

CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
October 9, 2019

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on October 9, 2019, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Vice Chair Chung presiding.

PRESENT: COMMISSIONERS: Capelle, Desai, Diep, McGuire, and Chung

ABSENT: COMMISSIONERS: Barstow, Schoales

Brady M. Woods, Planning Manager  
Swati Meshram, PhD, AICP, LEED AP, Senior Planner  
John W. Lam, Assistant City Attorney  
Gregory P. Palmer, City Prosecutor  
Ruth Santos, Senior Administrative Assistant

- 1. **APPROVAL OF MINUTES** August 28, 2019 Planning Meeting and Study Session  
September 11, 2019 Meeting  
September 25, 2019 Adjourned Meeting

RECOMMENDED ACTION: Approve

Commissioner Capelle moved and Commissioner Diep seconded the motion to approve the minutes of the above meetings, with the following change:

Planning Commission Study Session/Workshop minutes, page 6494, first line, should read as follows:

“Chair **Barstow** called the Study Session to order at 7:45 p.m.”

The MOTION CARRIED unanimously.

AYES:	5	COMMISSIONERS:	Capelle, Diep, Desai, McGuire, and Chung
NOES:	0	COMMISSIONER:	
ABSENT:	2	COMMISSIONER:	Barstow, Schoales
ABSTAIN:	0	COMMISSIONER:	

PUBLIC HEARING:  
OLD BUSINESS:

- 2. **CONDITIONAL USE PERMIT REVOCATION NO. CU-716 RVK**

A request to initiate the modification or revocation of Conditional Use Permit No. CU-716 to operate and maintain a hotel and schedule a public hearing for final action for a property located at 7762 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: Golden Hotel, LLC / Golden Capital Venture, LLC

DBA: Radisson Suites  
C/o Hieu Minh Bui  
9357 Andalusia Avenue  
Fountain Valley, CA 92708

**RECOMMENDED ACTION:** Approve Resolution to initiate modification or revocation

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

Mr. Palmer introduced himself, described his background as City Prosecutor for 29 years; spoke about the Conditional Use Permit revocation hearings he had set in the past on certain hotels, two of which were presented before this Planning Commission - Pioneer and Crescent, both resulting in significant improvements. He stated that his request to set a public hearing is due to conditions at the hotel which was found to be operating in a manner detrimental to the public health, safety, and welfare; in a manner not in compliance with conditions of approval; and in violation of City Codes, laws, ordinances, and zoning requirements applicable to the granting of conditional use permits.

Mr. Palmer said there were Code Enforcement complaints and Police Department concerns in March 2019, but problems existed way before that due to long neglected maintenance and lack of efficient management. On March 14, 2019, Code Enforcement sent a letter to the hotel management about an inspection on April 3, 2019.

Mr. Palmer described the results of the April 13, 2019, May 24, 2019 and June 27, 2019 inspections which had very little variance, the conditions of the hotel have not materially changed. He said the staff report has the list of 45 problems found at the hotel during the inspections.

On May 10, 2019, the City received an email from representatives of an architectural firm hired by the hotel to address some of the issues. The e-mail stated that the architectural firm had very serious concerns about the hotel, such as deferred maintenance and negligent building management which to them was very alarming and could likely endanger hotel guest's health and safety. Ultimately, when the hotel management failed to adequately address these concerns, the architectural firm withdrew from assisting the hotel any longer. The Buena Park City Prosecutor's Office filed a 30 count criminal misdemeanor complaint against Hieu Minh Bui and Golden Capital Venture, LLC related to the conditions found at the hotel during the inspections noted by the architect hired by the hotel.

Mr. Palmer stated that the reason for the recommended hearing date of December 11, 2019 is to give the applicant enough time to demonstrate good faith and make significant changes before Planning Commission makes a determination at the public hearing on December 11, 2019.

Vice Chair Chung asked if there were any questions for staff.

Commissioner Capelle commented on the positive improvements on Crescent Motel. Noting that Radisson Suites is a branded hotel, she said it has contractual commitments, and asked about Radisson Corporate office's involvement in the process.

Mr. Palmer said Radisson's corporate office is doing due process and monitoring, which may take time; they may take action to either withdraw the contract or keep it, depending on the progress.

Commissioner Capelle commented that it is therefore a shared effort as there will be repercussions if a branded hotel loses its CUP; it will also be more difficult to market rooms for an independent hotel.

Commissioner Diep asked what steps the Planning Commission will take at the next hearing.

Mr. Lam said evidence from both sides will be presented to the Planning Commission who will weigh the evidence and choose the course of action from the options listed in the staff report.

Commissioner McGuire asked what the timeframe is to resolve the 45 items/problems listed.

Mr. Palmer said that if the applicant continues the progress taken during the past several weeks, it is expected that 90 percent of the items listed will be resolved by the next hearing date.

Vice Chair Chung 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.

Michael Reiter, attorney for the applicant, introduced himself; talked about his experiences as Deputy City Attorney for San Bernardino for five years, handling half of the Code Enforcement cases in that city, Assistant City Attorney, advising the Planning Commission for Redlands; and was a member of the Planning Commission.

Mr. Reiter said he understands the CUP revocation process; worked on a case involving the CUP of an amusement park that was not doing well; came to this case in August when the criminal case was filed; worked in cases involving resident hotels in San Bernardino; was surprised when he learned about Radisson and the serious life safety issues. He said the problems listed by the Orange County Fire Authority (OCFA) were immediately corrected, changes were done to make sure the hotel looks good from outside – painted, took care of dead vegetation. He encouraged staff and Planning Commission to visit the hotel before the next hearing; said the major things listed by the City are being worked on; acknowledged their failure to inform the City of their progress, described a list from the architect with status and timelines; said the two biggest issues – the chiller at the hotel and the electrical in the meeting rooms – will take more time to resolve because they cannot find the parts to replace, they have to get a new system; they have to move it to the ground; if the current chiller collapses, nothing will be impacted. Mr. Reiter described that the past manager was doing bad things, including lack of maintenance, but for 85 days now, the new manager has been checking things off the list; the new manager is present at this meeting and will speak about his experience in hotels, the last being in the LAX area. Mr. Reiter said a late December hearing will give them more time to resolve the issues such as those that involve outside assistance such as the elevator (his understanding is that it has been repaired); with some needing permits to be signed off; after the permits are obtained, plans will be submitted for approval.

Commissioner Desai asked if the applicant has a list of all pending items and with estimated completion dates.

Mr. Reiter said the architect has provided that list to Mr. Rosen, and all items are expected to be resolved by December 23, except for the chiller and the electrical in the meeting room.

Oscar C. Juat, Manager, Radisson Suites, spoke about his 35 years in the hotel industry where he worked in management positions at various locations – Anaheim, Knott's Berry Farm, West Hollywood, Marina del Rey, Beverly Hills, Marina del Rey, Beverly Hills, Rodeo Drive, to LAX. He has been working as manager at Radisson Suites for 87 days straight, he will give the hotel 120 days and then he will take a day off; he gives regular updates on items accomplished, with photos; his connections in the industry have helped him get things done - reopened the restaurants and swimming pool in ten days; he used to stay at the Embassy Suites (which became Radisson) and it reminded him of the Four Seasons Hotel in Santa Barbara; his goal is to make Radisson Suites like the Four Seasons Hotel; he said he estimates that 95% of the 45 listed items will be resolved in a timely manner, except for the chiller and the meeting room.

Commissioner Capelle asked Mr. Juat for an estimated completion date on the two main items - the chiller and the electrical in the meeting room.

Mr. Juat said three bids have been received, but he cannot give an estimated completion date as of now.

Mr. Reiter gave a status of the permit applications and the estimated completion dates in November and December 2019 and some in early 2020.

Mr. Palmer commented the possibility of the chiller failing structurally and going through the floors is still a problem.

Mr. Reiter confirmed the possibility of the chiller falling but gave an assurance that the damage will be on property only.

Commissioner McGuire said there is an urgency to reinforce the chiller because of the possibility of falling and hitting the ground; engineers should be called to assess, prepare drawings and calculations for the City's approval.

Hieu Bui, property owner, 7762 Beach Blvd., Buena Park, CA 90620, apologized for all the problems at the hotel which he said was due to poor management; said they tried to reinforce the chiller and was told that they needed a permit to do that; however, his architect said there is no need for a permit; they immediately worked to resolve the violations as soon as they received the letter but the past management did not do things right; with the new manager, the issues will be resolved but the cooling tower would need more time because the existing chiller was purchased 30 years ago and the brand has been discontinued; a smaller footprint is needed, with the same capacity, which will be relocated; the current width and height does not allow the current top location; permits were pulled on the meeting rooms last week and will hopefully be done before the December public hearing.

There being no one else wishing to speak on the matter, Vice Chair Chung closed the public hearing.

Before making the motion, Commissioners Diep and Capelle asked if it would be more realistic to schedule the public hearing for the first meeting in January 2020 considering the

estimated dates for completion of the 45 items listed are mostly in December with a few in early 2020, and the second hearing date of December 25 is a holiday.

Mr. Palmer said the request for a December 11, 2019 public hearing is to ensure that the items are resolved in a timely manner because based on past experience, having a later hearing date caused a delay in resolving the problems.

Commissioner Capelle asked Mr. Lam's advice as to what Planning Commission's purview is considering the safety concerns on the chiller.

Mr. Lam said that Planning Commission's safety concerns about the chiller, and the need for it to be reinforced immediately, have been expressed at this meeting; Code Enforcement is monitoring the problems; it is best to move forward with the recommendation proposed by Mr. Palmer who is working with City staff.

Commissioners Diep asked if it would be reasonable to proceed, with an update in 30 days if progress is happening faster than expected, to determine if the December hearing is needed.

Mr. Lam cautioned against having extra meetings/presentations of evidence outside of the public hearing and advised that it is more appropriate to save all the evidence for presentation at the actual hearing.

Commissioner Diep asked if the recommended December hearing will provide staff sufficient time to gather all information/updates for the staff report, post, etc.

Mr. Palmer said scheduling a hearing on December 11, 2019 will be reasonable.

Commissioner Capelle moved, and Commissioner McGuire seconded, the motion to adopt a Resolution recommending a December 11, 2019 public hearing to initiate the modification or revocation of Conditional Use Permit No. CU-716.

**RESOLUTION NO. 6161  
CONDITIONAL USE PERMIT REVOCATION NO. CU-716RVK**

**A RESOLUTION OF THE PLANNING  
COMMISSION OF BUENA PARK TO INITIATE  
THE MODIFICATION OR REVOCATION OF  
CONDITIONAL USE PERMIT NO. CU-716 TO  
OPERATE AND MAINTAIN A HOTEL AND  
SCHEDULE A PUBLIC HEARING FOR FINAL  
ACTION FOR A PROPERTY LOCATED AT 7762  
BEACH BOULEVARD WITHIN THE ECSP  
(ENTERTAINMENT CORRIDOR SPECIFIC  
PLAN) ZONE**

AYES: 5 COMMISSIONERS: Capelle, McGuire, Desai, Diep, and Chung  
NOES: 0 COMMISSIONER:  
ABSENT: 2 COMMISSIONERS: Barstow, Schoales  
ABSTAINED: 0 COMMISSIONER:

**ORAL COMMUNICATIONS:**

None

**AGENDA FORECAST:**

Mr. Woods announced that the October 23, 2019 Planning Commission meeting will include a Text Amendment recommendation to the City Council to amend Division 9 of Title 19 of the Buena Park City Code pertaining to short term rental permit regulations.

Commissioner Capelle asked if the two options on the website are the only options.

Mr. Woods confirmed that the two options are on the website are the only options prepared by staff.

**STAFF REPORTS:**

None

**COMMISSION REPORTS:**

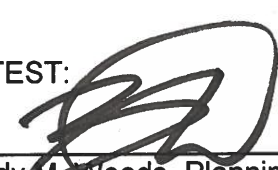
Commissioner McGuire commented that getting a scaffold company to help Radisson complete the work required will help speed up the process.

Mr. Woods said there will be discussions between the applicant and the City Building Official.

**ADJOURNMENT:** At 8:01 p.m., Vice Chair Chung adjourned to the Planning Commission meeting on Wednesday, October 23, 2019, in the City Council Chamber.

  
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Jae Joon Chung  
Vice Chair

ATTEST:

  
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Brady A. Woods, Planning Manager  
For: Joel W. Rosen, AICP  
Secretary