

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
February 25, 2015

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on February 25, 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
Nabil Henein, Assistant City Engineer
Craig Fox, Deputy City Attorney
Ruth Santos, Senior Administrative Assistant

**1. APPROVAL OF MINUTES Meeting of January 28, 2015
Adjourned Meeting of February 11, 2015**

RECOMMENDED ACTION: Approve

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

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

PUBLIC HEARING:

NEW BUSINESS:

2. PARCEL MAP NO. PM15-001

A request to subdivide a 10.38-acre parcel into two ground parcels, including a retail entertainment center and parking structure and two "airspace" parcels for commercial purposes, including an office building and hotel at 6940 Beach Boulevard. The project is currently under construction with The Source development as approved, pursuant to the Beach Orangethorpe Mixed Use Specific Plan certified Program Environmental Impact Report.

PROPERTY OWNER: The Source at Beach, LLC
3100 East Imperial Highway
Lynwood, CA 90262

APPLICANT: Hennon Surveying and Mapping, Inc.
601 E. Glenoaks Boulevard, Suite 208
Glendale, CA 91297

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Chung, Ms. Santos stated that staff received and distributed copies of a letter received from Robert Piazza, 7822 Melrose Street, Buena Park.

The staff report was presented by Jay Saltzberg, Planning Manager. The site is within the BOMUSP area and is being developed with a mixed-use commercial development consisting of retail, office, and hotel uses, and including a parking structure. The properties to the west are zoned CG (General Commercial) and are developed commercially and with a church. . The properties immediately to the north (south side of Melrose) are within the BOMUSP area and include single family residences and commercial development. The properties to the east across Brenner Ave. are zoned RS-6 (Single Family Residential) and are developed with single family residences with vacant property at the northeast corner of Brenner and Orangethorpe. The properties to the south are zoned ECSP (Entertainment Corridor Specific Plan) and are developed commercially.

Staff recommends that the Planning Commission adopt the attached Resolution approving Parcel Map No. PM15-001 with the findings of fact and conditions listed therein.

The property under application is approximately 10.38 acres generally located adjacent to the northeast corner of Beach Boulevard and Orangethorpe Avenue. The property is currently being developed with The Source, an approximately 620,000 sq. ft. mixed-use (retail, office, hotel) development, including shared access, circulation, and parking. The purpose of the proposed parcel map is to provide for separately financed individual properties under separate ownerships.

The submitted application and plans propose the subdivision of The Source development, currently under construction, into separate properties to allow for separate ownerships. The separate parcels will include ground parcels for the retail and parking structures and vertical parcels in recognition of the office and hotel building configurations.

The site development will proceed as originally approved. No building modifications, change of use, or site alterations are proposed as part of this application. The overall development will remain as part of the integrated commercial center. The separate parcels will continue the same overall site design and share reciprocal access, circulation, and parking, as conditioned, to include a master operations and maintenance agreement.

Parcel 1 will be 3.52 acres and will consist of the parking structure. Parcel 2 will be 6.49 acres and will be the retail component. Parcel 3 will be a vertical airspace lot to consist of the four story office building above the 3 story retail component with entry lobby on the ground floor. Parcel 4 will be a vertical airspace lot to consist of the four story hotel building over the entry lobby at the northwest corner of Orangethorpe Ave. and Brenner Ave. In

addition, there will be a 6,450 sq. ft. (.15 acre) remainder parcel at the northeast portion envisioned for use as part of a future development phase.

Staff has reviewed the proposed Parcel Map and finds that the proposed separation of the site into four new parcels and a remainder parcel is consistent with the City General Plan and Specific Plan designations, Subdivision Ordinance, and the State Subdivision Map Act. The proposed subdivision to include both horizontal and vertical parcels for the separate properties is consistent with applicable development criteria within the Beach-Orangethorpe Specific Plan including configuration, access, circulation, and parking, as conditioned. The remainder parcel will not have separate independent development rights per the parcel map and the Specific Plan. Based on the unique design of the multi-level mixed-use integrated commercial complex, the proposed new parcel configuration is considered appropriate in recognition of individual ownership of the new proposed lots as well as the hotel and office tower designs.

The proposed separation to create four separate lots will not create any non-conformity to the City Code as it applies to overall site configuration, building locations, parking, circulation, or access. The separate parcels and associated improvements will continue to be consistent with the overall design of the integrated commercial complex, as conditioned. The new separate sites will include mutual access, circulation, and parking, in compliance with Code requirements. A condition is included that a master operations and maintenance agreement, including reciprocal access, circulation, and parking, be provided for the commercial complex to assure that continuous access, circulation, and parking be maintained for the entire approximately ten acre commercial center. The purpose of this condition is to assure the continued integrity of the new integrated commercial complex.

In summary, the subdivision of the property, as proposed and conditioned, will not create any negative impacts on the site or surrounding area. The proposal is consistent with the General Plan and Specific Plan designations. The proposed subdivision will comply with applicable development criteria. The new configuration of the parcels is appropriately integrated with the overall site design and building types, as conditioned.

The project is currently under construction with The Source development as approved pursuant to the Beach Orangethorpe Mixed Use Specific Plan certified Program Environmental Impact Report SCH # 2007111111, and is consistent with CEQA Section 15168(c) regarding Program EIR subsequent activities and Section 15315 Class 15 regarding Minor Land Divisions.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on February 12, 2015, and 40 notices were mailed to property owners within a 300 ft. radius of the subject property on February 12, 2015.

Chair Chung asked if there were any questions of staff.

Commissioner Diep commented that requests of this nature, including "airspace" parcels, seem uncommon, and asked for the rationale behind the application.

Mr. Saltzberg explained that the proposed subdivision is an urban concept, and is primarily for financing purposes.

Mr. Rosen added that this type of application is common for mid or high-rise type developments, especially in urban areas where there are stacked flats as well as row townhomes. Mr. Rosen said that although this application may seem unusual, the requested subdivision is permitted by the Subdivision Map Act and consistent with City policies.

Commissioner Schoales asked how many lots were combined to form the 10.38 acre parcel.

Mr. Rosen said he does not know the exact number of lots combined to form the 10.38 acre parcel.

Commissioner Schoales asked, and Mr. Rosen confirmed, that some of the lots were bought with redevelopment and property tax funds.

Commissioner Schoales said he is concerned that a separate parking structure may eventually lead to paid parking in order to generate revenue, which may cause customers to park on residential areas and public streets to avoid parking fees.

Mr. Rosen said that although the parking structure is designed to allow paid parking in the future, paid parking is not currently proposed.

Commissioner McGuire said his concern about the proposed separation of parcels is lack of cohesiveness among various business owners, which can bring about deterioration in the quality of businesses or facilities maintenance.

Citing a recent news article attributing the success of the Segerstrom commercial conglomerate to the sole owner's ability to maintain control over all of the properties, Mr. Schoales said the proposed separation of parcels might be counterproductive.

Mr. Fox said there will be agreements in place to make certain that various business owners are bound by the same set of rules.

Mr. Rosen added that a master policy agreement will provide overall regulatory control over the various establishments within the complex.

Mr. Fox reminded the Commission and staff that questions, comments, and suggestions are welcome, but the focus of the discussion should be on the scope of review of this application, making sure it conforms to State findings as well as local and State codes, with no adverse physical effects such as on traffic circulation.

Commissioner Schoales explained that because Buena Park citizens are highly invested in the project, all aspects must be carefully studied to ensure its success. He confirmed his concern about possible overflow parking.

Mr. Fox asked Commissioner Schoales if he wanted to add a condition, to assuage his concern, such as requiring a parking management plan.

Mr. Rosen said the requirement for a parking management plan is part of the Development Agreement conditions.

Commissioner Schoales said that if the parking management plan is part of the Development Agreement condition, then he will not suggest adding that condition to this application.

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.

Edwin Sunderason, Director of Development, The Source at Beach, LLC, 3100 East Imperial Highway, Lynwood, California 90262, said the property owners have invested heavily on this project, to the sum of approximately \$400 million, to ensure its high quality. He asked if the Commissioners had any questions.

Commissioner Capelle asked Mr. Sunderason to confirm her understanding that the request is a three-dimensional entitlement that will allow each parcel to be valued separately, under one overarching set of rules, and that the goal of subdividing the parcel is to create suitable individual financing mechanisms.

Mr. Sunderason confirmed Commissioner Capelle's statement and added that lenders specialize in various uses.

Commissioner McGuire asked, and Mr. Sunderason confirmed, that the property owner has control over the entire property, including aesthetics.

Commissioner Barstow asked if the property owner will alter certain sites in response to a tenant's request.

Mr. Sunderason said the possibility is highly unlikely.

Commissioner Schoales asked about status of negotiations with hotels and restaurants.

Mr. Sunderason said that as the project has become more visible, more interested parties have expressed interest. He said all options are being weighed carefully to ensure a high-quality project, and at this stage, he is not at liberty to disclose business establishment names.

There being no one else 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 Capelle moved, and Commissioner Barstow seconded, the motion to adopt the Resolution approving Parcel Map No. PM15-001 with findings of fact and conditions therein.

**RESOLUTION NO. 5948
PARCEL MAP NO. PM15-001**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A PARCEL MAP TO SUBDIVIDE AN APPROXIMATELY TEN ACRE PROPERTY INTO FOUR PARCELS AT 6940 BEACH BOULEVARD WITHIN THE BOMUSP (BEACH-ORANGETHORPE SPECIFIC PLAN) AREA AND MAKING FINDINGS IN SUPPORT THEREOF

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Saltzberg said proposals for an Aldi Supermarket and Orchard Supply Hardware store are scheduled for future Planning Commission meetings.

STAFF REPORTS:

Mr. Rosen reported on City Council continuation of the moratorium on massage establishments, approval of a new requirement for public notice for Site Plan review for large additions to single-family homes, and approval of a Zone Change for a small deli/market at 6550 Knott Avenue.

COMMISSION REPORTS:

None

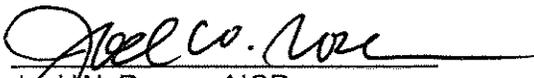
ADJOURNMENT:

At 7:55 p.m., Chair Chung adjourned the meeting to the Planning Commission meeting on Wednesday, March 11, 2015, in the City Council Chamber.



Jae Joon Chung
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary