

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
June 22, 2016

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on June 22, 2016, 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, Director of Community Development
Jay Saltzberg, Planning Manager
Brady Woods, Senior Planner
Kirt Coury, Planner
Jose Perez, Planning Intern
Craig Fox, Deputy City Attorney
Ruth Santos, Senior Administrative Assistant

Chair Capelle announced that, as requested by Commissioner Schoales, a separate action will be taken on Item No. 2 of the Consent Calendar.

CONSENT CALENDAR:

1. APPROVAL OF MINUTES Meeting of June 15, 2016

Commissioner Barstow clarified his statements referred to on page 5910, paragraph 3, and recommended the following revisions to the second and third sentences to read as follows:

“He said he observed cars parked where there are curbside hedges, causing people to walk in the traffic lane to get by. He added that he drove at 30 miles per hour, while other drivers sped by much faster.”

RECOMMENDED ACTION: Approve, with the recommended revisions stated by Commissioner Barstow

The MOTION CARRIED unanimously.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

===== END OF CONSENT CALENDAR=====

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

A request for a nine (9) month extension of time to commence construction for Conditional Use Permit No. CU-392M2/Variance No. V14-001, as previously approved to construct and operate a 1,996 sq. ft. convenience store and new fueling canopy with Variance from Section 19.520.020 of the Zoning Code to allow drive aisles to encroach into required front and side setbacks at 6971 Orangethorpe Avenue in the CG (Commercial General) zone. The 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: Approve

Staff recommends that the Planning Commission adopt a Minute Action to approve a nine (9) month extension of time to commence construction as approved by Conditional Use Permit No. CU-392M2/Variance No. V14-001 until March 22, 2017.

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 the Thanksgiving Church. The property to the south, across Orangethorpe Avenue, is zoned CG and developed with the Black Bear Diner. The property to the east, across Knott Avenue, is zoned CM (Commercial Manufacturing) and developed with a medical office building.

On October 22, 2014, the Planning Commission approved Conditional Use Permit No. CU-392M2/Variance No. V14-001 for construction of a new gasoline service station, including a 1,996 sq. ft. convenience store, new fueling canopy, and associated improvements, at the site of an existing service station to be demolished.

The applicant did not commence construction within the required one-year period after the effective date, as required by Code and listed within the approved conditions, with a deadline of November 6, 2015. As described in the attached letter, received May 19, 2016, the applicant's civil engineer cited family health issues which delayed completion of the required engineering plans. As described, the plans are complete and were submitted on May 26, 2016 to Building Division for plan review in order to obtain the necessary building permits to begin construction.

The applicant submitted a letter, received May 19, 2016, requesting a retroactive extension of time to commence construction of the previously approved project. As further described, the applicant anticipates obtaining permits within two (2) months and beginning construction within six (6) months of obtaining permits.

The City of Buena Park Zoning Ordinance allows for Planning Commission consideration of extension of time for the Conditional Use Permit/Variance to construct and operate the previously approved 1,996 sq. ft. convenience store and new fueling canopy with associated site improvements.

After reviewing the request and visiting the site, staff recommends approval of the nine (9) month extension as requested to allow the developer sufficient time to obtain building permits and begin construction of the project. The recommendation for approval is based on the compliance of the project plans, as submitted, with required Zoning Code and Conditional Use Permit/Variance requirements. Extension of the approval would not be materially detrimental to the public health, safety, and welfare.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on June 10, 2016, and 14 notices were mailed to property owners within 300 ft. radius of the subject property on June 10, 2016.

In response to Chair Capelle, Ms. Santos said that, as requested by Commissioner Schoales, staff distributed copies of Planning Commission staff reports and minutes for the meetings of May 13 and 27, 2015, regarding a separate application for sale of beer and wine for off-site consumption at the proposed convenience store.

Chair Capelle asked if there were any questions of staff.

Commissioner Gonzales asked about the standard expiration date for beginning construction of projects approved the by Planning Commission.

Mr. Rosen said the expiration date is normally one year from the Planning Commission approval date.

Chair Capelle stated, and Mr. Rosen confirmed, that the applicant did not previously file a request for extension and that the Planning Commission approval expired one year after the approval date.

Commissioners Gonzales and McGuire asked for clarification, and Mr. Rosen confirmed, that the subject application, if approved, will grant the applicant a nine-month extension from the date of this meeting.

Commissioner Schoales noted that the staff report for this item did not include the fact that, in May 2015, a few months before the expiration date, the applicant appeared before Planning Commission with a request for an alcohol license, which was denied, in part, due to an action by the School Board. He reiterated that the original application expired on November 6, 2015, and this application is a request to grant a nine-month extension from the date of tonight's meeting. Commissioner Schoales also noted that the applicant and property owner names for all past and present applications have not changed.

Commissioner Schoales asked if this request for retroactive extension is a new policy, and if the City Attorney was consulted. He also expressed concern that this application may create a precedent.

Mr. Rosen said this application for retroactive extension was a policy determination to reduce the cost and timing of the application process, and since the project does not deviate from the original approval. He said the City Attorney's office was consulted on the matter.

Mr. Fox confirmed Mr. Rosen's statement that an extension request is less costly and more timely than resubmitting a new application that is identical to the original. He emphasized that this application is consistent with the original approval, does not include a request for an ABC license, and that the action on this item, as on all actions of the Planning Commission, is subject to appeal within ten working days of the decision. If no appeal is received, the action of the Planning Commission is final.

Chair Capelle reiterated that the applicant did not file a timely request for an extension and that the Planning Commission approval of the original application expired.

Mr. Rosen explained that the request for extension was not submitted previously because the applicant's engineer had family health issues.

Commissioner Capelle recommended that staff notify the School District of the decision on this application, including the absence of a request for alcohol.

Commissioner McGuire asked the expiration date if this application is approved at this meeting.

Commissioner Diep said the expiration date will be March 22, 2017. Mr. Saltzberg confirmed this date to be accurate.

There being no one else wishing to speak on the item, Chair Capelle advised that the item requires a Minute Action for approval or denial.

Commissioner Gonzales moved and Commissioner Barstow seconded the motion to approve the time extension for Conditional Use Permit No. CU-392M2/Variance No. V14-001.

AYES: 6 COMMISSIONERS: Gonzales, Barstow, Chung, Diep, McGuire, and Capelle

NOES: 1 COMMISSIONER: Schoales

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

PUBLIC HEARING:

NEW BUSINESS:

3. CONDITIONAL USE PERMIT NO. CU16-003

A request to develop and operate a new and used automobile dealership with vehicle repair and servicing, tire sales and service, parts department, offices, showroom, and outdoor display area at 7301 Artesia Boulevard in the ACSP (Auto Center Specific Plan) zone. The project is Class 32, Section 15332 of Article 19, categorically exempt from CEQA.

PROPERTY OWNER: Premier Automotive Management
13040 I-10 Service Road
New Orleans, LA 70128

APPLICANT: Whitfield Associates, Inc.
24691 Del Prado, Suite 201
Dana Point, CA 92629

RECOMMENDED ACTION: Adopt Resolution of Approval

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

The staff report was introduced by Kirt Coury, Planner.

The subject property is zoned ACSP (Auto Center Specific Plan) and is vacant land which was previously developed as part of the former Nabisco Foods Processing Plant. The property to the north is zoned ML (Light Industrial) and is developed with a multi-tenant industrial development. The properties to the south are zoned ACSP and are developed with a Chevron gasoline station, industrial buildings, as well as vacant land. The properties to the east are zoned RM-20 (Medium Density Multifamily Residential) and are developed with multifamily residential development. The property to the west is zoned ACSP and is developed with the Carpenters Union Regional Headquarters and training facility.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU16-003 with the findings of fact and conditions listed therein.

The subject property was originally part of 23 acres of land developed with the 453,000 sq. ft. Nabisco Food Processing Plant which ceased operations in 2005. During the closure of the facility, the City's Redevelopment Agency conducted a Market Study identifying potential commercial opportunities for the site based on geographic location and property size.

On June 27, 2006, the City Council approved General Plan Amendment No. GP04-003, Zone Change No. Z04-001, and Specific Plan Amendment No. SPC04-002 for the reuse of the former Nabisco Foods property. The approved General Plan Amendment changed the land use designation of the site from "Light Industrial/Open Space" to "Commercial." The Zone Change changed the zoning of the property from "Light Manufacturing" to "Auto Center Specific Plan." The Specific Plan Amendment was an addendum to the Auto Center Specific Plan to encompass the property into the Specific Plan area including creation of Sub-District No. 4 within the Auto Center Specific Plan to regulate future development and use of the subject site.

In conjunction with the three legislative actions, the City Council also certified Environmental Impact Report No. EIR05-003 which analyzed and disclosed the potential environmental impacts associated with three potential commercial-oriented redevelopment scenarios for the site. The maximum probable impact scenario analyzed included a regional commercial shopping center featuring a major retail store, in-line retail shops, retail pad buildings, and fast food restaurants totaling 262,125 sq. ft. of gross leasable area. The major issues addressed in the Environmental Impact Report include Traffic, Circulation, Air Quality, Hazardous Materials, and Land Use. In order to mitigate potential environmental impacts

associated with the redevelopment of the site, mitigation measures were included within the certified Environmental Impact Report. However, a Statement of Overriding Considerations was adopted to address unavoidable impacts associated with Traffic and Air Quality.

On September 10, 2008, the Planning Commission approved Conditional Use Permit No. CU08-009 for construction of a new 274,000 sq. ft. commercial center on the 23 acre site. The center was designed to be developed in two phases. The first phase included three major tenants and five pad buildings totaling approximately 174,000 sq. ft. and a second phase for a 100,000 sq. ft. major tenant space. Due to economic difficulties, the approved commercial retail center and associated improvements were never constructed.

On November 9, 2010, the developer entered into a Development Agreement with the City to develop the site with a 274,000 sq. ft. commercial center to include a 94,000 sq. ft. Carpenters Union offices and training facility and a 32,300 sq. ft. 83-room hotel as well as site improvements to include parking, circulation, access, and landscaping primarily consistent with the original Conditional Use Permit. In order for the proposed hotel component of the development to move forward, the City Council approved an amendment to the City's Auto Center Specific Plan. Since entering into the Development Agreement, the 94,000 sq. ft. Carpenters Union facility was constructed on 7.6 acres located on the westerly portion of the site. However, the commercial retail center and 83 room hotel were not constructed.

In 2012, the City Council considered a conceptual proposal by City Ventures Homebuilding, LLC to develop the site with a high quality mixed-use development including residential, retail, and a hotel. In addition, the proposal was to include 3.95 acres to be preserved for future development of an automobile dealership. At the conclusion of the discussion, Council expressed support for this type of development as long as the future uses achieved the economic expectations for the site.

On September 23, 2014, the City Council approved General Plan Amendment No. GP14-001, Specific Plan Amendment No. SPC14-001, Development Agreement No. DA14-004, Conditional Use Permit No. CU14-007, Tentative Tract Map No. TT14-005, and Mitigated Negative Declaration No. MND14-01 approving the development of a 149-unit townhome complex, a 102-room Hampton Inn & Suites hotel, and a future auto dealership. The hotel is currently under construction and the townhome complex is in the plan check process.

The submittal and plans propose development and operation of a 26,307 sq. ft. new and used automobile dealership, including vehicle sales and related servicing and repair, sales showroom, parts department, administrative and sales offices, outdoor display area, and associated signs. The building will be located toward the central portion of the site, with the front of the building facing Artesia Boulevard. The remainder of the site will be primarily for inventory display as well as employee and customer parking for a total of 342 spaces. Anticipated daily hours of operation are 9 am – 7 pm for sales and 7 am – 6 pm for service.

Vehicle access will be provided from a driveway located on Firestone Boulevard and from a driveway located on Artesia Boulevard. Both driveways will provide access directly to the building and vehicle circulation around the building. The main pedestrian entry to the building will be from the south parking field, adjacent to the customer parking area. Landscape setback improvements along Firestone and Artesia Boulevards will include groupings of palms, flowering shrubs, groundcover, and turf as well as the signature "Buena Park Auto Center" raised concrete vehicle display pads and signs. Display vehicles will also be featured

along the Artesia Boulevard building elevation. Trees will be located within the vehicle inventory display and customer parking area. Preliminary sign concept designs have been included, including pylon and wall signs, for subsequent review and approval by staff. A new decorative 8 ft. tall perimeter block wall and site lighting system will be provided as well as a 10 ft. wide perimeter landscape area .

The showroom and service department components of the building will be connected and will include car display, offices, restrooms, and waiting area, administrative offices and a break room. The Service Department includes 20 automobile service bays as well as wash and detail bays and parts storage. The dealership will employ approximately 75 employees.

The architecture of the showroom building is contemporary in style, including gray architectural metal panels with polished aluminum arch trim element at the building entrance. The building frontage will also include a projecting enhanced main entry with extensive glass area. The service portion of the building will feature gray panel cladding, gray block wall finish, and storefront window system.

City Code requires Planning Commission consideration of the proposed automobile sales facility with associated automobile related repair and services via the Conditional Use Permit process. Staff reviewed the proposal and plans, visited the location, and has concluded that the proposed development, with conditions, will enhance the site in compliance with the goals of the City's General Plan and Auto Center Specific Plan to promote the Auto Center as a leading regional automobile sales destination and to encourage additional new dealerships. In addition, based on the proposed building design, site improvements, type and scale of operations, and continuity with similar nearby automobile dealerships developed in compliance with ACSP requirements, the proposed development is an appropriate use of the property in a manner consistent with existing and intended adjacent and area development in a manner consistent with adjacent existing and intended development.

The proposal is consistent with the Auto Center goal of automobile dealership buildings, site development, and land use in coordination with ACSP development standards for architectural and site design, including landscaping, access, circulation, and parking, to enhance the appearance of the Auto Center Specific Plan area and economic vitality of the City. As proposed, the design and operation of the dealership will be compatible with other dealerships in the area as well as with nearby properties. The contemporary design of the dealership features attractive building massing, forms, materials, details, and colors. Logical configuration of the site, attractive on-site landscaping, and enhanced streetscape design also contribute to an attractive cohesive appearance consistent with other dealerships in the ACSP area. Sufficient buffering and separation will be provided between the proposed dealership and adjacent existing and intended development.

Appropriate vehicle circulation with sufficient parking and display area will be provided to assure safe and convenient access and egress. A total of 342 on-site parking and display spaces are provided, including 15 customer parking spaces, which exceeds Code requirements. The building and site configuration will provide efficient on-site circulation, including sufficient on-site car delivery area with an approximately 2,220 square foot area designated for auto delivery truck staging for vehicle off-loading. Signs will be designed to appropriately integrate with the building and site theme in a manner consistent with area standards. Overall, the proposed dealership design and configuration promotes optimum utilization of the compact site. As proposed, the architectural and site design for the development will include high quality materials and features to create an attractive

development consistent with other area dealerships while promoting a distinct separate identity consistent with applicable ACSP policies and standards as well as General Plan goals and objectives.

The project is Categorical Exempt from the requirements of the California Environmental Quality Act as amended, pursuant to Class 32 (Urban Infill), Section 15332 of Article 19, of the California Code of Regulations. In addition, the property was previously reviewed and considered for a future auto dealership site and found to be within the scope of the previously adopted Mitigated Negative Declaration No. MND14-01.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on June 10, 2016, and 50 notices were mailed to property owners within a 300 ft. radius of the subject property on June 10, 2016.

Chair Capelle asked if there were any questions of staff.

Commissioner Barstow referred to the site plan showing the easterly entrance driveway with right-turn-in and right-turn-out movements, and asked if the exit is from the Artesia Boulevard driveway.

Mr. Coury confirmed that the exit is via the Artesia Boulevard driveway.

Commissioner Schoales asked for a description of the intersection.

Mr. Coury said it is a signalized intersection.

Mr. Rosen confirmed that it is a controlled intersection.

In response to Commissioner Schoales, Mr. Coury identified the approximately 2,220 sq. ft. area designated on the plan for on-site unloading of cars.

Chair Capelle commented that it is difficult to envision large car delivery trucks maneuvering through the curves of the parking and display area.

Mr. Rosen said there are required turning radii for truck movements. The on-site car delivery truck route will be controlled by the auto dealer and allows for adequate circulation.

Commissioner Schoales asked about the possibility of trucks unloading cars on Firestone.

Mr. Rosen said it is illegal to unload cars from trucks on Firestone and, because the intersection is controlled by CalTrans, violators will be cited by the California Highway Patrol.

Jodie Mead, Partner and Principal representing Premier Automotive Management, property owner, said their firm is happy to be part of the community.

Chair Capelle said 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.

Juan Munoz, representing Carpenters Union, 7111 Firestone Boulevard, Buena Park, CA 90621, said that their concerns about the proposed project were addressed during meetings

with Premier representatives. He said their group welcomes Premier Automotive to the neighborhood.

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 Schoales seconded the motion to adopt the following titled Resolution recommending Conditional Use Permit No. CU16-003 with findings of fact and conditions therein.

**RESOLUTION NO. 6009
CONDITIONAL USE PERMIT NO. CU16-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
BUENA PARK APPROVING A REQUEST FOR A NEW AND USED
AUTOMOBILE DEALERSHIP INCLUDING VEHICLE REPAIR AND
SERVICE, TIRE SALES AND SERVICE, PARTS DEPARTMENT, OFFICES,
SHOWROOM, AND OUTDOOR DISPLAY AREA**

AYES:	7	COMMISSIONERS:	Gonzales, Schoales, Barstow, Chung, Diep, McGuire, and Capelle
NOES:	0	COMMISSIONER:	
ABSENT:	0	COMMISSIONER:	
ABSTAIN:	0	COMMISSIONER:	

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Saltzberg announced that Butterfly Palladium will be considered at an upcoming Planning Commission meeting.

STAFF REPORTS:

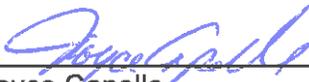
None

COMMISSION REPORTS:

Commissioner Barstow said he will be unable to attend the July 13 Planning Commission meeting.

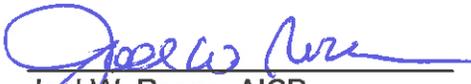
ADJOURNMENT:

At 7:35 p.m., Chair Capelle adjourned the meeting to the regularly scheduled Planning Commission meeting on Wednesday, July 13, 2016, in the City Council Chamber.



Joyce Capelle
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary