ORDINANCE NO. O-2019-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACENTIA, CALIFORNIA ADOPTING A NEGATIVE DECLARATION (ND) NO. 2019-02 FOR THE PROPOSED PROJECT AND APPROVING ZONING CODE AMENDMENT (ZCA) NO. 2019-01 AND SPECIFIC PLAN AMENDMENT (SPA) NO. 2018-01 RESULTING IN AN AMENDMENT TO CHAPTER 23.105 ENTITLED "SPECIFIC PLAN 5" TO AMEND THE PERMITTED USES AND MAXIMUM ALLOWABLE HEIGHT PERMITTED WITHIN SPECIFIC PLAN 5

City Attorney Summary

This Ordinance (Ordinance No. O-2019-05 would amend Chapter 23.105 to the City of Placentia Municipal Code modifying the permitted uses for Parcel 9 and 11 of Specific Plan 5 and increasing the maximum height within the Specific Plan 5 area from fifty feet to seventy-five feet, which is bordered by Placentia Avenue, Orangethorpe Avenue and the 57 Freeway. Additionally, amending Chapter 23.105 results in an amendment to Specific Plan 5 of the City of Placentia.

A. Recitals.

(i). Opportunities for revitalization of the project area are afforded through the potential future construction of hospitality uses and related on Parcels 9 and 11 of Specific Plan 5. The purpose of permitted land use modifications and maximum height allowance is to provide for redevelopment of Specific Plan 5 to promote additional hospitality and retail uses within the area. This project area allows for various commercial and retail including, hotel, office, and restaurants. The project area will have further promoted a symbiotic relationship with TOD Packing House District and Old Town Revitalization Plan project areas, thereby ensuring the economic vitality of all districts and contribute to the fiscal stability of the City of Placentia.

(ii.) The City of Placentia wishes to adopt modified permitted uses for Parcels 9 and 11 of Specific Plan 5 and a modified height standard for the project area. Implementation of a Municipal Code amendment and Specific Plan amendment require various City Council approvals including, including amending Chapter 23.105 entitled “Specific Plan 5” to the City of Placentia Municipal Code creating additional permitted uses for Parcel 9 and 11 under Section 23.105.050 and modifying Section 23.1058.070 Height to increase the maximum height of structures from fifty feet to seventy-five feet, and certification of a Negative Declaration to ensure environmental impacts of the ZCA and SPA are mitigated to a level that is less than significant in accordance with the with the California Environmental Quality Act ("CEQA") and the City of Placentia Environmental Guidelines as codified in Title 14 of the California Code of Regulations ("CCR") Section 15000 et. seq., Public Resources Code Section 21000 et. seq.
(iii.) In accordance with CEQA, an Initial Study was prepared to review and consider the environmental impacts of the land use change. Based upon the Initial Study, on or about July 7, 2017, the City of Placentia, as lead agency, published a Notice of Intent to Adopt a Negative Declaration (ND) No. 2019-02 based on preparing an Initial Study finding that the project could not have a significant impact on the environment, and a Negative Declaration has been prepared in accordance with CCR Section 15070.

(iv.) The Initial Study (IS) and ND were made available for twenty (20) days ("public review period") during which time the public could comment on the IS/ND in accordance with CCR Section 15073. After completion of the public review period, no comments were received on the Negative Declaration during the public review period.

(v.) On or about June 11, 2019, the Planning Commission of the City of Placentia held a duly noticed public hearing and recommended to the City Council approval of the modifications to the Municipal Code Chapter 23.105 Specific Plan 5 to add hospitality uses and other permitted uses to the list of permitted uses for Parcels 9 and 11 under Section 23.105.050 and to modify Section 23.105.070 to increase the maximum allowable height from fifty feet to seventy-five feet together with corresponding changes to Specific Plan 5, and adoption of a Negative Declaration for the entire project.

(vi.) 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.

(vii.) All other legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, the City Council of the City of Placentia does hereby find, determine and ordain as follows:

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

SECTION 2. The Negative Declaration circulated for public review contains all contents as required in CCR Section 15071. The City has complied with the requirements of CEQA and the City of Placentia Environmental Guidelines. The City Council hereby certifies and adopts Negative Declaration (ND) 2019-02 for the project in compliance with CEQA and the City of Placentia Environmental Guidelines.

SECTION 3. The City Council further approves an amendment to the City of Placentia Municipal Code and to Specific Plan 5 (SP-5) by amending Chapter 23.105
entitled “Specific Plan 5” to add hospitality uses and other related to the permitted uses for Parcels 9 and 11 under Section 23.105.050 and the increase the maximum height of structures within the Specific Plan from fifty to seventy-five feet under Section 23.105.070 as set forth in Exhibit “A”.

SECTION 4. 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 amendment or within the city, and that it will not be injurious to 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 5. If any section, subsection, sentence, clause, or phrase of this ordinance and/or the documents in support of this ordinance is/are for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

INTRODUCED at a regular meeting of the City Council of the City of Placentia held on July 9, 2019.

PASSED, APPROVED AND ADOPTED this 23rd day of July 2019.

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 Ordinance was introduced at a regular meeting of the City Council held on the 9th day of July 2019 and was finally adopted at a regular meeting held on the 23rd day of July 2019 by the following vote:

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

Robert S. McKinnell, City Clerk

APPROVED AS TO FORM:

Christian L. Bettenhausen, City Attorney
Exhibit “A”

Amendment to City of Placentia Municipal Code Chapter 23.105 and Amendment to Specific Plan 5

Title 23 ZONING

Chapter 23.105 SPECIFIC PLAN 5

Note

23.105.010 Location.
This specific plan shall encompass 19.13 +/- net acres at the northeast corner of Placentia Avenue and Orangethorpe Avenue, 727 +/- feet south of Crowther Avenue and lying west of Placentia Storm Drain Channel, represented by the following specific plan area map:
23.105.020 Purpose.
The specific plan is intended to provide a site for retailers and businesses, which through the characteristics of their respective services offered, cater to the entire community. (Ord. 95-O-118, 1995)

23.105.030 Permitted uses for parcels 1, 2, 3, 4, 5, 6, 8 and 10.

All retail, business and office uses are permitted on these parcels as shown on Exhibit A attached to the ordinance codified in this chapter and on file in the office of the city clerk, including but not limited to the following examples:

(1) Apparel stores;
(2) Appliance stores;
(3) Educational and training offices;
(4) Financial institutions;
(5) Food stores;
(6) General administrative offices;
(7) Health clubs;;
(8) Home improvement centers;
(9) Hotels with lounges;
(10) Medical and dental offices and clinics;
(11) Professional offices;
(12) Research and development including laboratories;
(13) Restaurants including drive-through facilities;
(14) Sales and service operations with or without light assembly and storage;
(15) Small outdoor seating areas per Section 23.81.165;
(16) Use conformity determination.

Notwithstanding the provisions of this section, the planning commission of the city of Placentia may, upon application made pursuant to the provisions of Chapter 23.87, review and determine whether a proposed use, not otherwise specified in this section, conforms to the intent and purpose of this chapter with regard to permitted uses and has characteristics similar to those uses listed in this section. The city administrator shall determine the number of plot plans to be submitted together with the application. The planning commission shall make the findings required by Section 23.87.040(1) and (2) in making any such determination. (Ord. O-2010-09 § 5, 2010; Ord. 97-O-107 § 1, 1997; Ord. 95-O-118, 1995)
23.105.040 Permitted uses for parcels 6 and 7.

The primary purpose of parcels 6 and 7 is hotel in nature. All retail, business and office uses listed in Section 23.105.030 shall be permitted. (Ord. 95-O-118, 1995)

23.105.050 Permitted uses for parcels 9 and 11.

The primary purpose of these parcels is to provide a site for motor vehicle dealerships, and for other selected other commercial uses, Hospitality uses listed in Section 23.105.030 shall be permitted. General retail, financial, office, medical, and restaurant uses including drive-through facilities listed in Section 23.105.030 shall be permitted.

23.105.60 Uses subject to obtaining a use permit for all parcels.

(1) Establishments that sell alcoholic beverages including on- and off-sale;
(2) Uses similar to those permitted in Section 23.105.030 with special design characteristics which have the potential to adversely affect the health, safety and general welfare of the surrounding neighborhood;
(3) Large outdoor seating areas per Section 23.81.165. (Ord. 97-O-107 § 2, 1997; Ord. 95-O-118, 1995)

23.105.070 Height.

Maximum allowable building height shall be fifty (50) seventy-five (75) feet. Rooftop amenities and architectural projections, such as and not limited to, clubhouses, swimming pools, tennis courts, open space areas, fitness centers, are permitted to project 16 ft. above the maximum height limit if integrated into the overall design of the project and the maximum rooftop building coverage is limited to 40% of the rooftop floor area.

23.105.080 Lot coverage.

Not more than eighty-five (85) percent of the net lot area shall be devoted to main and accessory building area, parking area or driveways except on those lots containing an auto dealership where one hundred (100) percent coverage shall be permitted. (Ord. 95-O-118, 1995)

23.105.090 Front yard setback.

Minimum front yard setbacks shall be fifteen (15) feet. All of the required yard area shall be landscaped and maintained, except for drive entrances. (Ord. 95-O-118, 1995)
23.105.100 Side yard.

Minimum side yard setback shall be fifteen (15) feet when adjacent to public streets. Side yards adjacent to public streets shall be landscaped and maintained. All other side yards shall be a minimum of three (3) feet. Parking shall be permitted within the side yard setback except in areas designed for landscaping. (Ord. 95-O-118, 1995)

23.105.110 Rear yard.

Minimum rear yard setback shall be fifteen (15) feet. A minimum of five (5) feet shall be landscaped and maintained. (Ord. 95-O-118, 1995)

23.105.120 Distance between buildings.

The minimum distance between buildings shall be twelve (12) feet, except for buildings on parcels 9 and 11. (Ord. 95-O-118, 1995)

23.105.130 Walls and fences.

All fences shall be six (6) feet high chain link with one (1) inch private decorative slatting, color to be compatible with architecture of building. These fences shall occur along the southerly, easterly and northerly exterior property lines on parcels 1 through 7, as shown on Exhibit A attached to the ordinance codified in this chapter and on file in the office of the city clerk. (Ord. 95-O-118, 1995)

23.105.140 On-site parking.

Parking shall be provided per Chapter 23.78 for all areas covered by the specific plan, with the following exceptions:

(1)    (A) Parking for parcels 1 and 2 shall be combined to meet requirements.
       (B) Parking for parcels 3 and 4 shall be combined to meet requirements.

(2)    Reciprocal parking shall be provided between parcels 1 and 2 and parcels 3 and 4. (Ord. 95-O-118, 1995)
23.105.150 Signs.

All signs shall be integrated with the design of the development and shall reflect the architecture of the building except those provided for in Section 23.90.160 (temporary advertising devices) and shall not be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, and shall comply with all local building and electrical codes and their supporting structures shall be enclosed, structurally safe and maintained in good condition.

1. (A) Project entry monument signs shall not exceed four (4) feet in height and twenty-four (24) feet in length.
   (B) Two project entry signs as shown on Exhibit B, attached to the ordinance codified in this chapter, shall be permitted.

2. Interior monument signs shall not exceed four (4) feet in height and ten and one-half (10.5) feet in length.

3. (A) Freeway signs shall not exceed twenty (20) feet in height above freeway driving surface.
   (B) Freeway signs shall not exceed fifteen (15) feet in width.
   (C) Two freeway signs as shown on Exhibit B, attached to the ordinance codified in this chapter, shall be permitted.

4. (A) Building tenant directory signs shall not exceed six and one-half (6.5) feet in height and five (5) feet in width.
   (B) Seven (7) building tenant directory signs as shown on Exhibit B, attached to the ordinance codified in this chapter, shall be permitted.

5. (A) Tenant identification signs shall meet the material and design criteria dictated by the sign specifications for the park.
   (B) Each tenant identification sign shall not exceed one and one-half (1.5) square foot per lineal foot of building frontage on which the sign is located.

6. (A) Truck door identification signs shall be attached to the building. No portion of any sign may project more than six (6) inches from the face of the building to which it is attached.
   (B) Each truck door identification sign shall not exceed four (4) square feet.

7. Additional signs shall be permitted subject to the review and approval of the planning commission. (Ord. 95-O-118, 1995)