

CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
November 15, 2016

A special meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on Tuesday, November 15, 2016, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Schoales presiding.

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

ABSENT: COMMISSIONERS:

ALSO PRESENT:

Joel W. Rosen, AICP, Director of Community Development  
Jay Saltzberg, Planning Manager  
Brady M. Woods, Senior Planner  
Tiffany Lin, Assistant Planner  
Craig Fox, Deputy City Attorney  
Suzanne Davis, Administrative Assistant

**1. APPROVAL OF MINUTES** Meeting of September 28, 2016

RECOMMENDED ACTION: Approve

AYES: 5 COMMISSIONERS: Agrusa, Chung, Diep, McGuire, Schoales

NOES: 0 COMMISSIONERS:

ABSENT: 0 COMMISSIONERS:

ABSTAIN: 2 COMMISSIONERS: Barstow, Capelle

**APPROVAL OF MINUTES** Meeting of October 26, 2016

RECOMMENDED ACTION: Approve

AYES: 5 COMMISSIONERS: Agrusa, Barstow, Capelle, Chung, Diep,

NOES: 0 COMMISSIONERS:

ABSENT: 0 COMMISSIONERS:

ABSTAIN: 2 COMMISSIONERS: McGuire, Schoales

**APPROVAL OF MINUTES**

Adjourned meeting of November 9, 2016

RECOMMENDED ACTION:

Approve

AYES: 7 COMMISSIONERS: Agrusa, Barstow, Capelle, Chung, Diep, McGuire, Schoales

NOES: 0 COMMISSIONERS:

ABSENT: 0 COMMISSIONERS:

ABSTAIN: 0 COMMISSIONERS:

NEW BUSINESS:

PUBLIC HEARING:

**2. DEVELOPMENT AGREEMENT NO. DA16-003/TENTATIVE TRACT NO. TT16-001**

A request to consider a recommendation to the City Council for the approval of a Development Agreement and Tentative Tract Map to construct a 5-story, 22-unit multifamily residential condominium development including an Affordable Housing Density Bonus Agreement, integrated parking, site improvements, and lot consolidation at 7411, 7431, 7451 Artesia Blvd. and 5962 Burnham Blvd. in the RM-20 (Residential Multifamily) zone.

PROPERTY OWNER(S) City of Buena Park as Successor Agency to the former Community Redevelopment Agency  
6650 Beach Boulevard  
Buena Park, CA 90622

Arte Home, LLC  
1554 S. Saint Andrews Place  
Los Angeles, CA 90620

APPLICANT: Fore Architects  
3550 Wilshire Boulevard  
Suite 1777  
Los Angeles, CA 90010

RECOMMENDED ACTION: Adopt Resolutions recommending City Council Approval

In reply to Chair Schoales, Ms. Davis stated that staff had not received any written communication.

The staff report was presented by Brady M. Woods, Senior Planner.

Staff recommends that the Planning Commission adopt the attached Resolutions recommending the City Council adopt an Ordinance approving Development Agreement No. DA16-003 and Tentative Tract No. 16-001.

The site is located on the north side of Artesia Boulevard, between Burnham Avenue and Western Avenue, with street frontages of approximately 214 ft. along Artesia Boulevard and approximately 86 ft. along Burnham Avenue. The site includes four parcels of land, three of which were previously developed with single family dwelling units that were demolished in 2015, and are currently owned by Arte Home, LLC. The fourth parcel is a 2,492 sq. ft. remnant water well site currently owned by the City. The 25 ft. deep well has since been capped and abandoned. The City is in negotiations with Arte Home, LLC for purchase of this property for incorporation into the proposed development as well as number of affordable housing units within the development. The properties are proposed to be consolidated and developed by Arte Home, LLC.

In February 2009, the Planning Commission approved Conditional Use No. CU08-014 which granted a previous developer the authority to construct a 14-unit multifamily residential development with affordable housing units on the subject site. The 29.5 foot tall project was 3 levels over semi-subterranean parking. In March 2011, the Planning Commission approved a one-year Extension of Time for the project; however, the development never commenced and all the entitlements have expired.

In October 2015, the City Council discussed the potential sale of the city-owned parcel located at 5962 Burnham Avenue to facilitate the applicant's proposed multifamily development on the assembled subject site during a Closed Session. Staff presented the price and terms for the city-owned parcel to the City Council, and was directed by City Council to continue negotiations with the developer for the sale of the city-owned parcel.

On August 24, 2016, the Planning Commission held a public hearing on the applicant's request to develop a 5-story, 22-unit residential condominium project with 55 parking spaces, but continued the hearing to allow the applicant time to address the Planning Commission's concerns regarding the amount and utilization of tandem parking. On October 26, 2016, The Planning Commission held a study session to discuss the applicant's revised plans including additional parking exceeding Code requirements. The proposed building architectural design, setbacks, unit layout, and landscaping remain unchanged from the plan shown to the Commission at the public hearing in August.

The submitted application and plans propose construction of the 5-story, 23,048 sq. ft. multifamily residential development consisting of 22 condominium units, to include two affordable housing units, integrated parking areas on both the ground and subterranean levels, and site improvements. In conjunction with the proposed residential development, the applicant is requesting consideration of a Tentative Tract Map for the consolidation of four parcels into one parcel for the development of 22 condominium units.

The proposed residential development will consist of one building. The floor plan options for the living units range from 2,040 sq. ft. to 2,140 sq. ft. All units are proposed to contain three bedrooms and two and half bathrooms. Each unit includes a kitchen, dining room, den, and living room. All units feature outdoor patios and private balconies off the Master Bedroom, with colored tempered glass guardrails. The units will also vary from one level to two levels. Four units have sleeping, kitchen and common areas on a single level. Seventeen of the 22 floor plans are 2-levels with kitchen and common areas on one level and bedrooms on another level. The "Type A" floor plan is designed with the bedrooms on a level below the

common areas. The "Type B" and "Type C" floor plans are designed with the bedrooms on a level above the common areas. The "Type D" floor plan is designed to place both the sleeping and common quarters on the same level.

Common open space for the complex will be provided on the second floor accessible by elevator or stairs. The 2,798 sq. ft. outdoor deck will feature seating areas, planter boxes, colored concrete paving, patio furniture, fire pits, and a barbeque area. The outdoor deck area will also include 1,332 sq. ft. of landscape.

The applicant is proposing deviations for required building setbacks along street frontages and interior property lines via the Development Agreement. The code requires 15 ft. building setbacks along street frontages and 10 ft. setbacks along property lines. The proposed building will be set back a minimum of 5.5 ft. to a maximum 11 ft. along the Artesia Boulevard frontage and 10 ft. along the Burnham Avenue frontage. The proposed building will be set back 10 ft. from the east property line and 7 ft. from the north property line. East and north setback areas will include 5 ft. wide sidewalks and landscaping with mature landscaping to include screening trees adjacent to existing residences. A new 8 ft. tall masonry wall will be erected along the east and north property lines adjacent to existing residences.

As shown on plans stamped "RECEIVED OCT 21 2016 PLNG DIV", vehicular access to the site is provided from Artesia Boulevard and Burnham Avenue. Parking facilities for the development will be provided both on the ground floor at grade and below grade on a subterranean parking deck. The ground floor will be configured to provide 44 parking spaces including 2 ADA-compliant spaces. The subterranean parking deck will be configured to provide 29 parking spaces including 1 ADA-compliant space. The development will contain 73 on-site parking spaces including 11 spaces required guest parking; sixty-four (64) parking spaces are required for the proposed development, per code. Condominium developments with units containing 3 or more bedrooms are required to provide 3 parking spaces per unit. Additionally, affordable housing units require 2 parking spaces per unit, pursuant to Affordable Housing Bonus Section 19.308.030(D)(6)(b) of the zoning code.

Access to the parking area at grade will be from Artesia Boulevard only. This access point will provide for both site ingress and egress. A gate is proposed to provide security, and Staff has included a condition that the gate be recessed into the site a minimum of 20 ft. from the property line to allow for on-site queuing and to reduce vehicle stacking on Artesia Boulevard. Recessing the entry gate at this location will also make 3 parking spaces and 2 ADA-compliant parking spaces accessible without entering through the security gate.

Access to the subterranean parking level will be from Burnham Avenue only, via a 20 ft. wide ramp. This access point will provide both site ingress and egress. A security gate is also proposed at this location.

The primary entrance into the building lobby is provided on the ground floor both from inside the parking area and the exterior along Artesia Boulevard. An elevator and stairway in the lobby will provide access between the floors.

Landscaping along the project street frontage of Artesia Boulevard will include 24 in. and 36 in. box trees, flowering shrubs and low accent ground cover. In addition, palm trees will be planted within public right-of-way frontages (i.e. parkway) on Artesia Boulevard and Burnham Avenue, per the city's Urban Forestry Street Tree Plan. The project includes approximately 3,952 sq. ft. of landscaping, to include perimeter landscaping and the second floor common

area. In order to provide a buffer between the proposed project and the adjacent residential area, the project is required to include mature landscaping to with screen trees (i.e. various pine trees that average 25 feet in height) within the setbacks along the north and east property lines. Accent landscaping will also be provided along the perimeter to consist of a combination planter beds and trees.

Architecturally, the building has been designed in an Urban Contemporary style incorporating a variety of forms and materials such as smooth stucco finishes, hardwood elements, metal trellises/canopies, projecting and recessed window, and colored tempered glass railings. The primary façade fronting Artesia Boulevard will feature varying elevation planes and building heights, decorative accent towers with stucco treatments with decorative hardwood accents and cornice features, as well as storefront windows on the second story providing views for the HOA office, community room, fitness room, playground area, and interior outdoor deck, overlooking Artesia Boulevard. Wall signage for the project is proposed on the building's primary façade.

California Government Code Section 65865 et. seq. allows the City to enter into Development Agreements, which in effect become contractual agreements between the City and property owners regarding development rights and performance standards. They allow the City and property owner to achieve certain comfort levels so that current and future projects can go forward in a reasonably orderly fashion without creating potentially chaotic or conflicting land uses and improvements. The Development Agreement process also requires the Planning Commission to make a recommendation to the City Council prior to Council action. The Development Agreement procedure was chosen because it is felt that it allows the property owners and the City a mechanism to attain respective goals while providing assurance, in contractual form, that property redevelopment will evolve with suitable provisions to alleviate detrimental effects.

As detailed in the proposed Development Agreement, conditions negotiated and agreed to by the Developer and City include, but are not limited to:

- Permitted uses, density, configuration, size, and location of the buildings and other improvements shall be limited to those contemplated by the Project in substantial compliance with plans stamped "RECEIVED OCT 21 2016 PLNG. DIV."
- The Developer will maintain vested rights to develop the Project on the Site in accordance with the terms and conditions of the Agreement.
- A proposed Community Benefit Fee of \$5,000 per unit was previously included in the draft Development Agreement considered by the Planning Commission on August 24, 2016. Community Benefit fees are one-time fees negotiated on a case by case basis. Due to anticipated extraordinary costs to be incurred by construction of the subterranean parking level this fee has been deleted from the draft Agreement. Developer shall pay all other applicable development impact fees, including park in-lieu fees.

In reviewing the application, Staff visited the site and surrounding area as well as reviewed the submitted plans. Based on this review, Staff is of the opinion that the proposed housing development will allow the subject site to transition into a residential development that can properly integrate with the surrounding multifamily residential neighborhood as envisioned within the General Plan. The proposed multifamily residential density has been increased over the maximum dictated by zoning code due to the inclusion of affordable housing units within the development. Utilizing Affordable Housing Bonus density calculations consistent with State Density Bonus Law (Government Code Section 65915) in addition to negotiated

terms between the city and the developer per the Development Agreement, the project's proposed density increase from base RM-20 zoning designation of 20 dwelling units/acre to 22 units (40 dwelling units/acre) is consistent with the property's General Plan designation of High Density Residential and the General Plan Housing Element Housing Opportunity Overlay areas which allows densities up to 40 to 45 units per acre. The project is architecturally compatible with new and existing commercial and multifamily residential development in the area, particularly the 184-unit apartment complex (Brookstone Apartment Homes) immediately south of the subject property and the Hampton Inn and Suites currently under construction to the west at Artesia Boulevard and Rostrata Avenue.

With regard to affordable housing, the proposed residential land use of the site will assist the City in meeting the housing goals of the City's General Plan Housing Element as well as State Regional Housing Need Allocation (RHNA) requirements. The subject property is identified in Table 11-C-2: Underutilized High-Density Residential Sites of the General Plan's Housing Element as a site which carries the realistic capacity for higher density development to accommodate affordable housing using various density bonus incentives described in the Housing Element. The project will contain two units as affordable and will be designated for families earning between 80% (lower income household) and 120% (median income household) of the Orange County Median Income. There will be no degradation of design or quality of amenities for the proposed affordable units in the project. When completed, the project will provide high quality housing that meets the long term vision for the area as identified in the General Plan.

Staff is of the opinion that the site and architectural design of the project is appropriate and consistent with the Multi-Family Architectural Design Guidelines for styling, open space, parking, block wall separation, and vehicular and pedestrian access. The project incorporates enhanced design, including diverse textures and materials which give the development a unique and appealing quality. Staff has reviewed the proposed landscaping, as well as private and common useable open space for the development and feels that the proposed development provides ample private and common space. The project provides over 1,300 sq. ft. of interior outdoor common open space in addition to the other interior residential amenities area as well as individual private decks and balconies for each unit. The applicant has also proposed a wide variety of amenities to be provided within the proposed open space area.

The project is Class 32, Section 15332, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Community Recreation Center on November 3, 2016, and 29 notices were mailed to property owners and residents within a 300 ft. radius of the subject property on November 3, 2016.

Chair Schoales asked if there were any questions for staff.

The Commissioners did not have any questions or comments.

The applicant did not have any comments.

Chair Schoales 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.

Mr. Minte Hsu, property owner at 5952 Burnham, asked if the project would include surveillance cameras to promote security with fines for violations.

Craig Fox, City Attorney responded that security cameras may create unintended privacy issues, but the adjacent property owner could place cameras on their property.

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

Commissioner Barstow moved and Commissioner Capelle seconded the motion to adopt the following Resolutions, recommending the City Council adopt an Ordinance approving Development Agreement No. DA16-003 and Tentative Tract Map No. TT16-001.

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

**RESOLUTION NO. 6016  
DEVELOPMENT AGREEMENT NO. DA16-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVE DEVELOPMENT AGREEMENT NO. DA16-003 TO CONSTRUCT A 5-STORY, 22-UNIT MULTIFAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT INCLUDING AN AFFORDABLE HOUSING DENSITY BONUS AGREEMENT, INTEGRATED PARKING, SITE IMPROVEMENTS, AND LOT CONSOLIDATION ON APPROXIMATELY .54 ACRES OF LAND LOCATED AT 7411, 7431, 7451 ARTESIA BOULEVARD AND 5962 BURNHAM BOULEVARD IN THE RM-20 (MEDIUM DENSITY MULTIFAMILY RESIDENTIAL) ZONE AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF BUENA PARK**

**RESOLUTION NO. 6017  
TENTATIVE TRACT MAP NO. TT16-001 (18047)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING CITY COUNCIL APPROVAL OF A TENTATIVE TRACT MAP TO CONSOLIDATE 4 PARCELS TOTALING APPROXIMATELY .54 ACRES INTO 1 PARCEL FOR THE CONSTRUCTION OF 22 MULTIFAMILY RESIDENTIAL CONDOMINIUM UNITS INCLUDING SITE IMPROVEMENTS AT 7411, 7431, 7451 ARTESIA BOULEVARD (APN: 066-111-45, 066-111-44, 066-111-016) AND 5962 BURNHAM AVENUE (APN: 066-111-38) WITHIN THE RM-20**

**(MULTIFAMILY RESIDENTIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

**3. CONDITIONAL USE PERMIT NO. CU16-005**

A request to establish the sale of beer and wine for on-site consumption (Type 41 On Sale Beer & Wine - Eating Place) with minor interior building and site modifications within an existing full service restaurant (BP Grill) located at 6550 Knott Avenue within the CS (Community Shopping) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER/APPLICANT: Knott Avenue Properties LLC/Hwa Ran Yang  
6550 Knott Avenue  
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Schoales, Ms. Davis stated that there is no written communication.

The staff report was presented by Tiffany Lin, Assistant Planner.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU16-005 with findings of fact and conditions.

The subject property is located at the northeast corner of Knott Avenue and 9<sup>th</sup> Street with street frontages of approximately 149 ft. and 125 ft., respectively, with an area of approximately 18,731 sq. ft. The Planning Commission approved the development of a 4,000 sq. ft. medical office building via Conditional Use Permit No. CU-301 in 1969, under a previous zoning designation that allowed for commercial uses.

On February 14, 2015, the City Council approved Zone Change No. Z14-002, General Plan Amendment No. GP14-002, and Conditional Use Permit No. CU15-002 for conversion of the legal non-conforming medical office building to a combination neighborhood restaurant/market. The Conditional Use Permit (CUP) was required by the zoning code for the market portion of the business. The restaurant portion of the business is a permitted use and allowed without a CUP in the CS Zone. The property owner/applicant did not propose sale of alcohol at the time of approval. The Conditional Use Permit included a condition prohibiting sale of alcoholic beverages on the property. The previous property owner/operator subsequently applied for Conditional Use Permit No. CU15-014 for the on-site sale of beer and wine. During the Planning Commission public hearing on January 13, 2016, the Planning Commission requested continuance of Conditional Use Permit No. CU15-014 in response to Commissioner concerns regarding unpermitted site and building modifications and lack of compliance with conditions required as part of the original approval. Following the Planning Commission's motion for continuance, the previous owner/applicant withdrew the application.

As a result of customer requests, the new property owner/business operator is proposing on-site sale and consumption of beer and wine for the restaurant. The request does not include the sale of alcohol for off-site consumption by the market. The proposal was originally scheduled for the Planning Commission meeting on October 12, 2016. Prior to the meeting,



the applicant requested to continue the item to a date and time uncertain. The applicant's request for a continuance was to allow additional time to complete certain permitted on-site improvements, including a separation wall system between the market and the restaurant and reconfiguration of the market display area.

The applicant has submitted an application and plans requesting Planning Commission approval to establish the sale of beer and wine for on-site consumption within the restaurant and enclosed outdoor dining area ancillary to the restaurant use, which has operated since September 2015. The outdoor dining area is only accessible from within the restaurant and is surrounded with a 5 ft. tall metal and glass enclosure. The previous property owner installed a walk-up take-out window on the north side of the building. The current property owner is proposing to legalize the existing walk-up take-out window, which includes a 4 ft. wide walkway for patrons to order from outside the restaurant.

BP Grill is a full service restaurant featuring hamburgers, fries, teriyaki steak, salmon and shrimp over rice, and breakfast dishes. According to the submitted business plan, beer and wine will be served as an amenity to food service. Alcohol sales are not proposed within the market area of the building and will only be for on-site consumption within the restaurant area. The hours of operation for BP Grill are 7:00 a.m. to 10:00 p.m. Monday through Sunday.

Minor modifications are proposed to the interior of the building to include new office and storage area for both the market and the restaurant and an employee restroom for the market. The applicant has obtained a building permit and completed construction of a vestibule entry with separate interior entrances into the market and restaurant areas and a separation wall system between the market and restaurant. The separation wall and the vestibule will separate the two uses through glass and interior doors. The applicant is creating separation between the market and the restaurant for operational efficiencies, inventory control/theft prevention and ability to rent the market/retail space to a tenant in the future. The building will continue to maintain 1,296 sq. ft. for the market which will include 744 sq. ft. of market display area and 2,627 sq. ft. restaurant which will include 719 sq. ft. of indoor dining area with a coffee counter and 429 sq. ft. of outdoor dining area. The configuration of the market display area and dining area is generally consistent with the original approval, except for the separation wall. The final approved floor plan for the original approval included approximately 50 seats and the current floor plan proposes a total of approximately 45 seats. The indoor dining area includes seats for approximately 35 persons and the outdoor dining area includes seats for 10 persons. No exterior building modifications are proposed. Proposed site modifications include the addition of one compact space for a total of 31 parking spaces, including 18 standard spaces, 11 compact spaces, and 2 ADA spaces. There will be one manager supervising the operation of the business with six employees.

Section 19.512.010 of the City Code requires Planning Commission approval for the proposed sale of beer and wine for on-site consumption in conjunction with the restaurant via the Conditional Use Permit process. In reviewing the applicant's request, staff reviewed plans and visited the property and is of the opinion that the restaurant facility and site are adequate to support the sale of beer and wine for on-site consumption. Staff believes that on-site sale and consumption of beer and wine will be appropriate within the context of the restaurant and will not negatively impact the subject site or surrounding properties.

Adequate separation is provided between the restaurant building, with enclosed outdoor dining area, and the adjacent apartment buildings located between 75-100 ft. to the north, south, and east. In addition, the existing block walls along the north and east property lines provide sufficient buffering between the site and adjacent residential properties to the north and east. The outdoor dining area is only accessible from within the restaurant and surrounded with a 5 ft. tall metal and glass enclosure, providing a buffer to residential properties to the south. Landscaping and the public right-of-way along 9<sup>th</sup> Street provide buffering along the south property line. The walk-up take-out window area on the north side of the restaurant will be separated from the parking area with potted plants and maintain a minimum 4' wide walkway for restaurant patrons. Security cameras are installed both within the interior of the building and along the exterior elevations facing the parking lot. A rear access door is located on the north side of the building, adjacent to the kitchen and is used for employee entrance/exiting, maintenance and deliveries for the restaurant. Customer entries/exits are located on the east and south sides of the building.

As conditioned, the on-site sale and consumption of beer and wine will be incidental to the restaurant use. To reaffirm the incidental use, staff is recommending a condition requiring that gross food sales receipts exceed gross receipts of alcoholic beverages and those alcoholic beverages be served only in conjunction with food sales. To assure compatibility with adjacent residential uses, staff has included a condition limiting the closing time to 10:00 p.m. daily, as proposed by the applicant. The Buena Park Police Department reviewed the proposal and has no objection to the sale of beer and wine as an incidental use to the existing full service restaurant.

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

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Community Recreation Center on November 3, 2016, and 16 notices were mailed to property owners within 300 ft. radius of the subject property on November 3, 2016.

Chair Schoales asked if there were any questions for staff.

Commissioner McGuire asked if the restaurant is far enough away from the two schools in the vicinity so that the State Department of Alcoholic Beverage Control will approve the request.

Mr. Rosen replied yes.

Commissioner McGuire asked if the issue regarding use of the walk-up window as part of a vehicle drive-thru lane has been resolved.

Ms. Lin stated that the applicant is providing separation by creating a walkway with potted plants to separate the walk-up window from the driveway.

Mr. Rosen affirmed that the window is designed as a walk-up window only.

Commissioner Barstow asked what will safeguard that liquor won't be sold through the walk up window and who would monitor that.

Mr. Rosen stated that the Conditional Use Permit and ABC license are for on-site sales only and will not allow alcohol to be sold from the window. The operator would be in violation of the CUP and at risk of revocation. ABC can also impose fines. If there are complaints they will be investigated with potential actions, fines, and penalties imposed to stop illegal activity.

Commissioner Schoales asked if there is any physical barrier to keep someone from driving their car up to the window.

Ms. Lin replied there is separation between the walk-way and the driveway with potted plants.

Chair Schoales stated 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.

The applicant, Susan Pak, said the walk-up window is for food pick-up only. Beer or wine will only be sold inside.

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

Commissioner Diep moved and Commissioner McGuire seconded the motion to adopt the following Resolution, approving Conditional Use Permit No. CU16-005 with findings of fact and conditions.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**RESOLUTION NO. 6018  
CONDITIONAL USE PERMIT NO. CU16-005**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU16-005 TO ESTABLISH THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION WITH MINOR INTERIOR BUILDING AND SITE MODIFICATIONS AT AN EXISTING FULL SERVICE RESTAURANT WITH ENCLOSED OUTDOOR DINING AREA LOCATED AT 6550 KNOTT AVENUE IN THE CS (COMMUNITY SHOPPING) ZONE AND MAKING FINDINGS IN SUPPORT THEREOF**

**4. CONDITIONAL USE PERMIT NO. CU16-007**

A request to establish the sale of beer and wine and distilled spirits for on-site consumption in a new full-service themed restaurant located at the first story of an existing two-story building located at 8028 Beach Boulevard within the ECSP (Entertainment Corridor Specific Plan) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

**PROPERTY OWNER:**

Jurgen Wilms  
8010 Beach Boulevard  
Buena Park, CA 90620

**APPLICANT:**

Lara Hanneman  
2509 West Ash Avenue  
Fullerton, CA 92833

**RECOMMENDED ACTION:**

Adopt Resolution of Approval

In reply to Chair Schoales, Ms. Davis stated that there is no written communication.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU16-007, with findings of fact and conditions.

The property under application is located on the southeast corner of Beach Boulevard and La Palma Avenue with street frontage of approximately 200 ft. along Beach Boulevard and 240 ft. along La Palma Avenue, and a total land area of 48,000 sq. ft. The property was originally developed with two one-story retail buildings occupied by the Crystal Factory and Capodimonte Ceramic Shop.

In October 1998, the Planning Commission approved Conditional Use Permit No. CU-1226 to demolish one existing retail building and construct a new two-story 9,400 sq. ft. retail building. The new building included 6,000 sq. ft. of retail sales on the first and second floor with a 3,000 sq. ft. storage basement. The Conditional Use Permit also included Adjustment Application No. ADJ-163 for the reduction of two parking spaces.

The submitted application and plans propose to convert the existing first floor retail space into "The Cauldron", a full-service themed restaurant. The proposal includes building and site modifications, new outdoor dining patio, and the sale of beer, wine, and distilled spirits for on-site consumption. The basement is not a part of the proposal and is currently utilized as storage and work space by the tenant occupying the second floor of the building. The new restaurant floor plan will accommodate a dining room seating 90 persons, private dining room seating 12 persons, bar area, kitchen, office, storage area, and restrooms. The existing courtyard located between the two retail buildings will be modified into a new 320 sq. ft. outdoor dining patio area with seating for 24 people. Proposed hours of operation for the restaurant will be from 11:00 a.m. to 2:00 a.m. daily. The applicant is proposing to sell beer, wine, and distilled spirits for on-site consumption as an amenity to the full service themed restaurant.

Architecturally, the exterior of the building will remain the same. The new outdoor patio will be surrounded by a 41 in. tall metal fence with two security gates to provide ingress and egress. The wood deck in the existing courtyard area will be removed to allow for the new

outdoor patio. The existing building with the proposed outdoor patio will continue to complement the retail developments within the area.

Ingress and egress to the site will continue to be provided by one driveway along La Palma Avenue. There are no changes proposed to the existing parking lot and the site will maintain the existing 80 parking spaces. While City Code would require a total of 82 parking spaces, the previous entitlement included an Adjustment allowing for the reduction of 2 parking spaces. The Adjustment was granted since the basement level of the structure was approved as storage space thereby reducing the parking demand. The basement level is currently used for storage space by the existing retail business on the second floor of the building. The existing 80 parking spaces are sufficient for the existing and proposed uses for the site and will continue to provide adequate parking for the retail center.

Section 19.512.010 of the City Code requires the applicant to gain Planning Commission approval for the proposed sale of beer, wine, and distilled spirits for on-site consumption in conjunction with a full service restaurant via the Conditional Use Permit process. In reviewing the applicant's request, staff reviewed plans and visited the property and is of the opinion that the facility and site are adequate to support the establishment of the sale of beer, wine, and distilled spirits for on-site consumption. Staff believes that on-site sale and consumption of alcoholic beverages will be appropriate within the context of the restaurant and will not negatively impact the subject and surrounding properties.

As described in the attached business plan, "The Cauldron" is a themed restaurant that will feature a business and social friendly atmosphere. As proposed, The Cauldron will focus on creating a unique dining experience through visual aesthetics. Light entertainment will be provided in the form of prerecorded music and occasional live music performances during special occasions. The live music will be acoustic only and there will be no more than 2 people performing at a time, as discussed in the business plan. The interior décor will feature a rustic design to create a cozy and intimate environment for restaurant patrons. The configuration of the restaurant will be set up to accommodate both intimate meetings as well as larger parties and the private dining room will be "hidden" through a book shelf designed entrance. The restaurant serves a variety of small bites as well as traditional American food.

The proposed restaurant complies with the Zoning Ordinance requirements for circulation, access, landscaping, parking, and architectural design. The site will maintain 80 parking spaces, which meets the Code requirements with the Adjustment that was previously approved. The existing driveway along La Palma Avenue will continue to provide appropriate access to the site. There are no proposed changes to the exterior of the existing building other than replacement of existing doors. The existing doors will be replaced with decorative wooden doors to incorporate the vintage theme of the restaurant. The proposed outdoor patio will be an extension of the existing building and will feature a design that is consistent with the existing building. The outdoor dining area will be surrounded by a wrought iron fence to meet State and Police Department requirements. The proposed full service restaurant will contribute to the long term vision to create tourist-oriented development within the Entertainment Corridor focus area, as identified in the General Plan. In addition to creating a unique dining experience, "The Cauldron" restaurant will complement the vision for this area by providing a social dining setting for tourists as well as residents.

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

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Community Recreation Center on November 3, 2016, and 7 notices were mailed to property owners within 300 ft. radius of the subject property on November 3, 2016.

Chair Schoales asked if there were any questions for staff.

Commissioner Agrusa asked if there is going to be live music and until what time.

Ms. Lin answered that live background dinner music has been discussed. However, the applicant will need to apply for an entertainment permit for any type of proposed entertainment

Commissioner Agrusa asked if the two restrooms with two stalls was adequate, as shown on the plans submitted.

Mr. Rosen answered that a full building code check has not been done on the plans and there will probably be more restrooms than what is proposed.

Commissioner Schoales also inquired about the restrooms and what would be required and recommended.

Mr. Rosen responded that a full building code check has not been made on the submitted plans, which are preliminary conceptual plans. Full construction plans will be required which will be evaluated by plan checkers to ensure sufficient and adequate restroom facilities.

Chair Schoales stated 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.

The applicant, Lara Hanneman, 8028 Beach Blvd, Buena Park, CA, addressed the restrooms and stated the plans are not complete. Currently, there are two women's stalls and one men's restroom with a urinal and two sinks. The final plans to be submitted will comply with code.

Commissioner Schoales commented on the business plan submitted. As described, he felt the food service and operation seemed to be more of a bar than a restaurant.

Ms. Hanneman stated that she entertains a lot, has become a home chef, and has long dreamt of running a business with a fun atmosphere where you can eat, drink, and socialize.

Commissioner Barstow said this proposal feels like a bar that wants to also be a restaurant and he feels confused about her focus. She wants to sell art, general merchandise, craft beer, snacks, and tapas while having a lounge area and serving family style at farm tables yet she doesn't provide a menu. He asked if she is going to have a front house manager and a general manager. He feels the restaurant won't attract enough college age people and the beach is 15 miles away, and questions why a bouncer would be necessary at a restaurant.

Ms. Hanneman stated that she will have a host, a front end manager and intends to be there most of the time. She wants to provide meeting space and a place for people who get off work late from Knott's Berry Farm to eat and socialize. She also responded that the types of associated activities would involve playing board games instead of bar activities like darts or pool.

Commissioner Capelle stated she is comfortable that the restroom requirements will be resolved during the plan check process. She expressed concern about the proposed 2am closing hour of operation and live music, as other nearby restaurants are not open that late.

Mr. Rosen said the applicant would have to apply for a live entertainment permit which would be reviewed by the Police Department with required background checks on the entertainers and review of appropriate operating hours.

Ms. Hanneman said she would stop service about 1:30 a.m. She stated that she would serve lunch, dinner, and after 10pm meals.

Commissioner Schoales stated that Claim Jumper, Rock & Brew, Chili's, Olive Garden all have early closing hours. Rock & Brew's closes at 2:00 a.m. but only on Friday and Saturday.

Ms. Hanneman replied she wants to be open till 2am as Knott's Berry Farm closes at 10:00 p.m. She would like to be open for Knott's customers and staff after closure.

Commissioner Agrusa inquired as to how late TGI Friday is open.

Mr. Rosen stated that they are owned by Knott's Berry Farm and their hours are seasonal, with no restrictions on nightly closing time.

Commissioner Schoales questioned if there is anything in the conditions about obstructing windows.

Ms. Hanneman said the plans submitted propose a light box effect for the windows to create a forest theme as viewed from outside.

Commissioner Schoales stated that the proposed CUP for beer and wine service heard earlier included a condition that windows could not be obstructed to maintain visibility inside the restaurant, which is a typical condition for restaurants of this nature.

Ms. Hanneman said she wants the windows to be translucent, but not transparent, to contribute to the themed interior environment, while creating an attractive and distinct exterior image.

Ms. Lin stated that the requirement that windows remain uncovered is not included as a required condition for this proposal. The requirement was included for the previous restaurant proposing to serve beer and wine to address display and storage around the interior perimeter of the building, so that inventory does not cover the windows of the market and temporary signs do not cover the windows of the restaurant. .

There being no one else wishing to speak on the matter, Chair Schoales closed the public hearing.

Commissioner Schoales added he would like to include a condition that the windows remain unobstructed to ensure visibility through the front door area and to allow for interior view of the patio area on the west elevation. He expressed concern that the restaurant will evolve into a bar.

Commissioner Capelle asked Commissioner Schoales if his concern was to allow for exterior Police patrol surveillance to the interior of the restaurant. She recalled prior proposals and previous Planning Commission concerns about interior visibility as a safety measure for restaurant patrons and to promote control externally. Commissioner Capelle stated that she appreciated the desire for an attractive exterior design, but the enhanced design should not interfere with maintaining the safety of the premises, even though this requirement may not be a specific requirement of city code.

Mr. Rosen stated that the requirement for uncovered windows to assure safety surveillance has been a required condition of the Planning Commission.

Commissioner Schoales stated the Planning Commission condition has long been a standard recommendation from the Police Department.

Commissioner Diep asked whether the Police Department had requested inclusion of a condition to require uncovered windows as part of approving this proposal.

Mr. Rosen replied that the Planning Commission has discretion as the decision making body, and the recommendation for the requirement has come from the Police Department for a number of years. In this particular case, Staff will work with the applicant to determine which windows would be appropriate to retain as uncovered to assure sufficient visibility to provide for security.

Commissioner Schoales says that there are a lot of windows and he feels that it is very important that adequate visibility into the restaurant be maintained to ensure safety.

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

Commissioner Diep moved to approve with the condition that staff work with the applicant to maintain appropriate visibility into the restaurant while allowing for improved exterior and window design, with a 6 month follow-up report to the Planning Commission after commencement of operation. Commissioner Capelle seconded the motion to adopt the following Resolution.

AYES: 5 COMMISSIONERS: Diep, Capelle, Agrusa, Barstow, Chung, and McGuire

NOES: 1 COMMISSIONER: Schoales

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**RESOLUTION NO. 6021  
CONDITIONAL USE PERMIT NO. CU16-007**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU16-007 TO ESTABLISH THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR A NEW FULL SERVICE**



**RESTAURANT AT 8028 BEACH BOULEVARD WITHIN THE ECSP  
(ENTERTAINMENT CORRIDOR SPECIFIC PLAN) ZONE**

**5. TENTATIVE TRACT MAP NO. TT16-002/CONDITIONAL USE PERMIT NO. CU16-006**

A request to subdivide the property into five lots to allow for a five single-family home “cluster housing development” and associated site improvements located at 6189 La Palma Avenue within the RS-6 (One Family Residential) zone. The project is Class 32, Section 15332, categorically exempt from CEQA.

**PROPERTY OWNER:**

Ingrid Fowler  
6189 La Palma Avenue  
Buena Park, CA 90620

**APPLICANT:**

Hal Woods  
Centerstone Communities West, Inc.  
3500-B West Lake Center Drive  
Santa Ana, CA 92704

**RECOMMENDED ACTION:**

Adopt Resolutions of Approval

In reply to Chair Schoales, Ms. Davis stated that there is no written communication.

Staff recommends that the Planning Commission adopt the attached Resolutions approving Tentative Tract Map No. TT16-002 and Conditional Use Permit No. CU16-006 with findings of fact and conditions.

The site under application is located on the north side of La Palma Avenue with street frontage of approximately 250 ft. along La Palma Avenue and a total land area of 23,420 sq. ft. The site was originally developed with a medical building built in the early 1950's. The building was substantially destroyed by fire earlier this year.

In December 1955, the City Council approved Zone Change No. Z-32 to change the zone of the property from R-1 (Single Family Residential) to A-P (Administrative and Professional). In conjunction with the zone change, Precise Plan No. 7 was approved to allow for the development of a medical/ dental center.

In July 1982, Ordinance No. 1133 was approved by City Council to adopt a new zoning map. As a result of the new zoning map, the zoning of the subject property was changed from A-P (Administrative and Professional) to RS-6 (One Family Residential). The medical building continued operation under legal nonconforming status following the change in zoning designation of the subject property. Since the fire in 2016 destroyed more than 50% of the structure, the legal non-conforming status of the medical building lapsed. Any new construction on the property must now conform to the RS-6 zoning designation.

On August 25, 2016, the developer held a community meeting regarding the project. Notice was sent to 58 property owners within 300 ft. of the subject property. Three property owners attended the meeting. After the project presentation by the developer, the property owners expressed concern about privacy separation, architectural compatibility, traffic impacts, and side yard setbacks. The developer has since met with the individual property owners and modified the proposal, including increased side yard setbacks, raised windows on side

elevations for added privacy, placement of screen trees, and modified the front yard setbacks (from 12.5 ft. to 15 ft.) to allow for increased separation from the adjacent single family homes, in response to their concerns.

The submitted Tentative Tract Map and Conditional Use Permit applications and plans propose a cluster housing development for construction of five, two-story single family homes, with lot sizes ranging from approximately 4,554 to 5,009 sq. ft. The width of the lots range from 48 to 53 ft. wide and all lots are 92.94 ft. deep. The homes will be accessed through an existing service road adjacent to La Palma Avenue, which allows for street parking on the north side of the service road. Each home will maintain a 2-car garage with separate storage area.

All of the homes will be 2,999 sq. ft. with a great room, dining room, kitchen, four bedrooms, three bathrooms, loft or the option of a retreat room, laundry area, optional California room, and 438 sq. ft. attached two-car garage with storage area. All of the homes include the same rooms, dimensions, and amenities, with the configuration varied through reversed floor plans. The homes will maintain a front yard setback of 15 ft., side yard setbacks that range from 5 ft. to 10 ft., and rear yard setbacks of 21 ft. Total lot coverage for individual lots range from 35.47% to 39.83% and the total lot coverage of all structures within the development is 38.03%, without the California room option. The availability of the California room option will be on a first-come first-served basis, and will be limited by the maximum 40% allowable total lot coverage for all structures within the development. As required, a min. 7.5 ft. high new perimeter wall will surround the entire development and each property will be separated by a 6' high block wall. As proposed, private open space in the rear yard will be enclosed with vinyl fences within the side yards.

The five homes will display a California Craftsman, Monterey, or Spanish style exterior design. The California Craftsman design has a projecting front entry with accent shutters and a decorative pot shelf, decorative stone veneer on the lower front façade, accent outriggers, stucco trim around windows and doors, decorative roll-up garage door, and shingle siding. The California Monterey design features a similar architectural treatment with decorative stone veneer and the use of accent shutters. This design includes the decorative pot shelf, roll-up garage door, and stucco trim. The California Spanish design proposes an arched entry with decorative Spanish style corbels. Included with this design are accent shutters, secondary contrasting stucco, concrete "S" style tile roofing, and accent vents below the gables. In order to promote privacy, raised windows are proposed for the east and west elevations of the new homes adjacent to existing residences. All design styles will include concrete tile roofing and decorative garage and entry doors that will complement the color scheme of each elevation.

The Buena Park Zoning Ordinance requires Planning Commission review and approval for the proposed cluster housing development via the Conditional Use Permit and the Tentative Tract Map processes. In reviewing the request, Staff reviewed the plans and visited the properties and feels that the proposed design, scale, and layout of the overall site and individual homes are appropriate for the subject properties, as conditioned. The proposed cluster housing development is consistent with the City's General Plan, Section 19.448.035, and the Single-Family Cluster Housing requirements of the Buena Park Zoning Code, which permit the creation of cluster housing developments that contribute to community objectives for open space and architectural harmony. The proposed development meets the requirements of the City Code for setbacks, open space, building massing, and parking. The permitted density for the property is 8.71 units per acre, which allows the five units proposed.

The homes have been designed to be generally consistent with the single family residential pattern in the surrounding neighborhood. Both the architectural design and the site layout complement the existing adjacent single family homes and the developer has provided additional landscape screening and raised windows to assure adequate buffering and privacy separation. In order to further enhance the exterior of the homes, Staff has included a Condition of Approval requiring architectural details for all elevations to include decorative finishes, paint colors, stone veneers, tile accents, decorative trims, or equivalent design features to the satisfaction of the Planning Division.

In reviewing the request for the Tentative Tract Map and Conditional Use Permit, Staff is of the opinion that the proposed project, as conditioned, including the layout of the sites, massing of the homes, parking, private yards, and access is compatible with the surrounding properties and applicable development standards. The proposed design, scale, and configuration of the site and homes is appropriate for the subject property and will complement the existing adjacent single-family neighborhood while creating a high quality development. The project design and configuration is consistent with applicable subdivision criteria for Cluster Housing projects and complies with the goals of the General Plan. In staff's opinion, the project will be an enhancement to the area and will provide additional opportunities for home ownership within the City while furthering the housing goals of the City.

The project is Class 32, Section 15332, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Community Recreation Center on November 3, 2016, and 57 notices were mailed to property owners within 300 ft. radius of the subject property on November 3, 2016.

Chair Schoales asked if there were any questions for staff.

Commissioner McGuire asked if there are any limitations for covered patios.

Ms. Lin replied that there are no covered patios proposed. There is a "California" room addition option. However, this option would not be equally available to all prospective owners, since the total would exceed the maximum allowable 40% building coverage across the five lots.

Commissioner McGuire asked about the maximum allowable patio cover size for each of the homes.

Mr. Saltzberg responded that this proposal is controlled by the Single Family Home Cluster Housing development code, with standards based on the entire site, including an allowable maximum of 40% building area for the entire site. As proposed, there is no uniform maximum patio cover area for the proposed individual lots. The first patio cover to be proposed might be larger, which could limit the allowable patio cover size for successive homeowners. The Code does not require that allowable coverage be equally distributed between each lot. However, allowable additional future coverage for each lot could be designated to be equally distributed, to include future patio covers or room additions. With the current proposal, although the applicant has provided for an eligible room addition, this addition wouldn't be equally available to all future homeowners due to the maximum 40% total overall allowable lot coverage.

Commissioner McGuire asked if the 40% allowable lot coverage could be equally divided by five.

Ms. Lin stated that that equal eligibility was recommended to the applicant; however, the applicant proposed to offer a larger size California room option, so that only two or three properties would be eligible.

Mr. Saltzberg added that the distribution can be done equally. At the discretion of the Planning Commission, individual homeowners could be eligible for an equal amount of future structural coverage.

Commissioner McGuire said that prospective homeowners would have to be informed about this requirement. They need to understand that if their neighbor were to put in a 10 ft. x 20 ft. patio cover, for example they might not get a patio cover at all.

Mr. Rosen agreed that the terms would have to be disclosed to prospective property owners regarding allowable modifications or additions to their home.

Mr. Fox stated that this disclosure requirement can be added as a condition of approval.

Commissioner Diep said she feels that the size of the homes is too large based on the proposed 4500 sq. ft. lot size. In addition, the potential 10 ft. x 20 ft., California room addition is approximately the size of a parking space and would probably be allowed for only two of the five lots.

Commissioner Agrusa said the homes are too large for the area.

Commissioner Capelle asked if there are CC&R's for this project.

Mr. Rosen said there are no common areas to maintain so CC&R's are not required.

Commissioner Capelle expressed concern about protecting future homeowners who might assume they can duplicate the prior modifications of neighbors with respect to additions. She expressed concern about the potential for future illegal patio covers and asked about resulting code violations.

Mr. Rosen replied that homeowners are required to obtain city permits for patio covers. Illegal patio covers may escape detection, may be a problem at the time of future sale of the property, or may become the subject of a complaint to the city, which would be investigated and handled appropriately.

Commissioner Agrusa asked if the homes are going to be built all at once or one at a time.

Commissioner Diep asked whether the coverage limit would preclude installing concrete pavers within the year yard. Regarding patio covers, she questioned whether each home could be limited to a specific area, such as 100 square feet, with requests for additional square footage required to be considered by Variance.

Mr. Fox responded that the development standards determine the amount of permitted buildable area. A variance could be one approach to exceeding the maximum amount of coverage. Also, what constitutes "lot coverage" would have to be defined.

Commissioner Agrusa asked if this project will need approval by the State Real Estate Commission.

Mr. Rosen said that selling homes requires certain approval through the State. It is not a condominium project.

Mr. Rosen asked if Commissioner Agrusa was referring to the subdivision act. If so, the Planning Commission is the approving body for this procedure.

Chair Schoales asked if the applicant wished to speak.

Rick Hartmann, speaking on behalf of the applicant, Hal Woods, Centerstone Development, 424 Portola St., San Dimas, CA 91773, described the proposal as an in-fill project designed to be an efficient use of the site, with modern spacious housing in context with the neighborhood.

Regarding conditions of approval, Mr. Hartmann stated that Centerstone is familiar with requirements for disclosure, including deed restrictions with appropriate language to inform buyers of any conditions or requirements. Mr. Hartmann said that dividing up the room addition option equitably to permit the option to be equally available to all 5 homes is an excellent idea. The homes will be built at the same time, not as phased construction. The developer has spoken to concerned adjacent neighbors and addressed their concerns, resulting in raising certain window heights to prevent the new homes from looking down into the backyards of the existing homes.

Fernando Rodriguez, 7977 San Rafael Drive, Buena Park, spoke regarding concern about parking and access to their small daycare operation at their home next door to the cluster home project. He also asked about the shared property line block wall heights.

Ms. Lin stated that the perimeter walls will be seven feet high.

John Fillingier, 8012 San Lucas, Buena Park, asked whether the new homes were to be 2-stories plus a loft above.

Ms. Lin said that the loft will be within the second story and will not be an additional floor.

Commissioner Schoales inquired whether anyone will be able to build or add on in the 21 foot rear setback.

Ms. Lin stated that it is possible that future additions may not be permitted, depending on the California room options, since the overall coverage cannot exceed 40%.

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

Commissioner Diep moved and Commissioner McGuire seconded the motion to adopt the attached Resolutions approving Tentative Tract Map No. TT16-002 and Conditional Use Permit No. CU16-006 with an option to divide the remaining lot coverage equally among the five homes or allocate it just to two homes with required notice to property owners regarding the two California rooms and maximum 40% lot coverage.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**RESOLUTION NO. 6020  
CONDITIONAL USE PERMIT NO. CU16-006**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR CONDITIONAL USE PERMIT NO. CU16-006 TO DEVELOP A CLUSTER HOUSING DEVELOPMENT TO INCLUDE FIVE (5) SINGLE FAMILY HOMES IN CONJUNCTION WITH A REQUEST TO RECONFIGURE THREE (3) LOTS INTO FIVE (5) SEPARATE PROPERTIES LOCATED AT 6189 LA PALMA AVENUE IN THE RS-6 (ONE FAMILY RESIDENTIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

**RESOLUTION NO. 6019  
TENTATIVE TRACT MAP NO. TT16-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A TENTATIVE TRACT MAP FOR THE RECONFIGURATION OF THREE (3) PARCELS INTO FIVE (5) SEPARATE PARCELS IN CONJUNCTION WITH A REQUEST TO CONSTRUCT FIVE (5) SINGLE FAMILY HOMES AT 6189 LA PALMA AVENUE IN THE RS-6 (ONE FAMILY RESIDENTIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

**6. CONDITIONAL USE PERMIT NO. CU16-008**

A request to amend the development plans of a previously-approved Development Agreement No. DA16-002 for a five-story hotel with 149 rooms including two (2) restaurants with outdoor dining. The hotel is proposed to be located approximately 100 feet west of the previously approved location with expanded new surface parking area to Western Avenue for a total of 220 on-site parking spaces, on 4.78 acres located at 7851 Beach Boulevard, 7860 and 7868 Western Avenue in the ECSP (Entertainment Corridor Specific Plan) zone. The project is Class 32, Section 15332, categorically exempt from CEQA.

**PROPERTY OWNER:** BA Hotel & Resort  
2031 Pioneer Avenue  
Fullerton, CA 92831

**APPLICANT:** Sohn Architects  
1071 W. 190<sup>th</sup> Street  
Gardena, CA 90248

**RECOMMENDED ACTION:**

Adopt Resolution of Approval

In reply to Chair Schoales, Ms. Davis stated that there is no written communication.

The staff report was presented by Brady M. Woods, Senior Planner.

Staff recommends the Planning Commission adopt a Resolution approving Conditional Use No. CU16-008.

The project site under application is comprised of four parcels located between Beach Boulevard and Western Avenue, north of La Palma Avenue, with a total land area of 4.78 acres. In December 2008, the easterly 2.2 acres the site improved with the former Pioneer Motel were purchased by the Buena Park Redevelopment Agency which demolished the motel in 2010 to allow for future redevelopment. In June 2011, the Buena Park Redevelopment Agency purchased the westerly 2.5 acres of the site which is currently improved with an 8,100 square foot warehouse and office building and associated parking (known as the Hurlbut property – named after its former owner and amusement park ride designer Bud Hurlbut).

On April 10, 2012, the City Council adopted Ordinance No.1557 approving Zone Change No. Z12-002 for the properties located at 7860 and 7868 Western Avenue), amending the zoning classification from AR (Amusement Resort) to ECSP to better achieve the long term vision for the properties which included entertainment venues, lodging, and restaurant uses.

On May 10, 2016, the City Council adopted Ordinance No.1606 approving Development Agreement No. DA16-002 allowing the construction of an Aloft Hotel, a five-story hotel with 149 rooms including two restaurants with outdoor dining at 7851 Beach Boulevard. As a condition of the Development Agreement, the developer was required to demonstrate the ability to provide 86 additional parking spaces on abutting properties via an easement or property acquisition in order to fulfill the project demand for parking. On September 27, 2016, the Developer purchased the adjacent Hurlbut property from the City to the west to provide the parking required for the hotel. Pursuant to Section 16 of Development Agreement No. DA16-002, substantial changes in the development plan shall be processed through a Conditional Use Permit and presented in a public hearing in accordance with City Zoning Code.

To amend the development plans of previously approved Development Agreement No. DA16-002 for a five-story Aloft hotel with 149 rooms, including two (2) restaurants with outdoor dining. The hotel is proposed to be located approximately 100 feet west of the previously approved location with expanded new surface parking area to Western Avenue for a total of 220 on-site parking spaces.

The submitted plans indicate the hotel building will be set back 109.5 ft. from the east property along Beach Boulevard. A 20 ft. setback from the east property line was previously approved under DA16-002. However, due to significant soil liquefaction and settlement issues associated with the portion of the site nearest to Beach Boulevard, the building was relocated from its previously approved location. As relocated, the building and uses remain as approved under DA16-002 for a five (5) story, 65 ft. tall building with expanded surface parking and other site improvements. The Aloft hotel entrance/lobby will be accessed via a covered entry on the south side of the building. The lobby/reception area includes a 59-seat

dining area with bar/lounge, 1,167 sq. ft. open-air social gathering space, elevator lobby, restroom facilities, two meeting rooms totaling 972 sq. ft., and service rooms. The first floor also includes 6,959 sq. ft. for two restaurants, a 1,091 sq. ft. beauty salon, and a 5,250 sq. ft. banquet room. The second floor is configured with a 1,393 sq. ft. fitness center, outdoor deck, spa, swimming pool, and guest laundry services in addition to standard guest rooms (327 – 419 sq. ft.) and a VIP suite (1,083 sq. ft.). Floors 3 through 5 are configured with standard guest rooms (327 – 419 sq. ft.) and one VIP suite (1,083 sq. ft.) per floor. There will be a total of 149 guest rooms.

The submitted plans indicate the revised building location, expanded parking area with additional parking spaces to service the hotel, as well as installation of the relocated underground storm water tanks as required by Water Quality Management Plan standards. The portion of the site closest to Western Avenue containing 1.3 acres may be developed as a future phase and is not included with this modification request.

The submitted plans indicate the hotel building will be set back 109.5 ft. from the east property line along Beach Boulevard, modified from the 20 ft. setback as previously approved under DA16-002. The building will retain the approved 41 ft. setback from the south property line. The main (65 ft. tall) portion of the building (guest rooms on floors 2 through 5) will be set back approximately 81 ft. and the lower portions of the building (less than 15 ft. tall) will be set back 10 ft. from the north property line adjacent to single family residential development. A 10 ft. wide landscape setback to include screening trees will be provided along the north property line adjacent to the single family residences for added buffering. In addition, the existing 5 ft. to 7 ft. tall concrete block wall along the north property line will be replaced with a new 10 ft. tall decorative masonry wall adjacent to existing residential.

Architecturally, the building will retain the same contemporary style and design features previously approved under DA16-002. The hotel will have a streamlined design, including a rectangular shape, varied window sizes, balconies with glass guardrails, metal siding with accent paneling, and stucco, tile, aluminum, and concrete wall finishes. The restaurant dining patio located on the front side of the building will be surrounded by a decorative low wall approximately 54 in. tall. The hotel building exterior finishes and materials will have a gray and white scheme with yellow and blue accents. The identifying roof element will feature multicolored racing stripes on the fascia and soffit, as well as integrated building signage consistent with the hotel branding. A new 18 ft. tall pylon is proposed to be located along the Beach Boulevard frontage. Final design standards for the pylon sign will require review and approval by the Planning Division.

Primary vehicular access to the site is provided via an on-site drive aisle from Beach Boulevard, with a secondary access point from Western Avenue. The shared access drive aisle from Beach Boulevard with the McDonalds property to the south, as previously approved on development plans for DA16-003, has been eliminated. The shared access drive was eliminated due to the inability of the fee owner of the McDonalds property unable to come to timely financial terms with their tenant McDonalds Corporation. As proposed, the hotel parking lot will be expanded and re-configured to include 220 on-site parking spaces, including 8 ADA-compliant spaces. The independent Parking Demand Analysis prepared by Linscott Law & Greenspan Engineers stated that 209 parking spaces are needed to adequately fulfill the project parking demand, including peak weekday and peak weekend conditions. Relocating the building further west on the site will allow for a parking area in front of the hotel along Beach Boulevard. This parking area will be buffered from the



pedestrian sidewalk by a 10 ft. wide landscaped setback, as well as provide for potential future vehicular cross-access with the Kung Palace Restaurant property currently under construction immediately to the north.

Landscaping along the project street frontage of Beach Boulevard will include 24 in. and 36 in. box trees, flowering shrubs and low accent ground cover. In addition, palm trees will be planted within the 7 ft. wide public right-of-way frontage, with a new 10 ft. wide public sidewalk, per the adopted AECOM Beach Boulevard Street Improvement Plan. In order to provide a buffer between the proposed project and the adjacent residential area, the project includes a 10 ft. wide landscape setback along the north property line with screening trees for added buffering. Accent landscaping will also be provided along the perimeter of the second floor outdoor pool deck for screening and will consist of a combination planter beds, trees, and potted plants.

In reviewing the applicant's request, staff reviewed plans and visited the site and surrounding area and is of the opinion that the property is adequate to support the proposed relocation of the approved hotel building without negatively impacting the subject and surrounding properties. As proposed, the hotel will maintain appropriate separation from the single family residential neighborhood to the north, including a 10 ft. wide landscape buffer, 10 ft. tall decorative perimeter wall, and increased hotel building setback above the first story. Staff feels that adequate buffering and separation from adjacent single family residences will be retained.

The proposed hotel building and associated site improvements, as conditioned, comply with the Zoning Ordinance requirements for circulation, access, landscaping, parking, and building design which complement the existing and intended entertainment related uses within the Specific Plan area and fulfill the land use and economic development expectations or the Entertainment Corridor.

The proposed Aloft Hotel project will assist in advancing the long term vision for this area along Beach Boulevard as identified in the City's General Plan, Entertainment Corridor Specific Plan, and AECOM Beach Boulevard Street Improvement Plan. The property is located in the heart of the Entertainment Corridor Focus Area which is envisioned as a pedestrian-friendly tourist-oriented destination connecting Knott's Berry Farm to the Mall and other visitor serving uses on Beach Boulevard. The mix of entertainment, world-class shopping, excellent dining, and high quality civic spaces is intended to create a regional destination where visitors patronize local attractions without leaving the Entertainment Corridor. The proposed hotel will complement the vision for this area by providing a premier lodging opportunity along Beach Boulevard.

The project is Class 32, Section 15332, categorically exempt from CEQA and is found to be within the scope of the previously certified Program EIR for the Buena Park 2035 General Plan Update (SCH #2009111026). The previously certified Program EIR adequately describes for the purposes of CEQA the proposed project as required by Section 15168 of CEQA Guidelines.

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Community Recreation Center on November 3, 2016, and 17 notices were mailed to property owners within a 300 ft. radius of the subject property on November 3, 2016.

Chair Schoales asked if there were any questions for staff.

The Commissioners did not have any questions or comments.

The applicant did not have any comments.

Ms. Eva Pettijohn, a resident at 7930 El Escorial Way, expressed concern about the proximity of the future hotel building to their property.

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

Commissioner McGuire moved and Commissioner Chung seconded the motion to adopt the Resolution approving Conditional Use No. CU16-008.

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

**RESOLUTION NO. 6022  
CONDITIONAL USE PERMIT NO. CU16-008**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING AN AMENDMENT TO THE DEVELOPMENT PLANS OF PREVIOUSLY APPROVED DEVELOPMENT AGREEMENT NO. DA16-002 FOR A FIVE-STORY HOTEL WITH 149 ROOMS, INCLUDING TWO (2) RESTAURANTS WITH OUTDOOR DINING. THE HOTEL IS PROPOSED TO BE LOCATED APPROXIMATELY 100 FEET WEST OF THE PREVIOUSLY APPROVED LOCATION WITH EXPANDED NEW SURFACE PARKING AREA TO WESTERN AVENUE FOR A TOTAL OF 220 ON-SITE PARKING SPACES LOCATED AT 7851 BEACH BOULEVARD, 7860, 7868 WESTERN AVENUE WITHIN THE ECSP (ENTERTAINMENT CORRIDOR SPECIFIC PLAN) ZONE**

**ORAL COMMUNICATIONS:**

Based on the approved Conditional Use Permit, Mr. Saltzberg presented a 6-month status update on the operation of the Aldi's Supermarket located at 8351 La Palma and reported that there have been no recorded complaints about the market operation.

**AGENDA FORECAST:**

Mr. Saltzberg said the next Planning Commission meeting on December 14, 2016 will include a request for reconstruction of a church on Artesia Blvd.

**STAFF REPORTS:**

Mr. Rosen discussed the continued City Council review of the Butterfly Palladium project due to issues regarding parking and signage.

**COMMISSION REPORTS:**

Commissioner Barstow recommended the following minor change in the October 26 minutes:

Page 3, fifth paragraph:

“Commissioner Barstow said he has concerns regarding subterranean parking development because certain areas in Buena Park are known to have high water table problems. He said the Buena Park Mall currently has subterranean development and he wonders how that is possible.”

Commissioner Barstow referred to the former Movieland monument sign, he asked about removal by the Butterfly Palladium developer and asked if signs need to be reviewed by the Planning Commission.

Mr. Rosen stated that the developer will be required to submit a sign proposal to staff for approval. They thought they might be able reuse the existing supports and remove the top and replace with a new sign. There is no specific condition that they must reuse the existing sign.

**ADJOURNMENT:**

At 9:20 p.m., Chair Schoales adjourned the meeting to the regularly scheduled Planning Commission meeting on Wednesday, December 14, 2016, in the City Council Chamber.

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James Schoales  
Chair

ATTEST:

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Joel W. Rosen, AICP  
Secretary