

**CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
December 17, 2014**

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on December 17, 2014, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Chung presiding.

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

**ALSO PRESENT:**

Joel W. Rosen, AICP, Community Development Director  
Jay Saltzberg, Planning Manager  
Monique Schwartz, Assistant Planner  
Ken Kim, Assistant Engineer  
Craig Fox, Deputy City Attorney  
Ruth Santos, Senior Administrative Assistant

**1. APPROVAL OF MINUTES Meeting of October 22, 2014**

**RECOMMENDED ACTION:** Approve

Commissioner Barstow moved and Commissioner Gonzales seconded the motion to approve this item.

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

**NOES:** 0      **COMMISSIONER:**

**ABSENT:** 0      **COMMISSIONER:**

**ABSTAIN:** 0      **COMMISSIONER:**

**PUBLIC HEARING:**

**OLD BUSINESS:**

**2. CONDITIONAL USE PERMIT NO. CU14-008**

A request to renovate an existing carwash building to include operation of a new automatic drive-through car wash, with exterior building, parking lot and site improvements, and demolition of the existing oil change and lubrication service building located at 6942 Lincoln Avenue within the CG (Commercial General) zone.

PROPERTY OWNER: Zaroo Express, LLC (Eun Jung Kim)  
195 Desert Bloom  
Irvine, CA 90620

APPLICANT: Hyun Jin Kim  
2511 Beverly Boulevard  
Los Angeles, CA 90057

RECOMMENDED ACTION: Adopt Resolution of Approval

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

The staff report was presented by Monique Schwartz, Assistant Planner. The subject property is zoned CG (Commercial General) and is currently developed with an existing carwash and oil change and lubrication service building. The property to the north, across Lincoln Avenue is zoned CS (Commercial Shopping) and developed with an integrated shopping center. The property to the south is zoned CO (Commercial Office) and is developed with an adult care facility. The property to the east is zoned CG (Commercial General) and is developed with an office building. The property to the west is zoned CG (Commercial General) and is developed with a tire business.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU14-008 with findings of fact and conditions.

The property under application is located on the south side of Lincoln Avenue, west of Knott Avenue, with a street frontage of approximately 265 ft. and a total land area of approximately 46,635 sq. ft. The site is currently developed with a carwash facility. On January 24, 2007, the Planning Commission approved Conditional Use Permit No. CU06-026 for the construction and operation of a 592 sq. ft. oil change and lubrication service building with associated parking lot and site improvements, in conjunction with the existing carwash facility. The current carwash operating hours are from 8:00 a.m. to 6:00 p.m. daily.

On October 8, 2014, the Planning Commission considered Conditional Use Permit No. CU14-008 and expressed concerns about potential noise impacts from the proposed new vacuum stalls and equipment located along the shared property line in close proximity to the adjacent Alzheimer's Care facility to the south. The Commission voted to continue the project to the Oct. 22, 2014 meeting and directed staff to work with the applicant to reduce the potential for noise impacts on the adjacent Care facility residents from the proposed vacuuming operations.

At the October 22, 2014 Planning Commission meeting, staff updated the Planning Commission regarding the status of the project. Staff explained that the applicant requested further continuance in order to revise the site plan. Subsequent to the October 22, 2014 Planning Commission meeting, Staff worked with the project applicant to address potential for car wash and vacuum system noise impacts along the south property line. In response to Commissioner concerns, the applicant proposes to relocate the vacuum stations and equipment to the center of the property, approximately 46 ft. from the south property line, and change the proposed hours of operation from 6:00 a.m. to 9:00 p.m. In addition, an independent noise study conducted by RK Engineering Group Inc. has been

submitted with recommendations for noise mitigation along the south property line and during construction activities. These mitigation measures have been incorporated into the attached Resolution of approval for CU14-008 and are listed below:

- a. Install a minimum 8 ft. high wall along the southern property line. A noise barrier must present a solid face from top to bottom. Preventable openings or decorative cutouts should not be made. All gaps (except for weep holes) should be filled with grout or caulking to avoid flanking.
- b. Any openings (e.g. doors) for the vacuum turbine enclosure should face toward Lincoln Avenue and not toward Knott Avenue.
- c. As a good neighbor policy, it is recommended that patron car radios be turned off while in the entrance queue or at least be inaudible at the residential property lines. Signage could request patron cooperation by minimizing car door slams, loud talking, car sound system volume and request basic consideration for the residential neighbors.
- d. Construction shall be limited to the hours described in Section 8.28.040 of the Buena Park Municipal Code: 7:00 a.m. to 8:00 p.m. Monday through Saturday, and no work on Sundays or Federal holidays.
- e. Stationary construction noise sources such as generators or pumps should be located at least 100 ft. from sensitive land uses, or as feasible.
- f. Construction staging areas should be located as far from noise sensitive land uses as feasible.
- g. During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices.
- h. Idling equipment shall be turned off when not in use.
- i. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

The submitted application and plans propose the renovation of an existing carwash building to include the operation of a new automatic car wash facility with exterior building, parking lot and site improvements. The application also includes the demolition of an existing 592 sq. ft. oil change and lubrication service building. The remodeled car wash building will remain in its current location, maintaining a 15 ft. 8 in. setback from the north property line along Lincoln Avenue, 123 ft. from the south property line, 48 ft. from the west property line and 60 ft. from the east property line. The existing 640 sq. ft. outdoor enclosed storage area will remain on the southeast corner of the site.

The interior of the existing 3,325 sq. ft. carwash tunnel will be remodeled to accommodate equipment for a new automatic car wash system. Attached to the tunnel is a 2,891 sq. ft. area with a retail store, equipment/electrical room, office, storage room and two restroom facilities. The exterior architecture of the remodeled carwash building will display a contemporary design with new fixed windows, two 18 ft. 6 in. metal roll-up entry and exit car wash doors on the east and west elevations, decorative roof fascia with wave detailing and new signage on the north and south elevations. The building will be painted a new color combination of blue, red, orange, ivory and gray tones.

The submittal plans and application also propose site improvements to include the demolition of an existing oil change and lubrication service building, demolition of an existing vacuum canopy and vacuum equipment, construction of a new tan decorative masonry trash enclosure at the southwest corner of the site, four new landscape planters, new pole lights, two drive-through automatic pay stations and directional signage for onsite

circulation. The existing parking lot will be reconfigured to accommodate handicap accessibility, while maintaining vehicular circulation to the car wash building. Twenty-one (21) parking/vacuum stalls with awning structures and new decorative masonry vacuum equipment enclosure will be located within the project interior, towards the center of the site. The site modifications have provided for the required number of waiting spaces at the entrance and exit of the carwash building, pursuant to Section 19.522.060 of the Zoning Code and the required parking spaces for the office and retail use. Ingress and egress to the site will continue to be provided by two driveway approaches along Lincoln Avenue. The existing enclosed outdoor storage area, ground sign on Lincoln Avenue and current landscape setbacks will be retained and all existing landscape planters will be revitalized. In addition, all driving surfaces will be repaired and re-paved and slurry sealed to provide an even, unbroken driving surface and to present a uniform appearance.

The new hours of operation for the remodeled car wash facility will be 6:00 a.m. to 9:00 p.m. Monday through Sunday and there will be approximately three employees at the facility at any given time.

The City of Buena Park Zoning Ordinance requires Planning Commission review and approval, via the Conditional Use permit process, for the proposed renovation and exterior site improvements of the existing drive-through carwash facility. The proposed building and site improvements meet the requirements of the City Code for setbacks, site layout, architectural design, vehicular access, circulation, parking, and landscaping as conditioned. The new parking lot layout will provide twenty (20) standard parking/vacuum stalls, one (1) handicap/vacuum parking stall with handicap accessibility to the car wash building, and the required waiting spaces at the entry and exit of the drive-through carwash building, as required by Code. The reconfigured parking lot layout is designed to promote efficient on-site vehicular and pedestrian circulation with landscape improvements, as well as access and egress. The addition of a new trash enclosure will adequately screen trash bins from public view and the new enclosed vacuum equipment enclosure will help screen and reduce noise generated by the vacuum equipment. The proposed exterior architectural modifications to the carwash building will be of contemporary design with the addition of new fixed windows and decorative roof fascia with wave detailing in addition to new signage and color scheme. Additional landscape planters have been added within the site and the existing planters will be revitalized.

Staff has reviewed the submitted application, visited the site and vicinity and is of the opinion that the proposed project, as conditioned, including the carwash building architectural modifications, on-site parking and circulation, demolition of the existing oil change and lubrication building, site improvements and vehicular access, are appropriate for the site and meet applicable requirements as conditioned. The renovated car wash will continue operating without negatively affecting the subject and adjacent properties.

The project is Class 1, Section 15301, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on December 4, 2014, and 22 notices were mailed to property owners within 300 ft. radius of the subject property on December 4, 2014.

Chair Chung asked if there were any questions of staff.

Commissioner Gonzales noted the small wall shown on the proposed plan at the end of the vacuum station area and asked if the drive aisle will allow vehicles to exit.

Ms. Schwartz confirmed that the exit aisle will not be blocked.

Commissioner McGuire commended the applicant/architect on the much improved design. He asked about the hours of operation.

Ms. Schwartz said the hours of operation are from 6:00 am to 9:00 pm.

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.

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

Commissioner Gonzales moved and Commissioner Capelle seconded the motion to adopt the Resolution approving Conditional Use Permit CU14-008 with findings of fact and conditions therein.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**RESOLUTION NO. 5935  
CONDITIONAL USE PERMIT NO. CU14-008**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU14-008 TO RENOVATE AN EXISTING CARWASH BUILDING TO INCLUDE OPERATION OF A NEW AUTOMATIC DRIVE-THROUGH CARWASH WITH EXTERIOR BUILDING, PARKING LOT AND SITE IMPROVEMENTS, AND DEMOLITION OF THE EXISTING OIL CHANGE AND LUBRICATION SERVICE BUILDING AT 6942 LINCOLN AVENUE WITHIN THE CG (COMMERCIAL GENERAL) ZONE**

**NEW BUSINESS:**

**3. DEVELOPMENT AGREEMENT NO. DA14-005/TENTATIVE TRACT MAP NO. TT14-006**

A request to consider recommendations to the City Council for a Development Agreement and Tentative Tract Map to demolish all existing site improvements and construct a 54-unit condominium development including open space and site improvements located at 8242-8282 Orangethorpe Avenue within the GMU (General Mixed Use) zone. This project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: HHR Properties, LLC  
12016 Lakeshore South  
Auburn, CA 95602

APPLICANT: The Olson Company  
3010 Old Ranch Parkway # 100  
Seal Beach, CA 90740

RECOMMENDED ACTION: Adopt Resolutions recommending City Council  
Approval

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

Commissioner Barstow abstained from voting on the item due to potential for conflict of interest.

The staff report was presented by Monique Schwartz, Assistant Planner. The subject site is zoned GMU (General Mixed-Use) and is developed with the former United Rentals equipment rental yard including office buildings, above ground fuel tanks, and shed structures. All existing site improvements will be demolished prior to development of the proposed project. The properties to the north, across Orangethorpe Avenue, are zoned CM (Commercial Manufacturing). One property is developed with the EZ Self Storage facility and the other parcel is vacant land that was previously utilized by Caltrans for staging purposes. The properties to the south are zoned CM and are developed with the First Church of the Nazarene and nonconforming single-family residences. The properties to the east, across Thomas Street, are zoned CM and are developed with the Data Specialties, Inc. warehouse/storage facility. The properties to the west are zoned GMU and RS-6 (One-Family Residential) and are developed with single-family homes.

Staff recommends that the Planning Commission adopt the attached Resolutions recommending the City Council adopt an Ordinance approving Development Agreement No. DA14-005 and a Resolution approving Tentative Tract Map No. TT14-006.

The subject site is comprised of four parcels and is located on the southwest corner of Orangethorpe Avenue and Kass Drive, with street frontages of 236 ft. along Orangethorpe Avenue, 204 ft. along Kass Drive, and 103 ft. along Thomas Street, with a total land area of approximately 2.7 acres. The site is currently developed with the former United Rentals equipment rental yard, including two industrial office buildings, above ground fuel storage tanks, and shed structures. The industrial office buildings were constructed under Site Plan Nos. SP-162 and SP-229 in the early 1960's. Since that time, several modifications have been approved with the most recent being Conditional Use Permit No. CU-1337 in September 2003 for the installation of above ground gasoline and diesel fuel storage tanks. In April 2012, the zoning of the subject properties, along with the approximately 10-acre former City Yard redevelopment project site to the west, was changed from CM (Commercial Manufacturing) to GMU (General Mixed Use). United Rentals has vacated the site and the facility is currently vacant.

On December 12, 2013, the Olson Company hosted a community meeting at Pendleton School regarding the proposed condominium development with nearby property owners and City staff. The Olson Company mailed a total of 88 community meeting notices to the surrounding property owners and residents. A preliminary site aerial was presented to the community and general discussion took place regarding the proposed change of use from industrial to an estimated 50 unit condominium residential use. Five residents and one nearby property owner attended the meeting and generally expressed support of the change of land use.

On September 10, 2014, the Olson Company hosted a second noticed community meeting with nearby property owners and City staff. A detailed site plan and architectural elevations were presented. Three residents attended the meeting and engaged in dialogue regarding the project details including height of the perimeter wall along the west property line, on-site amenities, traffic, and pedestrian access. At the conclusion of the meeting, the attendees were generally in support for the project.

The submitted application and plans propose demolition of all existing site improvements and construction of a 54-unit residential condominium development including associated open space and site improvements on the 2.7 acre site. The proposed development will include six two-story and 48 three-story attached condominiums, with a density of 20 units per acre. The development will maintain ten buildings containing two to six condominiums and is designed with units arranged around four common open space areas. The project also includes a request for approval of a Tentative Tract Map, which provides for consolidation of four parcels into one parcel for condominium purposes with the common areas held in joint ownership by the 54 condominium owners.

The development will provide four different floor plan types (Plans 1, 2A, 2B, 3, 3-ALT, 4 and 4-ALT). Below is a brief description of each:

Plan 1 is a two-story design that is 1,474 sq. ft. providing three bedrooms, two and one half bathrooms, living room, kitchen, dining room, laundry closet, and two-car garage.

Plan 2A and 2B are three-story designs ranging from 1,323 sq. ft. to 1330 sq. ft., providing two bedrooms, two and one half bathrooms, living room, dining room, kitchen, laundry closet, optional tech area, 50 sq. ft. second story balcony, and two-car garage.

Plan 3 is a three-story design that is 1,584 sq. ft., providing optional dual master bedrooms or 3 bedrooms, two and one half bathrooms, living room, dining room, kitchen, laundry closet, tech and storage area, optional third floor deck and three-car tandem garage.

Plan 3-ALT is a three-story design that is 1,671 sq. ft., providing three bedrooms, two and one half bathrooms, living room, dining room, kitchen, laundry closet, tech and storage area, 70 sq. ft. second story deck, and three-car tandem garage.

Plan 4 is a three-story design that is 1,821 sq. ft., and provides three bedrooms, den, two full and two half bathrooms, living room, eat-in kitchen, laundry closet and two-car garage. This floor plan provides an option for a first floor bedroom and bathroom for handicap accessibility.

Plan 4-ALT is a three story design that is 1,805 sq. ft., and provides three bedrooms, den, two full and 2 half baths, living room, eat-in kitchen, laundry closet, and 49 sq. ft. second story deck, and two-car garage.

Each condominium within the development maintains a two or three-car garage and approximately 200 cubic feet of storage. Individual trash disposal containers will be stored within the garages of individual units and rolled to the street for trash pick-up.

Setbacks:

There is an existing Caltrans easement and slope located along the back of sidewalk to the north property line along Orangethorpe Avenue and along the Kass Drive property line, whereby no buildings will be constructed. The condominium buildings maintain setbacks of 10 ft. to 17 ft. 9 in. along Orangethorpe Avenue, 13 ft. to 13 ft. 9 in. along Kass Drive, 15 ft. along Thomas Street, 8 ft. to 10 ft. along the west property line, and 8 ft. to 10 ft. along the south property line. In order to integrate the proposed development with the existing single-family neighborhood to the west, two-story units were situated along the west property line with an 8 ft. to 10 ft. building setback.

Common Open/Private Space:

There is approximately 11,876 sq. ft. of common open space provided within the development. Common Area "A" is centrally located and includes outdoor seating and kitchen under an open shade structure, built-in grill, decorative pot pedestals, community cluster mailboxes, enhanced colored and gray concrete paving with decorative scoring, and multi-purpose turf area. Common Area "B" includes a gas burning fireplace and hearth with outdoor seating within a 3 ft. high block wall enclosure, enhanced concrete paving with decorative scoring, and multi-purpose turf area. Common Area "C" includes a fire table with outdoor seating and multi-purpose turf area, and Common Area "D" maintains a freestanding grill with outdoor seating and multi-purpose turf area. Interior courtyards providing entry to unit clusters maintain a heavy wood timber entry arbor, enhanced colored concrete paving with decorative scoring, decorative stucco block pilaster with flower bowl on top and cascading plants, low seat stucco block wall on either side of pilaster, vertical vine trellis adjacent to building walls and landscape planters. Enclosed private patios include a 3 ft. high patio block wall with stucco veneer and cap, decorative wood or wrought iron gates, and enhanced concrete paving with decorative scoring.

Architecture:

The architectural theme of the condominiums reflects a contemporary residential design incorporating two coordinating architectural styles. The buildings will feature a variety of forms and finishes including varied roof lines, dimensional façade pop-outs, stucco exterior finishes, stucco and foam trim, 30" high wainscoting, extruded foam cornices, shaped foam corbels, decorative gable end detailing, decorative wrought iron and shaped wood railing, wrought iron potting shelves, extending eaves with wood beams and metal kickers, outlookers, decorative address signs, "S" tile roofing, decorative exterior lighting, painted entry doors, sectional roll-up garage doors, arched windows, doors and balcony openings, wood lintels over garage doors, fiber cement lap siding on buildings three and four, and coordinating earth tone color combinations.



Access and parking:

Vehicular access to the project site is provided via a 36 ft. wide driveway approach off Thomas Street. This driveway approach also serves as the primary vehicle exit from the site. The vehicle entry is a circular design with decorative electric gates and associated access keypad, entry telephone and directory kiosk. There are two pedestrian access gates provided for the site. One gate is located off the Thomas Street entry and the other along Orangethorpe Avenue, between buildings three and four. Both pedestrian gates will be provided with a keypad entry and callbox. The site will be enhanced with decorative precast concrete pavers at the entrance to the development, on the east and west sides of Common Open Area "A", and will delineate walkways to each common open recreational area and access throughout the development. A total of 127 garage spaces, 40 open parking spaces, and eight (8) off-site parking spaces have been provided.

Landscaping:

The project has been provided with approximately 21,150 sq. ft. of common turf and shrub planting areas. Interior streets will be enhanced with a variety of trees, shrubs and accent plants to enhance the garage door entries and delineate the four common open space areas. Landscaping along the project street frontages of Orangethorpe, Kass Drive and Thomas Street will include 24 in. and 36 in. box trees, flowering shrubs and low accent ground cover that will complement and frame the development. In addition, street trees will be planted along the street edges of the public rights-of-way. Landscape design within the public right-of-way along Orangethorpe Avenue will coordinate with adjacent recently approved developments along Orangethorpe Avenue. In order to provide a buffer between the proposed project and the surrounding land uses, the project includes strategic landscaping and 6 ft. high perimeter masonry walls featuring stucco finish and decorative cap.

Development Agreement:

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 a level of certainty regarding future development of the property and public improvements. The Development Agreement process also requires the Planning Commission to make a recommendation to the City Council prior to Council action. The Buena Park Zoning Ordinance requires that a regulatory plan or Development Agreement be established and/or executed to allow for development within the General Mixed-Use zone. 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. Pursuant to City Code, the proposed development also requires Planning Commission review and recommendation to City Council via the Tentative Tract Map process.

Discussion:

In reviewing the application, Staff visited the site and surrounding area as well as reviewed the submitted plans and similar developments in Buena Park. The General Plan Land Use Element identifies this site, and adjacent properties along Orangethorpe Avenue, between

Stanton Avenue and the Interstate 5 Freeway, as the Orangethorpe Corridor East Focus Area. The Orangethorpe Corridor East Focus Area is expected to transition from primarily obsolete and underutilized industrial property to high density residential and mixed-use development. The vision for the area is to blend a combination of modern residential and commercial/industrial uses that are physically, functionally, and/or aesthetically integrated. The intent is to increase new housing options in the area that complement the adjacent single family homes to the west; reduce distance between housing, workplaces and retail businesses; create stronger neighborhood character; and provide a pedestrian and bicycle-friendly environment.

Based on this review, Staff is of the opinion that the proposed housing development will allow the subject site to transition into a residential development that properly integrates with the surrounding residential neighborhood to the west as well as nearby commercial/industrial developments as envisioned within the General Plan. The Orangethorpe Corridor East Focus Area is envisioned as the eastern gateway into the City with "Street Oriented Buildings". Based on the scope of the project, architectural design, massing of the development, and landscaping, Staff feels that the proposed project fulfills the expectations identified for this area within the General Plan. When completed, the project will provide a high quality project that meets the long term vision for the area as identified in the General Plan.

Staff is of the opinion that the site and architectural design of the project maintains appropriate density, setbacks, massing, open space, parking, vehicular, and pedestrian access. The project incorporates enhanced design, including colors and materials that give the development a unique and appealing quality. Additionally, the developer has provided an architectural design, site layout, and amenities that are consistent with other newer residential developments within the City and Orange County region. The proposed development design has been configured to create a high quality multi-family housing development on a major corridor within the City.

The proposed condominium development will maintain efficient flow of traffic as well as ingress and egress with appropriate emergency access, circulation, and parking. The proposed development will meet the parking demand for a condominium project of this type and scale. Staff feels that the proposed project will provide ample open space opportunities for future residents within the development. The site has been designed to accommodate approximately 11,876 sq. ft. of common open space which includes four separate areas with active and passive amenities. Open space amenities include: outdoor kitchen with built-in gas grill, outdoor seating, shade structure, barbeques, gas burning fireplace with hearth, fire table and multi-purpose turf areas.

In regards to the Tentative Tract Map request, Staff has reviewed the proposed consolidation of the subject properties for consistency with the City's General Plan, development standards, Subdivision Ordinance, and the State Subdivision Map Act. The project design and configuration are generally consistent with applicable development criteria for multi-family residential housing projects and complies with the goals of the General Plan.

Finally, in order to insure the highest quality of development, Staff has included conditions related to landscaping, architectural enhancements, common usable open space amenities, and the creation of Conditions, Covenants, and Restrictions (CC&R's).

Environmental Report:

The proposed project has been reviewed and found to be within the scope of the previously certified Program EIR for the Buena Park 2035 General Plan Update (SCH #2009111026) and the previously certified Program EIR adequately describes for the purposes of CEQA the proposed project as required by Section 15168 of CEQA Guidelines. In addition, an independent Traffic Impact Study has been prepared by Kimley-Horn and Associates to confirm the existing circulation system can accommodate the proposed project. The conclusions and findings of the report reveal that the project will not cause traffic congestion on the surrounding streets, and will include adequate on-site circulation.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on December 4, 2014, and 50 notices were mailed to property owners and residents within a 300 ft. radius of the subject property on December 4, 2014.

Chair Chung asked if there were any questions of staff.

Commissioner Diep asked, and Ms. Schwartz confirmed, that there will be eight parking spaces located outside of the development gates

Commissioner Diep noted the absence of a landscape buffer adjacent to the curb and asked if there will be landscape improvements on the plans. She said the higher speed of vehicles along Orangethorpe Avenue will necessitate landscape buffers for the safety of pedestrians.

Mr. Rosen said improvements will be coordinated with the landscaping plans along the Orangethorpe Avenue public right-of-way.

Commissioner Schoales expressed concern about the impact of traffic noise on the development and asked if a noise study was done to protect residents of homes along Orangethorpe Avenue from the noise from the 5 Freeway. He asked about the distance of the proposed homes from the 5 Freeway. Commissioner Schoales added that he is especially interested in the ten units along Orangethorpe Avenue - building numbers 3 and 4. Commissioner Schoales asked if quality of life has been sacrificed for the potential of having street-oriented buildings. He asked if there is a ten-foot setback to the front door.

Ms. Schwartz said there is a ten-foot setback to the front door.

Mr. Kim clarified that this is part of Phase 2 of the Orangethorpe widening project, which will include landscape buffers.

Ms. Schwartz said the applicant will respond to the questions during the public hearing portion of this meeting,

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.

Doris Nguyen, Director of Development, The Olson Company, applicant, 3010 Old Ranch Parkway, Suite 100, Seal Beach, California 90740-2751, said the noise study, a standard practice on this type of project, was done. Mitigation measures, such as higher rated

windows, are in place for affected units. The proposed project is their third development in the City. The company has 26 years of experience developing this type of project. The Olson Company has a 99% approval rating, and is rated as the number 1 home builder. The company sends a representative to Homeowners Association board meetings every quarter for ten years to ensure that requirements are complied with. They build and sell homes within the affordable housing price range, and generally for first time homebuyers.

John Reekstin, Senior Vice President, The Olson Company, applicant, 3010 Old Ranch Parkway, Suite 100, Seal Beach, California 90740-2751, said they are building a similar project in the city of Cerritos, on Pioneer Street. Noise studies were done and mitigation measures are in place.

Commissioner Schoales said he is familiar with the Cerritos project site and there is no comparison, as far as speed limits, with the proposed site on Orangethorpe Avenue.

Commissioner Diep noted that the mailboxes will be in open spaces and asked about considering higher mail boxes that can be locked and can contain more parcels.

Ms. Nguyen said the outdoor mailboxes have 16 slots, with a bottom section that can hold one or two packages. She said they have not heard concerns about their mailboxes but will look into the possibility of installing the type of mailboxes described by Commissioner Diep.

Commissioner McGuire called staff's attention to page 7, paragraphs 7 and 8, which are identical, on the proposed Tentative Tract Resolution

Ms. Schwartz said the correction will be made.

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

Commissioner Capelle moved and Commissioner McGuire seconded the motion to adopt the following Resolutions approving Development Agreement No. DA14-005/Tentative Tract Map No. TT14-006, with the correction noted on Tentative Tract Resolution.

**RESOLUTION NO. 5936  
DEVELOPMENT AGREEMENT NO. DA14-005**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVE DEVELOPMENT AGREEMENT NO. DA14-005 TO DEMOLISH ALL EXISTING SITE IMPROVEMENTS AND CONSTRUCT A 54-UNIT CONDOMINIUM DEVELOPMENT INCLUDING OPEN SPACE AND SITE IMPROVEMENTS ON APPROXIMATELY 2.7 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ORANGETHORPE AVENUE AND KASS DRIVE AT 8242 TO 8282 ORANGETHORPE AVENUE IN THE GMU (GENERAL MIXED-USE) ZONE AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF BUENA PARK**

**RESOLUTION NO. 5937  
TENTATIVE TRACT MAP NO. TT14-006 (17797)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE TRACT MAP TO CONSOLIDATE FOUR PARCELS TOTALING APPROXIMATELY 2.7 ACRES INTO ONE LOT FOR THE CONSTRUCTION OF 54 CONDOMINIUMS INCLUDING OPEN SPACE AND SITE IMPROVEMENTS AT 8242 TO 8282 ORANGETHORPE AVENUE IN THE GMU (GENERAL MIXED-USE) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

AYES: 5 COMMISSIONERS: Capelle, McGuire, Diep, Gonzales, and Chung  
NOES: 1 COMMISSIONER: Schoales  
ABSENT: 0 COMMISSIONER:  
ABSTAIN: 1 COMMISSIONER: Barstow

**4. TEXT AMENDMENT NO. C14-003/ DEVELOPMENT AGREEMENT NO. DA14-006**

A request to consider recommendations to the City Council for a Text Amendment to modify the Municipal Code creating a billboard overlay zone located in certain commercial and industrial zone areas adjacent to the I-5 and SR-91 Freeways and for a Development Agreement to renovate an existing billboard sign at 6291 Western Avenue in the ML (Light Industrial) zone. A Negative Declaration is proposed for the Text Amendment and a Class 1, Section 15301, categorical exemption from CEQA is proposed for the Development Agreement.

PROJECT PROPONENTS: City of Buena Park  
Text Amendment 6650 Beach Boulevard  
Buena Park, CA 90622

Development Agreement: Bulletin Displays, LLC  
3127 E. South Street, Suite B  
Long Beach, CA 90805

RECOMMENDED ACTION: Adopt Resolutions recommending City Council Approval

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

The staff report was presented by Jay Saltzberg, Planning Manager. Staff recommends that the Planning Commission adopt the attached Resolutions recommending City Council

approval of Text Amendment No. C14-003 and Development Agreement No. DA14-006 with findings of facts and conditions listed therein.

The City of Buena Park zoning ordinance currently prohibits off-site advertising, including billboards. The City's current off-site advertising billboards (three adjacent to the I-5 Freeway and one adjacent to the 91 Freeway) were previously approved through Development Agreements or individual contracts. Based on recent case law, staff is recommending that the City Sign Code be modified to specifically require development agreements for consideration of new billboard signs and/or modification to existing signs and to identify areas where future signs may be permitted.

At the City Council study session of March 25, 2014, the City Council initiated the text amendment and directed staff to prepare an ordinance amending the City sign code regarding off-site advertising signs to provide the City Council with flexibility to approve development agreements for new or upgraded billboard signs. The attached draft ordinance permits consideration and evaluation of development agreements for new or modified billboards in areas identified as "billboard overlay zones" with specific location requirements and regulatory criteria for strict control.

At the study session, the Council also reviewed and conceptually approved a preliminary proposal by Bulletin Displays to renovate and upgrade the existing message board sign at 6291 Western Avenue, adjacent to the I-5 Freeway, and directed preparation of a concurrent Development Agreement to modernize the sign, in conjunction with the proposed billboard overlay zoning amendment.

#### TEXT AMENDMENT

A new Section 19.912.90 Billboards Signs is proposed to be added to Chapter 19.912 of the Zoning Code in order to allow consideration of modern billboard sign technology. Additionally, section 19.904.050 of the Zoning Code "Prohibited Signs" will also be amended. The ordinance establishes a billboard overlay zone (BOZ), including billboard standards for commercial and industrial zones, and amends the Zoning Code to provide regulatory control, through the use of billboard corridors. As proposed, in the tightly regulated corridors that are created, the billboard companies would enter into a development agreement with the City in order to better regulate the signs and provide for such benefits as revenue sharing to achieve public objectives.

Other nearby cities have created similar billboard ordinances and entered into development agreements to accomplish community goals. Cities have used these mechanisms to reduce the overall number of legal nonconforming billboards within the city by allowing relocated billboards in more suitable locations and to provide more attractive, aesthetically pleasing billboard designs. Development Agreements have allowed cities to reduce or eliminate the obligation to pay compensation for removal of legal nonconforming billboards. Through these agreements, cities have been able to obtain additional benefits, such as revenue sharing to accomplish public objectives, including new or enhanced landscaping, park improvements or other needed public benefits at the expense of the sign company. Cities have been able to improve the overall aesthetic appearance of the community and transportation corridors and promote development through the removal and/or relocation and upgrading of existing billboards.

As proposed, the consideration and approval of a development agreement will be at the sole discretion of the City of Buena Park. Although the text amendment would create eligibility corridors around existing signs, this does not mean the City would be required to approve development agreements for additional billboards. The proposal provides for appropriate locations for billboards and the aesthetics of the areas where billboards are located may be improved via the agreements. The billboard development agreements can provide for a variety of public benefits including development fees, landscape enhancement, park improvements, charitable and civic advertising, and stronger content regulation.

#### DEVELOPMENT AGREEMENT

Contingent on approval of the Billboard Overlay Zone ordinance, Development Agreement is proposed to update the existing message board sign constructed in 1999 at 6291 Western Avenue. As reviewed by the City Council, the proposed Development Agreement for Bulletin Displays proposes modernization of the message board sign located adjacent to the I-5 Freeway along Western Avenue. As proposed, the sign will be modified and upgraded to include an approximate 20 ft. reduction in height to 109.5 ft. and will include significant architectural remodeling. The sign currently has two rotating "tri-vision" displays and one digital display per sign face. The Development Agreement requires that the sign be aesthetically enhanced to include a contemporary appearance. The obsolete sign faces will be replaced with a 24 ft. by 48 ft. digital display on each side of the sign.

In addition to sign conversion, the terms of the proposed 15-year Development Agreement include a negotiated financial contribution to the city of \$1,000,000, with \$50,000 annually for the first five years and \$75,000 annually for the remaining ten years; five weeks dedicated sign time for city public service announcements; reimbursement of certain city expenses to a maximum total of \$10,000; requirements to assure continuing operation in good repair, mandating operational electronics and prohibiting faded, weathered, and deteriorated surfaces; and city indemnification.

California Government Code Section 5231 authorizes cities to enact ordinances requiring licenses or permits, or both, in addition to those imposed by the California Outdoor Advertising Act (Business and Professions Code Section 5200 et. seq.), for placing advertising displays in view of any highway. The ordinance adopted by the governing body establishes the regulations and enforcement of any City approved development agreement that includes financial or physical public benefits to the city. The City Council wishes to establish regulations and an effective mechanism for appropriate placement of billboard signs. Other cities have also determined that billboard development agreements, including contractual obligations to achieve public benefits, are an effective tool in improving aesthetics and enhancing city services. As proposed, the new billboard ordinance will provide the opportunity to improve area aesthetics and enhance marketability of sites within the specified allowable billboard areas as well as provide financial benefits according to negotiated billboard development agreements.

The proposed amendments to Zoning Code Chapter 19.912 Sign Standards for Commercial and Industrial Zones and to Chapter 19.904 General Sign Provisions are intended to provide a regulatory framework for billboards in a manner consistent with the State laws regulating outdoor advertising. While billboards have been acknowledged as legitimate forms of commercial expression, the design and operation, including size,

number, location, and illumination, can have significant influence on the community identity and visual environment of the city and require special attention and regulatory criteria.

The proposed Text Amendment ordinance to create the billboard overlay zone and the Development Agreement ordinance to modernize the existing billboard at 6291 Western Avenue have been prepared under the direction of the City Attorney's office with regulations included to provide reasonable billboard control in recognition that community appearance is an essential factor in assuring the general community welfare.

The proposed amendment to the sign code provides for billboard regulation including:

1. New billboards will only be permitted in commercial and industrial zones near freeways and within a Billboard Overlay Zone (BOZ). New billboards will not be permitted in any other zones.
2. New billboards shall be approved as part of a lease agreement or development agreement (DA) with the City Council and require building permits.
3. New billboards shall be located adjacent to a freeway and located in a BOZ zone.
4. All back or rear portions of single-faced or double-faced new billboards visible from a public right-of-way or other public or private property shall be sufficiently screened, including structural members of the sign and support poles.
5. Mobile billboards are prohibited.
6. No billboard shall display any statement or words of an obscene, indecent, or immoral character or tobacco or adult oriented advertising.
7. The utilities of each new billboard shall be underground.
8. Billboards cannot be operated if they constitute a traffic hazard and cannot include directional or warning signs and must comply with all applicable local, state, and federal laws and regulations.
9. Digital billboards shall not have blinking lights and must have ambient light sensor that automatically adjusts the brightness levels based on ambient light conditions and automatically freeze or turn off if they malfunction.
10. Each digital billboard shall be tied into the National Emergency Network and provide civic and charitable advertising.

In order to control the terms of modernization of the existing billboard sign at 6291 Western Avenue, the development agreement process was selected to enable the city to enter into a specific contract with Bulletin Displays in order to assure development rights as well as performance, design, and operating standards. The Planning Commission is required to review the proposed Development Agreement and make a recommendation to the City Council. The Development Agreement process will allow the sign operator and the city to achieve respective goals while providing contractual assurance that the sign operation will include suitable provisions to avoid detrimental impacts, including aesthetic, maintenance, and compensatory provisions.



in reviewing the request for sign modification, staff reviewed the proposed plans and visited the subject property and is of the opinion that the proposed modification of the sign is a vast improvement for the site and surrounding area. Operating terms, including design and regulatory controls, will assure appropriate integration with existing and anticipated development in the area.

### NEGATIVE DECLARATION

#### **ENVIRONMENTAL ASSESSMENT:**

A negative declaration was prepared to assure that there will be no potential environmental impacts associated with the Billboard Overlay zone project. As determined by the environmental analysis, the ordinance includes sufficient regulatory requirements to address any potential environmental effects associated with billboards. The billboard development and operating conditions incorporate standards to regulate height, location, separation, design, safety and other factors to address potential effects of billboard operation. As described, the stringent regulations included as part of the project will ensure consistency with community standards in a manner compatible with existing and anticipated area developments and will effectively address any potential for adverse environmental effects. As determined, no additional mitigation is required in addition to project regulations included as part of the BOZ design and operations requirements. As demonstrated, compliance with required development and operations standards will assure that there will be no significant adverse effects attributable to the project

The Negative Declaration was prepared in accordance with California Environmental Quality Act guidelines. Based on the Initial Study/Negative Declaration, the proposed action will not be detrimental to the public health, safety or general welfare of persons residing or working in proximity to the project areas. The project establishes a process for which billboard signs can be proposed and evaluated including requirements to assure community compatibility and preclude significant adverse environmental effects. As described within the environmental analysis, adherence to the required development and operations standards will reduce any potential impacts related to billboard development to levels that are less than significant.

The proposed Development Agreement project is categorically exempt from CEQA under Class 1, Section 15301, Minor Alterations to Existing Facilities.

Notice of public hearing for the Text Amendment with associated Negative Declaration was published in the Buena Park Independent on November 26, 2014. Although the Initial Study/Negative Declaration advertisement included reference to mitigation, no mitigation was found to be necessary since the ordinance included development and operation criteria sufficient to reduce any potential environmental impact to a level of insignificance. The environmental analysis and supporting documents were available for public review from November 26, 2014 through December 16, 2014.

Notice of public hearing for the Development Agreement was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on December 4, 2014, and 46 notices were mailed to property owners and residents within a 300 ft. radius of the subject property on December 4, 2014.

Chair Chung asked if there were any questions of staff.

Commissioner McGuire expressed concern about the potential negative visual impacts of large electronic signs and asked if there will be a limit to the number of billboards in the City.

Mr. Saltzberg said that provisions are included in the Text Amendment that will limit the number of billboards within the proposed billboard zone areas .

Mr. Rosen said there is currently one billboard per zone area. There might be two more allowable billboards along the 91 Freeway, with the second one near the 91 Freeway on Beach Boulevard. Along the 5 Freeway is an existing sign at Western, and there are discussions on a possible sign for The Source across the street, at Ninth Street. Mr. Rosen clarified that there is one sign that is technically not a billboard and is owned by the City. It is a special sign that advertises auto dealerships in the City.

Mr. Rosen explained that the proposed project is a result of City Council-initiated development agreements approving digital billboards and electronic freeway signs which generate income for the City and also benefit the public.

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.

Mark Kudler, President, Bulletin Displays, LLC, project proponent, 3127 E. South Street, Suite 13, Long Beach, California 90805, said he is a Buena Park resident and added that the proposed Code is designed to address concerns raised about possible abundance of billboard signs. He explained that when redesign of their existing sign that was damaged by Caltrans was proposed, the Code was reviewed and flaws were found. The proposal will update the Code with modern definitions and is designed to prevent a proliferation of signs. Cities like Carson and Santa Fe Springs have also adopted a Billboard Overlay Zone Code which designates certain areas as billboard zones. The creation of the Billboard Overlay Zone will allow a study of the areas, including potential impacts, and to regulate existing signs, and impose strict conditions. If the proposed Code is not approved, the City will continue with the current very loose ordinance which is defective. The proposed Development Agreement will allow the current sign to be updated and will generate revenue for the City.

Commissioner Diep asked if a maximum of six signs will be allowed along the 5 Freeway to the 91 Freeway.

Mr. Rosen said it is possible to allow six signs in the proposed zone, depending on the placement of the billboards.

Commissioner McGuire asked if the planned sign on Beach Boulevard and the 5 Freeway is consistent with The Source development.

Mr. Rosen said the preliminary sign plan was presented to the City Council at a study session and City Council favored the plan. The existing building was found to be a nuisance and will be demolished within the next 30 to 45 days.

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

Commissioner Capelle moved and Commissioner Diep seconded the motion to adopt the following Resolutions approving Text Amendment No. C14-003/Development Agreement No. DA14-006 with findings of fact and conditions therein.

**RESOLUTION NO. 5938  
TEXT AMENDMENT NO. C14-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ESTABLISHING A BILLBOARD OVERLAY ZONE, INCLUDING BILLBOARD SIGN STANDARDS, FOR COMMERCIAL AND INDUSTRIAL ZONES, AND AMENDING TITLE 19 OF THE BUENA PARK MUNICIPAL CODE**

**RESOLUTION NO. 5939  
DEVELOPMENT AGREEMENT NO. DA14-006**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVE DEVELOPMENT AGREEMENT NO. DA14-006 TO CONSIDER A REQUEST FOR RENOVATION OF AN EXISTING ELECTRONIC MESSAGE SIGN LOCATED AT 6291 WESTERN AVENUE, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF BUENA PARK**

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

**AGENDA FORECAST:**

The proposed Rock & Brews and Han Kki restaurants are scheduled for the Planning Commission meeting of January 14, 2015.

**STAFF REPORT:**

In response to the request of the Planning Commissioners, staff will present an overview of anticipated developments along Beach Boulevard, including the two new hotels, Porto's

Restaurant, Butterfly Palladium, and Brett Payne's country/western-themed dinner restaurant.

**COMMISSION REPORTS:**


None

**ADJOURNMENT:**

At 8:30 p.m., Chair Chung adjourned the meeting to the Planning Commission meeting on Wednesday, January 14, 2015, in the City Council Chamber.

  
\_\_\_\_\_  
Jae Joon Chung  
Chair

ATTEST:

  
\_\_\_\_\_  
Joel W. Rosen, AICP  
Secretary