



Placentia Planning Commission Agenda

Regular Meeting
November 11, 2014
12:00 p.m.

Christine Schaefer
Chair

Frank Perez
Vice Chair

Dana Hill
Commissioner

James Schenck
Commissioner

Thomas Solomonson
Commissioner

Vic Tomazic
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

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Procedures for Addressing the Commission

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

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

**PLEASE SILENCE 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.
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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
November 11, 2014**

REGULAR MEETING

12:00 p.m. – City Council Chambers

MEETING CALLED TO ORDER

ROLL CALL: Chair Schaefer
Vice Chair Perez
Commissioner Hill
Commissioner Schenck
Commissioner Solomonson
Commissioner Tomazic

PLEDGE OF ALLEGIANCE:

ORAL COMMUNICATIONS:

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

CONSENT CALENDER:

1. **Minutes**
Planning Commission Meetings- August 12, October 2 and October 14, 2014
Recommended Action: Approve

PUBLIC HEARING

(Continued item from October 14, 2014 meeting)

2. **Applicant: Verizon Wireless Communications**

Use Permit (UP) 2014-03

To permit the construction of a sixty (60) feet high monoecalyptus wireless communication facility with twelve (12) antenna panels, one (1) microwave dish, standby generator and related equipment located at 600 Loyola Drive in the Planned Unit Development (PUD-1) District. The proposed use is not expected to create a negative impact on the physical environment and is therefore categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guideline § 15303 and City Environmental Guidelines.

Recommended Action: It is recommended that the Planning Commission:

- a. Adopt Resolution PC-2014-12, A Resolution of the Planning Commission of the City of Placentia, California, pertaining to construction of a Verizon wireless communication facility on property located at 600 Loyola Drive and making findings in support thereof. and
- b. Find that the Application is Categorically Exempt pursuant to the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15303) and Placentia Environmental Guidelines.

NEW BUSINESS:

3. Applicant: AT&T

Use Permit (UP) 2014-04

To permit the removal of an existing sixty (60) feet high Verizon wireless monopine and replace it with construction of a proposed eighty (80) feet high AT&T wireless monopine located at 201 Bradford Ave. at Kraemer Park in the R-1 District. The proposed use is not expected to create a negative impact on the physical environment and is therefore categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guideline § 15303 and City Environmental Guidelines.

Recommended Actions: It is recommended that the Planning Commission:

- a. Continue this item to the next regularly scheduled meeting in order to allow the applicant and the Community Services Department more time to finalize additional site plan requirements and lease agreement details.

DEVELOPMENT REPORT

DIRECTOR'S REPORT:

PLANNING COMMISSION REQUESTS

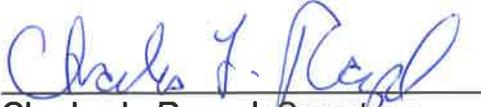
Commission members may make requests or ask questions of staff. If a Commission member would like to have formal action taken on a requested matter, it will be placed on a future Commission Agenda.

ADJOURNMENT

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, December 9, 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 November 11, 2014 regular meeting of the Planning Commission of the City of Placentia was posted on November 6, 2014.


Charles L. Rangel, Secretary

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

August 12, 2014

The regular meeting of the Placentia Planning Commission on August 12, 2014 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioner Schaefer, Hill, Perez, Solomonson,
Tomazic
ABSENT: Schenck

PLEDGE OF ALLEGIANCE: Vice Chair Perez

OTHERS PRESENT: Damien Arrula, Assistant City Administrator
Charles Rangel, Contact Planner
Cathy Carranza, Clerical Aide

ORAL COMMUNICATIONS:

Roxy Percy, resident, expressed that she was in favor of the Town & Country and Early Education Center opening up the facility near her home. Ms. Percy submitted documents to each of the Commissioners.

CONSENT CALENDER: None

PUBLIC HEARING:

1. **Applicant:** G & M Oil Co.
Location: 313 W. Orangethorpe Avenue

Use Permit (UP) 2014-01:

To permit the sale of alcoholic beverages (Type 20 Off-site Sale Beer and Wine) for off-site consumption, in conjunction with the operation of an existing +/- 2,056 square foot convenience store and gas station located at 313 W. Orangethorpe Avenue in the Community Commercial (C-2) zone.

Recommended Action:

1. Adopt Resolution No. PC-2014-10, and approve UP 2014-01
2. Find that the proposed Use Permit is categorically exempt in conjunction with the California Environmental Quality Act guidelines CEQA pursuant to State CEQA Guidelines § 15061(b)(3).

(Approved 5-0)

Contract Planner Rangel provided a brief overview on the Public Hearing item 1, regarding G & M. Oil Company UP 2014-01, located at 313 W. Orangethorpe Avenue, Placentia, California. He noted that the applicant has reviewed and accepted the Conditions of Approval. He noted that the applicant inquired about changes that can be made to the Healthy Food and Beverage list during the year due to vendor supply. He noted that the Planning Department would do a yearly annual review and it is subject to approval.

Commissioner Solomonson inquired about the healthy foods requested by the City.

Contract Planner Rangel noted that the City requested for the applicant to provide healthy food alternatives at the location. He noted that other surrounding agencies requests applicants to provide healthy food alternative. He noted that this is currently not a City Policy but the applicant voluntarily agreed to the City's request to offer healthy foods alternatives.

Chair Schaefer opened the Public Hearing at 6:51 p.m.

Karl Huy, applicant, noted that he was in agreement with the Conditionals of Approval including submitting a list for annual review by the Planning Department. He requested for the Planning Commission to approve the resolution PC-2014-10 and Use Permit 2014-01.

Commissioner Hill confirmed with the applicant that he was in agreement with condition #14 listed in the proposed conditions of approval.

Mr. Huy, applicant, stated that he is an agreement with submitting a list for an annual review by the Planning Department.

Chair Schaefer closed the Public Hearing at 6:56 p.m.

Motion by Vice Chair Perez seconded by Commissioner Tomazic to adopt Resolution PC-2014-10, and approve UP 2014-01; and find that the proposed Use Permit is categorically exempt in conjunction with the California Environmental Quality Act guidelines CEQA pursuant to State CEQA Guidelines § 15061(b)(3). Passed by a 5-0 vote (Commissioner Schenck absent).

OLD BUSINESS: None

NEW BUSINESS

- 1. Parking Finding pertaining to Business to be located at 212 W. Santa Fe Avenue.**

Applicant: Dennis Blake

Recommended Action:

1. Adopt Resolution of the Planning Commission of the City of Placentia making findings that practical difficulties exist which preclude the reasonable provision of the required number of parking spaces, and that public off-site

parking may be counted for some or all of the required parking pertaining to business to be located at 212 W. Santa Fe Avenue .

2. Find that the Parking Finding is categorically exempt in conjunction with of the California Environmental Quality Act guidelines CEQA pursuant to State CEQA Guidelines § 15061(b)(3).

(Approved 5-0, Commissioner Schenck absent)

Contract Planner Rangel provided a brief overview on New Business item No. 1 regarding Parking Finding pertaining to Business to be located at 212 W. Santa Fe Avenue. He noted that the applicant is seeking relief from the Placentia Municipal Code regarding the requirements on the number of parking spaces for commercial business. He noted that the requirement for the 1200 square foot retail store would require at least four (4) parking spaces. He noted proposed new development in the Santa Fe district including: MetroLink station and the development of a parking structure. He noted that the City is currently looking into establishing a parking fee in lieu program.

Contract Planner Rangel provided pictures to the Commission showing 212 W. Santa Fe Avenue and the limited amount of parking spaces surrounding the business. He requested that that Commission makes the finding that there are practical considerations presented and provides two (2) offsite parking spaces as indicated in the conditions of approval. He noted that if the business changes ownership the applicant will need to revisit the Commission for approval.

Chair Schaefer requested clarification on how the parking spaces would be identified in connection with the business.

Assistant City Administrator Arrula noted that two (2) offsite spaces have been identified to the business but the spaces would not be entitled specifically to them. He noted that the City is looking at the long term approach on parking in the Down Town area. He noted this will allow businesses to open in the Downtown area in lieu of establishing a parking and lieu program. He noted that there are currently two (2) proposals are being reviewed for a future parking and lieu program.

Commissioner Hill requested clarification on parking in the Downtown area.

Contract Planner Rangel noted that offsite parking is limited to two (2) hours.

Commissioner Hill inquired if the businesses could be issued a parking permit to allow for more than a two (2) hour parking.

Contract Planner Rangel noted that the City will conduct a parking study and will look at these issues.

Chair Schaefer inquired if the Planning Commission will be able to review the plan during the process.

Assistant City Administrator Arrula noted that plans can be submitted to the Planning Commission for review and recommendation to the City Council for approval.

Chair Schaefer requested for clarification regarding the City permitting businesses to continue without the required number of parking spaces.

Assistant City Administrator Arrula noted that there are currently businesses who do not meet our Municipal Code requirements for parking and this process is a way to allow them to continue to move forward until the parking and lieu program is established.

Motion by Commissioner Solomonson seconded by Commissioner Hill to adopt Resolution PC-2014-11 making findings that practical difficulties exist which preclude the reasonable provision of the required number of parking spaces, and that public off-site parking may be counted for some or all of the required parking pertaining to business to be located at 212 W. Santa Fe Avenue; and find that the Parking Finding is categorically exempt in conjunction with of the California Environmental Quality Act guidelines CEQA pursuant to State CEQA Guidelines § 15061(b)(3).

Passed by a 5-0 vote (Commissioner Schenck absent).

2. APPLICANT: BEAZER HOMES

Recommended Action:

1. Receive and file the memo from Staff reporting an administrative approval for a minor modification to Vesting Tentative Tract Map No. 17145 and Development Agreement No. 2013-01

Contract Planner Rangel provided a brief overview about item 2 related to the new development Beazer Homes. He noted that during the entitlement review process, a few issues were discussed including: privacy, and value of properties. He noted that included in the staff report is a condition of approval that notes that if minor modifications are submitted by the applicants, that Staff can review the modifications at Staff level. He noted that when Beazer Homes bought the development, there were minor changes to the floor plans and has been reviewed by Staff.

Chair Schaefer stated that a receive and file recommendation does not require a motion, therefore item 2 is considered received and filed.

DEVELOPMENT REPORT

Contract Planner noted that they are planning to schedule a study session at a future Planning Commission meeting regarding daycare zoning within the City.

DIRECTOR'S REPORT

Contract Planner Rangel provided a report on upcoming items that will be presented to the Planning Commissioner at a future meeting date. He noted the topic of regulating E-Cigarette and Vapors will be presented, and a General Plan update.

Assistant City Administrator Arrula noted that City Staff is working toward transitioning the Planning Commission agenda and agenda packets to an electronic file and making it available to view for the Planning Commissioners using the app. iLegislate on an iPad. He noted that there will be training for the Commissioners during a Planning Commission meeting.

PLANNING COMMISSION REQUESTS: None

ADJOURNMENT

Chair Schaefer adjourned the Planning Commission meeting at 7:40 p.m. to a regular meeting on Tuesday, September 09, 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
MINUTES OF THE ADJOURNED REGULAR MEETING**

October 2, 2014

An adjourned regular meeting of the Placentia Planning Commission on October 2, 2014 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioner Solomonson, Tomazic, Schenck, Perez, Schaefer
ABSENT: Hill

PLEDGE OF ALLEGIANCE: Commissioner Tomazic

OTHERS PRESENT: Damien R. Arrula, Assistant City Administrator
Charles Rangel, Contact Planner
Cathy Carranza, Clerical Aide

ORAL COMMUNICATIONS: None

CONSENT CALENDER: None

Chair Schaefer requested for Study Session item 1 to be discussed first on the agenda.

STUDY SESSION:

1. Presentation: iLegislate Agenda Management Training

Recommended Actions:

- a. Receive a Presentation on iLegislate Software Training

Assistant City Administrator Arrula provided a brief overview on Study Session item 1 regarding iLegislate Agenda Management Training. He noted the purpose of the study session is to provide training to the commissioners on the iLegislate application for the iPad. He provided a PowerPoint presentation entitled 'Planning Commission iLegislate' with slides including: iLegislate Background, iPad and Agenda Delivery, Navigation, iPad Policy, Communications, and Questions.

Discussion ensued between the Commissioners and City Staff. They discussed the note taking feature, viewing past agendas, downloading the agenda, and concerns regarding public records act.

PUBLIC HEARING

(Continued item from September 9, 2014 meeting)

2. Applicant: City of Placentia

Zoning Code Amendment (ZCA) 2014-02:

The Proposed amendments to § 23.33, §23.36, §23.37, and §23.37 §23.107 of Chapter 23.00 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to establishment of regulations for e-cigarette vaporizer stores.

Recommended Actions: It is recommended that the Planning Commission:

- a. Adopt Resolution PC-2014-11, A Resolution of the Planning Commission of the City of Placentia, California recommending the City Council of the City of Placentia approve an amendment to the Placentia Municipal Code to regulate electronic cigarette retailers
- b. Find that the proposed Zone Code Amendment is categorically exempt in conjunction with the California Environmental Quality Act (CEQA) guidelines pursuant to State CEQA Guidelines § 15061(b)(3).

(Continue to the next regular meeting)

Contract Planner Rangel noted that this item is a continued item from the September 9, 2014 Planning Commission meeting. He noted that during the previous meeting, Commissioners provided direction to Staff including: deleting references of 'Hookah Lounges' from the draft Ordinance, to research surrounding agencies to see what restriction, if any, they have imposed on e-cigarettes, and requested additional documentation regarding harmful effects of using the product. He noted that he has included additional information, attached to the staff report, for the Commissioners to review regarding the effects of E-Cigarettes.

Commissioner Schenck noted the accessibility of purchasing these products. He noted with the documentation provided, he does not feel compelled to approve the restrictions for e-cigarettes.

Commissioner Solomonson noted that he agrees with Commissioner Schenck's comments and noted that he does not feel compelled to approving the restrictions set in place for e-cigarettes.

Chair Schaefer inquired about the restrictions placed on e-cigarettes in comparable to tobacco products.

Contract Planner Rangel noted that tobacco is regulated at a State and Federal level.

Commissioner Schneck noted that when conducting his research, he noticed commercial areas that contain the sales of E-Cigarettes do not appeal to high priced retail marketers.

Commissioner Tomazic inquired about the restrictions other surround agencies have imposed regarding E-Cigarettes.

Contract Planner Rangel noted that documentation was provided in the agenda packet regarding other agencies restrictions.

Commissioner Solomonson noted that according to the report provided to the Planning Commission, there are only sixteen (16) cities that have set regulations on E-Cigarettes throughout California.

Contract Planner Rangel noted there are currently no surrounding agencies that have set regulations on E-Cigarettes.

Commissioner Solomonson requested for Staff to research surrounding agencies that regulate the sale of E-Cigarettes.

Assistant City Administrator Arrula noted that there are currently no regulations set to address the acceptance and/or denial of a Conditional Use Permit (CUP) for selling the E-Cigarette product. He noted that the City wants to continue to be business friendly and allow these types of business into the City with conditions set in place.

Commissioner Solomonson and Schenck expressed their concerns regarding item 10 listed on the draft ordinance entitled 'reasonable criteria.'

Chair Schaefer inquired if some of the criteria listed on the draft ordinance apply to state and federal regulations regarding to tobacco products (cigarettes).

Contract Planner Rangel noted that tobacco products would not have the same regulations in comparable to E-Cigarettes.

Chair Schaefer inquired if the Commission could approve and recommended the proposed resolution to City Council with stipulations of a six (6) month review period added to the language.

Contract Planner Rangel noted the process and timeline of the adoption of an ordinance.

Assistant City Administrator Arrula noted that he would like to discuss the proposed review period with legal counsel and report back to the Commission at the next regular meeting. He recommended continuing the public hearing item to the next regular meeting.

Commissioner Schenck requested for the language of the proposed item reflect the concerns of the possible health issues.

**Motion by Commissioner Solomonson, seconded by Commissioner Tomazic to continue the public hearing item to the next regular meeting.
Passed 6-0 vote, Commissioner Hill absent.**

OLD BUSINESS None

NEW BUSINESS None

DEVELOPMENT REPORT None

DIRECTOR'S REPORT

Assistant City Administrator Arrula noted that the meeting date in November falls on Veterans Day. He noted that there would be further discussion as the next scheduled meeting on changing the meeting date.

PLANNING COMMISSION REQUESTS: None

ADJOURNMENT

Chair Schaefer adjourned the Planning Commission meeting at 8:33 p.m. to a regular meeting on Tuesday, October 14, 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
MINUTES OF THE REGULAR MEETING**

October 14, 2014

The regular meeting of the Placentia Planning Commission on October 14, 2014 was called to order at 6:30 p.m.in the City Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioner Hill, Schenck, Solomonson, Tomazic, Perez,
Schaefer
ABSENT: None

PLEDGE OF ALLEGIANCE: Commissioner Schenck

OTHERS PRESENT: Andrew V. Arczynski, City Attorney
Damien Arrula, Assistant City Administrator
Charles Rangel, Contact Planner
Candice Martinez, City Clerk Specialist

Chair Schaefer noted the Public Hearing item 3 will be continued to the next scheduled meeting.

City Attorney Arczynski recommended for the Planning Commission to open the public hearing for item 3 and receive testimony, if any, from the public.

Chair Schaefer acknowledged that there would not be any discussion on public hearing item 3 other than the Planning Commission recommending the item to be continued to the next scheduled meeting.

ORAL COMMUNICATIONS: None

CONSENT CALENDER:

1. **Minutes
Planning Commission Meetings- February 25, March 11, July 9, 2014**

Recommended Action: Approve

**Motion by Commissioner Hill, seconded by Commissioner Solomonson to approve the February 25, 2014 Planning Commission Minutes.
Passed by a 5-0-1 vote (Commissioner Schenck abstained).**

**Motion by Commissioner Hill, seconded by Commissioner Solomonson to approve the March 11, 2014 Planning Commission Minutes.
Passed by a 5-0-1 vote (Commissioner Perez abstained).**

Motion by Commissioner Hill, seconded by Commissioner Solomonson to approve the July 9, 2014 Planning Commission Minutes.

Passed by a 5-0-1 vote (Commissioner Tomazic abstained).

PUBLIC HEARING

(Continued item from October 2, 2014 meeting)

2. Applicant: City of Placentia

Zoning Code Amendment (ZCA) 2014-02:

The Proposed amendments to § 23.33, §23.36, §23.37, and §23.37 §23.107 of Chapter 23.00 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to establishment of regulations for e-cigarette vaporizer stores.

Recommended Actions: It is recommended that the Planning Commission:

- a. Adopt Resolution PC-2014-11, A Resolution of the Planning Commission of the City of Placentia, California, recommending the City Council of the City of Placentia approve amendments to Chapter 23.00 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code to regulate Electronic Cigarette Retailers; and
- b. Find that the proposed Zone Code Amendment is categorically exempt in conjunction with the California Environmental Quality Act (CEQA) guidelines pursuant to State CEQA Guidelines § 15061(b)(3).

(Approved 6-0)

Contract Planner Rangel noted that this public hearing item is a continued item from the September 9, and October 2, 2014 Planning Commission meeting. He noted during the previous meeting, Commissioners provided direction to Staff to survey the surrounding cities on regulations for e-cigarettes. He noted that there were no regulations established by any surrounding cities for e-cigarettes in commercial zones. He noted that if this item is approved and recommended to City Council, the Commission can recommend the 6 month review of the ordinance. He noted that he surveyed City of Anaheim, Yorba Linda, Brea, and Fullerton.

Discussion ensued between the Commissioners and Staff. They discussed possible regulation requirements for a use permit, clarification/changes to the proposed Ordinance, and the conditional use permit process and timeline.

Contract Planner Rangel noted that surrounding cities have regulations with hookah lounges and the proposed Ordinance does not contain any language regarding hookah lounges. He noted that in the future they can host a study session to review the regulation of hookah lounges.

Commissioner Solomonson inquired about how the fees are established for a conditional use permit (CUP).

Assistant City Administrator Arrula noted the City is currently looking into the CUP policy. He noted that the amount reflects the staff time for the CUP.

Discussion ensued between Commissioners and City Staff. They discussed the possibility of lowering the CUP costs, and the status of businesses with the provisions, if approved.

Commissioner Solomonson inquired if they can make the approval to lower the cost, and or eliminate the CUP. He also inquired if the Commission can recommend for adding a 6 month provision.

Assistant City Administrator Arrula noted that the City has an establish fee schedule already set in place by resolution.

Chair Schaefer closed the public hearing at 6:52 p.m.

Contract Planner Rangel noted the direct costs for the City regarding § 23.91.030 "Location Criteria." He noted that they would have to send out Staff to survey e-cigarette retailer's location to make sure they are in compliance with the 1,000 foot rule.

Commissioner Hill recommended to approve the resolution, with revisions to the proposed ordinance including: removal of §§ 23.91.020, 23.91.040, and 23.91.050, with the permitted specified zoning listed in § 23.91.020 to be incorporated in § 23.91.030.

Motion by Commissioner Hill, seconded by Commissioner Solomonson to adopt Resolution PC-2014-11, a Resolution of the Planning Commission of the City of Placentia, California, recommending the City Council of the City of Placentia to approve an amendment to the Placentia Municipal Code to regulate Electronic Cigarette Retailers; and find that the proposed Zone Code Amendments is categorically exempt in conjunction with the California Environmental Quality Act (CEQA) guidelines pursuant to State CEQA Guidelines with the changes recommended by the Planning Commission to the proposed Ordinance.

Passed by a 6-0 vote.

3. Applicant: Verizon Wireless Communications

Use Permit (UP) 2014-03

To permit the construction of a sixty (60) feet high monoecalyptus wireless communication facility with twelve (12) antenna panels, one (1) microwave dish, standby generator and related equipment located at 600 Loyola Drive in the Planned Unit Development (PUD-1) District. The proposed use is not expected to create a negative impact on the physical environment and is therefore categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guideline § 15303 and City Environmental Guidelines.

Recommended Action: It is recommended that the Planning Commission:

- a. **Continue this item to the next regularly scheduled meeting in order to allow the applicant and the Community Services Department more time to finalize additional site plan requirements.**

(Continued by a 6-0 vote)

Contract Planner Rangel noted that Staff is requested for the Commission to continue Public item 3 to the next regularly scheduled meeting in order to allow the applicant and the Community Services department more time to finalize additional site plan requirements.

Motion by Chair Schaefer seconded by Commissioner Tomazic to continue this item to the next regularly scheduled meeting in order to allow the applicant and the Community Services Department more time to finalize additional site plan requirements.

Continued by a 6-0 vote

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT

DIRECTOR'S REPORT

a. November 11, 2014 Meeting Reschedule

PLANNING COMMISSION REQUESTS:

Commissioner Schenck requested a copy of a map that plots all cell towers located within the City of Placentia.

Chair Schafer requested a listing of all new and potential development in the City of Placentia.

Assistant City Administrator Arrula noted that a development list is provided in the City Administrator's report that is posted to the City's website weekly. He noted that Staff will email the Commissioners with the information regarding the City Administrator weekly report. He noted that Staff is continuing to work on the plotted map for the Commission, and will notify them when the map becomes available.

Assistant City Administrator Arrula provided a brief update on the General Plan. He noted that they have created a survey that requested input from the community on what they would like to see in the City in the near future. He noted that this survey is available on the City's website and is also advertised at the Farmers Market in Placentia. He noted that the City will reveal the results of the survey during the Community meeting on Wednesday, November 19, 2014 at the Placentia Library room. He noted an additional Community Meeting on February 25, 2015.

ADJOURNMENT

Chair Schaefer adjourned the Planning Commission meeting at 7:58 p.m. to a regular meeting on Tuesday, November 11, 2014 at 12:00 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

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: NOVEMBER 11, 2014
SUBJECT: VERIZON WIRELESS COMMUNICATIONS- USE PERMIT 2014-03

RECOMMENDATION:

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

1. **Adopt Resolution PC-2014-12: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2014-03 PERTAINING TO CONSTRUCTION OF A VERIZON WIRELESS COMMUNICATION FACILITY ON PROPERTY LOCATED AT 600 LOYOLA DRIVE AND MAKING FINDINGS IN SUPPORT THEREOF.**

DISCUSSION:

Pursuant to § 23.82.070 of the Placentia Municipal Code, all major wireless communication facilities established in the City are required to obtain Planning Commission approval of a use permit application. This item was continued from the October 14, 2014 Planning Commission meeting to allow more time for details in the lease agreement between the applicant and the City to be resolved.

Subject Site and Surrounding Land Uses:

The proposed site is the Richard Samp Park, a 3.4 acre park located south of Lyons Way and east of the cul-de-sac of Loyola Drive. The following table shows the existing land uses, zoning and General Plan Land Use designation:

	Land Use	General Plan Land Use Designation	Zoning Designation
Current & Proposed	Samp park	Park/Open Space	PUD-1
West	Single-family residential	LDR	R-1
East	Single-family residential	LDR	PUD-1
North	Single-family residential	LDR	PUD-1
South	John Tynes School	School	R-1

Operational Characteristics:

Verizon is proposing an unmanned wireless cell tower which consists of:

- 12 panel antennas
- 12 RRU's (remote radio units)
- 1 microwave
- 2 raycaps
- 5 outdoor equipment cabinets
- 3 GPS antennas
- 1 DC generator
- 1 equipment enclosure
- Connections as required for power
- Monoecalyptus design to blend within the park surroundings

The monoecalyptus is proposed to be placed in the middle of the park and is located twenty (20) feet east of the perimeter of the existing playground. The submittal site plan indicates that the proposed ground lease area encompasses the east quadrant of the park. The 384 square feet equipment enclosure is located in the southeast corner of the park near Tynes Elementary School.

The equipment enclosure is proposed to consist of grey concrete masonry unit (CMU) bricks and a shingled roof with a four (4) foot wide corrugated metal door. A survey by staff of the existing walls in the park and the surrounding Alta Vista neighborhood reveal that these walls are constructed with slump stone in earth tone colors. The proposed CMU material conveys an industrial appearance which is not aesthetically consistent with the slump stone; therefore, staff is recommending a condition of approval (Planning Condition No. 11) which requires that the applicant build the enclosure with slump stone.

Aesthetics:

The City's wireless communication facility Ordinance specifically requires operators to consider visual impacts when locating and constructing a major wireless communication facility. The sixty (60) foot tall monoecalyptus consists of twelve (12) panel antennas mounted throughout the structure concealed within the branches. Additionally, twelve (12) remote radio units (RRU's) will be painted to match the branches and mounted behind the antennas. The radio center, pole, branches and related equipment will be painted with green hues and earth tones to blend with each other so as to camouflage the overall look of the wireless facility.

Height:

In accordance with the R-1 District regulations, the maximum permitted height for structures in this district is thirty (30) feet. The existing "monoecalyptus" is sixty (60) feet tall, thirty (30) feet taller than the maximum allowable height in this district; however, the cell tower "monoecalyptus" design is also regulated by Placentia Municipal Code § 23.81.090 (Height Limits-Generally) which states that "chimneys, silos, cupolas, flag poles, monuments, gas storage holders, radio and other towers, water tanks, church

steeples and similar structures and mechanical appurtenances may be permitted in excess of height limits provided a use permit is first obtained in each case.”

Safety:

Wireless communication facilities are regulated by the Federal Communications Commission (FCC) and must receive a federal license before transmission can begin. Providers must comply with the American National Standards Institute (ANSI) and Institute of Electrical and Electronic Engineers (IEEE) standards for safe human exposure to radio electromagnetic fields. ANSI and IEEE standards are considered the most appropriate health and safety guidelines for this type of industry. If a wireless communications facility does not maintain ANSI/IEEE mandated standards, their FCC license will be revoked and any authorized use permit would be declared null and void.

FCC rules require transmitting facilities (including wireless) to comply with Radio Frequency (RF) exposure guidelines. The rules have been clarified in several FCC rulemakings but are most conveniently grouped and discussed in the FCC’s Office of Engineering and Technology Bulletin 65, titled, “*Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields.*” The limits established in the guidelines are designed to protect the public health with a very large margin of safety. The limits set forth by the FCC have been endorsed by the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA). As stated below, the proposed facility, like most facilities, create maximum exposures that are only a small fraction of the limits set by the FCC. Moreover, the limits themselves are many times below levels that are generally accepted as having the potential to cause adverse health effects. Nonetheless, it is recognized that any instance of noncompliance with the guidelines is potentially very serious, and the FCC has therefore implemented procedures to enforce compliance with its rules.

Section 332(c) (7) of the Communications Act (which is identical to § 704(a) of the Telecommunications Act of 1996) does not limit local government authority over siting wireless facilities, but it does set forth specific limitations on local governments. Specifically, 47 U.S.C. § 332(c)(7) (B) (iv) states: “No State or local government or instrumentality thereof may regulate the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

Therefore, the authority of the Planning Commission with regard to RF emissions is limited to reviewing the proposed project for planned compliance with the FCC RF emissions safety rules, and to ensure that any special conditions of approval accepted with the Use Permit maintain that compliance.

Based on material submitted by Verizon, to include the Antenna Site Radio frequency Emissions Analysis Report, and a letter from Waterford, consulting engineer for the telecommunication facility, it is determined that the wireless communications facility will operate at the lowest possible power levels and is below the established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These

standards have been tested and are considered safe by the American National Standards Institute (ANSI) and the Institute of Electrical Electronics Engineers (IEEE). The attached Special Conditions of Approval (Attachment A) address continued compliance with ground level RF emissions as set forth in Bulletin 65. Waterford evaluated the proposed facility for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields.

Finally, the applicant indicates that the equipment operates quietly or virtually noise free. The equipment does not emit fumes, smoke or objectionable odors.

City Lease Agreement

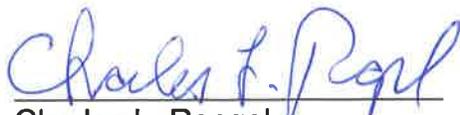
The lease terms worked out between the City and Verizon include a lease payment of \$2,800 per month that will increase by 4% per year. Additionally, Verizon will provide fifty-seven thousand (\$57,000) of rent due in advance and payable within forty-five (45) days of the commencement date of operation that will constitute the first twenty months of rent. Overall the lease revenue stream proposed is \$25,000 more during the first five year period than any other current wireless communication facility on City property. The additional lease revenue will enable the City to offset the cost of services or make improvements within the park system.

CEQA for Use Permit (UP) 2014-01:

The proposed Use Permit was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("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 § 15303 and City Environmental Guidelines.

Section 15303 allows for exemptions for small new construction projects which do not result in any changes in land use or density. The proposed project involves a minor alteration to an existing park site involving construction of a sixty (60) feet high mono-eucalyptus wireless communication facility with 12 antenna panels, 1 microwave dish, standby generator 384 square feet (S.F.) equipment enclosure and related equipment. As a result, City Staff recommends that the Planning Commission find that the use is categorically exempt from CEQA.

Prepared and submitted by:


Charles L. Rangel
Contract Senior Planner

Review and approved by:


Damien R. Arrula
Assistant City Administrator

Attachments:

1. Planning Commission Resolution PC-2014-12
2. Site plans and construction details
3. Colored photo simulations

RESOLUTION NO. PC-2014-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2014-03 PERTAINING TO CONSTRUCTION OF A VERIZON WIRELESS COMMUNICATION FACILITY ON PROPERTY LOCATED AT 600 LOYOLA DRIVE AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i). Core Development for Verizon, ("Applicant" hereinafter), have filed an application for approval of Use Permit No. 2014-03 on property located at 600 Loyola Drive, 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 November XX, 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 "PUD" Planned Unit Development District and Placentia Municipal Code Chapter 23.82, Wireless Communication Facilities.

b. According to the submitted Radio frequency Emissions Analysis Report and the letter from Waterford Consultants, applicant retained engineer, the proposed Verizon wireless facility and related equipment are regulated by the Federal Communications Commission (FCC) and will operate within the frequencies established for Specialized Mobile Radio operators. The Verizon wireless telecommunication facility will operate at the lowest possible power levels that are below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and considered safe by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE). Included with the application is a Report of Compliance with FCC/FAA from Waterford Consultants Consulting Engineer concluding that the facility will comply with the prevailing standards for limiting public exposure to radio frequency energy and will not cause a significant impact on the environment.

c. With adherence to the Conditions of Approval related to aesthetic improvements, the sixty (60) feet tall wireless communication facility will not have a visual or aesthetic impact on the property or in the immediate vicinity in that the facility shall include the installation of faux branches down to a level no lower than fifteen (15) feet from the ground in a manner that provides a general eucalyptus tree appearance. A proposed raycap will be will be mounted to the pole and painted to match the pole. Furthermore, all antenna units are to be painted green or green/brown patterns and shall be covered with panel covers (socks) with matching branch material. Special Conditions of Approval have been included to require that all new cable/utility runs are to be placed underground. The applicant has indicated that the Verizon equipment operates quietly or almost noise free and the equipment does not emit fumes, smoke or objectionable odors.

d. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Open Space", and the proposed use does not involve any change in the land use of the subject site. Wireless communications facilities are permitted in the "PUD" Planned Unit Development District.

e. 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 "PUD" Planned Unit Development District in the City of Placentia.

f. 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 2014-03 to ensure compliance with the Placentia Municipal Code.

3. The Planning Commission specifically finds that the Application is Categorically Exempt pursuant to the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15303) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2014-03, 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 Use Permit 2014-03 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 certify to the adoption of this Resolution.

ADOPTED AND APPROVED this XXth day of November, 2014.

Christine Schaefer, 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 XXth day of November, 2014, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the XXth day of November, 2014, by the following vote:

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

ATTEST:

Charles Rangel,
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) 2014-03

SPECIAL CONDITIONS

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

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

CITY PLANNING DIVISION:

1. Use Permit (UP) 2014-03 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void.
2. Use Permit (UP) 2014-03 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. 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, subject to notice to the applicant. 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 any modifications to the plans that would affect the location or visibility of the wireless communication facility and/or the ground installation; the applicant shall obtain prior written approval from the Development Services Department.

5. No expansion or modification of the wireless communications facility shall occur at any time without first obtaining approval from the Development Services Department. The Director, or designee, may require that an expansion or future modification of the use permit requires Planning Commission discretionary review.
6. Applicant shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid Business License prior to the issuance of any building permits. Business Licenses for all sub-contractors shall be obtained.
7. Applicant shall provide to the Development Services Department a preliminary report and field report, both prepared by a licensed engineer, indicating that the operation of the facility is in full conformance with the standards established by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE) for safe human exposure to electromagnetic fields (EMF) and radio frequency radiation (RFR). These reports are due within ninety (90) days after the start of operations.
8. Applicant shall receive and maintain a license by the Federal Communications Commission (FCC) to operate a wireless communication facility in this location. A copy of this FCC license shall be submitted to the Development Services Department prior to the issuance of any building permits.
9. The major wireless communications facility shall be approved for a period not to exceed the term of the lease. A copy of the lease shall be submitted to the Development Services Department prior to the issuance of a building permit for a new wireless communication facility.
10. If the lease is extended or terminated, notice and evidence thereof shall be provided to the Development Services Department.
11. The equipment enclosure shall be constructed of slump stone. Prior to issuance of building permit, applicant shall submit a representative sample of slump stone subject to the review and approval of the Planning Division.
12. Applicant shall place all cable/utility runs underground.
13. Applicant/pole owner shall maintain the "monoecalyptus", its ground lease and related enclosure in good visual and physical condition at all times.
14. Wireless communication facilities shall not bear any signs or advertising devices other than certification, warnings or other required seals or signage at any time.
15. The applicant shall maintain its wireless telecommunication equipment in good condition and shall make repairs and replacements of equipment, stealth and structural components, due to damage caused by outdoor exposure and/or inclement weather. Under this condition, if the faux branch attachments and/or trunk bark features, among others, fade in color due to outdoor exposure, the applicant shall replace such components within 60 days of written notice by the Director of Development Services or his/her designee. If the work cannot be

completed within 60 days, the applicant shall provide the City with a bond or certification of deposit in the amount of the valuation of the requested repair and completion timeline to guarantee the work. The applicant shall be responsible for maintaining the leased property, including any applicable landscaped areas, walkways and all paved surfaces, free from graffiti, debris and litter at all times.

16. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
17. Prior to issuance of building permits, the applicant is required to provide the City with a letter and timeline from the pole owner regarding installation of new branch and antenna sock material. The applicant shall install new branch foliage which shall vary in density, spacing, size and angle to avoid rigid symmetry; overall tree shape shall integrate with the context of the site; colors of the faux trunk and branches shall be non-reflective; green leaves shall be interspersed with brown to provide more natural appearance, and the exterior surface of the faux trunk shall emulate the texture of a real tree; all antennas (panels, microwave and GPS), mounting brackets, and coaxial cables shall be completely screened from public view by the faux foliage and painted to match; branch foliage shall continue down the faux trunk so as to fully conceal the trunk from prominent public vantage points; and the overall design shall substantially conform to and implement the visual effect of an actual pine tree. The branches at the top of the "mono-eucalyptus" shall form a natural peak and not appear to have a flat top. Branches shall be at least 2.25 per foot from a level no higher than twelve (12) feet above ground level. All aesthetic design shall be approved by the Director of Development Services prior to issuance of building permits.
18. Any and all landscape grounds, turf, trees and plant material disrupted by the construction, installation and maintenance of the wireless facility shall be replaced to the satisfaction of the Planning Division and the Community Services Department prior to final inspection.

CITY BUILDING DIVISION:

19. 60' high new mono-eucalyptus wireless communication facility plans including the tower itself, shall be designed and prepared by a licensed California architect/engineer with wet signatures on the final approved set of plans.
20. Grading plans for the proposed facility shall be designed and prepared by a licensed California civil engineer. Grading plans shall address on-site drainage issues & NPDES/erosion control plans shall be also be submitted to the City for review and approval.

21. Structural plans and calculations for the 60' high mono- eucalyptus structure shall be designed & prepared by a licensed California civil/structural engineer for City's review and approval prior to the construction.
22. 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.
23. Obtain all building permits which include mono-eucalyptus structure, utility cabinets, block walls, electrical systems/fixtures prior to construction.

CITY POLICE DEPARTMENT:

24. Burglary resistant material shall be used:
 - (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.
25. Address numbers shall be mounted near the front entry of any 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.
26. 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.

ORANGE COUNTY FIRE AUTHORITY:

27. Submit building plans to Orange County Fire Authority for review and approval prior to issuance of building permits

FCC Regulated Towers



Legend

- Land Mobile - Private
- Land Mobile - Commercial
- - - Boundary Line