



Placentia Planning Commission Agenda

Special Meeting
November 9, 2016

6:30 p.m.

City 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.

SPECIAL 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:

1. **Minutes**
 - a. Planning Commission Meeting – July 12, 2016
 - b. Planning Commission Meeting – October 11, 2016

Recommended Action: Approve

PUBLIC HEARINGS:

2. **Applicant: Bruce Kennedy - Continued**
Project Location: 501 N. Bradford Avenue

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing Concerning Use Permit 2016-12; and
- b. Receive the Staff Report and Consider All Public Testimony; and
- c. Close the Public Hearing; and
- d. Adopt Resolution PC-2016-20, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-12 and Making Findings to Permit the construction of a 425 square foot garage, previously destroyed by fire located at 501 N. Bradford Avenue in the “R-2” Low-Medium Residential 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:** Verizon
Project Location: 700 Trumpet Avenue

Recommended Actions: It is recommended that the Planning Commission:

- a. It is recommended that the Planning Commission receive an update regarding modifications to Verizon wireless communication facility located at 700 Trumpet Avenue and provide additional direction to staff and the applicant regarding modifications to the wireless communication facility.

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

DIRECTOR'S REPORT:

PLANNING COMMISSION REQUESTS

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

ADJOURNMENT

The Planning Commissioners ADJOURN to the next regular meeting on Tuesday, December 13, 2016 at 6:30 p.m. in the Placentia Front Community Meeting Room located at 401 East Chapman Avenue, Placentia CA, 92870.

CERTIFICATION OF POSTING

I, Joseph M. Lambert, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the November 9, 2016 Special Meeting of the Planning Commission of the City of Placentia was posted on November 3, 2016.



Joseph M. Lambert, Secretary

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

July 12, 2016

The regular meeting of the Placentia Planning Commission on July 12, 2016 was called to order at 6:33 p.m. in the Placentia Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioner Francine, Lee, Solomonson, Tomazic, Perez, Schaefer
ABSENT: Schenck (Excused)

PLEDGE OF ALLEGIANCE: Commissioner Schenck

OTHERS PRESENT: Yolanda Summerhill, Assistant City Attorney
Charles Rangel, Senior Planner
Elsa Villagrana, Secretary

ORAL COMMUNICATIONS: None

CONSENT CALENDER:

1. Minutes

Planning Commission Meeting – December 8, 2015

Recommended Action: Approve

Motion by Solomonson seconded by Schaefer carried a (4-1-0) vote to approve the recommended actions.

Ayes: Francine, Lee, Solomonson, Perez, Schaefer

Noes: None

Abstain: Tomazic,

Absent: Schenck

Planning Commission Meeting – January 12, 2016

Recommended Action: Approve

Motion by Solomonson seconded by Francine carried a (4-2-0) vote to approve the recommended actions.

Ayes: Francine, Lee, Solomonson, Tomazic

Noes: None

Abstain: Perez, Schaefer

Absent: Schenck

PUBLIC HEARING:

**2. Applicant: Brian Johnson, DBA as Featured Horizons
Project Location: 1633 La Paloma Avenue**

Tentative Parcel Map 2015-181:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning Tentative Parcel Map 2015-181; receive the staff report and consider all Public Testimony; and
- b. Adopt Resolution PC-2016-09, A Resolution of the Planning Commission of the City of Placentia, Approving Tentative Map 2015-181, Thereby Approving a Subdivision of the Lot and the Construction of the 2 Residential Units Located at 1633 La Paloma Avenue and Making Findings in Support Thereof; and
- c. Close the Public Hearing; and
- d. Find that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR § 15332 and the City of Placentia Environmental Guidelines.

Chair Schaefer opened the Public Hearing at 6:43 p.m.

The applicant Brian Johnson explained the issues surrounding the parcel. He noted that two separate engineers surveyed the parcel to determine the lot-line. Mr. Johnson stated that if the project is approved by the Planning Commission he plans to build a new, single-family residence on the project site.

Commissioner Lee inquired why this item required a Tentative Parcel Map instead of a Lot Line Adjustment.

Senior Planner Rangel commented that a Tentative Parcel Map is required in order to construct two units.

Mr. Safi Vani commented that he owns a property in the city that has the same issue. He expressed excitement that the Planning Commission is considering TPM 2015-18. He noted in the future he will be submitting a planning application for his own project.

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

Motion by Schaefer, seconded by Tomazic carried a (6-0) vote to approve the recommended actions.

Ayes: Francine, Lee, Solomonson, Tomazic, Perez, Schaefer

Noes: None

Abstain: None

Absent: Schenck

3. **Applicant:** RJE Motorcars
Project Location: 1940 Petra Lane

Use Permit 2016-06:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning UP 2016-06; receive the staff report and consider all Public Testimony; and
- b. Making Findings and Approving Resolution 2016-06 and Making Findings in Support Thereof; and
- c. Close the Public Hearing; and
- d. Adopt Resolution PC-2016-06, 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 Retail Automotive Sales with a +/- 4,869 Square Foot

Commercial Industrial Suite, Located at 1940 Petra Lane, Suite C in the "M" Manufacturing 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.

Chair Schaefer opened the public hearing at 6:57 PM.

Senior Planner Rangel provided a summary of the proposed use at 1970 Petra Lane. He stated that the applicant is applying for a Use Permit for a small dealership focused on the sales of pre-owned late model passenger autos.

Applicant John Mattarollo stated that RJE Motors is an extension of Exclusive Motors. He noted that the sales are conducted online and appointments are set up with the buyers individually.

Chair Schafer closed the public hearing at 7:03 p.m.

Chair Schaefer asked if Exclusive Motors is still in business.

Senior Planner Rangel stated that Exclusive Motors is still in business.

Chair Schaefer asked the applicant when he expected to open the business.

Mr. Mattarollo stated that the Department of Motor Vehicles is waiting for approval of the Use Permit from the Planning Commission. He noted that after the Planning Commission approves the item, they expect to be open within 30 days.

Chair Schaefer asked the applicant if they purchase vehicles from auto auctions.

The applicant stated they acquire the vehicles before they go to the auction. In addition, they sell the vehicles they received as trade-in. Mr. Mattarollo stated they preferred to purchase and sell vehicles with a known service history.

Motion by Solomonson, seconded by Francine carried a (6-0) vote to approve the recommended actions.

Ayes: Francine, Lee, Solomonson, Tomazic, Perez, Schaefer

Noes: None

Abstain: None

Absent: Schenck

4. **Applicant: Haipeng Xu DBA Palm Massage**
Project Location: 1154 E. Imperial Highway

Use Permit 2016-06

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning Use Permit 2016-06; receive the staff report and consider all Public Testimony; and
- b. Adopt Resolution PC-2016-10, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-06 for a massage establishment

- on the property located at 1154 E. Imperial Highway and Making Findings in Support Thereof; and
- c. Close the Public Hearing; and
- d. Find that 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.

Chair Schaefer opened the Public Hearing at 7:08 PM.

Senior Planner Rangel provided the commission a staff report on UP-2016-06.

He stated that Palm Massage is an existing business and has been in operation since June 2012. He noted that in 2009, the California legislature reduced local control of massage establishment. The California legislature recently passed legislation giving increased local control of massage establishments to municipalities. Mr. Rangel commented that earlier this year, City Council approved an ordinance which requires all massage applicants to apply for a use permit for the operation of a massage establishment.

He noted that staff has begun implementing this ordinance and UP 2016-06 is the first application presented to the Commission. Rangel stated that all massage business in the City have been notified by mail that they have to comply with the new ordinance.

Chair Schaefer asked if all the employees in the establishment have all the required training licenses required by the City's Municipal Code.

Senior Planner Rangel stated that the City requires every individual technician to have a background check conducted by the Police Department. He noted that every technician employed by Palm Massage has met this requirement.

Chair Schaefer asked if there was any history of service calls for this massage establishment.

Senior Planner Ranged noted the report they received from Police Department that there were no prior criminal activity at this location.

Mr. Richard Ramirez addressed the commission and indicated the applicant was present. He stated that he will be translating for the applicant. He noted that the applicant understands English and asked if someone present spoke Mandarin Chinese.

Commissioner Lee stated he spoke Mandarin Chinese.

The Applicant Haipeng Xu was invited to speak. Commissioner Lee translated for the applicant. The conversation was conducted in Mandarin Chinese.

Commissioner Lee asked the applicant if they understood the conditions of approval.

Mr. Xu stated he understands the conditions. He stated he did not understand why if he has been operating for four years why does he have to apply for a Use Permit.

Commissioner Lee explained to the applicant the recently adopted ordinance and explained that all massage establishments in the City have to comply with it.

Commissioner Solomonson asked the applicant if he understood that his business is not the only massage business that is subject to the new City ordinance.

Commissioner Lee asked the applicant Mr. Solomonson's question.

Chair Schaefer stated that in the past there have been issues with massage businesses in the City. She noted that this is why the City implemented a revised ordinance.

Commissioner Lee translated this statement to the Applicant and reiterated that he is not being singled out.

Chair Schaefer commented to the Applicant that the Commission's is pleased to hear there have not been any issues associated with this business.

Chair Schafer closed the {ublic Hearing at 7:26 p.m.

Motion by Solomonson, seconded by Tomazic carried a (6-0-1) vote to approve the recommended actions.

Ayes: Francine, Lee, Solomonson, Tomazic, Perez, Schaefer

Noes: None

Abstain: None

Absent: Schenck

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

Senior Planner Rangel commented that there is nothing to report at this time.

DIRECTOR'S REPORT:

Senior Planner Rangel informed the Commission that Orange County Transpiration Authority has approved the approved the funding and cooperative agreement for a new Metrolink Station and related parking structure in the City.

Mr. Rangel commented that he is working with Toll Brothers who own a parcel on Rose Drive and Alta Vista Street.

He noted that staff is working on a Transit Oriented Development Zone and will bring a draft to the Commission for review in the future.

PLANNING COMMISSION REQUESTS:

Vice Chair Perez asked for a status update on the old Don-a-Vee sign.

Mr. Rangel stated staff is working with the same vendor who is installing the digital billboards on replacing the old Don-a-Vee sign with an electronic sign. He commented that the billboards structure is currently being installed.

ADJOURNMENT

Chair Schaefer adjourned the Planning Commission meeting at 7:36 p.m. to a regular meeting on Tuesday, August 9, 2016 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Charles L. Rangel,
Senior Planner

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

October 11, 2016

The regular meeting of the Placentia Planning Commission on October 11, 2016 was called to order at 6:33 p.m. in the Placentia Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioner Francine, Lee, Tomazic, Perez, Schaefer
ABSENT: Schenck (Excused), Solomonson (Excused)

PLEDGE OF ALLEGIANCE: Commissioner Francine

OTHERS PRESENT: Yolanda Summerhill, Assistant City Attorney
Joseph M. Lambert, Director of Development Services
Charles Rangel, Senior Planner
Elsa Villagrana, Secretary

ORAL COMMUNICATIONS:

Mr. Jim Schroeder was called to speak for Oral Communication. He expressed concerns with allowable uses within the "C-O" Zone.

Chair Schaefer asked Mr. Schroeder to speak with staff after the meeting to discuss his inquiry. She stated that the Commission cannot take action a non-agenda item.

Chair Schaefer closed the Oral Communications at 6:39 p.m.

CONSENT CALENDAR:

1. **Minutes**
 - a. Planning Commission Meeting – February 9, 2016
Recommended Action: Approve

Motion by Vice Chair Perez, seconded by Francine carried a (5-0) vote to approve the recommended actions.

Ayes: Francine, Lee, Tomazic, Perez, Schaefer
Noes: None
Abstain: None
Absent: Schenck, Solomonson

- b. Planning Commission Meeting – March 8, 2016
Recommended Action: Approve

Motion by Commissioner Francine, seconded by Tomazic carried a (5-0) vote to approve the recommended actions.

Ayes: Francine, Lee, Tomazic, Perez, Schaefer
Noes: None
Abstain: None
Absent: Schenck, Solomonson

c. Planning Commission Meeting – April 12, 2016

Recommended Action: Approve

Motion by Chair Schaefer, seconded by Francine carried a (4-1-0) vote to approve the recommended actions.

Ayes: Francine, Lee, Tomazic, Perez, Schaefer

Noes: None

Abstain: Perez

Absent: Schenck, Solomonson

d. Planning Commission Meeting – May 10, 2016

Recommended Action: Approve

Motion by Vice Chair Perez, seconded by Tomazic carried a (5-0) vote to approve the recommended actions.

Ayes: Francine, Lee, Tomazic, Perez, Schaefer

Noes: None

Abstain: None

Absent: Schenck, Solomonson

PUBLIC HEARING:

1. Applicant: Bruce Kennedy
Project Location: 501 N. Bradford Avenue

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing concerning Use Permit 2016-12, receive the staff report and consider all Public Testimony, and continue this item to the regular meeting of November 8, 2016.

Chair Schaefer opened the Public Hearing at 6:41 p.m.

Senior Planner Rangel stated that staff is recommending continuance of this item due to insufficient noticing of this Public Hearing.

Chair Schaefer closed the Public Hearing at 6:42 p.m.

Motion by Lee, seconded by Tomazic carried a (5-0) vote to approve the recommended action to continue Use Permit 2016-12.

Ayes: Francine, Lee, Tomazic, Perez, Schaefer

Noes: None

Abstain: None

Absent: Schenck, Solomonson

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

DIRECTOR'S REPORT:

Senior Planner Rangel discussed the issue of permitting retail of Vape products. He stated that currently, Vape products and sales are not listed as a permitted use therefore; it is not allowed.

Commissioner Tomazic asked how many requests the City Has received regarding Vape products.

Senior Planner Rangel commented that staff has received approximately six requests in a two-year period. He noted that he consulted with the City of Fullerton and found that they allowed the sale of Vape products as a permitted use.

Chair Schaefer requested staff to research any recommendations that may have been made by the Commission regarding retail of Vape products.

Senior Planner Rangel discussed the status of massage business ordinance compliance. He presented the Planning Commission with a list of massages businesses in the City and a status of their compliance.

Chair Schaefer asked if the non-compliant businesses had received a further notification.

Chair Schaefer inquired about the ratio of massage establishments operating compared to the City's population.

Commissioner Francine noted that two of the massage establishments that have not complied with the ordinance are franchises.

Vice Chair Perez asked about limiting the concentration of massage businesses.

Assistant City Attorney Summerhill commented that there are several ways to have proximity requirements but that requires a change to the Ordinance.

Director Lambert provided a status update on the Golden Avenue Bridge Replacement Project.

Assistant City Attorney Summerhill stated for the record that in future meetings when an applicant requires an interpreter, an interpreter will be provided by the City.

PLANNING COMMISSION REQUESTS:

Chair Schaefer requested that during the Director's Report, staff provide an update to the Commission on the various recommendations made by the Commission to City Council.

ADJOURNMENT

After discussion among the Planning Commission, Chair Schaefer cancelled the regular meeting on Tuesday, November 8 due to the election and adjourned at 7:21 p.m. to a Special Meeting on Wednesday, November 9, 2016 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Joseph M. Lambert,
Senior Planner



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: NOVEMBER 9, 2016
SUBJECT: **USE PERMIT 2016-12**

RECOMMENDATION:

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

1. Open the Public Hearing Concerning Use Permit 2016-12; and
2. Receive the Staff Report and Consider All Public Testimony; and
3. Close the Public Hearing; and
4. Adopt Resolution PC-2016-24, A Resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 2016-12 and Making Findings to Permit the construction of a 425 square foot garage, previously destroyed by fire, located at 501 N. Bradford Avenue in the "R-2" Low-Medium Residential 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, Bruce Kennedy, is requesting a Use Permit to re-build a garage which was destroyed by fire. Chapter 23.84.030 of the Placentia Municipal Code allows non-conforming buildings which are destroyed or damaged and do not meet current Development Standards set forth by the Placentia Municipal Code to be re-built subject to approval of a Use Permit.

DISCUSSION:

This item was continued from the October 11, 2016 agenda because only the newspaper Public Hearing notice was published but 300 ft. radius notices were not mailed. All required newspaper notices and 300 ft. radius notices were circulated for the November Agenda. As indicated in the Statement of Use, the applicant, Bruce Kennedy owns the property at 501 N. Bradford Avenue. This property, sited in the R-2 Zone, consists of two (2) single family dwelling units and a two (2) car garage. On March 8, 2016, there was a fire which destroyed the garage. The entry porch of one of the units was damaged and the rear exterior was damaged to the extent that the exterior stucco had to be removed and replaced. The Uniform Building Code requires a six (6) foot building

separation but there is not sufficient room on the parcel to accommodate this standard on both sides of the garage, (see attached site plan), and only on one side can the six (6)foot separation be achieved. This Building Code separation requirement became law after the homes were built, therefore this circumstance is considered a “Nonconforming building”, and as such, the Placentia Municipal Code provides relief for such uses as stipulated below:

“Chapter 23.84 Nonconforming Uses and Buildings

(b) Use Permit Required.

(1) A legal nonconforming building damaged by fire, explosion, earthquake or other act to an extent of more than fifty percent (50%) of the appraised value thereof, according to the assessor’s records, may be restored to a total floor area not exceeding that of the former building, if a use permit is obtained.”

Subject Site and Surrounding Land Uses

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	Medium Density Residential	R-2
Proposed	Re-built garage	Medium Density Residential	R-2
North	Duplex dwellings	Medium Density Residential	R-2
South	Single-family dwellings	Medium Density Residential	R-2
East	Valencia High school	School	R-1
West	Single-family dwellings	Low Density Residential	R-1

Access/Parking

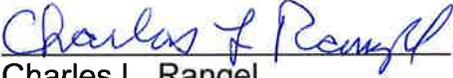
The subject site, located on the northwest corner of Primrose Avenue and north Bradford Avenue fronts on Primrose Avenue. The proposed two car garage will be located between both existing single family units and the driveway also provides access from Primrose Avenue (see attached

site plan). Chapter 23.78.030 (1) R-2 requires two parking spaces per dwelling unit, one of which shall be in a garage. In this case, the parking requirement will be satisfied once the garage is rebuilt, in that the two car garage provides a garage space for each dwelling unit and the concrete driveway in front of the garage provides 2 uncovered parking stalls.

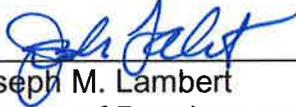
CEQA:

The proposed UP 2016-12 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 2016-12 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:


Joseph M. Lambert
Director of Development Services

Attachments:

1. Resolution No. 2016-24
2. Conditions of Approval
3. Floor Plan
4. Site plan
5. Letter from Applicant, dated August 31, 2016

RESOLUTION NO. PC-2016-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2016-12 AND MAKING FINDINGS TO PERMIT THE CONSTRUCTION OF A 425 SQUARE FOOT GARAGE, PREVIOUSLY DESTROYED BY FIRE LOCATED AT 501 N. BRADFORD AVENUE IN THE "R-2" LOW-MEDIUM RESIDENTIAL ZONING DISTRICT.

A. Recitals.

(i) Bruce Kennedy, applicant located at 501 N. Bradford Avenue, ("Applicant" hereinafter) heretofore filed an application for approval of USE PERMIT NO. 2016-12, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application."

(ii) On November 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 "1"), this use complies with all applicable code requirements and development standards

of the R-2 Low-Medium Density Residential and (3), it is not anticipated that rebuilding a 2(two)car garage will generate any negative impacts on the adjacent neighborhood. The use is surrounded by residential uses and a high school 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 "Medium Density Residential", and the proposed use does not involve any change in the land use of the subject site. On or about November 9, 2016, the Planning Commission determined that the re-building of nonconforming buildings such as a garage is a permitted use in the R-2 Low-Medium Density Residential 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 "R-2" Low-Medium Density Residential.

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 2016-12 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) 2016-12 is exempt from CEQA pursuant State CEQA Guidelines §15301 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". (UP) 2016-12 will not have a significant effect on the environment and since it can be seen that it pertains to the operation of existing structures or facilities.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2016-12, 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 2016-12 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 November, 2016.

Christine J. Schaefer, Chairman

ATTEST:

Joseph M. Lambert
Secretary to the Planning Commission

I, Joseph M. Lambert, 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 November, 2016, and was passed at this special meeting of the Planning Commission of the City of Placentia held on the 9th day of November, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Joseph M. Lambert
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) 2016-12
501 N. Bradford

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 2016-12 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 2016-12 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. 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.
6. Prior to any modification of the floor plan that would affect parking as stipulated in the zoning code, the applicant shall obtain written approval from the Director of Development Services or his/her designee.
7. 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.
8. 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.

PROPERTY INFORMATION
 OWNER NAME: BRUCE KENNEDY RESIDENCE
 PROPERTY LOCATION: 501 N. BRADFORD AVE, BREA, CA 92621
 LOT SIZE: 6,175 SQ. FT. PARCEL # 3306215
 FLOOR PLAN: 37.5 SQ. FT. ENTRY PORCH AREA
 NEW 2-CAR GARAGE AREA: 425 SQ. FT.
 TOTAL EXISTING AND NEW AREA: 462.5 SQ. FT.

DESIGN & CONSULTANT
 BASIL AMMAR
 202 ANBLING DRIVE
 BREA, CA 92621
 TEL: (714) 427-7192

RESTRICTIVE PRACTICE
 THIS DRAWING IS THE PROPERTY OF BASIL AMMAR ARCHITECTS AND ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF BASIL AMMAR ARCHITECTS AND ENGINEERS.

NO.	DATE	REVISIONS

PROJECT OWNER
 BRUCE KENNEDY
 TEL: (714) 381-0401

PROJECT ADDRESS
 501 N. BRADFORD AVE, PLACENTIA, CA 92870

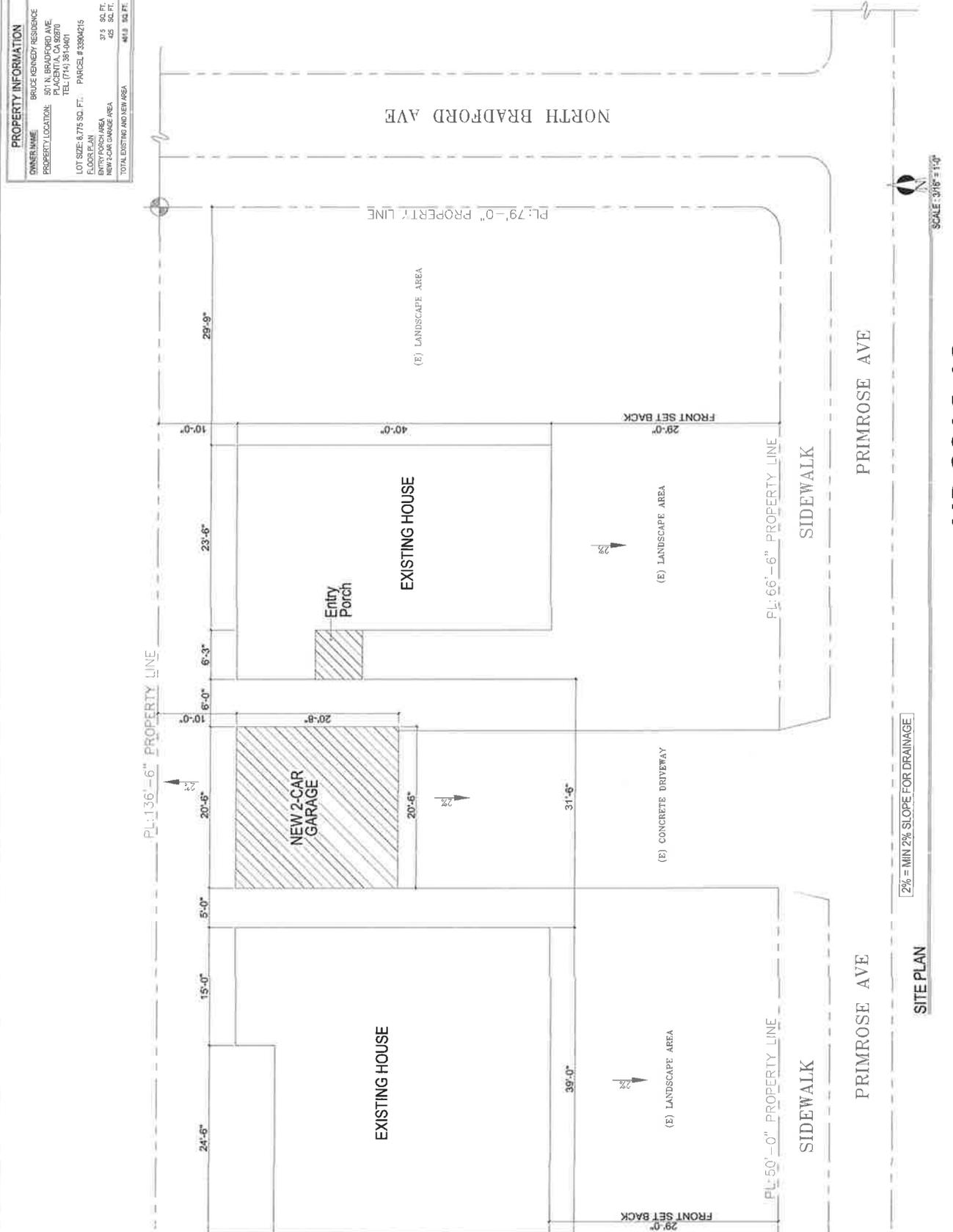
REMODEL & ADDITION

DATE: 07/27/2016
 SHEET DESCRIPTION: SITE PLAN

STAMP

SHEET

SP-1



SITE PLAN
 [2% = MIN 2% SLOPE FOR DRAINAGE]
 SCALE: 3/16" = 1'-0"

UP 2016-12
1501 N. Bradford Avenue

**Bruce Kennedy
24951 Avenida Libre
Lake Forest, CA 92630
714-381-0401
License # 659455**

August 31, 2016

**Property Address:
501N Bradford & 107 primrose
Placentia, Ca 92870**

This property is a legal 2 houses on 1 lot with a 2 car garage in between the 2 houses. It was built in 1946. I have owned and rented out the property since 1991. On March 08 2016 there was a fire which destroyed the 2 car garage. I am simply trying to rebuild the garage to its original location and dimensions which is needed to comply with current parking regulations.

The current code requires a minimum separation between buildings of 6 feet. There is only a separation of 5 feet between one of the existing houses and the new garage. This 5 feet separation is entirely within my property line. This is the way it was originally built and I am requesting a legal nonconforming use permit.

Thank you



Bruce Kennedy (owner)



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: CONTRACT SENIOR PLANNER
DATE: NOVEMBER 9, 2016
SUBJECT: **USE PERMIT 2014-05 LOCATED AT 700 TRUMPET AVENUE**

RECOMMENDATION:

It is recommended that the Planning Commission receive an update regarding modifications to Verizon wireless communication facility located at 700 Trumpet Avenue and provide additional direction to staff and the applicant regarding modifications to the wireless communication facility.

DISCUSSION:

Pursuant to §23.82.070 of the Placentia Municipal Code, all major wireless communication facilities established within the City require Planning Commission approval of a use permit. The Planning Commission has the authority and discretion to determine if an applicant is in compliance with the Conditions of Approval.

At its May 2016 meeting, the Planning Commission held a public hearing to determine whether Verizon Wireless was in compliance with Use Permit 2014-05 for its wireless communication facility at Wagner Park. The Planning Commission received input from staff, the public, and the applicant regarding aesthetic deficiencies of the monopine intended to disguise the cell tower. At the meeting, the Planning Commission provided Verizon several months in order to make appropriate aesthetic modifications to the monopine. At tonight's meeting, the Planning Commission will receive an update regarding the modifications to the monopine, hear from the public and the applicant and provide additional direction as to whether additional action is necessary.

Background

A use permit for a wireless communication facility located at 700 Trumpet Avenue was approved by the Planning Commission at the January 13, 2015 Planning Commission hearing. Subsequent to approval, the Applicant obtained a building permit on March 18, 2015, began construction and subsequently, built said wireless communication facility. In October 2015, as the facility was nearing completion, the City started receiving calls from the residents living near the facility complaining that the mechanical components were exposed and it was not sufficiently camouflaged and that it did not resemble the facility presented at the Planning Commission meeting. Subsequently, in November 2015, City staff began to notify the Applicant representatives via email and later by phone about the reported complaints.

In December 2015, City staff and Verizon representatives met and Verizon agreed to install a three foot crown (plan attached) and additional branches in order to address the exposed mechanical features of the facility. After completion of additional aesthetic improvements to the facility in April, 2016, Staff continued to receive complaints from the community relating to the aesthetics, complaints stated that various mechanical features were still exposed and not hidden with branches from public view. Staff conducted a site visit and confirmed that the monopine did not provide adequate coverage (see photos showing non-compliance).

Aesthetics:

In September, 2016, Verizon and its affiliates set out to reconfigure the trees branches, add additional foliage and install design features to more effectively hide the equipment and bring the wireless facility into compliance with the Conditions of Approval. After completion of additional aesthetic improvements to the facility, City staff was notified and given the opportunity to confer and provide feedback with respect to compliance. The photos attached were taken earlier and show the facility in which the Monopine was not in compliance and photos of the recently modified wireless facility (see photos showing compliance).

Conclusion

The modifications to the wireless facility, as depicted in the photos, demonstrate an effective use of branches and related equipment painted with green hues and earth tones to blend with each other so as to camouflage the overall look of the wireless facility and simulate the appearance of a pine tree. Staff therefore recommends that the Planning Commission find that the applicant is in compliance with the Conditions of Approval with regard to aesthetics and take no further action.

Prepared and submitted by:


Charles L. Rangel
Contract Senior Planner

Reviewed and approved by:


Joseph M. Lambert
Director of Development Services

Attachments:

1. Photos taken earlier showing non-compliance
2. Recent Photos showing compliance

Photo of wireless tower showing non-compliance



Photo of wireless tower showing non-compliance



Photo showing compliance



Photo showing compliance

