



Note: The project located at 138 N. Bradford Avenue (UP 2018-07) will not go forward tonight. It will be re-noticed for a future meeting date.

Placentia Planning Commission Agenda

Regular Meeting
September 11, 2018
6:30 p.m.

Front Community Meeting Room
401 E. Chapman Avenue

Christine J. Schaefer
Chair

Frank Perez
Vice Chair

Heather Francine
Commissioner

Dennis Lee
Commissioner

James Schenck
Commissioner

Vic Tomazic
Commissioner

Claudia Keller
Commissioner

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.

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

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

REGULAR MEETING
6:30 p.m. – Front Community Meeting Room

CALL TO ORDER:

ROLL CALL: Commissioner Keller
Commissioner Francine
Commissioner Lee
Commissioner Schenck
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. **Planning Commission Meeting Minutes – April 10, 2018**
Recommended Actions: Approve
2. **Planning Commission Meeting Minutes – May 5, 2018**
Recommended Actions: Approve

PUBLIC HEARINGS:

1. **Applicant: David and Lyn Farman**
Project Location: 647 Longfellow Circle

VARIANCE (VAR) 2018-01: To permit a (A) three foot zero inch (3'-0") side yard setback in lieu of the required minimum six foot (6'-0") setback, and; (B) three foot eight inch (3'-8") rear yard setback in lieu of the required minimum ten feet (10'-0") setback associated with an approximately 490 square foot addition to an existing

CERTIFICATION OF POSTING

I, Joseph M. Lambert, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the September 11, 2018 Regular Meeting of the Planning Commission of the City of Placentia was posted on September 6, 2018.



Joseph M. Lambert, Secretary

PLACENTIA PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

April 10, 2018

The regular meeting of the Placentia Planning Commission on April 10, 2018 was called to order at 6:31 p.m. in the Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioners Francine, Keller, Lee, Tomazic, Perez, Schaefer

ABSENT: Commissioners Schenck

OTHERS PRESENT: Yolanda Summerhill, Assistant City Attorney
Joseph M. Lambert, Director of Development Services
Andrew Gonzales, Senior Planner
Arlen Beck, Planning Technician
Alana Spector, Office Assistant

PLEDGE OF ALLEGIANCE: Commissioner Lee

ORAL COMMUNICATIONS: None

CONSENT CALENDAR:

1. **Applicant:** Leslie Ayala, representing The Bruery
Project Location: 715 & 745 Dunn Way (north of Orangethorpe, west of 57 Freeway)
APN 339-121-40

Use Permit (UP) 2012-03 Modification II: Receive and file Resolution No. PC-2018-01.

Recommended Actions: It is recommended that the Planning Commission:

Receive and file Resolution No. PC-2018-01, a Resolution of the Planning Commission of the City of Placentia, approving UP 2012-03 Modification II, permitting the expansion of the operations of a craft brewery manufacturer into contiguous units located between 715-745 Dunn Way and permitting a tasting room, storage, and retail sales areas into the contiguous units and expanding existing operating hours.

Director of Development Services Joseph Lambert requested that the item be pulled for discussion to clarify some of the Conditions of Approval that were amended based on Planning Commission direction. He stated that the item was originally brought forward to the Planning Commission as a Public Hearing item at the Special meeting of February 27, 2018.

The applicant, Leslie Ayala, had inquired about the Building Division's condition number 21, which stated that the entire building would be equipped with an automatic fire sprinkler system.

Director Lambert clarified that the Contract Chief Building Official, Robert Chang, stated that the condition is interpreted to mean each unit shall be required to be sprinklered on a unit-by-unit basis as determined by the Building Official. The fire sprinkler system will need to comply with the California Building Code, and will also depend on the occupancy of the building.

Chair Schaefer asked if the applicant will be required to install new sprinklers in the newly acquired portion of the building.

Director Lambert stated that they would not be required by code to add sprinklers to the new addition. He continued by noting that the condition will be revised to reflect the Mr. Chang's interpretation.

Commissioner Tomazic asked why the condition no longer stands.

Director Lambert stated that it is a general Condition of Approval, and should be included or amended on a case-by-case basis.

Assistant City Attorney Yolanda Summerhill stated that the condition could be amended to add the wording "at the discretion of the Chief Building Official" at the end of the statement to add discretion.

Director Lambert clarified that a small portion of the new building will be required to add sprinklers, which will be verified during the plan-check process.

Chair Schaefer asked if the entirety of the project is listed on the agenda as the project location, and if the applicant is in favor of the proposed change to the wording of the condition.

Director Lambert stated that the address is all-encompassing, and that the applicant was the person who requested the change to the condition.

Patrick Rue, CEO of The Bruery, came forward to represent the project.

Chair Schaefer asked Mr. Rue if he would agree to comply with the amended Conditions of Approval, to which he replied in the affirmative.

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

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

PUBLIC HEARINGS:

1. Appellant: LBC Irwindale, LLC

DBA, "Atwood Sales"
Project Location: 719 S. Lakeview Avenue (south of E. Orangethorpe Avenue, west of S. Lakeview Avenue)

Appeal of the City of Placentia Public Hearing Officer's Declaration of Public Nuisance: At the appellant's request, an appeal of the Public Hearing Officer's action will be heard declaring an existing business (LBC Irwindale, LLC, DBA "Atwood Sales") as a public nuisance within the C-M (Commercial Manufacturing) Zoning District. The nature of the declared nuisances are as follows:

- a) Increased production and increased outside storage of materials resulting in adverse air and water quality exposures. (PMC Section 20.40)
- b) Crushing and grinding of construction material without appropriate permit(s), including operation outside of Use Permit (UP) No. 1981-32. (PMC Section 23.41.030)
- c) Concrete type debris scattered along the roadway at the construction truck exit of the facility. Construction residue powder and rocks on roadway (near the exit area) left by construction trucks exiting the facility.

Recommended Actions: It is recommended that the Planning Commission:

Continue this item to the next regularly scheduled Planning Commission meeting to be held on Tuesday, March 13, 2018. This staff recommendation is based on correspondence submitted by the appellant's and property owner's representatives requesting a continuance to allow City staff additional time to work with the appellant's and property owner's representatives in addressing and potentially resolving those portions of the business operations declared to be a public nuisance.

Director Lambert presented the Staff Report. He stated that staff is requesting the item be continued to the next regularly scheduled Planning Commission Meeting of May 8, 2018. This recommendation is based on direction from City Council to finalize an agreement which would result in the conclusion of operations at the location. He continued by stating that while an agreement was close to being fully executed, it had not been finalized yet. He ended by stating that the item will likely be solved through a legal agreement, and would likely not be acted upon by the Planning Commission.

Chair Schaefer asked if the public was publicly notified of the item.

Director Lambert stated that the item is on the agenda, but was not mailed to owners on a 300 foot mailing radius or noticed in the newspaper, as it had been done previously before the item's continuation to dates certain.

Ms. Summerhill recommended the public not provide input at this juncture. She stated

that if the public hearings do go forward, the public will have the opportunity to comment, and that it is unfair to the applicant to not be able to respond to comments due to their absence. She noted that the City is actively working to resolve the issue, and that public comments could pose a due process issue at this time.

Chair Schaefer asked the Commissioners if they had any further questions or requests related to the matter.

Motion by Schaefer, seconded by Perez carried on a (6-0-1-0) vote to approve the recommended actions.

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

- 2. Business Operator: LBC Irwindale, LLC
DBA, "Atwood Sales"
Project Location: 719 S. Lakeview Avenue (south of E. Orangethorpe Avenue, west of S. Lakeview Avenue)**

Revocation of Use Permit (UP) 1981-32 For Property Located at 719 S. Lakeview Avenue ("Atwood Sales"): A request to the Planning Commission of the City of Placentia recommending to the City Council to revoke Use Permit No. 1981-32 pertaining to an existing business (LBC Irwindale, LLC, DBA, "Atwood Sales") operating in violation of the conditions and terms of said permit on property located at 719 S. Lakeview Avenue within the C-M (Commercial Manufacturing) Zoning District.

ENVIRONMENTAL DETERMINATION (CEQA): The proposed revocation proceedings are not expected to create a negative impact on the physical environment and, therefore, staff is recommending a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guideline § 15321 (Class 21 – Enforcement Action by Regulatory Agencies) and City Environmental Guidelines.

Recommended Actions: It is recommended that the Planning Commission:

Continue this item to the next regularly scheduled Planning Commission meeting to be held on Tuesday, May 8, 2018. This staff recommendation is based on City Council's direction to work with the appellant's and property owner's representatives to finalize an agreement which would result in dissolving all business operations and vacating the subject site.

Director Lambert presented the Staff Report. He stated that the Public Hearing is regarding the revocation of LBC Irwindale, LLC, dba Atwood Sales, Use Permit 1981-32. Staff is requesting the item be continued to the Regular Meeting of the Planning

Commission on May 8, 2018. This recommendation is based on direction from City Council to finalize an agreement which would result in the conclusion of operations at the location. He continued by stating that while an agreement was close to being fully executed, it had not been finalized yet.

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

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

- 3. Applicant: N+M Joshi, LLC dba American Martial Arts Academy**
Project Location: 850 N. Rose Drive, Suites D and E

Use Permit 2018-01: The applicant, N+M Joshi, LLC, dba American Martial Arts Academy, is requesting a UP for a 5,445-square foot martial arts studio within an existing multi-tenant commercial shopping center located at 850 N. Rose Drive, suites D and E in the Village Center at Rose shopping center.

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

1. Open the public hearing concerning Use Permit No. (UP) 2018-01; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2018-04, a resolution of the Planning Commission of the City of Placentia, approving UP 2018-01 and making findings to permit the establishment and operation of a 5,445 square foot martial arts studio located within an existing multi-tenant commercial shopping center within the SP-7 (East Placentia Specific Plan; SP-7) Zoning District on property located at 850 N. Rose Drive, suites D and E; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

Planning Technician Arlen Beck presented the Staff Report. He stated that the applicant is requesting a Use Permit to allow the operation of a Martial Arts studio in the SP-7 Zoning District at the subject site. He continued by describing the proposed hours of operation, and reporting the types of classes that would be held at the proposed studio.

Mr. Beck continued his presentation by further describing the proposed operations of the proposed use. He ended by stating that staff recommends approval of the project.

Commissioner Keller inquired about the parking impact of the proposed studio.

Mr. Beck replied that the parking rate of the existing uses of the site, which was previously split between a bank and a tanning salon, satisfied the parking requirement for the site and would continue to be sufficiently parked for a Martial Arts studio as well.

Chair Schaefer inquired if parents who are dropping off their children for a class must stay and watch the lesson.

Mr. Beck replied that they would not be required to stay for the lesson.

Chair Schaefer asked how long the classes are.

Mr. Beck stated that the class lengths varied depending on the age of the student and type of class taken.

Chair Schaefer inquired if the second floor of the unit would be utilized.

Mr. Beck stated that in plans provided to staff, use of the second floor was not specified, but that the applicant would be able to provide further clarification later in the proceedings.

The applicants, Nikhil and Megan Joshi, came forward to speak. Mr. Joshi gave a brief history of he and his wife's connection to Martial Arts and their other Marital Arts studios in the surrounding area. He stated that their studio places an emphasis on developing life skills and instilling good character in their students through Martial Arts.

Commissioner Francine asked the applicants how they manage students when they are being picked up from and dropped off at the studio.

Mr. and Mrs. Joshi stated that parents dropping off and picking up students will be required to park and are to walk their children inside of the studio, and that a reason they desired to use this location for the proposed studio was in part due to the abundant parking. They continued by noting that they provide a large and hospitable viewer room to encourage parents to stay on site during the Martial Arts lessons. He stated that the location would fit well with the other uses of the site, as the nearby Ralph's grocery store and Jersey Mike's sandwiches can be patronized by students and parents after the lessons.

Chair Schaefer inquired about the cost of the classes.

Mr. Joshi stated that classes start at \$159 per month, and that membership can be cancelled at any time and no contract is required. He continued by stating that the second

story will be used for other classes, as they found at previous studios that hosting two classes on the same level was distracting for students.

Chair Schaefer inquired if it would be possible for younger students to wander throughout the studio and accidentally interrupt other classes.

Mr. Joshi stated that this would not be possible, due to careful staff supervision and small class sizes.

Timothy Waterhouse came forward to make a public comment. He spoke in support of the approval of the Martial Arts Studio, and stated that his daughter has attended Mr. and Mrs. Joshi's other studio and gained improved physical and mental health and improved school performance.

Jeffrey Fetro came forward to make a public comment in support of the approval of the Use Permit for the Martial Arts Studio. He stated that he and his son have taken Mr. and Mrs. Joshi's classes at their other studio, and have gained confidence and balance.

Chris Musser came forward to make a public comment in support of the approval of the Use Permit of the Martial Arts Studio. He stated that he is a student at Mr. and Mrs. Joshi's other studio, and has greatly benefited both physically and mentally from the sport.

Steve Eric came forward to make a public comment in support of the project. He stated that he believes it is the best use for the space, as it is in the "elbow" of the center. He also believes having a Martial Arts Studio close to food uses will bring increased business to the food uses, and that the trips to the food uses from other patrons are usually short trips.

Buffy Hoegler came forward to make a public comment in support of the project. She stated that his son is a Martial Arts student of Mr. and Mrs. Joshi and has become more confident, dedicated, and respectful as a result.

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

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

REGULAR AGENDA:

1. **Applicant:** Interface Rehab, Inc.
Project Location: 770 S. Placentia Avenue

Use Conformity Decision (UCD) 2018-01: The Applicant, Interface Rehab, Inc.,

is requesting approval to use the adjusted gross floor area as the basis for the determination of required parking for a new use in a 15,966-gross square foot office building located at 770 S. Placentia Ave., in the SP-5 Zoning District.

Recommended Actions: It is recommended that the Planning Commission:

Staff recommends that the Planning Commission adopt Resolution PC-2018-05 approving UCD 2018-01 and finding that it is exempt from further CEQA review pursuant to § 15061(b)(3) of Division 6 of Title 14 of the State CEQA Guidelines.

Planning Technician Arlen Beck presented the Staff Report. He stated that the applicant, Interface Rehab Inc., is requesting that the Planning Commission allow them to use the adjusted gross floor area as the basis for the determination of required parking for their proposed use. He stated that they would like common areas and other unoccupied rooms, such as staircases, corridors, mechanical and electrical rooms, and restrooms, to be excluded from the building's square footage in determining the minimum parking requirements.

He continued by stating that the reason the applicant is seeking this determination is due to a change in the use of the building. He stated that the applicant is requesting to replace the approximately 1,961 square-foot warehouse space with a children's play area. He stated that staff has determined this proposed space would normally be classified as an office use, which would require four off-street spaces per 1,000 square feet instead of two off-street spaces per 1,000 square feet. This would require six additional parking spaces, however the applicant has a deficit of five of the six required spaces.

The applicant requests that the Commissioners consider the total square footage of the building calculated for parking purposes to not include the common areas and rarely occupied or unoccupied rooms in order to comply with the parking requirements of the space.

Chair Schaefer inquired what service the applicant, Interface Rehab Inc., provides at their business location.

Mr. Beck replied that it is a physical, occupational, speech, and audiological therapy center.

Director of Development Services Joseph Lambert stated that the play area will also be used for play-therapy for young patients. He added that a Use Conformity Decision is the best tool to use in determining the square footage to be used in determining the parking requirements.

Chair Schaefer inquired if it is common practice to exclude the common areas and rarely occupied spaces in determining square footage for parking requirements. The play area is a permitted use, but Director Lambert clarified that the play area is used by patients and therapists as part of the therapy services. It is not a play area for day care or other

purposes.

Director Lambert stated that it is not unusual to exclude unoccupied and rarely occupied spaces, and that other cities automatically exclude these types of areas from counting that square footage toward the parking requirement.

Commissioner Francine asked if staff considers the current parking adequate to serve the needs of the use.

Staff replied in the affirmative to Commissioner Francine's question.

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

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

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

Director Lambert stated that staff received an entitlement application for another large project in the Transit Oriented Development (TOD) Zone along Crowther Avenue, and that he anticipated it would be brought forward to the Planning Commission in the coming months.

He continued by stating that there were numerous other entitlements in review, including one involving the now-defunct El Torito building on the corner of Yorba Linda Boulevard and Kraemer Boulevard.

Director Lambert stated that several entitlement applications had been received regarding the Sierra Vista Shopping Center on the corner of Bastanchury Road and Placentia Avenue. The entitlements include a potential grocery store use, and a facade improvement and remodel of the entire shopping center, including rehabilitation of the parking lot.

He ended by stating that the Chrysler Jeep car dealership at 777 W. Orangethorpe Avenue has been vacated, and that staff was working with the property owner to determine if a hotel use would be the highest and best use of the site.

DIRECTOR'S REPORT: None

PLANNING COMMISSION REQUESTS: None

ADJOURNMENT

Chair Schaefer closed the Planning Commission Regular Meeting at 7:44 p.m. to the regular meeting Tuesday, April 10, 2018 at 6:30 p.m. in the Placentia City Council Chambers at 401 East Chapman Avenue, Placentia, CA.

Submitted by,

Joseph M. Lambert,
Secretary to the Planning Commission

PLACENTIA PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

May 8, 2018

The regular meeting of the Placentia Planning Commission on May 8, 2018 was called to order at 6:38 p.m. in the Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioners Francine, Keller, Lee, Tomazic, Perez, Schaefer

ABSENT: Commissioner Schenck

OTHERS PRESENT: Yolanda Summerhill, Assistant City Attorney
Joseph M. Lambert, Director of Development Services
Andrew Gonzales, Senior Planner
Arlen Beck, Planning Technician
Alana Spector, Office Assistant

PLEDGE OF ALLEGIANCE: Commissioner Francine

ORAL COMMUNICATIONS:

Gloria Hale of 1910 Estelle Lane came forward to speak regarding LBC Irwindale, LLC, dba Atwood Sales at 719 S. Lakeview Avenue.

Assistant City Attorney Yolanda Summerhill stated that since this topic was being continued as a Public Hearing later in the meeting, it would not be appropriate to comment on it at this time.

CONSENT CALENDAR:

1. Minutes

- a. Planning Commission Meeting – December 12, 2017

Recommended Actions: Approve

Motion by Keller, second by Tomazic carried on a (5-0-1-1) vote to approve the recommended actions.

Ayes: Francine, Keller, Lee, Tomazic, Perez

Noes: None

Abstain: Schaefer

Absent: Schenck

- b. Planning Commission Meeting – February 27, 2018
Recommended Actions: Approve

Motion by Perez, second by Francine carried on a (6-0-1-0) vote to approve the recommended actions.

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

PUBLIC HEARINGS:

1. **Applicant:** Placentia Realty Partners LLC
Project Location: 505, 515, 523, 531, 535 W. Crowther Avenue; 407 Goetz Place; 409 Evelyn Place, Placentia CA 92870
APNs: 339-431-02, 03, 04, 05, 06; and 339-401-08, 09.

Development Plan Review (DPR) No. 2018-04 and Tentative Parcel Map (TPM) No. 2018-132

DPR: The project involves the demolition/removal of existing industrial/warehouse buildings and associated facilities, and the construction of a five-story mixed-use development featuring 418 multi-family residential units with associated amenities for residents, 10,553 square feet of retail space, 3,572 square feet of leasing office space, and a seven-level parking structure on a 5.04-gross acre site located within the Transit Oriented Development Packing House District (TOD) Zone. **TPM:** To permit the consolidation of seven lots into one lot measuring approximately 5.04-gross acres, and measuring 4.59 net acres after required dedications. The TPM will result in the consolidation of seven properties into one resulting property, and the construction of a mixed-use building and parking structure requested via DPR No. 2018-04 would occur on the resulting property.

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

- 1) Open Public Hearing, concerning Development Plan Review (DPR) No. 2018-04 and Tentative Parcel Map (TPM) No. 2018-132, receive the Staff Report and consider all Public Testimony, close the Public Hearing; and
- 2) Adopt Resolution No. PC-2018-06, a Resolution of the Planning Commission of the City of Placentia, approving DPR 2018-04 subject to Conditions of Approval and Standard Development Requirements and making findings to permit the demolition/removal of existing industrial/warehouse buildings and associated facilities, and to permit the construction of a five-story, mixed-use development featuring 418 multi-family residential units with associated amenities for residents, 10,553 square feet of retail space, 3,572 square feet of leasing office space, and a

seven-level parking structure on a 5.04 gross acre site located within the Transit Oriented Development Packing House District (TOD) Zone on property located at 505, 515, 523, 531, 535 W. Crowther Avenue, 407 Goetz Place, 409 Evelyn Place; and adopting an Addendum to a previously adopted Initial Study/Mitigated Negative Declaration of Environmental Impacts (MND 2017-01) for the project wherein it was found that with implementation of Mitigation Measures set forth in a Mitigation Monitoring and Reporting Program (“MMRP”), the proposed project will not have a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000-21177) and pursuant to §15063 of Title 14 of the California Code of Regulations (CCR) and the City of Placentia Environmental Guidelines; and

- 3) Adopt Resolution No. PC-2018-07, a Resolution of the Planning Commission of the City of Placentia, California, recommending to the City Council of the City of Placentia, approval of TPM 2018-132 for the consolidation of seven lots into one lot measuring approximately 5.04 gross acres, and measuring 4.59 net acres after required dedications subject to Conditions of Approval and Standard Development Requirements; and adoption of an Addendum to a previously adopted Initial Study/Mitigated Negative Declaration of Environmental Impacts (MND 2017-01) for the project wherein it was found that with implementation of Mitigation Measures set forth in a Mitigation Monitoring and Reporting Program (“MMRP”), the proposed project will not have a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000-21177) and pursuant to §15063 of Title 14 of the California Code of Regulations (CCR) and the City of Placentia Environmental Guidelines.

Director of Development Services Joseph Lambert presented the Staff Report. He stated that the applicant, Placentia Realty Partners, LLC has applied for two entitlements; a Development Plan Review to permit the construction of a five-story mixed use apartment building, and a Tentative Parcel Map, to allow for the consolidation for seven parcels into one parcel for the development.

The proposed apartment building will have 418 residential units, with associated amenities and open space. The building will also house approximately 10,500 square-foot of ground-floor retail space, 3,500 square-foot of leasing office space, and a seven-story parking structure.

Director Lambert continued by presenting the site plan, showing that the retail space will face Crowther Avenue. The proposed main vehicular entrance will be accessed from Crowther Avenue, and will feature a decorative plaza with sidewalks for pedestrians. Furthermore, the proposed parking structure will be adjacent to the BNSF railroad tracks, with portions of the rooftop featuring amenities for the residents. Other amenities are located within the building courtyards.

Director Lambert further explained that the project will meet the Transit Oriented Development (TOD) Zoning District standards for the area, and will be the second residential project in the new TOD Zone, following the Integral Communities/Lyon Living Project approval in 2017. Director Lambert also stated that the parking structure will contain 618 parking spaces for the 418 residential units and contain 10,000 square-feet of retail.

The project is proposed to have 121 studio units, 181 one-bedroom units, and 116 two-bedroom units, with 14 different total floor plans. The project will feature three landscaped courtyards, a pool, a rooftop lounge, and a fitness center.

Director Lambert presented a materials and colors board, highlighting the architectural detail and focus on “360 Degree” architecture, which means that the design of all sides of the building are taken into consideration. Director Lambert continued by noting that the ground floor of the building, which will house the retail space, has 19’ tall glass windows, while the TOD Zone only requires 16’ tall storefronts. The applicant expects that this aspect will further attract potential retailers.

Director Lambert continued by stating that staff and the applicant were focused on ensuring that the upcoming Metrolink Station and right-of-way improvements would blend in and complement the improvements to the project site.

He stated that the apartment units comply with the development standards regarding private open space, as they each feature a balcony. In addition, the project itself complies with all open space development standards of the TOD Zone.

Furthermore, Director Lambert stated that the Tentative Parcel Map (TPM) 2018-132 will consolidate seven parcels into one. He continued by noting that the draft Conditions of Approval that were on the dais for the Commissioners were different than the ones that were listed in the published agenda packet. The proposed changes were marked with ~~strikeout~~, **bold**, underline format. The amendments to the Conditions of Approval were minor, having to do with drainage, grading, and water quality plan requirements.

Regarding the Conditions of Approval from the Public Works Department, Condition 10c. of the TPM was amended to clarify that a cash bond deposit of \$50,000 was conditioned to ensure compliance with AB 1826 (mandatory commercial organics recycling law).

The applicant hired their own environmental consultant firm, PlaceWorks, to prepare an addendum to Mitigated Negative Declaration 2017-01, which was originally adopted by City Council in 2018 for the TOD Zone change project.

Director Lambert continued by explaining the goals and guidelines for the TOD Zone, which includes a high quality, compact area of development that aids in reducing automobile traffic and enhancing the usage of the upcoming Metrolink Train Station. Staff

believes that this project will be an additional catalyst in developing the TOD Zone, and the project is consistent with the goals and policies of the General Plan and Zoning Code.

Chair Schaefer stated that merchants in the area were looking forward to the new developments in the area.

Commissioner Tomazic inquired if the project would require bonds, due to its large scope.

Director Lambert stated some bonds were required, including those specific to handling solid waste and for street improvements.

Commissioner Tomazic further inquired if the applicant is liable for damage to the sidewalks and streets in the area.

Director Lambert stated that the applicant is required to install new sidewalks and street improvements adjacent to the project site. He continued by noting that the Development Impact Fees for the Transit Oriented Development (TOD) Zone are different than the rest of City standard DIFs, and that the applicant will be conditioned to pay those DIFs and join the two Community Facilities Districts (CFD) in the TOD Zone. One of the CFD's is for Public Safety, while the other is specific to the TOD Zone, and is intended to fund ongoing maintenance of the public improvements in the TOD area.

Vice Chair Perez inquired if public art would be required in the development.

Director Lambert stated that while the TOD Zone encourages it, a public art element is not required. In this project, however, there is a Condition of Approval that there be a public art element, and that it be completed prior to issuance of a Certificate of Occupancy. He continued by noting that the City has never required public art, but that the City is conditioning it on a case-by-case basis.

Commissioner Francine inquired if the Lyon Living Integral project at 110-132 E. Crowther Avenue would also have a public art component, to which Director Lambert replied in the affirmative.

Gilad Ganesh, representing the applicant, came forward to speak about the proposed development. He presented a current aerial photo of the TOD Zone, and showed a proposed aerial view of the TOD Zone with the proposed development and other area improvements and development. He spoke about the project goals by stating that the project will be a catalyst for the growth of the TOD Zone, and will revitalize the blighted area while increasing economic development.

Mr. Ganesh also noted that the development will exceed the minimum development standard for parking required in the TOD Zone. Mr. Ganesh continued by showing renderings of how the development will look, including the courtyard, grand lobby, electric vehicle parking, and bike storage areas. He stated that his vision for the ground-floor retail space would be that it house high-end specialty stores.

Commissioner Tomazic inquired if the units will be rentals, and if the applicant is concerned about rent control.

Mr. Ganesh replied that the units will be for rent, and that he is not concerned with rent control measures.

Chair Schaefer inquired if there are similar TOD projects the applicant has completed.

Mr. Ganesh answered that many of their completed projects were TOD and mixed-use in nature and invited the Commissioners and public to view completed projects on their website.

Commissioner Keller asked the applicant how long they thought it may take for the building to reach full occupancy once completed.

Mr. Ganesh stated that they anticipate it will take about one year to reach capacity.

Chair Schaefer asked the applicant if they agree to comply with the Conditions of Approval.

Mr. Ganesh replied in the affirmative that they agree to comply with the Conditions of Approval.

Chair Schaefer opened public comments.

Steve Hydorn came forward to give public comment and stated that he is concerned about silica dust from another site in the City and the lawsuits it could potentially cause the City in the future.

Chair Schaefer closed the public hearing. She continued by stating that individual members of the Planning Commission had met with the applicant and project team at an earlier date to be given a more in-depth presentation of the proposed project. The Chair noted that the meetings were conducted in compliance with The Brown Act.

Motion by Francine, second by Keller carried on a (6-0-1-0) vote to approve the recommended actions.

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

2. Appellant:

**LBC Irwindale, LLC
DBA, "Atwood Sales"**

Project Location: 719 S. Lakeview Avenue (south of E. Orangethorpe Avenue, west of S. Lakeview Avenue)

Appeal of the City of Placentia Public Hearing Officer's Declaration of Public Nuisance: At the appellant's request, an appeal of the Public Hearing Officer's action will be heard declaring an existing business (LBC Irwindale, LLC, DBA "Atwood Sales") as a public nuisance within the C-M (Commercial Manufacturing) Zoning District. The nature of the declared nuisances are as follows:

- a) Increased production and increased outside storage of materials resulting in adverse air and water quality exposures. (PMC Section 20.40)
- b) Crushing and grinding of construction material without appropriate permit(s), including operation outside of Use Permit (UP) No. 1981-32. (PMC Section 23.41.030)
- c) Concrete type debris scattered along the roadway at the construction truck exit of the facility. Construction residue powder and rocks on roadway (near the exit area) left by construction trucks exiting the facility.

RECOMMENDATION: It is recommended that the Planning Commission:

Continue the item to the next regularly scheduled Planning Commission meeting to be held on Tuesday, June 12, 2018. This recommendation is based on City Council's direction to work with the appellant's and property owner's representatives to finalize an agreement which would result in dissolving all business operations and vacating the subject site.

Assistant City Attorney Yolanda Summerhill presented the Staff Report. She stated that the City Prosecutor has negotiated a final resolution and settlement that is ready for signature. Although the document is prepared, since it is not fully executed she recommended the item be continued. She continued by stating that she won't forbid public comment, but that she asks that the public withhold judgment because the applicant is not in attendance to represent themselves.

Chair Schaefer opened the meeting for public comments.

Gloria Hale of 1910 Estelle Lane came to speak. She stated that the silica dust and asbestos in the air caused by the operations at Atwood Sales were a danger to public health. She continued by noting that the piles of concrete had grown since the January 22, 2018 Declaration of Public Nuisance Hearing, and that the operation had no adopted Environmental Impact Report. She presented videos of the ongoing operations, and highlighted the amount of dust in the air.

Steve Hydorn came forward to speak. He stated that his building is next to the Atwood Sales operations, and that he believes this has caused him to need an inhaler. He stated

that he believes Public Hearing item one, the Blackwood Project, would cause similar silica dust. He continued by stating that his taxes should be refunded for his troubles, and that if illness is caused by Atwood Sales, the Planning Commission will be held responsible. He closed by urging the Planning Commission to take further action on the item.

Dan Schmidt, a resident of east Anaheim, came forward to speak. He stated that he is a member of the grass roots movement called "Residents for a Safe and Clean Environment of Orange County". He continued by stating that Atwood Sales' concrete piles are affecting the quality of life of other nearby companies and residents, and that the crushing of concrete releases asbestos into the air.

He continued by stating that a previous study done for a proposed job in Anaheim had conducted a six-year wind duration study. The study found that the prevailing winds in the area blow northeast a majority of the time. He urged the Planning Commission to make a comprehensive plan for resolving the issue.

Judy Morton came forward to speak. She stated that she is a member of Residents for a Safe and Clean Environment of Orange County, and asked for the Use Permit to be revoked and for the City to implement immediate closure of the business.

Commissioner Tomazic asked Ms. Summerhill how long negotiations on the subject had been taking place.

Ms. Summerhill urged Commissioner Tomazic to withhold judgement at this point, and stated that the terms of the agreement would be presented after its execution.

Commissioner Keller inquired how long it would be until the business is closed.

Ms. Summerhill replied that she is not a part of the prosecution team, so she was not at liberty to answer.

Commissioner Lee asked what the roll of the Planning Commission would be if the settlement agreement is executed.

Ms. Summerhill replied that the Planning Commission would take no action on the item, and that it would be removed from the agenda.

Commissioner Tomazic stated that he believed they were in clear violation of their Use Permit.

Commissioner Keller inquired about the mitigation and cleanup of the site if operations cease.

Director Lambert stated that at this juncture, the main focus is for the current use of the property to cease. Ms. Summerhill added that all cleanup measures would have to comply with federal, state, and local laws.

Commissioner Francine asked if Atwood Sales is the property owner.

Director Lambert clarified that they are the tenants, not the owner.

Commissioner Lee urged staff and Ms. Summerhill to protect the residents.

Commissioner Tomazic stated that he is opposed to postponing the Public Hearing.

Motion by Schaefer, second by Lee to approve the recommended actions.

Ayes: Schaefer, Lee
Noes: Keller, Perez, Tomazic
Absent: Schenck
Abstain: Francine

Therefore, the motion and second to continue the item to the regular meeting of June 12, 2018 failed on a (2-3-1-1) vote.

3. **Business Operator:** LBC Irwindale, LLC
DBA, "Atwood Sales"
Project Location: 719 S. Lakeview Avenue (south of E. Orangethorpe Avenue, west of S. Lakeview Avenue)

Revocation of Use Permit (UP) 1981-32 For Property Located at 719 S. Lakeview Avenue ("Atwood Sales"): A request to the Planning Commission of the City of Placentia recommending to the City Council to revoke Use Permit No. 1981-32 pertaining to an existing business (LBC Irwindale, LLC, DBA, "Atwood Sales") operating in violation of the conditions and terms of said permit on property located at 719 S. Lakeview Avenue within the C-M (Commercial Manufacturing) Zoning District.

ENVIRONMENTAL DETERMINATION (CEQA): The proposed revocation proceedings are not expected to create a negative impact on the physical environment and, therefore, staff is recommending a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guideline § 15321 (Class 21 – Enforcement Action by Regulatory Agencies) and City Environmental Guidelines.

Recommended Actions: It is recommended that the Planning Commission:

Continue this item to the next regularly scheduled Planning Commission meeting to be held on Tuesday, June 12, 2018. This recommendation is based on City Council's direction to work with the appellant's and property owner's representatives to finalize an agreement which would result in dissolving all business operations and vacating the subject site.

Assistant City Attorney presented the Staff Report, and urged the public to once again withhold judgement due to the ongoing negotiations and the business owner's absence.

Dan Schmidt came forward to give a public comment. He stated that he is concerned with the idea that the item is proposed to be continued due to Atwood Sales' absence, even though the Public Hearing was lawfully noticed.

Motion by Schaefer, second by Lee to approve the recommended actions.

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

Therefore, the motion and second to continue the item to the regular meeting of June 12, 2018 failed on a (3-3-0-1) vote.

REGULAR AGENDA:

- 1. Applicant: City of Placentia**
Project Location: Citywide

General Plan Conformance Finding for Fiscal Year 2018-19 and 2020-2025 Seven Year Capital Improvement Program:

Recommended Actions: It is recommended that the Planning Commission:

Adopt Resolution No. PC-2018-08, A Resolution of the Planning Commission of the City of Placentia, California finding that the Fiscal Year 2018-19 and 2020-25 Capital Improvement Program (CIP) conforms to the adopted General Plan and recommending the City Council approve the Capital Improvement Program.

Director of Public Works Luis Estevez presented the Staff Report. He spoke about the process of creating the Capital Improvement Program (CIP) and how they chose which projects to include and fund. He also highlighted projects that may be funded with the SB 1 gas tax increase.

Director Estevez presented a matrix of costs related to each CIP item. He spoke at length in detailing what projects would be on the 2018-2019 CIP list. He stated that one significant project is the proposed Metrolink Station, and that work is continuing to be done to finalize the shared use agreement between parties to initiate development of the project.

Commissioner Tomazic inquired about the proposed Golden Avenue Bridge Replacement Project.

Director Estevez stated that the design of the bridge is 40% done, and that it would be presented at a later date to the Commission for CEQA review.

Commissioner Lee inquired about the CIP item relating to "smart" sewer manhole covers.

Director Estevez explained that they are better able to detect problems within the sewage system before they escalate.

Chair Schaefer asked if there was increased security to protect against terrorists putting explosives in manhole covers.

Director Estevez stated that the manhole covers are not designed for terrorist prevention, but believes the risk is very low.

Motion by Keller, second by Schaefer carried on a (6-0-1-0) vote to approve the recommended actions.

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

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

Director of Development Services Joseph Lambert presented the Development Report. He stated that there were many large projects scheduled to be brought forward for the Planning Commission in the coming months, including a proposed residential and commercial horizontal mixed-use development at the corner of Alta Vista Street and Rose Drive. In addition, he stated that the General Plan Update was on-going. Furthermore, the General Plan Advisory Committee would be meeting in the future, with Chair Schaefer as a member.

Commissioner Francine updated the Commissioners and staff on the Pancake House at 1454 N. Kraemer Boulevard. She stated that they hoped to open by July 4th.

DIRECTOR'S REPORT:

Chair Schaefer requested that the items related to Atwood Sales and LBC Irwindale LLC be resolved as quickly as possible, and asked Ms. Summerhill if the City would be held legally responsible for health problems brought on by Atwood Sales' operations.

Ms. Summerhill stated that she was unsure and not able to give legal advice on the matter.

PLANNING COMMISSION REQUESTS:

ADJOURNMENT

Chair Schaefer closed the Planning Commission Meeting at 8:42 p.m. to the regular meeting of Tuesday, June 12, 2018 at 6:30 p.m. in the Placentia City Council Chambers at 401 East Chapman Avenue, Placentia, CA

Submitted by,

Joseph M. Lambert,
Secretary to the Planning Commission



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: ARLEN BECK, PLANNING TECHNICIAN

DATE: SEPTEMBER 11, 2018

SUBJECT: **VARIANCE 2018-01; 647 LONGFELLOW CIRCLE**

RECOMMENDATION:

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

1. Open the public hearing concerning Variance (VAR) 2018-01; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2018-20, a resolution of the Planning Commission of the City of Placentia, approving VAR 2018-01 and making findings to permit: (A) three foot zero inch (3'-0") side yard setback in lieu of the required minimum six foot (6'-0") setback, and; (B) a three foot eight inch (3'-8") rear yard setback in lieu of the required minimum ten feet (10'-0") setback associated with an approximately 490 square foot addition to an existing single-story, single family residence located at 647 Longfellow Circle within the single family residential (R-1) Zoning District; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15305 (Class 5 – Minor Alterations in Land Use Limitations) and the City of Placentia Environmental Guidelines.

REQUEST:

To permit a (A) three foot zero inch (3'-0") side yard setback in lieu of the required minimum six foot (6'-0") setback, and; (B) three foot eight inch (3'-8") rear yard setback in lieu of the required minimum ten feet (10'-0") setback associated with an approximately 490 square foot addition to an existing single-story, single family residence located at 647 Longfellow Circle within the single family residential (R-1) Zoning District.

PROJECT BACKGROUND AND DESCRIPTION:

The subject property is a four-bedroom residence, located at 647 Longfellow Circle, within the R-1 Zoning District. The residence sits on a 9,448-square-foot lot at the bulb of a cul-de-sac, where at initial construction, in 1972, the footprint could not be configured to meet the City's development standards, specifically the minimum setback requirements for the R-1 Zoning District (PMC

23.12.080), due to the irregular trapezoidal shaped lot. The home was initially constructed with a 5'-5" rear yard setback measured at its nearest point, on the westerly side of the property. In addition to the inability to meet the rear yard setback, the western side yard setback was constructed with a 5'-1" setback not meeting the minimum required setback of 6 feet. At an unknown date, a non-permitted, 140-square-foot room addition was added, further encroaching into the rear and side yard setbacks, leaving a 3'-8" rear yard setback on the western portion of the rear lot, and 3' side yard setback on the westerly side. The proposed 167 square foot addition to the front of the house and 66 square foot covered patio would encroach into the minimum side yard setback of 6 feet and maintain a 5'-1" side yard.

The proposed addition to the residence would include a new master bedroom, kitchen, and covered porch, totaling 490 square feet, whereas only a small portion would encroach into the westerly side yard setback. Approval of the Variance would allow the owners to legalize the unpermitted addition and to construct the proposed addition.

Applicable Code Sections – Placentia Municipal Code Chapter(s) 23.12 (R-1), 23.93 (Variances)

Chapter 23.93 provides justification and finding requirements for a Variance stating, "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. (Prior code § 25-201).

Due to the unique shape of the lot, the strict application of the provisions of the zoning ordinance deprives the property owner of privileges enjoyed by other properties in the vicinity and under the identical zoning classification. This Variance will not result in the granting of a special privilege inconsistent with the limitations on other properties in the vicinity and under identical zoning classifications in that other properties are of a more conventional rectangular shape. Conditions necessary to secure the purposes of Chapter 23.93, including guarantees and evidence of compliance with conditions, will be made part of the Variance approval. Staff finds that the request is consistent with the intent of Chapter 23.93 and provides justification to grant a Variance herein and in the attached Resolution.

Subject Site and Surrounding Land Uses

The residence located at 647 Longfellow Circle, located in R-1 Zoning District, is in Tract 7202, north of Bastanchury Road and east of Valencia Avenue. The table on the following page 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
Subject Site	Single Family Residence	Low-Density Residential	R-1
North	Single Family Homes	Low-Density Residential	R-1
South	Single Family Homes	Low-Density Residential	R-1
East	Single Family Homes	Low-Density Residential	R-1
West	Single Family Homes	Low-Density Residential	R-1

ZONING COMPLIANCE ANALYSIS

Site Development Standards

The project is located within the R-1 Zoning District. The Variance request would not change the low-density, single-family character of the property. The stability and residential character of the neighborhood would not change; thus, the integrity of the R-1 Zoning District would remain intact. The proposal would not change the size or use of the lot and would meet the purpose and permitted uses of the R-1 Single-Family Residential District.

Other Departments Concerns and Requirements

The Divisions of Planning and Building have reviewed the application, with no major concerns raised regarding the project proposal. However, the Planning and Building Division identified comments and applicable code requirements that have been incorporated as Conditions of Approval into a draft resolution for consideration by the Planning Commission (Attachment No. 1).

ISSUES ANALYSIS:

General Plan Consistency

General Plan policy advocates for activities that conserve and improve existing residential neighborhoods including a housing stock that is well maintained and structurally sound, and with adequate services and facilities provided; and for having a sense of community identity.

The proposed project will be consistent with the latest adopted general plan policies by giving residents the opportunity to improve the aesthetic quality of their home and maintain the structural integrity. This project helps improve the quality of the neighborhood, contributing to an interesting and pleasing community identity.

PMC Consistency

This project is consistent with the majority of the development requirements of R-1 Single-Family Residential District (PMC 23.12), regarding height limits, density, front setbacks, and lot coverage. The Variance requested is to relieve the project of the rear and side setbacks requirements due to an irregular lot configuration, which constrains development potential enjoyed by other residents within the same zone and surrounding neighborhood.

Land Use Compatibility

The proposed Variance does not allow any land use which is not in conformity with the use regulations specified for the district in which the land is located. The project will be compatible with the land uses of the surrounding area, as the proposed room addition and Variance requested to relieve the project of rear and side setback constraints, is within an established single family residential district and contains complementary residential uses. The nature of the use will not have adverse impacts on adjacent homes, as there are no significant noise or safety concerns.

CEQA:

The proposed application 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 Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that VAR 2018-01 is exempt from CEQA pursuant to State CEQA Guidelines § 15305 Class 5 – Minor Alterations in Land Use Limitations as the project will not result in any changes in land use or density and the side yard and rear yard setback Variance will not result in the creation of any new parcel.

PUBLIC NOTIFICATION:

Legal notice was published in the Placentia News Times on August 30, 2018, and legal notices were sent to property owners of record within a 300-foot radius of the subject property on August 30, 2018 pursuant to all applicable provisions of the PMC. As of September 11, 2018, staff has received no comments in support or in opposition of the request.

CONCLUSION:

The proposed Variance meets all the following findings in the affirmative: (1) the strict application of the provisions of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any Variance shall be conditioned, if necessary, to prevent the granting of a special privilege inconsistent with the limitations on other property in the vicinity and under identical zoning classifications; and (2) The proposed Variance will be consistent with the latest adopted general plan; and (3) the proposed Variance does not allow any land use which is not in conformity with the use regulations specified for the district in which the land is located; and (4) conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions, are made part of the Variance

approval. Refer to the findings contained in Resolution PC-2018-20 for specific language regarding the findings.

RECOMMENDATION:

Staff recommends that the Planning Commission of the City of Placentia adopt Resolution PC-2018-20 recommending approval of VAR 2018-01 and making findings that it is exempt from further CEQA review pursuant to Section 15305 (Class 5 – Minor Alterations in Land Use Limitations) of the State CEQA Guidelines.

Prepared and submitted by:

Review and approved by:



Arlen Beck
Planning Technician



Joseph M. Lambert
Director of Development Services

Attachments:

1. Resolution No. 2018-20 with attached Conditions of Approval
2. Variance Request Statement Submitted by the Applicants Dated and Received August 1, 2018
3. Site Plan
4. Renderings of existing and proposed development

RESOLUTION NO. PC-2018-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING VARIANCE NO. 2018-01 AND MAKING FINDINGS TO PERMIT A (A) THREE FOOT ZERO INCH (3'0") SIDE YARD SETBACK IN LIEU OF THE REQUIRED MINIMUM SIX FOOT (6'0") SETBACK, AND; (B) THREE FOOT EIGHT INCH (3'8") REAR YARD SETBACK IN LIEU OF THE REQUIRED MINIMUM TEN FEET (10'0") SETBACK ASSOCIATED WITH AN APPROXIMATELY 490 SQUARE FOOT ADDITION TO AN EXISTING SINGLE-STORY, SINGLE FAMILY RESIDENCE LOCATED AT 647 LONGFELLOW CIRCLE WITHIN THE SINGLE FAMILY RESIDENTIAL (R-1) ZONING DISTRICT.

A. Recitals.

WHEREAS, David and Lyn Farman ("Applicant" hereinafter), located at 647 Longfellow Circle, filed an application for approval of Variance (VAR) No. 2018-01, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Variance request is referred to as the "Application";

WHEREAS, on September 11, 2018, the Planning Commission conducted a duly noticed public hearing, as required by law, and after careful consideration of all pertinent testimony and the staff report offered in the case, the Planning Commission voted to approve VAR 2018-01;

WHEREAS, 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:

SECTION NO. 1: Based on the evidence presented and the findings set forth, Variance No. VAR 2018-01 is hereby found to be consistent with the Placentia General Plan and the implementation thereof.

SECTION NO. 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 Variance relieving the property from the minimum rear and side yard setback development standards, as set forth in PMC 23.12.080, in the R-1 Single-Family Residential Zoning District will not be: (1) detrimental to the health, safety or general welfare of the persons residing and/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 other applicable code requirements and development standards of the

R-1 zoning district and (3) it is not anticipated that the project will generate any negative impacts on the adjacent neighborhood.

b. The strict application of the provisions of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification in that the property owners are seeking to construct a relatively minor room addition which is hindered by the unique configuration of the subject lot. This variance request shall be conditioned to prevent the granting of a special privilege inconsistent with the limitations on other property in the vicinity and under identical zoning classifications.

c. The proposed variance is consistent with the City of Placentia's latest adopted General Plan. The General Plan Land Use designation for the subject site is Low Density Residential, and the variance requested use does not involve any change in the land use of the subject site, which is utilized as a single-family residence.

d. The proposed variance for the residence, located at 647 Longfellow Circle, subject to the attached Conditions of Approval and Standard Development Requirements (Attachment "A"), does not allow any land use which is not in conformity with the use regulations specified in PMC Chapter 23.12 (R-1 – Single Family Residential), in which the land is located, with the exception of setback allowed herein.

e. Conditions necessary to secure the purposes of PMC Chapter 23.93, including guarantees and evidence of compliance with conditions are made part of the variance approval. Attachment "A" contains Conditions of Approval and Standard Development Requirements specific to VAR 2018-01 to ensure compliance with the Placentia Municipal Code (PMC).

SECTION NO. 3: Based upon the environmental review of the project, the Planning Commission finds that VAR 2018-01 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 Guidelines of the City of Placentia pursuant to the State CEQA Guidelines § 15305 (Class 5 – Minor Alterations in Land Use Limitations) as the project will not result in any changes in land use or density and the side yard and rear yard setback variance will not result in the creation of any new parcel.

SECTION NO. 4: The Planning Commission hereby directs that, upon approval of VAR 2018-01, a Notice of Exemption shall be filed with the Orange County Clerk/Recorder.

SECTION NO. 5: Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves VAR 2018-01.

SECTION NO. 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 to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 11th day of September, 2018

CHRISTINE SCHAEFER, CHAIR

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 11th day of September 2018, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 11th day of September, 2018, by the following vote:

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

ATTEST:

JOSEPH M. LAMBERT,
SECRETARY TO THE PLANNING COMMISSION

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL,
ASSISTANT CITY ATTORNEY

ATTACHMENT "A"



Attachment A
Special Conditions of Approval and Standard Development Requirements for
Variance No. (VAR) 2018-01
647 Longfellow Circle

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 VARIANCE TO CONTINUE IN GOOD STANDING.

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION:

1. VAR 2018-01 is granted in accordance with the terms of this title shall expire, if a permit for the project for which the variance is approved is not obtained within one (1) year from the date of final approval. If the variance 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. VAR 2018-01 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. An application may be made to the Director of Development Services for a one (1) year extension on new construction only. No more than one (1) extension shall be allowed.
4. 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.
5. The applicant shall, as a condition of project approval, at their 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 be issued 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.

6. Any modifications to the approved floor plan shall be reviewed by the Director of Development Services and may be modified administratively. Modifications to the approved floor plan may be brought to the Planning Commission for modification at the discretion of the Director of Development Services.
7. VAR 2018-01 may be reviewed at the discretion of the Director of Development Services in order to determine if the project is built in compliance with all required Special Conditions of Approval and Standard Development Requirements.

DEVELOPMENT SERVICES DEPARTMENT – BUILDING DIVISION:

8. Any existing or proposed building or structure(s) encroaching into the 3'-0" setback shall have 1-hour fire resistive construction. This includes any roof/eave framing structures.
9. Licensed California Civil/Structural Engineer responsible to this project shall provide final structural observation report to the City for review and approval.

**CITY OF PLACENTIA
DEVELOPMENT SERVICES DEPARTMENT
RE: Variance Request for 647 Longfellow Circle, Placentia, CA 92870**

**RECEIVED
AUG 01 2018
PLANNING**

Dear Planning Commission Members,

My wife and I have submitted plans and necessary documentation required to obtain a building permit for the remodel of our 45 year old residence in Placentia. After reviewing the documents, the Placentia Building and Planning Department personnel have noted the following:

ISSUES FOUND DURING THE ENGINEERING DRAWING REVIEW

1. At some time, a 140 sq. ft. addition was added to the residence without evidence of an approved building permit. This existing addition included one additional bedroom and extended another original bedroom.
2. Neither the original structure nor the room addition meet current setback requirements.
 - ORIGINAL STRUCTURE SETBACKS
Side Yard: Requirement is six (6) feet. Actual setback is 5'-1".
Rear Yard: Requirement is twenty (20) feet. Actual setback is 5'-7".
Other Side & Front Yards: Meets requirements.
 - EXISTING ROOM ADDITION SETBACKS
Side Yard: Requirement is six (6) feet. Actual setback is 3'-0".
Rear Yard: Requirement is twenty (20) feet. Actual setback is 3'-8".
Other Side & Front Yards: Does not apply.

VARIANCE REQUEST

- It is proposed that a variance be granted to allow the existing room addition to be grandfathered-in.
- It is proposed that the side yard setback be established as three feet (3'-0") and the rear yard setback be established as three feet, eight inches (3'-8").

RATIONALE FOR VARIANCE REQUEST

- An official from the City of Placentia performed an inspection of the residence and determined that the room addition was well-built to professional, high quality construction standards.
- Based on historical documentation and the lack of date codes on building materials, the room addition was likely built over 30 years ago.
- Without approval of the room addition variance, extensive modifications or demolition of the bedrooms will be required. This will result in significant expense and reduction of the home's value.
- The house at 647 Longfellow Circle is on a cul-de-sac, so it is situated on a very irregular, trapezoidal lot which makes adherence to the current setback standards difficult, if not impossible.
- There are provisions in the regulations to allow setbacks to be established by the existing structure.
- Granting of the variance will not impact or intrude on our immediate neighbors.

VARIANCE DOES NOT CONSTITUTE A SPECIAL PRIVILEGE

- There are examples in our neighborhood where the original houses were built with 3 foot and 4 foot setbacks. Granting the variance will allow us to receive the same privilege as other neighborhood property owners who have the identical zone classification, but could successfully receive the approval for a building permit.
- Approval of the variance will allow for our pending building permit to be granted. The proposed remodel of our home will enhance the desirability of the neighborhood, as well as nearby property values. The proposed update to our home will ultimately be of benefit to our Placentia community.

Thank you for your consideration,

David and Lyn Farman

Revision Table			
#	Date	By	Desc.
1	3/29/18	PH	PRELIM 1
2	4/9/2018	PH	PRELIM 2
3	4/19/2018	PH	OK TO ENGINEER
4	4/30/2018	PH	ENGINEERING
5	5/3/2018	PH	OK FOR PLAN CHECK
6	7/31/18	DF	SITE UPDATE

CONTRACTOR:

DESIGN BY:

PHD PRINTED ON 7/31/2018
SHEET SIZE ARCH D (24" x 36")

OWNER
DAVID AND LYN FARMAN
647 LONGFELLOW CIR.
PLACENTIA 92870
808-346-8789
LOT# 24 TR# 7202

SITE PLAN

REGISTERED PROFESSIONAL ENGINEER
CRAIG STANGER
No. S 3893
Exp. _____
STRUCTURAL
STATE OF CALIFORNIA

STRUCTURAL ENGINEER
CRAIG STANGER S.E.
2014 E. WESTPORT DR.
ANAHEIM, CA. 92806
714-778-6691

PAGE

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SITE AREA ANALYSIS

PROPERTY

PROPERTH AREA = 9448.1 Sq. Ft.
SETBACK AREA = 4971.6 Sq. Ft.
BUILDABLE AREA = 4476.5 Sq. Ft.

HABITABLE

(E) 1ST FLR AS BUILT = 1568 Sq. Ft.
(E) ROOM ADDITION = 140 Sq. Ft.
(N) MASTER BEDROOM = 166.7 Sq. Ft.
(N) KITCHEN = 232.8 Sq. Ft.
TOTAL HABITABLE = 2107.5 Sq. Ft.

IMPERMEABLE & PERMEABLE

(E) 1ST FLR = 1708 Sq. Ft.
(E) 4" SIDEWALK = 652.7 Sq. Ft.
(E) 4" CONC. DRIVEWAY 2 = 93.8 Sq. Ft.
(E) GARAGE = 619.5 Sq. Ft.
(N) 1ST FLR = 166.7 Sq. Ft.
(N) 1ST FLR 2 = 232.8 Sq. Ft.
(N) PORCH 1ST COV. 2 = 26.8 Sq. Ft.
(N) PORCH 1ST COV. = 63.2 Sq. Ft.

TOTAL IMPERMEABLE = 3563.5 Sq. Ft.
PERMEABLE AREA = 5884.6 Sq. Ft.

LOT COVERAGE

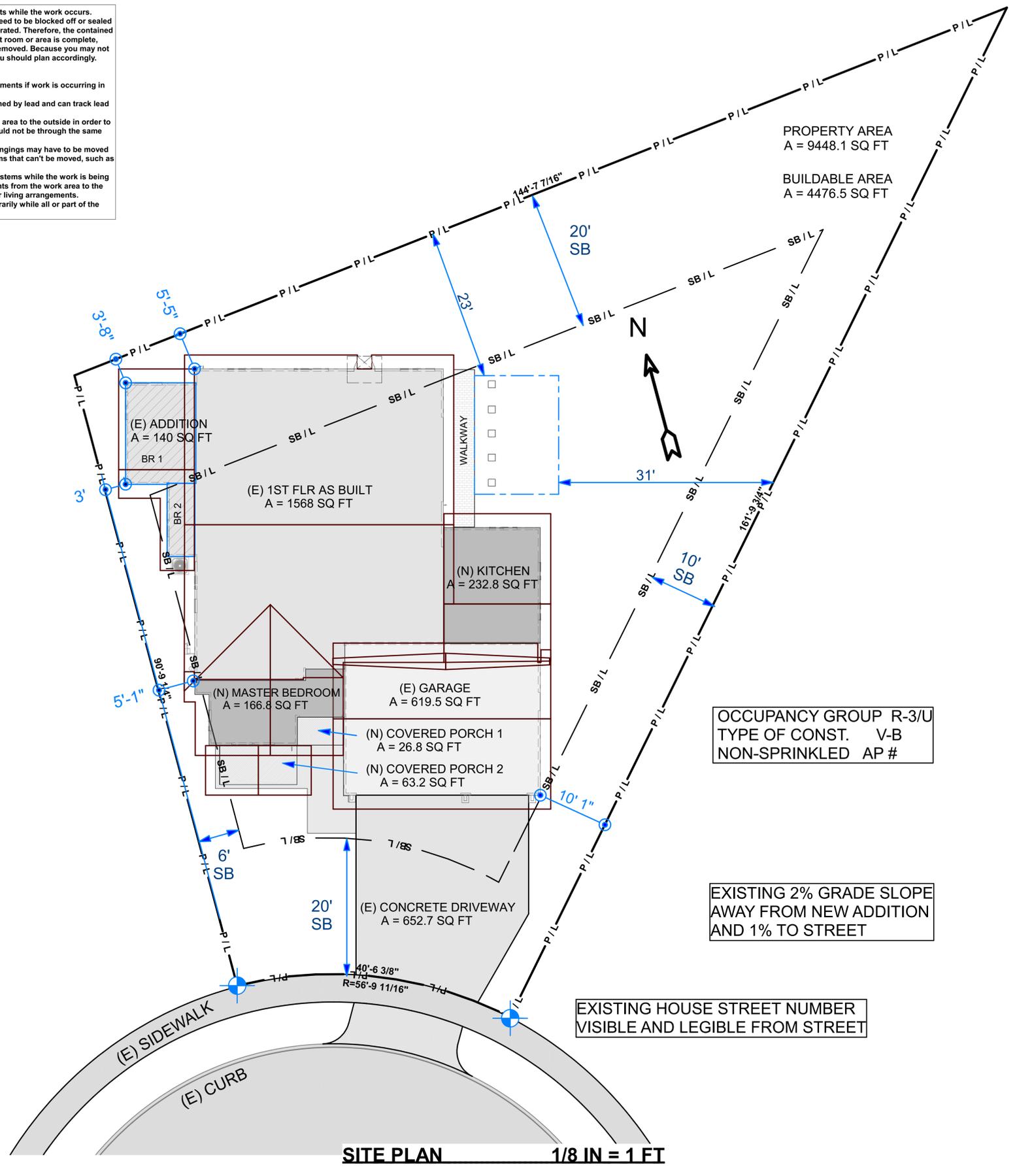
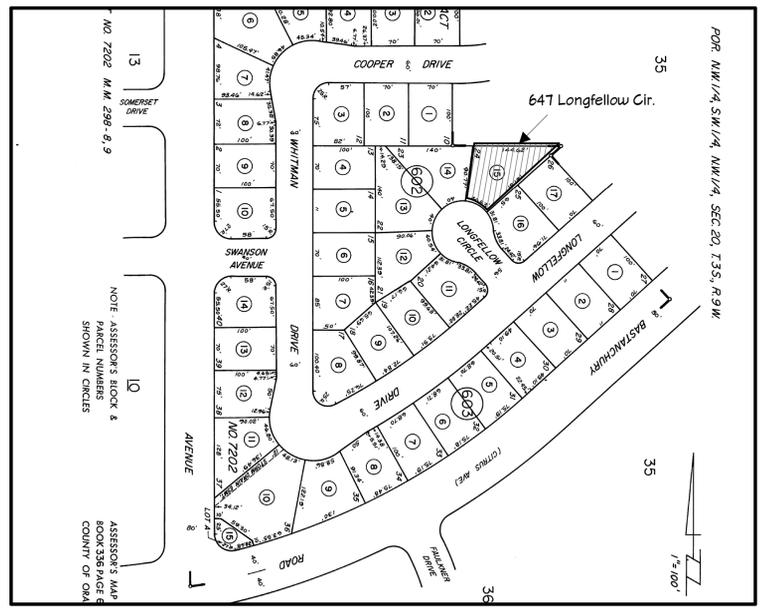
(E) 1ST FLR = 1708 Sq. Ft.
(E) GARAGE = 619.5 Sq. Ft.
(N) 1ST FLR = 166.7 Sq. Ft.
(N) 1ST FLR 2 = 232.8 Sq. Ft.
(N) PORCH 1ST COV. = 26.8 Sq. Ft.
(N) PORCH 1ST COV. 2 = 63.2 Sq. Ft.

TOTAL COVERAGE = 2817 Sq. Ft.
LOT COVERAGE (2817/9448) = 29.82 %

FAR
FLOOR AREA RATIO (2108/9448) = 0.22

The work areas should not be accessible to occupants while the work occurs. The rooms or areas where work is being done may need to be blocked off or sealed with plastic sheeting to contain any dust that is generated. Therefore, the contained area may not be available to you until the work in that room or area is complete, cleaned thoroughly, and the containment has been removed. Because you may not have access to some areas during the renovation, you should plan accordingly.

You may need:
Alternative bedroom, bathroom, and kitchen arrangements if work is occurring in those areas of your home.
A safe place for pets because they too can be poisoned by lead and can track lead dust into other areas of the home.
A separate pathway for the contractor from the work area to the outside in order to bring materials in and out of the home. Ideally, it should not be through the same entrance that your family uses.
A place to store your furniture. All furniture and belongings may have to be moved from the work area while the work is being done. Items that can't be moved, such as cabinets, should be wrapped in plastic.
To turn off forced-air heating and air conditioning systems while the work is being done. This prevents dust from spreading through vents from the work area to the rest of your home. Consider how this may affect your living arrangements. You may even want to move out of your home temporarily while all or part of the work is being done.



OCCUPANCY GROUP R-3/U
TYPE OF CONST. V-B
NON-SPRINKLED AP #

EXISTING 2% GRADE SLOPE
AWAY FROM NEW ADDITION
AND 1% TO STREET

EXISTING HOUSE STREET NUMBER
VISIBLE AND LEGIBLE FROM STREET

SITE PLAN 1/8 IN = 1 FT

Existing Rear View



Proposed Rear View



Existing Front View



Proposed Front View

