



# Placentia Planning Commission Agenda

Regular Meeting  
October 12, 2010  
6:30 p.m.

**Craig Green**  
Chairman

**Vic Tomazic**  
Vice Chairman

**Frank Perez**  
Commissioner

**Michael Ebenhoch**  
Commissioner

**Floyd Farano**  
Commissioner

**Christine Schaefer**  
Commissioner

**John Scull**  
Commissioner

**City of Placentia**  
401 E Chapman Avenue  
Placentia, CA 92870

**Phone: (714) 993-8124**  
**Fax: (714) 961-0283**  
**Website: [www.placentia.org](http://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 ALL PAGERS, 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 and at the Placentia Library Reference Desk. 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  
October 12, 2010**

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

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**MEETING CALLED TO ORDER**

**ROLL CALL:** Commissioner Ebenhoch  
Commissioner Farano  
Commissioner Schaefer  
Commissioner Scull  
Commissioner Perez  
Vice Chairman Tomazic  
Chairman Green

**PLEDGE OF ALLEGIANCE**

**MINUTES**

Regular Meeting: September 14, 2010  
Recommended Action: Approve

**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

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**PUBLIC HEARINGS**

1. **Applicant: Gregory Bennett**  
**Location: 443-467 S. Van Buren Street**  
**Use Permit (UP) 86-19 (Review No. 2):**

Request to continue the operation of an existing business that permits the sale of vehicle parts, vehicle towing, vehicle storage and dismantling on a +/- 5.15 acres site, located at 443-467 S. Van Buren Street in the Manufacturing [M(O)] District.

**Recommended Action:**

Adopt Resolution No. PC-2010-15 approving the continuance of Use Permit (UP) 86-19, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

**OLD BUSINESS**

NONE

**NEW BUSINESS**

NONE

## **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.

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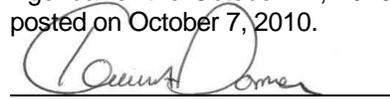
### **ADJOURNMENT**

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, November 9, 2010 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

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### **CERTIFICATION OF POSTING**

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the October 12, 2010 Regular meeting of the Planning Commission of the City of Placentia was posted on October 7, 2010.



Kenneth A. Domer

PLACENTIA PLANNING COMMISSION [[s1]]  
MINUTES OF THE REGULAR MEETING  
September 14, 2010

The regular meeting of the Placentia Planning Commission of September 14, 2010 was called to order at 6:33 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, California by Chairman Green.

**ROLL CALL:** Present: Michael Ebenhoch, Commissioner  
Christine Schaefer, Commissioner  
John Scull, Commissioner  
Vic Tomazic, Vice Chairman  
Craig Green, Chairman

Absent: Floyd Farano, Commissioner  
Frank Perez, Commissioner

**PLEDGE OF ALLEGIANCE:** Led by Vice Chairman Tomazic

Others Present: Ken Domer, Assistant City Administrator  
Monique Schwartz, Associate Planner  
Andrew V. Arczynski, City Attorney  
Sara Salazar, Administrative Assistant

**Motion by Commissioner Schaefer, seconded by Commissioner Ebenhoch to APPROVE THE MINUTES of August 10, 2010. Passed by a 5-0-2 vote.**

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

**Public Hearings:**

- Applicant: Stephanie Gulewich**  
**Location: 847 S. Kraemer Boulevard**

**Use Permit (UP) 2010-11:**

To permit the operation of a dance and music studio that offers instruction in ballet, tap, jazz, modern, contemporary and ballroom dancing as well as music instruction for guitar, piano and voice within a +/- 15,000 square foot industrial building, located at 847 S. Kraemer Boulevard in the Manufacturing (M) District.

Ms. Schwartz introduced the applicant to the Commission and gave the staff report.

Commissioner Ebenhoch asked how the City was made aware this business was operating out of compliance. Ms. Schwartz responded that citizen complaints were received and it

was later discovered the complaints came from a competing business.

Commissioner Schaefer asked if there will be any shower facilities available at the site. Ms. Schwartz responded that no, there are only four (4) restrooms.

Chairman Green asked if the hours of operation could be adjusted to prevent the applicant from having to come back to the Commission. Ms. Schwartz responded that staff may approve changes to hours of operation and these requests are not required to go back before the Planning Commission.

Commissioner Schaefer commented that if the hours of operation begin at 8 a.m., this may contribute to traffic issues in the industrial complex. Chairman Green agreed and recommended the hours be approved from 9 a.m. to 9 p.m.

Mr. Domer added that staff would recommend those hours if the applicant was agreeable to it.

Commissioner Scull asked if the classroom size of three (3) to five (5) students could be changed. Ms. Schwartz responded that yes, the applicant indicated that thirty (30) students was a suitable number of students. Commissioner asked if the current cap is fifteen (15) students. Ms. Schwartz responded that no, the current cap is thirty (30) students. She explained that she exaggerated the number to benefit the applicant and indicated any requests changes can be approved by staff.

Commissioner Schaefer asked if there are any movable walls between the classrooms. Ms. Schwartz responded that there are no proposed tenant improvements and all of the walls are stationary.

Chairman Green asked if the trash pick-up can be revised to indicate less frequency. Mr. Domer responded that it can be amended to weekly unless necessary otherwise.

Chairman Green opened up the Public Hearing.

Lisa Miller of The Art of Dance and Ballet Academy addressed the commission. She gave a brief summary of the proposed business.

Chairman Green closed the Public Hearing.

**Motion by Commissioner Ebenhoch, seconded by Commissioner Scull, TO ADOPT RESOLUTION NO. PC-2010-14 APPROVING USE PERMIT (UP) 2010-11, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 5-0-2 vote.**

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**2. Applicant: City of Placentia**

**Amendment 2010-03:**

**Proposed amendments to Chapters 23.04, 23.78 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code related to parking structures and City Council approved parking structure design guidelines within applicable districts.**

Mr. Domer presented the staff report.

Commissioner Ebenhoch asked where in the ordinance it states that flexibility and adjustability and a covenant is directed in full authority of City Council going through the Planning Department. Mr. Domer responded that the ordinance requires that a parking structure go to the Planning Commission.

Vice Chairman Tomazic asked if the intention is to use the ordinance as an R.F.P. (Request for Proposal). Mr. Domer responded that the City would reference it.

Vice Chairman Tomazic asked about fire sprinklers requirements. Mr. Domer responded that the Placentia building code requires structures 5000 square feet or greater are required to have fire sprinklers but there are exceptions for concrete structures not enclosed. A fire fighting plan would be part of development plan and may include sprinklers.

Vice Chairman Tomazic commented that there is no definition provided on how to control the lights in the structure. He also commented that the ordinance should require that the shining of lights outside the perimeter of the structure be controlled. Mr. Domer responded there is verbiage in the ordinance on light glare.

Vice Chairman Tomazic commented that guard rails and protection of drain pipes and such are often missed in the building of a parking structure. Mr. Domer agreed and added that plumbing for a security system will also be incorporated into the plans.

Vice Chairman Tomazic commented that there is no verbiage in the ordinance about the striping of floors. He also questioned the non-allowance of open walls on all four (4) sides and recommended revising the ordinance to allow flexibility. Mr. Domer responded that one of the designs being considered is one with a open triangle shape middle. Mr. Domer suggested revising the language to read "Open sided facilities which allow complete views of parking of motor vehicles are not recommended."

Commissioner Schaefer asked for the location of an open middle parking structure. Mr. Domer responded that he believes there is such a structure on the North side of St. Joseph's Hospital in Orange. Commissioner Schaefer asked if the open area serves a purpose or is just another option. Mr. Domer responded that it could probably be filled in, however, it would only be empty space.

Commissioner Schaefer asked if ADA requirements allow a three (3) story parking without an elevator. Mr. Domer responded that ADA parking would be made available on the bottom level.

Commissioner Schaefer expressed concern over all four (4) walls being solid stating it is a safety and security issue. She added that lighting should be adequate to provide safety and security. Mr. Domer responded that security features such as an emergency phone that

dials to the Police Department and security cameras will be incorporated into the design.

Commissioner Schaefer thanked staff for the pro-active of this project.

Chairman Green opened up the Public Hearing.

Chairman Green closed the Public Hearing.

Mr. Arczynski made suggestions for the amending of language. On page 2 of the Ordinance, section 3, line 2 of the paragraph should read "...designed specifically to be *utilized* for motor vehicle parking...". On page 1 of the Parking Structure Design Regulations, 1<sup>st</sup> bullet point, line 3 should read "...parking motor vehicles, *is discouraged*,...". On the same page in the next to last bullet point, line 2 should read, "...parking structures that *are* only one or two...". On page 3 of the Design Regulations, paragraph H, line 1 should read "Lighting for *each* deck of a parking structure...". Chairman Green accepted the recommendations.

**Motion by Commissioner Schaefer, seconded by Commissioner Ebenhoch, TO ADOPT THE FINDINGS AND RECOMMEND APPROVAL OF ZONING CODE AMENDMENT 2010-03 TO THE CITY COUNCIL, AND DIRECT STAFF TO PREPARE AND TRANSMIT A REPORT OF THE FINDINGS AND RECOMMENDATIONS OF THE PLANNING COMMISSION TO THE CITY COUNCIL. Passed by a 5-0 vote.**

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**Old Business:**

None

**New Business:**

**PLANNING COMMISSION REQUESTS:**

Mr. Domer passed out literature and spoke about Measure 'W' which updates the language of the City's Utility Users Tax Ordinance. It has been discovered that the current ordinance does not reflect changes from the FCC. It is possible that the City could lose this revenue source if the Ordinance is challenged in court. It is the only Measure on the ballot for the City. Mr. Arczynski clarified that on the existing ordinance, there is reference to the Federal Excise Tax. There has been discussion about deleting this Tax with as it applies to wireless telecommunications.

Mr. Domer provided an update on development projects in the City. On ETCO 75, another phase of twelve (12) single family homes will be built. On ETCO 125, grading and relocating of oil pipes is in progress. On the Schaner Farms property, the family is working with a potential developer. He stated the City would like to see some commercial development on this property, however, the use will be primarily residential.

Northgate Market was announced by Mr. Domer to be having its grand opening on Thursday September 16, 2010. Northgate is working with adjacent property owners to

expand and tenant improvements will be forth coming. Mr. Domer will be meeting with the nine (9) property owners in the center to discuss façade parking lot improvements.

An update on grade separations at Kraemer and Tustin along Orangethorpe was provided. Mr. Domer stated that a proposal will go to the City Council to ease the relocation of affected businesses within the City.

Chariman Green asked for an update on the center at the intersection of Bastanchury Road and Placentia Avenue. Mr. Domer explained that the 'Placentia Market' is currently working to correct code violations.

Commissioner Schaefer asked for an update on the gas station at the corner of Rose Drive and Yorba Linda Boulevard. Ms. Schwartz responded that the owner is working with their lender to secure the financing.

Chairman Green adjourned the Planning Commission meeting at 7:40 p.m. to the next regularly scheduled meeting on October 12, 2010 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Ken Domer  
Assistant City Administrator



# Placentia Planning Commission

## Agenda Staff Report

<b>AGENDA ITEM NO.:</b> 1	<b>DATE:</b> October 12, 2010	<b>PUBLIC HEARING:</b> Yes
<b>APPLICATION:</b> Use Permit 86/19 (Review No. 2)		
<b>DESCRIPTION:</b> Consideration of continued operation of Placentia Auto Center: Towing, Storage, Dismantling and Sales of vehicle parts located at 443-461 S. Van Buren Street, in the Manufacturing (M) District. Second review of use permit for compliance and interim use within Manufacturing District.		
<b>RELATED APPLICATIONS:</b> Prior Review No. 1 June 11, 1996. UP 86/19		
<b>APPLICANT:</b> Review required by Conditions of Approval		
<b>PROPERTY OWNER:</b> Grace S. Rocco Trust, C/O Greg Bennett		
<b>LOCATION:</b> 443 – 461 S. Van Buren Street		
<b>CEQA DETERMINATION:</b> N/A		
<b>ZONING:</b> M - Manufacturing	<b>APN(S):</b> 341-164-25	
<b>GENERAL PLAN:</b> Industrial	<b>CITY COUNCIL ACTION REQUIRED:</b> No	
<b>PREPARED BY:</b> Kenneth A. Domer, Assistant City Administrator		
<b>REVIEWED BY:</b> Monique B. Schwartz, Associate Planner		

### **REQUEST:**

Use Permit 86/19 was approved on September 9, 1986. The Use Permit was a review of Use Permit 76/16 which was granted by the Planning Commission for interim use of the subject property as an auto salvage business. The Planning Commission specifically conditioned Use Permit 76/16 and 86/19 to be reviewed in ten years due to the nature of the business and the known interest by the City to better plan for the development of the recently annexed area as a higher use manufacturing district. A ten year review of UP 86/19 was conducted in 1996 with no changes to the Use Permit but not conducted in 2006. It is requested that the Planning Commission conduct a ten year review of UP 86/19. This action will complete the review which should have taken place in 2006.

### **INTRODUCTION:**

Use Permits are conditioned to mitigate development and community factors and can be reviewed from time to time in order to determine if the provided use still conforms to the area in which it is operating. For Use Permit 86/19 (and 76/16) the intent of a ten year review cycle was to allow the City to develop a comprehensive development plan for the manufacturing zoned area south of Orangethorpe Avenue. Upon a staff review of the business operating at the subject site it was determined that the required review did not take place in 2006. After recent discussions with the City Attorney, it was determined that the City should initiate a review. The property owner was noticed and a meeting with an authorized representative has occurred.

## **BACKGROUND:**

The area encompassing the subject site was annexed into the City in the early 1970's. The five acre site was functioning as an established outdoor storage yard for wrecked autos. The interior of the site was highly visible from adjacent residences and Orangethorpe Avenue. At the time of the consideration of the first Use Permit, the owner proposed an expansion of the use to include auto dismantling and the sale of vehicle parts on a retail and wholesale level. At the time of that request the zone allowed such uses with a use permit. Currently, the Manufacturing zone does not allow this use unless the Planning Commission finds such use to be in accord with the zone.

During the 1976 Use Permit process the Planning Commission, based on the City's intended future use of the area, determined that the intensified use could be allowed on an interim basis as long as development standards and site improvements were made. At the time, the City looked to have a higher and better manufacturing district in the area though no specific project or plan for the larger area was completed.

In addition to Use Permit 76/16, a Site Development Agreement was also approved which called for certain site improvements consisting of perimeter landscaping, fencing, curb, gutter and paving of the access drive and parking lots as well as lighting and other improvements.

In 1986, the use permit was reviewed and amended through a new Use Permit 86/19. That Use Permit allowed for up to four businesses to operate at the site as well as required some soil testing for potential environmental hazards.

The project site is devoted to the storage of vehicles and parts related to the four dismantling businesses currently operating on site. The property only fronts Van Buren Street through access drives. Residential properties used either as residences or commercial office locations exist between the street and the property. The railroad tracks are between the property and Orangethorpe. As such, the property is not readily viewable from the public right-of-way with the exception of the fencing being in disrepair and lacking proper height to screen the storage yard.

## **DISCUSSION:**

The Manufacturing district exists to provide for industrial uses and their related facilities while maintaining an environment free from objectionable noise, odor, dust or other nuisances. The use of a storage yard is only allowed as an accessory use in conjunction with a permitted manufacturing use. If proposed as a new use the Planning Commission would need to find such a use in accord with the purpose of the district and having similar characteristics as other permitted or conditionally permitted uses. If proposed as a new use staff would not recommend approval of the application.

However, this is a review of the current use as provided for in a current Use Permit. The use is still considered an 'interim use' and the City has not determined a final

development potential for the subject property and surrounding area. The City Council recently directed staff to update the General Plan and look at areas for greater development potential. Accordingly, the direction staff is leaning regarding the subject site is to allow the current use for another six (6) years to 2016 and by that time a new development standard will more than likely exist for the larger area. This does not preclude the owner from developing the site to a higher and greater use within the context of the Manufacturing district, and it does not force them to change the current use either.

Staff surveyed the site and understand that there are several items of concern to include fencing, site clearance review by the OCFA, and potential environmental impacts from operations. With regard to environmental impacts, other than regulatory agency inspections, the site will have to undergo environmental site assessment upon any change of ownership or use. As such, there is no recommendation for an assessment at this time. However, staff is asking that a condition of approval be added for the site to be visited by the City's Environmental Compliance Officer for review of compliance with storm water quality mandates set by the State. As an industrial site of close to five acres, the site is on the City's mandatory inspection list; however, at this time it is recommended that a condition of approval be added so that any findings are remedied by the property owner. Additionally, a condition of approval to seek Orange County Fire Authority review of aisle width and clearances is recommended. Finally, in addition to normal conditions of approval, it is recommended that fencing between the subject property and the adjacent residential, flood control channel and railroad right-of-way be assessed and fixed if found to be in a state of disrepair or inadequate to sufficiently screen the site.

#### **RECOMMENDATION:**

It is recommended that the Planning Commission discuss the item, take public comments, provide direction to staff and adopt Resolution No. PC-2010-\_\_ approving the continuation of Use Permit 86/19 subject to the attached special conditions and others that may be added by the Planning Commission.

#### **ENVIRONMENTAL ANALYSIS:**

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines require the Planning Commission to consider the potential environmental impacts of the proposed application. Section 15305 of the "Guidelines for Implementation of the California Environmental Quality Act" exempts certain minor alterations in land use limitations from the requirements of CEQA. Section 15305(a) exempts "*minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.*" The land use limitation of the of the current Use Permit is not proposed to be altered in such a way that there will be any increase in land use or density. Therefore, there does not appear to be any environmental impacts of the matter before the Planning Commission.

**ACTION:**

Adopt Resolution No. PC-2010-15 approving the continuation of Use Permit 86/19 subject to the attached special conditions.

Prepared and submitted by:



Kenneth A. Demer  
Assistant City Administrator  
Services

Reviewed by:



Monique B. Schwartz  
Associate Planner, Development

**Attachments:**

Attachment A: Resolution No. PC-2010-15

RESOLUTION NO. PC-2010-15

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF PLACENTIA APPROVING THE SECOND  
REVIEW OF USE PERMIT 86/19 SUBJECT TO CONDITIONS  
OF APPROVAL.

**A. Recitals.**

(i) On October 12, 2010, this Planning Commission conducted a duly noticed public hearing, as required by law, to consider the second review of Use Permit 86/19 with said public hearing having been concluded prior to adoption of this Resolution.

(ii) This Planning Commission has reviewed and considered all elements of Use Permit 86/19 and the current conditions, including written staff reports, suggested conditions of approval and verbal testimony presented during the above-referenced public hearing.

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

**B. Resolution.**

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

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

2. This Commission finds that with the conditions of approval as recommended and continued from the original Use Permit 86/19 that the continuation of the use until 2016 is in conformance with the Placentia General Plan.

3. This Commission finds that the continuation of the use as approved by Use Permit 86/19 to include all original conditions of approval and newly recommended conditions of approval, including those added by the Planning Commission due to testimony received during the Public Hearing will promote the orderly development of the City and the public health, safety and welfare.

4. This Commission finds that the continuation of the use as allowed by Use Permit 86/19 and conditioned accordingly will not have a detrimental effect upon land available for housing within the City.

5. The approval of the second review of Use Permit 86/19 as conditioned will not be (a) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or (b) injurious to property or improvements within the neighborhood of the proposed amendment or within the City. The approval of the second review of Use Permit 86/19 allows for the continuation of a use previously approved as interim use for the manufacturing zone in which it is located and allows the property owner to, on their own, make the determination if the continued use is the highest and best use of the property prior to the expiration of the Use Permit in 2016.

6. The Planning Commission hereby makes the following finding: Pursuant to the provisions of the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15305) and Placentia Environmental Guidelines, the approval of the second review of Use Permit 86/19 will not have a significant effect on the environment and is not subject to the requirements of the California Environmental Quality Act of 1970, as amended.

7. The Planning Commission hereby directs the Secretary to this Commission, upon adoption of this resolution approving the second review of Use Permit 86/19, to file a Notice of Exemption with the Orange County Clerk/Recorder, as required by law.

8. This Commission finds that the facts supporting the above specified findings are contained in the staff report and exhibits, and information provided to this Planning Commission during the public hearing conducted with respect to the second review of Use Permit 86/19.

9. This Commission finds that the following conditions of approval shall be required of the applicant in order to comply with Use Permit 86/19:

a. All original conditions of approval of Use Permit 86/19 as approved by the Planning Commission on September 8, 1986 and attached as exhibit "A".

b. Applicant shall contact the Orange County Fire Authority for inspection of premises within thirty (30) days of approval and submit verification of approval to City within ninety (90) days of approval. Site inspection shall include aisle width, ingress and egress and fire safety requirements.

c. Applicant shall pay appropriate fees for inspection by City of Placentia Water Quality Compliance Officer for water quality inspection.

d. Applicant shall contact the City Building Department and arrange for inspection of all structures, temporary and permanent, and fencing on site to ensure compliance with applicable building and safety codes.

e. Applicant shall ensure all signage for the site conforms to the applicable City of Placentia signage standards for the zone in which it is located in.

10. The Secretary of this 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 Property Owner at the address of record set forth in the Application.

[[ VOTE AND SIGNATURES ON FOLLOWING PAGE ]]

PASSED AND ADOPTED this 12<sup>th</sup> day of October, 2010,  
by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAINED: COMMISSION MEMBERS:

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Chairman

ATTEST:

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Secretary

APPROVED AS TO FORM

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ANDREW V. ARCZYNSKI,  
CITY ATTORNEY

Unofficial until Approved

Development Services, City of Placentia, 401 E. Chapman Ave.,  
Placentia, CA 92670

**SPECIAL CONDITIONS**

File No. & Location: Use Permit 86/19 - 443-461 S. Van Buren  
Street

APPLICANT: Dean R. Evans

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:

PLANNING:

1. Use Permit 86/19 shall expire ten (10) years from the date  
of approval.
2. No expansion or addition to existing site shall be  
permitted.
3. All perimeter fencing shall be maintained to continue the  
complete enclosure of the site; \*
4. Landscape and irrigation plans shall be submitted for the  
approximate 400 square foot area fronting on Van Buren at  
the Southwest corner of the site (see Exhibit 2).
5. "As built" building permits for the two free-standing signs  
shall be obtained.
6. The operation and use of the site shall meet the  
requirements of the noise ordinance.
7. The hours of operation shall be between 7:00 A.M. and 6:00  
P.M.
8. Only the center driveway shall be open to public.
9. No materials shall be stored higher than the perimeter  
fence.
10. An investigative soils study shall be submitted for the  
review of the Director of Development Services; the study  
shall examine the soil on-site to determine if any toxics  
are present and if so, recommend mitigation measures \*
- \*\*11. All conditions shall be completed by March 1, 1987.

\* AMENDED BY THE PLANNING COMMISSION ON 9/9/86

3. chain link fence shall be replaced by solid wood fence.
10. which the applicant shall be responsible for implementing.  
Should the report show that there are toxic materials  
present, the use permit and mitigation measures shall be  
reviewed by the Planning Commission.

\*\*ADDED BY THE PLANNING COMMISSION ON 9/9/86

Distribution of Approved Conditions:  
Original - file  
Applicant  
Public Works - Art Burgner  
Building  
Fire Department  
2 Copies for File

**APPROVED**  
CITY OF PLACENTIA  
PLANNING COMMISSION *9/9/86 JML*  
CITY COUNCIL

Development Services, City of Placentia, 401 E. Chapman Ave.,  
Placentia, CA 92670

SPECIAL CONDITIONS

File No. & Location: Use Permit 86/19 - 443-461 S. Van Buren  
Street

APPLICANT: Dean R. Evans

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:

\*\*\* 12. Each wrecking yard tenant shall be required (by the  
landlord as part of a future new lease or renewal of a  
lease) to drain all incoming vehicle's vehicular fluids  
including gasoline, oil and radiator fluids into  
separate 50-gallon steel storage drums; and

\*\*\* 13. Each tenant shall hire a licensed EPA waste material  
hauler to remove the stored fluids to a recycling plant  
or other approved disposal facility.

\*\*\* Added by Staff upon reviewing recommendations of the  
Environmental Assessment Study prepared for the site on  
4/13/87.

Distribution of Approved Conditions:

Original - file  
Applicant  
Public Works - Art Burgner  
Building  
Fire Department  
2 Copies for File

**RESOLUTION NO. PC-2010-15**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF PLACENTIA APPROVING THE SECOND  
REVIEW OF USE PERMIT 86/19 SUBJECT TO CONDITIONS  
OF APPROVAL.**

**A. Recitals.**

(i) On October 12, 2010, this Planning Commission conducted a duly noticed public hearing, as required by law, to consider the second review of Use Permit 86/19 with said public hearing having been concluded prior to adoption of this Resolution.

(ii) This Planning Commission has reviewed and considered all elements of Use Permit 86/19 and the current conditions, including written staff reports, suggested conditions of approval and verbal testimony presented during the above-referenced public hearing.

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

**B. Resolution.**

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

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

2. This Commission finds that with the conditions of approval as recommended and continued from the original Use Permit 86/19 that the continuation of the use until 2016 is in conformance with the Placentia General Plan.

3. This Commission finds that the continuation of the use as approved by Use Permit 86/19 to include all original conditions of approval and newly recommended conditions of approval, including those added by the Planning Commission due to testimony received during the Public Hearing will promote the orderly development of the City and the public health, safety and welfare.

4. This Commission finds that the continuation of the use as allowed by Use Permit 86/19 and conditioned accordingly will not have a detrimental effect upon land available for housing within the City.

5. The approval of the second review of Use Permit 86/19 as conditioned will not be (a) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or (b) injurious to property or improvements within the neighborhood of the proposed amendment or within the City. The approval of the second review of Use Permit 86/19 allows for the continuation of a use previously approved as interim use for the manufacturing zone in which it is located and allows the property owner to, on their own, make the determination if the continued use is the highest and best use of the property prior to the expiration of the Use Permit in 2016.

6. The Planning Commission hereby makes the following finding: Pursuant to the provisions of the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15305) and Placentia Environmental Guidelines, the approval of the second review of Use Permit 86/19 will not have a significant effect on the environment and is not subject to the requirements of the California Environmental Quality Act of 1970, as amended.

7. The Planning Commission hereby directs the Secretary to this Commission, upon adoption of this resolution approving the second review of Use Permit 86/19, to file a Notice of Exemption with the Orange County Clerk/Recorder, as required by law.

8. This Commission finds that the facts supporting the above specified findings are contained in the staff report and exhibits, and information provided to this Planning Commission during the public hearing conducted with respect to the second review of Use Permit 86/19.

9. This Commission finds that the following conditions of approval shall be required of the applicant in order to comply with Use Permit 86/19:

a. All original conditions of approval of Use Permit 86/19 as approved by the Planning Commission on September 8, 1986 and attached as exhibit "A".

b. Applicant shall contact the Orange County Fire Authority for inspection of premises within thirty (30) days of approval and submit verification of approval to City within ninety (90) days of approval. Site inspection shall include aisle width, ingress and egress and fire safety requirements.

c. Applicant shall pay appropriate fees for inspection by City of Placentia Water Quality Compliance Officer for water quality inspection.

d. Applicant shall contact the City Building Department and arrange for inspection of all structures, temporary and permanent, and fencing on site to ensure compliance with applicable building and safety codes.

e. Applicant shall ensure all signage for the site conforms to the applicable City of Placentia signage standards for the zone in which it is located in.

10. The Secretary of this 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 Property Owner at the address of record set forth in the Application.

[[ VOTE AND SIGNATURES ON FOLLOWING PAGE ]]

PASSED AND ADOPTED this 12<sup>th</sup> day of October, 2010,  
by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAINED: COMMISSION MEMBERS:

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Chairman

ATTEST:

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Secretary

APPROVED AS TO FORM

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ANDREW V. ARCZYNSKI,  
CITY ATTORNEY