



Placentia Planning Commission
Agenda

Regular Meeting
March 12, 2013
6:30 p.m.

Michael Ebenhoch
Chairman

Christine Schaefer
Vice Chair

Dana Hill
Commissioner

Frank Perez
Commissioner

John Scull
Commissioner

Thomas Solomonson
Commissioner

Vic Tomazic
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

Phone: (714) 993-8124
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Procedures for Addressing the Commission

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

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

PLEASE SILENCE 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)

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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
March 12, 2013**

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

MEETING CALLED TO ORDER

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

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:

February 12, 2013

PUBLIC HEARING

1. **Applicant: Michael Sherman**
Location: 1265 E. Imperial Highway

Use Permit (UP) 2013-02:

To permit an existing +/- 1,200 square foot sports bar (Group Therapy Pub) that currently has a Type 42 On-Sale Beer and Wine for Public Premises Alcoholic Beverages Control license to change to a Type 48 On-Sale General for Public Premises Alcoholic Beverage Control license, and continue to provide a pool table, four electronic games, karaoke and Jazz/Blues entertainment, located at 1265 E. Imperial Highway in the Neighborhood Commercial (C-1) District.

Recommended Action:

Adopt Resolution No. PC-2013-03 approving Use Permit (UP) 2013-02, subject to all Special Conditions of Approval and Standard Development Requirements.

2. **Applicant:** Bickel Underwood: Kelly Johnson
Location: 164 E. Yorba Linda Boulevard

Use Permit (UP) 2013-03:

To permit drive through service for a newly constructed McDonald's fast food restaurant that will be operating 7 days a week, 24 hours a day.

Variance (VAR) 2013-01:

A request to deviate from the development standards set forth in Section 23.27.150 Landscaping setbacks and Section 23.78.030(2) Parking of the Placentia Municipal Code to allow for the construction of a new McDonald's restaurant.

Development Plan Review (DPR) 2013-01:

To permit the demolition of an existing McDonald's fast food restaurant in order to construct a new +/- 3,131 square foot McDonald's Restaurant with drive through service, located on a +/- 12,917 square foot parcel within an integrated commercial/retail shopping center at 164 E. Yorba Linda Boulevard in the Town Center (T-C) District.

Recommended Actions:

- a. Adopt Resolution No. PC-2013-04 approving Use Permit (UP) 2013-03, subject to all Special Conditions of Approval and Standard Development Requirements set forth therein.
 - b. Adopt Resolution No. PC-2013-05 approving Variance (VAR) 2013-01, subject to all Special Conditions of Approval and Standard Development Requirements set forth therein.
 - c. Adopt Resolution No. PC-2013-06 approving Development Plan Review (DPR) 2013-01, subject to all Special Conditions of Approval and Standard Development Requirements set forth therein.
3. **Applicant:** City of Placentia

Zoning Code Amendment 2013-01:

To consider a recommendation to the City Council of an Ordinance amending Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to emergency shelters, supportive and transitional housing facilities, single room occupancies and provisions for reasonable accommodations for persons with disabilities, including standards and procedures.

Recommended Actions:

Adopt Resolution PC-2013-07 making the required findings; and recommend approval of Zoning Code Amendment 2013-01 to the City Council, and direct staff to prepare and transmit a report of the findings and recommendations of the Planning Commission to the City Council.

4. **Applicant: Olson Urban Housing, LLC**
Location: 1049 Golden Avenue

Tentative Tract Map (TTM) 17489:

To create a single lot subdivision to allow for the individual ownership of thirty-three (33) attached and detached residential condominium units.

Development Agreement 2012-01:

To permit the construction of a 33 unit residential subdivision on a 2.63 acre site, located at 1049 Golden Avenue in the High Density Multiple-Family Residential (R-3) District.

Recommended Actions:

- a. Adopt Resolution PC-2013-08, recommending approval of Tentative TTM Map (TTM) 17489 to City Council, subject to the attached Special Conditions of Approval and Standard Development Requirements set forth therein and related environmental determinations.
- b. Adopt Resolution No. PC-2013-09, recommending approval of Development Agreement 2012-01 to City Council, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein and related environmental determinations.

NEW BUSINESS

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, April 9, 2013 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 March 12, 2013 Regular meeting of the Planning Commission of the City of Placentia was posted on March 7, 2013.

Kenneth A. Domer

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

February 12, 2013

The regular meeting of the Placentia Planning Commission of February 12, 2013 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
Christine Schaefer, Vice Chair
Dana Hill, Commissioner
Absent Excused: Frank Perez, Commissioner
Vic Tomazic, Commissioner
Absent Excused: Tom Solomonson, Commissioner
Absent Excused: John Scull, Commissioner

PLEDGE OF ALLEGIANCE: Led by Commissioner Tomazic

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

Motion by Vice Chair Schaefer, seconded by Commissioner Tomazic to APPROVE THE MINUTES of December 11, 2012. Passed by a 4-0-3-0 vote. Perez, Solomonson, Scull Absent Excused.

Motion by Vice Chair Schaefer, seconded by Commissioner Tomazic to APPROVE THE MINUTES of January 08, 2013. Passed by a 4-0-3-0 vote. Perez, Solomonson, Scull Absent Excused.

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

Public Hearings:

1. **Applicant: Daniel Flores (Golden State Water Company)**
Location: 202 Wilson Avenue

Development Plan Review 2012-03:

To permit the construction of a +/- 256 square foot pump house structure to enclose a new Golden State Water Company domestic water well and a detached +/- 720 square foot equipment shelter with other related on site improvements on a +/- 9,100 square

foot site at 202 Wilson Avenue in the Single Family Residential (R-1) District.

Ms. Schwartz presented the staff report.

Vice Chair Schaefer asked if there are any renderings of the new proposal. Ms. Schwartz stated yes. Vice Chair Schaefer asked if the primary difference is four block walls, no gated entry and the look will be more similar to a house. Ms. Schwartz stated yes.

Commissioner Hill asked for clarification of other pump house locations in Placentia. Ms. Schwartz stated the other locations are at 917 Vista, 619 Diamond, 1315 Orangethorpe and 315 Bradford Avenue.

Commissioner Tomazic stated that he visited the proposed site on Wilson Avenue and in his opinion is acceptable.

Chairman Ebenhoch asked for confirmation of noise levels in the City being (45) forty five. Ms. Schwartz replied that it is (45) forty five and is usually elevated during construction. Chairman Ebenhoch asked if staff will be able to view a final layout. Ms. Schwartz stated, once the project is approved a consultant will be hired to finalize and put in the finishing details and staff will be able to take it to the next level.

Chairman Ebenhoch opened the public hearing.

The applicant, Robert Hanford of Golden State Water Company at 1920 W. Corporate Way, Anaheim introduced himself.

Commissioner Ebenhoch asked for clarification, if the well is not a successful drill will the property then be sold. Mr. Hanford responded yes, the property would be sold. Mr. Hanford also stated that their consultants Slate and Associates are hired experts and believe that this is a good well, but there are no guarantees.

Commissioner Ebenhoch asked how soon they would know if the drill is successful. Mr. Hanford responded they would know within days.

Commissioner Tomazic asked how deep the well is drilled. Mr. Hanford stated it could be from 900 to 1200 feet.

Vice Chair Schaefer asked for clarification of the fencing that is used during the initial drilling. Mr. Hanford stated that temporary sound absorbed panels and a sound curtain are installed during construction.

Chairman Ebenhoch asked for clarification of pile driving. Mr. Hanford stated that the contractor would decide and comply with the special conditions.

Vice Chair Schaefer asked what the reaction of the residents was and the second community meeting. Mr. Hanford stated that there is still a concern of noise. He added that the construction will comply with the Cities noise ordinance.

Chairman Ebenhoch opened the public hearing.

Mr. Bob Silva a new resident currently in escrow introduced himself to the Commission. Mr. Silva asked who would be responsible for landscape maintenance. Chairman Ebenhoch stated that the property owner is responsible. Mr. Silva asked what the hours of construction and pump maintenance would be. Chairman Ebenhoch replied the hours will be within the Cities construction hours.

Mr. Silva expressed concern with chlorination tanks, existing pump house readings, piping location, time frame for completion of project, construction traffic control and if the drill is not successful what condition the site would be left in.

The applicant Mr. Hanford returned to address the concerns from Mr. Silva. Mr. Hanford stated that the tanks will have double walls and the solution will be 12%. Mr. Hanford stated that other wells in Placentia were drilled 50 to 60 years ago and don't have a similar building around them. Mr. Hanford stated that Golden State Water will comply as any other property owner on the landscape maintenance. Mr. Hanford stated the storm drain will tie into the existing on Chapman Avenue and Walnut. He also added that there will be a new main 800 – 900 feet located on North Melrose. Mr. Hanford indicated that the time frame for the building construction phase will be between 2– 2 ½ months. Mr. Hanford indicated that if the drill is not a success the well would be back filled and the site would be a flat lot. Mr. Hanford stated that there will be two separate activities of construction traffic. Traffic crossing will be on Wilson and pipeline will be extended only on Melrose.

Vice Chair Schaefer asked if the noise level at the Wilson site will be the same or louder than other Placentia sites. Mr. Hanford stated the noise level will be quieter in the residential area.

Mr. Domer stated that landscape plans are required. He also added that there are (2) two conditions referring to maintenance of property and graffiti. Mr. Domer stated that there are requirements for vacant lots should the well not be a good drill.

Commissioner Ebenhock closed the public hearing.

Motion by Vice Chair Schaefer, seconded by Commissioner Tomazic TO ADOPT RESOLUTION NO. PC-2013-01 APPROVING DEVELOPMENT PLAN REVIEW 2012-03, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN AND APPROVAL OF MITIGATED NEGATIVE DECLARATION 2012-02 INCLUDING MITIGATING MEASURES PREPARED BY RBF CONSULTING AND REVIEWED BY TIERRA WEST ADVISORS. Passed by a 4-0-3-0 vote. Perez, Solomonson, Scull Absent Excused.

2. **Applicant: Martin Vallejo**
Location: 102 E. Yorba Linda Boulevard

Use Permit (UP) 2013-01:

To Permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption, in conjunction with the operation of a +/-1,600 square foot convenience store, located at 102 E. Yorba Linda Boulevard in the Town Center (T-C) District.

Mr. Domer presented the staff report.

Commissioner Tomazic asked if the construction phase will be similar to the site on Tustin and Rose Drive. Mr. Domer replied that this location is under different ownership, and may stay open during the renovation.

Vice Chair Schaefer asked if automotive services other than gasoline will be offered at this location. Mr. Domer replied, no there will not be automotive services. Vice Chair Schaefer asked if the finding of necessity for ABC will be a s eparate action, or is it included in the resolution. Mr. Domer replied that it is included in the resolution.

Chairman Ebenhoch opened the public hearing.

The applicant Martin Vallejo of 102 E. Yorba Linda Boulevard introduced himself to the Commission.

Commissioner Hill asked for clarification of the hours of operation. Mr. Vallejo replied that they are open 24 hours a day 7 days a week.

Commissioner Tomazic asked if the location will be s hut down during the renovation. Mr. Vallejo replied that they will remain open during the renovation.

Chairman Ebenhoch asked if the company doing the renovation is out of Texas. Mr. Vallejo replied no, it is a company out of Los Angeles.

Chairman Ebenhoch invited any questions or comments from the public however there were none.

Chairman Ebenhoch closed the public hearing.

Motion by Commissioner Tomazic, seconded by Chairman Ebenhoch to Adopt Resolution No. PC-2013-02 approving Use Permit (UP) 2013-01, subject to all Special Conditions of Approval and Standard Development Requirements. Passed by a 4-0-3-0 vote. Perez, Solomonson, Scull Absent Excused.

NEW BUSINESS

3. Proposed Temporary Accessory Retail Sales in the Manufacturing District Pilot Program:

Planning Commission review for recommendation to the City Council the allowance of accessory retail sales in manufacturing districts on a pilot basis through the implementation of a temporary Accessory Retail Sales in the Manufacturing District program.

Mr. Domer presented the staff report.

Commissioner Hill questioned why it would be limited to one year. Mr. Domer stated that we could present to Council a request for a 2 year Pilot Program.

Commission Ebenhoch asked if there is a limit to retail sales. Mr. Domer stated there is an initial provision not to exceed 40%.

Vice Chair Schaefer asked if non manufacturing companies would be able to take advantage of this program. Mr. Domer stated yes, they will write in a special condition.

Commissioner Tomazic asked how many companies we expect will take advantage of this program. Mr. Domer replied that a letter campaign will be sent out to all the businesses and we believe that a good percentage will take advantage.

Vice Chair Schaefer asked if this will increase business license fees. Mr. Domer stated that may be reviewed by the Economic Development Committee.

A roll call vote and recommendation for approval to the City Council a Temporary Accessory Retail Sales in the Manufacturing District Pilot Program. Passed by a 4-0-3-0 vote. Perez, Solomonson, Scull Absent Excused.

DEVELOPMENT REPORT

Development Project List

Mr. Domer stated items on the March 12th meeting will include Certification on Housing Element, General Plan Update and Senate Bill on transitional and emergency housing issues.

PLANNING COMMISSION REQUESTS:

Chairman Ebenhoch, seconded by Commissioner Hill adjourned the Planning Commission meeting at 7:35 p.m. to the next regularly scheduled meeting on March 12, 2013 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.: 1 | DATE: March 12, 2013 | PUBLIC HEARING: Yes |
| APPLICATION: Use Permit (UP) 2013-02 | | |
| DESCRIPTION: To permit an existing +/- 1,200 square foot sports bar (Group Therapy Pub) that currently has a Type 42 On-Sale Beer and Wine for Public Premises Alcoholic Beverages Control license to change to a Type 48 On-Sale General for Public Premises Alcoholic Beverage Control license, and continue to provide a pool table, four electronic games, karaoke and Jazz/Blues entertainment, located at 1265 E. Imperial Highway in the Neighborhood Commercial (C-1) District. | | |
| RELATED APPLICATIONS: None | | |
| APPLICANT: Michael Sherman | | |
| PROPERTY OWNER: Rondell Homes/Robert Case | | |
| LOCATION: 1265 E. Imperial Highway | | |
| CEQA DETERMINATION: Categorically Exempt: Class 5, Section 15305 | | |
| ZONING: Neighborhood Commercial (C-1) | | APN(S): 322-101-18 |
| 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 an existing +/- 1,200 square foot sports bar (Group Therapy Pub) that currently has a Type 42 On-Sale Beer and Wine for Public Premises Alcoholic Beverages Control license to change to a Type 48 On-Sale General for Public Premises Alcoholic Beverage Control license, and continue to provide a pool table, four electronic games, karaoke and Jazz/Blues entertainment, located at 1265 E. Imperial Highway in the Neighborhood Commercial (C-1) District.

INTRODUCTION:

The Placentia Municipal Code specifies that § 23.33.040(4) establishments which sell alcoholic beverages, § 23.33.040(5) establishments having four or more freestanding mechanical or electronic games of chance and § 23.33.040(10), establishments with poolrooms, require use permit review and approval within the Neighborhood Commercial (C-1) District.

The City recognizes that certain uses have special operational characteristics which have the potential to adversely affect adjoining businesses and or property owners and the City requires review of these types of businesses on an individual basis. A use permit is an application that 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.

BACKGROUND:

The existing pub, located at 1265 E. Imperial Highway obtained use permit approval on October 25, 1983 under Use Permit (UP) 83-22 to operate an Irish sports pub (Jolley's Irish Pub) that included the sale of beer and wine for on site consumption and provided entertainment with televisions to watch sports, one (1) pool table and one free standing electronic game.

In May 2011, the applicant, Mr. Michael Sherman purchased the business, now called Group Therapy Pub, and requested to add three (3) electronic games, karaoke and Jazz/Blues entertainment in order to attract a higher-end clientele to enhance his current business operations at this location.

Prior to purchasing the business, Mr. Sherman met with City Staff in order to discuss his business proposal and was instructed by City Staff to process a new Use Permit application in order to add the additional electronic games as well as to update Use Permit 83-22 with current Special Conditions of Approval that are applicable to the sale and service of alcoholic beverages and basic business operations.

On July 12, 2011, Planning Commission approved Use Permit 2011-07, which permits Group Therapy Pub to operate under a Type 42 ABC license for the sale of beer and wine, and offer the following entertainment to their customers: a pool table, four electronic games, karaoke and Jazz/Blues music. Included in the Special Conditions of Approval for Use Permit 2011-07, are the following conditions that restrict Mr. Sherman from exchanging his current ABC license and from selling distilled spirits within his business establishment:

- 38. The subject alcoholic beverage license shall not be exchanged for another public premises type

- 41. No distilled spirits may be on the premises at any time

Due to numerous requests from his current customers at Group Therapy Pub, Mr. Sherman is currently requesting to change his Type 42 On-Sale Beer and Wine for Public Premises Alcoholic Beverages Control license to a Type 48 On-Sale General for Public Premises Alcoholic Beverage Control license, and to continue to provide a pool table, four electronic games, karaoke and Jazz/Blues as entertainment for his customers, thus the purpose of this use permit application. A Type 48 license would permit Mr. Sherman to sell beer, wine and distilled spirits at Group Therapy Pub. Prior to submitting this application to the Planning Commission, Mr. Sherman consulted with the Placentia Police Department and City Staff to see if his proposal was feasible. The Police Department and Staff expressed support of his request, subject to compliance with all Special Conditions of Approval imposed on Use Permit 2013-02.

RECOMMENDATION:

City Planning Division is recommending approval of Use Permit (UP) 2013-02, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

The existing pub is a business that has operated in this location for approximately 30 years. This business is located within an existing commercial/retail shopping center that is at the northeast corner of Rose Drive and Imperial Highway. This entire shopping center is comprised of five (5) parcels, including the parcels improved with an Arco Station, Chuck E. Cheeses and Carl’s Jr. Other uses within this shopping center include a restaurant, quilt shop, salon, travel agency, real estate office, professional offices, insurance/registration service and various other retail uses.

Subject Site and Surrounding Land Uses:

| | Existing Land Use | Land Use Element General Plan Designation | Zoning Map Designation |
|-----------------|---|--|-------------------------------|
| Existing | Sports Bar – Group Therapy Pub: Including the sale of beer and wine for on-site consumption, with one pool table and four (4) electronic games, karaoke and Jazz/Blues entertainment | “Commercial” | “C-1” |
| Proposed | Sports Bar – Group Therapy Pub: Including the sale of beer, wine and distilled spirits for on-site consumption, with one pool table and four (4) electronic games, karaoke and Jazz/Blues entertainment | “Commercial” | “C-1” |
| North | Residential | “Low Density Residential” | PUD-1 |
| South | Imperial Hwy/Cityof Yorba Linda | — | — |
| East | City of Yorba Linda | — | — |
| West | Chuck E. Cheeses/Arco Station | Commercial | C-2 |

Operational Characteristics:

This business establishment has been a neighborhood pub that has served beer, wine and snacks for the past 30 years. Group Therapy Pub is a local place of business where people from the community gather to socialize, watch sports, play pool, sing karaoke, enjoy music from the juke box, play electronic games, engage in dart and pool leagues and listen to Jazz/Blues music. The clientele has generally been a mature group ranging from 30 to 60 years of age. Group Therapy Pub, under the ownership of Michael

Sherman would like to continue to attract a higher-end clientele and address requests by his current customers by offering a wider range of alcoholic beverages, including distilled spirits.

The following are the requested days and hours of operation:

Monday through Friday: 11:00 a.m. to 2:00 a.m.
 Saturday and Sunday: 10:00 a.m. to 2:00 a.m.

Mr. Sherman requests that between September 1st through February 1st each year, the business be permitted to start at 10:00 a.m. on all days to accommodate customers during football season.

There will be a total of eight (8) part time employees and the daily operations of the pub will be supervised by Mr. Sherman.

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

The Alcoholic Beverage Control (ABC) license that is currently possessed by Group Therapy Pub is a “Type 42 On Sale Beer and Wine - Public Premises.” The applicant is requesting a “Type 48 On Sale General - Public Premises” license. Listed below are other businesses in Placentia within a one-half (0.50) mile radius of the subject site permitted to sell alcoholic beverages for on and off-site consumption.

| BUSINESS | ADDRESS | LICENSE TYPE |
|---|-------------------------------|---|
| Oishi Sushi Bar | 1041-1045 E. Imperial Highway | Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place |
| Stater Brothers Markets | 1111 E. Imperial Highway | Type “21” Off-Sale General |
| CVS Pharmacy #9776 | 1117 E. Imperial Highway | Type “20” Off-Sale Beer and Wine |
| Super Liquor | 1150 E. Imperial Highway | Type “21” Off-Sale General |
| Placentia Gas Works | 1201 E. Imperial Highway | Type “20” Off-Sale Beer and Wine |
| Fish in a Bottle Sushi & Grill | 1205-1207 E. Imperial Highway | Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place |
| El Pueblito Mexican Restaurant, Inc. | 1221 E. Imperial Highway | Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place |
| Brooklyn Pizza Work | 1235 E. Imperial Highway | Type “41” On-Sale Beer and Wine for Bona Fide Public Eating Place |
| Group Therapy Pub | 1265 E. Imperial Highway | Type “42” On Sale Beer & Wine – Public Premises |

The service of food at Group Therapy Pub is incidental to the sale of alcoholic beverages, as in most cases with bars or taverns. The sale of alcoholic beverages is only permitted for consumption on the premises and may not be sold for off-site consumption.

Group Therapy Pub is located within Census Tract 0218.15, which is within a low crime area, but within an area of over-concentration, according to the State Department of Alcoholic Beverage Control. Census Tract 0218.15 currently has eleven (11) Alcohol Beverage Control (ABC) licenses, whereas the Department of Alcoholic Beverages only permits eight (8). It is important to note that five (5) of these existing permits are within the Cities of Brea and Yorba Linda, which include Outback Steakhouse (Brea), Cedar Creek Inn (Brea), Sol De Mexico (Brea), El Torito Grill (Brea) and Grazianos Pizza (Yorba Linda).

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.

With the goals and ideas that Mr. Sherman has expressed to the Development Services Department and Police Department, it is believed that Group Therapy Pub will continue to bring a unique entertainment atmosphere to the area. This establishment has possessed a Type 42 ABC license to sell alcohol since 1983. The Police Department has reviewed the calls for Police service to this establishment and concluded that they have been minimal over the past 30 years. 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.

Mr. Sherman demonstrates a good understanding of ABC laws to the Placentia Police Department and is looking forward to a continued cooperative relationship with them. The business owner currently updated the video surveillance at the Pub should the police need video footage of an incident occurring within the establishment.

After review by the Placentia Police Department, City Staff concludes that the issuance of a Type 48 A Icoholic Beverage Control (ABC) license would not create a law enforcement problem. While the proposed project is located in an area of overconcentration, it is not located within a high crime district. The Development Services Department and the Placentia Police Department have reviewed the request and are supporting the proposal, subject to compliance with all Special Conditions of Approval and Standard Development Requirements.

Public Convenience or Necessity

As stated above, Group Therapy Pub is located within a Census Tract 0218.15 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, even though five (5) of these ABC licenses belong to businesses within the Cities of Yorba Linda and Brea. 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-2013-03 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) 2013-02, the determination of a Public Convenience or Necessity will not create a law enforcement problem. As previously stated, the Placentia Police Department has confirmed that Group Therapy Pub is not within a high crime reporting district and the determination of Public Convenience or Necessity will not cause a law enforcement problem.

Floor Plan:

The submittal floor plan indicates that the tenant space is approximately 1,200 square feet and includes an entertainment area with one (1) pool table, three (3) electronic dart machines, a juke box, one (1) table top electronic trivia machine, seating area with tables and stools, a bar with seating, two (2) restroom facilities, a storage area and office located to the rear of the suite. There is one (1) main entrance on the west side and one exit door located on the east side of the pub.

Parking:

A recent site inspection revealed that there are 382 existing parking spaces available for the Imperial Plaza Shopping Center, not including the parcel improved with the Arco Station. There are existing Reciprocal Parking Agreements for the shopping center parcels that provides for the total available parking. Group Therapy occupies approximately 1,200 square feet of commercial retail space and requires 13 parking spaces. It is not anticipated that Group Therapy Pub will affect the available parking within this shopping center because they have been at this location since 1983 and there

are 369 parking remaining available spaces for other businesses located within the shopping center.

Compatibility:

A pub facility has been in this location for 30 years and has successfully operated with minimal Police calls for service. This establishment has been compatible with the adjacent business uses and with the surrounding area. The “Type 48” ABC license proposed by Mr. Sherman will attract a mature, higher-end type of clientele that will in turn benefit all of the other existing businesses within the shopping center.

CEQA:

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

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

Actions:

1. Adopt Resolution No. PC-2013-03.
2. Approve Use Permit (UP) 2013-02, subject to the attached Special Conditions of Approval and Standard Development Requirements.

Prepared and submitted by:

Reviewed and approved by:

Monique B. Schwartz
Associate Planner

Kenneth A. Domer
Assistant City Administrator

Attachments:

- Attachment A: Resolution No. PC-2013-03
Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2013-02
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-2013-03

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PLACENTIA APPROVING USE
PERMIT NO. 2013-02 PERTAINING TO PROPERTY
LOCATED AT 1265 E. IMPERIAL HIGHWAY
AND MAKING FINDINGS IN SUPPORT THEREOF.**

A. Recitals.

(i). Michael Sherman, applicant and Rondell Homes, owner of the property located at 1265 E. Yorba Linda Boulevard ("Applicant") heretofore filed an application for approval of Use Permit No. 2013-02, 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 March 12, 2013 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 "A, B and C"), this use complies with all applicable code requirements and development standards of the "C-1" Neighborhood Commercial District and (3) It is not anticipated that the Type 48 (On Sale General-Public Premises) license will generate any negative impacts on the adjacent neighborhood. All sales and operations shall be conducted within

an enclosed building, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Commercial", and the proposed use does not involve any change in the land use of the subject site. Establishments that sell alcoholic beverages for on and off site consumption, have one (1) pool table and use four (4) electronic games of chance are permitted in the Neighborhood Commercial (C-1) 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 A, B and C), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted use in the "C-1" Neighborhood Commercial District in the City of Placentia. Approval of the Use Permit for the sale of alcoholic beverages, the use of one (1) pool table and four (4) electronic games of chance within this sports pub business is consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "C-1" Neighborhood Commercial District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachments "A, B and C" contain Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2013-02 to ensure compliance with the Placentia Municipal Code.

e. 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 48 (On Sale General-Public Premises) license. The average age of customers frequenting this business is between 30-60 years of age. No minors will be permitted to purchase alcoholic beverages;

(2). Group Therapy Pub is not located within a high crime district. It is an existing business that has been operating at this location for 30 years. The Police Department

has reviewed the calls for Police service to this establishment and concluded that they have been minimal over the past 30 years. 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, with compliance with all Special Conditions of Approval and Standard Development Requirements, the Police Department has determined that the new license would not be a law enforcement problem.

(3). Having a Type 48 ABC license will allow the business owner to accommodate his existing customers and attract new mature customers to his establishment.

(4). Within Census Tract 0218.15 there are currently eleven (11) ABC licenses, when only eight (8) are permitted by the State Department of Alcoholic Beverage Control. Five (5) of the eleven licenses belong to business within the Cities of Yorba Linda and Brea.

(5) The applicant/business owner demonstrates a good understanding of ABC laws to the Placentia Police Department and continues a cooperative relationship with them. An updated video surveillance system has been installed should the police need video footage of an incident occurring within the pub.

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

4. The Planning Commission hereby directs that, upon approval of Use Permit 2013-02, 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 2013-03 as modified herein, and specifically subject to the conditions set forth in Attachments "A, B and C" 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 12th day of March, 2013.

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 12th day of March 2013, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of March 2013, 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 "A"
**Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2013-02**

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 USE PERMIT (UP) 2013-02 TO CONTINUE IN GOOD STANDING.

CITY PLANNING DIVISION:

1. Use Permit (UP) 2013-02 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2013-02 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 Group Therapy Pub, 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: 11:00 a.m. to 2:00 a.m.
Saturday and Sunday: 10:00 a.m. to 2:00 a.m.

Between September 1st through February 1st each year, the business will be permitted to start at 10:00 a.m. on all days to accommodate customers during football season.

Additional changes to the hours of operation may be permitted by the Director of Development Services based on written request of the applicant and concurrence of the Placentia Police Department.

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

14. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be done at least three (3) times a week.
15. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
16. The applicant shall comply with Chapter 8.34 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 § 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 pub/bar facility only. All activities shall be conducted within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor or other nuisances.
19. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
20. The applicant/business owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid City Business License prior to operating the business.
21. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Director and the Police Department's Administrative Lieutenant at least 14 days in advance.
22. The sale and service of alcoholic beverages shall be in compliance with all local, state and federal laws, and all conditions of the Department of Alcoholic Beverage

Control (ABC) for the issuance of a "Type 48" On Sale General – Public Premises shall be applicable.

23. Operator of the establishment 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. Prior to the addition of any electronic games of chance, the applicant shall obtain written approval from the Director of Development Services or his/her designee.

CITY BUILDING DIVISION:

26. 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.
27. 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.
28. Building occupancy will be classified as "A-2", pursuant to the California Building Code, 2010 Edition.
29. Maximum occupant load shall be less than 100 people.
30. Two (2) legal exits (front and back) are required with exit signs and illumination devices, pursuant to the California Building Code, 2010 Edition.
31. Applicant shall obtain approvals from Orange County Health Department and Orange County Fire Authority prior to building permit issuance.

CITY POLICE DEPARTMENT:

32. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment B).
33. Applicant/business owner of Group Therapy Pub shall be in compliance with all Alcoholic Beverage Control requirements.

34. 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.
35. 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.
36. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. through 2:00 a.m. Monday through Friday, and 10:00 a.m. through 2:00 a.m. Saturday and Sunday. Between September 1st through February 1st each year, the business will be permitted to serve alcohol starting at 10:00 a.m. on all days.
37. There shall be only the 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.
38. The subject alcoholic beverage license shall not be exchanged for another public premises type license.
39. Alcoholic beverages shall be sold and served in containers, which are distinguishable from other non-alcoholic beverages sold at the premises.
40. The sale of beer and wine and distilled spirits for consumption off the premises is prohibited.
41. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
42. Signs shall be posted at all exits of the premises, which prohibit alcoholic beverages from leaving the confines of the premises.
43. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
44. There shall be no live entertainment (including karaoke), amplified music, or dancing permitted on the premises at any time, unless a separate entertainment

permit is approved and issued by the Placentia Police Department and Development Services Department.

45. The use of any amplifying system, outdoor sound system, loudspeakers, paging system, or any other such device is prohibited on the licensed premises, unless a separate entertainment permit is approved and issued by the Placentia Police Department and Development Services Department.
46. At no time shall there be a fee for entrance/admittance into the premises.
47. There shall be no "Happy Hours" when alcoholic beverages are offered at a reduced rate.
48. Minors are not permitted to enter or remain on the premises at any time.
49. Signs shall be posted at all exits of the premises, which prohibit alcoholic beverages from being opened or consumed on or around 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. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
52. Graffiti shall be removed from the exterior walls and windows of the premises within 48 hours of discovery.
53. 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.
54. 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:

55. Applicant shall comply with all site development requirements specified by the Orange County Fire Authority (OCFA) and provide City with applicable proof of OCFA necessary approvals. (See Attachment "C").

Attachment "B"
Placentia Police Department Standard Development Requirements

PLACENTIA POLICE DEPARTMENT

APPLICATION: Use Permit 2013-02 (Group Therapy Pub)
1265 E. Imperial Highway

COMMERCIAL & INDUSTRIAL SECURITY STANDARD DEVELOPMENT REQUIREMENTS

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

EXTERIOR DOORS

Sliding Doors:

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

Other Doors:

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

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

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

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

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

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

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

Or:

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

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

(Exterior Doors, Continued...)

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

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

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

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

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

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

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

- (1) Panic hardware shall contain a minimum of two (2) locking points on each door; or

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

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

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

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

WINDOWS

No louvered windows shall be used.

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

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

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

ROOF OPENINGS

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

- (1) Protected by iron bars at least one-half (1/2) inch round material spaced not more than five (5) inches apart; or

- (2) Steel grill at least twelve (12) gauge material of two (2) inch mesh (maximum) securely mounted under the skylight.

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

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

HATCHWAYS

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

LADDERS

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

BURGLARY RESISTANT MATERIAL

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

ADDRESS

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

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

EXTERIOR LIGHTING

Exterior lighting of an intensity of at least twenty-five hundredths (.25) foot-candles shall be provided adjacent to doors and windows. Exterior bulbs shall be protected by polycarbonate or other weather and vandal resistant globe or cover. Light(s) shall be

operated during hours of darkness through either photovoltaic sensors or appropriate timers.

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

Attachment "C"
Orange County Fire Authority (O.C.F.A.) 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: March 6, 2013

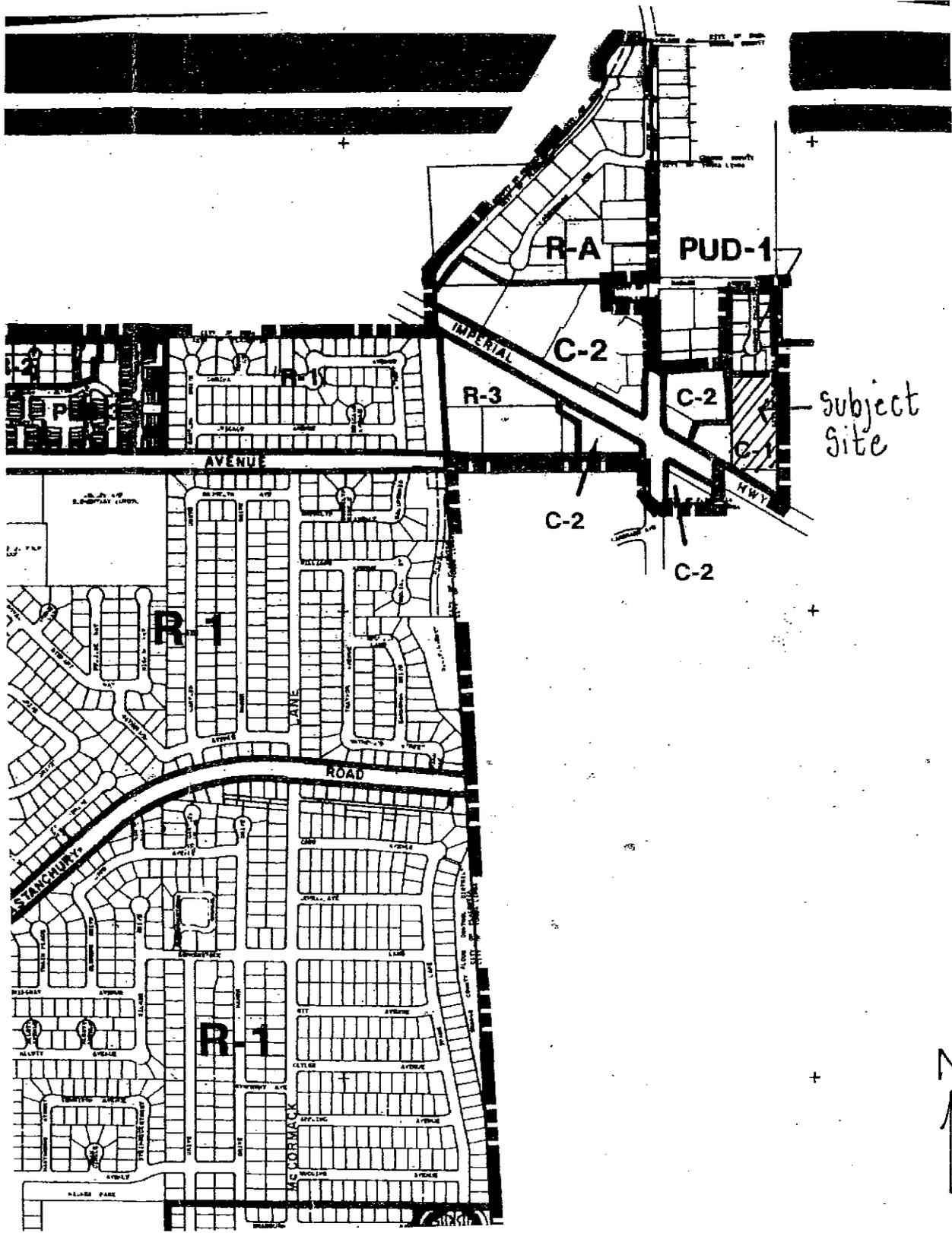
To: City of Placentia Planning Division
Attention: Monique Schwartz

From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156197, City Reference #UP 2013-02**
1265 E. Imperial Highway, Placentia
Service Code: PR105 Site Development Review/CUP

The OCFA has reviewed the proposed project and there do not appear to be any issues associated with this proposal that would require further submittals to the OCFA should the city approve the CUP. This application is a proposal for an existing 1,200 square foot sports bar to change their Alcoholic Beverage Control license. The OCFA has no conditions to place on the project at this time.

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.

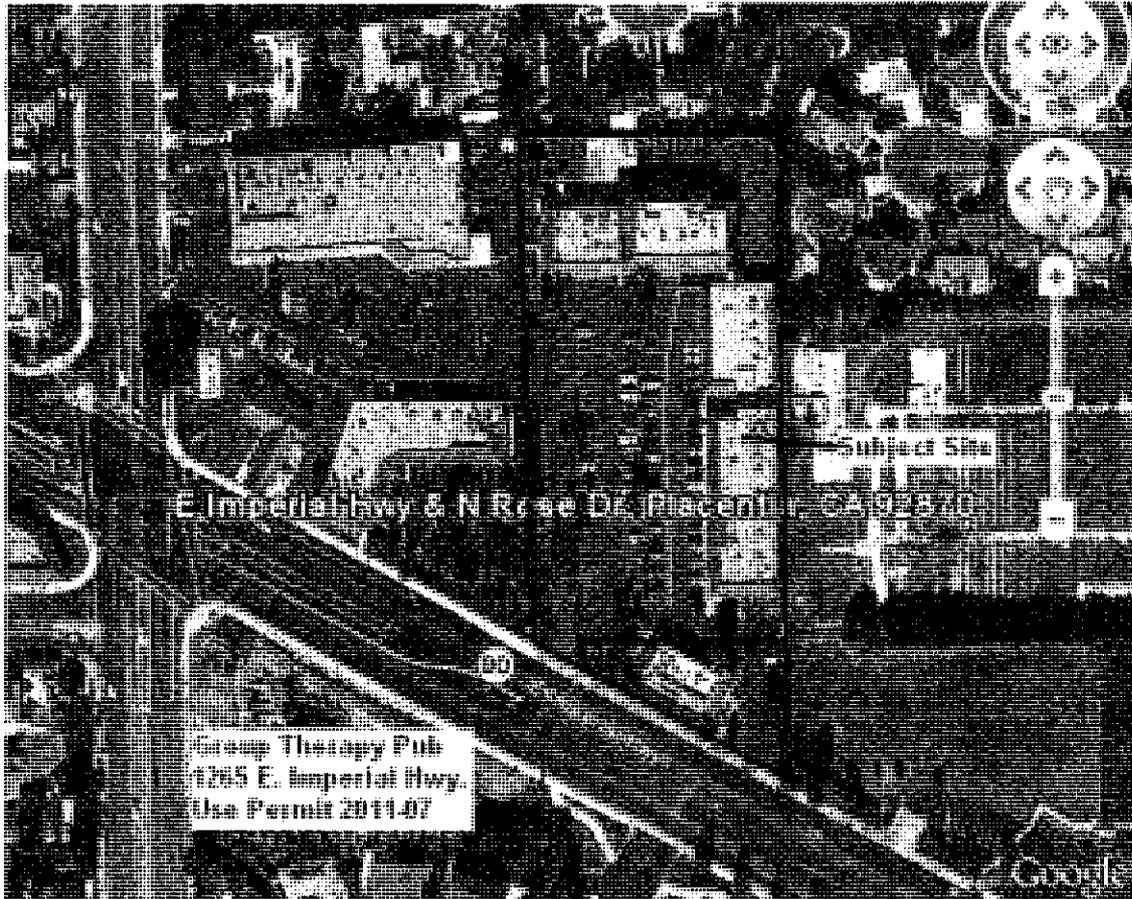


VICINITY MAP

NTS



PLANNING DIVISION REPORT
 UP 2013-02
 Exhibit 1



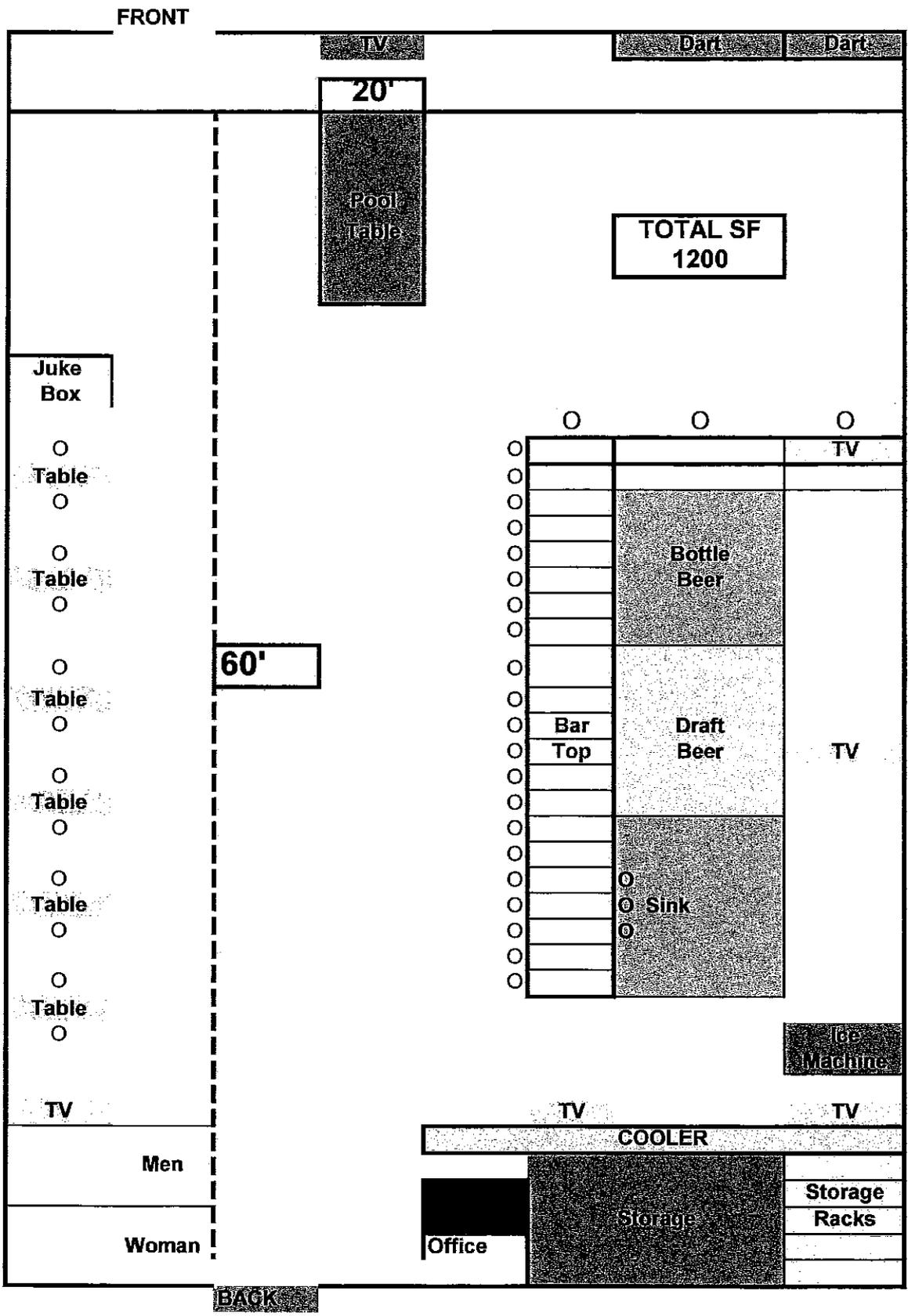
PLANNING DIVISION REPORT

APPLICATION: UP-2013-02

EXHIBIT: 2

PAGE 1 OF 1

DATE: 3-12-13



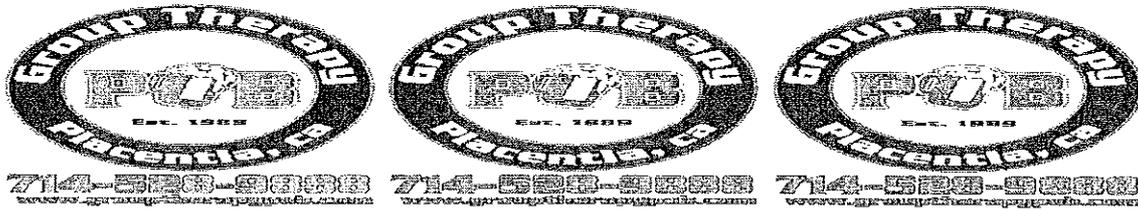
PLANNING DIVISION REPORT

APPLICATION: UP 2013-02

EXHIBIT: 3

PAGE 1 OF 1

DATE: 3-12-13



1265 E. Imperial Hwy
Placentia, CA 92870
714-791-1977
michsherman@earthlink.net

STATEMENT OF USE

Description of Operation

We are a local community Pub serving beer, wine and snacks. It is a neighborhood place of business where people gather to socialize, watch sports, enjoy the jukebox and live music in addition to playing darts and pool.

History

The business has been operational for about 25 years under the current Group Therapy name. The clientele has traditionally been a mature crowd ranging from 30-60 years of age. Group Therapy has a long history of providing an enjoyable environment while providing comfortable surroundings.

Restaurant Owner Experience

2011- **Group Therapy Pub**
Current *Proprietor*

- Operating Neighborhood Tavern
- Serving Beer and Wine
- Provides a selection of Snack Goods
- Offer Jazz and Blues Style Live Music
- Dart and Pool League

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APPLICATION: UP 2013-02
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UP 2013-02
File Copy

1994-1996 **Izzy's Bagel and Coffee House-Fountain Valley**
Proprietor

- Built and Operated 1800 sq. ft Bagel and Coffee House
- Prepared from scratch Bagel recipes and Baked Goods
- Served Coffee style drinks
- Solicited Wholesale accounts
- Average monthly revenue 40K

1990-1993 **Rudy's Pizza and Pasta-Diamond Bar**
Proprietor

- Operated a 4000 sq. ft Pizza Sports Bar
- Served Pizza, Pasta, Sandwiches, Beer and Wine
- Solicited Wholesale accounts and Sports Team Business
- Average monthly revenue 36K

1992-1993 **Rudy's Pizza and Pasta-Yorba Linda**
Proprietor

- Operated a 1500 sq. ft Pizza Sports Bar
- Served Pizza, Pasta, Sandwiches, Beer and Wine
- Solicited Wholesale accounts and Sports Team Business
- Average monthly revenue 20K

General Business Experience

Sales and Marketing Manager with over 20 years' experience developing an increased demand for products and services. I have worked with customers in several market segments developing marketing plans and cultivating business. Additionally I have managed employee staff and designed training programs to increase sales revenues.

Our current days and hours of operation are as follows:

Monday – Thursday: 12:00 noon to 2:00 a.m.
Friday – Saturday: 11:00 a.m. to 2:00 a.m.
Sunday: 12:00 noon to 11:00 p.m.

PLANNING DIVISION REPORT

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I would like to request a change to my existing days and hours of operation to be as follows:

M-F: 11:00 a.m. - 2:00 a.m.

Sat./Sun: 10:00 a.m. - 2:00 a.m.

Number of Employees

There are 6-8 Part Time Employees

Number of Vehicles

There are no operating vehicles associated with the business.

Machines and Equipment

- (1) Draft Beer Dispenser
- (1) Walk in Cooler
- (1) Ice Maker
- (1) Bottle Box Cooler
- (1) Cash Register
- (6) Flat Screen Televisions
- (1) Pool Table
- (3) Dart Board Games
- (1) Juke Box

Marketing Overview

The business is located in the Northeast section of the city of Placentia bordering the cities of Brea and Yorba Linda. The strip center where the business resides is at the intersection of Imperial Hwy and Rose Drive.

In the surrounding area, the City of Brea operates a Sports complex less than 1 mile from the Group Therapy location. This is a state of the art facility that is home to adult recreation activities. The Beckman Coulter Company, Bank of America, Suzuki, Chase Suite Hotel in addition to several commercial business complexes serve as our current customer base.

Customer Marketing

- Sponsorship of Adult Softball Leagues
- Sponsorship of Adult Flag Football
- Sponsorship of Adult Dart Leagues
- Sponsorship of Adult Pool Leagues

PLANNING DIVISION REPORT

APPLICATION: UP 2013-02

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- Marketing to local businesses
- Offering Jazz/Blues Night
- Offering Karaoke Night

Summary of Application to modify current CUP

My application to the City of Placentia and Planning Commission is for upgrading my current ABC 42 Type License (Beer/Wine) to a Type 48 License (Liquor).

I have operated Group Therapy Pub successfully since May 2011 without any violations of the ABC code or incidents involving local law enforcement. Under my ownership I have invested about \$30,000 for renovation improvements and upgrading of the equipment. Additionally I have connected with the communities of Placentia, Brea, Yorba Linda and Fullerton marketing introductions to my establishment.

We have provided a venue for Dart and Pool leagues in addition to offering Live Music for the community to enjoy in comfortable surroundings. We will continue operating the business with no additional changes.

My goal since taking ownership is to continue to upgrade and grow the establishment. I take pride in listening to my customer base and the surrounding community to offer a venue and services that are consistent with their interests.

My current customer base has inquired regularly to expand our Menu offering to include Liquor. We will also have the opportunity to attract new clientele in the area by expanding our selections. The approval by the City of Placentia would also allow me to continue achieving goals of our business plan. The common goal is creating a win/win for both the city and Group Therapy Pub in an effort to increase annual revenues.

I look forward to continue working with the City of Placentia to create a healthy business environment that will be mutually beneficial in the future. If there is any additional information I can provide please let me know.

Thanks again for your assistance and support.

Sincerely,



Michael Sherman

PLANNING DIVISION REPORT

APPLICATION: UP 2013-2
 EXHIBIT: 4
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 DATE: 3-12-13



Placentia Planning Commission Agenda Staff Report

| | | |
|--|-----------------------------|---|
| AGENDA ITEM NO.: 2 | DATE: March 12, 2013 | PUBLIC HEARING: Yes |
| APPLICATION(S): Use Permit 2013-03; Variance (VAR) 2013-01; Development Plan Review (DPR) 2013-01 | | |
| DESCRIPTION: To permit the construction of a new +/- 3,131 square foot McDonald's Restaurant with drive-through service, located on a +/- 12,917 square foot parcel within an integrated commercial/retail shopping center at 164 E. Yorba Linda Boulevard in the Town Center (T-C) District. | | |
| RELATED APPLICATIONS: UP 2013-03; VAR 2013-01 and DPR 2013-01 | | |
| APPLICANT: Bickel Underwood: Kelly Johnson | | |
| PROPERTY OWNER: McDonald's USA, LLC: Kori Seki | | |
| LOCATION: 164 E. Yorba Linda Boulevard | | |
| CEQA DETERMINATION: Class 32, Section 15332 | | |
| ZONING: Town Center (T-C) District | | APN(S): 339-181-09 |
| 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 construction of a new +/- 3,131 square foot McDonald's Restaurant with drive-through service, located on a +/- 12,917 square foot parcel within an integrated commercial/retail shopping center at 164 E. Yorba Linda Boulevard in the Town Center (T-C) District.

There are three (3) related development applications that are required to be considered for this project and all applications are included in this staff report. Below are the applications along with a brief description for each:

Use Permit (UP) 2013-03:

To permit drive-through service for a newly constructed McDonald's fast food restaurant that will be operating 7 days a week, 24 hours a day.

Variance (VAR) 2013-01:

A request to deviate from the development standards set forth in § 23.27.150(1) Landscaping setbacks of the Placentia Municipal Code.

Development Plan Review (DPR) 2013-01:

To permit the construction of a new +/- 3,131 square foot McDonald's Restaurant with drive-through service, located on a +/- 12,917 square foot parcel within an integrated commercial/retail shopping center at 164 E. Yorba Linda Boulevard in the Town Center (T-C) District.

RECOMMENDATION:

City Planning Division is recommending approval of Use Permit (UP) 2013-03, Variance (VAR) 2013-01 and Development Plan Review (DPR) 2013-01, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

INTRODUCTION:

McDonald's Restaurant, located within the Placentia Town Center Shopping Center has been operating in this location since 1972. The concept of a carry-out food use was first approved within the Town Center (T-C) District in 1972, particularly for this McDonald's Restaurant, under Use Permit 72/09 and Site Development Review 72/04. McDonald's is the original tenant at this site and has been operating at this location for nearly 40 years.

The McDonald's fast food franchise is currently undergoing a nationwide rebranding process that includes updating the image of the company and improving the customer dining experience. The company is incorporating innovative technology and equipment into their new redesigns which will help improve cook times and create better employee efficiency. The existing McDonald's restaurant in the Town Center Shopping Center is a prime candidate for this redesign because of its outdated exterior appearance, interior inefficiencies and lack of drive-through service. The proposed project includes demolishing the existing building and basement and re-constructing a new +/- 3,131 square foot restaurant with a single drive-through lane. Customers at this restaurant will now be provided the option of dining within the restaurant or the convenience of using the drive-through for quick, efficient service.

DISCUSSION:

The project site is located on parcel 339-181-09, which is one of several properties that comprise the Placentia Town Center shopping center, located at the southwest corner of Yorba Linda Boulevard and Kraemer Boulevard. The subject property is approximately 12,917 square feet or .296 acres in area and is currently improved with the existing McDonald's fast food restaurant with a basement. Both the building and basement will be demolished as part of this project proposal.

Subject Site and Surrounding Land Uses:

| | Existing Land Use | Land Use Element General Plan Designation | Zoning Map Designation |
|-----------------|--|--|-------------------------------|
| Existing | Existing McDonald's Fast Food Restaurant | "Commercial" | "T-C" |
| Proposed | Demolish existing restaurant and construct a new 3,131 square foot McDonald's fast food restaurant with drive-through service and related on/off site improvements | "Commercial" | "T-C" |
| North | Commercial/Retail | "Commercial" | "T-C" |
| South | Commercial/Retail | "Commercial" | "T-C" |
| East | Kraemer Boulevard/Commercial-Retail | "Commercial" | "T-C" |
| West | Commercial/Retail | "Commercial" | "T-C" |

Use Permit 2013-03:

The purpose of the T-C District is "to provide an area for commercial uses, to offer a selective range of goods and services, including comparison shopping, major financial and administrative centers, governmental offices and entertainment, cultural and recreational uses." The Placentia Town Center shopping center, located at the southwest corner of Yorba Linda Boulevard and Kraemer Boulevard has a wide variety of existing uses that conform to the purpose of this district. Some existing businesses include: Bank of America, Marie Callender's, Baskin Robbins, the Whole Enchilada, McDonald's, CVS Pharmacy, Massage Envy, Ross Dress for Less and Marshall's.

Section 23.27.040(2) of the Placentia Municipal Code - Uses permitted subject to obtaining a use permit, specifies that establishments offering drive-through service, although consistent with the purpose of the T-C zone, have special characteristics which have the potential to adversely affect adjoining businesses and/or property owners and therefore require Planning Commission review and approval of a Use Permit application.

Operational Characteristics:

The new McDonald's Restaurant will operate 7 days a week, 24 hours a day in both the drive-through and dining room. The restaurant will employ a total of 24 employees with 12 employees per shift.

Drive-through Lane and Access:

The proposed drive-through lane has a wrap-around design with an entrance that starts on the west side of the building, traveling in a southerly direction. There are two entrance/exit driveway approaches to the shopping center adjacent to the subject site, one on the north side and one on the south side of the site. The City Traffic Engineer has examined the design and layout pattern of the drive-through lane and has reviewed

a Parking and Queuing Analysis Report provided by LSA Associates. Both were found acceptable in terms of safety and internal circulation pattern. It is expected that this layout will function safely and efficiently as proposed, subject to the installation of appropriate directional signs at the entrance, within and at the exit of the drive-through lane. A more detailed analysis of the parking and drive-through lane is provided under the Development Plan Review section of this staff report

Variance (VAR) 2013-01:

The City recognizes that for certain parcels and buildings, it may not be possible for an applicant to conform to all of the development requirements within a zoning district. Therefore, upon making certain findings, the Planning Commission may grant a variance from certain provisions of the Zoning Code where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the Zoning Code may result from the strict application of such provisions. As a general rule, the applicant must prove that "because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification."

The applicant is requesting a variance from the following section of the Placentia Municipal Code:

§ 23.27.150(1) Landscaping:

Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting streets except for the area required for street openings and the area within fifteen (15) feet on either side of street openings.

The submittal site plan indicates that the new drive-through lane will encroach into the required 15 foot landscape setback along the east property line, running parallel to Kraemer Boulevard at the northeast corner of the building. The existing parcel is extremely narrow, which greatly limits development on the site. The parcel varies in depth from 96 feet along the south property line to 33 feet along the north property line, simulating a triangular shape. If the 15 foot landscape setback was strictly imposed, the site would not be able to accommodate a drive-through lane, which could greatly limit the earning potential of this restaurant business. In the proposed layout, approximately 480 square feet of the drive-through lane encroaches into the setback area. To screen this encroachment, this area of the drive-through lane will be partially shielded by a decorative 30" high wall with shopping center signage and the remainder of the drive-through lane along Kraemer will be screened by a hedge to maintain a buffer, which generally supports the intent of the required landscape setback. Even though the setback area is reduced in the proposed plan, this limited site still provides approximately 3,400 square feet of landscape area that will be designed and planted to compliment the existing shopping center while utilizing low water usage plant material wherever possible.

Based on the review of staff, the following findings are provided:

1. The strict application of § 23.27.150(1) limits the ability of the property owner to maximize the commercial use of the property under current zoning in a City that already has similar developments that encroach into the required landscape setbacks. Granting this variance does not constitute a special privilege since there is a similar development across the street (Walgreens Pharmacy with drive-through service), located at the northwest corner of Kraemer Boulevard and Yorba Linda Boulevard within the City and under the same general plan, land use and zoning designation that was developed under Variance 04/04 with a reduced landscape setback.
2. The variance, rather than the literal application of this chapter, carries out the spirit and intent of this chapter. The area of the drive-through lane that encroaches into the setback area will be buffered by a 30" high decorative wall with shopping center signage and the remaining drive-through lane will be screened by a hedge and plant material. Also, approximately 3,400 square feet, or 26% of the site will contain landscaping, which is in compliance with the internal landscaping requirements of the T-C District. Granting the variance enables the applicant to provide a much desired drive through-lane which will greatly improve customer service to their existing customers, update their corporate image, increase sales, and in turn provide increased tax revenue for the City.
3. The proposed variance will be consistent with the latest adopted general plan. The General Plan Land Use designation for the subject property is "Commercial", and the variance request does not include a proposal to amend this designation.

Development Plan Review 2013-01:

Floor Plan:

The new fast food restaurant design incorporates two entries/exits off the west side of the building. There is approximately 830 square feet of customer area located on the north portion of the building, which includes the dining/seating area, customer service area and two restroom facilities. The non-customer area, located in the middle and south side of the building is approximately 2,301 square feet and includes the customer service counter area, kitchen, support room, freezer/cooler, crew room, manager's area and drive-through window service areas. There are additional doors leading to the exterior of the building through the support area, freezer, and kitchen. There are two drive-through service windows that are located on the east side of the building, facing Kraemer Boulevard.

Architecture:

The submittal building elevation plans display a fresh modern exterior that deviates from the traditional "Placentia heritage" design of the Placentia Town Center Shopping Center. The proposed restaurant building is simple and rectangular with linear accents and pop-out facades to accentuate the location of the entry doors on the west side of the building. The color palate is neutral with complementary accents of color on decorative window canopies and new updated golden arch logos and signage for the restaurant. Even though the exterior design does not mirror the existing buildings within the shopping center, it is a positive upgrade that will perhaps stimulate the adjacent property owners to provide future façade improvements to the existing shopping center.

Access To Project Site:

The shopping center can be accessed at various entry/exit driveway approaches off Yorba Linda Boulevard and Kraemer Boulevard. There are two entries/exit driveways located adjacent to the subject property. The first is located at the north end of the building and can be accessed traveling southbound on Kraemer Boulevard and turning right into the shopping center. The second driveway approach can be accessed traveling northbound on Kraemer Boulevard and turning left into the driveway adjacent to the south end the building.

Drive-through Lane:

The drive-through lane is to be accessed from an adjacent drive aisle, traveling in a one-way southerly direction along the west side of the building. The drive-through lane is 10'-0" wide at the entrance and increases to 12'-0" wide at the menu board, order box and remainder of the drive-through lane. To provide adequate queuing area, the drive-through lane will provide stacking for at least 6 vehicles from the entrance to the order board and 11 vehicles total from the entrance to the pick-up window. From the entry of the drive through lane, vehicles travel south to approach the menu board and order box located on the south side of the building and orders are retrieved from a pick-up window located along the east side of the building. From the pick-up window, vehicles continue to travel north along the east property line to the exit of the drive through-lane. A customer will then need to travel south in a designated one-way direction and exit via a driveway entrance/entry at the south side of the site. A new 30 inch high solid decorative block wall displaying shopping center signage will serve as a buffer to pedestrians on the sidewalk adjacent to the drive-through lane along Kramer Boulevard. Landscape hedges will also be planted along the drive-through lane facing Kraemer Boulevard to further provide screening from the public right-of-way.

In an effort to minimize vehicle/pedestrian conflicts, a designated pathway from Kraemer Boulevard to the restaurant is provided across a portion of the drive through lane at the north end of the restaurant. This pathway will be highlighted with enhanced striping or paving to make it more visible to the motorists.

Off-Street Parking:

As requested by the City Engineer, the applicant has submitted a Parking and Queuing Analysis for the McDonald's Restaurant that was completed by LSA Associates Inc. (LSA). The purpose of this analysis was to evaluate the on-site parking supply within the shopping center and examine the proposed configuration of the drive-through to determine if adequate stacking capacity is provided.

As provided in the study, the Placentia Town Center currently has 134,714 square feet of commercial/retail space. Pursuant to § 23.78.030(2) of the Placentia Municipal Code, the T-C District requires 4 spaces per 1,000 square feet of gross floor area, which would compute to 539 parking spaces. There are a total of 643 existing parking spaces within this shopping center, 13 of which are located at the rear of the center. There is a surplus of 104 parking spaces. It is important to note that this shopping center shares parking among all tenants and parcels. There is a reciprocal access and parking agreement between all property owners of the shopping center, included as Exhibit 9 of this staff report.

The new McDonald's Restaurant is approximately 3,131 square feet in area, with approximately 830 square feet designated for customer area and 2,301 square feet designated for non-customer area. According to § 23.78.030(3) of the Placentia Municipal Code, a restaurant facility requires one space for each 60 square feet of customer area and one space for each 400 square feet of non customer area, which computes to a total of 20 parking spaces. There is only one parking space located on the subject site, while the remaining 19 spaces are located on the adjacent parcel to the west. In order to accommodate excess queuing outside the drive-through lane that would affect vehicular circulation with the parking lot, the parking configuration to the west of the site was converted from perpendicular to angle parking and the aisle converted to a one-way southerly direction. The total loss of parking due to the addition of a drive-through will be 14 spaces.

The LSA study concluded that there will be sufficient parking within the Town Center Shopping Center after the construction of the new McDonald's restaurant and drive-through lane, based on the Reciprocal Parking Agreements between the owner and the shopping center Association. It was also concluded that the queuing at the drive-through window is sufficient to accommodate future demand at this site. Again, this study was reviewed and plans examined by the City Traffic Engineer and both were found acceptable in terms of safety and internal circulation pattern.

Trash Area:

A new 400 square foot, six foot high solid block wall trash enclosure is proposed adjacent to the south property line. This enclosure does not encroach into the required 15 foot landscape setback along Kraemer Boulevard and will be further screened from the public right of way with the addition of climbing vines and decorative plant material.

CEQA:

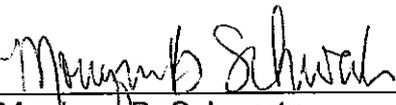
Staff believes the proposed project should be determined to be Categorical Exempt (Class 32, Guideline § 15332), pursuant to the California Environmental Quality Act (CEQA) and City Environmental Guidelines. City staff believes the project meets the criteria of § 15332, "In-Fill Development Projects" and recommends the Planning Commission determine the proposed project is exempt from further review. In-fill development projects are characterized as meeting the conditions described below:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

ACTIONS:

1. Adopt Resolution No. PC-2013-04 approving Use Permit (UP) 2013-03, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.
2. Adopt Resolution No. PC-2013-05 approving Variance (VAR) 2013-01, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.
3. Adopt Resolution No. PC-2013-06 approving Development Plan Review (DPR) 2013-01, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by:



Monique B. Schwartz
Associate Planner

Review and approved by:



Kenneth A. Domer
Assistant City Administrator

Attachments:

- Attachment "A": Special Conditions of Approval and Standard Development Requirements for Use Permit (UP) 2013-03.
- Attachment "B": Special Conditions of Approval and Standard Development Requirements for Variance (VAR) 2013-01.
- Attachment "C": Special Conditions of Approval and Standard Development Requirements for Development Plan Review (DPR) 2013-01.
- Attachment "D": Placentia Police Department Standard Development Requirements
- Attachment "E": Orange County Fire Authority (OCFA) Site Development Requirements

Exhibits:

- Exhibit 1: Vicinity Map
- Exhibit 2: Site Plan
- Exhibit 3: Preliminary Grading Plan
- Exhibit 4: Conceptual Landscaping Plan
- Exhibit 5: Floor Plan
- Exhibit 6: Elevations
- Exhibit 7: Statement of Use
- Exhibit 8: Parking and Queuing Analysis by LSA Associates, Inc.
- Exhibit 9: Original Reciprocal Parking/Access Agreement for shopping center
- Exhibit 10: Letter from McDonald's confirming approval of revised Reciprocal Parking Agreement

RESOLUTION NO. PC-2013-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF PLACENTIA APPROVING USE PERMIT 2013-03
PERTAINING TO PROPERTY LOCATED AT 164 E. YORBA LINDA
BOULEVARD AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i). Kelly Johnson of Bickel Underwood, applicant and Kori Seki for McDonald's USA, LLC, owner of the property located at 164 E. Yorba Linda Boulevard (together the "Applicant"), heretofore filed an application for approval of Use Permit (UP) 2013-03, 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 March 12, 2013 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 "A, D, and E"), 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 the rebuild of a new McDonald's Restaurant with drive-through service will generate any negative impacts on the adjacent neighborhood.

A Parking and Queuing Analysis conducted by LSA Associates Inc. and plans were examined by the City Traffic Engineer and both were found acceptable in terms of safety and internal circulation pattern. All restaurant operations shall be conducted within an enclosed building, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Commercial", and the proposed use does not involve any change in the land use of the subject site. Restaurants offering drive-through service 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 "A, D, and E"), 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 drive through service lane for the new restaurant facility 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 "A, D and E" contain Special Conditions of Approval and Standard Development Requirements specific to UP 2013-03 to ensure compliance with the Placentia Municipal Code.

3. The proposed project hereby is determined to be Categorically Exempt (Class 32, Guideline § 15332), pursuant to the California Environmental Quality Act (CEQA) and City Environmental Guidelines. The project meets the criteria of § 15332, "In-Fill Development Projects". In-fill development projects are characterized as meeting the conditions described below:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

4. The Planning Commission hereby directs that, upon approval of UP 2013-03, 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 UP 2013-03 as modified herein, and specifically subject to the conditions set forth in Attachments "A, D and E" 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 12th day of March 2013.

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 12th day of March, 2013, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of March, 2013, 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

RESOLUTION NO. PC-2013-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF PLACENTIA APPROVING VARIANCE
NO. 2013-01 PERTAINING TO A DEVIATION
FROM LANDSCAPE SETBACKS FOR PROPERTY
LOCATED AT 164 EAST YORBA LINDA BOULEVARD
AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i). Kelly Johnson of Bickel Underwood, applicant and Kori Seki for McDonald's USA, LLC, owner of the property located at 164 E. Yorba Linda Boulevard (together the "Applicant"), heretofore filed an application for approval of Variance (VAR) 2013-01, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Variance request is referred to as the "Application".

(ii). On March 12, 2013, 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. Due to the size and shape of this triangular parcel, the strict application of § 23.27.150(1) of the Placentia Municipal Code limits the ability of the property owner to maximize the commercial use of the property under current zoning in a City that already has similar developments that encroach into the required landscape setbacks. Granting

this variance does not constitute a special privilege since there is a similar development across the street (Walgreens Pharmacy with drive-through service), located at the northwest corner of Kraemer Boulevard and Yorba Linda Boulevard within the City and under the same general plan, land use and zoning designation that was developed under Variance 04/04 with a reduced landscape setback.

- b. The variance, rather than the literal application of this chapter, carries out the spirit and intent of this chapter. The area of the drive-through lane that encroaches into the setback area will be buffered by a 30 inch high decorative block wall with shopping center signage and the remaining drive-through lane will be screened by a hedge and plant material. Also, approximately 3,400 square feet, or 26% of the site will contain landscaping, which is in compliance with the internal landscaping requirements of the T-C District. Granting the Variance enables the applicant to provide a much desired drive through-lane which will significantly improve customer service to their existing customers, update their corporate image, increase sales, and in turn help increase tax revenue for the City.
- c. The proposed variance will be consistent with the latest adopted general plan. The General Plan Land Use designation for the subject property is "Commercial", and the variance request does not include a proposal to amend this designation.

3. The proposed project hereby is determined to be Categorically Exempt (Class 32, Guideline § 15332), pursuant to the California Environmental Quality Act (CEQA) and City Environmental Guidelines. This Planning Commission hereby determines the project meets the criteria of § 15332, "In-Fill Development Projects". In-fill development projects are characterized as meeting the conditions described below:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.

- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

4. The Planning Commission hereby directs that, upon approval of VAR 2013-01, 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 VAR 2013-01 as modified herein, and specifically subject to the conditions set forth in Attachment "B, D and E" 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 12th day of March, 2013.

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 12th day of March, 2013, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of March, 2013, 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

RESOLUTION NO. PC-2013-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING DEVELOPMENT PLAN REVIEW (DPR) 2013-01 PERTAINING TO PROPERTY LOCATED AT 164 E. YORBA LINDA BOULEVARD AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Kelly Johnson of Bickel Underwood, applicant and Kori Seki of McDonald's USA, LLC, owner of the property located at 164 E. Yorba Linda Boulevard (together the "Applicant"), heretofore filed an application for approval of Development Plan Review (DPR) 2013-01, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Development Plan Review request is referred to as the "Application".

(ii) On March 12, 2013 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 project will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed development 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 "C, D, and E"), this development complies with all applicable code requirements and development standards of the "T-C" Town Center District and Title 22, Building Codes and Regulations of the Placentia Municipal Code.

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. The proposed project involves the demolition of an existing McDonald's fast food restaurant and the construction of a new 3,131 square foot restaurant with a drive-through service lane.

c. The proposed project as presented in the staff report and accompanying plans complies with all requirements of Chapter 23.75, Development Plan Review and Chapter 23.27, Town Center District of the Placentia Municipal Code. This Planning Commission has carefully examined the proposed development against the applicable development regulations prescribed in Title 23 (Zoning Ordinance), and hereby determines it to be in substantial compliance. The proposed Development includes Special Conditions of Approval and Standard Development Requirements to ensure full compliance with applicable code requirements.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of this development approval. Attachments "C, D, and E" contain Special Conditions of Approval and Standard Development Requirements specific to this development application in order to provide assurances that the proposed construction of the new McDonald's restaurant and drive-through service lane and related on and off-site improvements are in compliance with applicable requirements of the Placentia Municipal Code.

3. Based upon the environmental review of the project, the Planning Commission finds that Development Plan Review (DPR) 2013-01 will create no adverse environmental impacts. The proposed project hereby is determined to be Categorically Exempt (Class 32, Guideline § 15332), pursuant to the California Environmental Quality Act (CEQA) and City Environmental Guidelines. City staff determined that the project meets the criteria of § 15332, "In-Fill Development Projects". In-fill development projects are characterized as meeting the conditions described below:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

4. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Development Plan Review (DPR) 2013-01 as modified herein, and specifically subject to the conditions set forth in Attachments "C, D, and E" attached hereto and by this reference incorporated herein.

5. 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 12th day of March, 2013.

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 12th day of March, 2013, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of March, 2013, 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 "A"

Special Conditions of Approval and Standard Development Requirements for Use Permit (UP) 2013-03

SPECIAL CONDITIONS

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

ALL OF THE FOLLOWING CONDITIONS OF APPROVAL OF USE PERMIT (UP) 2013-03 SHALL BE FULLY COMPLIED WITH PRIOR TO THE FINAL INSPECTION FOR USE AND OCCUPANCY OF THE PREMISES.

CITY PLANNING DIVISION:

1. Use Permit (UP) 2013-03 is valid for a period of two (2) years from the date of final determination. If the use approved by this action is not established within such a period of time, an application may be made to the Director of Development Services for a one (1) year extension. No more than one (1) extension shall be permitted.
2. Use Permit (UP) 2013-03 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of 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. Any changes or modifications to Use Permit (UP) 2013-03 shall be subject to review and approval by the Director of Development Services or designee, with substantial changes or modifications subject to Planning Commission review and approval.
6. Prior to any changes to the days and hours of operation of McDonald's fast food restaurant, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

Monday through Sunday: 24 hours/day
7. Prior to any modification of the floor plan that would affect parking as stipulated in the zoning code, the applicant shall obtain written approval from the Director of Development Services or his/her designee.
8. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
9. No outside storage or displays shall be permitted at any time.
10. There shall be no deliveries to or from the premises before 5:00 a.m. or after 10:00 p.m. Monday through Friday, or Saturdays and Sundays from 8:00 a.m. to 10:00 p.m.
11. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
12. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control. The order box volume shall comply with the noise regulations of commercial districts of the Placentia Municipal Code.
13. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
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. 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 § 23.90.160 are prohibited.

Pursuant to § 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.

16. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
17. The applicant business owner shall maintain a valid City Business License at all times during operation of the business.
18. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Director and the Police Department's Administrative Lieutenant at least 14 days in advance.
19. 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.
20. All Special Conditions of Approval and Standard Development Requirements of Development Plan Review (DPR) 2013-01 and Variance (VAR) 2013-01 shall apply.
21. This establishment shall be operated as a fast food restaurant with drive-through service at all times. All activities shall be conducted within this enclosed building space and outdoor service area, while maintaining an environment free from objectionable noise, odor or other nuisances.

22. Applicable Reciprocal Parking Agreement between McDonald's Restaurant and Placentia Town Center Shopping Center shall be submitted prior to issuance of any permits.

CITY POLICE DEPARTMENT:

23. Developer/Applicant shall comply with Placentia Police Department Standard Development Requirements for security (See Attachment "D").
24. Provide camera surveillance of the outside order board area, viewing the board and vehicles in this back area of the restaurant. The camera(s) is to be recorded with the images stored for at least 30 days on a digital format.
25. Parking lot lighting for the restaurant is to have a minimum maintained one-foot candle of light on the surface during the hours of darkness.

ORANGE COUNTY FIRE AUTHORITY:

26. Developer/Applicant shall comply with all site development requirements specified by the Orange County Fire Authority (OCFA) and provide City with applicable proof of OCFA necessary approvals. (See Attachment "E")

Attachment "B"

Special Conditions of Approval and Standard Development Requirements for Variance (VAR) 2013-01

SPECIAL CONDITIONS

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

ALL OF THE FOLLOWING CONDITIONS OF APPROVAL OF VARIANCE (VAR) 2013-01 SHALL BE FULLY COMPLIED WITH PRIOR TO THE FINAL INSPECTION FOR USE AND OCCUPANCY OF THE PREMISES.

CITY PLANNING DIVISION:

1. Variance (VAR) 2013-01 shall expire, if a permit for the project for which the variance is approved is not obtained within two (2) years from the date of final approval. An application may be made to the Director of Development Services for a one year extension on new construction only. No more than one extension is permitted.
2. 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.
3. Applicant shall comply with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2013-03 and Development Plan Review (DPR) 2013-01.

Attachment "C"

Special Conditions of Approval and Standard Development Requirements for Development Plan Review (DPR) 2013-01

SPECIAL CONDITIONS

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

ALL OF THE FOLLOWING CONDITIONS OF APPROVAL OF DEVELOPMENT PLAN REVIEW (DPR) 2013-01 SHALL BE FULLY COMPLIED WITH PRIOR TO THE FINAL INSPECTION FOR USE AND OCCUPANCY OF THE PREMISES

1. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation or amendment of said action by the City of Placentia Planning Commission.
2. Development Plan Review (DPR) 2013-01 shall expire two (2) years from the date of final approval, if not implemented. An application may be made to the Director of Development Services for a one (1) year extension. No more than one (1) extension shall be permitted.
3. 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.
4. Prior to the submittal of working drawings, four (4) site plans shall be submitted for the review and certification of the Director of Development Services and shall include the following information:
 - a. All Special Conditions of Approval and Standard Development Requirements of Development Plan Review (DPR) 2013-01.

- b. Include any project revisions on the site plan. Additionally, include separate sheets with approved Special Conditions of Approval, Standard Development Requirements.
 - c. Typical cross section views and details through the property and across each property line as directed by the Director of Development Services.
 - d. Full site plan notes, details and dimensions.
 - e. Location of transformers, meters and other aboveground appurtenances.
5. Prior to the issuance of any building permits, submit the following for the approval of the Director of Development Services:
- a. An exterior lighting plan showing location, type and design of fixtures and areas of illumination (photometric). Lighting shall neither negatively impact adjacent properties nor the public right-of-way.
 - b. Complete landscape and irrigation plans.
 - c. Postmaster approval of the location and design of the mailboxes, if applicable.
 - d. Samples of all colors, textures and materials.
 - e. A detailed site plan showing the location where building related-equipment, facilities and materials will be stored during construction.
 - f. A detailed timeline outlining the course of drilling, grading/construction work that will take place on the property.
 - h. A detailed site plan showing how pedestrians will be protected during construction.
6. Prior to the issuance of building permits, the developer shall submit for City approval a construction staging plan that indicates how safe vehicular and pedestrian access to the site will be maintained for the duration of the construction period. The construction staging plan shall include measures such as, but not limited to the following:
- a. A telephone number and a name of a contact person for registering complaints or comments shall be posted in a clearly visible manner along the perimeter of the site.
 - b. A flag person shall be employed to direct traffic when construction vehicles access the project site and the construction staging area.

- c. Alternate pedestrian routes to the site shall be clearly delineated with safe access to and the site.
 - d. If any sidewalk is blocked during construction, alternate routes for pedestrians and bicycles shall be clearly marked with signs approved by the City.
 - e. All access points shall be clearly marked during construction, and if an access point is blocked during construction, a detour sign to an alternate access point shall be clearly posted.
7. All roof mounted equipment and appurtenances shall be screened as an integral part of the architectural design, subject to the review and approval of the Director of Development Services and the Chief Building Official.
 8. Roofing materials shall comply with the City's Roofing Policy on file with the City Building Division.
 9. Applicant/builder shall comply with all applicable Water Quality Management Plan (WQMP) requirements and Best Management Practices (BMPs) to control pollutant run-off from the subject site during construction. Applicant to provide plan to be approved by the Public Works Department.
 10. Prior to final release of the buildings:
 - a. All Special Conditions of Approval and Standard Development Requirements shall have been completed and final inspections approved.
 - b. Landscape and irrigation plans shall be approved and on file with the City Building Division and all landscape materials established and irrigation system properly functioning.
 11. Complete project Landscape and irrigation plans shall comply with the provisions of Chapter 23.77, Xeriscape of the Placentia Municipal Code.
 12. Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least 6 inches higher than the adjacent vehicular area.
 13. Landscaping along all streets and boundaries shall be limited to a height of not more than three (3) feet within 20 feet of the point of intersection of a vehicular traffic way or driveway and a street, a vehicular trafficway or driveway and a sidewalk, or a vehicular trafficway or two or more vehicular trafficways, driveways or streets.

14. Landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings.
15. All parking spaces shall be striped with double lines one foot apart separating parking stalls.
16. During grading and construction, site shall be regularly sprinkled with water to minimize fugitive dust emissions. Also, compliance shall be required with the permitted working hours as specified in § 23.81.170, Grading, construction and maintenance of real property of the Placentia Municipal Code. Signs shall be posted at all construction entrances to the project site indicating the permitted working days and hours.
17. Applicant shall comply with the City's Noise Control Ordinance, Chapter 23.76 of the Placentia Municipal Code.
18. Applicant/builder is responsible, at its sole cost and expense, to cause all project related cable, telephone, electrical, and other utility services serving the property to be placed underground within the subject site. Prior to the issuance of building permits, Applicant/builder shall submit a separate utility plan for each such utility service. The utility plan shall indicate the precise location of where all cable, telephone, electrical, and other utility services serving the property will be placed underground within the subject site, as well as the points of connection at the proposed building or buildings on the site and the public right-of-way. Prior to the submittal of the utility plans to the City, the plans shall be reviewed and approved by the utility companies. Evidence of approvals shall be in the form of a signed and dated approval stamp and/or approval letter. If the precise locations of future utility services cannot be reasonably ascertained prior to the issuance of building permits, upon prior written approval of the Director of Development Services, prior to issuance of a certificate of occupancy. Applicant/builder shall provide the City with "as built" plans showing the precise locations where all cable, telephone, electrical, and other utility services serving the property were placed underground within the subject site, as well as the points of connection at the building or buildings on the site and the public right-of-way.
19. Applicant/Builder shall establish a rodent abatement program prior to the demolition of existing structures on the property, or before any other on or off-site work. A detailed description of how this program will work shall be submitted to the City Planning Division for approval prior to obtaining a demolition permit.
20. Prior to the final release of the structure, all Special Conditions of Approval and Standard Development Requirements shall have been completed and final inspections approved.

21. The applicant/property owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter at all times. Graffiti shall be removed by the applicant/property owner within 48 hours of defacement and/or upon notification by the City.
22. Applicant shall provide a plan that indicates the manner in which adjacent structures are protected against noise and other factors relating to the construction of McDonald's restaurant facility and drive-through lane. Plan shall be submitted prior to any construction work conducted on the subject property.
23. This site shall operate as a fast food restaurant facility at all times. Activities, including maintenance and servicing shall not cause objectionable noise, odor or other nuisances.
24. Property owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/property owner within 48 hours of defacement and/or upon notification by the City.
25. Litter shall be regularly removed from the premises, including adjacent public sidewalks, and from all areas under the control of the applicant.
26. No expansion or modification of the restaurant facility and service lane shall occur at any time without first obtaining approval from the Development Services Department. The Director, or designee, may require that a future modification of the facility requires Planning Commission discretionary review.
27. Trash enclosure shall be constructed in accordance with the City of Placentia Trash Enclosure standards on file in the Development Services Department.
28. Applicant shall comply with all Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2013-03 and Variance (VAR) 2013-01.
29. Applicable Reciprocal Parking Agreement between McDonald's Restaurant and Placentia Town Center Shopping Center shall be submitted prior to issuance of any permits.

CITY BUILDING DIVISION:

30. Architectural and building plans, including structural calculations shall be designed and prepared by a licensed California architect or engineer.
31. Grading plans shall be prepared by a registered, licensed California civil engineer and shall be approved by the City Engineering Division prior to the issuance of any building permits.

32. Provide two legal exits from the food serving area to outside of building.
33. All contractors and subcontractors shall obtain a City business license. Developer/Applicant shall request a standard subcontractor form from the City Building Division prior to the issuance of any building permits. This standard form shall be completed and submitted to the City Business License Division prior to release of a Certificate of Occupancy.
34. Applicant shall obtain AQMD (Air Quality Management District) approval prior to issuance of a demolition permit for the existing building. Laboratory testing for the existence of asbestos is required.

CITY ENGINEERING DIVISION:

35. Encroachment permit required for work performed with City right-of-way
36. Provide landscaping to shield head light spillage impacting visibility of southbound Kraemer Boulevard motorists near drive through lane.
37. Kraemer Boulevard sidewalk to be clear and free of nuisance water and debris at all times.
38. Keep clear zones and signs shall be posted to satisfaction of City Traffic Engineer.
39. Engineering fees and charges shall be paid in accordance with Chapter 5.24 of the Placentia Municipal Code as well as payment of applicable regional traffic impact fees.
40. Existing concrete and asphalt adjacent to proposed new improvements deemed broken or failed shall be repaired to like new conditions to satisfaction of City Engineer.
41. ADA ramps adjacent to proposed building shall be modified to be ADA compliant.
42. Grading plan to be completed and signed by a registrant licensed by the State of California.

CITY POLICE DEPARTMENT:

43. Developer/Applicant shall comply with Placentia Police Department standard development requirements for security (See Attachment "D")

ORANGE COUNTY FIRE AUTHORITY:

44. Developer/Applicant shall comply with all site development requirements specified by the Orange County Fire Authority (OCFA) and provide City with applicable proof of OCFA necessary approvals. (See Attachment "E")

RESIDENTIAL AND INDUSTRIAL / COMMERCIAL STANDARD DEVELOPMENT REQUIREMENTS

DPR 2013-01

THE FOLLOWING SHALL APPLY IF CHECKED

BUILDING DIVISION

Compliance required with the latest

- 2010 California Building Code
- 2010 California Plumbing and Mechanical Code
- 2010 California Electrical Code
- License Ordinance (Sub-Contractor List)
- Flood Plain Management Regulations
- State of California Energy Conservation Standards
- Handicap Requirements, Title 24 and ADA

ENGINEERING DIVISION

STREETS

Dedications

- Street Rights-of-Way
- Vehicular access rights to arterial highways

Improvements

- Grading, paving, curb and gutter, sidewalks, medians on arterial highways, storm drains

Miscellaneous

- Installation of survey monuments
- Street Naming Committee to approve all street names
- Treewells, planters, storm drains, sewer lines
- No easements to be granted to any agency or individual prior to issuance of building permits except to the City of Placentia
- Sidewalk / Utility
- Vehicle Access (emergency)
- Project address shall be provided prior to issuance of any City permits

UTILITIES

Undergrounding

- Existing overhead facilities
- Proposed utilities

Pipelines

- Relocation or removal of existing pipelines

Provide

- Sewer mains and laterals
- Approved conduit for cable television
- Ornamental street lights

Services

- Water service by City approved agency
- Sewer service by City approved agency
- Annexation to Placentia Street Lighting District

MEDIANS

Arterial Highway Medians (where required)

- Construct one-half of median, including landscaping or pay for one-half cost of construction and installation

MAINTENANCE DIVISION

Provide

- Street trees, fifteen (15) gallon or larger size at maximum ft. o.c.
- Species
- Sprinkler system
- Sprinkler Controller (type and number of stations)

PLANNING DIVISION

Expiration

- Expires two (2) years from the date of approval unless used or an extension is requested and approved

Garage

- Electric garage door openers required where driveways are less than twenty (20) feet in length

Roof-Mounted Equipment or Appurtenances

- Completely screened from public view

Mailboxes

- Approved by the Postmaster

Sales Office

- Copies of the current Placentia Zoning and General Plan Land Use maps displayed at all times

O.C. SANITATION DISTRICT

Permit

- Required of industrial and commercial users for discharge of waste water directly or indirectly to the District's sewerage facilities

O.C. FIRE PROTECTION AUTHORITY

HYDRANT

- Provide the following hydrants:
Number Size Capacity
- All hydrants, valves, and mains installed and operable prior to construction with combustible materials

MISCELLANEOUS

Parking

- Permitted only in approved spaces for private drives. Signs provided noting prohibition of parking in unauthorized areas

Trash Storage Areas

- Approved one (1) hour fire separation or sprinklers for those connected to or immediately adjacent to any structure

Fire Alarm System

- Local alarm and evacuation system installed and maintained

Decorative Grills or Bars

- Provided with breakaway devices

PERMITS

Permits necessary for the following prior to installation and / or use

1. Underground storage tanks for flammable liquids
2. Flammable liquids dispensing equipment
3. Operation using flammable or toxic liquids
4. Storage of more than six (6) gallons of Class I or Class II flammable liquids

FEES - CHARGES - DEPOSITS

Fees, charges, and deposits shall be paid prior to issuance of grading and / or building permits.

BUILDING

- County sewer
- Building permit and plan check
- Recreation / park in-lieu
- Curb identification
- General and sub-contractor's business license fees

ENGINEERING

Fees and Charges

- Storm drain acreage
- Sewer acreage
- Engineering plan check and inspection
- Final subdivision map check
- Street name and traffic control sign
- Arterial street soil test
- Thoroughfare acreage
- Mission bell street lights
- Arterial highway median construction
- Arterial highway median landscaping
- Traffic Impact

Deposit

- Street tree maintenance
- Pre-acceptance street cleaning
- Street light advance maintenance and energy
- Grading Bond

PLANNING

- Landscape plan check

PLANS

ENGINEERING

Submit five (5) copies of the following to the City Engineer prior to issuance of building permits

- Grading plan and Drainage Plan
- Street improvement plan
- Sewer plan
- Storm drain plan
- Preliminary composite utility / plot plan
- Tract map
- Parcel map
- Landscape plan for sight distance clearance

Provide

- City Engineer with "as-built" construction plans for the above items

MAINTENANCE

Approval by the Maintenance Division of the following prior to the issuance of building permits

- Landscape Plans

Provide Maintenance Division Superintendent with "as-built" originals of irrigation systems for

- Street trees
- Planters
- Landscaped medians
- Sprinkler Controller (type and number of stations)

PLANNING DIVISION

Applicable to all development or significant redevelopment greater than 5,000 square feet:

- Prior to issuance of building permits, submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that shall be used on site to control predictable pollutant run-off.
- Prior to recordation of a map for subdivision of land and if determined applicable by City / EMA official(s), submit a WQMP that identifies the application and incorporation of those routine structural and non-structural BMPs outlined in the countrywide NPDES Drainage Area Management Plan Appendix detailing implementation of BMPs not dependent on specific land uses for approval of the City and EMA official(s)

- Prior to issuance of grading or grubbing and clearing or surface mining or paving permits, obtain coverage under the NPDES Statewide Industrial Storm water Permit for General Construction Activities from the State Water Resources Control Board. Evidence that this has been obtained shall be submitted to City / EMA official(s)

C.C. & R.'s

Provide

- Planning Division with three (3) copies of C.C. & R.'s prior to approval of the final map

Record

- C.C. & R.'s prior to or simultaneously with the recordation of the final tract or parcel map

Attachment "D"
Placentia Police Department Standard Development Requirements

PLACENTIA POLICE DEPARTMENT

APPLICATION: Use Permit 2013-03, Variance 2013-01 and Development Plan Review 2013-01

COMMERCIAL & INDUSTRIAL SECURITY STANDARD DEVELOPMENT REQUIREMENTS

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

EXTERIOR DOORS

Sliding Doors:

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

Other Doors:

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

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

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

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

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

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

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

Or:

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

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

(Exterior Doors, Continued...)

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

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

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

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

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

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

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

- (1) Panic hardware shall contain a minimum of two (2) locking points on each door; or

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

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

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

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

WINDOWS

No louvered windows shall be used.

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

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

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

ROOF OPENINGS

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

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

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

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

HATCHWAYS

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

LADDERS

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

BURGLARY RESISTANT MATERIAL

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

ADDRESS

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

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

EXTERIOR LIGHTING

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

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

Attachment "E"
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: March 6, 2013

To: City of Placentia Department of Development Services
Attention: Monique Schwartz

From: Lynne Pivaroff, Fire Prevention Analyst

Subject: **OCFA Service Request SR #156198, City Reference #UP2013-03**
164 E. Yorba Linda Blvd., 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:

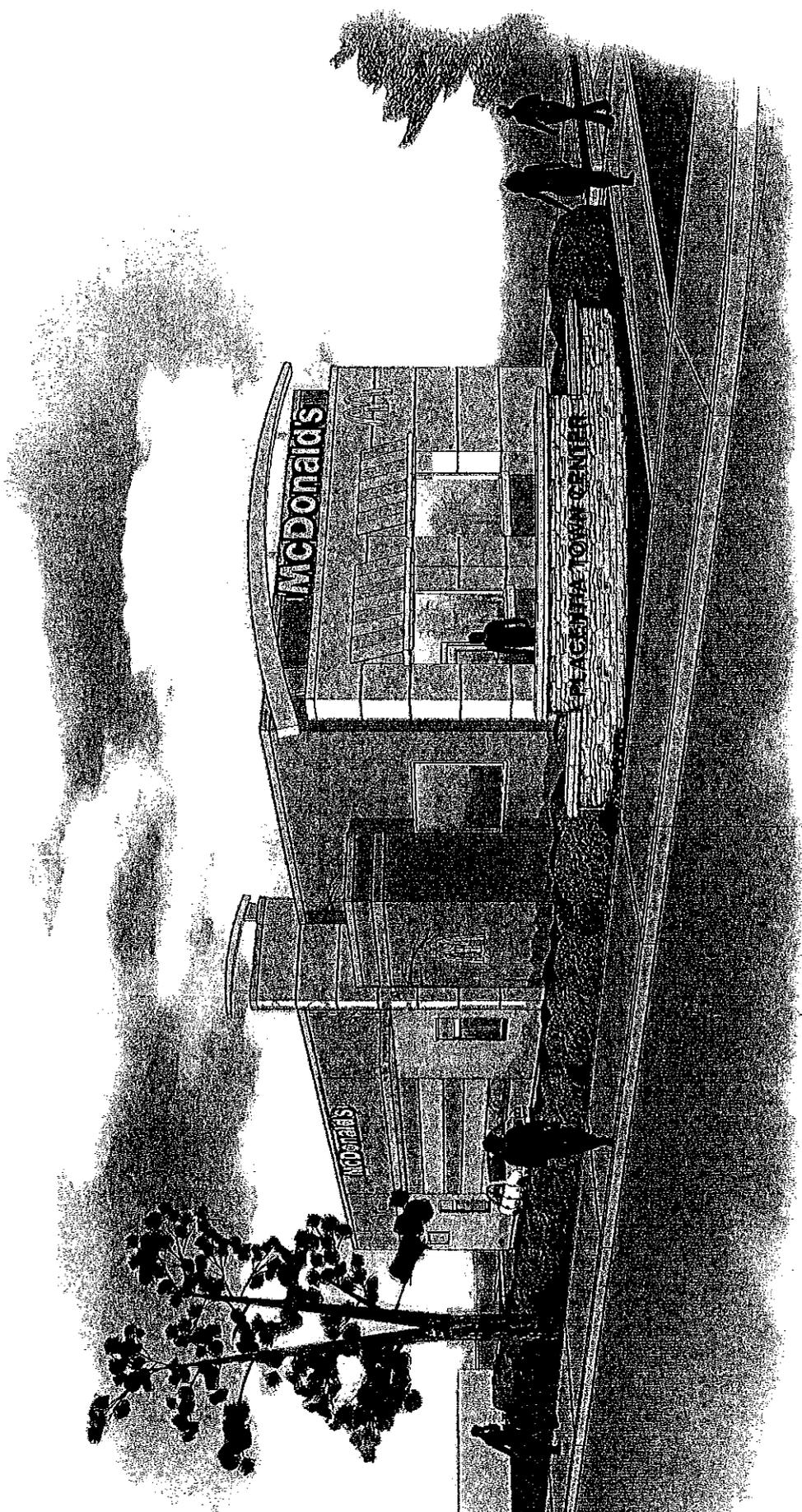
- fire master plan (service code PR145)

Prior to concealing interior construction:

- hood and duct extinguishing system (service code PR335)

Specific submittal requirements may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Standard notes, guidelines, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting www.ocfa.org and clicking on "Fire Prevention" and then "Planning & Development Services."

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: lynnepiyaroff@ocfa.org.



PLANNING DIVISION REPORT
 APPLICATION: UP 2013-03, VDR 2013-01, DPR 2013-01
 EXHIBIT: 6
 PAGE 3 OF 3
 DATE: 3-12-13

New McDonald's Restaurant

164 East Yorba Linda Blvd.
 Placentia, California

Rendering

January 18, 2013

Mr. George Jeff Blum, Sr.
 City of Placentia, California
 164 East Yorba Linda Blvd.
 Placentia, CA 92669

BICKEL UNDERWOOD
 JAMES V. BICKEL, JR., ARCHITECT
 A CALIFORNIA CORPORATION
 3600 Birch Street, Suite 100, Newport Beach, CA 92660
 949-772-0411
 architecture@bickelunderwood.com

BICKEL UNDERWOOD

JAMES S. BICKEL JR. ARCHITECT
A CALIFORNIA CORPORATION

Statement of Use

McDonald's Restaurant
164 E. Yorba Linda Boulevard
Placentia, California

McDonald's is a fast food restaurant currently undergoing a nationwide rebranding process that includes updating the image of the company, and focusing on improving the customer experience. Customers are provided the option of lobby dining or convenience of using the drive-thru for quick, efficient service

McDonald's continues to innovate customer service methods through building and site design incorporating improved drive-thru window(s) configurations. Furthermore, technology has been added to its restaurants and equipment to improve cook times and crew efficiency. Innovation and operational process changes have enabled McDonald's to sustain with guest count demands.

The thirty-eight year old McDonald's located at 164 E. Yorba Linda Boulevard in Placentia, CA reflects an outdated design. The existing inefficient kitchen and lack of drive-thru makes this restaurant a perfect candidate for McDonald's improved design. The proposed project includes rebuilding the restaurant and will include a new single drive thru lane. The building will have a fresh modern look to enhance the customers' experience while providing technology that helps alleviate current site traffic congestion. Enhancements will also be made to the interior dining room as well as necessary ADA improvements that will be completed throughout the site and building.

The new restaurant facility will operate 7 days a week, 24 hours a day in both the drive thru and dining room. The restaurant will employ a total of 24 employees with 12 employees per shift.

The improved site and building will instill pride in the community, and encourage adjacent businesses to upgrade their properties as well. This project will have a positive effect on its community, and deliver a fresh new looking McDonald's to the City of Placentia.



Kelly Johnson – Bickel Underwood

Applicant

PLANNING DIVISION REPORT

APPLICATION: UP 2013-03, VAR 2013-01, DPR 2013-01

EXHIBIT: 7

PAGE 1 OF 1

DATE: 3-12-13



LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200 IRVINE, CALIFORNIA 92614
949.553.0666 TEL
949.553.8076 FAX

BERKELEY
CARLSBAD
FORT COLLINS

FRESNO
PALM SPRINGS
POINT RICHMOND

RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
SOUTH SAN FRANCISCO

September 8, 2011

Mr. Mike Snyder
Ware Malcomb
10 Edelman
Irvine, California 92618

Subject: Parking and Queuing Analysis for McDonald's Restaurant at 164 E. Yorba Linda Boulevard in Placentia

Dear Mr. Snyder:

LSA Associates Inc. (LSA) is pleased to submit this analysis of the parking availability and queuing for the proposed replacement of the existing McDonald's restaurant with a new McDonald's restaurant that includes a drive-through. The project is located at 164 E. Yorba Linda Boulevard in the City of Placentia (City). The McDonald's restaurant is located in the Placentia Town Center shopping center and shares parking with other uses in the shopping center. The purpose of this analysis is to evaluate the on-site parking supply within the shopping center before and after construction of the project. LSA also examined the proposed configuration of the drive-through to determine if adequate stacking capacity is provided.

Project Description

The McDonald's restaurant at 164 E. Yorba Linda Boulevard is currently located in a 3,121 square-foot (sf) building without a drive-through. It should be noted that the existing McDonald's also includes a 1,080 sf basement that does not contribute to parking demand. Seven standard parking spaces and two handicapped parking spaces are striped adjacent to the McDonald's building. Immediately west of the McDonald's building is a front-to-front double row of parking with 19 standard spaces and 1 handicapped parking space in each row. Parking in the shopping center is shared by all tenants.

Figure 1 (attached) illustrates the current arrangement of buildings in Placentia Town Center and the parking configuration near McDonald's. Also provided on Figure 1 is a schematic of the proposed drive-through. ~~Reconstruction of the McDonald's restaurant will decrease its size from 3,121 sf to 3,084 sf. All seven standard parking spaces and one of the handicapped parking spaces currently striped adjacent to the McDonald's building will be removed to construct the proposed drive-through.~~ In addition, the lane immediately to the west of McDonald's will be converted to accept one-way traffic, and the adjacent parking lane will be converted from perpendicular to angled parking. Restriping of this row of parking will result in the loss of six standard parking spaces. The total loss of parking due to the proposed addition of a drive-through will be 14 spaces.

PLANNING DIVISION REPORT

09/07/11 «P:AWCT1101» Parking Study2

APPLICATION: UP 2013-03, VAR 2013-01, DPR 2013-01

EXHIBIT: 8

PAGE 1 OF 27

DATE: 8-12-13

DESIGN

Placentia Town Center Building Area and Existing Parking Supply

Placentia Town Center is located at the southwest corner of Kraemer Boulevard and Yorba Linda Boulevard. A shopping center of equivalent size is located west of Placentia Town Center along Yorba Linda Boulevard. Smaller commercial strips are also located east of Placentia Town Center along Yorba Linda Boulevard and on the north side of Yorba Linda Boulevard across from Placentia Town Center. The Arco service station located at the southeast corner of Bradford Avenue/Yorba Linda Boulevard is not part of the Placentia Town Center shopping center.

The Placentia Town Center was constructed in the early 1970s. Bank of America, Marie Callender's, Baskin Robbins, and McDonald's are original tenants and have been in continuous operation since construction of the center. According to tax assessment data, Marie Callender's and McDonald's have expanded their buildings since initial construction. As shown in Table A, expansion of these two restaurants totals 1,938 sf of additional space in the shopping center. When originally constructed, the center's site plan contained a total of 132,776 sf of commercial space. Today, the center contains 134,714 sf of commercial space. LSA visited the site and identified six vacant suites totaling 18,330 sf, according to leasing information at the site.

Table A: Previous Restaurant Expansions

| | Original Size (sf) | Existing Size (sf) | Change (sf) |
|-------------------|-----------------------|-----------------------|----------------|
| Marie Callender's | 7,200 | 8,054 | 854 |
| McDonald's | 2,037 | 3,121 | 1,084 |
| Total | | | 1,938 |

sf = square feet

LSA surveyed the existing parking and identified 630 striped parking spaces available to customers, including 608 standard parking spaces and 22 handicapped parking spaces. Table B displays the location of these parking spaces. One parking space near Marie Callender's is marked for picking up take-out orders only. In addition to the 630 parking spaces available to customers, 13 parking spaces are located behind the shopping center.

Table B: Parking Spaces and Locations

| Location | Standard | Handicapped | Total |
|-------------------------------|------------|-------------|------------|
| Near Marie Callender's | 42 | 3 | 45 |
| Near Bank of America | 109 | 2 | 111 |
| Near Baskin Robbins | 19 | 1 | 20 |
| Adjacent to McDonald's | 7 | 2 | 9 |
| Southeast Corner | 39 | 2 | 41 |
| Front Row | 27 | 9 | 36 |
| Middle Lot | 365 | 3 | 368 |
| Total Customer Parking | 608 | 22 | 630 |
| Back of Stores | 13 | 0 | 13 |
| Total Shopping Center | 621 | 22 | 643 |

Municipal Code Required Parking

City zoning designates Placentia Town Center as T-C zone. According to Placentia Municipal Code (PMC) 23.78.030 (2), the T-C zone requires four parking spaces per 1,000 sf of gross floor area. Based on the existing 134,714 sf of commercial space, the Placentia Town Center would require 539 parking spaces. Based on that calculation, sufficient parking is currently provided at Placentia Town Center to meet PMC requirements.

As stated earlier, construction of the McDonald’s drive-through would result in the elimination of 14 parking spaces. At the same time, reconstruction of the existing McDonald’s restaurant would remove 37 sf from the total building size. Table C displays the effect of the proposed drive-through restaurant on shopping center size and parking spaces provided. As Table C shows, sufficient parking will remain after construction to meet City parking requirements.

Table C: Placentia Town Center Required Parking

| | Size (sf) | PMC Required Rate ¹ | Required Parking | Parking Provided |
|---------------------------------|-----------|--------------------------------|------------------|------------------|
| Existing | 134,714 | 4 per tsf | 539 | 630 |
| Effect of Proposed Construction | (37) | | | (14) |
| After Construction | 134,677 | 4 per tsf | 539 | 616 |

¹ PMC 23.78.030 (2).
 PMC = Placentia Municipal Code
 sf = square feet
 tsf = thousand square feet

Similar Uses Parking Demand

PMC 23.78.030 (2) establishes the legal parking requirement for Placentia Town Center. However, LSA also examined the theoretical maximum parking demand based on the mix of land uses in the shopping center. The Institute of Transportation Engineers (ITE) has surveyed multiple sites to determine parking generation rates for many different types of land uses. These parking generation rates are published in *Parking Generation*, Fourth Edition (2010). LSA calculated anticipated parking demand for the center based on average peak-period parking demand observed by ITE. The peak period is the hour (or hours) during the day when the highest observed parking demand occurs. A parking rate for each surveyed site is determined by dividing the peak-period parking demand by the total size of the surveyed land uses. Average peak-period parking demand rates are then calculated by averaging the parking rates observed at each surveyed site. Table D displays the results of applying ITE observed average peak-period parking rates to this shopping center.

Table D indicates that, based on typical parking rates observed by ITE, the site would have a maximum of 458 vehicles parked during the peak period. This includes parking demand that would be generated by the currently vacant suites if they were occupied. Based on the 630-space parking supply at the shopping center, 172 spaces would be unoccupied during peak parking demand.

Table D: ITE Parking Demand For Placentia Town Center

| | Land Use (ITE Code) | ITE Parking Rate | Size (sf) | Parking Demand |
|---|---------------------------------------|----------------------------|----------------|----------------|
| Marie Callender's | High-turnover Restaurant (933) | 10.60 per tsf | 8,054 | 86 |
| McDonald's | Fast Food without Drive-through (933) | 12.40 per tsf ¹ | 3,121 | 39 |
| Whole Enchilada | High-turnover Restaurant (933) | 10.60 per tsf | 3,000 | 32 |
| Wok Experience | Fast Food without Drive-through (933) | 8.20 per tsf ² | 1,600 | 14 |
| Philly's Best | Fast Food without Drive-through (933) | 8.20 per tsf ² | 1,600 | 14 |
| Office Max | Office Supply Superstore (867) | 0.61 per tsf | 22,400 | 14 |
| CVS Pharmacy | Drugstore without Drive-through (880) | 2.2 per tsf | 28,800 | 64 |
| Ross, Bank of America, and remainder of shopping center | Shopping Center (820) | 2.94 per tsf | 66,139 | 195 |
| Total | | | 134,714 | 458 |

¹ For a hamburger fast-food restaurant.

² For a non-hamburger fast-food restaurant.

ITE = Institute of Transportation Engineers

sf = square feet

tsf = thousand square feet

While PMC 23.78.030 does not calculate different rates for fast-food restaurants with or without drive-through windows, logically a restaurant of equivalent size with a drive-through window would require fewer parking spaces. This relationship is reflected in data collected by ITE. Average observed parking demand for land use 933, Fast Food Restaurant without Drive-Through, is greater than the observed parking demand for land use 934, Fast Food Restaurant with Drive-Through. Table E displays the effect of the proposed changes on parking demand for the McDonald's restaurant. As shown in Table E, parking demand for the restaurant is anticipated to decrease by 8 spaces.

Table E: McDonald's Parking Demand

| | Size (sf) | ITE Parking Rate ¹ | Parking Demand |
|---------------------------------|-----------|-------------------------------|------------------|
| Existing Without Drive-through | 3,121 | 12.4 per tsf | 39 |
| Future With Drive-through | 3,084 | 9.98 per tsf | 31 32 |
| Change in Parking Demand | | | (8) - 7 |

¹ Parking Rates per tsf referenced from ITE *Parking Generation*, Fourth Edition (2010).

ITE = Institute of Transportation Engineers

sf = square feet

tsf = thousand square feet

The existing parking available at Placentia Town Center is sufficient to accommodate the parking demand of existing commercial space at the center. Table F displays the effects of the proposed addition of a drive-through at the McDonald's restaurant. As discussed previously, construction of the drive-through will require the removal of 14 parking spaces. As a result of constructing the drive-through, parking demand will decrease by 8 parking spaces. The net result will be a peak demand for 450 parking spaces and 616 parking spaces provided, which means that 166 spaces would be unoccupied during peak parking demand.

Table F: Future ITE Parking Demand For Placentia Town Center

| | Size (sf) | ITE Parking Demand ¹ | Parking Provided |
|---------------------------------|-----------|---------------------------------|------------------|
| Existing | 134,714 | 458 | 630 |
| Effect of Proposed Construction | (37) | (8) 7 | (14) |
| After Construction | 134,677 | 450 451 | 616 |

¹ Detail provided in Table D.

ITE = Institute of Transportation Engineers

sf = square feet

Drive-Through Queuing

PMC 23.78.030 (3) requires that space for a minimum of seven vehicles be provided in a drive-through lane. Figure 1 illustrates the plans for the proposed drive-through. Space for eleven vehicles will be provided, which meets City requirements.

To identify the total vehicle queues that might be experienced behind the menu order boards, LSA reviewed queuing data that was previously collected at other McDonald's restaurants (Attachment A). The representative survey sites are located throughout Southern California and would be expected to have similar sales percentages at the drive-through window.

The drive-through queuing observations were conducted during a typical weekday (Tuesday, Wednesday, or Thursday) lunch hour (11:00 a.m. to 2:00 p.m.), a weekday dinner period (4:00 p.m. to 7:00 p.m.), and a weekend lunch hour (10:30 a.m. to 2:30 p.m.). The data collected during the drive-through stacking observations are attached. The maximum number of vehicles observed that were queued from the menu order boards to the end of the drive-through lane at each site is noted below:

- 1170 East Philadelphia Street, Ontario, California: 5 vehicles
- 1492 2nd Street, Beaumont, California: 5 vehicles
- 1410 North Lemon Street, Anaheim, California: 6 vehicles
- 1891 Malvern Avenue, Fullerton, California: 5 vehicles
- 700 West Pacific Coast Highway, Newport Beach, CA: 5 vehicles

The maximum queue length noted from the order board back was six vehicles. Because of the location of the order board, any excess queuing outside the drive-through lane would not affect traffic on an adjacent street; however, spill-over queuing outside the drive-through stacking area could affect vehicular circulation within the parking lot. Therefore, to provide adequate queuing area, it is recommended that the drive-through lane provide stacking for at least six vehicles from the order board. Figure 1 illustrates the plans for the proposed drive-through and reveals that six spaces will be provided from the menu order board to the end of the drive-through lane, which is anticipated to be sufficient to accommodate future demand.

Conclusion

Parking conditions at the Placentia Town Center shopping center at the southwest corner of Kraemer Boulevard and Yorba Linda Boulevard were examined to determine if adverse effects to parking will occur with the reconstruction of the existing McDonald's restaurant into a McDonald's with a drive-through window. The shopping center contains 134,714 sf of commercial space and 630 customer parking spaces today and will contain 134,677 sf of commercial space and 616 customer parking spaces after the proposed project. Sufficient parking will remain after construction to meet the requirements of the Placentia Municipal Code.

In addition to examining the requirements of the Placentia Municipal Code, LSA examined anticipated parking demand for the shopping center if fully leased. The peak parking demand anticipated after construction is 450. After construction the shopping center will provide 616 customer parking spaces, which is a buffer of 27 percent of the parking supply.

Queuing at the drive-through window was also analyzed and the plans were determined to be sufficient. Plans for the drive-through provide eleven spaces from the pick-up window to the entrance of the drive-through lane, exceeding the requirements of the Placentia Municipal Code. Surveys of other McDonald's restaurants reveal a maximum queue of six vehicles from the menu order board. The plans for the drive-through provide six spaces from the menu order board to the entrance of the drive-through lane. Therefore, plans for the drive-through were determined to be sufficient to accommodate future demand.

Sincerely,

LSA ASSOCIATES, INC.



Meghan Macias
Principal

Attachments: Figure 1
Attachment A: Queuing Surveys

ATTACHMENT A
QUEUING SURVEYS

ONTARIO QUEUE

PROJECT #: 08-3018-002

LOCATION: SW Corner of Grove & Philadelphia

DATE: 01/29/2008

DAY: Tuesday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------------|-----------------|------------------|-----------------------|---|
| | Total # of cars | Order board back | All of the drive thru | Time takes from begining up to leaving drive thru |
| 11:00 AM | 8 | 1 | 4 | 3:00 |
| 11:05 AM | 3 | 3 | 5 | 4:59 |
| 11:10 AM | 1 | 1 | 3 | 1:38 |
| 11:15 AM | 6 | 4 | 6 | 3:02 |
| 11:20 AM | 0 | 2 | 5 | 2:57 |
| 11:25 AM | 6 | 2 | 3 | 2:32 |
| 11:30 AM | 4 | 2 | 4 | 1:50 |
| 11:35 AM | 4 | 3 | 7 | 2:40, 5:02 |
| 11:40 AM | 5 | 2 | 6 | 4:02, 3:15 |
| 11:45 AM | 5 | 2 | 5 | 2:23, 3:04 |
| 11:50 AM | 6 | 3 | 5 | 1:01, 2:05 |
| 11:55 AM | 5 | 2 | 4 | 2:25, 3:04 |
| 12:00:00 NOON | 2 | 1 | 3 | 2:15, 1:18 |
| 12:05 PM | 11 | 2 | 3 | 2:07, 2:36 |
| 12:10 PM | 6 | 4 | 7 | 1:29, 1:25 |
| 12:15 PM | 5 | 3 | 8 | 1:54, 6:02 |
| 12:20 PM | 4 | 4 | 8 | 2:35, 2:47 |
| 12:25 PM | 5 | 3 | 6 | 1:50, 2:51 |
| 12:30 PM | 4 | 2 | 4 | 4:05, 3:13 |
| 12:35 PM | 9 | 4 | 6 | 1:51, 3:24 |
| 12:40 PM | 6 | 2 | 6 | 2:31, 2:16 |
| 12:45 PM | 6 | 2 | 5 | 2:44, 2:20 |
| 12:50 PM | 7 | 3 | 5 | 1:40, 1:56 |
| 12:55 PM | 6 | 2 | 6 | 3:58, 2:37 |
| 1:00 PM | 3 | 3 | 6 | 3:30, 4:28 |
| 1:05 PM | 6 | 3 | 8 | 5:30, 6:20 |
| 1:10 PM | 1 | 5 | 10 | 7:35, 7:19 |
| 1:15 PM | 5 | 3 | 7 | 4:44, 4:51 |
| 1:20 PM | 4 | 3 | 7 | 5:04, 4:40 |
| 1:25 PM | 3 | 2 | 4 | 3:28, 3:24 |
| 1:30 PM | 4 | 1 | 2 | 2:08, 2:41 |
| 1:35 PM | 8 | 2 | 5 | 4:20, 3:41 |
| 1:40 PM | 5 | 3 | 7 | 3:04, 4:00 |
| 1:45 PM | 5 | 2 | 6 | 3:37, 3:21 |
| 1:50 PM | 6 | 2 | 6 | 2:48, 3:06 |
| 1:55 PM | 4 | 1 | 5 | 2:58, 2:47 |

ONTARIO QUEUE

PROJECT #: 08-3018-002

LOCATION: SW Corner of Grove & Philadelphia

DATE: 01/29/2008

DAY: Tuesday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------|-----------------|------------------|------------------------|---|
| | Total # of cars | Order board back | All of this drive thru | Time takes from begining up to leaving drive thru |
| 4:00 PM | 2 | 1 | 2 | 2:57, 3:06 |
| 4:05 PM | 4 | 2 | 2 | 2:46, 4:01 |
| 4:10 PM | 3 | 1 | 3 | 2:43 |
| 4:15 PM | 1 | 1 | 1 | 2:51 |
| 4:20 PM | 3 | 1 | 2 | 2:13, 3:23 |
| 4:25 PM | 1 | 1 | 2 | 3:02 |
| 4:30 PM | 1 | 1 | 1 | 1:56 |
| 4:35 PM | 2 | 2 | 2 | 2:09 |
| 4:40 PM | 1 | 2 | 3 | 2:20, 2:47 |
| 4:45 PM | 3 | 3 | 3 | 2:58, 2:40 |
| 4:50 PM | 2 | 1 | 3 | 2:25, 4:36 |
| 4:55 PM | 4 | 2 | 3 | 2:29, 6:50 |
| 5:00 PM | 5 | 2 | 5 | 6:49, 6:53 |
| 5:05 PM | 1 | 3 | 6 | 5:58, 3:51 |
| 5:10 PM | 3 | 1 | 4 | 4:48, 4:46 |
| 5:15 PM | 2 | 1 | 3 | 4:33, 3:32 |
| 5:20 PM | 1 | 1 | 3 | 2:58, 2:31 |
| 5:25 PM | 4 | 2 | 4 | 1:53, 3:01 |
| 5:30 PM | 1 | 0 | 3 | 2:44, 3:03 |
| 5:35 PM | 2 | 2 | 3 | 1:46, 3:16 |
| 5:40 PM | 5 | 3 | 4 | 1:54, 4:04 |
| 5:45 PM | 3 | 2 | 5 | 3:32, 2:41 |
| 5:50 PM | 1 | 1 | 3 | 1:48, 3:02 |
| 5:55 PM | 3 | 1 | 2 | 2:48, 2:08 |
| 6:00 PM | 1 | 1 | 2 | 3:44, 2:15 |
| 6:05 PM | 3 | 1 | 2 | 1:43, 3:20 |
| 6:10 PM | 2 | 1 | 3 | 3:57, 2:17 |
| 6:15 PM | 3 | 2 | 3 | 3:55, 3:06 |
| 6:20 PM | 1 | 1 | 2 | 2:29 |
| 6:25 PM | 3 | 1 | 2 | 4:45 |
| 6:30 PM | 4 | 2 | 5 | 4:46, 4:21 |
| 6:35 PM | 3 | 1 | 4 | 3:56 |
| 6:40 PM | 4 | 1 | 3 | 4:04, 4:10 |
| 6:45 PM | 2 | 2 | 3 | 3:50, 3:44 |
| 6:50 PM | 3 | 1 | 4 | 4:11, 4:27 |
| 6:55 PM | 4 | 1 | 3 | 3:26, 3:55 |

ONTARIO QUEUE

PROJECT #: 08-3018-002

LOCATION: SW Corner of Grove & Philadelphia

DATE: 01/30/2008

DAY: Wednesday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------------|-----------------|------------------|-----------------------|--|
| | Total # of cars | Order board back | all of the drive thru | Time taken from begline up to leaving drive thru |
| 11:00 AM | 4 | 1 | 1 | 2:29, 2:57 |
| 11:05 AM | 4 | 2 | 2 | 2:33, 5:04 |
| 11:10 AM | 6 | 3 | 5 | 3:33, 3:11 |
| 11:15 AM | 4 | 3 | 6 | 2:32, 3:29 |
| 11:20 AM | 2 | 2 | 3 | 1:54, 2:56 |
| 11:25 AM | 3 | 1 | 1 | 2:18, 2:40 |
| 11:30 AM | 4 | 3 | 5 | 2:49, 1:50 |
| 11:35 AM | 4 | 4 | 6 | 5:59, 4:28 |
| 11:40 AM | 5 | 3 | 6 | 4:10, 3:02 |
| 11:45 AM | 1 | 2 | 6 | 3:28, 2:58 |
| 11:50 AM | 7 | 2 | 4 | 2:02, 2:32 |
| 11:55 AM | 2 | 4 | 7 | 6:41, 5:07 |
| 12:00:00 NOON | 5 | 2 | 7 | 2:20, 3:28 |
| 12:05 PM | 8 | 3 | 5 | 3:50, 3:40 |
| 12:10 PM | 5 | 3 | 7 | 3:40, 5:10 |
| 12:15 PM | 6 | 3 | 7 | 6:16, 3:44 |
| 12:20 PM | 7 | 4 | 8 | 4:15, 4:56 |
| 12:25 PM | 4 | 4 | 6 | 6:15, 2:40 |
| 12:30 PM | 5 | 3 | 5 | 4:13, 3:45 |
| 12:35 PM | 9 | 3 | 6 | 4:53, 5:07 |
| 12:40 PM | 4 | 4 | 8 | 3:00, 6:43 |
| 12:45 PM | 5 | 3 | 9 | 3:52, 3:11 |
| 12:50 PM | 8 | 5 | 7 | 6:38, 7:12 |
| 12:55 PM | 3 | 4 | 8 | 7:27, 5:36 |
| 1:00 PM | 4 | 3 | 8 | 5:54, 5:13 |
| 1:05 PM | 5 | 4 | 6 | 5:48, 5:15 |
| 1:10 PM | 4 | 3 | 8 | 3:55, 3:43 |
| 1:15 PM | 9 | 4 | 6 | 1:55, 3:07 |
| 1:20 PM | 3 | 3 | 6 | 2:28, 3:37 |
| 1:25 PM | 5 | 2 | 6 | 5:22, 5:07 |
| 1:30 PM | 5 | 2 | 5 | 2:44, 3:02 |
| 1:35 PM | 3 | 2 | 5 | 2:11, 1:23 |
| 1:40 PM | 4 | 2 | 4 | 4:15, 3:51 |
| 1:45 PM | 2 | 3 | 5 | 3:33, 3:04 |
| 1:50 PM | 4 | 2 | 6 | 2:54, 3:09 |
| 1:55 PM | 4 | 2 | 5 | 3:28, 2:44 |

ONTARIO QUEUE

PROJECT #: 08-3018-002

LOCATION: SW Corner of Grove & Philadelphia

DATE: 01/30/2008

DAY: Wednesday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------|-----------------|------------------|-----------------------|--|
| | Total # of cars | Order board back | all of the drive thru | Time takes from beeline up to leaving drive thru |
| 4:00 PM | 3 | 2 | 4 | 3:14 |
| 4:05 PM | 2 | 3 | 4 | 3:24, 2:54 |
| 4:10 PM | 4 | 2 | 3 | 3:06, 3:21 |
| 4:15 PM | 3 | 1 | 3 | 2:55, 3:43 |
| 4:20 PM | 2 | 2 | 2 | 4:52, 3:53 |
| 4:25 PM | 2 | 2 | 4 | 6:18, 6:59 |
| 4:30 PM | 5 | 3 | 6 | 5:07, 6:24 |
| 4:35 PM | 2 | 2 | 7 | 2:51, 3:33 |
| 4:40 PM | 3 | 1 | 3 | 3:37, 3:10 |
| 4:45 PM | 3 | 2 | 3 | 4:18, 3:59 |
| 4:50 PM | 4 | 4 | 5 | 2:41, 4:07 |
| 4:55 PM | 3 | 5 | 7 | 6:55, 4:37 |
| 5:00 PM | 2 | 1 | 2 | 7:50, 7:12 |
| 5:05 PM | 6 | 4 | 8 | 7:05, 7:28 |
| 5:10 PM | 4 | 3 | 7 | 4:23, 7:03 |
| 5:15 PM | 1 | 1 | 3 | 7:31, 7:03 |
| 5:20 PM | 5 | 2 | 6 | 5:37, 4:21 |
| 5:25 PM | 2 | 2 | 6 | 6:44, 3:50 |
| 5:30 PM | 3 | 1 | 4 | 2:41, :30 |
| 5:35 PM | 4 | 3 | 4 | 2:48, 4:30 |
| 5:40 PM | 3 | 2 | 4 | 4:18, 3:50 |
| 5:45 PM | 2 | 2 | 3 | 5:30, 3:57 |
| 5:50 PM | 3 | 2 | 5 | 7:32, 6:56 |
| 5:55 PM | 3 | 2 | 4 | 8:54, 9:10 |
| 6:00 PM | 4 | 1 | 5 | 4:38, 7:00 |
| 6:05 PM | 6 | 2 | 7 | 4:59, 8:59 |
| 6:10 PM | 3 | 3 | 6 | 9:57, 11:08 |
| 6:15 PM | 3 | 3 | 7 | 8:25, 7:48 |
| 6:20 PM | 3 | 3 | 8 | 7:45, 5:50 |
| 6:25 PM | 2 | 2 | 7 | 5:32, 5:07 |
| 6:30 PM | 4 | 3 | 7 | 6:22, 5:46 |
| 6:35 PM | 3 | 2 | 5 | 5:33, 5:27 |
| 6:40 PM | 4 | 3 | 6 | 3:41, 4:11 |
| 6:45 PM | 3 | 3 | 5 | 3:54, 3:28 |
| 6:50 PM | 3 | 2 | 4 | 4:01, 3:22 |
| 6:55 PM | 2 | 2 | 4 | 2:47, 3:19 |

ONTARIO QUEUE

PROJECT #: 08-3018-002

LOCATION: SW Corner of Grove & Philadelphia

DATE: 02/03/2008

DAY: Sunday

| TIME | Arrival Rate | Max Queue | | Service Rate: (sample) |
|---------------|-----------------|------------------|-----------------------|---|
| | Total # of cars | Order board back | all of the drive thru | Time takes from begining up to leaving drive thru |
| 11:00 AM | 2 | 1 | 2 | 3:54 |
| 11:05 AM | 1 | 1 | 1 | 4:14 |
| 11:10 AM | 2 | 1 | 2 | 5:01 |
| 11:15 AM | 1 | 1 | 1 | 3:02 |
| 11:20 AM | 3 | 2 | 3 | 2:15 |
| 11:25 AM | 4 | 1 | 3 | 4:15 |
| 11:30 AM | 5 | 3 | 4 | 3:45 |
| 11:35 AM | 6 | 3 | 5 | 4:15 |
| 11:40 AM | 5 | 2 | 4 | 2:33 |
| 11:45 AM | 4 | 2 | 3 | 2:36 |
| 11:50 AM | 2 | 1 | 2 | 4:05 |
| 11:55 AM | 3 | 2 | 4 | 4:01 |
| 12:00:00 NOON | 8 | 4 | 6 | 7:01 |
| 12:05 PM | 4 | 2 | 4 | 5:01 |
| 12:10 PM | 3 | 2 | 5 | 4:36 |
| 12:15 PM | 3 | 4 | 4 | 2:36 |
| 12:20 PM | 2 | 2 | 4 | 2:41 |
| 12:25 PM | 3 | 1 | 3 | 3:06 |
| 12:30 PM | 1 | 1 | 2 | 1:50 |
| 12:35 PM | 3 | 2 | 3 | 3:08 |
| 12:40 PM | 2 | 2 | 1 | 5:43 |
| 12:45 PM | 1 | 1 | 1 | 2:17 |
| 12:50 PM | 1 | 1 | 1 | 2:36 |
| 12:55 PM | 3 | 2 | 2 | 4:14 |
| 1:00 PM | 2 | 2 | 3 | 2:51 |
| 1:05 PM | 0 | 0 | 0 | 0:00 |
| 1:10 PM | 5 | 3 | 2 | 2:42 |
| 1:15 PM | 4 | 2 | 4 | 3:50 |
| 1:20 PM | 3 | 1 | 4 | 3:25 |
| 1:25 PM | 2 | 2 | 2 | 3:55 |
| 1:30 PM | 1 | 1 | 1 | 1:33 |
| 1:35 PM | 3 | 1 | 3 | 3:25 |
| 1:40 PM | 0 | 0 | 0 | 0 |
| 1:45 PM | 1 | 1 | 1 | 3:03 |
| 1:50 PM | 2 | 1 | 1 | 1:25 |
| 1:55 PM | 1 | 1 | 1 | 2:17 |

ONTARIO QUEUE

PROJECT #: 08-3018-002

LOCATION: SW Corner of Grove & Philadelphia

DATE: 02/03/2008

DAY: Sunday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------|-----------------|------------------|-----------------------|---|
| | Total # of Cars | Order board back | all of the drive thru | Time taken from begining up to leaving drive thru |
| 4:00 PM | 0 | 0 | 0 | 0 |
| 4:05 PM | 1 | 1 | 1 | 5:10 |
| 4:10 PM | 0 | 0 | 0 | 0 |
| 4:15 PM | 1 | 1 | 1 | 2:58 |
| 4:20 PM | 2 | 2 | 2 | 5:11 |
| 4:25 PM | 0 | 0 | 0 | 0 |
| 4:30 PM | 0 | 0 | 0 | 0 |
| 4:35 PM | 0 | 0 | 0 | 0 |
| 4:40 PM | 0 | 0 | 0 | 0 |
| 4:45 PM | 0 | 0 | 0 | 0 |
| 4:50 PM | 0 | 0 | 0 | 0 |
| 4:55 PM | 2 | 2 | 2 | 2:03 |
| 5:00 PM | 1 | 1 | 1 | 4:58 |
| 5:05 PM | 5 | 2 | 4 | 5:11 |
| 5:10 PM | 1 | 1 | 1 | 5:16 |
| 5:15 PM | 2 | 1 | 2 | 3:49 |
| 5:20 PM | 2 | 1 | 1 | 3:02 |
| 5:25 PM | 0 | 0 | 0 | 0 |
| 5:30 PM | 2 | 2 | 2 | 4:51 |
| 5:35 PM | 2 | 2 | 2 | 2:59 |
| 5:40 PM | 1 | 1 | 1 | 4:11 |
| 5:45 PM | 1 | 1 | 1 | 2:02 |
| 5:50 PM | 1 | 1 | 1 | 5:05 |
| 5:55 PM | 1 | 1 | 2 | 3:09 |
| 6:00 PM | 0 | 0 | 0 | 0 |
| 6:05 PM | 5 | 2 | 5 | 4:45 |
| 6:10 PM | 0 | 0 | 0 | 0 |
| 6:15 PM | 2 | 1 | 1 | 2:52 |
| 6:20 PM | 2 | 2 | 2 | 3:11 |
| 6:25 PM | 2 | 1 | 1 | 4:44 |
| 6:30 PM | 3 | 2 | 3 | 5:01 |
| 6:35 PM | 3 | 1 | 3 | 4:52 |
| 6:40 PM | 1 | 1 | 1 | 3:03 |
| 6:45 PM | 0 | 0 | 0 | 0 |
| 6:50 PM | 1 | 1 | 1 | 3:13 |
| 6:55 PM | 0 | 0 | 0 | 0 |

BEAUMONT QUEUE

PROJECT #: 08-3018-001

LOCATION: 1492 2nd St./Market Pl.

DATE: 01/30/2008

DAY: Wednesday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------------|-----------------|------------------|-----------------------|---|
| | Total # of cars | Order board back | all of the drive thru | Time takes from begining up to leaving drive thru |
| 11:00 AM | 4 | 3 | 4 | 3:15,4:17 |
| 11:05 AM | 5 | 2 | 7 | 5:14 |
| 11:10 AM | 3 | 2 | 6 | 8:02,6:17 |
| 11:15 AM | 2 | 3 | 8 | 6:44,6:35 |
| 11:20 AM | 2 | 2 | 8 | 4:25 |
| 11:25 AM | 1 | 2 | 6 | 6:40,4:47 |
| 11:30 AM | 4 | 2 | 6 | 3:15,4:49 |
| 11:35 AM | 2 | 3 | 4 | 9:27,5:54 |
| 11:40 AM | 5 | 3 | 8 | 5:07,3:48 |
| 11:45 AM | 4 | 3 | 6 | 6:00,7:01 |
| 11:50 AM | 2 | 2 | 5 | 7:05 |
| 11:55 AM | 1 | 1 | 5 | 5:51 |
| 12:00:00 NOON | 2 | 2 | 5 | 7:00 |
| 12:05 PM | 2 | 1 | 4 | 6:38 |
| 12:10 PM | 4 | 2 | 6 | 4:48,4:32 |
| 12:15 PM | 2 | 2 | 5 | 4:14,4:50 |
| 12:20 PM | 3 | 2 | 4 | 5:32,4:02 |
| 12:25 PM | 2 | 1 | 3 | 4:21,2:45 |
| 12:30 PM | 1 | 1 | 2 | 1:40,2:32 |
| 12:35 PM | 4 | 2 | 4 | 2:29,3:31 |
| 12:40 PM | 1 | 1 | 3 | 2:05 |
| 12:45 PM | 2 | 1 | 2 | 2:29,1:31 |
| 12:50 PM | 2 | 1 | 2 | 5:59,10:02 |
| 12:55 PM | 0 | 0 | 2 | 0 |
| 1:00 PM | 1 | 1 | 1 | 2:34 |
| 1:05 PM | 1 | 1 | 1 | 2:14 |
| 1:10 PM | 5 | 3 | 5 | 5:15,6:48 |
| 1:15 PM | 1 | 2 | 5 | 10:56 |
| 1:20 PM | 1 | 1 | 4 | 6:54 |
| 1:25 PM | 2 | 1 | 3 | 7:08,4:08 |
| 1:30 PM | 0 | 0 | 3 | 0 |
| 1:35 PM | 1 | 1 | 1 | 2:08 |
| 1:40 PM | 1 | 1 | 1 | 2:23 |
| 1:45 PM | 1 | 1 | 1 | 2:59 |
| 1:50 PM | 2 | 1 | 2 | 2:31,2:02 |
| 1:55 PM | 0 | 0 | 0 | 0 |

BEAUMONT QUEUE

PROJECT #: 08-3018-001

LOCATION: 1492 2nd St./Market Pl.

DATE: 01/30/2008

DAY: Wednesday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------|-----------------|------------------|-----------------------|--|
| | Total # of cars | Order board back | all of the drive thru | Time takes from begline up to leaving drive thru |
| 4:00 PM | 4 | 2 | 4 | 4:46,3:53 |
| 4:05 PM | 2 | 3 | 4 | 7:36,8:34 |
| 4:10 PM | 3 | 1 | 5 | 4:31,6:04 |
| 4:15 PM | 0 | 0 | 1 | 0 |
| 4:20 PM | 1 | 1 | 1 | 2:14 |
| 4:25 PM | 1 | 1 | 1 | 3:25 |
| 4:30 PM | 1 | 1 | 1 | 3:13 |
| 4:35 PM | 0 | 0 | 0 | 0 |
| 4:40 PM | 1 | 1 | 1 | 2:40 |
| 4:45 PM | 0 | 0 | 1 | 0 |
| 4:50 PM | 3 | 2 | 3 | 6:26,7:49 |
| 4:55 PM | 1 | 1 | 3 | 9:03 |
| 5:00 PM | 1 | 1 | 3 | 11:20 |
| 5:05 PM | 3 | 2 | 4 | 4:47 |
| 5:10 PM | 1 | 1 | 3 | 11:33 |
| 5:15 PM | 5 | 3 | 7 | 10:58,12:43 |
| 5:20 PM | 0 | 2 | 5 | 11:42,11:28 |
| 5:25 PM | 1 | 1 | 5 | 7:42,6:09 |
| 5:30 PM | 1 | 1 | 3 | 2:36,2:09 |
| 5:35 PM | 3 | 3 | 3 | 7:43,8:12 |
| 5:40 PM | 0 | 0 | 3 | 0 |
| 5:45 PM | 1 | 1 | 2 | 3:14 |
| 5:50 PM | 1 | 1 | 1 | 4:41 |
| 5:55 PM | 3 | 1 | 3 | 2:16,3:05 |
| 6:00 PM | 1 | 1 | 2 | 4:41 |
| 6:05 PM | 0 | 0 | 1 | 0 |
| 6:10 PM | 2 | 1 | 2 | 6:40,7:35 |
| 6:15 PM | 2 | 1 | 3 | 6:32,11:58 |
| 6:20 PM | 3 | 2 | 5 | 11:54,13:22 |
| 6:25 PM | 3 | 3 | 7 | 8:35 |
| 6:30 PM | 2 | 3 | 7 | 6:49,6:42 |
| 6:35 PM | 1 | 1 | 5 | 6:40 |
| 6:40 PM | 0 | 0 | 3 | 0 |
| 6:45 PM | 4 | 3 | 4 | 6:42,7:13 |
| 6:50 PM | 1 | 1 | 5 | 4:43 |
| 6:55 PM | 1 | 1 | 1 | 2:50 |

BEAUMONT QUEUE

PROJECT #: 08-3018-001

LOCATION: 1492 2nd St./Market Pl.

DATE: 01/31/2008

DAY: Thursday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------------|-----------------|------------------|-----------------------|--|
| | Total # of cars | Order board back | all of the drive thru | Time takes from begline up to leaving drive thru |
| 11:00 AM | 3 | 2 | 3 | 3:48,4:29 |
| 11:05 AM | 4 | 2 | 5 | 6:01,5:26 |
| 11:10 AM | 1 | 1 | 4 | 2:30 |
| 11:15 AM | 2 | 1 | 2 | 3:03,3:50 |
| 11:20 AM | 1 | 1 | 2 | 2:51 |
| 11:25 AM | 0 | 0 | 1 | 0 |
| 11:30 AM | 3 | 2 | 3 | 3:43,3:53 |
| 11:35 AM | 2 | 1 | 2 | 2:38,2:23 |
| 11:40 AM | 2 | 1 | 2 | 2:15,3:06 |
| 11:45 AM | 4 | 2 | 3 | 3:15,4:34 |
| 11:50 AM | 4 | 3 | 4 | 4:40,5:58 |
| 11:55 AM | 2 | 4 | 5 | 7:49,6:36 |
| 12:00:00 NOON | 7 | 5 | 9 | 7:47,8:39 |
| 12:05 PM | 1 | 3 | 8 | 7:57 |
| 12:10 PM | 2 | 1 | 5 | 6:13,5:08 |
| 12:15 PM | 3 | 2 | 5 | 5:23,5:04 |
| 12:20 PM | 5 | 2 | 5 | 3:49,3:06 |
| 12:25 PM | 2 | 2 | 4 | 5:55,5:44 |
| 12:30 PM | 1 | 1 | 3 | 3:01 |
| 12:35 PM | 5 | 3 | 4 | 1:32,4:26 |
| 12:40 PM | 2 | 2 | 6 | 12:51,15:51 |
| 12:45 PM | 2 | 3 | 6 | 14:15,13:06 |
| 12:50 PM | 2 | 4 | 6 | 12:05 |
| 12:55 PM | 1 | 4 | 6 | 6:01 |
| 1:00 PM | 4 | 3 | 6 | 5:03,3:45 |
| 1:05 PM | 2 | 1 | 4 | 2:00,4:01 |
| 1:10 PM | 3 | 1 | 4 | 5:24,3:43 |
| 1:15 PM | 1 | 1 | 1 | 6:08 |
| 1:20 PM | 3 | 1 | 4 | 4:35,5:25 |
| 1:25 PM | 0 | 0 | 2 | 0 |
| 1:30 PM | 2 | 2 | 2 | 2:39,3:26 |
| 1:35 PM | 3 | 2 | 2 | 2:34,2:27 |
| 1:40 PM | 3 | 1 | 3 | 2:36,2:47 |
| 1:45 PM | 1 | 1 | 1 | 2:41 |
| 1:50 PM | 4 | 2 | 3 | 1:56,2:11 |
| 1:55 PM | 1 | 1 | 1 | 2:51 |

BEAUMONT QUEUE

PROJECT #: 08-3018-001

LOCATION: 1492 2nd St./Market Pl.

DATE: 01/31/2008

DAY: Thursday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------|-----------------|------------------|-----------------------|---|
| | Total # of cars | Order board back | all of the drive thru | Time takes from begin to leaving drive thru |
| 4:00 PM | 1 | 1 | 4 | 7:00 |
| 4:05 PM | 3 | 1 | 3 | 4:24,4:13 |
| 4:10 PM | 0 | 0 | 2 | 0 |
| 4:15 PM | 4 | 2 | 3 | 2:25,5:11 |
| 4:20 PM | 1 | 1 | 2 | 1:20 |
| 4:25 PM | 0 | 0 | 0 | 0 |
| 4:30 PM | 1 | 1 | 1 | 1:06 |
| 4:35 PM | 0 | 0 | 0 | 0 |
| 4:40 PM | 0 | 0 | 0 | 0 |
| 4:45 PM | 4 | 3 | 4 | 3:34,5:52 |
| 4:50 PM | 1 | 1 | 4 | 6:48 |
| 4:55 PM | 0 | 0 | 2 | 0 |
| 5:00 PM | 2 | 2 | 2 | 5:36,6:07 |
| 5:05 PM | 0 | 0 | 2 | 0 |
| 5:10 PM | 3 | 1 | 3 | 3:39,4:25 |
| 5:15 PM | 6 | 2 | 6 | 4:33,5:28 |
| 5:20 PM | 2 | 1 | 5 | 7:03,5:56 |
| 5:25 PM | 1 | 1 | 5 | 5:31 |
| 5:30 PM | 3 | 1 | 4 | 4:28,4:41 |
| 5:35 PM | 1 | 1 | 1 | 2:28 |
| 5:40 PM | 1 | 1 | 1 | 2:59 |
| 5:45 PM | 4 | 2 | 2 | 1:45,2:44 |
| 5:50 PM | 4 | 2 | 4 | 4:16,5:49 |
| 5:55 PM | 1 | 1 | 5 | 10:31 |
| 6:00 PM | 3 | 2 | 4 | 9:02,12:58 |
| 6:05 PM | 4 | 2 | 5 | 8:53,12:43 |
| 6:10 PM | 1 | 2 | 6 | 15:08 |
| 6:15 PM | 1 | 1 | 5 | 8:50 |
| 6:20 PM | 2 | 1 | 5 | 12:39,13:11 |
| 6:25 PM | 2 | 2 | 4 | 11:36,12:13 |
| 6:30 PM | 2 | 4 | 2 | 7:40,8:19 |
| 6:35 PM | 1 | 1 | 5 | 8:49 |
| 6:40 PM | 4 | 3 | 6 | 6:13,10:35 |
| 6:45 PM | 1 | 2 | 5 | 12:41 |
| 6:50 PM | 0 | 1 | 5 | 0 |
| 6:55 PM | 1 | 1 | 4 | 6:44 |

BEAUMONT QUEUE

PROJECT #: 08-3018-001

LOCATION: 1492 2nd St./Market Pl.

DATE: 02/02/2008

DAY: Saturday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------------|-----------------|------------------|-----------------------|---|
| | Total # of cars | Order board back | all of the drive thru | Time takes from begining up to leaving drive-thru |
| 11:00 AM | 1 | 1 | 5 | 4:38 |
| 11:05 AM | 2 | 1 | 3 | 2:03,4:13 |
| 11:10 AM | 4 | 2 | 5 | 4:12,4:38 |
| 11:15 AM | 5 | 4 | 4 | 8:44,8:42 |
| 11:20 AM | 2 | 2 | 6 | 7:21 |
| 11:25 AM | 5 | 3 | 6 | 8:35,5:32 |
| 11:30 AM | 0 | 2 | 5 | 0 |
| 11:35 AM | 4 | 2 | 6 | 8:59,8:35 |
| 11:40 AM | 2 | 3 | 6 | 16:36,11:02 |
| 11:45 AM | 4 | 3 | 7 | 12:49,11:42 |
| 11:50 AM | 1 | 3 | 7 | 0 |
| 11:55 AM | 2 | 1 | 4 | 3:51 |
| 12:00:00 NOON | 5 | 3 | 6 | 1:59,4:29 |
| 12:05 PM | 2 | 1 | 4 | 2:48,3:34 |
| 12:10 PM | 2 | 3 | 4 | 7:01,10:20 |
| 12:15 PM | 1 | 1 | 2 | 3:14 |
| 12:20 PM | 0 | 0 | 2 | 0 |
| 12:25 PM | 6 | 4 | 6 | 4:24,5:51 |
| 12:30 PM | 3 | 5 | 8 | 1:20m6:33 |
| 12:35 PM | 1 | 2 | 5 | 7:19 |
| 12:40 PM | 2 | 1 | 2 | 3:22,3:08 |
| 12:45 PM | 3 | 2 | 3 | 3:47,3:33 |
| 12:50 PM | 0 | 0 | 0 | 0 |
| 12:55 PM | 5 | 3 | 5 | 2:37,3:18 |
| 1:00 PM | 3 | 3 | 5 | 2:48,4:36 |
| 1:05 PM | 1 | 3 | 5 | 5:48 |
| 1:10 PM | 2 | 1 | 3 | 2:50,1:33 |
| 1:15 PM | 2 | 1 | 2 | 1:52,3:25 |
| 1:20 PM | 4 | 2 | 5 | 3:25,5:32 |
| 1:25 PM | 1 | 1 | 3 | 2:57 |
| 1:30 PM | 5 | 3 | 5 | 2:28,5:30 |
| 1:35 PM | 5 | 3 | 6 | 7:20,7:09 |
| 1:40 PM | 2 | 2 | 5 | 7:54,4:54 |
| 1:45 PM | 1 | 1 | 3 | 4:48 |
| 1:50 PM | 1 | 1 | 2 | 3:09 |
| 1:55 PM | 3 | 2 | 3 | 8:09,7:42 |

BEAUMONT QUEUE

PROJECT #: 08-3018-001

LOCATION: 1492 2nd St./Market Pl.

DATE: 02/02/2008

DAY: Saturday

| TIME | Arrival Rate | Max Queue | | Service Rate (sample) |
|---------|-----------------|------------------|-----------------------|---|
| | Total # of cars | Order board back | all of the drive thru | Time takes from begining up to leaving drive thru |
| 4:00 PM | 1 | 1 | 1 | 1:56 |
| 4:05 PM | 4 | 3 | 4 | 6:00,6:48 |
| 4:10 PM | 3 | 2 | 6 | 6:13,7:07 |
| 4:15 PM | 0 | 1 | 4 | 0 |
| 4:20 PM | 2 | 1 | 2 | 2:19,2:53 |
| 4:25 PM | 0 | 0 | 0 | 0 |
| 4:30 PM | 3 | 2 | 3 | 3:27,3:11 |
| 4:35 PM | 1 | 1 | 1 | 2:49 |
| 4:40 PM | 4 | 2 | 3 | 3:45,8:40 |
| 4:45 PM | 3 | 2 | 4 | 3:58,5:24 |
| 4:50 PM | 1 | 1 | 2 | 3:35 |
| 4:55 PM | 0 | 0 | 0 | 0 |
| 5:00 PM | 1 | 1 | 1 | 1:28 |
| 5:05 PM | 1 | 1 | 1 | 7:15 |
| 5:10 PM | 3 | 1 | 4 | 5:23,3:22 |
| 5:15 PM | 3 | 2 | 3 | 1:30,3:17 |
| 5:20 PM | 1 | 1 | 3 | 4:18 |
| 5:25 PM | 3 | 2 | 2 | 2:25,3:26 |
| 5:30 PM | 0 | 0 | 1 | 0 |
| 5:35 PM | 5 | 2 | 5 | 4:19,4:22 |
| 5:40 PM | 2 | 2 | 3 | 3:49,3:57 |
| 5:45 PM | 1 | 1 | 2 | 2:18 |
| 5:50 PM | 4 | 3 | 3 | 2:10,1:64 |
| 5:55 PM | 1 | 1 | 2 | 2:11 |
| 6:00 PM | 1 | 1 | 2 | 8:48 |
| 6:05 PM | 2 | 1 | 3 | 4:55,5:00 |
| 6:10 PM | 4 | 4 | 4 | 3:40,10:33 |
| 6:15 PM | 0 | 1 | 3 | 0 |
| 6:20 PM | 2 | 1 | 2 | 5:34,5:25 |
| 6:25 PM | 0 | 0 | 2 | 0 |
| 6:30 PM | 1 | 1 | 1 | 6:40 |
| 6:35 PM | 1 | 1 | 1 | 2:17 |
| 6:40 PM | 1 | 1 | 2 | 1:45 |
| 6:45 PM | 0 | 0 | 0 | 0 |
| 6:50 PM | 4 | 3 | 4 | 6:15,4:57 |
| 6:55 PM | 1 | 1 | 4 | 4:34 |

Southland Car Counters
Stacking Study
Project # 04-1039-001-a

Location: 1410 N. Lemon St.
Date: 1/06/04 - Tuesday
City: Anaheim

| Time | Entire Queue | Order Board Back |
|-------|--------------|------------------|
| 11:00 | 1 | 1 |
| 11:05 | 1 | 1 |
| 11:10 | 1 | 0 |
| 11:15 | 0 | 0 |
| 11:20 | 2 | 1 |
| 11:25 | 2 | 2 |
| 11:30 | 1 | 0 |
| 11:35 | 5 | 2 |
| 11:40 | 0 | 0 |
| 11:45 | 3 | 2 |
| 11:50 | 6 | 3 |
| 11:55 | 6 | 4 |
| 12:00 | 2 | 0 |
| 12:05 | 7 | 3 |
| 12:10 | 2 | 0 |
| 12:15 | 4 | 0 |
| 12:20 | 2 | 0 |
| 12:25 | 7 | 4 |
| 12:30 | 5 | 2 |
| 12:35 | 1 | 1 |
| 12:40 | 4 | 2 |
| 12:45 | 2 | 0 |
| 12:50 | 3 | 0 |
| 12:55 | 2 | 0 |
| 13:00 | 2 | 0 |
| 13:05 | 3 | 1 |
| 13:10 | 7 | 4 |
| 13:15 | 2 | 0 |
| 13:20 | 2 | 0 |
| 13:25 | 1 | 0 |
| 13:30 | 3 | 1 |
| 13:35 | 3 | 0 |
| 13:40 | 2 | 1 |
| 13:45 | 1 | 0 |
| 13:50 | 1 | 1 |
| 13:55 | 2 | 1 |

Southland Car Counters
Stacking Study
Project # 04-1039-001-b

Location: 1410 N. Lemon St.
Date: 1/06/04 - Tuesday
City: Anaheim

| Time | Entire Queue | Order Board Back |
|-------|--------------|------------------|
| 16:00 | 1 | 0 |
| 16:05 | 0 | 0 |
| 16:10 | 2 | 1 |
| 16:15 | 2 | 0 |
| 16:20 | 2 | 1 |
| 16:25 | 2 | 1 |
| 16:30 | 4 | 3 |
| 16:35 | 1 | 0 |
| 16:40 | 3 | 2 |
| 16:45 | 1 | 1 |
| 16:50 | 1 | 1 |
| 16:55 | 2 | 2 |
| 17:00 | 4 | 2 |
| 17:05 | 0 | 0 |
| 17:10 | 5 | 2 |
| 17:15 | 3 | 1 |
| 17:20 | 0 | 0 |
| 17:25 | 0 | 1 |
| 17:30 | 2 | 0 |
| 17:35 | 5 | 2 |
| 17:40 | 4 | 1 |
| 17:45 | 1 | 1 |
| 17:50 | 1 | 0 |
| 17:55 | 2 | 1 |
| 18:00 | 2 | 1 |
| 18:05 | 3 | 1 |
| 18:10 | 0 | 0 |
| 18:15 | 2 | 0 |
| 18:20 | 0 | 0 |
| 18:25 | 4 | 2 |
| 18:30 | 2 | 1 |
| 18:35 | 4 | 1 |
| 18:40 | 2 | 0 |
| 18:45 | 2 | 1 |
| 18:50 | 0 | 0 |
| 18:55 | 1 | 0 |

Southland Car Counters
Stacking Study
Project # 04-1039-001

Location: 1410 N. Lemon St.
Date: 1/10/2004 Saturday
City: Anaheim

| Time | Entire Queue | Order Board Back |
|-------|--------------|------------------|
| 10:30 | 3 | 3 |
| 10:35 | 4 | 3 |
| 10:40 | 3 | 4 |
| 10:45 | 3 | 2 |
| 10:50 | 3 | 3 |
| 10:55 | 1 | 2 |
| 11:00 | 3 | 2 |
| 11:05 | 2 | 3 |
| 11:10 | 2 | 3 |
| 11:15 | 1 | 2 |
| 11:20 | 3 | 3 |
| 11:25 | 2 | 3 |
| 11:30 | 2 | 2 |
| 11:35 | 2 | 2 |
| 11:40 | 2 | 4 |
| 11:45 | 2 | 3 |
| 11:50 | 1 | 2 |
| 11:55 | 2 | 2 |
| 12:00 | 3 | 3 |
| 12:05 | 2 | 3 |
| 12:10 | 1 | 3 |
| 12:15 | 3 | 4 |
| 12:20 | 1 | 4 |
| 12:25 | 2 | 3 |
| 12:30 | 3 | 5 |
| 12:35 | 5 | 6 |
| 12:40 | 4 | 4 |
| 12:45 | 3 | 3 |
| 12:50 | 3 | 2 |
| 12:55 | 1 | 4 |
| 13:00 | 3 | 6 |
| 13:05 | 2 | 2 |
| 13:10 | 4 | 4 |
| 13:15 | 5 | 3 |
| 13:20 | 2 | 3 |
| 13:25 | 2 | 4 |
| 13:30 | 3 | 1 |
| 13:35 | 1 | 3 |
| 13:40 | 3 | 4 |
| 13:45 | 5 | 2 |
| 13:50 | 4 | 3 |
| 13:55 | 2 | 3 |
| 14:00 | 2 | 3 |
| 14:05 | 2 | 1 |
| 14:10 | 1 | 2 |
| 14:15 | 2 | 1 |
| 14:20 | 1 | 2 |
| 14:25 | 3 | 4 |
| 14:30 | 2 | 5 |

Southland Car Counters
Stacking Study
Project # 04-1039-002-A

Location: 1891 Malvern Ave.
Date: 1/7/2004 - Wednesday
City: Fullerton

| Time | Entire Queue | Order Board Back |
|-------|--------------|------------------|
| 11:00 | 5 | 2 |
| 11:05 | 3 | 1 |
| 11:10 | 4 | 1 |
| 11:15 | 1 | 1 |
| 11:20 | 1 | 0 |
| 11:25 | 2 | 0 |
| 11:30 | 2 | 1 |
| 11:35 | 2 | 1 |
| 11:40 | 7 | 3 |
| 11:45 | 6 | 5 |
| 11:50 | 4 | 4 |
| 11:55 | 7 | 2 |
| 12:00 | 7 | 2 |
| 12:05 | 2 | 1 |
| 12:10 | 2 | 1 |
| 12:15 | 5 | 4 |
| 12:20 | 5 | 1 |
| 12:25 | 4 | 0 |
| 12:30 | 2 | 0 |
| 12:35 | 3 | 1 |
| 12:40 | 2 | 1 |
| 12:45 | 2 | 0 |
| 12:50 | 2 | 1 |
| 12:55 | 4 | 1 |
| 13:00 | 3 | 2 |
| 13:05 | 4 | 1 |
| 13:10 | 5 | 3 |
| 13:15 | 6 | 2 |
| 13:20 | 6 | 3 |
| 13:25 | 4 | 2 |
| 13:30 | 8 | 4 |
| 13:35 | 9 | 5 |
| 13:40 | 6 | 5 |
| 13:45 | 8 | 3 |
| 13:50 | 5 | 1 |
| 13:55 | 4 | 0 |

Southland Car Counters
Stacking Study
Project # 04-1039-002-B

Location: 1891 W. Malvern Ave.
Date: 1/07-04 - Wednesday
City: Fullerton

| Time | Entire Queue | Order Board Back |
|-------|--------------|------------------|
| 16:00 | 3 | 0 |
| 16:05 | 0 | 0 |
| 16:10 | 1 | 0 |
| 16:15 | 0 | 0 |
| 16:20 | 1 | 0 |
| 16:25 | 1 | 1 |
| 16:30 | 0 | 0 |
| 16:35 | 4 | 2 |
| 16:40 | 4 | 3 |
| 16:45 | 1 | 0 |
| 16:50 | 1 | 0 |
| 16:55 | 1 | 0 |
| 17:00 | 3 | 1 |
| 17:05 | 2 | 1 |
| 17:10 | 1 | 0 |
| 17:15 | 2 | 1 |
| 17:20 | 3 | 1 |
| 17:25 | 2 | 0 |
| 17:30 | 5 | 3 |
| 17:35 | 2 | 1 |
| 17:40 | 1 | 0 |
| 17:45 | 0 | 0 |
| 17:50 | 6 | 5 |
| 17:55 | 3 | 2 |
| 16:00 | 3 | 0 |
| 16:05 | 3 | 2 |
| 16:10 | 5 | 3 |
| 16:15 | 5 | 3 |
| 16:20 | 5 | 1 |
| 16:25 | 4 | 0 |
| 16:30 | 1 | 0 |
| 16:35 | 1 | 0 |
| 16:40 | 0 | 0 |
| 16:45 | 2 | 1 |
| 16:50 | 0 | 0 |
| 16:55 | 1 | 0 |

Southland Car Counters
Stacking Study
Project # 04-1039-002-C

Location: 1891 W. Malvern
Date: 1/10/2004 - Saturday
City: Fullerton

| Time | Entire Queue | Order Board Back |
|-------|--------------|------------------|
| 10:30 | 3 | 3 |
| 10:35 | 2 | 3 |
| 10:40 | 1 | 1 |
| 10:45 | 1 | 1 |
| 10:50 | 1 | 3 |
| 10:55 | 0 | 1 |
| 11:00 | 2 | 2 |
| 11:05 | 0 | 1 |
| 11:10 | 2 | 3 |
| 11:15 | 2 | 2 |
| 11:20 | 2 | 2 |
| 11:25 | 2 | 2 |
| 11:30 | 2 | 3 |
| 11:35 | 1 | 3 |
| 11:40 | 3 | 3 |
| 11:45 | 1 | 1 |
| 11:50 | 2 | 2 |
| 11:55 | 3 | 3 |
| 12:00 | 3 | 3 |
| 12:05 | 3 | 3 |
| 12:10 | 6 | 4 |
| 12:15 | 5 | 4 |
| 12:20 | 3 | 3 |
| 12:25 | 3 | 4 |
| 12:30 | 7 | 5 |
| 12:35 | 6 | 5 |
| 12:40 | 3 | 3 |
| 12:45 | 4 | 4 |
| 12:50 | 2 | 2 |
| 12:55 | 3 | 2 |
| 13:00 | 3 | 5 |
| 13:05 | 3 | 4 |
| 13:10 | 2 | 5 |
| 13:15 | 4 | 5 |
| 13:20 | 2 | 3 |
| 13:25 | 2 | 5 |
| 13:30 | 3 | 3 |
| 13:35 | 3 | 3 |
| 13:40 | 2 | 2 |
| 13:45 | 1 | 2 |
| 13:50 | 2 | 2 |
| 13:55 | 2 | 2 |
| 14:00 | 1 | 1 |
| 14:05 | 2 | 2 |
| 14:10 | 1 | 2 |
| 14:15 | 1 | 3 |
| 14:20 | 3 | 2 |
| 14:25 | 2 | 4 |
| 14:30 | 0 | 0 |

McDonalds Queue Study

Prepared by: Southland Car Counters

03-1235-001

McDonalds
700 West Pacific Coast Hwy

| Thurs 8/7/03 6-8am | | | Thurs 8/7/03 11-1pm | | | Thurs 8/7/03 4-6pm | | | Sat 8/9/03 10-2PM | | |
|-----------------------|------------------------------|---------------------------------|------------------------|------------------------------|---------------------------------|-----------------------|------------------------------|---------------------------------|----------------------|------------------------------|---------------------------------|
| TIME | Order board back (Max Queue) | Pick-up window back (Max queue) | TIME | Order board back (Max Queue) | Pick-up window back (Max queue) | TIME | Order board back (Max Queue) | Pick-up window back (Max queue) | TIME | Order board back (Max Queue) | Pick-up window back (Max queue) |
| 6:00 AM | 0 | 0 | 11:00 AM | 1 | 2 | 4:00 PM | 1 | 2 | 10:00 AM | 1 | 1 |
| 5 AM | 1 | 1 | 5 AM | 1 | 2 | 5 PM | 1 | 2 | 5 AM | 2 | 2 |
| 10 AM | 1 | 1 | 10 AM | 1 | 1 | 10 PM | 1 | 3 | 10 AM | 2 | 3 |
| 15 AM | 1 | 2 | 15 AM | 2 | 4 | 15 PM | 2 | 2 | 15 AM | 1 | 3 |
| 20 AM | 1 | 2 | 20 AM | 1 | 3 | 20 PM | 2 | 3 | 20 AM | 2 | 2 |
| 25 AM | 1 | 2 | 25 AM | 2 | 3 | 25 PM | 1 | 2 | 25 AM | 2 | 4 |
| 30 AM | 1 | 1 | 30 AM | 3 | 9 | 30 PM | 1 | 2 | 30 AM | 2 | 5 |
| 35 AM | 1 | 2 | 35 AM | 4 | 8 | 35 PM | 1 | 2 | 35 AM | 1 | 1 |
| 40 AM | 0 | 2 | 40 AM | 4 | 10 | 40 PM | 2 | 4 | 40 AM | 2 | 2 |
| 45 AM | 0 | 0 | 45 AM | 4 | 10 | 45 PM | 1 | 2 | 45 AM | 1 | 2 |
| 50 AM | 0 | 0 | 50 AM | 3 | 10 | 50 PM | 2 | 3 | 50 AM | 2 | 3 |
| 55 AM | 2 | 3 | 55 AM | 2 | 7 | 55 PM | 2 | 3 | 55 AM | 1 | 2 |
| 7:00 AM | 1 | 5 | 12:00 NOON | 1 | 8 | 5:00 PM | 2 | 4 | 11:00 AM | 1 | 2 |
| 5 AM | 2 | 5 | 5 PM | 1 | 4 | 5 PM | 1 | 2 | 5 AM | 1 | 1 |
| 10 AM | 1 | 3 | 10 PM | 2 | 7 | 10 PM | 3 | 4 | 10 AM | 1 | 1 |
| 15 AM | 1 | 3 | 15 PM | 4 | 8 | 15 PM | 1 | 2 | 15 AM | 2 | 4 |
| 20 AM | 2 | 4 | 20 PM | 2 | 6 | 20 PM | 1 | 2 | 20 AM | 1 | 2 |
| 25 AM | 1 | 3 | 25 PM | 2 | 6 | 25 PM | 2 | 4 | 25 AM | 2 | 3 |
| 30 AM | 1 | 3 | 30 PM | 2 | 4 | 30 PM | 1 | 3 | 30 AM | 3 | 6 |
| 35 AM | 1 | 2 | 35 PM | 2 | 5 | 35 PM | 0 | 1 | 35 AM | 4 | 7 |
| 40 AM | 2 | 2 | 40 PM | 1 | 3 | 40 PM | 2 | 3 | 40 AM | 4 | 7 |
| 45 AM | 1 | 3 | 45 PM | 2 | 3 | 45 PM | 1 | 3 | 45 AM | 2 | 5 |
| 50 AM | 1 | 1 | 50 PM | 2 | 4 | 50 PM | 2 | 3 | 50 AM | 3 | 3 |
| 55 AM | 1 | 2 | 55 PM | 1 | 3 | 55 PM | 1 | 2 | 55 AM | 1 | 1 |
| | | | | | | | | | 12:00 NOON | 3 | 4 |
| | | | | | | | | | 5 PM | 3 | 6 |
| | | | | | | | | | 10 PM | 3 | 7 |
| | | | | | | | | | 15 PM | 5 | 9 |
| | | | | | | | | | 20 PM | 2 | 7 |
| | | | | | | | | | 25 PM | 3 | 6 |
| | | | | | | | | | 30 PM | 4 | 9 |
| | | | | | | | | | 35 PM | 2 | 5 |
| | | | | | | | | | 40 PM | 3 | 6 |
| | | | | | | | | | 45 PM | 1 | 3 |
| | | | | | | | | | 50 PM | 1 | 3 |
| | | | | | | | | | 55 PM | 1 | 3 |
| | | | | | | | | | 1:00 PM | 1 | 2 |
| | | | | | | | | | 5 PM | 1 | 1 |
| | | | | | | | | | 10 PM | 2 | 2 |
| | | | | | | | | | 15 PM | 2 | 3 |
| | | | | | | | | | 20 PM | 2 | 4 |
| | | | | | | | | | 25 PM | 1 | 4 |
| | | | | | | | | | 30 PM | 2 | 3 |
| | | | | | | | | | 35 PM | 2 | 2 |
| | | | | | | | | | 40 PM | 1 | 3 |
| | | | | | | | | | 45 PM | 2 | 2 |
| | | | | | | | | | 50 PM | 1 | 2 |
| | | | | | | | | | 55 PM | 1 | 2 |

To be Recorded and
When Recorded Mail to:
Diversified Shopping Centers
Business Center Drive
City of Irvine, California

DECLARATION OF RESTRICTIONS
AND GRANTS OF EASEMENTS

This DECLARATION OF RESTRICTIONS AND GRANTS OF EASEMENTS
made this 14th day of September, 1972, by and between DIVERSIFIED SHOP-
PING CENTERS, hereinafter referred to as "Diversified", and SAV-ON-REALTY,
INC., hereinafter referred to as "Sav-On;" owners of the hereinafter described
property.

WITNESSETH:

WHEREAS, Diversified and Sav-On are or will become the owners of that
certain real property located in the City of Placentia, County of Orange, State of
California, which is more particularly described in the attached Exhibit B and which
is referred to as the "entire property", to be improved as a shopping center, substan-
tially in the manner shown on the attached Exhibit A, and

WHEREAS, Diversified and Sav-On desire to hereby subject each and
every portion of the entire property to the covenants, conditions, and restrictions
hereinafter set forth and to establish the appurtenant easements hereinafter described
so as to provide a general plan for the improvement and operation of the entire property
as a shopping center for the mutual benefit of the owners of any and all portions thereof
and their respective heirs, successors in interest whatsoever, assigns, grantees,
mortgagees, and tenants.

NOW, THEREFORE, Diversified and Sav-On do hereby establish the
covenants, conditions, and restrictions hereinafter set forth, and grant the easements
hereinafter described as follows:

ARTICLE 1 - Use in General. The entire property shall be used only for
the construction, operation, and maintenance of mercantile, business, and profession-
al establishments as specified hereinafter and related facilities including common and
vehicular parking areas, all as more specifically described hereinafter.

PLANNING DIVISION REPORT

APPLICATION: UP 2013-03, VAR 2013-01

EXHIBIT: 9

PAGE 1 OF 20

DATE: 3-12-13

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DPR 2013-01

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Each party hereby agrees as to the property owned by [redacted], for the benefit of the property of the others that the building area shall be used for business, commercial or mercantile purposes of the type usually carried on in a neighborhood shopping center and not prohibited by law or ordinance, and that no use of the building areas shall be permitted which are or may become obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, fumes, cinders, vibration, refuse matter, water-borne waste or advertising media. The selling, displaying, or merchandising of goods or services shall be confined to within the interior of the buildings, not upon the common area.

ARTICLE 2 - Building Area. No building shall be erected, maintained, relocated, or altered on any part of the entire property except within the Building Area as delineated on the attached Exhibit A and until or unless the exterior appearance and coloring, including but not limited to elevation, height, canopy and dimensions thereof shall have been approved by Diversified and Say-On which approvals shall not be unreasonably withheld. In no event shall any building in the shopping center be more than one story in height exclusive of mezzanine. The construction, establishment and maintenance of buildings upon the entire property shall be confined within the Building Area as delineated on Exhibit A, provided, however, that portions of the entire property immediately adjacent to said Building Areas may be used for:

- (a) Building canopies not in excess of fourteen (14) feet over pedestrian sidewalks;
- (b) Pedestrian sidewalks and planting areas;
- (c) Signs which are attached to the buildings;
- (d) Hose bibbs, standpipes, fire hose connections, downspouts, yard or floodlights, and subsurface building foundations, trash rooms and/or trash bins;
- (e) The opening thereonto of doors of contiguous buildings;
- (f) The projection thereover of tracks extending outward from the Building Area, but not for a distance greater than twenty-four (24) inches;
- (g) The temporary erection of ladders, scaffolding and store front

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barricades during reasonable periods of construction, remodeling or repair of buildings and building appurtenances.

However, all of the area of the shopping center from time to time not occupied by building(s) or otherwise exclusively appropriated to the use of the owner of a particular parcel (or to the use of a tenant(s) of such owner), shall be deemed "Common Area", but nothing contained in this paragraph shall be deemed to prohibit any owner(s) or its tenant(s) from building on any "Future Building Area" as the same is shown on Exhibit B, with respect to its parcel, even though such "Future Building Area" may have previously been included within the "Common Area". An expense incurred in maintaining "Future Building Areas" will be at the sole cost of the owners of said "Future Building Areas".

Within one (1) year after any occupant of any part of the entire property open for business thereon, the whole or any part of any Building Area in the shopping center which is then in an unimproved state shall be (1) fenced with eight (8) foot high sight-obscuring board fencing, and such fencing shall be maintained in a neat and orderly painted condition, or (2) shall be paved and lighted in the same manner as the Common Areas. Any fencing or paving as provided above shall be at the sole expense of the owner of each respective "Future Building Area".

Any construction work conducted either on the said Building Area or on Future Building Area shall always be done in such a manner and at such times as to cause the least interference as is practical under the circumstances with the business operation of any owner(s) or tenant(s) of the parcels comprising the shopping center.

ARTICLE 3 - Common Area. The balance of the entire property, other than Building Area, is hereafter referred to as Common Area. Said Common Area shall be used only for the following purposes (but in no event shall the following rights be construed as creating any rights in the general public):

- (a) The ingress, egress and regress and parking of the motor vehicles (excepting delivery trucks, which shall park only in the loading dock area) of the owners and occupants of any portion of the entire property and their customers, suppliers, invitees, and employees;

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AUG 21 1974

JUL 6 1978

- (b) The pedestrian movement of the owners and occupants of any portion of the entire property and their customers, suppliers, invitees, and employees;
- (c) Subject to the prior written approval of Diversified and Sav-On, the construction of loading docks immediately adjoining the rear of Building Areas and the loading and unloading of trucks, tractors, trailers and other delivery vehicles servicing the occupants of the Building Area, provided; however, said loading and unloading shall, to the extent practical, be conducted only upon the Common Area adjoining the rear of the Building Area;
- (d) The installation, maintenance and operation of necessary utility services serving the Building Areas. All utility lines shall be either underground or 20-feet or more in height;
- (e) The maintenance, repair, and replacement of the existing Common Area improvements including parking lot lighting facilities, planting areas, traffic islands and sidewalks;
- (f) The erection and maintenance of sign pylons with appropriate underground electrical connections, provided no additional sign pylons other than those shown on Exhibit A shall be permitted on any part of the entire property without the prior written consent of Diversified and Sav-On. Nothing herein shall be construed to require the parties to consent to any sign pylon, such consent being within the sole discretion of the parties;
- (g) The above restrictions shall not be considered as forbidding the granting of easements on those portions of the parking areas for storm drains, utilities, sewers and other utility services necessary for the orderly development and operation of the shopping center. Each party agrees to grant said easements when requested to do so by the other party, providing such granting will result in no expense or affirmative monetary legal obligation to the grantor and also providing that such granting will not result in a substantial and unreasonable deprivation in the use of the

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particular property involved by the respective grantors or grantees.

Other than those improvements hereinafter referred to, and which are shown on the attached plot plan as Exhibit A, no structures including without limitation, buildings, fences, walls, barricades or obstructions shall be erected or maintained upon the Common Area other than such as may be temporarily necessary during construction activities, provided that such activity does not unreasonably interfere with the normal use of such common area, and said common area may be used in no other manner than as stipulated herein without the written consent of the parties hereto.

The improvements or use of any portion of the Building Area for Common Area uses as herein defined shall not be construed as a permanent inclusion thereof within the Common Area and such portion may at any time thereafter be improved with buildings as herein contemplated.

ARTICLE 4 - Maintenance of Common Areas.

- (a) During the entire term of this declaration and any extensions thereof, Diversified shall assume the role of Maintenance Director and shall maintain and repair the entire Common Area shown on Exhibit A, except loading docks, which shall be the responsibility of each owner. The obligation of the Maintenance Director to maintain said Common Area in good condition and repair shall, without limiting the generality thereof, include the following:
- (1) Maintaining and repairing the surfaces in a level, smooth, and evenly-covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be equal in quality, use, and durability;
 - (2) Removing all papers, debris, filth, and refuse and washing or thoroughly sweeping the areas to the extent reasonably necessary to keep said areas in a neat, clean, and orderly condition;
 - (3) Placing, keeping in repair, and replacing any necessary appropriate direction signs, markers, and lines; and operating, keeping in repair, and replacing when necessary such artificial lighting

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facilities as shall be reasonably required;

(4) Maintaining any perimeter walls in a good condition and state of repair;

(5) Maintaining all landscaped areas, making such replacement of shrubs and other landscaping as is necessary, and keeping said areas at all times adequately weeded and watered.

(b) As part of said operation, the Maintenance Director shall obtain and maintain general public liability insurance insuring and naming Sav-On as an additional insured and all persons who now or hereafter own or hold portions of the entire property or any leasehold estate or other interest therein as their respective interests may appear, provided the Maintenance Director is notified in writing of such interest, against claims for personal injury, death, or property damage occurring in, upon or about the Common Area, such insurance shall be written with a reputable insurance carrier licensed to do business in the State of California. The limits of liability of all such insurance shall not be less than \$500,000.00 for injury or death to any person, \$1,000,000.00 for injury or death to more than one person in one occurrence, and \$50,000.00 with respect to damage to property. Said operation and maintenance shall be on a non-profit basis, but shall include a five percent (5%) management fee to compensate the Maintenance Director for its accounting labor and services. Upon request, Sav-On shall be provided a copy of the Certificate of Insurance.

(c) The Maintenance Director shall expend only the monies reasonably necessary for such operation and maintenance in order to keep the Common Area in good repair and clean condition to the end that the expense in connection therewith will be kept at a minimum. The Maintenance Director shall, from time to time, but not more often than once each calendar month, send to each and every owner of any portion of the Building Area a written statement of the total costs and

expenses said operation and maintenance for the preceding month or longer period; and within thirty (30) days after receipt thereof, each and every such owner shall pay to the Maintenance Director its pro rata share of said costs and expenses (Sav-On's share is _____) said pro-rata share to be determined by the ratio that the Building Area located on each owner's parcel bears to the total Building Area of all buildings proposed to be constructed on the entire property as shown on the attached Exhibit A. If any amount so due is not paid within thirty (30) days, the same shall be deemed delinquent, and the amount thereof shall bear interest thereafter at the rate of ten percent (10%) per annum until paid. Any and all delinquent amounts with said interest shall be a lien and charge upon the property of such defaulting owner within the entire property subject and junior; however, to the lien or charge of any First Mortgage or First Deed of Trust upon the same or any part thereof given or made prior to the date of such delinquency.

- (d) The Maintenance Director may from time to time enact reasonable rules and regulations (subject to Sav-On's approval) for the orderly and proper operation of said Common Area; such rules may include but not be limited to the following:
- (1) The restricting of employee parking to a limited or designated area or designated area or areas; and
 - (2) The regulation of the removal, storage, and disposal of refuse and other rubbish at the sole cost and expense of the fee owner of the property involved therein.
- (e) Notwithstanding any preceding provisions of this Article 4 which may be to the contrary, should Sav-On notify Diversified that it desires to assume the duties, obligations, rights and remedies of the Maintenance Director respecting said preceding provisions of this Article 4, it shall have the right to do so, and Diversified shall pay direct to Sav-On _____% of said costs upon invoicing in the manner as set forth above.

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ARTICLE 5 - Real Estate Taxes and Assessments. It is intended and that all

real estate taxes and assessments relating to any portion of the entire property or improvements thereon, or the ownership thereof, shall be paid prior to the delinquency by the respective fee owners thereof, and if not so paid may be paid by any other party who shall constitute a lien and charge on the property hereinabove described on the defaulting party, subject and subordinate, however, to any deed or deeds of trust then or hereafter outstanding against said property.

In the event any party hereto fails at any time to pay before delinquency its taxes or assessments on any portion of the property described herein of which said party owns a fee interest, and which may become a lien on any of the parking, service, or loading areas, except while the validity thereof is being contested by judicial or administrative proceedings, then any other owner of property in the shopping center may pay such taxes and/or assessments together with interest, penalties, and cost, and in any such event the parties obligated to pay such taxes and/or assessments shall promptly reimburse such other owner for all such taxes and/or assessments, interest, penalties, and cost and other charges and until such reimbursement has been made the amount thereof shall constitute a lien and charge on the property hereinabove described on the defaulting party, subject and subordinate, however, to any deed or deeds of trust then or thereafter outstanding against said property.

ARTICLE 6 - Food Market Restriction. Without the prior written consent

of Diversified and Sav-On or their successor or assigns, no part of the entire property, shall be used for a theater, bowling alley, discotheque, hofbrau, beer bar, place of entertainment or recreation, or business whose primary purpose is the sale of alcoholic beverages for on-premises consumption, or business for the sale of food for off-premises consumption, other than a candy store, liquor store, or delicatessen devoting not more than 2,000 square feet of floor area to the sale of food for off-premises consumption. [The two (2) conventional restaurants shown on Exhibit B are expressly excepted from this restriction.] However, that without limiting or expanding the foregoing restriction shall not be deemed to apply to, or to include in its terms, a Sav-On-Drug Store being a super drugstore operated by Sav-On-Drugs, Inc., a California corporation (whether as owner or as a lessee or tenant or subtenant), its lessee

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on its tenants or successors to the real property, marked Exhibit A as "Sav-On Drug Store", selling items customarily sold by other stores of said Sav-On-Drugs, Inc., or its successor or successors, upon the condition that it or they continue to conduct a typical super drugstore business and as long as such items as are customarily sold do not include fresh or frozen meat or frozen produce, or fresh or frozen fruits or vegetables.

ARTICLE 7 - Drug Store Restriction. Without the prior written consent of Sav-On, no part of the entire property shall be used for a drugstore or a store compounding prescriptions, handling and/or selling patent or other medicines or drugs including but not limited to any and all items of merchandise which under any law, rule, regulation or order promulgated by a competent governmental authority must be sold by or in the presence of a registered pharmacist. Furthermore, without the prior written consent of Sav-On, no part of the entire property shall ever be used for any of the following: a beauty supply store, a camera or photographic supply store, a theater, a bowling alley, a drive-in or drive-through restaurant, a store allowing on-premises consumption of alcoholic beverages excepting a bonafide restaurant with on-premises consumption of alcoholic beverages being incidental to their operation as a restaurant.

However, without limiting or expanding the foregoing restriction, said restriction shall not be deemed to apply to, or to include in its terms, an Alpha Beta market, being a grocery store or market operated by Alpha Beta Acme Markets, (whether as owner or as a lessee or tenant or subtenant), its lessee or its tenants or successors to the real property, marked on Exhibit A as "Alpha Beta Market", selling items customarily sold by other stores of said Alpha Beta Markets or its successor or successors, upon the condition that it or they continue to conduct a typical grocery store or super-market business and so long as such items as are customarily sold are not required to be sold by, or in the presence of, a registered pharmacist, as aforesaid.

Additionally, without limiting or expanding the foregoing restriction, said restriction shall not be deemed to apply to, or to include in its terms, a Winemans Department Store, being a general department store operated by Winemans Department Store, (whether as owner or as a lessee or tenant or subtenant), its lessee or its tenants or successors to the real property, marked on Exhibit A as "Department Store", selling items customarily sold by other stores of said Winemans Department Store or its successor or successors, upon the condition that it or they continue to conduct a typical general department store business and so long as such items as are customarily sold are not required to be sold by, or in the presence of, a registered pharmacist, as aforesaid.

ARTICLE 8 - Liquor, Beer and Wine Restriction. Liquor, beer and wine may be sold for off-site consumption only by Sav-On on its parcel and one other tenant (or owner) on the remainder of the shopping center owned by Diversified and or their successors or assigns. It being the intention of the parties hereto that there shall never be more than two (2)

off-sale liquor (beer and wine) licenses in the entire property. This restriction

shall not apply, however, to Alpha Beta in the event that it determines to sell beer

or wine products in its supermarket store only, however, notwithstanding the foregoing after the initial 10 years of Alpha Beta's Lease term, Alpha Beta may carry liquor in

ARTICLE 9 - Miscellaneous Provisions. its supermarket store only.

(a) Each and all of the foregoing covenants, conditions and restrictions run with the land and shall apply to and bind each of the owners of any and all portions of the entire property and each and all their respective heirs, successors, assigns, grantees, mortgagees, tenants, and subtenants; and the same and each of them are hereby imposed pursuant to a general plan for the improvement and use of the entire property and are designated for the mutual benefit of said owners, tenants and occupants of any and all portions thereof; and the same shall obligate, insure to and pass with each any every portion thereof.

(b) Breach of any of the covenants or restrictions contained in this Declaration shall not defeat nor render invalid the lien of any mortgage or deed of trust made in good faith and for value as to the entire property or any part thereof; but all of the foregoing provisions, restrictions, and covenants shall be binding and effective against any owner of any of said entire property, or any part thereof, whose title hereto is acquired by foreclosure, trustee's sale, or otherwise.

(c) The covenants, conditions and restrictions herein contained shall continue until January 1, 2048, and shall terminate on that date.

(d) Invalidation of any one of the covenants, conditions, restrictions, or other provisions herein contained by judgment or court order shall in no way affect any of the other covenants, conditions, restrictions, or provisions thereof, and the same shall remain in full force and effect.

(e) In the event of condemnation by any duly constituted authority for a public or quasi-public use of all or any part of the entire property,

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that portion of the award attributable to the value of any land within the Common Area so taken shall be payable only to the owner in fee thereof and no claim thereon shall be made by other owners of any other portion of the entire property, provided, however, all other owners and lessees of the entire property may file collateral claims with the condemning authority over and above the value of the land of the area so taken provided they do not diminish the owners' award and provided, further, however, that the owner of the fee of each portion of the Common Area so condemned shall promptly repair and restore the remaining portion of the Common Area so owned by such owner as near as practicable to the condition of same immediately prior to such condemnation to the extent such award allows, and without contribution from any other owners.

- (f) In the event that suit is brought for the enforcement of this Declaration or as the result of any alleged breach thereof, the successful party or parties to such suit shall be entitled to be paid reasonable attorney's fees by the losing party or parties, and any judgement or decree rendered shall include an award thereof.
- (g) Fee to title to any portion of the property subject to this Declaration of Restrictions and Grants of Easements shall not be conveyed unless the granteé expressly assumes the performance of all of the obligations herein contained related to the property so conveyed.
- (h) This Declaration may be amended or terminated only by the written agreement of the fee owners of, and the holders of recorded first trust deeds against, the entire property, representing not less than ninety percent (90%) of the area of the land of the entire property, duly acknowledged, by each of them, and recorded in the office of the County Recorder of the county in which the entire property is situated.
- (i) This Declaration shall create privity of contract and estate with and among all owners and grantees of all or any part of the said entire property, and their respective heirs, executors, administrators,

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successors assigns. In the event of a breach, or attempted or threatened breach, by any owner of any part of said entire property, in any of the terms, covenants, and conditions hereof, any one or all such other owners of the entire property, and any one or more beneficiaries under a deed or deed of trust covering any part of the entire property shall be entitled forthwith to full and adequate relief by injunction and all such other available legal and equitable remedies from the consequences of such breach; and any deed, lease, assignment, conveyance or contract made in violation of this Declaration shall be void and may be set aside upon petition of one or more of the owners of the entire property. All costs and expenses of any such suit or proceedings including attorney's fees, as hereinafter provided, shall be assessed against the defaulting owner and shall constitute a lien against the real property or the interest therein wrongfully deeded, leased, assigned, conveyed or contracted for, until paid, effective upon recording notice thereof in the office of the county recorder of the county in which the entire property is located, but any such lien shall be subordinate to any bona fide first mortgage or first deed of trust covering any portion of the entire property, and any purchase at any foreclosure of trustee's sale (as well as any grantee of deed in lieu of foreclosure of trustee's sale) under any such mortgage or deed of trust shall take title free from any such lien, but otherwise subject to the provisions hereof. The remedies permitted at law or equity of any one or all such owners specified herein shall be cumulative as to each and as to all.

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IN WITNESS WHEREOF this Declaration of Restrictions and Grant
of Easements has been executed on the date first above written.

DIVERSIFIED SHOPPING CENTERS

By J. F. Gaultin, Jr. Sec.

By Ira D. Brown, Pres.

SAV-ON-REALTY, INC.

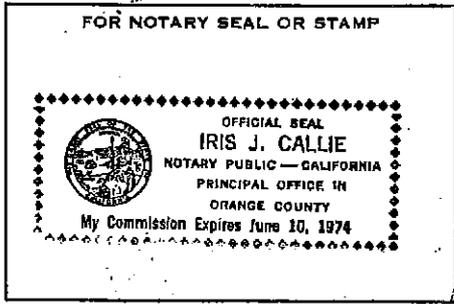
By Ira D. Brown, Pres.
Ira D. Brown, President

By Don M. Alder
Don M. Alder, Secretary-Treasurer

Misc-105 (G.S.) Act, Corporation (Rev. 12-68)

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.
On SEPTEMBER 14, 1972 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared KANNEY E. DEPPER,
known to me to be the President, and
JOHN F. GULTINAN, JR., known to me to be
Secretary of the corporation that executed the
within Instrument, known to me to be the persons who executed the
within Instrument on behalf of the corporation therein named, and
acknowledged to me that such corporation executed the within
instrument pursuant to its by-laws or a resolution of its board of
directors.

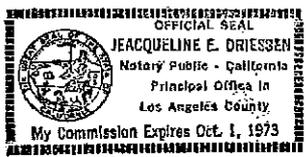
Signature Irish J. Callie
IRIS J. CALLIE
Name (Typed or Printed)
Notary Public in and for said County and State



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TO 449 c
(Corporation)
STATE OF CALIFORNIA }
COUNTY OF Los Angeles } SS.
On September 18, 1972 before me, the undersigned, a Notary Public in and for said
State, personally appeared Ira D. Brown
known to me to be the President, and Don M. Alder
known to me to be Secretary of the corporation that executed the within Instrument,
known to me to be the persons who executed the within
Instrument on behalf of the corporation therein named, and
acknowledged to me that such corporation executed the within
instrument pursuant to its by-laws or a resolution of its board
of directors.

WITNESS my hand and official seal.
Signature Jacqueline E. Driessen
Jacqueline E. Driessen
Name (Typed or Printed)

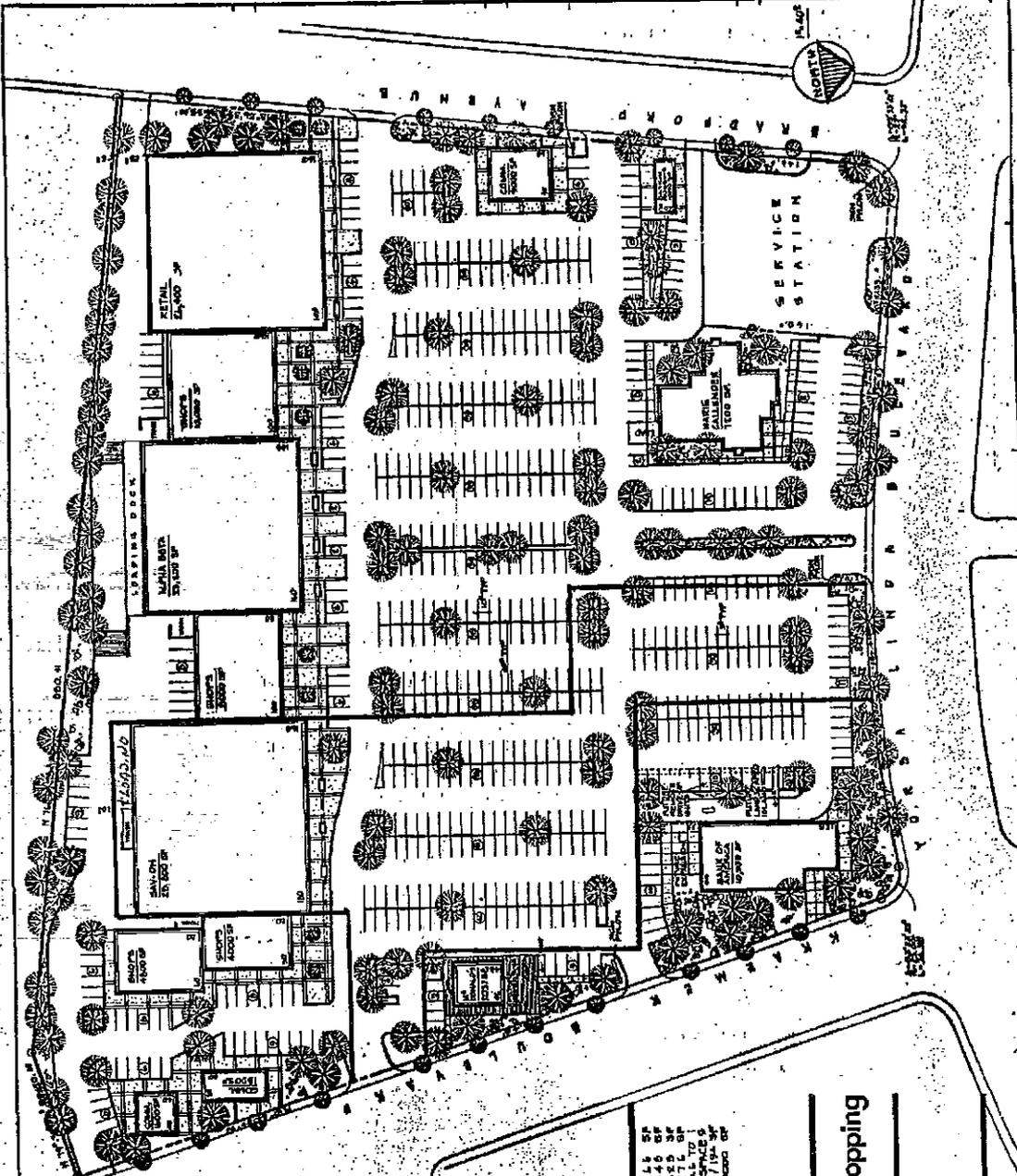


(This area for official notarial seal)

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| | | | |
|---|--|---------------------|--|
| TOWN CENTER PLACENTIA SHOPPING CENTER | | DATE: 7/18/78 | |
| Schoell Geritz Paul & Alford Inc. Planning & Architecture 228 First Avenue, San Diego, California 92101 Telephone (714) 431-4333 | | NO. 7150 | |
| SHEET NO. 1 | | SCALE: 1/8" = 1'-0" | |



site summary

TOTAL SITE AREA 618,145 SF
 SERVICE STATION SITE 62,640 SF
 SHOPPING CENTER SITE 450,270 SF
 MARKET GALLERY 10,000 SF
 PAVILION OF OPEN SPACE 4,800 SF
 TOTAL 1,135,850 SF
 PARKING RATIO 1.8 CAR / 1,000 SF
 ENGINEER PORT ID 5-117 / 10000 SF

**town center
placentia**

**diversified shopping
centers inc.**

Irvine

sgpa aia

san diego

EXHIBIT "A"

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FIRST AMENDMENT TO
"DECLARATION OF RESTRICTIONS
AND GRANTS OF EASEMENTS"

This Amendment to "Declaration of Restrictions and Grants of Easements" made and entered into this 28th day of February, 1973, is by and between DIVERSIFIED SHOPPING CENTERS, hereinafter referred to as "Diversified", and SAV-ON-REALTY, INC., hereinafter referred to as "Sav-On", owners of the hereinafter described property.

WITNESSETH:

WHEREAS, Diversified and Sav-On entered into an agreement entitled "Declaration of Restrictions and Grants of Easements", hereinafter referred to as "Declaration", dated the 14th day of September, 1972, and said agreement was recorded on the 15th day of January, 1973, in Book 10513, page 411 of Official Records, in the office of the County Recorder, County of Orange, State of California pertaining to a shopping center being developed at the southwest corner of Yorba Linda Boulevard and Kraemer Boulevard, Placentia; and

WHEREAS, Diversified and Sav-On are the owners of that certain real property located in the City of Placentia, County of Orange, State of California, which is more particularly described in the attached Exhibit B and which is referred to as the "Entire Property" to be improved as a shopping center, substantially in the manner shown on the attached Exhibit A; and

WHEREAS, in the course of development of the Entire Property certain events have taken place which necessitate the amending of the Declaration; and

WHEREAS, the parties hereto, for good and valuable consideration, the receipt of which is hereby acknowledged, are mutually desirous of amending said Declaration,

NOW, THEREFORE, in consideration of the foregoing preambles and the mutual covenants and agreements hereafter contained, the parties hereto agree that said Declaration shall be amended as follows:

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On page 3, 8th line to the comma which reads "same is shown on Exhibit B" shall be amended by the deletion of "Exhibit B" and replaced with "Exhibit A".

Page 4, Article 3(f), line 4, which reads "party without the prior written consent of Sav-On and Diversified. Nothing" shall be deleted in its entirety and replaced with "party without the prior written consent of Diversified, Sav-On and Alpha Beta. Nothing".

Page 9, Article 7, line 9, which reads "store, a theater, a bowling alley, a drive-in or drive-thru restaurant, a store" shall be deleted in its entirety and replaced with "store, a theater, a bowling alley, a drive-in or drive-thru restaurant (however, the drive-in or drive-thru restaurant restriction shall not apply to a building area on Kraemer which is entitled 'McDonalds' and is cross-hatched in red on the attached Exhibit A), a store".

On Page 10, before Article 9, a new article shall be inserted entitled "Article 8A - Bank and Restaurant Restriction Except for that portion of the Entire Property shown on the attached Exhibit A as 'Bank of America 10,939 S.F.' and crosshatched in green, no portion of the Entire Property shall ever be used for the operation of a bank so long as a bank is operated on said area as shown on Exhibit A as 'Bank of America 10,939 S.F.'. Except for that portion of the Entire Property shown on the attached Exhibit A as 'McDonald's' no portion of the Entire Property shall ever be used for a restaurant specializing in the sale of hamburgers so long as a restaurant specializing in the sale of hamburgers is conducted from said area as shown on Exhibit A as 'McDonald's'.

However, without limiting or expanding the foregoing restriction, said restriction shall not be deemed to apply to, nor to include in its terms: (a) Any lawful retail business operated by Sav-On-Drugs, Inc.,

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a California corporation, whether as owner, or as a lessee, tenant, or subtenant, its lessee or its tenants or successors to said real property selling items or performing services customarily sold or offered by other stores of said Sav-On or its successor or successors upon the condition that a typical drug store business be conducted thereon".

Other than amended herein the "Declaration of Restrictions and Grants of Easements" shall remain in full force and effect.

DIVERSIFIED SHOPPING CENTERS

By Ronald E. Meyer

By John F. Gaultney, Jr.

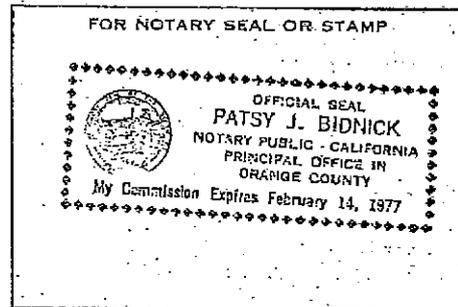
SAV-ON-REALTY, INC.

By Ira D. Brown
Ira D. Brown President

STATE OF CALIFORNIA
COUNTY OF ORANGE } SS.

On February 28, 1973 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ronald E. Meyer known to me to be the President, and John F. Gaultney, Jr. known to me to be the Secretary of the corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

Signature Patsy J. Bidnick
Patsy J. Bidnick
Name (Typed or Printed)
Notary Public in and for said County and State



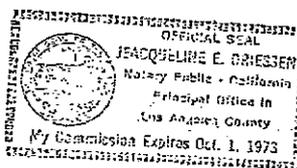
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TO 449 C
(Corporation)

STATE OF CALIFORNIA
COUNTY OF Los Angeles } SS.

On March 2, 1973 before me, the undersigned, a Notary Public in and for said State, personally appeared Ira D. Brown known to me to be the President, and Don M. Alder known to me to be the Secretary of the corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.
Signature Jacqueline E. Briesen
Jacqueline E. Briesen
Name (Typed or Printed)



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PARCEL MAP

-SEC 15 37- 12316
 48 32
 COUNTY CLERK
 COUNTY CLERK
 COUNTY CLERK

IN THE CITY OF PLACENTIA, COUNTY OF ORANGE, STATE OF CALIFORNIA.

BEING A DIVISION OF A PORTION OF LOTS 1, 2 AND 3
 IN BLOCK "D" OF THE KRAEMER TRACT, PER MAP
 RECORDED IN BOOK 12, PAGES 87 & 88 OF MISCELLANEOUS
 RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, BEING
 IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA.

SURVEYOR'S CERTIFICATE

THIS MAP WAS PREPARED BY ME OR UNDER MY
 DIRECTION AND IS BASED UPON A FIELD SURVEY
 IN CONFORMANCE WITH THE REQUIREMENTS OF THE
 SUBDIVISION MAP ACT AT THE REQUEST OF
 APPLICABLES SHOWING ENTIRELY IN AUGUST
 1974. I HEREBY CERTIFY THAT IT CONFORMS TO THE
 APPROVED TENTATIVE MAP AND THE CONDITIONS OF
 APPROVAL THEREON, THAT THE PROVISIONS OF
 APPLICABLE STATE LAW AND LOCAL ORDINANCES
 HAVE BEEN COMPLIED WITH.

[Signature]
 L.S. 2903

CITY ENGINEER'S CERTIFICATE

THIS MAP HAS BEEN EXAMINED THIS 23 DAY OF
 FEBRUARY, 1974, FOR CONFORMANCE WITH THE
 REQUIREMENTS OF SECTION 11975 OF THE SUBDIVISION
 MAP ACT.

[Signature]
 PLACENTIA CITY ENGINEER

COUNTY SURVEYOR'S CERTIFICATE

EXAMINED AND APPROVED THIS 23 DAY OF FEBRUARY, 1974.

L. McCONVILLE
 COUNTY SURVEYOR
 BY: *[Signature]*
 DEPUTY

BASIS OF BEARINGS

BEARINGS HEREON ARE BASED ON THE CENTERLINE
 KRAEMER BOULEVARD BEING N 107° 21' 30" W PER
 MAP RECORDED IN BOOK 47, PAGE 29, OF PARCEL
 MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

NOTE

THIS MAP IS EXCLUDED FROM BEING DEFINED
 AS A SUBDIVISION BY SECTION 11929-C-3 OF
 THE SUBDIVISION MAP ACT IN THAT THE
 PROPERTY IS ZONED "R-2"

MONUMENT NOTE

- INDICATES SET 1" I.R. W. TAG L.S. 2900
UNLESS OTHERWISE NOTED.
- INDICATES FOUND MON. AS NOTED.
- INDICATES FOUND 2" I.R. TAGGER
L.S. 3242 PER TRACT L.S. 1724

FS 2" I.R. TYPE "A" WELL
 MON. W/ PLUNGE & SMALL
 DIAL PER M.M. 27-25-6
 P.M. 25-49

TOTAL GROSS AREA 10,144 AC.
 TOTAL NET AREA 10,001 AC.

P.M. 47/29
 P.M. 25/49

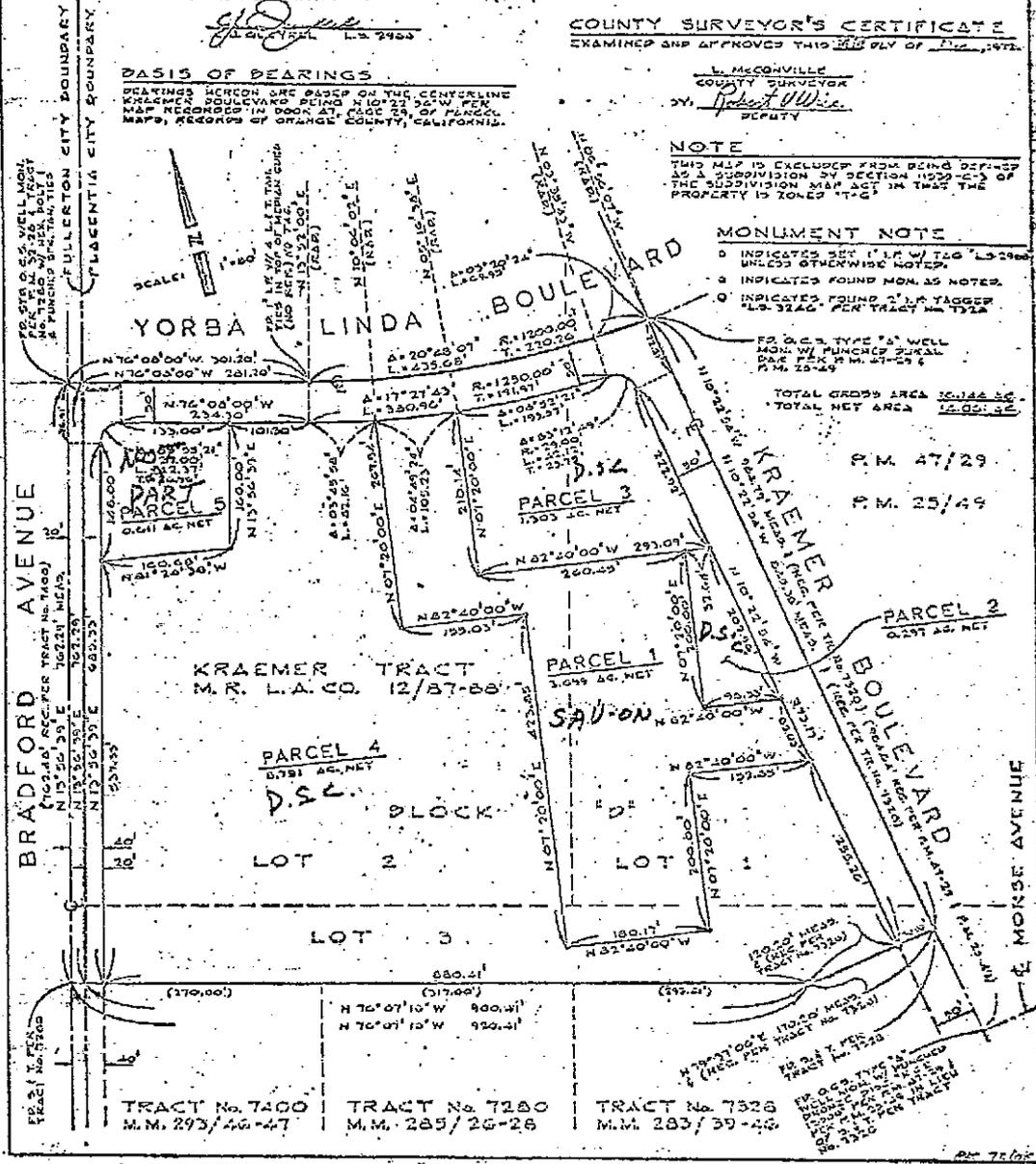


EXHIBIT "B"

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 JUL 6 1978

That portion of Lots 1, 2 and 3 in Block D of the Kraemer Tract, per map thereon, recorded in book 12, pages 87 and 88 of Miscellaneous Records of Los Angeles County, California, described as follows:

Beginning at the Northeastly corner of Tract No. 7328, as shown on a Map recorded in book 283, pages 39 through 46 of Miscellaneous Maps, records of said Orange County; said corner being a point in the centerline of Kraemer Avenue; described as Parcel 113-100 in Easement Deed to the City of Placentia, recorded October 18, 1967 in book 8408, page 246 of Official Records of said County; thence along said centerline North $10^{\circ} 22' 54''$ West 845.11 feet to the centerline of Yorba Linda Boulevard, 100 feet wide, as described in Easement Deed to the City of Placentia, recorded October 18, 1967 in book 8408, page 250 of said Official Records, thence Westerly along said centerline of Yorba Linda Boulevard on a curve concave Northeastly having a radius of 1200.00 feet through a central angle of $20^{\circ} 48' 07''$ an arc distance of 435.68 feet, thence continuing along said centerline tangent to said curve North $76^{\circ} 08' 00''$ West 301.13 feet to the centerline of Bradford Avenue, as shown on a Map of Tract No. 7400, recorded in book 293, pages 46 and 47 of said Miscellaneous Maps, thence along said centerline of Bradford Avenue, South $13^{\circ} 56' 39''$ West 761.96 feet to the Westerly prolongation of the Northerly line of said Tract No. 7400, thence along said prolongation and said Northerly line and the Northerly lines of Tract No. 7280, as shown on a Map recorded in book 285, pages 26, 27 and 28 of said Miscellaneous Maps, and the Northerly line of said Tract No. 7328; South $75^{\circ} 07' 18''$ East 920.41 feet and North $79^{\circ} 37' 06''$ East 170.00 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion described as follows:

Commencing at a point in the Southerly line of Yorba Linda Boulevard, 100 feet in width, as described in Parcel 1 of the deed to the City of Placentia recorded October 18, 1967 in book 8408, page 250, Official Records of said Orange County, said point of commencement being the Westerly terminus of a curve concave Northerly and having a radius of 1250 feet, a radial to said point bearing South $13^{\circ} 52' 00''$ West, and running thence along said Southerly line of Yorba Linda Boulevard North $76^{\circ} 08' 00''$ West tangent to said curve 101.23 feet to the True Point of Beginning of this description; thence continuing along said Southerly line, North $76^{\circ} 08' 00''$ West 133 feet to the beginning of a tangent curve concave Southeasterly and having a radius of 27 feet; thence Westerly and Southerly along said curve through a central angle of $89^{\circ} 55' 21''$ an arc distance of 42.37 feet to a point of tangency with a line that is parallel with and distant 40 feet Southeasterly from the center line of Bradford Avenue, as shown on a map of Tract No. 7280, recorded in book 285, pages 27 and 28, of Miscellaneous Maps, records of said Orange County; thence along said parallel line, South $13^{\circ} 56' 39''$ West 148 feet; thence Easterly in a straight line 160 feet, more or less, to a point in a line extending South $13^{\circ} 56' 39''$ West, parallel with said center line of Bradford Avenue, from the True Point of Beginning and distant therefrom 160 feet; thence North $13^{\circ} 56' 39''$ East along said parallel line, 160 feet to the True Point of Beginning.

EXHIBIT A

EXHIBIT B

FILMED



McDonald's USA, LLC
Southern California Region
3800 Kilroy Airport Way, Suite 200
Long Beach, CA 90806
(562) 753-2001

March 7, 2013

City of Placentia
ATTN: Ken Domer
401 E. Chapman Ave,
Placentia, CA 92870

RE: McDonald's 164 East Yorba Linda Blvd Adjacent Neighbor Agreement

Dear Mr. Domer:

This letter serves as confirmation that McDonald's USA LLC has reached a verbal agreement with the adjacent shopping center property owner(s) and its binding tenant(s). The shopping center property owner(s) and its binding tenant(s) have verbally agreed to allow McDonald's to improve the existing subject restaurant, and install a drive-thru. The documents are currently being circulated for signatures. McDonald's will issue the City of Placentia a copy of the signed document as soon as all signatures are obtained.

Please feel free to contact me at kori.seki@us.mcd.com or 562.304.8993 if you have any questions or comments. Thank you.

Sincerely,

Kori Seki
Area Construction Manager, Southern California Region
McDonald's USA, LLC
3800 Kilroy Airport Way, Suite 200
Long Beach, CA 90806
Cell: 562.304.8993

PLANNING DIVISION REPORT

APPLICATION: UP 2013-03, VAR 2013-01, DPR 2013-01

EXHIBIT: 10

PAGE 1 OF 1

DATE: 3-12-13



Placentia Planning Commission Agenda Staff Report

| | | |
|---|--|----------------------------|
| AGENDA ITEM NO.: 3 | DATE: March 12, 2013 | PUBLIC HEARING: Yes |
| APPLICATION: Zoning Code Amendment 2013-01 | | |
| DESCRIPTION: To consider a recommendation to the City Council of an Ordinance amending Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to emergency shelters, supportive and transitional housing facilities, single room occupancies and provisions for reasonable accommodations for persons with disabilities, including standards and procedures. | | |
| RELATED APPLICATIONS: None | | |
| APPLICANT: City of Placentia | | |
| PROPERTY OWNER: N/A | | |
| LOCATION: City-wide | | |
| CEQA DETERMINATION: Mitigated Negative Declaration Prepared in Conjunction with Housing Element Update | | |
| ZONING: City-wide | APN(S): N/A | |
| GENERAL PLAN: All land uses | CITY COUNCIL ACTION REQUIRED: Yes | |
| PREPARED BY: Kenneth A. Domer, Assistant City Administrator | | |
| REVIEWED BY: Monique B. Schwartz, Associate Planner | | |

REQUEST:

To consider a recommendation to the City Council of an Ordinance amending Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to emergency shelters, supportive and transitional housing facilities, single room occupancies and provisions for reasonable accommodations for persons with disabilities, including standards and procedures.

INTRODUCTION:

As part of the City's development of the 2006-2014 Housing Element, the City committed to implementing several programs to assist with the development of affordable housing opportunities as well as to incorporate new State legislation into the City's antiquated Zoning Code. Due to shifting priorities, including the update of the General Plan as well as reduced staffing resources, several programs were delayed in implementation. These programs need to be implemented prior to the City's adoption of the next Housing Element cycle for the years 2014-2021 which is due to the State in October, 2013. Accordingly, Staff and the City Attorney's Office drafted an Ordinance to implement the required programs and Planning Commission recommendation is the first step in the approval process. The Ordinance includes changes to add the following State required programs into the City's Zoning Code: Reasonable Accommodation; Emergency Shelters, Transitional and Supportive Housing; and, Single-Room Occupancy development.

DISCUSSION:

The California State Legislature identified the attainment of a decent home and suitable living environment for every Californian as the State's main housing goal. Recognizing the important part that local planning programs play in pursuit of this goal, the Legislature also mandated that all cities and counties prepare a Housing Element as part of their comprehensive General Plans (California Government Code § 65302(c)).

The City's Housing Element was approved by the City Council on February 16, 2010 and covers the planning period from January 2006 to July 2014. State planning law mandates that jurisdictions within the Southern California Association of Governments (SCAG) region update and adopt the 2014-2021 Housing Element by October, 2013. During the review of the current Housing Element it was determined that several programs were not implemented as required and, therefore, City Staff is initiating the process to put in place those programs through the proper Ordinance process.

Amendment 2013-01 includes changes to add the following State required programs into the City's Zoning Code: Reasonable Accommodation; Emergency Shelters, Transitional and Supportive Housing; and, Single-Room Occupancy development.

A brief description of each of the sections of Amendment 2013-01 is as follows:

Reasonable Accommodation:

In compliance with the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, the City is to provide reasonable accommodation in the application of its zoning or building laws, policies or procedures for persons with disabilities seeking fair access to housing. The purpose of including this into the City's Zoning Code is to establish the process for making a request for reasonable accommodation.

The proposed new chapter contained in Zoning Code Amendment 2013-01, establishes standards for this use, which fulfills "Program HE-2.3: Reasonable Accommodation Procedures" of the Housing Element.

Emergency, Transitional, and Supportive Housing:

In 2007, the State of California passed Senate Bill 2 (SB 2) which requires local jurisdictions to include within their Housing Elements provisions to facilitate opportunities for emergency shelters to locate in all communities. In the Housing Element, the City committed to identifying at least one zoning district where emergency shelters are permitted by-right, and City staff identified the "M" - Manufacturing District as the appropriate zone to allow this type of facility without discretionary approvals. The zoning code will include development standards and regulatory provisions to ensure that these facilities provide a clean and safe environment for the homeless community.

Transitional and Supportive Housing are both defined by the State and are to be considered as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Essentially, the State has usurped local control over regulating such housing and now requires cities to treat such requests for transitional and supportive housing as it would a single-family residence or multi-family residence depending on the zone in which it is to be located. The City can still regulate such housing if it exceeds, for example, more than 6 persons in a single-family residence, much the same it can regulate group homes of similar nature.

Transitional housing and transitional housing development means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be not less than six (6) months. Supportive housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Generally, supportive housing is coordinated by a non-profit group that continues to provide supportive services to the occupants. A current example of this partnership is the City working with a local non-profit homeless services provider to utilize a City-owned residence as supportive housing for the past several years.

The proposed code section contained in Zoning Code Amendment 2013-01, establishes standards for this use, which fulfills "Program HE-1.4: Emergency Shelters and Transitional and Supportive Housing" of the Housing Element.

Single-Room Occupancy

In an effort to expand the mix of affordable housing opportunities within the City, City staff proposes a new chapter, which permit Single Room Occupancy (SRO) units within the "R-3" – High Density Multiple Family District up to thirty (30) units and subject to a use permit for thirty-one (31) unit and above, and in the "C-2" – Community Commercial District as part of a mixed-use development with ground floor retail/office spaces, subject to use permit approval. SRO residences are one-room units occupied by a single individual and may either have a shared or private kitchen and bathroom facilities. They are rented on a monthly basis typically without a rental deposit and can provide an entry point into the housing market for extremely low-income individuals, formerly homeless and disabled persons.

The proposed new chapter contained in Zoning Code Amendment 2013-01, establishes standards for this use, which fulfills "Program HE-1.17: Single Room Occupancy (SRO) Units" of the Housing Element.

Amendment 2013-01 also renumbers the Zoning Code's current definition for Tattoo Parlors but does not change any regulations for such uses.

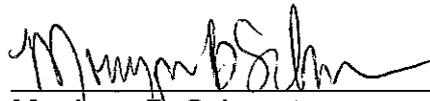
CEQA:

The amendments set forth in the proposed ordinance were prepared pursuant to an Initial Study and Mitigated Negative Declaration prepared in accordance with the requirements of the California Environmental Quality Act ("CEQA"), California Public Resources Code §§ 21000, *et seq.*, the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, §§ 15000, *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia with regard to the City's revised Housing Element of the General Plan, no substantial change in conditions has occurred between the time of adoption of the Housing Element and the adoption of this ordinance implementing the policies and procedures of the Housing Element and the Planning Commission has exercised its independent judgment when considering said Initial Study and Mitigated Negative Declaration and all public comments received in connection therewith. Furthermore, said Initial Study and Mitigated Negative Declaration and all related environmental documents forming the basis for the Mitigated Negative Declaration and the proposed Ordinance are located in, and in the custody of, the Office of the City Clerk, City of Placentia. This Planning Commission hereby recommends the City Council approve the Mitigated Negative Declaration and Ordinance. If adopted, a Notice of Exemption will be filed with the Orange County Clerk/Recorder, as required by law.

RECOMMENDATION:

1. Adopt Resolution PC-2013-07 making the required findings; and
2. Recommend approval of Zoning Code Amendment 2013-01 to the City Council, and direct staff to prepare and transmit a report of the findings and recommendations of the Planning Commission to the City Council.

Reviewed by:



Monique B. Schwartz
Associate Planner

Prepared and approved by:



Kenneth A. Domer
Assistant City Administrator

Attachments:

- Attachment A: Zoning Code Amendment 2013-01
Attachment B: Resolution PC-2013-07

ORDINANCE NO. O-2013-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PLACENTIA AMENDING TITLE 23 (ZONING ORDINANCE) OF
THE PLACENTIA MUNICIPAL CODE PERTAINING TO
EMERGENCY SHELTERS, SUPPORTIVE AND TRANSITIONAL
HOUSING FACILITIES, SINGLE ROOM OCCUPANCIES AND
PROVISIONS FOR REASONABLE ACCOMODATIONS FOR
PERSONS WITH DISABILITIES, INCLUDING STANDARDS
AND PROCEDURES THEREFOR.
[Zoning Code Amendment 2013-01]

City Attorney's Summary

This Ordinance amends provisions of Title 23 of the Placentia Municipal Code, including the addition of new chapters pertaining to the implementation of provisions of the City of Placentia Housing Element portion of the City's General Plan to comply with state and federal mandates relative to emergency, supportive and transitional housing needs, as well as providing appropriate mechanisms to authorize reasonable accommodations relating to the potential adverse impact of zoning and building codes on persons with disabilities, expands affordable housing opportunities and relocates the definition of Tattoo Parlor to a new Section.

A. Recitals.

(i). The City Council of the City of Placentia desires to effectively implement provisions of the City of Placentia Housing Element portion of the City's General Plan and to comply with state and federal mandates relative to emergency, supportive and transitional housing, as well as providing appropriate mechanisms to provide reasonable accommodations relating to the effect of zoning and building codes and expansion of affordable housing opportunities.

(ii). Modifications are required to various provisions of Title 23 ("Zoning Ordinance") in order to appropriately implement the Housing Element and state and federal housing policies.

(iii). On March 12, 2012, the Planning Commission of the City of Placentia conducted, and concluded, a duly noticed public hearing, as required by law, to amend the Zoning Ordinance to comport with state and federal law, to implement

the Housing Element, and recommended adoption of this Ordinance to the City Council [Zoning Code Amendment 2013-01].

(iv). This City Council has reviewed and considered all provisions of the proposed amendments to the Zoning Code as recommended by the Planning Commission, including written staff reports and verbal testimony presented during a duly noticed public hearing, which hearing was concluded prior to the adoption of this Ordinance.

(v). All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, the City Council of the City of Placentia does hereby find, determine and ordain as follows:

SECTION 1. In all respects, as set forth in the Recitals, Part A, of this Ordinance.

SECTION 2. The City Council hereby finds and certifies that the amendments set forth below have been prepared pursuant to an Initial Study and Mitigated Negative Declaration prepared in accordance with the requirements of the California Environmental Quality Act ("CEQA"), California Public Resources Code §§ 21000, *et seq.*, the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, §§ 15000, *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia with regard to the City's revised Housing Element of the General Plan, no substantial change in conditions has occurred between the time of adoption of the Housing Element and the adoption of this ordinance implementing the policies and procedures of the Housing Element and the City Council has exercised its independent judgment when considering said Initial Study and Mitigated Negative Declaration and all public comments received in connection therewith. Furthermore, said Initial Study and Mitigated Negative Declaration and all related environmental documents forming the basis for the Mitigated Negative Declaration and this Ordinance are located in, and in the custody of, the Office of the City Clerk, City of Placentia. This City Council does hereby approve the Mitigated Negative Declaration and Ordinance.

SECTION 3. A new Section 23.04.253 hereby is added to Chapter 23.04 of Title 23 of the Placentia Municipal Code, to read, in words and figures, as follows:

"§ 23.04.253. Emergency Shelter.

"'Emergency Shelter' means a facility that provides immediate and short-term housing and may offer supplemental services to homeless persons or families on a first-come, first-serve basis where people must vacate the facility each morning and have no guaranteed bed for the next night. Supplemental services may include counseling, food and access to social programs."

SECTION 4. A new Section 23.04.751 hereby is added to Chapter 23.04 of Title 23 of the Placentia Municipal Code, to read, in words and figures, as follows:

"§ 23.04.751. Supportive housing.

"'Supportive housing' means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community."

SECTION 5. Section 23.04.752 of Chapter 23.04 of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

"§ 23.04.752. Target population.

"'Target population' means persons, including persons with disabilities, and families who are 'homeless,' as that term is defined by 42 U.S.C. § 11302, or who are 'homeless youth,' as that term is defined by California Health and Safety Code § 50675.14 (3) (A)."

SECTION 6. A new Section 23.04.753 hereby is added to Chapter 23.04 of Title 23 of the Placentia Municipal Code, to read, in words and figures, as follows:

"§ 23.04.753. Tattoo Parlor.

"'Tattoo parlor' means any premises used for the business or marking or coloring the skin with tattoos and which houses all furnishings, equipment, instruments, dyes and inks, and other facilities maintained therein incidental to the business."

SECTION 7. A new Section 23.04.768 hereby is added to Chapter 23.04 of Title 23 of the Placentia Municipal Code, to read, in words and figures, as follows:

"§ 23.04.768. Transitional housing.

"'Transitional housing' and 'transitional housing development' means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be not less than six (6) months."

SECTION 8. A new Chapter 23.24 hereby is added to Title 23 of the Placentia Municipal Code, to read, in words and figures, as follows:

"Chapter 23.24

"SINGLE ROOM OCCUPANCY (SRO)

"Sections:

- "§ 23.24.010. Purpose.**
- "§ 23.24.020. Definition.**
- "§ 23.24.030. Procedure.**
- "§ 23.24.040. Requirements.**

"§ 23.24.010. Purpose.

"The purpose of this chapter is to expand the mix of affordable housing opportunities within the city.

"§ 23.24.020. Definition.

"'Single Room Occupancy ("SRO")' means an Efficiency Unit that: (1) is occupied as a primary residence, and (2) is subject to state landlord tenant law pursuant to Chapter 2 (commencing with § 1940) of Title 5 of Part 4 of Division 3 of the California Civil Code. The term also includes a unit in an 'SRO Project' as described in California Code of Regulations, Title 4, § 10325(g)(3).

"§ 23.24.030. Procedure.

"Single Room Occupancy units shall be a permitted use in the 'R-3' - High Density Multiple-Family District up to

thirty (30) units and subject to a use permit for thirty-one (31) units and above and 'C-2' - Community Commercial District, as part of a mixed-use project with ground floor retail/office spaces subject to a use permit. All use permit approvals shall be pursuant to Chapter 23.87 of this Title 23.

"§ 23.24.040. Requirements.

"Single Room Occupancy (SRO) units shall conform to the following requirements:

"(1). Occupancy shall be limited to a maximum of two (2) persons per unit. Minimum unit sizes (not including toilet compartment) shall be:

"(a). One (1) person: 150 square feet.

"(b). Two (2) persons: 175 square feet.

"(2). Each SRO unit shall be provided with the following minimum amenities:

"(a). Kitchen sink with a garbage disposal.

"(b). A toilet and sink located in a separate room within the unit that is a minimum twenty (20) square feet.

"(c). One (1) closet per person.

"(d). Telephone and cable TV hookups.

"(3). At a minimum, if full bathrooms are not provided in each unit, shared showers shall be provided on each floor at a ratio of one (1) per seven (7) occupants or fraction thereof on the same floor, with doors that are lockable from the inside.

"(4). If full kitchens are not provided in each unit, shared kitchen facilities shall be provided on each floor consisting of a range, sink with garbage disposal and refrigerator.

"(5). At a minimum, if laundry facilities are not provided in each unit, common laundry facilities shall be provided with one (1) washer and one (1) dryer for every twenty-five (25) units for the first 100 units and one (1) washer and one (1) dryer for every fifty (50) units over one hundred (100).

"(6). Elevators shall be required for SROs of two (2) or more stories.

"(7). A manual fire alarm system and a fully automatic fire suppression system, including a central monitoring system, alarm and fire annunciator, shall be designed and installed to the satisfaction of the fire chief."

SECTION 9. Section 23.47.010 of Chapter 23.47 of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

"§ 23.47.010 Purpose.

"The purpose of the 'M' district is to provide for industrial uses and their related facilities while maintaining an environment free from objectionable noise, odor, dust or other nuisances. Additionally, the 'M' district permits emergency shelters by right, subject to compliance with conditions set forth herein."

SECTION 10. Section 23.47.010 of Chapter 23.47 of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

"§ 23.47.020. Permitted uses.

"Subject to the conditions of this zone only the following primary uses may be permitted, not including those which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, electro-magnetic disturbance, radiation or other similar causes detrimental to the public health, safety or general welfare. All uses, except agricultural crops, shall be conducted wholly within a completed enclosed building, except as provided in § 23.47.120.

- "(1). Agricultural crops;
- "(2). Emergency shelters per § 23.47.130;
- "(3). Motor vehicle and motorcycle repair and service;
- "(4). Printing, reproduction services, film processing;
- "(5). Recycling facilities per Chapter 23.41;
- "(6). Repair of electrical appliances and electrical equipment;
- "(7). Research or testing firm or laboratory;

"(8). Treatment of, manufacturing, assembling, compounding or fabrication of goods and materials;

"(9). Warehousing, storage, distribution or wholesaling of goods and materials."

SECTION 11. A new Section 23.47.130 hereby is added to Chapter 23.47 of Title 23 of the Placentia Municipal Code, to read, in words and figures, as follows:

"§ 23.47.130 Emergency Shelters (Homeless).

"Shall be subject to the following conditions:

"(1). The facility shall conform to all property development standards of Chapter 23.47 "M" - Manufacturing District.

"(2). Maximum number of beds or persons to be served per night by a single shelter shall not exceed thirty (30) persons at any one time.

"(3). The facility shall operate on a first-come, first serve basis with clients only permitted on-site between 5:00 p.m. and 8:00 a.m. A curfew of 10:00 p.m. or earlier shall be established and strictly enforced, and clients shall not be admitted after curfew. Clients shall vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night.

"(4). The maximum stay at the facility shall not exceed forty-five (45) days within a one hundred twenty (120) day period.

"(5). Emergency shelters shall be located at least three hundred (300) feet from any residential use or residentially-zoned property, public or private park, or public or private kindergarten through 12th grade curriculum school, as measured from the closest property line. In addition, homeless shelters shall be located at least three hundred (300) feet from any other homeless shelter, as measured from the closest property line.

"(6). A minimum of one (1) staff member per fifteen (15) beds shall be awake and on duty when the facility is open and a minimum of two (2) staff members shall be on-site when the facility is open.

"(7). Exterior lighting shall be provided for the entire outdoor and parking area of the property. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way.

"(8). A waiting area shall be provided, which contains a minimum of ten (10) square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right-of-way, shall be visually separated from public view by a minimum six (6) foot tall, visually screening mature landscaping, or a minimum six (6) foot tall decorative masonry wall, and shall provide consideration for shade/rain provisions.

"(9). All facility improvements shall comply with the City of Placentia Municipal Code, and the most current adopted Building and Safety Codes.

"(10). A Security and Safety Plan shall be provided for the review and approval of the City Administrator or his/her designee. The plan may be required to address additional security and safety needs, as identified by the City Administrator or his/her designee. The approved Security and Safety Plan shall remain active throughout the life of the facility. The plan shall contain provisions addressing the topical areas outlined below:

"(A). Sleeping Areas addressing the separation of male/female sleeping areas, as well as any family areas within the facility.

"(B). Loitering Control with specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on site.

"(C). Management of Outdoor Areas, including a system for daily admittance and discharge procedures and monitoring of waiting areas with goals to minimize disruption to nearby land uses.

"(D). Alcohol and Illegal drugs addressing how the operator(s) will control and regulate alcohol and illegal drug use by clients on the premises.

"(E). The operator(s) shall provide the City with the most current contact information for the operator(s) of the facility during the normal daytime office business hours, and

the nighttime contact information for the 'person on duty' when the emergency shelter is operating.

"(F). The operator(s) shall ensure proper compliance with all state laws pertaining to client residency and occupancy.

"(G). Staff and Training. The plan shall describe the staffing plan and required staff training programs. Facility staff shall be trained in operating procedures, safety plans, and assisting clients with referral services. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under California Penal Code § 290. The plan shall describe procedures for ensuring shelter staff meet these requirements.

"(H). Facilities shall be maintained in good working order. Indoor and outdoor use areas shall be clean and orderly. Litter shall be removed in and around the facility in a timely manner and graffiti shall be removed within forty-eight (48) hours.

"(I). A 'good neighbor policy' shall be established whereby clients are instructed to be considerate of neighbors and refrain from behavior that is disruptive to the surrounding community. The operational plan shall include a written protocol for ongoing communications with the City and the surrounding neighborhood and businesses, and for responding to neighborhood complaints.

"(11). The facility may provide the following services in designated areas separate from sleeping areas:

"(A). A recreation area either inside or outside of the facility.

"(B). A counseling center for job placement, education, health care, legal, or mental health services.

"(C). Laundry facilities to serve the number of clients at the facility.

"(D). Kitchen for the preparation of meals.

"(E). Dining hall.

"(F). Client storage area (i.e., for the overnight storage of bicycles and personal items).

"(G). Counseling programs to be provided with referrals to outside assistance agencies and provide an annual report to the City.

"(H). Or similar services geared to homeless clients.

"(12). An emergency shelter facility shall provide off-street parking at a ratio of one (1) space per four (4) beds, and/or one-half (0.5) per bedroom designed as a family unit with children, plus one (1) per staff member, or shall submit a parking study, subject to the approval of the City Administrator or his/her designee, demonstrating the required parking demand justifies a reduced amount of off-street parking. Each facility is also encouraged to provide bike racks for clients in a secured area."

SECTION 12. A new Chapter 23.59 hereby is added to Title 23 of the Placentia Municipal Code, to read, in words and figures, as follows:

"Chapter 23.59

"REASONABLE ACCOMMODATION

"Sections:

| | |
|---------------------|--|
| "§ 23.59.010 | Purpose. |
| "§ 23.59.020 | Application. |
| "§ 23.59.030 | Required information. |
| "§ 23.59.040 | Notice of request for accommodation. |
| "§ 23.59.050 | Procedure. |
| "§ 23.59.060 | Grounds for accommodation. |
| "§ 23.59.070 | Director's hearing. |
| "§ 23.59.080 | Notice of director's decision following hearing. |
| "§ 23.59.090 | Expiration of grants of reasonable accommodation. |
| | |
| "§ 23.59.100 | Appeal. |
| "§ 23.59.110 | Fee. |

"§ 23.59.010. Purpose. It is the policy of the City of Placentia to comply with the Federal Fair Housing Amendments Act

of 1988 and the California Fair Employment and Housing Act to provide reasonable accommodation in the application of its zoning or building laws, policies or procedures for persons with disabilities seeking fair access to housing. The purpose of this chapter is to establish the process for making a request for reasonable accommodation. For purposes of this chapter, the term 'disabled' or 'disability' shall have the same meaning as such term is defined in the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

"§ 23.59.020. Application.

"(1). Any person who requests reasonable accommodation, because of a disability, in the application of a zoning or building law, policy or procedure, which may act as a barrier to fair housing opportunities, may do so by filing a completed application with the City Administrator or his or her designee ('director'). The director shall promulgate application forms for this purpose.

"(2). If the project for which the request is being made also requires some other approval, permit or entitlement, the applicant shall file the request together with the application for such approval, permit or entitlement.

"§ 23.59.030. Required information.

"The applicant shall provide the following information:

"(1). Applicant's name, address, and telephone number;

"(2). Address of the property for which the request is being made;

"(3). The current actual use of the property;

"(4). A description of the accommodation requested including reference to the Zoning Code provision, policy or procedure from which modification is being requested;

"(5). The basis for the claim that the applicant is considered disabled under the Federal Fair Housing Amendments Act of 1988 or the California Fair Employment Housing Act; and

"(6). A detailed explanation of why the accommodation is reasonable and why the accommodation is necessary to afford the applicant an equal opportunity to use and enjoy a specific dwelling in the city.

"§ 23.59.040. Notice of request for accommodation.

"Written notice of a request for reasonable accommodation

shall be given as follows:

"(1). In the event that there is no approval sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties that are immediately adjacent to the property, which is the subject of the request.

"(2). In the event that the request is being made in conjunction with some other approval, permit or entitlement, the notice shall be transmitted along with the notice of the other proceeding.

"§ 23.59.050. Procedure.

"(1). The director shall review each application for reasonable accommodation and, within five (5) days of receipt thereof, determine whether the application is complete. If the application is determined to be incomplete, the director shall promptly give the applicant written notice of the additional information necessary to complete the application.

"(2). Within 30 days of receipt of an application that has been determined to be complete, the director shall complete a review of the application and, pursuant to the standards provided in § 23.59.060, either approve, approve subject to conditions or deny the request. However, in the event that the applicant also seeks an approval, permit or other entitlement that is reviewed by the planning commission, then the planning commission shall review the application for reasonable accommodation.

"(3). The director shall give the applicant written notice of the director's decision. Notice of the director's decision shall also be given in the same manner as provided in Section 23.59.040.

"(4). Within ten (10) days of the date the notice is mailed, any person may make a request for a director's hearing of the decision.

"(5). If no request for hearing is received, the decision shall become final.

"§ 23.59.060. Grounds for accommodation.

In making a determination about the reasonableness of a

requested accommodation, the following factors shall be considered:

"(1). Whether the accommodation is reasonable considering the nature of the applicant's disability, the surrounding land uses, and the rule, standard, policy, or practice from which relief is sought;

"(2). Whether the accommodation is necessary to afford the applicant equal opportunity to enjoy and use a specific dwelling in the city;

"(3). Whether the accommodation will have only incidental economic or monetary benefits to the applicant, and whether the primary purpose of the accommodation is to assist with real estate speculation or excess profit taking;

"(4). Whether the accommodation will create a substantial adverse impact on surrounding land uses, or a public nuisance, that cannot be reasonably mitigated;

"(5). Whether the accommodation is reasonably feasible considering the physical attributes of the property and structures;

(6). Whether there are alternative accommodations which may provide an equivalent level of benefit to the applicant, while minimizing adverse impacts on surrounding land uses and lessening the financial and/or administrative burden on the city;

"(7). Whether the requested accommodation would impose an undue financial or administrative burden on the city; and

"(8). Whether the requested accommodation would constitute a fundamental alteration of the zoning or building laws, policies or procedures of the city.

"§ 23.59.070. Director's hearing.

"Within thirty (30) days of receipt of a request, the director shall conduct a hearing on the request for reasonable accommodation at which all reasonable evidence and credible testimony shall be considered.

"§ 23.59.080. Notice of director's decision following a hearing.

"(1). Within five (5) days after the hearing, the director shall issue a written decision approving, including any reasonable conditions, or denying the application.

"(2). The notice of director's decision shall contain the director's factual findings, conclusions, and reasons for the decision.

"(3). Notice of the director's decision shall be given in the same manner as provided in § 23.59.040.

"§ 23.59.090. Expiration of grants of reasonable accommodation.

"Any modification granted for an individual with a disability shall be a personal accommodation for the individual applicant and shall not run with the land, unless the director determines that it would be impractical to require the property to be returned to its previous condition once the disabled person no longer occupies the property. Prior to the issuance of a building permit or any other applicable permit for such modification, the permittee shall execute a notarized statement that permits the city to inspect the affected property at least annually to verify compliance with this chapter and with any applicable conditions of approval. Prior to any transfer of interest in the property, the permittee shall notify the transferee of the existence of the accommodation, the personal status of the accommodation and the requirements that the transferee must apply for a new accommodation as necessary. Except as otherwise provided by the director, as set forth herein, once such transfer takes effect, the accommodation shall have no further validity.

"§ 23.59.100. Appeal.

The decision of the director or the planning commission shall be subject to appeal pursuant to the procedures set forth in § 23.75.050 of this Title 23.

"§ 23.59.110. Fee.

"There shall be no fee for an application under this chapter."

SECTION 13. Penalty for Violation.

It shall be unlawful for any person, firm, partnership or corporation to violate any provision or to fail to comply with any of the requirements of this Ordinance hereby adopted. Any person, firm, partnership or corporation violating any provision of this Ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each and every person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefore as provided in this Ordinance.

SECTION 14. Civil Remedies Available.

The violation of any of the provisions of this Ordinance hereby adopted shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

SECTION 15. Severability.

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 16. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED and ADOPTED this ___ day of _____, 2013.

SCOTT W. NELSON, MAYOR

ATTEST:

PATRICK J. MELIA, CITY CLERK

I, PATRICK J. MELIA, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on the _____ day of _____, 2013 and was finally adopted at a regular meeting held on the _____ day of _____, 2013, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

PATRICK J. MELIA, CITY CLERK

APPROVED AS TO FORM

ANDREW V. ARCZYNSKI,
CITY ATTORNEY

**RESOLUTION NO. PC-2013-07
AMENDMENT NO. 2013-01**

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PLACENTIA RECOMMENDING
THE CITY COUNCIL ADOPT AN ORDINANCE
AMENDING TITLE 23 (ZONING ORDINANCE) OF
THE PLACENTIA MUNICIPAL CODE PERTAINING
TO EMERGENCY SHELTERS, SUPPORTIVE AND
TRANSITIONAL HOUSING FACILITIES, SINGLE
ROOM OCCUPANCIES AND PROVISIONS FOR
REASONABLE ACCOMMODATIONS FOR PERSONS
WITH DISABILITIES, INCLUDING STANDARDS
AND PROCEDURES THEREFOR.**

A. Recitals.

(i). On March 12, 2013, this Planning Commission conducted a duly noticed public hearing, as required by law, to consider Amendment No. 2013-01 with said public hearing having been concluded prior to adoption of this Resolution.

(ii). This Planning Commission has reviewed and considered all elements of proposed Amendment No. 2013-01, including written staff reports and verbal testimony presented during the above-referenced public hearing.

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

B. Resolution.

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

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

2. This Commission finds, and recommends the City Council find, that Amendment No. 2013-01 is in conformance with the Placentia General Plan.

3. This Commission finds, and recommends the City Council find, that Amendment No. 2013-01 specified within

the proposed Ordinance attached hereto as "Exhibit A" and made a part hereof, will promote the orderly development of the City and the public health, safety and welfare.

4. This Commission finds, and recommends the City Council find, that Amendment No. 2013-01 will not have a detrimental effect upon land available for housing within the City.

5. Amendment No. 2013-01 responds to requirements of State and other laws, and provides findings, definitions, procedures and standards which support proactive land use, the development of affordable housing, and elimination of barriers to adequate housing for persons with disabilities.

6. Amendment No. 2013-01 promotes implementation of the goals and policies set forth in the General Plan, specifically to the 2006-2014 Housing Element as approved by the City Council on February 16, 2010.

7. Amendment No. 2013-01 will not be (a) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or (b) injurious to property or improvements within the neighborhood of the proposed amendment or within the City. Amendment No. 2013-01 allows for greater public accessibility to housing for disabled persons, and individuals and families requiring emergency, transitional or supportive housing, as well as individuals requiring affordable housing opportunities as provided by single-room occupancy developments.

8. The Planning Commission hereby makes, and recommends the City Council make, the following finding: The amendments set forth in the proposed ordinance were prepared pursuant to an Initial Study and Mitigated Negative Declaration prepared in accordance with the requirements of the California Environmental Quality Act ("CEQA"), California Public Resources Code §§ 21000, et seq., the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, §§ 15000, et seq., and the Environmental Impact Report Guidelines of the City of Placentia with regard to the City's revised Housing Element of the General Plan, no substantial change in conditions has occurred between the time of adoption of the Housing Element and the adoption of this ordinance implementing the policies and procedures of the Housing Element and the

Planning Commission has exercised its independent judgment when considering said Initial Study and Mitigated Negative Declaration and all public comments received in connection therewith. Furthermore, said Initial Study and Mitigated Negative Declaration and all related environmental documents forming the basis for the Mitigated Negative Declaration and the proposed Ordinance are located in, and in the custody of, the Office of the City Clerk, City of Placentia. This Planning Commission hereby recommends the City Council approve the Mitigated Negative Declaration and Ordinance.

9. The Planning Commission hereby recommends that, upon adoption of Amendment No. 2013-01, a Notice of Exemption be filed with the Orange County Clerk/Recorder, as required by law.

10. This Commission finds, and recommends the City Council find, that the facts supporting the above specified findings are contained in the staff report and exhibits, and information provided to this Planning Commission during the public hearing conducted with respect to Amendment No. 2013-01.

11. This Commission hereby recommends that the City Council of the City of Placentia approve Amendment No. 2013-01 as set forth in "Exhibit A" attached hereto.

12. The Secretary of this Commission shall:

a. Certify to the adoption of this Resolution;
and

b. Forthwith transmit a certified copy of this Resolution to the City Council of the City of Placentia together with all documents prepared with respect to these considerations and transcripts of any and all hearings conducted with respect to the Ordinance recommended for approval herein.

PASSED AND ADOPTED this 12th day of March, 2013, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAINED: COMMISSION MEMBERS:

Chairman

ATTEST:

Secretary

APPROVED AS TO FORM

ANDREW V. ARCZYNSKI,
CITY ATTORNEY



Placentia Planning Commission

Agenda Staff Report

| | | |
|---|--|----------------------------|
| AGENDA ITEM NO.: 4 | DATE: March 12, 2013 | PUBLIC HEARING: Yes |
| APPLICATION(S): Tentative Tract Map (TTM 17489) Development Agreement (DA 2012-01), Negative Declaration (Neg. Dec. 2012-03) | | |
| DESCRIPTION: To permit the construction of a 33 unit residential condominium project and subdivision on a 2.68-acre site and to consider Tentative Tract Map (TTM 17489), Development Agreement (DA 2012-01) and related environmental determinations at 1049 Golden Avenue in the High Density Multi-Family Residential (R-3) District. | | |
| RELATED APPLICATIONS: TTM 17489, DA 2013-01 | | |
| APPLICANT: Olson Urban Housing LLC: John Reischl | | |
| PROPERTY OWNER: Olson Urban Housing LLC | | |
| LOCATION: 1049 Golden Avenue | | |
| CEQA DETERMINATION: Negative Declaration 2013-02; California Public Resources Code § 21092 and Guidelines §§ 15070, et seq. | | |
| ZONING: High Density Multi-Family Residential (R-3) District | APN(S): 334-020-03 | |
| GENERAL PLAN: High Density Residential | CITY COUNCIL ACTION REQUIRED: Yes | |
| PREPARED BY: Louis Morales, Contract Planner | | |
| REVIEWED BY: Kenneth A. Domer, Assistant City Administrator, Development Services | | |

REQUEST:

To permit the development of a 33-unit housing project (the “Project”) proposed by Olson Urban LLC (the “Applicant”). The 33-unit Project will be comprised of 11 single-family detached and 22 single-family paired units on a 2.68 acre site, located at 1049 Golden Avenue in the High Density Multi-Family Residential (R-3) District. The request will also require review and recommendations for approval of a Tentative Tract Map, Development Agreement, and the adoption of a Negative Declaration.

BACKGROUND:

The 2.68 acre site consists of one parcel and is essentially rectangular in shape (the “Site”). The Site is currently improved with a 2,000 square foot single-family structure that is currently vacant, which will be demolished as part of the Project improvements.

The Applicant submitted a pre-application for the proposed project on August 30, 2012 and staff provided the Applicant with comments and corrections to the project plans. The Applicant submitted a full submittal on November 29, 2012.

The Applicant is currently in escrow for the purchase of the property and entered in the current escrow on December 29, 2012.

On February 19, 2013, a Notice of Intent to adopt a Negative Declaration was recorded with the Orange County Recorder's office.

Subject Site and Surrounding Land Uses:

| | Existing Land Use | Land Use Element General Plan Designation | Zoning Map Designation |
|-----------------|---|--|-------------------------------|
| Existing | Existing vacant single family residence | "High Density Residential" | "R-3" |
| Proposed | Demolish existing single family residence and construct 33-units and related on/off site improvements | "High Density Residential" | "R-3" |
| North | Multi-Family Residential | "High Density Residential" | "R-3" |
| South | Single-Family located in the City of Yorba Linda | — | — |
| East | Multi-Family Residential | "High Density Residential" | "R-3" |
| West | Active Oil Well | "High Density Residential" | "R-3" |

The site contains an existing single family residential structure that will be demolished according to State and City of Placentia regulations. The applicant proposes to construct 33-units comprised of 11 single-family detached units and 22 paired homes (duplexes). All units will be two stories and two floor plans will be offered for the detached and paired units respectively.

The proposal requires the approval of a Tentative Tract Map to enable the subdivision of the project site and a Development Agreement negotiated between the City of Placentia and the Applicant, Olson Urban LLC that will grant the Applicant the vested right to develop the 2.68 acre parcel into a 33-unit housing project.

RECOMMENDATION:

City Planning Division is recommending approval of Tentative Tract Map (TTM) 17489, and Development Agreement 2012-01, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements and related environmental determinations (Negative Declaration 2012-03).

INTRODUCTION, DISCUSSION, AND ANALYSIS:

The proposed development by Olson includes the construction of 33 units (22 paired homes and 11 single family homes) and on-site parking. A summary of the unit plans is as follows:

Single-Family Detached Homes

| Plan | Type | Size | No. of units |
|-------------|-------------------------|---------------|---------------------|
| Plan 1 | 3-Bedroom/2 Bath | 1,800 sq. ft | 4 |
| Plan 2 | 3 or 4-Bedroom/2.5 Bath | 2,200 sq. ft. | 7 |

Pair Homes (Duplex)

| | | | |
|--------|-------------------------|---------------|----|
| Plan 1 | 3-Bedroom/2 Bath | 1,800 sq. ft | 14 |
| Plan 2 | 3 or 4-Bedroom/2.5 Bath | 2,200 sq. ft. | 8 |

All the units will have an enclosed two-car garage. In all plans, the units are two stories, with the garage and general living area (kitchen, dining, and living room) on the first floor and the sleeping area on the second floor. The proposed architecture of the buildings is Bungalow and is discussed further in the “Development Plan Review” section of this report.

Access to the proposed development will be a single street connecting to Golden Avenue. An interior street will be in oval in shape and provide circulation to individual properties. Landscaping, to include a 6’ high masonry wall and public sidewalk, will buffer the development from Golden Avenue. The wall will be recessed and stepped back along Golden Avenue from the driveway entrance for the project to allow and provide for vehicular sight-lines. The entry will have a project entry/identification sign. The streets within the project will be private streets and guest parking will be provided at a rate of .5 spaces per unit.

The proposed project will have a common recreation area of approximately 1,558 square feet with landscaping and certain amenities i.e. enhanced pavers, site furniture, trees, etc.

The Applicant’s request for land use entitlements includes a Tentative Tract Map, and Development Agreement. A discussion of each follows:

Tentative Tract Map

The applicant is proposing ownership units for the project. Accordingly, the applicant has requested a Tentative Tract Map to create parcels and provide airspace for 33 units. This will allow the applicant to sell the individual units and maintain master parcels that will be owned by a Home Owners Association (HOA). The project will be required to submit

Conditions, Covenants, and Restrictions (CC&R's) that will be reviewed and approved by the City.

Development Agreement and Contents

Briefly, a development agreement is a contract between a municipality and property owner, executed as part of the development approval process. As part of the agreement, the local government promises not to change the affected property's planning and zoning regulations during the development process, in exchange for the developer's promise to abide by a defined set of conditions regulating the use of the site. That is, unless otherwise provided in the agreement, the rules, regulations, and official policies governing the site's permitted uses, density, design, improvements, and construction are those that are incorporated within the development agreement.

Development Agreement No. 2012-02 (DA No. 2012-01) guarantees the applicant will develop the 2.68-acre parcel at 1049 Golden Avenue in accordance with the agreement's provision and site plan. The applicant also agrees to dedicate approximately 20 feet along Golden Avenue to enable Golden Avenue to be designated as a secondary arterial with an 80' foot right-of-way, pay all Development Fees which include but are not limited to fees, charges, and exactions imposed by the City upon development of the Project on the Site, including, but not limited to, application fees, processing fees, development fees, impact fees, mitigation fees, park fees, storm drain fee, sewer fees, affordable housing in-lieu payment(s), creation of a Community Facilities District (CFD), and other related or like charges or fees.

Development Standards in the R-3 District:

Since the developer will enter into a Development Agreement with the City, the development standards set forth for the R-3 District are not strictly applicable. Further, §23.23.030 of the Placentia Municipal Code states that when a development meets the requirements of the R-1 District or PUD District, the developer shall obtain a use permit. Essentially, the code requires that if a development within an R-3 District is less intense than what is permitted by right, discretionary permission from the Planning Commission is required. A gain, the use of a Development Agreement in this case overrides this consideration.

If the developer were to develop a project by right in the R-3 District, the following development standards would be in effect. Due to the Development Agreement process, the "proposed" standards will be utilized:

| | Required | Proposed | Notes |
|--------------------|------------------------|---|---------------------------|
| Density | 25 dwelling units/acre | 12.5 dwelling units/acre | Less than Requirement |
| Building Site Area | 8,000 square feet | +/- 9,100 square feet | Complies With Requirement |
| Lot Width | 80 Feet | 40 feet to 50 feet and 72 feet to 82 feet | Provided for in the DA |

| | | | |
|-------------------|--|--|--|
| Height | 35 Feet | 23'-24" | Complies With Requirement |
| Lot Coverage | 60% | 60% | Complies with Requirement |
| Building Setbacks | Front: 15 Feet (Public Street) Side: 5 Feet Rear: 10 Feet Green Belt: 10 feet | Varies from 5 feet to 18 feet 4 feet or 8 feet b/w buildings 5 feet to 10 feet 5 feet | Provided for in the DA Provided for in the DA Provided for in the DA Provided for in the DA |
| Parking | Two (2) Spaces/Dwelling unit, 15% Guest spaces (10) | Two (2) car garage spaces/Du, .5 spaces per unit (18) | Provided for in the DA |
| Open Space | 200 sq. ft./unit | Min 200 sq. ft./unit plus 1,558 sq. ft. of Community Area | Complies With Requirement |

Density

Pursuant to the General Plan designation of High Density Residential, the maximum density permitted in the "R-3" High Density Multi Family District is twenty-five (25) dwelling units/acre. This project involves the demolition of one housing unit and the construction of a 33 residential units. There will be a net housing gain of 32 units and the project will be built at a density of 12.5 units/acre.

Access and Interior Circulation

The entrance to the proposed site will be from Golden Avenue at the southeast end of the project site. The proposed interior streets will be private streets owned and maintained by the HOA. The interior streets will be 24 feet in width from curb to curb and will have a 4 foot wide sidewalk on one side of the street throughout the project. Parking on the interior streets and along Golden Avenue will not be permitted. A total of 18 guest parking spaces will be provided within the project, which is provided at a rate slightly above .5 spaces per unit.

Architecture:

All the buildings have been designed with *Bungalow* architectural style. The Bungalow style is typical in suburban infill development. The look includes tile roofs, window plant-on treatments, and covered porches with embellished rock veneer treatment on columns and lower walls. The majority of the walls will have a stucco finish and the rear facades of the structures along Golden Avenue will be enhanced with window casings to provide a visual upgrade from Golden Avenue.

Landscaping:

The project is providing approximately 3,700 sq. ft. of landscaping in the HOA maintained areas, of which, approximately 1,558 sq. ft. is the passive recreation area. The proposed site landscaping enhances the architecture of the buildings, improves, site

appearance and streetscape, and provides natural shade area to the project site. The landscape will be reviewed and approved by the City.

CEQA:

As described in the attached Initial Study/Negative Declaration, in accordance with CEQA (California Public Resources Code §§ 21000-21177) and pursuant to § 15063 of the California Code of Regulations, the City of Placentia, acting in the capacity of lead Agency, is required to undertake the preparation of an Initial Study to determine if the proposed Project would have a significant environmental impact. An Initial Study was prepared by Tierra West Advisors and it was concluded that a Negative Declaration would be prepared. The City of Placentia prepared a Notice of Intent to adopt a Negative Declaration and was recorded with the Orange County Recorder's to establish the review period of February 19, 2013 through March 12, 2013.

FINDINGS

Tentative Tract Map

1. That the proposed map is consistent with the General Plan.

The proposed Tentative Tract Map is to support the construction of 33 units on the site. In an overall review of the General Plan, the proposed 33 unit development is consistent with the policies and goals. More specifically, it is the policy of the General Plan Land Use Element (1.1) "Large, contiguous vacant or underutilized parcels should be comprehensively planned for development to minimize effects on the City's suburban atmosphere." Furthermore it is the objective of the City's Housing Element to provide additional areas for housing development and maximize the potential for a variety of housing types.

2. That the site is physically suitable for the type and density of development.

The subject site is a 2.68 acre parcel, which exceeds the 9,000 square foot minimum lot size in the R-3 zone. Based on the size of the parcel, under the current code, the applicant could construct up to 67 units; whereas the proposed project is only proposing 33 units. It is staff's opinion that the overall site plan has been designed to accommodate the units, as well as sufficient parking, landscaping, and open space. Based on this, staff believes that the subject site is adequate to accommodate the R-3 zoning, as well as the proposed development.

3. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

The proposed subdivision is to allow a 33 unit housing development. As part of the site design, the applicant is including active open space area and passive uses. It is staff opinion that these amenities will encourage residents of the community to spend more time outdoors and live a more active lifestyle.

- 4. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.**

As part of the review of the application, a preliminary title report was submitted with the application. Although easements have been identified, they are mostly for utility access. All easements will be protected in place and will not be altered by construction of the project.

- 5. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidable injure wildlife or their habitat.**

The subject site is an underutilized parcel developed with one single-family unit with limited vegetation. There are no known areas within the City that host wildlife or their habitat, most particularly species identified as a candidate, sensitive, or special status species. Furthermore, staff prepared an initial study of environmental impact pursuant to the requirements of CEQA. The analysis contained within the initial study determined that no significant impacts are anticipated from the project. As such, it is staff's opinion that the proposed project will not impact wild life resources.

Development Agreement

California Government Code § 65 867.5 requires the legislative body find that the provisions of the agreement are consistent with the general plan. The project site is a 2.68 acre site that is developed with a single-family home with a zoning designation of high density multi-family residential.

Since the high density designation envisions the development of multiple units on an underutilized parcel, the prospective development agreement is consistent with the land use category as the property will be developed with the 33 units.

General Plan Goals/Policy/Programs that the development agreement project supports include:

Policy 1.1: Large, contiguous vacant or underutilized parcels should be comprehensively planned for development to minimize effects on the City's suburban atmosphere.

Goal 2: Provide and maintain an adequate level of service for all community public services and facilities.

Policy 2.5: Ensure new developments provide adequate improvements, dedications, and fess to the City to fully cover the projects demand costs on City services and facilities.

The Development Agreement will yield a public benefit as outlined in the agreement and will establish a Community Facilities District applicable to the project. Among the items listed in the Development Agreement, the project will:

- Contribute to proposed improvements to the Golden Avenue Bridge
- Contribute to a public safety mitigation fee
- Contribute to a park in-lieu fee
- Contribute an in-lieu affordable housing fee

ACTIONS:

1. Adopt Resolution PC-2013-08, recommending approval of Tentative Tract Map (TTM) 17489 to the City Council, subject to the attached Special Conditions of Approval and Standard Development Requirements set forth therein and related environmental determinations (Negative Declaration 2012-03).
2. Adopt Resolution No. PC-2013-09, recommending approval of Development Agreement 2012-01 to City Council, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein and related environmental determinations (Negative Declaration 2012-03).

Prepared and submitted by:

Review and approved by:

Louis Morales
Contract Planner

ELECTRONIC COPY
SIGNATURES ON ORIGINALS WITH
PLANNING COMMISSION SECRETARY

Kenneth A. Domer
Assistant City Administrator

Attachments:

| | |
|----------------|---|
| Attachment "A" | Special Conditions of Approval and Standard Development Requirements for Tentative Tract Map (TTM) 17489 and Development Agreement 2012-01. |
| Attachment "B" | Placentia Police Department Standard Development Requirements |
| Attachment "C" | Orange County Fire Authority (OCFA) Site Development Requirements |

Exhibits:

| | |
|-----------|--|
| Exhibit 1 | Tentative Tract Map (TTM) 17489 |
| Exhibit 2 | Site Plan/Conceptual Landscaping Plan |
| Exhibit 3 | Floor Plan/Elevations |
| Exhibit 4 | Initial Study/Mitigated Negative Declaration 2012-03 completed by Tierra West Advisors |
| Exhibit 5 | Development Agreement. |

RESOLUTION NO. PC-2013-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PLACENTIA APPROVING TENTATIVE TRACT MAP 17489 THEREBY
APPROVING A SUBDIVISION OF THE LOT AND THE CONSTRUCTION
OF 33 HOUSING UNITS LOCATED AT 1049 GOLDEN AVENUE.**

A. Recitals.

(i). Olson Urban Housing LLC, owner of the property located at 1049 Golden Avenue ("Applicant" hereinafter) heretofore filed an application for approval of Tentative Tract Map (Condominium), as described in the title of this Resolution. Hereinafter, in this Resolution, is referred to as the "Application".

(ii). On March 12, 2013, 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 project will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed development or within the city, or (2) injurious to the property or improvements within the neighborhood or within the city. Subject to compliance with the attached Conditions of Approval and Standard Development Requirements (Attachments "A, B and C"), this development complies with all applicable code requirements and development standards of the "R-3" High Density Multi Family Residential District and Title 22, Building Codes and Regulations of the Placentia Municipal Code.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "High Density Residential", and the proposed use

does not involve any change in the land use of the subject site. The proposed project involves the development of a 33 unit housing project.

c. The proposed project as presented in the staff report and accompanying plans complies with all requirements of Chapter 23.75, Development Plan Review and Chapter 23.21, High Density Multiple Family Residential District of the Placentia Municipal Code. City Staff carefully examined the proposed development against the applicable development regulations prescribed in Title 23 (Zoning Ordinance), and determined it to be in substantial compliance. The proposed Development includes Conditions of Approval and Standard Development Requirements to ensure full compliance with applicable code requirements.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of this development approval. Attachments "A, B, and C" contain Conditions of Approval and Standard Development Requirements specific to this development application in order to provide assurances that the proposed construction of the 33 units and related on and off-site improvements are in compliance with applicable requirements of the Placentia Municipal Code.

e. That the proposed map is consistent with the General Plan. The proposed Tentative Tract Map is to support the construction of 33 units on the site. In an overall review of the General Plan, the proposed 33 unit development is consistent with all of the policies, programs, and goals. More specifically, it is a goal of the General Plan under policy 1.1 to "Large, continuous vacant or underutilized parcels should be comprehensively planned for development to minimize effects on the City's suburban atmosphere." The subject site is an under developed 2.68 acre site that is improved with one single-family home. Furthermore, it is an objective of the City's Housing Element to increase the overall housing stock within the City. This includes providing sufficient housing to meet the City's share of the Regional Housing Needs Assessment (RHNA). By allowing the proposed project to be constructed there will be an increase in the housing inventory by 32 units. For these reasons, approval of the Tentative Tract Map and Planned Unit Development is consistent with all other goals, policies, programs, and land uses of applicable elements of the General Plan.

f. That the site is physically suitable for the type and density of development. The subject site is a 2.68 acre parcel, which exceeds the 9,000 square foot minimum lot size in the R-3 zone. Based on the size of the parcel, under the current

code, the applicant could construct up to 67 units; whereas he is only proposing 33 units. The overall site plan has been designed to accommodate the units, as well as sufficient parking, landscaping, and open space. Based on this, the subject site is adequate to accommodate the R-3 zoning, as well as the proposed development under a Planned Unit Development Designation.

g. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. The proposed subdivision is to allow a 33 unit housing development. As part of the site design, the applicant is including active open space area and passive uses (walking paths and barbecue areas). These amenities will encourage residents of the community to spend more time outdoors and live a more active lifestyle.

h. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. As part of the review of the application, an extensive record research was completed. Additionally, the application submitted a preliminary title report with their application. Although several easements have been found, they are mostly for utility access only. All of the easements will be protected in place and will not be altered by the construction of the project.

i. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat. The subject site is an underutilized single family use that only has limited vegetation. There are no known areas within the City that host wildlife or their habitat, most particularly species. Furthermore, an initial study of environmental impact was prepared pursuant to the requirements of CEQA. The analysis contained within the initial study resulted in no significant impacts be anticipated by the project.

j. The intent of the R-3 zone is to provide for the development of multiple-family residential living areas compatible with the neighborhood environment and outdoor recreation potential of the community. The proposed project will create a new 33 unit housing community. The applicant has designed the community in a manner that accomplishes all of the goals of the General Plan and Zoning Code, while avoiding significant impacts to the neighboring properties by utilizing proper site design, good architecture, and providing active community open spaces. Furthermore, the proposed design will

enhance the streetscape, thus providing a pleasing aspect to those driving on Golden Avenue.

k. The proposed development's site plan and its design features, including architecture and landscaping, will integrate harmoniously and enhance the character and design of the site, the immediate neighborhood, and the surrounding areas of the City. Currently the site is underutilized with one single-family structure. The applicant is proposing to use a Bungalow architectural style, which includes tile roofs, window plant-on treatments, covered porches with embellished rock veneer treatment. Furthermore, the applicant has proposed several types of trees that complement this style. The combination of architectural style and proposed landscaping, will serve to enhance the site and provide an aesthetic enhancement to the entire area, since it is an overall upgrade to the property and augments the quality of the streetscape.

l. The development meets the overall requirements of the zoning code. Other than set back (front & rear) on some spaces, the proposed development meets the specific requirements of the zoning code. The reduced setbacks will not impact the adjoining properties due to the overall site layout and design of the buildings. As such, the setbacks generally conform to the overall requirements of the zoning code.

m. The development site and overall density meets the gross requirements of the zoning code. The subject site is 2.68 acres, which far exceeds the minimum 9,000 square foot lot size for the R-3 zone. Under the maximum density for this size of a property (25 units/acre), the applicant would be allowed to construct 67 units. Instead, the applicant is only proposing 33 units (12.5 units/acre). Accordingly, the density is below the gross requirements set forth in the Municipal Code.

3. The Planning Commission hereby recommends: (a). The City Council of the City of Placentia find that Negative Declaration No. 2013-02, adopted with respect to the project was prepared in compliance with the California Environmental Quality Act ("CEQA"), California Public Resources Code §§ 21000, *et seq.*, the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, §§ 15000, *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia and that the Council review and consider the information contained in said Negative Declaration with respect to the Application;

(b). The City Council find and determine that, based upon the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project, no significant adverse environmental effects will occur; and

(c). The City Council find that facts supporting the above-specified findings are contained in the Negative Declaration, the staff report and exhibits, and the information provided during the public hearing conducted with respect to the Application and the Negative Declaration. Mitigation measures will be made a condition of approval of said project and are intended to mitigate and/or avoid environmental effects identified in the Negative Declaration.

4. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Tentative Tract Map 17489, as modified herein, and specifically subject to the conditions set forth in Attachments "A, B, and C" attached hereto and by this reference incorporated herein.

5. 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 12th day of March 2013.

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 12th day of March, 2013, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of March, 2013, 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

RESOLUTION NO. PC-2013-09

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA
RECOMMENDING THE CITY COUNCIL APPROVE DEVELOPMENT
AGREEMENT NO. 2012-01 FOR THE DEVELOPMENT OF THE 2.68-ACRE
PROPERTY AT 1049 GOLDEN AVENUE BY OLSON URBAN HOUSING LLC.**

DEVELOPMENT AGREEMENT NO. 2012-01

A. Recitals.

(i). Olson Urban Housing LLC, owner of the property located at 1049 Golden Avenue ("Applicant" hereinafter) heretofore filed an application for approval of Development Agreement No. 2012-01, as described in the title of this Resolution. Hereinafter, in this Resolution, is referred to as the "Application".

(ii). The City and Applicant have faithfully negotiated the Development Agreement pursuant to the procedures described in California Government Code § 65867, which authorizes cities to enter into development agreements with any person having a legal or equitable interest in real property for the development of such property.

(iii). On March 12, 2013, this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

(iv). 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 Planning Commission hereby finds that the Development Agreement between the City and Applicant conforms with the policies and programs of the General Plan.

2. (a). The Planning Commission hereby recommends: The City Council of the City of Placentia find that Negative Declaration No. 2013-02, adopted with respect to the project was prepared in compliance with the California Environmental Quality Act ("CEQA"), California Public Resources Code §§ 21000, *et seq.*, the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, §§ 15000, *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia and that the Council

review and consider the information contained in said Negative Declaration with respect to the Application;

(b). The City Council find and determine that, based upon the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project, no significant adverse environmental effects will occur; and

(c). The City Council find that facts supporting the above-specified findings are contained in the Negative Declaration, the staff report and exhibits, and the information provided during the public hearing conducted with respect to the Application and the Negative Declaration. Mitigation measures will be made a condition of approval of said project and are intended to mitigate and/or avoid environmental effects identified in the Negative Declaration.

3. The Planning Commission, based upon the testimony and information presented at the public hearing, hereby adopts Resolution NO PC-2013-09, recommends the City Council approve the Development Agreement between the City and Olson Urban Housing LLC in the form attached hereto as "**Exhibit A**" and incorporated by this reference.

4. The Secretary shall certify the adoption of this Resolution.

ADOPTED AND APPROVED this 12th day of March 2013

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 12th day of March, 2013, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of March, 2013, 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 "A"

**Conditions of Approval and Standard Development Requirements for Tentative
Tract Map 17489**

SPECIAL CONDITIONS

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

ALL OF THE FOLLOWING CONDITIONS OF APPROVAL OF TENTATIVE TRACT MAP 17489 (TTM No. 17489) SHALL BE FULLY COMPLIED WITH PRIOR TO THE FINAL INSPECTION FOR USE AND OCCUPANCY OF THE PREMISES.

CITY PLANNING DIVISION:

1. The approval of Tentative Tract Map No. 17489 allows for the construction as described within Development Agreement No. 2012-01 related to 1049 Golden Avenue.
2. Approval of Tentative Tract Map No. 17489 shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any federal, State, County, and City of Placentia Municipal Code.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation or amendment of said action by the City of Placentia Planning Commission.
4. Tentative Tract Map No. 17489 shall expire two (2) years from the date of final approval, if not implemented. An application may be made to the Director of Development Services for a one (1) year extension. No more than one (1) extension shall be permitted.
5. 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.

6. The Director of Development Services (the “Director”) is authorized to make minor modifications to the approved preliminary plans or any conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
7. The approved architecture style, finished material, and colors shall be Bungalow, as noted in the approved plans. Changes to the facades and/or colors shall be subject to the review and approval of the Director.
8. Pursuant to the approval of the Development Agreement, the following development standards shall apply:
 - Number of units: 33
 - Density: 12.5 units/acre
 - Parking: 2 spaces per unit within a garage and 18 guest spaces
 - Front Setback: 5 feet to 10 feet depending on plan
 - Rear Setback : 5 feet to 10 feet depending on plan
 - Distance between buildings: 8 feet to 10 feet depending on plan
9. The units shall consist of the sizes and type as set forth on the approved plans.
10. Prior to the submittal of working drawings, five (5) site plans shall be submitted for the review and certification of the Director of Development Services and shall include the following information:
 - a. All Special Conditions of Approval and Standard Development Requirements of Tentative Tract Map No. 17489.
 - b. Include any project revisions on the site plan. Additionally, include separate sheets with approved Special Conditions of Approval, Standard Development Requirements.
 - c. Typical cross section views and details through the property and across each property line as directed by the Director of Development Services.
 - d. Full site plan notes, details and dimensions.
 - e. Location of transformers, meters and other aboveground appurtenances.
11. Prior to the issuance of any building permits, submit the following for the approval of the Director of Development Services:
 - a. An exterior lighting plan showing location, type and design of fixtures and areas of illumination (photometric). Lighting shall neither negatively impact adjacent properties nor the public right-of-way.

- b. Complete landscape and irrigation plans.
 - c. Postmaster approval of the location and design of the mailboxes, if applicable.
 - d. Samples of all colors, textures and materials.
 - e. A detailed site plan showing the location where building related-equipment, facilities and materials will be stored during construction.
 - f. A detailed timeline outlining the course of drilling, grading/construction work that will take place on the property.
 - h. A detailed site plan showing how pedestrians will be protected during construction.
12. Prior to the issuance of building permits, the developer shall submit for City approval a construction staging plan that indicates how safe vehicular and pedestrian access to the site will be maintained for the duration of the construction period. The construction staging plan shall include measures such as, but not limited to the following:
- a. A telephone number and a name of a contact person for registering complaints or comments shall be posted in a clearly visible manner along the perimeter of the site.
 - b. A flag person shall be employed to direct traffic when construction vehicles access the project site and the construction staging area.
 - c. Alternate pedestrian routes to the site shall be clearly delineated with safe access to and the site.
 - d. If any sidewalk is blocked during construction, alternate routes for pedestrians and bicycles shall be clearly marked with signs approved by the City.
 - e. All access points shall be clearly marked during construction, and if an access point is blocked during construction, a detour sign to an alternate access point shall be clearly posted.
13. All roof mounted equipment and appurtenances shall be screened as an integral part of the architectural design, subject to the review and approval of the Director of Development Services and the Chief Building Official.
14. Roofing materials shall comply with the City's Roofing Policy on file with the City Building Division.
15. Applicant/builder shall comply with all applicable Water Quality Management Plan (WQMP) requirements and Best Management Practices (BMPs) to control

pollutant run-off from the subject site during construction. Applicant to provide plan to be approved by the Public Works Department.

Prior to final release of the buildings:

- a. All Special Conditions of Approval and Standard Development Requirements shall have been completed and final inspections approved.
 - b. Landscape and irrigation plans shall be approved and on file with the City Building Division and all landscape materials established and irrigation system properly functioning.
16. Complete project Landscape and irrigation plans shall comply with the provisions of Chapter 23.77, Xeriscape of the Placentia Municipal Code.
 17. During grading and construction, site shall be regularly sprinkled with water to minimize fugitive dust emissions. Also, compliance shall be required with the permitted working hours as specified in § 23.81.170, Grading, construction and maintenance of real property of the Placentia Municipal Code. Signs shall be posted at all construction entrances to the project site indicating the permitted working days and hours.
 18. Applicant shall comply with the City's Noise Control Ordinance, Chapter 23.76 of the Placentia Municipal Code.
 19. Applicant/builder is responsible, at its sole cost and expense, to cause all project related cable, telephone, electrical, and other utility services serving the property to be placed underground within the subject site. Prior to the issuance of building permits, Applicant/builder shall submit a separate utility plan for each such utility service. The utility plan shall indicate the precise location of where all cable, telephone, electrical, and other utility services serving the property will be placed underground within the subject site, as well as the points of connection at the proposed building or buildings on the site and the public right-of-way. Prior to the submittal of the utility plans to the City, the plans shall be reviewed and approved by the utility companies. Evidence of approvals shall be in the form of a signed and dated approval stamp and/or approval letter. If the precise locations of future utility services cannot be reasonably ascertained prior to the issuance of building permits, upon prior written approval of the Director of Development Services, prior to issuance of a certificate of occupancy. Applicant/builder shall provide the City with "as built" plans showing the precise locations where all cable, telephone, electrical, and other utility services serving the property were placed underground within the subject site, as well as the points of connection at the building or buildings on the site and the public right-of-way.
 20. Applicant/Builder shall establish a rodent abatement program prior to the demolition of existing structures on the property, or before any other on or off-site

work. A detailed description of how this program will work shall be submitted to the City Planning Division for approval prior to obtaining a demolition permit.

21. Prior to the final release of the structure, all Special Conditions of Approval and Standard Development Requirements shall have been completed and final inspections approved.
22. The applicant/property owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter at all times. Graffiti shall be removed by the applicant/property owner within 48 hours of defacement and/or upon notification by the City.
23. Applicant shall provide a plan that indicates the manner in which adjacent structures are protected against noise, vibration and other factors relating to the drilling, grading and construction of the proposed water well facility. Plan shall be submitted prior to any construction work conducted on the subject property.
24. Applicant shall provide sufficient written notice to adjacent property owners as to the drilling, grading and construction schedule of the proposed development of 33 units. Notice shall include a telephone number and a name of a contact person for registering complaints or comments
25. Property owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/property owner within 72 hours of defacement and/or upon notification by the City.
26. Litter shall be regularly removed from the premises, including adjacent public sidewalks, and from all areas under the control of the applicant.
27. Prior to the final of building permits, the applicant shall record CC&R's on the property to govern the maintenance, repair and improvement of all common areas. This shall include, but not be limited to, the landscaping, all utilities, exterior of buildings, exterior lighting, internal streets, and walkways. Additionally, the CC&R's shall require all trash receptacles to be stored in the garages of the units (except during pick-up day) and shall prohibit parking anywhere on the site, except in garages and marked guest parking spaces. CC&R's shall run with the land and shall not expire. Prior to recording of the CC&R's, the applicant shall submit the CC&R's to the City Attorney for review and approval. A copy of the recorded CC&R's shall be provided to the Director to be included with the project file.

CITY BUILDING DIVISION:

28. All building structures plans shall be designed and prepared by a licensed California architect or engineer.

29. Grading plans shall be prepared by a registered, licensed California civil engineer and shall be approved by the City Engineering Division prior to the issuance of any building permits.
30. All construction shall comply with the 2010 Uniform Building Code (CBC 2010), Uniform Plumbing/Mechanical (CPC 2010), National Electrical Code (CEC 2010), License Ordinance (Sub-contractor list), State of California Energy Conservation Standards, Flood Plain Management Regulations
31. Unless otherwise identified within the Development Agreement, fees shall be paid prior to recordation of final map or issuance of building permits as follows: County Sewer Fee; Building Permit, Plan Check, Contractor/Sub. License Fees; Recreation/Park in-lieu Fees; Curb Identification Fee
32. All contractors and subcontractors shall obtain a City business license. Developer/Applicant shall request a standard subcontractor form from the City Building Division prior to the issuance of any building permits. This standard form shall be completed and submitted to the City Business License Division prior to release of a Certificate of Occupancy.

CITY ENGINEERING DIVISION:

33. Applicant will modify the proposed wall along Golden Avenue to provide adequate sight distance (line-of-site) for motorists making left turn from the project entrance/exit onto Golden Avenue to the satisfaction of the City Engineer.
34. Applicant shall provide a grading plan prepared by State registered engineer detailing site construction and elevations.
35. The applicant shall process and record offsite Southern California Edison and Yorba Linda Water District easements to the satisfaction of the City Engineer prior to issuance of building permits. No easements along Golden Avenue shall be granted to any agency or utility prior to City Dedication and acceptance of Golden Avenue right-of-way dedication.
36. An encroachment permit for work in public right of way is required and all applicable best management practices and procedures for storm water protection (NPDES and MS4) shall be employed.
37. Block perimeter walls and landscape irrigation systems require separate permit. The block wall along the west side of the property shall be no less than eight (8) feet in height as measured from the high side.
38. TTM 17489 shall comply with provisions of Title 22 of the Placentia Municipal Code and the latest edition of the State Subdivision Map Act.
39. Project entry street shall be 24 feet wide with parking prohibition on each side.

40. Applicant shall pay all applicable impact fees, plan check, and inspection charges prior to building permit issuance unless otherwise required by the Development Agreement.
41. Parkway culvert shall convey 10 year storm event. Onsite retention shall be provided to offset 10 year post development impact.
42. A Utility Plan shall be provided prior to approval of final grading plan.
43. Applicant shall provide a Landscape Plan using City approved trees for Golden Avenue.
44. Applicant shall widen and improve Golden Avenue to comply with Orange County/City of Placentia undivided secondary arterial road standard along project frontage to the satisfaction of the City Engineer.
45. Right of Way dedication for Golden Avenue shall be completed for street and utility purposes along with the filing of the final map. Easements for utilities and access across private streets to be filed with final map.
46. Any conflicting pipelines shall be removed or relocated prior to final grading approval.
47. TTM 17489 shall be annexed into the City Street Lighting District and Landscape Maintenance District prior to issuance of occupancy permit.
48. Applicant to submit a final hydrology study for the subdivision to the satisfaction of the City Engineer.
49. Street and striping plans shall be prepared to the satisfaction of the City Engineer.
50. A final soils report and grading plan shall be prepared by a state registered engineer.
51. All utilities shall be placed underground.
52. Vehicular access from Golden Avenue shall be limited to one location as shown on TTM Map No. 17489.
53. Improvement plans shall be prepared by a state registered engineer to the satisfaction of the City Engineer.
54. Survey monuments shall be set in accordance with the Subdivision Map Act.
55. Security to guarantee performance and labor and materials shall be posted in amounts prescribed by the Subdivision Map Act.

CITY POLICE DEPARTMENT:

56. Developer/Applicant shall comply with Placentia Police Department standard development requirements for security (See Attachment “B”)

ORANGE COUNTY FIRE AUTHORITY:

57. Developer/Applicant shall comply with all site development requirements specified by the Orange County Fire Authority (OCFA) and provide City with applicable proof of OCFA necessary approvals. (See Attachment “C”)

**RESIDENTIAL AND INDUSTRIAL / COMMERCIAL
STANDARD DEVELOPMENT REQUIREMENTS**

TTM 17489

THE FOLLOWING SHALL APPLY IF CHECKED

BUILDING DIVISION

Compliance required with the latest

- 2012 California Building Code
- 2012 California Plumbing and Mechanical Code
- 2012 California Electrical Code
- License Ordinance (Sub-Contractor List)
- Flood Plain Management Regulations
- State of California Energy Conservation Standards
- Handicap Requirements

ENGINEERING DIVISION

STREETS

Dedications

- Street Rights-of-Way
- Vehicular access rights to arterial highways

Improvements

- Grading, paving, curb and gutter, sidewalks, medians on arterial highways, storm drains

Miscellaneous

- Installation of survey monuments
- Street Naming Committee to approve all street names
- Treewells, planters, storm drains, sewer lines
- No easements to be granted to any agency or individual prior to issuance of building permits except to the City of Placentia
- Sidewalk / Utility
- Vehicle Access (emergency)
- Project address shall be provided prior to issuance of any City permits

UTILITIES

Undergrounding

- Existing overhead facilities
- Proposed utilities

Pipelines

- Relocation or removal of existing pipelines

Provide

- Sewer mains and laterals

- Approved conduit for cable television
- Ornamental street lights
- Services**
- Water service by City approved agency
- Sewer service by City approved agency
- Annexation to Placentia Street Lighting District

MEDIANS

- Arterial Highway Medians** (where required)
- Construct one-half of median, including landscaping or pay for one-half cost of construction and installation

MAINTENANCE DIVISION

- Provide**
- Street trees, fifteen (15) gallon or larger size at maximum ft. o.c.
- Species
- Sprinkler system
- Sprinkler Controller (type and number of stations)

PLANNING DIVISION

- Expiration**
Expires two (2) years from the date of approval unless used or an extension is requested and approved
- Garage**
Electric garage door openers required where driveways are less than twenty (20) feet in length
- Roof-Mounted Equipment or Appurtenances**
Completely screened from public view
- Mailboxes**
Approved by the Postmaster
- Sales Office**
Copies of the current Placentia Zoning and General Plan Land Use maps displayed at all times

O.C. SANITATION DISTRICT

- Permit**
Required of industrial and commercial users for discharge of waste water directly or indirectly to the District's sewerage facilities

O.C. FIRE PROTECTION AUTHORITY

HYDRANT

- Provide the following hydrants:
Number Size Capacity
- All hydrants, valves, and mains installed and operable prior to construction with combustible materials

MISCELLANEOUS

- Parking***
Permitted only in approved spaces for private drives. Signs provided noting prohibition of parking in unauthorized areas
- Trash Storage Areas***
Approved one (1) hour fire separation or sprinklers for those connected to or immediately adjacent to any structure
- Fire Alarm System***
Local alarm and evacuation system installed and maintained
- Decorative Grills or Bars***
Provided with breakaway devices

PERMITS

- Permits necessary for the following prior to installation and / or use**
- 1. Underground storage tanks for flammable liquids
- 2. Flammable liquids dispensing equipment
- 3. Operation using flammable or toxic liquids
- 4. Storage of more than six (6) gallons of Class I or Class II flammable liquids

FEES - CHARGES - DEPOSITS

Fees, charges, and deposits shall be paid prior to issuance of grading and / or building permits.

BUILDING

- County sewer
- Building permit and plan check
- Recreation / park in-lieu
- Curb identification
- General and sub-contractor's business license fees

ENGINEERING

Fees and Charges

- Storm drain acreage
- Sewer acreage
- Engineering plan check and inspection
- Final subdivision map check
- Street name and traffic control sign
- Arterial street soil test
- Thoroughfare acreage
- Mission bell street lights
- Arterial highway median construction
- Arterial highway median landscaping
- Traffic Impact

Deposit

- Street tree maintenance
- Pre-acceptance street cleaning
- Street light advance maintenance and energy
- Grading Bond

PLANNING

- Landscape plan check

PLANS

ENGINEERING

Submit five (5) copies of the following to the City Engineer prior to issuance of building permits

- Grading plan and Drainage Plan
- Street improvement plan
- Sewer plan
- Storm drain plan
- Preliminary composite utility / plot plan
- Tract map
- Parcel map
- Landscape plan for sight distance clearance

Provide

- City Engineer with “as-built” construction plans for the above items

MAINTENANCE

Approval by the Maintenance Division of the following prior to the issuance of building permits

- Landscape Plans

Provide Maintenance Division Superintendent with "as-built" originals of irrigation systems for

- Street trees
- Planters
- Landscaped medians
- Sprinkler Controller (type and number of stations)

PLANNING DIVISION

Applicable to all development or significant redevelopment greater than 5,000 square feet:

- Prior to issuance of building permits, submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that shall be used on site to control predictable pollutant run-off.
- Prior to recordation of a map for subdivision of land and if determined applicable by City / EMA official(s), submit a WQMP that identifies the application and incorporation of those routine structural and non-structural BMPs outlined in the countrywide NPDES Drainage Area Management Plan Appendix detailing implementation of BMPs not dependent on specific land uses for approval of the City and EMA official(s)
- Prior to issuance of grading or grubbing and clearing or surface mining or paving permits, obtain coverage under the NPDES Statewide Industrial Storm water Permit for General Construction Activities from the State Water Resources Control Board. Evidence that this has been obtained shall be submitted to City / EMA official(s)

C.C. & R.'s

- Provide***
Planning Division with three (3) copies of C.C. & R.'s prior to approval of the final map
- Record***
C.C. & R.'s prior to or simultaneously with the recordation of the final tract or parcel map

Attachment "B"
Placentia Police Department Standard Development Requirements

PLACENTIA POLICE DEPARTMENT

APPLICATION: Tentative Tract Map No. 17489

STANDARD DEVELOPMENT REQUIREMENTS RESIDENTIAL

The following standards shall be required for all residential developments. No modifications shall be made without the approval of the Police Chief.

RESIDENTIAL SECURITY

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 bolts. 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

Except for vehicular access doors, all exterior swinging doors of any residential building and attached garage, including the door leading from the garage area into the dwelling unit, shall be equipped as follows:

All wood doors shall be of solid core construction with a minimum thickness of one and three-fourths (1 3/4) inches, or with panels not less than nine-sixteenths (9/16) inch thick.

Metal doors of hollow construction shall be of a minimum 16 gauge steel with reinforcement to maintain the design thickness of the door when any locking device is installed. Metal jambs shall be used.

Door stops on wooden jambs for in-swinging doors shall be of one piece construction with the jamb.

A single or double door shall be equipped with a double or single cylinder deadbolt lock. The bolt shall have a minimum projection of one (1) inch and be constructed so as to repel cutting tool attack. The deadbolt shall have an embedment of at least three-fourths (3/4) inch into the strike receiving the projected bolt. The cylinder shall have a hardened, rotating steel cylinder guard, a minimum of five pin tumblers, and shall be connected to the inner portion of the lock by connecting screws of at least one-fourth (1/4) inch in diameter. A dual locking mechanism constructed so that both deadbolt and latch can be

retracted by a single action of the inside door knob, or lever, may be substituted provided it meets all other specifications for locking devices.

The inactive leaf of 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.

Glazing in exterior doors or within forty (40) inches of any locking mechanism shall be of fully tempered glass or rated burglary resistant glazing, except when double cylinder deadbolt locks are installed.

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

(Doors, continued)

must penetrate at least two (2) inches into solid backing beyond the surface to which the strike is attached.

Hinges for out-swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to preclude removal of the door from the exterior from the exterior by removing the hinge pins. Except where clear vision panels are installed, all front exterior doors shall be equipped with a wide angle one hundred-eighty degree (180°) door viewer.

Upon occupancy by the owner or proprietor, each single unit in tract or multi-unit development, constructed under the same general plan, shall have locks using combinations which are interchange free from locks used in all other separate dwellings, proprietorships or similar distinct occupancies.

Windows

No Louvered windows shall be used.

All windows shall have a locking mechanism(s) which when in a closed and locked position, shall be constructed so as to prevent the window from being opened or removed by external force or prying.

Address

The address number shall be mounted near the front entry of each building or other conspicuous location and be no less than four (4) 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 shall be displayed on the rear of building.

There shall be positioned at each entrance of a multiple-family dwelling complex an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex. In addition, each individual unit

within the complex shall display a prominent identification number, not less than four (4) inches in height, which is easily visible to approaching vehicular and/or pedestrian traffic.

Lighting

Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least twenty-five one hundredths (.25) foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandalism resistant covers.

The open parking lot is to be lighted during hours of darkness with a minimum of one (1) footcandle of light on the parking surface during the hours of darkness. Tree and lights are to be coordinated and not located in the same spot. Provide a photometric plan with landscape plan showing compliance. Lighting devices shall be protected by weather and vandalism resistant covers.

Ladders

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

Other

CC&R's to require Homeowners' Association to petition City Council for resolution enabling enforcement of traffic regulations on private streets by police (Section 21107.7 State of California Vehicle Code).

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

Prior to the issuance of building permits

Fire Master Plan (service code PR1450- This plan will demonstrate all turning radii, street widths, fire hydrant locations, etc.

Methane Investigation/Mitigation (services codes PR170-PR176)- It will need to be determined if the proposed project is located in an "administrative boundary." These areas are determined by the 'Department of Oil, Gas & Geothermal Resources (D.O.G.G.R.) as areas that may have methane present in the soil. If the property is in an administrative boundary, soil testing will be required. Depending on the results of the testing, methane mitigation may be required.

Fire Sprinkler System (service codes (PR400-PR465

Site Summary:

SFD Lot Sizes:
 Plan-1: 40'x53'
 Plan-2: 50'x53'

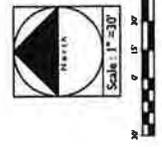
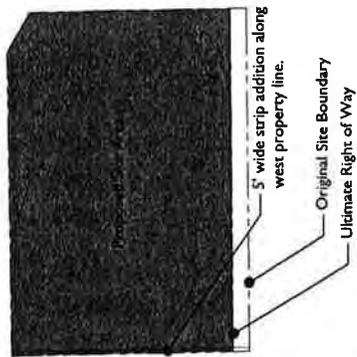
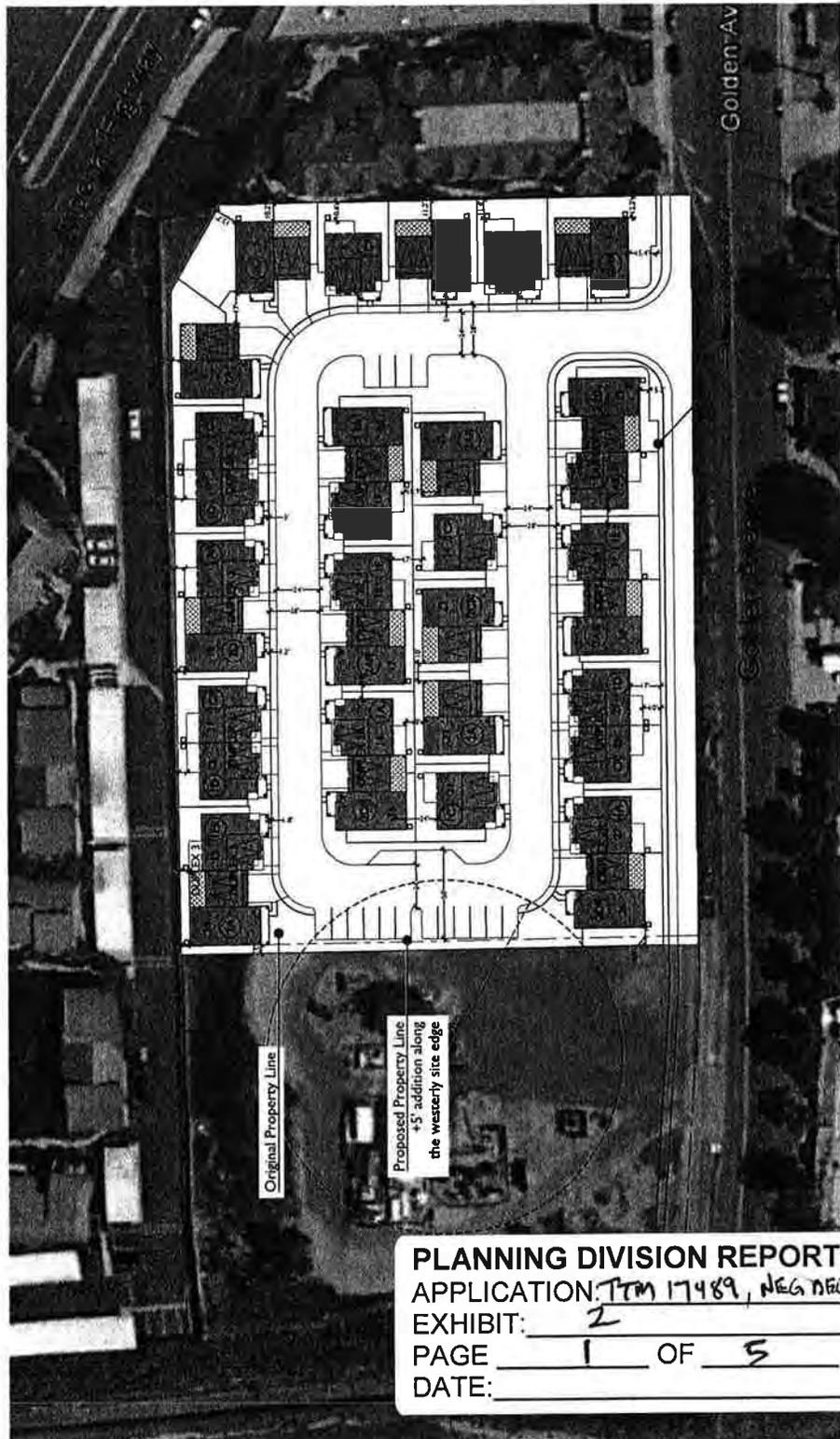
Duplex Lot Sizes:

Duplex 1 (Plans 1&1): 72'x53'
 Duplexes 2 & 3 (Plans 1&2): 82'x53'

Total Homes :33

Plan-1 (Detached) = 4
 Plan-2 (Detached) = 7
 Plan 1 (Duplex) = 14
 Plan 2 (Duplex) = 8

Proposed Site Area : 2.63 Acres
 Net Density : 12.5 DU/Acre

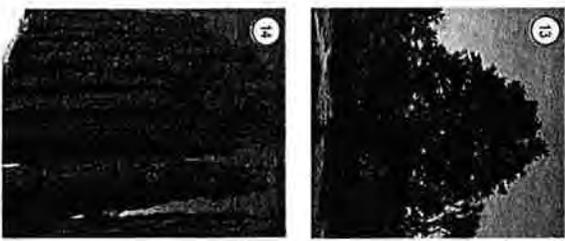


Conceptual Site Plan
 Golden Avenue Parcel
 Placentia, California

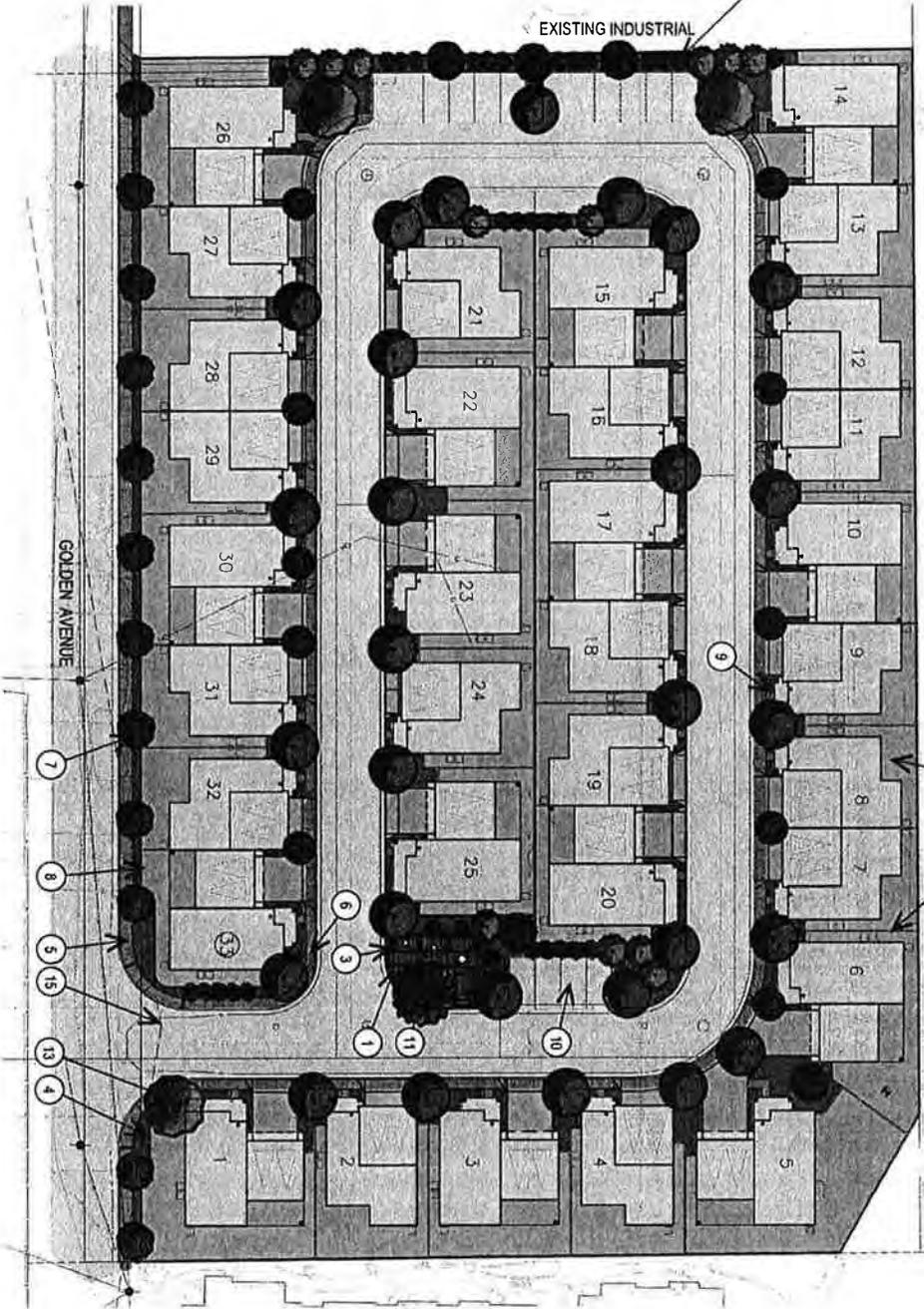
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 2.26.2013 338.12010

PLANNING DIVISION REPORT
 APPLICATION: TTM 17489, NEG DEC 2012-03, DA 2012-01
 EXHIBIT: 2
 PAGE 1 OF 5
 DATE: _____





13



EXISTING INDUSTRIAL

GOLDEN AVENUE

EXISTING APARTMENTS

EXISTING APARTMENTS

LEGEND

1. Community open space with unfenced pavers; see L2
2. Private yard
3. Open space area; see L2
4. Entry project identification; set on property wall
5. Concrete public street sidewalk
6. Community concrete sidewalk
7. Proposed entry tree (see Planting Plan on L4)
8. Proposed wall/ fence (see Wall Fence Plan L2)
9. Unit entry concrete walkways
10. Guest parking stall
11. Specimen tree (see Planting Plan L4)
12. Proposed street tree (see Planting Plan on L4)
13. Proposed entry tree (see Planting Plan on L4)
14. Proposed columnar / vertical screen tree (see Planting Plan on L4)
15. Vertical signposts; per data



7

Schematic Landscape Plan

Placentia - Golden Avenue



The Olson Company
 Schematic Site Plan | Project No. T0208
 Date: Feb. 08, 2013

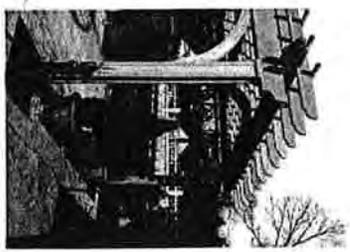
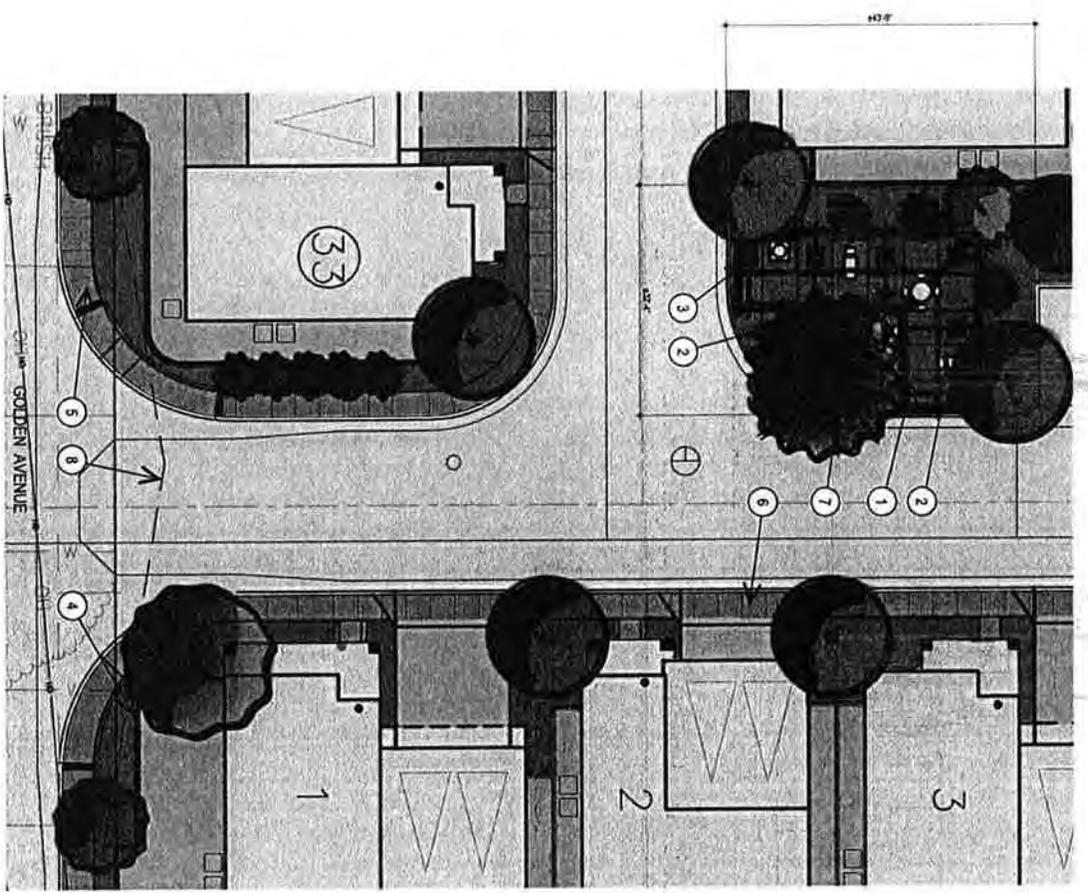


LEGEND

1. Continuously open space with enhanced paving or concrete
2. Slab furniture (benches, tables & chair seating, & trash receptacles)
3. Wood trellis / arbor features at open space area with enhanced lighting
4. Entry point identification / ramps (leading) with up-lighting
5. Concrete public street sidewalk
6. Continuously concrete base area
7. Enhanced lighting (see Lighting Plan on 13)
8. Vertical signposts, per Civil



2



3



Schematic Enlargement Plan - Entry & Open Space (1/8" Scale)



Placentia - Golden Avenue

The Olson Company
 Schematic and Submittal | Project No.: T0026
 Date: Feb. 08, 2013



Studio
PAD
 20100 The Plaza
 Placentia, CA 92679

WALL LEGEND

— Precision block wall with cap

— Slidyard wood fence

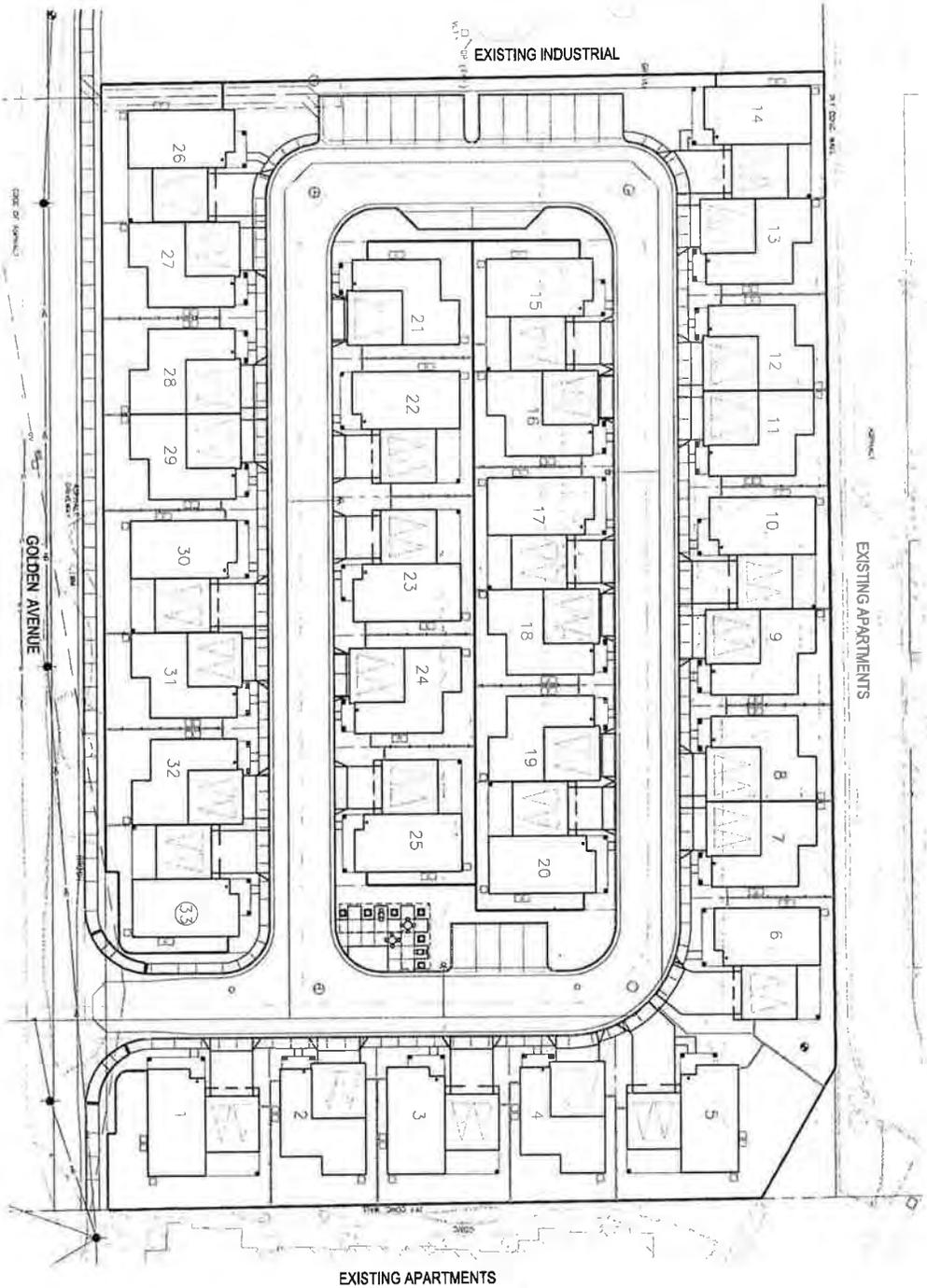
— W/D Fence on CHU Party Wall



Precision block wall with cap



Slidyard wood fence



Schematic Wall & Fence Plan

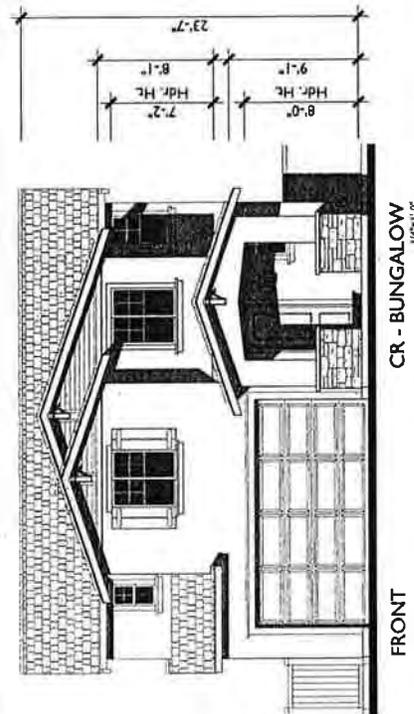


The Olsson Company

Schematic and Schematic | Project No.: T0009 | L-3
Date: Feb. 04, 2013

Placentia - Golden Avenue





MATERIALS LEGEND C

- CONCRETE FLAT TILE ROOF
- SAND FINISH STUCCO
- CEMENTITIOUS BOARD AT GABLE END
- STUCCO OJ/ FOAM TRIM
- DECORATIVE FOAM SHUTTERS
- OUTLOOKERS: FOAM W/ WOOD GRAIN FINISH
- STUCCO FINISH AT COLUMNS
- METAL ROLL-UP GARAGE DOOR

PLAN I CR
FRONT ELEVATIONS

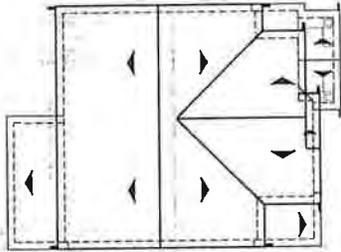
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2.26.13

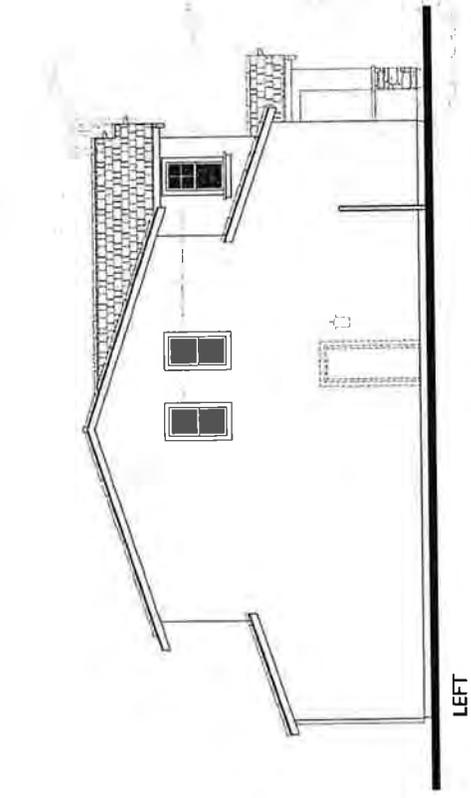


GOLDEN & ROSE
PLACENTIA, CALIFORNIA

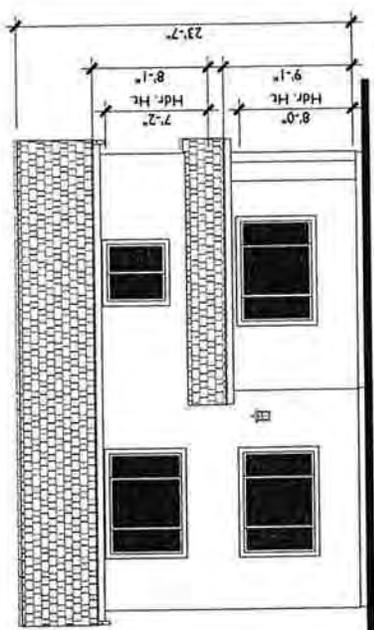
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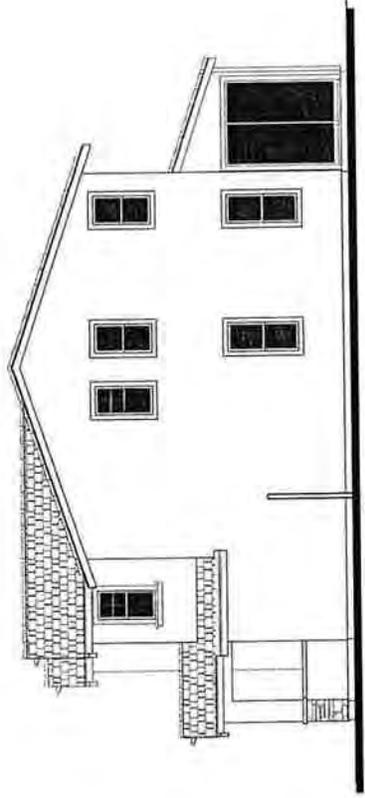
ROOF PLAN CR
 PITCH: 4:12
 SAVE 12 UNO



LEFT



REAR



RIGHT

PLAN I CR
 SIDES & REAR ELEVATION & ROOF PLAN

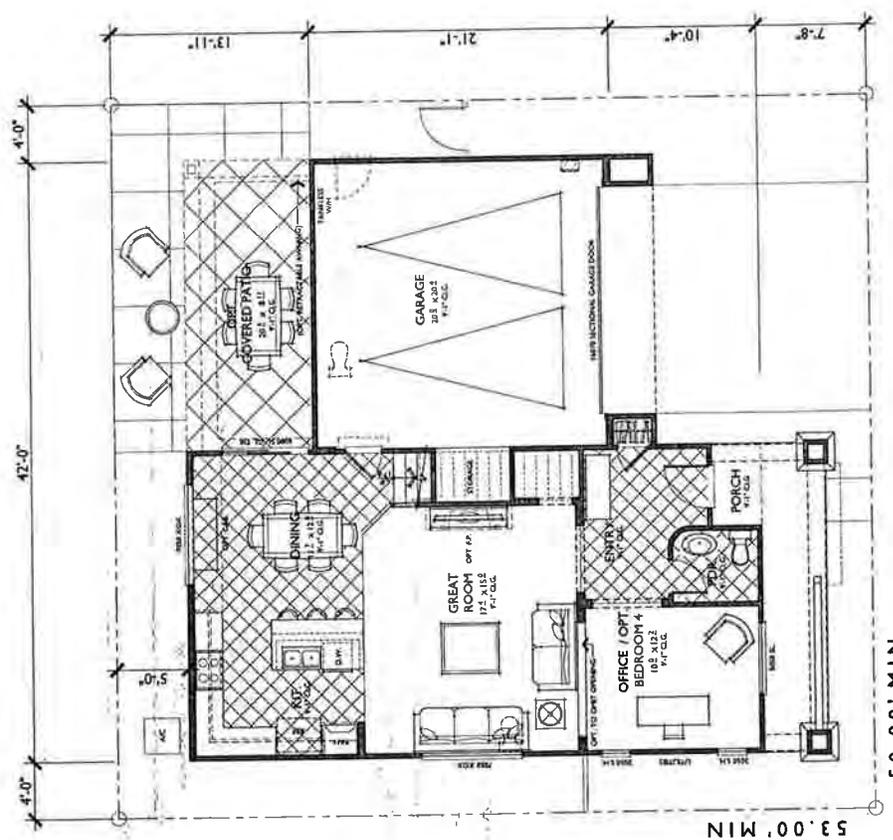
SCALE 1/4" = 1'-0"

2, 2, 6, 13

GOLDEN & ROSE
 PLACENTIA, CALIFORNIA

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FIRST FLOOR

| | |
|--------------|-----------------|
| FIRST FLOOR | 861 SF |
| SECOND FLOOR | 1,323 SF |
| TOTAL | 2,184 SF |

GARAGE 447 SF
 PORCH 118 SF
 OPT. COVERED PATIO 181 SF



SECOND FLOOR

| | |
|--------------|-----------------|
| FIRST FLOOR | 861 SF |
| SECOND FLOOR | 1,323 SF |
| TOTAL | 2,184 SF |

GARAGE 447 SF
 PORCH 118 SF
 OPT. COVERED PATIO 181 SF

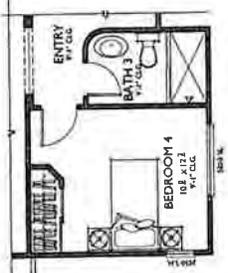
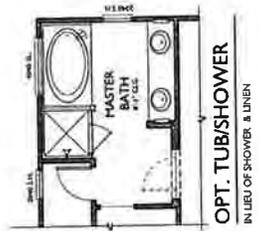
PLAN 2A

REFLECTS BUNGALOW 'A' ELEVATION

GOLDEN & ROSE
 PLACENTIA, CALIFORNIA

2, 2, 6, 1, 3

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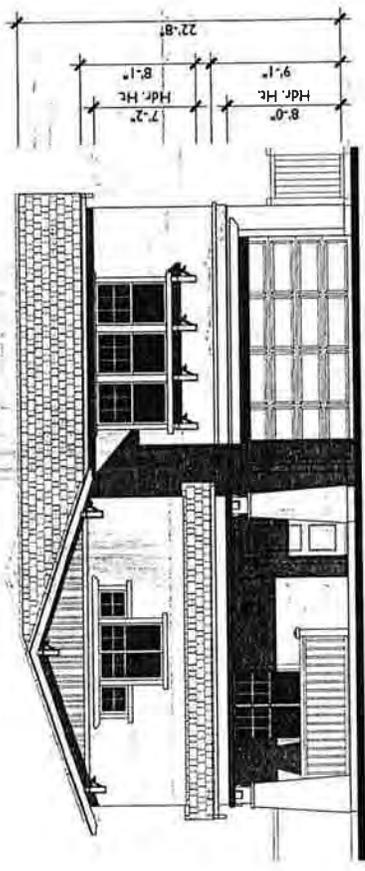


SCALE 1/4" = 1'-0"



MATERIALS LEGEND A

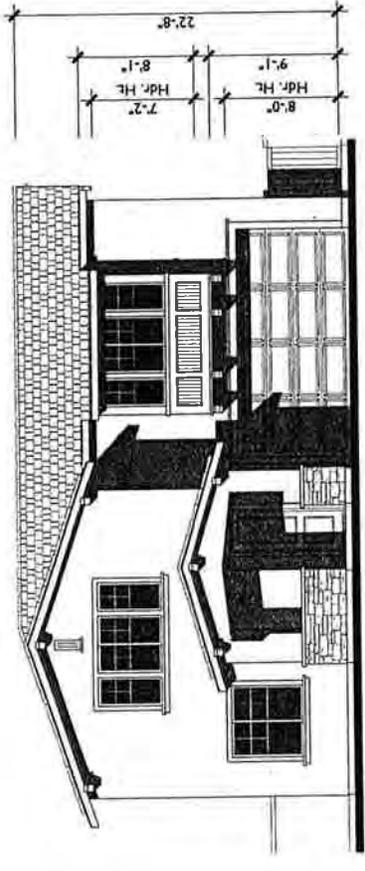
- CONCRETE FLAT TILE ROOF
- SAND FINISH STUCCO
- CEMENTITIOUS BOARD AT ENHANCED GABLE ENDS
- STUCCO O/ FOAM TRIM
- DECORATIVE FOAM SHUTTERS
- OUTLOOKERS: FOAM W/ WOOD
- GRAIN FINISH
- STUCCO FINISH AT COLUMNS
- METAL ROLL-UP GARAGE DOOR



A - BUNGALOW

MATERIALS LEGEND C

- CONCRETE FLAT TILE ROOF
- SAND FINISH STUCCO
- 4x6 SHAPED RAFTER TAILS
- STUCCO O/ FOAM TRIM
- DECORATIVE SHUTTERS
- OUTLOOKERS: FOAM W/ WOOD
- GRAIN FINISH
- CEMENTITIOUS BOARD AT GABLE END
- STUCCO FINISH AT COLUMNS
- METAL ROLL-UP GARAGE DOOR



C - BUNGALOW

PLAN 2
FRONT ELEVATIONS

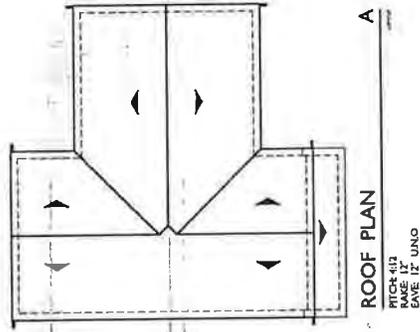
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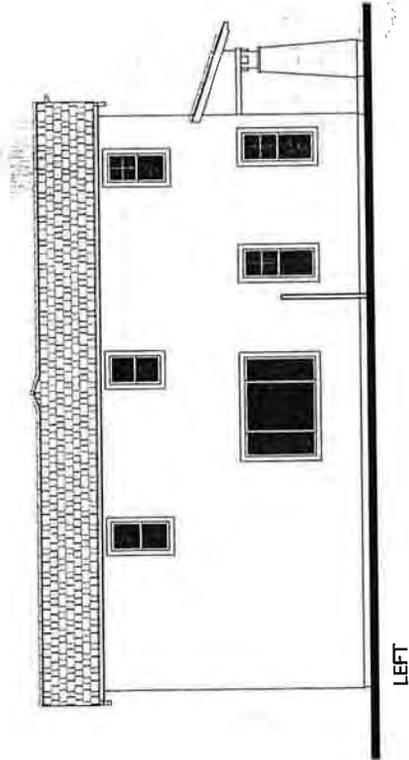
GOLDEN & ROSE
PLACENTIA, CALIFORNIA

2.26.13

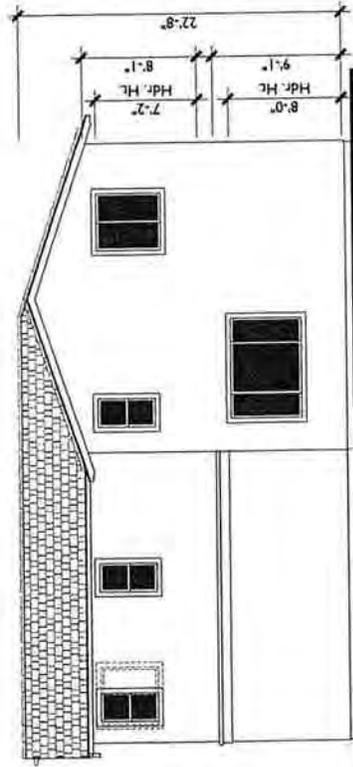
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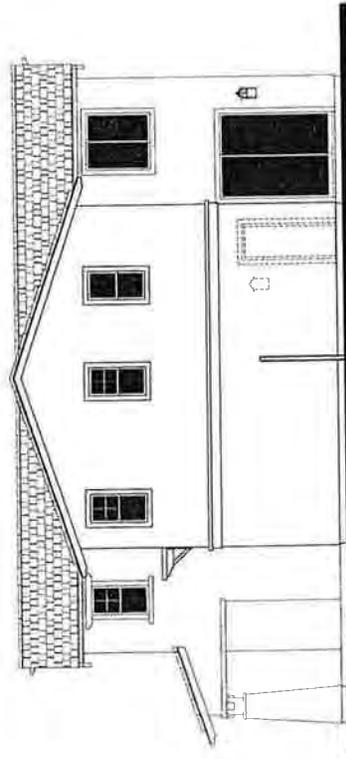
ROOF PLAN
RIDGE 1/2"
EAVE 1/2" UNO



LEFT



REAR



RIGHT

PLAN 2A

SIDES & REAR ELEVATION & ROOF PLAN

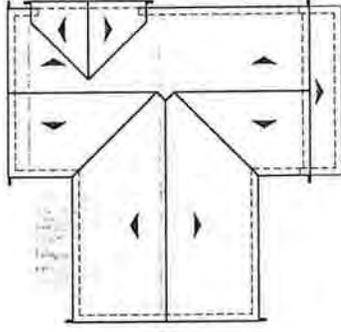
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SCALE 1/4" = 1'-0"

GOLDEN & ROSE
PLACENTIA, CALIFORNIA

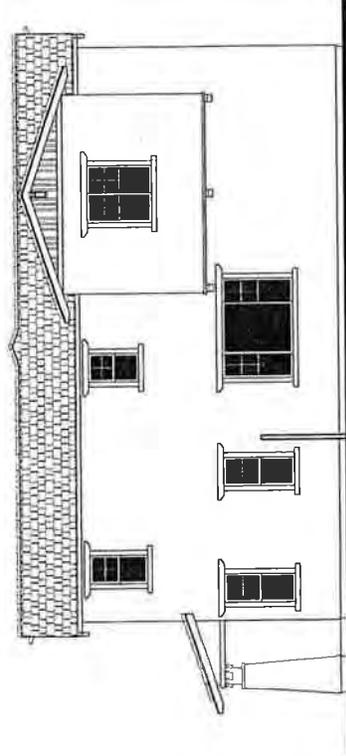
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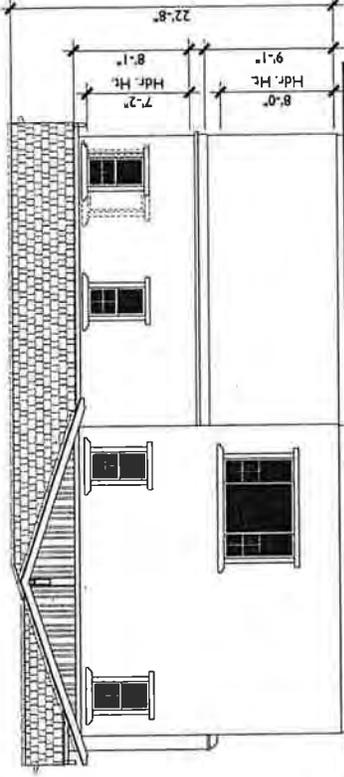


ROOF PLAN (ENHANCED ELEVATION) AR

PITCH: 4:12
 MAKE: 12"
 DATE: 12/10/10



RIGHT (LOTS 1 & 25)



REAR (LOT 1)

22'-8"
 9'-1"
 8'-0"
 7'-2"
 8'-1"
 Hdr. Ht.
 Hdr. Ht.

0 1 2 3 4 5 6 7 8 9 10 SCALE: 1/4" = 1'-0"

2.26.13

PLAN 2 AR
 ENHANCED ELEVATIONS

GOLDEN & ROSE
 PLACENTIA, CALIFORNIA

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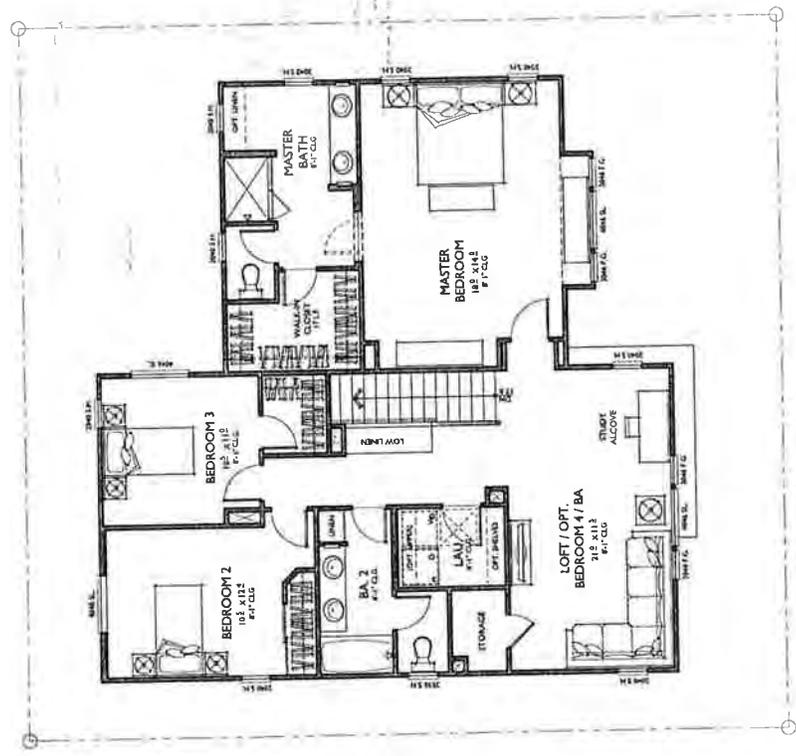
FIRST FLOOR

| | |
|--------------|-----------------|
| FIRST FLOOR | 861 SF |
| SECOND FLOOR | 1,343 SF |
| TOTAL | 2,204 SF |

| | |
|--------------------|--------|
| GARAGE | 447 SF |
| PORCH | 50 SF |
| OPT. COVERED PATIO | 181 SF |

2.2.6.13

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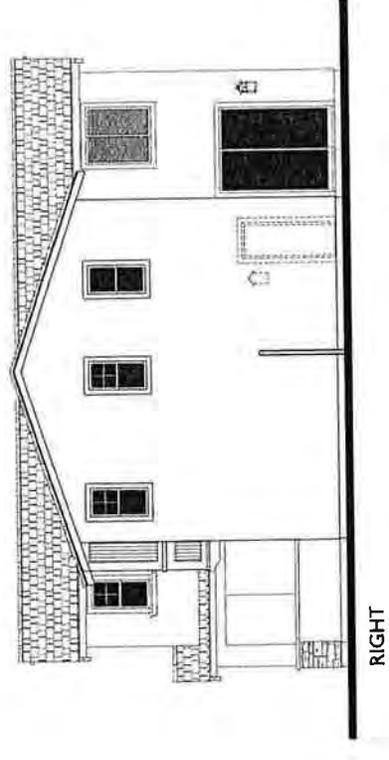
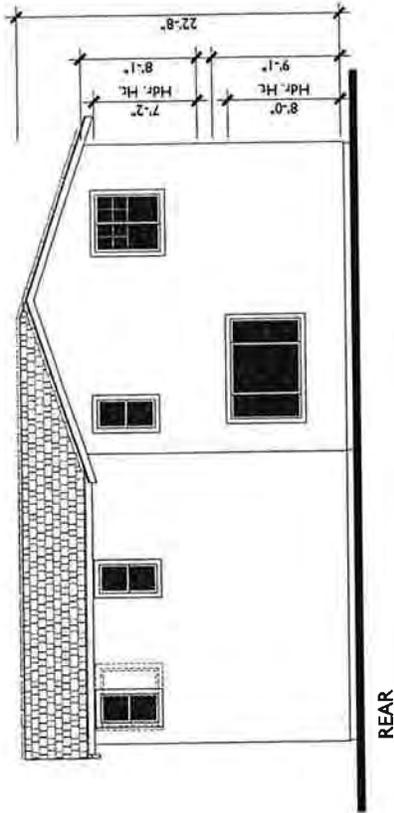
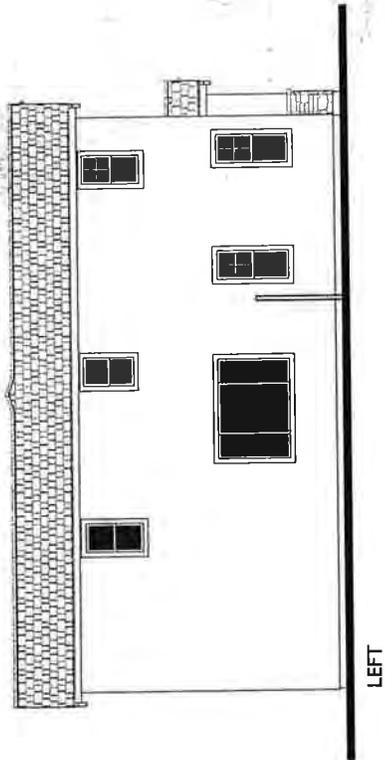
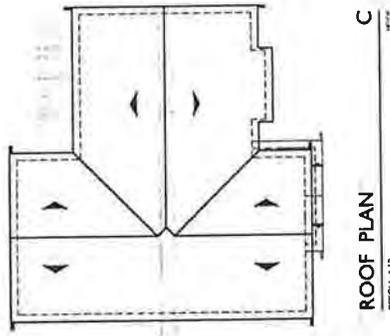
SECOND FLOOR

PLAN 2C
 REFLECTS BUNGALOW 'C' ELEVATION

GOLDEN & ROSE
 PLACENTIA, CALIFORNIA

SCALE 1/4" = 1'-0"





PLAN 2C
 SIDES & REAR ELEVATION & ROOF PLAN

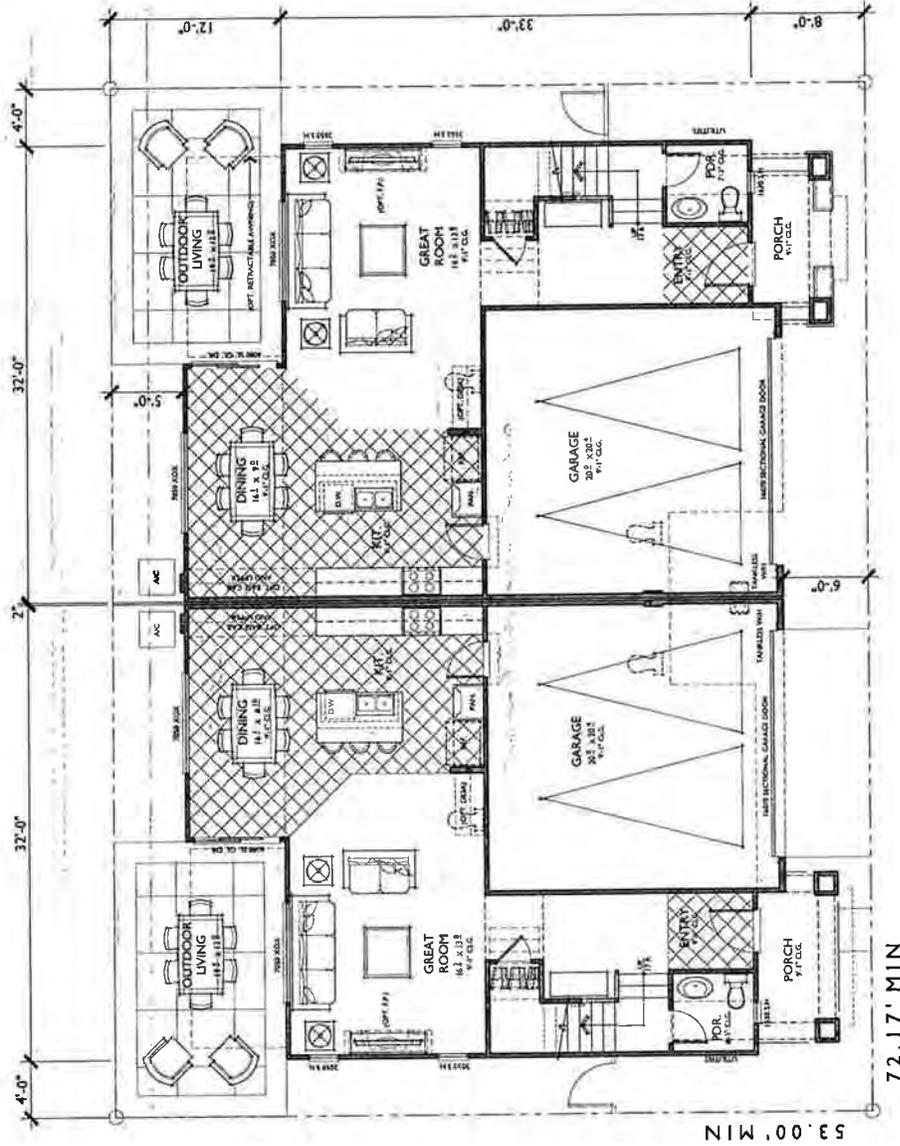


2.2.6.13

GOLDEN & ROSE
 PLACENTIA, CALIFORNIA

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53.00' MIN

72.17' MIN

FIRST FLOOR

PLAN ID PLAN ICR

PLAN ID

| | |
|--------------|-----------------|
| FIRST FLOOR | 791 SF |
| SECOND FLOOR | 931 SF |
| TOTAL | 1,722 SF |
| GARAGE | 422 SF |
| PORCH | 64 SF |

PLAN ICR

| | |
|--------------|-----------------|
| FIRST FLOOR | 791 SF |
| SECOND FLOOR | 968 SF |
| TOTAL | 1,759 SF |
| GARAGE | 422 SF |
| PORCH | 64 SF |

SCALE 1/4" = 1'-0"

2.26.13



GOLDEN & ROSE
PLACENTIA, CALIFORNIA

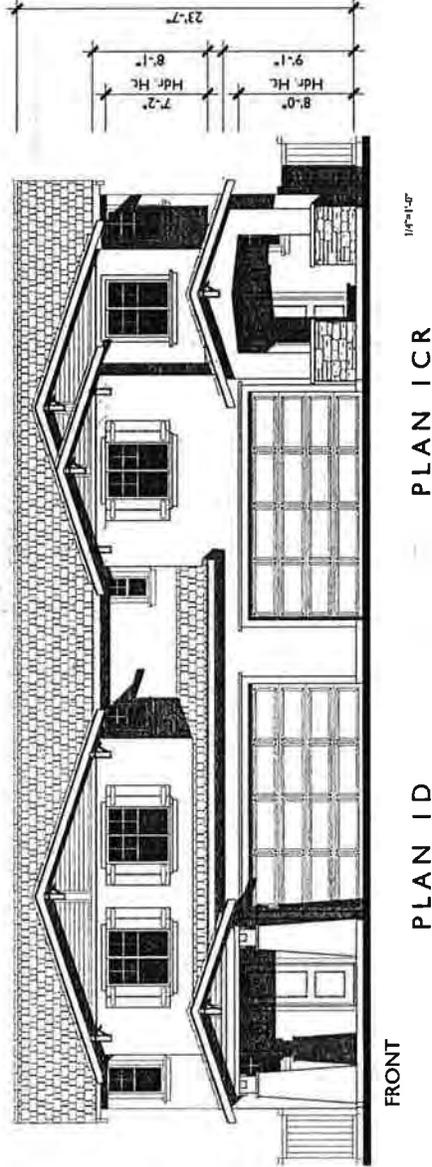
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placencia@bassenianlagoni.com

MATERIALS LEGEND C

- CONCRETE FLAT TILE ROOF
- SAND FINISH STUCCO
- CEMENTITIOUS BOARD AT GABLE ENDS
- STUCCO O/ FOAM TRIM
- DECORATIVE FOAM SHUTTERS
- OUTLOOKERS: FOAM W/ WOOD GRAIN FINISH
- STUCCO FINISH AT COLUMNS
- METAL ROLL-UP GARAGE DOOR

MATERIALS LEGEND D

- CONCRETE FLAT TILE ROOF
- SAND FINISH STUCCO
- CEMENTITIOUS BOARD AT GABLE ENDS
- STUCCO O/ FOAM TRIM
- DECORATIVE FOAM SHUTTERS
- OUTLOOKERS: FOAM W/ WOOD GRAIN FINISH
- STUCCO FINISH AT COLUMNS
- METAL ROLL-UP GARAGE DOOR



DUPLEX I
FRONT ELEVATIONS

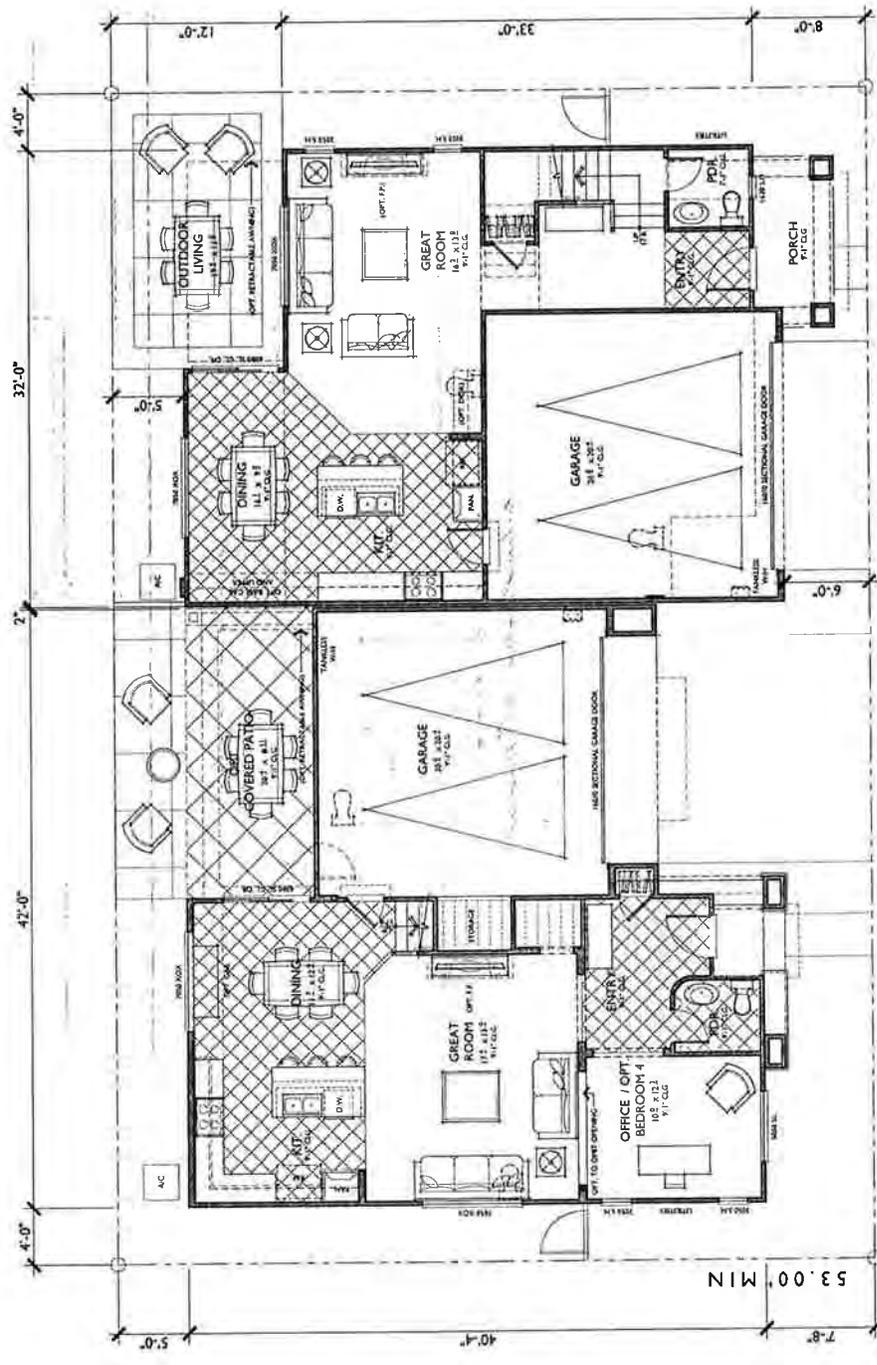
GOLDEN & ROSE
PLACENTIA, CALIFORNIA

SCALE 1/4" = 1'-0"



2.26.13

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PLAN 2D FIRST FLOOR PLAN 1A

DUPLIX 2

SCALE: 1/4" = 1'-0"



GOLDEN & ROSE
PLACENTIA, CALIFORNIA

2, 2, 6, 1, 3

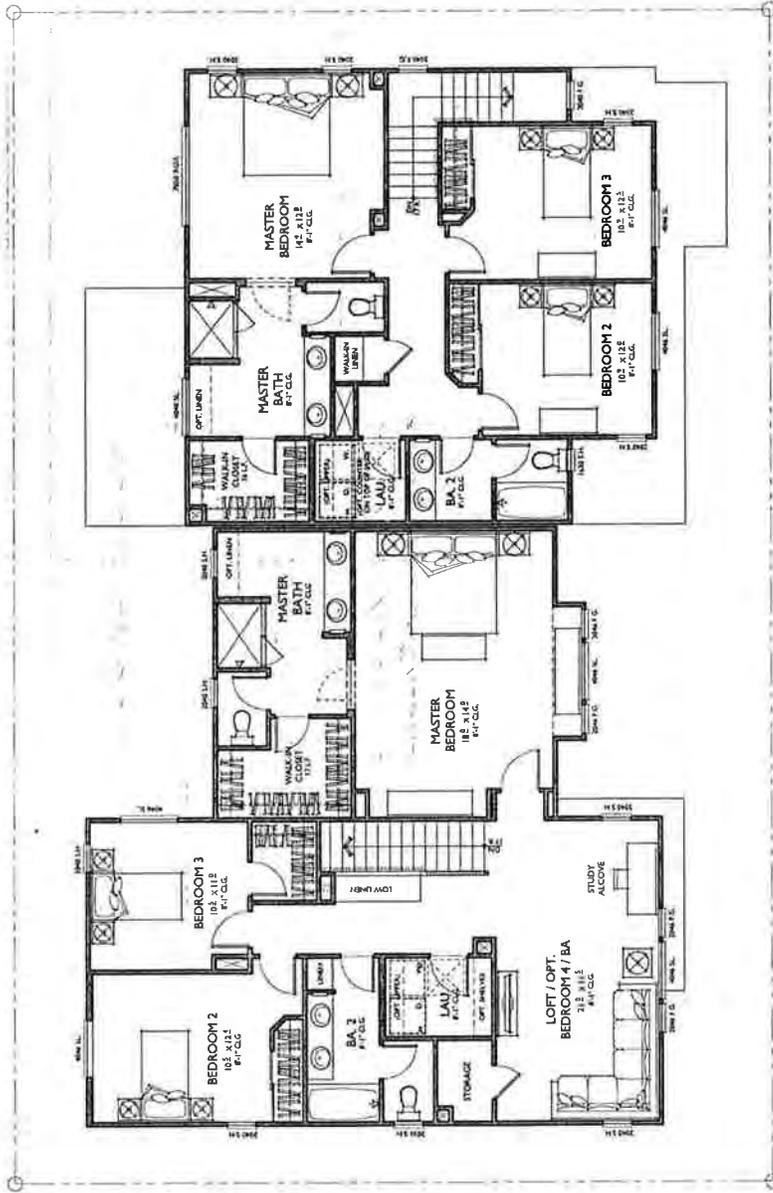
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PLAN 2D
FIRST FLOOR 861 SF
SECOND FLOOR 1,343 SF
TOTAL 2,204 SF

GARAGE 447 SF
PORCH 50 SF
OPT. COVERED PATIO 181 SF

PLAN 1A
FIRST FLOOR 791 SF
SECOND FLOOR 931 SF
TOTAL 1,722 SF

GARAGE 422 SF
PORCH 64 SF



SECOND FLOOR

PLAN 1AR

PLAN 2D

DUPLIX 2

SCALE 1/4" = 1'-0"



2.26.13

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GOLDEN & ROSE
 PLACENTIA, CALIFORNIA

MATERIALS LEGEND A

- CONCRETE FLAT TILE ROOF
- SAND FINISH STUCCO
- CEMENTITIOUS BOARD AT GABLE ENDS
- STUCCO O/ FOAM TRIM
- DECORATIVE FOAM SHUTTERS
- OUTLOOKERS: FOAM W/ WOOD GRAIN FINISH
- STUCCO FINISH AT COLUMNS
- METAL ROLL-UP GARAGE DOOR

MATERIALS LEGEND D

- CONCRETE FLAT TILE ROOF
- SAND FINISH STUCCO
- STUCCO O/ FOAM TRIM
- DECORATIVE FOAM SHUTTERS
- OUTLOOKERS: FOAM W/ WOOD GRAIN FINISH
- STUCCO FINISH AT COLUMNS
- METAL ROLL-UP GARAGE DOOR



PLAN 1A

PLAN 2D

FRONT

1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

2.26.13

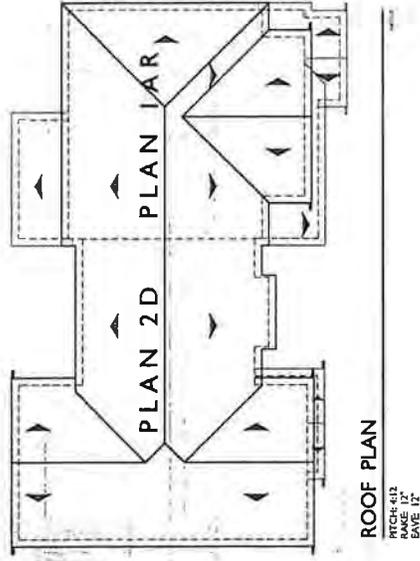
DUPLEX 2

FRONT ELEVATIONS

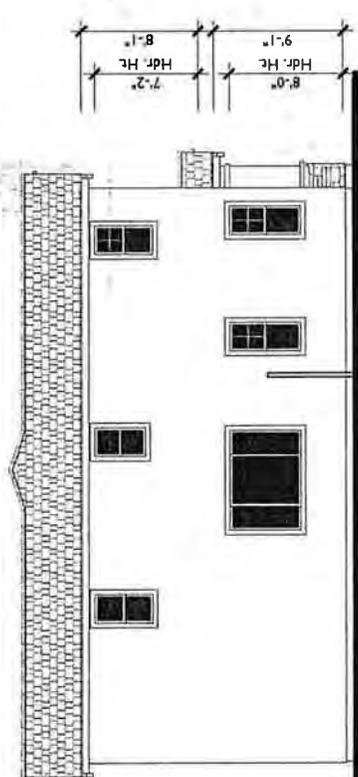
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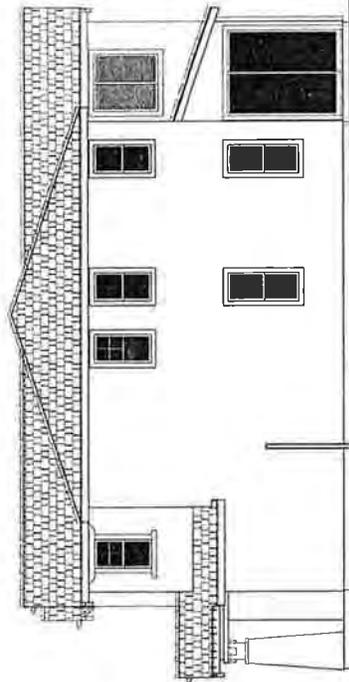




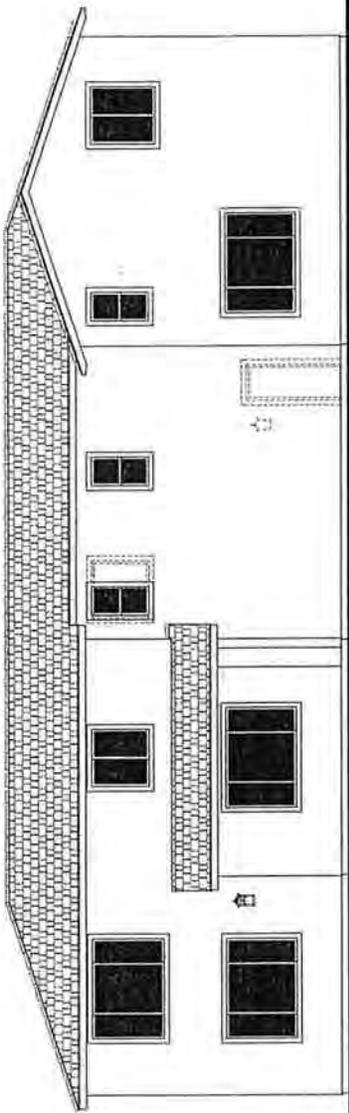
ROOF PLAN
 PITCH: 8/12
 EAVE: 12"



LEFT
 PLAN 2D



RIGHT
 PLAN 1A R



REAR
 PLAN 2D

DUPLEX 2

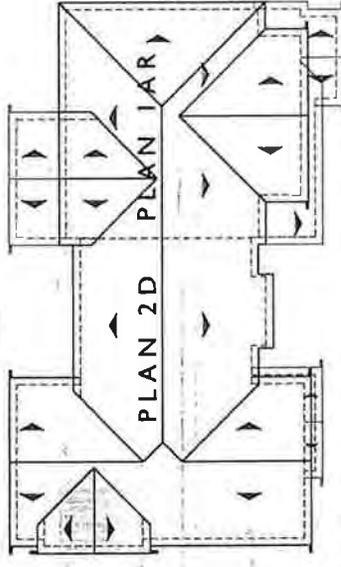
SIDE AND REAR ELEVATIONS & ROOF PLAN

GOLDEN & ROSE
 PLACENTIA, CALIFORNIA

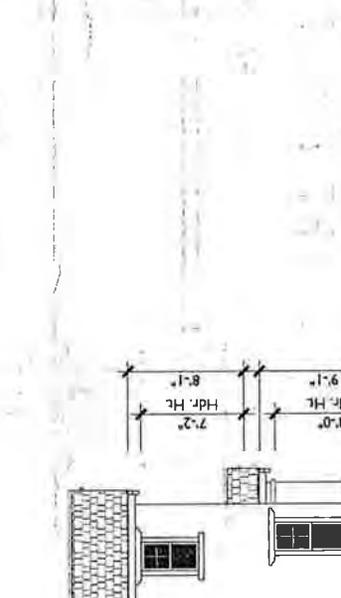


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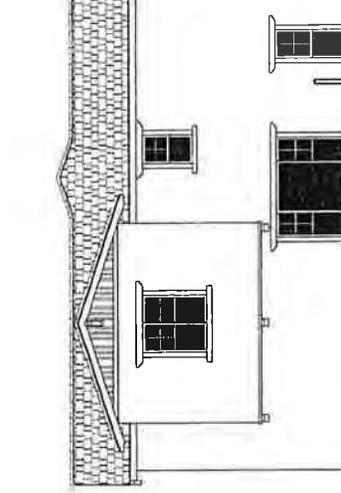
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REAR (LOTS 26 & 27, 32 & 33) REVERSE AT LOTS 24 & 27
PLAN 1A R

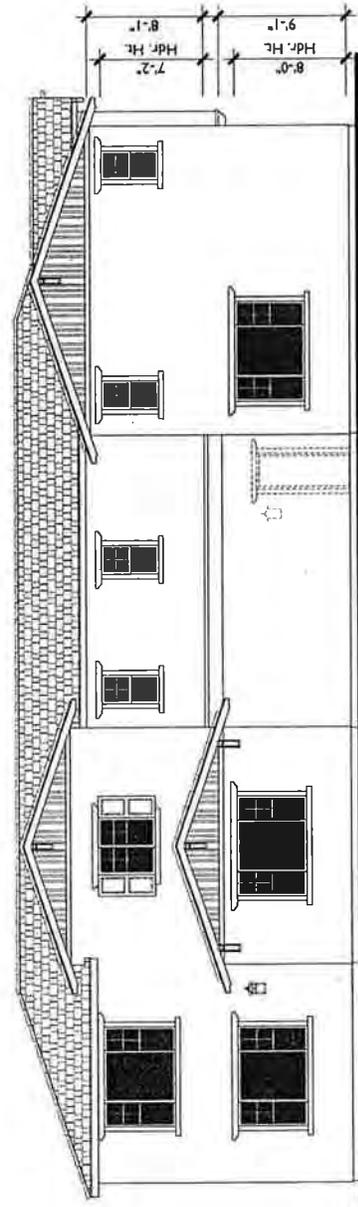


REAR (LOTS 15, 26 & 33) REVERSE AT LOTS 15 & 24
PLAN 2 D



ROOF PLAN (ENHANCED ELEVATION)
 PITCH: 4:12 UNO
 RAISE: 12"
 SAVE: 12"

LEFT (LOTS 15, 26 & 33) REVERSE AT LOTS 15 & 24
PLAN 2 D



REAR (LOTS 26 & 27, 32 & 33) REVERSE AT LOTS 24 & 27
PLAN 1A R

DUPLEX 2
 ENHANCED ELEVATIONS & ROOF PLAN

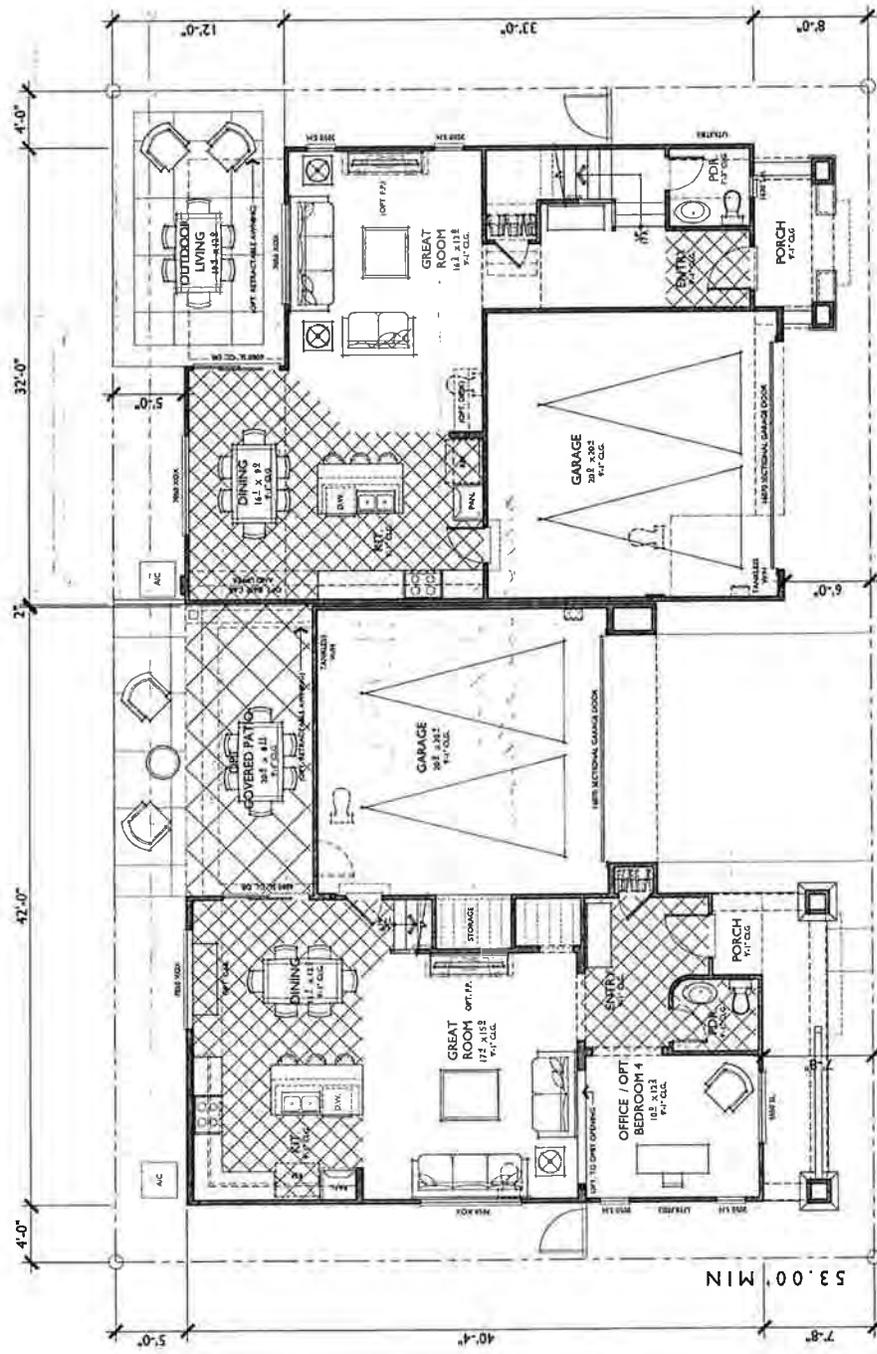
GOLDEN & ROSE
 PLACENTIA, CALIFORNIA

SCALE: 1/4" = 1'-0"



2. 2.6. 13

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| | | |
|--------------------------|-----------------|--|
| PLAN 2A | | |
| FIRST FLOOR | 861 SF | |
| SECOND FLOOR | 1,323 SF | |
| TOTAL | 2,184 SF | |
| GARAGE | 447 SF | |
| PORCH | 118 SF | |
| OPT COVERED PATIO | 181 SF | |
| | | |
| PLAN 1E1 | | |
| FIRST FLOOR | 791 SF | |
| SECOND FLOOR | 968 SF | |
| TOTAL | 1,759 SF | |
| GARAGE | 422 SF | |
| PORCH | 64 SF | |

FIRST FLOOR **PLAN 1E1**

PLAN 2A **PLAN 1E1**

DUPEX 3

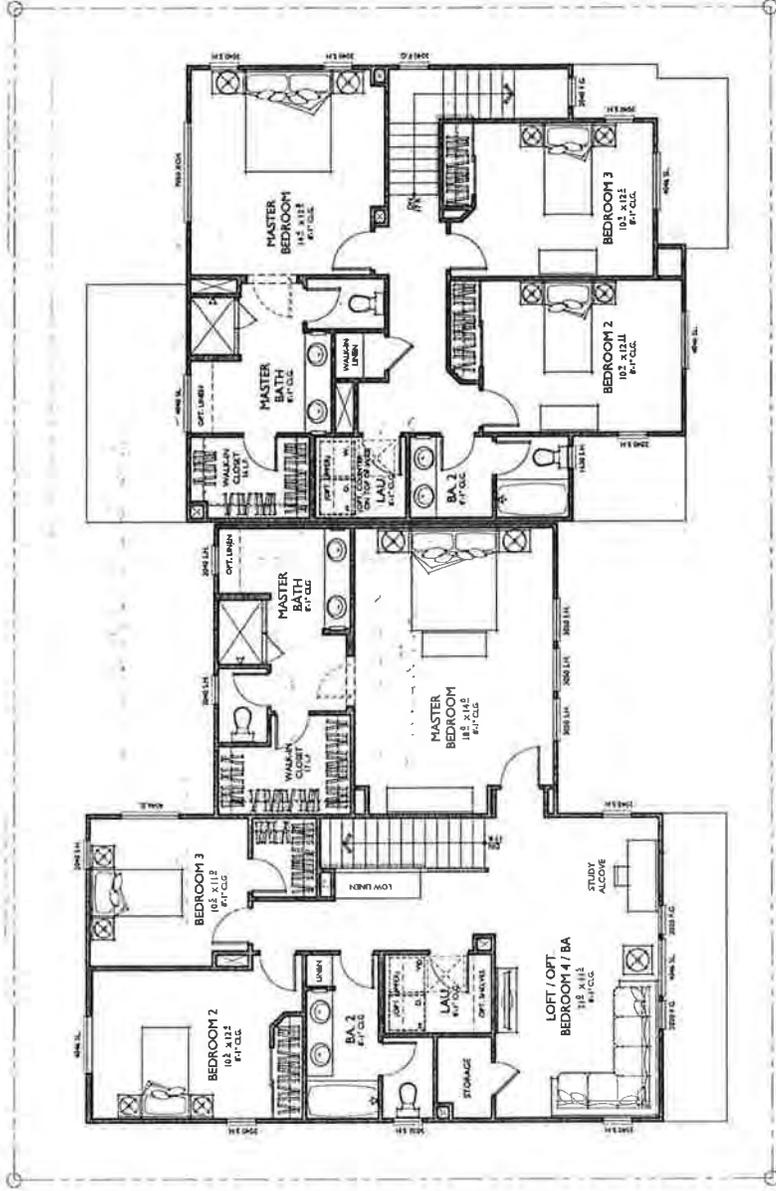
GOLDEN & ROSE
PLACENTIA, CALIFORNIA

SCALE 1/4" = 1'-0"



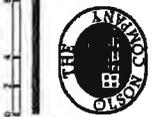
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SECOND FLOOR
PLAN 1A PLAN 2A
DUPLEX 3

SCALE: 1/4" = 1'-0"



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GOLDEN & ROSE
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MATERIALS LEGEND

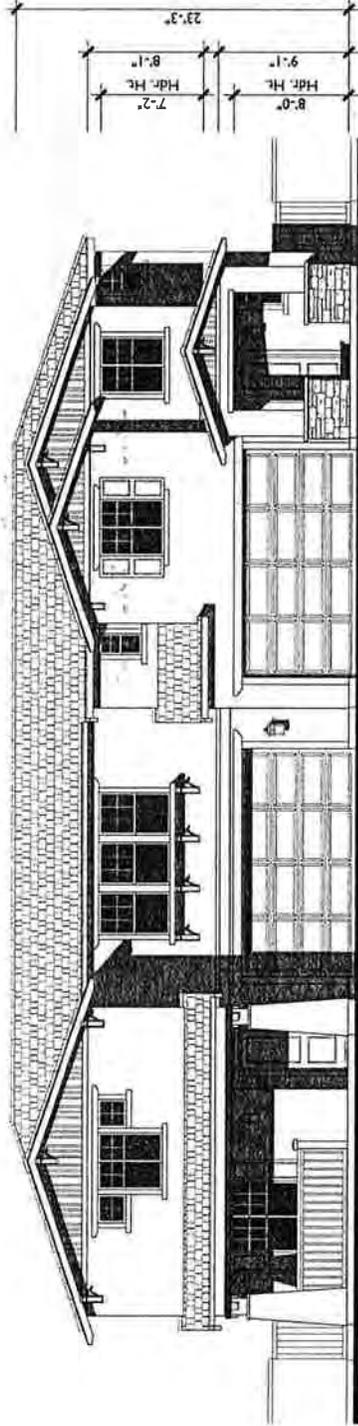
A

- CONCRETE FLAT TILE ROOF
- SAND FINISH STUCCO
- CEMENTITIOUS BOARD AT GABLE ENDS
- STUCCO O/ FOAM TRIM
- DECORATIVE FOAM SHUTTERS
- OUTLOOKERS: FOAM W/ WOOD GRAIN FINISH
- STUCCO FINISH AT COLUMNS
- METAL ROLL-UP GARAGE DOOR

MATERIALS LEGEND

E

- CONCRETE FLAT TILE ROOF
- SAND FINISH STUCCO
- CEMENTITIOUS BOARD AT GABLE ENDS
- STUCCO O/ FOAM TRIM
- DECORATIVE FOAM SHUTTERS
- OUTLOOKERS: FOAM W/ WOOD GRAIN FINISH
- STUCCO FINISH AT COLUMNS
- METAL ROLL-UP GARAGE DOOR



DUPLEX 3
FRONT ELEVATIONS

GOLDEN & ROSE
PLACENTIA, CALIFORNIA

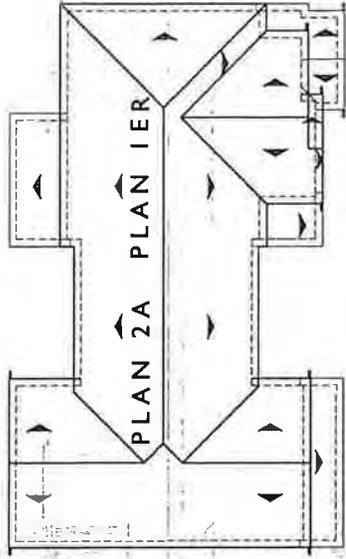
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2.2.6.13

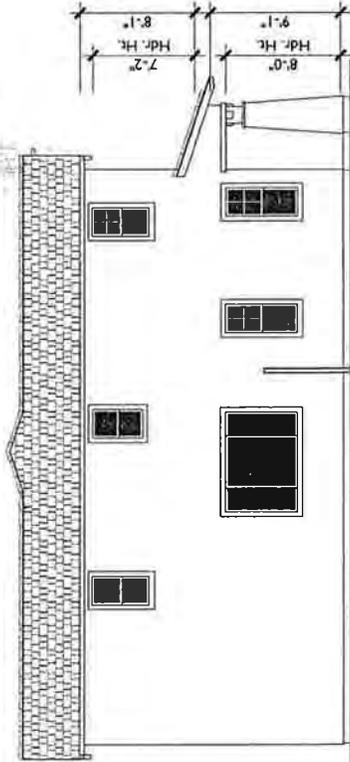
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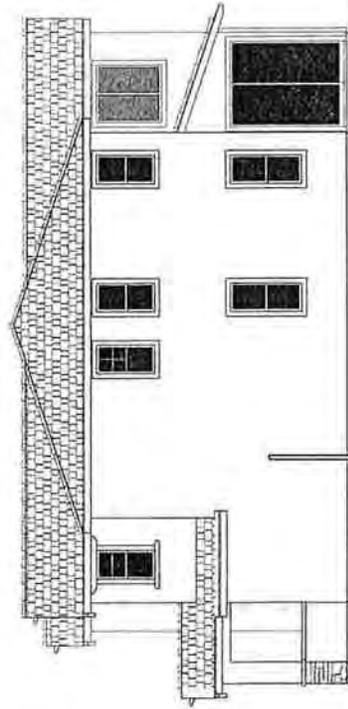


ROOF PLAN

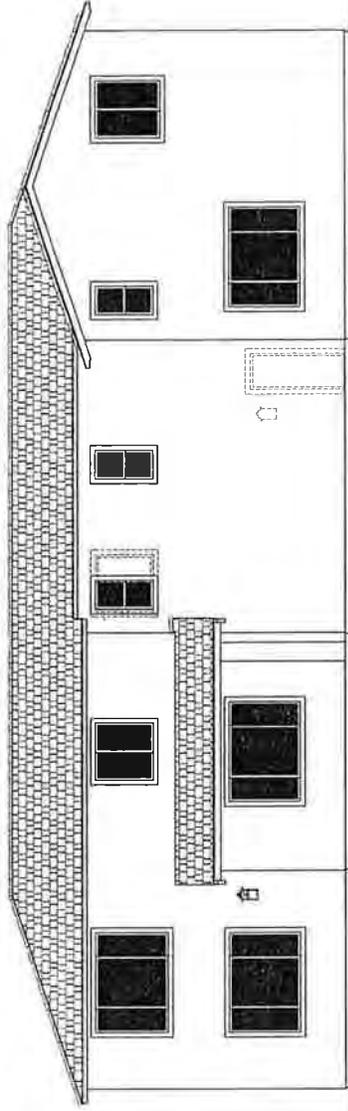
PITCH-4/12
RAISE 1/2"
GABLE 1/2"



LEFT
PLAN 2A



RIGHT
PLAN 1ER



REAR
PLAN 1ER

PLAN 2A

SCALE: 1/4" = 1'-0"

2.2.6.13

DUPLEX 3

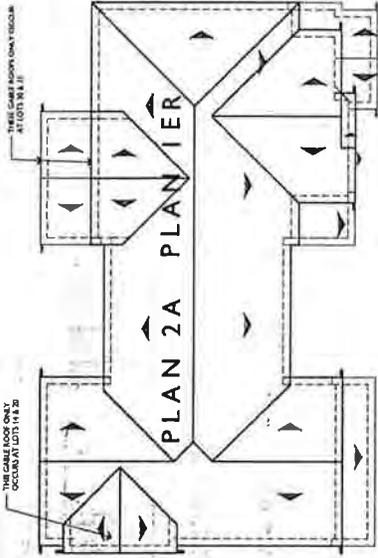
SIDE AND REAR ELEVATIONS & ROOF PLAN

GOLDEN & ROSE
PLACENTIA, CALIFORNIA

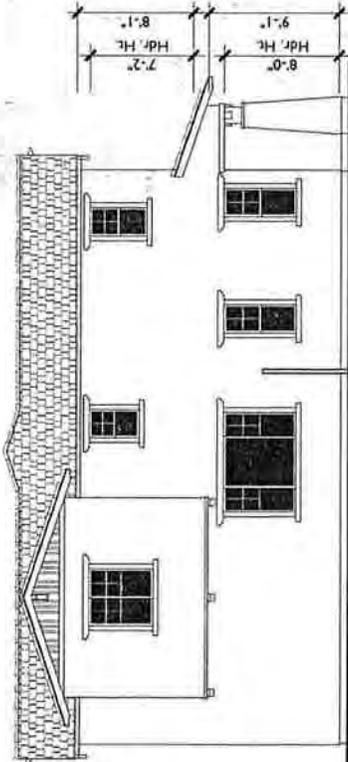
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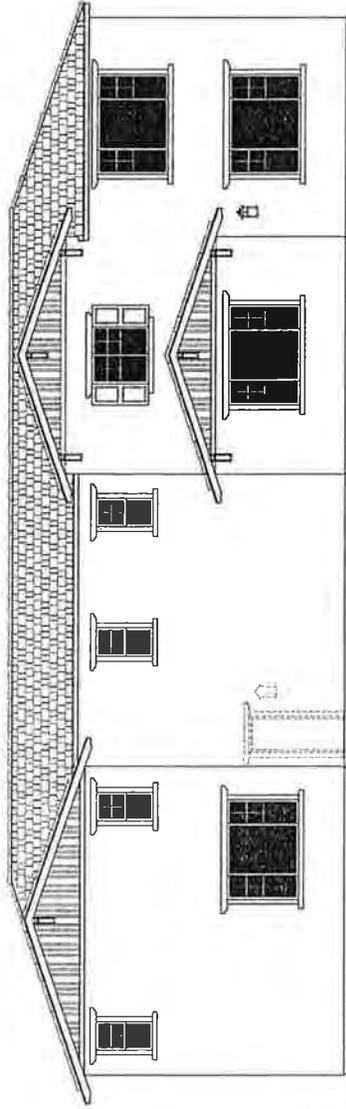


ROOF PLAN (ENHANCED ELEVATION)
 PITCH- 4:12 UNO
 PAPER 1" = 1'-0"
 SHEET 12



LEFT (LOTS 14 & 20)

PLAN 2 A



REAR (LOTS 30 & 31)

PLAN 2 A

PLAN 1 E R

DUPLEX 3

ENHANCED ELEVATIONS & ROOF PLAN

GOLDEN & ROSE
 PLACENTIA, CALIFORNIA

SCALE 1/4" = 1'-0"



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 PROJECT NUMBER: 1201010001-01010001

2.26.13



CITY OF PLACENTIA
401 E. CHAPMAN AVENUE, PLACENTIA, CA 92870

**NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION FOR
33-Unit Golden Avenue Housing Development**

Notice is hereby given that the City of Placentia has completed an Initial Study for the construction of the 33-Unit Golden Avenue Housing Development project, located at 1049 Golden Avenue, near the intersection of Rose Drive and E. Imperial Highway in the City of Placentia, Orange County, California. The proposed project is the construction of 33 Single-Family units (11 detached and 22 attached) on a 2.63 acre site. The housing units will be for-sale units and the project calls for the review and approval of a Tentative Tract, a Planned Unit Development, and a Development Agreement. In addition the development calls for certain street improvements, public safety fees, and certain parkland fees to be paid to the City.

The site is currently underutilized and improved with a vacant single-family home that will be demolished to accommodate the proposed housing project. The project site is immediately surrounded by multi-family residential to the North, East and West, and Single-Family residential to the South. There is an active oil well located to the west of the site. The site is designated High Density Residential 25.0 DU/Acre max. on the City's General Plan land use policy map and is zoned HDR, High Density Residential on the City's zoning map. The project as proposed will be developed at the density of 12.5 DU/Acre.

An Initial Study has been completed in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Initial Study was undertaken for the purpose of determining whether the project could have a significant effect on the environment. On the basis of the Initial Study and supporting analysis, the City of Placentia, as Lead Agency, has concluded that the project will not have a significant effect on the environment and has therefore prepared a Draft Negative Declaration. The Initial Study reflects the independent judgment of the City of Placentia.

The 20-day public review period for the Draft Mitigated Negative Declaration and Initial Study document begins Tuesday, February 19, 2013 and ends Monday, March 11, 2013. Copies of the Initial Study and Draft Negative Declaration are on file for public review at the following location:

City of Placentia, Development Services Department, 401 East Chapman Avenue, Placentia, CA 92870

A public hearing on the Negative Declaration before the Placentia Planning Commission is scheduled on at 6:30 P.M. on March 12, 2013, at Placentia City Hall, 401 East Chapman Avenue.

Any person wishing to comment on this matter must submit such comments in writing. Comments must be received in the office of the Development Services Department no later than March 11, 2013. Please send comments to:

Mr. Louis Morales, Planner
Development Services Department
401 East Chapman Avenue
Placentia, CA 92870

POSTED

FEB 19 2013

PLANNING DIVISION REPORT *DA 2012-01*
APPLICATION: *FIM 17489 NEW DEC 120103*
EXHIBIT: 4
PAGE 1 OF 41
DATE: _____

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: *AB* DEPUTY

INITIAL STUDY/CHECKLIST

Olson Company 33-Unit Golden Avenue Housing Development

**1049 Golden Avenue
Placentia, California**



PLACENTIA
CALIFORNIA *A pleasant place to live.*

Lead Agency:

City of Placentia
401 East Chapman Avenue
Placentia, CA 92870

Applicant:

Olson Company
3010 Old Ranch Parkway, Suite 100
Seal Beach, CA 90740-2751

Prepared By:

Tierra West Advisors, Inc.
2616 East 3rd Street
Los Angeles, CA 90033

POSTED

FEB 19 2013

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: _____

DEPUTY

February, 2013

INITIAL STUDY/INITIAL STUDY CHECKLIST

**The Olson Company
33-Unit Housing Development**

LEAD AGENCY:

**City of Placentia
Development Services**
401 East Chapman Avenue
Placentia, CA 92870
Contact: Mr. Ken Domer, Assistant City Administrator
714.993.8117

PREPARED BY:

Tierra West Advisors, Inc.
2616 East 3rd Street
Los Angeles, CA 90033
Contact: Mr. John Yonai
Mr. Louis Morales
323.265.4400

POSTED

FEB 19 2013

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: _____

DEPUTY

February, 2013

1.0 INTRODUCTION

The City of Placentia Development Services Department (the “Lead Agency”) is reviewing a development proposal submitted by the Olson Company (the “Developer”) to construct a 33-unit housing project with supporting parking (the “Project”) on a property located at 1049 Golden Avenue (the “Project Site”). Following preliminary review of the Project, the City of Placentia determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA).

The Project involves the development of 11 single-family detached homes and 22 paired homes. The Project Site consists of a 2.63-acre site located on the north side of Golden Avenue just west of the North Rose Drive and Imperial Highway intersection in the City of Placentia. Section 2.0 of this Initial Study provides the project description.

1.1 PURPOSE

The Project will require approval of certain discretionary actions by the City of Placentia and other governmental agencies. Therefore, the Project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA).

The purpose of this Initial Study/Checklist is to inform the decision makers of the potential environmental impacts resulting from the proposed project and (1) identify the issue area of the checklist that may have impacts; (2) provide the Lead Agency with information for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for the Project; (3) enable the applicant or Lead Agency to modify a project; (4) facilitate environmental assessment early in the design of the Project; (5) eliminate needless EIRs.

2.0 PROJECT DESCRIPTION

2.1 Project Location

Regionally, the project site is located within the northeast quadrant of the Orange Freeway Route 57 and the Riverside Freeway Route 91 interchange and located just west of the Rose Drive and Imperial Highway intersection. The Project Site is approximately 2.5 miles east of the Orange Freeway Route 57 and approximately 4 miles north of the Riverside Freeway Route 91 (See Exhibit 2-1).

Locally, the Project Site is located in the northeastern area of the City and is located at 1049 Golden Avenue between California Street and Rose Drive (See Exhibit 2-2). The Project Site is generally flat and has access from the south side of the Project Site from Golden Avenue. The Project as proposed will have access from Golden Avenue.

2.2 Existing Land Uses

The approximately 2.63-acre Project Site consists of one parcel, Assessors Parcel Number (APN) 344-020-03.

The existing site is currently improved with an unoccupied single-story single-family detached structure with a detached 2-car garage. The single-family structure unit is approximately 2,000 square feet. The structure is a wood frame structure with a gable type roof. The existing home will be demolished as part of the project site improvements. The Project Site aside from the existing single-family structure is essentially a vacant under utilized parcel.

2.3 Surrounding Land Uses

The project site is located within a mix of commercial retail, single-family, and multi-family uses. Land uses immediately adjacent to the project are as follows:

North: Multi-family residential.

East: Multi-family residential.

South: Single-family detached residential located in the City of Yorba Linda.

West: An oil well and Single-family detached housing uses further west.

2.4 Existing Zoning and General Plan

The City of Placentia General Plan Land Use Policy Map and Zoning Map designates the project site as High Density Multiple-Family Residential (R-3).

The following paragraph from the Land Use Element of the General Plan defines the High density residential (R-3)

“The High Density Residential designation is intended to accommodate multiple family residences such as apartments. The High Density Residential designation permits a maximum development of 25 dwelling units per acre.

Zoning districts compatible with High Density Residential designation include High-Density Multi-Family (R-3), Residential Planned Community (PRC) and Planned Unit Development (PUD).”

The following is the description of the purpose of the R-3 zoning designation as stated in the City of Placentia Municipal Code.

“The purpose of the “R-3” district is to stabilize and maintain the residential character of the district for medium high density apartment living with substantial space for cooperative used facilities and open spaces. The maximum allowable density of this district shall be twenty-five units per acre. (Ord. 85-O-105 (part), 1984: Ord. 72-O-119 § 1, 1972: prior code § 25-42)”

The City of Placentia General Plan was originally adopted in 1973 and has gone through periodic amendments and revisions. The City previously went through a General Plan update and had put together an administrative draft that was not pursued or adopted. A current General Plan update is being prepared. The current General Plan and Zoning designation of the Project Site permits the development of the residential at a density of 25 dwelling units to the acre or a maximum of 65 units. Under the current General Plan update, the City of Placentia is not considering a change and proposes to maintain the High Density Residential designation of the Project Site, which will allow for the development of up to 65 units on the Site. The proposed project if approved will assist the City of Placentia in meeting its Regional Housing Needs Assessment (RHNA). The Proposed Project will be consistent with the Housing Element Program HE-1.7: Vacant and Underutilized Land Inventory. As follows:

“To provide additional areas for housing development and maximize the potential for a variety of housing types, the City will identify vacant and underutilized sites for development of residential units. Additionally, the City will maintain and update and inventory of these sites on an annual basis. The City will provide information about these sites to housing developers through printed materials available at City Hall and electronically on the City’s website.”

2.5 Project Characteristics

The 2.68-acre project site is located on a lot with frontage on the south side along Golden Avenue and will be the access point to the Project Site. The Project Site is bounded by single-family residential to the north, east, and south.

The Project applicant proposes to demolish the existing improvements on the Project Site and develop 11 single-family attached homes 22 single-family paired homes. The Project will offer 2 floor plans for the single family detached homes and 2 floor plans for the paired homes as follows:

| Plan | Type | Stories | Size in sq. ft. | No. of Homes |
|---|---------------|----------------|------------------------|---------------------|
| <i>Single-Family Detached Home</i> | | | | |
| Plan 1 | 3-Bdrm/2 BA | 2 | 1,800 | 4 |
| Plan 2 | 3-Bdrm/2BA | 2 | 2,200 | 7 |
| Total | | | | 11 |
| <i>Paired Homes (Duplex)</i> | | | | |
| Plan 1 | 3-Bdrm/2.5 BA | 2 | 1,800 | 14 |
| Plan 2 | 3-Bdrm/2.5 BA | 2 | 2,200 | 8 |
| Total | | | | 22 |

Uses and Parking: The mixture of homes with will be distributed throughout the Site and the project requires 99 parking spaces (66 covered spaces within a garage and 33 open spaces). The project complies with the parking as each unit will have a 2-car garage (66 spaces) and 15 units will provide the required 3rd open parking space on the driveway (15 open parking spaces) and an additional 18 open parking spaces within the Site for a total of 99 parking spaces. The guest parking will be provided in excess of the industry standard of .5 parking spaces per unit.

Access: The Project primary access will be off Golden Avenue and will provide new sidewalks as required along the entire frontage of the Project Site and will include dedication for widening of Golden Avenue to establish Golden Avenue as a secondary arterial. Any and all required improvements will be the responsibility of the Developer.

Density: The Project proposes to be built at 12.5 dwelling units per acre. The Project Site under the current General Plan designation and zoning may be developed at a density of 25 units per acre or a maximum 67 units. The Project will also require approval of a Tentative Tract Map, Planned Unit Development (PUD), and a Development Agreement.

Open Space and Landscaping: The Project will have internal pedestrian and vehicle circulation with ample walkways and some units will have driveways. The roadways will be private streets and there will be 4'-0" wide sidewalks on one side of the private streets. The Project will also have open space provided in the form of a Pocket Park and will have recreation type amenities.

Development Agreement: The proposed project entails the pursuit of a Development Agreement (DA) between the City and Developer. The DA will address certain impact fees resulting from the development of the Project relative to public safety, off-site improvements, guest parking, park land fees, setbacks, and distance between buildings.

2.6 Project Phasing

Development of the project site would occur under one permit in multiple phases. Land development – one phase and homebuilding – multiple phases.

2.7 Project Approvals

The City as Lead Agency for the proposed Project has discretionary authority over the proposed Project. In order to implement the Project, the applicant would need to obtain, at minimum, the following discretionary permits/approval:

- Planning Commission approval of the environmental determination, Planned Unit Development (PUD), Development Agreement (DA), and Tentative Tract Map (TTM). City Council approval will also be required for the project entitlements, DA and TTM.
- Building Permits
- Grading Permits
- Right-of-Way Permits

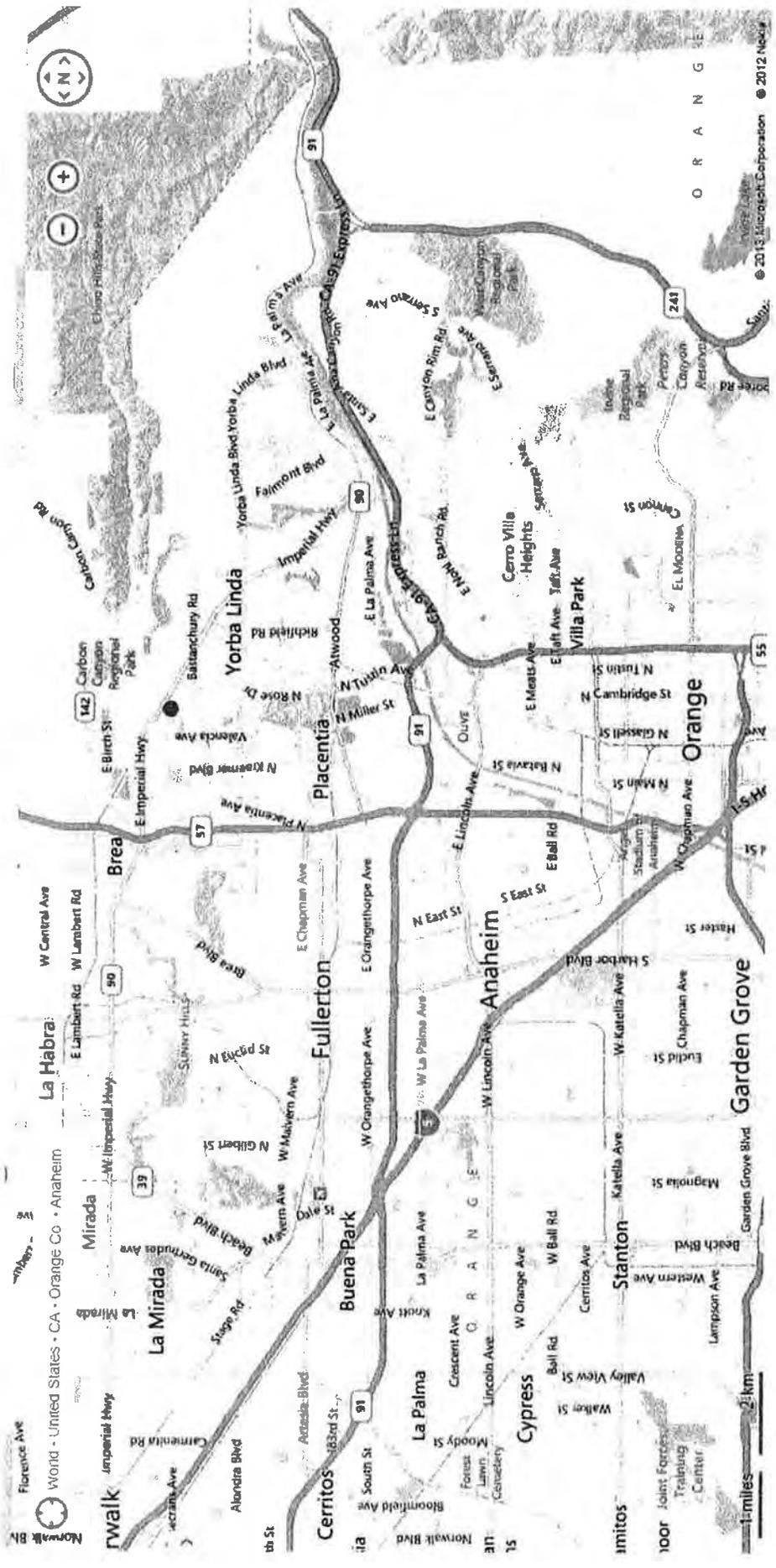


Exhibit 2-1
Regional Map

City of Placentia
 Initial Study / Checklist – Schaner Ranch Homes

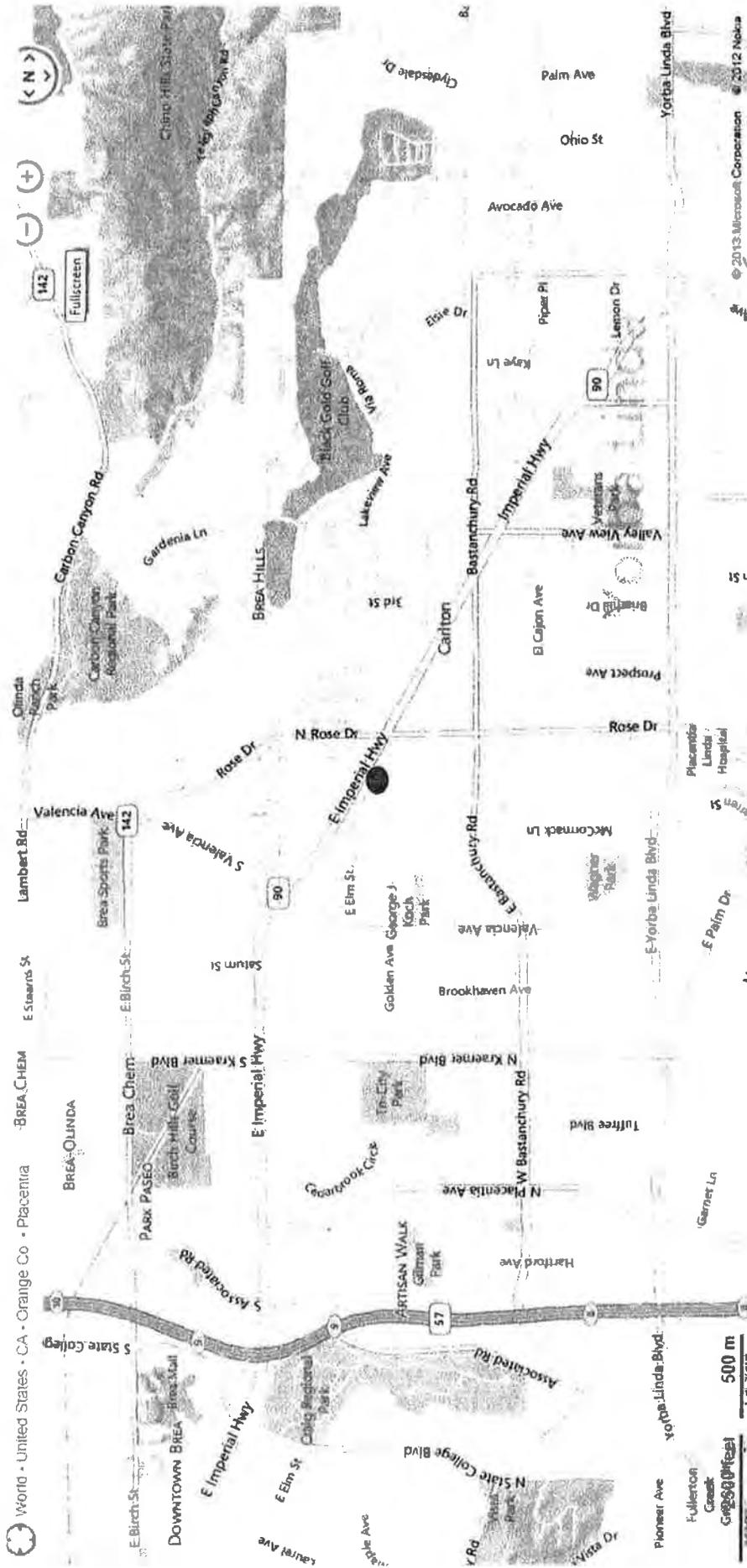


Exhibit 2-2
Vicinity Map

3.0 INITIAL STUDY/CHECKLIST

3.1 Background

1. **Project Title:** Olson Company 33-Unit Golden Avenue Housing Development – 1049 Golden Avenue
2. **Lead Agency Name and Address:**
City of Placentia
401 East Chapman Avenue
Placentia, CA 92870
3. **Contact Person(s) and Phone Number:**
Louis Morales, Project Manager/Planner
(714) 993-8124
(310) 350-0220
4. **Project Location:** The project site is located at 1049 Golden Avenue just west of the Imperial Highway and Rose Drive intersection.
5. **Project Applicant Name and Address:**
Olson Urban Housing, LLC
3010 Old Ranch Parkway, Suite 100
Seal Beach, CA 90740
6. **General Plan Designation:** High Density Residential
7. **Zoning:** R-3 Zone
8. **Description of Project:** The project applicant proposes to develop 33 for-sale homes (22 paired homes and 11 single-family detached homes) on a 2.68-acre site, which is currently developed with a single-family home approximately 2,000 square feet. The existing structure will be demolished to allow for the proposed development. The proposed project will have a full compliment of the required on-site parking.
9. **Surrounding Land Uses:**
North: Multi-family residential
East: Multi-family residential
South: Single-family residential
West: Commercial (Oil-well)
10. **Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement)**

South Coast Air Quality Management District (SCAQMD), Orange County Fire Authority (OCFA), Yorba Linda Water District (YLWD).

3.2 Environmental Factors Potentially Affected

The environmental factors reviewed will not be potentially affected by this project as indicated by the checklist on the following pages

3.3 Evaluation of Environmental Impacts

This section analyzes the potential impacts associated with the proposed project. The issue areas evaluated in this Initial Study include:

| | |
|---------------------------------|-------------------------------|
| Aesthetics | Land Use and Planning |
| Agriculture Resources | Mineral Resources |
| Air Quality | Noise |
| Biological Resources | Population and Housing |
| Cultural Resources | Public Services |
| Geology and Soils | Recreation |
| Green House Gas Emissions | Transportation/Traffic |
| Hazards and Hazardous Materials | Utilities and Service Systems |
| Hydrology and Water Quality | |

The following Initial Study Checklist is recommended by the CEQA Guidelines and used by the City of Placentia in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation measure as referenced.

For the evaluation of potential impacts, the questions in the initial Study Checklist are stated and to each question, there are four possible responses:

- **No Impact.** The development will not have any measurable environmental impact on the environment
- **Less Than Significant Impact.** The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered significant.
- **Less Than Significant Impact With Mitigation Incorporated.** The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation

measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.

- **Potentially Significant Impact.** The development will have impacts which are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

The findings of this Initial Study are summarized in the Table 1-1 provided below and on the following pages.

**Table 1
Summary (Initial Study Checklist)**

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.1 Aesthetic Impacts. Would the project: | | | | |
| a) Have a substantial adverse affect on a scenic vista? | | | | X |
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | | X |
| c) Substantially degrades the existing visual character of the site and its surroundings? | | | | X |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | | | X | |

Section 3.1 Aesthetic Impacts. Would the project:

- a) *Have a substantial adverse affect on a scenic vista? **No Impact.***

The City is generally level and there are no scenic views. No protected views are present in the immediate area that could be affected by the Project. Thus, no impacts are anticipated in this regard.

- b) *Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? **No Impact.***

The Project Site is not located along a scenic highway and no scenic resources exist on-site. Thus, no impacts are anticipated in this regard.

- c) *Substantially degrade the existing visual character of the site and its surroundings? **No Impact.***

The Project Site is currently an underutilized parcel with a vacant single-family structure. Approval of the project will allow for the development of a new 33-unit housing development, which will enhance the streetscape on Golden Avenue. No impact is expected since the Project will upgrade the existing visual character or quality of the Site and its surroundings.

- d) *Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? **Less Than Significant Impact.***

Residential development as proposed is considered to be a light sensitive receptor. New lights will added to the Site as part of the Project; however, it is not anticipated that the amount of the light from the Site would affect views in the area. Nevertheless the City will impose conditions and restrictions that will prohibit any and all lights from illuminating other properties or the public right-of-way. Thus, any potential impacts are at a level that is less than significant.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.2 Agriculture and Forestry Resources Impacts. <i>Would the project:</i> | | | | |
| a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | | | | X |
| c) Would the project conflict with existing zoning for or cause rezoning of, forest land (as defined in Public Resources Code §4526), or zoned timberland production (as defined by Government Code §51104(g))? | | | | X |
| d) Would the project result in the loss of forest land or the conversion of forest land to a non-forest use? | | | | X |
| e) Involve other changes in the existing environment that, due to their location or nature, may result in conversion of farmland to non-agricultural use? | | | | X |

Section 3.2 Agriculture and Forestry Resources Impacts. *Would the project:*

- a)** *Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
No Impact.

The City of Placentia is an urbanized area that is mostly built out with only infill development potential. There are no agricultural lands within the City's boundaries. Furthermore, the City's General Plan does not include provisions for agricultural uses in the future. No agricultural activities are located within either the project site or on adjacent parcels. As a result, no impacts are anticipated

- b)** *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
No Impact.

No agricultural activities are presently located within either the project site or on adjacent parcels. Additionally, the project site is not subject to a Williamson Act contract. As

Initial Study / Checklist – Olson Company 33-Unit Housing Development

result, no impacts on existing or future Williamson Act contract will result from the proposed project's implementation.

- c) *Would the project conflict with existing zoning for or cause rezoning of, forest land (as defined in Public Resources Code §4526), or zoned timberland production (as defined by Government Code §51104(g))?* **No Impact.**

Placentia is located within an urban area and no forest lands are located within the City. As a result, no impacts on forest land or timber resources will result from the development of the proposed project.

- d) *Would the project result in the loss of forest land or the conversion of forest land to a non-forest use?* **No Impact.**

The project site is located within an urban area. No forest lands are located within the City. There will be no loss or conversion of forest lands as a result of the proposed project. As a result, no significant adverse impacts are anticipated with the development of the proposed project.

- e) *Would the project involve other changes in the existing environment that, due to their location or nature, may result in conversion of farmland to non-agricultural use?* **No Impact.**

No agricultural activities or farmland uses are located within the project site. As previously noted the surrounding properties of the site are developed and no agricultural activities are located within the project site or surrounding area. The proposed project will not involve the conversion of any existing farmland area to urban uses and no significant adverse impacts are anticipated.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.3 Air Quality Impacts. <i>Would the project:</i> | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | | | X | |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? | | | X | |
| d) Expose sensitive receptors to substantial pollutant concentrations? | | | X | |

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| e) Create objectionable odors affecting a substantial number of people? | | | | X |

Section 3.3 Air Quality Impacts. *Would the project:*

- a) *Conflict with or obstruct implementation of the applicable air quality plan? **No Impact.***

The proposed project, based on its size, is not considered by the South Coast Air Quality Management District (SCAQMD) to be regionally significant. As a result, the proposed project would not be in conflict with, or result in an obstruction of, the applicable SCAQMD standards relative to the Air Quality Management Plan (AQMP). The proposed project will not result in any significant adverse impacts related to the AQMP.

- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation? **Less than Significant Impact.***

The proposed project once occupied the long-term emissions will be below thresholds considered to by SCAQMD to be significant. However during the construction phase of the proposed project certain items relative to dust control, construction traffic and deliveries, proper construction vehicle maintenance, and minimizing construction vehicle idling to meet SCAQMD District Rule 403 would be followed to further reduce any potential impact to the level that is less than significant.

- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? **Less than Significant Impact.***

As previously indicated, the long-term emissions from the proposed project will result in daily emissions that will not exceed the SCAQMD's thresholds. As a result, and potential cumulative air quality impacts are considered to be less than significant

- d) *Expose sensitive receptors to substantial pollutant concentrations? **Less than Significant Impact.***

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality and typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. The residential uses as proposed are considered to be sensitive receptors. The construction of 33 units will not result in any toxic emissions. As a result, the potential impacts on sensitive receptors are considered to be less than significant.

- e) *Create objectionable odors affecting a substantial number of people? **No Impact.***

SCAQMD has identified those land uses that are typically associated with odor complaints. These uses include activities involving livestock, food processing plants, chemical plants, refineries, landfills, and businesses involved in fiberglass molding. Residential dwelling units do not typically create objectionable odors; as such no impact is anticipated.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.4 Biological Resources Impacts. <i>Would the project have a substantial adverse effect:</i> | | | | |
| a) Either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | | | | X |
| b) On any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | | X |
| c) On federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling; hydrological interruption, or other means? | | | | X |
| d) In interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites? | | | | X |
| e) In conflicting with any local policies or ordinances, protecting biological resources, such as a tree preservation policy or ordinance? | | | | X |
| f) By conflicting with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | | | | X |

Section 3.4 Biological Resources Impacts. *Would the project have a substantial adverse effect:*

- a) *Either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? **No Impact.***

As indicated in previous sections, the City of Placentia is located in an urbanized area. No native remains in the vicinity of the project site due to the areas past development. The plants located on the project site are limited to grasses and overgrown ruderal vegetation. There are various species of trees that are located on the project site and the

landscaping is in poor condition. There are no sensitive or unique biological resources located within the adjacent properties. As a result no impacts on any candidate, sensitive, or special species will result from the proposed project.

- b) *On any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? **No Impact.***

There are no native or riparian plant habitats found within the project site or in the adjacent properties. The plants located on the project site are limited to grasses and ruderal vegetation. No "blue-line" streams are located within the project site. The nearest designated "blue-line" stream is the Prado Flood Control Basin Wash, which is located approximately 250 feet west of the Project site. As a result, no significant adverse impacts on natural or riparian habitats will result from the development of the proposed project.

- c) *On federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? **No Impact.***

The project site and the adjacent properties do not contain any natural wetland habitat. No "blue-line" streams are located within the project site. The nearest designated "blue-line" stream is the Prado Flood Control Basin Wash, which is located approximately 250 feet west of the project site. As a result, the proposed project will not impact any protected wetland area or designated "blue-line" stream.

- d) *In interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites? **No Impact.***

The project site is currently underdeveloped and the plants located on-site are limited to ruderal vegetation. As previously indicated, the adjacent properties are developed and do not contain any natural or native vegetation. The trees located on-site are low level trees and palm trees that would not be ideal to provide resting areas for migratory birds. No natural open space areas are located on-site or in the surrounding area that would potentially serve as an animal migration corridor. As a result, no significant adverse impacts are anticipated.

- e) *In conflicting with any local policies or ordinances, protecting biological resources, such as a tree preservation policy or ordinance? **No Impact.***

The project site and adjacent properties do not contain any protected habitat. There are limited trees on-site and the plants located on the project site are limited to ruderal vegetation. The proposed project is not in conflict with any local policies or ordinances protecting biological resources so no significant adverse impacts are anticipated.

- f) *By conflicting with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? **No Impact.***

As previously indicated, the project site is located within an urban setting and no natural habitats are found with the adjacent areas. The project site is not located within an area governed by a habitat conservation or community conservation plan. As a result, no adverse impacts on local, regional or state habitat conservation plans will result from the proposed project.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.5 Cultural Resources Impacts. <i>Would the project:</i> | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | | | | X |

Section 3.5 Cultural Resources Impacts. *Would the project:*

- a) *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines? **No Impact.***

Placentia's history began in 1837 and the City of Placentia incorporated in 1926. The City of Placentia has many historic structures that serve as a reminder of the City's unique history and has identified many structures as having historical significance. The project site does not have any historical structures on-site. As a result, the proposed project's implementation will not result in any significant adverse impacts on historic resources.

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines? **No Impact.***

The City of Placentia is a built-out community and the majority of the development sites in the City were previously disturbed and no archaeological resources were reported during previous grading and excavation activities in the area. Archaeological and/or paleontological resources are not typically encountered within the City of Placentia and there are no known archaeological or paleontological resources on the site. Nevertheless, should any be discovered on the site, the applicant is required to comply with the provisions set forth Section 15064.5 of Title 14 Chapter 3 of the California Code of Regulations (CEQA Guidelines)

- c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **No Impact.***

The potential for paleontological resources in the area is considered low due to the amount of disturbance associated with the previous development of the surrounding area. Nevertheless, should any be discovered on the site, the applicant is required to comply with the provisions set forth Section 15064.5 of Title 14 Chapter 3 of the California Code of Regulations (CEQA Guidelines).

- d) *Disturb any human remains, including those interred outside of formal cemeteries? **No Impact.***

The project site is developed with an existing structure. Due to the level of past disturbances associated with and development in the area, it is not anticipated that human remains exist within the project site. In the event human remains are encountered during earth removal or disturbance activities, all activities would cease immediately and the applicant shall be required to comply with the provisions set forth Section 15064.5 of Title 14 Chapter 3 of the California Code of Regulations (CEQA Guidelines) and a qualified archaeologist and Native American monitor would be immediately contacted.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.6 Geology Impacts. <i>Would the project result in or expose people to potential impacts involving:</i> | | | | |
| a) The exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault), ground shaking, liquefaction, or landslides? | | | X | |
| b) Substantial soil erosion or the loss of topsoil? | | | | X |
| c) Location on a geologic unit or a soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | | | | X |
| d) Location on expansive soil, as defined in California Building Code (2010), creating substantial risks to life or property? | | | X | |
| e) Soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | | | | X |

Section 3.6 Geology Impacts. *Would the project result in or expose people to potential impacts involving:*

- a) *The exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault), ground –shaking, liquefaction, or landslides? **Less than Significant Impact.***

Active faults, structural zones and historically destructive earthquakes characterize this area of Southern California. Six faults are located within close proximity to the City of Placentia. These include the Norwalk, Newport-Inglewood, Palos Verdes, San Gabriel, Sierra Madre, and Whittier-Elsinore faults. The San Andreas and San Jacinto faults are located further away from Placentia, but have the potential to deliver higher magnitude earthquakes. The closest fault to the City of Placentia is the Whittier-Elsinore fault, which is approximately 1,000 feet north of Placentia. The project will continue to be exposed to potential ground shaking in the event of an earthquake. The degree of ground shaking is dependent on the location of the earthquake epicenter. For the project site, the degree of impact will not be significantly different from that anticipated for the surrounding areas. The proposed project construction will be subject to the current Uniform Building Code (UBC) adopted by the City of Placentia, which provide for certain seismic standards. As a result the proposed impacts are considered to be less than significant.

- b) *Substantial soil erosion or the loss of topsoil? **No Impact.***

The development of the project site will entail the grading and compaction of the soils to sustain the proposed improvements on the project site and will involve the covering of the project site with impervious materials. As a result, the potential soil erosion impacts associated with proposed development are considered to be less than significant. Moreover, construction activities are required to incorporate Best Management Practices (BMP's) to prevent soil erosion during construction. Given the character of the site and the improvements to the surrounding properties, no impacts related to expansive soils are anticipated.

- c) *Location on a geologic unit or a soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? **No Impact.***

The project site is relatively level terrain and is similar to the surrounding properties in the area that currently support development. Prior to the issuance of building permits, the applicant is required to submit a soil and geological report. Said report shall demonstrate how the project will mitigate any soil stability issue, including lateral spreading, subsidence, liquefaction, and expansive soils. As a result, no impacts due to potential unstable soils are anticipated

- d) *Location on expansive soil, as defined in California Building Code (2010), creating substantial risks to life or property? **Less than Significant Impact.***

Placentia, like most of Orange County, has granular sandy soil with high water content. These soils however do not represent a constraint to development of the project site, as evidenced by existing development found within the immediate and surrounding area. As a result, no expansive soils impacts are anticipated. See explanation on item c above.

- e) *Soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? **No Impact.***

Septic tanks will not be used as part of the proposed project. The proposed project will be required to connect with the current sanitary sewer system. As a result, no impacts associated with the use of septic tanks will occur as part of the proposed project's implementation.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.7 Greenhouse Gas Emissions Impacts. <i>Would the project</i> | | | | |
| a) Result in the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | | | X | |
| b) Increase the potential for conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gasses? | | | X | |

Section 3.7 Greenhouse Gas Emissions Impacts. *Would the project:*

- a) *Result in the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **Less than Significant Impact.***

As previously indicated, the future emissions generated by the proposed project are less than SCAQMD thresholds. As a result, the impacts related to additional greenhouse gas emissions will be less than significant.

- b) *Increase the potential for conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gasses? **Less than Significant Impact.***

The proposed project will be required to incorporate a number of several design features that are consistent with the California Office of the Attorney General's recommended measures. The new on-site improvements will incorporate sustainable practices that include water, energy, and solid waste efficiency measures. AB 32 requires the reduction of GHG emissions to 1990 levels, which would require a minimum 28% reduction in "business as usual" GHG emissions for the entire State. The proposed project will be required to reduce its GHG emissions, therefore the potential GHG impacts are considered to be less than significant.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.8 Hazards and Hazardous Materials Impacts. <i>Would the project:</i> | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | | | | X |
| b) Create a significant hazard to the public or the environment or result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | | X |
| d) Be located on a site, which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5, and as a result, would it create a significant hazard to the public or the environment? | | | | X |
| e) Be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? | | | | X |
| f) Within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? | | | | X |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency response plan or emergency evacuation plan? | | | X | |
| h) Expose people or structures to a significant risk of loss, injury, or death involving wild lands fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? | | | | X |

Section 3.8 Hazards and Hazardous Materials Impacts. *Would the project:*

(a through c) No Impact.

The proposed project entails the development of medium density residential. Hazardous chemicals that are generally used on-site once the project is complete and units are occupied will be limited to common household chemicals that are generally used in maintenance and cleaning. Approval of the proposed project will allow the construction of 33 residential dwelling units on the subject site. Use, transportation, storage, and/or emission of hazardous material are not associated with the construction or occupancy of residential dwelling units. As such, no impacts are anticipated.

- d) *Be located on a site, which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5, and as a result, would it create a significant hazard to the public or the environment? **No Impact.***

The proposed site is not included on a hazardous sites list pursuant to California Code Section 65962.5. No Cortese sites are found in the City. As a result, no impacts will occur with respect to locating the proposed project on a site on a hazardous list pursuant to the government code.

- e) *Be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? **No Impact.***

The project site is not located within 2 miles of a public airport and is not within the any airport accident protection zone. Development of the project site will not present a safety hazard to aircraft and/or airport operations at a public use airport. As a result, no significant adverse impacts are anticipated.

- f) *Within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? **No Impact.***

The project site is not located within 2 miles of a private airstrip. As a result, the proposed project will present a safety hazard related to aircraft and/or airport operations at a private use airstrip.

- g) *Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency response plan or emergency evacuation plan? **Less than Significant Impact.***

The streets at and around the project site will not be closed to through traffic at any time during the construction phase. The project will be required to submit a staging plan for approval by the Public Works Department. Construction hours will be complied with pursuant to the Placentia Municipal Code. All construction activities and staging areas will be located on-site. As a result, no significant adverse impacts are anticipated with the proposed project's development.

- h) *Expose people or structures to a significant risk of loss, injury, or death involving wild lands fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? **No Impact.***

The entire City of Placentia is urbanized and the majority of the parcels are developed. There are no areas of native vegetation found within the project site or in the surrounding properties that could provide a fuel source for a wildfire. As a result, there are impacts associated with potential wildfires from off-site locations

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.9 Hydrology and Water Quality Impacts. <i>Would the project:</i> | | | | |
| a) Violate any water quality standards or waste discharge requirements? | | | | X |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge in such a way that would cause a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | | | | X |
| c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on or off-site? | | | | X |
| d) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in flooding on-or off-site? | | | | X |
| e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | | | | X |
| f) Substantially degrade water quality? | | | | X |
| g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | | | | X |
| h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows? | | | | X |
| i) Expose people or structures to a significant risk of flooding because of dam or levee failure? | | | | X |
| j) Result in inundation by seiche, tsunami, or mudflow? | | | | X |

Section 3.9 Hydrology and Water Quality Impacts. *Would the project:*

a through f) No Impact.

No industrial waste water discharges are anticipated as part of the occupancy of the proposed project, certain improvements will be installed that will affect the amount of potential storm runoff. The proposed project will be subject to the requirements of the National Pollution Discharge Elimination System (NPDES) and the Standard Urban Storm Water Mitigation Plan. In addition, the proposed project's contractors will be

required to prepare a Storm Water Pollution Plan (SWPPP). As such no impacts are anticipated.

- g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? *No Impact.***

The City of Placentia is located within the 500-year flood zone. The last recorded flood damage in the City occurred in 1995. Flood abatement measures to reduce the likelihood of flooding have been implemented by the Orange County Flood Control District. The 100-year flood in Placentia is contained within the Carbon Creek, Carbon Creek Channel, Attwood Channel and Tri City Lake. These areas are located in the southern and southeast portion of Placentia. The project site is not located within the 100-year flood hazard area. As a result, no housing will be placed within the designated flood zone. Therefore, no impacts related to flood flows are associated with the proposed project.

- h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows? *No Impact.***

As indicated earlier the project site is not located within the 100-year flood area. As a result the project will not impede or redirect the flows of potential floodwater. Therefore, no flood-related impacts are anticipated as a result of the proposed project.

- i) Expose people or structures to a significant risk of flooding because of dam or levee failure? *No Impact.***

The City of Placentia is located within the dam inundation area of Carbon Canyon Dam and Prado Dam. The flood channels have been designed to meet or exceed the discharge capacity. There are no concerns with a potential for levee break. As a result, no impact is anticipated.

- j) Result in inundation by seiche, tsunami, or mudflow? *No Impact.***

The City is located inland from the Pacific Ocean and the likelihood of the project area and City being exposed to the effects of a tsunami is minimal. In addition, the City of Placentia is relatively flat. As such, impacts from seiche, tsunami, or mudflow are not anticipated.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.10 Land Use and Planning Impacts. <i>Would the project:</i> | | | | |
| a) Physically divide an established community, or otherwise result in an incompatible land use? | | | | X |
| b) Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, proposed project, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | | | X |
| c) Conflict with any applicable habitat conservation or natural community conservation plan? | | | | X |

Section 3.10 Land Use and Planning Impacts. *Would the project:*

- a) *Physically divide an established community, or otherwise result in an incompatible land use? **No Impact.***

The project site is self contained and one continuous parcel and is located in a predominately residential area consisting of High Density Residential to the north and east and a mix of Low Density Residential to the south and west. The existing residential neighborhood in the immediate area will not be altered or impacted as a result of the proposed project. The proposed development of 33 units will not result in the division of an existing neighborhood. As a result, no impacts will result from the development of the proposed project.

- b) *Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, proposed project, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? **No Impact.***

The proposed project will consistent with general plan land use designation. The Planned Unit Development application, which is intended to allow a more flexible method whereby appropriately located land areas can be developed employing more innovative and imaginative land planning concepts. As a result, the development of the proposed project will be consistent based on its use with the General Plan and Zone and no impacts are anticipated.

- c) *Conflict with any applicable habitat conservation or natural community conservation plan? **No Impact.***

The City of Placentia is an urbanized area that is fully developed with only a few sites for infill development available. No natural open space areas are located within the project

site and surrounding area. In addition, no adjacent properties are subject to habitat conservation plans. As a result, the proposed project will not result in any impact on a habitat conservation plan or natural community conservation plan.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.11 Mineral Resources Impacts. <i>Would the project:</i> | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | | | | X |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, proposed project, or other land use plan? | | | | X |

Section 3.11 Mineral Resources Impacts. *Would the project:*

a and b) No Impact.

The subject site is improved with a vacant single-family structure, with no known mineral resources on the site. Accordingly, approval of the project will not result in the loss of any mineral resources with local, regional, or State-wide importance.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.12 Noise Impacts. <i>Would the project result in:</i> | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | | X | |
| b) Exposure of people to or generation of excessive ground-borne noise levels? | | | X | |
| c) Substantial permanent increase in ambient noise levels in the project vicinity above noise levels existing without the project? | | | | X |
| d) Substantial temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project? | | | X | |
| e) For a project located with an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |

Section 3.12 Noise Impacts. *Would the project result in:*

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* **Less than significant impact.**

The current noise within the project site is dominated by traffic emanating from Golden Avenue and Rose Drive. The proposed project's development of residential will require certain insulation and design measures to reduce ambient noise levels to an acceptable level or Community Noise Level ("CNEL"). As a result, the proposed project will not result in significant adverse noise impacts.

- b) *Exposure of people to or generation of excessive ground-borne noise levels?* **Less than significant impact.**

The proposed project's development of residential will require certain insulation and design measures to reduce ambient noise levels to an acceptable level or Community Noise Level ("CNEL"). The additional vehicle trips generated by the development of 33 units on a daily basis will be distributed through the City. The cumulative traffic will not be great enough to result in increased traffic noise. As a result, the proposed project will not result in any significant adverse impacts.

- c) *Substantial permanent increase in ambient noise levels in the project vicinity above noise levels existing without the project? **No impact.***

The proposed project will consist of residential uses and the activities associated with such uses will not generate significant increases in the ambient noise levels. Traffic noise generated by the proposed project will not result in measurable or discernable increase in the ambient noise levels. As a result, the potential impact associated with the proposed project's development will be less than significant to non-existent.

- d) *Substantial temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project? **Less than significant impact.***

Project construction noise would be intermittent and the intensity of the construction noise would vary. The degree of construction noise will also vary for the different areas of the project site depending on the construction activities. BMP's will be followed to insure that the project contractor adheres to the noise control ordinance of the City of Placentia and follows the construction hours as permitted. The impacts will be less than significant.

- e) *For a project located with an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? **No Impact.***

The proposed project site is not located within 2 miles of a public airport. As a result, no impacts related to the exposure of persons to aircraft noise from a public use airport are anticipated.

- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? **No Impact.***

The proposed project site is not located within 2 miles of a public airport. As a result, no impacts related to the exposure of persons to aircraft noise from a private airstrip are anticipated.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.13 Population and Housing Impacts. <i>Would the project:</i> | | | | |
| a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | | | X | |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | | X |

Section 3.13 Population and Housing Impacts. *Would the project:*

- a) *Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?* **Less than significant impact.**

Based on the 33 units proposed assuming the following occupancy or

3-bdrm units, 4 people, 11 units x 4 = 44 people
4-bdrm units, 5 people, 22 units x 5 = 110 people

The potential increase in population could be 154 people.

Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area, such as utilities improved roadways, and expanded public services. The utility connections and other infrastructure will continue to serve the project site only through some upgrades will be required. As a result, no significant adverse impacts are anticipated.

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?* **No Impacts.**

The project site is currently developed with one single-family unit that is vacant. The existing housing unit will be replaced by 33 new housing units. There will be a net increase of 32 units added to the existing housing stock in the City. As a result, no significant adverse impacts related to housing displacement will result from the development of the proposed project

- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?* **No Impacts.**

As previously stated the one unit will be demolished and there will be a net increase of 32 units on the project site. The project itself will not result in the need to construct replacement housing elsewhere as it will replace the existing unit located on site and

provide an addition 32 units. As a result, no significant impacts are anticipated resulting from the development of the proposed project.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.14 Public Services Impacts. <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas:</i> | | | | |
| a) Fire protection services? | | | | X |
| b) Police protection services? | | | | X |
| c) School services? | | | | X |
| d) Other governmental services? | | | X | |

Section 3.14 Public Services Impacts. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas:*

a) Fire protection services? *No impact.*

The Orange County Fire Authority (“OCFA”) provide services fire protection services to the City of Placentia under a joint powers agreement to provide fire protection suppression and emergency services to 22 jurisdictions within Orange County. The OCFA operate 2 fire stations in Placentia, Fire Station No. 34 located at 1530 N. Valencia and Fire Station No. 35, located at 110 S. Bradford.

The OCFA is responsible for reviewing all new development plans, which has reviewed the project and determined that the existing fire services have sufficient capacity to accommodate the proposed project. However since the proposed development of an addition 33 residential units may potentially result in an incremental increase in the demand for emergency services. A development agreement between the City and the project developer will be considered to address any cost associated with any impacts resulting from the proposed project. As a result no impacts are anticipated.

b) Police protection services? *No impact.*

The City of Placentia operates its own police department and is located at the City Hall Complex. The ability to quickly and effectively respond to emergency situations is a primary objective of the Police Department.

The Police Department will be responsible to review all security plans in connection with the proposed project and has determined that the existing police services have sufficient capacity to accommodate the proposed project. The proposed development of an addition 33 residential units may potentially result in an incremental increase in the demand for emergency services. A development agreement between the City and the project developer will be considered to address any cost associated with any impacts resulting from the proposed project including cost recovery. As a result no impact is anticipated.

c) School services? *No Impacts.*

Public educational services are provided by the Placentia-Yorba Linda Unified School District. For analysis purposes the total of 33 units may have school age children. Assuming 2 school aged children occupying each of the 33 units, the potential student population would be 66. The school enrollment impacts will be off-set by school fees that will be paid by the project developer. As a result, no significant impacts on school are anticipated.

d) Other governmental services? *Less than significant impact.*

The addition of the 33 units may translate into incremental increase in the demand for other governmental service. Any impact may be partially off-set by the increase in taxes, increase in the assessed valuation of the proposed project, and payment of any requisite fees associated with the proposed project. As a result, the potential impacts associated with the proposed project are considered to be less than significant.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.15 Recreation Impacts. <i>Would the project:</i> | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | | | X | |
| b) Affect existing recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | | | | X |

Section 3.15 Recreation Impacts. *Would the project:*

- a) *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* **Less than significant impact.**

The City of Placentia operates 16 park sites. In addition, City's school acreage is credited to the City's open space. The potential population of 154 people resulting from the development of the proposed project will lead to an incremental increase in the demand on existing recreation services. The proposed project will provide recreational

open space within the project site to offset some of the required parkland resulting from the project and will be required to pay a parkland impact fee to further reduce any impacts as part of a proposed Development Agreement. As a result, the impacts on existing neighborhood and regional parks will be less than significant.

- b) *Affect existing recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?* **No Impact.**

The potential population of 154 people resulting from the development of the proposed project will lead to an incremental increase in the demand on existing recreation services. The proposed project however will be providing open space on-site and will be required to pay any parkland impact fees associated with the project. As a result, the development of the proposed project will not result in any significant adverse impacts related to the need for new or expanded facilities.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.16 Transportation Impacts. Would the project: | | | | |
| a) Cause a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit)? | | | | X |
| b) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways? | | | | X |
| c) A change in air traffic patterns, including either an increase in traffic levels or a change in the location that results in substantial safety risks? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) | | | | X |
| e) Result in inadequate parking capacity? | | | | X |
| f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | | | | X |

Section 3.16 Transportation Impacts. Would the project:

- a) *Cause a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant*

components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit)? **No impact.**

The proposed project calls for the development of 33 units. There are many different type of methods to estimate traffic and the most commonly used variable for the residential development is the number of occupied dwelling units. The Institute of Transportation Engineers ("ITE") traffic generation factors from the 8th Edition indicates that Generation rates for residential development is 6.65 trips/unit or 220 trips/day. As indicated in previous sections, the City is obligated under state law, to fulfill the RHNA requirements that have been assigned to the City.

The proposed project will potentially result in an incremental increase in traffic. The trips will be distributed throughout the City and the level of service of individual intersections will not be significantly affected. The general plan density for the site is 25 units to the acre which provides for the development of up to 65 units. The project is being developed at 12.3 units to the acre. The traffic generated will be less that was contemplated when the general plan was adopted. As a result, there are no impacts anticipated.

- b) *Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways?* **No impact.**

The Institute of Transportation Engineers ("ITE") traffic generation factors from the 8th Edition indicates that Generation rates for residential development is 6.65 trips/unit or 220 trips/day. The proposed project will not result in any significant adverse impacts at a regional CMP facility. The proposed project will provide the required parking per unit and will provide guest parking that will exceed the industry standard rate of .5 spaces per unit. There will be no impacts resulting in the spill over of parking as the project provides all the necessary parking on-site for the project so any potential impacts will be reduced to a level that are less than significant.

- c) *A change in air traffic patterns, including either an increase in traffic levels or a change in the location that results in substantial safety risks?* **No Impacts.**

The proposed project will not result in air traffic patterns. As a result, no significant adverse impacts will result from the development of the proposed project.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)* **No Impacts.**

The proposed project will not involve in any significant alterations to the existing roadway configurations. As a result, no impacts on the design or operation of existing right-of-way facilities will occur.

- e) *Result in inadequate emergency access?* **No Impacts.**

Existing roadways will not be closed to traffic during construction. Emergency access will be provided along Golden Avenue. The Fire Authority has reviewed the access point(s) and has determined that there will be no impact. In addition, the contractor will be

required to submit a staging plan for the proposed construction as part of the building plan check review process for approval by Public Works. The plan must identify utilities, trash container locations, and must identify construction vehicle ingress and egress. All the construction activities will be located on-site. As a result, the proposed project will not result in any significant adverse impacts.

- f) *Conflict with adopted policies, plans, or programs regarding public Transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*
No Impacts.

There are bus stops located in the general vicinity of the project site. Any and all existing bus stops will not be removed as part of the proposed project. The proposed project will be required to remove and replace broken, damaged, or deteriorated sidewalks. The project developer will be required to construct a sidewalk along Golden Avenue and will be required to provide for street dedication for street widening along Golden Avenue. As a result, the development of the proposed project will not result in any significant adverse impacts.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.17 Utilities Impacts. Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | | | | X |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts? | | | | X |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | | | | X |
| e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | | | | X |
| f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | | | | X |
| h) Result in a need for new systems, or substantial alterations in power or natural gas facilities? | | | | X |
| i) Result in a need for new systems, or substantial alterations in communication systems? | | | | X |

Section 3.17 Utilities Impacts. Would the project:

a through i) No Impacts.

The proposed project is within a fully developed urban community. All water, sewer, storm water, and solid waste services are provided directly or through contract by the City of Placentia. The existing systems are in place and have sufficient capacity to accommodate the proposed 33 unit development.

| Environmental Issues Area Examined | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| Section 3.18 Mandatory Findings of Significance. <i>The approval and subsequent implementation of the proposed project:</i> | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. | | | | X |
| b) Does the project have impacts that are individually limited but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects? | | | | X |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | | | X |
| | | | | |

Section 3.18 Mandatory Findings of Significance (responses).

a) The City of Placentia is an urbanized area that is mostly built out with only infill development potential. There are no known species identified as a candidate, sensitive, or special status species. Additionally, there are no known wetlands, as defined by Section 404 of the Clean Water Act, within the City. As such, the proposed project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or eliminate important examples of the major periods of California history or pre-history. Thus, approval and subsequent implementation of the proposed project **will not** have the potential to degrade the quality of the environment, with the implementation of the recommended standard conditions included herein.

b and c)

Based on the analysis contained within this initial study, the proposed project is not anticipated to create a significant impact. When considered with past, current, and other proposed projects in the City, it is unlikely that the project will contribute towards any cumulative impact. Therefore, the project will not cause a substantial adverse effect on human beings, either directly or indirectly. The approval and subsequent implementation of the proposed project **will not** have the potential to achieve short-term goals to the

disadvantage of long-term environmental goals, with the implementation of the recommended standard conditions and measures referenced herein.

The Initial Study/Checklist indicated there is no evidence that the proposed project will have an adverse effect on wildlife resources or habitat upon which any wildlife depends.

On the basis of this initial evaluation:

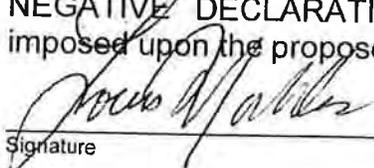
I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will prepared

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in the case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required


Signature

Louis Morales
Printed Name

February, 2013
Date

City of Placentia
For

Recorded At The Request
And When Recorded
Return To:

EXEMPT FROM RECORDING
FEES UNDER CALIFORNIA
GOVERNMENT CODE § 27383

Patrick J. Melia
City Clerk
City of Placentia
401 E. Chapman Ave.
Placentia, CA 92870-6101

DRAFT

**DEVELOPMENT AGREEMENT NO. 2012-XX CONCERNING PROPERTY
LOCATED AT 1049 GOLDEN AVENUE, WEST OF ROSE AVENUE
AND SOUTH OF IMPERIAL HIGHWAY, PLACENTIA, CALIFORNIA**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the "Effective Date" set forth herein by and between OLSON URBAN HOUSING, LLC, a Delaware limited liability company ("Developer") and the CITY OF PLACENTIA, a Charter City and municipal corporation organized and existing under the laws of the State of California ("City") (individually a "Party" and collectively the "Parties" sometimes herein).

WITNESSETH:

A. Recitals.

(i). Article 2.5 of Chapter 4 of Division 1, Title 7 of the California Government Code, commencing at § 65864, authorizes cities to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property.

(ii). Developer has the contractual right to acquire all interest in and to that real property located entirely within City, consisting of approximately 2.63 acres, the common and legal description of which is set forth in Exhibit "A," attached hereto and incorporated herein by this reference and hereinafter is referred to as "the Site." Developer's right to acquire the Site is set forth in that certain Sale Agreement and Escrow Instructions, dated December 29, 2011, as it may have been previously or is hereafter amended (the "Purchase Agreement").

(iii). The Site is now zoned R-3 (High Density Multiple-Family) pursuant to the provisions of City's Zoning Ordinance and Zoning Map, as amended to date hereof. Developer and City desire to provide through this Development Agreement more specific development controls on the Site which will provide for maximum efficient utilization of the Site in accordance with sound planning principles.

PLANNING DIVISION REPORT

APPLICATION: TTM 17489 NPA DEC 2012-03 0A2a201

EXHIBIT: 5

PAGE 1 OF 69

DATE: 2-12-13

(iv). On the XX day of XXXXXX, 2013, City adopted its Ordinance No. O-2013-XX, thereby approving this Development Agreement with Developer and said Ordinance was effective on XX XXXXXX, 2013.

B. Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

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1. Definitions. In this Agreement, unless the context otherwise requires, the following terms shall have the following meaning:

(a). **“City”** is the City of Placentia.

(b). **“Default”** Shall mean the failure of a party to perform any material action or covenant required by and within the time periods provided herein following notice and expiration of the opportunity to cure without such cure being completed, as set forth in § 19 of this Agreement.

(c). **“Development Fees”** shall mean those fees, charges, and exactions imposed by the City upon the development of the Project on the Site, including, but not limited to, application fees, processing fees, development fees, impact fees, mitigation fees, park fees, storm drain fees, sewer fees, and other related or like charges or fees. Subject to the provisions of § 11.(b)., all Development Fees applicable to the Project are identified in Exhibit “F” attached hereto and incorporated herein.

(d). **“Developer”** is the Olson URBAN HOUSING, LLC, a Delaware limited liability company.

(e). **“Development Plan”** shall mean those plans and specifications attached hereto, marked as Exhibit “B” and incorporated herein by this reference, and comprised of the following documents including, but not limited to, a final site plan (including design elevations), subdivision map and site utilization map, stamped “Received, XXXXX XX, 2012, Development Services Department, City of Placentia.” The Development Plan attached hereto includes various conditions of approval set forth in Exhibit “C” hereto which are not changed, altered or modified by this Development Agreement unless specifically set forth herein. The project also includes the records of applications by Developer, the proceedings before the Planning Commission and City Council, and all such records and files in these matters are incorporated herein by this reference as though set forth in full.

(f). **“Effective Date”** shall mean the 31st calendar day following adoption of the ordinance approving this Agreement by City’s City Council.

(g). **“Existing Development Regulations”** means the ordinances, rules, regulations and official policies of the City that are in effect as of the Effective Date of the Agreement which regulate the use of real property, including, but not limited to, its

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development, its subdivision, and the design, density, use, occupancy, improvement and construction of structures thereon, and which establish Development Fees, dedications, or exactions that may be imposed as a condition of obtaining any City approval necessary for a use of real property. Existing Development Regulations, include, but are not limited to, the City's Charter, each element of the City's General Plan, every portion of the City's Municipal Code regulating use(s) of real property (including all zoning codes, development codes, subdivisions codes, and CEQA implementation codes), and the provisions of any Specific Plan applicable to the Site, except as specifically modified herein. Subject to the provisions of § 11.(b)., below, existing Development Regulations shall mean and include only those Developer Fees in effect as of the Effective Date of this Agreement and shown on Exhibit "F" attached hereto.

(h). **"Project"** is that development approved for the Site as provided in this Development Agreement comprised of 33 single family residential units, detached condominium and small lot use, all as reflected in the Development Plan attached hereto as Exhibit "B" and the conditions set forth in Exhibit "C."

(i). **"Project Approvals"** shall mean any necessary land use, development, and building approvals and entitlements required for the development and construction of the Project, including, but not limited to, General Plan amendments, zone changes, zone variances, conditional use permits, site plan review, grading permits, building permits, actions under the Subdivision Map Act, encroachment permits, business licenses and other development approvals that will accomplish the goals, objectives, policies and plans referenced, described, implied and shown in this Agreement.

(j). **"Project Plans"** shall mean all plans for grading, drainage, traffic, parking, construction and/or building, landscaping and other plans related to the Project and all designs, diagrams, drawings, specifications and other representations of or documents associated with such Project Plans.

(k). **"Public Benefits"** shall mean those contributions by Developer designed to defray the impact of the Project and/or provide Developer's fair share contributions to projects or improvements necessary to minimize the impact(s) of the Project on the City. Said Public Benefits are set forth in Exhibit "G" hereto and Developer agrees to provide said contributions in accordance with the timelines for each such contribution as set forth in said Exhibit "G."

(l). **"Public Improvements"** shall mean those public improvements, including but not limited to streets, street lights, traffic signals, curbs, gutters, sidewalks, parkway landscaping, irrigation systems, storm drains, sewers, and other public facilities related to the Project and required to be constructed and installed in the existing public rights-of-way and/or on areas of the Site to be dedicated to the City by the Developer as part of the development of the Project. The Public Improvements are more fully listed and described in Exhibit "D," which is attached hereto and incorporated herein by reference.

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2. Recitals. The recitals are part of the agreement between the parties and shall be enforced and enforceable as any other provision of this Agreement.

3. Interest of Property Owner. Developer warrants and represents that it has right to acquire the Site, pursuant to the Purchase Agreement, that it has full legal right to enter into this Agreement and that the persons executing this Agreement on behalf of Developer have been duly authorized to do so.

4. Binding Effect of Agreement. Subject to Developer's acquisition of legal title to the Site, Developer hereby subjects the Project and the land described in Exhibit "A" hereto to the covenants, reservations and restrictions as set forth in this Agreement. The City and the Developer hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon Developer's successors and assigns in title or interest to the Project. Following Developer's acquisition of the Site, each and every contract, deed or other instrument thereafter executed, covering or conveying the Project or any portion thereof shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement, regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Developer hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that the Developer's legal interest in the Project is rendered less valuable thereby. The City and Developer hereby further declare their understanding and intent that the benefit of such covenants touch and concern the land by enhancing and increasing the enjoyment and use of the Development by Developer and the future occupants of the Project, the intended beneficiaries of such covenants, reservations and restrictions, and by furthering the public purposes for which this Agreement is adopted. Further, the parties hereto agree that such covenants, reservations and restrictions benefit all other real property located in the City of Placentia.

5. Relationship of Parties. It is understood that the contractual relationship between City and Developer is such that Developer is an independent party and is not the agent of City for any purpose whatsoever and shall not be considered to be the agent of City for any purpose whatsoever.

6. Term of Agreement. The term of the Agreement shall commence on the Effective Date and shall expire on December 31, 2037, so long as Developer remains in material compliance with this Agreement, as from time to time amended.

7. Construction. Developer shall use commercially reasonable efforts, in accordance with its own business judgment taking into account market conditions and economic considerations, to complete construction work for the Project on the Site, and all phases thereof, including, but not limited to, landscaping and all off-site

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improvements, pursuant to a building permit or permits issued by City within two (2) years following the Effective Date, subject to extension for force majeure events.

8. Public Improvements. The following provisions shall apply with regard to any Public Improvements required for the Project:

(a). **Construction of Improvements.** Developer hereby agrees to, at its sole cost and expense, design, construct, and install, in accordance with the requirements of the City, the Public Improvements (as set forth in Exhibit "D").

(b). **Improvement Security.** Developer shall provide to the City, no later than the issuance of specific entitlements for the Project (*i.e.*, grading permit, *etc.*), an instrument or instruments securing the commencement, completion, and workmanship of the Public Improvements and securing the payment of laborers and materialmen performing or to perform work on the Public Improvements (collectively "Improvement Security"). The Improvement Security shall be one or more of the securities listed under California Government Code § 66499, as designated by the City. The principal amount of any Improvement Security shall be determined by the City by application of California Government Code §§ 66499.3 and 66499.4. All such Improvement Security provided to the City shall be released in accordance with the provisions of California Government Code § 66499.7.

(c). **Dedication of Rights-of-Way for Public Improvements.** Developer shall dedicate such rights-of-way, easements, agreements, licenses, and other grants of rights over the Site ("Dedications") to the City as are reasonably required to accomplish the survey, design, construction, inspection, testing, operation, maintenance, and repair of the Public Improvements as the City is authorized to require under the Existing Development Regulations. It is understood, acknowledged, and agreed by Developer that such Dedications may include, but are not limited to, fee parcels, and permanent or temporary rights-of-way or easements for public purposes (including street and utility use, slope, drainage, maintenance, construction, entry and/or access, and encroachment permits). The Dedications, if any, to be required by the City for the Project are specified in Exhibit "E" which is attached hereto and incorporated herein by reference. Developer agrees that the making of such Dedications are part of the consideration provided by Developer for this Agreement, that Developer shall not seek, nor have a right to, any compensation from the City for such Dedications, and that Developer shall not pursue any legal action for compensation, including inverse condemnation or eminent domain, with regard to such Dedications.

9. Assignment. Developer shall have the right to sell, mortgage, hypothecate, assign or transfer all or any portion of this Site (as may be subsequently subdivided), to any person or entity at any time during the term of this Development Agreement. Any such transfer shall be deemed to include an assignment of all rights, duties and obligations created by this Development Agreement with respect to all or any portion of the Site. The assumption of any or all of the obligations of Developer under this Agreement pursuant to any such transfer shall relieve Developer, without any act or

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concurrence by the City, of its legal duty to perform those obligations except to the extent that Developer is in default with respect to any and all obligations at the time of the proposed transfer, in which case its obligations solely with respect to the matter in default shall continue until such matter is cured.

10. General Standards and Restrictions Pertaining to Development of the Site. The following specific restrictions shall apply to the use of the Site pursuant to this Development Agreement:

(a). Developer shall have the right to develop the Project on the Site in accordance with the terms and conditions of this Agreement and City shall have the right to control development of the Site in accordance with the provisions of this Agreement. City agrees to timely consider and expeditiously act upon any matter which is reasonably required, necessary or desirable to accomplish the intent, purpose and understanding of the parties in entering into this Agreement, including, without limitation, processing of any ministerial permit or ministerial approval or any request for a discretionary action or discretionary approval. The City further agrees that, if Developer satisfactorily complies with all preliminary procedures, actions, payments of applicable Developer Fees, and criteria generally required of developers by the City for processing applications for such discretionary actions or discretionary approvals that the City will not unreasonably withhold or unreasonably condition any such subsequent discretionary action or discretionary approval required in connection with any subsequent project approval. All subsequent Project approvals shall be subject to the terms and conditions of this Agreement. Any subsequent Project approval implementing the Project or any conditions, terms, restrictions and requirements of any such subsequent Project approval implementing the Project, shall not prevent development of the Project for the uses and in accordance with the maximum density or intensity of development set forth in this Agreement. Subject to Developer's installation of infrastructure in accordance with the requirements of the Project Approvals, City hereby acknowledges that it will have sufficient capacity in its infrastructure and services to accommodate the Project. City hereby agrees that it will provide all applicable City controlled services to the Project and that there shall be no restriction by City on hookups or service for the Project with respect to said items.

(b). The density and intensity of use, the uses allowed, the size of proposed buildings, provisions for the reservation or dedication of land for public purposes, the maximum height of proposed buildings and location of public improvements, together with other terms and conditions of development applicable to the Site, shall be as set forth in this Development Agreement and the attached Development Plan.

(c). City agrees to cooperate with Developer in the issuance of permits on an expedited basis and at the earliest feasible date, including, separate and sequential issuance of demolition, grading and building permits and, if applicable, issuance of permits prior to recordation of tract maps for the Project; provided Developer's applications for such permits comply with all applicable Existing Development Regulations.

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11. Effect of Existing Development Regulations on Development of Project. Except as expressly provided in this Development Agreement, all substantive and procedural requirements and provisions contained in City's ordinances, specific plans, rules and regulations, including, but not limited to, the Zoning Ordinance and building codes, in effect as of the Effective Date of this Development Agreement, shall apply to the construction and development of the Site and, subject only to the terms of this Development Agreement, Developer shall have a currently effective vested right to develop the Site in accordance with the Existing Development Regulations.

(a). The provisions of this ¶ 11 shall not preclude the application to the development of the Site of those changes in City ordinances, regulations, plans or specifications which are specifically mandated and required to apply to the Project by changes in state or federal laws or regulations as provided in California Government Code § 65869.5 or any successor provision or provisions; provided that the party which believes such a change or addition to the Existing Development Regulations has occurred shall provide the other party hereto with a copy of such State or Federal law or regulation and a statement of the nature of its conflict with the provisions of this Agreement, and the parties shall, within ten (10) days, meet and confer in good faith and engage in a reasonable attempt to modify this Agreement to comply with such Federal or State law or regulation, and, in such discussions, the City and the Developer agree to preserve the terms of this Agreement and the rights of the Developer derived from this Agreement to the maximum feasible extent while resolving the conflict.

(b). The payment of fees associated with the construction of the Project, including land use approvals, development fees, building permits, etc., shall be limited to those Development Fees shown on Exhibit "F" attached hereto. Notwithstanding the foregoing, Developer understands and agrees that changes in state or federal laws, as defined in § 11.(a)., above, which require the imposition of new or increased fees shall be paid by Developer.

(c). As provided in California Government Code § 65866, in subsequent actions applicable to the Site, City may apply new rules, regulations, and policies to the Site adopted after the Effective Date provided such new rules, regulations and policies do not conflict in any way with the terms of this Development Agreement or the rights granted herein or further condition or restrict the development of the Project as provided for herein.

(d). Nothing herein shall prevent the application of health and safety regulations (i.e., fire, building, seismic, plumbing, mechanical and electric codes) that become applicable to the City as a whole when required for adoption by state law, such as uniform codes.

12. Maintenance of the Site. The Developer shall, at its sole cost and expense: (i) maintain the appearance and safety of the Site (including all improvements, fixtures, and landscaping) in good order, condition, and repair, and free from the

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accumulation of trash, waste materials, and other debris; (ii) remove all graffiti placed upon the Site (including all improvements, fixtures, and landscaping) within seventy-two (72) hours of its appearance; (iii) maintain in good order, condition and repair, properly functioning landscape irrigation systems on the Site and (iv) remove and promptly replace all dead or diseased landscaping material on the Site. In the event of a default of this § 12 and of a failure to commence to cure such default within fifteen (15) days after service of a written notice by the City, or to thereafter diligently pursue such cure to completion, then the City or its agents, employees and contractors shall have the right to enter upon the Site without further notice and to take such actions as are necessary to cure the default. Developer shall reimburse the City for all costs associated with cure of the default (including but not limited to, staff services, administrative costs, legal services, and third party costs), within fifteen (15) days after service of a written notice by the City. If Developer fails to pay within the time provided, such costs shall be a lien upon the Property, as provided by California Civil Code § 2881 effective upon the recordation of a notice thereof against the Site. The City may thereafter enforce and foreclose such lien in any manner legally allowed.

13. Uses. Those uses allowed on the Site shall be as follows:

(a). **Permitted Uses.**

(1). Detached condominium and small lot, single family residential homes, including detached and paired housing, with private yards, as shown in the Development Plan. The Project will consist of two (2) lot sizes: 43' x 50' and 50' x 53.'

(2). Interior "pocket park" and common landscaping maintained by a City-approved homeowners association pursuant to covenants, conditions and restrictions applicable to all property within the Project.

(b). **Uses Requiring Conditional Use Permit** shall be as required pursuant to the provisions of Title 23 of the Placentia Municipal Code, as the same may be amended from time to time hereafter.

14. Subdivision Map Required. Notwithstanding any other provision or term hereof, Developer shall process a subdivision map through City's subdivision map approval process, comprising all of the property identified in Exhibit "A," including, but not limited to, the relinquishment of vehicular access rights to XXXXXX Street therefrom, and cause the final map to be recorded in the form prescribed by law not later than December 31, 2013, subject to extension for force majeure events; provided that, upon request of Developer and upon good cause therefor being shown, the City Administrator of City shall have the authority to extend the foregoing date for recordation of the final map by up to 90 days upon an administrative basis and without further authorization from the City. In the event said map is not recorded as required herein, this Development Agreement shall be deemed null and void. Developer may, at Developer's sole risk and expense, apply for building and grading permits pursuant to City's codes and ordinances, prior to the recordation of said map; provided, however, that no

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certificate of occupancy or other entitlement of a similar nature may be granted or obtained prior to recordation thereof. No conditions of approval shall be imposed in connection with processing or approval of such subdivision map beyond those set forth in Exhibit "C" attached hereto. As provided in California Government Code §§ 66452.6 and 65863.9, the term of any tentative, vesting tentative or parcel map hereafter approved with respect to the Project and the term of each of the Project Approvals shall remain in effect and be valid through the scheduled termination date of this Agreement or the date such approval would otherwise be in effect under applicable law, whichever is later.

15. Annual Review. During the term of this Agreement, City shall annually review the extent of good faith compliance by Developer with the terms of this Development Agreement. Developer shall file an annual report with the City indicating information regarding compliance with the terms of this Development Agreement no later than March 15 of each calendar year. City's failure to conduct any such annual review shall not affect the validity or continuing effectiveness of this Agreement.

16. Indemnification. Developer agrees to, and shall, hold City and its elected and appointed officials, officers, agents and employees free and harmless from all liability for damage or claims for damage for personal injury, including death, and claims for property damage which may arise from the direct or indirect operations of Developer or those of Developer's contractor, subcontractor, agent, employee or other person acting on Developer's behalf which relate to the construction and operation of the Project. Developer agrees to, and shall, defend City and its elected and appointed officials, officers, agents and employees with respect to actions for damages caused or alleged to have been caused by reason of Developer's activities in connection with the Project. This hold harmless provision applies to all damages and claims for damage suffered or alleged to have been suffered by reason of the operations referred to in this Development Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Project, but shall not apply to any claim of intentional misconduct of the City or any officer or employee acting on the City's behalf.

17. Amendments. This Agreement may be amended or canceled, in whole or in part, only by mutual written consent of the parties and then in the manner provided for in California Government Code §§ 65868, et seq., or their successor provisions.

18. Minor Amendments to Development Plan. Upon the written application of Developer, minor modifications and changes to the Development Plan may be approved by the Director of Development Services pursuant to the terms of City's Zoning Ordinance.

19. Enforcement. In the event of a default under the provisions of this Agreement by Developer, City shall give written notice to Developer (or its successor) by registered or certified mail addressed to the address stated in this Agreement, and if such violation is not corrected to the reasonable satisfaction of City within thirty (30) days after such notice is given, or if not corrected within such reasonable time as may be

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required to cure the breach or default if said breach or default cannot reasonably be cured within thirty (30) days (provided that acts to cure the breach or default must be commenced within said thirty (30) days and must thereafter be diligently prosecuted by Developer), then City may, without further notice, declare a default under this Agreement and, upon any such declaration of default, City may terminate this Agreement. Except as otherwise expressly provided herein, termination of this Agreement shall be the City's sole remedy for Developer's default. Termination of this Agreement shall not affect existing entitlements or permits issued prior to such termination, although all such permits shall be and remain subject to any terms and conditions of approval contained therein or imposed in connection therewith

20. Event of Default. Developer is in default under this Agreement upon the happening of one or more of the following events or conditions:

(a). If a material warranty, representation or statement is made or furnished by Developer to City with respect to this Agreement and is false or proved to have been false in any material respect when it was made;

(b). If a finding and determination is made by City following an annual review pursuant to ¶ 15 above, upon the basis of substantial evidence, that Developer has not complied in good faith with any material terms and conditions of this Agreement, after notice and opportunity to cure as described in ¶ 19 hereinabove; or

(c). A breach by Developer of any of the provisions or terms of this Agreement, after notice and opportunity to cure as provided in ¶ 19 hereinabove.

21. No Waiver of Remedies. City does not waive any claim of defect in performance by Developer if, on periodic review, City does not enforce this Agreement. Nonperformance by Developer shall not be excused because performance by Developer of the obligations herein contained would be unprofitable, difficult or expensive or because of a failure of any third party or entity, other than City; provided that the foregoing shall not limit the Developer's right to force majeure extensions where those are provided for pursuant to § 30 below. Except as otherwise expressly provided herein, all other remedies at law or in equity which are not otherwise provided for in this Agreement are available to the parties to pursue in the event that there is a breach of this Development Agreement. No waiver by City of any breach or default under this Development Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.

22. Rights of Lenders Under Agreement. This Agreement shall not prevent or limit Developer, acting in good faith, in any manner, at its sole discretion, from encumbering the portion of the Site owned by it, or any portion thereof or any improvement thereon, by any mortgage, deed of trust, or other security device securing financing with respect to such portion of the Site. The City acknowledges that the lenders providing such financing may require certain Agreement interpretations and/or modifications and agrees upon request, from time to time, to meet with the Developer and

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representatives of such lenders to negotiate in good faith any such request for interpretation or modification. City agrees that it will not unreasonably withhold consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Neither the entering into of this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish, or impair the lien of any mortgage or deed of trust on the Site, or any portion thereof, made in good faith and for value. Should Developer place or cause to be placed any encumbrance or lien on the Project, or any part thereof, the beneficiary (“Lender”) of said encumbrance or lien shall have the right at any time during the term of this Agreement and the existence of said encumbrance or lien to:

(a). Do any act or thing required of Developer under this Agreement, and any such act or thing done or performed by Lender shall be as effective as if done by Developer;

(b). Realize on the security afforded by the encumbrance or lien by exercising foreclosure proceedings or power of sale or other remedy afforded in law or in equity or by the security document evidencing the encumbrance or lien (hereinafter referred to as “a trust deed”);

(c). Transfer, convey or assign the title of Developer to the Project to any purchaser at any foreclosure sale, whether the foreclosure sale be conducted pursuant to court order or pursuant to a power of sale contained in a trust deed; and

(d). Acquire and succeed to the interest of Developer by virtue of any foreclosure sale, whether the foreclosure sale be conducted pursuant to a court order or pursuant to a power of sale contained in a trust deed.

23. Notice to Lender. City shall give written notice of any default or breach under this Agreement by Developer to Lender (if known by City) and afford Lender the opportunity after service of the notice to:

(a). Cure the breach or default within thirty (30) days after service of said notice, where the default can be cured by the payment of money;

(b). Cure the breach or default within thirty (30) days after service of said notice where the breach or default can be cured by something other than the payment of money and can be cured within that time; or

(c). Cure the breach or default in such reasonable time as may be required where something other than payment of money is required to cure the breach or default and such cure cannot reasonably be performed within thirty (30) days after said notice, provided that acts to cure the breach or default are commenced within a thirty (30) day period after service of said notice of default on Lender by City and are thereafter diligently continued by Lender.

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24. Action by Lender. Notwithstanding any other provision of this Agreement, a Lender may forestall any action by City for a breach or default under the terms of this Agreement by Developer by commencing proceedings to foreclose its encumbrance or lien on the Project. The proceedings so commenced may be for foreclosure of the encumbrance by order of court or for foreclosure of the encumbrance under a power of sale contained in the instrument creating the encumbrance or lien. The proceedings shall not, however, forestall any such action by the City for the default or breach by Developer unless:

(a). They are commenced within ninety (90) days after service on Developer of the notice described hereinabove;

(b). They are, after having been commenced, diligently pursued in the manner required by law to completion; and

(c). Lender keeps and performs all of the terms, covenants and conditions of this Agreement requiring the payment or expenditure of money by Developer until the foreclosure proceedings are complete or are discharged by redemption, satisfaction or payment.

25. Notice. Any notice required to be given by the terms of this Agreement shall be provided by certified mail, return receipt requested, at the address of the respective parties as specified below or at any other such address as may be later specified by the parties hereto.

To Developer: OLSON URBAN HOUSING, LLC
3010 Old Ranch Parkway, Suite 100
Seal Beach, California 90740
Attention: Todd Olson and John Reekstin
Business No.: (562) 596-4770
Facsimile No.: (562) 596-4703
Email: tolson@theolsonco.com

With a copy to: OLSON URBAN HOUSING, LLC
3010 Old Ranch Parkway, Suite 100
Seal Beach, California 90740
Attention: Katherine M. Chandler, Esq.
Business No.: (562) 370-2217
Facsimile No.: (562) 598-9535
Email: kchandler@theolsonco.com

To City: City of Placentia
401 E. Chapman Ave.
Placentia, CA 92870-6101

Attention:
Director of Development Services

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With a copy to:

Andrew V. Arczynski
City Attorney
City of Placentia
1400 N. Brea Blvd.
Fullerton, CA 92835-3538
Email: andrew@arczynskilaw.com

26. Attorneys' Fees. In any proceedings arising from the enforcement of this Development Agreement or because of an alleged breach or default hereunder, the prevailing party shall be entitled to recover its costs and reasonable attorneys' fees incurred during the proceeding as may be fixed within the discretion of the court.

27. Binding Effect. This Agreement shall bind, and the benefits and burdens hereof shall inure to, the respective parties hereto and their legal representatives, executors, administrators, successors and assigns, wherever the context requires or admits.

28. Applicable Law. This Agreement shall be construed in accordance with and governed by the laws of the State of California.

29. Partial Invalidity. If any provisions of this Agreement shall be deemed to be invalid, illegal or unenforceable, the validity, legality or enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.

30. Force Majeure. In addition to specific provisions of this Agreement, whenever a period of time is designated within which any party hereto is required to do or complete any act, matter or thing, the time for the doing or completion thereof shall be extended by a period of time equal to the number of days during which such party is prevented from the doing or completion of such act, matter or thing because of causes beyond the reasonable control of the party to be excused, including, without limitation, war; acts of terrorism; insurrection; riots; floods; earthquakes; fires; casualties; acts of God; strikes; litigation and administrative proceedings involving the Project; restrictions imposed or mandated by other governmental entities; enactment of conflicting state or federal laws or regulations; judicial decisions; the exercise of City's reserved powers; or similar bases for excused performance which are not within the reasonable control of the party to be excused (collectively, "Force Majeure Event").

31. Estoppel Certificate. At any time during the term of this Agreement, any lender or other party may request any party to this Agreement to confirm that (i) this Agreement is unmodified and in full force and effect (or if there have been modifications hereto, that this Agreement is in full force and effect as modified and stating the date and nature of such modifications) and that (ii) to the best of such party's knowledge, no defaults exist under this Agreement or if defaults do exist, to describe the nature of such defaults and (iii) any other information reasonably requested. Each party hereby agrees to provide a certificate to such lender or other party within ten (10) business days of receipt of the written request therefor. The failure of any party to provide the requested

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certificate within such ten (10) business day period shall constitute a confirmation that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that, to the best of such party's knowledge, no defaults exist under this Agreement, except as may be represented by the requesting party.

32. Timing of Development. The parties acknowledge that Developer cannot at this time predict when or the rate at which the Project would be developed. Such decisions depend upon numerous factors which are not all within the control of Developer. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Ca1.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the intent of Developer and City to hereby cure that defect by acknowledging and providing that Developer shall have the right to develop the Site consistent with the Project Approvals and the Conditions of Approval in such order and at such rate and at such times as Developer deems appropriate. No City-imposed moratorium or other limitation (whether relating to the rate, timing or sequencing of the development or construction of all or any part of the Site, whether imposed by ordinance, initiative, resolution, policy, order or otherwise, and whether enacted by the City Council, a board, agency, commission or department of City, the electorate, or otherwise) affecting parcel or subdivision maps (whether tentative, vesting tentative or final), building permits, occupancy certificates or other entitlements to use or service (including, without limitation, water and sewer) approved, issued or granted within City, or portions of City, shall apply to the Site to the extent such moratorium or other limitation is in conflict with this Agreement.

33. Recordation. This Agreement shall, at the expense of Developer, be recorded in the Official Records of the County Recorder of the County of Orange within ten (10) business days following the Effective Date. Developer shall bear the cost of recordation hereof, if any.

IN WITNESS WHEREOF, this Agreement has been executed by the parties and shall be effective on the Effective Date set forth hereinabove.

CITY OF PLACENTIA,
a Charter City and municipal corporation

Dated: _____

By _____

Scott W. Nelson, Mayor

ATTEST: _____

Patrick J. Melia, City Clerk
City of Placentia

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OLSON URBAN HOUSING, LLC,
a Delaware limited liability company

By: In Town Living, Inc.,
a Delaware corporation

Its: Managing Member

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

Approved as to form:

By _____
Andrew V. Arczynski,
City Attorney

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On _____, 2012, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ and _____ proved to me on the basis of satisfactory evidence to be the persons who executed this instrument as Mayor and City Clerk of the CITY OF PLACENTIA, a Charter City and municipal corporation existing and organized under the laws of the State of California, and acknowledged to me that the CITY OF PLACENTIA executed it.

Notary Public in and for said State

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STATE OF _____)

) ss.

COUNTY OF _____)

On _____, 2012, before me, the undersigned, a Notary Public in and for said County and State, personally appeared xxxxx, President, and XXXXX, Secretary, of the Olson Company, Inc., proved to me on the basis of satisfactory evidence to be the persons who executed this instrument as officers of the Olson COMPANY, INC. and acknowledged to me that such persons are authorized to execute on behalf of such corporation.

Notary Public in and for said State

EXHIBIT "A"
LEGAL DESCRIPTION

CITY OF PLACENTIA
EXHIBIT "A"
LOT LINE ADJUSTMENT
LLA No. 2013-1
 (LEGAL DESCRIPTION)

| OWNER(S) OF RECORD | EXISTING PARCEL A.P. NO. | PROPOSED PARCEL NO. |
|--|--------------------------|---------------------|
| DIANA LOU SCHILLING, TRUSTEE OF THE JOSEPHINE A. JONES SURVIVOR'S TRUST CREATED UNDER THE GEORGE A. JONES AND JOSEPHINE A. JONES TRUST DATED 1/22/81, AS TO AN UNDIVIDED 56% INTEREST, & DIANA LOU SCHILLING, TRUSTEE OF THE GEORGE A. JONES BYPASS TRUST CREATED UNDER THE GEORGE A. JONES AND JOSEPHINE A. JONES TRUST DATED 1/22/81, AS TO AN UNDIVIDED 44% INTEREST, | A.P.N.: 334-021-02 | PARCEL A |
| | & | |
| | A.P.N.: 334-021-03 | PARCEL B |
| | | |

SHEET 4 OF SHEETS 6

LEGAL DESCRIPTION AFTER LOT LINE ADJUSTMENT:

PARCEL B:

THAT PORTION OF LOT 4 IN BLOCK 1 OF THE YORBA LINDA TRACT, IN THE CITY OF PLACENTIA, AS SHOWN ON A MAP RECORDED IN BOOK 5, PAGES 17 AND 18 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4, SAID CORNER BEING ON THE EASTERLY BOUNDARY LINE OF THE RANCHO SAN JUAN DE SANTA ANA;
 THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 4, NORTH 88°27'02" EAST 218.80 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED HEREIN;
 THENCE SOUTH 01°43'06" EAST, 311.62 FEET, MORE OR LESS, TO A POINT IN THE CENTER LINE OF GOLDEN AVENUE, 40 FEET IN WIDTH, SAID POINT BEING DISTANT ALONG SAID CENTER LINE SOUTH 88°51'24" WEST 906.41 FEET FROM THE CENTER LINE INTERSECTION OF GOLDEN AVENUE AND ROSE AVENUE;
 THENCE NORTH 88°51'24" EAST, ALONG SAID CENTER LINE OF GOLDEN AVENUE, 423.00 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO FORREST L. SWEET AND WIFE, RECORDED SEPTEMBER 15, 1948 IN BOOK 1701, PAGE 190 OF OFFICIAL RECORDS;
 THENCE NORTH 01°43'06" WEST ALONG THE WESTERLY BOUNDARY OF SAID LAND OF SWEET AND WIFE, 286.13 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF THE RIGHT OF WAY OF THE PACIFIC ELECTRIC RAILWAY COMPANY;
 THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 61°13'30" WEST, 56.43 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY LINE WITH THE NORTHERLY LINE OF SAID LOT 4;
 THENCE ALONG THE NORTHERLY LINE OF SAID LOT 4, SOUTH 88°27'02" WEST, 374.36 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.
 CONTAINING AN AREA OF 131,751 SQUARE FEET (3.02 AC.), MORE OR LESS. ALL AS PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

EXHIBIT "B"

LOT LINE ADJUSTMENT

LLA No. 2013-1

| OWNER(S) OF RECORD | EXISTING PARCEL A.P. NO. | PROPOSED PARCEL NO. |
|---|--------------------------|---------------------|
| DIANA LOU SCHILLING, TRUSTEE OF THE JOSEPHINE A. JONES SURVIVOR' S TRUST CREATED UNDER THE GEORGE A. JONES AND JOSEPHINE A. JONES TRUST DATED 1/22/81, AS TO AN UNDIVIDED 56% INTEREST, & DIANA LOU SCHILLING, TRUSTEE OF THE GEORGE A. JONES BYPASS TRUST CREATED UNDER THE GEORGE A. JONES AND JOSEPHINE A. JONES TRUST DATED 1/22/81, AS TO AN UNDIVIDED 44% INTEREST, | A.P.N.: 334-021-02 | PARCEL A |
| | & | |
| | A.P.N.: 334-021-03 | PARCEL B |
| | | |

SHEET 5 OF SHEETS 6

ROSE DR.

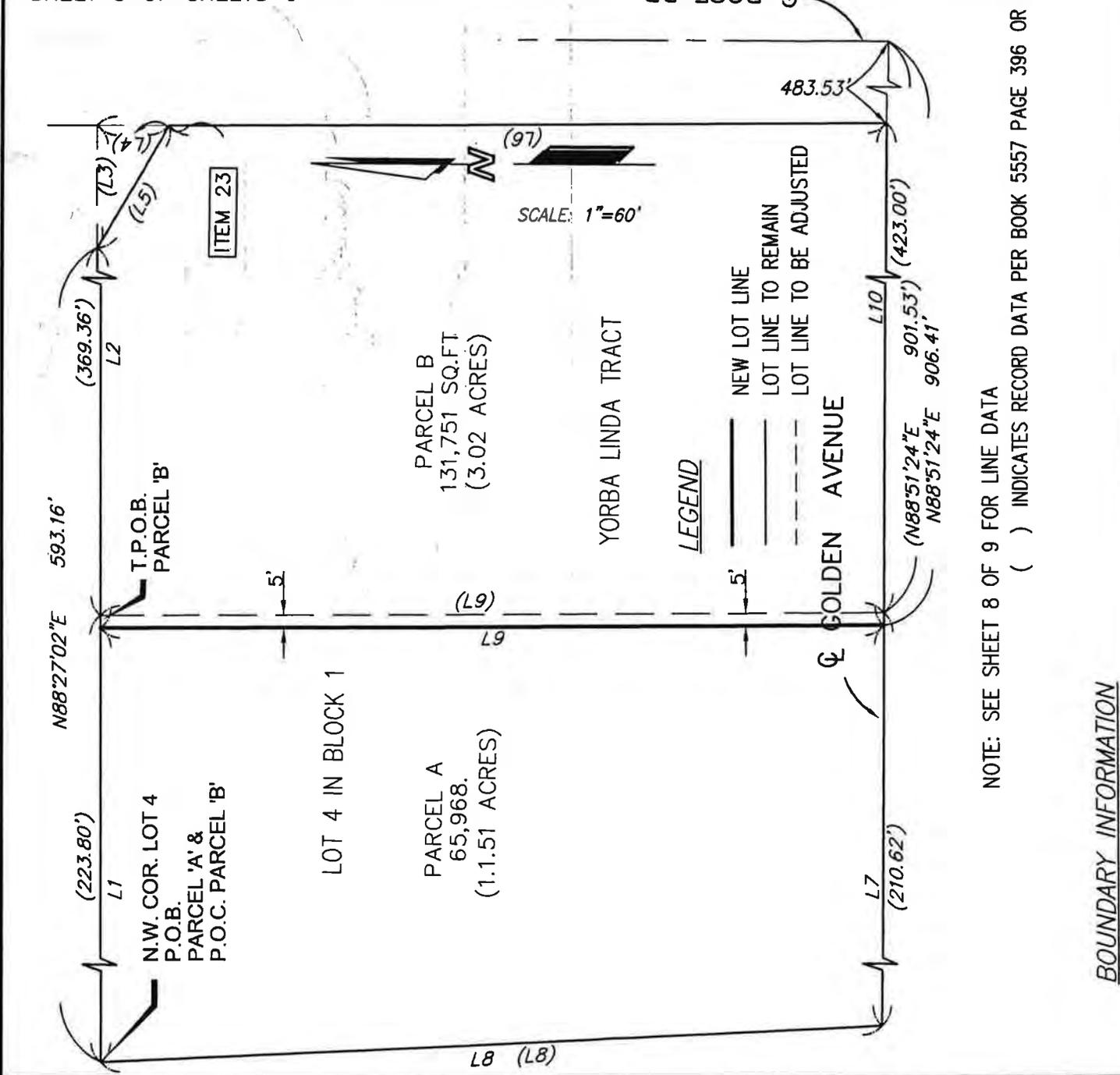


EXHIBIT "B"
DEVELOPMENT PLAN

EXHIBIT "B"
DEVELOPMENT PLAN

Please refer to Exhibit 1 and 2 of Planning Commission Staff Report

DRAFT

EXHIBIT "C"
CONDITIONS

DRAFT

Please refer to Attachments "A, B and C" of Planning Commission Staff Report

EXHIBIT "D"
PUBLIC IMPROVEMENTS

DRAFT

EXHIBIT "E"
DEDICATIONS

DRAFT

EXHIBIT "F"
DEVELOPMENT FEES

DRAFT

EXHIBIT "G"

DRAFT

PUBLIC BENEFITS

1. Developer shall contribute \$125,000.00 in furtherance of engineering and design requirements for proposed improvements to the Golden Avenue Bridge. Fifty percent (50%) of said contribution shall be made immediately upon issuance of a grading permit for the Project. The remaining fifty percent (50%) shall be due and payable upon issuance of the sixteenth (16th) Certificate of Occupancy.

2. Developer shall contribute \$102,816.00 as a public safety mitigation fee. Fifty percent (50%) of said contribution shall be made immediately upon issuance of entitlements for the Project. The remaining fifty percent (50%) shall be due and payable upon issuance of the sixteenth (16th) Certificate of Occupancy.

3. Developer shall contribute \$119, 724.00 as a park in lieu fee in accordance with the provisions of Chapter 5.28 of the Placentia Municipal code. Developer shall receive a credit against said park in lieu fee, in accordance with the requirements of Chapter 22.54 of the Placentia Municipal Code, based upon the value of the on-site open space which is useable for active recreational uses; provided, however, that no payment shall be made to Developer in the event the value of the on-site open space which is useable for active recreational uses exceeds Developer's in lieu fees. The final determination of said in-lieu fee shall be made by the City Council. Said contribution shall be made at the time of issuance of first Certificate of Occupancy.

4. Developer agrees to approve the establishment of a Community Facilities District (Mello-Roos) ("CFD") applicable to the Project pursuant to the provisions of California Government Code § 53311, *et seq.*, providing for a special tax on the Project of up to a maximum amount of Five Hundred Dollars (\$500.00) per year per house. Said CFD shall include provisions for special taxes pertaining to: Police protection services, including, but not limited to, criminal justice services; fire protection and suppression services, and ambulance and paramedic services; recreation program services, and the operation and maintenance of museums and cultural facilities; maintenance and lighting of parks, parkways, streets, roads, and open space; and flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems. Developer further agrees to cooperate in taking any actions in Developer's control to assist City in the establishment of the CFD including execution and delivery of waivers of notice or meeting and execution and return of ballots approving the CFD formation. The CFD shall be formed prior to the close of escrow for sale of any homes within the Project pursuant to a final subdivision public report or a covenant agreement shall be recorded against each residential lot prior to that date, permitting incorporation of that lot in the CFD.

5. Developer shall contribute \$115,500.00 as a low-moderate housing mitigation fee. Fifty percent (50%) of said contribution shall be made immediately upon issuance of the sixteenth (16th) Certificate of Occupancy. The remaining fifty percent (50%) shall be due and payable upon issuance of the thirty-third (33rd) Certificate of Occupancy.