

**CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
September 12, 2018**

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on September 12, 2018, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair McGuire presiding.

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

**ABSENT: COMMISSIONER:** Desai

Joel W. Rosen, AICP, Director of Community Development  
Brady M. Woods, Planning Manager  
Swati Meshram, PhD, AICP, LEED AP, Associate Planner  
Braulio M. Moreno, Assistant Planner  
Amir Modarressi, Interim Assistant City Engineer  
John W. Lam, Assistant City Attorney  
Ruth Santos, Senior Administrative Assistant

**1. APPROVAL OF MINUTES August 22, 2018**

**RECOMMENDED ACTION:** Approve

The MOTION CARRIED unanimously.

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

**NOES:** 0      **COMMISSIONER:**

**ABSENT:** 1      **COMMISSIONER:** Desai

**ABSTAIN:** 0      **COMMISSIONERS:**

**PUBLIC HEARING:**

**NEW BUSINESS:**

**2. MODIFICATION OF CONDITIONAL USE PERMIT NO. MCU-31309**

**PROPERTY OWNER:** City of Buena Park  
6650 Beach Boulevard  
Buena Park, CA 90622

**APPLICANT:** AutoNation  
200 SW 1<sup>st</sup> Avenue, 14<sup>th</sup> Floor  
Fort Lauderdale, FL 33301

**RECOMMENDED ACTION:** Adopt Resolution of Approval

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

The staff report was presented by Braulio M. Moreno, Assistant Planner.

The subject property is 2.17 acre in size, and is zoned ML (Light Industrial). General Plan designation of the subject property is Light Industrial. The subject property is currently developed with four structures and were utilized for automotive and truck repair by German Centeno Service Center as recent as January 2017. The subject property is now used for vehicle inventory storage by both Simpson Buick GMC and Ken Grody Ford dealerships.

#### **SURROUNDING LAND USE CHARACTERISTICS:**

	<b>General Plan</b>	<b>Zoning</b>	<b>Existing land use</b>
<b>North</b>	Light Industrial	ML (Light Industrial)	Southern Pacific Railroad
<b>South</b>	Light Industrial and High Density Residential	ML (Light Industrial) and RM-20 (Medium Density Multifamily)	Industrial buildings; single family residences
<b>East</b>	Medium-Density Residential	RM-10 (Low Density Multifamily Residential)	Single family residences
<b>West</b>	Light Industrial	ML (Light Industrial)	Single family residences; industrial building

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. MCU18-31309 modifying CU04-039 with the findings of fact and conditions listed herein.

The property under application is located to the south of the Southern Pacific Railroad corridor between Western Avenue and Burnham Avenue. The property is composed of 4 parcels; the two larger parcels are utilized for the repair center and the two smaller parcels are developed for the employee parking lot. The property is developed with four structures which includes two office buildings and a repair center with a mezzanine. The property has a street frontage of approximately 190 ft. along Western Avenue and 100 ft. along Burnham Avenue. The total square footage of the 4 parcels is 94,594, or 2.17 acres.

The vehicle service center was originally approved in November 1984 under Conditional Use Permit No. CU-871(RDA) and Variance No. V-992(RDA) for complete auto and truck body repair and painting, towing service, impound and salvage, and auto and truck washing with variances from Zoning Code requirements to allow buildings with metallic exterior surfaces, reduction of required landscaping, encroachment of parking into a required landscape setbacks and vision clearance area, and to reduce or waive certain parking and storage area improvement requirements.

On November 10, 2004, the Planning Commission approved Conditional Use Permit No. CU04-039 to expand the Service Center (Centeno) onto the adjacent property located at 6371 Western Avenue.

On May 25, 2005, Planning Commission approved Modification of Conditional Use Permit No. CU05-006 and Variance No. V05-001 to construct a 1,913 sq. ft. covered storage area and expand the existing employee parking lot at 6346 Burnham Avenue. The variance

granted relief from setback and associated landscaping requirements, building height restrictions to construct a 19 foot 6 inch structure at zero setback where the maximum allowed height would be limited to 15 feet.

In 2006-2007 Caltrans completed the Santa Ana 5 Freeway expansion project near Western Avenue which included demolition and reconstruction of the Western Avenue bridge over the Santa Ana Freeway. The subject property was originally at or near the same grade as Western Avenue prior to the new bridge construction. The Western Avenue grade was raised significantly to accommodate the expanded Western Avenue bridge over the Santa Ana Freeway. The changed grade resulted in the current condition of the steep ramp into the property from Western Avenue.

In April 2016, the City acquired the subject property for a potential affordable housing project. The housing project was not feasible due to easement and access issues associated with the existing monument sign located on the property. It was decided to sell the property and find another location for the housing project. Staff negotiated the sale of the property to AutoNation Toyota, which would allow them to expand their existing showroom and outdoor vehicle display and storage area at their existing 3.4 acre dealership at 6400 Beach Boulevard, and relocate and develop a new expanded service center on the subject property.

The submitted application and plans propose to demolish three existing structures that total together 14,025 sq. ft. Add 13,842 sq. ft. of floor area to an existing 4,511 sq. ft. structure with mezzanine for the servicing/repairing of vehicles; construct a new 1,330 sq. ft. car wash; and related site improvements including reconfiguration of the parking lot, additional exterior lighting, a new trash enclosure, replace all existing non conforming chain link fence with a 6' block wall, and relocation of the existing driveway leading to Burnham Avenue. Only employees can access the site. No customers will visit the site. Cars for service will be dropped off by customers at the 6400 Beach location and driven to the subject site by AutoNation employees only.

The application and plans propose to:

- Demolish existing office building at the north side of the property.
- Demolish existing structure to the north, west corner of the property utilized as the service center, closest to the Southern Pacific Railroad.
- Demolish existing structures to the south, east corner facing Western Avenue.
- Do an expansion of 13,842 sq. ft. to the remaining 4,511 sq. ft. building on site illustrated as the Parts and Mezzanine.
- Construct a new 1,330 sq. ft. car wash station.
- Add new trash enclosure.
- Add new pole lights.
- Relocate the existing driveway along Burnham Avenue from the south to the north side of the employee parking lot.
- Restripe and reconfigure the parking area within the service center and employee parking lot.

The project proposes a total of 133 parking spaces. Daily hours of operation are 7 am – 7 pm. The proposed vehicle service department building includes service bays, tech break room, wash rooms, bathrooms, and a parts storage area. The service center will have approximately 35 employees per shift.

Pursuant to Title 19 of the Municipal code, the proposed 18,353 sq. ft. building will require 78 parking spaces. The applicant is proposing a total of 133 stalls; 24 spaces for employee parking and 109 spaces designated for the serviced vehicles.

An existing chainlink fence along the Western Avenue driveway and property will be replaced with a 6-foot block wall or decorative fence and decorative gate. The existing driveway along Burnham Avenue, accessing the employee parking lot to the west, will be relocated from the south to the north side of the parking lot and a new sliding gate will be installed. To the south of the property, the 20 ft. wide driveway on to 8<sup>th</sup> Street will have the existing chain link fence replaced with a 6' block wall and decorative gate.

The proposed pylon sign facing Western Avenue on the site plan will obtain separate permits as requested by the applicant.

In reviewing the applicant's request and plans, staff visited the property and reviewed the site and building configuration as well as layout of the surrounding properties. Based on this review, staff feels that the proposed structures, reconfiguration of the parking lot and driveway, and upgrades to the site will be compatible with the existing service center without producing any negative effects. The project meets all applicable requirements of the Buena Park Zoning Code.

The proposal is consistent with the zoning, site development, and land use in coordination with ML zone development standards for site design, including landscaping, access, circulation, and parking, to enhance the appearance of the existing site and economic vitality of the City. The proposed project meets the applicable ML (Light Industrial) development standards for lot coverage, building setbacks, and parking. The addition will be appropriately integrated with the existing building and site design. As conditioned, materials, color, and finish of the proposed addition will match and enhance the remaining building and site, maintaining the industrial integrity of the area as well as improving the subject site.

Appropriate vehicle circulation with sufficient parking and display area will be provided to assure safe and convenient access and egress. A total of 109 on-site parking spaces in addition to the 24 employee stalls meet the minimum Code requirement for the proposed project.

As conditioned in Variance No V-992 and this application, a new 6' block wall or decorative fence will be constructed along Western Avenue with a minimum 2 foot landscape area to enhance the pedestrian right of way. The vision clearance is not of concern in that the property is proposing to use the Western Avenue driveway as ingress only. All outbound traffic will exit through 8<sup>th</sup> Street.

Overall, the proposed service center design and configuration promotes optimum utilization of the site. As proposed, the project will meet the intent of the general plan goals and policies, including but not limited to:

- Goal LU-9: Promotion of quality industrial development that provides local employment opportunities.
- Goal LU-10: Land use policy that encourages job retention and attraction
- Policy LU-9.3: Encourage the consolidation of smaller industrial properties and the cooperation of individual property owners in order to provide opportunities for larger, integrated development, including reconfiguration of public streets where possible

and appropriate, reducing fragmentation of design, access, circulation, parking, and signage within industrial areas of the City.

- Policy LU-10.2: Ensure land use policy is supplemented by strong marketing, business retention and attraction efforts, and predictable, land use regulations.

The project is Class 32, Section 15332 (In-Fill Development), categorically exempt from CEQA and is also 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 Library, and Ehlers Event Center on August 31, 2018, and 27 notices were mailed to property owners within a 300 ft. radius of the subject property on August 31, 2018.

Chair McGuire asked if there were any questions for staff.

Commissioner Diep noted that the plans show roll-up doors only with no regular doors, which, she commented, is unusual.

Chair McGuire 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.

Francisco Molina, 5921 Burnham Avenue, Buena Park, CA 90621, asked if the proposed carwash is for public use or for AutoNation only.

Mr. Rosen said the carwash is for private use only, for cars under repair.

There being no one else wishing to speak on the matter, Chair McGuire 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 Modification of Conditional Use Permit No. MCU18-31309 with findings of fact and conditions therein.

**RESOLUTION NO. 6116  
CONDITIONAL USE PERMIT NO. MCU18-31309**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR A SECOND MODIFICATION TO PREVIOUSLY APPROVED CONDITIONAL USE PERMIT NO. CU04-039, TO DEMOLISH THREE EXISTING STRUCTURES AND ADD 13,842 SQ. FT. OF FLOOR AREA TO AN EXISTING 4,511 SQ. FT. STRUCTURE FOR THE SERVICING/REPAIRING OF VEHICLES; CONSTRUCT A NEW CAR WASH AND RELATED SITE IMPROVEMENTS AT AN EXISTING AUTOMOBILE AND TRUCK REPAIR CENTER LOCATED AT 6371, 6291 WESTERN AVENUE AND 6321, 6346 BURNHAM AVENUE IN THE ML (LIGHT INDUSTRIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Desai

ABSTAIN: 0 COMMISSIONER:

### 3. **CONDITIONAL USE PERMIT NO. CU18-32462**

A request to establish a billiards parlor (relocating from 5252 Beach Boulevard) at 5254 Beach Boulevard within an existing multi-tenant commercial development in the Community Shopping (CS) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facilities)

PROPERTY OWNER: P.A. Poon and Son, Inc.  
18882 Beach Boulevard, Suite 103  
Huntington Beach, CA 92648

APPLICANT: W. Marketing  
5252 Beach Boulevard  
Buena Park, CA 90621

RECOMMENDED ACTION: Approve Request for Continuance

Chair McGuire announced that staff is recommending continuance to the next Planning Commission meeting on September 26, 2018, in order to be considered with the accompanying application, Conditional Use Permit No. CU18-31780 – Request for Sale and Consumption of Beer and Wine for a Proposed Ramen Restaurant,

Chair McGuire advised that the item requires a Minute Action to approve continuance to the Planning Commission meeting of September 26, 2018.

The MOTION CARRIED unanimously.

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Desai

ABSTAINED: 0 COMMISSIONER:

### 4. **CONDITIONAL USE PERMIT NO. CU18-32268**

A request to allow the sale of beer and wine for on-site consumption at an existing restaurant (Kopan Ramen) located at 8890 Valley View Street, Suite A in the Community Shopping (CS) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facilities).

**PROPERTY OWNER:** Charlotte M. Paur Trust  
150 Gran Via  
Palm Desert, CA 92260

**APPLICANT:** TSH Management, Inc.  
4405 Fruitland Avenue  
Vernon, CA 90058

**RECOMMENDED ACTION:** Adopt Resolution of Approval

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

The staff report was presented by Braulio M. Moreno, Assistant Planner.

The property under application is located at 8890 Valley View Street located north of Lincoln Avenue and east of Valley View Street. It carries a General Plan designation of Commercial, a Zoning classification of CS (Community Shopping), and a total land area of 0.23 acres (10,000 square feet). The parcel is developed three commercial structures. The commercial center consists of 2 buildings with multiple tenants such as Albertsons, Big Lots, Sally Beauty Supplies, and a Farmer Boys drive-through restaurant.

**SURROUNDING LAND USE CHARACTERISTICS:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>EXISTING LAND USE</b>
<b>North</b>	Commercial	CS	Commercial Shopping Center
<b>South</b>	Commercial	CS	Commercial Shopping Center
<b>East</b>	Commercial	CS	Commercial Shopping Center
<b>West</b>	Commercial	CS	Commercial Shopping Center

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU18-32268 with findings of fact and conditions.

The site is developed with an integrated shopping center containing a variety of retail and food establishments. The subject tenant space is an existing Ramen Restaurant. The subject property has no other entitlements on record other than the approval of Conditional Use Permit No. CU-82 to permit a pylon sign for Sav-On and CU-82M1 to allow for two additional 60 ft. tall sign towers.

The applicant has submitted an application, development plans, and business plan requesting Planning Commission approve the proposed sale of beer and wine for on-site consumption for an existing restaurant, "Kopan Ramen". As conditioned, alcoholic beverage sales will be incidental to the sale of food. The existing 1,813 sq. ft. restaurant includes 61 indoor seats. There will be no outdoor dining. Employees will be required to be certified by the California Department of Alcoholic Beverage Control in Responsible Beverage Service Training. The restaurant will serve traditional Japanese hot noodle (ramen) with other various Asian fusion menus. Proposed hours of operation are 10:00 am to 11:00 pm daily and expected hours of delivery time for restaurant is approximately 10:00 am to 11:00 am daily.

Section 19.512.010 of the City Code requires the applicant to obtain Planning Commission approval to allow the sale of beer and wine 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, visited the property and is of the opinion that the facility and site are adequate to support the establishment of the sale of beer and wine for on-site consumption. Staff believes that on-site sale and consumption of alcoholic beverages will be appropriate within the context of the full service restaurant and will not negatively impact the subject and surrounding properties.

As conditioned, the on-site sale and consumption of beer and wine will be incidental to the full service restaurant use. To reaffirm the incidental use, staff is recommending a condition that requires gross food sales receipts to exceed gross receipts of alcoholic beverages and those alcoholic beverages be served only in conjunction with food sales. Parking for the existing restaurant will not be impacted since no expansion of the building structure is being proposed.

In Staff's opinion, the proposed operating hours are appropriate for the restaurant and are consistent with other similar approvals in the area. Since the restaurant is existing, on-site parking is adequate for the proposed use. Also, in a memo dated July 23, 2018, the Buena Park Police Department has indicated no objection to the applicant's proposal for on-site sale and consumption of alcoholic beverages, as conditioned.

The project is Class 1, Section 15301 (Existing Facilities), categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Event Center on August 31, 2018, and 42 notices were mailed to property owners within 300 ft. radius of the subject property on August 31, 2018.

Chair McGuire asked if there were any questions for staff.

There were no questions for staff.

Chair McGuire 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 McGuire closed the public hearing and advised that the item requires a Resolution for approval or denial with findings.

Commissioner Diep moved, and Commissioner Schoales seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU18-32268 with findings of fact and conditions therein.

**RESOLUTION NO. 6118  
CONDITIONAL USE PERMIT NO. CU18-32268**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU18-32268, TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION, AT AN EXISTING RESTAURANT LOCATED AT 8890 VALLEY VIEW STREET, WITHIN THE CS (COMMUNITY SHOPPING) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**



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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Desai

ABSTAINED: 0 COMMISSIONER:

#### 5. **CONDITIONAL USE PERMIT CU18-30337**

A request to construct a 26,025 square-foot, 3-story Contractor's Yard with warehouse and office building located on vacant lots at 8402 and 8422 Commonwealth Avenue in the Light Industrial (ML) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15332, Class 32 (In-Fill Development).

PROPERTY OWNER: Exbon Developments, Inc.  
13831 Newhope Street  
Garden Grove, CA 92843

APPLICANT: Fore Architects, Inc.  
110 E. 9<sup>th</sup> Street, Suite C700-D  
Los Angeles, CA 90079

RECOMMENDED ACTION: Approve Request for Continuance

Chair McGuire announced that staff is recommending continuance to the next Planning Commission meeting on September 26, 2018, to provide time for staff to review applicant-initiated modifications to the submittal plans.

Chair McGuire advised that the item requires a Minute Action to approve continuance to the Planning Commission meeting of September 26, 2018.

The MOTION CARRIED unanimously.

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Desai

ABSTAINED: 0 COMMISSIONER:

#### 6. **DEVELOPMENT AGREEMENT NO. DA18-318862**

A request to consider a recommendation to the City Council for the construction of a 3-story, 21-unit residential apartment complex, to include two affordable housing units, associated parking, site improvements, and lot consolidation on a 0.54-acre site located at 7411, 7431, 7451 Artesia Boulevard and 5962 Burnham Avenue in the RM-20 (Medium-Density

Multifamily Residential) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15332, Class 32 (In-Fill Development).

**PROPERTY OWNERS:** 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 90019

**APPLICANT:** Fore Architects  
 100 E. 9<sup>th</sup> Street, Suite C700-D  
 Los Angeles, CA 90079

**RECOMMENDED ACTION:** Adopt Resolution Recommending City Council approval

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

The staff report was presented by Brady M. Woods, Planning Manager.

The 0.54 acre site is located at the northeast corner of Artesia Boulevard and Burnham Avenue. The property maintains street frontages of approximately 214 ft. along Artesia Boulevard and approximately 86 ft. along Burnham Avenue. It carries a General Plan designation of High Density Residential and a Zoning classification of RM-20 (Medium-Density Multifamily Residential). The subject property is also located within the Housing Opportunities Overlay of the 2013-2021 Housing Element. The subject property is currently vacant as three single family homes located on the property were demolished in 2015.

**SURROUNDING LAND USE CHARACTERISTICS:**

	GENERAL PLAN	ZONING	EXISTING LAND USE
<b>North</b>	High Density Residential	RM-20	Single Family Residence
<b>South</b>	High Density Residential	RM-20	Multifamily Residential Apartment Complex
<b>East</b>	High Density Residential	RM-20	Multifamily Residential Apartment Complex
<b>West</b>	High Density Residential	RM-20	Multifamily Residential Apartment Complex

Staff recommends that the Planning Commission adopt the attached Resolution recommending the City Council adopt an Ordinance approving Development Agreement DA18-31862.

The project site is located on the north side of Artesia Boulevard, between Burnham Avenue and Western Avenue. The project 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 fourteen (14) unit multifamily residential development with affordable housing units on the subject site. The 29.5 ft. 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 current applicant's proposed multifamily development on the assembled project 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 November 15, 2016, the Planning Commission approved Development Agreement DA16-003 and Tentative Tract Map TT16-001 to construct a five-story, twenty-two unit multifamily residential condominium development including an Affordable Housing Density Bonus Agreement, integrated parking, site improvements, and lot consolidation and Tentative Tract Map for condominium purposes. On January 10, 2017, the City Council denied DA16-003 and Tentative Tract Map TT16-001 citing concerns related to building height, scale, and setbacks.

The submitted application and plans propose construction of the three-story, 41,357 sq. ft. multifamily residential development consisting of twenty-one (21) apartment units, to include two affordable housing units, integrated parking area on the ground level, and site improvements. The proposed residential development will consist of two buildings. The floor plan options for the dwelling units range from 1,012 sq. ft. to 1,447 sq. ft.

- Plan Type A: One-story design that is 1,012 sq. ft. containing two bedrooms, two bathrooms, kitchen, dining area, and living room. There will be ten (10) Type A units.
- Plan Type B: One-story design that is 1,225 sq. ft. containing two bedrooms, two bathrooms, kitchen, dining area, living room, and den. There will be ten (10) Type B units.
- Plan Type C: Two-story design that is 1,447 sq. ft. containing two bedrooms, three bathrooms, kitchen, dining area, living room, and den. There will be one (1) Type C unit.

The proposed building will be set back a compliant 15 ft. from the property lines along Artesia Boulevard and Burnham Avenue, as well as a compliant 10 ft. from the north and east property lines. The upper level balconies will encroach into the front and rear setback areas by distances of 3 ft. and 4 ft. respectively. However, these encroachments are permitted by code for balconies no more than 6 ft. long. A new 8 ft. tall decorative masonry wall will be constructed along the north property line to buffer from existing single family dwellings, and the existing 6 ft. tall masonry wall along the east property line separating the subject property from an existing multifamily development will remain.

Vehicular access to the project site is provided from Burnham Avenue only; no vehicular site access from Artesia Boulevard is proposed. The ground floor will be configured to supply fifty-three (53) total parking spaces including nine (9) open spaces for guests, three (3) ADA-compliant spaces, four (4) electric vehicle spaces, and eleven (11) spaces in tandem configuration (or 20% of the total parking supply). Additionally, affordable housing units require two (2) parking spaces per unit inclusive of guest parking, pursuant to Affordable Housing Bonus Section 19.308.030(D)(6)(b) of the Zoning Code.

19 market rate units X 2.5 spaces/unit	=	48 spaces
<u>2 affordable housing units X 2 spaces/unit</u>	=	<u>4 spaces</u>
<b>TOTAL REQUIRED</b>	=	<b>52 spaces</b>

A security gate will be recessed into the site a minimum of 56 ft. from the property line to allow for on-site queuing and to reduce vehicle stacking on Burnham Avenue. Recessing the entry gate will also permit the nine (9) guest parking spaces to be accessible without entering through the security gate.

Landscaping along the project street frontage of Artesia Boulevard will include 24 in. box trees, flowering shrubs and low accent ground cover. In addition, Staff is recommending that palm trees 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 2,128 sq. ft. of landscaping within the interior second-floor courtyard as well as perimeter landscaping. In order to provide a buffer between the proposed project and the adjacent residential uses, the project is required to include mature landscaping 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, hardy board siding, metal finishes, and projecting and recessed window. All units feature private balconies off the master bedroom or living room, with tempered glass guardrails. The primary façade fronting Artesia Boulevard will feature varying elevation planes and building heights, decorative accent towers with stucco treatments with decorative metal accents and cornice features. 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, intensity, configuration, size, and location of the structures and other improvements shall be limited to those contemplated by the Project in substantial compliance with plans stamped "RECEIVED JUL 09 2018 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.
- The Developer will enter into an Affordable Housing Regulatory Agreement with limitations on rental of property, to include the provision of two (2) units of which are to be made available exclusively to (and occupied only by) one lower income family(ies) (i.e., families earning eighty percent (80%) of area median income, or less).
- The Developer shall pay park fees in the amount of \$78,854.00 as mandated by City Ordinance No. 1416 to the City prior to issuance of building permits.
- The Developer shall pay a "Community Benefit" Development Agreement fee in the amount of \$1,000 per dwelling unit to the City prior to issuance of building permits.

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 a base of 34 dwelling units/acre to 40 dwelling units/acre is consistent with the goals of the Housing Opportunity Overlay which contains sites selected to increase affordable housing opportunities by allowing allows densities up 45.8 units per acre in compliance with State Law.

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 (2) units of which are to be made available exclusively to (and occupied only by) one lower income family(ies) (i.e., families earning eighty percent (80%) or less of the Orange County Median Income area 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 Design Guidelines for styling, 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. The site and architectural design of the project maintains appropriate density, setbacks, massing, parking, vehicular, and pedestrian access. The project incorporates enhanced design, including colors and materials that give the development an appealing quality. Additionally, the developer has provided an architectural design, site layout, and amenities that are consistent with other newer residential developments within the City and Orange County region.

The project is Class 32, Section 15332 (In-fill Development), categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Event Center on August 31, 2018, and 29 notices were mailed to property owners within a 300 ft. radius of the subject property on August 31, 2018.

Chair McGuire asked if there were any questions for staff.

Commissioner Schoales asked if there are pedestrian access doors other than the entrance door along Artesia Boulevard.

Mr. Woods said there is pedestrian access along Burnham.

Commissioner Schoales asked about security measures in the proposed building.

Mr. Woods said the upper level is secure. He said the applicant is present at this meeting and can provide more details about security.

Commissioner Diep expressed her concern that bamboo, which is included in the landscaping plans, has some varieties that tend to overgrow and become invasive.

Mr. Woods said maintenance of landscape is conditioned in the Development Agreement; however, additional language may be added if necessary.

Commissioner Diep said her other concern is possible storage in balconies because the proposed rental units, unlike condominiums, do not have CC&Rs.

Mr. Woods said Planning Condition No. 17.f prohibits storage in balconies. He read the condition as follows:

"17. The following items shall be considered conditions of this development...

f. Balconies and patios shall not be used for storage."

Chair McGuire 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.

Ryan Chun, Fore Architects, 100 E. 9<sup>th</sup> St., Suite C700-D, Los Angeles, CA 90079, said adjustments have been made since the proposal was first considered two years ago. He said the application is now a smaller-scale project. Mr. Chun said there are three pedestrian accesses on both sides, with the main entrance, for guests and residents, along Artesia

Boulevard. He said fire access will be provided. Mr. Chun added that the mailbox is located along Artesia Boulevard, there is a security phone system, and the upper level has a security gate.

Commissioner Schoales asked if there is a security code/key lock to access the lobby.

Mr. Chun said there is a code/key lock at the lobby entrance.

Commissioner Schoales said Mr. Chun answered his security concerns.

Commissioner Barstow asked if tandem parking is for one unit only.

Mr. Chun confirmed that tandem parking is for one unit only.

Francisco Molina, 5921 Burnham Avenue, Buena Park, CA 90621, thanked staff for addressing the parking concerns raised at a prior public hearing on this project. He said he resides near the proposed project with his family and kids, and is concerned about being awakened at 6:00 a.m. by noise from construction activities. He asked about construction hours.

Mr. Woods said construction times are regulated by the Municipal Code and typically codified in Development Agreements. He said Planning Condition No. 29 in the Development Agreement for this proposed project states that, "Construction shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday with construction prohibited on Sunday unless approved by the Public Works Department for unusual circumstances."

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

Commissioner Capelle moved, and Commissioner Diep seconded, the motion to adopt the Resolution recommending City Council approval of Development Agreement No. DA18-31862.

**RESOLUTION NO. 6119  
DEVELOPMENT AGREEMENT NO. DA18-31862**

**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. DA18-31862, TO CONSTRUCT A THREE-STORY, TWENTY-ONE UNIT MULTIFAMILY RESIDENTIAL APARTMENT DEVELOPMENT INCLUDING AN AFFORDABLE HOUSING DENSITY BONUS AGREEMENT, ASSOCIATED PARKING, RELATED SITE IMPROVEMENTS, AND LOT CONSOLIDATION ON APPROXIMATELY 0.54 ACRES OF LAND LOCATED AT 7411, 7431, AND 7451 ARTESIA BOULEVARD, AND 5962 BURNHAM AVENUE IN THE RM-20 (MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL) ZONE AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF BUENA PARK**

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Desai

ABSTAINED: 0 COMMISSIONER:

**ORAL COMMUNICATIONS:**

None

**AGENDA FORECAST:**

Mr. Woods announced that, in addition to the two items continued from tonight's meeting, the following applications are scheduled for the September 26, 2018 Planning Commission meeting:

1. Modification of a previously approved Site Plan No. SP-1256 allowing for exterior architecture and signage modifications to an existing restaurant with drive-through, as well as 24-hours of operation in conjunction with a new Starbucks Coffee restaurant with drive-through located at 7611 Beach Boulevard;
2. Sale of beer and wine for on-site consumption at a proposed restaurant (Ramen Udon Tempura) located at 5252 Beach Boulevard;
3. Recommendation to the City Council to amend Title 19 (Zoning Ordinance) of the Buena Park Municipal Code revising regulations relating to establishment of circular driveways within single family residential zones, including adoption of related development standards.

**STAFF REPORTS:**

Mr. Rosen introduced Assistant City Attorney John W. Lam, new Counsel to the Planning Commission.

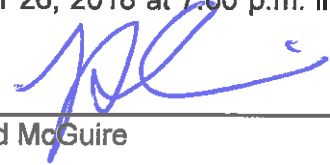
**COMMISSION REPORTS:**

Commissioner Schoales said that although it did not affect his vote on the project, he is concerned that the proposed new building under Agenda Item No. 2 has only roll-up doors.

Mr. Rosen said there will be regular doors.




**ADJOURNMENT:** At 7:37 p.m., Chair McGuire adjourned to the regularly scheduled Planning Commission meeting on Wednesday, September 26, 2018 at 7:00 p.m. in the City Council Chamber



---

Richard McGuire  
Chair

ATTEST:



---

Joel W. Rosen, AICP  
Secretary