

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

July 10, 2018

The regular meeting of the Placentia Planning Commission on July 10, 2018 was called to order at 6:33 p.m. in the Front Community Meeting Room, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

ROLL CALL:

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

ABSENT: Commissioners Schenck, Lee

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 Tomazic

ORAL COMMUNICATIONS: None

CONSENT CALENDAR:

1. Minutes

a. Planning Commission Meeting – June 12, 2018

Recommended Actions: Approve

Motion by Perez, second by Francine carried on a (5-0-2-0) vote to approve the recommended actions.

Ayes: Francine, Keller, Tomazic, Perez, Schaefer

Noes: None

Absent: Schenck, Lee

Abstain: None

PUBLIC HEARINGS:

1. Applicant: City of Placentia

Project Location: Citywide

Zone Change Amendment (ZCA) 2018-02: The City Attorney's office, in conjunction with staff, has prepared an Ordinance whereby Chapter 23.90 (Signs-Advertising Structures) of Title 23 (Zoning) of the Municipal Code would be amended regarding the regulation of temporary signs and political signs to

eliminate the distinction in the Code between different types of temporary signs based on content. As this Ordinance would be codified into the Zoning Code, the Planning Commission must conduct a Public Hearing and forward a recommendation to the City Council. The Resolution PC 2018-14, as prepared by staff, would recommend City Council Approval of ZCA No. 2018-02 whereby Chapter 23.90 (Signs-Advertising Structures) of Title 23 (Zoning) of the Municipal Code would be amended.

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

1. Open the Public Hearing, Concerning Zone Code Amendment (ZCA) 2018-02, Receive the Staff Report and Consider All Public Testimony, and Close the Public Hearing; and
2. Adopt Resolution PC-2018-14, A Resolution of the Planning Commission of the City of Placentia, recommending to the City Council approval Of Zoning Code Amendment No. 2018-02, whereby Chapter 23.90 (Signs-Advertising Structures) of Title 23 (Zoning) of the Municipal Code would be amended regarding the regulation of temporary signs and political signs; and
3. Recommend that the City Council find that adoption of Zoning Code Amendment No. 2018-02 is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA), Section 15061(b)(3) in that the proposed Code Amendments are not expected to create a negative impact on the physical environment and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Director of Development Services Joseph Lambert presented the Staff Report. He stated that as a Zoning Code Amendment, the Planning Commission's role will be to recommend an action to City Council regarding this item. He stated that it is an amendment to the City's sign code in response to the 2015 Supreme Court ruling: Reed v. Town of Gilbert, in which provisions of a local jurisdiction's sign code imposed more stringent restrictions on temporary signs directing the public to a meeting of a non-profit group than it did on signs conveying other messages.

He explained that the Court determined that the provisions of the sign code were content based regulations of speech because the restrictions in the sign code that applied to any given sign depended entirely on the communicative content of the sign. The provisions of the code did not survive First Amendment strict scrutiny because the town could not claim that placing strict limits on temporary directional signs were necessary to beautify the town while at the same time allowing unlimited numbers of other types of signs that created the same problem. Additionally, the Court said that the town was not able to show that limiting temporary directional signs was necessary to eliminate threats to traffic safety, while limiting other types of signs was not necessary to safety.

Director Lambert continued by stating that the proposed Zoning Code Amendment would only alter a small portion of the City's Sign Ordinance in section 23.90 pertaining to political and temporary signage to comply with the Supreme Court's ruling to treat all temporary signs equally.

Director Lambert stated that staff anticipates a complete update the City's Sign Ordinance in the future to require new signage to be more attractive and to be compatible with surrounded uses.

Director Lambert closed by stating the staff recommends the Planning Commission approve the recommended actions.

Commissioner Tomazic asked for clarification as to why Placentia's Municipal Code needed to be amended.

Director Lambert replied that it was to bring the code into compliance with the Supreme Court ruling.

Chair Schaefer noted that in reading the proposed code amendment, she noticed that political signs shall be permitted to be displayed 90 days before and after an election, and felt that this was a generous amount of time. She continued by inquiring if temporary signs would be required to be in English for emergency responders.

Director Lambert replied by noting that the 90 days before and after an event applies to all temporary signage, and that the signage would not be required to be in English.

Motion by Francine, second by Tomazic carried on a (5-0-2-0) vote to approve the recommended actions.

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

2. Applicant: Salvador Morales, Owner and Operator of Mariscos Playa De Corales Restaurant
Project Location: 640 W. Chapman Avenue

Use Permit (UP) 1981-27 MOD: The applicant, Salvador Morales, owner and operator of Mariscos Playa De Corales Restaurant, is requesting to modify the existing license (Type 41 – On-Sale Beer and Wine for Bona Fide Public Eating Place) to the proposed onsite sale of alcoholic beverages (Type 47 – On-Sale General for Bona Fide Public Eating Place) at an existing restaurant located within the Placentia Plaza shopping center, within the C-1 (Neighborhood Commercial) Zoning District.

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

1. Open the public hearing concerning Use Permit (UP) No. 1981-27 Modification (MOD);
2. Receive the staff report and consider all public testimony;
3. Close the public hearing;
4. Adopt Resolution PC-2018-17, a resolution of the Planning Commission of the City of Placentia, approving Use Permit No. 81-27(MOD) and making findings to permit the onsite sale of alcoholic beverages (ABC Type 47 License) on property within the C-1 (Neighborhood Commercial) Zoning District and located at 640 W. Chapman Avenue; 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 to modify Use Permit 1981-27 to allow for an ABC Type 47 License. This license would allow for the sale of general alcoholic beverages for on-site consumption within the existing restaurant. While the restaurant currently holds a Type 41 license, the Placentia Municipal Code requires them to modify their Use Permit in order to upgrade to a Type 47 license.

Mr. Beck continued by giving a brief history of the restaurant's operations and presented a floor plan of its current layout. He stated that staff did an analysis of all currently held ABC liquor licenses within one half-mile of the restaurant. Staff found that three stores hold a Type 21 license, while one restaurant holds a Type 41 license.

The applicant is requesting their hours of operation on Monday through Wednesday from 9:00 a.m. to 10:00 p.m., and Thursday through Sunday from 9:00 a.m. to 2:00 a.m.

Staff recommends that the Planning Commission approve the recommended actions.

Chair Schaefer asked if the applicant plans on using the space as a banquet hall in the future, to which Mr. Beck stated that they do not.

Chair Schaefer asked what the minimum age is to prepare and serve alcohol within a restaurant.

Assistant City Attorney Yolanda Summerhill stated that the minimum age to prepare and serve alcohol in a restaurant is 21.

Luis Armando Soria came forward to speak representing the applicant. He stated that many customers have stated their desire to be able to order spirits with their food, and that obtaining the Type 47 license will make their business more competitive. The applicant, Salvador Morales, and Mr. Soria agreed to comply with the Conditions of Approval.

Motion by Tomazic, second by Francine carried on a (5-0-2-0) vote to approve the recommended actions.

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

3. **Applicant:** Placentia 120, LLC dba Placentia Car Wash
Project Location: 719 S. Lakeview Avenue (south of E. Orangethorpe Avenue, west of S. Lakeview Avenue)

Use Permit (UP) 2018-05: The applicant, Placentia 120, LLC, dba Placentia Car Wash, is requesting to permit (a) the installation of four new gas pumps proposed to operate 24-hours, 7 days a week and (b) permit a sign face change in conjunction with the remodel of the sign's structure for an existing non-conforming free-standing monument sign at a newly remodeled car wash at 120 S. Placentia Avenue located within the C-1 (Neighborhood Commercial) Zoning District.

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

1. Open the public hearing concerning Use Permit No. (UP) 2018-05; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2018-19, a resolution of the Planning Commission of the City of Placentia, approving UP 2018-05 and making findings to permit (a) the installation of four new gas pumps proposed to operate 24-hours, 7 days a week and (b) permit a sign face change in conjunction with the remodel of the sign's structure for an existing non-conforming free-standing monument sign at a newly remodeled car wash within the C-1 (Neighborhood Commercial) 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 § 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, Placentia 120, LLC, dba Placentia Car Wash, is requesting to permit the installation of four new gas pumps as well as a sign face change. They are requesting permission to operate 24-hours, 7 days a week. Mr. Beck gave a brief history of the project and project location.

Mr. Beck noted that after notices were sent to property owners within a 300' radius of the property, a statement of opposition was received and filed with the agenda packet. The statement cited light pollution from the 24-hour operation that would be detrimental for the apartment residents who live nearby.

Mr. Beck continued by describing the applicant's sign change request. As the existing sign is nonconforming, the applicant must obtain approval from the Planning Commission to change the sign face. The proposed total signage area will not be increased. Staff believes that the proposed sign improvements will benefit the business and the appearance of the neighborhood.

Mr. Beck noted that the Conditions of Approval included in the original agenda packet had been updated to reflect recommendations from a consultant regarding light pollution mitigation measures.

Commissioner Keller inquired if the two other nearby gas stations were also open 24-hours per day.

Mr. Beck replied in the affirmative, noting that every gas station in Placentia was open 24-hours per day.

Chair Schaefer called forward the applicant's representative, Michael Kohanoff. Mr. Kohanoff stated that he is a managing member of the project and gave a brief history of the project.

Chair Schaefer asked Mr. Kohanoff if he agreed with the updated Conditions of Approval, to which he replied in the affirmative.

Chair Schaefer continued by asking Mr. Kohanoff how he planned to increase employment in the area, as he stated in his application.

Mr. Kohanoff replied by stating that the gas station will always need an attendant on site, and that they will need to find employees who can work different shifts.

Vice Chair Perez asked the applicant how they will manage a 24-hour operation without disturbing nearby homes.

Mr. Kohanoff stated that he anticipates very few customers after 10:00 p.m., and that the gas station portion of the business is secondary to the existing car wash on the property.

Carlos Silva, the general contractor for the project, came forward to speak. He asked for clarification on the submission requirements from the Orange County Fire Authority for the underground fuel system, which staff provided.

Commissioner Keller asked if the residents who submitted a statement in opposition to the project were satisfied with how the updated Conditions of Approval address light pollution.

Mr. Beck stated that staff received no further communication from said residents.

Motion by Schaefer, second by Francine carried on a (5-0-2-0) vote to approve the recommended actions.

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

**4. Applicant: HQT Homes
Project Location: Southwest Corner of Orchard Drive and Highland Avenue**

Development Plan Review (DPR) 2018-03, Use Permit (UP) 2018-04, and Tentative Tract Map (TTM) 18129: The applicant, HQT Homes, requests approval of a Development Plan Review, Use Permit, and Tentative Tract Map to develop an unimproved 1.24-gross acre site with 16 condominium townhome units. The 16 units will be located within four separate building. The four buildings will be orientated in an east-to-west direction with each building containing between three to five attached residential units on property located at the Southwest corner of Orchard Drive and Highland Avenue with the R-G (Medium Density Residential) Zoning District.

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

1. Open Public Hearing, concerning Development Plan Review (DPR) No. 2018-03, Use Permit (UP) No. 2018-04, and Tentative Tract Map (TTM) No. 18129; and
2. Receive the Staff Report and consider all Public Testimony; and
3. Close the Public Hearing; and
4. Adopt Resolution No. PC-2018-15, a Resolution of the Planning Commission of the City of Placentia, approving DPR 2018-03 and UP 2018-04, and making findings to permit the development of an unimproved approximately 1.24-gross acre lot for the construction of four, three-story, multi-family buildings consisting of 16 residential townhome units and associated hardscape and landscape improvements within the Medium Density Residential (R-G) Zoning District on property located at the southwest corner of Orchard Drive and Highland Avenue; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15332 (Class

32 – In-Fill Development Projects) and the City of Placentia Environmental Guidelines; and

5. Adopt Resolution No. PC-2018-16, a Resolution of the Planning Commission of the City of Placentia, recommending that the City Council of the City of Placentia approve Tentative Tract Map 18129 to permit the subdivision of 16 townhome units for residential condominium purposes requested via DPR No. 2018-03 subject to the Conditions of Approval and Standard Development Requirements; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15332 (Class 32 – In-Fill Development Projects) and the City of Placentia Environmental Guidelines.

Senior Planner Andrew Gonzales presented the Staff Report, and started by noting that staff received a written statement from a resident opposing the project citing reduced views of the Disneyland fireworks and a disconnected design with the surrounding neighborhood.

Mr. Gonzales stated that the project, which is located on the corner of Orchard Drive and Highland Avenue, will feature 16 tri-level townhomes. He continued by presenting project details and the site plan. He noted that the applicant's intention is to create ownership-based units rather than leasing out the units, and that their plans are in line with the City's development standards and the adopted General Plan.

Chair Schaefer asked Mr. Gonzales how affordable housing laws apply to this project.

Mr. Gonzales replied that none of the units are required to be affordable housing units, but that HQT Homes will pay an affordable housing in-lieu fee pursuant to the Conditions of Approval prepared for this project.

Chair Schaefer inquired if the units would be accessible to disabled patrons.

Mr. Gonzales replied by stating that the most recent California Building Code requires that 10 percent of new units must be accessible in accordance with the Americans with Disabilities Act (ADA) of 1990.

Chair Schaefer called the applicant's representative, Duane Huennekens, forward to speak.

Mr. Huennekens stated that the proposed project is one of a dozen that HQT Homes has created in the city of Placentia within the last 20 years. He continued by describing similarities between this project and a previous one. He also noted that two units will be ADA accessible, as Mr. Gonzales had stated previously.

Chair Schaefer asked Mr. Huennekens how the ADA accessibility is addressed within the two units.

Mr. Huennekens replied by stating that the front doors have no thresholds and that the first-floor restroom has dimensions and features making it wheelchair accessible.

Commissioner Tomazic asked Mr. Huennekens if he planned to manage the proposed condominiums.

Mr. Huennekens replied that the units would be sold individually, requiring the homeowners to join a homeowner's association that residents would manage.

David Rosenberger came forward to give a public comment against the proposed development, citing concerns with the site's current sidewalk and street conditions, a lack of street parking, and a lack of available water in California.

Michael Hesse came forward to give a public comment in support of the proposed development, stating that he is excited to see the barren parcel developed. He stated that he believes it will improve the neighborhood.

Chair Schaefer asked Mr. Huennekens if he will comply with the Conditions of Approval, to which he replied in the affirmative.

Mr. Huennekens also addressed those who made public comments. He stated that all residents will have to park in their garages as a condition of the project's Covenants, Conditions, and Restrictions (CC&Rs). Guest parking spots will only be available for those visiting. Furthermore, he stated that as a Condition of Approval, HQT Homes will be repaving the bordering roads and sidewalks. He ended by noting that the Orange County Fire Authority reviewed the former oil wells on the site and have their own Conditions of Approval to ensure the safety of the site.

Commissioner Tomazic asked Mr. Huennekens who the owner of the land will be.

Mr. Huennekens replied that each condominium buyer will own 1/16 of the entire site and the airspace within their units.

Commissioner Keller asked if residents in the neighboring portion of Yorba Linda were made aware of the proposed project.

Senior Planner Andrew Gonzales stated that in accordance with public noticing laws, property owners within a 300 foot radius of the project site were mailed notices of the proposed project, and that the proposal was also noticed in the newspaper, outside of City Hall, and online.

Commissioner Keller inquired if a traffic impact analysis had been conducted for the project.

Mr. Gonzales replied that a CEQA consultant had reviewed the project and determined that a full traffic impact study was not necessary due to the number of units proposed for the development, the project size, and other factors. These factors resulted in a Categorically Exempt Project which does not require a traffic impact analysis.

Chair Schaefer noted that since the City has a small amount of vacant land, a three-story

home is a good use of space.

Motion by Schaefer, second by Tomazic carried on a (5-0-2-0) vote to approve the recommended actions.

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

5. **Applicant: Maikel Faragalla, representing Urban Dwelling Architects**
Project Location: 1474 N. Kraemer Boulevard

Development Plan Review (DPR) 2018-02 and Use Permit (UP) 2018-03:

The applicant, Maikel Faragalla, representing Urban Dwelling Architects, requests approval of a Development Plan Review and Use Permit to allow for the demolition of an existing 8,400-square foot restaurant building and development of an approximately 7,000-square foot multi-tenant retail commercial building at the northwest corner of the Village Plaza shopping center located at 1474 N. Kraemer Boulevard, within the T-C (Town Center) Zoning District.

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

1. Open the public hearing concerning Development Plan Review (DPR) No. 2018-02 and Use Permit (UP) No. 2018-03;
2. Receive the staff report and consider all public testimony;
3. Close the public hearing;
4. Adopt Resolution PC-2018-18, a resolution of the Planning Commission of the City of Placentia, approving DPR 2018-02 and UP 2018-03 and making findings to the development of an approximately 7,000-square foot, multi-tenant retail commercial building, including drive-through lane, outdoor seating area, and associated operations, within the Village Plaza shopping center located on an approximately 4.6-acre site on property within the Town Center (T-C) Zoning District and located at 1474 N. Kraemer Boulevard; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15332 (Class 32 – In-Fill Development Projects) and the City of Placentia Environmental Guidelines.

Commissioner Francine recused herself from the meeting before the opening of the public hearing due to a conflict of interest.

Senior Planner Andrew Gonzales presented the Staff Report. He stated that the proposed project would be replacing the vacant El Torito building on the northwest corner of Yorba Linda Boulevard and Kraemer Boulevard. The building is proposed to be an approximately 7,000 square-foot multi-tenant retail commercial building tailored towards food uses. The building would include a drive-through lane along the perimeter and feature outdoor seating. He continued by detailing the proposed architectural and landscaping details of the site.

Chair Schaefer inquired about a Public Works Condition of Approval that called for repairing sidewalks and tree removal.

Mr. Gonzales stated that the Ad Hoc Committee was in favor of preserving the mature pine trees on the project site, and that if any were removed, that they be replaced at a two-to-one ratio with a letter detailing the reasoning for removal.

Chair Schaefer asked if there was feedback from other food establishments in the area regarding the proposed project.

Assistant City Attorney Yolanda Summerhill stated that planners had not received comments on the project from nearby food establishments.

The applicant, Maikel Faragalla, stated that the proposed building would be smaller than the current vacant building to aid in fostering more social interaction within the area.

Chair Schaefer inquired about the queuing capacity for the proposed drive-through lane.

Mr. Faragalla stated that he has designed numerous drive-throughs, and that a queuing capacity of 13 cars as proposed for this project is quite sufficient. He continued by noting that the busiest time for the proposed drive-through will be in the morning, and that the average morning drive through queue is 10 cars.

Chair Schaefer asked what the impact of parking in the center would be, to which Mr. Faragalla replied that there would be an increase in parking spaces.

Mr. Faragalla asked if condition 10 concerning the construction time frame could be changed to 12 months rather than six months.

Mr. Gonzales proposed that the condition allow for the Director of Development Services to extend the approved time frame of the project via applicant request at least 30 days prior to the expiration date. The Commission Members unanimously approved the change to Condition 10.

Motion by Perez, second by Tomazic carried on a (4-0-2-1) vote to approve the

recommended actions with the amendment to Condition 10 to allow for an extension to be granted by the Director of Development Services.

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

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT: None

DIRECTOR'S REPORT:

Senior Planner Andrew Gonzales gave the Director's Report. He stated that the Panattoni Development Project on Van Buren Street that was approved by the Planning Commission is currently under construction. He continued by noting that the proposed Olson Project on Van Buren Street is currently under CEQA and entitlement review. He stated that the Integral Project in the Transit Oriented Development Zone may break ground in August 2018, and that the site at 777 W. Orangethorpe was being evaluated for a proposed Specific Plan Amendment to allow for a hotel use.

PLANNING COMMISSION REQUESTS:

ADJOURNMENT

Chair Schaefer closed the Planning Commission Meeting at 8:26 p.m. to the regular meeting of Tuesday, September 11, 2018 at 6:30 p.m. in the Placentia Front Community Meeting Room at 401 East Chapman Avenue, Placentia, CA

Submitted by,



Joseph M. Lambert,
Secretary to the Planning Commission