



Placentia Planning Commission Agenda

Regular Meeting
February 11, 2014
6:30 p.m.

Michael Ebenhoch
Chairman

Christine Schaefer
Vice Chairman

Dana Hill
Commissioner

Frank Perez
Commissioner

Thomas Solomonson
Commissioner

James Schenck
Commissioner

Vic Tomazic
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

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

Procedures for Addressing the Commission

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

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

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

Special Accommodations

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

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

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

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

**City of Placentia
City Council Chambers
401 E. Chapman Avenue
February 11, 2014**

**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 Tomazic
Commissioner Schenck

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.

CONSENT CALENDAR:

1. Minutes

Recommended Actions: It is recommended that the Planning Commission:

- a. Approve the Minutes of the January 14, 2014 Planning Commission Meeting

PUBLIC HEARING:

2. Applicant: 99 Cents Only Store: Michael Green:

Use Permit (UP) 2013-08 1260 E. Yorba Linda Boulevard : To permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption, in conjunction with the operation of an existing +/- 22,894 square foot grocery and variety retail store (99 Cents Only Store), located at 1260 E. Yorba Linda Boulevard in the Neighborhood Commercial (C-1) Store.

Recommended Action:

Recommends approval of Development Plan Review UP2013-08, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements

OLD BUSINESS

4. No items

NEW BUSINESS

DEVELOPMENT REPORT

PLANNING COMMISSION REQUESTS

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

ADJOURNMENT

The Planning Commissioners ADJOURNED to a regular adjourned meeting on Tuesday, February 25, 2014 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

CERTIFICATION OF POSTING

I,
Charles L. Rangel, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the February 11, 2014 regular meeting of the Planning Commission of the City of Placentia was posted on February 6, 2014.


Charles L. Rangel

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

January 14, 2014

The regular meeting of the Placentia Planning Commission of January 14, 2014 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
Tom Solomonson, Commissioner
Vic Tomazic, Commissioner
James Schenck, Commissioner
Dana Hill, Commissioner
Frank Perez, Commissioner

PLEDGE OF ALLEGIANCE: Led by Commissioner Solomonson

Others Present: Andrew V. Arczynski, City Attorney
Charles Rangel, Contract Planner
Cathy Carranza, Clerical Aide
Robyn Uptegraff, Interim Assistant City Administrator

ORAL COMMUNICATIONS: The Chair invited the public to make oral comments on matters not on the agenda.

Craig Green of 650 Nenno Avenue introduced himself. Mr. Green stated that HQT has held several meetings with the neighbors and been very professional in moving forward with the project. Mr. Green indicated that he supported the project.

Glenn Casterline of 330 Pinehurst introduced himself. Mr. Casterline stated the current plans from HQT are a positive improvement from the initial project plans. He indicated that the neighborhood has three primary issues: providing a safe route to school; the installation of a traffic signal and the project entrance; and adequate project parking. Based upon meetings with the developer and the City, Mr. Casterline stated that the first two issues have been deferred until project completion. Mr. Casterline remains concerned that there will only be 20 guests parking spaces available.

Jim Gardner of 1131 Cypress Point Drive introduced himself. Mr. Gardner stated the neighbors were concerned with the previous proposal in that it was not a single family detached neighborhood. Mr. Gardner also agrees that HQT has improved the proposal.

Chairman Ebenhoch closed the oral communication.

CONSENT CALENDAR:

1. A. Motion by Vice Chair Schaefer, seconded by Commissioner Tomazic to APPROVE THE MINUTES of November 12, 2013. Passed by a 6-0-0-1 vote. Commissioner Schenck abstained.
- B. Motion by Vice Chair Schaefer, seconded by Commissioner Tomazic to APPROVE THE MINUTES of December 10, 2013 Passed by a 3-0-0-4 vote. Chairman Ebenhoch, Commissioners Hill, Perez, Schenck abstained.

Public Hearings:

2. Applicant: That and Qui Dang

Development Plan Review (DPR) 2013-04 918 and 926 W. La Jolla Street: To permit the construction of a new three story, ten (10) unit apartment complex consisting of two buildings on a +/- 18,700 square foot lot and related on and offsite improvements, located at 918 & 926 W. La Jolla Street in the High Density Residential (R-3) District.

Charles Rangel presented the staff report.

Commissioner Schenck asked if a study for pedestrian traffic had been done for the area.

The project designer introduced himself and stated that the public sidewalk will remain the same.

The applicant That Dang introduced himself. Mr. Dang stated he and his wife want to improve this area and are asking the Planning Commission for approval of this project.

Vice Chair Schaefer asked Mr. Dang if he currently owns the proposed property. Mr. Dang said yes. Vice Chair Schaefer asked if the current residents will be considered as tenants. Mr. Dang stated they are working with the current tenants and will consider them as future renters. Vice Chair Schaefer asked if security is a concern for the area. Mr. Dang stated they will have locking gates and will meet the security requirements from the Fire Authority and the Police Department. Vice Chair Schaefer asked if graffiti will be controlled with paint or vines. Mr. Dang stated they will be submitting landscaping plans to the City.

Commissioner Schenck asked for clarification of the guest parking location. Mr. Dang stated guest parking is located next to the garage.

Chairman Ebenhoch opened the public hearing.

Lenice Aceves of 937 Anchorage Circle introduced herself. Ms. Aceves showed concern with the tenants who will be occupying the housing units. Ms. Aceves stated there have been issues with graffiti and theft as a result of other apartment developments in the neighborhood.

Chairman Ebenhoch closed the public hearing.

The applicant Mr. Dang approached the Commission. Mr. Dang stated they will meet all security requirements and monitor graffiti. Mr. Dang stated he will personally be screening applicants.

Motion by Commissioner Schenck, seconded by Vice Chair Schaefer, to approve Development Plan Review (DPR) 2013-04, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements Set Forth Therein. Passed by a 7-0-0-0 vote.

OLD BUSINESS

3. No Items

NEW BUSINESS

STUDY SESSION

4. Applicant: HQT Placentia, LLC

The applicant provided an overview of the proposed 78-unit single family residential development located on the east side of Kraemer Blvd between Chapman Ave. and Yorba Linda Blvd.

DEVELOPMENT REPORT

No Update

PLANNING COMMISSION REQUESTS

Commissioner Tomazic asked if the Development Project List will be continued. Ms. Uptegraff said yes.

Vice Chair Schaefer asked if right of way could be purchased from the Schaeners on Morse Avenue for installation of a sidewalk and if funds from Safe Routes to School could be used to fund this. Ms. Uptegraff stated it would be difficult to install a sidewalk given the location of the current structures. Ms. Uptegraff stated she will provide the Commission with more information at the next Planning Commission meeting.

Chairman Ebenhoch welcomed Charles Rangel, Contract Planner on behalf of the Planning Commission.

ADJOURNMENT

Chairman Ebenhoch adjourned the Planning Commission meeting at 7:40 p.m. to a special meeting on Tuesday, January 28, 2014 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Charles L. Rangel
Contract Planner



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 2	DATE: February 11, 2014	PUBLIC HEARING: Yes
APPLICATION(S): Use Permit (UP) 2013-08		
DESCRIPTION: To permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption, in conjunction with the operation of an existing +/- 22,894 square foot grocery and variety retail store (99 Cents Only Store), located at 1260 E. Yorba Linda Boulevard in the Neighborhood Commercial (C-1) Store.		
RELATED APPLICATIONS:		
APPLICANT: 99 Cents Only Store: Michael Green		
PROPERTY OWNER: Yorba Linda, LP, contact person Pat Locantore		
LOCATION: 102 E. Yorba Linda Boulevard		
CEQA DETERMINATION: Categorically Exempt: § 15061(b)(3)		
ZONING: Town Center (T-C)	APN(S): 339-181-01	
GENERAL PLAN: Commercial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Robyn Uptegraff, Interim Assistant City Administrator		
REVIEWED BY: Charles L. Rangel, City Contract Planner		

REQUEST:

To permit the sale of alcoholic beverages (Type 20 Off-Sale Beer and Wine) for off-site consumption, in conjunction with the operation of an existing +/- 22,894 square foot grocery and variety retail store (99 Cents Only Store), located at 1260 E. Yorba Linda Boulevard in the Neighborhood Commercial (C-1) Store.

RECOMMENDATION:

City Planning Division is recommending approval of Use Permit (UP) 2013-08 subject to the attached recommended Special Conditions of Approval, Standard Development Requirements and approval of a Public Necessity or Convenience.

INTRODUCTION:

The subject site (1260 E. Yorba Linda Boulevard) is a commercial parcel (Yorba Linda Commercial Retail center). The existing 22,894 square foot 99 Cent store is proposing the Type 20 ABC license.

Subject Site and Surrounding Land Uses:

	Land Use	General Plan Land Use Designation	Zoning Designation
Current & Proposed	99 Cents Only Store	Commercial	C-1
West	Arco Gas Station	Commercial	C-1
East	Ford Auto dealer	Commercial	C-2
North	Commercial-Retail vacant auto dealer/ Rose Linda Commercial Retail Center	Commercial	C-1
South	Single-family units	Low Density Residential	R-1

USE PERMIT (UP) 2013-08

The applicant is requesting to provide beer and wine for sale for off-site consumption in conjunction with the existing sale of grocery products and other related items within the existing store.

Pursuant to Section 23.27.040(3) of the Placentia Municipal Code, the sale of alcoholic beverages is permitted within the Community Commercial C-2 District, subject to obtaining a use permit.

Store Operational Characteristics:

Based on the statement of operations submitted by the applicant, the hours of operation are 6am to 11pm - 7 days per week. The average number of employees per shift is 8 to 12 workers. Display of beer and wine will not exceed 5% of gross floor area of the store and will not be located near the front door. There will be no posters advertising beer or wine in store windows. Surveillance cameras are located throughout the store. Employees go through corporate training for alcohol sales to ensure strict compliance to CA Department of Alcoholic Beverage Control laws. Inasmuch as 50% of the items sold are food and daily consumer items, 99 Cents only stores are considered a grocery store.

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

The Alcoholic Beverage Control (ABC) license which is being applied for by 99 Cents Only Store is "Type 20 Off-Sale Beer and Wine," which permits the sale of beer and wine for off-site consumption. Listed below are other businesses within an approximate one-half mile radius of the subject site that are permitted to sell alcoholic beverages for on- and off-site consumption.

BUSINESS	ADDRESS	LICENSE TYPE
MARIE CALLENDERS	126 E YORBA LINDA BLVD	Type 47 On-sale General for Bona Fide Public Eating Place
RALPHS/HUGHES MARKETS INC	710 N ROSE DR	Type 21 Off-Sale General
TJS LOCKER ROOM INC	1164 E YORBA LINDA BLVD	Type 48 On-Sale General for Public Premises
ISE JAPANESE RESTAURANT	1241 E YORBA LINDA BLVD	Type 41 On-sale General for Bona Fide Public Eating Place
SAKE SUSHI & GRILL	850 N ROSE DR	Type 41 On-sale General for Bona Fide Public Eating Place
REMBRANTS BEAUTIFUL FOOD	909 E YORBA LINDA BLVD	Type 47 On-sale General for Bona Fide Public Eating Place
PEPPERONIS PIZZA	732 N ROSE DR	Type 41 On-sale General for Bona Fide Public Eating Place
KELLYS KORNER TAVERN	909 E YORBA LINDA BLVD	Type 42 On-Sale General for Public Premises
ALTA VISTA COUNTRY CLUB	777 ALTA VISTA ST	Type 47 On-sale General for Bona Fide Public Eating Place
YORBA LINDA ROSE ARCO AMPM	1202 E YORBA LINDA BLVD	Type 20 Off-Sale Beer and Wine
CVS PHARMACY	1240 E YORBA LINDA BLVD	Type 21 Off-Sale General
WALGREENS	191 E YORBA LINDA BLVD	Type 20 Off-Sale Beer and Wine
BIG LOTS	1257 E YORBA LINDA BLVD	Type 20 Off-Sale Beer and Wine
PHO HOANG	1156 E YORBA LINDA BLVD	Type 41 On-sale General for Bona Fide Public Eating Place
AM PM MINI MARKET	102 E YORBA LINDA BLVD	Type 20 Off-Sale Beer and Wine

The sale of beer and wine in conjunction with food and grocery sales is common in most convenience stores, markets and drugstores. The sale of alcoholic beverages in this grocery store will not be the primary attraction for patrons as in the case with liquor stores. Providing customers with the option to purchase beer and wine at this location would provide convenience to business patrons. The Applicant believes that denying the grocery store the opportunity to sell alcoholic beverages could put it at a disadvantage with the other stores/markets and grocery stores in the area that are currently licensed and permitted to sell alcoholic beverages.

The area is primarily comprised of markets, drugstores, restaurants and eating places, personal service establishments, variety stores etc. An ABC license for the 99 Cents Only Store will not add to or result in an undue concentration of licenses in the City as there is only one other store of this type in the vicinity that is licensed to sell beer and wine for off-site consumption.

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

The Police Department has reviewed the application and reports that this business is not located in a high crime area. The Police Department is recommending conditions of approval which are focused on ensuring that the sale of beer and wine remains an ancillary component of the business and that proper operational safeguards are implemented.

99 Cents Only Store is located within a Census Tract 218.10 which does not have 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.

Based upon the above review, City Staff recommends approval of the application as conditioned.

CEQA for Use Permit (UP) 2013-08:

The proposed Use Permit was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that Use Permit (UP) 2013-08 is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3) as it pertains to a use where it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

Recommended Actions:

1. Adopt Resolution No. PC-2014-02; and
2. Approve Use Permit (UP) 2013-08, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachment A).

Prepared and submitted by:

Reviewed by:

Charles Rangel for Robyn Uptegraff
Robyn Uptegraff
Interim Assistant City Administrator

Charles L. Rangel
Charles L. Rangel
City Contract Planner

Attachments:

Resolution
Attachment "A"

Resolution PC-2014-02
Special Conditions of Approval for Use Permit (UP) 2013-08

Exhibits:

Exhibit 1
Exhibit 2

Existing Site Plan & Vicinity map
Floor Plan

RESOLUTION NO. PC-2014-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA MAKING FINDINGS OF PUBLIC CONVENIENCE OR NECESSITY FOR TYPE 20 OFF-SALE BEER AND WINE LICENSE AND APPROVING USE PERMIT NO. 2013-01 PERTAINING TO PROPERTY LOCATED AT 1260 E. YORBA LINDA BLVD AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) 99 Cents Only store, owner of the property located at 1260 E. Yorba Linda Blvd ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2013-01, 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 February 11, 2014 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 (Attachment "A"), this use complies with all applicable code requirements and development standards of the C-1

Neighborhood Commercial District. It is not anticipated that a Type 20 (Off-sale Beer and Wine) license for the sale of alcoholic beverages within the proposed grocery store will generate any negative impacts on the adjacent neighborhood. All sales shall be conducted within an enclosed building, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Commercial", and the proposed use does not involve any change in the land use of the subject site.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachment "A"), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a permitted use in the C-1 Neighborhood Commercial District. Approval of the Use Permit for the sale of alcoholic beverages within the 99 Cents Only Store would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the C-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. Attachment "A" contains Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2013-08 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 20 (Off Sale Beer and Wine) license. No distilled spirits will be sold and no minors will be permitted to purchase alcoholic beverages;

(2). 99 CENTS ONLY STORE is an existing retail establishment at the current site and the incidental sale of beer and wine is not anticipated to be the source of nuisance behavior associated with excessive consumption of alcoholic beverages because the proposed facility is primarily for the sale of

convenience items and the sale of beer and wine is in conjunction with the sale of these products;

(3). The proposed availability of beer and wine at a grocery store is a service expected by the public;

(4). the restriction on the on-site advertising of alcoholic beverages ensures that the sale of beer and wine is ancillary to the primary business of the retail establishment;

(5). 99 CENTS ONLY STORE is not located within a high crime reporting district nor in an area of over concentration. Subject to compliance with all Special Conditions of Approval and Standard Development Requirements as approved by the Planning Commission through Resolution PC-2014-02 and Use Permit 2013-08, the Placentia Police Department does not believe that this use permit issuance will create a law enforcement problem.

3. Based upon the environmental review of the project, the Planning Commission finds that Use Permit (UP) 2013-08 is exempt from 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 pursuant State CEQA Guidelines § 15061(b)(3) as it pertains to a project which can be seen with certainty that there is no possibility that Use Permit (UP) 2013-08 will have a significant effect on the environment.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2013-08, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2013-08 as modified herein, and specifically subject to the conditions set forth in Attachment "A" 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 11th day of February, 2014.

Chairman

I, Charles L. Rangel, 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 11th day of February, 2013, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 11th day of February, 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) 2013-08

SPECIAL CONDITIONS

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

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

1. Use Permit (UP) 2013-08 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2013-08 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

5. Any changes or modifications to Use Permit (UP) 2013-08 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 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.
7. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
8. No outside storage or displays shall be permitted at any time.
9. 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.
10. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
11. At all times when the establishment is open for business, the sale of alcoholic beverages shall be conducted entirely within the building.
12. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
13. The applicant shall comply with Chapter 8.34 of the Placentia Municipal Code regarding the posting of alcoholic beverage warning signs.
14. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation.

All portable signs are prohibited and shall be removed from the site. Section 23.90.100 regarding signage shall be complied with as a condition of this Use Permit. Additionally, all temporary advertising devices, unless otherwise specified in Section 23.90.160 are prohibited.

Pursuant to Section 23.90.180(9), the total area occupied by window signs shall not exceed more than twenty-five (25) percent of the window area through which

they are displayed. If more than 25 percent exists, the applicant shall remove the excess signage prior to the sale of alcoholic beverages.

15. 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.
16. The applicant business owner shall maintain a valid City Business License at all times during operation of the business.
17. 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.
18. The sale and service of alcoholic beverages shall be in compliance with all local, state and federal laws, and all conditions of the Department of Alcoholic Beverage Control (ABC) for the issuance of a "Type 20" Off Sale Beer and Wine shall be applicable.
19. Operator of the business shall not sell alcoholic beverages at the premises until after the ABC approves and issues a license. A copy of the approved ABC license shall be transmitted to the City Planning Division by the applicant/business owner immediately upon receipt...
20. 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.
21. All Special Conditions of Approval and Standard Development Requirements of original Use Permit (UP) 72/27 shall apply, as applicable.
22. This establishment shall be operated as a grocery store 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.
23. Lower storage floor shall be key locked at all times and only employees shall be allowed entrance. At least one security camera shall be installed to monitor the interior and one for each stairwell. The stairwell with exterior access shall be monitored from the lower level towards the exterior door. A phone shall be installed in the lower storage area to provide external communication.

ORANGE COUNTY FIRE AUTHORITY:

No conditions required by the Orange County Fire Authority.

CITY POLICE DEPARTMENT:

24. Developer/Applicant shall comply with Placentia Police Department Standard Development Requirements for security.
25. This Use Permit shall be reviewed one year from the date of approval and each year thereafter as necessary. The review shall be conducted jointly by the Development Services Director and Police Chief or designee. The purpose of this review shall be to identify uniquely adverse issues such as loitering, vandalism, criminal activity, noise, or nuisance resulting from approval of 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.
26. The activity level of the business shall be monitored by the Crime Prevention Bureau 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 which are listed below, then this Use Permit shall be reviewed for consideration of further conditions, modifications or revocation.
27. The subject alcoholic beverage license shall not be exchanged for a public premise type license, nor operated as a public premise.
28. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of merchant items. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available upon request.
29. Sales of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. to 10:00 p.m.
30. The sale of beer and malt beverages in quantities of quarts, 22 ounces, 32 ounces, 40 ounces, or similar size containers is prohibited. Beer, malt beverages, and wine coolers in containers of 16 ounces or less cannot be sold by single containers, but must be sold in manufacturer pre-packages multi-unit quantities.
31. No wine shall be sold with an alcoholic content greater than 15% by volume.
32. No wine coolers shall be sold in less than a four-pack quantity.

33. No beer or wine shall be displayed within five (5) feet of the cash register or any public entrance.
34. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within or on a window, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior, shall constitute a violation of this condition.
35. Employees who sell beer and wine shall be at least 21 years of age.
36. All containers of alcoholic beverages that are displayed for sale shall be secured against public access between the hours of 9:00 p.m. and 8:00 a.m. Secured refrigerator compartments must have interior compartment separators to prevent access from neighboring non-locking doors or compartments.
37. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
38. Alcoholic beverages shall be sold and packaged within accordance to Alcoholic Beverage Control standards.
39. The sale of beer or wine for consumption on the premises is prohibited.
40. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
41. Signs shall be posted at all exits of the premises, which prohibit alcoholic beverages from being opened or consumed on or around the premises.
42. The use of any amplifying system, outdoor sound system, loudspeakers, paging system, or any other such device is prohibited on the licensed premises.
43. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
44. Graffiti shall be removed from the exterior walls and window of the premises within 48 hours of discovery.
45. 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.
46. Lighting in the parking area of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of nearby businesses.

47. 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 Services Lieutenant at least 14 days in advance.
48. All employees of 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.

PLACENTIA POLICE DEPARTMENT

APPLICATION: Use Permit 2013-08

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 F Orange County Fire Authority (OCFA) Special Conditions of Approval

None required.

