

**CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
September 26, 2018**

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on September 26, 2018, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair McGuire presiding.

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

Joel W. Rosen, AICP, Director of Community Development  
Brady M. Woods, Planning Manager  
Swati Meshram, Ph D, 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** September 12, 2018

**RECOMMENDED ACTION:** Approve

Commissioner Desai abstained from voting on this item due to his absence at the Planning Commission meeting of September 12, 2018.

The MOTION CARRIED unanimously.

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

**NOES:** 0 **COMMISSIONER:**

**ABSENT:** 0 **COMMISSIONER:**

**ABSTAIN:** 1 **COMMISSIONERS:** Desai

**NEW BUSINESS:**

**2. MODIFICATION OF A SITE PLAN NO. MSP18-32751**

A request to modify 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 within the ECSP (Entertainment Corridor Specific Plan) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301 Class 1 (Existing Facilities).

**PROPERTY OWNER:** Buena Park Beach LLC  
4455 E. Camelback Road, Unit E180  
Phoenix, AZ 85018

**APPLICANT:** WD Partners  
19100 Von Karman, Suite 600  
Irvine, CA 92612

**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 Brady M. Woods, Planning Manager.

The property under application is located on the west side of Beach Boulevard, north of El Capitan Way, and is part of an integrated development which includes an existing Outback Steakhouse restaurant. The property measures 0.59 acres in size, and maintains street frontages of 132 ft. and 350 ft. along Beach Boulevard and El Capitan Way, respectively. It carries a General Plan designation of Tourist Entertainment, a Zoning classification of ECSP (Entertainment Corridor Specific Plan), and is currently improved with a 3,360 sq. ft. one-story fast-food restaurant operating as a Burger King.

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

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>EXISTING LAND USE</b>
<b>North</b>	Tourist Entertainment	ECSP	Outback Steakhouse Restaurant
<b>South</b>	Tourist Entertainment	ECSP	Courtyard Marriott Hotel
<b>East</b>	Tourist Entertainment	ECSP	Pirates Dinner Theater
<b>West</b>	Low Density Residential	RS-6	Single Family Residential

Staff recommends that the Planning Commission adopt a Resolution approving Modification of Conditions No. MSP18-32751.

The development for the Outback Steakhouse restaurant and the location of a fast food restaurant were approved under Conditional Use Permit No. CU-1256 (CUP) on September 13, 2000. The approval allowed for the development of the fast food restaurant with drive-through with its design to be subsequently approved by the Planning Commission via the Site Plan review procedure.

On February 14, 2001, the Planning Commission approved Site Plan No. SP-1256 for the exterior design of a Burger King restaurant, with conditions including prohibiting operations of the drive-through order board speaker before 7:00 a.m. or after 10:00 p.m. The Site Plan approval and the CUP did not restrict business hours of the fast food restaurant.

The submitted application and plans request approval of the design for a new Starbucks Coffee restaurant, which will replace the existing Burger King restaurant on the subject property. No expansion of the building is proposed; however, the exterior will be modified to reflect the Starbucks brand. The medieval castle design of the building will be replaced with a more contemporary design and color palette. The building's faux stone exterior finish will remain but the faux castle parapet features will be replaced with a sleek roof cornice and raised parapet walls, the existing colored concrete tile roof will be replaced with a colored standing seam roof, and the exterior cladding of the drive-through tower will be replaced with a wood finish.

The plans denote signage for the Starbucks restaurant, including an illuminated logo disc on the east building elevation over the main entrance, an illuminated channel letter sign to read "Starbucks" and an illuminated directional cabinet sign to read "Drive-Thru" on the west elevation, and an illuminated logo disc on the drive-through tower.

The site layout and building configuration remain the same as originally approved under the CUP. The Starbucks restaurant will maintain a total square footage of 3,146 sq. ft. No outdoor dining areas or serving/consumption of alcoholic beverages are proposed with this request. The building will maintain 27 ft. setbacks from both Beach Boulevard and El Capitan Way with the 13 ft. wide drive-through lane adjacent to the street with a 14 ft. wide landscape berm to assist in shielding the lower part of vehicles. As originally approved, access to the site will be from a 28 ft. wide driveway from Beach Boulevard and a 25 ft. wide driveway from El Capitan Way. With no building expansion proposed, on-site parking will be consistent with the original approval; 123 spaces are provided to service both the Starbucks and Outback restaurants (Code requires 96 parking spaces).

The applicant is proposing 24-hours of operation for the restaurant, including the interior café and the drive-through. Acknowledging that the primary source of exterior noise will be from the drive-through intercom equipment, the applicant is proposing to install a HME Intercom System to reduce the amount of sound generated by the drive-through intercom. The HME Intercom System will be equipped with an automatic volume control system. During hours with lower levels of business, the ambient noise level will be lower due to lower traffic volumes; to which the HME Intercom System will automatically reduce the sound level produced by the intercom.

Conditions of approval for the CUP required the applicant to gain Planning Commission approval for the exterior design of the Burger King restaurant via the Site Plan review procedure. Appreciable modifications to the existing Site Plan No. SP-1256 also requires Planning Commission review via the Site Plan process. In assessing the applicant's request, Staff reviewed plans, visited the site and surrounding area, and is of the opinion that the building is adequate to support the proposed modifications without negatively impacting the subject and surrounding properties. The proposed design of the building is considered to be in general compliance with the standards of the Specific Plan. While the architectural modifications for the Starbucks restaurant will not reflect the same design as the "frontier" architecture of the Outback Steakhouse restaurant, Staff is of the opinion that the beige color palette with green accents and exterior wood finishes of the Starbucks will blend well with Outback's beige and green color scheme while maintaining its own brand identity.

Staff feels that the site functions adequately within the context of the surrounding properties and that the building complies with the City code requirements for setbacks, access, landscaping, and architectural design. The project does not alter the approved number of parking spaces within the parking lot, which was designed in excess of Code requirements.

Additionally, the applicant's request for 24-hour operations is consistent with other tourist commercial businesses along the Beach Boulevard entertainment corridor. The nearby IHOP and Denny's restaurants are both open 24 hours, as are adjacent hotels which serve tourists arriving to Buena Park at any time. However, Staff is cognizant of the restaurant's proximity to existing single family residential located approximately 270 ft. to the west, and feels the applicant's use of advanced intercom technology should be adequate in minimizing potential nuisance sounds generated by the drive-through operations.

The applicant's request will assist in advancing the long term vision for this area along Beach Boulevard as identified in the City's General Plan. The subject property is located within the General Plan's Entertainment Corridor Focus Area which is envisioned as a pedestrian-friendly and tourist-oriented destination that connects Knott's Berry Farm to the Mall and other visitor-serving uses along Beach Boulevard. Staff feels that the proposal will provide unique urban design features, including landscaping, streetscape, and signage enhancements along Beach Boulevard consistent with the area character and identity. The proposed building renovation has been designed to successfully integrate the subject property into the surrounding commercial development pattern along Beach Boulevard.

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) has been deemed to be exempt from CEQA per Section 15301, Class 1 (Existing Facilities)

No public notice is required for this application; however, Staff mailed 15 notices to adjacent property owners on September 14, 2018.

Chair McGuire asked if there were any questions for staff.

Commissioner Barstow asked what percentage of sales is generated by drive-through.

Commissioner Schoales asked staff to identify, from the aerial view of the drive-through window, where the speaker will be located.

Mr. Woods said the speaker, labeled as number 5 on the applicant's site plan illustration, will face El Capitan Way.

Chair McGuire asked what the City standard is on stacking of cars headed to the menu board/drive-through window. He said the Starbucks restaurant along La Palma Avenue, across from the Buena Park Mall, often has customer cars stacked all the way out through the street and the parking lot. He also asked if the former business received complaints from the hotel across the street because some of the rooms face the menu board. Chair McGuire asked how many cars go through Starbuck's drive-through on a daily basis.

Mr. Woods said he is not aware of any complaints from the hotel.

In response to Chair Mc Guire, Mr. Rosen said there is no car stacking standard for drive-through windows; proposals are reviewed on a case-by-case basis.

Commissioner Diep asked if Starbucks has staff outside taking orders from drive-through customers.

Commissioner Diep noted, and Mr. Woods confirmed, that the aerial photo shows a landscaped berm separating the drive-through lane and the sidewalk along El Capitan Way.

Commissioner Diep referred to the shared parking between two parcels and asked if the proposal exceeds parking requirement. She also asked if eliminating five or six spaces on the west side of the drive, to allow more space for queuing, will lead to sub-standard number of parking spaces.

Mr. Woods said the proposal exceeds parking requirement by 27 spaces; thus, elimination of five of six spaces to allow for queuing may not negatively impact parking upon further study.

Commissioner Diep noted that the proposed location has limited space compared to the Starbucks restaurant along La Palma Avenue, which has different configurations and various ingress and egress. She asked what steps staff would take if there is a stacking or overflow of cars at the proposed location.

Mr. Rosen said staff would meet with Starbucks management to discuss operational and/or design changes to reduce hazard, which may require review and approval by Planning Commission.

Chair McGuire stated that this is not a 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.

Fenn Moun, applicant representative, WD Partners, 19100 Von Karman, Suite 600, Irvine, CA 92612, said their proposal includes noise mitigation measures such as an adjustable volume control system on the drive-through intercom.

In response to Commissioner Barstow's question, Mr. Moun said their drive-through business generates 60% of sales.

Jon Alpert, applicant representative, introduced himself as the Director of Design for Starbucks, with offices located in Fountain Valley. He said they do not have the exact number of cars daily to equate to 60% drive-through sales; however, he assured the Commission that their proposal, including design and streamlined operation from order point to delivery at the window to expedite movement of cars, is based on studies conducted to prevent overflow/stacking of cars lined up towards the drive-through.

In response to Commissioner Diep's question, Mr. Alpert said Starbucks does not have staff outside to take orders from drive-through customers.

Commissioner Diep asked if staff can submit a status report to Planning Commission six months after the start of operation.

Mr. Rosen said Planning Commission may include the status report in the recommendation.

There being no one else wishing to speak on the matter, Chair McGuire 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 Resolution approving Modification of a Site Plan No. MSP18-32751 with findings of fact and conditions therein, and with an added condition requiring staff to provide a report regarding on-site traffic and drive-through circulation conditions to the Planning Commission six months from the date the restaurant begins operation.

**RESOLUTION NO. 6122  
MODIFICATION OF CONDITIONS NO. MSP18-32751**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR MODIFICATION OF CONDITION NO. MSP18-32751 FOR THE EXTERIOR BUILDING DESIGN, SIGNAGE, AND HOURS OF OPERATION OF A PREVIOUSLY APPROVED FAST FOOD DRIVE-THROUGH RESTAURANT AT 7611 BEACH BOULEVARD WITHIN THE ECSP (ENTERTAINMENT CORRIDOR SPECIFIC PLAN) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

**PUBLIC HEARING:**

**OLD BUSINESS:**

**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.  
18862 Beach Boulevard, Suite 103  
Huntington Beach, CA 92648

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

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 Swati Meshram, Associate Planner.

The subject property is located at the northeast corner of Beach Boulevard and Malvern Avenue. General Plan land use designation is Commercial Office Mixed-Use (OCM); zoning designation is Community Shopping (CS); and the property is developed with a multi-tenant shopping center.

**SURROUNDING LAND USE CHARACTERISTICS:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>EXISTING LAND USE</b>
<b>North</b>	Medium-Density Residential	RM-10	Multi Family Residential
<b>South</b>	OCM	CS	Commercial Shopping Center
<b>East</b>	Medium Density Residential	RM-10	Condominiums
<b>West</b>	PD and OCM	PD and CS	Commercial Shopping Center

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU18-32462 with findings of fact and conditions.

The property under application is located on the northeast corner of Beach Boulevard and Malvern Avenue with street frontages of 526 ft. on Beach Boulevard and 372 ft. on Malvern Avenue, with a land area of 3.68 acres. The site is developed with a 28,977 sq. ft. integrated shopping center containing a variety of businesses. The existing 2,275 sq. ft. Beach Billiards establishment proposes to relocate into a new 1,376 sq. ft. tenant space within the same shopping center, located at 5254 Beach Boulevard.

The applicant obtained Planning Commission approval for the operation of a billiards parlor at 5256 Beach Boulevard via Conditional Use Permit CU10-001 on January 25, 2010 and commenced business operations in October of 2010. On June 15, 2011, Conditional Use Permit CU10-001 M1 was approved revising the business hours of operation from 10:00 a.m. to 12:00 midnight daily to 12:00 noon to 2:00 a.m. daily. On January 15, 2013, Conditional Use Permit CU10-001M2 was approved eliminating the requirement for an on-site security guard. On April 9, 2014, Conditional Use Permit CU10-001M3 was approved relocating the billiards parlor from 5256 Beach Boulevard to 5252 Beach Boulevard.

The application, plans and business plan propose operation of the 1,376 sq. ft. billiards parlor within the existing multi-tenant commercial development in the same manner as previously approved. Beach Billiards will be relocating their existing billiards establishment from 5252 Beach Boulevard to 5254 Beach Boulevard. Beach Billiards specializes in Dangu, a pocketless billiards game, as well as traditional pocket billiards. The general business operations will continue to be conducted by the business owner and one employee. No alcoholic beverages will be served and snack foods, may be purchased from vending machines provided within the establishment. The proposed hours of operation for the billiards parlor will be from 10:00 a.m. to 2:00 a.m. Monday through Sunday.

The interior of the new tenant space will accommodate five (5) billiard tables, a centralized self-service vending machine area, office, two storage areas, one service sink and one unisex restroom facility. Compliance with Building Code for the business size and occupancy will be required as part of conditions of approval. The submittal plans do not indicate any building exterior improvements.

The submittal site plan indicates 201 parking spaces for the overall shopping center. This includes 61 compact spaces which is permissible by the Zoning Code. The required parking

for the existing uses as well as the proposed billiards parlor is 201 spaces. It is not anticipated that the new billiards location will negatively affect the available parking within this shopping center.

Section 19.512.010 of the Buena Park Zoning Code requires Planning Commission review and approval for the establishment of a billiards parlor, via the Conditional Use Permit process. Staff has reviewed the submitted application, visited the site and believes that the facility and site are adequate to support the project proposal. Beach Billiards has been operating within the existing shopping center for approximately eight years and is merely relocating their existing business operations to a smaller tenant location within the same shopping center. Adequate parking is available to accommodate the relocated establishment.

Staff believes that the adjacent uses and surrounding businesses will not be negatively affected by the proposed billiards establishment. The peak hours of operation for the billiards parlor will be during the late evening hours while many of the surrounding businesses typically operate during daytime hours. In addition, restricted business operations, including the prohibition of alcohol sales and live entertainment will further ensure compatibility with existing and anticipated uses within the shopping center. The billiards establishment will not only increase the economic viability of the existing shopping center by attracting new customers to shop or dine within the adjacent businesses, but also provide a recreational facility for the surrounding community.

Adequate separation is provided between the billiards establishment location and the adjacent residential properties located more than 100 ft. to the east. An existing 6 ft. high block wall and 10 ft. wide landscape setback along the east property line also provide buffers between the subject property and the adjacent residential neighborhood. In addition, the new billiards establishment location will be next door, within the same detached pad building located on the west side of the shopping center, facing Beach Boulevard. This pad building is further buffered by the building located along the east property line.

The Buena Park Police Department has reviewed this application and provided the attached memo dated August 8, 2018, concluding that there are no issues with the project as proposed. Conditions have been included prohibiting alcohol, loitering, and noise to prevent potential negative impacts to the surrounding properties. To further ensure security, additional conditions were included to prohibit window displays, treatments and signage that would obstruct vision into the establishment.

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 118 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 Desai asked if there are changes in parking requirement.

Dr. Meshram said there is no increase in parking requirement because the use is relocating to a smaller tenant location within the plaza. This application will reduce the parking required for this business.



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.

Yeonjin Lee, applicant, confirmed that what is being proposed is a smaller billiards parlor. He said he has been in business for eight years, and the billiards place is for everyone to enjoy.

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 Diep seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU18-32462 with findings of fact and conditions therein.

**RESOLUTION NO. 6123  
CONDITIONAL USE PERMIT NO. CU18-32462**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST TO ESTABLISH A BILLIARDS PARLOR (RELOCATING FROM 5252 BEACH BOULEVARD) AT 5254 BEACH BOULEVARD WITHIN AN EXISTING MULTI-TENANT COMMERCIAL DEVELOPMENT LOCATED IN THE CS (COMMUNITY SHOPPING) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

**4. CONDITIONAL USE PERMIT NO. 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:** Adopt Resolution of Approval

Mr. Lam announced that Commissioner Schoales will abstain from voting on this item due to possible conflict of interest because his place of residence is within 500 ft. of the proposed project.

Commissioner Schoales exited the Council Chamber.

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

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

The site is 1.37 acres in size and is located on the southwest corner of Commonwealth Avenue and Dale Street, 190 ft. west from the center line of Dale Street. Street frontage along Commonwealth Avenue is 239 ft.

The site is zoned ML (Light Industrial). General Plan designation of the property is Light Industrial. The property is currently vacant and lies in the Commonwealth Corridor Focus Area. FAR of up to 0.6 is allowed. There is a five ft. wide easement along the south property line for the west 80 ft. of the property. The easement then becomes ten ft. wide as it traverses east-west through the remainder of the property. These easements are held by City of Buena Park (for sewer proposes), Frank Emerson Lucas, and Southern California Edison. There is an existing power pole with overhead lines close to the eastern property line.

**SURROUNDING LAND USE CHARACTERISTICS:**

	<b>General Plan</b>	<b>Zoning</b>	<b>Existing land use</b>
<b>North</b>	Light Industrial	ML (Light Industrial)	Multi-tenant commercial building
<b>South</b>	Low Density Residential	RS-6 (One family Residential)	Single family residences
<b>East</b>	Light Industrial	CG (Commercial General)	Autologue
<b>West</b>	Light Industrial	ML (Light Industrial)	Buena Park Dental Center

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU18-30337 with the findings of fact and conditions listed herein.

The submitted application and plans propose a 24,237 sq. ft. 3-story building consisting of 1,883 sq. ft. warehouse and 22,354 sq. ft. associated office, and related site improvements.

Staff conducted a community meeting on May 29, 2018. There was overall support for the project with below mentioned concerns:

- Off-site drainage
- Hours of construction
- Reduction of curb space for on-street parking along Commonwealth Ave
- Airplane safety for the new development
- Trucks and noise generated from the trucks

- Employees littering their backyard from across the fence
- Building height along south property line

Staff mentioned that there will be adequate parking for the development on-site and the curb parking will continue to be available to public. Height of the building within 50 ft. of the residential properties to south will be limited in height in compliance with Buena Park Zoning Code.

The site currently has two vehicular access points along Commonwealth Avenue. The existing driveway on the west of the property shall be modified to comply with ADA requirements. The second driveway will be relocated to 20 ft. from the east property line. This access will be right-in right-out only, due to the existing landscaped median on Commonwealth Avenue at this location. Both driveways meet the Zoning Code driveway standards for driveway width and length.

A gated pedestrian access is provided between the two vehicular access points, leading to the main pedestrian entrance of the business.

Total parking required is 92 spaces. Ninety-two parking spaces are proposed and therefore meet the parking requirement. Twelve of these are compact parking stalls. All spaces have wheel stops, except along the south west corner of the property where the parking overhangs two ft. into the landscape buffer. Two code required loading spaces are provided. There are four ADA compliant spaces including 2 van spaces, and there are eight designated clean air vehicles spaces.

The plans depict a building in the middle of the site with parking along the periphery. The plans meets all setback requirements including front yard, rear yard abutting property in residential zone, side yards, landscape buffer along streets, landscaped buffers along residential zones, and front parking setback.

Trash enclosure is located and arranged for ease of pick-up and does not interfere with other activities on site. A concrete pad for placements of an electrical transformer is provided at the northwest corner of the site. Staff has added a condition of approval that any at-grade, onsite electrical or mechanical equipment shall be appropriately screened from public view.

First floor consists of 8,787 sq. ft. of office area including a reception with lobby, offices, conference room, storage room, employee exercise room, showers, and dining area, in addition to 1,883 sq. ft. warehouse. There is a rear pedestrian entry into the building at this level.

Second floor plan consists of 10,444 sq. ft. of office space with meeting rooms, restrooms, and a court-yard open seating area. The second floor is accessed by two different internal stair cases and an elevator. This floor also has an additional staircase to directly access the third floor above. Portion of the second floor above the lobby on the first floor is open to below. Second floor north, east and part of the west external walls project beyond the first-floor foot-print below. Also, a portion of the south external wall is recessed from the first-floor foot-print below to comply with the building height regulation for proximity from the residential properties within 50 ft. at this location.

Third floor consists of 3,123 sq. ft. space for future office expansion, restrooms, and utility rooms. Portion of the second-floor roof will be accessible and utilized as outdoor seating

area. Remainder of the second-floor roof will be utilized for housing mechanical equipment. Third floor access is via two internal stair cases and an elevator.

Interior architectural details are consistent with the exterior contemporary architectural style, with exposed painted metal stairs, exposed painted metal chevron structural bracing, and exposed painted mechanical ducts.

Architecturally, the building has been designed with contemporary urban industrial/ office architecture incorporating a variety of modern forms and finishes including metallic wall sidings, cement plaster, and glass. The contemporary metallic finishes will be complemented by live vines attached to the building façade. Along with various materials, facade design with several horizontal and vertical undulations provides visual interest. Gutter and downspouts are external and will be painted to match the building.

Proposed overall building height of 41 ft. height, stepping down to 14 ft. within 50 ft. of the residential zone on the south of the site, is compliant with the height requirements of the Zoning Code. Further, the Federal Aviation Administration has conducted an aeronautical study and confirmed that the proposed structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities.

Nine percent parking lot landscaping is provided which exceeds the minimum requirement. Proposed landscaping consists of a variety of ground covers and shrubs such as a mix of ornamental grasses and succulents as understory plants at the base of Strawberry trees along the front property line and Western Redbud trees along the south property line.

The submittal plans show a six ft. tall wrought iron fence within the required front setback area where a fence taller than 3.5 ft. non-view obscuring fence may not be permitted. A condition of approval has been added to the proposed Resolution restricting the fence height and design. There are existing fences along the south, portion of west and east property lines constructed of varying materials and at varying heights, which the applicant proposes to replace with eight ft. high concrete block walls.

Per the Zoning Code, where an industrial development abuts a residential zone, a decorative fence is required to be placed along the property line. An eight foot tall decorative block wall is proposed along the southerly property line. The fence along east and west property lines meets the Zoning Code.

In reviewing the applicant's request and plans, staff visited the current EXBON headquarters in Garden Grove, subject property, and reviewed the site and building configuration as well as layout of the surrounding properties.

Based on this review and community feedback received, Staff feels that the design of the proposed warehouse and associated office, addresses the concerns expressed by the community, and will be compatible with the existing development patterns without any negative effects. As conditioned, the project meets all applicable requirements of the Buena Park Zoning Code.

The subject property is of significance because it marks the entry-point into the City of Buena Park from the City of Fullerton along Commonwealth Avenue. Proposed architecture is befitting such a location.

The property is currently vacant and is zoned for light industrial use. This use as well as proposed design is congruous with the requirements of Fullerton Municipal Airport which is in close proximity of the location. Office and warehouse hours of operation are between 7:00 am and 7:00 pm, and the development is anticipated to provide employment to 80 people (50 people initially with possible expansion to 30 additional people, who will be located on the proposed third floor).

Nature of the business involves storage of construction materials and equipment. No noise causing activities are proposed on-site which may create negative impact to the single-family residences on the south. However, staff has placed a condition of approval to limit any potential noise to remain below City adopted noise and nuisance standards. Further, The Orange County Airport Land Use Commission has requested that the building be designed to reduce the interior noise from aircraft over flight to 45 db for health and safety of workers within the proposed building, which has been added to the conditions of approval.

Appropriate vehicle circulation with sufficient on-site parking is being provided to assure safe and convenient access and egress, and allay the neighbors' concerns.

Overall, the proposed contractor's yard and office design and configuration promotes optimum utilization of the vacant site. As proposed, the architectural and site design for the development will include high quality materials and features to create an attractive development consistent for this location.

The project is Class 32, Section 15332 (Infill Development), categorically exempt from CEQA Guidelines 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).

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Event Center on August 31, 2018, and 31 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 asked for a description of the material for the proposed 8 ft. block wall and asked if the applicant will coordinate with adjacent property owners on the wall.

Dr. Meshram said staff discussed the demolition of the existing fences and the proposed CMU (Concrete Masonry Unit) block wall at the community meeting. The applicant will coordinate with adjacent property owners regarding the demolition and construction of the new wall.

Commissioner Desai asked for more information on the warehouse.

Chair McGuire asked if the site is large enough to require applicant to detain storm water on site.

Mr. Modarressi said the applicant is required to file a Water Quality Management Plan, which will include onsite infiltration. He said there will be some infiltration outside and the rest of the water goes to the street.

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, applicant, Fore Architects, Inc., 110 E. 9<sup>th</sup> St., Suite C700-D, Los Angeles, CA 90079, said the warehouse will be for storage of expensive tools and machines and will not trigger heavy traffic. He said the proposed block wall will secure adjacent residential areas, the two loading zones will comply with Code, and the warehouse will close at 5:00 p.m., thereby eliminating noise concerns.

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 Capelle moved, and Commissioner Diep seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU18-30337 with findings of fact and conditions therein.

**RESOLUTION NO. 6124  
CONDITIONAL USE PERMIT NO. CU18-30337**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU-30337 TO CONSTRUCT A 24,237 SQ. FT. THREE-STORY BUILDING ESTABLISHING A CONTRACTOR'S YARD WITH WAREHOUSE AND ASSOCIATED OFFICE; AND ASSOCIATED SITE IMPROVEMENTS AT TWO CURRENTLY VACANT PARCELS LOCATED AT 8422 COMMONWEALTH AVENUE WITHIN THE ML (LIGHT INDUSTRIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

AYES:	6	COMMISSIONERS:	Capelle, Diep, Barstow, Chung, Desai, and McGuire
NOES:	0	COMMISSIONER:	
ABSENT:	0	COMMISSIONER:	
ABSTAINED:	1	COMMISSIONER:	Schoales

Commissioner Schoales returned to the Council Chamber.

**NEW BUSINESS:**

**5. CONDITIONAL USE PERMIT NO. CU18-31780**

A request to allow the sale of beer and wine for on-site consumption at a proposed restaurant (Ramen Udon Tempura) located at 5252 Beach Boulevard 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.  
18862 Beach Boulevard, Suite 103  
Huntington Beach, CA 92648

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

**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 5252 Beach Boulevard north of Malvern Avenue and east of Beach Boulevard, within the Los Coyotes Plaza. The property has street frontages of 526 ft. on Beach Boulevard and 372 ft. on Malvern Avenue. It carries a General Plan designation of Commercial Office Mixed Use, a Zoning classification of CS (Community Shopping), and a total land area of 3.68 acres. The property is developed with an approximately 28,977 sq. ft. multi-tenant commercial building.

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

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>EXISTING LAND USE</b>
<b>North</b>	Medium-Density Residential	RM-10	Multi Family Residential
<b>South</b>	Commercial	CS	Commercial Shopping Center
<b>East</b>	Medium-Density Residential	RM-10	Multi Family Residential
<b>West</b>	PD and OCM	PD and CS	Commercial Shopping Center

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU18-31780 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 currently occupied by Beach Billiards. The commercial center consists of five buildings. The center currently maintains 191 parking spaces.

The applicant has submitted an application, development plans, and business plan requesting Planning Commission approval allowing the sale of beer and wine (Type-41 ABC License) for on-site consumption for a proposed restaurant, "Ramen Udon Tempura". The restaurant will be replacing the existing billiards parlor operating in the tenant spaces. As conditioned, alcoholic beverage sales will be incidental to the sale of food. The existing 2,236 sq. ft. tenant space will have approximately 47 indoor seats and 20 seats within an outside patio dining area. The restaurant will serve Japanese ramen and tempura. Proposed hours of operation are 10:00 a.m. to 2:00 a.m. Monday to Sunday. If approved, the proposed request will replace and revoke all previously approved Conditional Use Permits pertaining to the subject tenant space. The submittal site plan indicates 201 parking spaces for the overall

shopping center. This includes 61 compact spaces which is permissible by the Zoning Code. The required parking for the existing uses as well as the proposed restaurant is 201 spaces.

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 and visited the property and is of the opinion that the facility and site are adequate to support the establishment of the sale of beer and wine (Type-41 ABC License) 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. The proposed hours of operation are 10:00 a.m. to 2:00 a.m. each day of the week.

In Staff's opinion, the proposed operating hours are appropriate for the restaurant and are consistent with other similar approvals in the area. Proposed increase in number of parking spaces from 191 to 201 spaces is adequate for the current mix of tenants in the plaza, including the proposed restaurant. 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 September 14, 2018, and 118 notices were mailed to property owners within 300 ft. radius of the subject property on September 14, 2018.

Chair McGuire asked if there were any questions for staff.

Commissioner Schoales asked for a description of the proposed patio, including access to and from the patio, and the block wall with glass,

Mr. Moreno said the proposed block wall is 3 ft. high with 26-inch glass above.

Mr. Rosen said the proposed plan shows access points to the patio from inside the restaurant, a door directly leading from the restaurant to the patio and from both sides of the patio.

Commissioner Chung asked if there is a proposed smoking area in the patio.

Mr. Rosen said the applicant will decide if there will be an area designated for smoking in the patio.

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.



Nathan Yu, 5245 Beach Blvd., Buena Park, CA 90621, relayed his two concerns through an interpreter, Ms. Lee. Mr. Yu's first concern is lack of parking spaces. He said out of the seven restaurants in the area, five serve beer and wine and because customers of the latter usually stay longer, there is a resulting lack of parking spaces. His second concern is oversaturation of restaurants that serve beer and wine in the area.

Mr. Moreno said the location analysis conducted on requests for issuance of alcohol license is based on census tract and not per site. He said there is no oversaturation of restaurants serving beer and wine in the tract where the proposed restaurant will be located.

Commissioner Chung asked Mr. Yu to describe his restaurant.

Mr. Yu said he has been in business for five years, his restaurant is located at the back and most customers use the back parking lot due to lack of parking spaces in front.

Chair McGuire asked if there are enough parking spaces in the area.

Commissioner Schoales said he frequents the carwash in the area and has observed people parking on the other side of Beach Boulevard because the parking lot is full.

Commissioner Diep said she too frequents the area and observed that the parking situation is bad, with a lot of "create-your-own space" parking. She said she cannot see on the plan where the red curbs and fire lanes are but on some of the lines where landscaping would be, people create their own space to park. Commissioner Diep described the parking lot as an awkwardly shaped lot and encouraged staff to visit at any time to observe the parking situation.

Commissioner Capelle said there is an incredible mix of uses in the area where there is a dry cleaner which seems to have more parking spaces, a Laundromat, and restaurants. She said if there is one owner for the area, a comprehensive parking plan will better serve all of the various businesses.

Chair McGuire asked if it would be reasonable to have marked or assigned parking spaces.

Mr. Rosen said that sometimes, certain tenants use signs to allot parking spaces for their customers; however, it is more beneficial to have open parking spaces in the area because the demand for parking varies at any given day.

Mr. Rosen said that the site plan shows that the redesign of the parking lot, including restriping, which will increase the number of parking spaces. He said 30% of the parking area will be compact spaces, as allowed by Code.

Mr. Moreno added that parking spaces have increased from 191 to 201.

Dr. Meshram explained that staff and the applicant went through several iterations of the parking plan, which took into account all uses in the plaza. Some proposed parking spaces were not permissible because they caused drive-aisles to become non-compliant. She said there is no proposal to expand the island in the center so there may be room for two more parking spaces there. The proposed number of parking spaces meets the required number of parking spaces.

Mr. Yu said he is concerned that the additional parking spaces will not help if some customers will continue to park in the back where his restaurant is located.

Yeonjin Lee, applicant, said only the employees will be allowed to park in the back side of the new restaurant.

Lee Y. Park said he has been a resident of Buena Park since 1994. He said he saw how the City has transformed through the years, with more diversity, and more places for the citizens to enjoy. He described the proposed restaurant as family-based, serving light meals. Mr. Park said the applicant has been running his business successfully, observing rules and regulations, for the past eight years. He said he strongly recommends the approval of the proposed project.

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 Diep seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU18-31780 with findings of fact and conditions therein.

**RESOLUTION NO. 6125  
CONDITIONAL USE PERMIT NO. CU18-31780**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU18-31780, TO ALLOW THE SALE OF BEER AND WINE (TYPE-41 ABC LICENSE) FOR ON-SITE CONSUMPTION, AT A FULL SERVICE RESTAURANT LOCATED AT 5252 BEACH BOULEVARD, WITHIN THE CS (COMMUNITY SHOPPING) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

**6. TEXT AMENDMENT NO. C18-33045**

A request to consider a 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. The project is categorically exempt from CEQA pursuant to Section 15301 of the California Code of Regulations.

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

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

Mr. Lam announced that Commissioners Capelle and Desai will abstain from voting on this item because of the potential that the proposed Text Amendment may impact their existing driveways.

Commissioners Capelle and Desai left the Council Chamber.

**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 Swati Meshram, Associate Planner.

Staff recommends that the Planning Commission adopt the attached Resolution recommending that the City Council approve Text Amendment No. C18-33045.

Currently circular driveways are permitted in residential zones and are governed by Section 19.336.040.F.3 of the Buena Park Zoning Code, which states:

“There shall be no circular driveway in a front yard area with two driveway entrances from the same street unless the street frontage on such street is one hundred twenty feet or more.”

On August 14, 2018, the City Council conducted a Study Session regarding Circular Driveways within residential zones in the City of Buena park. Following the discussion, staff was directed to update the regulations governing the development of such driveways.

The proposed Ordinance will modify Section 19.336.040.F.3 of Division 3 of the Zoning Code (Title 19) to regulate the establishment of circular driveways in single family residential zones, including adoption of related development standards.

The Zoning Code currently allows circular drives on lots with a street frontage of 120 feet or more. There are very few residential lots in the City that have street frontages of at least 120 feet; these are generally located near the Los Coyotes Golf Course and are zoned RS-16 (100 ft. minimum street frontage). There are numerous unpermitted circular driveways in the City, primarily located in the RS-8 and RS-10 zones also near Los Coyotes Golf Course area. Typical lot widths for RS-8 and RS-10 lots vary from 80 to 100 feet.

Staff surveyed neighboring cities' circular driveway standards. Below is a comparison table:

City	Minimum Street Frontage for Circular Driveway	Notes
Buena Park	120 feet	Minimum 30% front yard landscaping

Stanton	100 feet	Conditional Use Permit required
La Habra	100 feet	City Engineer approval required
Fullerton	No Minimum	- 30 ft. distance between driveways - Pavement no to exceed 50% of the front yard
Anaheim	No Minimum	- Min. 50% front yard landscaping - In the process of developing development standards

While circular driveways could allow for potentially more on-site parking spaces, the additional driveway approach and inadequate spacing between the driveway approaches could result in the loss of one or more on-street parking spaces. The City Council Study Session discussion included factors such as distance between such driveway approaches to allow for adequate street parking spaces, minimum required landscaping in the front yard, increased safety from vehicles entering the street 'nose-in', and increased on-site parking provided by circular driveways. Proposed changes to the Zoning Code in the attached Proposed City Council Ordinance are based on the discussion and direction provided at the Study Session.

The proposed change will replace the minimum lot width requirement, by a minimum distance requirement between the driveway approaches. Such driveways shall be subject to Director and City Engineer approval via the Interdepartmental Review procedure.

The project is categorically exempt from the California Environmental Quality Act (CEQA) under the Class 1 Categorical Exemption pursuant to Section 15301(c) (Existing Facilities) of the State CEQA Guidelines.

Notice of this public hearing was published in the Buena Park Independent on September 14, 2018.

Chair McGuire asked if there were any questions for staff.

Commissioner Schoales asked if staff will henceforth evaluate requests for circular driveways. He also asked about setback requirements.

Dr. Meshram said requests for circular driveways will continue to be reviewed administratively as is current procedure. She said the frontyard setback required is 20 ft., with the two driveway approaches 23 ft. apart.

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 the adoption of a Resolution recommending City Council approval of Text Amendment No. C18-33045.

Commissioner Barstow moved, and Commissioner Diep seconded, the motion to adopt the Resolution recommending City Council approval of Text Amendment No. C18-33045.

**RESOLUTION NO. 6126  
TEXT AMENDMENT NO. C18-33045**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE REVISING REGULATIONS RELATING TO ESTABLISHMENT OF CIRCULAR DRIVEWAYS IN SINGLE FAMILY RESIDENTIAL ZONES, ADOPTING RELATED DEVELOPMENT STANDARDS, AND AMENDING SECTION 19.336.040.F.3 OF DIVISION 3 OF TITLE 19 OF THE BUENA PARK MUNICIPAL CODE**

AYES: 5 COMMISSIONERS: Barstow, Diep, Chung, Schoales,  
and McGuire

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 2 COMMISSIONER: Capelle and Desai

Commissioners Capelle and Desai returned to the Council Chamber.

**ORAL COMMUNICATIONS:**

None

**AGENDA FORECAST:**

Mr. Woods said that as of this date, there are no items scheduled for the meeting of October 10.

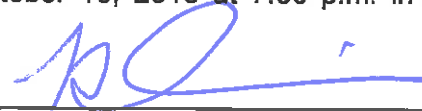
**STAFF REPORTS:**

Mr. Rosen gave an update on the High Speed Rail Authority meeting that he attended with Commissioners Barstow and Diep.

**COMMISSION REPORTS:**

Commissioner Barstow said he will be unable to attend the meeting on October 10, if one is scheduled.

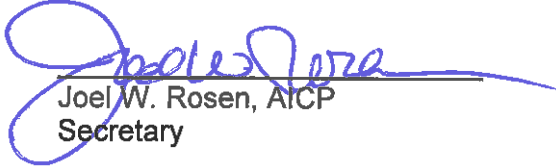
**ADJOURNMENT:** At 8:37 p.m., Chair McGuire adjourned to the regularly scheduled Planning Commission meeting on Wednesday, October 10, 2018 at 7:00 p.m. in the City Council Chamber



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Richard McGuire  
Chair

ATTEST:



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Joel W. Rosen, AICP  
Secretary