

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
August 14, 2019

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:03 p.m. on August 14, 2019, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Barstow presiding.

PRESENT: COMMISSIONERS: Capelle, Chung, Desai, Diep, McGuire, Schoales, and Barstow

Joel W. Rosen, AICP, Director of Community Development
Brady M. Woods, Planning Manager
Swati Meshram, PhD, AICP, LEED AP, Senior Planner
Mina Mikhael, P.E., Assistant City Engineer
John W. Lam, Assistant City Attorney
Ruth Santos, Senior Administrative Assistant

1. APPROVAL OF MINUTES July 24, 2019

Commissioner Schoales abstained from voting on this item due to his absence at the Planning Commission meeting of July 24, 2019.

RECOMMENDED ACTION: Approve

AYES:	6	COMMISSIONERS:	McGuire, Diep, Capelle, Chung, Desai, and Barstow
NOES:	0	COMMISSIONER:	
ABSENT:	0	COMMISSIONER:	
ABSTAIN:	1	COMMISSIONER:	Schoales

PUBLIC HEARING:

OLD BUSINESS:

2. SITE PLAN NO. SP18-33568/VARIANCE NO. V18-032970/PARCEL MAP NO. PM18-32972

A request to construct a new two-story single family home with Variance from Section 19.308.050 of the Zoning Code for required minimum street frontage in conjunction with a request to subdivide one lot into two separate lots at 9162 Holder Street within the RS-6 (One-Family Residential) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15332, Class 32 (In-Fill Development).

APPLICANT: JWY Design, Inc.
12803 Schabarum Avenue
Irwindale, CA 91706

PROPERTY OWNER: Cashflow Investments LLC
 126 Calderon
 Irvine, CA 92618

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Barstow, Ms. Santos stated that staff had received no written communication on the item.

The staff report was presented by Brady M. Woods, Planning Manager.

The property under application is 0.29 acres (12,761 square feet) in size and developed with a 1,102 sq. ft. one story single-family home. The property carries a General Plan designation of Low Density Residential, and is currently zoned RS-6 (One-Family Residential).

SURROUNDING LAND USE CHARACTERISTICS:

	GENERAL PLAN	ZONING	EXISTING LAND USE
North	Planned Development	Planned Development	Single Family Residential and OCFA Fire Station No. 63
South	Low Density Residential	RS-6	Single Family Residential
East	Low Density Residential	RS-6	Single Family Residential
West	City of Cypress	City of Cypress	Cypress College

Staff recommends the Planning Commission adopt the proposed resolutions approving Site Plan No. SP18-33568, Variance No. V18-32970, and Parcel Map No. PM18-32972 with the findings of fact listed therein.

The property under application is improved with a one-story single family home, and located on the east side of Holder Street between University Way and Via Arroyo Drive. The property maintains street frontage of 80 ft. and area of 12,761 sq. ft.

On October 24, 2018, the Planning Commission held a public hearing to consider the applicant’s request to construct one single-family home with a Variance from minimum street frontage in conjunction with a request to subdivide one lot into two lots. The applicant’s proposed plans indicated conflicting information, and the Commission expressed concern with regard to the proposed driveway. Staff recommended a continuance of the item to a date uncertain to allow the applicant time to revise the plans, as well as seek further input from the community.

On February 28, 2019, staff conducted a community meeting attended by approximately 5 neighborhood residents as well as the developer and architect. In response to the project review by staff, potential neighborhood issues were identified by residents including compromised privacy of neighbors in adjacent single story homes as a result of the proposed new two-story home, use of the new home for short-term rental, and loss of on-street parking.

The submitted Site Plan, Variance, and Tentative Parcel Map propose construction of a two-story single-family home as well as subdividing the site into two parcels, with a new 20 ft.

wide private driveway to service both lots. The applicant is proposing to retain the existing one-story home, and will construct a new attached 2-car garage to service the existing home. Upon subdividing the property, the proposed new lot will be 6,720 sq. ft. while the remaining lot will be 6,080 sq. ft. The new single-family home will be 2,344 sq. ft. and will include a living room, kitchen, dining room pantry, laundry room, loft area, four bedrooms, and four and half bathrooms, with an attached two-car garage. The applicant is requesting a Variance from Section 19.308.050 to allow the site to be developed without public street frontage for the proposed rear lot. Access to the rear lot will be located along a proposed 20 ft. wide private driveway. The proposed 15 ft. wide private driveway will be shared between the two lots, and allow access to the proposed 2-car garage servicing the existing home.

The new single-family home will maintain a stucco exterior finish, stone veneer wainscoting, pronounced window and door trim, second floor balcony off the master bedroom, tile roof, varied rooflines and a tan earth-tone color scheme. A 404 sq. ft. covered porch will wrap around the west and north elevation of the home. And approximately 658 sq. ft. attached garage with multi-panel door is also proposed. The existing 6 ft. tall perimeter walls along the north, south, and east property lines will remain to buffer from the existing adjacent single family residential development.

Planning Commission consideration is required based on the design and configuration of the proposed single family residential subdivision with a requested variance via the Site Plan, Variance and Parcel Map processes. In staff's opinion, the ample property size and configuration constitute sufficient physical characteristics providing eligibility for the requested variance, including 160 ft. lot depth, 80 ft. lot width, and area of approximately 1/3 acre.

In reviewing the Site Plan request, staff believes that the proposed site and building design and configuration, including lot coverage, architecture, scale, and layout of proposed single-family home is appropriate for the subject property. Aside from the requested variance, the proposed development meets or exceeds zoning code requirements for design, height, and lot coverage. The new single-family home will maintain RS-6 compliant setbacks including 20 ft. from the new front lot line; 25 ft. from the rear property line; and 5 ft. and 15 ft. setbacks from the side property lines. Off-street parking will also be compliant with a two-car garage and an elongated driveway suitable for additional parking spaces. Based on the neighborhood concerns expressed at the community meeting regarding concerns expressed about privacy, the applicant has revised the original proposal to include planting of mature trees along the south property line to serve as a visual buffer between the properties. Furthermore, in response to concerns expressed about short-term rentals, staff has included a condition prohibiting short-term rental use of dwellings, structures, or properties, part or whole, on both lots. Staff feels the home and lot pattern have been appropriately designed to conform to the low-density single-family residential character of the neighborhood and to maintain compatibility with the adjacent low-density single-family homes. Based on the site and building features, as incorporated into the development and as conditioned, staff feels that the proposed project will be consistent with the character of the existing single-family neighborhood and will impose no adverse impacts on adjacent properties.

Regarding the proposed Tentative Parcel Map, staff believes that since the new parcel will exceed the 6,000 sq. ft. minimum lot size requirement, the subdivision will be consistent with neighborhood development, including adequate access via private 20 ft. wide driveway. The proposed subdivision is consistent with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the State Subdivision Map Act. The site reconfiguration will

allow appropriate development consistent with the neighborhood development density and pattern, consistent with City goals.

To ensure compatibility with adjacent properties, staff has included conditions that require submittal of color and building material samples prior to issuance of permits, the retention of decorative concrete block walls along all rear and side yard property lines of the development, and landscaping of all front and side yards visible from public view.

The project is Class 32, Section 15332 (In-fill Development), categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Event Center on August 2, 2019 and 25 notices were mailed to property owners within a 300 ft. radius of the subject property on August 2, 2019.

Chair Barstow asked if there were any questions for staff.

Commissioner Capelle commented that because the City is in the process of discussing appropriate regulation of short-term rentals, she would like to know which conditions would prevail - the conditions posed to this property owner or the citywide ordinance on short-term rentals. She said the ordinance might obviate the conditions for this application and commented that Planning Commission approval of the proposed project might not be congruent with the City's intent to protect the neighbors from possible negative effects of short-term rentals.

Mr. Lam said it depends on how the ordinance will be written.

Mr. Rosen clarified that the ordinance that is being drafted will have the provision to not preempt the proposed conditions. He said the proposed short-term rental ordinance will be brought before Planning Commission.

Commissioner Schoales noted certain discrepancies between the plans in the Planning Commission packet and those presented on the screen.

Mr. Woods said the elevations on the screen have the correct labels. In response to Commissioner Schoales, Mr. Woods confirmed that the label "north" refers to the elevation that faces the north. He also confirmed that there are two balconies, including one overlooking the apartment, with a setback of approximately 14 ft. from the property line.

Commissioner McGuire noted that there is a balcony above the garage in front of the house and a second balcony.

Mr. Woods said the second balcony connects to bedroom 3.

Commissioner Diep said she noted that the second balcony wraps around the walk-in closet. Mr. Woods confirmed.

Commissioner McGuire said the two elevations north and south are mirrored drawings. He said the deck shows the second floor balcony at the end of the building is on the south instead of the north, meaning it faces the residents to the south, and if so, then he would have a problem with that (encroaching on the neighbor's privacy).

Mr. Woods confirmed that the second floor balcony is on the south.

Commission Diep said she agrees with Commissioner McGuire's objection to the proposed balcony on the south elevation facing the property to the south. She said the other balcony over the garage facing west is acceptable and she appreciates the positioning where only one movable window opens to the east, the other windows are more for lighting, and commented that bathroom windows are usually covered, thus eliminating privacy concerns on the property to the east.

Mr. Rosen said the architect can clarify the discrepancies on the plans and, if Planning Commission is not satisfied, this item can be continued to the next Planning Commission meeting.

Chair Barstow stated that this is a public hearing. If there is anyone wishing to speak on the item, please come forward and state their name and address for the record.

Dr. Li, representing the applicant JWY Design, Inc., 12803 Schabarum Avenue, Irwindale, CA 91706, said a continuance of this item will allow him to address the discrepancies on the plans and resubmit corrected plans.

Commissioner Capelle reminded Dr. Li to take into consideration the consensus of the Planning Commission that there should be no balconies or windows encroaching on the privacy rights of next-door neighbors. She specified that the proposed project should not have any balconies or windows facing south.

There being no one else wishing to speak on the matter, Chair Barstow advised that the item requires a Minute Action to approve continuance to the next regularly scheduled Planning Commission meeting of August 28, 2019.

The MOTION CARRIED unanimously.

AYES: 7 COMMISSIONERS: Diep, McGuire, Capelle, Chung, Desai, Schoales, and Barstow

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Woods announced that the next regularly scheduled Planning Commission meeting will include the item continued from tonight's meeting, and the following:

- A Conditional Use permit to allow the sale of beer and wine for on-site consumption at an existing full service restaurant (Blaze Pizza) located at 8311 La Palma Avenue within the Regional Commercial (CR) zone; and
- A Text Amendment for recommendation to the City Council to amend Title 19 of the Buena Park City Code pertaining to temporary non-commercial signage, including political campaign signage, regulations.

Mr. Woods added that a Study Session/Workshop on short-term rental regulations will follow the Planning Commission meeting.

Commissioner Diep reminded staff to address, in the Study Session, how Affordable Housing units will be affected by the proposed regulation of short term rentals.

STAFF REPORTS:

Mr. Rosen gave updates on the short-term rental moratorium, the proposed expansion of the Jain Center, and the Sign Ordinance that will first go through Planning Commission.

In response to Commissioner McGuire, Mr. Rosen gave brief status reports on Butterfly Palladium and the approved high-rise residential project on the north side of The Source.

COMMISSION REPORTS:


None

ADJOURNMENT: At 7:30 pm, Chair Barstow adjourned to the regularly scheduled Planning Commission meeting on Wednesday, August 28, 2019, at 7:00 p.m. in the City Council Chamber.



Larry Barstow
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary