

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
June 28, 2017

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on June 28, 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
Eunice Im, Planning Intern
Patricia Malagon, Planning Intern
Kirt Coury, Contract Planner
Craig Fox, Assistant City Attorney
Iris Lee, Assistant City Engineer
Ruth Santos, Senior Administrative Assistant

CONSENT CALENDAR:

1. **APPROVAL OF MINUTES** Meeting of June 14, 2017

RECOMMENDED ACTION: Approve

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

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Diep

ABSTAIN: 0 COMMISSIONER:

2. **EXTENSION OF APPROVAL EXT17-25753**

A request for a one-year extension of time for Variance No. V16-001 as previously approved by the Planning Commission for reduced front setback in conjunction with constructing a 4,679 sq. ft. medical office complex at 6102-6112 Beach Boulevard within the CG (General Commercial) zone. The project is Class 32, Section 15332, categorically exempt from CEQA.

PROPERTY OWNER/APPLICANT: Lukas Patuwo
16302 Avenida San Miguel
La Mirada, CA 90638

RECOMMENDED ACTION: Adopt Resolution of Approval

The properties are zoned CG (Commercial General) and are developed with a single family residence and a vacant office building. The adjacent properties to the north and south are zoned CG and developed commercially. Adjacent properties to the east are zoned CG and developed with legal non-conforming single family residences. The property to the west, across Beach Boulevard, is zoned ACSP and developed with an auto dealership.

Staff recommends that the Planning Commission adopt the attached Resolution approving Extension of Approval No. EXT17-25753 with findings and conditions.

The 12,000 sq. ft. project site consists of two 6,000 sq. ft. parcels, with 50 ft. street frontages and 120 ft. lot depths. The parcel at 6102 Beach Boulevard is developed with a 1,287 sq. ft. single family home. 6112 Beach Boulevard is developed with a 2,890 sq. ft. vacant office building. The owner purchased the properties for development of a medical office complex, to include his dental practice, with demolition of the house and renovation of the existing office building.

The properties on Beach Boulevard adjacent to the subject site were developed in the mid-to-late 1950's, under previous code requirements. The current front setback requirement is 20 ft. The building to the north, located at 6086 Beach Boulevard and the building to the south, located at 6122 Beach Boulevard, are built to the front property lines.

On May 25, 2016, the Planning Commission conducted and concluded a noticed public hearing on Variance No. V16-001 before adopting Resolution No. 6001 approving the request. Plans for the approved project have been submitted to the City for building permit plan check and the applicant is currently revising the plans under the direction of the Building Division. However, the applicant was unable to complete the required plan check, obtain building permits, and begin construction by the required deadline of June 10, 2017. Therefore, the applicant is requesting extension of the Variance.

The submitted request is for a one-year extension of time for previously approved Variance No. V16-001 for reduced front setback in conjunction with establishing a 4,679 sq. ft. medical office complex.

Section 19.132.010(H)(1) of the City of Buena Park Zoning Ordinance allows the Planning Commission, or City Council on appeal, to grant Variance extensions for up to one year if the earlier expiration of the variance is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare.

Staff has reviewed the application and believes that granting the Variance extension is appropriate pursuant to Section 19.132.010(H)(1) of the Zoning Code. The applicant has made substantial progress toward obtaining the required permits, including submittal of plans for building permit plan check. All Conditions of Approval for Variance V16-001 shall remain in full force and effect as no modifications to the project or the development plans as approved by the Planning Commission are proposed. The project will contribute toward site

and area enhancement, as originally approved. As recommended, this extension shall expire June 10, 2018, if construction as previously approved for the property has not commenced.

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

Commissioner Barstow moved and Commissioner Capelle seconded the motion to approve Extension of Approval No. EXT17-25753

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Diep

ABSTAIN: 0 COMMISSIONER:

**RESOLUTION NO. 6056
EXTENSION OF APPROVAL EXT17-25753**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR PREVIOUSLY APPROVED VARIANCE NO. V16-001 TO REDUCE THE FRONT SETBACK IN CONJUNCTION WITH DEVELOPING A NEW 4,679 SQ. FT. MEDICAL OFFICE COMPLEX AT 6102-6112 BEACH BOULEVARD WITHIN THE CG (GENERAL COMMERCIAL) ZONE

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

NEW BUSINESS:

3. SITE PLAN NO. SP17-25618

A request for a new 510 sq. ft single story addition to the front of the existing residence and the addition of a new 689 sq. ft. second story at 7324 Santa Elena Drive within the RS-6 (One Family Residential) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: Nicole Guillen
7324 Santa Elena Drive
Buena Park, CA 90620-3121

APPLICANT: William Chung
17615 Pioneer Boulevard
Artesia, CA 90701

RECOMMENDED ACTION: Adopt Resolution of 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 Eunice Im, Planning Intern.

The subject property is zoned RS-6 and developed with a one-story single family residence with a total habitable area of 1,171 sq. ft. Adjacent properties to the north, east, south and west are zoned RS-6 and are developed with single family homes.

Staff recommends that the Planning Commission adopt the attached Resolution approving Site Plan No. SP17-25618 with findings of fact and conditions.

The property is located on the south side of Santa Elena Drive with street frontage of 61 ft. and lot area of 6,100 sq. ft. The existing habitable area is 1,171 sq. ft. with a 441 sq. ft. detached garage.

The submitted application and plans propose a single story 489 sq. ft. addition to the front of the home and new 613 sq. ft. second story addition. Upon completion, the home will be a 2,273 sq. ft. two-story single family residence with 5 bedrooms, 3 bathrooms, kitchen, living room, dining room, family room, laundry room, porch, and detached garage.

Section 19.128.040 of the City of Buena Park Zoning Ordinance requires Planning Commission or Zoning Administrator review for the proposed expansion of a single family dwelling that exceeds the greater of 1,100 sq. ft. or 150% of existing habitable area through the Site Plan Review process. This project will increase the living area from 1,171 sq. ft. to 2,273 sq. ft. The goal of the Site Plan Review process is to ensure that the project meets the development standards of the zone and is in harmony with the architectural character of the area and surrounding neighborhood. This process furthers the General Plan goal to maintain and enhance the character of single family residential neighborhoods. Additionally, the proposal complies with the Guidelines for New Single-Family Residences and Residential Additions as adopted by the City Council to promote high-quality construction and privacy for compatibility with adjacent properties.

Staff reviewed the submittal plans, visited the site and surrounding area, and has determined that the property can accommodate the proposed additions in compliance with applicable development standards. As conditioned, the project will impose no adverse impacts on adjacent properties, and complies with all development standards for single family residences within the RS-6 zone, including lot coverage, setbacks, parking, height, and architectural compatibility. The project includes architectural improvements to the expanded home, including an enhanced front entry with columns, new decorative stucco trim around all windows, and decorative wood louver accent vent on the garage.

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

Chair Schoales asked if there were any questions for staff.

There were no questions for staff.

Chair Schoales stated that this is not public hearing; however, if there is anyone wishing to speak on the item, please come forward and state their name and address for the record.

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

Commissioner Capelle moved, and Commissioner Barstow seconded, the motion to adopt the following Resolution approving Site Plan No. SP17-25618 with findings of fact and conditions.

**RESOLUTION NO. 6054
SITE PLAN NO. SP17-25618**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF A SITE PLAN FOR A 489 SQ. FT. FIRST STORY ADDITION AND 613 SQ. FT. SECOND STORY ADDITION AT 7324 SANTA ELENA DRIVE WITHIN THE RS-6 (ONE-FAMILY RESIDENTIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Diep

ABSTAINED: 0 COMMISSIONER:

4. SITE PLAN NO. SP821 MOD17-25490 / VARIANCE V-958MOD17-25490

A request for modification to Site Plan SP-821 (SP-821MOD17-25490) and Variance 958 (V-958MOD17-25490) to allow kitchen amenities to include a microwave, mini-refrigerator, and coffee-maker in each hotel unit at 7828 Orangethorpe Avenue within the ECSP (Entertainment Corridor Specific Plan) zone. The project is not subject to CEQA, per Section 15061(b)(3)

PROPERTY OWNER: Fairfield Inn and Suites by Marriott
7828 Orangethorpe Avenue
Buena Park, CA 90621

APPLICANT: Evelyn Whalen
7828 Orangethorpe Avenue
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolutions of 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 Kirt Coury, Contract Planner.

The property is zoned ECSP (Entertainment Corridor Specific Plan) and developed with the Fairfield Inn and Suites Hotel. The property to the north is zoned BOMUSP (Beach/Orangethorpe Mixed Use Specific Plan) and developed with The Source. The property to the south is zoned ECSP (Entertainment Corridor Specific Plan) and is developed with the Holiday Inn. The property to the west is zoned ECSP (Entertainment Corridor Specific Plan) and is developed with a commercial building. The property to the east is zoned CG (Commercial General) and is developed with a restaurant and commercial building.

Staff recommends that the Planning Commission adopt the attached Resolutions approving Site Plan No. SP-821MOD17-25490 and Variance No. V-958MOD17-25490 with findings of fact and conditions.

The subject property is located on the south side of Orangethorpe Avenue with a street frontage of approximately 363 ft., and an area of approximately 74,536 sq. ft. The property is developed with a 7 story 185 room hotel approved in 1984 through Variance No. V-958 and Site Plan No. SP-821.

On February 8, 1984, the Planning Commission approved V-958 to reconfigure the property into three parcels, with two parcels having less than the required two acre minimum area, and to allow for reduced parking for development and operation of a 189-room hotel. As approved, a condition was included which prohibited kitchen facilities of any kind in the hotel units, including electrical appliances, microwaves and hot plates, in order to ensure the continued availability of hotel lodging for tourists and discourage continuous long-term occupancy. Similar conditions prohibiting kitchen facilities were applied uniformly to all new hotel/motel entitlements at the time.

On August 8, 1984, Planning Commission approved SP-821 for the construction and operation of a 185-room hotel. The approval also contained conditions prohibiting kitchen facilities of any kind in the hotel rooms.

On May 11, 2010, plans were approved per Interdepartmental Review No. 10-002 to enhance the existing hotel to include exterior modifications as part of changing from Hampton Inn to Fairfield Inn and Suites by Marriott (Fairfield Inn). As approved, the exterior renovation included new decorative stucco fascia along the entire building, new enhanced front and rear entry towers, new widened entry columns, and a new standing seam metal roof. Building Permits were also issued for extensive remodeling the interior of the building including all the guest rooms. The approved building plans included provisions for a microwave, mini-refrigerator and a coffeemaker. Unfortunately, the conflict between the building plans and V-958/SP-821 conditions of approval prohibiting any kitchen facilities was not recognized at that time.

The City of Buena Park Neighborhood Improvement Task Force (NITF) conducts annual inspections of all hotels/motels in the City. The NITF consists of representatives from Code Enforcement, Police, Orange County Fire Authority and Orange County Health Department. The purpose of the inspections is to ensure that hotels/motels are complying with all public health and safety laws, required conditions of approval and City ordinances such as Buena

Park Municipal Code Section (BPMC) 19.552.110, Hotels, Motels, and Motor Hotels, (adopted in 1996). The discrepancy between the V-958/SP-821 conditions of approval prohibiting kitchen facilities was noted during one of Fairfield Inn's most recent inspections.

BPMC 19.552.110 was adopted primarily to ensure that hotels and motels continue to offer transient lodging for periods of less than 30 consecutive days, unless certain development standards, operating services and amenities are met and a Conditional Use Permit (CUP) is obtained. It should be noted that the Fairfield Inn meets all the required development standards, operating services, and amenities to apply for the required CUP exceeding the 30 day occupancy limit.

The applicant is requesting deletion of the current Variance and Site Plan conditions prohibiting kitchen facilities in order to allow retention of tourist-oriented amenities including a microwave, mini-refrigerator, and coffee-maker in each hotel unit.

The applicant has submitted an application to delete the current Site Plan and Variance conditions restricting "Kitchen facilities of any kind, including electrical appliances, microwaves and hot plates" in the hotel units in order to allow amenities to include a microwave, mini-refrigerator, and coffee-maker in each hotel unit. The amenities are for use by the hotel guests and enhance the tourism experience and quality of service at the existing hotel. No building or site modifications are proposed. Site ingress and egress will continue to be provided via existing driveways along Orangethorpe Avenue.

Section 19.128.040.C of the City of Buena Park Zoning Ordinance allows the Planning Commission to consider modifications to Site Plans. Section 19.132.010.B of the City of Buena Park Zoning Ordinance allows the Planning Commission to consider modifications to a Variance. Modification of the current Site Plan and Variance conditions to delete the current prohibition of kitchen facilities, including electrical appliances, microwaves and hotplates, is required in order to allow the requested amenities in the hotel units.

In reviewing the applicant's request, Staff reviewed plans and visited the site and surrounding area and is of the opinion that the character of the existing hotel facility is appropriate to support the retention of the amenities to include a microwave, mini-refrigerator, and coffee-maker in each of the hotel units.

The hotel has modernized throughout the years in order to continue to promote the entertainment district and serve tourists. In order to continue to provide quality service to tourists, the applicant is proposing to retain existing amenities in each hotel unit to include a microwave, mini-refrigerator, and coffee-maker. The amenities will support the ongoing hotel efforts to promote the entertainment district and continue to serve the tourist guests by enhancing the quality of service provided to guests.

The hotel ownership has extensive experience and demonstrated capability in hospitality management and marketing with a focus on tourism services. The amenities in each hotel unit will enhance the guest experience and contribute toward continued quality hotel services for tourists.

The project is not subject to CEQA in compliance with Section 15061(b)(3).

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on June 15, 2017, and 15 notices were mailed to property owners within a 300 ft. radius of the subject property on June 15, 2017.

Chair Schoales asked if there were any questions for staff.

Commissioner Barstow asked if the requested amenities will be in a common area or in each separate unit.

Mr. Coury said the amenities will be located in each hotel unit.

Commissioner Agrusa asked if the amenities under application are standard for hotels and motels, and whether safety standards are in place.

Mr. Rosen explained that the amenities were allowed in many of the older hotels and motels; however, the new ones had prohibitions on these features. Mr. Rosen said similar requests may come from newer establishments in order to enhance quality of service to guests.

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.

Mario Diaz, applicant representative, 7828 Orangethorpe Avenue, Buena Park, CA, said the amenities passed safety standards.

Mr. Rosen added that the hotel passed inspections that were conducted during the remodeling process.

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 Agrusa seconded, the motion to adopt the Resolutions approving Site Plan No. SP821 MOD17-25490/Variance No. V-958MOD17-25490 with findings of fact and conditions therein.

**RESOLUTION NO. 6055
SITE PLAN NO. SP-821MOD17-25490**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR SITE PLAN NO. SP-821MM17-25490 TO ALLOW AMENITIES TO INCLUDE A MICROWAVE, MINI-REFRIGERATOR, AND COFFEE-MAKER IN EACH HOTEL UNIT AT AN EXISTING HOTEL IN THE ECSP (ENTERTAINMENT CORRIDOR SPECIFIC PLAN) ZONE AT 7828 ORANGETHORPE AVENUE

**RESOLUTION NO. 6057
VARIANCE NO. V-958MOD17-25490**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF VARIANCE NO. V-958MOD17-25490 TO ALLOW AMENITIES TO INCLUDE A MICROWAVE, MINI-REFRIGERATOR, AND COFFEE-MAKER IN EACH HOTEL UNIT AT AN EXISTING HOTEL IN THE ECSP (ENTERTAINMENT CORRIDOR SPECIFIC PLAN) ZONE AT 7828 ORANGETHORPE AVENUE

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Diep

ABSTAINED: 0 COMMISSIONER:

5. DEVELOPMENT AGREEMENT NO. DA16-008

A request to consider a recommendation to the City Council to construct a three-story mixed-use development to include approximately 1,600 sq. ft. of office space and 700 square feet of utility/storage space, as well as four residential units totaling approximately 6,730 sq. ft., and other associated parking lot and site improvements on the approximately .15 acre site located at 5108 Homewood Avenue in the CO (Commercial Office) zone with a General Plan land use designation of General Mixed-Use. The proposed project has been reviewed and found to be within the scope of the previously certified Program EIR for the Buena Park 2035 General Plan Update (SCH #2009111026) and the previously certified Program EIR adequately describes for the purposes of CEQA the proposed project as required by Section 15168 of CEQA Guidelines.

PROPERTY OWNER: VIP Gold LLC
Violet Chen, Manager
P.O. Box 2428
Fullerton, CA 92837

APPLICANT: Myung Chung
9040 Flair Drive, Suite 128
El Monte, CA 91731

RECOMMENDED ACTION: Continue to the next regularly scheduled Planning Commission meeting of July 12, 2017, to provide a revised public hearing notice including an updated project description and corrected project address

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

Chair Schoales advised that staff is requesting continuance to the next regularly scheduled Planning Commission meeting of July 12, 2017.

Chair Schoales asked if there were any questions for staff.

There were no questions for staff.

Chair Schoales stated that this item requires a public hearing. However, at the advice of Craig Fox, City Attorney, Chair Schoales did not formally open the public hearing as the project applicant was not present.

Chair Schoales advised that the item requires a Minute Action to approve continuance of the item to the Planning Commission meeting of July 12, 2017.

The MOTION CARRIED unanimously.

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Diep

ABSTAINED: 0 COMMISSIONER:

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Saltzberg said that the the proposed project at 5801 Homewood, as continued, will be considered at the next Planning Commission meeting.

STAFF REPORTS:

Mr. Rosen updated the Planning Commissioners on discussions held at the June 27th City Council Study Session on City participation in Fullerton Joint Union High School District facility improvement projects; the proposed Arirang Festival location; and the Complete Streets Master Plan.

Mr. Rosen announced the resignation of Planning Intern Eunice Im. Ms. Im has accepted a full-time Planner position in the City of San Clemente.

Mr. Rosen introduced Patricia Malagon, new Planning Intern.

COMMISSION REPORTS:

Commissioner McGuire said he will be unable to attend the Planning Commission meeting on July 12.

ADJOURNMENT: At 7:30 p.m., Chair Schoales adjourned to the Planning Commission meeting of July 12, 2017, Wednesday, at 7:00 p.m. in the City Council Chamber.

James Schoales
Chair

ATTEST:

Joel W. Rosen, AICP
Secretary

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