



Placentia Planning Commission Agenda

Regular Meeting

June 14, 2022

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 while the City Council Chambers are open to the public, some or all of the Placentia Planning Commission Members may attend this meeting via teleconference. Those locations are not listed on the agenda and are not accessible to the public. Seating in the Council Chambers will be limited.

How to Observe the Meeting

To maximize public safety while maintaining transparency and public access in addition to being open to the public, all Planning Commission meetings are available to view live on AT&T U-verse (Channel 99), Spectrum (Channel 3), and online at www.placentia.org/pctv.

Join Zoom Meeting

<https://us02web.zoom.us/j/89038216299?pwd=VE4raXVRZzh2OUlySERzTGtsdVdlZz09>

Meeting ID: 890 3821 6299 Passcode: 981866

or dial +16699006833, 89038216299#

How to Submit Public Comment

Members of the public may provide public comment in person in a safe and socially distanced manner. Comments may also be sent for Planning Commission consideration by email to Sylvia Minjares at sminjares@placentia.org. Please limit submitted comments to 200 words or less. Comments received before or during a Planning Commission meeting, until the close of the **Oral Communications** portion of the agenda, may not be read during the Planning Commission meeting but will be summarized in 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.

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 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

June 14, 2022

City Council Chambers

401 E. Chapman Avenue, Placentia, CA 92870

Frank Perez
Chair

Matthew Roche
Vice Chair

Brandon Evans
Commissioner

Claudia Keller
Commissioner

Dennis Lee
Commissioner

Nick Polichetti
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

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

Procedures for Addressing the Commission

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

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

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

Special Accommodations

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

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

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

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

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

CALL TO ORDER:

ROLL CALL: Commissioner Evans
Commissioner Keller
Commissioner Lee
Commissioner Polichetti
Vice Chair Rocke
Chair Perez

PLEDGE OF ALLEGIANCE:

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

At this time the public may address the Planning Commission concerning any agenda item, which is not a public hearing item, or on matters within the jurisdiction of the Planning Commission. There is a five (5) minute time limit for each individual addressing the Planning Commission.

CONSENT CALENDAR:

1. **Planning Commission Meeting Minutes – May 10, 2022**
Recommended Actions: Approve

REGULAR AGENDA:

1. **Applicant:** City of Placentia

Project Location: Citywide

General Plan Conformance Finding for Fiscal Year 2022-23 Capital Improvement Program

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

1. It is recommended that the Planning Commission adopt Resolution No. PC-2022-09, a Resolution of the Planning Commission of the City of Placentia, California finding that the subject Finding of General Plan Conformity is not a project pursuant to §15061(b)(3) of the CEQA Guidelines; and, finding that the Fiscal Year 2022-23 Capital Improvement Program conforms to the adopted General Plan and recommending the City Council approve the Capital Improvement Program.

PUBLIC HEARING:

1. **Applicant:** Lisa Silva, representing The Art of Dance & Ballet Academy

Project Location: 1840 N. Placentia Avenue

Use Permit (UP) 2022-02: A request to permit a 9,900-square foot dance studio within an existing one-story, multitenant commercial retail center located in the Sierra Vista Plaza Retail Center at 1840 N. Placentia Avenue, within the C-1 (Neighborhood Commercial) Zoning District.

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

1. Open the public hearing concerning Use Permit (UP) 2022-02; 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 CRISIS)**; and
3. Close the public hearing; and
4. Adopt Resolution PC-2022-06, a resolution of the Planning Commission of the City of Placentia, approving UP 2022-02 and making findings to permit the establishment and operation of a 9,900-square foot dance studio located within an existing multi-tenant commercial office center within the C-1 (Neighborhood Commercial) Zoning District on property located at 1840 N. Placentia Avenue; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR S 15301 (Class 1 - Existing Facilities) and the City of Placentia Environmental Guidelines.

2. **Applicant:** Ivan D. Seguel, representing Fearless Taekwondo and Martial Arts

Project Location: 1876 N. Placentia Avenue

Use Permit (UP) 2022-03: A request to permit a martial arts studio in an existing 2,615 sq. ft. commercial retail building located at 1876 N. Placentia Avenue, within the C-1 (Neighborhood Commercial) Zoning District.

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

1. Open the public hearing concerning Use Permit (UP) 2022-03; 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 CRISIS**); and
3. Close the public hearing; and
4. Adopt Resolution PC-2022-07, a resolution of the Planning Commission of the City of Placentia, approving UP 2022-03 and making findings to permit the establishment and operation of a martial arts studio in an existing 2,615 sq. ft. commercial retail building located at a multi-tenant commercial shopping center within the C-1 (Neighborhood Commercial) Zoning District on property located at 1876 N. Placentia Avenue; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR S 15301 (Class 1 - Existing Facilities) and the City of Placentia Environmental Guidelines.

3. Applicant: City of Placentia

Project Location: Citywide

Zone Code Amendment (ZCA) 2022-03

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

1. Open the Public Hearing Concerning Zone Code Amendment (ZCA) 2022-03, Receive the Staff Report and Consider All Public Testimony, and Close the Public Hearing; and
2. Adopt Resolution No. PC-2022-08, A Resolution of the Planning Commission of the City of Placentia, recommending that City Council find that adoption of the Zoning Code Amendment related to updating development standards and regulatory requirements regarding SB 9 is not a “project” under the California Environmental Quality Act pursuant to SB 9 as adopted by the State of California; and, recommending that City Council approve Zoning Code Amendment No. 2022-03, whereby development standards and regulatory requirements in Title 22 (“Subdivisions”) and Title 23 (“Zoning”) of the Placentia Municipal Code would be amended to refine the city’s development standards in compliance with Senate Bill 9 (SB 9) as enacted by the State of California.

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

DIRECTOR’S REPORT: None

PLANNING COMMISSION REQUESTS

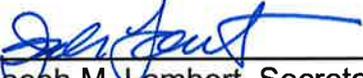
Commission members may make requests or ask questions of Staff. If a Commission member would like to have formal action taken on a requested matter, it will be placed on a future Commission Agenda.

ADJOURNMENT

The Planning Commissioners CLOSE to the regular Planning Commission meeting on July 12, 2022 at 6:30 p.m. in the City Council Chambers 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 June 14, 2022 Regular Meeting of the Planning Commission of the City of Placentia was posted on June 9, 2022.



Joseph M. Lambert, Secretary

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

May 10, 2022

The regular meeting of the Placentia Planning Commission of May 10, 2022 was called to order at 6:36 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, by Chair Perez.

ROLL CALL:

PRESENT: Commissioners Evans, Keller, Polichetti, Perez

ABSENT: Lee, Roche

OTHERS PRESENT: Scott Porter, Deputy City Attorney
Joseph M. Lambert, Director of Development Services
Andrew Gonzales, Senior Planner
Kathrine Kuo, Planning Technician
Sylvia Minjares, Office Assistant

Chair Perez excused Commissioners Lee and Roche for due cause.

PLEDGE OF ALLEGIANCE: Commissioner Evans

ORAL COMMUNICATIONS: None

CONSENT CALENDAR:

1. **Planning Commission Meeting Minutes – April 12, 2022**

Recommended Actions: Approve

Motion by Keller, second by Polichetti carried on a (4-0-2-0) vote to approve the recommended actions.

Ayes: Evans, Keller, Perez, Polichetti

Noes: None

Absent: Lee, Roche

Abstain: None

PUBLIC HEARING:

1. **Applicant:** Ray Hart, representing Clyde's Hot Chicken

Project Location: 1478 N. Kraemer Blvd.

Use Permit Modification (MOD) 2019-05: A request to permit the onsite sale of beer and wine for onsite consumption (ABC Type 41 License) in conjunction with the operation of a new 3,000 square foot fast-food restaurant, located at 1478 N. Kraemer Boulevard within the T-C (Town Center) Zoning District. All alcohol sales,

dispensing, and consumption activities are intended to be confined within the interior dining area of the restaurant and the outdoor patio area.

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

1. Open the public hearing concerning Use Permit Modification (MOD) No. 2019-05; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2022-04, a resolution of the Planning Commission of the City of Placentia, approving Use Permit Modification 2019-05 and making findings to permit the onsite sale of beer and wine for onsite consumption (ABC Type 41 License) in conjunction with the operation of a new 3,000 square foot fast-food restaurant located at 1478 N. Kraemer Boulevard, 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.

Chair Perez opened the public hearing.

Planning Technician Kathrine Kuo presented the staff report and provided an overview of the proposed project to the Commission, noting that alcohol would be consumed indoors and within the outdoor patio area.

Ms. Kuo provided the hours of operation, number of employees, and surrounding uses.

Ms. Kuo also provided a project site plan, floor plan, site photos, and existing ABC licenses within the surrounding area.

No public comments were received for or against the proposed project.

Ms. Kuo and Director of Development Services, Joseph Lambert, answered the Commissioners' questions regarding the ABC Type 41 License, whether any other Clyde's Hot Chicken locations are currently serving beer, noise concerns, the patio enclosure, and the hours that alcohol would be served.

Commissioner Polichetti suggested that if approved, the Resolution should include the approval of onsite sale and consumption of wine, which would allow the applicant to add it to their menu if they choose to do so in the future.

The Applicant, John Sanchez representing Clyde's Hot Chicken, 122 W. Wilshire, Fullerton, CA provided an overview of the current business operations and addressed Commissioner Polichetti's question regarding their decision to only serve beer.

In response to questions from Chair Perez, the Applicant stated his understanding and

acceptance of the Conditions of Approval for the Use Permit Modification.

Chair Perez closed the public hearing.

Motion by Polichetti, second by Keller carried on a (4-0-2-0) vote to approve the recommended actions with an amendment to include onsite sale and consumption of Wine to the ABC Type 41 License request.

Ayes: Evans, Keller, Perez, Polichetti
Noes: None
Absent: Lee, Rocke

2. **Applicant: City of Placentia**
Project Location: Citywide

Zone Code Amendment (ZCA) 2022-02

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

1. Open the public hearing concerning Zone Code Amendment (ZCA) 2022-02, Receive the Staff Report and Consider All Public Testimony, and Close the Public Hearing; and
2. Adopt Resolution No. PC-2022-05, A Resolution of the Planning Commission of the City of Placentia, (Attachment 1) recommending that City Council find that adoption of the Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15061(b)(3) and recommending that City Council approve Zoning Code Amendment No. 2022-02, whereby Title 23 (Zoning Ordinance) of the City of Placentia Municipal Code would amend the standards and regulatory requirements for the storage of recreational vehicles and recreational apparatuses on private property within single-family residential districts as defined by Chapter 23.78 – Off-Street Parking.

Chair Perez opened the public hearing.

Senior Planner Andrew Gonzales presented the staff report and a slide presentation covering an issue summary for RV parking, previous RV Ad-Hoc Committee meetings, City Council's final direction for Staff, draft RV & RV Apparatus Ordinance, driveway parking scenarios, and setbacks.

No public comments were received for or against the proposed item.

Mr. Gonzales and Director of Development Services Joseph Lambert responded and made clarifications regarding the Commissioners' questions related to the definition of an RV apparatus, whether previous complaints were from RV owners or neighbors, residents that are in compliance with the current Ordinance, perpendicular parking, tire covers, RVs parked in backyards on a paved surface, boats, street parking, side yard parking, HOAs,

the community response to the proposed Ordinance changes, setbacks, and enforcement to prevent residents from living in their RVs.

Chair Perez closed the public hearing.

Commissioner Polichetti suggested that Staff amend the draft Ordinance, specifically Code Section 23.78.150 (f) to include the provision regarding parking an RV or apparatus perpendicular to the street shall not apply to a vehicle or apparatus located beyond the minimum front yard setback of the base zoning district of the respective property.

Commissioner Polichetti also suggested that Staff amend Code Section 23.78.150 (i) to remove the tire covers requirement.

Motion by Keller, second by Evans carried on a (3-1-2-0) vote to approve the recommended actions with the amendment to Code Sections 23.78.150 (f) and (i).

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

REGULAR AGENDA:

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

DISCUSSION REGARDING UPDATES TO THE MUNICIPAL CODE PURSUANT TO THE IMPLEMENTATION OF SENATE BILL 9

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

1. That the Planning Commission receive the Staff Report and related information from Staff regarding SB 9 as it relates to urban lot splits and housing developments containing no more than two residential units on a lot in single family residential zones; and
2. Conduct a discussion related to SB 9 and ask Staff and the Deputy City Attorney questions as deemed appropriate; and
3. Provide direction and input to staff regarding a potential future amendment to the Placentia Municipal Code related to the further implementation of SB 9.

Director of Development Services Joseph Lambert presented the staff report and provided information regarding urban lot splits, number of stories, setbacks, lot coverage, landscaping, architectural style, heating and cooling apparatus, lot access, grading, utilities, fire protection, and solar.

Deputy City Attorney Scott Porter addressed Commissioner Polichetti's concerns regarding legal risk to the City related to adopting certain regulations addressing SB 9.

The Commissioners agreed with the recommendations and provided staff adequate direction to prepare a draft Senate Bill 9 Ordinance.

No public comments were received prior to or during the meeting.

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

Mr. Lambert provided updates regarding Clyde's Hot Chicken, North Orange County Audi, JPI Development, Shea Homes, Hudson, the Golden Avenue bridge construction, and temporary outdoor dining.

DIRECTOR'S REPORT: None

PLANNING COMMISSION REQUESTS: None

ADJOURNMENT:

Chair Perez closed the Planning Commission Regular Meeting at 8:15 p.m. to the regular meeting of Tuesday, June 14, 2022, at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia, CA.

Submitted by,

Joseph M. Lambert,
Secretary to the Planning Commission



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: DIRECTOR OF DEVELOPMENT SERVICES
DATE: JUNE 14, 2022
SUBJECT: **GENERAL PLAN CONFORMANCE FINDING FOR FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM**

RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolution No. PC-2022-09, a Resolution of the Planning Commission of the City of Placentia, California finding that the subject Finding of General Plan Conformity is not a project pursuant to §15061(b)(3) of the CEQA Guidelines; and, finding that the Fiscal Year 2022-23 Capital Improvement Program conforms to the adopted General Plan and recommending the City Council approve the Capital Improvement Program.

DISCUSSION:

California Government Code § 65401 requires the City to prepare a coordinated program (i.e., Capital Improvement Program (CIP) identifying projects recommended for planning, initiation or construction during the ensuing fiscal year. In accordance with state law, the Planning Commission must review and report on the conformity of the CIP with the adopted General Plan.

The (CIP) serves as a single comprehensive plan of proposed capital improvement projects for the budget year FY 2022-23. The CIP is a budgeting and strategic planning tool used to determine the extent of future needs and sources of funding. The CIP also serves as a guide for the efficient evaluation, prioritization and implementation of public improvements and facilities. For FY 2022-23, the City has identified 44 new projects totaling \$11 million which it expects to initiate.

As part of the CIP process, capital improvement projects are evaluated to determine the estimated cost and prioritized to take full advantage of Federal, State, Orange County and other funding from outside agencies. The CIP is reviewed yearly, during which time the City's needs may be re-prioritized and the City's financial status may be re-evaluated.

The first CIP priority is safety within the City's right-of-way, parks, and facilities. This priority is addressed throughout each section of the CIP document in numerous ways, including streets, traffic control and operations, parks, public buildings, bridges, sewer systems and storm drain systems. Additionally, a primary focus of the CIP is to preserve and reinvest in the City's physical assets, as reflected in each of the ten CIP sections. This includes

pavement rehabilitation projects for residential and arterial streets as well as improvements at City facilities as well as Americans with Disabilities Act (ADA) related improvements to improve accessibility Citywide. The proposed CIP recommends several projects which address lacking facilities or equipment that are no longer adequate to meet demand or serve our residents. These projects include the replacement or upgrade of facilities or equipment, expansion or renovation of an existing facility, or construction of a new facility. Another important component of the CIP is to implement projects identified within a master plan or other planning document that are needed to maintain or meet adequate levels of service. These projects may include new facilities or improvements to existing facilities. Finally, the CIP addresses several future planned projects through funding of studies or project construction plans.

Conformity Findings

The basis for making a conformity finding is determining that each project fits into a goal or implementation policy as outlined in the adopted General Plan. For example, if a project is proposed to pave over several acres of open space, and that open space is called out in the Open Space Element as being protected, then the project does not conform to that General Plan Element. Another example is, if a proposed project to widen a street or add bicycle or pedestrian paths to increase mobility, such a project would conform to the Mobility Element goals to increase accessibility and mobility for alternative modes of transportation.

City Staff has reviewed each of the proposed projects to be undertaken during Fiscal Year 2022-23 in relation to the adopted General Plan. The individual elements of the General Plan have goals, policies or implementation programs to compare the projects against the narrative of the adopted elements and make a determination that they are each in conformity with the adopted General Plan for the City of Placentia. Additionally, the Commission's finding that a proposed CIP item conforms to the General Plan does not necessarily mean the City will have the ability to implement or construct a certain CIP item. All CIP projects and plans must go through separate individual environmental and Council review. Accordingly, Staff is recommending that the Planning Commission find that the proposed CIP projects are in conformity with the adopted General Plan.

Environmental Review

The proposed Finding of General Plan Conformity is not a project as defined by the California Environmental Quality Act (CEQA). The finding of conformity does not commit the City to any of the identified projects in the CIP. Therefore, approval of the CIP qualifies for an exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) for activities that have no potential for causing a significant effect on the environment. Furthermore, individual projects identified within the CIP will be evaluated in accordance with CEQA requirements prior to their implementation and when specific project details are available for analysis.

Prepared and submitted by:



Luis Estevez
Deputy City Administrator

Reviewed and approved by:



Joseph M. Lambert
Director of Development Services

Attachments:

1. Resolution No. PC-2022-09
 - a. General Plan Conformity Matrix Fiscal Year 2022-23

RESOLUTION NO. PC-2022-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA, CALIFORNIA FINDING THAT THE SUBJECT FINDING OF GENERAL PLAN CONFORMITY IS NOT A PROJECT PURSUANT TO §15061(B)(3) OF THE CEQA GUIDELINES; AND, FINDING THAT THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM CONFORMS TO THE ADOPTED GENERAL PLAN AND RECOMMENDING THE CITY COUNCIL APPROVE THE CAPITAL IMPROVEMENT PROGRAM

A. Recitals.

(i). On June 14, 2022, this Planning Commission considered the conformity of the proposed Fiscal Year 2022-23 Capital Improvement Program to the adopted General Plan.

(ii). This Planning Commission has reviewed and considered all elements of the proposed Capital Improvement Program, including written staff reports and verbal testimony presented.

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

B. Resolution.

NOW, THEREFORE, the Planning Commission of the City of Placentia does hereby find, determine, and resolve as follows:

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

2. This Commission finds, and recommends the City Council find, that the Fiscal Year 2022-23 Capital Improvement Program (Attachment 2 to the Staff Report dated June 14, 2022, and incorporated by reference herein) is in conformance with the Placentia General Plan.

3. The proposed Fiscal Year 2022-23 Capital Improvement Program promotes implementation of the goals and policies set forth in the adopted General Plan.

4. The Planning Commission hereby makes, and recommends the City Council make, the following finding: There is no possibility that the proposed Fiscal Year 2022-23 Capital Improvement Program may have a significant effect on the environment and said amendments are therefore not subject to the requirements of the California Environmental Quality Act ("CEQA") pursuant to the provisions of

§15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations, and the City of Placentia Environmental Guidelines.

5. The Planning Commission hereby recommends that, upon adoption of the Fiscal Year 2022-23 Capital Improvement Program, a Notice of Exemption in accordance with CEQA be filed with the Orange County Clerk-Recorder, as required by law.

6. This Commission finds, and recommends the City Council find, that the facts supporting the above specified findings are contained in the staff report and exhibits, and information provided to this Planning Commission with respect to the proposed Fiscal Year 2022-23 Capital Improvement Program.

7. This Commission hereby recommends that the City Council of the City of Placentia approve the proposed Fiscal Year 2022-23 Capital Improvement Program attached hereto as Exhibit "A."

8. The Secretary of this Commission shall:

a. Certify to the adoption of this Resolution; and

b. Forthwith transmit a certified copy of this Resolution to the City Council of the City of Placentia together with all documents prepared with respect to these considerations and transcripts of any and all hearings conducted with respect to the action recommended for approval herein.

ADOPTED, AND APPROVED this 14th day of June 2022

FRANK PEREZ, 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 14th day of June 2022, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 14th day of June, 2022, 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

CITY ATTORNEY

EXHIBIT "A"
GENERAL PLAN CONFORMITY MATRIX FISCAL YEAR 2022-23

**City of Placentia - General Plan Conformity
Capital Improvement Projects**

Project #	Project Name	General Plan Element
1801	Golden Avenue Bridge Replacement Project	Mobility
1201	FY 2021-22 Roadway Rehabilitation Project	Mobility
1301	FY 2022-23 Roadway Rehabilitation Project	Mobility
1302	FY 2022-23 Concrete Repair Program	Mobility
1303	Bastanchury Road Landscaped Median Renovation Project Phase 1	Conservation
1304	Yorba Linda Boulevard Landscaped Median Renovation Project	Conservation
1305	ADA Access Ramp Installation Project	Mobility
1306	Urban Forest Planting Project	Conservation
2203	Rose/Tustin Traffic Signal Synchronization Project	Mobility
2301	Opticom Traffic Signal Preemption Devices - 10 Intersections	Safety
2302	Traffic Signal Back Up Batteries	Safety
3301	Old Town Sewer Rehabilitation Project	Conservation
5208	Caltrans Public Art Projects	Open Space & Recreation
5301	Refurbish Police Chief Administrative Conference Room	Safety
5302	Refurbish PD Jail Booking Area	Safety
5303	Refurbish PD Report Writing Room	Safety
5304	Repaint Placentia Water Tower	Conservation/Sustainability
5305	City Hall/PD Interior Lighting Improvements	Safety
5306	Whitten Center Parking Lot Improvements	Open Space & Recreation
5307	EOC Office Improvement Project	Safety
5308	Refurbish PD Traffic Bureau Work Area	Safety
5309	Refurbish PD Armory	Safety
5310	Replace PD Parking Lot Gates and Motors	Safety
5311	Refurbish PD Motor Bard	Safety
5312	Purchase and Install New Awnings in PD Parking Lot	Safety
5313	Whitten Center Flooring Improvement Project	Open Space & Recreation
5314	Civic Center Pergola Painting Project	Open Space & Recreation
6207	Additional Fire Department Radios	Safety
6302	IT Infrastructure Replacement Project	Safety
7301	Playground Equipment Replacement	Open Space & Recreation
7302	Playground Shade Sails	Open Space & Recreation
7303	Replace Park Benches	Open Space & Recreation
7304	Handball Court Resurfacing Project	Open Space & Recreation
7305	Replace Park BBQ's	Open Space & Recreation
7306	Replace Park Picnic Tables	Open Space & Recreation
7307	Replace Park Trash Cans	Open Space & Recreation
7308	Replace Park Drinking Fountains	Open Space & Recreation
7309	Install New Park Monument Signs	Open Space & Recreation
7310	Gomez Park and Playground Renovation Project	Open Space & Recreation
7311	Gomez Park Landscape Improvement Project	Open Space & Recreation
7312	Koch Park Playground Improvement Project Phase II	Open Space & Recreation
8301	Public Works Facility Maintenance Technician Service Truck	Conservation/Sustainability
8302	Public Works Ford Lightning EV Truck	Conservation/Sustainability
9301	Caltrans Sustainable Active Transportation Plan	Mobility



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: LESLEY WHITTAKER, ASSOCIATE PLANNER

DATE: JUNE 14, 2022

SUBJECT: **USE PERMIT NO. UP 2022-02; 1840 N. PLACENTIA AVENUE (THE ART OF DANCE & BALLET ACADEMY)**

RECOMMENDATION:

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

1. Open the public hearing concerning Use Permit No. UP 2022-02; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2022-06, a resolution of the Planning Commission of the City of Placentia, approving UP 2022-02 and making findings to permit the establishment and operation of a 9,900-square foot dance studio located within an existing multi-tenant commercial office center within the C-1 (Neighborhood Commercial) Zoning District on property located at 1840 N. Placentia Avenue; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, Lisa Silva, dba The Art of Dance & Ballet Academy, is requesting a Use Permit for a 9,900-square foot dance studio within an existing one-story, multi-tenant commercial retail center located in the Sierra Vista Plaza Retail Center at 1840 N. Placentia Avenue, within the C-1 (Neighborhood Commercial) Zoning District.

PROJECT BACKGROUND AND DESCRIPTION:

The subject property is located within the newly refaced Sierra Vista Plaza, which is a one-story, multi-tenant, commercial retail center located in the southeast corner of W. Bastanchury Road and N. Placentia Avenue, within the C-1 Zoning District. A variety of commercial uses occupy the retail center including Grocery Outlet, Crunch Fitness, other related retail uses. The subject location was home to conditionally permitted Laser Island—a recreational laser tag facility that has since closed. The property is presently accessible from multiple driveways on the west (N. Placentia Ave) and north (W. Bastanchury) ends of the property. There is another driveway and extra parking along the south and east edges of the property, in addition to the main parking lot. Sierra Vista Plaza,

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where the proposed site is located, is a neighborhood commercial shopping center that is surrounded to the East, West, North, and South with single-family residential.

The Art of Dance & Ballet Academy has had a long-time presence in the community of Placentia. The women-owned and run business has been located at 847 S. Kraemer for approximately 12 years. The dance company participates in the Heritage Festival and Placentia Tree Lighting Ceremony. The studio also offers classes in the City of Placentia Community Guide and works closely with Placentia Yorba Linda Unified School District dance teams. Recently, the owner was notified by the previous location’s property owner, that the building was sold, forcing the Art of Dance & Ballet Academy to relocate. Due to the strong ties in the Placentia community, it was imperative to the dance studio owners to remain in the City of Placentia.

The dance studio proposes to keep the same operations as held at the other location on Kraemer. The Academy offers dance lessons in ballet, jazz, tap, and other dance forms to local residents. The Art of Dance & Ballet Academy employs one (1) fulltime and sixteen (16) parttime employees.

The business proposes the following operating hours, which staff has slightly extended to allow flexibility:

Operating Hours as Proposed		Operating Hours as Conditioned
Monday - Friday	10:00 AM – 9:00 PM	10:00 – 9:00 PM
Saturday	9:00 AM – 2:00 PM	9:00 AM – 5:00 PM
Sunday	CLOSED	CLOSED

The proposed floor plan features five (5) dance floor rooms that total 4,494 square feet, an additional 1,623 square foot open tumbling room, two (2) offices, parent and dancer seating areas, a reception area, bathrooms/storage, and an existing open patio. The tenant plans for some light remodeling and there will be no changes to existing onsite access or parking are proposed as a part of the request.

Applicable Code Section – Placentia Municipal Code (PMC)

The “C-1” district is intended to provide for general retail and office uses which offer the sale of goods and services to the general public and which, through characteristics of their operation, cater primarily to residents of neighborhood market areas. The C-1 Zoning District PMC 23.33.040 (15) specifically includes dance studios as a use permitted subject to obtaining a Use Permit

The services provided by the applicant’s business have been focused on serving the residents of Placentia for the last twelve years. In addition, the previous tenant was a recreational type of use that provided an entertainment and recreational service to the community. Therefore, the type of use proposed by the applicant is dissimilar from the previous use.

Subject Site and Surrounding Land Uses

The proposed dance studio is located on a developed commercial site between W. Bastanchury Rd. and N. Placentia Ave. The chart below shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Subject Site	Multi-tenant Neighborhood Commercial Center	Commercial	Neighborhood Commercial (C-1)
North (Across Bastanchury Rd.), South, East	Single Family Residences	Low Density Residential	R-1 (Single Family Residential)
West (Across Placentia Ave.)	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. Based on staff's analysis, the project meets all minimum and maximum development standards of the PMC, including minimum off-street parking requirements. Pursuant to PMC 23.78.030, the code requires four (4) off street parking spaces per one thousand (1,000) gross square feet. The proposed dance studio is 9,900 square feet and requires a minimum of 39.6 off-street parking spaces. The Commercial Retail space where the proposed studio is lo-cated is comprised of 5 suites, is a total of 9,210 square feet, which requires 36.8 spaces. The parking lot contains 36 spaces, where one is a handicapped space. Therefore, there is adequate parking to accommodate this use, while not infringing on adjacent tenant parking. The proposal meets the minimum number of off-street parking spaces required as is and additional parking can be found throughout the rest of the shopping center. No changes to the building footprint and overall building envelope will occur as a result of the project.

Other Departments Concerns and Requirements

The Divisions of Planning and Building, as well as the Placentia Fire & Life Safety 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

In an overall review of the General Plan, the proposed dance studio is consistent with the policies, programs, and goals of the General Plan. The General Plan Economic Development Element states in Goal 4, "Promote the revitalization of target areas and focus development to create vibrant destinations for the community." The Sierra Vista Shopping Center has struggled to keep tenant spaces occupied, therefore bringing in a business like the Art of Dance & Ballet Academy, which has a longtime clientele in Placentia, helps the shopping center by securing a tenant that can stay in the center.

In addition, the Health, Wellness, and Economic Justice Element lists in the guiding principles, "Provide clean and updated recreation facilities and programs." The Art of Dance & Ballet Academy will allow Placentia residents to enjoy recreational programs, like dancing, without having to leave the city. It is also a goal of the General Plan Economic Development Element under policy 7.2, "Increase job opportunities by attracting new businesses to the City." The proposed project is not a new business to the city, but it is a longtime business in Placentia that wishes to stay in the city. It's important to also fulfill these policies by holding onto businesses that offer services and create part-time employment opportunities to surrounding residents, thereby protecting and ensuring its long-term success. This will assist in maintaining a wide array and variety of commercial uses to help facilitate greater patronage for the surrounding commercial offices, thereby helping to maintain a steady revenue stream, which will stimulate further investment in the community and strengthen the City's economic vitality.

PMC Consistency

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

Land Use Compatibility

The project will be compatible with the land uses of the surrounding area because the proposed dance studio brings an additional service 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 as there are no significant noise or safety concerns.

CEQA:

The proposed application was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UP 2022-02 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class

and find that UP 2022-02 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1-Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving “negligible or no expansion of use”.

PUBLIC NOTIFICATION:

Legal notice was published in the Placentia News Times on June 2, 2022, and legal notices were sent to property owners of record within a 300-foot radius of the subject property, and posted at the Civic Center on June 2, 2022, pursuant to all applicable provisions of the PMC. As of June 6, 2022, staff has received no comments in support or opposition of the request.

CONCLUSION:

The proposed project is consistent with the City’s General Plan and meets the minimum development standards of the PMC. With the recommended conditions of approval, the proposed establishment and operation of a dance studio inside an enclosed 9,900-square foot unit within an existing multi-tenant commercial shopping center will be compatible with adjacent land uses and will not result in any significant adverse impacts to the surrounding area.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission of the City of Placentia adopt Resolution PC-2022-06 recommending approval of UP 2022-02 and finding that it is exempt from further CEQA review pursuant to Section 15301 of the State CEQA Guidelines.

Prepared and submitted by:



Lesley Whittaker
Associate Planner

Review and approved by:



Joseph M. Lambert
Director of Development Services

Attachments:

1. Resolution No. PC-2022-06
2. Vicinity Map
3. Project Plans Dated and Received April 28, 2022
4. Statement of Use Submitted by the Applicant Dated and Received April 28, 2022

RESOLUTION NO. PC-2022-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. UP 2022-02 AND MAKING FINDINGS TO PERMIT UP 2022-02 ALLOWING THE ESTABLISHMENT AND OPERATION OF A 9,900-SQUARE FOOT DANCE STUDIO LOCATED AT 1840 N. PLACENTIA AVENUE, IN 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.

A. Recitals.

WHEREAS, Lisa Silva representing The Art of Dance & Ballet Academy (“Applicant” hereinafter), located at 1840 N. Placentia Avenue., filed an application for approval of Use Permit No. UP 2022-02, 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 June 14, 2022, 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 2022-02; 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 2022-02 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 9,900-square foot dance studio 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 dance studio will generate any negative impacts onto adjacent properties and businesses. All primary activities shall be conducted within the enclosed building, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed request for the operation of a dance studio 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 establishment and operation of a dance studio, 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 operation of a dance studio 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 and within the same shopping center.

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 2022-02 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 2022-02 is exempt from the California Environmental Quality Act (“CEQA”), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental 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, and no expansion of the use is contemplated.

SECTION NO. 4: The Planning Commission hereby directs that, upon approval of UP 2022-02 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 2022-02, subject to the Conditions of approval contained in Attachment A hereto.

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 14TH DAY OF JUNE 2022

FRANK PEREZ, 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 14th day of June, 2022, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 14th day of June, 2022, 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

CITY ATTORNEY

Attachment A: Conditions of Approval for Use Permit No. 2022-02

Attachment A
Special Conditions of Approval and Standard Development Requirements for
Use Permit 2022-02
1840 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 TO PERMIT THE USE PERMIT TO ALLOW THE ESTABLISHMENT AND OPERATION OF A DANCE STUDIO, ON PROPERTY LOCATED AT 1840 N. PLACENTIA AVENUE.

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION:

1. UP 2022-02 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. UP 2022-02 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of 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 UP 2022-02 shall be subject to review and approval by the Director of Development Services or designee, with substantial changes or modifications subject to Planning Commission review and approval.
6. 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.
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 use shall comply with all provisions of the PMC, including Chapter 23.76 Noise Control.
9. All permanent and temporary signage shall comply with all applicable provisions of the Placentia Municipal Code (PMC).
10. 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.
11. 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.

- 12. 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.
- 13. 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.
- 14. The use shall comply with the following:
 - a. Prior to any changes to the permitted 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 Friday 10:00 AM to 9:00 PM
 - Saturday 9:00 AM to 5:00 PM
 - Sunday CLOSED
 - 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.

BUILDING DEPARTMENT:

- 15. Submit Complete plans of the Building, Electrical, Mechanical, & Plumbing in three sets, which shall be in compliance with 2019 CBC, CEC, CMC, CPC, CALGreen, & California Energy Standards, as adopted and amended by the City of Placentia.
- 16. The group occupancy for dance hall per 2019 CBC Sec. 303.4 is an Assembly Group A-3 Occupancy.
- 17. The allowable area for a building with group A-3 occupancy within a type V-B construction and none sprinkled per 2019 CBC Table 506.2 is 6,000. S.F.
- 18. The area of the proposed building is 9,900 S.F, which is beyond the allowable area of 6,000 S.F and the building cannot be acceptable for a group A-3 occupancy.
- 19. If the building will be equipped throughout with NFPA 13 fire sprinkler system the allowable area per 2019 CBC Table 506.2 for a one-story building will be 24.000

S.F., which is more than the 9,900 S.F. and the building could be acceptable could be acceptable for a Group of A-3 occupancy.

POLICE DEPARTMENT:

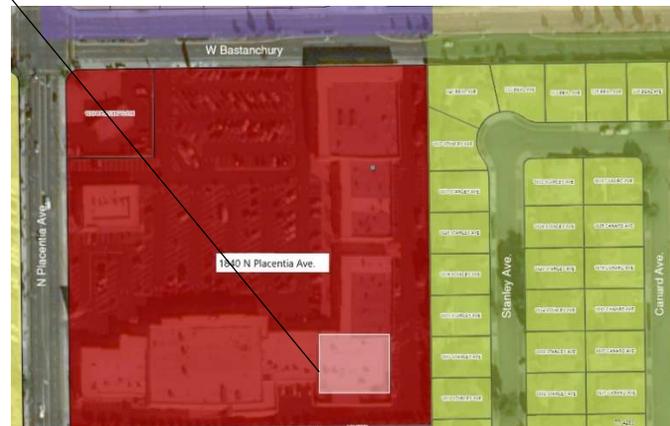
20. Prior to the commencement of business operations, install an LED wall pack light, with a minimum 30 watts of power, over the exterior man door leading out of the east side patio.



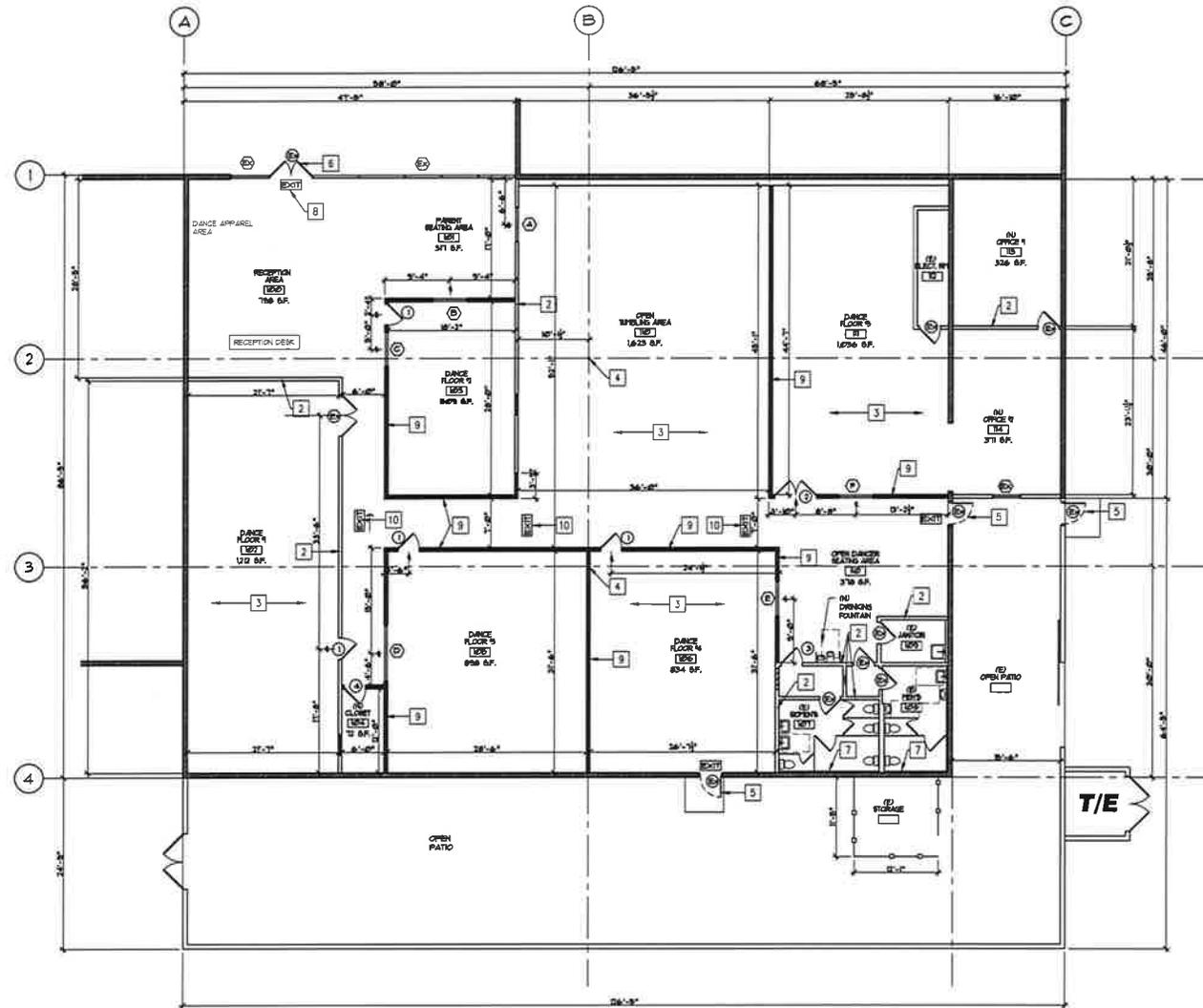
ATTACHMENT 2. VICINITY AND ZONING MAP UP 2022-02; 1840 N PLACENTIA AVE.



Aerial A.



Aerial B.



FLOOR PLAN KEYNOTES :

- 1 (E) EXTERIOR WALL (TYP)
- 2 (E) WOOD STUD PARTITION WALL
- 3 (E) CONCRETE SLAB
- 4 (E) STEEL COLUMN
- 5 (E) MAN DOOR
- 6 (E) UNIT ENTRANCE
- 7 (E) FURRING WALL
- 8 (E) LIGHTED EXIT SIGN ABOVE (COMPLY WITH SECTION 109 OF CBC/C. SEE EXIT NOTES # 1, 3, 4 14 ON 8MT, A-NJ AND EXIT SIGN NOTES ON THIS SHEET. PROVIDE SMALLER SIGN IN COMPLIANCE WITH THE CBC SECTION 109.3 WITH THE WORD "EXIT" UND. AND SHALL BE MOUNTED 48" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN. CBC SECTION 109.3.1
- 9 (E) STEEL STUD WALL, 5/8" THK GYPSUM BOARD EA. SIDE.
- 10 (E) LIGHTED EXIT SIGN ABOVE (COMPLY WITH SECTION 109 OF CBC/C. SEE EXIT NOTES # 1, 3, 4 14 ON 8MT, A-NJ AND EXIT SIGN NOTES ON THIS SHEET. PROVIDE SMALLER SIGN IN COMPLIANCE WITH THE CBC SECTION 109.3 WITH THE WORD "EXIT" UND. AND SHALL BE MOUNTED 48" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN. CBC SECTION 109.3.1

WALL LEGEND

- (E) IF ON EXTERIOR WALL
- 00 3/4" METAL STUD (EXTEND WALL TO ROOF ABOVE) - 1/2" x 1/2" - 1/2" TYP. "X" GYP. BRD. AT EA. SIDE FILL IN.
- 00 WOOD STUD WALL

LEGEND

- KEYNOTES
- (N) 3/4" DOOR
- ⊙ (N) 4" x 4" WINDOW
- ⊞ ROOM NUMBER

T/E DENOTES EXISTING TRASH ENCLOSURE

PROPOSED
TENANT IMPROVEMENT AREA
B (BUSINESS/OFFICE) : 3,000.0 SF.
(CLEARED AREA)

REVISIONS	DATE	BY

PROJECT OWNER
LISA SILVA
THE ART OF DANCE & BALLET ACADEMY INC.
1640 N. FLACENTIA AVENUE
PLACENTIA, CA 91769
TEL: (916) 266-4670

PROJECT ARCHITECT
YVETTE DABBY CONSULTING ENGINEER
16783 VENTURA BLVD. #202
ENCINO, CA 91436
PHONE: (916) 266-7744
Email: yvettedabby@gmail.com

PROJECT ARCHITECT
THE ART OF DANCE AND BALLET ACADEMY INC.
1640 N. FLACENTIA AVENUE
PLACENTIA, CA 91769

TITLE
PROPOSED FLOOR PLAN
DATE: 05-04-22
SCALE: AS SHOWN
SHEET: AT
JOB: 22-8004
SHEET: **A-2**

PROPOSED FLOOR PLAN

SCALE: 1/8"=1'-0" **1**



The Art of Dance & Ballet Academy

847 S. Kraemer Blvd
Placentia, CA 92870
714-630-3323

Re: STATEMENT OF USE – DANCE STUDIO – 1840 N. Placentia Ave. Placentia

Description of Operations: We are a local community Dance Studio and have operated in Placentia for 12 years. We provide ballet, jazz, tap and other dance art forms to local residents and school teams in the area. We also offer classes in the City of Placentia, Community Guide and well as make our dance floors available to PYLUSD dance teams. We pride ourselves in offering quality dance instruction while balancing the importance of family and community.

Interesting facts/History/Education – We were founded in 2010 by a group of parents seeking to open a dance studio that valued a strong faculty along with affordability. Of our founding members we have on board, a local business women as CEO and local CPA as CFO, who still run the studio, along with our Manager/owner who holds a BFA in Dance from Chapman University. We have participated in the Annual Heritage parade every year since opening and have won as best entry multiple times. We also participate in the Placentia Tree Lighting Ceremony and Community Guide. We love our City of Placentia! We recently received notice that our owner sold the building we were renting, without any notice. We had to go out and scramble to find a new facility. One of the MOST important factors, was to find another facility in Placentia. We are beyond excited to relocate to the Sierra Vista Plaza location.

Days/Hours of Operations - Monday/Thurs – 10:00 am – 12:00 pm (Toddler Program) 3:00 pm – 9:00 pm (Regular Program) Tue/Wed/Friday 3:00 pm – 9:00 pm, Saturdays 9:00 am – 2:00 pm, Sundays - Closed

Number of full and part-time employees - Full-time (1) , Part-time (16)

Number of vehicles used – No vehicles owned or used by Dance Studio.

Machines & Equipment – Studio Music systems used for class instruction.

Signed 

Lisa Silva, CFO (Owner)





Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: KATHRINE KUO, PLANNING TECHNICIAN

DATE: JUNE 14, 2022

SUBJECT: **USE PERMIT NO. UP 2022-03; 1876 N. PLACENTIA AVENUE (FEARLESS TAEKWONDO AND MARTIAL ARTS)**

RECOMMENDATION:

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

1. Open the public hearing concerning Use Permit No. UP 2022-03; and
2. Receive the staff report and consider all public testimony; and
3. Close the public hearing; and
4. Adopt Resolution PC-2022-07, a resolution of the Planning Commission of the City of Placentia, approving UP 2022-03 and making findings to permit the establishment and operation of a martial arts studio in an existing 2,615 sq. ft. commercial retail building located at a multi-tenant commercial shopping center within the C-1 (Neighborhood Commercial) Zoning District on property located at 1876 N. Placentia Avenue; and making findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15301 (Class 1 – Existing Facilities) and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, Ivan D. Seguel, representing Fearless Taekwondo and Martial Arts, is requesting a Use Permit for a martial arts studio in an existing 2,615 sq. ft. commercial retail building located at 1876 N. Placentia Avenue, within the C-1 (Neighborhood Commercial) Zoning District.

PROJECT BACKGROUND AND DESCRIPTION:

The subject property is located within the Sierra Vista Plaza shopping center, an existing one-story, multi-tenant commercial shopping center located along the southeast corner of W. Bastanchury Road and N. Placentia Avenue. A variety of commercial uses such as a gym, sports collectibles store, and restaurants occupy the shopping center. The property is presently accessible from multiple driveways, on the north along W. Bastanchury Road and on the west along N. Placentia Avenue.

Fearless Taekwondo and Martial Arts first opened in 2008 in the city of Anaheim. In 2011, they moved to the city of Placentia, where they have been operating since. The property at their current location has been sold, so they are relocating to a different location in the city. The majority of his current students, ranging from 3-year-old children to adults, reside in the City of Placentia, so the subject property would be an ideal location for his business. Ivan D. Seguel is both the business owner and main instructor as the martial arts studio. He is a former National Team Member and coach certified by the USA Taekwondo Federation. He has more than 25 years of experience as a Taekwondo instructor.

Fearless Taekwondo and Martial Arts is a family-oriented martial arts business that provides classes in taekwondo, kickboxing, and self-defense. Each class will have an average of five (5) to twenty (20) students. Most of the students will be dropped off and picked up for class. There will be a 10-minute break between each session to ease the exit and entrance of students to their classes. The business owner is proposing the addition of a juice bar, which is a non-alcoholic beverage bar that will be located next to the waiting area of the studio. The juice bar will be a healthy option to complement physical activity. The juice bar will be named Thryv7, and he will be working in partnership with Luis Olvera in operating it. Currently, there are no other juice bar businesses located within the shopping center, and this has been approved by the landlord. Ivan D. Seguel, the owner and instructor, will be the only full-time employee, with the addition of one (1) or two (2) part-time employees when the classes grow. The hours of operation of the juice bar will be the same as the proposed hours of operation for the regular classes.

Operating Hours	
Monday - Friday	9:00 AM – 9:30 PM
Saturday	8:30 AM – 9:00 PM
Sunday	CLOSED

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 Chapter 23.33, “C-1” – Neighborhood Commercial) for projects within the C-1 Zoning District. The purpose of the C-1 Zoning District is to provide for general retail and office uses which offer the sale of goods and services to the general public and which, through characteristics of their operation, cater primarily to residents of neighborhood market areas. Pursuant to PMC Section 23.33.040 (4), one of the uses permitted subject to obtaining a Use Permit are health clubs, which include but are not limited to racquetball clubs, swim clubs, tennis clubs and gymnasiums.

Subject Site and Surrounding Land Uses

The proposed martial arts studio is located in an existing commercial shopping center on the southeast corner between W. Bastanchury Road and N. Placentia Avenue. The table below shows surrounding existing land uses, zones, and General Plan Land Use Designations:

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Subject Site	Multi-tenant Commercial Shopping Center	Commercial	“C-1” – Neighborhood Commercial
North (across E. Bastanchury Rd.)	Single Family Residences	Low Density Residential	“R-1” – Single Family Residential
West (across N. Placentia Ave.)	Sierra Vista Elementary School	Schools and Institutional	“R-1” – Single Family Residential
South & East	Single Family Residences	Low Density Residential	“R-1” – Single Family Residential

ZONING COMPLIANCE ANALYSIS

Site Development Standards

The project is located within the C-1 Zoning District. According to PMC 23.78.030, this proposal currently meets the minimum number of off-street parking spaces required and additional parking beyond the minimum required can be found throughout the rest of the shopping center. No changes to the overall building envelope will occur as a result of this project, as such, the development is in compliance with the Zoning Code.

Other Departments Concerns and Requirements

The Divisions of Planning and Building, the Police Department, as well as the Fire and Life Safety Department 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

In an overall review of the General Plan, the proposed martial arts studio is consistent with all of the policies, programs, and goals. General Plan policies advocate to: (a) increase the tax base of the City by supporting revenue producing businesses that provide residents with basic and enhanced services; and, (b) create a more vibrant business community that benefits both residents

and existing businesses. The proposed project will fulfill these policies by offering services and employment opportunities to surrounding residents, thereby protecting and ensuring its long-term success. This will assist in maintaining a wide array and variety of symbiotic commercial uses to help facilitate greater patronage and shopping activity for the shopping center, thereby helping to maintain a steady revenue stream as encouraged by the General Plan. Increased patronage will assist and stimulate further investment in the community and strengthen the City's economic vitality. The proposed martial arts studio will be filling a vacant tenant space, which was previously occupied by Soccer Central, a retail sporting goods store. The proposed use will provide needed services for the community. In addition, the business is sited within an established commercial center where its operations will not impact sensitive land use receptors and may result in increased sales and commercial activity in the shopping center.

PMC Consistency

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

Land Use Compatibility

The project will be compatible with the land uses of the surrounding area because the proposed martial arts studio brings an additional service within an established commercial district containing primarily complementary commercial office uses. The nature of the use will not have adverse impacts on adjacent business and properties as there are no significant noise or safety concerns.

CEQA:

The proposed application was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that UP 2022-03 is exempt from CEQA pursuant to State CEQA Guidelines § 15301 Class 1-Existing Facilities as it applies to the operation, repair, leasing or minor alteration of existing public or private structures, of facilities or features involving "negligible or no expansion of use".

PUBLIC NOTIFICATION:

Legal notice was published in the Placentia News Times on June 2, 2022 and legal notices were sent to property owners of record within a 300-foot radius of the subject property and posted at the Civic Center on June 2, 2022 pursuant to all applicable provisions of the PMC. As of June 7, 2022, staff has received no comments in support or opposition of the request.

CONCLUSION:

The proposed project is consistent with the City's General Plan and meets the minimum development standards of the PMC. With the recommended conditions of approval, the proposed

establishment and operation of a martial arts studio in an existing 2,615-square foot commercial retail building within an existing multi-tenant commercial shopping center will be compatible with adjacent land uses and will not result in any significant adverse impacts to the surrounding area.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission of the City of Placentia adopt Resolution PC-2022-07 recommending approval of UP 2022-03 and finding that it is exempt from further CEQA review pursuant to Section 15301 of the State CEQA Guidelines.

Prepared and submitted by:



Kathrine Kuo
Planning Technician

Reviewed and approved by:



Joseph M. Lambert
Director of Development Services

Attachments:

1. Resolution No. PC-2022-07
2. Vicinity Map
3. Project Plans Dated and Received April 28, 2022
4. Statement of Use Submitted by the Applicant Dated and Received April 28, 2022

RESOLUTION NO. PC-2022-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2022-03 AND MAKING FINDINGS TO PERMIT UP 2022-03 ALLOWING THE ESTABLISHMENT AND OPERATION OF A 2,615-SQUARE FOOT MARTIAL ARTS STUDIO LOCATED AT 1876 N. PLACENTIA AVENUE, IN 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.

A. Recitals.

WHEREAS, Ivan D. Seguel representing Fearless Taekwondo and Martial Arts (“Applicant” hereinafter), located at 1876 N. Placentia Avenue., filed an application for approval of Use Permit No. UP 2022-03, 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 June 14, 2022, 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 2022-03; 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 2022-03 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 2,615-square foot martial arts studio 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 martial arts studio will generate any negative impacts onto adjacent properties and businesses. All primary activities shall be conducted within the enclosed building, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed request for the operation of a martial arts studio 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 establishment and operation of a martial arts studio, 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 operation of a martial arts studio 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 and within the same shopping center.

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 2022-03 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 2022-03 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, and no expansion of the use is contemplated.

SECTION NO. 4: The Planning Commission hereby directs that, upon approval of UP 2022-03 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 2022-03, subject to the Conditions of approval contained in Attachment A hereto.

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 14TH DAY OF JUNE 2022

FRANK PEREZ, 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 14th day of June, 2022, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 14th day of June, 2022, 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

CITY ATTORNEY

Attachment A: Conditions of Approval for Use Permit No. 2022-03

Attachment A
Special Conditions of Approval and Standard Development Requirements for
Use Permit No. UP 2022-03
1876 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 TO PERMIT THE USE PERMIT TO ALLOW THE ESTABLISHMENT AND OPERATION OF A MARTIAL ARTS STUDIO, ON PROPERTY LOCATED AT 1876 N. PLACENTIA AVENUE.

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION:

1. UP 2022-03 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. UP 2022-03 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. Any changes or modifications to UP 2022-03 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. 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.
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 use shall comply with all provisions of the PMC, including Chapter 23.76 Noise Control.
9. All permanent and temporary signage shall comply with all applicable provisions of the Placentia Municipal Code (PMC).
10. 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.
11. 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.

12. 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.
13. 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.
14. The use shall comply with the following:
 - a. Prior to any changes to the permitted 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 Sunday: 8:30 AM to 9:30 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. 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.

BUILDING DEPARTMENT:

15. The applicant shall submit complete plans of the Building, Electrical, Mechanical, & Plumbing in three sets, which shall be in compliance with 2019 CBC, CEC, CMC, CPC, CALGreen, & California Energy Standards, as adopted and amended by the City of Placentia.
16. The plans, details, & specifications shall be prepared sealed and signed by a California licensed architect or civil/structural engineer.
17. The group occupancy for the proposed martial arts studio per 2019 CBC Sec. 303.4 is an Assembly Group A-3 Occupancy and not a "B" Business/Office as noted on sheet A-1 of submitted plans under heading Project Analysis.
18. The Total occupant load per 2019 CBC TABLE 1004.5 MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT for exercise rooms is 50 S.F. gross per occupant and the total occupant load will be $2,615 / 50 = 53$ occupants.

19. Two exits with panic hardwares will be required to be minimum half a diagonal away from each other.

20. Per 2019 CPC the occupant load factor per Table "A" will be 30 S.F. per occupant and for the new Mat area $28' \times 40' = 1,120$ S.F the occupant load will be $1,120/30 = 38$ occupant. That will require 2 unisex bathrooms and one drinking fountain.

CITY OF PLACENTIA LIFE AND SAFETY DEPARTMENT:

21. 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 Department.



ATTACHMENT 2. VICINITY AND ZONING MAP UP 2022-03; 1876 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 KEY NOTES

XX SYMBOL

1. (E) EXTERIOR WALL (TYP)
2. (E) WOOD STUD PARTITION WALL
3. (E) CONCRETE SLAB
4. (E) WOOD COLUMN
5. (E) MAN DOOR
6. (E) UNIT ENTRANCE
7. (N) STEEL STUD WALL W/ 5/8" THK. GYPSUM BOARD EACH SIDE
8. (N) LIGHTED EXIT SIGN ABOVE (COMPLY WITH SECTION 1011 OF C.B.C.) PROVIDE BRAILLE SIGN IN COMPLIANCE WITH THE CBC SECTION 10113 WITH THE WORD "EXIT" U.N.O AND SHALL BE MOUNTED 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN, CBC SECTION 1117B.5.7
9. (N) PRE MANUFACTURED STORAGE CONTAINER 8' X 20'

PROJECT CONTACT

OWNER: IVAN D. SEGUEL
 PHONE NUMBER: 714-235-2415
 EMAIL: MASTERSEGUEL@FEARLESSTKD.COM

1876
 N PLACENTIA AVE

FEARLESS TAEKWONDO
 1876 N PLACENTIA AVE
 PLACENTIA, CA 92870
 Telephone: 714-235-2415

LEGEND

-  EXISTING 8" CMU EXTERIOR WALL
-  EXISTING WOOD STUD PARTITION WALL
-  NEW 5/8" METAL STUD WALL (EXTEND WALL TO ROOF ABOVE) - 18'-0" HT. W/ 5/8" TYPE "X" GYP. BRD. AT EA. SIDE FULL HT.
-  NEW PRE MANUFACTURED STORAGE CONTAINER
-  DOOR TAG
-  WINDOW TAG

04.28.22 - PLAN CHECK SUBMITTAL

SHEET TITLE:

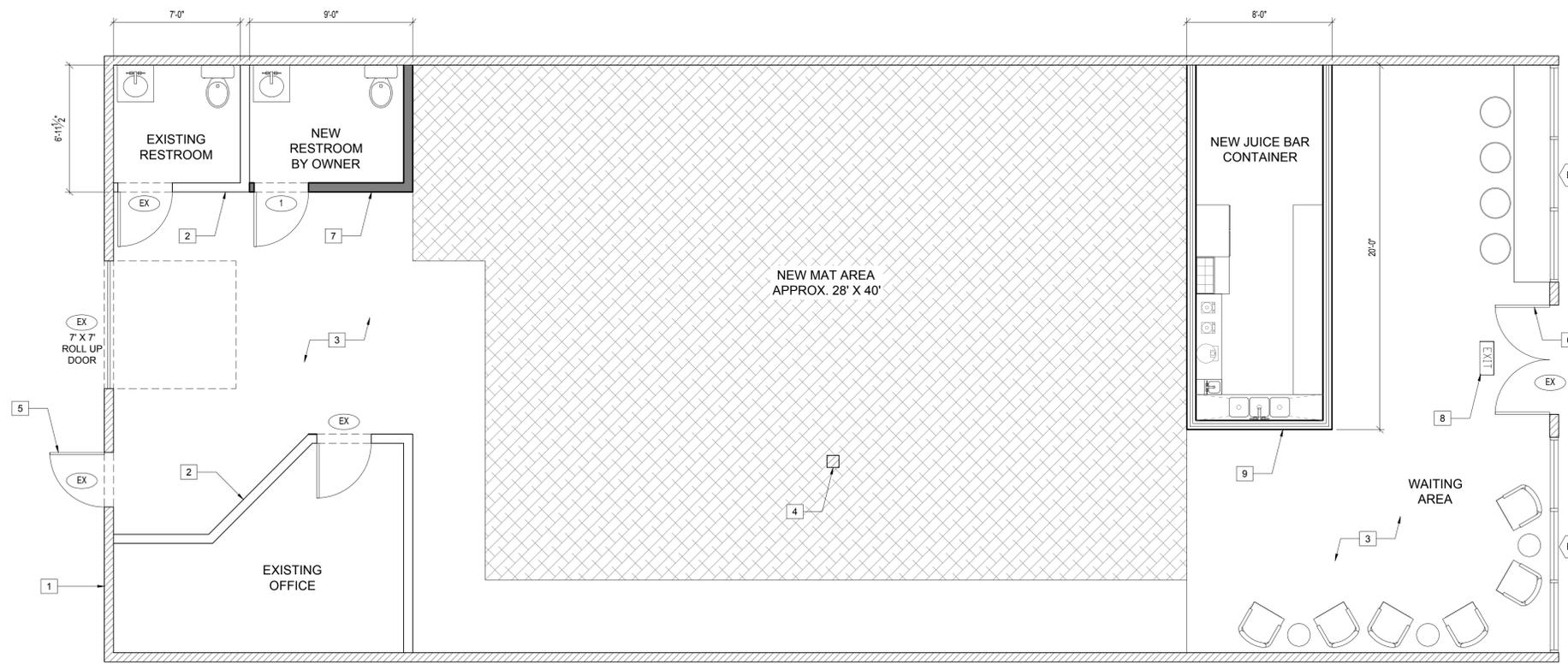
NEW
 FLOOR PLAN

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT

SHEET NUMBER:

A-2

PLOT REFERENCE DATE:



PROPOSED FLOOR PLAN 1

Scale 1/4" = 1'-0"

PROJECT CONTACT

OWNER: IVAN D. SEGUEL
 PHONE NUMBER: 714-235-2415
 EMAIL: MASTERSEGUEL@FEARLESSTKD.COM

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 N PLACENTIA AVE

FEARLESS TAEKWONDO
 1876 N PLACENTIA AVE
 PLACENTIA, CA 92870
 Telephone: 714-235-2415

04.28.22 - PLAN CHECK SUBMITTAL

SHEET TITLE:

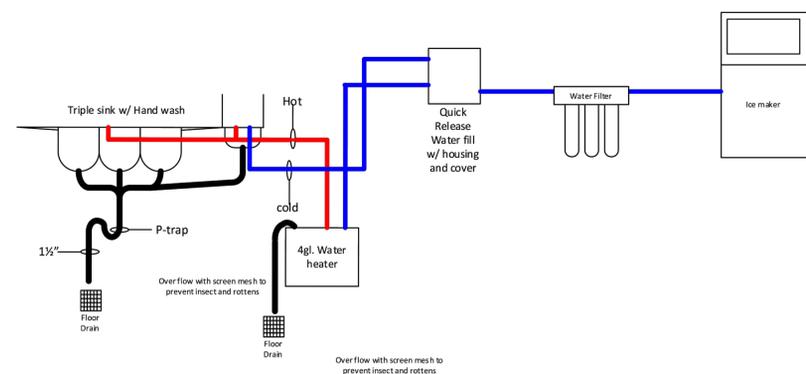
DETAILS

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT

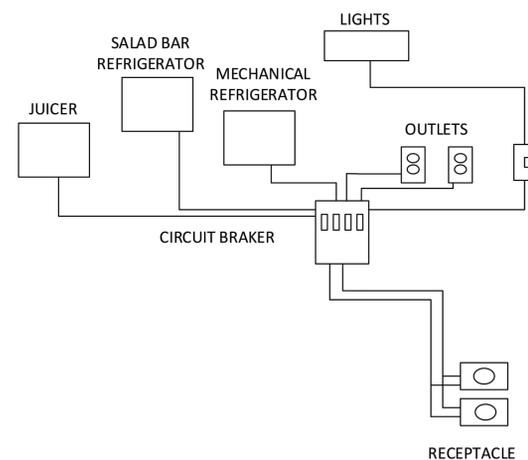
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A-3

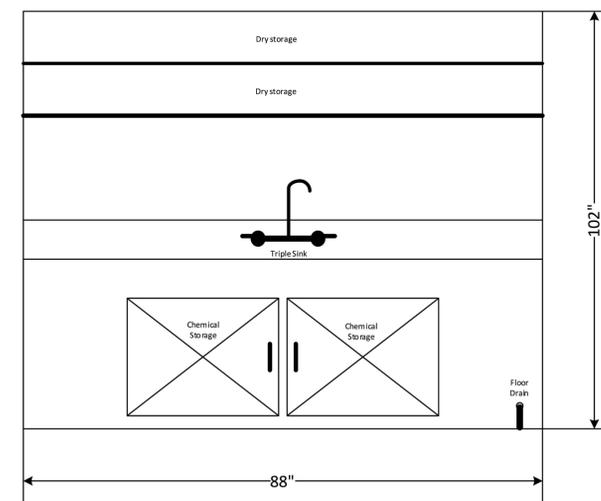
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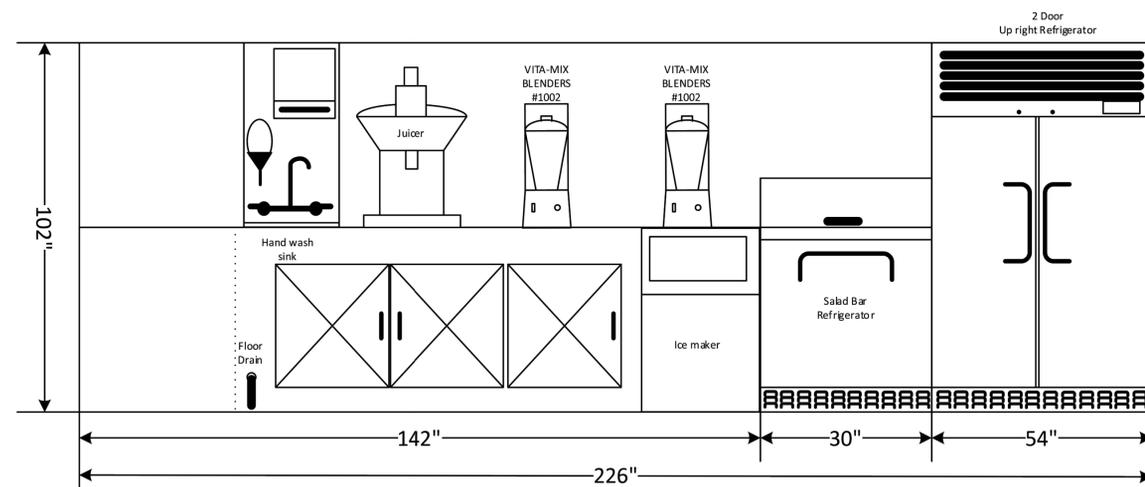
CONTAINER PLUMBING SYSTEM (5)
 Scale: NTS



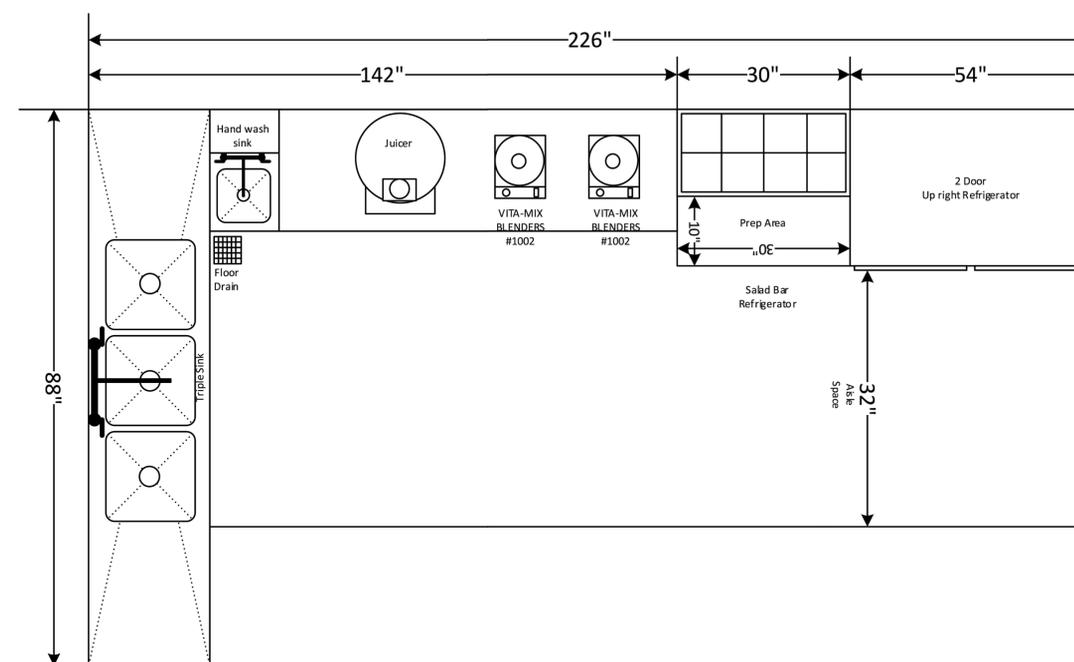
CONTAINER ELECTRICAL SYSTEM (4)
 Scale: NTS



CONTAINER ELEVATION (3)
 SCALE: AS NOTED



CONTAINER ELEVATION (2)
 SCALE: AS NOTED



CONTAINER FLOOR PLAN (1)
 Scale: AS NOTED



Fearless Taekwondo and Martial Arts
847 S Kraemer Blvd, Placentia CA 92870
Phone 714-237-9988

Statement of Use

- **Name of Business:** Fearless Taekwondo and Martial Arts
- **Contact Name & Business Phone Number:** Ivan Daniel Seguel (714) 237-9988
(Cellphone 714-235-2415)
- **Current Location:** 847 S Kraemer Blvd, Placentia CA 92870.
(Business opened since 2008 in city of Anaheim and moved to city of Placentia in 2011 to present year)
- **Type of Business:** Martial Arts Studio
- **Reason for moving:** The property at our current location has been sold and I need to relocate to a different location as soon as possible. There is an available space at the Sierra Vista Plaza Shopping Center: 1876 North Placentia Ave, Placentia CA 92870 which is a convenient location for my students, less than 10 minutes away of distance, where 85% of my current students reside in the City of Placentia. It's an excellent space to train (2,615 sq. ft. approx.) safe area and good family environment. Close to elementary schools, and residences. My business will also be a great source of networking for other businesses at the shopping center as well.
- **Days and Hours of Operation:** I offer Taekwondo and Kickboxing classes.
Monday - Friday: From 9:00am to 9:30pm.
Saturdays: From 8:30am to 9:00pm.
Sunday: ~~Closed~~.
- **Students Ages:** From 3yrs old to adults.
- **Description of Business and Instructor's Information:**
Fearless Taekwondo and Martial Arts has been an active business in the City of Placentia for 11 years (years 2011 to 2022) and prior of that, it was 3 years in the

City of Anaheim (years 2008 to 2011). A total of 14 years, I am the main Instructor at our school because I have the experience and skills necessary. I am (Ivan Daniel Seguel), a 4th Dan Black Belt, the Chief Master Instructor at Fearless Taekwondo and Martial Arts and a former National Team Member with training and certifications in Taekwondo (4th Dan Degree Black Belt certified by the World Taekwondo WT and Coach certified by USA Taekwondo Federation) and Kickboxing. I myself have more than 25 years of experience as an Instructor of Taekwondo. Which is why I have dedicated myself to helping students improve physically and mentally, so that they can become a better version of themselves and for the community. Our mission is to help kids and adults to improve their developments skills and build a strong sense of self. We teach our students all the benefits of the Martial Arts! They improve in their confidence, discipline, coordination, flexibility, strength. They learn life changing skills!

Fearless Taekwondo and Martial Arts provides top quality Taekwondo, Kickboxing and self- defense Instruction for kids, teens, families and adults. It is a Family oriented school; because Taekwondo is one of the only activities in which parents and kids can have fun together, spend real quality time and be challenged individually at the same time. In Fearless Taekwondo and Martial Arts our doctrines are: Integrity (never lie or steal), Courtesy (being polite), Perseverance (finish what you start), Self- Control (never lose your temper) and Indomitable Spirit (show no fear).

The Taekwondo schedule is based on the color of belts and ages of the students. This way every student can come 2 times per week to their special class and the instruction can be more specific and more personalized to each student. **Each class has an average of 5 to 20 students.** For Kickboxing Classes, the students also choose 2 classes per week.

Most of our students are dropped off and picked up for class. There is a 10 minutes break between sessions, to help the exit and entrance of students to their classes.

Children will improve in these areas: Respect, Focus, School Grades, Self-Control, Self-Esteem, Self-Confidence, Self-Discipline and Self-Defense, while making positive friendship.

Adults will improve in these areas: Get in Shape, Coordination, Flexibility, Lose Weight, Strength, Stress Relief and Self-Defense.

In order to improve my students and their families experience at Fearless I will add a **Juice Bar** (non-alcoholic beverage bar) The juice bar will be next to the sitting

area where parents/students wait for class to be completed. While they wait and watch class, we will be offering parents and students a healthy option to their daily routine. This concept of Martial arts and Juice Bar is being doing in another martial arts school, yoga or others fitness places here in California and other states as well. And always has good feedbacks from the students because it will be a healthy option for them to complement a physical activity.

The Juice bar name DBA will be **Thryv7** a new business, I will have a Partnership with Luis Olvera. The hours of operation will be the same as the regular classes during the week and Saturdays. There is not another juice bar business located inside the Shopping Center. Everything has been approved for the Landlord.

We are very positive that addition will be a plus in our desire to grow my business in this new location.

- **Number of full and part time employees:** Ivan Daniel Seguel, the owner and Head Instructor will be the only one full time employee, with the addition of 1 or 2 part-time employees when the classes grow. The juice bar will be attended for Luis Olvera.
- **No vehicles nor machines will be used.**

Signature: _____



Ivan Daniel Seguel-Instructor/Owner Fearless Taekwondo and Martial Arts



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: JOSEPH M. LAMBERT, DIRECTOR OF DEVELOPMENT SERVICES

DATE: JUNE 14, 2022

SUBJECT: **ZONING CODE AMENDMENT NO. ZCA 2022-03**

RECOMMENDATION

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

1. Open the Public Hearing, concerning Zoning Code Amendment No. ZCA 2022-03, receive the staff report and consider all public testimony, and close the public hearing; and
2. Adopt Resolution No. PC-2022-08, A Resolution of the Planning Commission of the City of Placentia, recommending that City Council find that adoption of the Zoning Code Amendment related to updating development standards and regulatory requirements regarding SB 9 is not a "project" under the California Environmental Quality Act pursuant to SB 9 as adopted by the State of California; and, recommending that City Council approve Zoning Code Amendment No. 2022-03, whereby development standards and regulatory requirements in Title 22 ("Subdivisions") and Title 23 ("Zoning") of the Placentia Municipal Code would be amended to refine the city's development standards in compliance with Senate Bill 9 (SB 9) as enacted by the State of California.

BACKGROUND

Previous City Council and Planning Commission Actions Related to SB 9

On May 10, 2022, Planning Commission conducted a discussion related to SB 9 and provided input to staff regarding a potential amendment to the Placentia Municipal Code related to the further customization of the City's regulations regarding the implementation of SB 9. The May 10 discussion built upon the initial staff presentation and discussion that occurred at the Planning Commission meeting of April 12, 2022. Based on Planning Commission discussion and subsequent direction received at the two aforementioned meetings, staff prepared Zoning Code Amendment No. ZCA 2022-03.

This item was presented to the Planning Commission based on direction by City Council on January 18, 2022 to create a non-urgency version of an ordinance designed to comply and address further address local considerations related to Senate Bill 9, which requires Planning Commission input prior to City Council action on such an Ordinance. The intent of this City Council direction was for staff and the Planning Commission to refine the City's local regulations related to SB 9. On January 18, 2022, City Council also adopted Urgency Ordinance No. O-2022-01 (attached) amending Title 22 (Subdivisions) to create an urban lot split process and amending Title 23 (Zoning) of the Placentia Municipal Code to create a process to permit two residential units per lot

pursuant to the implementation of Senate Bill 9. As stated, staff was also directed by City Council to cause this item to be placed on an agenda for discussion at Planning Commission to further customize and amend the City's development standards as they relate to Senate Bill 9. Once Planning Commission makes a recommendation regarding a refined, non-Urgency Ordinance related to SB 9 development standards, it will be forwarded to the City Council for consideration.

SB 9 Background Information

SB 9 was approved by Governor Gavin Newsom on September 16, 2021. It went into effect on January 1, 2022 and has two main impacts. First, SB 9 adds Government Code section 66411.7 to the Subdivision Map Act to require cities to ministerially approve a parcel map for an "urban lot split" into two (2) lots if the existing lot meets specified requirements, such as the requirement that the lot is within a single-family residential zone. The City may impose standards for that urban lot split but those standards for ministerial approval must be objective standards.

Second, SB 9, along with the ministerial approval of a proposed urban lot split, new Government Code Section 65852.21 requires the ministerial approval of a housing development containing no more than two residential units on a lot, without discretionary review nor a hearing, if the proposal meets certain objective requirements. For both new sections, there are certain requirements that must be met to utilize those new sections. These include:

- located in a single-family residential zone
- not a historic landmark or located in a historic district
- not located in a very high fire hazard severity zone
- not located in a flood zone or on land identified for habitat conservation
- proposal would not demolish more than 25 percent of existing exterior structural walls

Further, the newly created parcels shall be no smaller than 1,200 square feet and one (1) of the parcels created cannot be smaller than 40% of the lot area of the original parcel. The lot cannot have been previously subdivided pursuant to these urban lot split standards. Neither the owner of the parcel being subdivided nor anyone acting in concert with that owner has previously subdivided an adjacent parcel using the urban lot split standards.

A local agency may impose objective zoning, subdivision, and design standards. "Objective" standards involve no personal or subjective judgement and are uniformly verifiable by reference to an external and uniform benchmark or criteria available and knowable by both the developer and the local agency, so long as those standards do not conflict with SB 9. Objective standards may not physically preclude the construction of two residential units on either of the resulting parcels or physically preclude either of the two units from being at least 800 square feet in floor area.

Cities do have some very limited discretion in what to include in an SB 9 ordinance. Here are some examples that are included in the proposed ordinance:

- *Demolition.* The proposed ordinance prohibits housing developments that would demolish more than 25% of the existing structural walls on a lot where a tenant had resided in the last three (3) years. A city may opt to allow such demolition, per Government Code § 65852.21(a)(5).
- *Access.* Government Code 66411.7(e) requires cities to include "a requirement that the parcels have access to, provide access to, or adjoin the public right of way." The proposed ordinance adds language to clarify what is sufficient to meet this requirement.

- *Percolation.* The city is allowed to require residential units connected to an onsite wastewater treatment system (septic tank) to have completed a percolation test in the last five (5) years, or if the percolation test has been recertified, within the last 10 years, which shows that the system meets acceptable infiltration rates.
- *Parking.* Cities are sometimes allowed, but not required, to allow up to one (1) off street parking space per unit. The proposed ordinance would require parking be provided at the maximum permissible rate. However, the city cannot require off street parking if the parcel is located within one-half mile walking distance of a high-quality transit corridor or a major transit stop, or there is a car share vehicle located within one (1) block of the parcel.
- *Additional Unit.* Due to the fact that the second unit on an existing lot or newly created lot is very similar in nature to an accessory dwelling unit (ADU), the proposed ordinance requires that the same standards, conditions, and requirements for accessory dwelling units be followed, unless those standards, conditions and requirements conflict with the proposed ordinance or state law, in which case, the proposed ordinance and state law would apply.

DISCUSSION

April 12 and May 10, 2022 Planning Commission Discussion and Direction

At the April 12, 2022 Planning Commission meeting, Planning Commission received a Staff Report and presentation from Staff related to SB 9. Staff and the Planning Commission discussed what can and cannot be included in a legally defensible SB 9 Ordinance and provided the following direction to Staff:

1. Create customized development standards for Placentia SB 9 developments to the extent feasible per State law
2. Include Design Requirements, consistency of design between structures on one lot and within the same development
3. Limits on two-story structure (if feasible)
4. Limits on maximum height limit (if feasible)

Between the April 12 and May 10, 2022 Planning Commission meeting, staff worked with the City Attorney to identify development standards that can be included or amended in a legally defensible SB 9 Ordinance. Those potential development standards, that can implement the direction received by Planning Commission in April, were discussed at the May 10, 2022 Planning Commission meeting and are as follows:

1. **Unit Size:** Limit the existing dwelling unit that exceeds 800 sq. ft. to its current size – no expansion.
2. **Structure Height:** Limit the height of a new unit based on distance of setback. For example, if rear and/or side set back is 4 feet, limit the height to 10 feet. The height can increase each additional foot the new structure is set back.
3. **Stories:** Limiting to only one story for new structures based on distance of setback, requiring a step back of the second floor and prohibiting balconies or decks.

4. Lot coverage: Require regulation to be the same as other single-family zoned properties, with the exception that the percentage of lot coverage does not apply if it prevents two, 800 sq. ft. dwelling units on the lot.
5. Landscaping: Require regulation to be the same as all single-family zoned properties, including all applicable water saving measures.
6. Architectural Style: Require regulation to be compatible with the existing unit or the two units being constructed. Can also require it to comply with ADU standards, so long as they do not conflict with SB 9.
7. Heating and Cooling: Can require that heating/cooling apparatus be placed away from certain locations, i.e. street facing elevations.
8. Grading: Require that all grading comply with Chapter 20.40 (Grading and Excavating) of the Municipal Code.
9. Lot Access: While we cannot prevent an easement for access to the second unit, can require a sufficient width driveway and fire access and clearance.
10. Utilities: Require utilities (and utility undergrounding) to be the same as with all city standards for construction and placement of utilities.
11. Fire Protection: Require that development pursuant to SB 9 meet the minimum requirements set forth in the Title 18 of the Municipal Code.

Draft Ordinance Refining the City's Local Regulations Related to SB 9

Based on Planning Commission direction received on May 10, 2022, the attached draft ordinance addresses and/or clarifies all of the provisions above. As previously stated, objective standards may not physically preclude the construction of two residential units on either of the resulting parcels or physically preclude either of the two units from being at least 800 square feet in floor area. Generally speaking, the proposed Code amendments provide a distinction between units above/below 800 square feet, incentivizing the development of units larger than 800 square feet if said development can meet the objective standards of the underlying zone, including setbacks.

Fees:

Although the Planning Commission has no prevue over City fees, as an informational item, there are existing fees related to accessory dwelling units and for Tentative Parcel Map applications. However, the City's standard Tentative Parcel Map fee includes staff time spent preparing for and conducting a public hearing. Urban lot splits and/or two units per lot cannot include a public hearing pursuant to SB 9. Therefore, as part of the recent Citywide User Fee Study, a unique fee for urban lot splits has been adopted by City Council and a fee specific to reviewing two residential units on one lot has been adopted by City Council. These fees became effective July 1, 2022 based on previous City Council action.

CEQA:

The proposed Zoning Code Amendment was reviewed by staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"). Based on that review, staff is recommending that the Planning Commission recommend that the City Council find that adoption of ZCA 2022-03 is exempt from environmental review in that adoption of the resulting Ordinance is not a project under the requirements of CEQA and that there is no possibility that the activity in question may have a significant effect upon the environment. Pursuant to SB 9, adoption of

regulations related to SB 9 is not considered a "project" and therefore, the resulting Ordinance is not subject to CEQA review.

CONCLUSION:

This zoning code amendment provides development standards related to SB 9 that are customized to be applicable to local conditions in Placentia, and to mesh with existing local development standards. Generally speaking, the proposed Code amendments provide more protection for Placentia residents by further ensuring that existing neighborhood characteristics are maintained while complying with State law. As this Ordinance would be codified into the Zoning Code of the Placentia Municipal Code, the Planning Commission must conduct a Public Hearing and forward a recommendation to the City Council. The attached Resolution as prepared by staff includes a CEQA recommendation and also recommends City Council approval of ZCA 2022-03 whereby Title 22 ("Subdivisions") and Title 23 ("Zoning") of the Municipal Code would be amended as they relate to SB 9.

Prepared, submitted and approved by:



Joseph M. Lambert
Director of Development Services

Attachment:

1. Resolution No. PC-2022-08 and Exhibit A thereto (Draft Ordinance)
2. Urgency Ordinance No. O-2022-01
3. Questions & Answers Regarding SB 9

RESOLUTION NO. PC-2022-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL FIND THAT APPROVAL OF ZONING CODE AMENDMENT NO. 2022-03 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) BECAUSE ADOPTION OF THIS ORDINANCE IS NOT A PROJECT UNDER CEQA PURSUANT TO SB 9, AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT NO. 2022-03 AMENDING SECTION 22.28.021 (URBAN LOT SPLIT) AND CHAPTER 23.13 (TWO-UNIT HOUSING DEVELOPMENT) TO INCORPORATE OBJECTIVE STANDARDS

A. Recitals.

WHEREAS, the City, pursuant to its police power granted by Cal. Const. art. XI, § 7 and Cal. Govt. Code § 37100, may adopt regulations to protect the health, safety and welfare of the public, and thereby is authorized to declare what use and condition constitutes a public nuisance; and

WHEREAS, pursuant to Article XI, § 5 of the California Constitution and the City Charter, the City of Placentia may make and enforce all regulations and ordinances in respect to municipal affairs; and

WHEREAS, A duly noticed public hearing was conducted, and concluded, with respect to the Ordinance hereby recommended for adoption; and

WHEREAS, All legal prerequisites to the adoption of this Resolution have occurred; and

B. Resolution.

NOW, THEREFORE, BE IT 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, Zoning Code Amendment No. ZCA 2022-03 is hereby found to be consistent with the Placentia General Plan and the implementation thereof.

SECTION NO. 2: This Commission hereby specifically finds that all the facts as set forth in the Recitals, Part A, of this Resolution are true and correct.

SECTION NO. 3: The City of Placentia has a substantial interest in promoting the public health, safety, and welfare of the community.

SECTION NO. 4: The Planning Commission of the City of Placentia recommends that the City Council approve the Ordinance, attached hereto as Exhibit "A" (Zoning Code

Amendment 2022-03) and incorporated herein by this reference, whereby development standards and regulatory requirements in Title 22 (“Subdivisions”) and Title 23 (“Zoning”) of the Placentia Municipal Code would be amended to refine the city’s development standards in compliance with Senate Bill 9 (SB 9) as enacted by the State of California.

SECTION NO. 5: The Planning Commission hereby recommends that the City Council find and certify, that the amendments set forth in Zoning Code Amendment No. 2022-03 have been reviewed and considered in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder and City Guidelines and, further, that it can be seen with certainty that there is no possibility that the amendments set forth below may have a significant effect on the environment. The Commission further recommends that the City Council find that said amendments are therefore not subject to the requirements of the California Environmental Quality Act pursuant to Government Code Sections 65852.21(j) and 66411.7(n) as the amendments implementing SB9 are not considered a project under CEQA.

SECTION NO. 6: The Secretary is instructed to forward a copy of this Resolution to the City Council for their attention in the manner as prescribed by law.

[signatures on next page]

ADOPTED AND APPROVED this 14th day of June, 2022.

FRANK PEREZ, 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 14th day of June, 2022, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 14th day of June, 2022, 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

CITY ATTORNEY

EXHIBIT "A"

**DRAFT ORDINANCE AMENDING SECTION 22.28.021
(URBAN LOT SPLIT) AND CHAPTER 23.13 (TWO-UNIT
HOUSING DEVELOPMENT) TO INCORPORATE
OBJECTIVE STANDARDS**

ORDINANCE NO. O-2022-XX

**AN ORDINANCE OF THE CITY OF PLACENTIA,
CALIFORNIA AMENDING SECTION 22.28.021 (URBAN
LOT SPLIT) AND CHAPTER 23.13 (TWO-UNIT HOUSING
DEVELOPMENT) TO INCORPORATE OBJECTIVE
STANDARDS**

City Attorney's Summary

This Ordinance amends Section 22.28.01 (Urban Lot Split) and Chapter 23.3 (Two-Unit Housing Development) of the Placentia Municipal Code (PMC), adopted on January 18, 2022, under Urgency Ordinance No. O-2022-01, to add objective standards in connection with the implementation of Senate Bill 9 (SB9).

WHEREAS, the City of Placentia wishes to amend Section 22.28,021 and Chapter 23.13 of the PMC to establish objective standards for the development of an urban lot split and two-unit housing developments; and

WHEREAS, on June 14, 2022, the Planning Commission of the City of Placentia held a duly noticed public hearing and recommended to the City Council approval of the amendments to the PMC incorporated objective subdivision, zoning design standards for urban lot splits and two-unit housing developments; and

WHEREAS, the City of Placentia provided notice of the City Council's public hearing in accordance with California Government Code section 65090 and the City of Placentia Municipal Code section 23.96.030; and

WHEREAS, on _____, 2022, the City Council of the City of Placentia held a duly notice public hearing at which time it considered all evidence presented whether written or oral; and

WHEREAS, all other prerequisites to the adoption of this ordinance have occurred; and

WHEREAS, pursuant to Government Code sections 65852.21(j) and 66411.7(n) the amendments implementing SB9 are not considered a project under CEQA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACENTIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. In all respects as set forth in the Recitals of this Ordinance.

SECTION 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such

decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

SECTION 3. CEQA. Pursuant to Government Code sections 65852.21(j) and 66411.7(n) the amendments implementing SB9 are not considered a project under CEQA.

SECTION 4. Section 22.80.021 of the Placentia Municipal Code is hereby amended as follows:

Urban Lot Split Requirements:

- A. Definitions. For purposes of this Section, the following definition shall apply:
 - 1. "Urban lot split" means a lot split of a single-family residential lot into two parcels that meets the requirements of this section.

- B. The city shall ministerially approve a parcel map for a lot split that meets the following requirements:
 - 1. The parcel is located within a single-family residential zone.
 - 2. The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
 - 3. The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.
 - 4. Both newly created parcels are no smaller than 1,200 square feet.
 - 5. The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

- b. Prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B).
- c. Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2(June 21, 1993).
- d. A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- e. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- f. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
- g. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or

- ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
 - h. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
 - i. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).
 - j. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - k. Lands under a conservation easement.
- 6. The proposed lot split would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control by the city;
 - c. A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to

withdraw accommodations from rent or lease within 15 years before the date of the application; or

d. Housing that has been occupied by a tenant in the last three years.

7. The lot split does not create more than two units on a parcel, including any accessory dwelling units or junior accessory dwelling units.
8. Flag lots are not permitted, unless necessary to comply with this section.

C. Standards and Requirements. The following requirements shall apply:

1. The lot split must conform to all applicable ~~objective~~ requirements of the California Subdivision Map Act (Government Code §§ 66410, et seq.) and Title 22 of the Placentia Municipal Code, except as the same are modified by this section.
2. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
3. Except for those circumstances described in section C.2 above, the setback for side and rear lot lines for units 800 square feet or less shall be four feet. For units 801 square feet and larger, the side and rear set back shall be the same as set forth in the single-family residential zone. The front setback shall be as set forth in the applicable single-family residential zone or applicable single-family residential specific plan land use designation.
4. The applicant shall provide easements for the provision of public services and facilities as required to service the newly created lots.
5. All lots shall have a minimum street frontage of ten feet to provide for vehicular access and shall comply with driveway requirements of Title 23.
6. Off-street parking shall be limited to one space per unit and follow the standards in Title 23, unless they conflict with this section, in which case this section will prevail. Notwithstanding the above, no parking requirements shall be imposed in either of the following circumstances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or

b. There is a car share vehicle located within one block of the parcel.

7. Lot coverage shall be the same as set forth in the single-family residential zone, so long as it does not prevent the construction of two 800 square foot units.

8. All grading shall comply with Chapter 20.40 (Grading and Excavating) of this code.

9. Each resulting property must adjoin the public right of way or have vehicular access to the public right of way through a fee interest or perpetual access easement.

10. Driveway locations are subject to Public Works standards and requirements in place at the time of the application. All driveways shall comply with the driveway development standards set forth in section 23.04.010 of this code.

11. Properties must have an approved route for firefighter access and hose pull to all existing or potential structures within 150 feet of the fire apparatus. All properties shall comply with all fire protection requirements set forth in the California Fire Code and Title 18 of this code.

12. Each resulting lot (properties) must have dedicated wet (water, sewer, storm drain) and dry (gas and electric) utilities which shall meet the following standards:

a. Location and size shall be determined in accordance with City standards.

b. Water shall include domestic, irrigation, and fire water systems.

c. Property shall be responsible to install new or upsized connections to City facilities in accordance with City standards.

d. Unused connections shall be abandoned per City standard.

D. In connection with an application under this section, the city shall not:

1. Require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.

2. Impose any objective zoning, subdivision, or design review standards that would have the effect of physically precluding the construction of two units

on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

3. Require the correction of nonconforming zoning provisions as a condition for the lot split.
 4. Deny an application solely because it proposes adjacent or connected structures provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.
- E. An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:
1. That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a “community land trust” or a “qualified nonprofit corporation” as the same are defined in the Revenue and Taxation Code.
 2. That the uses shall be limited to residential uses.
 3. That any rental of any unit created by the lot split shall be for a minimum of thirty-one days.
 4. That the maximum number of units to be allowed on the parcels is two, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, and junior accessory dwelling units.
 5. That prohibits the separate fee interest conveyance of any unit on the parcel.
 6. That the parcel is formed by an urban lot split and is subject to the city’s urban lot split regulations, including all applicable limits on dwelling size and development.
- F. The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- G. This section shall not apply to:

1. Any parcel which has been established pursuant to a lot split in accordance with this section; or
 2. Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, it will be assumed that where a lot owner purchased the property from an adjacent owner who subdivided his property pursuant to this division within five years of the lot split, the owner is acting in concert with the then owner of the adjacent lot. Acting in concert shall also include where the owner of a property proposed for an urban lot split is the same, related to, or connected by partnership to the owner, buyer or seller (if transferred within the previous three years) of an adjacent lot. However, acting in concert is not limited to these situations.
- H. Any unit constructed must be compatible in design to the existing primary structure and must also comply with the existing accessory dwelling unit standards and requirements set forth in Chapter 23.73 of this Code unless those standards and requirements conflict with this section or state law, in which case this section and state law apply.
- I. The provisions of this section supersede any provisions of the Titles 22 and 23 of the Municipal Code to the contrary.
- J. An existing non-conforming or unpermitted dwelling unit may be legalized if it meets or can be improved to meet all requirements of Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code relating to enforcing building code standards. Nothing in this subsection shall be construed as a requirement for the correction of nonconforming zoning conditions as a condition of approval for a Two-Unit Housing Development.

SECTION 5. Chapter 23.13 of the Placentia Municipal Code is hereby amended as follows:

Section 23.13.010 Two-unit Housing Development

- A. For purposes of this section, the following definition shall apply:
1. "Housing development" shall mean no more than two residential units within a single-family zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit.
- B. The city shall ministerially approve a housing development containing no more than two residential units if it meets the following requirements:

1. The parcel is located within a single-family residential zone.
2. The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
3. The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - b. Prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B).
 - c. Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - d. A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - e. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - f. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
 - g. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency

Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

- i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- h. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- i. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).
- j. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- k. Lands under a conservation easement.

4. The proposed housing development would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control by the city;
 - c. A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
 - d. Housing that has been occupied by a tenant in the last three years.
 5. Demolition of an existing unit shall not exceed more than 25 percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.
- C. Standards and Requirements. The following requirements shall apply in addition to all other objective standards pertaining to the single-family residential zone, unless they conflict with state law:
1. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
 2. Except for those circumstances described in section C.1 above, for units 800 square feet or less, the setback for side and rear lot lines shall be four feet. For units 801 square feet and larger, the side and rear set back shall be the same as set forth in the applicable single-family residential zone or applicable specific plan designation. The front setback shall be as set forth in the single-family residential zone or applicable single family residential specific plan designation.
 3. The applicant shall provide easements for the provision of public services and facilities as required.
 4. All lots shall have a minimum street frontage of ten feet to provide for vehicular access and shall comply with driveway requirements of Title 23.
 5. Off-street parking shall be limited to one space per unit and follow the standards in Title 23, unless they conflict with state law or this chapter, in

which case state law and this chapter shall prevail. Notwithstanding the above, no parking requirements shall be imposed in either of the following circumstances:

- a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.
6. For residential units connected to an onsite wastewater treatment system (septic tank), the applicant provides a percolation test completed within the last 5 years, or if the percolation test has been recertified, within the last 10 years, which shows that the system meets acceptable infiltration rates.
 7. The front setback shall be 20 feet on a lot that fronts on a street., ~~except on lots where the street-facing side (width) is longer than the depth, in such case the setback from the street-facing lot line shall be 10 feet.~~
 8. ~~For landlocked parcels side yard setbacks shall apply to all property lines.~~
 9. The height of the structure shall be same as set forth in the single-family zone or applicable specific plan designation. However, any unit within the four feet of the rear set back shall be limited to one story. If the second structure meets the rear set back requirements of the single-family zone, the height may be the same as the zone however, any second story must be step backed a minimum of 5 feet from the first-floor wall plane. Decks and balconies are prohibited.
 10. Lot coverage shall be the same as set forth in the single-family residential zone, so long as it does not prevent the construction of two 800 square foot units.
 11. All grading shall comply with Chapter 20.40 of this code.
 12. Each resulting property must adjoin the public right of way or have vehicular access to the public right of way through a fee interest or perpetual access easement.
 13. Driveway locations are subject to Public Works standards and requirements in place at the time of the application. All driveways shall comply with the driveway development standards set forth in section 23.04.010 of this code.

14. Properties must have an approved route for firefighter access and hose pull to all existing or potential structures within 150 feet of the fire apparatus. All properties shall comply with all fire protection requirements set forth in the California Fire Code and Title 18 of this code.

15. Each resulting lot (properties) must have dedicated wet (water, sewer, storm drain) and dry (gas and electric) utilities which shall meet the following standards:

a. Location and size shall be determined in accordance with City standards.

b. Water shall include domestic, irrigation, and fire water systems.

c. Property shall be responsible to install new or upsized connections to City facilities in accordance with City standards.

d. Unused connections shall be abandoned per City standard.

16. Water heaters (excluding tank less) and laundry facilities (washer and dryer) may not be located on the exterior of a dwelling unit. Tank less water heaters, when installed on the exterior of structure may only be installed on the 1st floor, must not be installed on any street facing elevation, and must not be installed on the same elevation as the entrance to the dwelling.

17. HVAC units must not be installed on any street facing elevation, and must not be installed on the same elevation as the entrance to the dwelling.

18. The total floor area of each primary dwelling unit built pursuant to this Ordinance must be less than or equal to 800 sq. ft. and consistent with the minimum standards required by state law (generally 220 sq. ft.). A primary dwelling unit that was legally established on the subject site prior to the two-unit project that is smaller than 800 feet may be expanded to 800 sq. ft. after or as part of the two-unit project. A primary dwelling unit that was previously legally established on the subject site that is larger than 800 sq. ft. is limited to the lawful floor area at the time of the two-unit project and may not be expanded.

19. In addition to complying with the single family residential zone landscape provisions of this code. All developments shall plant mature landscaping consisting of a minimum of 36" box trees, 15 gal shrubs, or a combination of both.

20. All development shall comply with the single family residential zone open space provisions of this code, to the extent that it does not prevent two primary dwelling units on the subject property of 800 sq. ft. each.

- D. The city shall not:
1. Impose any objective zoning, subdivision, or design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
 2. Deny an application solely because it proposes adjacent or connected structures provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.
- E. An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:
1. That the uses shall be limited to residential uses.
 2. That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.
 3. For an urban lot split, that the parcel is formed by an urban lot split and is subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development ~~That the maximum number of units to be allowed on the parcels is two, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, and junior accessory dwelling units.~~
- F. The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- G. Any unit constructed must be compatible in design to the existing primary structure and must also comply with the existing accessory dwelling unit standards and requirements set forth in Chapter 23.73 of this Code unless those standards and requirements conflict with this section or state law, in which case this section and state law apply.
- H. The provisions of this section supersede any provisions in the Titles 22 and 23 of the Municipal Code to the contrary.

Section 23.13.020 Parcel Maps for Urban Lot Splits.

“Notwithstanding anything else in this section to the contrary, if the lot was previously involved in a subdivision pursuant to Municipal Code section 22.80.021 (Urban Lot Split – Approval Process), then an ADU or JADU is allowed if, after construction, there would be no more than two housing units on the lot, including, but not limited to units otherwise allowed pursuant to density bonus provisions, ADU provisions, or JADU provisions.”

SECTION 6. The City Council finds, in accordance with the requirements of Section 23.96.040 (“Amendments”) of the Placentia Municipal Code, that the proposed amendments to the municipal code will not be detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed amendments or within the city, and that it will not be injurious to the property or improvements within the neighborhood or within the city. The City Council also finds that the amendment is consistent with the latest adopted General Plan.

SECTION 7. This Ordinance shall take effect on the 31st day after adoption.

SECTION 8. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of the City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

INTRODUCED at a regular meeting of the City Council of the City of Placentia held on the ____ day of ____ 2022.

Passed, approved, and adopted this day of _____, 2022.

Rhonda Shader, Mayor

ATTEST:

Robert S. McKinnell, City Clerk

I, Robert S. McKinnell, City Clerk of the City of Placentia, do hereby certify that the foregoing Urgency Ordinance was introduced and adopted at a regular meeting of the City Council of the City of Placentia, held on the day of 2022 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

ATTEST:

Robert S. McKinnell, City Clerk

APPROVED AS TO FORM:

Christian Bettenhausen, City Attorney

URGENCY ORDINANCE NO. O-2022-01

AN URGENCY ORDINANCE OF THE CITY OF PLACENTIA, CALIFORNIA AMENDING TITLE 22 (SUBDIVISIONS) TO CREATE AN URBAN LOT SPLIT AND AMENDING TITLE 23 (ZONING) OF THE PLACENTIA MUNICIPAL CODE TO CREATE TWO (2) RESIDENTIAL UNITS PER LOT PURSUANT TO THE IMPLEMENTATION OF SENATE BILL 9

City Attorney's Summary

This Ordinance amends Title 22 (Subdivisions) of the Placentia Municipal Code (PMC) to create an urban lot split process and provisions, and also amends Title 23 (Zoning) of the PMC to create a process and provisions for two residential units per lot pursuant to the implementation of Senate Bill 9 (SB9). SB 9 adds two new sections to the Government Code, creating urban lot splits and the development of two units on a single-family residential lot. Therefore, this Ordinance will update the PMC as necessary to achieve compliance with recent State legislation regarding urban lot splits and to allow two residential units per single-family zoned lot.

WHEREAS, on September 16, 2021 Governor Gavin Newsom approved Senate Bill 9 (SB 9, Chapter 162) relating to the creation of two residential units per lot which requires local agencies to ministerially approve housing development containing no more than two residential units per lot and ministerially approve an urban lot split; and

WHEREAS, SB 9 took effect on January 1, 2021; and

WHEREAS, SB 9 allows local agencies to impose objective zoning, subdivision, and design review standards; and

WHEREAS, given that SB 9 was not signed until mid-September, there was insufficient time to process this Ordinance through noticed hearings before the Planning Commission and City Council and have the Ordinance in place as close as possible to January 1, 2021; and

WHEREAS, the public is already beginning to express interest in developing under this new law and it is necessary to have standards in place as close as possible to the time SB 9 became effective.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACENTIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 22.80.021 is hereby added to the Placentia Municipal Code to read as follows:

Urban Lot Split Requirements:

- A. Definitions. For purposes of this Section, the following definition shall apply:
1. "Urban lot split" means a lot split of a single-family residential lot into two parcels that meets the requirements of this section.
- B. The city shall ministerially approve a parcel map for a lot split that meets the following requirements:
1. The parcel is located within a single-family residential zone.
 2. The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
 3. The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.
 4. Both newly created parcels are no smaller than 1,200 square feet.
 5. The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - b. Prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B).
 - c. Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2(June 21, 1993).
 - d. A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - e. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic

Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

- f. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
- g. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- h. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- i. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural

resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).

- j. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - k. Lands under a conservation easement.
6. The proposed lot split would not require demolition or alteration of any of the following types of housing:
- a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control by the city;
 - c. A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
 - d. Housing that has been occupied by a tenant in the last three years.
7. The lot split does not create more than two units on a parcel, including any accessory dwelling units or junior accessory dwelling units.
8. Flag lots are not permitted, unless necessary to comply with this section.
- C. Standards and Requirements. The following requirements shall apply:
- 1. The lot split conforms to all applicable objective requirements of the Subdivision Map Act and Title 22 of the Placentia Municipal Code, except as the same are modified by this section.
 - 2. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

3. Except for those circumstances described in section C.2 above, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the single-family residential zone.
4. The applicant shall provide easements for the provision of public services and facilities as required to service the newly created lots.
5. All lots shall have a minimum street frontage of ten feet to provide for vehicular access and shall comply with driveway requirements of Title 23.
6. Off-street parking shall be limited to one space per unit and follow the standards in Title 23, unless they conflict with this section, in which case this section will prevail. Notwithstanding the above, no parking requirements shall be imposed in either of the following circumstances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.

D. In connection with an application under this section, the city shall not:

1. Require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.
2. Impose any objective zoning, subdivision, or design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
3. Require the correction of nonconforming zoning provisions as a condition for the lot split.
4. Deny an application solely because it proposes adjacent or connected structures provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.

E. An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:

1. That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a "community land trust" or a "qualified nonprofit corporation" as the same are defined in the Revenue and Taxation Code.
 2. That the uses shall be limited to residential uses.
 3. That any rental of any unit created by the lot split shall be for a minimum of thirty-one days.
 4. That the maximum number of units to be allowed on the parcels is two, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, and junior accessory dwelling units.
- F. The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- G. This section shall not apply to:
1. Any parcel which has been established pursuant to a lot split in accordance with this section; or
 2. Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, it will be assumed that where a lot owner purchased the property from an adjacent owner who subdivided his property pursuant to this division within five years of the lot split, the owner is acting in concert with the then owner of the adjacent lot. Acting in concert shall also include where the owner of a property proposed for an urban lot split is the same, related to, or connected by partnership to the owner, buyer or seller (if transferred within the previous three years) of an adjacent lot. However, acting in concert is not limited to these situations.
- H. Any unit constructed must be compatible in design to the existing primary structure and must also comply with the existing accessory dwelling unit standards and requirements set forth in Chapter 23.73 of this Code unless those standards and

requirements conflict with this section or state law, in which case this section and state law apply.

- I. The provisions of this section supersede any provisions of the Titles 22 and 23 of the Municipal Code to the contrary.

SECTION 2. Chapter 23.13 is hereby added to the Placentia Municipal Code to read as follows:

Section 23.13.010 Two-unit Housing Development

A. For purposes of this section, the following definition shall apply:

1. "Housing development" shall mean no more than two residential units within a single-family zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit.

B. The city shall ministerially approve a housing development containing no more than two residential units if it meets the following requirements:

1. The parcel is located within a single-family residential zone.
2. The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
3. The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - b. Prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B).
 - c. Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2(June 21, 1993).
 - d. A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard

mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

- e. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- f. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
- g. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- h. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the

applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

- i. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).
 - j. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - k. Lands under a conservation easement.
4. The proposed housing development would not require demolition or alteration of any of the following types of housing:
- a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control by the city;
 - c. A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
 - d. Housing that has been occupied by a tenant in the last three years.
5. Demolition of an existing unit shall not exceed more than 25 percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.
- C. Standards and Requirements. The following requirements shall apply in addition to all other objective standards pertaining to the single-family residential zone, unless they conflict with state law:

1. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
2. Except for those circumstances described in section C.1 above, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the single-family residential zone.
3. The applicant shall provide easements for the provision of public services and facilities as required.
4. All lots shall have a minimum street frontage of ten feet to provide for vehicular access and shall comply with driveway requirements of Title 23.
5. Off-street parking shall be limited to one space per unit and follow the standards in Title 23, unless they conflict with this chapter, in which case this chapter shall prevail. Notwithstanding the above, no parking requirements shall be imposed in either of the following circumstances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.
6. For residential units connected to an onsite wastewater treatment system (septic tank), the applicant provides a percolation test completed within the last 5 years, or if the percolation test has been recertified, within the last 10 years, which shows that the system meets acceptable infiltration rates.
7. The front setback shall be 20 feet on a lot that fronts on a street, except on lots where the street-facing side (width) is longer than the depth, in such case the setback from the street-facing lot line shall be 10 feet.
8. For landlocked parcels side yard setbacks shall apply to all property lines.

D. The city shall not:

1. Impose any objective zoning, subdivision, or design review standards that would have the effect of physically precluding the construction of two units

on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

2. Deny an application solely because it proposes adjacent or connected structures provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.
- E. An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:
1. That the uses shall be limited to residential uses.
 2. That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.
 3. That the maximum number of units to be allowed on the parcels is two, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, and junior accessory dwelling units.
- F. The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- G. Any unit constructed must be compatible in design to the existing primary structure and must also comply with the existing accessory dwelling unit standards and requirements set forth in Chapter 23.73 of this Code unless those standards and requirements conflict with this section or state law, in which case this section and state law apply.
- H. The provisions of this section supersede any provisions in the Titles 22 and 23 of the Municipal Code to the contrary.

Section 23.13.020 Parcel Maps for Urban Lot Splits.

“Notwithstanding anything else in this section to the contrary, if the lot was previously involved in a subdivision pursuant to Municipal Code section 22.80.021 (Urban Lot Split – Approval Process), then an ADU or JADU is allowed if, after construction, there would be no more than two housing units on the lot, including,

but not limited to units otherwise allowed pursuant to density bonus provisions, ADU provisions, or JADU provisions.”

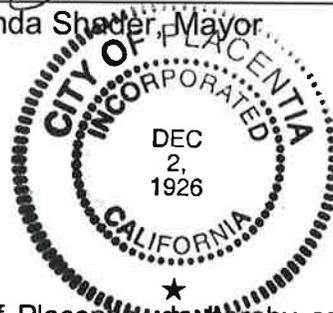
SECTION 3. This adoption of this Ordinance is not a project under CEQA pursuant to SB 9.

SECTION 4. This Ordinance shall take effect immediately because of the need for the preservation of the public peace, health, and safety as set forth in the Whereas clauses in the beginning of this Ordinance.

Passed, approved, and adopted this 18th day of January, 2022.



Rhonda Shader, Mayor



ATTEST:



Robert S. McKinnell, City Clerk

I, Robert S. McKinnell, City Clerk of the City of Placentia, do hereby certify that the foregoing Urgency Ordinance was introduced and adopted at a regular meeting of the City Council of the City of Placentia, held on the 18th day of January 2022 by the following vote:

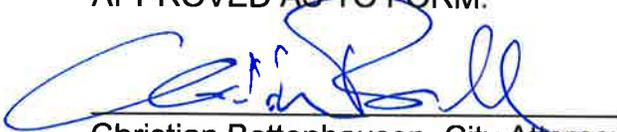
AYES:	Councilmembers:	Green, Smith, Yamaguchi, Wanke, Shader
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

ATTEST:



Robert S. McKinnell, City Clerk

APPROVED AS TO FORM:



Christian Bettenhausen, City Attorney

This memo addresses many of the questions that have arisen since the adoption of Senate Bill 9 (SB 9).

Q: What is the impact of SB 9 on the Housing Element?

A: At this time SB 9 is not expected to have an impact on the housing element, especially for jurisdictions in the SCAG region whose elements are due October 15, 2021. For sites to count towards affordable housing, they must meet minimum density and size requirements that would not be met with developments allowed under SB 9. For subsequent cycles, and for cities in COG areas that have later housing element revision dates, the city may be able to show a historical pattern to account for moderate and above-moderate sites.

Q: What is the impact of SB 9 on the ADU ordinance?

A: To the extent that SB 9 prohibits ADUs/JADUs on developments allowed under SB 9, it would override the ADU ordinance.

Q: Can someone split a lot that has a home with a JADU/ADU on it or build a second unit if there is an ADU/JADU on the lot?

A: The language of SB 9 is only clear as to situations in which a person uses both the authority contained in section 65852.21 allowing two units on a lot *and* section 66411.7 allowing a subdivision of a single-family lot. In this case, no more than two units can be provided per lot, including an ADU and JADU. This language is contained in both section 65852.21(f) and section 66411.7(j).

However, no similar provisions are contained in section 65852.21 authorizing the development of two units on a lot. While the Legislative Counsel's Digest states that SB 9 would require a proposed housing development containing no more than two residential units to be considered ministerially, the argument for allowing ADUs and JADUs would be that the Legislature clearly knew how to draft the statute to prohibit these units if that was the intent. Additionally, HCD's Guidebook on ADUs provides that where there are two detached single-family dwellings on a lot, one ADU per lot is allowed. The HCD's Guidebook does not carry the same weight as legislation and is not necessarily binding.

As the language of sections 65852.21(f) and 66411.7(j) provide that "a local agency shall not be required to permit" an ADU and JADU on parcels using both procedures, the city would have the discretion to specifically allow ADUs and JADUs.

Q: What is the impact of SB 9 on a small lot ordinance?

A: SB 9 would supersede a small lot ordinance to the extent that it is more restrictive. The city must allow lots as small as 1,200 square feet with the setbacks provided in SB 9. Additionally, other objective standards could not be applied if it prohibited development of units that were at least 800 square feet in size.

Q: How does the building code impact living units on property lines?

A: As with ADUs, a development would still have to meet building code requirements.

Q: Can the city prohibit lot splits and units in the very high fire hazard severity zone?

A: SB 9 provides that a lot split must meet the requirements of Government Code section 65913.4(a)(6)(B) to (K). Subsection (D) provides “Within a very high fire hazard severity zone (VHFHSZ), as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.” This language basically seems to mean that if the city has adopted the California Building Code, including Chapter 7A, and is following the law regarding requiring 100 feet of defensible space, then SB 9 would apply to a VHFHSZ.

Q: What is the impact of the requirement that an applicant for an urban lot split sign an affidavit stating an “intent” to live in one of the homes?

A: Unfortunately, this requirement is not really enforceable. While someone can be required to sign such an affidavit, they are only stating that it is their intent to reside in one of housing units for a minimum of three years. There is no penalty if a person does not actually so reside. Additionally, this requirement does not make sense as it states that the occupancy will be for a minimum of three years *from the date of the approval of the urban lot split (emphasis added)*. After a lot split, a person may still need to submit building plans and then construct the home, which could take a significant portion of those three years. Nevertheless, we suggest have a form affidavit prepared that will require a person to sign under penalty of perjury.

Q: Can the city deny an urban lot split if it knows that regardless of the affidavit, the applicant has no intent to actually live one the property?

A: We think that it would be very difficult to deny as the city cannot really know what someone’s intent is.

Q: Can someone continually divide a lot until the lots are down to 1,200 square feet?

A: No. Section 66411.7(a)(3)(F) specifically provides that the ministerial lot split cannot be used for any parcel that has been established through prior exercise of an urban lot split.

Q: What does it mean to be “working in concert” with someone as far as adjacent properties being divided?

A: This language is not clear. Presumably the intent is to prevent speculators from coming in and buying up and developing a number of lots. Possible scenarios could be:

- A owns lots 1 and 2. A subdivides lot 1 and very close to that time frame sells lot 2 to B who then files an application to subdivide.
- Brothers A, B, and C own lots 1, 2, and 3. After brother B subdivides lot 2, Brothers A and C file applications to subdivide lots 1 and 3 on either side of lot 2 and the plans show development that is designed to look like one development.
- Related entities own the adjacent lots.

This issue will probably have to be examined on a case-by-case basis. It is also important to note that the statute does not prohibit the subdivision of adjacent parcels at the same time.

Q: Can the city require that there be a minimum right of way frontage as opposed to providing access through a common easement or private street, or allowing a flag lot?

A: The language of SB 9 is unclear. Newly added section 66411.7(e)(2) provides that a local agency may require “that the parcels have access to, provide access to, or adjoin the public right-of-way.” This could mean that the city has to allow any of these options or that the city could require that it adjoin the public right-of-way. Keep in mind that section 66411.7(c)(2) provides that even objective standards cannot be imposed on a lot split if it would have the effect of physically precluding the construction of two units on either of the resulting parcels.

Q: Can the city set a maximum size restriction on the units?

A: SB 9 does not address size limitations except to state that objective standards cannot physically preclude either of the two units from being at least 800 square feet in floor area.

Q: What if the single-family residence is located in a zone other than single-family residential?

A: SB 9 only applies to single-family residential zones, regardless of whether the code allows single-family residences in multi-family residential zones (see sections 65852.21(a) and 66411.7(a)(3)(A)).

Q: Must the city allow a lot split if it reduces the lot below the city’s minimum lot size?

A: Yes. Section 66411.7(a)(2)(A) provides that the newly created lots must be at least 1,200 square feet, thereby imposing that as the minimum. The city could allow smaller lots if it wanted to.

Q: Must the city allow a unit that does not meet the setback requirements of the single-family residential zone?

A: Yes. Both sections 65852.21(b)(2)(B) and 667411.7(b)(3) provide that the city is limited to requiring a four-foot side and rear yard setback. Furthermore, both of these sections provide that no setback shall be required if an existing structure is being converted or a new structure constructed in the same location and to the same dimensions as an existing structure.

Q: What can the city require for the one parking space, i.e., enclosed, covered, etc.?

A: SB 9 does not limit the type of parking space that the city may require so long as it is an objective standard. The city could therefore require an enclosed parking space of a specified dimension.

Q: Can the city use its standard parcel map fee for the ministerial lot splits?

A: If the city's standard parcel map procedure includes a noticed, public hearing, then the fee would not be applicable. Fees cannot exceed the reasonable cost of providing the service.

Q: What other fees can be imposed?

A: Unlike the ADU legislation, there is no limit on imposing applicable impact fees on new residential units. Additionally, the development would be subject to all other applicable application and permit fees.

Q: Can the city require separate utility connections for new residences?

A: Yes. SB 9 does not include any limitations on utility connections.

Q: Can the city require that units developed under SB 9 are affordable?

A: We do not believe that SB 9 provides the city with authority to restrict the units to affordable units. Of course, the city can provide incentives to encourage the units be affordable.

Q: Are there time frames for approval?

A: Unlike the ADU legislation, there are no independent time frames in which the city must approve a housing development project or urban lot split. The time limits to process a parcel map under the Subdivision Map Act should apply to parcel maps under SB 9. As the map is exempt from CEQA, the time frame will generally be 50 days, assuming that the tentative map does not go to the City Council. The housing

development project would be subject to the Permit Streamlining Act and should be acted upon within 60 days of a complete application.

Q: Is there any way to deny a project under SB 9?

A: Both a housing development project and a lot split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid such specific adverse impact.

A preponderance of the evidence means more than 50 percent.

A specific, adverse impact means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as the existed on the date the application was deemed complete.”

Q: When must the city have an ordinance in place?

A: SB 9 takes effect on January 1, 2022 and it is recommended that the city have an ordinance in place by that time to make sure that any objective standards it wishes to apply are clearly spelled out. There is no penalty for failing to adopt an ordinance as the city would simply have to follow state law and allow the housing developments and lot splits on the single-family residential lots in accordance with the provisions of SB 9. The city may adopt an ordinance through the urgency procedures in order to have something in place by January 1, 2022.

Q: Why would the city want to adopt an ordinance if state law would apply?

A: SB 9 provides that the city may impose objective standards that do not conflict with the provisions of SB 9. The city should therefore be able to impose different development standards on SB 9 housing developments and lot splits than on other single-family residential developments and parcel maps.

Q: Will HCD provide guidance?

A: HCD intends to provide a technical assistance (TA) memo, but at this time is still gathering questions. It is unknown when the TA memo will be available, but it is very unlikely it will be prior to SB 9 taking effect.