

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
August 12, 2015

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on August 12, 2015, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Capelle presiding.

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

ALSO PRESENT:

Joel W. Rosen, AICP, Community Development Director
Monique Schwartz, Assistant Planner
Tiffany Lin, Planning Intern
David Jacobs, Assistant City Engineer
Craig Fox, Deputy City Attorney
Ruth Santos, Senior Administrative Assistant

1. APPROVAL OF MINUTES Meeting of July 22, 2015

RECOMMENDED ACTION: Approve

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

PUBLIC HEARING:

OLD BUSINESS:

2. CONDITIONAL USE PERMIT NO. CU15-009

A request to renovate two existing legal nonconforming commercial buildings with site modifications to operate a new and used motorcycle dealership with associated repair and service, sale of parts and accessories, and renovation of the existing restaurant building, located at 6245, 6251, and 6255 Auto Center Drive in the ACSP (Auto Center Specific Plan) zone.

PROPERTY OWNER/APPLICANT: 6550 Knott LLC, Kevin Song
520 Silver Lake Boulevard
Los Angeles, CA 90026

RECOMMENDED ACTION: Continue to the next scheduled Planning Commission Meeting on August 26, 2015

Chair Capelle announced that staff received a request from the applicant that the public hearing for this item be continued to the next scheduled Planning Commission Meeting on August 26, 2015. She said she will be entertaining a motion from the Planning Commission to continue the hearing. Chair Capelle said that no staff report or applicant presentation will be heard at this meeting.

Chair Capelle announced that interested members of the public may speak on this agenda item before the motion to continue the matter is considered. She explained that since the comments will not be considered as part of the official public hearing record on this matter, it would be more beneficial for those wishing to comment to return to speak at the future Planning Commission public hearing for which notice will be provided. After the public comments portion of this meeting, the Planning Commission will be asked to make a motion and vote to continue this item to a date uncertain but which will be a duly noticed public hearing.

Chair Capelle asked the secretary to read the names of those who wish to speak.

There being no one wishing to speak on the matter, Chair Capelle advised that a motion is needed to continue this item to a date uncertain.

Commissioner Gonzales moved, and Commissioner Schoales seconded, the motion to continue this item to a date uncertain.

YES: 7 COMMISSIONERS: Gonzales, Schoales, Barstow, Chung, Diep, McGuire, and Capelle

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

NEW BUSINESS:

3. VARIANCE NO. V15-001

A request for variance from Zoning Code for reduced front yard setback and reduced driveway width to allow construction of a multi-tenant office building located at 6762 Beach Boulevard in the CG (Commercial General) zone.

PROPERTY OWNER/APPLICANT: Kwang Lee
1352 Olwyn Drive
Tustin, CA 92780

RECOMMENDED ACTION: Adopt Resolution of Approval

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

The staff report was presented by Joel Rosen, Community Development Director. The subject property is zoned CG (Commercial General) and is a lot that has been vacant for many years. The adjacent properties to the north, south, east, and west are also zoned CG and developed commercially.

Staff recommends that the Planning Commission adopt the attached Resolution approving Variance No. V15-001 with findings and conditions.

The 4,800 sq. ft. subject property is located on Beach Boulevard with street frontage of 50 ft. and depth of 96 ft. The property is legal non-conforming to Code requirements for minimum lot area of 5,000 sq. ft. and minimum lot depth of 100 ft. The property has been vacant for many years and has a General Plan designation of General Mixed Use in the Entertainment Corridor North Focus Area. The applicant recently purchased the property for development of a small multi-tenant office building to include his architectural firm.

The properties immediately adjacent to the subject site were developed in the early 1970's, under previous code requirements, with front yard setbacks that are less than the current code requirement of 20 ft. The building to the north, located at 6752 Beach Boulevard maintains an 8.66 ft. front yard setback and the building to the south, located at 6772 Beach Boulevard maintains a 4.66 ft. front yard setback. In 2003, Variance No. V-1214 was approved for a reduced front setback of 8 ft. in conjunction with a 24 sq. ft. addition between existing medical office buildings located at 6712 and 6722 Beach Boulevard.

The submitted application and plans propose the construction of a 2,021 sq. ft. two-story multi-tenant office building. The applicant is requesting variance from the Zoning Code to allow a front setback of 3.5 ft., in lieu of the minimum 20 ft. front setback and variance to allow a two-way driveway width of 22 ft., in lieu of the minimum 25 ft. driveway width. The Zoning Code allows the Planning Commission consideration of variances from development standards in special circumstances where Code requirements "unintentionally discriminate against a particular property because of unusual and unanticipated circumstances," which may include property size, shape, topography, location and surroundings. Based on the substandard lot size and depth, the applicant is requesting setback and driveway width variances consistent with variances and standards to nearby buildings.

As proposed, the new two-story office building will maintain three leasable office spaces. A portion of the second floor of the new 26 ft. tall building will cover the driveway entry, with a 13.5 ft height clearance for vehicle access to the site. Vehicle access will be from Beach Boulevard with only right turns in and out due to the landscape median on Beach Boulevard. Pedestrian access to the building will be from both Beach Boulevard and the rear parking lot. Zero side property line setbacks are proposed, consistent with the adjacent buildings and Code requirements. The new office building will feature a contemporary building design, with decorative stone veneer, cornice, aluminum reveals, windows and columns. Doors and windows will be enhanced with complementary color aluminum frames. The proposed office building will comply with all other applicable development standards, including parking, height, landscaping, and architectural compatibility.

To supplement the project proposal, the applicant has also submitted a preliminary concept design, subject to future Planning Commission consideration, based on future acquisition by the applicant of the adjacent property to the north at 6752 Beach Boulevard. The concept plan prepared by the applicant illustrating a potential future second phase, incorporating the

adjacent property to the north, is included for information only and is not a part of this proposal under current consideration. On April 8, 2015, the Planning Commission granted a General Plan Finding of Conformance, as requested by the Orange County Flood Control District, for use of the adjacent property to the north as a contractor's office, with storage and staging of construction equipment and materials, during an approximately 18-month period for widening of the adjacent flood control channel. After completion of the flood control channel improvements, the property will be sold. The applicant intends to purchase the property for merger with the subject property. If this adjacent lot is consolidated with the development site under application, an integrated development on a 11,048.83 sq. ft. property would be created. The increased lot size would allow additional commercial office space with improved vehicle access and circulation and separate one-way entrance and exit, as shown on the conceptual plan prepared by the applicant. With consolidation of the properties, the subject site would no longer be a substandard lot. Lot combination would create a more functional property, consistent with the General Plan policy to assemble smaller properties to enhance the development potential.

Staff has reviewed the application and submitted plans, visited the subject site and surrounding properties and, based on the required variance findings, believes that granting the variance is appropriate since many of the existing developments on Beach Boulevard in the site vicinity have reduced front setbacks due to preexisting Code requirements and similar Variances. In addition, the overall lot size and depth are substandard to current Zoning Code requirements. Based on these physical constraints, compliance with code requirements has been a prolonged impediment to development of the site, and has led to the request for the proposed variance. With vehicle ingress and egress to the small scale office complex limited to right turns only, Staff believes that the 22 ft. wide two-way driveway will be sufficient to provide safe access to Beach Boulevard with adequate parking and circulation. The proposed driveway width, including height clearance, has been recommended, reviewed, and approved by the City Traffic and Transportation Manager.

The reduced front setback is consistent with adjacent properties along Beach Boulevard with similar existing front building setbacks, and consistent with the general mix of uses within the General Plan Entertainment Corridor North Focus Area. The Entertainment Corridor North Focus Area envisioned a mix of "entertainment uses, high-density residential, and commercial uses" with a floor area ratio (FAR) ratio up to 1.0. The proposed project provides a .42 FAR. Sufficient area will also be available for landscaping to create aesthetic enhancements to the building.

After visiting the site and reviewing the property, staff has determined that there are special circumstances that support the findings necessary to grant the requested variance. In staff's opinion, the special circumstances applicable to the subject property include the substandard lot size and depth along with the similarly reduced front building setbacks at surrounding properties in the vicinity. Commercial buildings near the subject property maintain reduced front setbacks similar to the setback proposed with this application. In addition, the proposed driveway width is sufficient to allow appropriate vehicle entry and exit proportionate to the lot size and depth and consistent with the proposed small-scale office development.

The approval of the variance will not be contrary to the objectives of the General Plan and the intent of the Zoning Ordinance, since the proposed multi-tenant office will contribute to General Plan goals of the Entertainment Corridor North Focus area and improve the visual character of the streetscape image along Beach Boulevard. The proposed reductions in

front setback and driveway width will not be detrimental to the site or surrounding area, as conditioned.

The proposed development complies in all other cases with the requirements for commercial offices within the CG zone including height, parking, and architectural requirements. Staff's opinion is that the new office building, as conditioned, will enhance the area architectural character without negative effects and represents an overall improvement to the current vacant site.

The project is Class 3, Section 15303, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on July 30, 2015, and 36 notices were mailed to property owners within a 300 ft. radius of the subject property on July 30, 2015.

Chair Capelle asked if there were any questions for staff.

Commissioner McGuire asked about trash pick-up arrangements considering that the proposed reduced driveway width may not be accessed by the regular trash disposal truck.

Mr. Rosen said a smaller sized pick-up truck will be used for trash disposal.

Commissioner Schoales referred to the photo of the property to the north showing the sidewalk, and a parkway with shrubbery. He asked about landscape plans and expressed concern that, with the widening of Beach Boulevard, the sharp angles of the sidewalk may not be safe for pedestrians, including those with baby strollers. He also asked if sidewalk repair will be part of the improvement process.

Mr. Rosen said, as required by Public Works, improvements have to meet current access standards.

Commissioner Gonzales asked if there are any other properties with driveway widths comparable to the reduced size proposed.

Mr. Rosen said he is not aware of any but perhaps there are some smaller properties north of the historic downtown area.

Commissioner Gonzales asked if there will be another access other than the vehicle access from Beach Boulevard with only right turns in and out due to the landscape median on Beach Boulevard, and pedestrian access to the building from both Beach Boulevard and the rear parking lot.

Mr. Rosen said there will not be another access other than what was described on the proposal.

Commissioner McGuire noted a discrepancy between the submitted plans which show a 1.5 ft. front setback and the proposed variance from the Zoning Code to allow a 3.5 ft. front setback.

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.

Kwang S. Lee, applicant, 1352 Olwyn Drive, Tustin, CA 92780, confirmed that the submitted plans indicate a 1.5 ft. front setback and said he will submit corrected plans to show the proposed 3.5 ft. front setback.

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

Commissioner Gonzales moved, and Commissioner Barstow seconded, the motion to adopt the Resolution approving Variance No. V15-001 with findings of fact and conditions therein.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**RESOLUTION NO. 5971
VARIANCE NO. V15-001**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR VARIANCE FROM SECTION/TABLE 19.520.020 OF THE ZONING CODE FOR REDUCED FRONT YARD SETBACK AND FROM SECTION/TABLE 19.536.030 FOR REDUCED DRIVEWAY WIDTH IN CONJUNCTION WITH CONSTRUCTION OF A 2,021 SQ. FT. MULTI-TENANT OFFICE BUILDING AT 6762 BEACH BOULEVARD WITHIN THE CG (GENERAL COMMERCIAL) ZONE WITH FINDINGS

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

None

STAFF REPORTS:

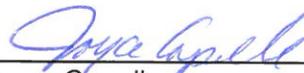
Mr. Rosen gave updates on Tesla, Rock and Brews, Porto's, and the City Council redistricting proposal.

COMMISSION REPORTS:

None

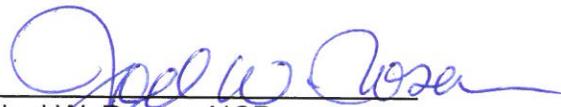
ADJOURNMENT:

At 7:35 p.m., Chair Capelle adjourned the meeting to the Planning Commission meeting on Wednesday, August 26, 2015, in the City Council Chamber.



Joyce Capelle
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary