

CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
December 16, 2015

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on December 16, 2015, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Capelle presiding.

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

ALSO PRESENT:

Joel W. Rosen, AICP, Community Development Director  
Jay Saltzberg, Planning Manager  
Monique Schwartz, Assistant Planner  
Tiffany Lin, Planning Intern  
David Jacobs, Assistant City Engineer  
Craig Fox, Deputy City Attorney  
Ruth Santos, Senior Administrative Assistant

**1. APPROVAL OF MINUTES** Meeting of November 16, 2015

RECOMMENDED ACTION: Approve

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**PUBLIC HEARING:**

**NEW BUSINESS:**

**2. ZONE CHANGE NO. Z15-002/TENTATIVE TRACT MAP NO. TT15-003/  
CONDITIONAL USE PERMIT NO. CU15-013**

A request to consider a recommendation to the City Council for Zone Change from CM (Commercial Manufacturing) to GMU (General Mixed Use), and Conditional Use Permit and Tentative Tract Map to construct an 18-unit residential condominium development including open space and related site improvements, located at 7069-7071 Thomas Street in the CM (Commercial Manufacturing) zone. The project is Class 32, Section 15332, categorically exempt from CEQA.

PROPERTY OWNER (7069 Thomas): Jeff Stark  
7069 Thomas Street  
Buena Park, CA 90621

PROPERTY OWNER (7071 Thomas): Nick Stathes  
P.O. Box 571355  
Tarzana, CA 91357

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

RECOMMENDED ACTION: Adopt Resolutions of Approval

Commissioner Barstow disclosed that his membership in an organization that owns property near the subject property could contribute to potential for possible conflict of interest; however, he expressed assurance that he will be impartial.

In reply to Chair Capelle, 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 properties are zoned CM (Commercial Manufacturing) and are developed with legal non-conforming single family homes, garages, sheds and outdoor storage. All existing site improvements will be demolished to accommodate the proposed development to be incorporated as part of The Olson Company's "Aldea Walk" project, currently under construction. The properties to the north and west are zoned GMU (General Mixed-Use) and being developed with multi-family residences. The property to the south is zoned CM (Commercial Manufacturing) and is developed with a vehicle storage yard. Properties to the east, across Thomas Street are zoned CM and are developed with office warehouse/storage facilities and light industrial uses.

Staff recommends that the Planning Commission adopt the attached Resolution recommending the City Council adopt an Ordinance approving Zone Change No. Z15-002 and Resolutions approving Conditional Use Permit No. CU15-013 and Tentative Tract No. TT15-003.

The subject site is comprised of three parcels located on the west side of Thomas Street, with a street frontage of 185 ft. and a total land area of approximately 34,075 sq. ft. (.78 acres). The property located at 7069 Thomas Street is currently developed with two legal non-conforming single-family residences, and an unpermitted pressure washing business with storage trailers and office trailer. No historical records were located regarding this property. The properties located at 7071 Thomas Street are currently developed with one legal non-conforming single family residence constructed in 1958, detached garage and an unpermitted tree trimming service yard with outdoor storage of vehicles and mulch.

On January 13, 2015, City Council approved Development Agreement No. DA14-005 with the Olson Company and Tentative Tract Map No. TT14-006 for the construction of a 54-unit residential condominium development called Aldea Walk. The Aldea Walk site is currently under construction with anticipated completion in spring of 2016.

The subject parcels were master planned to become part of the Aldea Walk development based on future anticipated acquisition; however, the properties only recently became available. The Olson Company is currently in escrow to purchase the properties for 18 additional condominium units. The proposed 18 unit development will be designed in a similar style, with architecture and configuration to be incorporated as an extension of the development. The project site will be annexed into the Aldea Walk development and the Homeowner's Association will share in maintenance of the private streets, landscaping, building exteriors, and amenities including the shared common open space areas.

The submitted applications and plans propose demolition of all existing site improvements and construction of an 18-unit residential condominium development including associated open space and site improvements on the .78 acre site to be incorporated into the adjacent Aldea Walk project. The proposed development will include two (2), two-story and sixteen (16) three-story attached condominiums. The development will maintain four buildings containing two to six condominiums and is designed with units arranged around two common open space areas. The project also includes a request for approval of a Tentative Tract Map, which provides for consolidation of three parcels into one parcel for condominium purposes with the common areas held in joint ownership by the 18 condominium owners.

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

Plan 1 is a two-story design that is 1,575 sq. ft. providing three bedrooms, two and one half bathrooms, living/dining area, kitchen, laundry room, and two-car garage.

Plan 2A/2B is a three-story design that is 1,363 sq. ft., providing two bedrooms, two and one half bathrooms, living/dining area, 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 1,684 sq. ft., providing 3 bedrooms, two and one half bathrooms, living/dining area, kitchen, laundry closet, tech and storage area, and three-car tandem garage.

Plan 4 and 4ALT is a three-story design that is 1,822 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.

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.

The condominium buildings maintain setbacks of 7.5 ft. to 10.5 ft. along Thomas Street, 7 ft.-8 in. to 9 ft.-3 in. along the north property line, 7 ft. to 9 ft.-7 in. along the south property line, and 12.5 ft. to 24.5 ft. separation between building 14A and adjacent building 8A of the Aldea Walk project along the west property line. In order to integrate the proposed development frontage along Thomas Street with the existing Aldea Walk project frontage to the north, two-story units with front yard patios are situated along the east property line with 7.5 ft. to 10.5 ft. front yard building setbacks.

Common Open/Private Space:

There is approximately 2,675 sq. ft. of common open space provided within the development, including the inner courtyards of Buildings 12 and 13. Common Area "E" is located at the northeast corner of the development and includes a decorative fountain, bench seating, decorative pots, concrete paving with decorative scoring, and butterfly garden. Common Area "F" has similar amenities as Common Area "E" except that it is located at the southeast corner of the development with a pedestrian access gate off Thomas Street. In addition, there is approximately 2,200 sq. ft. of private patio area enclosed with 36 in. to 42 in. tall masonry walls with decorative stone caps and wooden gates.

The architectural theme of the project is consistent with the exterior design of the adjacent Aldea Walk project. The condominiums reflect a contemporary residential design and will feature a variety of forms and finishes including varied roof lines, dimensional façade pop-outs, stucco exterior finishes, stucco trim and cornices, 30" high wainscoting, shaped foam corbels, decorative gable end detailing, decorative wrought iron railing, wrought iron pot 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 openings, and coordinating earth tone color combinations.

Vehicular access to the project site is provided via a 36 ft. wide driveway approach off Thomas Street via the Aldea Walk development. This driveway approach also serves as the primary vehicle exit from the site. The new development will directly connect to the Aldea Walk project, including driveways, drive aisles, and walkways. There is one pedestrian access gate provided at the southeast corner of the site that will be provided with a keypad entry and callbox. The site will be enhanced with decorative precast concrete pavers that will delineate walkways to each common open recreational area and access throughout the development. A total of 41 garage spaces, 3 open parking spaces, and eight (8) guest parking spaces along Thomas Street have been provided, for a total of 52 additional parking spaces. The combined total 72-unit Aldea Walk project will contain 168 garage spaces, 41 open parking spaces, and 16 guest parking spaces along Kass Drive and Thomas Street, for a total of 225 parking spaces.

The project includes approximately 2,675 sq. ft. of common open area landscaped with fountains, bench seating, enhanced concrete paving, and butterfly gardens. Interior streets will be enhanced with a variety of trees, shrubs and accent plants to enhance the garage door entries and delineate the two common open space areas. Landscaping along the project frontage on 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. Low walls (42 in. tall) with decorative caps are proposed within the front yard setback along Thomas Street for the screening of air conditioning units, water and gas meters. Low walls (42 in. tall) with gates will enclose the outdoor patios of Units 63 and 63. In addition, street trees will be planted along the street edges of the public right-of-way. Landscape design within the public right-of-way along Thomas Street will coordinate with the connecting Aldea Walk development to the north. In order to provide a buffer between the proposed project and the surrounding land uses, the project includes complementary landscaping and 6 ft. min. tall perimeter masonry walls with stucco finish and decorative cap or decorative wrought iron on top.

A zone change from CM (Commercial Manufacturing) to GMU (General Mixed Use) is required in order to accommodate the proposed residential condominium use. As indicated in the Zoning Code, the objective of the GMU zoning is "to provide for a horizontal or vertical mix of high density residential and neighborhood commercial uses along major arterials". In reviewing the application and submittal plans, Staff visited the site and surrounding area, including the adjacent development under construction. Based on this review, Staff is of the opinion that the proposed housing development will allow the subject site to function as an appropriate extension of the Aldea Walk project. The integration of this project into the Aldea Walk project will maximize the efficient utilization of the site, improve the aesthetic appearance of the area, and integrate the non-conforming properties within the surrounding neighborhood by eliminating the non-conforming status of the properties.

The proposed development project is an extension, as originally envisioned, to the Aldea Walk development, approved under Development Agreement No DA14-005 and Tentative Tract No. 14-006. The approved Development Agreement allows for substantial changes to the Development Plan via the Conditional Use Permit process. The proposed development also requires Planning Commission review of the Tentative Tract Map. Staff has reviewed the proposed consolidation of the subject properties and incorporation within the Aldea Walk development for consistency with the City's General Plan, development standards, Subdivision Ordinance, and the State Subdivision Map Act. The project design and configuration are consistent with applicable development criteria for similar new multi-family residential housing projects and complies with the goals of the General Plan.

The subject site, including the Aldea Walk project, is located within the Orangethorpe Corridor East Focus Area as identified in the City's General Plan. 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. 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 approved Aldea Walk project and the surrounding residential neighborhood to the west, as well as nearby commercial/industrial developments as envisioned within the General Plan. 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.

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 in a manner consistent with the adjacent development under construction. 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 integrate with the previously approved adjacent 54-unit condominium project while creating a high quality multi-family housing project.

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 be a logical continuation of the approved Aldea Walk development. The overall development will provide ample open space

opportunities for future residents within the development. The overall development (Aldea Walk and Proposed Project) has been designed to accommodate approximately 14,551 sq. ft. of common open space which includes six 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, fountains, butterfly gardens and multi-purpose turf areas.

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).

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

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on December 3, 2015, and 31 notices were mailed to property owners and residents within a 300 ft. radius of the subject property on December 3, 2015.

Chair Capelle asked if there were any questions for staff.

Commissioner Schoales asked and Ms. Schwartz confirmed that the units on the east side of the project, on Thomas Street looking west, are separated by fences, with gated entries.

Noting that the access to Unit No. 62 is from the side, Commissioner Schoales asked if it can be accessed from the front like the unit next door.

Ms. Schwartz said the side access is as designed by the Developer.

Commissioner Schoales reiterated that he had, in the past, expressed his preference to not have the unit front doors face Orangethorpe Avenue.

Commissioner Schoales asked staff to confirm that the two handicap units do not have access to the second floor kitchens.

Ms. Schwartz confirmed that the two handicap units do not have access to the second floor kitchens. She added that all units, including the handicap units, will conform to Code.

In response to Commissioner Barstow, Ms. Schwartz confirmed that the proposed project will utilize water-saving measures and drought-resistant landscape plans.

Chair Capelle stated that this is a public hearing. If there is anyone wishing to speak on the item, please come forward and state their name and address for the record.

Doris Nguyen, representing applicant The Olson Company, 3010 Old Ranch Parkway #100, Seal Beach, CA 90740, described The Olson Company as an infill developer for 27 years, with hundreds of industry awards and number 1 in customer satisfaction, with a 98% customer satisfaction rating. In order to maintain continuity throughout the project and ensure that CCRs are effectively regulated, Olson employees attend Home Owners Association (HOA) meetings quarterly for ten years. She added that the proposed project is an extension of the Aldea project which opened mid-September and is very well received by the community, with 33 units sold.

Commissioner McGuire asked about the cost of the units.

Ms. Nguyen said unit costs range from \$442,000 to \$524,000, with HOA fees from \$240 to \$300.

Richard Mellen, 21872 Huron Lane, Lake Forest, CA, said he is a business owner in the proposed location, and that he and his neighbor, John Lynch, who could not attend this meeting, are concerned that the proposed project may affect parking on the commercial part of the street. Mr. Mellen said their contractors' trucks unload before 7:00 a.m. and they need assurance that these trucks will have spaces to park. He asked if parking can be disallowed on Thomas Street from midnight to 4:00 am.

Commissioner Barstow asked if there is parking permitted in front of the units on Thomas Street. He raised the possibility of residents having more cars than can be accommodated on-site.

Mr. Rosen said residents on Thomas Street can park in front of the units. He explained that residents will have direct access to the units from their garages.

Ms. Schwartz added that Olson typically conducts regular inspections of individual garage units and receives feedback on parking during their attendance at regular HOA meetings.

Mr. Rosen said the proposed project should not affect commercial parking in the area; however, should violations occur, staff will rectify the situation even if through the issuance of residential parking permits. He encouraged Mr. Mellen to contact staff should parking problems occur.

Mr. Fox advised staff to modify the Tentative Tract Resolution to add a new Section 6 on page 2 stating that the approval of the Tentative Tract shall be contingent upon City Council approval of the Zone Change.

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

Commissioner Gonzales moved, and Commissioner Barstow seconded, the motion to adopt the following Resolutions approving Conditional Use Permit No. CU15-013 and Tentative Tract Map No. TT15-003, with the addition to the Tentative Tract Resolution as advised by Mr. Fox, and recommending City Council adoption of an Ordinance approving Zone Change Z15-002.

**RESOLUTION NO. 5978  
CONDITIONAL USE PERMIT NO. CU15-013**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU15-013 TO CONSTRUCT AN 18-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT WITH ASSOCIATED SITE IMPROVEMENTS LOCATED AT 7069 - 7071 THOMAS STREET IN THE COMMERCIAL MANUFACTURING ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

**RESOLUTION NO. 5979  
TENTATIVE TRACT MAP NO. TT15-003 (17797-1)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A TENTATIVE TRACT MAP TO CONSOLIDATE THREE PARCELS TOTALING APPROXIMATELY .78 ACRES INTO ONE LOT FOR THE CONSTRUCTION OF 18 CONDOMINIUMS INCLUDING OPEN SPACE AND SITE IMPROVEMENTS AT 7069 - 7071 THOMAS STREET IN THE CM (COMMERCIAL MANUFACTURING) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

**RESOLUTION NO. 5980  
ZONE CHANGE NO. Z15-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE NO. Z15-002 FROM CM (COMMERCIAL MANUFACTURING) TO GMU (GENERAL MIXED-USE) PERTAINING TO CERTAIN PROPERTY LOCATED AT 7069 - 7071 THOMAS STREET WITHIN THE CITY OF BUENA PARK**

AYES: 7 COMMISSIONERS: Gonzales, Barstow, Chung, Diep, McGuire, Schoales, and Capelle  
NOES: 0 COMMISSIONER:  
ABSENT: 0 COMMISSIONER:  
ABSTAINED: 0 COMMISSIONER:

**3. CONDITIONAL USER PERMIT NO. CU04-014M2**

A request to modify a Conditional Use Permit to renovate an existing restaurant with associated site improvements, located at 7801 Beach Boulevard in the ECSP (Entertainment Corridor Specific Plan) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: Investment Decision Corporation  
64 East 6400 South Street # 310  
Murray, UT 84101

APPLICANT: TDMG, Inc./Seyoung Choi  
7050 Village Drive, Suite H  
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolution of Approval



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

The staff report was presented by Tiffany Lin, Planning Intern.

The subject property is zoned ECSP (Entertainment Corridor Specific Plan) and developed with a 6,800 sq. ft. restaurant building which is currently vacant. The property to the north is zoned ECSP and developed with Rock and Brews restaurant. To the south is a vacant lot zoned ECSP that was previously a motel. The property to the east, across Beach Boulevard, is zoned ECSP and developed with the Amaya restaurant. The properties to the west are zoned RS-6 (One-Family Residential) and developed with single-family homes.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU04-014M2 with findings of fact and conditions.

The property is located on the west side of Beach Boulevard, between La Palma Avenue and the 91 Freeway, with street frontage of 245 ft. and land area of 1.37 acres.

In January 1975, the City Council approved CU-535 to develop a new 6,800 sq. ft. Red Lobster restaurant with a cocktail lounge, which transitioned to Spoons Restaurant, before closing.

In April 2004, the Planning Commission approved CU04-014 to reestablish and operate a restaurant with on-site sale and consumption of beer, wine, and distilled spirits and construction of a 1,480 sq. ft. enclosed patio at the former restaurant site. The proposal for the new Sagan restaurant included site improvements with interior and exterior renovations, and daily hours of operation from 10 a.m. to 11:00 p.m.

In May 2005, the Planning Commission approved SP05-025 to modify the existing 1,480 sq. ft. enclosed patio to include the installation of tabletop barbeque grills at Sagan restaurant.

In July 2009, the Director of Community Development approved IDR 09-006 to modify the enclosed patio to an indoor dining area, including a new food and wine bar at Sagan restaurant.

In July 2009, the Director of Community Development approved CU04-014MM1 to extend the required closing time for Sagan restaurant from 11:00 p.m. to 12:00 a.m.

The submitted application proposes the conversion of the former Sagan restaurant to Kyung Bok Kung restaurant to include building and site modifications. The restaurant floor plan will be reconfigured to accommodate five separate dining areas for a total dining area of 3,402 sq. ft. that will seat 186 persons in a variety of dining configurations. The floor plan also includes a kitchen with walk-in freezer and coolers, service areas, restrooms and a waiting area at the restaurant entrance. The restaurant will offer a contemporary update of traditional Korean cuisine with continuing sale of beer, wine, and distilled spirits. As proposed, the restaurant will serve lunch and dinner between 11:30 a.m. to 11:30 p.m. and will require 15 to 20 employees.

Architecturally, the proposed exterior building remodel has been designed to reflect a contemporary update of historical Korean style architecture, introducing a variety of architectural enhancements to complement the overall upscale dining theme of the restaurant. As shown on the submitted plans, exterior enhancements will include steel and

wood panels, patterned tiles, ornamental wood accents, and enhanced lighting. A vertical accent wood treatment will complement the new front windows. The new front entry structure will feature laser cut black steel panels, granite tile, and decorative curved steel cover featuring a pattern similar to the decorative tile panels of the façade. Once completed, the design of the restaurant building will complement the newer commercial developments within the area.

As proposed, site improvements include a new public sidewalk and landscaping along the front of the property to meet new landscape and public right-of-way requirements established through the new Beach Boulevard Entertainment Corridor streetscape plan adopted by the City Council. The new requirements include public right-of-way improvements to achieve a 17 ft. wide right-of-way area along Beach Boulevard, including min. 10 ft. wide public sidewalk and min. 7 ft. wide landscape parkway. Site ingress and egress will continue to be provided via existing driveways along Beach Boulevard and the parking configuration will remain the same. A total of 101 parking spaces are provided, with 72 standard stalls, 24 compact parking spaces, and 5 handicap accessible parking spaces; 84 spaces are required by Code. Proposed sign plans will be submitted separately, subject to the approval of the Planning Division. The existing wall signs will be removed. The existing monument sign will be demolished or renovated and relocated from the public right-of-way. In addition, the existing public seating area to the front of the property will be demolished.

The City of Buena Park Zoning Ordinance requires Planning Commission review and approval via the Conditional Use Permit process for renovation of the existing 6,800 sq. ft. restaurant, including architectural and site modifications. Modification of the existing Conditional Use Permit is required to assess any potential impact on the site and surrounding area as well as to ensure continued land use compatibility.

In reviewing the applicant's request, staff reviewed plans and visited the site and surrounding area and is of the opinion that the property will accommodate the proposed architectural renovation and site modification, including continuing sale of alcohol for on-site consumption, without negatively impacting the subject and surrounding properties. The site was originally developed with a full service restaurant that included the sale of alcohol and will continue to operate at a similar scale and with similar business operations. As proposed, the renovation includes an enhanced high quality exterior design, with diverse materials and textures and unique architectural character contributing to Beach Boulevard renovation.

Kyung Bok Kung has more than 100 locations in Korea, with the proposed restaurant to be the first in the United States. As proposed, Kyung Bok Kung will feature classic Korean fine dining and high-end barbecue. The restaurant serves authentic Korean cuisine in a stylized Korean interior with elements of wood and stone. The exterior features an attractive mix of traditional and modern architectural elements to create a unique presentation along Beach Boulevard, with a variety of distinctive architectural elements. The enhanced entry includes an intricate geometric design as well as a curved tile roof characteristic of traditional Korean architecture. Internal lighting will be provided to show through the wood columns and laser cut steel panels of the new entry structure.

The proposed restaurant remodel and associated site improvements, as conditioned, comply with the Zoning Ordinance requirements for access circulation, landscaping, parking, and architectural design. The site will maintain 101 parking spaces, exceeding the Code prescribed 84 parking spaces. The two existing driveways will continue to provide appropriate access to the site. Regarding the new building design, staff feels the proposed

contemporary theme of the restaurant will complement the varying architectural designs of surrounding new commercial uses while also contributing to the General Plan goals for the Entertainment Corridor. The proposed full service restaurant will contribute to the long term vision to create tourist-oriented development within the Entertainment Corridor focus area, as identified in the General Plan. In addition to creating a unique architectural focal point, the Kyung Bok Kung restaurant will complement the vision for this area by providing an upscale dining experience for tourists as well as residents.

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 3, 2015, and 32 notices were mailed to property owners within 300 ft. radius of the subject property on December 3, 2015.

Chair Capelle asked if there were any questions for staff.

Commissioner Schoales asked and staff confirmed that the demolition of the monument sign will widen the sidewalk.

Commissioner Schoales asked if the fire hydrant in the middle of the sidewalk on the north end of the property will be removed.

Mr. Rosen said Public Works will look into it and see what the options are.

Chair Capelle stated that this is a public hearing. If there is anyone wishing to speak on the item, please come forward and state their name and address for the record.

Seyoung Choi, representing applicant TDMG, Inc., 7050 Village Drive, Suite H, Buena Park, CA 90621, said the proposed renovations will enhance the exterior and overall structure of the proposed restaurant.

In response to Commissioner Gonzales, Ms. Lin said no other parties have expressed interest in the proposed site.

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

Commissioner Gonzales moved, and Commissioner Diep seconded, the motion to adopt the following Resolution approving Conditional Use Permit No. CU04-014M2 with findings of fact and conditions therein.

**RESOLUTION NO. 5981  
CONDITIONAL USE PERMIT NO. CU04-014M2**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF  
CONDITIONAL USE PERMIT NO. CU04-014M2, TO REMODEL AN  
EXISTING RESTAURANT TO INCLUDE INTERIOR AND EXTERIOR  
MODIFICATIONS AND ASSOCIATED SITE IMPROVEMENTS FOR A NEW**

**RESTAURANT AT 7801 BEACH BOULEVARD WITHIN THE ECSP  
(ENTERTAINMENT CORRIDOR SPECIFIC PLAN) ZONE**

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**4. TEXT AMENDMENT NO. C15-001**

A request to consider a recommendation to City Council to amend Title 19 regarding zoning standards and regulations for massage establishments. The project is exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

PROJECT PROPONENT: City of Buena Park  
6650 Beach Boulevard  
Buena Park, CA 90620

RECOMMENDED ACTION: Adopt Resolution recommending approval to  
City Council

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

The staff report was presented by Jay Saltzberg, Planning Manager.

Effective January 1, 2015, state Assembly Bill 1147(AB 1147) restored local government land use control to regulate massage establishments. Previous legislation preempted local government land use authority over this area and delegated regulatory authority to the California Massage Therapy Council (CAMTC).

On February 24, 2015, the Buena Park City Council declared a moratorium prohibiting commencement of operation of any new massage establishments in order to allow the City time to review and update its regulations as a result of new state law. On December 8, 2015, the moratorium was further extended by the City Council.

CAMTC operated a state-sanctioned program for massage practitioners which superseded local authority to regulate massage permits. The intent of the CAMTC process was to allow law enforcement personnel and customers to easily identify legitimate therapists by establishing a centralized and standardized process with regulatory authority and requirements for the profession. Before creation of the CAMTC, cities could adopt and enforce their own massage therapy requirements in recognition of local circumstances. The new state regulations associated with establishment of the CAMTC required cities to regulate State certified massage therapists similar to "professional and personal service" providers, including physical therapists, medical clinics, and barbers. However, due to this lack of local

regulatory control and oversight of massage establishments, Buena Park and numerous other cities in the State experienced problems with criminal activities (primarily prostitution) at some massage establishments.

AB1147 restored local land use and regulatory control allowing the City to create regulations for zoning and operation of massage establishments to better protect the public health, safety and welfare. This item is before the Planning Commission since changes to zoning regulations require Planning Commission review and recommendation to the City Council.

In addition to the proposed new zoning regulations for massage establishments, staff is concurrently processing a proposed ordinance amending Title 5 Business License Regulations of the Buena Park Municipal Code regarding requirements applicable to massage businesses and services. Proposed regulations under Title 5 will include certification, health and safety requirements, city inspections, hours of operation, and property owner responsibilities. This proposed ordinance will be separately considered by the City Council since business license regulations are not within the authority of the Planning Commission. Based on the restored authority for city regulation of land use and operating standards for massage establishments, staff worked with the Police Department and City Attorney's office to develop the overall complementary regulatory approach and prepare the associated ordinances.

It should be noted that all local massage establishments, as well as the CAMTC, were provided prior notice and information about the proposed ordinances and were also provided notice of this public hearing. The ordinances in draft form were also posted on the City website in conjunction with the prior notice.

The proposed zoning regulations are intended to ensure compatibility of each proposed massage establishment with the surrounding community. The specific zoning standards proposed with this ordinance are as follows:

Definition – "Massage establishment" is specifically defined to include a location and requirement for technical certification as described in the California Business and Professions Code. The definition provides exclusions for specified health facilities, including physical or mental health facilities. The wide range of massage techniques and practices is defined, consistent with the State Business and Professions Code. In addition, massage is further defined to exclude specific techniques or practices which require a State license, which would not be subject to the proposed ordinance, but would include business licensing by the City, including cosmetologists and manicurists.

Zoning - Massage establishments will be permitted only in the CO (Commercial Office) and CG (Commercial General) zone, with approval of a CUP (Conditional Use Permit).

Special Requirements – Massage establishments will be required to obtain a massage establishment permit, per the new business license regulations to be considered by the City Council, before applying for a CUP. However, a massage establishment permit may be provisionally granted subject to approval of a CUP. No CUP shall be granted for any new massage establishment to operate in a location where a massage establishment permit or CUP was revoked within the previous year. Any existing massage establishment operating in a zone where they are no longer automatically permitted, or are now conditionally permitted, shall be considered to be nonconforming and subject to Section 19.204 Nonconforming Uses and Sites within the Zoning Code. Such use shall be discontinued or a

CUP shall be obtained where conditionally permitted, with resolution of the nonconformity within five years of the effective date of the ordinance. Section 19.132.020 Extension or Termination of Nonconforming Privilege may also apply in considering the public interest and the rights of business operators.

Staff worked with the Police Department and the City Attorney’s office to ensure that the proposed massage establishment ordinance is comprehensive, enforceable and in compliance with State law. The ordinance provisions ensure safe operation of legitimate massage establishments, consistent with community standards, and will assist with law enforcement. The ordinance provides an appropriate regulatory framework to consider individual evaluation of the circumstances of proposed new massage establishments and existing massage establishments.

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 December 3, 2015. Notice of public hearing was provided in the Buena Park Independent on December 4, 2015.

Chair Capelle asked if there were any questions for staff.

Commissioner Barstow asked for the total number of massage establishments in the City.

Mr. Saltzberg said there are currently ten massage establishments in the City.

Chair Capelle stated that this is a public hearing. If there is anyone wishing to speak on the item, please come forward and state their name and address for the record.

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

Commissioner Schoales moved, and Commissioner Gonzales seconded, the motion to adopt the following Resolution recommending approval to City Council.

**RESOLUTION NO. 5982  
TEXT AMENDMENT NO. C15-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
BUENA PARK RECOMMENDING THAT THE CITY COUNCIL ADOPT AN  
ORDINANCE REVISING ZONING STANDARDS FOR MASSAGE  
ESTABLISHMENTS AND AMENDING TITLE 19 OF THE BUENA PARK  
CITY CODE**

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**5. PARCEL MAP NO. PM14-002**

A request to subdivide an existing one parcel commercial property into a two-parcel commercial property located 8850 Valley View Street in the CS (Community Shopping) zone. The project is categorically exempt pursuant to Section 15315, Class 15, Minor Land Division, of the California Environmental Quality Act Guidelines.

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 14<sup>th</sup> 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 Resolution of Approval

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

The staff report was presented by Jay Saltzberg, Planning Manager.

The property is zoned CS (Community Shopping) and is developed with Albertson's Grocery and CVS Drug Stores. The properties to the west are zoned CO (Commercial Office) and CS and are developed commercially. The properties to the north and east are zoned RM-20 (Multifamily Residential) and RM-10 (Low Density Multifamily Residential) and developed with multifamily residences. The property to the south is zoned CS and is developed commercially.

Staff recommends that the Planning Commission adopt the attached Resolution approving Parcel Map No. PM14-002 with the findings of fact and conditions listed therein.

The property under application is approximately 8.6 acres generally located adjacent to the northeast corner of Lincoln Avenue and Valley View Street. The property is developed with the 63,178 sq. ft. Albertson's Grocery store and the 17,022 CVS store, and is a portion of the approximately 13 acre integrated retail center at the northeast corner of Lincoln Avenue and Valley View Street, with shared access, circulation, and parking. The property under application was originally developed in 1965 for Montgomery Ward and Builder's Emporium, with the current site configuration established by Parcel Map in 1993.

On January 28, 2015, the Planning Commission conducted a public hearing on the application and continued the public hearing to February 11, 2015 at the request of the applicant.

On February 5, 2015, the applicant submitted a request for temporary removal of the proposed Parcel Map from the Planning Commission agenda for February 11, 2015 to enable continued discussion with the representative of the applicants regarding conditions of approval. Staff and the representative of the applicants have since reached agreement on the recommended conditions of approval and have requested that the Parcel Map be considered by the Planning Commission.

The submitted application and plans propose the subdivision of the Albertson's/CVS commercial property into separate properties. The proposal is to create two separate parcels with a new property line between the Albertson's store with associated parking field and the CVS store with associated parking field. The purpose of the subdivision is to legally separate the sites in recognition of the separate ownerships. No building modifications, change of use, or site alterations are proposed. The sites will remain as part of the existing integrated shopping center. The separate parcels will continue the same overall site design, including shared access, circulation, and parking with the adjacent integrated commercial center to the south, including Big Lots.

Parcel 1 will maintain the CVS building on a new 2 acre parcel with Valley View Street frontage of 434.92 ft. and adjacent parking for 95 cars. Parcel 2 will maintain the Albertson's Grocery building on a new 6.64 acre site with Valley View Street frontage of 181.49 ft. and adjacent parking for 475 cars. The new parcels will include separation of the existing abutting Albertson's and CVS buildings and creation of associated parking areas.

Staff has reviewed the proposed Parcel Map and finds that the proposed separation of the parcel into two parcels is consistent with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the State Subdivision Map Act. The new configuration for the separate properties is consistent with applicable development criteria, including property size, street frontage, width, configuration, access, circulation, and parking, as conditioned. Based on the type of construction used to develop the buildings, the Building Division has determined that the lot split is appropriate with the inclusion of a condition requiring an easement precluding additional or substitute construction adjacent to the new property line separation between the buildings. The purpose of this condition is to assure the continued integrity of the existing abutting buildings.

The proposed separation to create two lots will not create any non-conformity to the City Code as it applies to building setbacks and location, parking, circulation, or access. The separate parcels and associated improvements will continue consistent with the existing overall design of the existing integrated shopping center. The new separate sites will maintain independent access and parking in compliance with Code requirements.

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. The proposed subdivision will comply with applicable development criteria. The new configuration of the properties is appropriately integrated with the existing overall site design, as conditioned.



The project is categorically exempt pursuant to Section 15315, Class 15, Minor Land Division, of the California Environmental Quality Act Guidelines.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on December 3, 2015, and 94 notices were mailed to property owners within a 300 ft. radius of the subject property on December 3, 2015.

Chair Capelle asked if there were any questions for staff.

Commissioner McGuire asked and Mr. Saltzberg confirmed that there are two adjacent buildings, , separated by two walls.

Commissioner Gonzales asked for total number of parcels in the shopping center.

Mr. Saltzberg said the entire commercial site northeast of the corner of Valley View and Lincoln is an integrated center with different ownerships and numerous parcels.

Chair Capelle stated that this is a public hearing. If there is anyone wishing to speak on the item, please come forward and state their name and address for the record.

Joseph Truxaw, applicant, Joseph C. Truxaw and Associates, Inc., 265 S. Anita Drive, Suite 111, Orange, CA 92868, clarified that the purpose of the proposed subdivision is to legally separate the sites in accordance with separate ownerships, and that no other changes are proposed.

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

Commissioner Gonzales moved, and Commissioner Diep seconded, the motion to adopt the following Resolution approving Parcel Map No. PM14-002 with findings of fact and conditions therein.

**RESOLUTION NO. 5983  
PARCEL MAP NO. PM14-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A PARCEL MAP TO SUBDIVIDE ONE (1) COMMERCIALY DEVELOPED PROPERTY INTO TWO (2) SEPARATE PARCELS AT 8850-8880 VALLEY VIEW STREET WITHIN THE CS (COMMUNITY SHOPPING) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

AYES:	7	COMMISSIONERS:	Gonzales, Diep, Barstow, Chung, McGuire, Schoales, and Capelle
NOES:	0	COMMISSIONER:	
ABSENT:	0	COMMISSIONER:	
ABSTAIN:	0	COMMISSIONER:	

**ORAL COMMUNICATIONS:**

None.

**AGENDA FORECAST:**

- Conditional Use Permit for alcohol at BP Grill located at 6550 Knott Ave

**STAFF REPORTS:**

Mr. Rosen gave updates on the Medical Marijuana Moratorium, Massage Establishments, Redistricting in the City, and the approval of Porto's.


**COMMISSION REPORTS:**

Commissioners Schoales and McGuire asked for further discussion on handicap access units.

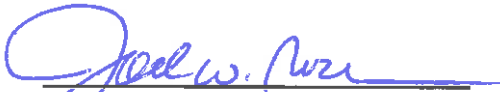
Mr. Rosen said he will schedule a Study Session on the matter.

**ADJOURNMENT:**

At 8:10 p.m., Chair Capelle adjourned the meeting to the Planning Commission meeting on Wednesday, January 13, 2016, in the City Council Chamber.

  
\_\_\_\_\_  
Joyce Capelle  
Chair

ATTEST:

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