



Placentia Planning Commission Agenda

Regular Meeting
August 9, 2016
6:30 p.m.

City Hall Council Chambers
401 E. Chapman Avenue

Christine Schaefer
Chair

Frank Perez
Vice Chair

Dennis Lee
Commissioner

James Schenck
Commissioner

Thomas Solomonson
Commissioner

Vic Tomazic
Commissioner

Heather Francine
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

Phone: (714) 993-8124
Fax: (714) 528-4640
Website: www.placentia.org

Procedures for Addressing the Commission

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

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

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

Special Accommodations

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

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

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

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

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

CALL TO ORDER:

ROLL CALL: Commissioner Francine
Commissioner Lee
Commissioner Schenck
Commissioner Solomonson
Commissioner Tomazic
Vice Chair Perez
Chair Schaefer

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 CALENDAR:

None:

PUBLIC HEARING:

1. **Applicant:** Xue Bai, dba as Massage Eden
Project Location: 1166 E. Yorba Linda Boulevard

Use Permit 2016-02:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning Use Permit 2016-02; and
- b. Receive the Staff Report and Consider all public testimony; and
- c. Close the Public Hearing; and
- d. Adopt Resolution PC-2016-11, A Resolution of the Planning Commission of the City of Placentia, Approving Use Permit No. 2016-02 and Making Findings to Permit the Operation of a Massage Establishment within a +/- 1,200 Square Foot Commercial Suite, Located at 1166 E. Yorba Linda Blvd. "C-1" Neighborhood Commercial Zoning District; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

2. **Applicant:** Jun Sheng, dba as Beauty Bodycare Massage / Spa
Project Location: 1414 Kraemer Boulevard

Use Permit 2016-04:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning Use Permit 2016-04; and
- b. Receive the Staff Report and consider all public testimony; and
- c. Close the Public Hearing; and
- d. Adopt Resolution PC-2016-12, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-04 and making findings to permit the operation of a massage establishment within a +/- 1000 square foot commercial suite, located at 1414 N. Kraemer Blvd. in "T-C" Town Center Commercial Zoning District; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

3. **Applicant:** Hui Wang, dba as Violet Moon Spa
Project Location: 909 E. Yorba Linda Boulevard

Use Permit 2016-07:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the public hearing, concerning Use Permit 2016-07; and
- b. Receive the staff report and consider all public testimony; and
- c. Close the public hearing; and
- d. Adopt Resolution PC-2016-15, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-07 and making findings to permit the operation of a massage establishment within a +/- 956 square foot commercial suite, located at 909 E. Yorba Linda in the "C-1" Neighborhood Commercial Zoning District; and making Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

4. **Applicant:** Franco & Madeline Diaddezio dba Fit Body Boot Camp
Project Location: 1434 N Kraemer Boulevard

Use Permit 2016-09:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the public hearing, concerning Use Permit 2016-09; and
- b. Receive the staff report and consider all public testimony; and

- c. Close the public hearing; and
- d. Adopt Resolution PC-2016-14, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-09 and making findings to permit the operation of a fitness studio within a +/- 1,450 square foot commercial suite located at 1434 N. Kraemer Boulevard in the T-C Town Center Commercial and making Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

5. **Applicant: Mahin Sofia Rastegari**
Project Location: 431 Palm Avenue

Use Permit 2016-08:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the public hearing, concerning Use Permit 2016-08; and
- b. Receive the staff report and consider all public testimony; and
- c. Close the public hearing; and
- d. Adopt Resolution PC-2016-13, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-06 and Making Findings to Permit the Operation of a 60 student maximum private preschool-Montessori school in a 3,345 square foot (SF) building located at 431 Palm Ave. in the C-O Commercial Office Zoning District and adopt Resolution PC-2016-1, a Resolution of the Planning Commission of the City of Placentia, Variance 2016-16 approving a variance for less than the parking stall required by Code and make Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

DIRECTOR'S REPORT:

- Transit Oriented Development (TOD) Zone
 - Possible Study Session and Hearing dates will be discussed

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 the next regular meeting on Tuesday, August 9, 2016 at 6:30 p.m. in the Placentia City Hall City Council Chambers located at 401 East Chapman Avenue, Placentia CA, 92870.

CERTIFICATION OF POSTING

I, Charles L. Rangel, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the August 9, 2016 Regular Meeting of the Planning Commission of the City of Placentia was posted on August 4, 2016.


Charles L. Rangel, Secretary



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: AUGUST 9, 2016
SUBJECT: **USE PERMIT 2016-02**

RECOMMENDATION:

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

1. Open the Public Hearing, concerning Use Permit 2016-02; and
2. Receive the Staff Report and Consider all public testimony; and
3. Close the Public Hearing; and
4. Adopt Resolution PC-2016-11, A Resolution of the Planning Commission of the City of Placentia, Approving Use Permit No. 2016-02 and Making Findings to Permit the Operation of a Massage Establishment within a +/- 1,200 Square Foot Commercial Suite, Located at 1166 E. Yorba Linda Blvd. "C-1" Neighborhood Commercial Zoning District; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, Xue Bai, dba Massage Eden, is requesting a Use Permit for a massage establishment to be conducted entirely inside an enclosed 1,116 square feet suite that is within an existing multi-tenant commercial building located at 1166 E. Yorba Linda Blvd. in the Neighborhood Commercial District (C-1). Section 8.44 of the Placentia Municipal Code allows for massage establishment subject to approval of a Use Permit. The applicant is actually an existing establishment, but the newly enacted ordinance applies to all existing uses as well as any new proposed establishments.

BACKGROUND

In 2009, the California legislature eliminated local control of massage establishments by enacting Section 4600 et seq. of the Business and Professions Code, which allowed voluntary state-wide certification of massage practitioners and therapists, and, more importantly, restricted local control of massage establishments. As a result, jurisdictions could only impose requirements on massage therapy businesses that were the same as those uniformly applied to all other business providing

professional services. Because local jurisdictions regulate different types of businesses differently and there was not a uniform set of “professional service” regulations, jurisdictions were unable to regulate an industry that can be susceptible to criminal activity, including human trafficking. In October 2015, the Planning Commission recommended the City Council approve the proposed ordinance which would require all massage applicants to apply for a Use Permit for the operation of a massage establishment in zones where the use would be authorized. Use Permits are approved by the Planning Commission, which allow reasonable conditions of approval to be placed on the business. On January 19, 2016, the City Council approved the new ordinance. The Placentia Police Department will continue to conduct background checks on individuals applying for massage licenses.

Subject Site and Surrounding Land Uses:

Massage Eden is a proposed massage establishment use within an existing commercial complex located on the south side of Imperial Hwy, west of Rose Drive. Other uses within this commercial center include a Burger King, a Taco Bell, Pho Tastic & Grill and the Yolinda Animal Hospital. The chart below shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Massage Eden Establishment	Commercial	C-1 Neighborhood Commercial
Proposed	Massage Eden Establishment	Commercial	C-1 Neighborhood Commercial
North	Commercial center	City of Yorba Linda	City of Yorba Linda
South	Placentia Linda Hospital	Commercial	C-2 Community Commercial
East	Multi-tenant Commercial & Gas Station	Commercial	C-1 Neighborhood Commercial
West	T-Mobile offices	Commercial	C-1 Neighborhood Commercial

Operational Characteristics

According to the submittal letter dated May 16, 2016, the applicant indicates that the massage establishment will be conducted inside a 1,116 sq. ft. commercial suite. The hours of operation will be 10:00 a.m. to 10:00 p.m., 7 days a week. The floor plan consists of a waiting room, employee lounge, reception area, shower/utility room and bathrooms. A hallway through the center of the floor plan gives access to the various rooms used for body massage, and there is a shower/utility room.

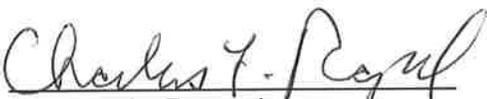
Access/Parking

The subject site can be accessed via a two-way driveway on the south side via Golden Avenue, or from a two-way driveway on the north, via Yorba Linda Blvd. Section 23.78.030 of the Placentia Municipal Code requires four (4) spaces per 1,000 square feet of unit area for the C-1 district. As such, a total of five (5) spaces are required for the subject site. Currently 38 spaces are provided along the front of the office although over 100 spaces are provided throughout the entire commercial center.

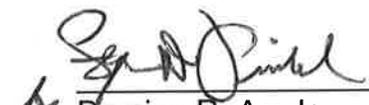
CEQA:

The proposed UP 2016-02 was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UP 2016-02 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1 Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use".

Prepared and submitted by:


Charles L. Rangel
Contract Senior Planner

Review and approved by:


Damien R. Arrula
City Administrator

Attachments:

- 1. Resolution No. 2016-11
- 2. Conditions of Approval
- 3. Floor Plan/Site plan
- 4. Letter from Applicant

RESOLUTION NO. PC-2016-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2016-02 AND MAKING FINDINGS TO PERMIT THE OPERATION OF A MASSAGE ESTABLISHMENT WITHIN A +/-1,200 SQUARE FOOT COMMERCIAL SUITE, LOCATED AT 1166 E YORBA LINDA BLVD. "C-1" NEIGHBORHOOD COMMERCIAL ZONING DISTRICT.

A. Recitals.

(i) Xue Bai, dba Massage Eden, located at 1166 E Yorba Linda Boulevard ("Applicant" hereinafter), filed an application for approval of Use Permit No. 2016-02, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On August 9, 2016, this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

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

B. Resolution.

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Placentia as follows:

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

2. Based upon substantial evidence presented to this Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, this Commission hereby specifically finds as follows:

a. The proposed use will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city, or (2) injurious to the property or improvements within the neighborhood or within the city. Subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements (Attachment "A"), this use complies with all applicable code requirements and development standards of the "C-1" Neighborhood Commercial District and (3) it is not anticipated that a massage establishment will generate any negative impacts on the adjacent neighborhood. All activities shall be conducted within an enclosed building, while

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

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

c. The proposed use, activity or improvements, subject to the attached 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 conditionally permitted use in the "C-1" Neighborhood Commercial District in the City of Placentia. Approval of the Use Permit for a massage establishment would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "C-1" Neighborhood Commercial District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachment "A" contains Conditions of Approval and Standard Development Requirements specific to Use Permit (UP) 2016-02 to ensure compliance with the Placentia Municipal Code.

3. Based upon the environmental review of the project, the Planning Commission finds that Use Permit (UP) 2016-02 is exempt from the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia pursuant to the State CEQA Guidelines § 15301 as the permit would be issued to an existing structure of facility.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2016-02, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit (UP) 2016-02 as modified herein, and specifically subject to the conditions set forth in Attachment "A" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:
- a. Certify to the adoption of this Resolution; and
 - b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 9th day of August, 2016

CHRISTINE SCHAEFER, CHAIR

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 9th day of August, 2016, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9th day of August, 2016, 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

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY



Attachment 2
Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2016-02
1166 E Yorba Linda Blvd

SPECIAL CONDITIONS

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

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

1. Use Permit (UP) 2016-02 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2016-02 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

5. Any changes or modifications to Use Permit (UP) 2016-02 shall be subject to review and approval by the Director of Development Services or designee, with substantial changes or modifications subject to Planning Commission review and approval.
6. Prior to any changes to the days and hours of operation, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

10:00 am to 10:00 pm 7 days a week

7. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
8. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
9. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
10. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be done at least three (3) times a week.
11. Pursuant to Section 23.90.180(9), the total area occupied by window signs shall not exceed more than twenty-five (25) percent of the window area through which they are displayed. If more than 25 percent exists, the applicant shall remove the excess signage prior to the sale of alcoholic beverages.
12. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
13. The applicant business owner shall maintain a valid City Business License at all times during operation of the business.

14. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Department
15. This use permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements.

CITY POLICE DEPARTMENT:

16. This use permit may be reviewed at the discretion of the Police Department and subject to random inspections in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements, including the code provisions in accordance with Placentia Municipal Code, Section 8.44.050(e)..
17. The floor plan shall conform to the physical requirements of the Municipal Code, and a physical inspection shall be conducted to verify compliance with the 26 requirements listed in Section 8.44.060.
18. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
19. Lighting in the parking area of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of nearby businesses.
20. The applicant shall not use any locking mechanisms on any interior door that would impede inspection to massage treatment rooms, including but not limited to a locking mechanism on any treatment room door, unless there is no person on staff who is available to assure the security for clients and massage staff that are behind closed doors. For the purpose of this Chapter, a staff member is available to assure the security of clients and massage staff when the massage establishment employs a receptionist or other person who is stationed in a public location outside of the massage treatment rooms.
21. There shall be no door-viewer or peephole designed to look through a door or wall nor shall any such features
22. At all times the massage establishment is open for business, it shall have on duty and on the premises at least one certified massage technician and one manager.

PLACENTIA POLICE DEPARTMENT

APPLICATION: Use Permit 2016-02

COMMERCIAL & INDUSTRIAL SECURITY STANDARD DEVELOPMENT REQUIREMENTS

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

EXTERIOR DOORS

Sliding Doors:

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

Other Doors:

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

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

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

installed. Such reinforcement shall restrict collapsing of the door around any locking device. Metal jambs shall be used.

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

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

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

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

Or:

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

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

(Exterior Doors, Continued...)

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

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

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

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

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

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

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

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

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

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

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

WINDOWS

No louvered windows shall be used.

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

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

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

ROOF OPENINGS

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

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

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

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

HATCHWAYS

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

LADDERS

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

BURGLARY RESISTANT MATERIAL

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

ADDRESS

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

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

EXTERIOR LIGHTING

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

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

Revisions	By

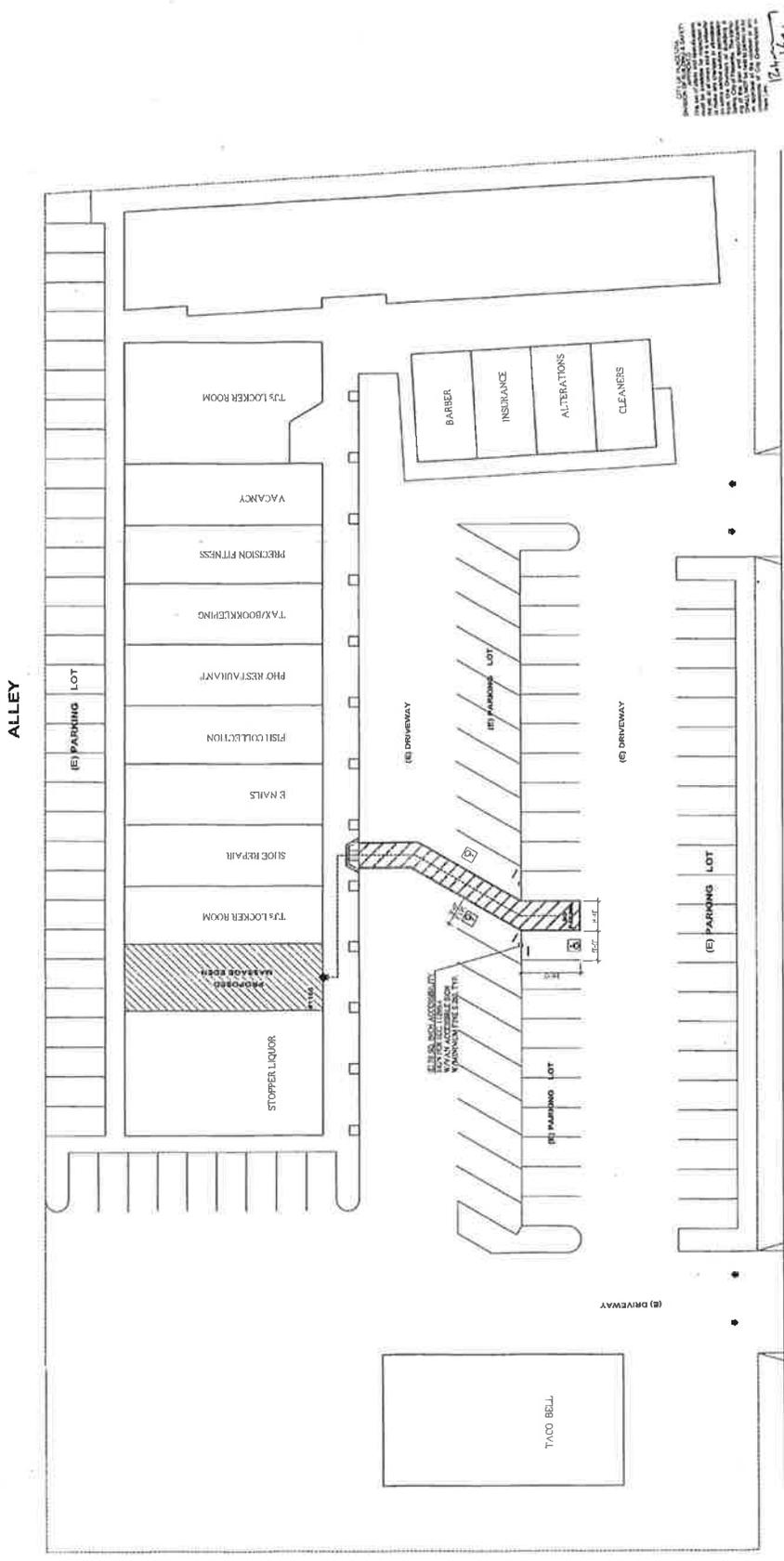
VARIETY
 A PROFESSIONAL CORPORATION
 10000 WILSON BLVD.
 SUITE 100, PLACENTIA, CA 92870
 TEL: 926-833-0022

ENGINEER

SITE PLAN

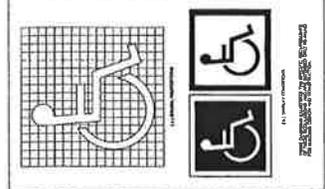
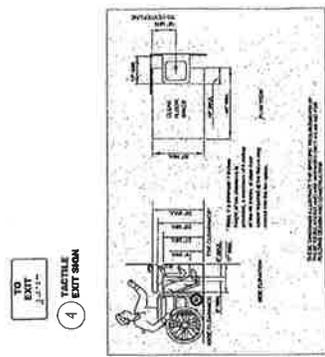
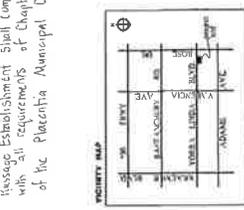
PROJECT
MESSAGE EDEEN
 1166 YORBA LINDA BLVD
 PLACENTIA, CA 92870
 TEL: 926-376-7263

DATE: 1/16/12
 SCALE: 1/8" = 1'-0"
 CHECKED:
 DRAWN: UPL/LS
 SHEET: **A-1**



Project: 05/2012
 1-24-12
 Massage Establishment shall comply with all requirements of Chapter 6.44 of the Placentia Municipal Code

SITE PLAN



PROJECT SUMMARY

PROJECT NAME:	MESSAGE EDEEN
JOB ADDRESS:	1166 YORBA LINDA BLVD, PLACENTIA, CA 92870
FLOOR AREA:	1200 SF
TYPE OF BUSINESS:	MASSAGE SERVICE
NUMBER OF STORIES:	1
OCCUPANCY TYPE:	1
OCCUPANCY LOAD:	1
TOTAL EMPLOYEES:	1

GENERAL NOTE:
 1. ALL WORK INCLUDING MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE REQUIREMENTS OF ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES AND ORDINANCES.
 2. CLEAR ELEVATION FOR EACH SIDE OF THE DOOR ON DOOR.
 3. REVISIONS TO THIS PLAN SHALL BE MADE BY THE ARCHITECT AND SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL OTHER APPLICABLE CODES.
 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL OTHER APPLICABLE CODES.
 6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL OTHER APPLICABLE CODES.
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 10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL OTHER APPLICABLE CODES.

6 SINK DETAIL

Massage Eden
1166 E Yorba Linda Blvd
92870 Placentia CA

2016 APR 127

Massage Eden is open 7 days a week from 10-10, offering a variety of massages including hot stones, reflexology (foot) and body massage that include different techniques such as back walking, Swedish, deep tissue, sports and prenatal. Massage Eden has 1 full time employee and 3 part time employees. All massage therapists are certified and have their California Massage Therapy Council Certificate. Only machine being operated at our spa would be the washer and dryer to maintain clean towels and sheets for our customers. Eden's ambiance, decor, music and cleanliness has made the spa a warm, soothing and inviting place to come and relax and feel stress free and overall an enjoyable time.

UP 2016-02
1166 E Yorba Linda Blvd

X 



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: AUGUST 9, 2016
SUBJECT: **USE PERMIT 2016-04**

RECOMMENDATION:

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

1. Open the Public Hearing, concerning Use Permit 2016-04; and
2. Receive the Staff Report and consider all public testimony; and
3. Close the Public Hearing; and
4. Adopt Resolution PC-2016-12, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-04 and making findings to permit the operation of a massage establishment within a +/- 1000 square foot commercial suite, located at 1414 N. Kraemer Blvd. in "T-C" Town Center Commercial Zoning District; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, Jun Sheng, dba Beauty Bodycare Massage / Spa is requesting a Use Permit for a massage establishment to be conducted entirely inside an existing enclosed 1000 square foot multi-tenant commercial building located at 1414 N. Kraemer Blvd. in the Town Center District (T-C). Section 8.44 of the Placentia Municipal Code allows for massage establishment subject to approval of a Use Permit. The Beauty Body Care Massage/Spa is an existing establishment but the newly enacted ordinance applies to all existing uses and new establishments.

BACKGROUND

In 2009, the California legislature eliminated local control of massage establishments by enacting Section 4600 et seq. of the Business and Professions Code, which allowed voluntary state-wide certification of massage practitioners and therapists, and, more importantly, restricted local control of massage establishments. As a result, jurisdictions could only impose requirements on massage therapy businesses that were the same as those uniformly applied to all other business providing professional services. Because local jurisdictions regulate different types of businesses differently

professional services. Because local jurisdictions regulate different types of businesses differently and there was not a uniform set of “professional service” regulations, jurisdictions were unable to regulate an industry that can be susceptible to criminal activity, including human trafficking. In October 2015, the Planning Commission recommended the City Council approve the proposed ordinance which would require all massage applicants to apply for a Use Permit for the operation of a massage establishment in zones where the use would be authorized. Use Permits are approved by the Planning Commission, which allow reasonable conditions of approval to be placed on the business. On January 19, 2016, the City Council approved the new ordinance. The Placentia Police Department will continue to conduct background checks on individuals applying for massage licenses.

Subject Site and Surrounding Land Uses:

Beauty Bodycare Massage / Spa Massage is a proposed massage establishment use within an existing commercial complex located at the southeast intersection of Kraemer Blvd. and Yorba Linda Blvd. Other uses within this commercial center include a Kentucky Fried Chicken; Shanghai Garden Chinese Restaurant, Meat Up BBQ Restaurant, Placentia Optometry, and Travel in Style travel agency. The chart below shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Massage Establishment	Commercial	T-C Town Center Commercial
Proposed	Massage Establishment	Commercial	T-C Town Center Commercial
North	Bank	Commercial	T-C Town Center Commercial
South	U.S. Post Office	Commercial	T-C Town Center Commercial
East	Dentist office/ Single-family residential	Commercial/Low Density Residential	T-C Town Center Commercial/ R-1 Single Family Residential
West	Multi-tenant Commercial	Commercial	T-C Town Center Commercial

Operational Characteristics

According to the submittal letter dated May 18, 2016, the applicant indicates that the massage establishment will be conducted inside a 1,000 sq. ft. commercial suite. The hours of operation will be 9:00 a.m. to 10:00 p.m., 7 days a week. The floor plan consists of a waiting room, reception area and bathrooms. A hallway through the center of the floor plan gives access to five rooms used for body massage, one large room is used to provide foot massages for multiple clients, and there is a shower/utility room.

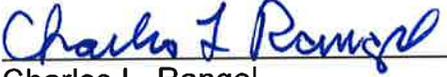
Access/Parking

The subject site can be accessed via a two-way driveway located at the southeast intersection of Kraemer Blvd. and Yorba Linda Blvd. Section 23.78.030 of the Placentia Municipal Code requires four (4) spaces per 1,000 square feet of unit area for the T-C district. As such, a total of four (4) spaces are required for the subject site. Currently 16 spaces are provided along the front of the office although more spaces are provided throughout the entire commercial center.

CEQA:

The proposed UP 2016-04 was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UP 2016-04 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1 Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use".

Prepared and submitted by:


Charles L. Rangel
Contract Senior Planner

Review and approved by:


for Damien R. Arrula
City Administrator

Attachments:

1. Resolution No. 2016-12
2. Conditions of Approval
3. Floor Plan
4. Site plan
5. Letter from Applicant

RESOLUTION NO. PC-2016-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2016-04 AND MAKING FINDINGS TO PERMIT THE OPERATION OF A MASSAGE ESTABLISHMENT WITHIN A +/-1000 SQUARE FOOT COMMERCIAL SUITE, LOCATED AT 1414 N. KRAEMER BLVD. IN THE "T-C" TOWN CENTER COMMERCIAL DISTRICT.

A. Recitals.

(i). Jun Sheng, dba Beauty Bodycare Massage / Spa located at 1414 N. Kraemer Boulevard ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2016-04, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii). On August 9, 2016, 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 Conditions of Approval and Standard Development Requirements (Attachment "A"), this use complies with all applicable code requirements and development standards of the "T-C" Town Center Commercial District and (3) it is not anticipated that a massage establishment will generate any negative impacts on the adjacent neighborhood. All activities

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

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Commercial", and the proposed use does not involve any change in the land use of the subject site. The Beauty Bodycare Massage/Spa is an existing massage establishment.

c. The proposed use, activity or improvements, subject to the attached 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 conditionally permitted use in the "T-C" Community Commercial District in the City of Placentia. Approval of the Use Permit for a massage establishment would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "T-C" Community Commercial District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachment "A" contains Special Conditions of Approval and Standard Development Requirements specific to Use Permit (UP) 2016-04 to ensure compliance with the Placentia Municipal Code.

3. Based upon the environmental review of the project, the Planning Commission finds that Use Permit (UP) 2016-04 is exempt from the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia pursuant to the State CEQA Guidelines § 15301 as the permit would be issued to an existing structure of facility.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2016-04, 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 (UP) 2016-04 as modified herein, and specifically subject to the

conditions set forth in Attachment "A" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

a. Certify to the adoption of this Resolution; and

b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 9th day of August, 2016

CHRISTINE SCHAEFER, CHAIR

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 9th day of August, 2016, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9th day of August, 2016, by the following vote:

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

ATTEST:

Secretary to the Planning Commission

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY



Attachment 2
Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2016-04
1414 N. Kraemer Boulevard

SPECIAL CONDITIONS

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

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

1. Use Permit (UP) 2016-04 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2016-04 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

5. Any changes or modifications to Use Permit (UP) 2016-04 shall be subject to review and approval by the Director of Development Services or designee, with substantial changes or modifications subject to Planning Commission review and approval.
6. Prior to any changes to the days and hours of operation, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

10:00 am to 9:00 pm 7 days a week

7. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
8. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
9. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
10. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be done at least three (3) times a week.
11. Pursuant to Section 23.90.180(9), the total area occupied by window signs shall not exceed more than twenty-five (25) percent of the window area through which they are displayed. If more than 25 percent exists, the applicant shall remove the excess signage prior to the sale of alcoholic beverages.
12. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
13. The applicant business owner shall maintain a valid City Business License at all times during operation of the business.

14. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Department
15. This use permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements.

CITY POLICE DEPARTMENT:

16. This use permit may be reviewed at the discretion of the Police Department and subject to random inspections in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements, including the code provisions in accordance with Placentia Municipal Code, Section 8.44.050(e)..
17. The floor plan shall conform to the physical requirements of the Municipal Code, and a physical inspection shall be conducted to verify compliance with the 26 requirements listed in Section 8.44.060.
18. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
19. Lighting in the parking area of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of nearby businesses.
20. The applicant shall not use any locking mechanisms on any interior door that would impede inspection to massage treatment rooms, including but not limited to a locking mechanism on any treatment room door, unless there is no person on staff who is available to assure the security for clients and massage staff that are behind closed doors. For the purpose of this Chapter, a staff member is available to assure the security of clients and massage staff when the massage establishment employs a receptionist or other person who is stationed in a public location outside of the massage treatment rooms.
21. There shall be no door-viewer or peephole designed to look through a door or wall nor shall any such features
22. At all times the massage establishment is open for business, it shall have on duty and on the premises at least one certified massage technician and one manager.

PLACENTIA POLICE DEPARTMENT

APPLICATION: Use Permit 2016-04
1414 N Kraemer

COMMERCIAL & INDUSTRIAL SECURITY STANDARD DEVELOPMENT REQUIREMENTS

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

EXTERIOR DOORS

Sliding Doors:

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

Other Doors:

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

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

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

installed. Such reinforcement shall restrict collapsing of the door around any locking device. Metal jambs shall be used.

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

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

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

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

Or:

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

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

(Exterior Doors, Continued...)

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

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

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

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

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

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

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

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

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

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

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

WINDOWS

No louvered windows shall be used.

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

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

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

ROOF OPENINGS

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

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

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

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

HATCHWAYS

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

LADDERS

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

BURGLARY RESISTANT MATERIAL

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

ADDRESS

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

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

EXTERIOR LIGHTING

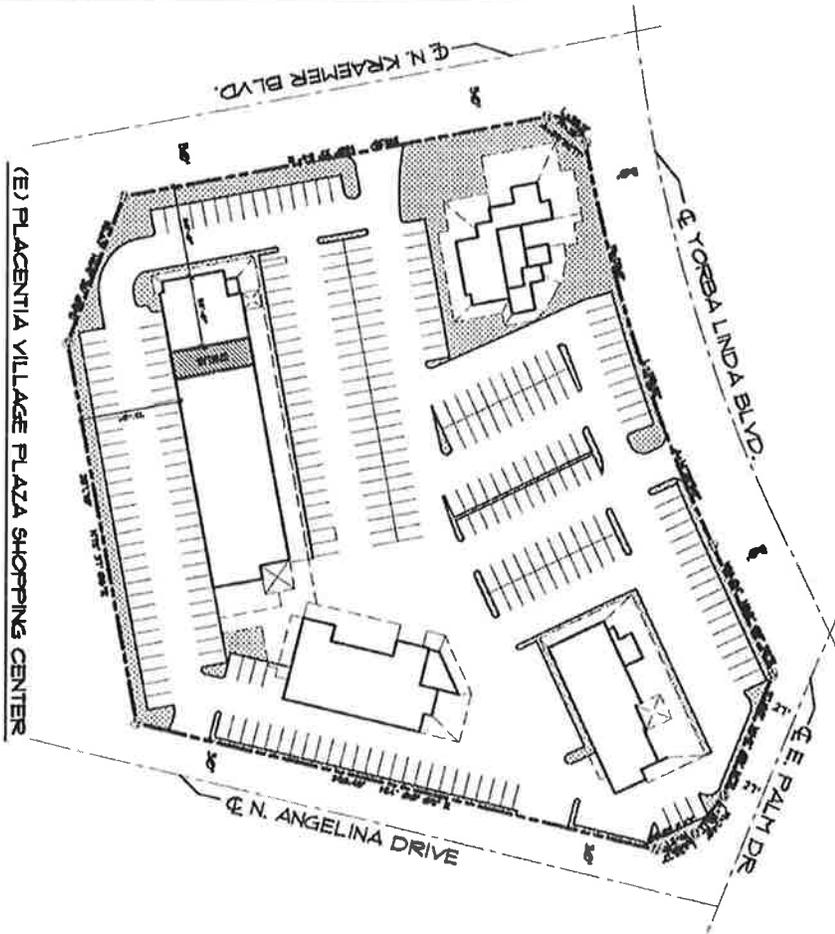
Exterior lighting of an intensity of at least twenty-five hundredths (.25) foot-candles shall be provided adjacent to doors and windows. Exterior bulbs shall be protected by polycarbonate or other weather and vandal resistant globe or cover. Light(s) shall be operated during hours of darkness through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

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

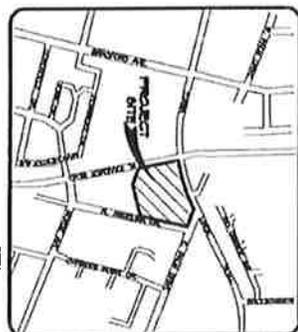
Beauty
Bodycare

MASSAGE SPA

1414 N. KRAEMER BLVD. PLACENTIA, CA



(E) PLACENTIA VILLAGE PLAZA SHOPPING CENTER



VICINITY MAP
NTS

LOCAL DISCRETION
 PROJECT IS IN THE CITY OF PLACENTIA, COUNTY OF ORANGE, STATE OF CALIFORNIA. THE CITY OF PLACENTIA HAS REVIEWED THIS PROJECT AND HAS GRANTED LOCAL DISCRETION TO THE CITY ENGINEER TO SIGN THIS PROJECT.

PROJECT DATA

APPROXIMATE PROJECT AREA: 10,000 SQ. FT.
 TOTAL SITE AREA: 10,000 SQ. FT.
 TOTAL PROJECT FLOOR AREA: 10,000 SQ. FT.
 TOTAL NUMBER OF PARKING SPACES: 100
 TOTAL NUMBER OF VISITORS: 100
 PROJECT TYPE: COMMERCIAL
 PROJECT LOCATION: 1414 N. KRAEMER BLVD., PLACENTIA, CA 92669
 PROJECT OWNER: [Name Redacted]
 PROJECT ARCHITECT: [Name Redacted]
 PROJECT ENGINEER: [Name Redacted]
 PROJECT DATE: [Date Redacted]

UP 2016-04

1414 N Kraemer Blvd



CITY ENGINEERING
 LAND SURVEYING
 PLANNING AND ARCHITECTURE
 FINANCIAL SERVICES
 100 YEARS OF SERVICE
 1916 - 2016
 ONE CHINA PL

THIS PLAN IS THE PROPERTY OF L&E CONSULTANTS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF L&E CONSULTANTS, INC.

PROJECT FILE

MASSAGE SPA

1414 N. KRAEMER BLVD., PLACENTIA, CALIFORNIA

DATE: [Redacted]

SITE PLAN AND NOTES



Project No.	
Sheet No.	A-1
Scale	1/8" = 1'-0"
Drawn By	[Redacted]
Checked By	[Redacted]
Approved By	[Redacted]
Date	[Redacted]

1 of 3 Total Sheets

May 17, 2016

City of Placentia
Planning Department
401 E. Chapman Avenue
Placentia, CA 92870

**Subject: Statement of Use - Beauty Bodycare Massage/Spa
1414 N. Kraemer Blvd.**

STATEMENT OF USE:

PROJECT DESCRIPTION: The proposed project consists of application for Conditional Use Permit for the continued operation of existing Beauty Bodycare Massage and Spa establishment located within the fully developed Placentia Village Plaza Shopping Center. The Beauty Bodycare Massage and Spa establishment has been operating at this location since February 2012, in full compliance with the City of Placentia requirements. The subject massage establishment occupies approximately 913.50 square feet of floor area, and interior is improved with four (4) private, 74 square foot, massage therapy rooms, approximately 133 square foot reception area, storage, and handicap accessible shower facility. The exterior of the project building will remain as is with existing signage appropriately designed to conform to the requirements of the City of Placentia.

The existing hours of operations for the establishment is to remain open seven days per week from 10 a. m. to 9 p.m. The massage operation does not require any machinery or equipment, and no vehicles are needed as the subject establishment does not provide on call services.

The Conditional Use Permit is necessary in order to comply with the City of Placentia requirement to adhere to the State Assembly Bill 1147 passed on September 18, 2014,

There are five (5) massage therapists available at the subject establishment, but only two (2) therapists are on duty each day. The massage therapists are working as independent contractors and there are no employees at the Beauty Bodycare Massage and Spa establishment. All the massage therapists are have been certified by the California Massage Therapy Council (CAMTC) and are fully competent in psychometric principles and standards as required by the State Assembly Bill 1147 and the City requirements

WHY IS THE PROPOSED USE NECESSARY AND DESIRABLE FOR THE DEVELOPMENT OF THE COMMUNITY? The Beauty Bodycare Massage and Spa establishment provides healthy and safe massage therapy that helps to

STATEMENT OF USE
Beauty Bodycare Massage
Page 2 of 2

relieve day to day stress and promote well being. Professional massage care service has been operating at this location successfully for over four years, and demand for the massage care service has been amply demonstrated. The project site is located within a fully developed major commercial center adjacent to office and other professional service uses that complement and generate other service demands. The subject commercial center and the surrounding area is a community destination center for service, dining and business activities.

The subject establishment continues to provide economic benefits to community by removing vacant condition, creating employment opportunities, and stimulating additional business activities in the commercial center. The proposed project, therefore, is necessary and desirable for the development of the community.

WHY IS THE PROPOSED USE NOT BE DETRIMENTAL TO THE NEIGHBORHOOD? The Beauty Bodycare Massage and Spa establishment is located within a fully developed master planned commercial center bounded by four (4) major arterial commercial corridors, and is adjacent to other complementing commercial complex. The subject establishment is not near any residential uses, schools, churches, and is not located along a pedestrian commuter route.

The Beauty Bodycare Massage and Spa establishment is developed within an appropriately designed building located within a dedicated commercial center, master planned for convenient services and other complementing business uses. The subject commercial center and the surrounding area is considered a destination location for service and business activities in the community, and the subject area is not identified as high crime area by the Placentia Police Department.

The Beauty Bodycare Massage and Spa establishment use is consistent with the trend of development in the area, and is a conforming use under the City's adopted General Plan and Zoning regulations. The subject establishment use continues to contribute to a harmonious complement to the surrounding developments, and is not detrimental to the neighborhood.

Very truly yours,
BEAUTY BODYCARE



Jun Sheng
Applicant



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: AUGUST 9, 2016
SUBJECT: **USE PERMIT 2016-09**

RECOMMENDATION:

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

1. Open the public hearing, concerning Use Permit 2016-09; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2016-14, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-09 and making findings to permit the operation of a fitness studio within a +/- 1,450 square foot commercial suite located at 1434 N. Kraemer Boulevard in the T-C Town Center Commercial and making Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

REQUEST:

The applicants, Franco & Madeline Diaddezio dba Fit Body Boot Camp, are requesting a Use Permit for a fitness studio within a +/- 1450 square foot commercial suite located at 1434 N. Kreamer Boulevard in the T-C Town Center District. Additionally, the applicant intends to offer sales of taxable fitness products (foam rollers, wrist wraps, wrist bands, jump ropes, etc.) and apparel (t-shirts, tank tops, hats, jackets), and nutritious food and drink products such as Fit Pro protein shakes, FitAid recovery beverages and focus beverages, water, protein powder, protein bars such as Balance Bars and Quest Bars. Section 23.27.040 (4) of the Placentia Municipal Code allows for health clubs including, but not limited to, racquetball clubs, swim clubs, tennis clubs and gymnasiums subject to approval of a Use Permit. A fitness studio is therefore similar in land use characteristics to health clubs.

DISCUSSION:

Subject Site and Surrounding Land Uses:

Body Boot Camp is a proposed fitness club use within a commercial complex located at the southeast intersection of Kraemer Blvd. and Yorba Linda Blvd. Other uses within this commercial center include a Kentucky Fried Chicken; Shanghai Garden Chinese Restaurant, Meat up BBQ Restaurant, Placentia Optometry, and Travel in Style travel agency. The chart below shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	vacant	Commercial	T-C Town Center Commercial
Proposed	Fitness Studio	Commercial	T-C Town Center Commercial
North	Bank	Commercial	T-C Town Center Commercial
South	U.S. Post Office	Commercial	T-C Town Center Commercial
East	Dentist office/ Single- family residential	Commercial/Low Density Residential	T-C Town Center Commercial/ R-1 Single Family Residential
West	Multi-tenant Commercial	Commercial	T-C Town Center Commercial

Operational Characteristics

According to discussions with the applicant, the fitness studio will be conducted inside a 1,450 square foot commercial suite. The hours of operation will be for morning and evening sessions 5:30 – 9:00 am and 4:30 – 7:30 pm. The floor plan consists of a front office, lobby, gym floor, back office/storage and bathrooms.

Access/Parking

The subject site can be accessed via a two-way driveway on the west side via Kraemer Blvd. or from a two-way driveway on the north, via Yorba Linda Blvd., or also from the west side from Angelina Drive. Section 23.78.030 of the Placentia Municipal Code requires four (4) spaces per 1,000 square feet of unit area for the T-C district. As such, a total of six (6) spaces are required for the subject site. Currently 70 spaces are provided along the front of the studio although over

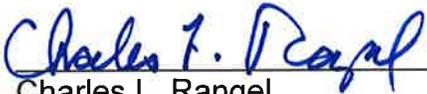
150 spaces are distributed throughout the entire commercial center which is sufficient for all the mix of commercial uses all through the commercial center.

CEQA:

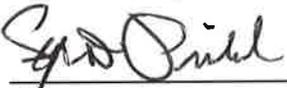
The proposed UP 2016-09 was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UP 2016-09 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1 Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use".

Prepared and submitted by:

Review and approved by:



Charles L. Rangel
Contract Senior Planner



for Damien R. Arrula
City Administrator

ATTACHMENTS:

1. Resolution No. 2016-14
2. Conditions of Approval
3. Floor Plan/Site plan
4. Letter from Applicant

RESOLUTION NO. PC-2016-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2016-09 AND MAKING FINDINGS TO PERMIT THE OPERATION OF A FITNESS STUDIO WITHIN A +/- 1,450 SQUARE FOOT COMMERCIAL SUITE, LOCATED AT 1434 N Kraemer Boulevard, IN "T-C TOWN CENTER COMMERCIAL ZONING DISTRICT.

A. Recitals.

(i) Franco & Madeline Diaddezio dba Fit Body Boot Camp, applicant located at 1434 Kraemer Blvd. ("Applicant" hereinafter) heretofore filed an application for approval of USE PERMIT NO. 2016-09, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On August 9, 2016 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.

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 because such use has sufficient parking, will provide overall benefit to the city, and will not be inconsistent with the purposes of the zone, or (2) injurious to the property or improvements within the neighborhood or within the city because it is sufficiently set back from neighboring properties, and the

impacts upon neighboring properties are expected to be negligible to non-existent. Subject to compliance with the attached Conditions of Approval and Standard Development Requirements (Attachment "1"), this use complies with all applicable code requirements and development standards of the T-C Town Center Commercial and, it is not anticipated that a fitness studio operation will generate any negative impacts on the adjacent neighborhood. The use shall be conducted within an enclosed building and while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Conditions of Approval and Standard Development Requirements.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Commercial", and the proposed use does not involve any change in the land use of the subject site. On or about August 9, 2016, the Planning Commission determined that retail auto sales establishments are permitted uses in the T-C Town Center Commercial District, subject to Use Permit approval.

c. The proposed use, activity or improvements, subject to the attached Conditions of Approval and Standard Development Requirements (Attachment 1), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. Approval of the Use Permit would be consistent with the zoning as the site can accommodate the proposed uses and other similar uses have been conditionally permitted within the "M" Manufacturing.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachment 1 contains Conditions of Approval and Standard Development Requirements specific to UP 2016-09 to ensure compliance with the Placentia Municipal Code.

3. Subject to compliance with all Conditions of Approval and Standard Development Requirements as approved by the Planning Commission through Resolution PC-2016-14 and Use Permit 2016-09, the Placentia Police Department does not believe that this use permit issuance will create a law enforcement problem. The Development Services Department and the Placentia Police Department are supportive of this proposal.

4. Based upon the environmental review of the project, the Planning Commission finds that Use Permit UP 2016-09 is

exempt from CEQA pursuant State CEQA Guidelines and § 15301 Class 1 as it pertains to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use".

5. The Planning Commission hereby directs that, upon approval of Use Permit 2016-09, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

6. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2016-06 as modified herein, and specifically subject to the conditions set forth in Attachment 1, attached hereto and by this reference incorporated herein.

7. The Secretary to the Planning Commission shall:
a. Certify to the adoption of this Resolution; and
b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 9th day of August, 2016.

Christine Schaefer, Chair

ATTEST:

Charles L. Rangel
Secretary to the Planning Commission

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 9th day of August, 2016, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9th day of August, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Charles L. Rangel
Secretary to the Planning Commission

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY

Attachment 2
Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2016-08
1434 N Kraemer
Franco & Madeline Diaddezio dba Fit Body Boot Camp

SPECIAL CONDITIONS

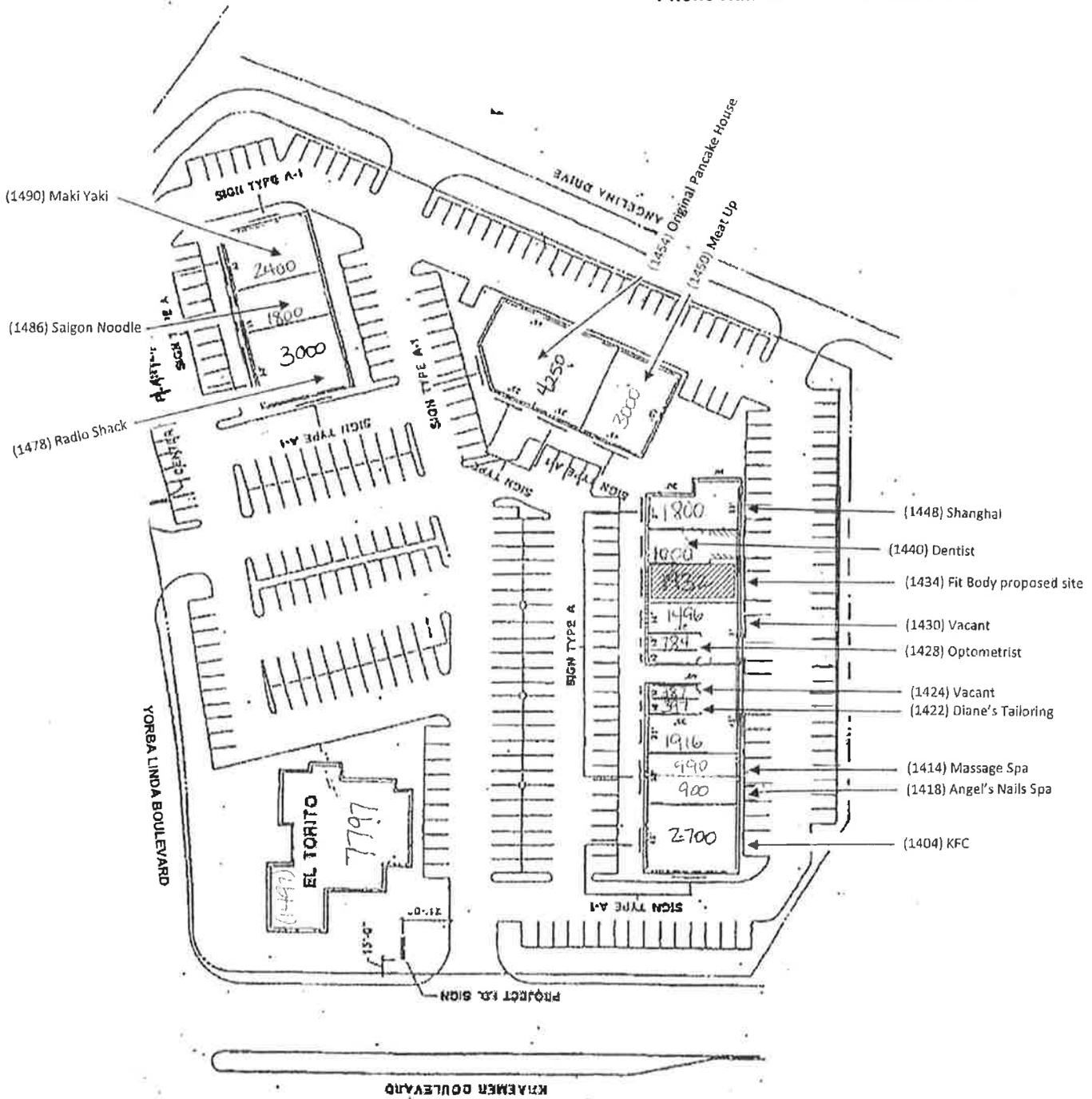
If the above referenced application is approved, applicant and/or property owner shall comply with the Special Conditions listed below and the Standard Development Requirements attached.

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) 2016-08 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2016-08 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

Project Name: Placentia Fit Body Boot Camp
Location: 1434 Kraemer Boulevard
 Placentia, CA 92870
Applicant Name: Madeline DiAddezio
Applicant Address: 20406 Via Navarra
 Yorba Linda, CA 92886
Phone Number: 714-809-4946



UP 2016-09
1434 Kraemer Boulevard



Anaheim Fit Body Boot Camp
Placentia Fit Body Boot Camp

1100 E Orangethorpe Ave
Ste 125
Anaheim, CA 92801

June 7, 2016

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

Re: Statement of Use for Placentia Fit Body Boot Camp

To Whom It May Concern:

What Is Fit Body?

Fit Body Boot Camp is a company with hundreds of locations worldwide. Utilizing High Intensity Interval Training (HIIT), our 30-minute sessions are designed to help you burn more fat and calories than traditional workouts that are twice as long. Every group training session is led by an experienced and certified personal trainer and is designed to be fun, high energy and challenging all while achieving maximum fat burn and toning your muscles.

Our Story

Starting out as clients over four years ago, our lives were tremendously and positively impacted by the Fit Body program. At age 50+, my husband and business partner, Franco found ourselves with more energy, healthier and fitter than we had ever been previously. Our partner Matt Kannard, has devoted much of life studying nutrition and exercise science and brings a tremendous amount of knowledge to our clients in both areas. All three of us got together with the goal to bring the Fit Body program to as many people as possible to pay it forward. At Anaheim Fit Body Boot Camp, we have seen many incredible transformations. Yolanda M. has gone from a size 14 to a size 4 in one year and can't keep the smile off of her face. She radiates joy and energy. Vanessa F. has lost just over 70 lbs and at age 22 has a new outlook on life that she is sharing with all of her family and friends in the hopes of bringing them the program that has changed her life. Chris H. has lost over 30 lbs. and is showing his daughter, through his actions (she comes to Boot Camp with him!), the way to a healthy lifestyle so she will not be one of the millions of obese children.

These are just a few of the stories of real clients whose lives were changed for the better through Anaheim Fit Body Boot Camp, and this is just the beginning. We are on a mission and want to expand our reach so that positively affect the health and fitness of the residents of Placentia. Each client we are able to help, through consistent exercise and a clean eating lifestyle, creates a ripple effect with their family and friends, allowing us to help Fit Body Boot

Camp reach the Global Goal of exposing and engaging 20% of the world's population to a healthy and fit lifestyle by the year 2020.

What We Do

Placentia Fit Body Boot Camp will offer small group training with a personal trainer. Sessions average approximately 10-15 clients per session. Our hours of operation typically do not overlap with surrounding business since they take place in the early morning and late afternoon/evening, minimizing our impact on parking and traffic.

In addition, 25% of our facility will be dedicated to the sales of taxable fitness products (foam rollers, wrist wraps, wrist bands, jump ropes, etc.) and apparel (t-shirts, tank tops, hats, jackets), as well as nutritious food and drink products such as Fit Pro protein shakes, FitAid recovery beverages and focus beverages, water, protein powder, protein bars such as Balance Bars and Quest Bars.

We employ two, full-time certified personal trainers as well as a full-time Fitness Director to oversee operation. All staff members are fully CPR and First Aid certified, and we have an onsite portable AED. At least one of us is also onsite each day to help ensure that everything runs smoothly. We pride ourselves on the fact that we have a great deal of personal interaction with all of our clients so that each person who walks through our door feels at home and like one of the family.

With the ability to modify our program, our sessions are available for the everyday person, regardless of age, current physical fitness, or weight. We have been told over and over by our clients that when they are in our gym, they never feel judged or as though they need to keep up with their fellow Boot Campers; they know that they can draw energy and inspiration from the group and go at their own pace.

If you have any questions, please feel free to contact me. We look forward to the opportunity to help Placentia become fitter, stronger, and healthier for generations to come!

Respectfully,

Mandy DiAddezio
Anaheim Fit Body Boot Camp
Placentia Fit Body Boot Camp
714-809-4946
admin@anaheimfitbody.com



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: AUGUST 9, 2016
SUBJECT: **USE PERMIT 2016-07**

RECOMMENDATION:

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

1. Open the public hearing, concerning Use Permit 2016-07; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2016-15, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-07 and making findings to permit the operation of a massage establishment within a +/- 956 square foot commercial suite, located at 909 E. Yorba Linda in the "C-1" Neighborhood Commercial Zoning District; and making Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, Hui Wang, dba Violet Moon Spa is requesting a Use Permit for a massage establishment to be conducted entirely inside an enclosed 956 square foot (sq. ft.) multi-tenant commercial building located at 909 E. Yorba Linda in the "C-1" Neighborhood Commercial Zoning District. Section 8.44 of the Placentia Municipal Code allows for massage establishment subject to approval of a Use Permit. The applicant is actually an existing establishment but the newly enacted ordinance applies to all existing uses and any new proposed establishments.

BACKGROUND

In 2009, the California legislature eliminated local control of massage establishments by enacting Section 4600 *et seq.* of the Business and Professions Code, which allowed voluntary state-wide certification of massage practitioners and therapists, and, more importantly, restricted local control of massage establishments. As a result, jurisdictions could only impose requirements on massage therapy businesses that were the same as those uniformly applied to all other business providing professional services. Because local jurisdictions regulate different types of businesses differently and there was not a uniform set of “professional service” regulations, jurisdictions were unable to regulate an industry that can be susceptible to criminal activity, including human trafficking. In October 2015, the Planning Commission recommended the City Council approve the proposed ordinance which would require all massage applicants to apply for a Use Permit for the operation of a massage establishment in zones where the use would be authorized. Use Permits are approved by the Planning Commission, which allow reasonable conditions of approval to be placed on the business. On January 19, 2016, the City Council approved the new ordinance. The Placentia Police Department will continue to conduct background checks on individuals applying for massage licenses.

Subject Site and Surrounding Land Uses:

Violet Moon Spa is a proposed massage establishment use within a commercial complex located on the northeast side of Yorba Linda Blvd. and McCormack Ln. Other uses within this commercial center include a Pizza Hut, Rem’s Sports Lounge, The Donuts Place and Fifth Avenue Cleaners. The chart below shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Violet Moon Spa Establishment	Commercial	C-1 Neighborhood Commercial
Proposed	Violet Moon Spa Establishment	Commercial	C-1 Neighborhood Commercial
North	Commercial center	County of Orange	County of Orange
South	Placentia Linda Hospital	Commercial	R-1 Single – Family Residential
East	Apartments	High Density Residential	R-3 High Density Residential
West	Multi-tenant Commercial offices	Commercial	C-O Office Commercial

Operational Characteristics

According to the submittal letter dated May 31, 2016, the applicant indicates that the massage establishment will be conducted inside an existing 956 sq. ft. commercial suite. The hours of operation will be 10:00 a.m. to 10:00 p.m., 7 days a week. The floor plan consists of a waiting room, employee lounge, reception area, shower room and bathrooms. A hallway through the center of the floor plan gives access to the various rooms used for body massage, and there is a shower/utility room.

Access/Parking

The subject site can be accessed via a two-way driveway on the east side of McCormack, or from a two-way driveway on the south, via Yorba Linda Blvd. Section 23.78.030 of the Placentia Municipal Code requires four (4) spaces per 956 square feet of unit area for the C-1 District. As such, a total of four (4) spaces are required for the subject site. Currently 17 spaces are provided along the front of the office although over 89 spaces are provided throughout the entire commercial center.

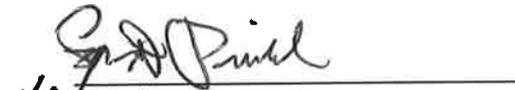
CEQA:

The proposed UP 2016-07 was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UP 2016-07 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1 Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use".

Prepared and submitted by:


Charles L. Rangel
Contract Senior Planner

Review and approved by:


Damien R. Arrula
City Administrator

Attachments:

1. Resolution No. 2016-15
2. Conditions of Approval
3. Floor Plan/Site plan
4. Letter from Applicant

RESOLUTION NO. PC-2016-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2016-07 AND MAKING FINDINGS TO PERMIT THE OPERATION OF A MASSAGE ESTABLISHMENT WITHIN A +/- 956 SQUARE FOOT COMMERCIAL SUITE, LOCATED AT 909 E. YORBA LINDA BLVD. IN THE "C-1" NEIGHBORHOOD COMMERCIAL ZONING DISTRICT.

A. Recitals.

(i). Hui Wang, Violet Moon Spa located at 909 E. Yorba Linda Blvd ("Applicant" hereinafter) filed an application for approval of Use Permit No. 2016-07, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii). On August 9, 2016, 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 Conditions of Approval and Standard Development Requirements (Attachment "A"), this use complies with all applicable code requirements and development standards of the "C-1" Neighborhood Commercial District and (3) it is not anticipated that a massage establishment will generate any negative impacts on the adjacent neighborhood. All activities shall be conducted within an enclosed building, while

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

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Commercial", and the proposed use does not involve any change in the land use of the subject site. The Violet Moon Spa is an existing massage establishment on this site.

c. The proposed use, activity or improvements, subject to the attached 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 conditionally permitted use in the "C-1" Neighborhood Commercial District in the City of Placentia. Approval of the Use Permit for a massage establishment would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "C-1" Neighborhood Commercial District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachment "A" contains Conditions of Approval and Standard Development Requirements specific to Use Permit (UP) 2016-07 to ensure compliance with the Placentia Municipal Code.

3. Based upon the environmental review of the project, the Planning Commission finds that Use Permit (UP) 2016-07 is exempt from the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia pursuant to the State CEQA Guidelines § 15301 as the permit would be issued to an existing structure of facility.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2016-07, 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 (UP) 2016-07 as modified herein, and specifically subject to the conditions set forth in Attachment "A" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

- a. Certify to the adoption of this Resolution; and
- b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 9th day of August, 2016

CHRISTINE SCHAEFER, CHAIR

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 9th day of August, 2016, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9th day of August, 2016, by the following vote:

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

ATTEST:

Secretary to the Planning Commission

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY



Attachment 2
Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2016-07
909 E Yorba Linda Blvd.

SPECIAL CONDITIONS

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

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

1. Use Permit (UP) 2016-07 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2016-07 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

5. Any changes or modifications to Use Permit (UP) 2016-07 shall be subject to review and approval by the Director of Development Services or designee, with substantial changes or modifications subject to Planning Commission review and approval.
6. Prior to any changes to the days and hours of operation, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

10:00 am to 10:00 pm 7 days a week

7. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
8. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
9. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
10. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be done at least three (3) times a week.
11. Pursuant to Section 23.90.180(9), the total area occupied by window signs shall not exceed more than twenty-five (25) percent of the window area through which they are displayed. If more than 25 percent exists, the applicant shall remove the excess signage prior to the sale of alcoholic beverages.
12. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
13. The applicant business owner shall maintain a valid City Business License at all times during operation of the business.

Statement

This massage parlor is located at 909 E Yorba Linda Blvd, # D, Placentia, CA, 92870. It is a place that provides massage services. This massage center has been here for 3 years. My name is Hui Wang and I am the current's owner. I am an experienced massage therapist. I received massage education from school. Currently I worked in this massage center. No full time or part-time employees.

Print name : Hui Wang

Signature: * *Hui Wang*

Date : 05/27/2016

UP 2016-07

909 E Yorba Linda Blvd #D



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: AUGUST 9, 2016
SUBJECT: **USE PERMIT 2016-08**

RECOMMENDATION:

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

1. Open the public hearing, concerning Use Permit 2016-08; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2016-13, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-08 and Making Findings to Permit the Operation of a 60 student maximum private preschool/Montessori school in a 3,345 square foot (SF) building located at 431 Palm Ave. in the C-O Commercial Office Zoning District and adopt Resolution PC-2016-1, a Resolution of the Planning Commission of the City of Placentia, Variance 2016-16 approving a variance for less than the parking stall required by Code and make Findings that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15301 and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, Mahin Sofia Rastegari is requesting a Use Permit for rehabilitating a previous but now vacant one story house used for preschool and operating a 60 student maximum preschool/Montessori school in a 3,345 square foot (SF) building located at 431 Palm Ave. in the C-O Commercial Office Zoning District. Section 23.87 of the Placentia Municipal Code allows for schools subject to approval of a Use Permit.

BACKGROUND

The 431 Palm Avenue parcel has been vacant and neglected for many years is one of the most challenging parcels in the City. On March 14th, 1967 the Planning Commission approved a preschool/nursery under Use Permit 67/04. As with any typical discretionary action, staff recommended to the Planning Commission various conditions of approval relating to various dedications, features and improvements, one of which was the dedication of street pavement,

dedications, features and improvements, one of which was the dedication of street pavement, curb, gutter, sidewalk and underground improvements. The applicant appealed these conditions and pleaded that the improvements were too costly for the school to absorb the cost. The Planning Commission modified the condition and required a bond valued at the cost of the improvements. The applicant appealed to the City Council and cited that the cost associated with the bond premium was also too costly. The City Council agreed to place a lien on the property, thereby placing a cloud on the title which prevented the property from being sold to anyone unless the street improvements were completed. The school operated for several years and then closed. Eventually, the heir of the property owner inherited the property but she never installed the improvements.

The property fell into disrepair after years of vacancy and became an "attractive nuisance", a term which refers to a parcel that is vacant and accessible to children, vagrants or delinquents and consequently, be exposed to unsafe conditions. The Police Department can document a long history of calls for service because unauthorized people were using the property for drug use or to provide homeless people with temporary shelter. Furthermore, the abandoned swimming pool would seasonally collect rain water which is dangerous to children who cannot swim and drown because there is no adult supervision. The property frequently has tall weeds and the house was boarded up which further attracts attention. Due to this long term neglect, the City started proceedings for receivership whereby the City petitions the courts to select someone to sell the property for eventual development of the site to get rid of the nuisance.

Over the years, many business organizations evaluated the parcel for many potential uses such as medical/dental office, retail center, multi-tenant professional office, or even contemplated a re-zone to residential but three constraints prevented the development/re-use of the parcel:

- the unusual triangular shape, which made it too difficult to provide sufficient parking;
- the loss of 4,620 SF due to the dedication, which represents 25% of the parcel
- the cost associated with the dedication and construction of street pavement, curb, gutter, sidewalk and underground improvements estimated to be approximately \$200,000.00

DISCUSSION:

Subject Site and Surrounding Land Uses

The proposed site for the school is on the east side of Palm Ave. between Valencia Ave. and Yorba Lind Blvd. listed below are the surrounding existing land uses, zoning, and General Plan Land Use Designations:

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Vacant single-family residential	Industrial	C-O Commercial Office
Proposed	Pre-school/Montessori school	Industrial	C-O Commercial Office
North	Single Family Residential/Senior Living facility	Office Commercial/Medium Density Residential	C-O Commercial Office/PUD-3
South	Single Family Residential	Low Density Residential	R-1
East	Single Family Residential	Low Density Residential	R-1
West	Single Family Residential	Low Density Residential	PUD-2

Operational Characteristics

According to the undated Statement of Use letter, the applicant proposes to rehabilitate the single family structure and expand the size to 3,345 square foot (SF). The school will provide child care for children ages 2-12 and intend to obtain a license for a maximum of 60 children. The services provided will be educational and developmental services along with nutritional programs, in addition to after school programs and care. The afternoon program offers picking up children in the school van and bringing them to the Montessori school for after school care and programs. The proportional mix of children and students are proposed to be 36 pre-school and 24 after school students at any given time because many pupils are part – time.

Access/Parking

The subject site has been designed and re-configured with a semicircular driveway which can accommodate at least five cars in cue for drop off purposes, two tandem parking stalls and nine other parking spaces, most of which will be used for school staff, and a handicap parking space. Section 23.78.030 of the Placentia Municipal Code requires uses in the C-2 zone to have 4 spaces per 1,000 square foot of unit area. Because the structure will be 3,345 square feet of gross floor area, 14 spaces are required. The site already provides 11 spaces, which is below the parking code requirement which is why the applicant is requesting a variance.

Variance

The applicant is requesting a Variance from the Parking Code requirements due to the irregular shape of the property and the loss of 4,620 square feet required for dedication, street widening and related improvements. Chapter 23.93.010 states that:

“Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of this title may result from the strict application of certain provisions thereof, variance may be granted as provided in this section, provided this procedure may not be used to change the use of land.”

In this case, the applicant must dedicate 4,620 square feet of the parcel representing 25% of the total size of the parcel which severely constrains an optimal design of the parcel such that accommodating all the required parking stalls is too difficult. Granting this variance does not constitute a special privilege since there are similar developments in the same Santa Fe Commercial District (SF-C) and under the same general plan, land use designation that have less than the required parking.

Conclusion and recommendation

Staff supports the proposal. First, the proposed preschool/Montessori School will occupy a parcel of land which has been vacant and neglected for many years. Second, the parcel is one of the most challenging parcels in the City to develop because the property in question has a cloud on the title in the form of a lien which requires certain costly street dedications and related road improvements including the installation of street pavement, curb, gutter, sidewalk, and undergrounding of utilities for street lights. Many other business proposals have been considered, but none came to fruition. If this proposed project is not approved, it is very likely that the parcel will sit idle indefinitely and eventually go to receivership wherein the property owner will be forced to demolish the property.

As a condition of approval, the applicant shall carry out constructing these improvements and dedications, while at the same time, rehabilitating the deteriorated structure. Once all such improvements are completed, the project will also promote better street circulation and provide needed day care and educational services to the community at large. The project will also eliminate the blighted conditions which has plagued the neighborhood for years and caused a detrimental effect on the City.

CEQA:

The proposed UP 2016-08 was reviewed by Staff in accordance with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UP 2016-08 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1 Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving “negligible or no expansion of use.” The property was previously used as a pre-school/nursery, and this new use is substantially similar to the prior use.

Prepared and submitted by:



Charles L. Rangel
Contract Senior Planner

Review and approved by:



for Damien R. Arrula
City Administrator

Attachments:

1. Resolution No. 2016-08
2. Conditions of Approval
3. Floor Plan
4. Site plan
5. Letter from Applicant, undated

RESOLUTION NO. PC-2016-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2016-08 AND MAKING FINDINGS TO THE OPERATION OF A 60 STUDENT MAXIMUM PRIVATE PRESCHOOL/MONTESSORI SCHOOL IN A 3,345 SQUARE FOOT (SF) BUILDING LOCATED AT 431 PALM AVE. IN THE C-O COMMERCIAL OFFICE ZONING DISTRICT.

A. Recitals.

(i) Mahin Sofia Rastegari, applicant for the property located at 431 Palm Avenue (together the "Applicant"), heretofore filed an application for approval of Variance (VAR) 2016-01, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Variance request is referred to as the "Application".

(ii) On August 9, 2016 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 preschool/Montessori school 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 Conditions of Approval and Standard Development Requirements (Attachment "1"), this use complies with all

applicable code requirements and development standards of the C-O Office Commercial and, it is not anticipated that a preschool/Montessori school operation will generate any negative impacts on the adjacent neighborhood. The use shall be conducted within an enclosed building and while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Conditions of Approval and Standard Development Requirements.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Commercial", and the proposed use does not involve any change in the land use of the subject site. On or about August 9, 2016, the Planning Commission determined that retail auto sales establishments are permitted uses in the C-O Office Commercial, subject to Use Permit approval.

c. The proposed use, activity or improvements, subject to the attached Conditions of Approval and Standard Development Requirements (Attachment 1), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. Approval of the Use Permit would be consistent with the zoning as the site can accommodate the proposed uses and other similar uses have been conditionally permitted within the "M" Manufacturing.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachment 1 contains Conditions of Approval and Standard Development Requirements specific to UP 2016-08 to ensure compliance with the Placentia Municipal Code.

3. Subject to compliance with all Conditions of Approval and Standard Development Requirements as approved by the Planning Commission through Resolution PC-2016-13 and Use Permit 2016-08, the Placentia Police Department does not believe that this use permit issuance will create a law enforcement problem. The Development Services Department and the Placentia Police Department are supportive of this proposal.

1. Based upon the environmental review of the project, the Planning Commission finds that Use Permit UP 2016-08 is exempt from CEQA pursuant State CEQA Guidelines and § 15301 Class 1 as it pertains to the operation, repair, leasing or minor alteration of existing public or private structures, of

facilities or features involving "negligible or no expansion of use".

2. The Planning Commission hereby directs that, upon approval of Use Permit 2016-08, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

3. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2016-06 as modified herein, and specifically subject to the conditions set forth in Attachment 1, attached hereto and by this reference incorporated herein.

4. The Secretary to the Planning Commission shall:
a. Certify to the adoption of this Resolution; and
b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 9th day of August, 2016.

Christine Schaefer, Chairman

ATTEST:

Charles L. Rangel
Secretary to the Planning Commission

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 9th day of August, 2016, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9th day of August, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Charles L. Rangel
Secretary to the Planning Commission

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY

RESOLUTION NO. PC-2016-16

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF PLACENTIA APPROVING VARIANCE
NO. 2016-01 PERTAINING TO A DEVIATION
FROM PARKING CODE REQUIREMENTS FOR PROPERTY
LOCATED AT 431 PALM AVENUE AND MAKING FINDINGS IN
SUPPORT THEREOF.**

A. Recitals.

(i) Mahin Sofia Rastegari, applicant for the property located at 431 Palm Avenue (together the "Applicant"), heretofore filed an application for approval of Variance (VAR) 2016-01, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Variance request is referred to as the "Application".

(ii) On August 9, 2016, 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.

2. Based upon substantial evidence presented to this Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, this Commission hereby specifically finds as follows:

- a. Due to the size and shape of this triangular parcel, the strict application of § 23.78.030 of the Placentia Municipal Code limits the ability of the property owner to maximize the commercial use of the property under current zoning in an area that already has similar developments with less than the required number of parking stalls. Additionally, the applicant must dedicate 4,620 square feet

of the parcel representing 25% of the total size of the parcel which severely constrains an optimal design of the parcel such that accommodating all the required parking stalls is too difficult. Granting this variance does not constitute a special privilege since there are similar developments in the Santa Fe Commercial District (C-2) within the City and under the same general plan, land use designation that have less than the required parking.

- b. The variance, rather than the literal application of this chapter, carries out the spirit and intent of this chapter. The proposed preschool/Montessori School shall occupy a parcel of land which has been vacant and neglected for many years and is one of the most challenging parcels in the City such that the property in question has a cloud on the title in the form of a lien which requires certain costly street dedications and related road improvements including but not limited to the installation of street pavement, curb, gutter, sidewalk, and undergrounding of utilities for street lights. The applicant shall carry out constructing these improvements and dedications, thereby promoting better street circulation and providing day care and educational services to the community at large. The project will also eliminate the blighted conditions which has had a detrimental effect on the City.
- c. The proposed variance will be consistent with the General Plan. The General Plan Land Use Designation for the subject property is "Commercial", and the variance request does not include a proposal to amend this designation.

3. The proposed project hereby is determined to be Categorically Exempt (Class 32, Guideline § 15331), pursuant to the California Environmental Quality Act (CEQA) and City Environmental Guidelines. This Planning Commission hereby determines the project meets the criteria of § 15331, Class 1 Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use." The proposed project will involve limited construction and the proposed school will have at most 24 students in classes at any given time, and therefore the impact on traffic and the neighborhood would be less than significant.

4. The Planning Commission hereby directs that, upon approval of VAR 2016-01, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves VAR 2016-01 as modified herein, and specifically subject to the conditions set forth in Attachment "A" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

- a. Certify to the adoption of this Resolution; and
- b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 9th day of August, 2016

Christine Schaefer, Chair

ATTEST:

Charles L. Rangel
Secretary to the Planning Commission

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 9th day of August, 2016, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9th day of August, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Charles L. Rangel
Secretary to the Planning Commission

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY

Attachment 2
Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2016-08
431 Palm Avenue
Mahin Sofia Rastegari
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) 2016-08 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2016-08 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

5. Prior to any changes in the days and hours of operation of this establishment, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

Monday – Friday: 6:30 a.m. to 6:30 p.m.

6. There shall be no additional modifications to the floor plan without approval from the Director of Development Services or his/her designee. Any additional changes to the approved floor plan, which has the effect of expanding or intensifying the present use, shall require either a Use Permit Modification or a new Use Permit.
7. Prior to any modification of the floor plan that would affect parking as stipulated in the zoning code, the applicant shall obtain written approval from the Director of Development Services or his/her designee.
8. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
9. Applicant shall obtain appropriate license from the California Child Care Division, Department of Social Services.
10. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
11. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be done on a regular basis.
12. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.
13. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation. Prior to issuance of a building permit, the applicant shall submit a sign plan for the design of all proposed signage on the site for review and approval by the Director of Development Services or his/her designee. The sign plan shall comply with the criteria and requirements set forth in Chapter 23.90, Signs-Advertising Structures, of the Placentia Municipal Code.

15. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 72 hours of defacement and/or upon notification by the City.
16. The applicant/business owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid City Business License prior to operating the business.
17. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Director.

City Engineer

18. All improvement and grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required.
19. Prior to issuance of Certificate of Occupancy or building final, all existing and new utilities including electric power, telephone, cable TV in the street adjacent to and on-site shall be placed underground in accordance with City of Placentia ordinances.
20. Prior to issuance of a Certificate of Occupancy, the engineer of record shall submit all approved project plans on a DFX formatted Compact Disc (CD) to the Public Works Department. If the required files are unavailable, the developer shall pay a scanning fee to cover the cost of scanning the as-built plans.
21. The developer shall monitor, supervise and control all construction and construction related activities to prevent them from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

Grading

22. Prior to the issuance of a grading permit, the applicant shall prepare a Low Impact Development (LID) specifically identifying the Best Management Practices (BMP's) that will be used on site to control predictable pollutant runoff. The plan shall identify the types of structural and/or non-structural measures to be used. The plan shall comply with the Orange County Drainage Area Management Plan (DAMP) and LID Implementation Guideline. Website available at (<http://ocwatersheds.com/publiced/residents/glltd>) Particular attention should be addressed to the appendix section "Best Management Practices for priority redevelopment." The LID shall clearly show the locations of structural or Nonstructural BMP's, and assignment of long term maintenance responsibilities. The plan shall be prepared to the general form and content and submitted to the

Director of Public Works/City Engineer for review and approval.

23. Prior to the issuance of a grading permit, the applicant shall prepare a Water Quality Management Plan (WQMP) specifically identifying the Best Management Practices (BMP's) that will be used on site to control predictable pollutant runoff. The plan shall identify the types of structural and non-structural measures to be used. The plan shall comply with the Orange County Drainage Area Management Plan (DAMP). Particular attention should be addressed to the appendix section "Best Management Practices for Development."

The WQMP shall clearly show the locations of structural BMP's, and assignment of long term maintenance responsibilities (which shall also be included in the Maintenance Agreement). The plan shall be prepared to the general form and content shown in the County of Orange's WQMP Template and shall be submitted to the City Engineer for review and approval.

24. Prior to the issuance of grading permits, the applicant shall prepare and submit a grading plan prepared by a licensed civil engineer to the Engineering Division of the Public Works Department showing building footprints, new and revised pads and elevations of finished grades, drainage routes, retaining walls, erosion control, slope easements, structural best management practices conforming to the approved water quality management plan, and other pertinent information.
25. Prior to approval of the final design plans and issuance of a grading permit, the applicant shall conduct a site-specific geotechnical investigation for the entire site and prepare a report that fully assesses the geologic and soil conditions of the site. As part of the report preparation, soil sampling and any geotechnical testing will be completed at each location where structures are to be erected. The report shall provide grading, swimming pool removal and structural design recommendations for avoiding liquefaction, subsidence or collapse for each of the proposed structures. The recommendations shall be implemented by the Project Applicant.
26. Prior to the issuance of a grading permit, erosion control plans and notes shall be submitted and approved by the Engineering Division of Public Works Department.
27. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground cover for erosion control. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.
28. The development site shall be graded to drain to the street with no cross lot

drainage permitted. Drainage shall be indicated on the final grading plans.

29. The final grading plan, appropriate certifications and compaction reports shall be completed, submitted, and approved by the Building and Safety Official prior to the issuance of building permits.
30. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering the site to the satisfaction of the Building and Safety Official prior to the issuance of grading permits.
31. Drainage study shall be submitted to and approved by the City Engineer prior to approval of grading plan. All drainage facilities shall be installed as required by the City Engineer.

Dedication and Vehicular Access

32. The Right-of-way shall be dedicated to the City for public street, public utilities and public drainage facilities purposes. Dedication shall be made of the following right-of-way on the street measured from street centerline:

- A 40 foot half-width right-of-way on Palm Drive adjacent to the development

Public Improvements and Construction

33. Prior to issuance of occupancy permit, all public improvements shown on the plans shall be constructed to City Standards. Existing street surface has been determined unsuitable due to cracking, subsidence, irregular surface, age, water damage, and/or failure to meet structural section requirements of the City standard. Public improvements shall include, but are not limited to, resurfacing of one half section of existing street pavement adjacent to the site from the street centerline along the full length of property frontage (full width grind at a 2-inch with a 2-inch overlay), driveway approach, sidewalks, curb and gutter, street lights, and street trees.

Palm Drive shall be improved with concrete curb and gutter located 32 feet from centerline and shall tie into the existing asphalt paving. Street Plan shall be prepared by a registered Civil Engineer and shall be submitted to and approved by the City Engineer.

34. _____ Security shall be posted and an agreement executed to the satisfaction of the City Engineer and the City Attorney guaranteeing completion of the public improvements prior to issuance of building permit.
35. _____ Prior to any work being performed in public right-of-way, fees shall be paid, and a construction permit shall be obtained from the Public Works Department in addition to any other permits required.
36. _____ Existing City road requiring construction shall remain open to traffic at all times with adequate detours during construction.

When street or lane closure permits are required, a cash deposit shall be provided to cover the cost of grading and paving, which shall be refunded upon completion of the construction to the satisfaction of the City Engineer.

37. _____ Concentrated drainage flows shall not cross sidewalks. Under sidewalk drains shall be installed to City Standards.
38. _____ Pavement striping, marking, traffic signing, street name signing, traffic signal conduit, and interconnect conduit shall be installed to the satisfaction of the City Engineer.
39. Obtain OCFA approval for the building classification as "E" occupancy.
40. Basement shall have auto – sprinkler system throughout. Sprinkler plans shall be approved by OCFA prior to permit issuance.
41. Future tenant improvements shall provide detail architectural and structural plans.
42. All site conditions, interior of the existing building shall be comply with ADA regulations. (2013 CBC)
43. All street improvement plans shall be in compliance with City of Placentia standard requirements from Engineering Division. All improvements and dedication plans shall be prepared by a licensed California Civil Engineer

Placentia Police Department

44. Perimeter Fencing and Gates

- a. Where perimeter fencing is utilized for securing recreation areas, gates shall be locked from the exterior requiring a key to open. Locking devices shall meet existing requirements of the Uniform Building Code. A Knox Box, keyed to both Police and Fire shall be installed within 24 inches of the gate locking mechanism and 48 inches above grade.
- b. A sign shall be placed on the exterior of the gate indicating it is locked and directing persons to the main building entrance.

45. Building Entrances

- a. Entrances into the facility shall be designed to screen and control persons entering into the building or play areas, taking into consideration the following:
 - (1) There shall be one primary point of entry designed to direct persons toward the office staff, who shall have a clear view of the entry area and be able to challenge a person's presence.

- (2) The primary control point into the facility can be established by use of locking devices or a staffed reception desk/counter or by other means whereby the staff can observe and react to persons entering the facility.
 - (3) Non-primary entrances into the facility shall be controlled by locking devices meeting the exiting requirements of the Uniform Building Code.
- b. Keys to building locks shall be controlled by instituting a key control policy and procedure.
 - c. Interior doors and exterior doors, except those accessing a secured fenced area and the primary entry door, shall have signs indicating the door is locked and direct persons to the main entrance.

Policies and Procedures

46. Written policy and procedures shall be developed to address how staff will control access to the facility, including with a limited amount of staff, and steps to be taken should an unauthorized person breach the controls.
47. Written policy and procedures shall be developed to address access to the facility by parents, and how that access may occur if the facility has a limited staff to monitor the main entrance.
48. Written policy and procedures shall be developed to address children being removed by anyone from the facility at any time.
49. Policies and procedures are to be reasonable and reviewed by all staff at the facility.

50. Building and Safety Department

51. Obtain OCFA approval for the building classification as "E" occupancy.
52. Basement shall have auto – sprinkler system throughout. Sprinkler plans shall be approved by OCFA prior to permit issuance
53. All site conditions, interior of the existing building shall be comply with ADA regulations. (2013 CBC)

Orange County Fire Authority

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

Conditional Use Permit

431 E. Palm Dr.
Placentia, CA 92870

Dear Sirs,

We are planning on reviving the previous/old Montessori/Preschool at this location (property) as well as rehabbing the property itself while dedicating **4,620 SqFt (25% of parcel)** to the City for Street Improvement (widening the street). We are also planning on paying for this Street Improvement, which involves removing the Electrical Poles, running all Electrical wires underground, and constructing a sidewalk, curb, and gutter, a cost that exceeds **\$200K** not to mention an additional **\$150K+** to rehab the property itself. Additionally, the cost or loss of value from dedicating part of the property, **4,620 SqFt (25% of parcel)** would be considered an additional burden, cost or loss of value from the property.

The Montessori Preschool will provide childcare for children 2 - 12 years old. We are applying for a **Conditional Use Permit**, hoping to obtain a license for a maximum of 60 children throughout the day for the various programs. Our proposed hours of operation will be **6:30 am – 6:30 pm**. We will provide *Before-school* care from *6:30 am – 8:00 am*, *Pre-school* care from *8:00 am – 2:30 pm*, and *After-school* care from *2:30 pm – 6:30 pm*.

We will be providing educational, developmental and nutritional programs as well as a safe environment for the children at our center with qualified, experienced staff.

The children will take turns using the playground(s) divided by their age groups. Each classroom will have a reading and writing session, a math learning session, exercise time, arts and craft time, music dancing and singing time, storytelling time, a sensory development exercise period, and a practical life exercise time followed by free play time.

The children will also receive a healthy and nutritious breakfast to start each day followed by a mid-morning snack as well as a balanced hot lunch (Protein, Vegetable, Fruit, Bread, Milk), and a healthy snack again in the afternoon.

The parents will drop off and pick up their kids at different time frames and we will have a qualified staff member to make sure they get signed in and out properly and timely.

Although we are seeking a license for 60 children, the maximum children at any given time will not exceed 24 since the 60 children count is the **total throughout the day** for the various programs, i.e. *Before-school*, *Pre-school*, and *After-school* programs. Additionally, we will stagger the drop-off and pick-up times in 15 minute increments as well as provide a dedicated staff to expedite and facilitate the process.

