



# Placentia Planning Commission Agenda

Regular Meeting  
December 8, 2020  
City Council Chambers  
401 E. Chapman Avenue, Placentia, CA 92870

## SPECIAL PROCEDURES NOTICE DURING COVID-19 EMERGENCY

On March 4, 2020, Governor Newsom proclaimed a State of Emergency as a result of the threat of the COVID-19 virus.

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which temporarily suspends requirements of the Brown Act allowing Planning Commission Members to hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the Planning Commission.

Given the health risks associated with COVID-19, please be advised that the City Council Chambers are closed to the public and some, or all, of the Placentia Planning Commission Members may attend this meeting telephonically. Those locations are not listed on the agenda and are not accessible to the public.

### **How to Observe the Meeting**

To maximize public safety while maintaining transparency and public access, the Planning Commission meeting will be available to listen live on AT&T U-verse (Channel 99), Spectrum (Channel 3), and online at [www.placentia.org/pctv](http://www.placentia.org/pctv).

### **How to Submit Public Comment**

Members of the public may provide public comment by sending comments for Planning Commission consideration by email to Sylvia Minjares at [sminjares@placentia.org](mailto:sminjares@placentia.org). Please limit to 200 words or less. Comments received before or during a Planning Commission meeting, until the close of the **Oral Communications** or **Public Hearings** portion of the agenda, may be read into the public record, subject to the regular time limitations per speaker. Longer submittals will be included in the public record. If you are unable to provide your comments in writing, please contact the Development Services Department for assistance at 714-993-8124 or [sminjares@placentia.org](mailto:sminjares@placentia.org).

### **Americans with Disabilities Act Accommodation**

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 [cityclerk@placentia.org](mailto:cityclerk@placentia.org) or by calling (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City Staff to make reasonable arrangements to ensure accessibility while maintaining public safety. (28 CFR 35.102.35.104 ADA Title II)

Until further notice the City will implement the guidelines of the California Department of Public Health in regards to social distancing.

The City of Placentia thanks you in advance for taking all precautions to prevent the spread of the COVID-19 virus. The City will return to normal Planning Commission meeting procedures as soon as the emergency has ended.



# Placentia Planning Commission Agenda

Regular Meeting

December 8, 2020

City Council Chambers

401 E. Chapman Avenue, Placentia, CA 92870

**Christine J. Schaefer**  
Chair

**Frank Perez**  
Vice Chair

**Claudia Keller**  
Commissioner

**Dennis Lee**  
Commissioner

**Nick Polichetti**  
Commissioner

**Matthew Roche**  
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](http://www.placentia.org) under the Planning Commission page. Persons who have questions concerning any agenda item may call the City Planning Division at (714) 993-8124 to make inquiry concerning the nature of the item described on the agenda.

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

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

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

**Phone: (714) 993-8124**  
**Fax: (714) 528-4640**  
**Website: [www.placentia.org](http://www.placentia.org)**

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

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**CALL TO ORDER:**

**ROLL CALL:** Commissioner Keller  
Commissioner Lee  
Commissioner Polichetti  
Commissioner Rocke  
Vice Chair Perez  
Chair Schaefer

**PLEDGE OF ALLEGIANCE:**

**ORAL COMMUNICATIONS: (PLEASE SEE PAGE ONE FOR SPECIAL INSTRUCTIONS ON SUBMITTING PUBLIC COMMENT DURING THE COVID-19 CRISES)**

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.

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**CONSENT CALENDAR:**

1. **Planning Commission Meeting Minutes – November 10, 2020**  
**Recommended Actions:** Approve

**REGULAR AGENDA:**

**PUBLIC HEARINGS:**

1. **Applicant:** La Bibilioteca Cigar Lounge

**Project Location:** 128 W. Santa Fe Ave. Unit B

**Use Permit (UP) 2020-09 (continued from the meeting of November 10, 2020):** A request to permit the establishment and operation of a 1,454 square foot retail cigar lounge of high-end cigars, with 80 member lockers, and 42 seats (34 seats inside and eight seats on the outside patio) located at 128 W. Santa Fe Ave., Unit B, in the Main Street Subarea of the Old Town Placentia Revitalization Plan (O-T) 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. 2020-09; and

2. Receive the staff report and consider all public testimony (**PLEASE SEE PAGE ONE FOR SPECIAL INSTRUCTIONS ON SUBMITTING PUBLIC COMMENT DURING THE COVID-19 CRISES**); and
3. Close the public hearing; and
4. Adopt Resolution PC-2020-18, a Resolution of the Planning Commission of the City of Placentia, approving Use Permit 2020-09 and making findings to permit the establishment and operation of a 1,454 square foot retail cigar lounge consisting of high-end cigars, with 80 member lockers, and 42 seats (34 seats inside and eight seats on the outside patio) located at 128 W. Santa Fe Ave., Unit B, in the Main Street Subarea of the Old Town Placentia Revitalization Plan (O-T) 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.

**2. Applicant:                    B & C Burgers**

**Project Location: 1868 N. Placentia Ave.**

**Use Permit (UP) Modification 05-16:** A request to permit an existing 1,783-square foot restaurant (B&C Burgers) to expand business operations into an adjacent tenant space measuring approximately 575 square feet and adding the service of beer and wine for on-site consumption in the adjacent space (Type 41). All alcohol sales, dispensing, and consumption activities will be confined to the interior and outdoor seating areas designated for the restaurant.

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

1. Open the public hearing concerning Use Permit No. (UP) Modification 05-16; and
2. Receive the Staff Report and consider all public testimony (**PLEASE SEE PAGE ONE FOR SPECIAL INSTRUCTIONS ON SUBMITTING PUBLIC COMMENT DURING THE COVID-19 CRISES**); and
3. Close the public hearing; and
4. Adopt Resolution PC-2020-17, a Resolution of the Planning Commission of the City of Placentia, approving Use Permit Modification 05-16 and making findings to permit an existing 1,783-square foot restaurant (B&C Burgers) to expand business operations into an adjacent tenant space measuring approximately 575 square feet and adding the service of beer and wine for onsite consumption in the adjacent space (Type 41), on property located at 1868 N. Placentia Avenue, within the Neighborhood Commercial (“C-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 § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

**OLD BUSINESS:**

**NEW BUSINESS:**

**DEVELOPMENT REPORT:**

**DIRECTOR'S REPORT:**

**PLANNING COMMISSION REQUESTS**

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

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**ADJOURNMENT**

The Planning Commissioners CLOSE to the regular Planning Commission meeting on January 12, 2021 at 6:30 p.m. in the Front Community Meeting Room located at 401 East Chapman Avenue, Placentia CA, 92870.

**CERTIFICATION OF POSTING**

I, Joseph M. Lambert, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the December 8, 2020 Regular Meeting of the Planning Commission of the City of Placentia was posted on December 3, 2020.

  
\_\_\_\_\_  
Joseph M. Lambert, Secretary

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

November 10, 2020

The regular meeting of the Placentia Planning Commission of November 10, 2020 was called to order at 6:31 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Schaefer.

**ROLL CALL:**

PRESENT (TELEPHONICALLY): Commissioners Keller, Lee, Polichetti, Rocke, Perez,  
Schaefer

ABSENT: None

OTHERS PRESENT: Tom Duarte, Deputy City Attorney  
Joseph M. Lambert, Director of Development Services  
Andrew Gonzales, Senior Planner  
Lesley Whittaker, Associate Planner  
Arlen Beck, Assistant Planner  
Sylvia Minjares, Office Assistant

PLEDGE OF ALLEGIANCE: Vice Chair Perez

**ORAL COMMUNICATIONS:**

**CONSENT CALENDAR:**

1. **Planning Commission Meeting Minutes – October 13, 2020**  
**Recommended Actions:** Approve

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

Ayes: Keller, Lee, Polichetti, Rocke, Perez, Schaefer  
Noes: None  
Absent: None  
Abstain: None

**REGULAR AGENDA:**

**PUBLIC HEARINGS:**

1. **Applicant:** La Bibilioteca Cigar Lounge  
**Project Location:** 128 W. Santa Fe Ave. Unit B  
**Use Permit (UP) 2020-09:** A request to permit the establishment and operation of a 1,454 square foot retail cigar lounge of high-end cigars, spirits and accessories (Type 48 ABC license) with 80 member lockers, and 42 seats (34 seats inside and

8 seats within an outdoor patio) located at 128 W. Santa Fe Ave. Unit B in the Old Town Revitalization Plan (O-T) Zoning District.

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

1. Staff is recommending that this item be continued to the next regularly scheduled Planning Commission meeting to be held on December 8, 2020.

Chair Schaefer opened the public hearing.

Assistant Planner Arlen Beck presented the staff report and provided a brief overview of the proposal to the Commission.

Mr. Beck stated that although this public hearing item was posted and published as required, Staff requests a continuance to allow additional time to review the project before making a recommendation to the Commission.

Mr. Beck confirmed for Chair Schaefer that this is a new business.

No public comments were received.

Chair Schaefer closed the public hearing.

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

Ayes: Keller, Lee, Perez, Polichetti, Rocke, Schaefer  
Noes: None  
Absent: None  
Abstain: None

2. **Applicant:** City of Placentia

**Project Location:** Citywide

**General Plan Amendment (GPA) 2020-01, Zone Change (ZC) 2020-01 and Development Plan Review (DPR) 2020-01:**

A request to implement a series of discretionary actions that would ultimately allow for the development of 65 senior apartment homes in two, two-story residential buildings. 64 units are proposed as affordable housing units to households earning less than 60% of the Area Median Income and the remaining unit would be the manager's unit. The project proposes an additional 45 parking spaces for a total of 130 parking spaces onsite. The existing parish hall will be demolished and replaced with a new parish hall that will measure approximately 3,974 square feet with a 544-square-foot covered porch. A new children's picnic/lunch area is proposed. The project also proposes: a courtyard gathering space west of the Parish Hall, a gathering lawn with benches fronting North Angelina Drive, an outdoor terrace fronting North Angelina Drive, and a memorial garden with accent trees between the existing church building and the proposed new Parish Hall. The project requires the processing of a GPA to change the existing General Plan Land Use designation from "Low Density Residential" to "High Density Residential" and a ZC to change the existing Zoning

District of the project site from R-1 (Single-Family Residential) to R-3 (High Density Multiple-Family). The project applicant is also requesting a DPR to permit the construction of the two, two-story residential buildings and expansion of the Parish Hall building.

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

1. Open the public hearing concerning General Plan Amendment (GPA) No. 2020-01, Zoning Change (ZC) No. 2020-01, and Development Plan Review (DPR) No. 2020-01; and
2. Receive the Staff Report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution No. PC-2020-16, a Resolution of the Planning Commission of the City of Placentia, recommending that the City Council of the City of Placentia approve GPA 2020-01 modifying the existing Land Use designation of the project area from “Low Density Residential” to “High Density Residential”; recommending approval of ZC 2020-01 modifying the existing Zoning District designation of the project area from “Single Family Residential (R-1)” to “High Density Residential (R-3)”; and recommending approval of DPR 2020-01 for the construction of an affordable senior housing development consisting of an approximately 24,631-square foot, 32-unit, two-story building (“Building 1”) and an approximately 30,316-square foot, 33-unit, two-story building (“Building 2”), including the partial demolition and approximately 3,974-square foot addition to an existing parish hall on an existing 3.85-acre site, currently developed with a church sanctuary and daycare facility; and recommending the adoption of Mitigated Negative Declaration 2020-02 pursuant to the California Environmental Quality Act Guidelines (CEQA) set forth in Title 14 CCR §15074 and the City of Placentia Environmental Guidelines.

Chair Schaefer opened the public hearing.

Senior Planner Andrew Gonzales presented the staff report and provided an overview of the proposed project to the Commission. Mr. Gonzales also noted that if approval is recommended by the Planning Commission, this proposal will be presented to the City Council at a public hearing on December 1, 2020 for final action.

Mr. Gonzales confirmed that the Commissioners had received the public comments included in the agenda packet and also those that were forwarded to Staff electronically prior to the meeting.

Mr. Gonzales provided the Commissioners with the proposed site plan, floor plan, zoning requirements, elevations, landscaping plan, and architectural design.

Mr. Gonzales answered the Commissioners’ questions regarding parking requirements,

landscaping, solar panels, outdoor lighting, ADA compliance, amenities, and the developer's previous projects in other jurisdictions.

Public comments that were received during the public hearing were read to the Commission.

Mr. Gonzales and Mr. Lambert addressed the public's concerns regarding the balconies and building height. Development Services Director Joseph Lambert added information regarding the building setbacks and distances from buildings to property lines.

Mr. Gonzales and Mr. Lambert answered the Commission's questions and clarified points regarding the balconies, privacy concerns, current procedures for public comments, legal posting requirements, and the community meetings held prior to the public hearing.

Deputy City Attorney Tom Duarte confirmed for the Commission that it is not a requirement that public comments include a name and address, they may be submitted anonymously.

Chair Schaefer closed the public hearing.

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

Ayes: Keller, Lee, Perez, Polichetti, Rocke, Schaefer

Noes: None

Absent: None

3. **Applicant:** Tacos Way

**Project Location:** 1390 N. Kraemer Blvd.

**Use Permit (UP) Modification 93-01:** A request to permit an approximately 306-square foot expansion to an outdoor dining area located along the easterly side of the existing restaurant building. There is a small existing outdoor seating area on the westerly side along Kraemer and one on the easterly side by the front entrance and parking area. The existing easterly outdoor patio is located on the southern side of the front door, which seats 16 patrons. The request is to expand the patio on the easterly side, to the northern side of the front door, for the purpose of adding another 16 seats. The request is also to permit the service of beer, wine, and spirits (Type 47) on the patio to complement existing Type 47 service that exists inside the restaurant. Offering more outdoor seating will help business and add to the casual eating ambiance to complement the existing Type 47 service inside the restaurant.

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

1. Open the public hearing concerning Use Permit (UP) Modification 93-01; and
2. Receive the staff report and consider all public testimony; and

3. Close the public hearing; and
4. Adopt Resolution PC-2020-15, a Resolution of the Planning Commission of the City of Placentia, approving Use Permit Modification 93-01 and making findings to permit an approximately 306-square foot expansion to an outdoor dining area located along the easterly side of the existing building, permit the addition of a canopy over the existing outdoor seating area on the westerly side of the building, and permit the service of beer, wine, and spirits (Type 47) on the patio located on the easterly side of the building, at 1390 N. Kraemer Blvd., in the T-C (Town Center) 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. All alcohol sales, dispensing, and consumption activities will be confined within the interior and outdoor seating areas of the restaurant.

Associate Planner Lesley Whittaker presented the staff report and provided an overview of the proposed project to the Commission.

Ms. Whittaker provided a site plan, floor plan, project photos, surrounding uses, and hours of operation. Ms. Whittaker also noted that this project application resulted from a case initiated by our Code Enforcement Division, therefore, the easterly outdoor dining area has already been installed.

Ms. Whittaker and Development Services Director Joseph Lambert answered the Commissioner's questions regarding outdoor seating and the existing canopy. Mr. Lambert clarified that Staff is supportive of the canopy that has been installed.

No public comments were received.

Chair Schaefer closed the public hearing.

**Motion by Polichetti, second by Lee carried on a (6-0-0-0) vote to approve the recommended actions.**

Ayes: Keller, Lee, Perez, Polichetti, Rocke, Schaefer  
Noes: None  
Absent: None  
Abstain: None

**OLD BUSINESS:**

**NEW BUSINESS:**

**DEVELOPMENT REPORT:**

Director of Development Services Joseph Lambert provided updates regarding The Herald, JPI, Shea Homes, Audi Dealership and Brandywine Homes.

**DIRECTOR'S REPORT:**

**PLANNING COMMISSION REQUESTS:**

**ADJOURNMENT:**

Chair Schaefer closed the Planning Commission Regular Meeting at 8:04 p.m. to the regular meeting of Tuesday, December 8, 2020 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia, CA.

**Submitted by,**

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Joseph M. Lambert,  
Secretary to the Planning Commission



# Placentia Planning Commission

## AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: ARLEN BECK, ASSISTANT PLANNER

DATE: DECEMBER 8, 2020

SUBJECT: **USE PERMIT 2020-09 (LA BIBLIOTECA CIGAR LOUNGE); CONTINUED FROM NOVEMBER 10, 2020.**

### **RECOMMENDATION:**

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

1. Open the public hearing concerning Use Permit (UP) 2020-09;
2. Receive the staff report and consider all public testimony;
3. Close the public hearing;
4. Adopt Resolution PC-2020-18, a Resolution of the Planning Commission of the City of Placentia, approving Use Permit 2020-09 and making findings to permit the establishment and operation of a 1,454 square foot retail cigar lounge consisting of high-end cigars, with 80 member lockers, and 42 seats (34 seats inside and eight seats on the outside patio) located at 128 W. Santa Fe Ave., Unit B, in the Main Street Subarea of the Old Town Placentia Revitalization Plan (O-T) 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.

### **REQUEST:**

The applicant, Brad Johnson and Anna Ayupova, dba Chasefireclub, LLC, is requesting to permit the establishment and operation of a 1,454 square foot retail cigar lounge of high-end cigars, with 80 member lockers, and 42 seats (34 seats inside and eight seats on the outside patio) located at 128 W. Santa Fe Ave., Unit B, in the Main Street Subarea of the Old Town Placentia Revitalization Plan (O-T) Zoning District.

The request was initially heard by the Planning Commission on November 10, 2020 in which the Planning Commission voted 6-0-0 to approve staff's recommendation to continue the item to the next regularly scheduled Planning Commission meeting of December 8, 2020.

**PROJECT BACKGROUND AND DESCRIPTION:**

La Biblioteca will provide an open setting that caters to cigar enthusiasts with premium selections, an on-site sommelier, and open floor plan that is highlighted by an artisan ladder and a custom bookshelf humidior.

The subject property is located within the Old Town Placentia Revitalization Plan Zoning District, in the Main Street Subarea at 128 W. Santa Fe Avenue, Unit B. La Biblioteca is the DBA formed under the LLC ChaseFireClub and will be a retailer of premium high-end cigars and accessories. In addition to the retail and lounge area, there will be 80 member lockers for cigar storage in a temperature and humidity-controlled environment. Seating will be available for 42 guests (28 inside for the public, six in a private area for meetings/members, and eight on the proposed outside patio). La Biblioteca will be managed by tobacconist/cigar sommelier Anna Ayupova (attachment 6). Anna has 10 years of experience in the retail cigar industry. Currently, she is managing a private cigar lounge in Los Angeles. The cigar lounge hours of operation are proposed to be as indicated in the table below:

<b>Operating Hours</b>	
Monday	CLOSED
Tuesday - Sunday	12:00 PM to 12:00 AM

The proposed cigar lounge will employ the manager/owner Anna Ayupova, an additional full time employee, and two part time employees. Cigarettes, vapes, hookah, pipes or any cannabis related products will be strictly prohibited pursuant to PMC Chapters 8.42 and 23.46.

Per Labor Code section 6404.5(d)(4), there is an exception to the smokefree workplace law (AB 13). This exception allows smokers' lounges attached to or located in a retail or wholesale tobacco shop but has to abide by strict regulations. If a business does not meet all of the following criteria it does not qualify as a "retail or wholesale tobacco shop" under the smokefree workplace law and cannot allow smoking in their establishment pursuant to that exemption:

1. The main purpose of the business is the sale of tobacco products;
2. The business does not sell or serve other products for consumption, such as beverages or food;
3. The business has its own business license separate and apart from any other business;
4. The business has its own entrance to the premises, separate and apart from any other business;
5. The business has its own separate enclosure (unit, suite, etc.), separate and apart from any other business;
6. The lounge is attached to or inside of a retail or wholesale tobacco shop;
7. Other products such as food or beverages are not served for consumption in the lounge;
8. The lounge is used only for the consumption of tobacco products; it is not used for the consumption of other types of products such as beverage or food.

The request, as proposed, meets all the above requirements of the exception to the smokefree workplace law (AB 13) and will be considered exempt from that law.

**Applicable Code Section – Placentia Municipal Code**

The subject property is currently zoned Old Town Placentia Revitalization Plan - Main Street Subarea. The project will be required to comply with all development standards and use requirements set forth in the Placentia Municipal Code (PMC) for projects within the Old Town Placentia Revitalization Plan Zoning District. Pursuant to PMC Section 23.112.040, any establishment selling tobacco shall require a UP to be reviewed and evaluated at a noticed public hearing before the Planning Commission.

**Subject Site and Surrounding Land Uses**

The proposed retail cigar shop and lounge is located on the south side of Santa Fe Avenue, within the Old Town Placentia Revitalization Plan Zoning District. There are connecting tenants on both sides of La Biblioteca. The chart, below shows surrounding existing land uses, zoning designations, and General Plan Land Use Designations:

**Surrounding Land Uses:**

<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Element General Plan Designation</b>	<b>Zoning Map Designation</b>
<b>Subject Site</b>	La Biblioteca	Old Town	OT-Main St. (4 Story)
<b>North</b>	Multi-Tenant Commercial	Old Town	OT-Main St. (3 Story)
<b>South (across BNSF railway)</b>	Vacant	TOD	Transit Oriented Development Packing House District (TOD)
<b>West</b>	Mexico Supermarket	Old Town	OT-Main St. (4 Story)
<b>East</b>	H&R Block	Old Town	OT-Main St. (4 Story)

**ZONING COMPLIANCE ANALYSIS**

**Site Development Standards**

The project is located within the Old Town Placentia Revitalization Plan (O-T) Zoning District, within the Main Street (4-Story) Subarea. Table 3 of PMC Section 23.112.060 identifies parking requirements for Specialty Goods & Foods as two spaces per 1,000 square feet, and it is two spaces per 1,000 square feet for retail uses. No additional private parking spaces are proposed as part of this request, although a public parking lot is located directly south of the site. The proposed business will be located in an existing building which has been occupied in the recent past. PMC Section 23.112.060(c) provides an exception to parking requirements and states that providing parking in the Main Street Subarea for ground floor uses is optional. Considering the lack of

available land for additional parking, and with the parking exception identified by the PMC, staff can support the request as proposed.

### **Other Departments Concerns and Requirements**

The Divisions of Planning and Building, as well as the Placentia Police Department have reviewed the application, with no major concerns raised by other departments regarding the project proposal. The Planning 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 1).

### **ISSUES ANALYSIS:**

#### **General Plan Consistency**

The establishment and operation of a 1,454-square foot retail cigar lounge consisting of high-end cigars, with 80 member lockers, and 42 seats (34 seats inside and eight seats on the outside patio) is consistent with all of the policies, programs, and goals of the General Plan. More specifically, it is a goal of the General Plan Land Use Element under Goal LU – 1, to “Provide sites for a range of commercial uses, including shopping, dining, entertainment, and offices that provide a strong employment base and offer local services.” Allowing the establishment and operation of a 1,454 square foot retail cigar lounge consisting of high-end cigars, with 80 member lockers, and 42 seats will provide an additional service to customers and facilitate greater patronage to the Old Town Shopping district. This proposal is also consistent with the Economic Development Element Goal ED – 1, to “Maintain a healthy, balanced budget by diversifying and increasing the city’s revenue sources,” as there will be a steady revenue stream and additional patronage from the newly established retail cigar shop and smokers’ lounge.

#### **PMC Consistency**

Incorporation of the recommended conditions of approval will result in a project that complies with the provisions of the Old Town Placentia Revitalization Plan zoning district. The proposed request, with incorporation of the recommended conditions of approval, will meet or exceed the provisions of the Old Town Placentia Revitalization Plan zoning district and other applicable provisions of the PMC.

#### **Land Use Compatibility**

The project will be compatible with land uses in the surrounding area because the request to establish and operate of a 1,454 square foot retail cigar lounge of high-end cigars, with 80 member lockers, and 42 seats brings an additional service within an established commercial district containing primarily complementary commercial uses.

Planning staff recognizes that this business has the potential to impact the surrounding businesses and residents because of the odor associated with smoking cigars. Staff has asked the applicant to provide the material details for the filtration system that will be used. Staff is satisfied that the

proposed filtration system as proposed, (see attachment 5), will eliminate any nuisance to the surrounding businesses and residents. Furthermore, staff has included a condition of approval requiring the proposed business to exhaust smoke out and for the smoke to no pass through the A/C filter system.

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

**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 UP 2020-09 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 (Class 1 – Existing Facilities) as the permit would be issued to an existing facility.

**PUBLIC NOTIFICATION:**

Legal notice was published in the Placentia News Times on October 30, 2020, and notices were sent to property owners of record within a 300-foot radius of the subject property, posted at the civic center, and on the City website on October 29, 2020. As of December 3, 2020, staff has received no comments in support or opposition of the request.

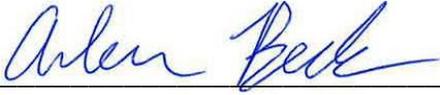
**CONCLUSION:**

The proposed request is consistent with the City’s General Plan and meets the minimum standards of the PMC. With the recommended conditions of approval, the proposed request, to establish and operate of a 1,454 square foot retail cigar lounge of high-end cigars, with 80 member lockers, and 42 seats located at 128 W. Santa Fe Avenue, Unit B, within the Old Town Placentia Revitalization Plan (O-T) zoning district will be compatible with adjacent land uses and will not result in any adverse impacts onto the surrounding area.

**RECOMMENDATION:**

The Planning Division recommends that the Planning Commission of the City of Placentia adopt the Resolution PC-2020-18 recommending approval of UP 2020-09.

**Prepared and submitted by:**



Arlen Beck  
Assistant Planner

**Review and approved by:**



Joseph M. Lambert  
Director of Development Services

Attachments:

1. Resolution No. 2020-18
  - a. attached Conditions of Approval
2. Project Plans Dated and Received October 29, 2020
3. Statement of Use Submitted by the Applicant Dated and Received November 17, 2020
4. Vicinity Map
5. Material Details for air and odor filtration system
6. Cigar Sommelier certificate for Anna Ayupova

**RESOLUTION NO. PC-2020-18**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2020-09 AND MAKING FINDINGS TO PERMIT THE ESTABLISHMENT AND OPERATION OF A 1,454-SQUARE FOOT RETAIL CIGAR LOUNGE OF HIGH-END CIGARS, WITH 80 MEMBER LOCKERS, AND 42 SEATS (34 SEATS INSIDE AND 8 SEATS ON THE OUTSIDE PATIO) LOCATED AT 128 W. SANTA FE AVE. UNIT B IN THE OLD TOWN PLACENTIA REVITALIZATION PLAN (O-T) ZONING DISTRICT.**

**A. Recitals.**

**WHEREAS**, Brad Johnson and Anna Ayupova, dba Chasefireclub, LLC, (“Applicant” hereinafter), located at 128 W. Santa Fe Avenue, Unit B, filed an application for approval of Use Permit (UP) No. 2020-09, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the “Application”;

**WHEREAS**, on December 8, 2020 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 UP 2020-09; and

**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, UP 2020-09 is hereby found to be consistent with the Placentia General Plan and the implementation thereof.

**SECTION NO. 2:** Based upon the 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 request for the establishment and operation of a 1,454 square foot retail cigar lounge of high-end cigars, with 80 member lockers, and 42 seats (34 seats inside and 8 seats on the outside patio) will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city, or (2) injurious to the property or improvements within the neighborhood or within the City. Subject to compliance with the attached Conditions of Approval and Standard Development Requirements (Attachment “A”), this use complies with all applicable code requirements and development

standards of the Old Town Placentia Revitalization Plan (OT-Main Street Subarea) zoning district and (3) it is not anticipated that the proposed request will generate any negative impacts onto adjacent properties or businesses. All primary activities shall be conducted within the enclosed building and the designated outside patio area, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements (Attachment "A").

b. The proposed request for the establishment and operation of a 1,454 square foot retail cigar lounge of high-end cigars, with 80 member lockers, and 42 seats (34 seats inside and 8 seats on the outside patio) is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is Old Town, which encourages retail uses that attract pedestrians and other patrons.

c. The proposed request for the establishment and operation of a 1,454 square foot retail cigar lounge of high-end cigars, with 80 member lockers, and 42 seats (34 seats inside and 8 seats on the outside patio), subject to the attached Conditions of Approval and Standard Development Requirements (Attachment "A"), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed request for the establishment and operation of a 1,454 square foot retail cigar lounge of high-end cigars, with 80 member lockers, and 42 seats (34 seats inside and 8 seats on the outside patio) is a conditionally permitted use in the Old Town Placentia Revitalization Plan-Main Street Subarea zoning district in the City of Placentia. Approval of the Use Permit for the proposed request will be consistent with the zoning as the site can accommodate the use.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the UP approval. Attachment "A" of this resolution contains Conditions of Approval and Standard Development Requirements specific to UP 2020-09 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 UP 2020-09 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 § 15301 (Class 1 – Existing Facilities) as the permit would be issued to an existing structure or facility.

**SECTION NO. 4:** The Planning Commission hereby directs that, upon approval of UP 2020-09, that 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 UP 2020-09.

**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, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 8<sup>th</sup> day of December, 2020.

\_\_\_\_\_  
CHRISTINE J. 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 8<sup>th</sup> day of December 2020, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 8<sup>th</sup> day of December, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

\_\_\_\_\_  
JOSEPH M. LAMBERT,  
SECRETARY TO THE PLANNING COMMISSION

APPROVED AS TO FORM

\_\_\_\_\_  
TOM DUARTE,  
ASSISTANT CITY ATTORNEY

ATTACHMENT "A"

**Attachment A**  
**Special Conditions of Approval and Standard Development Requirements for**  
**Use Permit 2020-09**  
**128 W. Santa Fe Avenue, Unit B**

**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 TO CONTINUE IN GOOD STANDING FOR THE USE PERMIT TO PERMIT THE ESTABLISHMENT AND OPERATION OF A 1,454 SQUARE FOOT RETAIL CIGAR LOUNGE OF HIGH-END CIGARS, WITH 80 MEMBER LOCKERS, AND 42 SEATS (34 SEATS INSIDE AND 8 SEATS ON THE OUTSIDE PATIO).**

**DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION:**

1. Use Permit (UP) 2020-09 is valid for a period of one (1) year from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved by the Director of Development Services.
2. Use Permit (UP) 2020-09 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may 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.

5. All Special Conditions of Approval and Standard Development Requirements of Use Permit No. 2020-09 shall be included on separate sheets with approved Special Conditions of Approval and Standard Development Requirements to be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
6. Any changes or modifications to Use Permit (UP) 2020-09 shall be subject to review and approval by the Director of Development Services or designee, with substantial changes or modifications subject to Planning Commission review and approval.
7. Any modifications to the approved floor plan or changes to the business operation hours, which do not expand or intensify the present use shall be reviewed by the Director of Development Services and may be modified administratively. Modifications to the approved floor plan or changes to the business operation hours, which expand or intensify the present use may be brought to the Planning Commission for modification at the discretion of the Director of Development Services. The sale and service of any alcoholic beverages is considered an expansion of use and will require a modification to this Use Permit, which shall be brought before the Planning Commission for review and approval.
8. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant, current business owner, and/or property owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant, current business owner, and/or property owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
9. The applicant, current business owner, and/or property owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant, current business owner, and/or property owner within 48 hours of defacement and/or upon notification by the City. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Director of Development Services.
10. The applicant, current business owner, and/or property owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain approval of a City

Business License. The applicant, current business owner, and/or property owner shall maintain a valid City Business License at all times during operation of the business.

11. This Use Permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements.
12. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Director and the Police Department's Administrative Lieutenant at least 14 days in advance.
13. All signage must comply with PMC 23.112.070.
14. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation. All portable signs, to include, but not limited to pole flags, inflatable devices and a-frames are prohibited.
15. All commercial trash and waste bins shall be kept inside decorative trash enclosures. The dimensions and access gates of all trash enclosures shall comply with City standard and refuse company standard requirements at the time building permits are issued. All trash and waste enclosure gates shall remain closed at all times, except during disposal and pick-up. Trash pick-up shall be done on a regular basis.
16. Delivery and pickup of all store supplies shall occur before store opening. One additional pickup may occur daily. Delivery shall be made by a truck no larger than a 16 foot long box truck.
17. Only tobacco-based products shall be sold or smoked in the smokers' lounge designated area. No other substance shall be smoked, sold, or distributed, including but not limited to, marijuana.
18. To prevent noise spillage, the doors shall be kept closed except as patrons enter and exit. The doors shall not be propped open during business hours.
19. Any patron appearing to be intoxicated or under the influence of a controlled substance shall be restricted entrance into the facility.
20. The consumption or possession of alcoholic beverages is strictly prohibited on the subject premises.
21. All storefront windows shall be unobstructed to allow clear visibility into the facility. Windows may be temporarily obstructed with window shades and/or similar during only the period of the most sun exposure.

22. The reception desk, waiting areas, all entrance/exits, and all fixed/permanent money handling areas shall have surveillance coverage through the use of security surveillance cameras. The cameras shall not be the scanning type. The cameras shall remain fixed and positioned to capture all areas for which it is installed. The cameras must be operating during all business hours. High definition digital images or videos captured from these cameras shall be maintained for a period of 90 days and shall be immediately made available for the Chief of Police or his/her designee holds the right to request additional cameras be installed if it is found that there is not a sufficient amount of cameras to cover all areas of concern. The Chief of Police or his/her designee holds the right to request a change in position of camera(s) if the position of the camera(s) does not cover necessary areas as it relates to the police departments safety concerns. The business owners must fulfill this request within seven calendar days.
23. The business shall post signs at the entrance doors and in the interior of the business that are clearly visible to patrons, these signs will state that the business premises and all patrons are under camera/video surveillance.
24. All interior areas of the business shall remain well lit during business hours. If the lighting is not sufficient, the Chief of Police or his/her designee can demand that the business, its proprietors, or employees increase the lighting immediately. If additional lighting fixtures are needed, as recommended by the Police Department, the proprietor must comply within seven calendar days.
25. All patrons shall be at least 21 years of age or older and produce a photo ID showing proof of age prior to entering the facility.
26. No loitering shall be permitted. "No loitering" signs shall be posted at the front and rear of the business. No outside waiting is permitted.
27. The use shall comply with the following:
  - a. Prior to any changes to the days and hours of operation, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

<b>Operating Hours</b>	
Monday	CLOSED
Tuesday - Sunday	12:00 PM to 12:00 AM

- b. No vending machines of any kind shall be installed outdoors within the project site.
- c. There shall be no public pay phones installed within or upon any portion of the premises.
- d. No outside storage, including the display of vehicles within the parking lot area or displays shall be permitted at any time.

- e. The use shall comply with all provisions of the PMC, including Chapter 23.76 Noise Control.
28. The smokers' lounge and/or the cigar lounge shall meet all of the following requirements to qualify for the tobacco shop or smokers' lounge exemption created by California Labor Code 6404.5(i)(d)(4).
- a. The main purpose of the business is the sale of tobacco products and smoking accessories
  - b. The business does not sell or serve other products for consumption, such as beverages or food.
  - c. The business has its own business license separate and apart from any other business
  - d. The business has its own entrance to the premises, separate and apart from any other business
  - e. The business has its own separate enclosure (unit, suite, etc.), separate and apart from any other business.

If a space does not meet all of the following criteria, it does not qualify as a "private smokers' lounge" under the smoke free workplace law and cannot allow smoking within its walls pursuant to that exemption:

- f. The lounge is attached to or inside of a retail or wholesale tobacco shop that meets the criteria listed above.
- g. Other products such as food or beverages are not served for consumption in the lounge.
- h. The lounge is used only for the consumption of tobacco products; it is not used for the consumption of other types of products such as beverages or food.

**DEVELOPMENT SERVICES DEPARTMENT – BUILDING DIVISION:**

- 29. The plans shall be prepared by a California Licensed Architect.
- 30. Shall submit a site plan addressing complete site accessibilities requirement.
- 31. Shall address minimum one van accessible and one standard accessible parking stall and accessible path of travel from the stalls to building entry.
- 32. Shall provide exhaust systems to exhaust the smokes out so the smokes will not pass through A/C filter systems.

33. Shall address disabled seats at Lounge Area, Private Lounge, and Patio Deck.
34. The entry and exit doors shall be completely accessible, which shall be detailed on plans.
35. The restroom, storages, & offices shall be accessible.
36. All interior doors shall be accessible, which shall have details on plans.

**POLICE DEPARTMENT:**

37. The “Private Lounge” is to have a non-locking door.
38. Minimum six-foot high tubular steel fencing shall be installed to restrict public access to the back patio and rear building door. A gate to the rear parking area shall have locking hardware, as approved by the building department, but must always be locked from the exterior (parking area side), and be designed with mesh around the locking device so as to prevent manipulation of the lock from the exterior. The gate is to be signed as an Emergency Exit Only.
39. Public access to the patio shall only be from the building exterior door.
40. The patio and rear parking area are to be illuminated with a minimum maintained one foot-candle of light during business hours. A photometric study shall be presented to the city for approval.

**PLACENTIA FIRE AND LIFE SAFETY DEPARTMENT:**

Unless specifically stated herein, these conditions shall not be construed to permit or allow deviation from any Federal or State laws nor any of the local codes and ordinances adopted by this jurisdiction. The City of Placentia enforces the California Code of Regulations (CCR), Title 24, Part 9, 2019 California Fire Code with local amendments. In addition, CCR Title 19 requirements may be applicable. The design professional should refer to these provisions for guidance when developing project drawings and specifications.

The following conditions apply to the proposed project:

32. The following information is required and/or is to be revised:
  - a. Revise the occupancy group from M to B or A-2.
  - b. The code design is to be the current adopted codes of CCR Title 24 (2019).

- c. The occupant load is to be based on CA Building Code Chapter 10.
  - d. Provide information as to whether the fire protection systems exist.
33. Extinguishers: A 2A10BC fire extinguisher shall be installed with no more than 75ft travel distance in accordance with CA Fire Code Section 906.
34. The following plan submittals are required to be submitted and reviewed by the Placentia Fire and Life Safety Department:
- a. Architectural Plan (Tenant Improvement)
  - b. Fire Sprinkler Plan (If applicable)

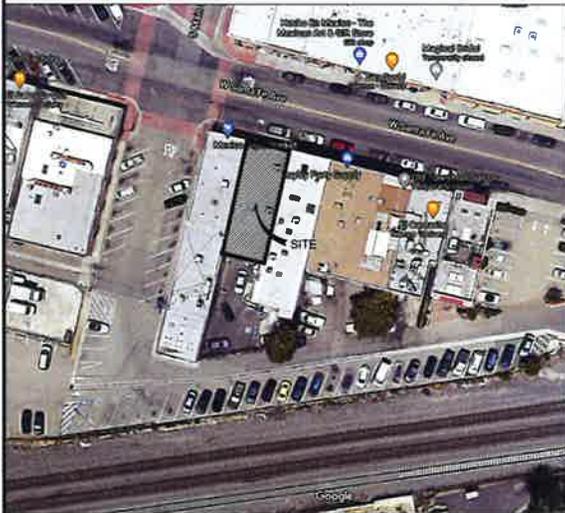


128 W SANTA FE AVENUE  
PLACENTIA CA 92870

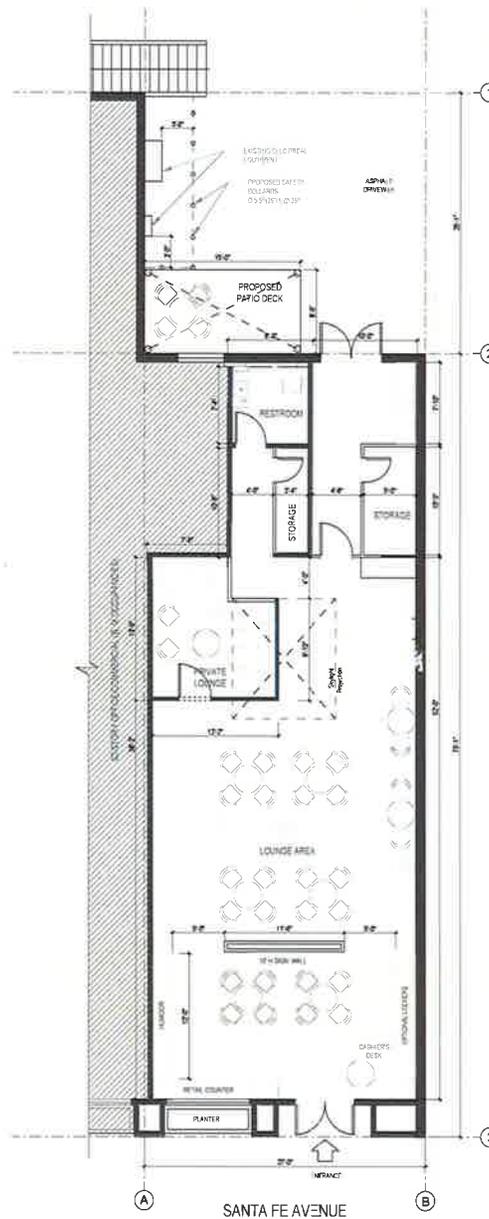
STREET VIEW



SATELLITE MAP



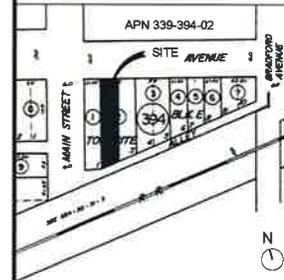
1 FLOOR PLAN



VICINITY MAP



TRACT MAP



PROJECT INFORMATION

ADDRESS	128 W SANTA FE AVE PLACENTIA CA 92870
LEGAL DESCRIPTION:	PLACENTIA TOWNSITE
TRACT	E
BLOCK	2
LOT	339-394-02
APN	
BUILDING TYPE	R/ NON RATED
STORIES	01 STORY
ZONING	RT-C
OCCUPANCIES	M
BUILDING AREA	1,454 SQ. FT.
PROPOSED USE	NON-RESTAURANT RETAIL
FIRE RESISTANCE	NOT REQUIRED (2021 CBC TABLE 3-9)
OCCUPANCY LOAD	1,459 / 50 = 49
EGRESS REQUIREMENT	49 / 50 = 98 + 1
PARKING	1,459 / 500 = 2.918 > 3

PROJECT SCOPE

SINGLE STORY COMMERCIAL TENANT IMPROVEMENT  
INTERIOR SPACE PLANNING AND OUTDOOR PATIO DECK

LEGEND

	EXISTING WALL
	NEW NON-BEARING INTERIOR PARTITION WALL
	REMOVE EXISTING NON-STRUCTURAL WALL
	PROJECTION LINE

LIGHT HOUSE

LightHouse USA Corporation  
6000 MacArthur Blvd.  
Ste 550  
Newport Beach, California 92660  
+1 (949) 271-7343  
www.lighthousecorp.us

FUTURE BUILDERS

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT. THE DESIGN SHALL BE PROTECTED BY THE ARCHITECT'S PROFESSIONAL LIABILITY INSURANCE POLICY AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT IS PROHIBITED.

SUBMITTALS	DATE	DESCRIPTION
PRELIM		
50% DEPT.		
90% DEPT.		

# ISSUES	NO.	DATE	DESCRIPTION
1			
2			

CLIENT:  
La Biblioteca LLC  
128 W. Santa Fe Ave  
Placentia, CA 92870  
Anne Ayupova, Brad Johnson  
+1 (949) 500-0420

PROJECT



La Biblioteca  
Cigars Spirits Experience  
128 W. Santa Fe Ave  
Placentia, CA 92870

REVISIONS	NO.	DATE	REVISION
1			
2			

DESIGN	CHECKED
STAFF	AZ

CAD FILE

JOB NO.

DATE

10/15/2020

SCALE

3/8"=1' - USA

TITLE

IMPROVEMENT PLAN

SHEET

A-1.0



November 17, 2020

Arlen Beck  
401 East Chapman Avenue  
Placentia CA 92870

Arlen:

This letter is to follow up on your email on November 16, 2020 in regard to UP 2020-09. La Biblioteca is our DBA formed under the LLC ChaseFireClub that will be a premium retailer and lounge of high-end cigars and accessories. The concept is to provide products, services and an environment that compliments the gentrification of Old Town Placentia. Please see the following details of our business plan to support UP 2020-09:

- In addition to the retail and lounge area, we will provide 80 member lockers for our regular clientele for cigar storage in a temperature and humidity-controlled environment.
- Seating will be available for 42 guests (28 inside for the public, 6 in a private area for meetings/members and 8 on our outside patio.
- Our Hours of operation will be from 12 pm – 12 am 6 days a week. We will be closed on Monday's; however, members will be allowed access to their lockers on Mondays.
- La Bibliotec will be managed by tobacconist/cigar sommelier Anna Ayupova (certificate is attached). Anna has 10 years of experience in the retail cigar industry. Currently she is managing a private cigar lounge in Los Angeles. In addition, Anna is a social media influencer focused on the cigar lifestyle. Please see the employment breakdown.
  - o Manager/owner Anna Ayupova
  - o An additional FTE
  - o 2 PTE
  - o Brad Johnson has 25 years of corporate management experience and is the current president of Zemarc Corporation, responsible for all P&L across multiple locations with an employee base of sixty.
- Parking will be available for employees in the back lot, although many public parking spaces are available to guests in the surrounding area.
- Ventilation will comprise of 2 units, each 4 tone, to pull in the outside air supply with 3 exhaust fans, 2500 cfm per fan.
- Cigarettes, vapes, hookah, pipes or any cannabis related products WILL BE STRICTLY PROHIBITED on the premises.

The La Biblioteca will provide an open setting that caters to cigar enthusiasts with our premium selections, on-site sommelier, open floor plan that is highlighted by our custom bookshelf humidor and artisan ladder that sets the atmosphere for our clientele. We believe the ambiance of La Biblioteca provides a calm and relaxing environment that supports Old Town Placentia transformation while complementing the existing businesses.

Thank You,

Anna Ayupova and Brad Johnson

ChaseFireClub



# ATTACHMENT B. VICINITY ZONING MAP UP 2020-09; 128 W. SANTA FE AVE. SUITE B



Aerial A.

Zoning Code	
<span style="color: red;">■</span> C-1	<span style="color: lightgreen;">■</span> R-3
<span style="color: red;">■</span> C-1 (O)	<span style="color: lightgreen;">■</span> R-3 (O-1)
<span style="color: red;">■</span> C-1 (O-1)	<span style="color: yellowgreen;">■</span> R-A
<span style="color: pink;">■</span> C-2	<span style="color: olivegreen;">■</span> R-G
<span style="color: pink;">■</span> C-2-H65	<span style="color: olivegreen;">■</span> R-G (O)
<span style="color: pink;">■</span> C-M	<span style="color: olivegreen;">■</span> R-G(O) & C-1 (O)
<span style="color: pink;">■</span> C-O	<span style="color: teal;">■</span> RPC (O)
<span style="color: purple;">■</span> M	<span style="color: lightblue;">■</span> SP-1
<span style="color: purple;">■</span> M (O)	<span style="color: lightblue;">■</span> SP-2
<span style="color: purple;">■</span> M (PMD)	<span style="color: cyan;">■</span> SP-3
<span style="color: grey;">■</span> PUD-1	<span style="color: cyan;">■</span> SP-4
<span style="color: grey;">■</span> PUD-2	<span style="color: cyan;">■</span> SP-5
<span style="color: grey;">■</span> PUD-2 (O)	<span style="color: blue;">■</span> SP-6 (O)
<span style="color: grey;">■</span> PUD-3	<span style="color: blue;">■</span> SP-7
<span style="color: grey;">■</span> PUD-3 (O)	<span style="color: blue;">■</span> SP-8
<span style="color: grey;">■</span> PUD-4	<span style="color: blue;">■</span> SP-9
<span style="color: yellow;">■</span> R-1	<span style="color: blue;">■</span> SP-10
<span style="color: yellow;">■</span> R-1 (MHP)	<span style="color: purple;">■</span> T-C
<span style="color: yellow;">■</span> R-1 (O)	<span style="color: green;">■</span> Old Town
<span style="color: orange;">■</span> R-2	<span style="color: orange;">■</span> TOD
<span style="color: orange;">■</span> R-2 (MHP)	<span style="color: grey;">■</span> N/A



Aerial B.



Tap image to zoom.



DAYTON

**GRAINGER**CHOICE

## Unassembled Upblast Ventilator, 18 1/2 in Wheel Dia., Belt-Drive

Item # **7A630** Mfr. Model # **7A630**  
UNSPSC # **40101502** Catalog # **2953**  
# Page #

Country of Origin Varies. Country of Origin is subject to change.

This centrifugal belt-drive upblast ventilator is designed for use in restaurants, schools, and commercial

Web Price i

**\$1,758.00** / each

This item requires special shipping, additional charges may apply.

Qty  
**1**

**Add to Cart**

Shipping

Pickup

Availability  
Expected to arrive **Fri. Dec 04.**

Ship to **92626** | [Change](#)

Shipping Weight **136.2 lbs**  
[Ship Availability Terms](#)

[Add to List](#)

## Technical Specs

Item	Upblast Ventilator	Mounting Location - Roof Ventilators	Roof
Drive Type - Roof Ventilators	Belt Drive	Number of Speeds	1
Drive Package With Motor Included	Yes	Wheel Dia.	18 1/2 in
Base Size - Roof Ventilators	30 in x 30 in	Item - Roof Ventilators	Upblast Ventilator
Duty Rating - Roof Ventilators	Standard	CFM @ 0.000-In. SP	4477
Voltage - Roof Ventilators	115 V AC/208 V AC/230 V AC	CFM @ 0.125-In. SP	4348
Motor HP - Roof Ventilators	1	CFM @ 0.250-In. SP	4224



With prior approval and recommendation of the  
Faculty hereby confers upon

**Anna Ayupova**

The International Certificate of

**CIGAR SOMMELIER**

In witness where of this Diploma is issued under  
the seal of the

**INTERNATIONAL ASSOCIATION OF CIGAR SOMMELIERS**

  
**Yamir Pelegrino, PhD**  
Director of Education  
Habana, Cuba

  
**Miguel Macias, MBA**  
Executive Director  
Santiago, Dominican Republic



# Placentia Planning Commission

## AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: ARLEN BECK, ASSISTANT PLANNER

DATE: DECEMBER 8, 2020

SUBJECT: **USE PERMIT (UP) MODIFICATION NO. 05-16; 1868 N. PLACENTIA AVE. (B & C BURGERS)**

### **RECOMMENDATION:**

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

1. Open the public hearing concerning Use Permit (UP) Modification 05-16 (B & C Burgers)
2. Receive the staff report and consider all public testimony;
3. Close the public hearing;
4. Adopt Resolution PC-2020-17, a Resolution of the Planning Commission of the City of Placentia, approving Use Permit Modification 05-16 and making findings to permit an existing 1,783-square foot restaurant (B&C Burgers) to expand business operations into an adjacent tenant space measuring approximately 575 square feet and adding the service of beer and wine for onsite consumption in the adjacent space (Type 41), on property located at 1868 N. Placentia Avenue, within the Neighborhood Commercial ("C-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 § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

### **REQUEST:**

The applicant, Benito Aguayo representing B & C Burgers, is requesting to permit an existing 1,783-square foot restaurant (B&C Burgers) to expand business operations into an adjacent tenant space measuring approximately 575 square feet and adding the service of beer and wine for on-site consumption in the adjacent space (Type 41). All alcohol sales, dispensing, and consumption activities will be confined to the interior and outdoor seating areas designated for the restaurant.

### **PROJECT BACKGROUND AND DESCRIPTION:**

The subject property is located within an existing multi-tenant commercial shopping center, the Sierra Vista Shopping Center, at 1868 N. Placentia Ave. There are a variety of businesses in the same plaza including Tony's Little Italy, Crunch Fitness, Dollar Tree, and Grocery Outlet. B & C

Burgers has operated in the City of Placentia since 2001. It is a full-service restaurant offering a wide variety of food and serves breakfast, lunch, and dinner.

There are a total of four (4) full-time employees and seven (7) part-time employees on the premises at a given time. All employees have completed the “California Food Handlers Course” by State Food Safety Training and Certification, and the restaurant has been approved for “Restaurant Operations” by the Orange County Health Department. B & C Burgers has three vehicles, which includes 1 pickup truck and 2 service vans. The current hours of operation are 7:00 A.M. to 9:00 P.M on Mondays through Saturdays and from 7:00 A.M. to 8:00 P.M. on Sundays, with the hours of alcohol sales to occur only during operating hours.

Use Permit 05-16 previously allowed for an ABC Type 41 License (the onsite sale, dispensing, and consumption of beer and wine), which B & C Burgers has been utilizing. The ability to offer beer and wine alongside food is important to the B & C Burgers business model. Alcohol will be served and consumed inside the restaurant and in the existing outdoor seating area, as previously permitted, as well as in the adjacent space that B & C Burgers will be expanding into. A Use Permit Modification is required because of the expansion of business operations. The business owner, Benito Aguayo, has already entered into an agreement with the property landlord to lease the proposed adjacent space. B & C Burgers does not provide an on-premise bar area designated primarily for the service of alcoholic beverages. All alcoholic beverages are to be served with food. With incorporation of the attached Conditions of Approval, onsite beer and wine sales are not anticipated to pose any significant safety or security risks.

### **Applicable Code Section – Placentia Municipal Code**

The subject property is currently zoned Neighborhood Commercial (C-1). The project will be required to comply with the development standards and use requirements set forth in the Placentia Municipal Code (PMC 23.33, “C-1” – Neighborhood Commercial) for projects within the C-1 Zoning District. Pursuant to PMC Section 23.33.040(4), any establishment that sells alcoholic beverages including on-sale and off-sale shall require a UP to be reviewed and approved at a noticed public hearing before the Planning Commission.

### **Subject Site and Surrounding Land Uses**

The existing restaurant is located within a multi-tenant shopping center, at the southwest corner of Placentia Avenue and Bastanchury Road. The table on the following page, shows surrounding existing land uses, zoning designations, and General Plan Land Use Designations:

**Surrounding Land Uses:**

<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Element General Plan Designation</b>	<b>Zoning Map Designation</b>
<b>Subject Site</b>	Sierra Vista Shopping Center	Commercial	C-1 (Neighborhood Commercial)
<b>North (across W. Bastanchury Road)</b>	Single Family Residences	Low Density Residential	R-1
<b>South</b>	Single Family Residences	Low Density Residential	R-1
<b>East</b>	Single Family Residences	Low Density Residential	R-1
<b>West (across N. Placentia Avenue)</b>	Sierra Vista Elementary School	Schools and Institutional	R-1

**ZONING COMPLIANCE ANALYSIS**

**Site Development Standards**

The project is located within the C-1 Zoning District. There will be no changes to the building footprint as a result of the project.

**EXISTING ABC LICENSES WITHIN ONE-HALF MILE RADIUS OF SUBJECT SITE**

Currently, there is only one other business, Tony's Little Italy, located within the Sierra Vista Shopping Center that is licensed to sell beer and wine for on-site consumption (Type 41 ABC License). The table on the following page, shows all businesses within a one-half mile radius of the subject site with an existing ABC license indicating their ABC license type.

<b>Business</b>	<b>Address</b>	<b>License Type</b>
Grocery Outlet	1820 N. Placentia Ave	21, Off-Sale General
Tony's Little Italy	1808 N. Placentia Ave	41, On-Sale Beer and Wine for Bona Fide Public Eating Place
Vista Verde Liquor	1855 N. Kraemer Blvd	21, Off-Sale General
Gina Maria's Pizza	1525 N. Placentia Ave, #C & D	41, On-Sale Beer and Wine for Bona Fide Public Eating Place 58, Caterer's Permit

**Other Departments Concerns and Requirements**

The Divisions of Planning and Building, as well as the Environmental Compliance Officer, have reviewed the application with no major concerns raised with the project proposal. The Planning 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**

The expansion of the existing restaurant into the adjacent tenant space, and the request to allow on-site sale, dispensing, and consumption of beer and wine in the adjacent space is consistent with all of the policies, programs, and goals of the General Plan. More specifically, it is a goal of the General Plan Land Use Element under Goal LU – 1, to “Provide sites for a range of commercial uses, including shopping, dining, entertainment, and offices that provide a strong employment base and offer local services.” Allowing the restaurant to expand into the adjacent tenant space and to allow the on-site sale and consumption of beer and wine at the B & C Burgers restaurant will provide an additional service to customers and facilitate greater patronage to the shopping center and to the entire C-1 Zoning District. This proposal is also consistent with the Economic Development Element Goal ED – 1, to “Maintain a healthy, balanced budget by diversifying and increasing the city’s revenue sources,” as there will be a steady revenue stream and additional patronage from the restaurant.

**PMC Consistency**

Incorporation of the recommended conditions of approval will result in a project that complies with the provisions of the C-1 Zoning District. The proposed request, with incorporation of the recommended conditions of approval, will meet or exceed the provisions of the C-1 Zoning District and other applicable provisions of the PMC, including minimum parking requirements.

### **Land Use Compatibility**

The project will be compatible with the land uses of the surrounding area because the request to expand the restaurant dining area into the adjacent tenant space will bring additional customers within an established commercial district containing primarily complementary commercial uses. The nature of the use will not have adverse impacts on adjacent business and properties.

### **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 UP (MOD) 05-16 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 (Class 1 – Existing Facilities) as the permit would be issued to an existing facility.

### **PUBLIC NOTIFICATION:**

Legal notice was published in the Placentia News Times on November 26, 2020. Notices were sent to property owners of record within a 300-foot radius of the subject property, posted at the Civic Center, and on the City website on November 24, 2020. As of December 3, 2020, staff has received no comments in support or opposition of the request.

### **CONCLUSION:**

The proposed request is consistent with the City’s General Plan and meets the minimum standards of the PMC. With the recommended conditions of approval, the proposed request to permit an existing 1,783-square foot restaurant (B&C Burgers) to expand business operations into an adjacent tenant space measuring approximately 575 square feet, which will offer the service of beer and wine (Type 41 ABC License) located at 1868 N. Placentia Ave., in the C-1 (Neighborhood Commercial) Zoning District, will be compatible with adjacent land uses and will not result in any adverse impacts onto the surrounding area. which will also be compatible with adjacent land uses.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission of the City of Placentia adopt Resolution PC-2020-17 recommending approval of UP (MOD) 05-16.

### **Prepared and submitted by:**



Kathrine Kuo  
Planning Intern



Arlen Beck  
Assistant Planner

**Review and approved by:**



Joseph M. Lambert  
Director of Development Services

**Attachments:**

1. Resolution No. 2020-17
  - a. Conditions of Approval and Standard Development Requirements
2. Vicinity/Zoning Map
3. Project Plans Dated November 16, 2020
4. Statement of Use Submitted by the Applicant Dated November 6, 2020

**RESOLUTION NO. PC-2020-17**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT MODIFICATION NO. 05-16 AND MAKING FINDINGS TO PERMIT AN EXISTING 1,783-SQUARE FOOT RESTAURANT (B&C BURGERS) TO EXPAND BUSINESS OPERATIONS INTO AN ADJACENT TENANT SPACE MEASURING APPROXIMATELY 575 SQUARE FEET, WHICH WILL OFFER THE SERVICE OF BEER AND WINE (TYPE 41) LOCATED AT 1868 N. PLACENTIA AVENUE, IN THE C-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT AND MAKING FINDINGS THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS SET FORTH IN TITLE 14 CCR § 15301 (CLASS 1 – EXISTING FACILITIES) AND THE CITY OF PLACENTIA ENVIRONMENTAL GUIDELINES.**

**A. Recitals.**

**WHEREAS**, Benito Aguayo representing B & C Burgers (“Applicant” hereinafter), located at 1868 N. Placentia Avenue, filed an application for approval of Use Permit Modification (UP (MOD)) No. 05-16, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the “Application”;

**WHEREAS**, on December 8, 2020, 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 UP (MOD) 05-16; and

**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 upon the 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 request for the expansion of the existing restaurant into the adjacent tenant space and allowing the expanded service of beer and wine at an existing restaurant in the adjacent space will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city; or, (2) injurious to the property or improvements within the neighborhood or within the City. Subject to compliance with the attached Conditions of Approval and Standard Development Requirements (Attachment “A”), this use

complies with all applicable code requirements and development standards of the C-1 zoning district; and, (3) it is not anticipated that the existing B & C Burgers restaurant expanding into the adjacent 575 square foot space will generate any significant negative impacts onto adjacent properties and businesses. All primary activities shall be conducted within the interior seating area, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed request for the expansion into the adjacent tenant space and the service of beer and wine (Type 41) at an existing restaurant in the adjacent tenant space is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is Commercial.

c. The proposed request for the expansion into the adjacent tenant space and the service of beer and wine in the adjacent tenant space subject to the attached Conditions of Approval and Standard Development Requirements (Attachment "A"), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed request for the expansion to the adjacent tenant space is a conditionally permitted use in the C-1 Zoning District in the City of Placentia. Approval of the Use Permit for the proposed request will be consistent with the zoning as the site can accommodate the use, and other similar uses have been conditionally permitted within other similar commercial districts.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the UP approval. Attachment "A" contains Conditions of Approval and Standard Development Requirements specific to UP (MOD) 05-16 to ensure compliance with the Placentia Municipal Code (PMC).

**SECTION NO. 2:** Based upon the environmental review of the project, the Planning Commission finds that UP (MOD) 05-16 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 § 15301 (Class 1 – Existing Facilities) as the permit would be issued to an existing structure or facility.

**SECTION NO. 3:** The Planning Commission hereby directs that, upon approval of UP (MOD) 05-16, a Notice of Exemption shall be filed with the Orange County Clerk/Recorder.

**SECTION NO. 4:** Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves UP (MOD) 05-16.

**SECTION NO. 5:** The Secretary to the Planning Commission shall:

a. Certify to the adoption of this Resolution; and

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

ADOPTED AND APPROVED THIS 8<sup>TH</sup> DAY OF DECEMBER, 2020

\_\_\_\_\_  
CHRISTINE J. 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 8<sup>h</sup> day of December, 2020, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 8<sup>th</sup> day of December, 2020, 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

\_\_\_\_\_  
TOM DUARTE,  
ASSISTANT CITY ATTORNEY

**Attachment A: Conditions of Approval for Use Permit Modification No. 05-16**

**Attachment A**  
**Special Conditions of Approval and Standard Development Requirements for**  
**Use Permit (Modification) 05-16**  
**1868 N. Placentia Avenue**

**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 TO CONTINUE IN GOOD STANDING FOR THE USE PERMIT MODIFICATION TO PERMIT THE EXPANSION INTO THE ADJACENT TENANT SPACE AND THE SERVICE OF BEER AND WINE.**

**DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION:**

1. Use Permit Modification UP (MOD) 05-16 is valid for a period of one (1) year from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved by the Director of Development Services.
2. If the use permitted by UP (MOD) 05-16 ceases for a continuous period of one (1) year, it shall be considered abandoned and UP (MOD) 05-16 shall be considered expired. The use can be reinstated only after approval of a new use permit.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may 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.

5. Any changes or modifications to Use Permit Modification UP(MOD) 05-16 shall be subject to review and approval by the Director of Development Services or designee, with substantial changes or modifications subject to Planning Commission review and approval.
6. There shall be no additional modifications to the approved plans without approval from the Director of Development Services or his/her designee. Any additional changes to the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Use Permit.
7. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant, current business owner, and/or property owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant, current business owner, and/or property owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
8. The applicant, current business owner, and/or property owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant, current business owner, and/or property owner within 48 hours of defacement and/or upon notification by the City. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Director of Development Services.
9. The applicant, current business owner, and/or property owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain approval of a City Business License. The applicant, current business owner, and/or property owner shall maintain a valid City Business License at all times during operation of the business.

10. This Use Permit may be reviewed at the discretion of the Director of Development Services in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements.
11. This approval and these conditions of approval hereby supersede the previously adopted Conditions of Approval related to Use Permit No. 05-16, as set forth herein.
12. This establishment shall operate as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC). The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen and the kitchen shall be open and preparing food during all operating hours. The service of only appetizers or salads shall not be deemed in compliance with this requirement.
13. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental (secondary and minor in comparison) to the sale of food.
14. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Director and the Police Department's Administrative Lieutenant at least 14 days in advance.
15. Alcoholic beverages may not be sold between the hours of 11:00 PM and 7:00 AM from Monday through Saturday and between the hours of 11:00 PM and 7:00 AM on Sunday.
16. Alcoholic beverages shall be sold only in conjunction with the sales/service of food.
17. All conditions of the Department of Alcoholic Beverage Control (ABC) shall be applicable.
18. Use Permit Modification UP (MOD) No. 05-16 allows the Type 41 service of beer and wine in the 575 S.F. addition to B & C Burgers along with the existing 1,783 S.F. restaurant.
19. Service of beer and Wine (ABC Type 41 license) in the outdoor seating area(s) designated for this restaurant shall be permitted by this Use Permit Modification subject to all applicable Department of Alcoholic Beverage Control (ABC) requirements and approvals.
20. All patrons who appear under the age of 30 shall be required to show some form of identification or they will not be served an alcoholic beverage. All forms of out-of-state identification shall be checked by the authorized representative of the owner of

the licensed on premises in the Driver's License Guide. Upon presentment to the authorized representative of the owner of the licensed premises, the patron's form of identification shall be removed from the patron's wallet or any plastic holder and inspected for any alterations through a closer visual inspection. A sign indicating this policy shall be prominently posted in a place that is clearly visible to patrons. Only the following forms of identification will be acceptable:

- a. Valid driver's license
- b. Valid State identification card
- c. Valid passport
- d. Current military identification
- e. U.S. Government immigrant identification card

14. Patrons who appear obviously intoxicated shall not be served any alcoholic beverages.
15. Persons serving alcoholic beverages are to attend a Responsible Beverage Service course such as the ABC LEADS or similar program and be able to provide certification of attendance when asked by the Placentia Police Department.
16. There shall be no deliveries to or from the premises before 7:00 AM and after 9:00 PM from Monday through Saturday, and before 7:00 AM and after 8:00 PM on Sunday.
17. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
18. No live entertainment, i.e. dancing, karaoke, live music, sport bar or disc-jockey entertainment, etc., including amplified music, shall be permitted on the premises or outside dining area.
19. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation. No cabinet or "can" signs are allowed.
20. The use shall comply with the following:
  - a. Prior to any changes to the days and hours of operation, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the permitted days and hours of operation:
    - Monday through Saturday: 7:00 AM to 11:00 PM
    - Sunday: 7:00 AM to 11:00 PM

- b. No vending machines of any kind shall be installed outdoors within the project site.
- c. There shall be no public pay phones installed within or upon any portion of the premises.
- d. All new equipment, vent stacks, etc. shall be completely screened from view. The screening shall be designed to be architecturally compatible with the building.
- e. No outside storage, including the display of vehicles within the parking lot area or displays shall be permitted at any time.
- f. The use shall comply with all provisions of the PMC, including Chapter 23.76 Noise Control.

**DEVELOPMENT SERVICES DEPARTMENT – BUILDING DIVISION:**

21. All future tenant improvements shall require Building Division review and approval, prior to any construction.

**DEVELOPMENT SERVICES DEPARTMENT – ENVIRONMENTAL COMPLIANCE:**

22. The restaurant shall comply with all provisions of Chapter 16.24 of the Placentia Municipal Code, including:

- A. Since there is no grease interceptor or grease trap, the following instances shall apply:
  - 1. “Remodeling” means a physical or operational change (a) causing an increase in the amount of FOG discharged to the sewer system by a food service establishment which amount, alone or in conjunction with other FOG discharges, causes or creates a potential for an SSO to occur;
  - 2. or (b) exceeding a cost of fifty thousand dollars (\$50,000.00) to a food service establishment, requiring a building permit, and involving any one (1) or combination of the following:
    - o (1) under slab plumbing in the food processing area,
    - o (2) a thirty (30) percent increase in the net public seating area,
    - o (3) a thirty (30) percent increase in the size of the kitchen area, or
    - o (4) any change in the size or type of food preparation equipment.

**POLICE SERVICES DEPARTMENT:**

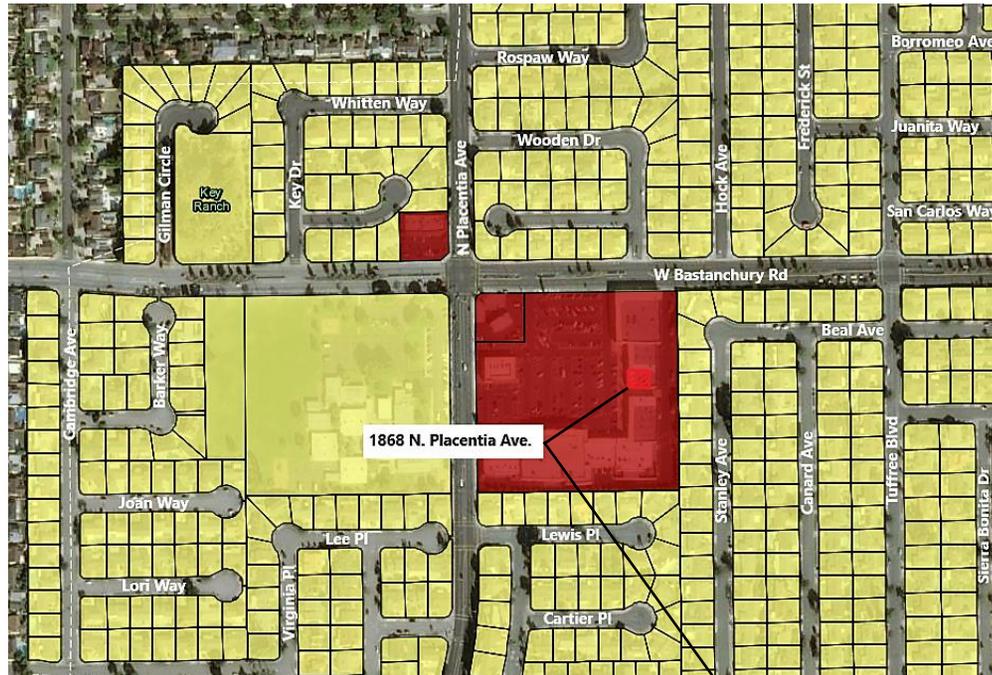
23. The establishment shall remain in compliance with Placentia Police Department standard development requirements for security.

**CITY OF PLACENTIA FIRE AND LIFE SAFETY DEPARTMENT:**

24. Prior to issuance of any building or grading permit, submit plans and obtain approvals to the satisfaction of the appropriate fire authority to the City of Placentia Fire and Life Safety.



# ATTACHMENT B. VICINITY ZONING MAP UP (MOD) 05-16; 1868 N. PLACENTIA AVE.



Aerial A.

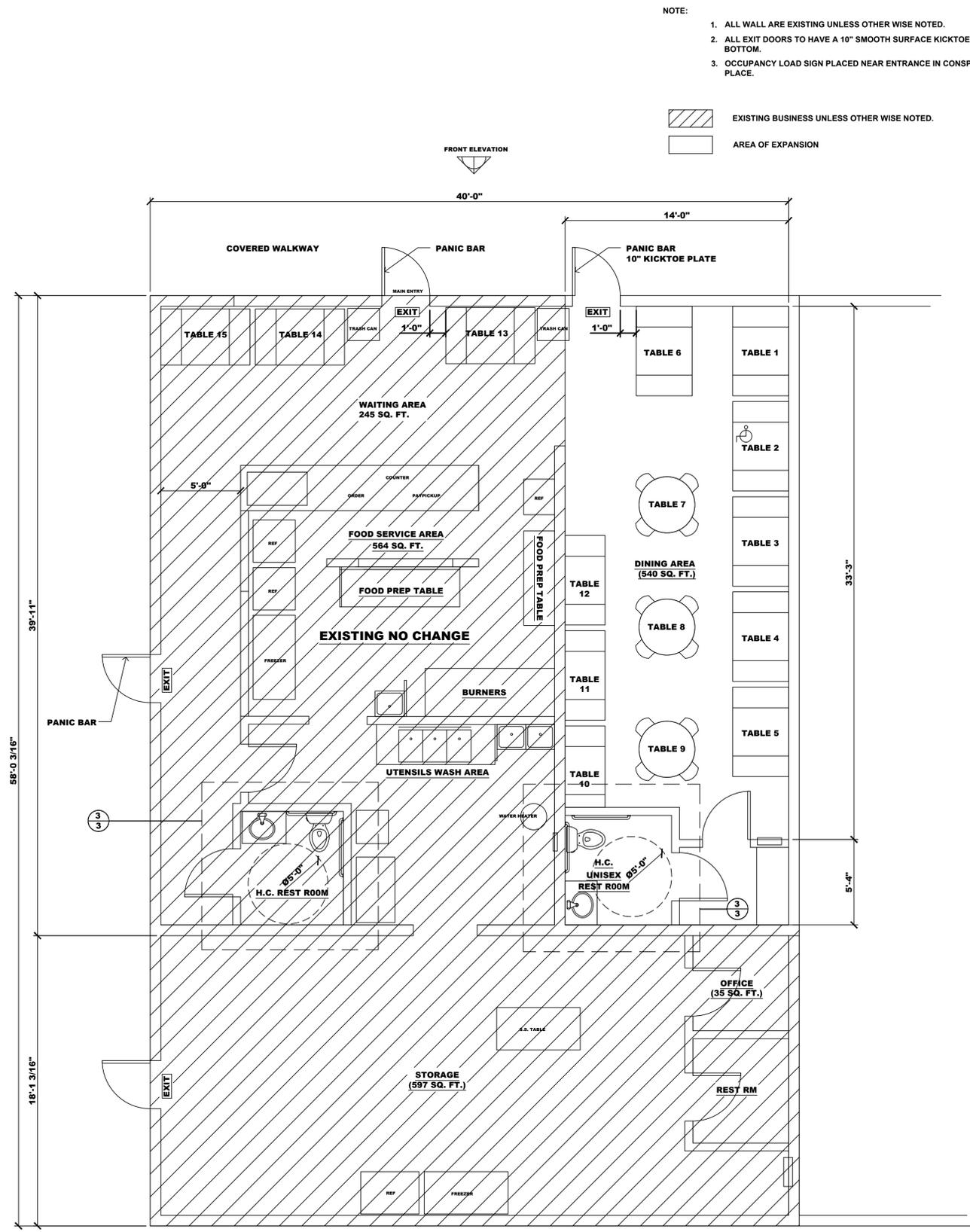
Zoning Code			
	C-1		R-3
	C-1 (O)		R-3 (O-1)
	C-1 (O-1)		R-A
	C-2		R-G
	C-2-H65		R-G (O)
	C-M		R-G(O) & C-1 (O)
	C-O		RPC (O)
	M		SP-1
	M (O)		SP-2
	M (PMD)		SP-3
	PUD-1		SP-4
	PUD-2		SP-5
	PUD-2 (O)		SP-6 (O)
	PUD-3		SP-7
	PUD-3 (O)		SP-8
	PUD-4		SP-9
	R-1		SP-10
	R-1 (MHP)		T-C
	R-1 (O)		Old Town
	R-2		TOD
	R-2 (MHP)		N/A



Aerial B.







**FLOOR PLAN**

SCALE: 1/4" = 1'-0"



NO CHANGE TO ELEVATIONS

**FRONT ELEVATION**

SCALE: NONE

NO.	DESCRIPTION

**AMP DESIGNS & DRAFTING SERVICES**  
N WILLOW AVE  
WESTCOVINA CA 91790  
PHONE (626) 6265978

**PES ENGINEERING**  
9040 TELSTAR AVE. STE. 121  
EL MONTE, CA. 91731  
phone (650) 288-2644

**B & C BURGERS**  
JOB TITLE  
FLOOR PLAN AND GENERAL INFO  
1866 N PLACENTIA AVE.  
PLACENTIA, CA 92870  
PHONE (714) 223-5881

JOB TITLE  
DRAWN BY

DATE  
JOB NO.

SHEET

**A2**

OF











# B&C BURGERS

1858 N. Placentia Ave.

Placentia, CA 92870

City of Placentia, CA

401 E. Chapman Ave.

Placentia, CA 92870

11/06/2020

Re: Use Permit Modification (UO(MOD) 05—16

## **Statement of Use**

**In the beginning of this year it was determined by Mr. Benito Aguayo, owner, that it was necessary to increase capacity of customer seating for the restaurant due to a sustained increase in customer traffic for in-house dining during peak hours. Timely customer service, measured from customer arrival to table delivery of their order, is a key indicator related to customer satisfaction for in-house dining. Our customers cannot afford to be waiting to be seated until a table becomes available. A business decision was made to enter into an agreement with the property landlord to lease the available adjacent space of 575 sq. ft. earlier this year. This decision was executed before the realization of the impact of the Covid-19 pandemic that has continued longer than anticipated. Despite the current struggle, we have been fortunate to have a loyal customer base that we dearly appreciate.**

**The business operates on a consistent regular schedule for our customers. We are open Monday thru Saturday from 7:00 A.M. until 9:00 P.M., and on Sunday from 7:00 A.M. until 8:00 P.M. We value all our customers for both in-house dining and for take-out or delivery orders.**

**B & C Burgers was opened for business in December of 2001 by Mr. Benito Aguayo, owner. B&C Burgers has now been proudly in business at the same location in the City of Placentia for 19 years. Mr. Aguayo has over 35 years in restaurant management and food preparation. Prior to opening B&C Burgers, Mr. Aguayo was both the Head Chef and the Manager of Restaurant Operations**

**for the Tartan Room Steak House in Orange, CA from 1989 until 2001. During his time at The Tartan Room in Orange, Mr. Aguayo also contributed to the management of restaurant operations at Keno's Restaurant in Anaheim, CA.**

**Mr. Benito Aguayo has now been joined by Mr. Mario Aguayo, his brother, as co-owner of B&C Burgers. Mr. Mario Aguayo now manages most of the daily operations of B&C Burgers. Mario has worked at B&C Burgers throughout the years and is a key to the successful operation of the business.**

**B&C Burgers is well known in the City of Placentia for their support to organizations in the community. B&C Burgers was presented a recent award for "The Outstanding Partnership with Project Six Feet" in providing meals for Healthcare Workers during the Covid-19 Crisis during the summer of this year, 2020. B&C has received various in-service awards from the Sierra Vista Elementary PTA, from Tuffree Middle School, and from El Dorado High School. B&C Burgers has supported sports teams including El Dorado High School Girls Soccer, LA Galaxy Boys Soccer, and others. Last year, B&C Burgers was a proud participant in the Placentia Tamale Festival. In addition, B&C Burgers has helped in "Feeding the Homeless" at the Honda Center. Most recently, B&C provided meals for fire fighters and other first responders involved in the Yorba Linda and Blue Ridge Fires.**

**As for the operations at B&C Burgers, the business has 4 full time employees and 7 part time employees. The company also maintains a reserve flex pool of 4 trained people that with their consent may be called if unforeseen demand occurs. The business has a very high retention rate of employees. The management values the employees and connects the business success to the efforts of the "team".**

**All B&C Burger employees have completed the "California Food Handlers Course" by State Food Safety Training and Certification, an ANSI accredited course. The restaurant is approved for "Restaurant Operations" by the Orange County Health Department. Additionally, Orange County Dept. of Health COVID19 Guidelines for restaurants are monitored and followed.**

**B&C Burgers has three vehicles, which includes 1 pickup truck and 2 service vans. The restaurant's equipment consists of 1 stove, 1 grill, 3 prep tables, 10 refrigerated units, and 1 three stage dishwashing station.**

**B&C Burgers is a neighborhood friendly restaurant that is welcoming and truly attentive to their customers satisfaction.**

**Respectfully,**

*Benito Aguayo*

**Benito Aguayo**

**Owner of B&C Burgers**