

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
January 28, 2015

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on January 28, 2015, 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
Craig Fox, Deputy City Attorney
Ruth Santos, Senior Administrative Assistant

1. APPROVAL OF MINUTES Meeting of January 14, 2015

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:

NEW BUSINESS:

**2. GENERAL PLAN AMENDMENT NO. GP14-002/ZONE CHANGE NO. Z14-002/
CONDITIONAL USE PERMIT NO. CU15-002**

A request for General Plan Amendment from High Density Residential to Commercial, Zone Change from RM-20 (Medium Density Multifamily Residential) to CS (Community Shopping), in conjunction with a Conditional Use Permit to convert an existing legal non-conforming medical office building into a combination neighborhood restaurant and market totaling 4,000 sq. ft. with associated site improvements, located at 6550 Knott Avenue in the RM-20 (Medium Density Multifamily Residential) zone. This project is Class 3, Section 15303, categorically exempt from CEQA.

PROPERTY OWNER: Knott Avenue Properties LLC
6550 Knott Avenue
Buena Park, CA 90620

APPLICANT: Kevin Song
520 Silver Lake Boulevard
Los Angeles, CA 90026

RECOMMENDED ACTION: Adopt Resolutions recommending City Council approval

In reply to Chair Chung, Ms. Santos stated that staff had distributed copies of the original Conditional Use Permit for the site development and a memo from staff recommending deleting Building Division Condition of Approval No. 3.

The staff report was presented by Monique Schwartz, Assistant Planner. The subject property is developed with a 4,000 sq. ft., legal non-conforming medical office building, parking lot and related site improvements. The property to the north is zoned RM-20 (Medium Density Multifamily Residential) and is developed with the Parkside Estates apartment complex. The property to the south, across 9th Street is zoned RM-20 (Medium Density Multifamily Residential) and is developed with The Walden Glen apartment complex. The property to the east is zoned RM-20 (Medium Density Multifamily Residential) and is developed with the Knott Townhouses apartment complex. The property to the west, across Knott Avenue is zoned MH (Heavy Industrial) and is developed with an industrial complex.

Staff recommends that the Planning Commission adopt the attached Resolutions recommending the City Council adopt an Ordinance approving Zone Change No. Z14-002 and Resolutions approving General Plan Amendment No. GP14-002 and Conditional Use Permit No. CU14-002.

The subject property is located at the northeast corner of Knott Avenue and 9th Street with street frontages of approximately 149 ft. along Knott Avenue and 125 ft. along 9th Street and a land area of approximately 18,731 sq. ft. The Planning Commission approved the development of a 4,000 sq. ft. medical office building with site improvements via Conditional Use Permit No. CU-301 in 1969 under a previous zoning designation that allowed for commercial uses.

At a Study Session on October 14, 2014, the City Council considered a request by the property owner to reuse and rehabilitate the building for commercial use, including interior and exterior building and site renovations. The integrated commercial concept presented was to renovate the existing medical office building to accommodate a 2,923 sq. ft. neighborhood deli and market combination with seating for approximately 30 people and a 1,100 sq. ft. medical office. Because the present zoning and General Plan designation do not provide for commercial uses, an amendment to the City's General Plan and Zoning Ordinance are required in order to accommodate the proposed development concept. City Council supported the concept proposal and directed staff to work with the developer in processing entitlements for the proposed project.

The submitted application and plans propose to convert the existing medical office building into a combination neighborhood restaurant and market, including interior and exterior renovations, parking lot and landscape improvements. The application does not include the previously proposed 1,100 sq. ft. medical office space as presented during the October 14, 2014 City Council Study Session. The existing building footprint will remain the same, maintaining a 51 ft. 6 in. setback from the north, 10 ft. 8 in. setback from the south, 62 ft. 4 in. setback from the east, and 16 ft. from the west property lines; however, a new 410 sq. ft. fenced outdoor seating area, accessed from the interior of the tenant space is proposed on the southwest corner of the building.

The reconfigured interior tenant space will maintain a kitchen with service counter, dining area with seating for 40 people, beverage and customer service counter, market merchandise display area, business office, and three restroom facilities. The restaurant menu will feature fast food style grilled hamburgers, fries, salad bar, fried or grilled teriyaki steak, salmon and shrimp served over rice. The neighborhood market will feature, convenience items, such as milk, eggs, juice, canned and bottled drinks, and snack foods, as well as pre-packaged cut fruit and fresh salads. The applicant does not plan to sell alcoholic beverages within the restaurant or market as part of this proposal. The business hours of operation will be 7:00 a.m. to 10:00 p.m. Monday through Sunday. There will be one manager supervising the daily operations of the business in conjunction with six full and part time employees.

Architecturally, the applicant is proposing a complete exterior renovation of the existing building to reflect a contemporary, streamlined, commercial design. Modifications include a new flat roof with stepped horizontal trim detailing along the top of the building parapet, smooth painted stucco finish, painted stucco horizontal molding details, linear LED lighting details, stone covered and painted stucco dimensional façade pop-outs accentuating the main double door entrance on the east elevation and on the southwest corner of the building, porcelain tile with simulated wood finish applied on the southwest corner of the building, wood or tile covered structural awning projecting over the outdoor seating area, new storefront windows, decorative lighting, new awnings over windows and doors, 5 ft. high combination metal or block wall and plexiglass outdoor seating perimeter enclosure, and new wall signage proposed on the north, south, east and west elevations. Once completed, the renovated building will be painted a white, red and gray color scheme.

Ingress and egress to the site will continue to be provided by one driveway approach along 9th Street and one driveway approach along Knott Avenue. All parking areas and driveways will be resurfaced and finished to create a consistent driving surface and striped (in compliance with Code Section No. 19.536.070F) as shown on the approved plan. There will be a total of 30 parking stalls provided, which meets the minimum parking stalls required by Code. Other site improvements include refurbishing and painting of the existing trash enclosure, painting/repair or replacement of perimeter block walls and the application of decorative horizontal wood banding along the upper portion of the perimeter block walls. New landscaping is proposed along the south and west street frontages, including parkway strips along the inside of curb face along Knott Avenue. The existing ground sign located on the southwest corner of the site will be removed as part of this proposal.

Because the General Plan designation of High Density Residential and RM-20 zoning do not provide for commercial uses, an amendment to the City's General Plan and Zoning Ordinance is required in order to accommodate the proposed development concept. The applicant is proposing a General Plan Amendment from High Density Residential to

Commercial, and Zone Change from RM-20 (Medium Density Multifamily Residential) to CS (Community Shopping), which will allow for the proposed neighborhood restaurant and market use. As indicated in the Zoning Code, the objective of the CS zoning designation is "To provide for shopping centers varying from neighborhood convenience centers to a major regional shopping center, and to provide within such centers for conveniently grouped stores with adequate parking", which adequately supports the proposed neighborhood restaurant and market concept and other commercial uses as specified in Section 19.512.010 Uses of the Buena Park Zoning Code. Although a restaurant is a permitted use by right in the CS zone, Section 19.512.010 of the Zoning Code indicates that a supermarket/grocery store with building and site improvements is permitted, subject to approval of a Conditional Use Permit. The proposed General Plan Amendment, Zone Change and Conditional Use Permit for the proposed renovation from a medical office building to a combination neighborhood restaurant and market will provide eating and shopping convenience to the adjacent multifamily residential community to the north, south and east, as well as to the employees within the industrial developments to the west because there are no restaurants or markets within the immediate vicinity. The project proposal will maximize the efficient utilization of the site, improve the aesthetic appearance of a highly visible corner, and integrate the non conforming property with the surrounding neighborhood by eliminating the non conforming status of the property.

In reviewing the applicant's request, staff reviewed plans, visited the site and surrounding area, and is of the opinion that the facility and site are adequate to support the proposed architectural renovation and site improvements without negatively impacting the subject and surrounding properties. The proposed building and site renovation, including access, parking, circulation, landscaping and architectural design, as conditioned, meet the requirements of the City Code. Staff feels that the proposal will provide an enhanced site image at a predominant corner within the community, provide a neighborhood market and restaurant facility to serve the needs of residents and employees within the area, and bring economic vitality to the area.

The project is Class 3, Section 15303 categorically exempt from CEQA.

Notice of Public Hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on January 15, 2015, and 15 notices were mailed to property owners within a 300 ft. radius of the subject property on January 15, 2015.

Chair Chung asked if there were any questions of staff.

Commissioner Barstow referred to the required work on the parking lot pavement, and suggested that a new Right Turn Only sign be installed to replace the existing sign, which is partly hidden by the chainlink fence.

Commissioner Barstow asked for a description of the curb return type driveway mentioned in Public Works Condition No. 3A in the Conditional Use Permit No. CU15-002 Resolution.

Mr. Rosen said a curb return type driveway is more rounded and smoother with a radius to facilitate easier vehicle access.

Commissioner Gonzalez asked for clarification on the application request in relation to the proposed combination neighborhood market and restaurant.

Ms. Schwartz explained that the restaurant use is permitted by right in the CS (Community Shopping) zone; however, the proposed neighborhood market requires a Conditional Use Permit.

Commissioner Schoales noted that the site was originally zoned as R-2 and asked about the reason for the zone change to RM-20.

Ms. Schwartz said her historical research on the site did not provide the reason for the zone change to RM-20.

Commissioner Schoales asked for a definition of the RM-20 Zone and asked why it is necessary to change the zoning.

Ms. Schwartz said the RM-20 zone allows 20 residential units per acre. She explained that the change in zoning will allow for consideration of the proposed use.

Commissioner Schoales said he prefers the current zoning, established in 1969, which allows residential development. He expressed concern about the intensification of the use and added that the 45-year old building, which has not been maintained for years, may not last for many more years. Commissioner Schoales said he supports the project but believes the location is not appropriate. Therefore, he does not support the proposed change in zoning and hopes the applicant can find another location for his business.

Commissioner Schoales asked if the applicant intends to sell alcohol. He said he noted that a number of applicants for this type of business have returned to the Planning Commission requesting to sell alcohol in order for the business to thrive.

Commissioner Diep asked if the proposed site was included in the regional housing needs allocation site inventory.

Mr. Rosen said it was not included.

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.

Kevin Song, applicant, 520 Silver Lake Boulevard, Los Angeles, CA 90026, said he was asked by staff if he intends to sell alcohol. He responded that he will not sell alcohol because his intention is to have a reputable restaurant that will serve good food to the community. Mr. Song added that he has been in the restaurant business for a long time.

Commissioner Gonzales asked Mr. Song for information on his current restaurant.

Mr. Song said his restaurant, Waba Grill, is located on the southeast corner of Beach and Ball in the City of Anaheim. The location was a blighted chicken restaurant that he renovated and transformed into a reputable eating establishment. He further explained that the Anaheim Police Department has sent him letters of compliment for the restaurant transformation.

Commissioner Schoales asked Mr. Song if he would comply with the required condition prohibiting alcohol sales and a closing time of 10:00 pm.

Mr. Song said he would comply with the conditions.

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 Barstow seconded, the motion to adopt the attached Resolutions recommending the City Council adopt an Ordinance approving Zone Change No. Z14-002 and Resolutions approving General Plan Amendment No. GP14-002 and Conditional Use Permit No. CU14-002 with findings of fact and conditions therein, and with the deletion of Building Condition of Approval No. 3 of the Resolution for Conditional Use Permit No. CU15-002.

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

**RESOLUTION NO. 5942
GENERAL PLAN AMENDMENT NO. GP14-002**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. GP14-002 FOR CERTAIN PROPERTY LOCATED AT 6550 KNOTT AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF

**RESOLUTION NO. 5943
ZONE CHANGE NO. Z14-002**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE NO. Z14-002 PERTAINING TO CERTAIN PROPERTY LOCATED AT 6550 KNOTT AVENUE WITHIN THE CITY OF BUENA PARK

**RESOLUTION NO. 5944
CONDITIONAL USE PERMIT NO. CU15-002**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK, RECOMMENDING THAT THE CITY COUNCIL APPROVE CONDITIONAL USE PERMIT NO. CU15-002 TO RENOVATE AN EXISTING MEDICAL OFFICE BUILDING TO INCLUDE OPERATION OF A NEW COMBINATION NEIGHBORHOOD RESTAURANT AND MARKET WITH INTERIOR AND EXTERIOR BUILDING, PARKING LOT AND LANDSCAPE IMPROVEMENTS AT 6550 KNOTT AVENUE WITHIN THE RM-20 (MEDIUM DENSITY MULTIFAMILY RESIDENTIAL) ZONE

3. PARCEL MAP NO. PM14-002

A request to subdivide an existing one-parcel commercial property into a two-parcel commercial property located at 8850 and 8880 Valley View Street within the CS (Commercial Shopping) zone. This project is Class 15, Section 15315, categorically exempt from CEQA.

PROPERTY OWNERS: ABS CA-O LLC c/o Albertson's LLC
250 East Park Center Boulevard
Boise, Idaho 83726

FRA Buena Park LP
c/o Lambert Development LLC
5 Hanover Square 14th Floor
New York, New York 10004

APPLICANT: Joseph C. Truxaw and Associates, Inc.
265 S. Anita Dr. Suite 111
Orange, CA 92868

RECOMMENDED ACTION: Adopt Planning Commission
Resolution of Approval

In reply to Chair Chung, Ms. Santos stated that staff had received and distributed copies of an e-mail from the applicant requesting continuance of this item.

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 item, Chair Chung advised that the item requires a Minute Action to approve continuance of the item

Commissioner Schoales moved and Commissioner Barstow seconded the motion to continue the item to the Planning Commission meeting of February 11, 2015.

The MOTION CARRIED unanimously.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

4. TEXT AMENDMENT NO. C14-002

A request to amend Chapter 19.128 of Municipal Code Title 19 regarding Administrative Procedures to establish a requirement for public notice regarding large additions to single family residences and new residences and for the adoption of guidelines for large additions to single residences. This project is Section 15061 (b) (3), general exemption from CEQA.

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

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 proposed Resolution recommending that the City Council approve Text Amendment No. C14-002 and "Guidelines for Single-Family Residential Additions".

After Study Sessions on August 28, 2012, April 8, 2014, and August 12, 2014, the City Council directed staff to revise the current Site Plan Review process for large additions to single family homes and new homes to require public notice to adjacent property owners and potentially impacted property owners. The Council also reviewed and recommended proposed design guidelines for large single family residential additions.

As directed, the proposed Text Amendment would modify the Site Plan Review process to require public notice to adjacent and potentially affected property owners about proposed large additions to single family homes and new homes as well as adoption of the attached "Guidelines for Single Family Residential Additions". A primary goal of the Text Amendment is to provide information to potentially affected adjacent property owners about large additions to neighboring homes. In addition to promoting disclosure by providing public notice, the associated design guidelines will assist to balance property rights to expand single family homes while promoting compatibility with existing homes to assure privacy as well as neighborhood character and property values.

The current zoning ordinance process for large additions to single family homes and for new homes does not require public notice to surrounding property owners. The Zoning Ordinance requires that large additions to existing single family homes, defined as exceeding 150% of the existing floor area, as well as new homes, be processed via Site Plan Review and considered by the Planning Commission or Zoning Administrator. Additions that do not exceed 150% of the living area are processed by staff. As described in previous study sessions (attached), the Council action to require public notice for large additions to single family homes was prompted by a property owner complaint about the design of an adjacent large single family home second story addition and lack of prior written notice of the addition. The City Attorney advised that the current procedure, which

does not require notice to owners of adjacent properties, may be inconsistent with the intent of public notice and due process requirements for discretionary actions.

As directed by the City Council, the proposed Text Amendment would require a public hearing before the Planning Commission or Zoning Administrator for large additions to single-family homes and new homes. Notice of public hearing before the Planning Commission or Zoning Administrator would be required to be provided to adjacent property owners to the sides, rear, diagonal, and across the street from the subject property. Public notice may also be required in response to site-specific circumstances, such as grade differential, privacy, or view considerations. The extent of public notice for each proposal would be determined by the Community Development Director. Additions for less than 150% of the living area would continue to be processed at staff level.

As reviewed and recommended by the City Council, the new development guidelines for large residential additions include criteria for rooflines and massing; enhanced building elevations; balcony screening; second story window design and placement; and provision for additional landscape. The proposed new guidelines supplement the zoning code development standards and are intended to promote high quality residential neighborhoods while providing property owners the flexibility to remodel and expand their homes. The guidelines will be consistent with the General Plan goal of maintaining and enhancing single family neighborhoods.

The project is exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on January 15, 2015.

Chair Chung asked if there were any questions of staff.

Commissioner Barstow asked whether the new guidelines would permit wood shake roofs and if fire-resistant roof materials can be mandatory as part of the new Single-Family Residential guidelines.

Mr. Fox explained that the adoption of building code standards is within the jurisdiction of the Building Division, and subject to City Council approval. He clarified that Single Family Residential guidelines are official recommendations, which may be considered to be discretionary, but are not ministerial. Mr. Fox added that, if this proposal is approved, what will be mandatory is the public noticing regarding large additions to single-family residences and new residences.

Commissioner Capelle stated, and Mr. Fox confirmed, that the design guidelines approach will provide flexibility regarding consideration of proposals by reviewing entities, rather than restrict or bureaucratize development proposals. The proposed public noticing requirement is aimed at improving transparency for the development process.

Chair Chung asked for a definition of the phrase referring to "superior" finishes.

Mr. Saltzberg said "superior" is a determination made by the Planning Commission as part of the findings for approval, based on factors such as architectural integrity, quality, and compatibility with surrounding structures.

Chair Chung asked if there are restrictions on a structure's color.

Mr. Rosen said there are currently no explicit limitations on color.

Commissioner Diep said the guidelines will also help neighbors to understand what is allowed and what is not allowed for large additions next to their homes, and where flexibility can be exercised.

Commissioner Gonzales, noting that this proposal was prompted by a property owner complaint about the design of an adjacent large single family home second story addition and lack of prior written notice of the addition, commented that it is rare for a property owner's "view" to be considered a protected entity in a development.

Commissioner McGuire stated, and staff confirmed, that the proposed public noticing will apply only to larger additions to single-family residences and new residences.

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 Resolution for approval or denial with findings.

Commissioner Capelle moved and Commissioner Diep seconded the motion to adopt the following Resolution recommending approval of Text Amendment No. C14-002.

**RESOLUTION NO. 5946
TEXT AMENDMENT NO. C14-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE
SITE PLAN REVIEW PROCESS TO REQUIRE PUBLIC NOTICE FOR LARGE
ADDITIONS TO SINGLE FAMILY HOMES AND NEW HOMES AND APPROVE A
RESOLUTION ADOPTING GUIDELINES FOR SINGLE FAMILY HOME ADDITIONS**

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

ORAL COMMUNICATIONS:

Elizabeth Swift, 6832 Brenner Avenue, Buena Park, CA 90621, introduced herself as the new City Council Liaison to the Planning Commission. However, she said that she is speaking at this meeting as a Buena Park resident and among the adjacent residents negatively affected by The Source development for the past three years. She and her husband have repeatedly requested that the nearby residents be informed of any changes that will affect them. She recalls City Staff compiling a list of residents' e-mail addresses for quicker dissemination of information, but no communication was received by the residents prior to access being blocked to their street from Beach Boulevard this morning. Mrs. Swift added that she feels the residents have been treated with disrespect by the developers. She said some of her neighbors have asked if she would participate in a lawsuit against the developer, and she has said no. However, she added that because of the tremendous amount of emotional energy that she has exerted on this project, she may agree to do so.

AGENDA FORECAST:

- Continued Item – Parcel Map No. 14-002
- Update on Beach Boulevard

STAFF REPORT:

Mr. Rosen reported on City Council approval of Rock & Brews and informed the Planning Commissioners that the Buena Park Open Space and Park Preservation Initiative item is scheduled for the next City Council meeting.

COMMISSION REPORTS:

Commissioner Barstow reported on his recent staff-guided tour of The Source and said that it was very impressive. He encouraged the other Planning Commissioners to tour the project site.

Commissioner McGuire asked if there are any changes to the Source project frontages on Melrose and Brenner in comparison to what was originally proposed and approved for The Source.

Mr. Rosen explained that what was approved by Planning Commission and City Council was the Specific Plan, and did not include the variety of options for the specific Development Plan.

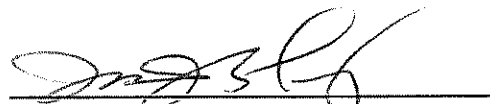
Commissioner Schoales asked if staff has taken into consideration the possible resulting traffic from The Source in view of the current severe traffic congestion that he has observed as a result of the new shopping center on Beach and Malvern.

Mr. Rosen said staff is taking additional action to address traffic circulation near Beach and Malvern and is working closely with Caltrans .

Commissioner Capelle said she will be unable to attend the next Planning Commission meeting.


ADJOURNMENT:

At 8:05 p.m., Chair Chung adjourned the meeting to the regular Planning Commission meeting on Wednesday, February 11, 2015, in the City Council Chamber.



Jae Joon Chung
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary