

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
February 26, 2020

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on February 26, 2020, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Capelle presiding.

PRESENT: COMMISSIONERS: Cangey, Desai, Diep, McGuire, Schoales, Sheibe, and Capelle

Joel W. Rosen, AICP, Director of Community Development
Brady M. Woods, Planning Manager
Swati Meshram, Ph.D., AICP, LEED AP, Senior Planner
Mina Mikhael, P.E., Assistant City Engineer
John W. Lam, Assistant City Attorney
Ruth Santos, Senior Administrative Assistant

WELCOME - COUNCIL MEMBER SUNNY YOUNGSUN PARK, PLANNING COMMISSION LIAISON, AND NEW PLANNING COMMISSIONERS JOHN CANGEY AND BRANDON SHEIBE

Mr. Rosen acknowledged the presence, in the audience, of Council Member Sunny Youngsun Park, Planning Commission liaison, and welcomed new Planning Commissioners John Cangey and Brandon Sheibe. He also explained that the positions of Chair and Vice Chair of the Planning Commission are currently vacant; therefore, there will be an election at tonight's meeting for Interim Chair and Interim Vice Chair to fill the positions until the next regular election in July of this year.

Commissioner Diep recommended the deletion of the word "interim" in the positions for election at tonight's meeting. Mr. Rosen and Mr. Lam approved the recommendation.

1. ELECTION OF PLANNING COMMISSION CHAIR AND VICE CHAIR

Ms. Santos declared the offices of Chair and Vice Chair of the Planning Commission vacant and opened the nominations for Chair of the Planning Commission. Commissioner Diep nominated Commissioner Capelle as Chair, which was seconded by Commissioner Desai. There being no other nominations, Ms. Santos declared the nominations closed and called for a voice vote.

Ms. Santos announced that the MOTION CARRIED unanimously and Joyce Capelle is the new Chair.

Chair Capelle opened the nominations for Vice Chair. Commissioner Diep nominated Commissioner Schoales as Vice Chair, which was seconded by Commissioner Capelle. There being no further nominations, Chair Capelle called for a voice vote. The MOTION CARRIED unanimously and Chair Capelle announced that Jim Schoales is the new Vice Chair.

CONSENT CALENDAR (Items 2-3):

- 2. APPROVAL OF MINUTES** January 22, 2020
February 12, 2020 Adjourned Meeting

RECOMMENDED ACTION: Approve

Commissioners Cangey and Sheibe abstained from voting on this item because they were not in attendance at the January 22, 2020 meeting - their tenure started after the dates of the meetings.

The MOTION CARRIED unanimously.

AYES: 5 COMMISSIONERS: McGuire, Desai, Diep, Schoales, and Capelle

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 2 COMMISSIONERS: Cangey, Sheibe

3. EXTENSION OF TIME NO. EXT. 20-1

A request for a one (1) year extension of time to complete construction of a mixed-use development with two live/work units above 3,708 square feet of office space, 18 on-site parking, and improvements on approximately 0.28 acres of land located at 6172 Beach Boulevard within the GMU (General Mixed-Use) zone, as reflected on Development Agreement No. DA 17-26734. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15332, Class 32 (In-Fill Development).

PROPERTY OWNER/APPLICANT: 6100 Beach LLC
6301 Beach Boulevard, Suite 180
Buena Park, CA 90621

RECOMMENDED ACTION: Approve

The property under application is located on the east side of Beach Boulevard and west of Homewood Avenue. The property maintains a street frontage of 100 ft., a total land area of approximately 0.28 acres, and is currently vacant.

On January 9, 2018, the City Council adopted Ordinance No. 1639 approving Development Agreement No. DA17-26734 to allow the construction of a new two-story mixed-use development with 2,056 square feet of residential above 3,708 square feet of ground level office space, 18 on-site parking spaces, and related site improvements in conjunction with Zone Change No. Z17-26737 changing the zoning from CG (Commercial General) to GMU (General Mixed Use) to accommodate the development.

Upon written request by the applicant, the Community Development Director approved Extension of Approval No. EXT19-1 on February 6, 2019, granting a one-year extension to the applicant for additional time to secure the necessary permits to begin construction.

The submitted request is for a one-year extension of time for previously approved Development Agreement No. DA17-26734 allowing for the development of a new two-story

mixed-use development with 2,056 square feet of residential above 3,708 square feet of ground level office space, 18 on-site parking spaces, and related site improvements.

According to the applicant, plans have been prepared and submitted to the City for plan check. However, it has taken longer than expected to resolve certain technical and permitting issues related the project’s fire sprinkler system.

Section 7 of Development Agreement No. DA17-26734 allows the Planning Commission to grant extensions of such time period for up to one year for each extension if the earlier expiration of such time is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety and welfare.

Staff has reviewed the application and believes that granting the one year extension is appropriate pursuant to Section 7 of the Development Agreement. The applicant has made substantial progress toward obtaining the required permits, including submittal of construction plans (Building Permit No. B18-31840) for plan check. All Conditions of Approval for Development Agreement No. DA17-26734 shall remain in full force and effect as no modifications to the project or the development plans as approved by the City Council are proposed. The project will contribute toward site and area enhancement as originally approved. As recommended, this extension shall expire February 14, 2021, if construction as previously approved for the property has not commenced.

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

Staff recommends that the Planning Commission adopt a Minute Action approving Extension of Approval No. EXT20-1.

The MOTION CARRIED unanimously.

AYES:	7	COMMISSIONERS:	McGuire, Desai, Cangey, Diep, Schoales, Sheibe, and Capelle
NOES:	0	COMMISSIONER:	
ABSENT:	0	COMMISSIONER:	
ABSTAIN:	0	COMMISSIONER:	

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

PUBLIC HEARING:

OLD BUSINESS:

4. CONDITIONAL USE PERMIT NO. CU19-23

A request to modify previously approved Conditional Use Permit CU06-006 to change hours of permitted live entertainment from 8:00 PM – 11:00 PM Friday through Sunday and federally observed holidays, to 11:00 AM – 11:00 PM Sunday through Thursday and 11:00 AM - 1:00 AM Friday and Saturday; as well as allow outdoor live entertainment/amplified music in the patio area at an existing full service restaurant (Golden Rose Mediterranean

Grill) at 7115 Beach Boulevard in the ECSP (Entertainment Corridor Specific Plan). The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facilities).

APPLICANT: Golden Rose Entertainment
7115 Beach Boulevard
Buena Park, CA 90620

PROPERTY OWNER: La Jolla Funding
8051 Main Street
Stanton, CA 90680

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Capelle, 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, approximately 220 ft. north of the Artesia (91) Freeway, with a street frontage of 115 ft. and a total land area of 39,709 sq. ft.

SURROUNDING LAND USE CHARACTERISTICS:

	General Plan	Zoning	Existing Land Use
North	Tourist Entertainment	ECSP	Restaurant
South	Tourist Entertainment	ECSP	Hotel
East	Tourist Entertainment	ECSP	Hotel
West	Tourist Entertainment	ECSP	Commercial Retail

On January 8, 2003, the Planning Commission approved Conditional Use Permit No. CU-1316 (RDA) for the 4,150 sq. ft. full service restaurant, with outdoor dining, on-site sale and consumption of alcoholic beverages, and limited live entertainment with associated parking lot improvements at 7115 Beach Boulevard. The entertainment was limited to musical groups with a maximum of three members providing background dinner music. Live entertainment was limited to 12 days per year for the first 12 months of operation of the restaurant with no dancing permitted.

On August 11, 2004, the Planning Commission approved Conditional Use Permit No. CU04-026 for a minor modification of CU-1316, to modify the exterior design of the restaurant building. While maintaining the original building layout and design, the modification included additional architectural enhancements and materials.

On January 26, 2005, the Planning Commission approved Conditional Use Permit No. CU05-001 to further revise the exterior design of the restaurant building as well as the outdoor patio dining area.

On January 11, 2006, the Planning Commission approved Conditional Use Permit No. CU05-025 to further modify the exterior of the full service restaurant building to include architectural neon lighting and an increase in outdoor dining area as well as reduce the maximum number of guest rooms to 129 for the adjacent motel located at 7121 Beach Boulevard, in

conjunction with re-stripping of the shared parking lot and a new integrated ground sign to include the restaurant and motel.

On April 12, 2006, the Planning Commission approved Conditional Use Permit No. CU06-006 to further modify the previously approved restaurant to include new patio covers within the outdoor dining area. This approval also allowed the expansion of the live entertainment to include a live music band and "Middle Eastern Dancers" dancers during the hours of 8:00 PM to 11:00 PM Friday through Sunday, and on federally observed holidays. The live music and dancing entertainment was approved to take place within the interior of the building only.

On September 16, 2019, the Zoning Administrator conducted a public hearing to consider Entertainment Permit No. ENT19-2 to allow live entertainment including live music, belly dancers, and disc jockeys during the hours of 8:00 PM to 11:00 PM Friday through Sunday and on federally observed holidays at the existing restaurant. Staff had received numerous nuisance complaints regarding the applicant's business operations; more specifically, the noise generated by live entertainment occurring beyond the hours allowed under CU06-006. At the conclusion of the hearing, the Zoning Administrator voted to continue the item to a date certain to allow more time to consider arguments and evidence presented by the City Prosecutor and the applicant's attorney.

On September 30, 2019, the Zoning Administrator conducted a public hearing to consider Entertainment Permit No. ENT19-2, to allow live entertainment including live music, belly dancers, and disc jockeys during the hours of 8:00 PM to 11:00 PM Friday through Sunday and on federally observed holidays at the existing restaurant. At the conclusion of the hearing, the Zoning Administrator voted to approve ENT19-2 pursuant to the following conditions:

- a) Live entertainment provided at the establishment, including performance type, location within the establishment, allowable days and times, etc., shall remain in accordance with conditions of approval for Conditional Use Permit No. CU06-006 (Resolution No. 5503).
- b) This Entertainment Permit may be revoked in accordance with Sections 5.24.100 and 19.132.030 of the Zoning Ordinance if three (3) verifiable calls for service related to noise and/or code enforcement violations are received by the City regarding this establishment.
- c) Zoning Administrator shall conduct a four-month (120 days) review of this Entertainment Permit to evaluate compliance with these conditions or any applicable statute, law, or regulation. Four month period shall commence immediately upon approval of Entertainment Permit No. ENT19-2.

On December 11, 2019, the Planning Commission conducted a public hearing to consider Conditional Use Permit CU19-23, to modify previously approved Conditional Use Permit No. CU06-006 to change hours of permitted live entertainment to 11:00 AM – 11:00 PM Sunday through Thursday and 11:00 AM - 1:00 AM Friday and Saturday, as well as allow outdoor live entertainment/amplified music in the patio area at the Golden Rose Restaurant. Upon conclusion of the public hearing, the Planning Commission voted to continue the item to allow for additional information including:

- Results of the Zoning Administrator's 120-day review of Entertainment Permit No. ENT19-2.

- Results of additional sound testing conducted during a New Year's Eve event.
- Anaheim Police Department calls for service related to the applicant's Rose Café restaurant located in City of Anaheim.

Currently under CU06-006, limited live entertainment at the restaurant is permitted in the form of a small live music band and "Middle Eastern Dancers" dancers during the hours of 8:00 PM to 11:00 PM Friday through Sunday, and on federally observed holidays. The live music and dancing entertainment is to take place within the interior of the building only. All requests for live entertainment on days other than Friday, Saturday, Sunday, and federally observed holidays shall be submitted to the Community Development Director a minimum of 7 days prior to the date of the performance provided that the maximum number of such events shall not exceed 30 events per year.

The submitted application propose modifying the hours of permitted live entertainment to 11:00 AM - 11:00 PM Sunday through Thursday, and 11:00 AM - 1:00 AM Friday and Saturday. Live entertainment will consist of live music bands, choreographed dance performers, and disc jockeys. The applicant also seeks to provide outdoor ambient music in the patio area. The applicant has stated that the current hours of permitted live entertainment and the inability to utilize the outdoor patio for live entertainment are too limiting to the business operations.

Pursuant to Conditional Use Permit No. CU06-006, any change of hours shall require modification of CU06-006 by the Planning Commission. In reviewing the applicant's proposal, plans, and supporting documentation, staff is of the opinion that the proposed change in hours for live entertainment at the Golden Rose restaurant is appropriate for the full service restaurant use within the ECSP zone.

The following addresses the Planning Commission's request for additional information made during the December 11, 2019 public hearing:

- **Results of the Zoning Administrator 120-day review of Entertainment Permit No. ENT19-2.**

On January 31, 2020, the Community Development Director transmitted the ENT19-2 compliance review memo to the Zoning Administrator (Attachment 2). In summation, the compliance review found that there were three calls for service related to excessively loud music during the 120-day period. Two calls were unfounded and one call was resolved immediately by police officers on site. No recorded Code Enforcement complaints related to the entitlement were made.

- **Results of additional sound testing conducted during a New Year's Eve event.**

During the December 11, 2019 Planning Commission hearing, the applicant stated their intent to conduct additional sound testing utilizing new sound equipment and settings during a live, heavily-attended event.

On December 22, 2019, the applicant submitted an additional decibel reading report prepared by Avalon Audio Recording (Attachment 3). The report states that using a reasonably loud music setting inside the restaurant of 93 decibels shows that the noise levels all around the property is well within reason and should not be of any disturbance to the neighbors.

On December 23, 2019, the Community Development Director granted the applicant a Temporary Use Permit allowing live entertainment to occur beyond the hours allowed by CU06-006 for a New Year's Eve event. The applicant did not conduct additional sound testing during this event.

- **Anaheim Police Department calls for service related to the applicant's Rose Café restaurant located in City of Anaheim.**

Staff, with assistance from the Buena Park Police Department, was unable to obtain Anaheim Police Department incident logs related to the Rose Café by the date of this report. According to the applicant, the Rose Café had its lease terminated in September 2019 due to redevelopment of the property located at 198 W. Cerritos Avenue in Anaheim.

Taking into account the applicant's proposal not to have outdoor live entertainment; that sound from the restaurant will not reach unacceptable levels beyond the property line; and the low frequency of Police calls for service related to loud music over a 4-month period, Staff is of the opinion that the request for extended hours of live entertainment at the restaurant is appropriate. However to ensure compatibility with surrounding land uses, Staff recommends the following conditions of approval to mitigate potential deleterious impacts:

- A six-month Planning Commission review to evaluate compliance with the Conditions of Approval. The review should be conducted for a period of 2 years beginning on August 26, 2020. This condition is recommended by the Buena Park Police Department.
- Outdoor live entertainment in the patio area shall be prohibited.
- The entertainment shall be limited to small bands, choreographed dance performances, and disc jockeys. No other form of live entertainment is permitted. Any modification to the type of entertainment shall require modification of this approval by the Planning Commission.
- Permitted live entertainment shall at all times be incidental to the restaurant use. All entertainment activities shall be conducted only in conjunction with regular dining or banquet activities. Entertainment shall not be offered at any time food service is not available.
- Any time that patron dancing is allowed within the premises, the establishment shall have present at all times one or more security employees who are readily identifiable as per Section 5.24.130 of the Buena Park Municipal Code.
- There shall be no direct tipping between any of the live entertainers, including the band members, singers, or dance performers, and the restaurant patrons.
- All existing building and site improvements in place as of the date of application, including architecture features, water features, patio covers signage, and lighting, may remain shall be maintained in good working condition.
- All existing parking lot and driveway striping shall be sandblasted or slurry sealed at the discretion of the Planning Division, and re-striped (in compliance with Code Section No. 19.536.070F). A total of 291 parking spaces shall be maintained for the restaurants and motel at 7111, 7115, and 7121 Beach Boulevard. All parking areas

shall be striped with white double lines separating stalls, with minimum 4 in. wide stripes and a minimum 8 in. separation. Installation of speed bumps shall not be permitted within required fire lanes, access drives, or driveways of the proposed project.

- Applicant shall maintain a valid Entertainment Permit for the provision of live entertainment.

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 website, the Buena Park Library, and Ehlers Event Center on February 14, 2020, and 9 notices were mailed to property owners within a 300 ft. radius of the subject property on February 14, 2020

Staff recommends that the Planning Commission adopt a Resolution approving Conditional Use Permit No. CU19-23 based on the facts and findings herein.

Chair Capelle asked if there were any questions for staff.

Commissioner Schoales referred to a previous meeting where there was a discussion about noise levels and asked what the freeway noise level was.

Mr. Woods said it was reported at the meeting that the freeway noise exceeded the sound of music coming from the restaurant; the freeway noise/decibel level was not measured.

Chair Capelle asked for the nature of the two unsubstantiated calls-for-service, out of the three reported – if those calls were literally false alarms or did the Police Department (PD) respond and determine that the noise level was at an acceptable range.

Mr. Woods said PD responded and found no violations.

Chair Capelle recalled that after much consideration, the Commission decided that it was prudent to do sound testing on New Year's Eve; she asked why no such test was done on New Year's eve, a typically noisy time.

Mr. Woods said the applicant will respond to the question.

Commissioner Gangey asked if there were complaints received by PD on New Year's Eve.

Mr. Woods said no complaints were received on New Year's Eve.

Chair Capelle 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.

Fouad Yacoub, co-owner, said that when they used very loud music during their sound test, the Commission asked them to do a test using their actual standard sound level, and that test resulted in an acceptable 93-decibel noise level.

Chair Capelle noted that no complaints were received by PD on New Year's Eve, and asked if complaints were received from neighbors who bypassed 911 and went directly to the restaurant.

Mr. Yacoub said no complaints were received from neighbors.

Commissioner McGuire asked if the entertainment is done only inside the restaurant, and not on the outside patio; if the sound test included the speakers outside; and the average number of calls-for-service during the year.

Mr. Yacoub said entertainment is generally done inside the restaurant, except on occasional gatherings such as engagement parties where entertainment is light, with Middle Eastern music played on the guitar. He said their sound test included the speakers outside.

Mr. Yacoub explained that they took ownership of the restaurant in December 2018, and called on co-owner Rami Elmasey to answer the question about average number of calls-for-service and to describe the nature of the calls.

Rami Elmasey, co-owner, said that when they first opened, there were many complaints which turned out to be false allegations coming from the previous tenant who was evicted. He said there were 14 complaints when they first met with the City, but after that meeting, from April 30 to the end of the year, there was only one documented/confirmed complaint. Mr. Elmasey added that the restaurant also went through and passed the required 120-day review period.

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

Commissioner McGuire moved, and Commissioner Schoales seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU19-23 with findings of fact and conditions therein.

**RESOLUTION NO. 6184
CONDITIONAL USE PERMIT NO. CU19-23**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST TO MODIFY PREVIOUSLY APPROVED CONDITIONAL USE PERMIT NO. CU06-006 TO CHANGE HOURS OF PERMITTED LIVE ENTERTAINMENT TO 11:00 AM – 11:00 PM SUNDAY THROUGH THURSDAY AND 11:00 AM - 1:00 AM FRIDAY AND SATURDAY AT AN EXISTING FULL SERVICE RESTAURANT LOCATED AT 7115 BEACH BOULEVARD IN THE ECSP (ENTERTAINMENT CORRIDOR SPECIFIC PLAN) ZONE

AYES: 7 COMMISSIONERS: McGuire, Schoales, Cangey, Desai, Diep, Sheibe, and Capelle

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

NEW BUSINESS:

**5. DEVELOPMENT AGREEMENT NO. DA-19-2 AND
CONDITIONAL USE PERMIT NO. CU19-25**

A request to consider a recommendation to the City Council for the demolition of existing buildings, construction of a new two-story 41,834 sq. ft. multipurpose building expansion to an existing religious facility, including one priest’s quarter, associated basement parking, and site improvements on a 0.73 acre site located at 8041-8051 Seventh Street in the RM-20 (Medium Density Multi-Family Residential) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15332, Class 32 (In-Fill Development) and Section 15301, Class 1 (Existing Facilities).

APPLICANT: Dr. Jasvant Modi
8072 Commonwealth Avenue
Buena Park, CA 90621

PROPERTY OWNER: Jain Center of Southern California
8072 Commonwealth Avenue
Buena Park, CA 90621

RECOMMENDED ACTION Adopt Resolutions Recommending City Council Approval

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

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

The 0.73 acre site is located on the north side of 7th Street with a street frontage of approximately 150 ft. It carries a General Plan designation of High Density Residential. The Zoning classification is RM-20 Medium Density Multifamily Residential.

SURROUNDING LAND USE CHARACTERISTICS:

	GENERAL PLAN	ZONING	EXISTING LAND USE
North	Commercial Office Mixed Use	ML with NC	Religious facility
South	High Density Residential	RM-20	Apartments
East	High Density Residential	RM-20	Apartments
West	High Density Residential	RM-20	Apartments

Staff recommends that the Planning Commission adopt the attached Resolution recommending the City Council adopt an Ordinance approving Development Agreement DA19-2 and Conditional Use Permit CU19-25.

The subject property was developed as a religious facility for the Bible Church of Buena Park in 1934. In 1986 entry, windows, and landscaping were modified pursuant to Conditional Use Permit CU-932 (ZA). In June 2018, Jain Center of Southern California (JCSC), a religious organization, purchased the property.

JCSC also owns the property to the north of the subject property which is developed with a temple and a cultural center. The original Jain Center was approved in July 1986 under Site Plan No. SP-878 for establishment of a worship hall. In February of 2000, the Planning Commission approved Conditional Use Permit No. CU-1240 and Variance No. V-1205 for expansion of the existing facility to include a new two-story, 25,300 sq. ft. building with underground parking garage. Later, Site Plan No. SP06-017 was approved to allow for reconstruction of a two-story building similar to the building that was demolished due to structural inadequacy.

The proposed development is referred to as Phase III expansion of the JCSC.

The submitted application and plans propose:

1. Demolishing the existing buildings on site
2. Construct a new multipurpose building which will be internally connected on all levels (including basement parking) to the existing religious and cultural center to the north. Associated site improvements and 78 basement parking spaces are also proposed.

Floor plans depict four multi-purpose halls, an atrium lobby, reception and security office, storage, and restrooms on the first floor. On second floor there is one library, one priest sleeping quarters, eleven classrooms and electrical rooms, bathrooms, IT room and storage room. Each floor is connected with other levels via two elevators, and two internal stairwells. There is an additional staircase connecting first and second floors. Roof will have mechanical equipment shielded from view and will have photovoltaic solar panels to generate electricity onsite.

The minimum required front yard setback in RM-20 for a building which is 40'-6" high is 20'-3". Proposed building will be setback 48 ft. and a canopy will be setback 30 ft. from the front property line meeting this standard.

Minimum rear and side yard setbacks are required to be 10 ft. The proposal shows compliant side yards on both sides, but a zero rear yard setback. Further, a portion of the proposed building will be located on the property currently known as 8032 Commonwealth Avenue (APN - 070-011-02). When finished, the two buildings will be internally connected with a seismic joint and the two lots will be tied together.

The project will feature a two-ft. high pedestrian plaza setback five ft. from the property line. This will exceed the 'deck' specifications in the Buena Park Municipal Code (BPMC) by 0.5 ft. in height and will encroach 9'-3" within the front yard setback area. Additionally a five ft. high glass wall railing will be located at five ft. from the front property line, which is permitted.

Maximum lot coverage allowed is 40% and the proposal shows 74% lot coverage, exceeding this criteria. Maximum building height allowed is 35 ft., except a greater height may be allowed by a Conditional Use Permit. The proposed building height is 40 ft.

There will be a compliant six ft. high concrete block wall along the side property lines which will connect to the existing block walls on the property to the north.

Development Agreement and Conditional Use Permit procedures are being followed for lot coverage, rear lot coverage, front yard setback, and building height standards, and "church" use in RM-20 zone.

Vehicular access to the project site will remain from Commonwealth Avenue. Vehicles will access the surface and sub-surface parking lot for 8032 Commonwealth Avenue, as they currently do. The proposed basement structure will be internally connected to the existing basement parking.

A parking utilization study was conducted for this phase of the Jain Center Expansion. As part of this study, the project traffic engineer Albert, Grover & Associates also studied the impact of the existing center.

Every other Sunday, from September through June, JCSC offers classes for school-age children of its patrons. These Sunday classes known as 'Pathshala', see a greater parking demand. To better serve their patrons, JCSC contracts the use of four additional nearby parking lots, expanding the total spaces temporarily to 274 spaces.

Parking demand data was collected on two separate Sundays (with and without Pathshala classes, and in addition to the surface and sub-surface parking lots, on-street parking impact on Commonwealth Avenue (south side), Los Robles Avenue (west side), 7th Street (north side) were studied. Based on this evaluation, it was concluded that the on-street parking utilization on these streets is unrelated to the events at JCSC, and overall parking utilization of existing parking spaces on Sundays with Pathshala peaks at 85% between 12 pm and 1 pm.

Based on the evaluation, combined with the fact that JCSC does not plan on growing its membership but instead desires to better serve its existing members with enhanced facilities and the proposed additional 78 spaces, the overall parking utilization of existing lots is expected decrease.

Pedestrian access as well as an ADA ramp is provided along 7th Street. No new driveway is being proposed from 7th Street.

Conceptual landscape plan shows the project will feature a pedestrian plaza along 7th Street frontage. This plaza will be landscaped at the front property line and on the sides with drought tolerant planting. There is perimeter landscaping provided along the side property lines as well.

Given the age of the subject buildings constructed in 1934 a Historic Resource Evaluation (HRE) was prepared (attached). The HRE found that the buildings due to various factors do not meet the criteria for listing as an historical resource.

The new proposed JCSC Phase III building will match the existing Center in color and construction materials including stone veneer and enhanced decorative moldings. The window details will not be as ornate/ traditional as the existing building. The architect's intent is to maintain the 'front' of the building from Commonwealth Avenue, while not turning its 'back' to the 7th Street frontage. An inviting plaza entry enhanced by a large canopy leads into a grand atrium and a lobby off of 7th Street.

Upon completion, the building will look like one continuous building from Commonwealth Avenue through to 7th Street.

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 NOV 14 2019 PLANNING 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 shall pay Orange County Sanitation District fees as assessed by the district and traffic impact fees as assessed by the City's Public Works department.

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 development for the expansion of the existing Jain Center of Southern California at this location is appropriate, both from the built form as well as use perspective. The previous use on this site was a religious facility, as is the proposed development. The properties to the south, east and west are existing two-story multi-family homes making the proposed two-story expansion compatible with the character of the neighborhood.

The expansion will allow the JCSC to host their ongoing Sunday school within the expanded structure, while providing additional permanent parking for those events. Additionally, lunch service will also be expanded to the new proposed building. There will be sufficient infrastructure available such as parking, transit, roadways, and pedestrian infrastructure within close proximity of the area.

Overall, the proposed design and configuration are appropriate for the site in a manner compatible with the neighborhood.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) of 1970, as amended, and the Guidelines promulgated thereunder pursuant CEQA Guidelines Section 15332, Class 32 – In-fill and meets all of the required conditions (a)-(e) set forth under Section 15332 and the project does not trigger the exceptions set forth under Section 15300.2 of the CEQA guidelines.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Event Center on February 14, 2020, and 19 notices were mailed to property owners within a 300 ft. radius of the subject property on February 14, 2020.

Chair Capelle asked if there were any questions for staff.

Commissioner McGuire noted that the site is zoned as Medium Density Multifamily Residential. He asked if rezoning is required to match the light industrial zoning of the new project and to ensure that neither of the two buildings will be non-conforming.

Mr. Rosen explained that rezoning is not required because the use is allowed in both zones.

Dr. Meshram clarified that church use is allowed in several zones.

Commissioner Desai asked if access to the basement parking will be from 7th Street and asked how it would affect traffic conditions in the area.

Dr. Meshram said all access to the basement parking will come from Commonwealth Avenue only, and no significant impact on traffic is anticipated.

Mr. Rosen said most activities will take place on weekends so there will be less impact on traffic.

Commissioner Schoales said his question may not be directly related to the proposed project, but many people in the neighborhood would like to know how long the post office will remain there.

Dr. Meshram said the applicant will respond to Commissioner Schoales' question.

Chair Capelle 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.

Dr. Jasvant Modi, applicant, said the lease of the post office expired in 2019, was renewed for five years - until 2024, and is expected to be renewed for another five years.

Commissioner Cangey asked if the basement access will accommodate both entrance and exit ramp.

Mr. Rosen said the basement access has an extra wide ramp that will allow space for both ingress and egress.

There being no one else wishing to speak on the matter, Chair Capelle closed the public hearing and advised that the item requires Resolutions recommending City Council approval. Commissioner McGuire moved, and Commissioner Diep seconded, the motion to adopt the Resolution(s) recommending City Council approval of Development Agreement No. DA-19-2 and Conditional Use Permit No. CU19-25.

**RESOLUTION NO. 6185
DEVELOPMENT AGREEMENT NO. DA 19-2**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL APPROVE DEVELOPMENT AGREEMENT NO. DA19-2, TO CONSTRUCT A NEW BUILDING COMPLEX TO BE UTILIZED AS AN EXTENSION OF AN EXISTING RELIGIOUS CENTER FACILITY LOCATED AT 8041-8051 7TH STREET, BUENA PARK, CA 90621 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: 7 COMMISSIONERS: McGuire, Diep, Cangey, Desai, Schoales, Sheibe, and Capelle
NOES: 0 COMMISSIONER:
ABSENT: 0 COMMISSIONER:
ABSTAINED: 0 COMMISSIONER

Chair Capelle complimented the applicant on Jain Center’s exquisite façade, said she anticipates the same design quality on the proposed structure, and expressed that she is very pleased to have Jain Center in the City.

**RESOLUTION NO. 6186
CONDITIONAL USE PERMI NO. CU19-25**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. CU 19-25 TO CONSTRUCT AN EXPANSION OF A RELIGIOUS CENTER FACILITY ON 0.73 ACRES OF REAL PROPERTY LOCATED AT 8041-8051 7TH STREET, WITHIN THE MEDIUM-DENSITY MULTIFAMILY RESIDENTIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

AYES: 7 COMMISSIONERS: McGuire, Diep, Cangey, Desai, Schoales, Sheibe, and Capelle
NOES: 0 COMMISSIONER:
ABSENT: 0 COMMISSIONER:
ABSTAINED: 0 COMMISSIONER

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Woods said the proposed CUP modification for Radisson Hotel will be considered at the next Planning Commission meeting on March 11, 2020.

STAFF REPORTS:

Mr. Rosen reported on the final approval by City Council, on February 25, 2020, of Jamboree Housing Corporation's permanent supportive housing on Commonwealth Avenue.

COMMISSION REPORTS:

Commissioners Cangey and Sheibe acknowledged the welcome extended to them by Commission and staff and briefly introduced themselves.

Commission Desai reported on the memorial service for Larry Barstow that he attended. He described it as a fitting and moving tribute; and well attended – with Commissioner Diep, Mr. Rosen, the Mayor, and City Officials.

Chair Capelle said Larry Barstow dedicated many years of service to the City of Buena Park and was an asset to the Planning Commission and to the City.

ADJOURNMENT: At 7:45 p.m., Chair Capelle adjourned to the next Planning Commission meeting on Wednesday, March 11, 2020, in the City Council Chamber.

Joyce Capelle
Chair

ATTEST:

Joel W. Rosen, AICP
Secretary