

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
January 8, 2020

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on January 8, 2020, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Vice Chair Chung presiding.

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

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

1. **APPROVAL OF MINUTES** December 11, 2019
December 25, 2019, Adjourned Meeting

RECOMMENDED ACTION: Approve

Vice Chair Chung abstained from voting on the approval of the minutes of the December 11, 2019, meeting due to his absence from that meeting.

The MOTION CARRIED unanimously.

AYES: 5 COMMISSIONERS: Diep, McGuire, Desai, Capelle, and Schoales

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 1 COMMISSIONER: Chung

PUBLIC HEARING:

NEW BUSINESS:

2. **CONDITIONAL USE PERMIT NO. CU19-13**

A request to allow the incidental sale of beer and wine for off-site consumption in a convenience store within a previously approved mixed-use self-storage facility with an integrated commercial space located at 6992 Noritsu Avenue in the ML (Light Industrial) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facilities).

APPLICANT: 7-Eleven, Inc.
5932 Bolsa Avenue, Suite 107
Huntington Beach, CA 92649

PROPERTY OWNER: CH SS Fund Baranof LA Buena Park LP
 2305 Cedar Springs Road, Suite 220
 Dallas, TX 75201

RECOMMENDED ACTION: Adopt Resolution of Approval

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

The staff report was presented by Braulio M. Moreno, Assistant Planner.

The property under application is located at 6992 Noritsu Avenue located on the southwest corner of Noritsu Avenue and Knott Avenue. It carries a General Plan designation of Office Manufacturing, a Zoning classification of ML (Light Industrial), and a total land area of 1.06 acres (approximately 46,167 sq. ft.). The parcel is being developed with a 3-story self storage structure with an integrated 2,100 sq. ft. commercial retail space at the ground level, which is currently under construction.

SURROUNDING LAND USE CHARACTERISTICS:

	GENERAL PLAN	ZONING	EXISTING LAND USE
North	Commercial /Orangethorpe Corridor West Focus Area	ACSP	Industrial building used for public auto auctions
South	Office Manufacturing / Orangethorpe Corridor West Focus Area	ML	City Water Well
East	N/A	N/A	91 Artesia Freeway
West	Office Manufacturing / Orangethorpe Corridor West Focus Area	ML	Industrial office building occupied by Noritsu American Corporation

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU-19-13 with findings of fact and conditions.

On January 10, 2018, the Planning Commission approved the applications SP17-28018 and PM17-28017 to subdivide an existing 3.76 acre parcel to create a new 1.06 acre lot for the development of a new self storage facility with an integrated commercial retail space. The subject site has a street frontage of approximately 240 linear feet along the private street Noritsu Avenue and 200 linear feet along Knott Avenue.

The aforementioned approvals subdivided the single lot into two lots for the construction of a 66,852 square foot, three-story, mixed-use self-storage facility. The development includes 800 sq. ft. of ancillary office space and 2,100 sq. ft. of commercial retail space

The project has 27 parking stalls available, as required per the Zoning Ordinance. Sixteen (16) of the parking spaces will be located along Noritsu Avenue, a private street owned by FDI Properties LLC. Additionally, two (2) handicap parking spaces are located outside of the security gate. On-site circulation was designed to preserve an existing access easement to City-owned/maintained water well site adjacent to the 91 Freeway.

On November 6, 2019, the Community Development Director approved Administrative Interpretation No. AI19-1. Although Section 19.512.010 of the City Code does not allow the off-sale of beer and wine in Light Manufacturing zones, the approval of AI19-1 allows the consideration of the sale of alcoholic beverages for off-site consumption within the ML (Light Manufacturing) zone via the Conditional Use Permit process.

The applicant has submitted an application, development plans, and business plan requesting Planning Commission approval of the proposed sale of beer and wine Type-20 ABC license, for off-site consumption at a convenience store, "7-Eleven" under construction. The hours of operations for the convenience store will be 24-hours daily; however, the sale of alcoholic beverages will be restricted to the hours of 6:00 am to 2:00 am as conditioned. According to the applicant, although the sale of beer and wine at 7-Eleven convenience stores generally represents a small percentage of a store's gross sales, it is offered to its customers for convenience purposes and the availability of alcoholic beverages is important to the viability of the store.

Pursuant to Administrative Interpretation No. AI19-1 the sale of beer and wine for off-site consumption within the ML (Light Industrial) zone requires review and approval via the Conditional Use Permit process. This process ensures that adverse effects of the use are mitigated and fully balanced by offsetting benefits to the public interest, and that the proposal is consistent with the Zoning Code and other provisions of law.

As conditioned, the sale of beer and wine for off-site consumption will be incidental to the convenience store. To reaffirm the incidental use, staff has conditioned that the shelf space allocated for the display of alcoholic beverages be limited to 10%. The application is only requesting 8.5% of shelf area. Additionally, coolers containing alcoholic beverages will be locked and inaccessible during the hours of 2:00 am to 6:00 am.

The sale of beer and wine for off-site consumption, as conditioned, will continue to comply with applicable requirements to ensure that alcohol sales are compatible with site operations and with surrounding development. There are no foreseeable adverse effects of the proposed use. The applicant, 7-Eleven, is a national corporation with stores across the U.S. and internationally. Franchisees are carefully selected to ensure they are able to operate a successful store and abide by all Federal, State, and local laws and regulations including ABC licensing restrictions and conditions of approval attached to land use entitlements. To mitigate any concerns that may derive from the 24-hour operations, the proposed convenience store will be equipped with security cameras located inside the store as well as outside along with a 2-week DVR that covers all common areas of the store, high-risk areas, entrances and exits and views to the parking lot to deter criminal activity. No advertising of alcoholic beverages will be visible from the exterior of the building.

In reviewing the request, Staff is of the opinion that the request and operating hours, as conditioned, are appropriate for the convenience store. Also, upon review of the applicant's request, the Buena Park Police Department has indicated in a memo dated July 30, 2019, that they have no objection to the applicant's proposal for the sale of alcoholic beverages for off-site consumption, as conditioned.

The project is Class 1, Section 15301 (Existing Facilities), categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Event Center on December 23, 2019, and ten notices were mailed to property owners within 300 ft. radius of the subject property on December 23, 2019.

Vice Chair Chung asked if there were any questions for staff.

Commissioner Schoales asked how far the convenience store is from Buena Park Junior High School along Orangethorpe. He said he recalls that a similar request from a gasoline station on the corner of Orangethorpe and Knott was denied.

Mr. Rosen said that there is a provision in the administrative law that allows ABC (the California Department of Alcoholic Beverage Control) to raise an issue with proposals within 500 ft. (of a church or school); however, the final decision is on the local jurisdiction. Mr. Rosen added that during the public hearing on a similar request from the gasoline station on the corner of Orangethorpe and Knott, the Superintendent objected on behalf of the School District.

Mr. Moreno said the applicant has a radius map that shows a 600 ft. distance, and the Buena Park Junior High School does not overlap that 600 ft. radius; it is at the bottom edge of Orangethorpe.

Commissioner McGuire asked if there are designated parking spaces for delivery trucks.

Mr. Moreno said he will defer the question to the applicant.

Commissioner Desai asked if there are places that sell alcohol that are in close proximity to the convenience store.

Mr. Moreno said that Target on Orangethorpe is closest based on the aerial map.

Vice Chair Chung 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.

Adan Madrid, representative of the applicant, 7-Eleven, Inc., 5932 Bolsa Avenue, Suite 107, Huntington Beach, CA 92649, said the proposed 7-Eleven store will be a nice complement to the storage facility; will have a variety of beverages, ready-made foods, and other convenience store products made available in the area which is some walking distance to industrial and commercial uses in the area. Mr. Madrid said customers typically stay for about five minutes and do not linger, which make the store a good fit for the storage building area. He said the sale of beer and wine represents a small percentage of the store's overall sales; shelf space is limited to 8.5 %, which indicates that beer and wine is incidental to the overall store offering; however, the ability to sell beer and wine is important to the store's viability; the proposed store is not adjacent to residential areas, there are no sensitive line uses, being bounded by the 91 Freeway to the south and 91 Freeway to the east, and more industrial and commercial uses to north, making it a nice location for what is being proposed; the store is also equipped with surveillance videos inside and outside, and the front windows allow maximum visibility to and from the store. Mr. Madrid thanked staff which he described as top notch. He said the applicant agrees with the proposed conditions. He reiterated that the location is not within 600 ft. radius of the junior high school.

In response to Commissioner McGuire, Mr. Madrid said the development was not approved with dedicated loading areas as normally seen in shopping centers, perhaps because the initial approval was for the storage building and not the retail space; however, as a secondary component of the development, the proposed store can operate under current conditions because the delivery trucks are not that large and can easily fit in any of the parking spaces on site.

There being no one else wishing to speak on the matter, Vice Chair Chung closed the public hearing and advised that the item requires a Resolution for approval or denial with findings.

Commissioner Capelle moved, and Commissioner Schoales seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU19-13 with findings of fact and conditions therein.

**RESOLUTION NO. 6174
CONDITIONAL USE PERMIT NO. CU-19-13**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU-19-13, TO ALLOW THE INCIDENTAL SALE OF BEER AND WINE TYPE-20 ALCOHOL BEVERAGE CONTROL (ABC) LICENSE FOR OFF-SITE CONSUMPTION IN A CONVENIENCE STORE WITHIN A PREVIOUSLY APPROVED MIXED-USE SELF-STORAGE FACILITY LOCATED AT 6992 NORITSU AVENUE, WITHIN THE ML (LIGHT INDUSTRIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

AYES: 6 COMMISSIONERS: Capelle, Schoales, Desai, Diep, McGuire and Chung

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

3. CONDITIONAL USE PERMIT NO. CU19-22

A request to modify previously approved Conditional Use Permit No. CU-817 to include an adjacent 20,020 sq. ft. lot for the construction of a 13,450 sq. ft. canopy for fleet vehicle maintenance, with associated parking and site improvements at 7351-7361 Walnut Avenue (West Coast Sand & Gravel) in the ML (Light Industrial) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facilities) and Section 15332, Class 32 (In-Fill Development).

**APPLICANT: Rakestraw Architects
32 Executive Park, Suite 100
Irvine, CA 92614**

PROPERTY OWNER: Quinn Enterprises LLP
7282 Orangethorpe Avenue
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Vice Chair Chung, 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 comprised of two contiguous parcels located on the north side of Walnut Avenue, east of McNeil Lane. The parcels maintain a combined area of 40,040 sq. ft. and a combined street frontage of approximately 144 ft. The parcels carry a General Plan designation of Light Industrial and a Zoning classification of ML (Light Industrial).

The west parcel (7351 Walnut Avenue) is currently developed with an existing two-story 4,517 sq. ft. office and storage building with 25 on-site parking spaces. It is current occupied by West Coast Sand & Gravel (WCSG) for use as an office and storage building. WCSG provides industrial services including construction aggregate materials dirt import and export, and environmental waste services.

The east parcel (7361 Walnut Avenue) is currently vacant and improved with perimeter fencing and an access gate only.

SURROUNDING LAND USE CHARACTERISTICS:

	General Plan	Zoning	Existing Land Use
North	Commercial	Commercial General	Multi-tenant office
South	Light Industrial	ML	Single-family residential
East	Light Industrial	ML	Contractor's yard
West	Light Industrial	ML	Industrial

On November 22, 1978, the Planning Commission approved Conditional Use Permit No. CU-658 allowing the construction of a multi-tenant industrial building at 7351 Walnut Avenue. There are no building permit records to indicate that this multi-tenant industrial building was constructed; therefore, CU-658 was not relied upon and subsequently expired.

On May 18, 1983, the Planning Commission approved Conditional Use Permit No. CU-817 allowing the establishment, operation, and maintenance of a two-phase industrial building with offices to be used for research and development as well as a machine shop at 7351 Walnut Avenue. Phase 1 included construction of a two-story office and laboratory facility with associated parking and site improvements. Phase 2 included construction of a 5,791 sq. ft. industrial building to be used as a machine shop.

On January 11, 1988, the Zoning Administrator approved a modification to Conditional Use Permit No. CU-817 (CU-817 Mod #1) allowing the construction and maintenance of a 30 ft. x 40 ft. garage and storage building at 7351 Walnut Avenue.

The submitted application and plans propose to merge the two contiguous parcels for use as the new fleet maintenance and service area for WCSG. Currently, WCSG uses the adjacent properties (7282, 7312 Orangethorpe Avenue and 7311, 7331 Walnut Avenue) as its fleet maintenance and service area. The existing two-story office and storage building will remain and continue to be utilized as office and storage by WCSG. The building will also be retrofitted to feature a new fire sprinkler protection system. The new fleet maintenance and service area will include a new 24 ft. tall, 13,450 sq. ft. canopy to cover 6 tandem service bays. Vehicle maintenance operations will be limited to minor service and repair; no engine or transmission repair will take place on-site. Fueling of vehicles will be prohibited. Truck maintenance and service functions, currently performed in the adjacent WCSG truck storage yard located immediately west, will be relocated to the subject property. The fleet maintenance and service area hours of operation will be 6:30 AM to 6:30 PM.

WCSG fleet vehicles will enter the new maintenance and service area through the existing main truck storage area along Orangethorpe Avenue. Existing block walls separating the two areas will be demolished to allow for full on-site vehicular circulation. When vehicle maintenance is complete, trucks will exit back through the main truck storage yard and egress the site via Orangethorpe Avenue. Walnut Avenue will be closed to fleet vehicle traffic. Only employee passenger vehicles will access the subject property via Walnut Avenue. Parking on the subject property will be reconfigured to supply 16 spaces including 1 ADA compliant space. Additionally, the subject property will be improved with new landscaping within the maintenance and service area as well as along the Walnut Avenue frontage.

Review of modifications to existing Conditional Use Permits (CUP) require Planning Commission review and approval to assess any potential impact on the site and surrounding area as well as to ensure continued land use compatibility. Additionally, a Site Plan review is required for the construction of a new building and the provisions of new parking facilities. Pursuant to City Code, a Site Plan review conducted in conjunction with a CUP shall be considered and determined along with the CUP proceedings.

After reviewing the applicant's request and plans as well as visiting the site, Staff is of the opinion that the development of a new vehicle maintenance and service area can be accommodated without negatively affecting the site and surrounding properties. The new maintenance and service area will allow for improved site circulation as well as support the operational expansion of WCSG. The proposed development and site improvements meet the requirements of the City Code including setbacks, access, parking, and circulation as conditioned.

Overall, the proposed maintenance and service area will promote optimum site utilization. Upgrades to the existing building will bring it into conformance with current fire protection regulations. And lastly, the use will continue remain consistent with the industrial character of area as it is not anticipate to create deleterious effect upon the existing neighborhood. The adjacent residential uses are considered legal non-conforming to the existing Light Industrial zoning district and industrial uses that surround them.

The project is Class 1, Section 15301 (Existing Facilities) and Class 32, Section 15332 (In-fill Development) categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Event Center on December 23, 2019, and 21 notices were mailed to property owners within a 300 ft. radius of the subject property on December 23, 2019.

Staff recommends that the Planning Commission adopt a Resolution approving Conditional Use Permit No. CU19-22.

Vice Chair Chung asked if there were any questions for staff.

There being no questions for staff, Vice Chair Chung 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.

Tom Rakestraw, applicant, Rakestraw Architects, 32 Executive Park, Suite 100, Irvine, CA 92614, thanked Mr. Woods for his presentation which he described as thorough and accurate. He said their client had excellent growth and therefore would like to stay in the current location; to facilitate and improve the ongoing operations, they are consolidating the office, which will be described in the next item at tonight's meeting. Mr. Rakestraw described the business are primarily truck storage and yard, no dust, drivers come in the morning, go out, pick up, make deliveries, and return in the evening; they intentionally put truck traffic in the facility so as not to impact anticipated employee traffic, which will be less because the dispatch group will move to the office building.

There being no one else wishing to speak on the matter, Vice Chair Chung closed the public hearing and advised that the item requires a Resolution for approval or denial with findings.

Commissioner McGuire moved, and Commissioner Capelle seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU19-22 with findings of fact and conditions therein.

**RESOLUTION NO. 6175
CONDITIONAL USE PERMIT NO. CU19-22**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU19-22 TO MODIFY PREVIOUSLY APPROVED CONDITIONAL USE PERMIT NO. CU-817 TO INCLUDE AN ABUTTING 20,020 SQ. FT. VACANT LOT FOR THE CONSTRUCTION OF A 13,450 SQ. FT. CANOPY FOR FLEET VEHICLE MAINTENANCE, WITH ASSOCIATED PARKING AND SITE IMPROVEMENTS LOCATED AT 7351, 7361 WALNUT AVENUE WITHIN THE ML (LIGHT INDUSTRIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

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

4. VARIANCE NO. V19-4

A request to modify previously approved Variance No. V-771 to allow a variance from Section 19.520.020 of the Zoning Code for reduced front yard building setback in conjunction with the expansion of an existing 1-story 5,040 sq. ft. industrial building to a new 2-story 14,760 sq. ft. office building, with associated parking and site improvements at 7272-7282 Orangethorpe Avenue (West Coast Sand & Gravel) in the ML (Light Industrial) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facilities) and Section 15332, Class 32 (In-Fill Development).

APPLICANT: Rakestraw Architects
32 Executive Park, Suite 100
Irvine, CA 92614

PROPERTY OWNER: Quinn Enterprises LLP
7282 Orangethorpe Avenue
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Vice Chair Chung, Ms. Santos stated that staff had received and distributed a memo from Public Works recommending deletion of proposed conditions A and B of 5 and replacement with the following conditions:

- A. Remove an existing driveway approach along the 7272 Orangethorpe Avenue frontage and replace with sidewalk, curb and gutter to match the existing;
- B. Remove an existing driveway approach along the 7282 Orangethorpe Avenue frontage and construct a new curb return type driveway approach per City Std. 213.

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

The property under application is comprised of 2 contiguous parcels located on the south side of Orangethorpe Avenue, east of McNeil Lane. The parcels maintain a combined area of 35,750 sq. ft. and a combined street frontage of approximately 143 ft. The parcels carry a General Plan designation of Commercial and a Zoning classification of CG (Commercial General).

The west parcel (7272 Orangethorpe Avenue) is currently developed with a vacant one-story 5,040 sq. ft. industrial building with 27 on-site parking spaces used. It was previously occupied by the Balco Flag Company.

The east parcel (7282 Orangethorpe Avenue) is currently developed with a two-story 4,872 sq. ft. office building and a one-story 1,490 sq. ft. storage building with 16 on-site parking spaces. It is currently occupied by West Coast Sand & Gravel (WCSG) as its corporate headquarters. WCSG provides industrial services including construction aggregate materials dirt import and export, and environmental waste services. Over the last several decades, WCSG has used this property as its corporate office and fleet maintenance and

storage yard in conjunction with the adjacent properties (7312 Orangethorpe Avenue and 7311, 7331, 7351 Walnut Avenue).

SURROUNDING LAND USE CHARACTERISTICS:

	General Plan	Zoning	Existing Land Use
North	Commercial	Commercial Manufacturing	Multi-tenant industrial
South	Commercial	CG	Religious facility
East	Commercial	CG	Industrial
West	Commercial	CG	Single Family Residential

On August 4, 1976, the Planning Commission approved Variance No. V-771 allowing a reduction in required parking and the deletion of a loading space for an industrial building at 7272 Orangethorpe Avenue.

The submitted application and plans propose to merge the two contiguous parcels; demolish the existing 4,872 sq. ft. two-story office building currently occupied by WCSG; demolish the 1,490 sq. ft. storage building; and relocate the fleet maintenance and storage yard to the contiguous property located at 7351 Walnut Avenue.

Additionally, the applicant proposes to redevelop/expand the existing 5,040 sq. ft. one-story former Balco Flag Company industrial building into a new 14,930 sq. ft. two story office building located at 7272 Orangethorpe Avenue. The applicant is requesting variance from the Zoning Code to maintain a front yard building setback of 6 ft. in lieu of the minimum 20 ft. front yard building setback required in the CG zone for the newly expanded building.

The existing 5,040 sq. ft. one-story industrial building, which maintains a high ceiling, will be bifurcated to include a second level. The building will also be expanded to the west and include an additional 9,890 sq. ft. within two stories. It will maintain a front setback of 6 ft., side setbacks of 10 ft. and 71 ft., and a rear setback of 123 ft. When complete, the new 14,930 sq. ft. two-story building will be utilized as the corporate headquarters for WCSG managing operations, distribution, and logistics for its multiple locations throughout California and Arizona.

Once combined, the subject property will maintain access from Orangethorpe Avenue via a 25 ft. wide driveway. Parking will be reconfigured on the subject property to supply 61 code-compliant parking spaces including 3 ADA-compliant spaces and 17 compact spaces. The property will also maintain 1 "Type-A" loading area.

Architecturally, the new office building will feature a contemporary industrial design with painted plaster and decorative stone veneer exterior finishes. Doors and windows will be enhanced with complementary color aluminum frames. Decorative metal awnings and canopies above the fenestration are also included to enhance the design. Rooftop mechanical equipment will be screened from view by metal siding painted to match the overall design. Additionally, landscaping will be installed surrounding the building and within the parking area.

Review of modifications to existing a Variance require Planning Commission review and approval to consider deviations from the strict application of the requirements of the Zoning Code in those special circumstances where the literal requirements unintentionally

discriminate against a particular property because of unusual and unanticipated circumstances. Additionally, a Site Plan review is required for the construction of a new building and the provisions of new parking facilities. Pursuant to City Code, a Site Plan review conducted in conjunction with a Variance shall be considered and determined along with the Variance proceedings.

Per Section 19.520.020 of the Zoning Code, a 20 ft. front yard building setback is required within the CG zone. The Planning Commission may consider variances from development standards in special circumstances where the Zoning Code requirements "unintentionally discriminate against a particular property because of unusual and unanticipated circumstances," which may include property size, shape, topography, location and surroundings. Many of the buildings along Orangethorpe Avenue maintain front yard building setbacks as minimal as 5 ft. This includes the existing 5,040 sq. ft. former Balco Flag building which is setback 6 ft. from the front property line. The proposed building expansion will be constructed to align with the existing building's 6 ft. setback so as to maintain consistency in architectural design and maximize site utilization. It is staff opinion that approving the variance request will not grant special privileges to the subject property not enjoyed by other properties in the same zone and vicinity.

The proposed office building will comply with all other applicable development standards, including parking, circulation, building height, landscaping, and architectural compatibility. The new office building will promote efficiency and enhance operational performance through the new configuration and increased floor area for WCSG. The architectural design of the proposed building and site configuration will successfully integrate the revitalized subject property with the surrounding development pattern. The adjacent residential use is considered legal non-conforming to the existing CG zoning district and commercial/industrial uses that surrounds it.

The project is Class 1, Section 15301 (Existing Facilities) and Class 32, Section 15332 (In-fill Development) categorically exempt from the California Environmental Quality Act (CEQA).

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Event Center on December 23, 2019, and 11 notices were mailed to property owners within a 300 ft. radius of the subject property on December 23, 2019.

Staff recommends that the Planning Commission adopt a Resolution approving Variance No. V19-4.

Vice Chair Chung asked if there were any questions for staff.

There being no questions for staff, Vice Chair Chung 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.

Tom Rakestraw, applicant, Rakestraw Architects, 32 Executive Park, Suite 100, Irvine, CA 92614, once again thanked Mr. Woods for his thorough and accurate presentation and asked if there were any questions regarding the project.

Commissioner Desai asked about the energy conservation aspects of the project.

Mr. Rakestraw said the proposed project is compliant with the CalGreen requirements, it is energy compliant; the awning serves as sun protection; there are electric car charging locations, and the entire stormwater management on site is completely compliant with current code.

There being no one else wishing to speak on the matter, Vice Chair Chung closed the public hearing and advised that the item requires a Resolution for approval or denial with findings.

Commissioner Capelle moved, and Commissioner McGuire seconded, the motion to adopt the Resolution approving Variance No. V19-4 with findings of fact and conditions therein.

**RESOLUTION NO. 6176
VARIANCE NO. V19-4**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF VARIANCE NO. V19-4 TO MODIFY PREVIOUSLY APPROVED VARIANCE NO. V-771 TO ALLOW A VARIANCE FROM SECTION 19.520.020 OF THE ZONING CODE FOR REDUCED FRONT YARD BUILDING SETBACK IN CONJUNCTION WITH THE EXPANSION OF AN EXISTING ONE-STORY 5,040 SQ. FT. INDUSTRIAL BUILDING TO A NEW TWO-STORY 14,760 SQ. FT. OFFICE BUILDING, WITH ASSOCIATED PARKING AND SITE IMPROVEMENTS AT 7272, 7282 ORANGETHORPE AVENUE WITHIN THE CG (COMMERCIAL GENERAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

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

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Woods announced that the next Planning Commission meeting will consider an old business - the proposed revocation of CU-716 RVK, Radisson Suites; a Site Plan/Variance to demolish and existing single family residence to build a six-unit apartment at 7341 Ninth Street; and a Text Amendment and Development Agreement to consider a recommendation to City Council for the comprehensive remodel and change of use of an existing two-story 58-room motel to a 58-unit Permanent Supportive Housing apartments at 8180 Commonwealth.

STAFF REPORTS:

Mr. Rosen announced that City Council re-appointed Commissioner Jim Schoales to the Planning Commission.

COMMISSION REPORTS:

None

ADJOURNMENT: At 7:44 p.m., Vice Chair Chung adjourned to the Planning Commission meeting on Wednesday, January 22, 2019, in the City Council Chamber.



Jae Joon Chung
Vice Chair

ATTEST:



Joel W. Rosen, AICP
Secretary