

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
March 22, 2017

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on March 22, 2017, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Schoales presiding.

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

ABSENT: COMMISSIONER: Diep

Joel W. Rosen, AICP, Director of Community Development
Jay Saltzberg, Planning Manager
Brady M. Woods, Senior Planner
Tiffany Lin, Assistant Planner
Angelica Garcia, Planning Intern
Iris Lee, Assistant City Engineer
Ruth Santos, Senior Administrative Assistant

1. APPROVAL OF MINUTES

Meeting of March 8, 2017
Study Session of March 8, 2017

RECOMMENDED ACTION: Approve

Commissioner Capelle moved and Commissioner Agrusa seconded the motion to approve the minutes.

AYES: 6 COMMISSIONERS: Capelle, Agrusa, Barstow, Chung, McGuire, and Schoales

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Diep

ABSTAIN: 0 COMMISSIONER:

PUBLIC HEARING:

2. CONDITIONAL USE PERMIT NO. CU16-011

A request to establish shared parking and the sale of beer and wine for on-site consumption (Type 41 On Sale Beer & Wine - Eating Place) at a new 3,036 sq. ft. full service restaurant (Kaju Tofu Restaurant) located at 7232 Orangethorpe Avenue within the CG (Commercial General) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: Elias Investments LP
4875 E. La Palma Ave #603
Anaheim, CA 92807

APPLICANT: Fabio A. Park
9422 Stonehaven Circle
Garden Grove, CA 92841

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Schoales, Ms. Santos stated that staff distributed a memo recommending adding the following to Planning Division Condition No. 8 which was inadvertently left out of the Resolution.

8. All windows shall remain unobscured to allow a clear view into the restaurant from the exterior, except that mini-blinds or shades may be used during the daytime hours for sun shielding.

The staff report was presented by Angelica Garcia, Planning Intern.

The subject property is zoned CG (Community General) and developed with an approximately 20,240 sq. ft. multi-tenant commercial center including an existing detached 3,036 sq. ft. building, previously operated as Namastey India, a combination restaurant and grocery store. The existing multi-tenant commercial center includes Honey Pig Wako Restaurant, Bodycentre Health and Wellness, and Lee & Chung Chiropractic. A new restaurant operator obtained building permits in September 2016 for modifications to the existing detached building to be operated as Kaju Soft Tofu Restaurant.

The properties to the north and south are zoned ML (Light Industrial) and are developed industrially. The property to the east is zoned CG (Commercial General) and developed with a multi-tenant office building. The property to the west is zoned OS (Open Space) and is developed with a flood control channel. The nearest residential site is zoned CG and developed with a legal non-conforming duplex, located across McNeil Lane approximately 150 ft. southeast of the restaurant building.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU16-011 with findings of fact and conditions.

The property is located at the southeast corner of Orangethorpe Avenue and McNeil Lane, with street frontages of approximately 193 ft. along Orangethorpe Avenue and 430.10 ft. along McNeil and total lot area of 1.84 acres. The building was originally approved as a grocery market by the Planning Commission in 1987 (SP-750M1). In 2011, "Namastey India" obtained a business license to operate a combination restaurant and grocery store.

A parking demand study was submitted by the property owner on June 9, 2014 to demonstrate that adequate parking would be provided for a new restaurant at the existing center. On August 11, 2015, plans for interior alterations were submitted for plan check for a new restaurant to be called "Crab Station." However, the potential tenant abandoned the plan check and the restaurant never opened.

On September 22, 2016, the applicant obtained a building permit for interior improvements and minor exterior modifications to include altering the location of the entrance to the west side of the building and the demolition of the existing entry door to add a window for a new restaurant, Kaju Tofu House, anticipated to open in April 2017.

The applicant has submitted plans for a Conditional Use Permit to allow on-site consumption of beer and wine as an amenity to food service at the new restaurant and to establish shared parking for the new restaurant and the existing center. The applicant has operated a similar restaurant serving beer and wine for on-site consumption in Garden Grove for 22 years.

On March 6, 2017, Linscott Law & Greenspan updated the existing parking demand study for the commercial center, dated June 9, 2014, to ensure that adequate parking will be provided for the existing center and new restaurant. The parking demand analysis found that adequate parking will be provided based on shared parking.

The new 3,036 sq. ft. Kaju Soft Tofu Restaurant is a family operated business that will serve Korean style tofu soup and different types of barbeque. The applicant is proposing on-site sale and consumption of beer and wine as an amenity to food service.

The restaurant will offer Korean cuisine with the sale of beer and wine for on-site consumption. As described by the applicant in the attached business plan, complementary sale of beer and wine is typically expected by customers with service of traditional Korean food as an amenity to food service. The restaurant floor plan includes a dining area, kitchen, service area, walk-in freezer and cooler, restrooms, two storage rooms, and a waiting area at the restaurant entrance. The dining area seats approximately 70 people. There will be no outdoor dining. The entrance reconfiguration and additional glass area allows for increased surveillance and security. As proposed, the restaurant will serve lunch and dinner between 9:00 a.m. to 12:00 a.m. daily. The restaurant will employ a total of 20-25 employees, including service staff, chefs, and delivery drivers, with approximately 12-15 employees per shift. Architecturally, the exterior of the building will continue to complement the surrounding commercial developments within the area.

To accommodate the new restaurant the applicant is requesting the approval for on-site shared parking. A total of 123 parking spaces are provided, with 82 standard stalls, 36 compact parking spaces, and 5 accessible; 128 spaces are required by code. The attached parking demand study by Linscott Law & Greenspan concludes that the expected peak parking utilization of the existing center, including the new restaurant, is 90 spaces. The parking demand study found an estimated parking surplus ranging from 20 to 33 parking spaces, based on the peak parking demand of the various uses.

As demonstrated by the updated shared parking demand study, adequate parking is provided for the existing center with new restaurant. In addition, approximately 18 public parking spaces are provided along McNeil Lane in the event of overflow conditions. Site ingress and egress will continue to be provided via existing driveways along Orangethorpe Avenue and McNeil Lane. There will be no site modifications. Proposed sign plans will be submitted separately, subject to the approval of the Planning Division.

Section 19.512.010 of the City Code requires the applicant to gain Planning Commission approval for the proposed shared parking and sale of beer and wine for on-site consumption at the new restaurant via the Conditional Use Permit process. The process allows for required conditions of approval to assure operation compatible with adjacent businesses and nearby residences.

In reviewing the applicant's request, staff reviewed plans and visited the property and is of the opinion that the facility and site will be adequate to support the sale of beer and wine for on-site consumption at the restaurant. Staff believes that on-site sale and consumption of alcoholic beverages will be appropriate within the context of the restaurant. Adequate

separation is provided between the restaurant location and the legal non-conforming residential duplex property located approximately 150 ft. to the southeast of the restaurant building across McNeil Lane. Based on compliance with conditions of approval and as demonstrated by the Parking Study update, staff believes that beer and wine sales for on-site consumption at the restaurant will not negatively impact the existing center or surrounding properties.

As conditioned, the on-site sale and consumption of beer and wine will be incidental to the restaurant use, with alcohol sales only in conjunction with food service, from 9:00 a.m. to 12:00 a.m. daily. The Buena Park Police Department reviewed the proposal and hours of operation and has no objection to the sale of beer and wine for on-site consumption as an incidental use to the full service restaurant, as proposed. Honey Pig Wako Restaurant, a similar restaurant operating within the same center, closes at 10:00 p.m. daily. The restaurant was approved for sale of beer and wine via a Conditional Use Permit granted in 1983, which does not include limits on hours of operation. To ensure the incidental use, conditions of approval will require that gross food sales receipts exceed gross receipts of alcoholic beverages and those alcoholic beverages be served only in conjunction with food sales.

The proposed restaurant with on-site sale and consumption of beer and wine, as conditioned, will continue to comply with the Zoning Ordinance requirements for access, circulation, landscaping, and architectural design. Based on the parking demand analysis, adequate parking will be provided for the new restaurant within the commercial center.

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

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on March 8, 2017, and 19 notices were mailed to property owners within 300 ft. radius of the subject property on March 8, 2017.

Chair Schoales asked if there were any questions for staff.

Chair Schoales asked about the remaining parking available at the property with approval of the proposal and about the parking requirement if the existing billiard hall changed to a restaurant.

Mr. Rosen said that based on the updated parking demand study submitted, the peak parking demand for the center, including the new restaurant, is approximately 90 parking spaces based on shared parking, with an estimated surplus of approximately 20 to 30 spaces given the 123 total parking spaces provided. The parking required for converting the billiard hall to a restaurant would be determined by an updated parking demand study.

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.

Fabio Park, applicant, 7232 Orangethorpe Avenue, Buena Park, CA 90621, spoke to thank staff.

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 Capelle moved, and Commissioner Chung seconded, the motion to adopt the following Resolution approving Conditional Use Permit No. CU16-011 with findings of fact and conditions, with the addition to the condition as stated in the distributed memo from the Community Development Director.

**RESOLUTION NO. 6041
CONDITIONAL USE PERMIT NO. CU16-011**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR CONDITIONAL USE PERMIT NO. CU16-011 TO ESTABLISH SHARED PARKING AND THE SALE OF BEER AND WINE FOR ON SITE CONSUMPTION AT A NEW RESTAURANT AT 7232 ORANGETHORPE AVENUE IN THE CG (COMMERCIAL GENERAL) ZONE

YES:	6	COMMISSIONERS:	Capelle, Chung, Agrusa, Barstow, McGuire, and Schoales
NOES:	0	COMMISSIONER:	
ABSENT:	1	COMMISSIONER:	Diep
ABSTAIN:	0	COMMISSIONER:	

3. MITIGATED NEGATIVE DECLARATION NO. MND17-01

A request to consider a recommendation to the City Council for the certification of a Mitigated Negative Declaration for the construction of a new booster pump station at the site of an existing outdated water pumping station next to a City of Buena Park reservoir to include a 1,949 sq. ft. water pump building located at 8781 Rosecrans Avenue, City of Fullerton.

PROJECT PROPONENT: City of Buena Park
6650 Beach Boulevard
Buena Park, CA 90622

RECOMMENDED ACTION: Adopt Resolution recommending City Council approval

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

The staff report was presented by Jay Saltzberg, Planning Manager.

The site is currently developed with a City of Buena Park water pumping station, located in the City of Fullerton. Constructed in 1964, the approximately 1/5 acre pumping station site is surrounded by an approximately 6 ft. tall chain link fence with landscape screening. The existing water pumping equipment is located on an unenclosed paved surface with the exception of electrical equipment within an adjacent small masonry building. The site is located on the north side of Rosecrans Avenue. Across Rosecrans Avenue to the south are

a condominium development zoned RM-10 (Low Density Multifamily Residential) and Ralph B. Clark Regional Park, located in Buena Park; Athletic fields are located to the west and east of the site. Adjacent directly to the north is Buena Park's 20 million gallon water storage reservoir, covered by athletic fields, with single family residences beyond, located in Fullerton. Recently, the pump station has been used only in emergency conditions, including scheduled Metropolitan Water District outages.

Staff recommends that the Planning Commission recommend adoption of the attached Resolution certifying Mitigated Negative Declaration No. MND17-01 to the City Council.

This item is a continued Public Hearing from the February 22, 2017 Planning Commission meeting (see discussion below). The existing water pumping station has operated for more than fifty years and has been determined to be obsolete as a result of analysis by Psomas Engineering. Current water production capability is below current minimum standards. The electrical equipment is outdated, with replacement parts increasingly difficult to find, often requiring manual operation of the facility. The outdoor location of the pumping equipment subjects the facility to varying weather conditions and vandalism.

The Orange County Water District has requested that Buena Park pump additional underground water to minimize reliance on the Metropolitan Water District (MWD) and is providing incentives for additional pumping to increase water production. During emergencies precluding purchase of MWD water, Buena Park must be capable of independently providing water for domestic consumption.

As requested by the City of Fullerton, the City of Buena Park acted as Lead Agency in the preparation of the Initial Environmental Study for the proposed Booster Pump Station Replacement Project. The environmental documentation process and associated project scope have been coordinated with the City of Fullerton.

Pursuant to City Code and as coordinated with the City of Fullerton, the proposed Initial Study/Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program is submitted for City of Buena Park review and determination that the attached Initial Study and associated Mitigated Negative Declaration demonstrate that the potential environmental impacts associated with development of the new water pumping facility will not result in a significant impact on the environment based on inclusion of specified mitigation requirements.

The Initial Study/MND document analyzes the potential environmental impacts associated with proposed demolition of the existing obsolete water pumping station and development of a new water pumping facility. The Initial Study concluded that there was evidence that the project has the potential to have a negative effect on the environment relating to air quality, biological resources, cultural resources, geology and soils, noise, and transportation and traffic, without inclusion of mitigation requirements as part of the project. Therefore, a Mitigation Monitoring and Reporting Program has been incorporated to ensure that any potential environmental impacts are reduced to the level of environmental insignificance.

The Initial Study analyzed the potential environmental impacts associated with development of the new water pumping station including a 1,949 sq. ft. pump station building featuring decorative masonry with a height of 17 ft. and surrounded by a min. 8 ft. tall decorative block wall. The building will include a pump room, electrical room, generator room, and disinfection room, as described in detail within the attached Initial Study/MND. In addition, associated

improvements will include a vehicle turnaround area, a detention basin to capture surface drainage and nuisance water, and a concrete pad for a 4000 gallon steel surge tank. During the construction period, temporary staging areas adjacent to Rosecrans Avenue and adjacent to the north of the athletic fields will be used for construction equipment and materials to be secured with temporary fencing. Construction is estimated for approximately one year.

During previous consideration and discussion of the Initial Study/MND at a Planning Commission public hearing on February 8, 2017, a member of the Planning Commission stated that a City of Buena Park Police Department shooting range was formerly located in the vicinity of the project area and expressed concern about the possibility of residual lead contamination from bullets fired. As described by the City's environmental consultant, the hazardous materials data base search for the pump station project did not reveal the existence of the shooting range or any evidence of previously reported hazardous materials of the location. At the conclusion of discussion, the Planning Commission continued the public hearing to the meeting of February 22, 2017 with further continuance to tonight's Planning Commission meeting to allow the City's environmental consultant to provide a Phase 1 Environmental Site Assessment to address if there are any potential impacts from previous use of the project area as a shooting range.

The Phase 1 analysis prepared concludes that no additional environmental analysis is recommended for the project area, although there was reported use of a northerly portion of the area, approximately 480 feet north of the pump station site, as a shooting range from the late 1960's to the early 1980's. The information regarding the use of the site as a Buena Park Police Department shooting range was obtained during separate interviews with five retired Buena Park Police Department officers who used the range. As unanimously described by the five retired officers, participants fired their weapons in a northerly direction, away from the pump station area, toward targets placed adjacent to the hillside. Therefore, a potential environmental condition was identified for possible lead contamination from bullets/casings from the shooting range. However, due to the distance of the range from the project area and since no grading or construction will occur in the area of the former shooting range, no further action will be required. If project grading or construction was proposed in this area or is proposed in the future, soil sampling and analysis would be appropriate to assess the possible presence of lead contamination in the area used for the targets. In summary, since no project grading or construction is proposed in the area identified, no further investigation is warranted.

In addition, there was also an inquiry from a member of the Planning Commission regarding the proposed custom design of the pumping station rather than as a pre-packaged pump station. The Project Engineer has confirmed that the custom design is appropriate given the scope and scale of the project and that the custom design is consistent with accepted industry standards for a pump station of the function and size proposed.

The proposed vital new pumping station will provide critical water production capability with replacement of the existing substandard, obsolete, underperforming facility. The replacement pumping station is essential to providing a sustainable water supply for area residents. The facility will assist the City in maintaining adequate system pressure in emergency situations when imported water may be unavailable to pressurize the upper zones of the service area. In addition, the site and architectural character of the proposed water pumping facility will include design, scale, buffering, circulation, access and security features to properly integrate with area development.

As determined by the Cities of Fullerton and Buena Park, all required on-site permits and inspections will be the responsibility of Buena Park. All required permits for off-site/public right-of-way work shall be obtained from Fullerton.

The proposed Mitigated Negative Declaration for the project recommends a Mitigation Monitoring and Reporting program, including required actions, timing and responsible parties, to ensure that there are no unmitigated environmental impacts. Staff believes that the associated Mitigation Monitoring and Reporting Program adequately addresses the potential environmental impacts discussed in the attached Initial Study. All potential impacts will be either avoided or reduced to achieve a level of environmental insignificance.

Staff is of the opinion that the proposed Initial Study/Mitigated Negative Declaration (MND) provides sufficient analysis to support the required environmental determination for the proposed replacement of the obsolete pump station, consistent with CEQA requirements. The document appropriately analyzes the potential environmental impacts associated with construction of the new water pumping station. Based on the required Mitigation Monitoring and Reporting Program, any potential project impacts will be reduced to a level of environmental insignificance.

The City of Buena Park prepared and circulated the attached Initial Study/Mitigated Negative Declaration for the proposed development which discusses environmental categories, potential for and degree of impacts, and mitigation requirements, as appropriate. The public review period began on January 5, 2017 and ended on February 4, 2017. Potential issues summarized and addressed, including timing, responsible parties, and mitigation requirements, in the Mitigation Monitoring and Reporting Program are as follows:

Air Quality
Biological Resources
Cultural Resources
Geology and Soils
Noise
Transportation and Traffic

The Initial Study/Mitigated Negative Declaration concludes that all potentially significant environmental impacts can be reduced to a level of environmental insignificance, with the associated Mitigation Monitoring and Reporting Program. As required, the project design and construction will incorporate the mitigation measures proposed within the Mitigated Negative Declaration to ensure that identified potential environmental impacts are addressed.

Notice of Availability and Intent to Adopt a Mitigated Negative Declaration for the Rosecrans Booster Pump Station Replacement Project was posted at the project site and at City Hall, the Buena Park Library, and on the City website (BuenaPark.com) and was sent to interested agencies and organizations on January 5, 2017.

Notice of the Planning Commission public hearing to consider a recommendation to the City Council regarding the Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program was posted online at City Hall, the Buena Park Public Library, and Ehlers Community Center on January 26, 2017; 32 notices were mailed to property owners within a 300 ft. radius of the subject property and 71 notices were mailed to residential property owners to the north and west of the site in the City of Fullerton on January 26, 2017.

Chair Schoales asked if there were any questions for staff.

Commissioner McGuire stated that he will abstain from voting on this item due to a possible conflict of interest. He said his design firm worked with Psomas, the environmental consultants for the proposed project.

In response to Mr. Fox, Commissioner McGuire clarified that although the possible conflict is not financial in nature, he preferred to abstain from voting on the project.

In response to Chair Schoales, Mr. Rosen confirmed that the project proponent for this proposal is the City of Buena Park.

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.

Alton Purnell, 7512 Wainwright Dr., Buena Park, CA, expressed concern that demolition of the existing booster pump station would leave an unattractive site detrimental to the surrounding neighborhood.

Mr. Rosen said that the new booster pump station will be constructed in the same location as the obsolete pump station to be demolished.

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 recommending consideration by City Council in a separate hearing.

Commissioner Capelle moved, and Commissioner Agrusa seconded, the motion to adopt the following Resolution recommending consideration by City Council in a separate hearing.

**RESOLUTION NO. 6032
MITIGATED NEGATIVE DECLARATION NO. MND17-01**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL CERTIFY A MITIGATED NEGATIVE DECLARATION FOR A PROPOSED BOOSTER PUMP STATION AT 8781 ROSECRANS AVENUE IN THE CITY OF FULLERTON

AYES: 5 COMMISSIONERS: Capelle, Agrusa, Barstow, Chung, and Schoales

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Diep

ABSTAIN: 1 COMMISSIONER: McGuire

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Saltzberg said a Site Plan to construct a new two-story single-family residence at 8761 Somerset is scheduled for the next regularly scheduled Planning Commission meeting on April 12.

STAFF REPORTS:

Mr. Rosen said a Special Meeting of the Planning Commission is tentatively scheduled for April 12, with an earlier start time of 6:00 p.m. or 6:30 p.m., depending on the availability of the Planning Commissioners.

COMMISSION REPORTS:

None

ADJOURNMENT: At 7:25 p.m., Chair Schoales adjourned to the regularly scheduled Planning Commission meeting on Wednesday, April 12, 2017, in the City Council Chamber.

James Schoales
Chair

ATTEST:

Joel W. Rosen, AICP
Secretary