

Planning Commission

MEETING DATE AND TIME:

October 22, 2014 - 7:00 p.m.

MEETING LOCATION:

Council Chamber

Members of the public who wish to discuss an item should fill out a speaker identification card and hand it to the secretary. When the item is announced by the Chair, speakers should come forward to the microphone, and upon recognition by the Chair, state their names and addresses.

All actions by the Planning Commission are final unless an appeal to the City Council is filed with the City Clerk within ten (10) working days of the decision.

CALL TO ORDER / FLAG SALUTE:

ROLL CALL: Barstow, Capelle, Diep, Gonzales, McGuire, Schoales, and Chung

1. **APPROVAL OF MINUTES** Meeting of October 8, 2014

RECOMMENDED ACTION: Approve

PUBLIC HEARING:

OLD BUSINESS:

2. **CONDITIONAL USE PERMIT NO. CU14-008**

A request to renovate an existing carwash building to include operation of a new automatic drive-through carwash, with exterior building, parking lot and site improvements, and demolition of the existing oil change and lubrication service building located at 6942 Lincoln Avenue within the CG (Commercial General) zone. This project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: Youses Aminpour
6942 Lincoln Avenue
Buena Park, CA 90620-4148

APPLICANT: Hyun Jin Kim
2511 Beverly Boulevard
Los Angeles, CA 90057

RECOMMENDED ACTION: Continue to a date uncertain

3. CONDITIONAL USE PERMIT NO. CU-392M2/VARIANCE NO. V14-001

A request to demolish an existing gasoline service station and construct a new gasoline service station including a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements with Variance from Section 19.520.020 of the Buena Park Zoning Ordinance to allow drive aisles to encroach into the required front and side yard setbacks, located at 6971 Orangethorpe within the CG (Commercial General) zone. This project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: Northwest Dealerco Holdings, LLC
29501 Canwood Street, Suite 200
Agoura Hills, CA 91301

APPLICANT: Sanam de Loren
928 Kenfield Avenue
Los Angeles, CA 90049

RECOMMENDED ACTION: Adopt Resolutions of Approval

ORAL COMMUNICATIONS:

At this time, the public may address the members of the Planning Commission on any item that is within the jurisdiction of the Planning Commission.

AGENDA FORECAST:

STAFF REPORTS:

COMMISSION REPORTS:

ADJOURNMENT:

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
October 8, 2014

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on October 8, 2014, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Vice Chair Capelle presiding.

PRESENT: COMMISSIONERS: Barstow, Capelle, Diep, Gonzales, McGuire, Schoales,

ABSENT: COMMISSIONER: Chung

ALSO PRESENT:

Joel W. Rosen, AICP, Community Development Director
Jay Saltzberg, Planning Manager
Michael Ressler, Senior Planner
Monique Schwartz, Assistant Planner
Nabil S. Henein, Assistant City Engineer
Craig Fox, Deputy City Attorney
Ruth Santos, Senior Administrative Assistant

1. APPROVAL OF MINUTES

Meeting of September 10, 2014

Adjourned Meeting of September 24, 2014

RECOMMENDED ACTION:

Approve

Commissioner McGuire abstained from voting on the approval of the minutes of the September 10, 2014 meeting due to his absence from that meeting.

Commissioner Barstow moved and Commissioner Gonzales seconded the motion to approve this item.

AYES: 5 COMMISSIONERS: Barstow, Gonzales, Diep, Schoales,
and Vice Chair Capelle

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Chung

ABSTAIN: 1 COMMISSIONER: McGuire

PUBLIC HEARING:

NEW BUSINESS:

2. CONDITIONAL USE PERMIT NO. CU14-008

A request to renovate an existing carwash building to include operation of a new automatic drive-through car wash, with exterior building, parking lot and site improvements, and demolition of the existing oil change and lubrication service building located at 6942 Lincoln Avenue within the CG (Commercial General) zone.

PROPERTY OWNER: Lincoln and Knott Car Wash, Inc.
6942 Lincoln Avenue
Buena Park, CA 90620-4148

APPLICANT: Hyun Jin Kim
2511 Beverly Boulevard
Los Angeles, CA 90057

RECOMMENDED ACTION: Adopt Resolution of Approval

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

The staff report was presented by Monique Schwartz, Assistant Planner. The subject property is zoned CG (Commercial General) and is currently developed with an existing carwash and oil change and lubrication service building. The property to the north, across Lincoln Avenue is zoned CS (Commercial Shopping) and developed with an integrated shopping center. The property to the south is zoned CO (Commercial Office) and is developed with an adult care facility. The property to the east is zoned CG (Commercial General) and is developed with an office building. The property to the west is zoned CG (Commercial General) and is developed with a tire business.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU14-008 with findings of fact and conditions.

The property under application is located on the south side of Lincoln Avenue, west of Knott Avenue, with a street frontage of approximately 265 ft. and a total land area of approximately 46,635 sq. ft. The site is currently developed with a carwash facility. On January 24, 2007, the Planning Commission approved Conditional Use Permit No. CU06-026 for the construction and operation of a 592 sq. ft. oil change and lubrication service building with associated parking lot and site improvements, in conjunction with the existing carwash facility. The current carwash operating hours are from 8:00 a.m. to 6:00 p.m. daily.

The submitted application and plans propose the renovation of an existing carwash building to include the operation of a new automatic car wash facility with exterior building, parking lot and site improvements. The application also includes the demolition of an existing 592 sq. ft. oil change and lubrication service building. The remodeled car wash building will remain in its current location, maintaining a 15 ft. 8 in. setback from the north property line along Lincoln Avenue, 123 ft. from the south property line, 48 ft. from the west property line and 60 ft. from the east property line. The existing 640 sq. ft. outdoor enclosed storage area will remain on the southeast corner of the site.

The interior of the existing 3,325 sq. ft. carwash tunnel will be remodeled to accommodate equipment for a new automatic car wash system. Attached to the tunnel is a 2,891 sq. ft. area with a retail store, equipment/electrical room, office, storage room and two restroom facilities. The exterior architecture of the remodeled carwash building will display a contemporary design with new fixed windows, two 18 ft. 6 in. metal roll-up entry and exit car wash doors on the east and west elevations, decorative roof fascia with wave detailing and new signage on the north and south elevations. The building will be painted a new color combination of blue, red, orange, ivory and gray tones.

The submittal plans and application also propose site improvements to include the demolition of an existing oil change and lubrication service building, demolition of an existing vacuum canopy and vacuum equipment, construction of a new tan decorative masonry trash enclosure and vacuum equipment storage room at the southwest corner of the site, four new landscape planters, new pole lights, two drive-through automatic pay stations and directional signage for onsite circulation. The existing parking lot will be reconfigured to accommodate handicap accessibility, while maintaining vehicular circulation to the car wash building. Twenty-three (23) parking/vacuum stalls with awning structures will be located along the south property line and within the project interior. The site modifications have provided for the required number of waiting spaces at the entrance and exit of the carwash building, pursuant to Section 19.522.060 of the Zoning Code and the required parking spaces for the office and retail use. Ingress and egress to the site will continue to be provided by two driveway approaches along Lincoln Avenue. The existing enclosed outdoor storage area, ground sign on Lincoln Avenue and current landscape setbacks will be retained and all existing landscape planters will be revitalized. In addition, all driving surfaces will be repaired and re-paved and slurry sealed to provide an even, unbroken driving surface and to present a uniform appearance.

The new hours of operation for the remodeled car wash facility will be 6:00 a.m. to 10:00 p.m. Monday through Sunday and there will be approximately three employees at the facility at any given time.

The City of Buena Park Zoning Ordinance requires Planning Commission review and approval, via the Conditional Use permit process, for the proposed renovation and exterior site improvements of the existing drive-through carwash facility. The proposed building and site improvements meet the requirements of the City Code for setbacks, site layout, architectural design, vehicular access, circulation, parking, and landscaping as conditioned. The new parking lot layout will provide twenty-three (22) standard parking/vacuum stalls, one (1) handicap parking stall with handicap accessibility to the car wash building, and the required waiting spaces at the entry and exit of the drive-through carwash building, as required by Code. The reconfigured parking lot layout is designed to promote efficient on-site vehicular and pedestrian circulation with landscape improvements, as well as access and egress. The addition of a new trash enclosure will adequately screen trash bins from public view and the new enclosed vacuum equipment enclosure will help screen and reduce noise generated by the vacuum equipment. The proposed exterior architectural modifications to the carwash building will be of contemporary design with the addition of new fixed windows and decorative roof fascia with wave detailing in addition to new signage and color scheme. Additional landscape planters have been added within the site and the existing planters will be revitalized.

Staff has reviewed the submitted application, visited the site and vicinity and is of the opinion that the proposed project, as conditioned, including the carwash building architectural modifications, on-site parking and circulation, demolition of the existing oil change and lubrication building, site improvements and vehicular access, are appropriate for the site and meet applicable requirements as conditioned. The renovated car wash will continue operating without negatively affecting the subject and adjacent properties.

The project is Class 1, Section 15301, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on September 25, 2014, and 22 notices were mailed to property owners within 300 ft. radius of the subject property on September 25, 2014.

Vice Chair Capelle asked if there were any questions of staff.

Commissioner Barstow asked, and Ms. Schwartz confirmed, that the property owner of record is Lincoln and Knott Car Wash, Inc.

Commissioner Schoales noted that the proposed project is similar to the carwash on La Palma Avenue and Knott Avenue.

Mr. Ressler said the design is similar to the carwash on La Palma Avenue and Knott Avenue, but there is a difference in terms of elevation.

Commissioner McGuire referred to the slide showing the vacuum stations on the south property line and asked if the building on the adjacent property is residential.

Ms. Schwartz said the building is an Alzheimer's care facility.

Commissioner McGuire said the residential care building is approximately eight to ten feet away from the wall on the property line, which raises a concern about noise coming from the vacuum stations disturbing the residents of the adjacent building. He asked about the closing time of the car wash.

Ms. Schwartz said the proposed closing time is 10:00 p.m. She said the proposed project will be required to comply with the City Noise Ordinance.

Commissioner McGuire expressed concern that the noise from the vacuum hoses will be disruptive to the adjacent residents who live ten feet away, and hopes that noise mitigation measures will be included.

Ms. Schwartz said staff can explore measures such as additional screening, raising the perimeter block wall height, relocating the vacuum stalls away from the property line, and/or conducting a noise study.

Commissioner Schoales said that the Noise Ordinance in the City is based on the County Noise Ordinance which relies on the average decibel reading over a period of time, raising the possibility of allowable loud noise every few minutes.

Mr. Rosen said the proposed location of the vacuum stations was recommended by the Traffic Engineer, to ensure the smooth flow of traffic in and out of the carwash.

Mr. Ressler said the noise from the proposed project is anticipated to be similar to noise from the carwash adjacent to St. Pius Church.

Commissioner Gonzales asked staff to describe how the centralized vacuum system operates and if there is an electrically powered vacuum unit at this station.

Ms. Schwartz said the applicant can best describe the system during the public hearing portion of this meeting.

Commissioner Gonzales asked if the carwash has a water recirculation system.

Mr. Rosen said that, as required, the carwash has a water recirculation system in place.

Vice Chair Capelle 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.

Sam Ahn, applicant representative, 2511 Beverly Boulevard, First Floor, Los Angeles, California 90057, said the site plan shows that the compressor is centrally located within the enclosure at the southwest corner of the property, where the air is sucked in and contained. He added that adjacent to the location of the compressor is a parking lot, and the building by the area is along the south wall. Mr. Ahn added that there is approximately eight feet of landscaping width along the block wall length where trees may be planted to provide buffer.

Commissioner Gonzales asked if the applicant has designed other carwashes.

Mr. Ahn said the design firm he represents has built a couple of carwashes similar in design to the proposed project.

Commissioner Gonzales noted, and Mr. Ahn confirmed, that there will be no detailing or servicing of vehicles.

Vice Chair Capelle referred to the texture of the proposed vacuum area canopies and if the design is not only decorative but also functional.

Mr. Ahn said the vacuum canopies are insulated and made of fabric that will absorb sound. He added that the maximum space between two vacuum stations is 39 ft., and the minimum 25 ft.; should there be noise problems, adjustments can be made such as moving the stations away from the property line.

Mr. Ahn confirmed that the current layout of the vacuum stations was recommended by the Traffic Engineer to allow traffic circulation and avoid traffic congestion, and possible accidents.

Commissioner Schoales referred to page 5, item 13 of the proposed resolution and commented that the existing block wall along the south property line may need to be altered in order to mitigate noise concerns.

Commissioner McGuire asked about the possibility of deleting one vacuum stall from the south side and making two rows.

Mr. Ahn said the suggestion will not be possible because of the location of the existing building on the southeast corner.

Commissioner Schoales said that limiting the hours of operation may solve the noise concerns.

Commissioner Diep asked about reducing the number of vacuum stations.

Vice Chair Capelle asked whether the Planning Commission may continue the item to allow staff to meet with the applicant to create specific standards or project revisions to provide noise mitigation.

Mr. Fox confirmed that the Planning Commission could continue the item to allow staff to work with the applicant.

There being no one else wishing to speak on the matter, Vice Chair Capelle advised that a motion would be required to continue the item.

Commissioner Diep moved and Commissioner Barstow seconded the motion to continue this item to the October 22, 2014 Planning Commission meeting.

AYES: 6 COMMISSIONERS: Diep, Barstow, Gonzales, Schoales, McGuire, and Vice Chair Capelle

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Chung

ABSTAIN: 0 COMMISSIONER:

3. **CONDITIONAL USE PERMIT NO. CU-392M2/VARIANCE NO. V14-001**

A request to demolish an existing gasoline service station and construct a new gasoline service station, including a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements with Variance from Section 19.520.020 of the Buena Park Zoning Ordinance to allow drive aisles to encroach into the required front and side yard setbacks, located at 6971 Orangethorpe within the CG (Commercial General) zone.

PROPERTY OWNER: Northwest Dealer Co Holdings, LLC
29501 Canwood Street, Suite 200
Agoura Hills, CA 91301

APPLICANT: Sanam de Loren
928 Kenfield Avenue
Los Angeles, CA 90049

RECOMMENDED ACTION: Adopt Resolutions of Approval

In reply to Vice Chair Capelle, Ms. Santos stated that staff had received, at the start of this meeting, a letter from Pastor Young Gil Kim of Thanksgiving Church at 6969 Knott Avenue, Buena Park. Ms. Santos then distributed copies of the letter to the Planning Commissioners, staff, and the applicant.

The staff report was presented by Michael Ressler, Senior Planner. The subject property is zoned CG (Commercial General) and is developed with a 76 gasoline service station. The properties to the north and west are zoned CG and are developed with Thanksgiving Church and associated parking lot improvements. The property to the south, across Orangethorpe Avenue, is zoned CG and is developed with the Black Bear Diner. The

property to the east, across Knott Avenue, is zoned CM (Commercial Manufacturing) and is developed with a medical office building.

Staff recommends that the Planning Commission adopt the attached Resolutions approving Conditional Use Permit No. CU-392M2 and Variance No. V14-001 with findings of fact and conditions.

The property under application is located on the northwest corner of Orangethorpe and Knott Avenues, with street frontages of approximately 141 ft. along Orangethorpe Avenue and approximately 120 ft. along Knott Avenue, and a total land area of approximately 16,748 sq. ft. The site is developed with a 76 gasoline service station which was approved in 1972 under Conditional Use Permit No. CU-392, for 12 pump stations on three islands as well as a cashier booth and ground sign. In April 1987, the Planning Commission approved Conditional Use Permit No. CU-392M1 to raise the height of the fueling canopy.

The submitted application and plans propose the demolition of an existing service station building and fueling canopy to allow construction of a new gasoline service station to include a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements. The submitted plans indicate the new convenience store building will be located along the west property line and setback 20 ft. from Orangethorpe Avenue. The interior of the building will be configured to include a sales area, merchandise display, walk-in cooler, beverage bar, restrooms, utility room, storage room, and office. The new 3,452 sq. ft fueling canopy providing shelter for six (6) new fueling stations will be constructed on the easterly portion of the site. The new fueling canopy will maintain an approximately 30 ft. setback from the east property line and a 20 ft. setback from the south property line. The new gasoline service station and associated convenience market will continue to operate as a 76 gasoline station.

The exterior elevations of the new convenience market and fueling canopy have been designed to maintain a consistent architectural style in order to create an integrated development. The plans indicate the new convenience store building will maintain an earth tone stucco finish enhanced with 1 in. wide metal reveals and new aluminum storefront systems. Building enhancements include arched projections with column accents, two wood trellises with ornamental columns, decorative moldings, dimensional cornice treatment, stacked stone enhancements, and an arched entry tower element featuring a clay tile roof. The new fueling canopy has been designed to complement the convenience store building with decorative fascia moldings and a clay tile roof. Once completed, the entire development will reflect a consistent architectural theme.

The site currently maintains two driveways along Orangethorpe Avenue and one driveway along Knott Avenue. The submitted plans propose elimination of one driveway along Orangethorpe Avenue. The new site layout has been configured to maintain 8 standard size parking spaces and 12 fueling spaces; Code prescribes 10 parking spaces. The applicant is requesting variance from Section 19.520.020 of the Buena Park Zoning Ordinance to allow drive aisles to encroach into the required front and side yard setbacks. City Code requires drive aisles to be set back 20 ft. from front property lines and side yard properties lines abutting a public right-of-way. The site plan indicates the proposed drive aisles will be set back 10 ft. from front and side yard property lines. Additional site modifications include a new trash enclosure located near the northwest corner of the site, concrete walkway along the south and east elevations of the convenience store building, a new 10 ft. wide landscape setback along the south and east property lines adjacent to Orangethorpe and Knott Avenues, a new 20 ft. wide landscape setback along the south

elevation of the convenience store building, and a 5 ft. wide landscape planter along the north property line.

The proposed convenience market with gasoline sales will be operated as a 76 gasoline station. The convenience market, including the gasoline sales, will be open 24 hours per day. Business operations will require a total of 2 to 3 employees. The convenience market will provide typical convenience store items including beverages, prepackaged food, and other snacks. The sale of beer and wine for off-site consumption is not part of this application.

City Code requires Planning Commission review and approval for the new gasoline service station and associated site improvements via the Conditional Use Permit. Since the proposed drive aisles encroach into the required setback areas, the applicant is also requesting Planning Commission consideration for Variance from City Code to allow for the encroachment. In reviewing the applicant's request, staff reviewed plans and visited the site and surrounding area and is of the opinion that the site is adequate to support the convenience store building and fueling canopy without negatively impacting the subject and surrounding properties.

The proposed convenience market with new fueling canopy and associated site improvements, as conditioned, comply with the Zoning Ordinance requirements for circulation, building setbacks, access, parking, and building design. Once completed, the site will maintain 8 parking spaces and 12 fueling spaces, in compliance with Code. The elimination of one existing driveway along Orangethorpe Avenue will provide improved on-site vehicle circulation and safe and appropriate access to the site. The new landscape improvements have been configured to complement the new convenience store building and fueling canopy and reinforce the integrated design for the development. In regards to architecture, the proposed convenience store building and fueling canopy will complement newer commercial development within the area. Once completed, the proposed building and site improvements will improve the outdated appearance of the existing gasoline service station.

Staff does support the applicant's request for Variance to allow the proposed drive aisles to encroach into the Code prescribed 20 ft. front and side yard setbacks. The subject site is substandard in site area and maintains two street frontages. The Zoning Ordinance requires service station sites to maintain minimum 150 ft. by 150 ft. property dimensions. However, existing service stations may be modified or rebuilt on an existing service station lot with site dimensions less than currently required. The site dimensions create a hardship on the property owner and would otherwise impede the opportunity to redevelop the outdated service station. Staff feels the proposed encroachment will preserve appropriate on-site circulation while providing sufficient landscape buffering along the two street frontages. The proposed redevelopment of the site will comply with all other applicable development standards and meet the objectives of the City's 2035 General Plan.

The project is Class 1, Section 15301, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on September 25, 2014, and approximately 14 notices were mailed to property owners within a 300 ft. radius of the subject property on September 25, 2014.

Vice Chair Capelle asked if there were any questions of staff.

Commissioner Barstow asked about the proposed building setback from Orangethorpe Avenue and if it is consistent with Code.

Commissioners McGuire and Gonzales asked about traffic flow, including fuel delivery.

Mr. Ressler said the new convenience store building will be located along the west property line and set back 25 ft. from Orangethorpe Avenue. The new fueling canopy will maintain an approximately 30 ft. setback from the east property line and a 20 ft. setback from the south property line.

Mr. Ressler said there are currently two driveways along Orangethorpe Avenue and one driveway along Knott Avenue. The proposal is to eliminate one driveway along Orangethorpe Avenue. The proposed layout is configured to maintain eight standard parking spaces and 12 fueling spaces. Code prescribes ten parking spaces. The request for variance from Section 19.520.020 of the Buena Park Zoning Ordinance will allow drive aisles to encroach into the required front and side yard setbacks. City Code requires drive aisles to be set back 20 ft. from front property lines abutting public right-of-way. The proposed drive aisles will be set back ten feet from front and side yard property lines.

Commissioner Schoales noted that the proposed layout will maintain eight parking spaces; two spaces short of the Code-prescribed ten parking spaces.

Mr. Ressler said the eight parking spaces and the spaces at the fueling stations will total 20 parking spaces which exceed the ten required by Code.

Commissioner Schoales asked about item b. under Findings of Fact on Page 4, indicating that, "The proposed variance would not grant a special privilege for the subject property not enjoyed by other similar development in the same zone and vicinity..." and how it applies to surrounding properties such as Black Bear Diner and Paul's Place.

Mr. Fox said item b. is among the State-required findings for approval of a Zone Variance and it applies to surrounding properties, as stated.

Commissioner Schoales asked for confirmation that the sale of beer and wine is not part of this application.

Mr. Ressler confirmed that sale of beer and wine is not proposed.

Commissioner Schoales commented that requests for beer and wine are often made months or years after a project is approved, without the inclusion of the sale of beer and wine on the original request.

Commissioner Barstow referred to Pastor Young Gil Kim's third concern, as listed in his letter that was distributed to the Planning Commission. He expressed concern that the wall between the gas station and Thanksgiving Church had turned black which suggested the possibility of oil spill.

Mr. Ressler said he did not see the condition of the wall on the Church side.

Vice Chair Capelle 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.

Jin Lee, applicant representative, 920 Kenfield Avenue, Los Angeles, California, said the design firm that he represents has developed similar projects and has a strong track record of building beautiful gas stations with convenience stores across Southern California. Mr. Lee said the current design is outdated and needs improvements.

Young Gil Kim, Pastor, Thanksgiving Church, and Joshua Ko, 6959 Knott Avenue, Buena Park, summarized the three concerns raised in the Pastor's letter, handed to the secretary and distributed at the start of this meeting, as follows: 1) the height and location of the new building would block the view of the main entrance to the church building; 2) that the construction crew and equipment associated with the new convenience store will operate and be located on the church property during the construction stage, creating inconvenience and possible liability; and 3) that possible oil spill has caused the fence between the gas station and the church to turn black and the trees next to the fence to be unhealthy.

Commissioner Gonzales noted that the proposed 20 ft. height of the new building is slightly higher than the 19 ft. height of the current structure.

Commissioner Barstow asked if the applicant can put a "Church Entrance" sign on the driveway to the church.

Mr. Lee said the applicant can put the sign on the driveway to the church.

Commissioner Schoales asked if it is feasible to move the proposed new building location to the north side.

Commissioner McGuire noted that a power line easement runs east and west near the north side of the property and asked if relocation is possible.

Mr. Lee said it would not be feasible and the proposed building location is based on existing electrical and public easements.

Mr. Rosen said considerable effort and expense would be required to relocate the utilities.

Mr. Lee confirmed Mr. Rosen's statement and added that the variance request is also based on circulation considerations.

Commissioner Schoales asked if the project property owner and applicant are willing to communicate with the representatives of Thanksgiving Church regarding the latter's concerns in order to attempt resolution.

Commissioner Diep noted that after discussing the possible alternatives, the proposed site layout seems to be the best based on easement locations and other considerations.

Vice Chair Capelle said that after having heard the discussion and public comments, she would not favor a continuance.

Commissioner Barstow said that, in the spirit of being “good neighbors,” he recommends a meeting between the applicant and the representatives of Thanksgiving Church to allow further discussion of the church’s concerns before proceeding with the application.

There being no one else wishing to speak on the matter, Vice Chair Capelle advised that a motion would be required to continue the item.

Commissioner Schoales moved and Commissioner Barstow seconded the motion to continue this item to the October 22, 2014 Planning Commission meeting.

AYES: 4 COMMISSIONERS: Schoales, Barstow, Diep, and McGuire

NOES: 2 COMMISSIONERS: Capelle, Gonzales

ABSENT: 1 COMMISSIONER: Chung

ABSTAIN: 0 COMMISSIONER:

AGENDA FORECAST:

A Text Amendment application is scheduled for the meeting in November.

STAFF REPORT:

Mr. Rosen announced that a study session will be scheduled to discuss appropriate conditions on Conditional Use Permit applications.

Mr. Rosen reported on the Los Coyotes Country Club Community meeting regarding the anticipated residential development project on the property.

COMMISSION REPORTS:

Commissioner McGuire referred to a recent e-mail received by Planning Commissioners from staff relaying a request from a developer to meet individually with the Planning Commissioners about an anticipated development proposal

Commissioners Capelle, Diep, and McGuire reiterated that, at an earlier Planning Commission meeting, the Planning Commissioners had previously discussed and concurred that, while not specifically prohibited, private individual Commissioner meetings with developers were discouraged. If the intent of the developer is to educate and inform, that can be accomplished by a study session with the entire Planning Commission.

Commissioner Diep reminded staff to adhere to protocol regarding e-mails to Planning Commissioners, and avoid providing Planning Commissioner contact information to the public.

ADJOURNMENT:

At 8:25 p.m., Vice Chair Capelle adjourned the meeting to the Planning Commission meeting on Wednesday, October 22, 2014, in the City Council Chamber.

Joyce Capelle
Vice Chair

ATTEST:

Joel W. Rosen, AICP
Secretary

DRAFT

MEETING DATE: October 22, 2014

TO: The Planning Commission

CASE NUMBERS: CONDITIONAL USE PERMIT NO. CU-392M2 /
VARIANCE NO. V14-001
PROPOSED GASOLINE SERVICE STATION

ADDRESS: 6971 ORANGETHORPE AVENUE

RECOMMENDATION: Staff recommends that the Planning Commission adopt the original Resolutions approving Conditional Use Permit No. CU-392M2 and Variance No. V14-001.

BACKGROUND: At the meeting of October 8, 2014, the Planning Commission considered Conditional Use Permit No. CU-392M2 and Variance No. V14-001 to demolish an existing service station building and fueling canopy to allow construction of a new gasoline service station to include a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements at 6971 Orangethorpe Avenue. At the meeting, the pastor of Thanksgiving Church submitted a letter to the Planning Commission expressing concern regarding the height and location of the proposed convenience store building. The Commission voted to continue the project to the October 22, 2014 meeting and directed staff to meeting with the applicant and church representatives to discuss options to alleviate the concerns of the church.

DISCUSSION: On October 16, 2014, City Staff, the applicant, and church representatives met at Thanksgiving Church to discuss the project. During the meeting, the church pastor indicated that the location and height of the proposed building will affect the views from the entrance of the church building. The pastor requested the building be reduced in height or relocated along the north property line. The applicant stated that an existing easement would prevent the proposed building from being constructed along the north property line. In regards to the reduction in building height, the applicant indicated that the proposed 15 ft. 2 in. building height is required to screen the roof top equipment while providing an appropriate ceiling height within the building. City Staff suggested additional building enhancements and landscape modifications to alleviate the concerns of the church. However, the church was not receptive of the suggestions and the two parties were unable to reach an agreement.

Prepared by: Michael Ressler, Senior Planner

Approved by: Joel W. Rosen, AICP, Community Development Director

Presented by: Michael Ressler, Senior Planner

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Date: October 22, 2014

Subject: CU14-008

ATTACHMENTS:

- 1) Planning Commission Staff Report
- 2) Proposed Resolutions: Conditional Use Permit No. CU-392M2 and Variance No. V14-001
- 3) Draft PCMinutes100814 Excerpt

AGENDA ITEM NUMBER: 3

MEETING DATE: October 8, 2014

CASE NUMBER: Conditional Use Permit No. CU-392M2
Variance No. V14-001

PROPERTY OWNER: Northwest Dealerco Holdings, LLC
29501 Canwood Street, Suite 200
Agoura Hills, CA 91301

APPLICANT: Sanam de Loren
928 Kenfield Avenue
Los Angeles, CA 90049

APPLICATION REQUEST: A request to demolish an existing gasoline service station and construct a new gasoline service station including a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements.

PROPERTY LOCATION / APN: 6971 Orangethorpe Avenue / 276-142-07

GENERAL PLAN / ZONING: Commercial / CG (Commercial General)

LAND USE CHARACTERISTICS:

The subject property is zoned CG (Commercial General) and is developed with a 76 gasoline service station. The properties to the north and west are zoned CG and are developed with Thanksgiving Church and associated parking lot improvements. The property to the south, across Orangethorpe Avenue, is zoned CG and is developed with the Black Bear Diner. The property to the east, across Knott Avenue, is zoned CM (Commercial Manufacturing) and is developed with a medical office building.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the attached Resolutions approving Conditional Use Permit No. CU-392M2 and Variance No. V14-001 with findings of fact and conditions.

APPLICATION ANALYSIS:

Background:

The property under application is located on the northwest corner of Orangethorpe and Knott Avenues, with street frontages of approximately 141 ft. along Orangethorpe Avenue and approximately 120 ft. along Knott Avenue, and a total land area of approximately 16,748 sq. ft. The site is developed with a 76 gasoline service station which was approved in 1972 under Conditional Use Permit No. CU-392, for 12 pump stations on three islands as well as a cashier booth and ground sign. In April 1987, the Planning Commission approved Conditional Use Permit No. CU-392M1 to raise the height of the fueling canopy.

Proposal:

The submitted application and plans propose the demolition of an existing service station building and fueling canopy to allow construction of a new gasoline service station to include a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements. The submitted plans indicate the new convenience store building will be located along the west property line and setback 20 ft. from Orangethorpe Avenue. The interior of the building will be configured to include a sales area, merchandise display, walk-in cooler, beverage bar, restrooms, utility room, storage room, and office. The new 3,452 sq. ft fueling canopy providing shelter for six (6) new fueling stations will be constructed on the easterly portion of the site. The new fueling canopy will maintain an approximately 30 ft. setback from the east property line and a 20 ft. setback from the south property line. The new gasoline service station and associated convenience market will continue to operate as a 76 gasoline station.

The exterior elevations of the new convenience market and fueling canopy have been designed to maintain a consistent architectural style in order to create an integrated development. The plans indicate the new convenience store building will maintain an earth tone stucco finish enhanced with 1 in. wide metal reveals and new aluminum storefront systems. Building enhancements include arched projections with column accents, two wood trellises with ornamental columns, decorative moldings, dimensional cornice treatment, stacked stone enhancements, and an arched entry tower element featuring a clay tile roof. The new fueling canopy has been designed to complement the convenience store building with decorative fascia moldings and a clay tile roof. Once completed, the entire development will reflect a consistent architectural theme.

The site currently maintains two driveways along Orangethorpe Avenue and one driveway along Knott Avenue. The submitted plans propose elimination of one driveway along Orangethorpe Avenue. The new site layout has been configured to maintain 8 standard size parking spaces and 12 fueling spaces; Code prescribes 10 parking spaces. The applicant is requesting variance from Section 19.520.020 of the Buena Park Zoning Ordinance to allow drive aisles to encroach into the required front and side yard setbacks. City Code requires drive aisles to be set back 20 ft. from front property lines and side yard properties lines abutting a public right-of-way. The site plan indicates the proposed drive aisles will be set back 10 ft. from front and side yard property lines. Additional site modifications include a new trash enclosure located near the northwest corner of the site, concrete walkway along the south and east elevations of the convenience store building, a new 10 ft. wide landscape setback along the south and east property lines adjacent to Orangethorpe and Knott Avenues, a new 20 ft. wide landscape setback along the south elevation of the convenience store building, and a 5 ft. wide landscape planter along the north property line.

The proposed convenience market with gasoline sales will be operated as a 76 gasoline station. The convenience market, including the gasoline sales, will be open 24 hours per day. Business operations will require a total of 2 to 3 employees. The convenience market will provide typical convenience store items including beverages, prepackaged food, and other snacks. The sale of beer and wine for off-site consumption is not a part of this application.

Discussion:

City Code requires Planning Commission review and approval for the new gasoline service station and associated site improvements via the Conditional Use Permit. Since the proposed drive aisles encroach into the required setback areas, the applicant is also requesting Planning Commission consideration for Variance from City Code to allow for the encroachment. In reviewing the applicant's request, staff reviewed plans and visited the site and surrounding area and is of the opinion that the site is adequate to support the convenience store building and fueling canopy without negatively impacting the subject and surrounding properties.

The proposed convenience market with new fueling canopy and associated site improvements, as conditioned, comply with the Zoning Ordinance requirements for circulation, building setbacks, access, parking, and building design. Once completed, the site will maintain 8 parking spaces and 12 fueling spaces, in compliance with Code. The elimination of one existing driveway along Orangethorpe Avenue will provide improved on-site vehicle circulation and safe and appropriate access to the site. The new landscape improvements have been configured to complement the new convenience store building and fueling canopy and reinforce the integrated design for the development. In regards to architecture, the proposed convenience store building and fueling canopy will complement newer commercial development within the area. Once completed, the proposed building and site improvements will improve the outdated appearance of the existing gasoline service station.

Staff does support the applicant's request for Variance to allow the proposed drive aisles to encroach into the Code prescribed 20 ft. front and side yard setbacks. The subject site is substandard in site area and maintains two street frontages. The Zoning Ordinance requires service station sites to maintain minimum 150 ft. by 150 ft. property dimensions. However, existing service stations may be modified or rebuilt on an existing service station lot with site dimensions less than currently required. The site dimensions create a hardship on the property owner and would otherwise impede the opportunity to redevelop the outdated service station. Staff feels the proposed encroachment will preserve appropriate on-site circulation while providing sufficient landscape buffering along the two street frontages. The proposed redevelopment of the site will comply with all other applicable development standards and meet the objectives of the City's 2035 General Plan.

ENVIRONMENTAL ASSESSMENT:

The project is Class 1, Section 15301, categorically exempt from CEQA.

PUBLIC HEARING NOTICES:

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on September 25, 2014, and approximately 14 notices were mailed to property owners within a 300 ft. radius of the subject property on September 25, 2014.

FINDINGS OF FACT:

Conditional Use Permit:

- a. The proposed gasoline service station and associated convenience market is consistent with the City's General Plan and Zoning Ordinance, since the project will meet applicable development standards as well as exhibit use and performance characteristics consistent with adjacent properties and area development, as conditioned.
- b. The site is adequate in size, shape, topography, location, utilities and other factors, to accommodate the proposed gasoline service station and associated convenience market. Based on building orientation and buffering from the adjacent church use as well as operation restrictions and associated improvements, as conditioned, there will be no conflicts or incompatibility created by the proposed use.
- c. Adequate street access and traffic capacity will be available to serve the proposed use as well as existing and anticipated development in the surrounding area. The project will not create traffic disruption in the area and proper on-site circulation will not be compromised.
- d. Adequate utilities and public services will be available to serve the proposed use as well as existing and anticipated development in the surrounding area. The proposed use is consistent with similar uses in the vicinity.
- e. The proposed use will not produce results detrimental to the public health, safety, or welfare and will not be injurious to other properties in the vicinity. Adequate buffering elements and operation conditions have been incorporated to prevent negative impacts onto surrounding properties.

Variance:

- a. There are special circumstances applicable to the subject property, including property size and location, which would result in the strict application of the requirements of the Zoning Ordinance depriving the subject property of privileges enjoyed by other properties in the same zone and vicinity. The subject property is substandard to the Code prescribed property size to maintain an automobile service station development. However, the proposed site layout has been designed to preserve successful on-site circulation while accommodating sufficient landscape setbacks along the street frontage.
- b. The proposed variance would not grant a special privilege for the subject property not enjoyed by other similar development in the same zone and vicinity. Based on physical circumstances, including property size and location, strict application of the Zoning Ordinance would obstruct efficient on-site circulation and access to the site. The proposal will allow for optimum efficient use of the land, while providing appropriate landscape buffering along the two street frontages.

- c. The variance, as conditioned, will not produce results detrimental to the public health, safety or welfare and will not be injurious to other property in the vicinity. The new automobile service station development will be appropriately scaled to blend with the prevailing commercial development pattern while providing efficient on-site circulation and vehicular access to the site.
- d. The variance, as conditioned, will not be contrary to the objectives of the General Plan or the intent of the Zoning Ordinance. The proposed automobile service station development is consistent with the City's General Plan and Zoning Ordinance, since the project will meet remaining applicable development standards as well as exhibit use and performance characteristics consistent with adjacent properties and area development, as conditioned.

Prepared by: Michael Ressler, Senior Planner

Approved by: Joel W. Rosen, AICP, Director of Community Development

Presented by: Michael Ressler, Senior Planner

ATTACHMENTS:

Proposed Resolution
Vicinity Map
Development Plans

SRCU-392M2/V14-001

RESOLUTION NO.
CONDITIONAL USE PERMIT NO. CU-392M2

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU-392M2, TO DEMOLISH AN EXISTING GASOLINE SERVICE STATION AND CONSTRUCT A NEW GASOLINE SERVICE STATION INCLUDING A 1,996 SQ. FT. CONVENIENCE STORE, FUELING CANOPY AND OTHER SITE IMPROVEMENTS AT 6971 ORANGETHORPE AVENUE WITHIN THE CG (COMMERCIAL GENERAL) ZONE, AND MAKING FINDINGS IN SUPPORT

A. Recitals

(i) Northwest Dealerco Holdings, LLC, property owner, 29501 Canwood Street, Suite 200, Agoura Hills, CA 91301, and Sanam de Loren, project proponent, 928 Kenfield Avenue, Los Angeles, CA 90049, have filed an application for the issuance of a Conditional Use Permit No. CU-392M2 to demolish an existing gasoline service station and construct a new gasoline service station including a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements at 6941 Orangethorpe Avenue, Buena Park, California (APN: 276-142-07) in the County of Orange. Hereinafter in this Resolution, the subject Conditional Use Permit request is referred to as the “application”. This resolution supersedes all previous approvals for this location.

(ii) On October 8, 2014, the Planning Commission opened and continued the public hearing to October 22, 2014, to allow the applicant to meet with the adjacent church.

(iii) On October 22, 2014, this Commission conducted a duly noticed public hearing on the application and concluded said hearing prior to adoption of this Resolution.

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

B. Resolution.

NOW, THEREFORE, it is found, determined and resolved by the Planning Commission of the City of Buena Park as follows:

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

2. Based upon substantial evidence presented to this Commission during the above-referenced hearing, including written staff reports, verbal testimony, and development plans stamped “RECEIVED SEP 09 2014 PLNG. DIV.”, this Commission hereby specifically finds as follows:

a. The proposed gasoline service station and associated convenience market is consistent with the City’s General Plan and Zoning Ordinance, since the project will meet applicable development standards as well as exhibit use and performance characteristics consistent with adjacent properties and area development, as conditioned.

b. The site is adequate in size, shape, topography, location, utilities and other factors, to accommodate the proposed gasoline service station and associated convenience market. Based on building orientation and buffering from the adjacent church use as well as operation restrictions and associated improvements, as conditioned, there will be no conflicts or incompatibility created by the proposed use.

c. Adequate street access and traffic capacity will be available to serve the proposed use as well as existing and anticipated development in the surrounding area. The project will not create traffic disruption in the area and proper on-site circulation will not be compromised.

d. Adequate utilities and public services will be available to serve the proposed use as well as existing and anticipated development in the surrounding area. The proposed use is consistent with similar uses in the vicinity.

e. The proposed use will not produce results detrimental to the public health, safety, or welfare and will not be injurious to other properties in the vicinity. Adequate buffering elements and operation conditions have been incorporated to prevent negative impacts onto surrounding properties.

3. The Planning Commission hereby finds and determines that the project identified above in this Resolution is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder pursuant to Class 1, Section 15301 of Division 6 of Title 14 of the California Code of Regulations.

4. Based upon the findings and conclusions set forth in paragraphs 1, 2, and 3, above, this Commission hereby approves the application subject to the plans stamped "RECEIVED SEP 09 2014 PLNG. DIV." as modified herein and the following reasonable conditions set forth in paragraph 5 of this Resolution.

5. The following conditions are deemed necessary to protect the public health, safety, and general welfare and are reasonable and proper in accordance with the purpose and intent of the Buena Park City Code:

PUBLIC WORKS DEPARTMENT:

1. The following plans and/or information shall be prepared and submitted in accordance with City standards:
 - a. Grading/Utility Plan
 - b. Erosion Control Plan
 - c. Water Quality Management Plan
2. All existing public facilities in conflict with new improvements shall be relocated at no cost to the City. Property owner shall dedicate, or cause to be dedicated all easements needed to accommodate the relocation, modification or installation of facilities to be maintained by the City or any public utility company.

3. New public improvements to include the following:
 - A. Remove two existing driveway approaches along the Orangethorpe Avenue frontage and replace with sidewalk, full-height curb and gutter per City Std. 204 and 206.
 - B. Construct a new curb return type driveway approach (42 feet wide) along the Orangethorpe Avenue frontage per City Std. 213.
 - C. Modify an existing curb return type driveway approach along the Knott Avenue frontage per City Std. 213 and to comply with the latest requirements of the Americans With Disabilities Act (ADA).
4. Prior to issuance of grading or building permits, permit applicant shall submit for approval by the City Engineer, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMP's) that will be used on site to control predictable pollutant run-off. Applicant shall record the approved WQMP with the Orange County Clerk-Recorder at the cost of the applicant, and provide the City with a conformed copy of the recorded WQMP.

This WQMP shall identify the: structural and non-structural measures specified in Appendix G, as available at the Engineering Services Division, detailing implementation of BMP's whenever they are applicable to the project (when the project has a below grade loading dock, for example); the assignment of long-term maintenance responsibilities (specifying the developer, parcel owner, maintenance association, lessee, etc.); and, shall reference the location(s) of structural BMP's.
5. A traffic impact fee is required and must be paid per City of Buena Park Resolution No. 9726. The traffic impact fee must be paid prior to occupancy of the building.
6. Any proposed utility connection shall be made to the City water and sewer systems in accordance with the City Code, standards and applicable federal, state and county regulations. Sewer fees are based on Orange County Sewer requirements. Any proposed sewer lateral shall be minimum six (6) inch to service the development.
7. Applicant shall pay capital facilities charges per Orange County Sanitation District ordinance No 11 prior to issuance of building permit.
8. Backflow and cross connection control devices shall be installed in accordance with the City Code. Fire protection plans shall be approved by the Orange County Fire Authority and the City Engineer. The service shall be owned and maintained by the applicant.
9. All trash collection services needed during construction or after project completion shall be obtained from the City's authorized provider.
10. All fees, deposits and bonds associated with improvements required by the Public Works Department shall be paid prior to the issuance of permits for construction.

11. Before exercising any right or performing any obligation pursuant to any permit issued by the Public Works Department, the developer/contractor shall file with the City required insurance certificates.
12. Prior to final release of the project by the Public Works Department, or the refund of any cash deposits, the developer/contractor shall provide the City with a warranty bond to be held by the City for the period of one (1) year, for all public facilities and improvements.
13. Prior to grant of occupancy by the City or commencement of the approved use, these conditions and all improvements required by the Public Works Department shall be completed to the satisfaction of the City Engineer.

FIRE AUTHORITY:

The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a building permit:

- Fire master plan (Service Code PR145)
- Tanks storing hazardous materials (Service Codes PR300-PR305)- *If new tanks are being installed.*

BUILDING DIVISION:

1. The project shall comply with California Title 24 Accessibility requirements.
2. The project shall comply with Buena Park Municipal Code Title 15, California Building Codes.
3. The building/buildings shall be fully fire-sprinklered as required by the City of Buena Park Municipal Code Title 15, and/or the California Building Codes.
4. The applicant shall complete the City of Buena Park's Construction Site NPDES Certification Form prior to issuance of building and grading permits.
5. The construction plans require professional preparation. Submit plans and structural calculations prepared by a California registered engineer or architect.
6. All portions of the proposed building above the first story shall maintain a minimum 12 ft. setback from any overhead power lines.

PLANNING DIVISION:

1. This approval shall be for demolition of an existing service station building and fueling canopy to allow construction of a new gasoline service station including a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements at 6971 Orangethorpe Avenue. The development shall substantially comply with the plans stamped "RECEIVED SEP 09 2014 PLNG. DIV.," except as modified herein.

2. The building and site design shall be generally consistent with plans stamped "RECEIVED OCT 30 2013 PLNG. DIV.," with exact design details and specifications subject to Planning Division approval. The following architectural and site amenities shall be included:
 - a. Stucco exterior finish with arched projections and column enhancements.
 - b. Wood trellis system with decorative columns on the east elevation.
 - c. Anodized aluminum storefront systems with clear glazing.
 - d. Dimensional cornice treatment.
 - e. Decorative molding.
 - f. Enhanced tower element with concrete tile roof, arched entry, decorative moldings, cornice treatment, and stacked stone enhancements.
 - g. Ornamental ceramic tile mosaic.
 - h. New fueling canopy with decorative fascia and concrete tile roof with decorative columns designed to complement the architecture of the convenience store building.

Color and material samples shall be submitted to the Planning Division for approval prior to issuance of building permits.

3. The applicant shall demonstrate that proposed building materials, and other architectural/site features are rated for appropriate durability and longevity. In the event that said rating cannot be obtained, alternate materials shall be used under the direction of the Planning Division.

4. Building lighting shall be decorative and consistent with the building design. The equivalent of one (1) foot candle minimum illumination shall be provided throughout the parking area. All luminaries shall be designed, shielded, or aimed in such a manner so as not to produce glare upon adjacent properties or rights of way.

5. All future signs shall comply with the City of Buena Zoning Ordinance and shall require separate approval by the Planning Division. All illuminated signs shall be designed to prevent glare upon the streets, walkways, and surrounding residential properties.

6. All parking areas and driveways shall be paved and striped in compliance with Code Section No. 19.536.070F as shown on the approved plan. All parking areas serving commercial uses shall be striped with white double lines separating stalls, with minimum 4 in. wide stripes and a minimum 8 in. separation. Installation of speed bumps shall not be permitted within required fire lanes, access drives, or driveways of the proposed project without City approval. All landscaped areas shall be separated

from adjacent vehicular areas by a masonry wall or portland cement concrete (p.c.c.) curb a minimum of 6 inches in height, or by p.c.c. or masonry walkway. It shall be the responsibility of the developer to submit to the Public Works Department such plans as are necessary to ensure the installation of curbs or walls do not detrimentally affect drainage.

7. All outdoor trash storage bins shall be screened from view by block trash enclosures. Such structures shall be designed in coordination with the architectural design of the building including materials and coloration, and painted to match the building. The final design and placement shall be subject to review and approval by the Planning Division, Building Division, and Fire Department.
8. All required new utility services shall be underground. All required utility services and equipment, including transformers, gas meter, "J" boxes, and similar devices shall be located below grade or shall be screened from view by ornamental masonry walls. The placement and treatment of all screening devices shall be subject to review and approval of the Planning Division. In addition to said walls, landscaping may also be required as a solution for screening. A preliminary electrical equipment plan, which is prepared by the Southern California Edison Company, shall be reviewed and approved by the City Planning Division prior to the issuance of building permits. The applicant is required to return City approved red line prints to the Southern California Edison Company Planning Department, for preparation of final construction drawings. The location of other utility companies' appurtenances and meters shall be submitted to the City Planning Division for review and approval prior to installation.
9. All ground-mounted mechanical equipment shall be located and screened as approved by the Planning Division or roof-top mounted with screening architecturally integrated with the building design consistent with Section 19.544.020 of the City Code. No roof-mounted mechanical equipment shall be permitted unless such equipment is not visible from adjacent and surrounding properties and streets from height of five (5) feet above ground level.
10. Four sets of detailed landscaping/irrigation/sprinkler plans shall be submitted to the Planning Division for review and be approved prior to the issuance of building permits. Landscaping as approved and provided with an automatic and permanent sprinkler system shall be considered a part of this plan and shall be installed and maintained as a condition of the use. Landscaping shall consist of a variety of trees (24 in. box), shrubs (5 gal. min.) and ground covers generally consistent with the submitted conceptual planting plan stamped "RECEIVED SEP 09 2014 PLNG. DIV." The landscape buffers along Orangethorpe Avenue and Knott Avenue shall include flowering ground covers, min. eight (8) Queen palm trees (20 to 25 ft. brown trunk height.), and shrubs (5 gal. size minimum). Enhanced landscape design shall be provided at the southeast corner of the site. Said enhanced landscape design shall include flowering ground covers and shrubs (5 gal. size minimum). Final design, locations, and size of all landscape materials shall be reviewed and approved by the Planning Division.

11. All landscaping/irrigation/sprinkler plans shall comply with the City of Buena Park Water Efficiency Landscape Ordinance, Title 13, Chapter 13.30 of the Buena Park Municipal Code.
12. The development shall conform to the plan as finally approved by the City as conditioned herein. Final plans shall incorporate all changes as conditioned herein and shall recognize all easements or deed restrictions pertaining to the subject property. Any appreciable modification shall require the prior approval of the Planning Commission.
13. The proposed use shall maintain a business license as required by the Buena Park City Code.
14. This Conditional Use Permit may be revoked for any violation of or noncompliance with any of these conditions in accordance with Section 19.132.030 of the Zoning Ordinance.
15. The use authorized by this Conditional Use Permit shall be commenced or construction necessary and incidental thereto shall be started within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
16. These conditions and all improvements shall be completed to the satisfaction of the City.
17. The applicant shall indemnify, defend and hold harmless City, its officers, agents, and employees from any and all claims and losses whatsoever occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies in connection with the performance of the use permitted hereby or the exercise of the rights granted herein, any and all claims, lawsuits or actions arising from the granting of or the exercise of the rights permitted by this Conditional Use Permit and from any and all claims and losses occurring or resulting to any person, firm, corporation, or property for damage, injury, or death arising out of or connected with the performance of the use permitted hereby. Applicant's obligation to indemnify, defend, and hold harmless the City as stated hereinabove shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.

Resolution No.
Conditional Use Permit No. CU-392M2
October 22, 2014

PASSED AND ADOPTED this 22th day of October 2014 by the following called vote:

AYES:	COMMISSIONER:
NOES:	COMMISSIONER:
ABSENT:	COMMISSIONER:
ABSTAINED:	COMMISSIONER:

Jae Joon Chung
Chair

ATTEST:

Joel W. Rosen, AICP
Secretary

AFFIDAVIT OF ACCEPTANCE:

I/We do hereby accept all of the conditions contained in this document and all other conditions imposed by Conditional Use Permit No. CU-392M1 and do agree that I/We shall conform with and abide by all such conditions.

Date

Applicant's Signature

RECU-392M2

RESOLUTION NO.
VARIANCE NO. V14-001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR VARIANCE FROM SECTION 19.520.020 OF THE ZONING CODE TO ALLOW DRIVE AISLES TO ENCROACH INTO REQUIRED FRONT YARD AND SIDE YARD SETBACKS IN CONJUNCTION WITH DEMOLITION OF AN EXISTING GASOLINE SERVICE STATION AND CONSTRUCTION OF A NEW GASOLINE SERVICE STATION INCLUDING A 1,996 SQ. FT. CONVENIENCE STORE, FUELING CANOPY AND OTHER SITE IMPROVEMENTS AT 6971 ORANGETHORPE AVENUE WITHIN THE CG (COMMERCIAL GENERAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

A. Recitals.

(i) Northwest Dealerco Holdings, LLC, property owner, 29501 Canwood Street, Suite 200, Agoura Hills, CA 91301, and Sanam de Loren, project proponent, 928 Kenfield Avenue, Los Angeles, CA 90049, have filed an application for Variance from Section 19.520.020 of the Buena Park Zoning Ordinance to allow drive aisles to encroach into the required front and side yard setbacks in conjunction with demolition of an existing gasoline service station and construction of a new gasoline service station including a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements at 6971 Orangethorpe Avenue, Buena Park, California (APN: 276-142-07) in the County of Orange. Hereinafter in this Resolution, the subject Variance request is referred to as the “application”.

(ii) On October 8, 2014, the Planning Commission opened and continued the public hearing to October 22, 2014, to allow the applicant to meet with the adjacent church.

(iii) On October 22, 2014, this Commission conducted a duly noticed public hearing on the application and concluded said hearing prior to adoption of this Resolution.

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

B. Resolution.

NOW, THEREFORE, it is found, determined and resolved by the Planning Commission of the City of Buena Park as follows:

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

2. Based upon substantial evidence presented to this Commission during the above-referenced hearing, including written staff reports, verbal testimony, and development plans stamped "RECEIVED SEP 09 2014 PLNG. DIV.", this Commission hereby specifically finds as follows:

a. There are special circumstances applicable to the subject property, including property size and location, which would result in the strict application of the requirements of the Zoning Ordinance depriving the subject property of privileges enjoyed by other properties in the same zone and vicinity. The subject property is substandard to the Code prescribed property size to maintain an automobile service station development. However, the proposed site layout has been designed to preserve successful on-site circulation while accommodating sufficient landscape setbacks along the street frontage.

b. The proposed variance would not grant a special privilege for the subject property not enjoyed by other similar development in the same zone and vicinity. Based on physical circumstances, including property size and location, strict application of the Zoning Ordinance would obstruct efficient on-site circulation and access to the site. The proposal will allow for optimum efficient use of the land, while providing appropriate landscape buffering along the two street frontages.

c. The variance, as conditioned, will not produce results detrimental to the public health, safety or welfare and will not be injurious to other property in the vicinity. The new automobile service station development will be appropriately scaled to blend with the prevailing commercial development pattern while providing efficient on-site circulation and vehicular access to the site.

d. The variance, as conditioned, will not be contrary to the objectives of the General Plan or the intent of the Zoning Ordinance. The proposed automobile service station development is consistent with the City's General Plan and Zoning Ordinance, since the project will meet remaining applicable development standards as well as exhibit use and performance characteristics consistent with adjacent properties and area development, as conditioned.

3. The Planning Commission hereby finds and determines that the project identified above in this Resolution is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder pursuant to Class 1, Section 15301 of Division 6 of Title 14 of the California Code of Regulations.

4. Based upon the findings and conclusions set forth in paragraphs 1, 2, and 3, above, this Commission hereby approves the application subject to the plans stamped "RECEIVED SEP 09 2014 PLNG. DIV." as modified herein and the following reasonable conditions set forth in paragraph 5 of this Resolution.

5. The following conditions are deemed necessary to protect the public health, safety, and general welfare and are reasonable and proper in accordance with the purpose and intent of the Buena Park City Code:

PUBLIC WORKS DEPARTMENT:

1. The following plans and/or information shall be prepared and submitted in accordance with City standards:
 - a. Grading/Utility Plan
 - b. Erosion Control Plan
 - c. Water Quality Management Plan
2. All existing public facilities in conflict with new improvements shall be relocated at no cost to the City. Property owner shall dedicate, or cause to be dedicated all easements needed to accommodate the relocation, modification or installation of facilities to be maintained by the City or any public utility company.
3. New public improvements to include the following:
 - A. Remove two existing driveway approaches along the Orangethorpe Avenue frontage and replace with sidewalk, full-height curb and gutter per City Std. 204 and 206.
 - B. Construct a new curb return type driveway approach (42 feet wide) along the Orangethorpe Avenue frontage per City Std. 213.
 - C. Modify an existing curb return type driveway approach along the Knott Avenue frontage per City Std. 213 and to comply with the latest requirements of the Americans With Disabilities Act (ADA).
4. Prior to issuance of grading or building permits, permit applicant shall submit for approval by the City Engineer, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMP's) that will be used on site to control predictable pollutant run-off. Applicant shall record the approved WQMP with the Orange County Clerk-Recorder at the cost of the applicant, and provide the City with a conformed copy of the recorded WQMP.

This WQMP shall identify the: structural and non-structural measures specified in Appendix G, as available at the Engineering Services Division, detailing implementation of BMP's whenever they are applicable to the project (when the project has a below grade loading dock, for example); the assignment of long-term maintenance responsibilities (specifying the developer, parcel owner, maintenance association, lessee, etc.); and, shall reference the location(s) of structural BMP's.
5. A traffic impact fee is required and must be paid per City of Buena Park Resolution No. 9726. The traffic impact fee must be paid prior to occupancy of the building.

6. Any proposed utility connection shall be made to the City water and sewer systems in accordance with the City Code, standards and applicable federal, state and county regulations. Sewer fees are based on Orange County Sewer requirements. Any proposed sewer lateral shall be minimum six (6) inch to service the development.
7. Applicant shall pay capital facilities charges per Orange County Sanitation District ordinance No 11 prior to issuance of building permit.
8. Backflow and cross connection control devices shall be installed in accordance with the City Code. Fire protection plans shall be approved by the Orange County Fire Authority and the City Engineer. The service shall be owned and maintained by the applicant.
9. All trash collection services needed during construction or after project completion shall be obtained from the City's authorized provider.
10. All fees, deposits and bonds associated with improvements required by the Public Works Department shall be paid prior to the issuance of permits for construction.
11. Before exercising any right or performing any obligation pursuant to any permit issued by the Public Works Department, the developer/contractor shall file with the City required insurance certificates.
12. Prior to final release of the project by the Public Works Department, or the refund of any cash deposits, the developer/contractor shall provide the City with a warranty bond to be held by the City for the period of one (1) year, for all public facilities and improvements.
13. Prior to grant of occupancy by the City or commencement of the approved use, these conditions and all improvements required by the Public Works Department shall be completed to the satisfaction of the City Engineer.

FIRE AUTHORITY:

The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a building permit:

- Fire master plan (Service Code PR145)
- Tanks storing hazardous materials (Service Codes PR300-PR305). *If new tanks are being installed.*

BUILDING DIVISION:

1. The project shall comply with California Title 24 Accessibility requirements.
2. The project shall comply with Buena Park Municipal Code Title 15, California Building Codes.
3. The building/buildings shall be fully fire-sprinklered as required by the City of Buena Park Municipal Code Title 15, and/or the California Building Codes.
4. The applicant shall complete the City of Buena Park's Construction Site NPDES Certification Form prior to issuance of building and grading permits.
5. The construction plans require professional preparation. Submit plans and structural calculations prepared by a California registered engineer or architect.
6. All portions of the proposed building above the first story shall maintain a minimum 12 ft. setback from any overhead power lines.

PLANNING DIVISION:

1. This approval shall be for demolition of an existing service station building and fueling canopy to allow construction of a new gasoline service station including a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements at 6971 Orangethorpe Avenue. The development shall substantially comply with the plans stamped "RECEIVED SEP 09 2014 PLNG. DIV.," except as modified herein. This approval shall be contingent upon approval of Conditional Use Permit No. CU-392M2.
2. The building and site design shall be generally consistent with plans stamped "RECEIVED OCT 30 2013 PLNG. DIV.," with exact design details and specifications subject to Planning Division approval. The following architectural and site amenities shall be included:
 - a. Stucco exterior finish with arched projections and column enhancements.
 - b. Wood trellis system with decorative columns on the east elevation.
 - c. Anodized aluminum storefront systems with clear glazing.
 - d. Dimensional cornice treatment.
 - e. Decorative molding.
 - f. Enhanced tower element with concrete tile roof, arched entry, decorative moldings, cornice treatment, and stacked stone enhancements.
 - g. Ornamental ceramic tile mosaic.
 - h. New fueling canopy with decorative fascia and concrete tile roof with decorative columns designed to complement the architecture of the convenience store building.

Color and material samples shall be submitted to the Planning Division for approval prior to issuance of building permits.

3. The applicant shall demonstrate that proposed building materials, and other architectural/site features are rated for appropriate durability and longevity. In the event that said rating cannot be obtained, alternate materials shall be used under the direction of the Planning Division.
4. Building lighting shall be decorative and consistent with the building design. The equivalent of one (1) foot candle minimum illumination shall be provided throughout the parking area. All luminaries shall be designed, shielded, or aimed in such a manner so as not to produce glare upon adjacent properties or rights of way.
5. All future signs shall comply with the City of Buena Zoning Ordinance and shall require separate approval by the Planning Division. All illuminated signs shall be designed to prevent glare upon the streets, walkways, and surrounding residential properties.
6. All parking areas and driveways shall be paved and striped in compliance with Code Section No. 19.536.070F as shown on the approved plan. All parking areas serving commercial uses shall be striped with white double lines separating stalls, with minimum 4 in. wide stripes and a minimum 8 in. separation. Installation of speed bumps shall not be permitted within required fire lanes, access drives, or driveways of the proposed project without City approval. All landscaped areas shall be separated from adjacent vehicular areas by a masonry wall or portland cement concrete (p.c.c.) curb a minimum of 6 inches in height, or by p.c.c. or masonry walkway. It shall be the responsibility of the developer to submit to the Public Works Department such plans as are necessary to ensure the installation of curbs or walls do not detrimentally affect drainage.
7. All outdoor trash storage bins shall be screened from view by block trash enclosures. Such structures shall be designed in coordination with the architectural design of the building including materials and coloration, and painted to match the building. The final design and placement shall be subject to review and approval by the Planning Division, Building Division, and Fire Department.
8. All required new utility services shall be underground. All required utility services and equipment, including transformers, gas meter, "J" boxes, and similar devices shall be located below grade or shall be screened from view by ornamental masonry walls. The placement and treatment of all screening devices shall be subject to review and approval of the Planning Division. In addition to said walls, landscaping may also be required as a solution for screening. A preliminary electrical equipment plan, which is prepared by the Southern California Edison Company, shall be reviewed and approved by the City Planning Division prior to the issuance of building permits. The applicant is required to return City approved red line prints to the Southern California Edison Company Planning Department, for preparation of final construction drawings. The location of other utility companies' appurtenances and meters shall be submitted to the City Planning Division for review and approval prior to installation.

9. All ground-mounted mechanical equipment shall be located and screened as approved by the Planning Division or roof-top mounted with screening architecturally integrated with the building design consistent with Section 19.544.020 of the City Code. No roof-mounted mechanical equipment shall be permitted unless such equipment is not visible from adjacent and surrounding properties and streets from height of five (5) feet above ground level.
10. Four sets of detailed landscaping/irrigation/sprinkler plans shall be submitted to the Planning Division for review and be approved prior to the issuance of building permits. Landscaping as approved and provided with an automatic and permanent sprinkler system shall be considered a part of this plan and shall be installed and maintained as a condition of the use. Landscaping shall consist of a variety of trees (24 in. box), shrubs (5 gal. min.) and ground covers generally consistent with the submitted conceptual planting plan stamped "RECEIVED SEP 09 2014 PLNG. DIV." The landscape buffers along Orangethorpe Avenue and Knott Avenue shall include flowering ground covers, min. eight (8) Queen palm trees (20 to 25 ft. brown trunk height.), and shrubs (5 gal. size minimum). Enhanced landscape design shall be provided at the southeast corner of the site. Said enhanced landscape design shall include flowering ground covers and shrubs (5 gal. size minimum). Final design, locations, and size of all landscape materials shall be reviewed and approved by the Planning Division.
11. All landscaping/irrigation/sprinkler plans shall comply with the City of Buena Park Water Efficiency Landscape Ordinance, Title 13, Chapter 13.30 of the Buena Park Municipal Code.
12. The development shall conform to the plan as finally approved by the City as conditioned herein. Final plans shall incorporate all changes as conditioned herein and shall recognize all easements or deed restrictions pertaining to the subject property. Any appreciable modification shall require the prior approval of the Planning Commission.
13. The proposed use shall maintain a business license as required by the Buena Park City Code.
14. This Conditional Use Permit may be revoked for any violation of or noncompliance with any of these conditions in accordance with Section 19.132.030 of the Zoning Ordinance.
15. The use authorized by this Conditional Use Permit shall be commenced or construction necessary and incidental thereto shall be started within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
16. These conditions and all improvements shall be completed to the satisfaction of the City.

17. The applicant shall indemnify, defend and hold harmless City, its officers, agents, and employees from any and all claims and losses whatsoever occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies in connection with the performance of the use permitted hereby or the exercise of the rights granted herein, any and all claims, lawsuits or actions arising from the granting of or the exercise of the rights permitted by this Conditional Use Permit and from any and all claims and losses occurring or resulting to any person, firm, corporation, or property for damage, injury, or death arising out of or connected with the performance of the use permitted hereby. Applicant's obligation to indemnify, defend, and hold harmless the City as stated hereinabove shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.

PASSED AND ADOPTED this 22th day of October 2014 by the following called vote:

AYES:	COMMISSIONER:
NOES:	COMMISSIONER:
ABSENT:	COMMISSIONER:
ABSTAINED:	COMMISSIONER:

Jae Joon Chung
Chair

ATTEST:

Joel W. Rosen, AICP
Secretary

Resolution No.
Variance No. V14-001
October 22, 2014

AFFIDAVIT OF ACCEPTANCE:

I/We do hereby accept all of the conditions contained in this document and all other conditions imposed by Variance No. V14-001 and do agree that I/We shall conform with and abide by all such conditions.

Date: _____

Applicant's Signature

REV14-001

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
October 8, 2014

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on October 8, 2014, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Vice Chair Capelle presiding.

PRESENT: COMMISSIONERS: Barstow, Capelle, Diep, Gonzales, McGuire, Schoales,

ABSENT: COMMISSIONER: Chung

ALSO PRESENT:

Joel W. Rosen, AICP, Community Development Director
Jay Saltzberg, Planning Manager
Michael Ressler, Senior Planner
Monique Schwartz, Assistant Planner
Nabil S. Henein, Assistant City Engineer
Craig Fox, Deputy City Attorney
Ruth Santos, Senior Administrative Assistant

CONDITIONAL USE PERMIT NO. CU-392M2/VARIANCE NO. V14-001

A request to demolish an existing gasoline service station and construct a new gasoline service station, including a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements with Variance from Section 19.520.020 of the Buena Park Zoning Ordinance to allow drive aisles to encroach into the required front and side yard setbacks, located at 6971 Orangethorpe within the CG (Commercial General) zone.

PROPERTY OWNER: Northwest Dealer Co Holdings, LLC
29501 Canwood Street, Suite 200
Agoura Hills, CA 91301

APPLICANT: Sanam de Loren
928 Kenfield Avenue
Los Angeles, CA 90049

RECOMMENDED ACTION: Adopt Resolutions of Approval

In reply to Vice Chair Capelle, Ms. Santos stated that staff had received, at the start of this meeting, a letter from Pastor Young Gil Kim of Thanksgiving Church at 6969 Knott Avenue, Buena Park. Ms. Santos then distributed copies of the letter to the Planning Commissioners, staff, and the applicant.

The staff report was presented by Michael Ressler, Senior Planner. The subject property is zoned CG (Commercial General) and is developed with a 76 gasoline service station. The properties to the north and west are zoned CG and are developed with Thanksgiving Church and associated parking lot improvements. The property to the south, across Orangethorpe Avenue, is zoned CG and is developed with the Black Bear Diner. The

property to the east, across Knott Avenue, is zoned CM (Commercial Manufacturing) and is developed with a medical office building.

Staff recommends that the Planning Commission adopt the attached Resolutions approving Conditional Use Permit No. CU-392M2 and Variance No. V14-001 with findings of fact and conditions.

The property under application is located on the northwest corner of Orangethorpe and Knott Avenues, with street frontages of approximately 141 ft. along Orangethorpe Avenue and approximately 120 ft. along Knott Avenue, and a total land area of approximately 16,748 sq. ft. The site is developed with a 76 gasoline service station which was approved in 1972 under Conditional Use Permit No. CU-392, for 12 pump stations on three islands as well as a cashier booth and ground sign. In April 1987, the Planning Commission approved Conditional Use Permit No. CU-392M1 to raise the height of the fueling canopy.

The submitted application and plans propose the demolition of an existing service station building and fueling canopy to allow construction of a new gasoline service station to include a 1,996 sq. ft. convenience store, fueling canopy, and other site improvements. The submitted plans indicate the new convenience store building will be located along the west property line and setback 20 ft. from Orangethorpe Avenue. The interior of the building will be configured to include a sales area, merchandise display, walk-in cooler, beverage bar, restrooms, utility room, storage room, and office. The new 3,452 sq. ft fueling canopy providing shelter for six (6) new fueling stations will be constructed on the easterly portion of the site. The new fueling canopy will maintain an approximately 30 ft. setback from the east property line and a 20 ft. setback from the south property line. The new gasoline service station and associated convenience market will continue to operate as a 76 gasoline station.

The exterior elevations of the new convenience market and fueling canopy have been designed to maintain a consistent architectural style in order to create an integrated development. The plans indicate the new convenience store building will maintain an earth tone stucco finish enhanced with 1 in. wide metal reveals and new aluminum storefront systems. Building enhancements include arched projections with column accents, two wood trellises with ornamental columns, decorative moldings, dimensional cornice treatment, stacked stone enhancements, and an arched entry tower element featuring a clay tile roof. The new fueling canopy has been designed to complement the convenience store building with decorative fascia moldings and a clay tile roof. Once completed, the entire development will reflect a consistent architectural theme.

The site currently maintains two driveways along Orangethorpe Avenue and one driveway along Knott Avenue. The submitted plans propose elimination of one driveway along Orangethorpe Avenue. The new site layout has been configured to maintain 8 standard size parking spaces and 12 fueling spaces; Code prescribes 10 parking spaces. The applicant is requesting variance from Section 19.520.020 of the Buena Park Zoning Ordinance to allow drive aisles to encroach into the required front and side yard setbacks. City Code requires drive aisles to be set back 20 ft. from front property lines and side yard properties lines abutting a public right-of-way. The site plan indicates the proposed drive aisles will be set back 10 ft. from front and side yard property lines. Additional site modifications include a new trash enclosure located near the northwest corner of the site, concrete walkway along the south and east elevations of the convenience store building, a new 10 ft. wide landscape setback along the south and east property lines adjacent to Orangethorpe and Knott Avenues, a new 20 ft. wide landscape setback along the south

elevation of the convenience store building, and a 5 ft. wide landscape planter along the north property line.

The proposed convenience market with gasoline sales will be operated as a 76 gasoline station. The convenience market, including the gasoline sales, will be open 24 hours per day. Business operations will require a total of 2 to 3 employees. The convenience market will provide typical convenience store items including beverages, prepackaged food, and other snacks. The sale of beer and wine for off-site consumption is not part of this application.

City Code requires Planning Commission review and approval for the new gasoline service station and associated site improvements via the Conditional Use Permit. Since the proposed drive aisles encroach into the required setback areas, the applicant is also requesting Planning Commission consideration for Variance from City Code to allow for the encroachment. In reviewing the applicant's request, staff reviewed plans and visited the site and surrounding area and is of the opinion that the site is adequate to support the convenience store building and fueling canopy without negatively impacting the subject and surrounding properties.

The proposed convenience market with new fueling canopy and associated site improvements, as conditioned, comply with the Zoning Ordinance requirements for circulation, building setbacks, access, parking, and building design. Once completed, the site will maintain 8 parking spaces and 12 fueling spaces, in compliance with Code. The elimination of one existing driveway along Orangethorpe Avenue will provide improved on-site vehicle circulation and safe and appropriate access to the site. The new landscape improvements have been configured to complement the new convenience store building and fueling canopy and reinforce the integrated design for the development. In regards to architecture, the proposed convenience store building and fueling canopy will complement newer commercial development within the area. Once completed, the proposed building and site improvements will improve the outdated appearance of the existing gasoline service station.

Staff does support the applicant's request for Variance to allow the proposed drive aisles to encroach into the Code prescribed 20 ft. front and side yard setbacks. The subject site is substandard in site area and maintains two street frontages. The Zoning Ordinance requires service station sites to maintain minimum 150 ft. by 150 ft. property dimensions. However, existing service stations may be modified or rebuilt on an existing service station lot with site dimensions less than currently required. The site dimensions create a hardship on the property owner and would otherwise impede the opportunity to redevelop the outdated service station. Staff feels the proposed encroachment will preserve appropriate on-site circulation while providing sufficient landscape buffering along the two street frontages. The proposed redevelopment of the site will comply with all other applicable development standards and meet the objectives of the City's 2035 General Plan.

The project is Class 1, Section 15301, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on September 25, 2014, and approximately 14 notices were mailed to property owners within a 300 ft. radius of the subject property on September 25, 2014.

Vice Chair Capelle asked if there were any questions of staff.

Commissioner Barstow asked about the proposed building setback from Orangethorpe Avenue and if it is consistent with Code.

Commissioners McGuire and Gonzales asked about traffic flow, including fuel delivery.

Mr. Ressler said the new convenience store building will be located along the west property line and set back 25 ft. from Orangethorpe Avenue. The new fueling canopy will maintain an approximately 30 ft. setback from the east property line and a 20 ft. setback from the south property line.

Mr. Ressler said there are currently two driveways along Orangethorpe Avenue and one driveway along Knott Avenue. The proposal is to eliminate one driveway along Orangethorpe Avenue. The proposed layout is configured to maintain eight standard parking spaces and 12 fueling spaces. Code prescribes ten parking spaces. The request for variance from Section 19.520.020 of the Buena Park Zoning Ordinance will allow drive aisles to encroach into the required front and side yard setbacks. City Code requires drive aisles to be set back 20 ft. from front property lines abutting public right-of-way. The proposed drive aisles will be set back ten feet from front and side yard property lines.

Commissioner Schoales noted that the proposed layout will maintain eight parking spaces; two spaces short of the Code-prescribed ten parking spaces.

Mr. Ressler said the eight parking spaces and the spaces at the fueling stations will total 20 parking spaces which exceed the ten required by Code.

Commissioner Schoales asked about item b. under Findings of Fact on Page 4, indicating that, "The proposed variance would not grant a special privilege for the subject property not enjoyed by other similar development in the same zone and vicinity..." and how it applies to surrounding properties such as Black Bear Diner and Paul's Place.

Mr. Fox said item b. is among the State-required findings for approval of a Zone Variance and it applies to surrounding properties, as stated.

Commissioner Schoales asked for confirmation that the sale of beer and wine is not part of this application.

Mr. Ressler confirmed that sale of beer and wine is not proposed.

Commissioner Schoales commented that requests for beer and wine are often made months or years after a project is approved, without the inclusion of the sale of beer and wine on the original request.

Commissioner Barstow referred to Pastor Young Gil Kim's third concern, as listed in his letter that was distributed to the Planning Commission. He expressed concern that the wall between the gas station and Thanksgiving Church had turned black which suggested the possibility of oil spill.

Mr. Ressler said he did not see the condition of the wall on the Church side.

Vice Chair Capelle 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.

Jin Lee, applicant representative, 920 Kenfield Avenue, Los Angeles, California, said the design firm that he represents has developed similar projects and has a strong track record of building beautiful gas stations with convenience stores across Southern California. Mr. Lee said the current design is outdated and needs improvements.

Young Gil Kim, Pastor, Thanksgiving Church, and Joshua Ko, 6959 Knott Avenue, Buena Park, summarized the three concerns raised in the Pastor's letter, handed to the secretary and distributed at the start of this meeting, as follows: 1) the height and location of the new building would block the view of the main entrance to the church building; 2) that the construction crew and equipment associated with the new convenience store will operate and be located on the church property during the construction stage, creating inconvenience and possible liability; and 3) that possible oil spill has caused the fence between the gas station and the church to turn black and the trees next to the fence to be unhealthy.

Commissioner Gonzales noted that the proposed 20 ft. height of the new building is slightly higher than the 19 ft. height of the current structure.

Commissioner Barstow asked if the applicant can put a "Church Entrance" sign on the driveway to the church.

Mr. Lee said the applicant can put the sign on the driveway to the church.

Commissioner Schoales asked if it is feasible to move the proposed new building location to the north side.

Commissioner McGuire noted that a power line easement runs east and west near the north side of the property and asked if relocation is possible.

Mr. Lee said it would not be feasible and the proposed building location is based on existing electrical and public easements.

Mr. Rosen said considerable effort and expense would be required to relocate the utilities.

Mr. Lee confirmed Mr. Rosen's statement and added that the variance request is also based on circulation considerations.

Commissioner Schoales asked if the project property owner and applicant are willing to communicate with the representatives of Thanksgiving Church regarding the latter's concerns in order to attempt resolution.

Commissioner Diep noted that after discussing the possible alternatives, the proposed site layout seems to be the best based on easement locations and other considerations.

Vice Chair Capelle said that after having heard the discussion and public comments, she would not favor a continuance.

Commissioner Barstow said that, in the spirit of being “good neighbors,” he recommends a meeting between the applicant and the representatives of Thanksgiving Church to allow further discussion of the church’s concerns before proceeding with the application.

There being no one else wishing to speak on the matter, Vice Chair Capelle advised that a motion would be required to continue the item.

Commissioner Schoales moved and Commissioner Barstow seconded the motion to continue this item to the October 22, 2014 Planning Commission meeting.

AYES:	4	COMMISSIONERS:	Schoales, Barstow, Diep, and McGuire
NOES:	2	COMMISSIONERS:	Capelle, Gonzales
ABSENT:	1	COMMISSIONER:	Chung
ABSTAIN:	0	COMMISSIONER:	

