

**CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
September 13, 2017**

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on September 13, 2017, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Diep presiding.

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

Joel W. Rosen, AICP, Director of Community Development  
Jay Saltzberg, Planning Manager  
Brady M. Woods, Senior Planner  
Swati Meshram, Ph.D., AICP, LEED AP, Associate Planner  
Iris Lee, Assistant City Engineer  
Ruth Santos, Senior Administrative Assistant

**1. APPROVAL OF MINUTES Meeting of August 23, 2017**

**RECOMMENDED ACTION: Approve**

Commissioner Barstow abstained from voting on this item because of his absence from the meeting of August 23, 2017.

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

**AYES: 6 COMMISSIONERS: Capelle, Chung, Agrusa, McGuire, Schoales and Diep**

**NOES: 0 COMMISSIONER:**

**ABSENT: 0 COMMISSIONER:**

**ABSTAIN: 1 COMMISSIONER: Barstow**

**PUBLIC HEARING:**

**NEW BUSINESS:**

**2. CONDITIONAL USE PERMIT NO. CU17-26444**

A request to establish and operate a karaoke recording studio with the sale of beer, wine, and spirits for on-site consumption and live entertainment within an existing multi-tenant commercial development located at 8560 Beach Boulevard, Unit C, within the CG (Commercial General) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: Samsung Development  
Daniel Lee  
8522-8600 Beach Boulevard  
Buena Park, CA 90620

APPLICANT: Doo Youl Kim  
8560 Beach Boulevard, Unit A  
Buena Park, CA 90620

RECOMMENDED ACTION: Adopt Resolution of Approval

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

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

The subject property is zoned CG (Commercial General) with the B CAO (Beach Crescent Architectural Overlay) designation and is currently developed with an integrated commercial center that includes a restaurant building and two multi-tenant commercial buildings. The property is part of an integrated development with the two adjacent parcels developed with Farrell's Restaurant and Millennium Clothing. The property to the north is zoned CG and is developed with the Best Host Inn. The properties to the east, across Stanton Avenue, are zoned CG and GMU (General Mixed Use) and are developed with the Knights Inn Motel, the Dorado Senior Apartments, and a residential/office mixed use development currently under construction. The properties to the south are zoned CG and are developed with a multi-tenant commercial building. The properties to the west, across Beach Boulevard, are zoned CG and RS-6 (One Family Residential) and are developed with the Walgreens pharmacy and single family homes.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU17-26444 with findings of fact and conditions.

The integrated development under application is generally located within the triangle between Beach Boulevard, Stanton Avenue, and Crescent Avenue, with street frontages of 550 ft. along Stanton Avenue and 750 ft. along Beach Boulevard, and a total land area of 4.2 acres. In 1967, the Planning Commission approved Variance No. V-525 to establish a Firestone Tires building within an existing integrated center with reduction in required parking for the integrated development. The variance allowed for reduction of 22 parking spaces, for a minimum of 263 spaces. The integrated center was later divided into three individual parcels which are required to maintain reciprocal access, parking and circulation agreements. The three parcels comprising the integrated center are separately owned. The individual property under application is developed with a 17,016 sq. ft. multi-tenant building and features a recently approved 4,000 sq. ft. billiards parlor, a 3,116 sq. ft. hookah lounge, and 5,900 sq. ft. of vacant retail tenant space.

The submitted application, plans, and business plan, propose operation of an approximately 4,000 sq. ft. karaoke recording studio with sale of beer, wine, and spirits for on-site consumption, and live entertainment within an in-line tenant suite at an existing 17,016 sq. ft. multi-tenant commercial development. The proposed karaoke recording studio will maintain a total of fourteen (14) karaoke rooms, a waiting/lobby area, a kitchen and two restrooms.

Each karaoke room will be divided by walls with clear glass windows between each individual room as well as a clear glass window into the common hallway, as conditioned. Each karaoke room entrance door will also be made of glass and has been conditioned to not allow any type of locking devices. The proposed business will employ approximately 6 serving staff, 3 kitchen staff and 4 front lobby cashiers. The proposed hours of operation for the karaoke recording studio are 4:00 p.m. to 2:00 a.m. daily. The applicant operates several karaoke businesses including Octave 18 Karaoke located at 7421 Orangethorpe Avenue in Buena Park.

Business operations include hourly room charges which include the full use of karaoke sing along equipment as well as the use of electronic recording and playing back equipment in which customers may create their own musical CD's. Food and drink service will be provided by waiters who service the karaoke rooms. Food to be served will be cooked and prepared onsite and will include a variety of Asian dishes. Under the proposal the applicant is also requesting to establish the sale of beer, wine, and spirits for on-site consumption. The sale and beer, wine, and spirits will be served to customers in karaoke rooms only. There is no bar or walk up service of alcohol proposed. All alcohol will be stored within the private kitchen area of the business and served by business employees only. Additionally, no exterior modifications to the tenant storefront are proposed.

As shown on the submitted site plan, there are 267 existing parking spaces provided at the commercial center. The proposed eighty-four (84) seat karaoke recording studio use will require thirty-five (35) parking spaces, based on a rate of 2.4 persons per vehicle. This parking rate was utilized for the applicant's previously approved parking study for an existing karaoke recording studio in Buena Park. The integrated commercial center is required to maintain reciprocal parking among all uses per a previously approved reciprocal parking, access, and circulation agreements. Parking, access, and circulation for the commercial center will not be altered as part of this application.

Section 19.512.010 of the Zoning Code requires Planning Commission review and approval for the establishment of a recording studio, any use proposing on-site alcoholic beverage sale and consumption, and any use requiring an entertainment permit via the Conditional Use Permit process. In reviewing the applicant's request, staff reviewed proposed plans and other local karaoke recording studios, as well as visited the property and is of the opinion that the existing tenant space and site are adequate to support the proposed karaoke recording studio with on-site sale and consumption of beer, wine, and spirits, and live entertainment.

To ensure compatibility, staff has included conditions that require that all karaoke rooms include glass windows between each individual room as well as clear glass windows between each room and the hallway and clear glass doors to the hallway that shall not include any lock devices. Conditions have also been included that require views into the rooms remain unobstructed at all times. In addition, the provision of a security guard during the karaoke recording studio hours of operation will prevent loitering, excessive noise, and other potential impacts, further ensuring compatibility with other businesses within the commercial center. Restricted business operations, including prohibition of live entertainment other than karaoke, and prohibiting indoor smoking will further ensure compatibility with existing and anticipated uses on-site and in the area. Food service will provide an appropriate amenity.

Staff believes that the adjacent uses at the site and in the surrounding area will not be negatively affected by the proposed business, as conditioned. The existing restaurant,

hookah lounge, and billiards parlor within the center maintain hours of operation ranging from 10:00 a.m. to 4:00 a.m. which will coincide with the proposed business. The existing restaurant operates from 5:00 p.m. to 12:00 a.m., the hookah lounge maintains closing hours of operation at 4:00 a.m., and the billiards parlor is approved to operate from 10:00 a.m. to 2:00 a.m. Other businesses at the site operate generally between 10:00 a.m. and 9:00 p.m. Staff agrees with the applicant's proposal to maintain hours of operation from 4:00 p.m. to 2:00 a.m. daily based on a six (6) month Planning Commission review to take input from the police department regarding any calls for services or complaints from nearby businesses or residents.

The Buena Park Police Department reviewed this application and provided the attached memo, dated August 8, 2017, concluding that there are no issues with the project as proposed. Conditions have been included prohibiting loitering and excessive noise to prevent potential negative impacts to the surrounding businesses and properties. To further ensure security, additional conditions were included to prohibit underage alcohol consumption and outside beverages brought into the facility, as well as window displays, treatments and signage that would obstruct visibility into the establishment. The applicant will also be required to obtain annual Entertainment Permits through the Community Development Department and Police Department which will detail all proposed entertainment types to be approved with associated restrictions.

As conditioned to limit intensity and preclude potential negative impacts, staff is of the opinion that the use will be compatible within the multi-tenant commercial center as well as with uses within the surrounding area. The proposed business will increase the viability and economic stability of the existing commercial center and provide a private recreational facility for the surrounding community.

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 September 1, 2017 and 25 notices were mailed to property owners within 300 ft. radius of the subject property on September 1, 2017.

Chair Diep asked if there were any questions for staff.

Commissioner Capelle asked about existing karaoke businesses in the City.

Mr. Woods said the only known karaoke business in the City is Octave 18 at 7421 Orangethorpe Avenue, which is owned by the applicant.

Commissioner Schoales said he remembers a previous karaoke business along Beach and Malvern, which closed.

Commissioners Capelle asked if there have been complaints about the applicant's existing karaoke business.

Staff said there have been no complaints.

Commissioner Schoales noted the rear doors facing the Best Host Motel and asked if there are restrictions in place to prevent customers from using the area to the rear as a smoking area.

Mr. Woods said the doors will be used for emergency egress only and will remain closed at all times.

Commissioner Schoales asked for the type of alcohol license that the applicant is applying for.

Mr. Woods said the applicant is applying for Type 47 which includes beer, wine, and liquor.

Mr. Rosen added that it is the same type of license that Octave 18 currently has.

Commissioner Schoales asked if the hookah lounge is still in operation.

Mr. Woods said the hookah lounge is still in business.

Commissioner McGuire asked for the operating hours of the adjacent hookah lounge.

Mr. Woods said the hookah lounge closes at 4:00 a.m. Friday and Saturday, and closes at 2:00 a.m. on other days.

Commissioner McGuire recalled there were concerns raised about noise when the hookah lounge application came before Planning Commission. He asked if there are current complaints.

Mr. Rosen said the business owner was responsive and the concerns were resolved. He added that there are no negative noise impacts on the surrounding businesses.

Chair Diep 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.

Simon Yoon, business owner, said Octave 18 has been open for almost ten years now and he would like to open another one.

Commissioner Capelle asked how karaoke entertainment operates. She said she is aware that a group of people book a room, alcohol is served, and each group holds its own karaoke show-type party.

Mr. Yoon confirmed that Commissioner Capelle's description is accurate. He added that there is tight security which includes inspection of customers' bags at the entrance, monitoring of premises through video cameras, and windows in each room through which the activities inside can be seen. Mr. Yoon also said that there is sufficient insulation in every room to minimize noise.

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

Commissioner Barstow moved, and Commissioner Capelle seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU17-26444 with findings of fact and conditions therein.

**RESOLUTION NO. 6064  
CONDITIONAL USE PERMIT NO. CU17-26444**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU17-26444, TO ESTABLISH AND OPERATE A KARAOKE RECORDING STUDIO WITH SALE OF BEER, WINE, AND SPIRITS FOR ON-SITE CONSUMPTION, AND LIVE ENTERTAINMENT WITHIN AN EXISTING MULTI-TENANT COMMERCIAL DEVELOPMENT LOCATED AT 8560 BEACH BOULEVARD UNIT C IN THE CG (COMMERCIAL GENERAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

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

**NOES: 0 COMMISSIONER:**

**ABSENT: 0 COMMISSIONER:**

**ABSTAINED: 0 COMMISSIONER:**

**3. TEXT AMENDMENT NO. C17-26701**

A request for recommendation to the City Council to approve Zoning Text Amendment No.C17-26701 and related Municipal Code Amendments prohibiting all medical and non-medical commercial cannabis activity, prohibiting outdoor cannabis cultivation and regulating indoor cannabis cultivation consistent with state law, and amending Title 8 (Health, Safety, and Welfare) and Title 19 (Zoning Ordinance) of the Buena Park Municipal Code.

**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 Diep, Ms. Santos stated that staff had received no written communication on the item.

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

Staff recommends that the Planning Commission adopt the attached Resolution recommending that the City Council approve Text Amendment No. C17-26701.

Currently, all commercial medical and non-medical cannabis businesses in the City, including outdoor cannabis cultivation at private residences, are prohibited by interim urgency ordinances of the City. The interim ordinances were adopted by the City Council in response to changes in State Laws and regulations. State Law and regulations allow cities to permit or

prohibit commercial medical and non-medical cannabis businesses and activities. (See attached April 25, 2017 City Council Study Session Agenda Report status update and discussion regarding California marijuana laws from the City Attorney).

The City Attorney has prepared the attached Ordinance proposing revisions to the Municipal Code to prohibit cannabis uses and activities in all zones, to the maximum extent permitted by State law.

The proposed revision of the Zoning Code (Title 19) requires recommendation by the Planning Commission to the City Council. Revision of the Health, Safety and Welfare Code (Title 8), including cannabis prohibitions and regulations, is included for Planning Commission reference only, as part of the overall City regulatory framework for Cannabis. The portion of the Ordinance pertaining to Title 8 is not subject to Planning Commission review and will be considered separately by the City Council.

The proposed ordinance will modify the Zoning Code (Title 19) and the Health, Safety, and Welfare Code (Title 8) to prohibit all medical and non-medical commercial cannabis activities, prohibit outdoor cannabis cultivation, and regulate indoor cannabis cultivation, consistent with State Law.

As included in the proposed ordinance, the Zoning Code amendment defines all commercial cannabis uses, activities, and operations as prohibited in all zones and overlay districts within the city. There shall be no establishment, maintenance, conduct of, or permission granted for commercial cannabis uses. Outdoor cultivation of cannabis is prohibited. The proposed Zoning Code amendment prohibits approval of any permit or entitlement authorizing the establishment, operation, maintenance, development, or construction of any commercial cannabis use.

Indoor cultivation of cannabis is allowed under the following limited circumstances in compliance with State Law:

- 1) Cannabis cultivation shall only occur indoors at a private residence, or inside an enclosed accessory structure located upon the grounds of a private residence.
- 2) Only persons twenty-one (21) years of age or older may cultivate cannabis. Any cannabis cultivation must comply with the requirements of California Health and Safety code sections 11362.1 and 11362.2.
- 3) Cannabis cultivation is permitted only within fully enclosed and secure structures.
- 4) Cannabis cultivation is limited to a total of six (6) plants.

Staff has analyzed the potential impact of this Text Amendment on the City of Buena Park and has determined that prohibiting the establishment and operation of cannabis uses and activities as recommended in all zones will promote the orderly development of the City and protect the public health, safety, and welfare, in compliance with State law. In addition, the Text Amendment specifies cannabis prohibitions and regulations to comprehensively protect the community interest. Therefore, no significant resulting impacts are anticipated. The proposed Text Amendment will be consistent with the City's General Plan and will provide appropriate procedures and standards to promote sound land use and development

practices within the City, without having a detrimental effect upon land available for housing within the City.

This project is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Notice of this public hearing was published in the Buena Park Independent on August 1, 2017

Chair Diep asked if there were any questions for staff.

Commissioner Capelle asked about possible legal challenges to the proposed ordinances.

Mr. Fox explained that Proposition 64 provides for local zoning control and pertains to commercial activities only. He said he does not foresee any legal challenges. Mr. Fox also clarified that the City does not receive revenue if there is a prohibition.

Chair Diep and Commissioner Agrusa asked if the limit of six cannabis plants allowed is based on the number of individuals per home.

Mr. Fox said the limit of six is per single family home or per apartment in a multi-family structure.

Chair Diep noted that the ordinance does not specify the "per residence" part of the limitation.

Mr. Fox said it is mentioned in the section that requires compliance with the Proposition which specifies the limitation of six plants per residence.

Chair Diep asked if there are special Building requirements for structures with cannabis plants.

Mr. Fox said the usual compliance with Building codes for specific structures will be required. Commissioner Agrusa asked if approving the proposal would mean approving the prohibition.

Chair Diep clarified that approving the application discussed at this meeting means approving the recommendation to City Council for approval of permanent prohibition.

Chair Diep 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.

There being no one wishing to speak on the matter, Chair Diep closed the public hearing and advised that the item requires a Resolution recommending City Council approval.

Commissioner Barstow moved, and Commissioner Capelle seconded, the motion to adopt the Resolution recommending City Council approval of Zoning Text Amendment No. C17-26701.



**RESOLUTION NO. 6065  
TEXT AMENDMENT NO. C17-26701**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING TEXT AMENDMENT NO. C17-26701, INCLUDING RELATED MUNICIPAL CODE AMENDMENTS, TO THE BUENA PARK MUNICIPAL CODE PROHIBITING ALL MEDICAL AND NON-MEDICAL COMMERCIAL CANNABIS ACTIVITY, PROHIBITING OUTDOOR CANNABIS CULTIVATION AND REGULATING INDOOR CANNABIS CULTIVATION CONSISTENT WITH STATE LAW, BY AMENDING TITLE 19 (ZONING CODE), IN CONJUNCTION WITH ASSOCIATED REVISIONS TO TITLE 8 (HEALTH, SAFETY, AND WELFARE) WHICH WILL BE SEPARATELY CONSIDERED BY THE CITY COUNCIL**

**AYES: 6 COMMISSIONERS: Barstow, Capelle, Agrusa, McGuire, Schoales, and Diep**

**NOES: 1 COMMISSIONER: Chung**

**ABSENT: 0 COMMISSIONER:**

**ABSTAINED: 0 COMMISSIONER:**

**ORAL COMMUNICATIONS:**

None

**AGENDA FORECAST:**

None

**STAFF REPORTS:**

Mr. Saltzberg announced his retirement at the end of the month.


Chair Diep and Commissioners Capelle and Barstow expressed their gratitude to Mr. Saltzberg in behalf of Planning Commission.

Mr. Rosen introduced Swati Meshram, Associate Planner.

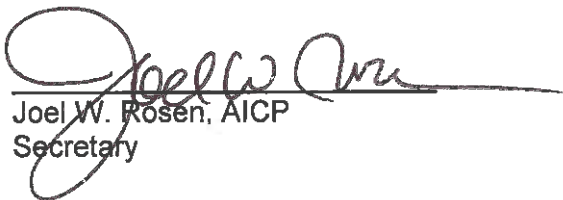
**COMMISSION REPORTS:**

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

**ADJOURNMENT:** At 7:40 p.m., Chair Diep adjourned to the Planning Commission Study Session immediately following this meeting, in the City Council Chamber.

  
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Deborah Diep  
Chair

ATTEST:

  
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Joel W. Rosen, AICP  
Secretary

**CITY OF BUENA PARK  
PLANNING COMMISSION**

**STUDY SESSION MINUTES  
SEPTEMBER 13, 2017**

The Planning Commission of the City of Buena Park convened in a Study Session at 7:45 p.m. on September 13, 2017, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Diep presiding.

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

**ALSO PRESENT:**

Joel W. Rosen, AICP, Director of Community Development  
Jay Saltzberg, Planning Manager  
Brady M. Woods, Senior Planner  
Swati Meshram, Ph.D., AICP, LEED AP, Associate Planner  
Iris Lee, Assistant City Engineer  
Ruth Santos, Senior Administrative Assistant

Chair Diep called the Study Session to order at 7:45 p.m.

**STUDY SESSION:**

**VIP HOMES PROJECT - 5801 HOMEWOOD**

The report was presented by Dr. Swati Meshram, Associate Planner.

The subject property is located on Homewood Avenue between Franklin and Holt Streets. The current land use is General Mixed Use and Zoning is Commercial Office. The applicant is proposing a Zone Change to General Mixed Use along with a Development Agreement and Tentative Parcel Map to demolish an existing legal nonconforming single family residence and construct a new three-story 11,116 sq. ft. residential condominium building. The revised proposal consists of a three-story residential project with three units, two garage spaces for each dwelling unit, and two guest spaces provided on the driveways for a total of 12 parking spaces.

Each unit has a private open space on the roof which is accessed through their private stairwell. Amenities are provided at this level. The following are key differences between the previous and revised proposals:

1. The units sizes are larger by an average of 925 sq ft per each unit;
2. Stairwells are now designed to be within the individual unit;
3. Each unit has a private two-car garage with two driveway guest parking spaces, versus the previous group parking layout.
4. The reduced number of units to three puts the project below the threshold for providing ADA related requirements.

Upon review, the staff feels that the proposal meets applicable standards, provides excess parking, enhanced privacy and overall an improved proposal than the version previously reviewed. It meets the long term vision for the site.

Commissioner Schoales recalled that the undergrounding of power poles in certain areas was part of the approval of the OnBeach project. He said the undergrounding of power poles is part of the ultimate goal of the General Plan, and asked if the same will apply to this project.

Ms. Lee said the undergrounding of power poles in an entire block is a high-cost project that will also involve the utility companies and the formation of a Rule 20B underground utility district through a property owner petition to the City.

Mr. Rosen said the undergrounding of power poles is a long-term plan that involves exorbitant cost that would not be practical for a small-scale project such as this application.

Chair Diep and Commissioner Barstow said they like the proposed project. Chair Diep added that she also liked what was presented at the last Study Session.

Mr. Rosen said this item will be scheduled for a noticed Planning Commission Public Hearing to recommend to City Council for approval.

**ORAL COMMUNICATIONS:**

None

**ADJOURNED:**

At 8:00 p.m., Chair Diep adjourned to the Planning Commission Meeting at 7:00 p.m. on September 27, 2017, in the City Council Chamber.

  
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Deborah Diep  
Chair

ATTEST:

  
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Joel W. Rosen, AICP  
Secretary