 148 E. YORBA LINDA BOULEVARD AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Tom Scorer of Fresh & Easy Neighborhood Markets, applicant and Inland Western Placentia, owner of the property located at 148 E. Yorba Linda Boulevard ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2012-06, 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 14, 2012 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 "T-C" Town Center District and (3) It is not anticipated that a Type 20 (Off-sale Beer and Wine) license and the outdoor storage of shopping carts 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, and shopping carts will be collected on a regular basis by employees of the applicant, 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 and the outdoor storage of shopping carts are permitted uses in the Town Center (T-C) 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 uses are conditionally permitted uses in the "T-C" Town Center District in the City of Placentia. Approval of the Use Permit for the sale of alcoholic beverages within this retail establishment and the outdoor storage of shopping carts would be consistent with the zoning as the site can accommodate the proposed uses, and since other similar uses have been conditionally permitted within the "T-C" Town Center 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 2012-06 to ensure compliance with the Placentia Municipal Code.

3. Based upon the environmental review of the project, the Planning Commission finds that Use Permit (UP) 2012-06 is exempt from CEQA pursuant State CEQA Guidelines § 15061(b)(3) as it pertains to a matter which can be seen with certainty that there is no possibility that Use Permit (UP) 2012-06 will have a significant effect on the environment.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2012-06, 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 2012-06 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 14th day of August, 2012.

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 14th day of August, 2012, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 14th day of August, 2012, 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) 2012-06

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) 2012-06 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.
2. Use Permit (UP) 2012-06 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 Fresh & Easy Neighborhood Market, the applicant shall obtain written approval from the Director

APPROVED

CITY OF PLACENTIA

PLANNING COMMISSION 8-14-12

CITY COUNCIL

KAO 8-29-12

of Development Services or his/her designee. The following are the specified days and hours of operation as requested by the applicant:

Monday through Sunday: 7:00 a.m. to 10:00 p.m.

Delivery Hours: 5:00 a.m. to 11:00 p.m. (Monday through Sunday)

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 of alcohol are not permitted at any time and all other displays are to be approved by the Development Services Department per Placentia Municipal Code regulations.
11. There shall be no deliveries to or from the premises before 5:00 a.m. or after 11:00 p.m. Monday through Sunday. Deliveries shall be in conformance with all noise regulations of Chapter 23.76 Noise Control of the Placentia Municipal Code.
12. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, deliveries and in emergencies.
- *13. Litter shall be removed daily from the premises, **the Fresh & Easy immediate area on the subject site**, 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 scheduled as required to prevent overflow of trash and debris outside designated collection bins. The

City may prescribe a minimum pickup schedule if there are persistent, verified instances of overflowing trash and debris from the designated collection bins.

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. Section 23.90.100 regarding signage shall be complied with as a condition of this Use Permit. Additionally, all temporary advertising devices, unless otherwise specified in Section 23.90.160 are prohibited.

Grand opening pennants, banners and flags shall be regulated by PMC Section 23.90.160 with the exception that such pennants, banners and flags may be permitted to be displayed for a period not to exceed ninety (90) days from the grand opening.

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 retail establishment 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,~~ **immediate Fresh & Easy 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. The business owner is encouraged to contact the City's graffiti abatement contractor in order to subscribe to its commercial business program to expeditiously remove any graffiti.
20. The applicant business owner shall maintain a valid City Business License at all times during operation of 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 20" Off Sale Beer and Wine shall be applicable.
23. Operator of the business 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. Shopping carts shall be regularly collected from and around the store, parking lot area and shopping center by store employees and returned back to designated cart collection areas.
- *26. Applicant shall affix a sign to each shopping cart that identifies the owner of the cart. **A sign shall be permanently affixed to the cart corrals that notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart is a violation of State Law, and a valid telephone number or address for returning the cart removed from the premises or parking area to the owner or retailer.**
27. Business owner shall contract with a cart retrieval company to help with the recovery of abandoned carts off of the subject site.
28. Applicant shall provide a shopping cart management plan to be approved by the Director of Development Services, prior to the issuance of any building permits.

CITY BUILDING DIVISION:

29. The applicant shall obtain all necessary approvals from the City prior to constructing any tenant improvements. The plans for the tenant improvement shall be prepared by a California-licensed architect or engineer.
30. All contractors and sub-contractors shall obtain a city business license. Applicant and/or contractor shall request a standard sub-contractor form from the City Building Division prior to issuance of a building permit. This standard form shall

be completed and submitted to the City Business License Division prior to the issuance of any building permits.

31. Applicant shall obtain approval from Orange County Fire Authority (O.C.F.A.) prior to final occupancy.
32. The entire leased space (12,204 square feet) shall be equipped with an automatic fire sprinkler system.
33. Site Plan and interior restrooms (men's and women's) shall be in compliance with Title 24 Access Regulations.
34. Applicant shall define type of occupancy and type of construction on Building Plans.
35. Applicant shall provide adequate exits per 2010 California Building Code. These exits shall be properly separated for fire escape purposes.
36. With the Planning Director's approval, the applicant can add one (1) additional cart corral, for a total of four (4), if the need arises.

ENGINEERING DIVISION:

37. Applicant shall provide the Engineering Division with drawings using a truck turning template applied to N. Kraemer Boulevard prior to building permit issuance to determine adequate ingress/egress of subject site.

CITY POLICE DEPARTMENT:

38. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).
39. Applicant/business owner of Fresh and Easy shall be in compliance with all Alcoholic Beverage Control requirements.
40. 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.
41. 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.

42. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of merchant items. The licensee shall at all times maintain records which reflect separately the gross sales of merchant items 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.
- *43. Sales of alcoholic beverages shall be permitted only between the hours of 8:00 7:00 a.m. to 10:00 9:00 p.m. Monday through Sunday.
- *44. The sale of beer and malt beverages in quantities of quarts, 22 ounces, 32 ounces, 40 ounces or similar size containers is prohibited. Beer, malt beverages and wine coolers in containers of 16 ounces or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities, **excluding the individual sale of kraft beers.**
- **45. ~~No wine shall be sold with an alcoholic content greater than 15% by volume.~~
46. No wine coolers shall be sold in less than a four-pack quantity.
47. No beer or wine shall be displayed within five (5) feet of the cash register or any public entrance.
48. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages, which are clearly visible to the exterior, shall constitute a violation of this condition.
49. Employees who sell beer and wine shall be at least 21 years of age.
- **50. ~~All containers of alcoholic beverages that are displayed for sale shall be secured against public access between the hours of 9:00 p.m. and 8:00 a.m. Secured refrigerator compartments must have interior compartment separators to prevent access from neighboring non-locking doors or compartments.~~
51. The subject alcoholic beverage license shall not be exchanged for another public type premises type license.
52. Alcoholic beverages shall be sold and packages within accordance to Alcoholic Beverage Control standards.

53. The sale of beer and wine for consumption on the premises is prohibited.
54. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
55. Signs shall be posted at all exits of the premises, which prohibit alcoholic beverages from being opened or consumed on or around the premises.
56. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
57. The use of any amplifying system, outdoor sound system, loudspeakers, paging system, or any other such device is prohibited on the licensed premises if such system projects beyond the interior of the business with the exception of approved security or fire alarm systems.
58. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
59. Graffiti shall be removed from the exterior walls and windows of the premises within 48 hours of discovery.

~~** 60. The business owner, in conjunction with the property owner, shall ensure the parking lot of the premises is 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.~~

~~** 61. Lighting in the parking area of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonable illuminate the window area of nearby residences, if applicable.~~

62. 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 one week in advance.

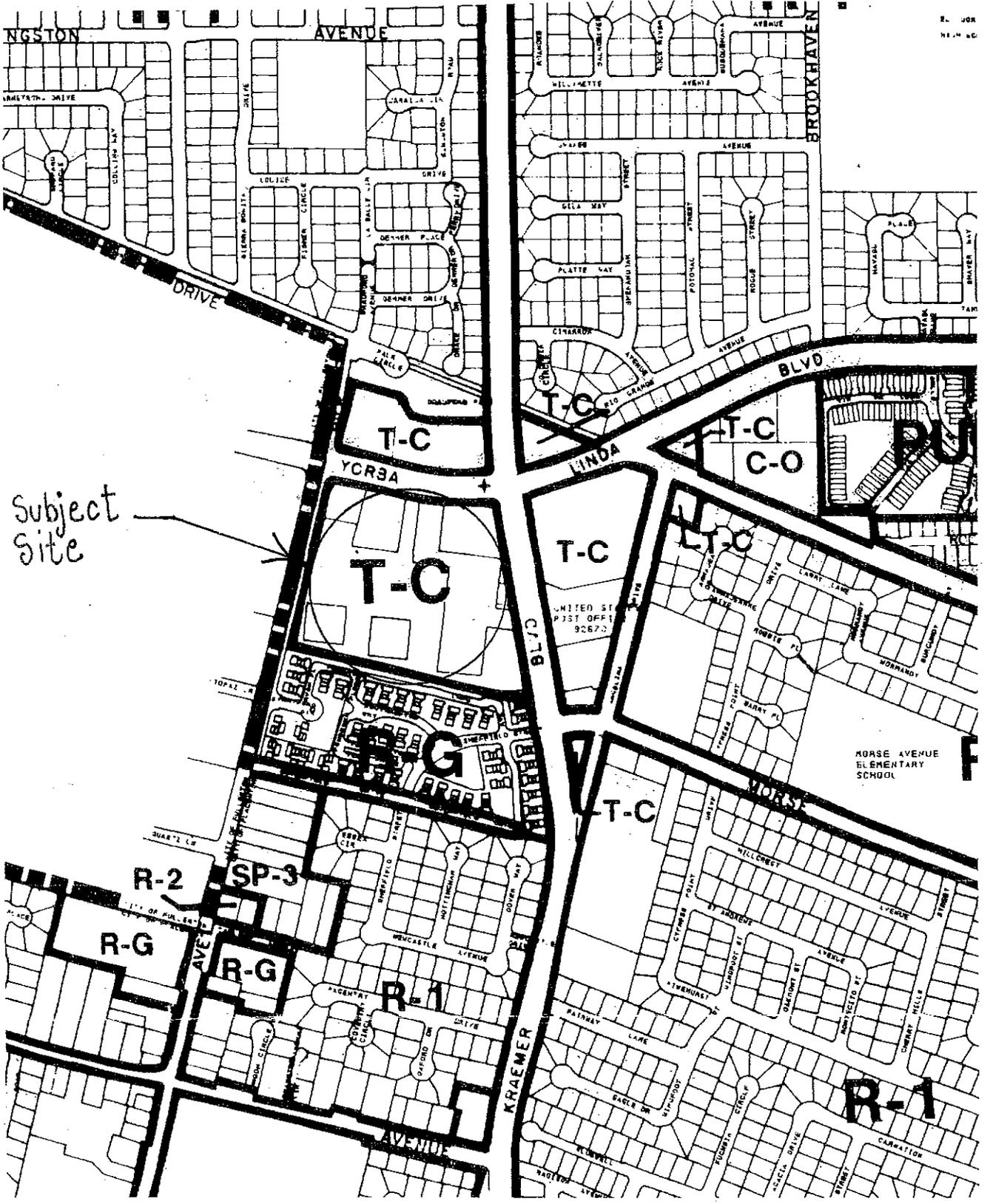
63. All employees of the petitioner who sell alcoholic beverage products shall be required to complete any ABC mandated training programs in alcoholic beverage compliance, to include programs aimed at preventing the sale of alcohol to under aged persons. The applicant must provide the City of Placentia Police Department, Administrative Services Lieutenant copies of completed ABC training programs and must maintain on premises, readily available for inspection, all information related to alcohol sales training and education for current employees.

ORANGE COUNTY FIRE AUTHORITY:

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

***Revised by Staff on 8-14-12**

****Deleted by Staff on 8-14-12**



Subject Site

VICINITY MAP

NTS



PLANNING DIVISION REPORT
 UP 2012-06
 Exhibit 1



NADEL

CITY OF PLACENTIA
Department of Development Services
401 E. Chapman Avenue
Placentia, CA 92870

June 25, 2012

Attn: Ms. Monique Schwartz

3333 E. Camelback Road
Suite 200
Phoenix, AZ 85018

Re: **Fresh & Easy Neighborhood Market**
Yorba Linda & Kraemer
Placentia, CA
Nadel #10281

T: 602.956.9900
F: 602.956.9901
www.nadefarc.com

Dear Ms. Schwartz:

The enclosed application is to request a CUP for the sale of alcoholic beverages and the outdoor storage of shopping carts. See attached site plan for location and quantities of shopping carts stored. The area of the (3) shopping cart storage areas are as follows: parking lot - 74 S.F. each and front of store 114 S.F. for a total of 262 S.F. The carts are retrieved regularly by a designated store employee and locked up at night in the cart storage areas by means of a locked cable through the carts and to the cart corral.

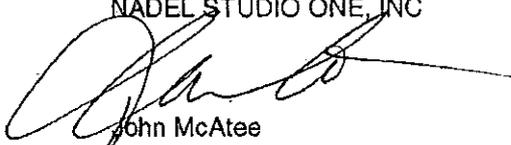
In addition, we are requesting store operating hours from 7:00 a.m. until 10:00 p.m., store delivery hours from 5:00 a.m. until 11:00 p.m., 7 days per week.

Also, we are requesting the relocation of one palm tree that falls directly in front of our new store entrance.

If you have any further questions or concerns, please feel free to contact me.

Sincerely,

NADEL STUDIO ONE, INC



John McAtee
Project Manager

REVISED

cc: File

PLANNING DIVISION REPORT

APPLICATION: UP 2012-06

EXHIBIT: 4

PAGE 1 OF 4

DATE 6-17-12



June 18, 2012

City of Placentia,
Development Services Department
401 E. Chapman Ave.
Placentia, CA 92870

Attn: Monique Schwartz

Dear Ms. Schwartz,

Enclosed is our "Statement of Use" as requested. If you have any questions please contact me.

A handwritten signature in black ink, appearing to read 'Tom Scorer', is written over the text 'contact me.'.

Tom Scorer
Real Estate Director

PLANNING DIVISION REPORT
APPLICATION: UP 2012-06
EXHIBIT: 4
PAGE 2 OF 4
DATE: 8-14-12

Fresh & Easy Neighborhood Market
Background and Facts



Neighborhood Market

Our Values

- We offer great food our customers can trust
- Everyone's welcome at Fresh & Easy
- We're a great place to work
- We're a good neighbor
- We keep it simple

Current Statistics

- We operate 197 stores in California, Arizona and Nevada
- We have created more than 5,000 jobs, with over 4,000 in California
- Fresh & Easy Express has opened in Los Angeles and Orange counties
 - Offers the best of Fresh & Easy in 1/3rd the space

Investment in California

- We made significant investments in our world-class distribution, kitchen, produce and meat facilities in Riverside
 - Gives Tesco an opportunity to source California products for our businesses around the world
- More than 65% of our produce comes from California

Great Food Our Customers Can Trust

- We believe everyone deserves fresh, wholesome food at affordable prices
- In addition to our popular fresh&easy brand products, we offer everyone's favorite national brand products and household items all at incredibly low prices
- fresh&easy brand products have no artificial colors or flavors, no high-fructose corn syrup, no added trans fats and only use preservatives when absolutely necessary
- We offer *eatwell* products, a range of meals with less than 25% of the daily recommended value of calories, saturated fat, fat and sodium
- We also offer *Goodness for Kids* products, a range of convenient yet wholesome prepared meals and snacks for children that taste good
- We offer 98-cent Produce Packs, which provide customers a variety of affordable fresh fruit and vegetable options every day

Everybody's Welcome at Fresh & Easy

- We believe everyone deserves fresh, wholesome food at great prices, regardless of where they live
- We offer the same type of stores from Pasadena to Hollywood and Compton to South Los Angeles, demonstrating our commitment to serve all types of neighborhoods
- Our recently opened stores in San Francisco's Bayview-Hunter's Point and South Los Angeles now provide healthier food options to neighborhoods that have previously lacked healthy options for generations
- We recently broke ground on highly-anticipated stores in South Los Angeles at Jefferson & Crenshaw and Sacramento at 34th & Broadway

PLANNING DIVISION REPORT

APPLICATION: UP 2012-06

EXHIBIT: 4

PAGE 3 OF 4

DATE: 2-14-12

Fresh & Easy Neighborhood Market 0512

Fresh & Easy Neighborhood Market
Background and Facts



Creating a Great Place to Work

- We treat people with respect and value our employees
- We employ approximately 20 to 30 employees per store; about 300 people are in-directly employed to build a Fresh & Easy store
- Entry-level positions start at \$10/hour
- We offer quarterly bonuses of up to 10% for all employees
- We believe everyone deserves access to healthcare:
 - Employees are eligible to work at least 20 hours per week which entitles them and their families to affordable, comprehensive healthcare (including medical, dental, prescription, vision)
 - We pay up to 75% of the cost of health benefits
 - The lowest cost option is just \$1.50 per day for coverage
 - More than 70% of our employees participate in Fresh & Easy health plans
- Everyone is offered a 401(k) plan with company match
- We offer a generous paid time off (PTO) plan
- 50% of stores employees work within four miles from where they live
- All employees receive life-skills training which supports not only their performance at work, but also their personal success at home and in the community; all managers are taught how to manage others
- As a quickly growing business, employees have significant opportunity for advancement
 - Last year, more than 300 store employees were promoted to management positions and as we open more new stores there will be even more opportunities for advancement

Neighborhood Market

Being a Good Neighbor

- We are considerate to our neighbors and aim to reduce our impact on the environment
- We recycle or reuse all our display and shipping materials and offer in-store recycling for customers and employees
- Our trucks are designed to significantly reduce noise and do not drive through school zones during student drop-off and pick-up times, and deliveries are only permitted during designated hours to be considerate of our neighbors
- Each store has a budget to make product donations to the neighborhood, and at each store opening we donate \$1,000 to a local nonprofit organization based off of nominations from neighbors
- Our Shop for Schools program gives back to K-8th grade schools. Since 2009, over \$4 million has been donated to schools to use for whatever they need most
- We have made it a priority to reduce our impact on the environment wherever possible, including our green buildings:
 - On average, our stores use 30% less energy than a typical supermarket
 - We invested in one of the world's largest roof-mounted solar installations at our Riverside distribution center. We also added roof-mounted solar systems on 11 stores last year
 - We have the most currently certified stores in the nation through the EPA's GreenChill refrigeration leak reduction program

We Keep it Simple

- We've built Fresh & Easy on the principle of keeping everything simple
 - From our distribution and supply chain to our assisted checkouts, we keep it simple to make it easy for our customers and to keep our prices low

PLANNING DIVISION REPORT

APPLICATION: UP 2012-06

EXHIBIT: 4

PAGE 4 OF 4

DATE: 8-14-12



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 2	DATE: October 9, 2012	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2012-10		
DESCRIPTION: To permit the sale of alcoholic beverages (Type 41 On Sale Beer and Wine for Bona Fide Eating Place) for on-site consumption, and to permit a +/- 290 square foot large outdoor seating area in conjunction with a +/- 3,000 square foot full service restaurant (Sue Ann's), located at 1450 N. Kraemer Boulevard in the Town Center (T-C) District.		
RELATED APPLICATIONS: None		
APPLICANT: Gillian Clark		
PROPERTY OWNER: Placentia Village Plaza LLC; James Matthews		
LOCATION: 1450 N. Kraemer Boulevard		
CEQA DETERMINATION: Categorically Exempt: Section 15061(b)(3)		
ZONING: Town Center (T-C)	APN(S): 339-173-01	
GENERAL PLAN: Commercial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Monique B. Schwartz, Associate Planner		
REVIEWED BY: 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 Eating Place) for on-site consumption, and to permit a +/- 290 square foot large outdoor seating area in conjunction with a +/- 3,000 square foot full service restaurant (Sue Ann's), located at 1450 N. Kraemer Boulevard in the Town Center (T-C) District.

INTRODUCTION:

Although a restaurant facility is a permitted use by right within the Town Center 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 §§ 23.27.040(3) and 23.27.040(5) of the Placentia Municipal Code, the sale of alcoholic beverages and large outdoor seating areas are permitted within the "T-C" District, subject to obtaining use permit approval. 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) 2012-10, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

Sue Ann's will be a new restaurant that will occupy a tenant space within the Placentia Plaza commercial/retail shopping center located at the southeast corner of Kraemer Boulevard and Yorba Linda Boulevard. Other uses that are currently within this shopping center include: a freestanding Mexican restaurant, fast food chicken restaurant, Japanese restaurant, Vietnamese restaurant, travel agency, nail spa, hair salon, tailor, jewelry store, credit union, dentist and doctor's office.

Subject Site and Surrounding Land Uses:

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Commercial/Retail	"Commercial"	"T-C"
Proposed	Sale of Beer and Wine for On-Site Consumption and Large Outdoor Seating Area at Sue Ann's	"Commercial"	"T-C"
North	Commercial/Retail	"Commercial"	"T-C"
South	United States Post Office	"Commercial"	"T-C"
East	Single Family Residential/Commercial Office	"Low Density Residential/Commercial"	"R-1 and C-O"
West	Commercial/Retail	"Commercial"	"T-C"

Operational Characteristics:

Sue Ann's will be a new restaurant that will specialize in home-made, from scratch, classic American cuisine. The restaurant will offer a variety of menu items including fresh soups, salads, classic sandwiches, fresh seafood, steak, roasted chicken, burgers and a variety of pies and cakes. The applicant, Gillian Clark is an accomplished chef who has worked as the executive chef and owner of The General Store & Post Office Tavern in Silver Springs, Maryland as well as the Colorado Kitchen in Washington D.C. She is presently a lead consultant for the Just Cook It Consulting Group, where she provides menu consultation and training to restaurants around the country. Her business partner, Robin Smith has several years of experience in responsible restaurant operations and management. She was the co-owner and manager of the General Store & Post Office Tavern and the Colorado Kitchen.

The applicant is requesting approval to provide alcoholic beverages for on-site consumption within the restaurant and large outdoor seating area in order to compliment their food menu. They will be offering a unique selection of hand-crafted beers and fine wines to complement any food selection.

Sue Ann's will operate during the following hours:

Monday through Friday: 7:00 a.m. to 10:00 p.m.
 Saturday and Sunday: Weekend brunch: 11:00 a.m. to 3:00 p.m.
 Dinner: 5:00 p.m. to 10:00 p.m.

There will be a total of four (4) full-time employees, and eleven (11) part-time employees. The general operations of the restaurant will be run by the applicant, Chef Gillian Clark and managed by her business partner Robin Smith.

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 Sue Ann's 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 a one-half mile radius of the subject site that are permitted to sell alcoholic beverages for on and off-site consumption.

BUSINESS	ADDRESS	LICENSE TYPE
Marie Calendars #71	126 E. Yorba Linda Boulevard	Type "47" On-Sale General for Bona Fide Public Eating Place
Whole Enchilada	106 E. Yorba Linda Boulevard	Type "47" On-Sale General for Bona Fide Public Eating Place
Rubio's Fresh Mexican Grill	127 E. Yorba Linda Boulevard	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
Philly's Best	198 E. Yorba Linda Boulevard	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
CVS Pharmacy	150 E. Yorba Linda Boulevard	Type "21" Off-Sale General
Walgreen's	191 E. Yorba Linda Boulevard	Type "20" Off-Sale Beer and Wine
*Saigon Noodle House	1486 N. Kraemer Boulevard	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
*El Torito	1474 N. Kraemer Boulevard	Type "47" On-Sale General for Bona Fide Public Eating Place
Orea Taverna	1390 N. Kraemer Boulevard	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place
*Maki Yaki Japanese Restaurant	1490 N. Kraemer Boulevard	Type "41" On-Sale Beer and Wine for Bona Fide Public Eating Place

*Businesses within the Placentia Plaza Shopping Center that are licensed to sell alcoholic beverages

The sale of 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. El Torito Mexican Restaurant, Maki Yaki Japanese Restaurant and Saigon Noodle House are existing restaurants that are currently located within the same shopping center that are licensed to sell beer and wine for on-site consumption. These restaurants provide direct competition to Sue Ann's.

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 and within the large outdoor seating area. 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. Sue Ann's 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) 2012-10, 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 Sue Ann's is not located within a high crime reporting district nor is it located within an area of over concentration. Sue Ann's is located within Census Tract 0117.15, which permits a total of ten (10) ABC licenses (7 on-sale and 3 off-sale). There are currently five (5) existing on-sale licenses and one (1) existing off-sale license within this census tract.

Floor Plan:

The submittal floor plan indicates that the tenant space is approximately +/- 3,000 square feet and includes approximately +/- 2,000 square feet of customer area, 1,000 square feet of non-customer area (kitchen, preparation areas, service area, dishwashing area and storage) and a +/- 290 square foot outdoor patio seating area, located off the southeast corner of the tenant space. There are two (2) entries/exits off of the west side of the tenant space and a double door entry to the outdoor patio seating area along the south side.

Large Outdoor Seating Area:

Pursuant to § 23.27.040(5) of the Placentia Municipal Code, a use permit is required for a large outdoor seating area or dining patio within the Town Center (T-C) District. Section 23.81.165 defines a large outdoor seating area to contain five (5) or more tables. Based on the submittal floor plan, the outdoor seating area measures approximately 14.5 feet by 20 feet (+/- 290 square feet) and shows 4 tables and 16 chairs; however, the applicant wanted the flexibility of being able to accommodate at least 5 tables with 20 chairs. The outdoor seating area is located off of the main sidewalk of the shopping center and is enclosed with a +/- 5'-0" high wrought iron fence and gate. Access to this area is from the south side of the tenant space, adjacent to the front entrance of the restaurant. To ensure that the outdoor seating area maintains clear pathways for efficient internal circulation, a Special Condition of Approval is included to maintain a minimum of 36 inches between the outdoor tables and chairs.

Parking:

The customer area within the restaurant is +/- 2000 square feet, while the non customer area is +/- 1,000 square feet. The proposed +/- 290 square foot fenced outdoor seating area also represents additional customer floor space. Pursuant to § 23.78.030(3) of the Placentia Municipal Code, eating and drinking places required 1 space for each 60 square feet of customer area plus 1 space for each 400 square feet of noncustomer area. Based on these requirements, Sue Anne's will require a total of 40 parking spaces.

The submittal site plan indicates that there are 335 existing parking spaces available for the shopping center. There is a total of +/- 36,850 square feet of retail square footage for the entire commercial/retail shopping center, plus 290 square feet of outdoor patio area, which computes to 278 required parking spaces, taking into consideration each existing use. These calculations indicate that the shopping center has a surplus of 57 parking spaces. It is not anticipated that the proposed restaurant will affect the available parking within this shopping center.

Compatibility:

The proposed restaurant and the sale of alcoholic beverages within the restaurant facility is compatible with the adjacent business uses within this existing shopping center and in the surrounding area. This business will attract people to the center, which will in turn benefit all of the other existing businesses.

CEQA:

The proposed Use Permit 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 Impact Report Guidelines of the City of Placentia, and staff recommends that the

Planning Commission exercise its independent judgment and find that Use Permit (UP) 2011-16 is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3) as it pertains to a use where it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

Actions:

1. Adopt Resolution No. PC-2012-18.
2. Approve Use Permit (UP) 2012-10, 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-2012-18
- Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2012-10
- 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-2012-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2012-10 PERTAINING TO PROPERTY LOCATED AT 1450 N. KRAEMER BOULEVARD AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i). Gillian Clark, applicant and Placentia Village Plaza LLC, James Matthews owner of the property located at 1450 N. Kraemer Boulevard ("Applicant" hereinafter), heretofore filed an application for approval of Use Permit No. 2012-10, 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 October 9, 2012 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 "T-C" Town Center 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 or

within the enclosed large outdoor seating area, 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 Town Center (T-C) 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 "T-C" Town Center District in the City of Placentia. Approval of the Use Permit for the sale of alcoholic beverages within this restaurant and enclosed large outdoor seating area 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 "T-C" Town Center 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 2012-10 to ensure compliance with the Placentia Municipal Code.

3. The proposed Use Permit 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 Impact Report Guidelines of the City of Placentia, and staff recommends that the Planning Commission exercise its independent judgment and find that Use Permit (UP) 2012-10 is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3) as it pertains to a use where it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2012-10, 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 2012-10 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 October, 2012.

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 9th day of October, 2012, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9th day of October, 2012, 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) 2012-10**

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) 2012-10 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.
2. Use Permit (UP) 2012-10 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 Sue Ann's, 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 through Friday: 7:00 a.m. to 10:00 p.m.
Saturday and Sunday: Weekend brunch: 11:00 a.m. to 3:00 p.m.
Dinner: 5:00 p.m. to 10:00 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 and within the enclosed large outdoor seating area.
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 deliveries, 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 if 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 and enclosed large outdoor seating area, 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. The outdoor seating area shall consist of removable furniture such as chairs, tables, umbrellas, portable heaters, benches and trash receptacles.
26. Clear pathways for efficient internal circulation shall be maintained at a minimum of 36 inches between the indoor and outdoor tables and chairs.
27. Lighting shall be provided to illuminate the outdoor seating area as specified in the Placentia Police Department Standard Development Requirements for Security.
28. The outdoor seating area shall be enclosed with a minimum +/- 5'-0" high fence, or wall to ensure that no alcohol is passed beyond these perimeter boundaries.
29. The outdoor seating area shall remain litter-free, clean and in sanitary condition at all times.
30. 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 outdoor seating area without a valid Entertainment Permit approved by the Police Chief and Director of Development Services.

CITY BUILDING DIVISION:

31. The applicant shall obtain all necessary approvals from the City prior to constructing any tenant improvements. The plans for the tenant improvement shall be prepared by a California-licensed architect or engineer.
32. All contractors and sub-contractors shall obtain a city business license. Applicant and/or contractor shall request a standard sub-contractor form from the City Building Division prior to issuance of a building permit. This standard form shall be completed and submitted to the City Business License Division prior to the issuance of any building permits.
33. Existing restroom facilities shall be in compliance with Title 24 Access Regulations.
34. Applicant shall obtain approvals from Orange County Health Department and Orange County Fire Authority prior to building permit issuance.

35. Applicant shall provide exit signs for front and back exit doors with exit signs on top. Applicant shall also post a maximum occupant load sign pursuant to the 2010 California Building Code.

CITY POLICE DEPARTMENT:

36. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).
37. Applicant/business owner of Sue Ann's shall be in compliance with all Alcoholic Beverage Control requirements.
38. 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.
39. 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.
40. Sales of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday.
41. 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.
42. 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.
43. Food service, with an available menu, shall be made available until closing time on each day of operation.
44. 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.

45. The subject alcoholic beverage license shall not be exchanged for another public type premises type license.
46. Alcoholic beverages shall be sold and served in containers, which are distinguishable from other non-alcoholic beverages sold at the premises.
47. The sale of beer and wine for consumption off the premises is prohibited.
48. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
49. Signs shall be posted at all exits of the premises, which prohibit alcoholic beverages from leaving the confines of the premises.
50. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
51. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages, which are clearly visible to the exterior, shall constitute a violation of this condition.
52. 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 with reflect separately the gross sales of good 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.
53. There shall be no pool tables or coin-operated games maintained upon the premises at any time, except as allowed through a use permit process.
54. The use of any amplifying system, outdoor sound system, loudspeakers, paging system, or any other such device is prohibited on the licensed premises.
55. At no time shall there be a fee for entrance/admittance into the premises.
56. There shall be no "Happy Hours" when alcoholic beverages are offered at a reduced rate.
57. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
58. Graffiti shall be removed from the exterior walls and windows of the premises within 48 hours of discovery.

59. 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.
60. Lighting in the parking area of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences.
61. 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 one week in advance.
62. 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:

63. 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 2012-10
APPLICANT: Gillian Clark
LOCATION: 1450 N. Kraemer Boulevard

COMMERCIAL & INDUSTRIAL SECURITY STANDARD DEVELOPMENT REQUIREMENTS

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

EXTERIOR DOORS

Sliding Doors:

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

Other Doors:

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

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

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

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

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

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

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

Or:

(Exterior Doors, Continued...)

Equipped with single or double cylinder deadbolt in which no other device is located in the area where door hardware is installed. If double cylinder deadbolt is used, the inside key operated lock must simultaneously operate an indicator stating that the assembly is "locked" or "opened."

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

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

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

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

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

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

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

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

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

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

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

WINDOWS

No louvered windows shall be used.

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

- (1) Fully tempered glass or burglary resistant material*; or
- (2) Inside or outside iron bars of at least one-half (1/2) inch round or one by one-quarter (1 x ¼) inch flat steel material, spaced not more than five (5) inches apart and securely fastened with non-removable bolts; or
- (3) Inside or outside iron or steel grills of at least twelve (12) gauge material with not more than a two (2) inch mesh and securely fastened with non-removable bolt.

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

ROOF OPENINGS

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

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

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

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

HATCHWAYS

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

LADDERS

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

BURGLARY RESISTANT MATERIAL

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

ADDRESS

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

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

EXTERIOR LIGHTING

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

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

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

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

Date: September 7, 2012

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

From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156193, City Reference #UP 2012-10**
1450 N. Kraemer Boulevard, Placentia
Service Code: PR105 Site Development Review/CUP

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

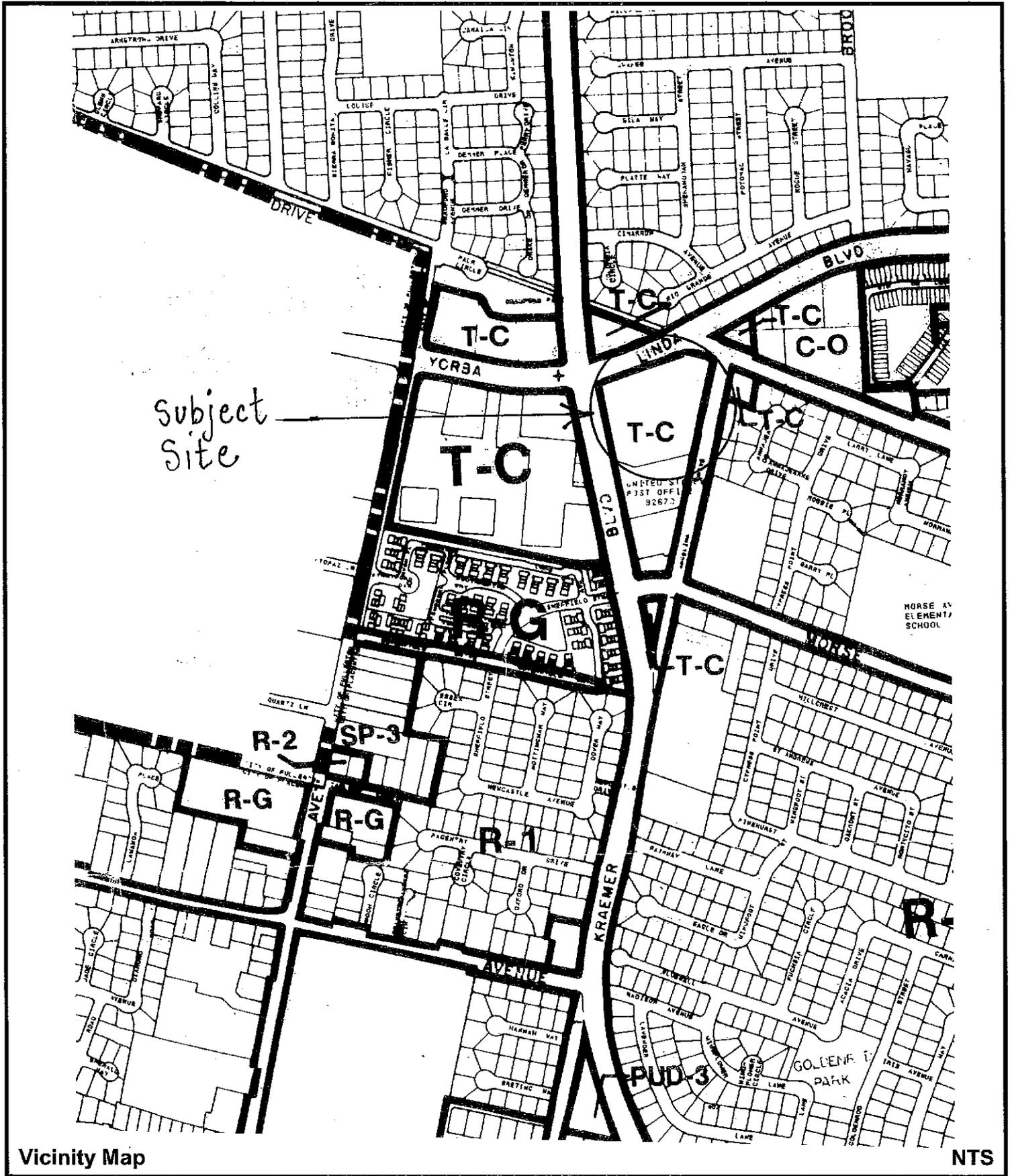
CONDITIONS OF APPROVAL

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

Prior to issuance of a building permit:

- Architectural (service codes PR200-PR285), *If required by the OCFA "Plan Submittal Criteria Form"*

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.



Vicinity Map

NTS



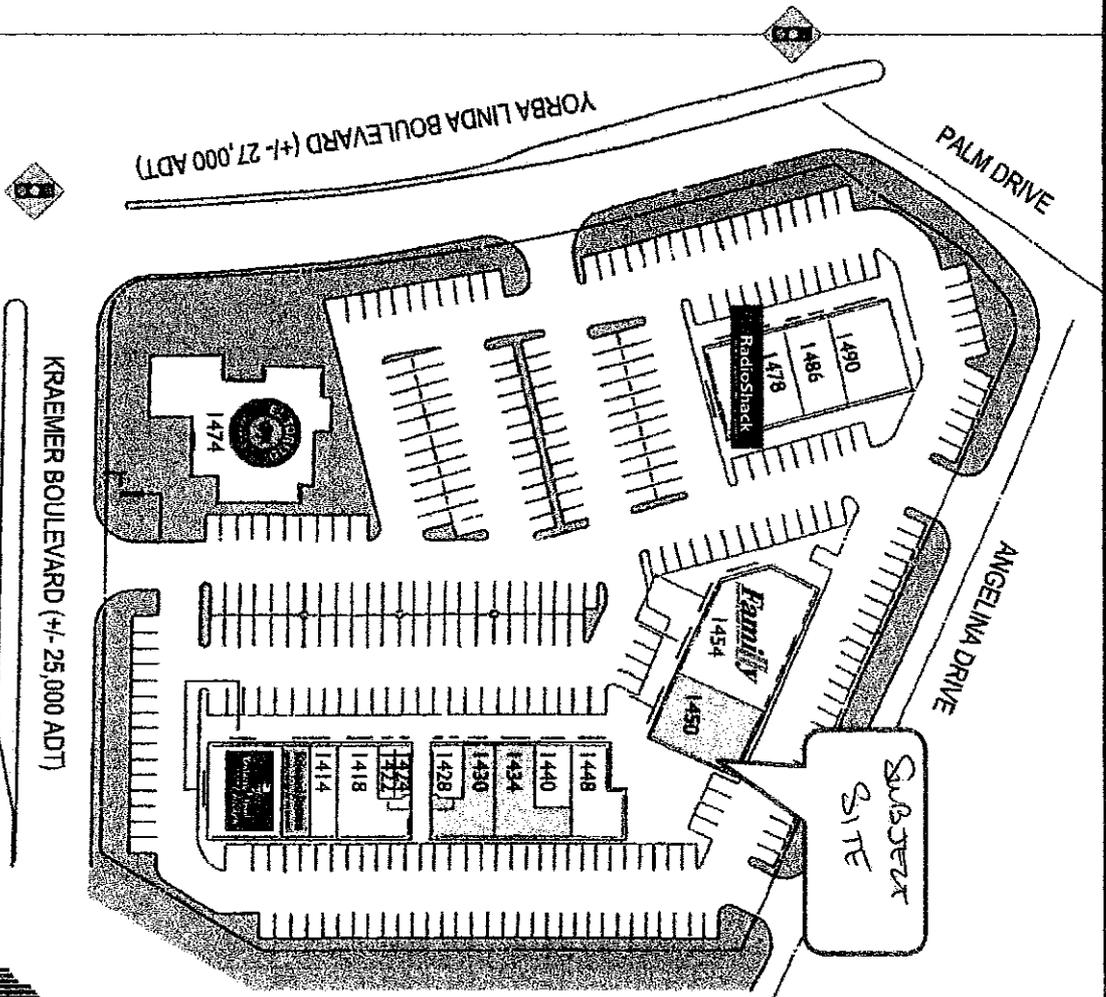
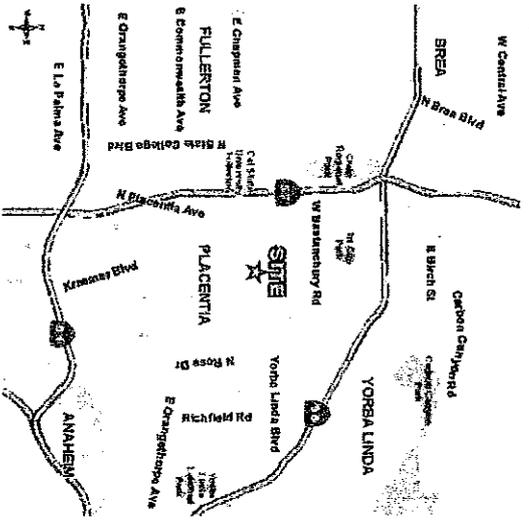
PLANNING DIVISION REPORT
 UP 2012-10
 Exhibit 1

Placentia Village Plaza

1418-1430 North Kraemer Boulevard, Placentia, California 92870

For Lease

Suite	Tenant	Sq. Ft.
1404	Kentucky Fried Chicken	2,700
1412	Edward Jones	990
1414	Beauty Body Care	990
1418	Angels Nails Spa	1,916
1422	Diane's Tailor Shop	397
1424	Placentia Jewelers	387
1428	Dr. Richard L. Verri	787
1430	Available	1,496
1434	Available	1,932
1440	Dr. Justin Chien, D.D.S.	1,008
1448	Jing-Hang Restaurant	1,800
1450	Available	3,000
1454	Family 1 Federal Credit Union	4,250
1474	El Torito	7,997
1478	Radio Shack	3,000
1486	Saigon Noodle House	1,800
1490	Sergoku Restaurant	2,400

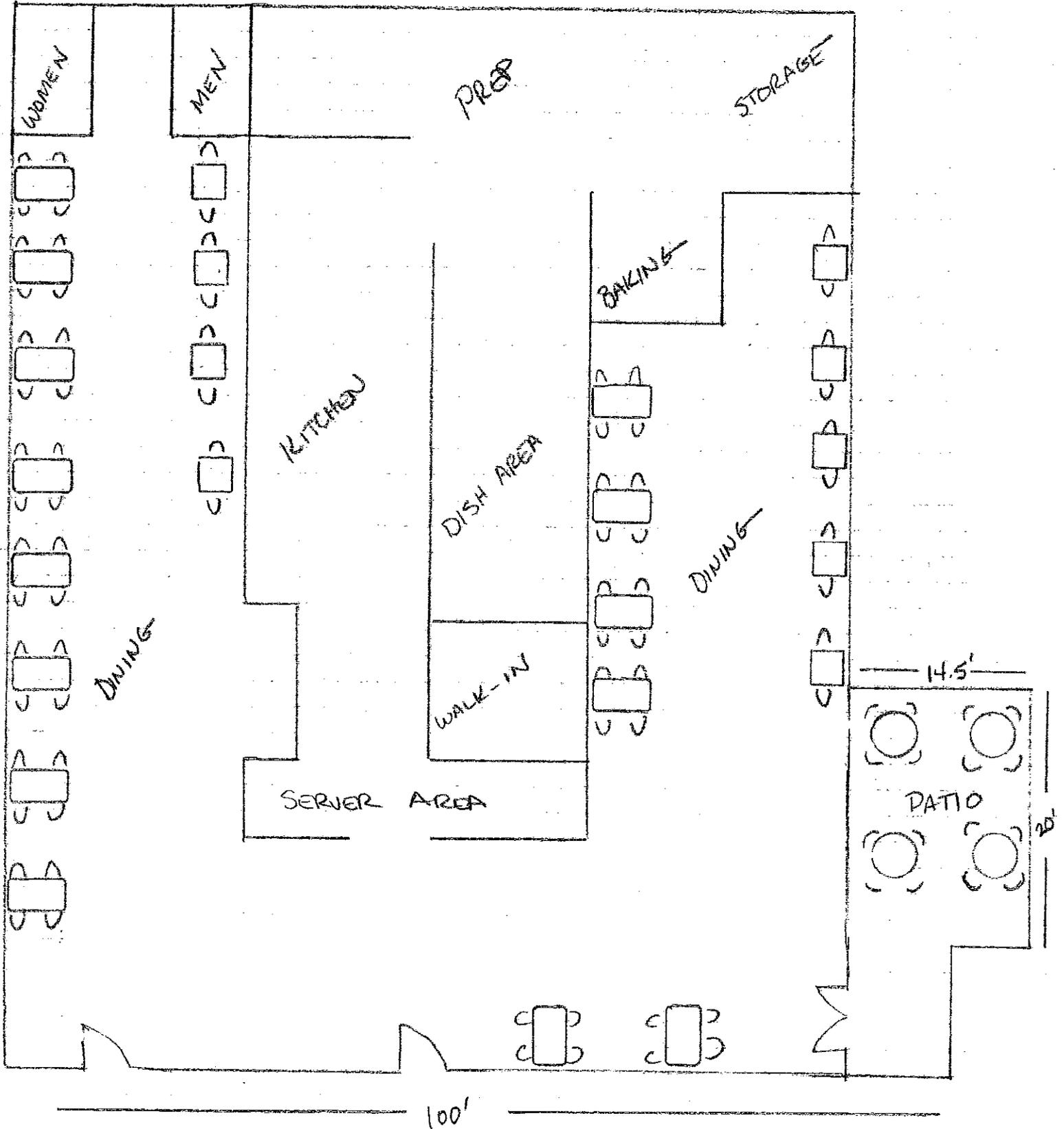


No warranty or representation, expressed or implied, is made as to the accuracy of the information contained herein, and same is submitted subject to errors, omissions, change of terms, rental or other conditions, withdrawal without notice, and to any special listing conditions imposed by principals.

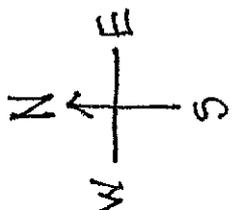
PLANNING DIVISION REPORT
 APPLICATION: UP 2012-10
 EXHIBIT: 2
 PAGE 1 OF 1
 DATE: 10-9-12



3,000 Sq. Ft. inside
 290 Sq. Ft. Patio
 2,290 Sq. Ft. Customer Area
 1,000 Sq. Ft. Non-Customer Area



PLANNING DIVISION REPORT
 APPLICATION: UP 2012-10
 EXHIBIT: 3
 PAGE 1 OF 1
 DATE: 10-9-12



SUE ANN'S

1450 N. Kraemer Blvd, Placentia, CA 92870.

A DIVISION OF HILLBILLY ORG., GP
531 N. PALM STREET
LA HABRA, CA 90631
202-498-8673

STATEMENT OF USE

Classic American food in the tradition of the Happy Homemaker: Sue Ann's Kitchen brings classic recipes to life. This is the great American food that once graced our dining rooms and dinner parties when mom—inspired by a cooking show or magazine—stretched her culinary ability to put something fabulous on the table. Sue Ann's makes everything from scratch. A significant part of Sue Ann's full service dining program is our beer and wine service. When enjoying a fine-dining quality meal, customers expect to be served a comparable quality beverage most often a glass of fine wine or a hand-crafted beer. We plan to offer a sophisticated and unique selection of beer and wine during lunch, dinner, and brunch service and expect that customers will come to Sue Ann's to enjoy this full service dining experience in the dining room as well as our enclosed, 16-seat outdoor dining area. It would be unfortunate if Sue Ann's lost business by not appealing to the strongest element of our potential customer base who will inevitably sit down for beer or wine with their meal at a competing restaurant.

Sue Ann's will be open weekdays from 7am to 10pm. Weekend brunch will be served from 11am to 3pm and dinner will be served from 5 to 10pm. The restaurant will employ fifteen people. Four of these employees will be full time. The fifty seat restaurant will be run by nationally recognized chef Gillian Clark and managed by Robin Smith (resumes are attached). The two have built restaurants that have been featured on the Food Network six times.

UP 2012-10

PLANNING DIVISION REPORT
APPLICATION: UP 2012-10
EXHIBIT: 4
PAGE 1 OF 7
DATE: 10-9-12

GILLIAN CLARK

531 N. Palm Street La Habra CA 90631
202-498-8673 • ChefGillian@live.com

PROFESSIONAL SUMMARY

Gillian Clark is a former marketing and communications professional who transitioned from a career in promotional communications and publishing to pursue a lifelong passion in the culinary arts. Gillian's 18 years in the food industry have been, to say the least, productive. She has been Executive Chef at six restaurants and has participated in the opening of five. Gillian is an organizational specialist and unparalleled trainer. She has used her marketing skills to promote restaurants she has led. She is also a talented menu developer and imaginative recipe creator with a number of highly favorable reviews in her scrap book. Gillian is also a published author with six appearances on the Food Network to her credit.

EDUCATION

Bachelor of Arts, Department of English, Johns Hopkins University, 1985
Culinary Certification, L'Academie de Cuisine, 1995

EXPERIENCE

Just Cook It Consulting Group
(2011 to present)

Lead Consultant; Provide menu consultation and training to restaurants around the country. Specialize in advising on restaurant opening, concept development, and kitchen design. Clients include Hotel restaurants, national chains, fine dining, and independents. Conduct and plan staff training sessions toward efficiency. Menu analysis has saved clients thousands and consistently brought food costs below 30%. Coordinate and conduct hiring for clients and maximizing use of talent and equipment for more efficient operation of back of the house.

The General Store & Post Office Tavern; Silver Spring, MD
(2007 to 2011)

Executive Chef/Owner; Designed concept and renovated a building built in 1893 to create a local road food casual dining experience. Trained staff and created all recipes. Restaurant is on track to surpass \$500,000 in first year of operation with 48 seats. Tavern opened in October of 2009 to rave reviews. Coordinate specials and wine/beer events in tavern. Restaurant was featured on three Food Network shows.

Colorado Kitchen; Washington, DC (2001 to 2008)

Executive Chef/Owner; Selected site and developed concept for 50-seat restaurant. Originated menus and recipes for seasonally changing offerings in classic American cuisine. Prepared business plans and financial statements for lending and continued monitoring of business progress. Designed kitchen, purchased equipment and established vendor relations. Implemented all procedures in food and beverage. Changed menus hyper-seasonally in this upscale casual concept.

PLANNING DIVISION REPORT

APPLICATION: UP 2012-10

EXHIBIT: 4

PAGE 2 OF 7

DATE: 10-9-12

ROBIN R. SMITH

202-498-8617

RRSmith202@aol.com

SUMMARY:

Seven years of success in responsible restaurant operations and management. Proven ability to assess problems and initiate corrective action. Comfortable in fast-paced, high stress situations requiring attention to detail and follow-through. Able to motivate personnel to high performance standards and excellence.

EXPERIENCE:

2/07 – Present

The General Store & Post Office Tavern, Silver Spring, MD

Restaurant Co-Owner/Manager - Assisted in the designed and concept and renovated a building built in 1883 to create a local road food casual dining experience. Trained staff in all aspects of front of the house, dining room functions, service capacities. Liaison with accountants, attorneys, liquor board. Established dining room protocols. Also function as restaurant's book keeper. The General Store & Post Office Tavern; Restaurant is on track to surpass \$500,000 in first year of operation with 48 seats. Tavern opened in October of this year to rave reviews. Coordinate specials and wine/beer events in tavern.

2/00 – 06/08

Colorado Kitchen, Washington, DC

Restaurant Co-Owner/Manager – Designed and oversaw build out of 50 seat restaurant. Extensive restaurant operational responsibility including hiring, discipline and front of the house experience with seamless integration with Kitchen. Cultivate long term, stable staff with team-player philosophies. Control fiscal aspects of business operations. Voted "Top 50 Restaurants" by Washington Post's Dining Guide, 2002, 2005, 2006, 2007; "20 To Watch" by Washington Post's Dining Guide, 2001; "100 Best", Washingtonian, 2205, 2006, 2007;

03/00 – 08/03

NCI Information Systems, McLean, VA

Help Desk Specialist - Provided personal computer support, problem analysis and hardware/software installation and configuration to the General Accounting Office (GAO). Provided phone, remote, and desk-side technical support to users in the areas of e-mail, directories, desktop applications, and network connectivity. Configuration of systems, communications devices, and peripheral equipment. Desk-side training for personnel in proper use of hardware and software.

07/98 – 02/00

PayPlus, San Bernardino, CA

Software Support Technician – Provide telephone software support to PayPlus customers. Troubleshoot incoming client calls, analyze and debug system errors, and offer problem solving and networking solutions to provide an ideal resolution to customers needs.

02/97 – 07/98

Standard Register, Riverside, CA

PLANNING DIVISION REPORT

APPLICATION: UP 2012-10

EXHIBIT: 4

PAGE 2 OF 7

DATE: 10-9-12

Production Coordinator – Assisted in the production of printed materials by monitoring the progress throughout production, ordering supplies, and altering production schedules and job orders to expedite timely processing of jobs in accordance with customer requirements. Confer with customers keeping them informed of job status, solicit and resolve inquiries and complaints, obtain approval of materials such as artwork, color separations, ink samples, proofs, and procure information

06/84 – 06/96

Northrop/Grumman Corporation, Pico Rivera, CA

Information Systems Analyst – Supported customers with problem analysis, technical support, reporting, monitoring and resolution for all mainframe and desktop systems. Assisted with all questions and dilemmas presented by customers. Provided follow-up support to verify receipt, installation and problem/issue resolutions. Researched, analyzed wrote and edited existing and proposed procedural documentation and desktop policy.

Procedural Analyst – Developed, analyzed, reviewed, and edited policy and procedural documentation. Conducted audits of data processing components for adequacy and compliance to division management and customer requirements.

06/78 – 06/84

Douglas Aircraft Company, Long Beach, CA

Statistical Analyst – Coordinated personnel administration, attendance and testing and hiring of contract employees. Monitored work-in-progress project job control and labor accounting. Maintained computer files for reports to management.

SECURITY CLEARANCES: Inactive DoD secret and top secret.

REFERENCES: Available upon request.

PLANNING DIVISION REPORT

APPLICATION: UP 2012-10

EXHIBIT: 4

PAGE 4 OF 7

DATE: 10-9-12

Equipment to include:

750 gallon grease trap
12 foot exhaust hood with fire suppression
Two fryers
One Convection Oven
One 4 burner range with 24" flat top
One 30 quart mixer
2 sandwich unit coolers
One walk in cooler
One reach in freezer
One charbroil grill
One under grill cooler
One 2 burner stock stove
One Dishmachine
One proofing cabinet
One hot holding cabinet
One vegetable sink
3 hand sinks
One three compartment sink

PLANNING DIVISION REPORT

APPLICATION: UP 2012-10

EXHIBIT: 4

PAGE 5 OF 7

DATE: 10-9-12

Sue Ann's Menu

Whet Your Appetite

Soup of the Day
Chicken Tortilla Soup
Curried Waldorf Salad with Spiced Pecans
Heart of Romaine Cesar Salad with Garlic Clove Croutons
Avocado, Roasted Onion & Cherry Tomato Salad w/ Green Goddess Dressing

Spoil Your Appetite

Mini-Cordon Bleu with Citrus Glaze
Scotch Eggs w/ Grainy Mustard Sauce
Mussels Casino – Fresh PEI Mussels Steamed in lager, topped with Toasted Torn Bread & Bacon
Classic Sandwich Board – Mini Monte Cristo, Reuben, Cloak & Dagger, Grilled Cheese, w/ a tomato soup shooter
Ham and Gruyere Napoleon – Virginia Ham & Gruyere in Melted in Layers of Puff Pastry

Dinner is Served

Roasted Chicken w/Mashed Potatoes, Green Beans, and Thyme Gravy
Cornflake Crusted Pork Chop w/
Pan-fried Rainbow Trout w/Lobster Blanquette and Spinach
Beef Burger w/Bermuda Onion Rings

Steaks

Porterhouse for Two
New York Strip
Rib eye
Beef Wellington
Slow Roasted Tri Tip

Choose a Sauce

Caramelized Onion Demi
Horseradish Zabaglione
Kentucky Bourbon Sauce
Lobster and Brown Butter
Mushroom Ragout

Choose a Side

Creamed Corn
Mashed Potatoes
Bermuda Onion Rings

I've been cooking all day

Baked Macaroni & Cheese
Creamed Corn
Wilted Garlic Spinach
Mashed Potatoes

One More Bite Won't Hurt

Apple Pandowdy
Strawberry Shortcake
Lemon Chess Pie
Chocolate Pecan Pie
Baked Alaska
Today's Layer Cake

PLANNING DIVISION REPORT

APPLICATION: UP 2012-10

EXHIBIT: 4

PAGE 6 OF 7

DATE: 10-9-12

Prince Michel Vineyard; Culpepper, VA (1994 to 1995)

Entremetier; Prepared vegetables and garnishes for fine dining vineyard restaurant.

Also prepared canapés and prepared raw product for inclusion in mise en place. Assisted chef during service in plating and presentation.

AWARDS & RECOGNITION

General Store, Top 50 New Restaurants 2009, *Washington City Paper*

General Store, Washingtonian's Top 100, *Washingtonian Magazine* January 2010

DC's Hottest Chef; *DC Style Magazine* 2006

One of Washington's 100 Best Restaurants; *Washingtonian Magazine* (2005 to 2007)

Washington Post Dining Guide; Top 50 Restaurants (2002 to 2007)

Countless Numbers of Television Appearances including Food Network and Morning News Programs in Atlanta, Phoenix, Washington, DC.

Regular Contributor to NPR's Weekend Edition

Member, Southern Foodways Alliance and regular contributor to the SFA Newsletter, *GRAVY*

<http://www.youtube.com/user/ChefGillian63/videos>

<http://www.npr.org/templates/story/story.php?storyId=5158955>

<http://www.npr.org/templates/story/story.php?storyId=5403984>

<http://www.npr.org/templates/story/story.php?storyId=5575832>

PLANNING DIVISION REPORT

APPLICATION: UP 2012-10

EXHIBIT: 4

PAGE 7 OF 7

DATE: 10-9-12



Placentia Planning Commission

Agenda Staff Report

AGENDA ITEM NO.: 3	DATE: October 9, 2012	PUBLIC HEARING: Yes
APPLICATION: Temporary Commercial Signage Pilot Program		
DESCRIPTION: Planning Commission review for recommendation to City Council the allowance of temporary portable business signs and other sign code modifications on pilot basis through the implementation of a temporary commercial signage program.		
RELATED ITEMS: N/A		
APPLICANT: City of Placentia		
PROPERTY OWNER: N/A		
LOCATION: City-wide		
CEQA DETERMINATION: Categorically Exempt, Section 15061 (b)(3)		
ZONING: Various	APN(S): Various	
GENERAL PLAN: Various	CITY COUNCIL ACTION REQUIRED: Yes	
PREPARED BY: Kenneth A. Domer, Assistant City Administrator		
REVIEWED BY: Monique B. Schwartz, Associate Planner		

REQUEST:

It is requested that the Planning Commission review for recommendation to City Council the allowance of temporary portable business signs and other sign code modifications on a pilot basis through the implementation of a temporary commercial signage program.

INTRODUCTION:

It is recognized that the slow but steady economic rejuvenation being experienced in many sectors of Orange County and the State is more difficult in the City of Placentia due to the lack of commercial opportunities, increased competition for customers willing to expend scarce funds and tentativeness of local businesses to invest even scarcer resources into marketing efforts. Recognizing this unique environment and the more locally-focused business community of the City of Placentia, Staff is proposing that the City encourage growth through the allowance of temporary portable business signs on a pilot basis. This Temporary Commercial Signage Pilot Program proposes to balance the requirement of encouraging development of marketing strategies that enhance business opportunities while serving to prevent sign blight and preserve the residential quality of Placentia.

RECOMMENDATION:

That the Planning Commission provide comments and recommend for approval to the City Council a Temporary Commercial Signage Pilot Program.

DISCUSSION:

A common complaint is that the current City codes are overly restrictive with regard to signage for commercial activities. During this economic downturn, many businesses seek to attract customers through immediate advertising of their business location through the use of banners, flags and other items that highlight a business' location and/or product or service. The current sign code of the City, as promulgated through Chapter 23.90 of the Placentia Municipal Code, was last amended in 1984 and is considered dated in its regulation of commercial signage, specifically the temporary signage that is more often used today by businesses.

Under direction by the City Council to review economic development activities and, through past discussion at the Planning Commission level, Staff is proposing a Temporary Commercial Signage Pilot Program. This program is designed to make allowances for temporary, portable commercial signage that is primarily used for marketing, not identification purposes. The pilot program is designed to not require a change to the City's codes at this time. Instead, the pilot program is to be put in place through City Council action and monitored over the term (one year) of the program so that Staff can then bring back to the City Council potential permanent changes to the sign code regulations.

The pilot program focuses on four types of portable signs: Banners; A-Frames, Menu Boards, and Sandwich Boards; Flags (rectangular, tear drop, feather or banner flags); and, Vehicle Signs. The intent of the program is to give local businesses an opportunity to attempt new marketing efforts while balancing the City's need to regulate and control the proliferation of signage that would otherwise detract from the high quality residential nature of our City. In this effort, the pilot program allows for a specific amount of temporary signs without seeking a permit from the City. For example, a business in the C-1 or C-2 district may display two temporary signs. They can display a banner and an A-frame; or a banner and a feather flag, or other allowable combinations. In some cases, a business may display two feather flags and, through the City's current banner permit program, pay for a permit to display a banner as well. The combination allows for the City to retain discretionary approval in order to deter sign blight.

In addition to a benefit for the business owners, the pilot program is meant to provide the City with information related to temporary/portable signage that is currently prohibited in the City's municipal code. During the year long pilot program, the City will review the implementation, complaints and comments by participants in order to modify the Sign Code accordingly at a future date. Modifications to the program can be made as required during the term of the Pilot Program.

Environmental Review

The proposed Temporary Commercial Signage Pilot Program is not a project as defined by the California Environmental Quality Act (CEQA) and is therefore exempt § 15061 (b)(3) for activities that have no potential for causing a significant effect on the environment.

Actions:

1. Discuss and provide input to Staff on the Temporary Commercial Signage Pilot Program.
2. Recommend for approval to the City Council the Temporary Commercial Signage Pilot Program.

Prepared and submitted by:

Reviewed and approved by:

Kenneth A. Domer
Assistant City Administrator

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SIGNATURES ON ORIGINALS WITH
PLANNING COMMISSION SECRETARY

Trinique B. Schwartz
Associate Planner

Attachments:

Attachment A: Temporary Commercial Signage Pilot Program



Temporary Commercial Signage Pilot Program

Objective

It is recognized that the slow but steady economic rejuvenation being experienced in many sectors of Orange County and the State is more difficult in the City of Placentia due to the lack of commercial opportunities, increased competition for customers willing to expend scarce funds and tentativeness of local businesses to invest even scarcer resources into marketing efforts. Recognizing this unique environment and the more locally-focused business community of the City of Placentia, it is proposed that the City Council encourage growth through the allowance of temporary portable business signs on pilot basis. This Temporary Commercial Signage Pilot Program proposes to balance the requirement of encouraging the development of marketing strategies which enhance the respective business while serving to prevent sign blight and preserve the residential quality of Placentia.

Duration of Program

The program shall be in effect for one (1) year upon approval. There will be a review provided to the City Council at six (6) months and an action item to the City Council prior to the termination of the first year to determine if the pilot should be extended or incorporated into permanent changes to the Sign Code.

Conflict

Whenever this Temporary Commercial Signage Program conflicts with any other provisions of Chapter 23.90 of the Placentia Municipal Code or any other city resolutions or ordinances, this program shall control while in effect. However, Section 23.90.110-130 of the Placentia Municipal Code, in its entirety, shall remain in effect.

Location

No such sign shall be located upon any public street, median, alley, sidewalk, right-of-way, easement, utility pole or other public property.

Owner Consent

Consent of Owner or Occupant. No sign regulated by this section shall be posted without the expressed written consent of the owner or legal occupant of the premises on which the sign is posted.

Portable Signs

As defined, a "Portable Sign" is any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to: A-Frames; menu and sandwich board signs; banners, flags and pennants. Portable signs do not include any signage held by, twirled, or otherwise put into motion by a person, mechanical device or wind current for purposes of advertising a business, service or product. For businesses adjacent to and visible from a freeway, one portable sign designed to be transported by a vehicle or mounted to a vehicle shall be allowed so as long as the sign does not exceed seventy-two square feet in size.

All businesses, including service stations, within developed lots in commercial, commercial manufacturing and manufacturing zoning districts in the City shall be allowed to display one (1) of each type of portable sign, unless otherwise allowed by this program or sign code, at any time during the effective date of this program. At no time shall more than two (2) portable signs be displayed per addressed property or business, unless otherwise allowed. Signs shall be

constructed of durable materials that will withstand the elements and retain a neat and well-maintained appearance.

The content of the portable signs shall be limited to the services or product(s) offered by the business and must be in close proximity to the business location and within the parcel on which the business is located.

A Temporary Sign Permit shall not be required for portable signs during the term of the Temporary Commercial Signage Pilot Program.

Temporary/Portable Signs Allowed

Banners

- a. A business may have one (1) banner sign under the Temporary Commercial Signage Program.
- b. A temporary banner sign shall be allowed upon the building wall of the primary or secondary frontage. The banner shall: Not exceed 32 square feet in size; be constructed of cloth, plastic or other flexible light material; shall be placed on the building wall such that it does not project above any parapet or roof line and does not interfere with any windows, doors, or prominent architectural feature of the building; and, shall be affixed securely to the building.

A-Frame, Menu Board, Sandwich Board

- a. A business may have one (1) A-Frame, Menu Board or Sandwich Board
- b. A-Frames; menu and sandwich board signs shall not be permanently attached to the ground or other permanent structure and are designed to be transported. They shall not exceed 12 square feet in size per side or 24 total square feet in size.
- c. Sign shall be in close proximity to the business, including landscape planters and must not be placed in the public right-of-way or any drive aisle or interior pedestrian walkway in such a way that it inhibits accessibility.
- d. All signs shall be brought in at close of business each day.

Flags (rectangular, tear drop, feather or banner flags)

- a. A single business which occupies its own parcel may have up to two (2) flags (rectangular, tear drop, feather or banner flags).
- b. A business which shares a parcel with another business may have one (1) flag (rectangular, tear drop, feather or banner flag).
- b. A flag is a sign attached to a pole or structure that has characters, letters, illustrations or ornamentations applied to cloth, paper, fabric or other lightweight material and are suspended so that they are actuated by wind currents. The flag pole or structure may not exceed seventeen (17) feet in height. Flags shall be in close proximity to the business, including landscape planters and must be within the parcel on which the business is located. Flags shall not be closer than ten (10) feet to any drive approach to maintain visibility for cars entering/exiting a parking lot.

Vehicle Signs

- a. A business adjacent to and visible from a freeway may have one (1) vehicle sign.
- b. Vehicle signs shall be attached to, painted on or placed on top of any vehicle for the purpose of advertising a commercial enterprise. This does not include signs painted on a vehicle for the primary purpose of identifying the ownership or use of the vehicle.
- c. The top of a sign, either mounted to a rooftop or bed of a vehicle, shall not exceed fifteen (15) feet as measured from the surface upon which the vehicle is parked.
- d. Signage shall not be illuminated or animated in display or movement.
- e. Vehicles shall be fully operational, with current registration tags appropriately displayed.

Prohibited Signs

- a. **Animated Signs.** Signs that involve animation, rotation, flashing, projections, scintillation, or any type of movement not including barber pole signs or time, date and temperature signs.
- b. **Billboard Signs.** Off-site advertising signs that are designed to direct attention to a business, commodity, service or entertainment, sold or offered elsewhere than on the premises or property on which the sign is located, not including temporary signs or banners that are approved by the Director of Development Services and which are to be used for the purpose of advertising an event of general civic interest.
- c. **Roof Signs.** Signs that are attached to, supported by, mounted on or project above a roof or other architectural feature including, but not limited to mansards, parapets and the like.
- d. **Projecting Signs.** Signs that are suspended from or that are supported by a wall, building or structure and project more than three feet outward there from or signs that project into the public right-of-way.
- e. Any sign deemed inappropriate by the Director of Development Services or an enforcement agent of the City.

General Provisions

General Provisions. The following provisions apply to all portable temporary business signs:

- a. **Construction Material.** All sign fabrication work shall be of excellent quality and workmanship and professionally designed.
- b. **Review and Permitting.** For signs participating in this Temporary Commercial Signage Program a sign permit is not required.
- c. **Responsibility for Removal.** It shall be the business owner's responsibility to remove all signs regulated by this program at the termination of the program or upon direction of the City due to nonconformance with the program guidelines.
- d. All participating businesses shall be properly licensed through applicable regulatory agencies to include possession of a valid City Business License certificate.

Eligible Zoning Districts

Businesses within the following zoning districts are eligible to participate:

- a. Neighborhood Commercial (C-1)
- b. Community Commercial (C-2)
- c. Commercial-Office (C-0)
- d. Town Center (TC)
- e. Commercial-Manufacturing (CM)
- f. Manufacturing (M)
 1. Businesses within the Manufacturing zone shall be limited to two (2) temporary portable signs as defined herein (not including vehicle signs).
- g. Santa Fe Commercial (SF-C)
 1. Businesses within the Santa Fe Commercial zone shall be limited to one (1) temporary portable sign as defined, not including flags, which are prohibited.
 2. A-frame signs, sandwich boards, menu boards may be placed on the public sidewalk only if a minimum 36" of open sidewalk clearance is maintained at all times between the sign and back of curb or sign and building wall.